Finance and Governance

The roles of the Partnership and Accountable Body

The Accountable Body: Why Castle Point Borough Council?

- In short: it was a government decision
- Castle Point Borough Council is the "relevant local authority" which will act as the "accountable body for the funds with responsibility for ensuring that that public funds are distributed fairly and effectively, and that funds have been managed in line with the Nolan Principles and Managing Public Money principles. They will also be responsible for compliance with legal responsibilities in relation to subsidy control, state aid and procurement."
- Plan for Neighbourhoods: governance and boundary guidance - GOV.UK

The Accountable Body: What Does it mean in practice?

- The Council's role as accountable body is separate and distinct from the Council's role as a Board member.
- As accountable body, the Council will:
  - Work with the Board to help it deliver its aims and objectives
  - Be answerable to the Board
  - Implement decisions of the Board
  - Provide a secretariat and administrative support to the Board
- In its role, the Council's framework for finance and governance will apply. This includes:
  - Acting as employer should the Partnership recruit staff
  - Undertaking all accountancy and banking functions
  - Ensuring procurement is undertaken correctly
  - Being subject to internal and external audit
  - Ensuring decisions of the board are taken through a lawful process

Human Resources

- The Board may decide to employ staff, either now or later
- The first employee would report to the Chair of the Board
- The Council's HR policies would apply, adapted as necessary
- The Council will administer payroll
- The Council will provide HR advice and support to both the Chair and employee(s)
- The Board would need to make suitable financial provision for redundancy costs upon ending of the Partnership

Financial Regulations

- The Council abides by its Financial Regulations – these will apply to the Partnership too
- These cover, amongst other things, financial planning, budget management and accounting for income and expenditure
- In most cases, references to the Council's Cabinet or Council will instead mean the Board
- In most cases, references to Chief Executive will instead mean the Chair of the Board

[Castle Point Borough Council Financial Regulations]()

Financial Regulations: The role of the Board

- To ensure arrangements for the proper administration of the Partnership's financial affairs
- To approve the annual budget, including
  - The allocation of resources
  - Levels of contingency and reserves
  - The aspiration for future years
- To provide overview and scrutiny during the delivery of each annual budget
  - The Board may wish to consider a Finance sub-group or committee

Financial Regulations: The role of the Accountable Body

- Ensure compliance with the financial regulations
- Prepare the detailed annual budget in conjunction with the budget holder and present this to the Board
- Provide ongoing financial support and assistance to the Partnership, such as assisting the development of detailed business cases or undertaking financial modelling
- Provide monthly reports to the budget holder updating on actual spend
- Provide quarterly financial update reports to the Board
- Agreeing with the budget holder the forecast position

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Financial Regulations: The role of the budget holder

- In the absence of any employees, the role of budget holder will be carried out jointly by the Council and the Chair of the Board
- The budget holder is responsible for:
  - Jointly with the Accountable Body, preparing the Annual Budget
  - Monitoring spend against budget
  - Determining the forecast position against budget
  - If required, either taking corrective actions or making recommendations to the Board to take action
  - Day to day management of income and expenditure, including authorisation of orders and payments

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Financial Regulations: Managing Budgets

- There are controls within the financial regulations to ensure budgets can be realigned within certain delegated limits
- For the Partnership, it is proposed that the budget holder receives the delegation of the Assistant Director, with any adjustments greater than £25,000 needing Board approval

Amount	Minimum approval required
Up to and including £25,000 *(Subject to the aggregation rule in exception (iv) below)*	**Assistant Director** *(following consultation with the* ***Budget Holder****)*
More than £25,000, but not more than £50,000 *(Subject to the aggregation rule in exception (iv) below)*	**Director** *(following consultation with* ***Section 151 Officer*** *and* ***Service Cabinet member****(s)).*
More than £50,000, but not more than £100,000	**Cabinet Member with responsibility for Finance** *(following consultation with* ***Director, Section 151 Officer*** *and* ***Service Cabinet Member(s)****)*
More than £100,000	**Cabinet** *(following consultation with* ***Cabinet Members*** *as above,* ***Director*** *and* ***Section 151 Officer****)*

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Financial Regulations: Entering Contracts

- The Council's existing internal governance will continue to apply as contracts will be in the Council's name
- No contract may be entered into unless agreed by the Accountable Body
- Such agreement requires appropriate budget provision and to be in alignment with the Board's direction and priorities
- It is recommended that no contract over £25,000 is entered into without explicit Board approval

As set out in paragraph 8.3.1, orders for work, goods and services must be authorised by someone of at least the seniority set out below:

(a) Where the order is issued to reflect a procurement decision taken by Members then the order may be authorised by the operational budget holder;

(b) In other cases the order must be authorised in accordance with the table below:

Financial limit	Minimum approval required	Allocated cost centres
£500,000 and over	**Chief Executive** or **Section 151 Officer**	*All*
Up to **£500,000**	**Directors**	*As defined by Chief Executive*
Up to **£250,000**	**Assistant Directors**	*As defined by Director*
Up to **£25,000**	**Operational Budget Holder**	*As defined by the Assistant Director*
Up to **£5,000**	**Officers** authorised to act on behalf of the Operational Budget Holder	*As defined by the Assistant Director*

Contracts with a value of under **£500,000** may be signed by:

(a) A person who is authorised to issue an order for that contract; or

(b) The **Chief Executive, Monitoring Officer** or **Section 151 Officer** (or a person authorised by any of them).

Contracts with a value of more than **£250,000** must be in writing and must be signed in accordance with the Constitution (i.e. by an **Director, Monitoring Officer**, **Section 151 Officer** or the **Chief Executive** or be affixed under the common seal of the Council).

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Procurement

- All Councils need to follow procurement laws, predominately the Procurement Act 2023
- The Council's Contract Procedure Rules translate the various requirements into the framework within which the Council operates
- These Contract Procedure Rules will therefore apply to the Partnership
- There are financial thresholds (all excluding VAT) which determine the route to procurement
  - Up to £10,000 are considered low value
  - £10,000, up to £50,000 are medium value
  - £50,000 or more is high value
- Any contract greater than £5,000 will be entered into the Council's published contracts register

Castle Point Borough Council Contract Procedure Rules

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Procurement

- For all procurements, purchase orders will be raised
- For low value (up to £10,000) procurements, a single written quote must be obtained, but it is advisable to obtain multiple quotes
- For medium value (up to £50,000), three written quotes must be obtained, or evidence recorded to demonstrate attempts to obtain, and there should be a clear specification of works to ensure quotes are obtained on a consistent basis. If over £30,000, the opportunity will be published on the Central Digital Platform
- For high value (more than £50,000), the Essex Procurement Partnership will assist with the procurement process. Advice on process and requirements will provided at the time., but include requirements for detailed specifications, minimum tender periods and fully documented evaluation and award criteria.

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Governance and other matters

- Formal Board meetings should have agendas prepared in advance and minutes of the meeting should be agreed
- The accountable body will ensure that decisions and activities of the Partnership conform with all relevant legislation, including duties under the Equalities Act
- The Council's processes and procedures for data protection and governance will apply to the Partnership to ensure compliance with legislation. This includes being subject to Freedom of Information requests