

Dear Councillor

You are summoned to attend a **Meeting** of **St Austell Bay Parish Council** to be held on **Thursday 18 July 2024** at **6.00 pm** in **The Pattern Hall, Charlestown Road.**

Julie Larter

Julie Larter
Clerk
11 July 2024

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. Apologies for Absence**
- 2. Minutes of a Meeting of the Parish Council held on 20 June 2024**
To resolve that the minutes of the above meeting be signed as a correct record of the meeting.
- 3. Matters to note**
To receive a verbal update from the Clerk on matters progressed since the last ordinary meeting
- 4. 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.
 - (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.

Pages 4 - 8

(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.

5. Chairman's Announcements

To allow the Chairman to make any announcements.

6. Cornwall Councillor' Report

To receive a report from Cllr James Mustoe

7. 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.

8. Planning Applications and Related Matters

(a) To consider a response to the following planning applications any planning applications received after publication of this agenda:

(i) PA24/04732 – Land north of 18-21 Quay Road: Erection of a new dwelling (resubmission of PA24/01509)

(ii) PA24/04548 and 04545 (LBC) – Pier House Hotel: Proposed refurbishment and alteration works following fire damage with non compliance of condition 2 in relation to decision notice Pa23/07023 dated 28/11/2023

(iii) PA24/05011 – 58 Duporth Bay: Non material amendment in relation to decision notice PA23/05741 dated 07/09/2023 to omit external door and roof lights over bedroom 1, omit dormer, omit rear single storey utility extension, replace paved terrace with timber decked terrace, replace timber to cladding to dormers with painted render board and amend glazed gable from 5 panes to 4 panes

(iv) PA24/04950 – 3 The Old School, Charlestown Road: Notification of works to a tree in a Conservation Area, namely fell one Oak Tree – retain 5m of stem for habitat (*Notification only*)

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

(i) PA24/09903 – 20 Quay Road: Proposed demolition of existing workshop redeveloped into a garden room with office/studio above

Awaiting amended plans

(ii) PA24/02382 – 5 Pavilion Walk, Duporth: To remove/vary section 106 legal agreement

(iii) PA23/07802 – Ocean House, Porthpean: Proposed change of use of garden to allow for the siting of temporary accommodation units

(iv) PA22/09849 – Former Lovering Clay Dry: Proposed demolition and redevelopment of Clay Dry to provide 15 dwellings and associated works without compliance with condition 2 of decision notice PA19/07235 dated 08/06/2020

(c) To put a system of delegation in place to respond to planning applications received prior to the next meeting

9. Charlestown Regatta Playing Field

To receive a report from the Regatta Field Working Party and decide how to proceed

10. Financial Regulations

To adopt new Financial Regulations based on the NALC model template

Pages 9-22

11. 80th Anniversary of VE Day, 8th May 2025

To consider organising an event to coincide with the national celebration of the end of WW2 in Europe

12. Highways Matters

(i) To consider a response to a letter from Matt Phillips, Highways Asset Manager, Cornwall Council

(ii) To note any concerns

13. Action Zero Hour

To consider supporting the campaign to help address climate change

<https://www.zerohour.uk/>

14. History Working Party

To receive a report from Cllr Reynolds and authorise any expenditure

15. Financial Matters

(i) To consider a grant application from the Cornish Barbarians for assistance in setting up the charity "Georgia's Voice"

Appendix (i)

(ii) To consider the Clerk's request to attend the SLCC National Conference in October

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

Appendix (ii)

16. Meetings/Training Attended

To receive an update from meetings or training recently attended by members or the Clerk

17. Correspondence

To note correspondence received since the last meeting

P 23

18. Dates for the Diary

To note any forthcoming dates for members' diaries

19. Dates of future Parish Council Meetings

5 September, 17 October, 21 November, 19 December 2024

MINUTES of a MEETING of ST AUSTELL BAY PARISH COUNCIL held on THURSDAY 20 JUNE 2024 at 6.00pm in The Pattern Hall, Charlestown

Present: Cllrs Chrissie Wright, Jackie Bull, Trudy Reynolds

In attendance: Cornwall Councillor James Mustoe (part of the meeting), Julie Larter (Clerk), Sarah Scoltock (Community Link Officer, South Cornwall, Cornwall Council – part of the meeting) 1 member of the public.

(24/020) Apologies for Absence

Apologies were received from Cllrs Bill Leach, Sue Leach, Nick Foster, Sandie Bailie, Matt Sanders and Richard Whitehouse.

In the absence of Cllr Bill Leach, Cllr Jackie Bull Chaired the meeting

(24/021) Minutes of the Annual Meeting the Parish Council held on 16 May 2024

It was **RESOLVED** that the minutes of Annual Meeting of the Parish Council held on 16 May 2024 should be signed as an accurate record of the meeting.

(24/022) Matters to Note

The Clerk reported that the improvement work to footpath 9 at Trenarren has now been completed.

(24/023) Declarations of Interest on Items on the Agenda

There were no declarations of interest.

(24/024) Chairman's Announcements

The Chairman thanked Cllr Sue Leach for organising the D-Day Anniversary Beacon event and also to the Chairman, Malcolm Neill, Cllr James Mustoe, Terry Butler, and Charlestown Harbour staff for their help in making the event so successful. She also said that she will be re-ordering the agenda and bringing forward agenda item 9.

(24/025) Public Participation

The member of the public wished to speak on agenda item 9, Regatta Playing field. The Chairman said she would be given an opportunity to speak after he had heard the options from Sarah Scoltock

(24/026) Cornwall Council Report

Cllr Mustoe reported that the Outdoor Education is now fully open. Cllr Mustoe said that Charlestown Harbour would like to open Charlestown leat at some stage and Cllr Mustoe hopes to have an update on any progress with this in due course. Cllr Reynolds said that the reopening is supported by the St Austell Bay Neighbourhood Plan. Cllr Mustoe thanked the Chairman and Cllr Sue Leach for organising the D-Day commemorative beacon.

Cllr Mustoe's full report is available on the parish council's website.

(24/027) Charlestown Regatta Playing Field

Sarah Scoltock reported that due to the high cost of exploratory work and the uncertainty of achieving a successful outcome to any work, an engineering option is not an option to improve flooding. She said that there are now only 2 options available: A horticultural planting scheme including enhancements to the affected wet area or to do nothing and accept that part of the field will be unusable during the winter months. There is a chance of accessing c£20,000 of S106 money, but this needs to be spent on improvements to sporting provision, but a plan has to be in place in July. She said that some of this money could be used to improve the football pitch and the remainder put towards a horticultural scheme. Ms Scoltock said there needs to be a commitment from the parish council that they would explore the horticultural option. The Chairman said that although the meeting is quorate, no decision would be made at the parish council meeting and Ms Scoltock is to find out what the latest date a decision could be made is and an Extraordinary council Meeting will be called if required. Cllr Mustoe said that the S106 money will be returned to the developer if it is not used on the Regatta field.

A member of the public outlined the history of the site and explained that he lives below the field and is aware of the directional flow of the water. He said that there is permanently a wet patch on Charlestown Road and suspects that the water is coming from the Regatta field. He explained that in the past a report had been carried out by a mining consultant who had confirmed that this could be the case. He felt that not enough had been done to explore the matter and that the Duchy should be involved. He said that a decision on the future of the field should be made by residents and not the parish council.

The Chairman thanked Ms Scoltock for giving up her time to attend the meeting.

(24/028) Planning Applications and Related Matters

(i) PA24/02219 – Pier House: Advertisement consent for proposed signage scheme to Grade II Listed pub

(Amended design for Harbourside)

It was **RESOLVED that the Clerk should respond to the Planning Authority (Cornwall Council) stating that whilst the parish council appreciates the fact that the applicant has taken its previous comments onboard, it felt that the current design is disappointing in terms of its reflection of heritage, however it does not oppose it. The parish council requests that a condition be applied to any granting of permission requiring that lights are switched off at midnight at the latest and any lighting provided on health and safety grounds should be on a motion sensor basis.**

(ii) PA24/02382 – 5 Pavilion Walk, Duporth: To remove/vary section 106 legal agreement

As no comments were available yet from the Affordable Housing Officer, the council did not wish to make a comment, but when comments become available a decision will be taken by email circulation.

(iii) PA24/03807 – Outbuilding Opposite Unit 2, Eleven Doors, Charlestown: Demolition of an unlisted building in a conservation area, namely removal of front and rear walls following a dangerous structure notification

It was **RESOLVED that the Clerk should respond to the Planning Authority (Cornwall Council) stating that the parish council has no objections to the proposal.**

(iv) PA24 04008 – Regatta Field: Works to trees subject to a TPO – removal of 1 broken branch from a Quercus Petraea and removal of 1 broken branch and reduction of branch adjacent to failed branch of 1 Fagus sylvatica

It was **RESOLVED that the Clerk should respond to the Planning Authority (Cornwall Council) stating that provided the Tree Officer has no objections, the parish council has no objections.**

The following application had been carried over from the previous meeting

(v) PA24/02550 – 12 Ridgewood Close: Works to trees subject to a TPO, works include 1 Sycamore cutting back the branches that are overhanging the property

It was **RESOLVED that the Clerk respond to the Planning Authority (Cornwall Council) stating that the parish council has no objections to the proposed work.**

(b) An update was given on the following planning applications:

(i) PA24/09903 – 20 Quay Road: Proposed demolition of existing workshop redeveloped into a garden room with office/studio above
Awaiting amended plans.

(ii) PA24/01509 – Land known as the Orchard, adjacent to the Lovering Clay Dry: Erection of a new dwellinghouse
This application has been withdrawn pending amended plans.

(iii) PA23/07802 – Ocean House, Porthpean: Proposed change of use of garden to allow for the siting of temporary accommodation units
No update was available.

(iv) PA22/09849 – Former Lovering Clay Dry: Proposed demolition and redevelopment of Clay Dry to provide 15 dwellings and associated works without compliance with condition 2 of decision notice PA19/07235 dated 08/06/2020
No update was available.

(24/029) Charlestown Harbour Area

Cllr Reynolds outlined recommendations from the Environment and Climate Crisis Working Party's recent meeting. One of the recommendations concerned light pollution in Charlestown, in particular at the Clay Dry chimney, the Longstore and fairy lights around the harbour being left on all night. The Clerk was asked to contact the companies involved stating that as this is a waste of resources and is disturbing residents, and that the parish council would like to see all lights turned off at midnight.

The Clerk was asked to write to Sarah Scoltock requesting that the parish council is informed of any applications for new licenses or variations of licences in Charlestown.

(24/030) Provision of a Litter Bin for Mill Lane

The Clerk reported that yet again she had had to remove a carrier bag full of bags of dog waste from the fence on Mill Lane and recommended to the council that a free standing waste bin was needed at this location. It was **RESOLVED to purchase a freestanding bin up to the value of £250 to be anchored into the ground to prevent its removal.**

(24/031) Highways Matters

(i) Residents Parking scheme for Duporth Road

A response has been received from Matt Philips, Highway Asset Manager for Cornwall Council and previously circulated.

The parish council's response to this was deferred to next meeting.

(ii) Highways Concerns

A draft plan of the proposed "20 is plenty" speed limit reductions had been previously circulated, these include the length of Charlestown Road, Church Road, Foundry Drive, Castings Drive and subsequent roads in Foundry Parc and Chandlers Walk.

(24/032) Financial Matters

The current financial position was noted and the following payments authorised

DD	EE	Mobile phone monthly charge	£	19.42
DD	BT	Telephone and internet	£	82.88
DD	Lloyds Bank	Credit card	£	127.69
DD	Swift Catering Supplies	Toilet rolls and cleaning products	£	194.30
DD	SWW	Quarterly water charge (hall)	£	56.05
DD	SSE	Electricity for hall	£	2,237.15
DD	SSE	Electricity for public toilets Oct-April	£	185.25
DD	Pennon Water	Water for public toilets	£	300.00
DD	First Port	Annual service charge for Foundry Parc amenity areas	£	220.00
DD	SWW	Monthly charge for water (public toilets)	£	150.00
DD	Unity Trust Bank	Quarterly bank charges	£	18.00
SO	JB Kneale	Quarterly lease for car park	£	212.50
BACS	ITEC	Monthly printing charge	£	33.85
BACS	St Austell Printing Co	Artwork and printing walk booklets	£	258.73
BACS	Biffa	Monthly collection The Pattern Hall	£	26.38
BACS	Healthmatic	Repairs to public toilets and new card reader	£	1,069.12
BACS	Carlyon Parish Council	Share of neurodiversity awareness training	£	46.00
BACS	Eric Foster	Hire of PA System for D-Day Commemoration ceremony	£	80.00
BACS	Complete Weed Control	Pavement weed spraying	£	320.40
BACS	Staff/HMRC/CPF	Salaries and oncosts	£	2,948.90

(24/033) Meetings/Training Attended

- 21 May – Cllr Sanders attended Code of Conduct training
- 24 May – Cllr Sander attended Dealing with Difficult People training
- 4 June – Clerk attended a meeting of clerks to smaller councils
- 4 June – The Chairman, Cllrs Leach, Foster, Reynolds and the Clerk attended a site meeting at 20 Quay Road
- 6 June – The Chairman, Cllr Leach, Cllr Sanders and Cllr Foster attended the D-Day beacon lighting
- 10 June – The Clerk organised and attended defibrillator training in The Pattern Hall
- 10 June – The Chairman, Cllr Bull and the Clerk met with the applicants of planning applications PA22/02532 and PA22/02533 to clarify points raised by the planning officer
- 11 June – The Chairman, Cllrs, Leach, Bull, Reynolds and Foster attended a meeting with the applicants for PA23/01509 to consider amended plans yet to be submitted
- 11 June – Cllr Reynolds attended a meeting of the Climate Crisis and Environment Working Party

(24/034) Correspondence

A list of correspondence had been previously circulated and in addition the following had been received:

- Notification from Cornwall Council of Speak Cornish Week 24, 22-30 June and a request for town and parish councils to adopt a Cornish Language Policy
- Details of forthcoming CALC training opportunities
- Details of Cornwall Council Planning training on Planning Permission and Development for Businesses
- NHS Cornwall and Isles of Scilly Integrated Care Board's latest newsletter
- Invitation for councillors to judge entries in the Regatta Carnival on 25 July

(24/035) Dates for the Diary

- 1 July – Cllr Reynolds to attend Biodiversity Net Gain training
- 25 July – Regatta Carnival Judging 6.15pm

(24/036) Dates of future Parish Council Meetings

18 July, 5 September, 17 October, 21 November, 19 December 2024.

The meeting closed at 7.07 pm

Contents

1. General.....	11
2. Risk management and internal control.....	12
3. Accounts and audit.....	13
4. Budget and precept.....	14
5. Procurement.....	15
6. Banking and payments.....	17
7. Electronic payments.....	18
8. Cheque payments.....	19
9. Payment cards.....	19
10. Petty Cash.....	19
11. Payment of salaries and allowances.....	19
12. Loans and investments.....	20
13. Income.....	20
14. Payments under contracts for building or other construction works 21	
15. Stores and equipment.....	21
16. Assets, properties and estates.....	21
17. Insurance.....	22
19. Suspension and revision of Financial Regulations.....	22
Appendix 1 - Tender process.....	16

These Financial Regulations were adopted by the council at its meeting held on 18 July 2024

General

These Financial Regulations govern the financial management of the council and may only be amended or varied by resolution of the council. They are one of the council's governing documents and shall be observed in conjunction with the council's Standing Orders.

Councillors are expected to follow these regulations and not to entice employees to breach them. Failure to follow these regulations brings the office of councillor into disrepute.

Wilful breach of these regulations by an employee may result in disciplinary proceedings.

In these Financial Regulations:

- 'Accounts and Audit Regulations' means the regulations issued under Sections 32, 43(2) and 46 of the Local Audit and Accountability Act 2014, or any superseding legislation, and then in force, unless otherwise specified.
- "Approve" refers to an online action, allowing an electronic transaction to take place.
- "Authorise" refers to a decision by the council, or a committee or an officer, to allow something to happen.
- 'Proper practices' means those set out in *The Practitioners' Guide*
- *Practitioners' Guide* refers to the guide issued by the Joint Panel on Accountability and Governance (JPAG) and published by NALC in England or Governance and Accountability for Local Councils in Wales – A Practitioners Guide jointly published by One Voice Wales and the Society of Local Council Clerks in Wales.
- 'Must' and **bold text** refer to a statutory obligation the council cannot change.
- 'Shall' refers to a non-statutory instruction by the council to its members and staff.

The Responsible Financial Officer (RFO) holds a statutory office, appointed by the council. The Clerk has been appointed as RFO and these regulations apply accordingly. The RFO;

- acts under the policy direction of the council;
- administers the council's financial affairs in accordance with all Acts, Regulations and proper practices;
- determines on behalf of the council its accounting records and control systems;
- ensures the accounting control systems are observed;
- ensures the accounting records are kept up to date;
- seeks economy, efficiency and effectiveness in the use of council resources; and
- produces financial management information as required by the council.

The council must not delegate any decision regarding:

- **setting the final budget or the precept (council tax requirement);**
- **the outcome of a review of the effectiveness of its internal controls**
- **approving accounting statements;**
- **approving an annual governance statement;**
- **borrowing;**
- **declaring eligibility for the General Power of Competence; and**
- **addressing recommendations from the internal or external auditors**

In addition, the council shall:

- determine and regularly review the bank mandate for all council bank accounts;

Risk management and internal control

The council must ensure that it has a sound system of internal control, which delivers effective financial, operational and risk management.

The Clerk shall prepare, for approval by the council, a risk management policy covering all activities of the council. This policy and consequential risk management arrangements shall be reviewed by the council at least annually.

When considering any new activity, the Clerk shall prepare a draft risk assessment including risk management proposals for consideration by the council.

At least once a year, the council must review the effectiveness of its system of internal control, before approving the Annual Governance Statement.

The accounting control systems determined by the RFO must include measures to:

- **ensure that risk is appropriately managed;**
- **ensure the prompt, accurate recording of financial transactions;**
- **prevent and detect inaccuracy or fraud; and**
- **allow the reconstitution of any lost records;**
- **identify the duties of officers dealing with transactions and**
- **ensure division of responsibilities.**

At least once in each quarter, and at each financial year end, a member other than the Chair shall be appointed to verify bank reconciliations (for all accounts) produced by the RFO. The member shall sign and date the reconciliations and the original bank statements (or similar document) as evidence of this. This activity, including any exceptions, shall be reported to and noted by the council.

Regular back-up copies shall be made of the records on any council computer and stored either online or in a separate location from the computer. The council

shall put measures in place to ensure that the ability to access any council computer is not lost if an employee leaves or is incapacitated for any reason.

Accounts and audit

All accounting procedures and financial records of the council shall be determined by the RFO in accordance with the Accounts and Audit Regulations.

The accounting records determined by the RFO must be sufficient to explain the council's transactions and to disclose its financial position with reasonable accuracy at any time. In particular, they must contain:

- **day-to-day entries of all sums of money received and expended by the council and the matters to which they relate;**
- **a record of the assets and liabilities of the council;**

The accounting records shall be designed to facilitate the efficient preparation of the accounting statements in the Annual Governance and Accountability Return.

The RFO shall complete and certify the annual Accounting Statements of the council contained in the Annual Governance and Accountability Return in accordance with proper practices, as soon as practicable after the end of the financial year. Having certified the Accounting Statements, the RFO shall submit them (with any related documents) to the council, within the timescales required by the Accounts and Audit Regulations.

The council must ensure that there is an adequate and effective system of internal audit of its accounting records and internal control system in accordance with proper practices.

Any officer or member of the council must make available such documents and records as the internal or external auditor consider necessary for the purpose of the audit and shall, as directed by the council, supply the RFO, internal auditor, or external auditor with such information and explanation as the council considers necessary.

The internal auditor shall be appointed by the council and shall carry out their work to evaluate the effectiveness of the council's risk management, control and governance processes in accordance with proper practices specified in the Practitioners' Guide.

The council shall ensure that the internal auditor:

- is competent and independent of the financial operations of the council;
- reports to council in writing, or in person, on a regular basis with a minimum of one written report during each financial year;
- can demonstrate competence, objectivity and independence, free from any actual or perceived conflicts of interest, including those arising from family relationships; and
- has no involvement in the management or control of the council

Internal or external auditors may not under any circumstances:

- perform any operational duties for the council;
- initiate or approve accounting transactions;
- provide financial, legal or other advice including in relation to any future transactions; or
- direct the activities of any council employee, except to the extent that such employees have been appropriately assigned to assist the internal auditor.

For the avoidance of doubt, in relation to internal audit the terms 'independent' and 'independence' shall have the same meaning as described in The Practitioners Guide.

The RFO shall make arrangements for the exercise of electors' rights in relation to the accounts, including the opportunity to inspect the accounts, books, and vouchers and display or publish any notices and documents required by the Local Audit and Accountability Act 2014, or any superseding legislation, and the Accounts and Audit Regulations.

The RFO shall, without undue delay, bring to the attention of all councillors any correspondence or report from internal or external auditors.

Budget and precept

Before setting a precept, the council must calculate its council tax (England) requirement for each financial year by preparing and approving a budget, in accordance with The Local Government Finance Act 1992 or succeeding legislation.

Budgets for salaries and wages, including employer contributions shall be reviewed by the council at least annually in November for the following financial year and the final version shall be evidenced by a hard copy schedule signed by the Clerk and the Chair of the Council.

No later than November each year, the RFO shall prepare a draft budget with detailed estimates of all receipts and payments expenditure for the following financial year taking account of the lifespan of assets and cost implications of repair or replacement.

Unspent budgets for completed projects shall not be carried forward to a subsequent year.

The draft budget forecast, including any recommendations for the use or accumulation of reserves, shall be considered by the council.

Having considered the proposed budget and forecast, the council shall determine its council tax requirement by setting a budget. The council shall set a precept for this amount no later than the end of December for the ensuing financial year.

Any member with council tax unpaid for more than two months is prohibited from voting on the budget or precept by Section 106 of the Local Government Finance Act 1992 and must and must disclose at the start of the meeting that Section 106 applies to them.

The RFO shall **issue the precept to the billing authority no later than the end of February** and supply each member with a copy of the agreed annual budget.

The agreed budget provides a basis for monitoring progress during the year by comparing actual spending and income against what was planned.

In addition to, or withdrawal from, any earmarked reserve shall be agreed by the council.

Procurement

Members and officers are responsible for obtaining value for money at all times. Any officer procuring goods, services or works should ensure, as far as practicable, that the best available terms are obtained, usually by obtaining prices from several suppliers.

The RFO should verify the lawful nature of any proposed purchase before it is made and in the case of new or infrequent purchases, should ensure that the legal power being used is reported to the meeting at which the order is authorised and also recorded in the minutes.

Every contract shall comply with these the council's Standing Orders and these Financial Regulations and no exceptions shall be made, except in an emergency.

For a contract for the supply of goods, services or works where the estimated value will exceed the thresholds set by Parliament, the full requirements of The Public Contracts Regulations 2015 or any superseding legislation ("the Legislation"), must be followed in respect of the tendering, award and notification of that contract.

Where the estimated value is below the Government threshold, the council shall (with the exception of items listed in paragraph 6.12) obtain prices as follows:

For contracts estimated to exceed £60,000 including VAT, the Clerk shall seek formal tenders from at least three suppliers agreed by the council OR advertise an open invitation for tenders in compliance with any relevant provisions of the Legislation. Tenders shall be invited in accordance with Appendix 1.

For contracts estimated to be over £30,000 including VAT, the council must comply with any requirements of the Legislation¹ regarding the advertising of contract opportunities and the publication of notices about the award of contracts.

For contracts greater than £5,000 excluding VAT the Clerk shall seek at least 3 fixed-price quotes;

where the value is between £500 and £5,000 excluding VAT, the Clerk shall try to obtain 3 estimates which might include evidence of online prices, or recent prices from regular suppliers.

For smaller purchases, the clerk shall seek to achieve value for money.

¹ The Regulations require councils to use the Contracts Finder website if they advertise contract opportunities and also to publicise the award of contracts over £30,000 including VAT, regardless of whether they were advertised.

Contracts must not be split into smaller lots to avoid compliance with these rules.

The requirement to obtain competitive prices in these regulations need not apply to contracts that relate to items (i) to (iv) below:

- i. specialist services, such as legal professionals acting in disputes;
- ii. repairs to, or parts for, existing machinery or equipment;
- iii. works, goods or services that constitute an extension of an existing contract;
- iv. goods or services that are only available from one supplier or are sold at a fixed price.

When applications are made to waive this financial regulation to enable a price to be negotiated without competition, the reason should be set out in a recommendation to the council. Avoidance of competition is not a valid reason.

The council shall not be obliged to accept the lowest or any tender, quote or estimate.

Individual purchases within an agreed budget for that type of expenditure may be authorised by:

- the Clerk, under delegated authority, for any items below £500 excluding VAT.
- the Clerk, in consultation with the Chair of the Council for any items below £2,000 excluding VAT.

Such authorisation must be supported by a minute or other auditable evidence trail.

No individual member, or informal group of members may issue an official order unless instructed to do so in advance by a resolution of the council or make any contract on behalf of the council.

No expenditure may be authorised that will exceed the budget for that type of expenditure other than by resolution of the council except in an emergency.

In cases of serious risk to the delivery of council services or to public safety on council premises, the clerk may authorise expenditure of up to £2,000 excluding VAT on repair, replacement or other work that in their judgement is necessary, whether or not there is any budget for such expenditure. The Clerk shall report such action to the Chair as soon as possible and to the council as soon as practicable thereafter.

No expenditure shall be authorised, no contract entered into or tender accepted in relation to any major project, unless the council is satisfied that the necessary funds are available and that where a loan is required, Government borrowing approval has been obtained first.

An official order or letter shall be issued for all work, goods and services above £250 excluding VAT unless a formal contract is to be prepared or an official order would be inappropriate. Copies of orders shall be retained, along with evidence of receipt of goods.

Any ordering system can be misused and access to them shall be controlled by the RFO.

Banking and payments

The council's banking arrangements, including the bank mandate, shall be made by the RFO and authorised by the council; banking arrangements shall not be delegated to a committee. The council has resolved to bank with Unity Trust Bank.

The council must have safe and efficient arrangements for making payments, to safeguard against the possibility of fraud or error. Wherever possible, more than one person should be involved in any payment, for example by dual online authorisation or dual cheque signing. Even where a purchase has been authorised, the payment must also be authorised and only authorised payments shall be approved or signed to allow the funds to leave the council's bank.

All invoices for payment should be examined for arithmetical accuracy, analysed to the appropriate expenditure heading and verified to confirm that the work, goods or services were received, checked and represent expenditure previously authorised by the council before being certified by the RFO.

Personal payments (including salaries, wages, expenses and any payment made in relation to the termination of employment) may be summarised to avoid disclosing any personal information.

All payments shall be made by online banking/cheque, in accordance with a resolution of the council or a delegated decision by an officer, unless the council resolves to use a different payment method.

For each financial year the RFO may draw up a schedule of regular payments due in relation to a continuing contract or obligation (such as Salaries, PAYE, National Insurance, pension contributions, rent, rates, regular maintenance contracts and similar items), which the council may authorise in advance for the year.

The Clerk shall have delegated authority to authorise payments in the following circumstances:

- i. any payments of up to £500 excluding VAT, within an agreed budget.
- ii. payments of up to £2,000 excluding VAT in cases of serious risk to the delivery of council services or to public safety on council premises.
- iii. any payment necessary to avoid a charge under the Late Payment of Commercial Debts (Interest) Act 1998 where the due date for payment is before the next scheduled meeting of the council, where the Clerk certifies that there is no dispute or other reason to delay payment, provided that a list of such payments shall be submitted to the next appropriate meeting of council.
- iv. Fund transfers within the councils banking arrangements up to the sum of £10,000, provided that a list of such payments shall be submitted to the next appropriate meeting of council.

The RFO shall present a schedule of payments requiring authorisation, forming part of the agenda for the meeting, together with the relevant invoices, to the council. The council shall review the schedule for compliance and, having satisfied itself, shall authorise payment by resolution. The authorised schedule shall be initialled immediately below the last item by the councillors releasing the payments. A detailed list of all payments shall be disclosed within or as an attachment to the minutes of that meeting.

Electronic payments

Where internet banking arrangements are made with any bank, the RFO shall be appointed as the Service Administrator. The bank mandate agreed by the council shall identify councillors who will be authorised to approve transactions on those accounts and a minimum of two people will be involved in any online approval process.

All authorised signatories shall have access to view the council's bank accounts online.

No employee or councillor shall disclose any PIN or password, relevant to the council or its banking, to anyone not authorised in writing by the council or a duly delegated committee.

The Service Administrator shall set up all items due for payment online. A list of payments for approval, together with copies of the relevant invoices, shall be sent by email to all authorised signatories.

In the prolonged absence of the Service Administrator an authorised signatory shall set up any payments due before the return of the Service Administrator.

Two councillors who are authorised signatories shall check the payment details against the invoices before approving each payment using the online banking system.

Evidence shall be retained showing which members approved the payment online.

A full list of all payments made in a month shall be provided to the next council meeting.

With the approval of the council in each case, regular payments (such as gas, electricity, telephone, broadband, water, National Non-Domestic Rates, refuse collection, pension contributions and HMRC payments) may be made by variable direct debit, provided that the instructions are signed/approved online by two authorised members. In cases where on line authorisation is required and the option to obtain "wet" signature is not available, the Clerk may sign the direct debit mandate and should report the matter to the council at the next meeting.

If thought appropriate by the council, regular payments of fixed sums may be made by banker's standing order, provided that the instructions are signed or approved online by two members, evidence of this is retained and any payments are reported to council when made.

Account details for suppliers may only be changed upon written notification by the supplier verified by the Clerk. This is a potential area for fraud and the Clerk should ensure that any change is genuine.

Members and officers shall ensure that any computer used for the council's financial business has adequate security, with anti-virus, anti-spyware and firewall software installed and regularly updated.

Remembered password facilities should not be used on any computer used for council banking.

Cheque payments

Cheques or orders for payment in accordance with a resolution or delegated decision shall be signed by two members.

A signatory having a family or business relationship with the beneficiary of a payment shall not, under normal circumstances, be a signatory to that payment.

To indicate agreement of the details on the cheque with the counterfoil and the invoice or similar documentation, the signatories shall also initial the cheque counterfoil and invoice.

Cheques or orders for payment shall not normally be presented for signature other than at, or immediately before or after a council meeting. Any signatures obtained away from council meetings shall be reported to the council at the next convenient meeting.

Payment cards

Any Debit Card issued for use will be specifically restricted to the Clerk and will also be restricted to a single transaction maximum value of £700 unless authorised by council or finance committee in writing before any order is placed.

Any corporate credit card or trade card account opened by the council will be specifically restricted to use by the Clerk and any balance shall be paid in full each month.

Personal credit or debit cards of members or staff shall not be used except in exceptional circumstances.

Petty Cash

The council will not maintain any form of cash float.

Payment of salaries and allowances

As an employer, the council must make arrangements to comply with the statutory requirements of PAYE legislation.

Councillors allowances (where paid) are also liable to deduction of tax under PAYE rules and must be taxed correctly before payment.

Salary rates shall be agreed by the council, or a duly delegated committee. No changes shall be made to any employee's gross pay, emoluments, or terms and conditions of employment without the prior consent of the council.

Payment of salaries shall be made, after deduction of tax, national insurance, pension contributions and any similar statutory or discretionary deductions, on the dates stipulated in employment contracts.

Deductions from salary shall be paid to the relevant bodies within the required timescales, provided that each payment is reported, as set out in these regulations above.

Each payment to employees of net salary and to the appropriate creditor of the statutory and discretionary deductions shall be recorded in a payroll control account or other separate confidential record, with the total of such payments each calendar month reported in the cashbook.

Any termination payments shall be supported by a report to the council, setting out a clear business case. Termination payments shall only be authorised by the full council.

Before employing interim staff, the council must consider a full business case.

Loans and investments

Any application for Government approval to borrow money and subsequent arrangements for a loan must be authorised by the full council and recorded in the minutes. All borrowing shall be in the name of the council, after obtaining any necessary approval.

Any financial arrangement which does not require formal borrowing approval from the Secretary of State (such as Hire Purchase, Leasing of tangible assets or loans to be repaid within the financial year) must be authorised by the full council, following a written report on the value for money of the proposed transaction.

The council shall consider the requirement for an Investment Strategy and Policy in accordance with Statutory Guidance on Local Government Investments, which must be written in accordance with relevant regulations, proper practices and guidance. Any Strategy and Policy shall be reviewed by the council at least annually.

All investment of money under the control of the council shall be in the name of the council.

All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.

Payments in respect of short term or long-term investments, including transfers between bank accounts held in the same bank, shall be made in accordance with these regulations.

Income

The collection of all sums due to the council shall be the responsibility of and under the supervision of the RFO.

The council will review all fees and charges for work done, services provided, or goods sold at least annually as part of the budget-setting process, following a report of the Clerk. The Clerk shall be responsible for the collection of all amounts due to the council.

Any sums found to be irrecoverable and any bad debts shall be reported to the council by the Clerk and shall be written off in the year. The council's approval shall be shown in the accounting records.

All sums received on behalf of the council shall be deposited intact with the council's bankers, with such frequency as the RFO considers necessary. The

origin of each receipt shall clearly be recorded on the paying-in slip or other record.

Personal cheques shall not be cashed out of money held on behalf of the council.

The RFO shall ensure that VAT is correctly recorded in the council's accounting software and that any VAT Return required is submitted by the due date.

Payments under contracts for building or other construction works

Where contracts provide for payment by instalments the RFO shall maintain a record of all such payments, which shall be made within the time specified in the contract based on signed certificates from the architect or other consultant engaged to supervise the works.

Any variation of, addition to or omission from a contract must be authorised by the Clerk to the contractor in writing, with the council being informed where the final cost is likely to exceed the contract sum by 5% or more, or likely to exceed the budget available.

Stores and equipment

The Clerk shall be responsible for the care and custody of stores and equipment.

Delivery notes shall be obtained in respect of all goods received into store or otherwise delivered and goods must be checked as to order and quality at the time delivery is made.

Stocks shall be kept at the minimum levels consistent with operational requirements.

The RFO shall be responsible for periodic checks of stocks and stores, at least annually.

Assets, properties and estates

The Clerk shall make arrangements for the safe custody of all title deeds and Land Registry Certificates of properties held by the council.

The RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date, with a record of all properties held by the council, their location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held, in accordance with Accounts and Audit Regulations.

The continued existence of tangible assets shown in the Register shall be verified at least annually, possibly in conjunction with a health and safety inspection of assets.

No interest in land shall be purchased or otherwise acquired, sold, leased or otherwise disposed of without the authority of the council, together with any other consents required by law. In each case a written report shall be provided to council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate where required by law).

No tangible moveable property shall be purchased or otherwise acquired, sold, leased or otherwise disposed of, without the authority of the council, together with any other consents required by law, except where the estimated value of any one item does not exceed £500. In each case a written report shall be provided to council with a full business case.

Insurance

The RFO shall keep a record of all insurances effected by the council and the property and risks covered, reviewing these annually before the renewal date in conjunction with the council's review of risk management.

The RFO shall be notified of any loss, liability, damage or event likely to lead to a claim, and shall report these to the council at the next available meeting. The RFO shall negotiate all claims on the council's insurers

All appropriate members and employees of the council shall be included in a suitable form of security or fidelity guarantee insurance which shall cover the maximum risk exposure as determined annually by the council, or duly delegated committee.

Suspension and revision of Financial Regulations

The council shall review these Financial Regulations annually and following any change of clerk or RFO. The Clerk shall monitor changes in legislation or proper practices and advise the council of any need to amend these Financial Regulations.

The council may, by resolution duly notified prior to the relevant meeting of council, suspend any part of these Financial Regulations, provided that reasons for the suspension are recorded and that an assessment of the risks arising has been presented to all members. Suspension does not disapply any legislation or permit the council to act unlawfully.

The council may temporarily amend these Financial Regulations by a duly notified resolution, to cope with periods of absence, local government reorganisation, national restrictions or other exceptional circumstances.

Appendix 1 - Tender process

- 1) Any invitation to tender shall state the general nature of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases.
- 2) The invitation shall in addition state that tenders must be addressed to the Clerk in the ordinary course of post, unless an electronic tendering process has been agreed by the council.
- 3) Where a postal process is used, each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract. All sealed tenders shall be opened at the same time on the prescribed date by the Clerk in the presence of at least one member of council.
- 4) Where an electronic tendering process is used, the council shall use a specific email address that will be monitored to ensure that nobody accesses any tender before the expiry of the deadline for submission.
- 5) Any invitation to tender issued under this regulation shall be subject to Standing Order 18 (v) (d) and shall refer to the terms of the Bribery Act 2010.
- 6) Where the council, or duly delegated committee, does not accept any tender, quote or estimate, the work is not allocated and the council requires further pricing, no person shall be permitted to submit a later tender, estimate or quote who was present when the original decision-making process was being undertaken.

Agenda Item 15

Correspondence Received

The following correspondence has been received since the last meeting

- Details of CALC training opportunities
- Clean Cornwall newsletter
- CALC newsletter
- Consultation from Cornwall Council on a review of the council's Gambling Policy
- Slides from CALC's Biodiversity Net Gain presentation (attended by Cllr Reynolds)
- Details of Cornwall Council's consultation on their draft Housing Decarbonisation Strategy
- Email from The Walk and Talk Movement encouraging setting up a new group locally
- Request to support Lord Foster's campaign to improve the safety of Lithium batteries and the proposed Safety of Electric-Powered Micromobility Vehicles and Lithium Batteries Bill
- Details of Cornwall Council planning training