

Dear Councillor

You are summoned to attend the **Annual Meeting** of **St Austell Bay Parish Council** to be held on **Thursday 20 May 2021** at **6.00pm** in **The Pattern Hall, Charlestown Road.**

Julie Larter

Julie Larter
Clerk
13 May 2021

07873 383400
enquiries@staustellbay-pc.gov.uk

Please note that under the Openness of Local Government Bodies Regulations 2014 this meeting may be recorded

AGENDA

- 1. Election of a Chairman**
- 2. Chairman to sign the Declaration of Acceptance of Office**
- 3. Election of a Vice Chairman**
- 4. Apologies for Absence**
- 5. General Power of Competence**
To confirm that the parish council meets the criteria for the General Power of Competence and to adopt
- 6. Minutes of an Extraordinary Meeting of the Parish Council held on 5 May 2021**
To resolve that the minutes of the above meeting be signed as a correct record of the meeting.
- 7. Matters to note**
To receive a verbal update from the clerk on matters progressed since the last ordinary meeting
- 8. Declarations of Interest**
(a) Pecuniary Interests
Declare those interests which have been declared on your Register of Financial Interests relevant to the agenda of the meeting. Whenever the item is being discussed, including public participation, you must leave the room and not take part in the discussion or decision.

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(b) Non-registerable Interests

You must declare Non-registerable Interests at the start of the meeting or whenever the interest becomes apparent. Then when the matter is being discussed, even during public participation, you must leave the room and not take part in the discussion or decision.

(c) Dispensations

To consider any requests for dispensations relating to items on the agenda

(d) Gifts and Hospitality

To declare any gifts or hospitality

Please call the Clerk before the meeting if you have any queries about these matters.

9. Chairman's Announcements

To allow the Chairman to make any announcements.

10. Cornwall Councillor

Cllr James Mustoe, newly elected Member for Mevagissey and St Austell Bay Division will introduce himself

11. Public Participation

The Chairman will invite Members of the public to address the meeting.

15 minutes will be allocated for public participation (this can be extended at the Chairman's discretion). Each person addressing the Council will be allocated a maximum of two minutes.

12. Planning Applications and Related Matters

(a) To consider a response to a consultation by the Planning Authority on the following applications *and any applications received after publication of this summons.*

(i) PA21/03878 – 3 Ridgewood Close: Proposed sun lounge extension

(ii) PA21/01636 – Trevean, Porthpean Beach Road: Tree works to Holm Oak subject to a TPO; Coppice to 1.5m stumps to allow regeneration and manage as such

(b) To receive an update on the following planning applications

(i) PA21/02161 – Dunstan House, The Drive, Duporth: Works to T1 (Beech), T2 (Oak), T3 (Beech) and T4 (Oak) *The Parish Council wished to see the Tree Officer's comments before submitting its comments. The Planning Officer needed to determine and the Tree Officer had no objections so the application has been approved.*

(ii) PA21/02059 – Land at Charlestown Harbour: Construction of 4 commercial/business (Use Class E (g)) units and associated car parking. *This application has been withdrawn*

(iii) PA20/08476 – 179 Charlestown Road: Proposed loft conversion to form a bedroom with a balcony

(iv) PA20/09731 – 4 Garden Walk: Construction of single storey extension with new sun terrace above and alterations to existing property

(v) PA19/08174 – Land Off Mill Lane: Residential dwelling to include associated site works and alteration/formation of vehicular/pedestrian access

(vi) PA20/02256 – Rashleigh Arms: Retrospective Listed Building Consent for the proposed external works to Grade II Listed Building

13. To make the following appointments

(i) Tree Warden

(ii) History Working Party (3)

(iii) Regatta Working Party (3)

(iv) Environment and Climate Working Party (2)

(v) Representative(s) to attend Community Network Panel Meetings

(vi) Councillor(s) to undertake internal control checks

(vii) Councillor(s) to liaise with the Clerk regarding The Pattern Hall

(viii) Councillor(s) to undertake the Clerk's annual appraisal

14. Code of Conduct

To adopt a new Code of Conduct

Appendix (i)

15. Returning to Physical Meetings and an Emergency Scheme of Delegation

To consider putting an emergency scheme of delegation in place

Pages 7 - 11

16. South West Coast Path Closure at Duporth

To receive a verbal report following a site meeting on 12 May with Cormac's Countryside Officers

17. Higher Porthpean Sunday School Room

(i) To note that the council's application for Listing has been rejected

(ii) To determine whether to submit an Intention to Bid application

18. Regatta Playing Field

To note the current position regarding the regeneration of the toddlers' play area, flooding and progress with devolution

19. Highways Matters

To note any highways concerns

20. Financial Matters

(i) To Note the Internal Auditor's Report

(ii) To agree and approve the Annual Governance Report

(iii) To agree and approve the Accounting Statements for 2020/21

(iv) To consider a request for a grant from residents of Higher Porthpean for funding towards the purchase of a memorial plaque

(v) To note the current financial position and authorise payments

Appendix (ii)

Appendix (iii)

Appendix (iv)

21. Meetings/Training Attended

To receive an update from meetings or training recently attended by

members or the Clerk

22. Correspondence

To note correspondence received since the last meeting

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23. Dates for the Diary

To note any forthcoming dates for members' diaries

24. Dates of future Parish Council Meetings

17 June, 15 July, 16 September, 21 October, 18 November, 16 December, 20 January, 17 February, 17 March, 21 April

MINUTES of an EXTRAORDINARY MEETING of ST AUSTELL BAY PARISH COUNCIL held on WEDNESDAY 5 MAY 2021 at 4.00pm (the meeting was held virtually)

Present: Cllrs Bill Leach (Chairman), Sue Leach, Trudy Reynolds, Sue Osbrink, Malcolm Neill, Nick Foster, Nigel Chatterjee, Richard Hallows

In attendance: Julie Larter (Clerk), Chris Wright, member of the Neighbourhood Plan Strategic Group

(19/431) Apologies for Absence

Apologies were received from Cllr Tombs. The Chairman said that it was a shame that Cllr Tombs couldn't attend his final meeting but thanked him for all the work he has done during his term of office.

(19/432) Minutes of a Meeting of the Parish Council held on 22 April 2021

It was **RESOLVED** that the minutes of a Meeting of the Parish Council held on 21 April 2021 be signed as an accurate record of the meeting.

(19/433) Declarations of Interest on Items on the Agenda

There were no declarations of interest.

(19/434) Chairman's Announcements

The Chairman informed the meeting that the Coastguards had been called out to Duporth earlier in the day to rescue a cat that had gone missing from the estate at Duporth and had become stuck between emergency fencing and the cliff face. He then went on to say that Cornwall Council's survey of the cliff has now been published and although he has yet to have sight of it, it appears that the slippage is more extensive than was first thought. He added that he and the Clerk are meeting Countryside Officers on Wednesday to discuss permanent re-routing of the path.

(19/435) Exclusion of the Public and Press

Under Section 1(2) of the Public Bodies (Admission to Meetings) Act 1960, it was **RESOLVED** that members of the public be excluded from the meeting as the matter to be discussed under agenda item 6 contains correspondence from the Inspector which must remain confidential at the present time.

(19/436) St Austell Bay Neighbourhood Plan

Cllr Sue Leach thanked Cllr Osbrink for her technical knowledge in making amendments to the draft plan. It was **RESOLVED** to approve the amended

version of the plan and that the Clerk should now forward it to Cornwall Council.

Cllr Neill read out the compliments the Inspector had made to the volunteers who had worked on the plan and it was further **RESOLVED to formally record the parish council's thanks to everyone who had given up their time to write the Plan.**

Cllr Chatterjee asked if once the whole process has been completed, whether the parish council could formally write to all volunteers thanking them for their help. Cllr Sue Leach said that the Strategic Group is meeting next Monday and they have a data base that they will be able to forward to the Clerk.

(19/437) Dates of future Parish Council Meetings

20 May 2021 (Annual Meeting of the Parish Council). This meeting will be held in The Pattern Hall.

The meeting closed at 4.15 pm

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Chairman

Date

DRAFT

Agenda Item 15

Returning to Physical Meetings and an Emergency Scheme of Delegation

After a year under Covid restrictions and shielding, it is now time to return to face to face meetings with public participation. Councils should re-establish the annual calendar and begin a locally acceptable return to physical meetings which may include a phased approach. You may find the following information useful.

1. Cycle of Meetings

- The council is required as a minimum to meet once in May for a statutory annual meeting and at least three other times during the year. This means that the council will not have failed in any regard if it reduces the number of public meetings over the next few months. You may wish to keep the number of physical meetings to a minimum and use the scheme of delegation for non-urgent business during the first 2 – 3 months.
- A council can resolve to exclude the press and public from part of the meeting where the nature of the business to be discussed is deemed confidential, but this cannot be used to limit public attendance. Items which are normally discussed in an open session – planning, services, approval of minutes, payment of accounts etc cannot be moved into a closed session simply on the basis of excluding the public for health reasons.
- Local councils are able to meet on any day of the week including Saturdays if necessary and there is no requirement for an indoor venue and you can meet outside. Where no alternative space is available you can meet on licensed premises provided that no alcohol is on sale.
- There is no legal requirement for the Clerk to attend council meetings. Under its duty of care as an employer, the council must consider any reasonable request from staff to attend meetings virtually and agree adjustments wherever possible.

2. Public attendance at council meetings

The capacity of your meeting room will limit the number of people able to attend the meeting safely. Provided that you have assessed the capacity of the room and made reasonable adjustments to meet Covid 19 precautions and restrictions, you are able to restrict access when the room is 'full'.

Where you have significant public interest and the room is full, you should consider what other arrangements could be made to provide public access. This could include :

- Restricting public participation to items on the agenda and asking the public to either submit their question in writing and/or registering to attend the meeting.
- Taking public participation per item. Whilst you may not be able to guarantee attendance for the whole of the meeting this should allow access for the item of interest.
- Making arrangements to live stream or record the meeting so that it can be heard at a later date. There is no requirement for live broadcasting, but you may wish to continue to make recordings available on your website.
- Choose an appropriate venue of the meeting according to the items on the agenda and public interest. Choose the venue and level of public input appropriate to the issue.
- Identify if there is a spokesperson for the issue to limit the number of people wish to attend.
- Encourage the public to write to the council to share their views if they are unable, uncomfortable or unwilling to attend.
- Offer a virtual surgery if appropriate.

3. Emergency Scheme of Delegation to the Clerk

Local councils may not return immediately to a full calendar of face to face meetings. To help the business of the Council during this next phase, it is important that the council adopts a broad scheme of delegation to the Clerk. This will allow it to continue to operate between meetings until such time as you are confident to return to a normal schedule of meetings. Although delegation is a lawful form of decision making it must only be used as a emergency measure, when meeting would be inappropriate, unsafe or impossible.

The legislation allows for the council to delegate to an officer but not individual members and the wording of the resolution below reflects the law.

A recommended wording is :

That the Council delegates authority to the Clerk in consultation with the Chairman and Vice Chairman/Mayor and Deputy Mayor to take any actions necessary with associated expenditure to protect the interests of the community and ensure council business continuity, informed by consultation with the members of the council. The scheme of delegation will be reviewed no later than September 2021.

You may find the following tips helpful when using the delegation :

- Delegation authorises the clerk to take decisions on behalf of the council instead of elected members. It is important that it is only used when a physical council meeting is either inappropriate or impossible.
- The Clerk chooses how to consult with members but any meeting either physically or virtually must not mirror a council meeting. It can also include written consultation and face to face meetings i.e. site visits.

- A consultation informs the clerk on how to act on behalf of the council. It can include consultation with members of the public in a similar way.
- For the short term the clerk may wish to organise a regular catch up with members to share business and gather views and that can take place virtually.

The Scheme of Delegation will support the council during the first few months ***but must not be used as a way of avoiding holding council meetings***. The six month rule continues to apply and councils will need to meet at least once before November to avoid members losing their seat.

[The Openness of Local Government Bodies Regulations 2014](#) s7 requires the council to keep a record of any decisions made under delegation, together with the relevant paperwork.

4. What can and cannot be dealt with under the emergency scheme of delegation?

The scheme of delegation will cover :

- make day to day decisions
- authorise budgeted expenditure
- respond to consultations on behalf of the council
- continue to deliver projects
- respond to planning consultations
- work with outside partners and public bodies for the benefit of the area
- anything urgent until such time as an extra ordinary meeting of the council can be called.

The following items will require a council meeting as they are not covered by the scheme of delegation :

- Co-option of councillors
- Election of Chair and Vice Chair
- Appointment of members to committees and other statutory roles
- Signing the AGAR annual return
- Setting the budget and precept
- Making permanent changes to council policies and governance documents such as Standing Orders, Financial Regulations. (Where this is urgent, it should be an interim arrangement until it can be approved at a meeting of council.)
- Granting extensions under the 6 month rule

5. Financial Matters

The following payments can be made under the scheme of delegation without the need for approval at a meeting of the council or a committee:

- Any payment which part of an agreed contractual obligation is (salary and on costs, contractors, and suppliers). This is because failure to pay would be a breach of contract or the individual payment is part of budgeted expense.
- Any other budgeted item including approved grants, approved purchases (playground equipment, computer, other assets) insurance and any other

expenditure previously agreed by the council. There is an audit trail that the council has already considered and approved the payment.

- Any amount authorised by the Clerk which within the limits set by the Council's financial regulations.
- Any other payment authorised under the Emergency Scheme of Delegation.

Regardless of the Emergency Scheme of Delegation, members are still responsible for the management of the council's finances in accordance with its financial procedures. Nothing in the Emergency Scheme of Delegation removes the council's obligations to carry out assurances as normal. It should work with the Clerk/RFO to identify how this can be achieved and recorded.

Many councils now use internet banking and electronic payments. If the council still relies on signed cheques for making payments it is now recommended that it should reconsider the use of electronic payments. Many banks now offer some form of internet banking and this will remove the need for face to face contact with cheque signatories. It will also remove the need for the payee to have to travel in order to cash the cheque and receive payment.

The Council may wish to review the amount delegated to the Clerk in the Financial Regulations to ensure that it is proportionate to its needs at this time. With advice changing on a daily basis the council must ensure that the approved levels provide scope for the council to act as necessary.

[The Openness of Local Government Bodies Regulations 2014](#) s7 requires the council to keep a record of any decisions made under delegation, together with the relevant paperwork. The Clerk is therefore advised to keep a register or spreadsheet of the decisions taken, associated expenditure and the reasons for the decision together with any rationale. The schedule can then be noted by the council at its next meeting. This may be required at audit in the following year.

6. Planning matters

The Council should now be able to consider planning applications in public at face to face meetings. However, for minor applications it may still wish to use the scheme of delegation to respond.

- i) Advertise on the council's website links to all planning applications received from the planning authority on the council's website, offering the public the opportunity to let you know of any views. The notice should give a deadline for public comments to the Clerk in writing (suggested 5 working days)
- ii) At the same time the clerk will circulate the list with links to all members of the council.

- iii) At the end of the public opportunity to comment, the clerk will forward a summary of the public comments received to all members (or members of the relevant committee) for member comments for a period of a further 5 working days. Under GDPR, the clerk should not circulate individual responses without the writer's express permission.
- iv) Under the Emergency Scheme of Delegation, the Clerk and appropriate members will agree a council response which identifies relevant material considerations and may give local information or opinion. The draft response is then shared with members for 2 days for any comments, before being sent to Cornwall Council with the following statement :

"Due to the restrictions placed on the council as a result of the pandemic Coronavirus, this response represents the opinion of members of [insert name of council] identified through a consultation process and will be ratified at the next appropriate meeting of the council. "

- v) Maintain a list of council responses to planning applications on the website until the list is noted at the next council meeting.
- vi) If the matter is referred back to the council under the 5 day protocol, the Emergency Scheme of Delegation will allow the clerk to take any appropriate action to respond on behalf of the council. As the council's opinion has not been gained through the normal public process, it may be prudent to simply reply that

'due to the restrictions placed on the council as a result of the pandemic Coronavirus, it has been unable to consult further and therefore has nothing further to add'.

Agenda Item 16 - Correspondence Received Since 22 April

- NALC newsletters
- CALC newsletter
- Letter from agents of a landowner at Trenarren regarding the wording on the interpretation board
- Letter from 5 residents of Charlestown Road regarding discussions with Wainhomes regarding land transfers in the village
- Invitation to attend Code of Conduct training