

Kilminchy Owners' Management CLG



General Information Handbook

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About Kilminchy Owners' Management CLG

Kilminchy Owners' Management Company (KMC) owns, manages, and maintains the common areas on behalf of the members. It funds these activities through annual service charges paid by members. As members of the OMC (Owners' Management Company), all unit owners are legally obliged to contribute to the costs of shared responsibilities.

About OMCs

- OMCs are established under Irish company law and are governed by the Multi-Unit Developments Act 2011 (MUDs Act).
- **Membership:** Every owner automatically becomes a member of the OMC on the purchase of a property in the development.
- **Governing Body:** An OMC is run by a board of volunteer directors, who are also homeowners and members

Insurance

KMC has two active insurance policies in place. These are Community & Voluntary Insurance and Directors & Officers (D&O) liability insurance.

Community & Voluntary Insurance

This refers to insurance coverage specifically designed to protect charities, community groups, and voluntary organisations from risks associated with their activities, such as public liability, etc. This insurance helps protect members and assets by mitigating financial risks from potential accidents, negligence claims, or other unforeseen events.

Directors and Officers (D&O) Liability Insurance

The Management Liability Package insurance protects a company's directors, officers, and the business itself from claims arising from their professional and personal risks and alleged wrongful acts, such as mismanagement or legal violations. It provides financial protection for defence costs, settlements, and other liabilities stemming from allegations made by various parties.

Legal Action

A Directors and Officers Liability Insurance policy does NOT cover the costs of initiating legal action. It ONLY provides protection when legal claims are brought against a director or company.

Summary of Functions

KMC is the legal owner, on behalf of the members, of the common areas in Kilminchy Village. As the OMC, the company has several functions, including;

- Maintenance of the common areas (landscaping, etc.)
- Service charge collection
- Sinking Fund management - a sinking fund is established by law to finance refurbishment and one-off works on common areas of Apartments, etc. Despite not having any buildings, the company is still required to have a Sinking Fund in place, and to this end, the KMC Sinking Fund is fully funded.
- Governance & Administration: KMC operates as a corporate entity, handling administration, convening annual general meetings (AGMs), keeping accounts, and filing annual returns to the CRO (Companies Registration Office).

- Enforcement of House Rules - responsible for enforcing the rules and regulations (House Rules) that govern the development.

Anti-Social Behaviour

The Directors and Secretary of KMC are also Kilminchy homeowners. They live in the estate, pay their annual membership fees, and, like all residents, value a safe and welcoming environment. They understand the seriousness of anti-social behaviour and how it can negatively affect everyone's quality of life.

Protecting The Community

Unfortunately, KMC can NOT directly intervene to stop anti-social behaviour. While KMC is committed to supporting fellow residents, it does not have the authority to deal with anti-social behaviour. Such matters fall under the responsibility of An Garda Síochána.

In An Emergency, Always Dial 999

** You should use this service if a crime or incident is happening now or if anyone is in immediate danger. 999 calls have the highest priority, and your call will be handled by trained call-takers. An Garda Síochána aim to answer 80% of 999 calls within 7 seconds and deploy resources immediately, giving an estimated time of arrival. We will take appropriate steps to deal with all incidents and ensure that emergency and life-threatening calls receive priority. We will endeavour to get to you within 15 minutes in urban locations and as soon as possible, given the distance to be travelled, in more rural areas.*

* This information is from the An Garda Síochána website - www.garda.ie

Neighbourhood Watch

- KMC fully supports the establishment of a Neighbour Watch scheme, and encourages members to come together with this in mind.
- The Neighbourhood Watch information in this handbook is taken directly from the www.garda.ie website

What is Neighbourhood Watch?

Neighbourhood Watch is a crime prevention and community safety programme for urban areas. It operates as a partnership between An Garda Síochána and the public. It works on the basis that every member of a community can help to improve the quality of life in the area by keeping a lookout for neighbours and reporting suspicious activities to the Gardaí.

Who Can Set Up a Neighbourhood Watch Scheme?

Every community or neighbourhood, no matter how large or small, can set up a scheme. A scheme can cover a single street, an apartment complex, a part or the whole of a housing estate. The heart of every scheme is the commitment of each household taking part in it.

What are some of the aims of Neighbourhood Watch?

- To improve community safety
- To prevent crime
- To develop Garda and community links
- To increase public confidence in An Garda Síochána
- To foster a caring environment for older or vulnerable people
- To reduce anti-social behaviour, e.g., by reporting criminal activity to An Garda Síochána, or other less serious anti-social issues.

How Do I Set Up a Neighbourhood Watch Scheme?

Contact your local Garda Station. The scheme may be set up in response to community demand or as a result of a Garda contact. A Garda will outline what has to be done and will help to organise your first meeting. Before you set up a scheme, talk to residents to see if they will support it. It is important to make sure that everyone taking part understands what the scheme is about.

Different Roles in a Neighbourhood Watch Scheme

- Normally these would include:-
- The Area Coordinator
- The Street Coordinator
- The Neighbourhood Watch Member
- Young People

It is important to involve young people in Neighbourhood Watch. To this end, there are successful crime prevention and community safety initiatives aimed at Transition Year students. A number of Neighbourhood Watch schemes have involved young people in sport and environmental improvement activities.

Neighbourhood Watch will only succeed with active input from all members. Your actions and support help to make it work. Don't leave it to others; play a part in any way you can.

Garda Input into Neighbourhood Watch Schemes

While Neighbourhood Watch is a partnership programme, An Garda Síochána will give an added commitment to its promotion, organisation and support, e.g.-

- We will include Neighbourhood Watch in all crime prevention and crime reduction strategies, including Policing Plans
- We will provide all resource material (booklets, window stickers, survey forms and administration forms)
- Each Neighbourhood Watch scheme will be assigned a Liaison Garda
- Senior Garda managers will establish Divisional and District Neighbourhood Watch Committees.



Managing The Business

Kilminchy Owners' Management CLG, trading as Kilminchy Homeowners, is a not-for-profit management company established to take care of the common areas within Kilminchy Village. As a non-profit entity, the company exists to maintain shared spaces for the benefit of the community, while ensuring transparency, good governance, and compliance with all relevant legal requirements. In addition, the company facilitates vendors and purchasers by supplying information as per the MUDs Act. **A volunteer Board of Directors oversees the company's operations, with a part-time Company Secretary contracted to handle daily administrative tasks.**

Mission Statement

Kilminchy Homeowners is committed to preserving the quality of Kilminchy Village by maintaining the common areas efficiently and responsibly, ensuring fair and transparent management, and promoting a collaborative environment among homeowners.

Governance and Structure

Legal Structure

Kilminchy Homeowners operates as a Company Limited by Guarantee (CLG), a not-for-profit organisation under the laws of Ireland. It is governed by both the Companies Act 2014 and the Multi-Unit Developments Act 2011 (MUDs Act), which establishes the legal framework for the operation of management companies in multi-unit developments such as Kilminchy Village. These Acts guide the company's obligations, governance, and operations.

Board of Directors

The Board of Directors is composed of unpaid volunteers who are responsible for overseeing the management and operations of the company. The key roles and responsibilities of the Board include decision-making on financial matters, maintenance, and legal obligations.

- According to the Articles of Association, the number of directors can range from 2 to 7, elected by the members at the Annual General Meeting (AGM), in accordance with the Company Constitution.
- Term Length: Directors are appointed for a term of one year, but they can stand for election in any subsequent terms. However, no single term may exceed 3 years.

Responsibilities:

- Oversee the company's operations and ensure compliance with the law, and with its mission.
- Make key decisions regarding the budget, maintenance, and operational procedures.
- Present the audited Annual Returns at the AGM for approval.
- Participate in regular meetings and provide governance over the company's activities.
- Ensure compliance with statutory obligations under the relevant legislation.

Company Secretary

The Company Secretary is a part-time contractor working approximately 10 hours per week. The Company Secretary plays an essential administrative role and is responsible for the following duties:

- Arranging statutory filings with relevant authorities.
- Issuing annual invoices to members.
- Managing the collection of fees and maintaining accurate financial records.
- Facilitating property sales by providing up-to-date statements of account as requested.
- Organising Board meetings and maintaining company records.

Members of the Company

The members of Kilminchy Homeowners are all individual homeowners within Kilminchy Village. These homeowners are responsible for paying the annual management fees that fund the company's operations. Membership is automatically conferred upon purchase of a property within the Kilminchy Village jurisdiction.

Rights of Members:

- Receive updates on the company's operations and financial health.
- Attend AGMs and EGMs.
- Only members whose management fees are up to date can vote at General Meetings.

Members Meetings

Members' meetings, also known as general meetings, are gatherings of a company's members to discuss and vote on important company decisions. Key types include the Annual General Meeting, held annually for routine business, and the Extraordinary General Meeting, called for specific, non-routine matters at any time. These meetings require an agenda, a defined process for holding them, and proper notification to members to ensure they can participate effectively in the company's governance.

- Annual General Meeting (AGM): Held once a year to discuss financial statements, elect directors, and address any other major issues. Meetings can be held virtually or in person.
- Extraordinary General Meeting (EGM): Held when urgent matters need to be addressed by the members.

Motions for General Meetings

There is a correct way to propose a motion at an AGM to ensure fair and orderly conduct of business. Motions should be respectful and not engage in personal comments. Some of the key points are below.

- Submit in advance: Before the meeting, you may submit the motion in writing to the secretary. Your motion must be seconded by another compliant member.
- You should state your motion clearly and concisely, beginning with the formal phrasing "I move that..." followed by the specific action or opinion you propose.
- A motion should be clear and concise so that it can be understood by all members.

- The proposer (or the seconder in their absence) must attend the AGM in person to speak to the motion.
- Explain your reasons for the motion and participate in any debate, potentially using your "right of reply"
- Speaking time limits are outlined in the Standing Orders.

Raising a Point of Order at a General Meeting

A point of order may be used to immediately call the Chair's attention to a perceived breach of the meeting's rules or procedures. The member should say, "Point of order" to interrupt the current speaker or procedure, then state the specific rule that has been violated. The point of order must pertain to the topic at hand.

How To Raise a Point of Order

- Rise and say, "Point of order!" Standing makes the nature of your intervention clear.
- Wait for the Chair to acknowledge your point.
- Clearly explain the specific rule or procedure that you think has been violated.
- The Chair will make an immediate ruling on whether the point of order is valid.
- If you disagree with the ruling, you can challenge it by requesting a member's vote to overturn the chair's decision.
- A point of order does not require a seconder.
- It cannot be debated or amended by the members.

Standing Orders

The standing orders are intended as a mechanism for the smooth running of General Meetings

- An audio recording of the meeting will be made to assist with generating Minutes of the meeting.
- All business of the meeting must be conducted through the Chair, whose decisions shall be final.
- All members must obey the instructions and requests of the Chair.
- Disruptive and/or inappropriate behaviour, including the failure by any member/s to follow the instructions of the Chair to desist from disrupting the business of the meeting, could lead to the adjournment of the meeting. The member/s will be asked to resume good order or to leave the meeting. If, after being asked twice to resume good order and failing to do so, the member will be asked to leave the meeting. In the event that they fail to follow the instructions of the Chair, the Chair may decide to continue the meeting, but the offending member will be excluded from taking part, or the Chairperson may adjourn the meeting until a later date and time.
- Members wishing to speak should raise their hand, and when called on by the presiding Chair, must use the podium (if provided), and must vacate when requested to do so.
- Members must identify themselves before addressing their remarks through the Chair.
- The proposer of a motion may speak for 3 minutes but no longer.
- A member speaking to a motion/amendment shall not exceed 2 minutes.
- The proposer may speak a second time for 2 minutes before a vote is taken, but no other member may speak a second time on the motion.
- A time limit may be imposed on any motion. The Chair shall, at any time he/she considers the matter has been sufficiently discussed, call on the proposer to reply before calling for a vote to be taken.
- A member may, with the consent of the Chair, move "that the motion be now put," after which, when the proposer has spoken, a vote must be taken.
- No interruption shall be allowed except on a point of order or information. The ruling of the Chair shall be binding.
- The meeting shall not be entitled to consider any matter not on the agenda, except with the consent of a majority comprising two-thirds of eligible in-person or by proxy voters.

Key Responsibilities and Operations

Maintenance of Common Areas

Kilminchy Homeowners is responsible for the upkeep of common areas within Kilminchy Village, excluding roads, footpaths, buildings, private properties, and lighting. The areas for which the company is responsible include:

- Green Spaces: Maintaining all communal outdoor areas intended for general use by residents, such as recreational spaces, and other green areas.

The Company Secretary will work with contractors to arrange the necessary maintenance services, ensuring that all work is completed according to agreed contracts.

Statutory Filings

Kilminchy Homeowners is obligated to meet all legal and regulatory requirements, including but not limited to:

- Annual Returns: Submitting annual returns and filings regarding changes to directors and officers to the Companies Registration Office (CRO).
- Financial Statements: Preparing and filing the company's audited financial statements in compliance with the Companies Act and the MUDs Act.

The Company Secretary is responsible for ensuring that all filings are made on time, and the Board of Directors should review and approve all documents before submission.

Issuing Annual Invoices

The company must issue annual invoices to all members for the management fees. These fees are used to fund the maintenance of the common areas and other operational costs.

- **Fee Determination:** The Board of Directors must approve the fee amount based on the annual budget. The fees must be set with consideration to anticipated operational costs, including maintenance, legal fees, and any unexpected expenditures.
- **Invoice Distribution:** The Company Secretary is responsible for ensuring that all members receive their invoices in a timely manner, typically in the first quarter of the year.
- **Payment Tracking:** The Company Secretary will track payments and may follow up with homeowners who fail to pay by the due date. Any unpaid fees may result in penalties or legal action, as defined in the terms of membership.

Collecting Fees and Audited Annual Returns

The Company Secretary is tasked with ensuring the collection of fees from members and maintaining up-to-date financial records. The company must undergo an annual audit to review its financial performance and ensure transparency.

- **Fee Collection:** The Company Secretary must oversee the collection of annual management fees and ensure that funds are deposited in the company's bank account.
- **Audited Financial Statements:** The Board of Directors will appoint an external auditor to prepare the company's annual audited financial statements. These statements must be presented at the AGM for review and approval by the members.

Facilitating Property Sales

Kilminchy Homeowners play a role in property transactions by providing up-to-date statements to solicitors handling property sales.

- Upon request, the Company Secretary will prepare a statement of account for any property within the jurisdiction of Kilminchy Homeowners. This statement will include details of outstanding fees and any other financial obligations related to the property.
- The Company Secretary must ensure that statements are issued promptly to avoid delays in property sales.

Appointing Auditors, Accountants, and Professionals

The Board of Directors is responsible for appointing auditors and other professionals or service providers necessary for the effective running of the company. This includes, but is not limited to:

- Appoint a qualified external registered auditor to review the financial records and prepare audited accounts.
- **NOTE:** The appointed auditor **does not work for the officers of the company;** the auditor **works for you, the members** to ensure that the finances of your company are accurate and that there is no abuse of your funds.
- Engage a bookkeeper/accountant for the preparation of the company's annual financial statements.
- Other Professionals or Services: This may include legal advisors, insurance brokers, contractors for maintenance, or any other service providers required by the company.

The Board must ensure that any professionals engaged are suitably qualified, experienced, and insured, and their fees must be agreed upon in advance.

Financial Management

Budgeting and Financial Planning

Kilminchy Homeowners must prepare an annual budget that outlines the company's income and anticipated expenses. The budget should be reviewed and presented by the Board of Directors at the AGM.

- Income: The primary source of income is the annual management fees paid by homeowners.
- Expenses: These include maintenance costs, statutory filings, professional fees (e.g., auditors, accountants), and any other necessary operational expenses.

Bank Accounts and Record-Keeping

The company must maintain at least one bank current account, from which all financial transactions will be made. The Company Secretary is responsible for ensuring that all financial records are accurately kept and up-to-date.

- Bank Accounts: The company should operate a bank current account as agreed by the directors. Two directors should be designated as signatories on the account. A second special account should be operated as a "Sinking Fund" in line with the requirements of the MUDs Act, and have a balance of at least €20,000 at all times, unless otherwise agreed in special circumstances. This account shall require two directors to act as signatories.
- Debit Cards: The company may have two approved Debit Cards for use by one director and by the Company Secretary in the performance of their duties.

- **Payment Processing:** All fees and expenses must be processed through the bank account, with appropriate receipts or invoices retained for record-keeping.
- **Audit Compliance:** The company's financial records must be made available to the auditors for review.

Reporting and Transparency

The Board of Directors should ensure that financial reports are prepared regularly and presented to the members at the AGM. These reports should include:

- **Annual Financial Statements:** Prepared by the auditors and presented at the AGM.
- **Income and Expenditure Reports:** Regular updates on income and expenditures, to ensure transparency in the company's financial management.

Communication and Decision-Making

Board Meetings

Regular Board meetings must be scheduled, with a quorum required for decisions. The Company Secretary is responsible for preparing agendas, taking minutes, and ensuring that meetings are conducted according to legal requirements.

Decision-Making Process at Board Meetings

The decision-making process at Board meetings will follow a clear procedure to ensure fairness and accountability:

- **Quorum:** A quorum must be present for decisions to be valid. Typically, this would require at least half of the Board members to be present.
- **Voting:** Decisions are made by majority vote. In the case of a tie, the Chairperson will have the casting vote.
- **Discussion:** All key decisions should be discussed openly, and Board members are encouraged to voice their opinions. The Chairperson will facilitate the discussion and ensure that all viewpoints are considered.
- **Record of Decisions:** The Company Secretary will document all decisions made during the meeting in the meeting minutes, which will be shared with the Board.

General Meetings

- **Annual General Meeting (AGM):** Companies are required to hold an AGM every year, with no more than 15 months between meetings. The AGM is the primary forum for members to receive information, and discuss key company matters, including approving financial statements
- **Extraordinary General Meeting (EGM):** An EGM is held for specific, important matters that cannot wait until the next AGM, such as changes to the company's constitution or other urgent business. An EGM can be convened by directors or, in certain circumstances, by the members themselves.

Member Communication

The company should keep members informed about;

- Annual Reports: A report outlining the company's financial health and operations.
- Notices for AGMs and EGMs: Clear communication about the dates and agenda of general meetings.
- Ongoing Updates: Updates on maintenance activities, fee collection, and other significant developments.

Decision-Making Process

Decisions about the company's operations may be made by the Board of Directors with input from the members as needed. All decisions should be made transparently and in the best interests of members.

Conclusion

Kilminchy Owners' Management CLG has an essential role in maintaining the quality and integrity of Kilminchy Village. By following the guidelines set out in this handbook, the company can operate effectively, ensuring that common areas are maintained and all legal and financial obligations are met.

With strong governance, transparent communication, and careful financial management, KMC will continue to serve its community and ensure the long-term sustainability of the Kilminchy Village's shared spaces.



Managing Finances & Legal Compliance

Key Financial Indicators Used by Management

- Income, including grants received, compared to the budget
- Expenditure against budget and prior periods
- Outstanding debtor balances and ageing
- Monitoring of grant funding utilisation and compliance
- Variances in significant expense categories

These indicators help management and the Board monitor financial health and ensure funds are used effectively.

Laws & Regulations That Affect Financial Statements

- Companies Act 2014 - governing company reporting and financial statement requirements.
- Multi-Unit Developments Act 2011 (MUDs Act) - governing company reporting and financial statement requirements.
- Accounting Standards FRS 102 Section 1A - used for preparing financial statements
- Monitoring of grant funding utilisation and compliance.

External Factors Impacting Operations and/or Results

- Volunteer availability, as operations depend heavily on unpaid board members.
- The availability of grant funding can vary from year to year.
- Regulatory changes can lead to an increase in reporting and compliance.

How Are Accounting Estimates Determined, Including Risks of Management Bias?

- Due to the small size and straightforward operations, accounting estimates are minimal and low risk. The risk of management bias is limited by oversight from the Board and the external auditor.

Financial Reporting

Review of Management Accounts

- Reviews are performed by the Directors and the Company Secretary, as well as the company bookkeeper, and finally, the accounts are audited by a certified auditor annually.

How Often Are Management Accounts Prepared?

- Management accounts updated every three months.

Internal Control Environment

How Does Management Oversee Financial Reporting?

- The company secretary inputs the financial records and reports. The Bookkeeper prepares and updates the records in preparation of the audit trail for the independent auditors. The Board of Directors reviews financial statements, bank reconciliations, and key transactions at regular meetings. Year-end accounts are

approved by the Board before submission to the auditor. Oversight is maintained through questioning, documentation review, and dual authorisation for payments.

How Does Management Oversee Internal Controls?

- While formal procedures are limited, the Board monitors compliance with basic controls and addresses any issues as they arise. Oversight is proportionate to the organisation's small size and low purchase transaction volume.

• What Internal Controls Are Placed Over IT System?

The Kilminchy Owners' Management CLG uses a basic IT system, primarily Sage 50 accounting software. Controls include:

- Double Password protection on the company laptop, where members' records and the company accounts are stored, and additional password protection to access the accounts.
- Limited access to financial systems on a non-network-connected laptop (secretary, bookkeeper, authorised board members only)
- Regular backups via cloud services
- Antivirus software on the device.

Given size, IT controls are simple but sufficient for current needs.

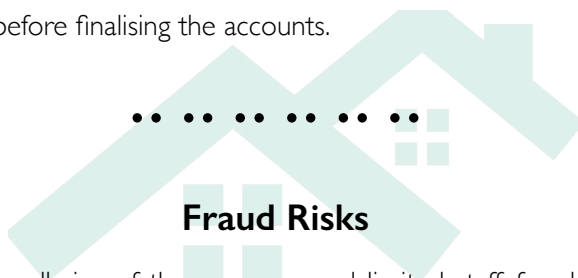
Integrity and Ethical Values

- The company is committed to transparency, accountability, and ethical conduct in all activities. This is reflected in its governance practices, responsible handling of funds, and adherence to relevant

laws and regulations. Board members and the secretary are expected to act with integrity, and any concerns are addressed openly at the board level.

Procedures To Ensure That Transactions Are Accounted For In the Correct Year

- At year-end, the secretary reviews all income and expenses to ensure they are recorded in the correct financial year. This includes checking dates on invoices, receipts, and bank statements. Any accrued or deferred items are identified and reviewed by the Board before finalising the accounts.



Given the small size of the company and limited staff, fraud risks are low but mainly include:

- Misappropriation of funds (e.g. unauthorised payments)
- False or inflated expense claims
- Errors or manipulation in recording income

Risks are mitigated through board oversight, dual authorisation of payments, and an external audit.

Compliance

Monitoring Compliance, Procedures/Standards In Place

The company monitors compliance through regular board oversight, adherence to the Companies Act 2014, the MUDs Act 2011, and annual external audits. There are no employees, no payroll or employment tax obligations. The Board ensures that statutory filings and financial reporting requirements are timely and accurate.

Key Controls Over Transactions and Balances

Income

- Revenue is recorded when received
- The secretary records all income into the accounting system promptly, with supporting documentation retained.
- Monthly reconciliations are performed between bank statements and accounting records to ensure completeness and accuracy.
- Deferred income (e.g. grants) is recorded at year-end to match income with the correct accounting period.
- Post year-end reviews are conducted to identify any necessary adjustments..

Expenditure

- All expenses require prior approval from a designated board member; payments above €250 require authorisation by a director. Before the AGM and Invoicing, where most members need to be contacted by post, the board will agree that the company secretary can spend an agreed amount to purchase the

required stationery, printing ink, postage stamps, etc., for the agreed purpose.

- The secretary processes payments but cannot approve them unless they are pre-approved.
- Accruals for expenses incurred but not yet invoiced are identified and reviewed at year-end to ensure liabilities are complete.
- Post year-end purchase invoices are reviewed to highlight any outstanding expenses.
- Variance analysis between budgeted and actual expenses is performed by the Board during regular meetings.
- Access to the supplier files is restricted to the secretary and authorised directors to prevent unauthorised changes.

Cash and Bank

- Bank reconciliations are performed monthly by the secretary to ensure the completeness and accuracy of bank balances.
- Any discrepancies or unusual transactions are reported to the Board for investigation and resolution.

Debtors

- The secretary manages debtor records and issues invoices annually.
- Regular monitoring of overdue amounts is performed by the secretary, with updates reported to the Board.
- Access to the debtor master file is limited to the secretary and authorised directors to protect sensitive information and prevent unauthorised changes.
- The Board reviews outstanding debtor balances periodically to assess collectability.

Creditors

- The secretary prepares payment requests with supporting invoices and/or statements. Regular follow-ups on overdue amounts are made by the company secretary, with updates reported to the Board.
- All payments require prior approval from a board member.
- Access to the creditor master file is restricted to the secretary and authorised directors to prevent unauthorised changes.
- The Board reviews payment reports regularly to monitor the accuracy and legitimacy of payments.

