

LUDGVAN PARISH COUNCIL

All members of the Council are hereby summoned to attend the Monthly Meeting of Ludgvan Parish Council to be held on Wednesday 8th May, 2019 in the Oasis Childcare Centre, Lower Quarter, Ludgvan commencing at 7 pm.



M J Beveridge
Parish Clerk
02/05/2019

ANNUAL PARISH COUNCIL AGENDA:

Page No.

1. **Appointment of Chairman**
 2. **Appointment of Vice-Chair**
 3. **Apologies for absence**
 4. **Declarations of Interest in Items on the Agenda**
 5. **Dispensations**
 6. **Public Participation Period** – to last no longer than 15 minutes unless agreed by the Chairman
 7. **Minutes of the Parish Council Meeting on Wednesday, 10th April, 2019** 4-8
 8. **Councillor Reports**
 - (a) Cornwall Councillor Simon Elliott
 - (b) Chairman's report
 - (c) Other Councillors
- REPORTS FOR DECISION**
9. **Cornwall Council – Planning Applications**
 - (a) **PA19/02836** – Two storey staircase extension to east elevation linked to bedroom and dressing room extension built on top of existing garage – Woodbine Cottage Crowlas Penzance Cornwall TR20 8DP - Mr Nathon Mabbet
 - (b) **PA19/02881** – Proposed agricultural shed – Middle Ninnis Farm Ninnis Bridge Lelant Downs Hayle Cornwall TR27 6NL – Mr & Mrs Graham Quick
 - (c) **PA19/02848** – Construction of ground floor side extensions – Elysium House 3 Parc Shady Whitecross Cornwall TR20 8BX – Miss Lydia Williams
 - (d) **PA19/03164** – Alterations and extensions to dwelling – Gwelefan B3311 Between Badgers Cross And Nancledra Hill Castle Gate Ludgvan TR20 8BG - Mr And Mrs Jon Doolan
 10. **Items to be considered under Standing Order 5(i)**
 - (a) Review of the terms of reference for committees:
 - (i) Accounts & Audit Working Party 9
 - (ii) Employment Committee 10
 - (iii) Allotments Working Party 11
 - (iv) Neighbourhood Plan Committee 12-13

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(b) Appointment of members to existing committees:	14
(i) Accounts & Audit Working Party	
(ii) Employment Committee	
(iii) Allotments Working Party	
(iv) Neighbourhood Plan Committee	
(c) Appointment of any new committees in accordance with standing order 4.	
(d) Review and adoption of appropriate standing orders and financial regulations:	
(i) To review Standing Orders	15-39
(ii) To review Financial Regulations	40-58
(e) Review of representation on or work with external bodies and arrangements for reporting back:	
(i) Oasis Centre Management Committee	
(f) Review of inventory of land and assets including buildings and office equipment:	
(i) To approve the Asset Register	59
(g) Confirmation of arrangements for insurance cover in respect of all insured risks:	
(i) To confirm this as part of the function of the Accounts & Audit Working Party	
(h) Review of the council's and/or staff subscriptions to other bodies:	
(i) Cornwall Association of Local Councils (CALC)	
(ii) Campaign to Protect Rural England	
(iii) Society of Local Council Clerks (SLCC)	
(i) Review of the council's complaints procedure	60-61
(j) Review of the council's procedure for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 2018	62-63
(k) Review of the council's policy for dealing with the press/media	64-66
(l) Determining the time and place of ordinary meetings of the full council up to and including the next annual meeting of full council	
11. <u>Clerk's Report</u>	
(a) Risk Register 2018/19 – for approval	67-71
(b) Annual Governance Statement & Accounts:	
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iii. Financial Statements & supporting schedules	79-81
iv. Date for commencement of Period for the Exercise of Public Rights	82-84
v. Earmarked Reserves	85
(c) Review and re-approval of current Direct Debits:	
i. South West Water	
ii. Safe custody – Deed Store	
iii. Information Commissioner	
iv. NEST – Pension Provider	
(d) Review of bank mandate – to remove R. Sargeant and add new signatory.	

- (e) Allotments Inspection of 29th April and approval of recommendations 86

12. Finance Report

- (a) Payment Schedule for approval
- (b) Receipts
- (c) Bank Reconciliations
- (d) Budget Monitoring Report

13. Neighbourhood Development Plan

- (i) Update on roll out of Pre-Submission Consultation invitations under Regulation 14.
- (ii) Affordable Housing Plan – Update on Call for Land

14. Exclusion of the Press & Public

To consider passing the following resolution: that under Section 1 (2) of the Public Bodies (Admission to Meetings) Act 1960, it is proposed that, because of the confidential nature of the business to be transacted, the public and press be excluded from the meeting for the business specified in the following item.

- (a) To discuss recommendations of the Community Governance Review Working Party

15. Highways

16. Correspondence

17. Agenda Items for Next Meeting

REPORTS FOR INFORMATION

18. Planning & Highways

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19. Correspondence

European Parliamentary Election, 23 May, 2019 - Notice of election for the South West electoral region – Timetable – List of Candidates

Royal Cornwall Hospitals – One + All News, special edition 2019

LUDGVAN PARISH COUNCIL

Chairman:

Councillor Roy Mann

Clerk to the Council:

Joan Beveridge

The Old Mill,

Nancledra,

Penzance,

Cornwall TR20 8NA

(01736) 740922

clerk@ludgvan.org.uk

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MINUTES OF THE MONTHLY MEETING OF THE PARISH COUNCIL HELD ON WEDNESDAY 10th APRIL, 2019, IN THE LUDGVAN OASIS CHILD CARE CENTRE, LOWER QUARTER, LUDGVAN.

PRESENT: Councillors: Roy Mann (Chair); C Cartwright; S Miucci; J Munday; M Parker; C Price-Jones; R Sargeant; M Squire; M Taylor; L Trudgeon.

IN ATTENDANCE: Joan Beveridge (Clerk)

LPC 898 Apologies for absence

Apologies were received from Councillor Simon Elliott.

LPC 899 Declarations of interest in Items on the Agenda

Cllr. Trudgeon re 8(a) on the Agenda; PA19/01734.

LPC 900 Dispensations

None.

LPC 901 Presentation on Dementia Awareness by Graham Carter, Chair of the Penwith Dementia Action Alliance

Mr Carter talked about the issues people with dementia and their carers face in daily life, the signposting the Alliance offers for carers and its work to engage Supermarkets in providing dementia-friendly services. He noted that Cornwall has fallen to the bottom of the list for diagnosis rates.

LPC 902 Public Participation Period

Five members of the public attended. Potholes outside Boskennal Cottage on Blowing House Hill were reported and the Clerk requested to put in a complaint through the Cornwall Council Report It page. The difficulties of finding/reading Council minutes in the Crowlas notice board boxes was raised, due to later notices being pinned on top. Objections were given re PA19/01725 and PA19/01249.

The following Agenda item was brought forward:

LPC 903 Cornwall Council – Planning Applications - For decision;

The Council's resolutions are shown in **BOLD** below:

Cllr. Trudgeon left the room.

- (a) PA19/01734 – Construction of 6 dwelling houses (3 affordable), access road, landscaping, community gardens, associated works – Land Rear To Louraine House A30 Between Rospeath Lane & Cockwells Crowlas TR20 8DS – Mrs L Trudgeon – **No objection, subject to Highways' agreement.**

Cllr. Trudgeon rejoined the meeting.

- (b) PA19/01814 – Outline planning permission with some matters reserved for the erection of an unrestricted dwelling house and a septic tank. – Land Rear Of Treas Lew Gilly Lane Whitecross Cornwall TR20 8BZ – Mr R P Humpleby – **No objections.**
- (c) PA19/01725 – Retention of existing structural post and proposed extension to balcony – Tregarthen Barn Tregarthen Farm Tregarthen Long Rock Penzance Cornwall TR20 8YH – Mr & Mrs Richards – **Council objects on the same grounds as before, namely that it is not in keeping with the existing building, loss of privacy & overlooking.**
- (d) PA19/01249 – Submission of reserved matters (access, appearance, landscaping, layout and scale) following outline approval PA17/08019 for 2 new houses – Land NE Of Ludgvan House Blowing House Hill Ludgvan TR20 8EG – Mr P O'Neil – **Council objects, as the reasons for previous objections have not been addressed regarding drainage and over-looking.**
- (e) PA19/02663 – Certificate of lawfulness for existing of Use of land as garden for property in excess of 10 years – Whitecroft Gilly Lane Whitecross Cornwall TR20 8BZ – Mr & Mrs Veal – **No comment.**

LPC 904 Councillor Reports

(a) ***Cornwall Councillor Simon Elliott:***

A written report was circulated to all Councillors before the meeting, covering: the use of highways and pavements by garages; the disappointing refusal by Planning Committee of the Tremenheere Sculpture Garden's application and the Governance review of boundaries.

(b) ***Chair:***

- (i) Attended the turf cutting ceremony for the Heliport.
- (ii) Reported on new waste/recycling contract. Household bins will be replaced next year with smaller bins. Collections will alternate fortnightly between household waste and recycling.
- (iii) Attended Community Network on boundary review.
- (iv) Attended quarry meeting. Quarry supplying the rock armour for Long Rock necessitating 6 loads per day through Gulval in specialised lorries.

(c) ***Other Councillors:***

- (i) Cllr. Miucci reported concerns re lack of A30 pedestrian crossings at Whitecross and local requests for a traffic island like the one at Canonstown. It was agreed to refer the matter to Cllr. Elliott as Cornwall Councillor. The Clerk was instructed to write to Highways England.
- (ii) Cllr. Squire requested Council's concerns be recorded in relation to the dangers to pedestrians outside the Leonard Cheshire Home caused by parked vehicles forcing wheelchair users into the road. Council has submitted an application to the Highways Scheme through the Community Network to address the issue but it is yet to make its way to the top of the list.
- (iii) Cllr. Sargeant reiterated his concern re Higher Georgia track, reported that Nigel Honess, a former Councillor, is to be presented with a Civic Award and announced his intention to resign from Council at the end of the meeting. Cllr. Trudgeon thanked Cllr. Sargeant, for all his work over many years on behalf of Council.

LPC 905 Minutes of the Parish Council Meeting on Wednesday 13th March, 2019

The minutes were **approved as a true and correct record of the meeting and duly signed by the Chairman.**

LPC 906 Clerks Report

- (a) Clerk's Annual Salary Increment – it was **RESOLVED to approve the increase from SCP 24 to SCP 25.**
- (b) AGAR – it was **RESOLVED to reappoint David Gallie as Internal Auditor.**
- (c) LMP – it was **RESOLVED to reappoint Henry Rich as contractor.**
- (d) Defibrillator Training – funded by Community Chest 2017/18. This event took place on 30th March, was well attended and very well received by attendees. The trainer has offered to run a similar event in future.
- (e) Website – Council discussed concerns regarding the appearance, usability and maintenance costs of the current website. It was **RESOLVED to develop a new website over the next six months in-house and renegotiate the current contract to conclude at the end of this period, subject to the agreement of the provider.**
- (f) Council Smartphone – following discussion Council concluded that redirecting emails to the Chair in the Clerk's absence would be preferable to a Smartphone.
- (g) Community Emergency Plan – it was **RESOLVED to submit four ward applications to the Cornwall Council's Community Emergency Plan Grant Fund.** Further to Arthur Roberts' invitation last month to Councillors to visit the Bunker; the control centre for emergencies, the Clerk is to liaise with the Madron Parish Clerk to arrange a date and minibus.
- (h) Community Chest 2019/20 – it was **RESOLVED to submit an application that, together with funding raised from the Community Chest 2018/19, would fund the picnic tables for Long Rock beach.**
- (i) Cornwall Council Legal Services – it was **RESOLVED not to take up the service offer.**

LPC 907 Finance Report

It was **RESOLVED that:**

- (a) (i) **the Payment Schedule ending 31st March, 2019 totalling £7,811.59 (appended) be approved for payment and be duly signed by the Chairman;**
- (ii) **the Payment Schedule commencing 1st April, 2019 totalling £5,209.80 (appended) be approved for payment and be duly signed by the Chairman;**
- (b) **receipts for March, 2019 totalling £1,344 be noted;**
- (c) **the bank reconciliation be noted;**
- (d) **the budget monitoring report be noted.**

LPC 908 Community Governance Review

- (i) Following discussion, it was **RESOLVED to set up a working party.** The following members were elected: Cllr. Mann, Cllr. Elliott, Cllr. Taylor and Cllr. Price-Jones. Having requested further guidance from the Community Link Officer on procedure, the Clerk to arrange a meeting date.
- (ii) It was agreed that the Clerk should reply to Towednack's recent communication and request a map of their proposed boundary change.

LPC 909 Neighbourhood Development Plan

- (i) Pre-Submission Consultation under Regulation 14 – invitations to comment on the Pre-Submission Plan have been sent out to Agencies, neighbouring Parishes and partner organisations, hard copies of the Plan have been made available at key venues, notices put up on the noticeboards with copy and an advert placed in the Cornishman.
- (ii) Affordable Housing Plan – following the Call for Land, Cllr. Price-Jones has arranged a further meeting with CCLT.

LPC 910 Long Rock Memorial Hall

An application has been submitted to Cornwall Council's CNA SOS volunteering scheme by Council, to clear the site of vegetation.

LPC 911 Standing Orders

It was **RESOLVED to adopt the revised Standing Orders, reviewed and agreed at the March meeting.**

LPC 912 Highways

Illegal parking of vehicles on yellow lines and near junctions is an increasing issue, due to lack of law enforcement. It was agreed to approach the Community Network to request allocation of Penzance enforcement officers' time to visit target areas.

LPC 913 Correspondence

- (i) Merchant Navy Day – no suitable sites could be identified to fly the Red Ensign.
- (ii) Community Service Review – NHS Kernow's offer to attend a meeting was not taken up.

LPC 914 Agenda Items for Next Meeting

None.

PAYMENTS FOR APPROVAL:

DATE: 10 April, 2019

Ref:	Payee	Description	Cheque No:	NET	VAT	TOTAL
01	SLCC	Training: Procurement	3320	85		85.00
02	SW Water	Long Rock Allotments	DD01	100.03		100.03
03	South West Water	CH Allotments	DD02	374.24		374.24
04	South West Water	St Paul's Graveyard	DD03	15.51		15.51
05	MH-P	Website maintenance	3221	750	150	900
06	Cornwall ALC Ltd	Annual Subscription	3222	893.02	119.04	1,012.06
07	SLCC	Annual Membership	3223	196		196
08	Ian Raggett	Trainer: Defibrillation	3224	300		300
09	Apex Tree Services	Tree surgery to Amenity Garden	3225	270		270
10	Viking Direct	Printer Toner	3226	44.57	8.91	53.48
11	Viking Direct	Printer Toner & Timer	3227	50.93	10.19	61.12
12	M J Beveridge	Clerk's salary: £1,346.01				
		Office costs: £18.00				
		Mileage: £129.15				
		Tel Calls: £4.19				
		Postage: £1.40				
		TOTAL:	3228	1,498.75		1,498.75
13	HMRC	Clerk's PAYE: £220.58				
		Clerk's NI: £123.03				
		TOTAL:	3229	343.61		343.61
		GRAND TOTALS:		<u>4,921.66</u>	<u>288.14</u>	<u>5,209.80</u>

SIGNED:

CHAIRMAN

DATE: 10th April, 2019

LUDGVAN PARISH COUNCIL

ACCOUNTS & AUDIT WORKING PARTY:

TERMS OF REFERENCE:

The Working Party will meet as and when required and its membership and terms of reference will be reviewed at each Annual Meeting of the Council.

Its duties and responsibilities will encompass the following:

1. To review and make recommendations to Council in respect of the charges made for Council services.
2. To formulate budget proposals by the end of November each year to allow Council to set the Precept.
3. To make recommendations in respect of the appointment of the Council's internal auditor.
4. To assess the impact on legislative changes affecting local government finance and report back to Council.
5. To review the councils risk assessment and Health & Safety Policy Statement on an annual basis and report back to Council.
6. To review and advise the Council on the adequacy of insurance cover and the sums insured.

LUDGVAN PARISH COUNCIL

EMPLOYMENT COMMITTEE:

TERMS OF REFERENCE:

The Committee will meet as and when required and its membership and terms of reference will be reviewed at each Annual Meeting of the Council.

Its duties and responsibilities will encompass the following:

1. To act as the Council's Disciplinary Panel
2. To act as the Council's Grievance Panel
3. To assess and report to Council, with recommendations, as appropriate, in respect of any employment or employment law related issue that may arise which affects the Council or its employees.

LUDGVAN PARISH COUNCIL

ALLOTMENT WORKING PARTY

TERMS OF REFERENCE

GENERAL:

- To act as a consultative and advisory body to the Parish Council on any matter affecting the provision of allotments in the Parish.

SPECIFIC:

- To review the tenancy agreement currently in place in the light of current best practice and make recommendations to the Parish Council regarding any changes that may be considered necessary.
- To develop policies in respect of those tenancy agreement clauses that may require interpretation and submit them to the Parish Council for adoption.
- To develop any other policies that are required and submit them to the Parish Council for adoption.
- To assess any maintenance requirements at the allotment sites and to produce an annual maintenance programme for the Parish Council to consider.
- To comment on any proposed rent increases proposed by the Parish Council.
- To act as arbiter, in the first instance, if there are disputes between tenants that have not been resolved by mediation. The Parish Council would act as an Appeal Body in these instances.
- To assess the impact of new legislation, Government or Cornwall Council policies that may impact on the provision of allotments in the Parish and make recommendations to the Parish Council as appropriate.
- To develop an inspection regime with associated remedial actions to ensure that plots are well maintained.
- To investigate and implement best practice where applicable and appropriate.

LUDEVAN PARISH COUNCIL - NEIGHBOURHOOD DEVELOPMENT PLAN COMMITTEE

TERMS OF REFERENCE

1. PREAMBLE

In any instance where these Terms of Reference are silent the Council's Standing Orders will apply.

The Committee will sit until the Neighbourhood Development Plan (NDP) has gone to referendum after which the Committee will be disbanded.

2. MEMBERSHIP

The Committee will consist of:

- 5 Councillors appointed by Council;
- 7 Non Councillors appointed by co-option.

3. CHAIR

A Chair and Vice Chair should be elected at the first meeting, they need not be Councillors.

4. TERM OF OFFICE

Councillors appointed to the Committee will only be re-appointed at the Annual Meeting following an election, or as required should there be resignations.

Non Councillors will sit on the Committee until it is disbanded.

5. VOTING RIGHTS

Decisions should, whenever possible, be made by consensus, if that is not possible and a vote is required only Councillors may vote as by virtue of s.13(1) and (7) of the Local Government and Housing Act 1989, non-councillor members of committees and sub-committees do not have voting rights.

In the event of a tied vote the matter will be referred to Full Council.

6. DELEGATED POWERS

The powers delegated to the Committee are as follows:

- a) to recommend to Council a Project Plan to deliver the NDP by the end of 2017 giving due regard to the work already undertaken;
- b) to engage with the public, relevant experts and other interested parties as necessary to ensure that the NDP is delivered in accordance with the agreed Project Plan;
- c) to recommend to Council draft policies for inclusion in the NDP;
- d) to draft a NDP and all required supporting documentation that will meet both the Basic Conditions and Legal Requirements as set out in Legislation for approval by Council prior to submission;
- e) to submit grant claims to support NDP activities;
- f) to approve expenditure from the NDP budget provided by Council;
- g) to set up and receive reports from any Advisory Working Parties deemed necessary to deliver the NDP.

7. ADVISORY WORKING PARTIES

Advisory Working Parties (AWP's) can be formed to deal with detailed issues. Previously groups dealing with Housing, the Natural Environment & Transport, Roads, Traffic & Infrastructure were in place.

AWP's may consist of Councillors and/or non-Councillors (not necessarily NDP Committee Members) and meet as required. They would have no decision making powers and would report their findings and suggestions to the NDP Committee for approval.

For the avoidance of doubt there is no need for AWP's to meet in public.

8. MEETINGS

The conduct of meetings will be governed by the Standing Orders of the Council other than:

- a. normally meetings will be held at 7pm on the first Tuesday of each month;
- b. the public participation period shall be 10 minutes at the start of the meeting (if required);
- c. individual members of the public will be limited to 2 minutes each;
- d. a quorum (of councillors) shall be 3 and for the meeting as a whole 5;
- e. should the meeting be inquorate in respect of Councillors discussions can be held but any decisions would take the form of recommendations to the next Council meeting.

9. MINUTES

Minutes will be reported to the next meeting of Council and will be approved by vote at the subsequent meeting of the Committee and be published on the Council's website.

10. CODE OF CONDUCT

The Code of Conduct (the Code) applies to all Councillors and it is a requirement, in the interest of transparency, that all non-Councillor Members of the Committee will complete a declaration of interests and will abide by the Code.

Code of Conduct complaints against Councillors will be dealt with by the Monitoring Officer at Cornwall Council.

Complaints against non-Councillors will be dealt with by the Council and could result in the expulsion of the non-Councillor from the Committee.

11. RELATIONS WITH THE PRESS & OTHER [INCLUDING SOCIAL] MEDIA

All media statements must be authorised by full Council and made either by or in the name of the Chair of the Council.

Committee members should not make statements that either purport to be or could be construed as being made on behalf of the Committee or Council.

Failure to comply with these rules may lead to expulsion from the Committee.

MEMBERSHIP OF LUDGVAN PARISH COUNCIL COMMITTEES AND WORKING PARTIES AT MAY 2019

Accounts & Audit Working Party

Councillor R. Mann (Chair)
Councillor S. Elliott
Councillor L. Trudgeon

Employment Committee

Councillor R. Mann (Chair)
Councillor M. Squire
Councillor L. Trudgeon

Allotments Working Party

Councillor C. Price-Jones (Chair)
Mr M. Brownfield
Mr G. Grenfell
Mr B. Hulks
Councillor S. Miucci
Councillor L. Trudgeon
Mr C. Rodda
Mr S. Wilson

Neighbourhood Plan Committee

Graham Carter (Chair)
Councillor S. Elliott
Councillor R. Mann
Mr Daniel McNaughton
Councillor S. Miucci
Mr Leon Miucci
Councillor C. Price-Jones



LUDGVAN PARISH COUNCIL

PART I

STANDING ORDERS

ADOPTED 10th April, 2019

Minute Ref: LPC 911

**National Association of Local Councils (NALC)
109 Great Russell Street
London
WC1B 3LD**

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1. **RULES OF DEBATE AT MEETINGS**

- a Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chairman of the meeting.
- b A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- c A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.
- d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- e An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- f If an amendment to the original motion is carried, the original motion (as amended) becomes the substantive motion upon which further amendment(s) may be moved.
- g An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the chairman of the meeting, is expressed in writing to the chairman.
- h A councillor may move an amendment to his own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- i If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chairman of the meeting.
- j Subject to standing order 1(k), only one amendment shall be moved and debated at a time, the order of which shall be directed by the chairman of the meeting.
- k One or more amendments may be discussed together if the chairman of the meeting considers this expedient but each amendment shall be voted upon separately.
- l A councillor may not move more than one amendment to an original or substantive motion.
- m The mover of an amendment has no right of reply at the end of debate on it.
- n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate on the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.

- o Unless permitted by the chairman of the meeting, a councillor may speak once in the debate on a motion except:
 - i. to speak on an amendment moved by another councillor;
 - ii. to move or speak on another amendment if the motion has been amended since he last spoke;
 - iii. to make a point of order;
 - iv. to give a personal explanation; or
 - v. to exercise a right of reply.
- p During the debate on a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.
- q A point of order shall be decided by the chairman of the meeting and his decision shall be final.
- r When a motion is under debate, no other motion shall be moved except:
 - i. to amend the motion;
 - ii. to proceed to the next business;
 - iii. to adjourn the debate;
 - iv. to put the motion to a vote;
 - v. to ask a person to be no longer heard or to leave the meeting;
 - vi. to refer a motion to a committee or sub-committee for consideration;
 - vii. to exclude the public and press;
 - viii. to adjourn the meeting; or
 - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.
- s Before an original or substantive motion is put to the vote, the chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.
- t Excluding motions moved under standing order 1(r), the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed 3 minutes without the consent of the chairman of the meeting.

2. DISORDERLY CONDUCT AT MEETINGS

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chairman of the meeting shall request such person(s) to moderate or improve their conduct.
- b If person(s) disregard the request of the chairman of the meeting to moderate or improve their conduct, any councillor or the chairman of the meeting may move that the person be no longer heard or be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c If a resolution made under standing order 2(b) is ignored, the chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

3. MEETINGS GENERALLY

Full Council meetings	●
Committee meetings	●
Sub-committee meetings	●

- a **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.** No one may bring alcohol into the Council chamber for the duration of the meeting.
- b **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- c **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice.**
- d **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
- e Members of the public may make representations during the public participation period, they may answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda at the discretion of the Chairman.
- f The period of time designated for public participation at a meeting in accordance with standing order 3(e) shall not exceed 15 minutes unless

directed by the Chairman of the meeting. At the Chairman's discretion and with the agreement of the council, a member of the public may be invited to answer questions on matters of fact relating to the item under consideration by the Council at that point on the agenda where the matter is being discussed.

- g Subject to standing order 3(f), a member of the public shall not speak for more than 3 minutes.
- h In accordance with standing order 3(e), a question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given.
- i A person shall raise his hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). The chairman of the meeting may at any time permit a person to be seated when speaking.
- j A person who speaks at a meeting shall direct his comments to the chairman of the meeting.
- k Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.
- l **The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
- m **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council (if there is one).**
- n **The Chairman of the Council, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman of the Council (if there is one) if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**
- o **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.**
- p **The chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.**

See standing orders 6(h) and (i) for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the Council.

- q **Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question.** Such a request shall be made before moving to the vote and will be taken in alphabetical order of those present at the meeting and eligible to vote.

- r The minutes of a meeting shall include an accurate record of the following:
 - i. the time and place of the meeting;
 - ii. the names of councillors who are present, the names of councillors who are absent and the names of councillors who have given apologies; (any councillor who has not given their apologies at least 3 hours before the start of the meeting will be recorded as absent);
 - iii. councillors arrival and departures times, if outside the start and closure time of the meeting;
 - iv. interests that have been declared by councillors and non-councillors with voting rights;
 - v. the grant of dispensations (if any) to councillors and non-councillors with voting rights;
 - vi. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
 - vii. if there was a public participation session; and
 - viii. the resolutions made.

- s **A councillor or a non-councillor with voting rights who has a**
 ● **disclosable pecuniary interest or another interest as set out in the**
 ● **Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.**

- t **No business may be transacted at a meeting unless at least one-third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than three.**

See standing order 5d(viii) for the quorum of a committee or sub-committee meeting.

- u **If a meeting is or becomes inquorate no business shall be transacted**
 ● and the meeting shall be closed. The business on the agenda for the
 ● meeting shall be adjourned to another meeting.

- v A meeting shall not exceed a period of 2 hours. The Chairman may request an extension, where necessary.

4. **FILMING AND RECORDING MEETINGS**

- a) When a meeting of the Council, its committees or sub committees is open to the public, any person, if present, may:
 - i) film, photograph or make an audio recording of a meeting;
 - ii) use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later;
 - iii) report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting.
- b) Oral reporting, commentary or broadcasting is not permitted during any part of a meeting of the council, its committees and sub committees.
- c) An individual must be present and able to use their equipment in order to film, photograph or audio record a meeting. There will be no opportunity to report on any part of the meeting where the council has resolved to exclude the press and public.
- d) Disruptive behaviour
 - i) No filming, photographing or audio recording of a meeting should be carried out in such a way as to disrupt the proceedings of the meeting.
 - ii) If person(s) disregard the request of the chairman of the meeting to moderate or improve their behaviour, any councillor or the chairman of the meeting may move that the person be instructed to cease filming, photographing or audio recording. The motion, if seconded, shall be put to the vote without discussion
 - iii) If a resolution under standing order 4 d ii) above is ignored, the chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.
- e) Members of the Council recording meetings are reminded of their obligations under the Council's Code of Conduct in respect of confidential matters.

5. **COMMITTEES AND SUB-COMMITTEES**

- a) **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- b) **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.**
- c) **Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**

- d The Council may appoint standing committees or other committees as may be necessary, and:
 - i. shall determine their terms of reference including the scheme of delegation and the role of Chairman and Vice Chairman as ex officio members with or without voting rights;
 - ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of the Council;
 - iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
 - iv. shall, subject to standing orders 5(b) and (c), appoint and determine the terms of office of members of such a committee;
 - v. may, subject to standing orders 5(b) and (c), appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer 2 days before the meeting that they are unable to attend;
 - vi. shall, after it has appointed the members of a standing committee, appoint the chairman of the standing committee;
 - vii. shall permit a committee other than a standing committee, to appoint its own chairman at the first meeting of the committee;
 - viii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which, in both cases, shall be no less than three;
 - ix. shall determine if the public may participate at a meeting of a committee;
 - x. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
 - xi. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
 - xii. may dissolve a committee or a sub-committee.

6. **ORDINARY COUNCIL MEETINGS**

- a **In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the councillors elected take office.**

- b **In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.**
- c **If no other time is fixed, the annual meeting of the Council shall take place at 7:00pm.**
- d **In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council decides.**
- e **The first business conducted at the annual meeting of the Council shall be the election of the Chairman and Vice-Chairman (if there is one) of the Council.**
- f **The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.**
- g **The Vice-Chairman of the Council, if there is one, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council.**
- h **In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the annual meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but shall give a casting vote in the case of an equality of votes.**
- i **In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the annual meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and shall give a casting vote in the case of an equality of votes.**
- j Following the election of the Chairman of the Council and Vice-Chairman (if there is one) of the Council at the annual meeting, the business of the annual meeting shall include:
 - i. **In an election year, delivery by the Chairman of the Council and councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council of his acceptance of office form unless the Council resolves for this to be done at a later date;**
 - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council;
 - iii. Review of the terms of reference for committees;

- iv. Appointment of members to existing committees;
- v. Appointment of any new committees in accordance with standing order 5;
- vi. Review and adoption of appropriate standing orders and financial regulations;
- vii. Review of representation on or work with external bodies and arrangements for reporting back;
- viii. In an election year, to make arrangements with a view to the Council becoming eligible to exercise the general power of competence in the future;
- ix. Review of inventory of land and other assets including buildings and office equipment;
- x. Confirmation of arrangements for insurance cover in respect of all insurable risks;
- xi. Review of the Council's and/or staff subscriptions to other bodies;
- xii. Review of the Council's complaints procedure;
- xiii. Review of the Council's policies and practices in respect of its obligations under freedom of information and data protection legislation (*see also standing orders 11, 20 and 21*);
- xiv. Review of the Council's policy for dealing with the press/media;
- xv. Review of the Council's employment policies and procedures;
- xvi. Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence.
- xvii. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.

7. EXTRAORDINARY MEETINGS OF THE COUNCIL, COMMITTEES AND SUB-COMMITTEES

- a **The Chairman of the Council may convene an extraordinary meeting of the Council at any time.**
- b **If the Chairman of the Council does not call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting shall be signed by the two councillors.**

- c The chairman of a committee [or a sub-committee] may convene an extraordinary meeting of the committee [or the sub-committee] at any time.
- d If the chairman of a committee [or a sub-committee] does not call an extraordinary meeting within 7 days of having been requested to do so by 2 members of the committee [or the sub-committee], any 2 members of the committee [or the sub-committee] may convene an extraordinary meeting of the committee [or a sub-committee].

8. **PREVIOUS RESOLUTIONS**

- a A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 6 councillors to be given to the Proper Officer in accordance with standing order 10.
- b When a motion moved pursuant to standing order 8(a) has been disposed of, no similar motion may be moved for a further six months.

9. **VOTING ON APPOINTMENTS**

- a Where more than two persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. A tie in votes may be settled by the casting vote exercisable by the chairman of the meeting.
- b Where more than two persons have been nominated for a position to be filled by the Council, the vote will be taken by a written ballot of those members present and eligible to vote. The outcome of the vote will be reported by the Clerk.

10. **MOTIONS FOR A MEETING THAT REQUIRE WRITTEN NOTICE TO BE GIVEN TO THE PROPER OFFICER**

- a A motion shall relate to the responsibilities of the meeting for which it is tabled and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
- b No motion may be moved at a meeting unless it is on the agenda and the

mover has given written notice of its wording to the Proper Officer at least 7 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting, Sundays or Bank Holidays.

- c The Proper Officer may, before including a motion on the agenda received in accordance with standing order 10(b), correct obvious grammatical or typographical errors in the wording of the motion.
- d If the Proper Officer considers the wording of a motion received in accordance with standing order 10(b) is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Proper Officer at least 5 clear days before the meeting.
- e If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chairman of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- f The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- g Motions received shall be recorded and numbered in the order that they are received.
- h Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.
- i A written notice of motion shall not relate to any matter which may be considered under the Council's Code of Conduct, Complaints Procedure or employment policies.

11. **MOTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE**

- a The following motions may be moved at a meeting without written notice to the Proper Officer:
 - i. to correct an inaccuracy in the draft minutes of a meeting;
 - ii. to move to a vote;
 - iii. to defer consideration of a motion;
 - iv. to refer a motion to a particular committee or sub-committee;
 - v. to appoint a person to preside at a meeting;
 - vi. to change the order of business on the agenda;
 - vii. to proceed to the next business on the agenda;

- viii. to require a written report;
- ix. to appoint a committee or sub-committee and their members;
- x. to extend the time limits for speaking;
- xi. to exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest;
- xii. to not hear further from a councillor or a member of the public;
- xiii. to exclude a councillor or member of the public for disorderly conduct;
- xiv. to temporarily suspend the meeting;
- xv. to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements);
- xvi. to adjourn the meeting; or
- xvii. to close the meeting.

12. **MANAGEMENT OF INFORMATION**

See also standing order 21.

- a **The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.**
- b **The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).**
- c **The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.**
- d **Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.**

13. **DRAFT MINUTES**

- Full Council meetings ●
- Committee meetings ●
- Sub-committee meetings ●

- a If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 11(a)(i).
- c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:

“The chairman of this meeting does not believe that the minutes of the meeting of the () held on [date] in respect of () were a correct record but his view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”
- e **If the Council’s gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.**
- f Subject to the publication of draft minutes in accordance with standing order 13(e) and standing order 21(a) and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

14. **CODE OF CONDUCT AND DISPENSATIONS**

General

- a The Council has adopted the Cornwall Code of Conduct for City, Community, Parish and Town Councils which will apply to all councillors and members of the public co-opted to serve on Committees and sub Committees of the Council in respect of the entire meeting.

All interests arising from the Code of Conduct adopted by the Council will be recorded in the minutes giving the existence and nature of the interest.

- b Members must have particular regard to their obligation to record and leave the room for matters in which they have an interest as defined by the Code of Conduct or by relevant legislation.
- c The Council shall maintain for public inspection, a Register of Members' interests that is compliant with the Code of Conduct and with relevant legislation.

Members and the Code of Conduct

- d All councillors and members of the public co-opted to serve on Council committees and sub committees shall observe the Code of Conduct adopted by the Council.
- e All councillors and members of the public co-opted to serve on Council committees and sub committees shall maintain a Register of Disclosable Pecuniary Interests, and must update their register by notifying the Monitoring Officer and the Clerk of any changes within 28 days.
- f All councillors shall undertake training in the code of conduct within 6 months of the delivery of their declaration of acceptance of office.
- g Unless granted a dispensation, a councillor or non-councillor with voting rights who has registered a Disclosable Pecuniary Interest in relation to any item of business being transacted at a meeting, shall leave the room whenever the item is being discussed, including any part of the meeting where the public are entitled to speak.
- h Unless granted a dispensation, a councillor or non-councillor with voting rights who has registered a non-registerable interest in relation to any item of business being transacted at a meeting, shall leave the room whenever the item is being discussed, including any part of the meeting where the public are entitled to speak.
- i Where a non-registerable interest arises from membership of an outside body as defined in 3.5A of the Council's code of conduct, a councillor may remain in the room to address the meeting, provide a short statement and answer questions for no more than three (3) minutes before leaving the room at the request of the Chairman.
- j A councillor may not accept any gifts or hospitality that could be seen by the public as likely to influence his judgement in relation to any matter dealt with in his official capacity. There is no requirement to register or declare any gifts or hospital which has been offered or received.
- k A Member of the Council may, for the purposes of his duty as a member but not otherwise, inspect any document which has been considered by a Committee or by the Council. The Proper Officer or Solicitor to the Council may decline to allow inspection of any document which is protected by other

legislation or in the event of legal proceedings would be protected by privilege arising from the relationship of solicitor and client. All Minutes kept for any Committee shall be open for the inspection of any member of the Council during office hours.

Dispensations

- l **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- m A decision as to whether to grant a dispensation shall be made by a meeting of the council, or committee or sub-committee for which the dispensation is required and that decision is final.
- n A dispensation request shall confirm:
 - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
 - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
 - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
- iv. an explanation as to why the dispensation is sought.
- o This policy shall apply to all meetings of the Council, its committees and sub-committees.
- p No dispensation will be awarded for any meeting where there are no minutes of the proceedings.
- q **A dispensation may be granted in accordance with standing order 14(m) if having regard to all relevant circumstances the following applies:**
 - i. **without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or**
 - ii. **granting the dispensation is in the interests of persons living in the council's area or**
 - iii. **it is otherwise appropriate to grant a dispensation.**

15. **CODE OF CONDUCT COMPLAINTS**

- a Notification of any complaint shall remain confidential to the Proper Officer of the Council until such time as the matter has been concluded, when the

outcome of the complaint shall be reported to a meeting of full council.

- b Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman or Vice Chairman of that fact, who, upon receipt of such notification, shall nominate a person to assume the duties of the Proper Officer set out in this standing order, and who shall continue to act in respect of that matter as such until the complaint is resolved.
- c Where a notification relates to a complaint made by an employee (not being the Proper Officer) the Proper Officer shall ensure that the employee in question does not deal with any aspect of the complaint.
- d The Council may:
 - i. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
 - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter.
- e References to a notification shall be taken to refer to a communication of any kind which relates to a breach or an alleged breach of the code of conduct by a councillor.
- ƒ **Upon notification by Cornwall Council that a councillor or non-councillor with voting rights has breached the council's code of conduct, the council shall consider any recommendations and what, if any, action to take against him. Such action excludes disqualification or suspension from office and shall be limited to those sanctions recommended by the Monitoring Officer as part of the Decision Notice.**

16. **PROPER OFFICER**

a The Proper Officer shall be the clerk.

b The Proper Officer shall:

- i. **at least three clear days before a meeting of the council, a committee or a sub-committee,**
 - **serve on councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email), and**
 - **Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**

See standing order 3(b) for the meaning of clear days for a meeting of a full council and standing order 3(c) for the meaning of clear days for a meeting of a committee;

- ii. subject to standing order 10, include on the agenda all motions in the order received unless a councillor has given written notice at least 4 days before the meeting confirming his withdrawal of it;
- iii. **convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
- iv. **facilitate inspection of the minute book by local government electors;**
- v. **receive and retain copies of byelaws made by other local authorities;**
- vi. hold acceptance of office forms from councillors;
- vii. hold a copy of every councillor's register of interests;
- viii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's policies and procedures;
- ix. liaise, as appropriate, with the Council's Data Protection Officer (if there is one);
- x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- xi. assist in the organisation of, storage of, access to, security of and

destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);

- xii. arrange for legal deeds to be executed;
(see also *standing order 24*);
- xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- xiv. record every planning application notified to the Council and the Council's response to the local planning authority;
- xv. refer a planning application received by the Council to the Chairman or in his absence the Vice-Chairman (if there is one) of the Council within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of [the Council];
- xvi. manage access to information about the Council via the publication scheme; and
- xvii. retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect.
(see also *standing order 24*).

17. **RESPONSIBLE FINANCIAL OFFICER**

- a When the Responsible Financial Officer is absent, the Council will appoint a member to an unpaid post to undertake the work of the Responsible Financial Officer if required.

18. **ACCOUNTS AND ACCOUNTING STATEMENTS**

- a "Proper practices" in standing orders refer to the most recent version of "Governance and Accountability for Local Councils – a Practitioners' Guide".
- b All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's financial regulations.
- c The Responsible Financial Officer shall supply to each councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:

- i. the Council's receipts and payments (or income and expenditure) for each quarter;
 - ii. the Council's aggregate receipts and payments (or income and expenditure) for the year to date;
 - iii. the balances held at the end of the quarter being reported and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
- d As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
 - i. each councillor with a statement summarising the Council's receipts and payments (or income and expenditure) for the last quarter and the year to date for information; and
 - ii. to the Council the accounting statements for the year in the form of Section 2 of the annual governance and accountability return, as required by proper practices, for consideration and approval.
- e The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments, or income and expenditure) for the year to 31 March. A completed draft annual governance and accountability return shall be presented to councillors at least 14 days prior to anticipated approval by the Council. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30 June.

19. **FINANCIAL REGULATIONS**

The Council has established Financial Regulations for the governance and management of its finances and to meet the requirements of the audit and accountability regime in place at the time. These are attached as Part II of these Standing Orders.

- a All payments by the council shall be authorised, approved and paid in accordance with the law, proper practices and the council's financial regulations.
- b The Council's proper practices will be in accordance with the most recent JPAG guidance.

20. **HANDLING STAFF MATTERS**

- a A matter personal to a member of staff that is being considered by a meeting of Council OR the Employment Committee is subject to standing order 12.
- b Subject to the Council's policies regarding the handling of performance, capability and disciplinary matters, the Council's most senior staff member (or other member of staff) shall contact the Chairman of the Employment Committee or in their absence the Vice Chairman of the Employment Committee in respect of an informal or formal matter and this shall be reported back and progressed by resolution of the Employment Committee in accordance with its terms of reference.
- c Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the chairman of the Employment Committee or, if he is not available, the vice-chairman (if there is one) of the Employment Committee of absence occasioned by illness or other reason and that person shall report such absence to the Employment Committee or Council at its next meeting.
- d The chairman of the Employment Committee or in his absence, the vice-chairman shall upon a resolution conduct a review of the performance and annual appraisal of the work of the Clerk. The reviews and appraisal shall be reported in writing and are subject to approval by resolution by the Employment Committee.
- e Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior member of staff (or other members of staff) shall contact the chairman of the Employment Committee or in his absence, the vice-chairman of the Employment Committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Employment Committee.
- f Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the Clerk relates to the chairman or vice-chairman of the Employment Committee, this shall be communicated to another member of the Council, which shall be reported back and progressed by resolution of the Council.
- g In accordance with standing order 12(a) the council will identify two persons with line management responsibilities who may have access to staff records referred to in standing order 20 (f).

21. **RESPONSIBILITIES TO PROVIDE INFORMATION**

See also standing order 22.

- a **In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.**

22. **RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION**

(Below is not an exclusive list).

See also standing order 12.

- a The Council may appoint a Data Protection Officer.
- b **The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.**
- c **The Council shall have a written policy in place for responding to and managing a personal data breach.**
- d **The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.**
- e **The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.**
- f **The Council shall maintain a written record of its processing activities.**

23. **RELATIONS WITH THE PRESS/MEDIA**

- a Requests from the press or other media for an oral or written comment or statement from the Council, its councillors or staff shall be handled in accordance with the Council's policy in respect of dealing with the press and/or other media.

24. **EXECUTION AND SEALING OF LEGAL DEEDS**

See also standing orders 16(b)(xii) and (xvii).

- a A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.

Subject to standing order 24(a), any two councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.

25. **COMMUNICATING WITH UNITARY COUNCILLORS**

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward councillor(s) of the Unitary Council representing the area of the Council.
- b Unless the Council determines otherwise, a copy of relevant correspondence sent to the Unitary Authority shall be sent to the divisional councillor(s) representing the area of the Council.
- c At the Chairman's discretion and with the approval of the council, a divisional member may be invited to speak during any item on the agenda to make a short statement and answer any questions, for no more than three (3) minutes.

26. **RESTRICTIONS ON COUNCILLOR ACTIVITIES**

- a. Unless duly authorised, no councillor shall:
 - i. inspect any land and/or premises which the Council has a right or duty to inspect; or
 - ii. issue orders, instructions or directions.
 - iii. incur any expenditure on behalf of the council or issue an instruction to incur expenditure.

27. **STANDING ORDERS GENERALLY**

- a All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b A motion to add to or vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least 2 councillors to be given to the Proper Officer in accordance with standing order 10.
- c The Proper Officer shall provide a copy of the Council's standing orders to a councillor as soon as possible.
- d The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.



LUDGVAN PARISH COUNCIL

PART II

FINANCIAL REGULATIONS

ADOPTED 2019

Minute Ref: LPC

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1. GENERAL

- 1.1. These financial regulations govern the conduct of financial management by the council and may only be amended or varied by resolution of the council. Financial regulations are one of the council's three governing policy documents providing procedural guidance for members and officers. Financial regulations must be observed in conjunction with the council's standing orders and any individual financial regulations relating to contracts.
- 1.2. The council is responsible in law for ensuring that its financial management is adequate and effective and that the council has a sound system of internal control which facilitates the effective exercise of the council's functions, including arrangements for the management of risk.
- 1.3. The council's accounting control systems must include measures:
 - for the timely production of accounts;
 - that provide for the safe and efficient safeguarding of public money;
 - to prevent and detect inaccuracy and fraud; and
 - identifying the duties of officers.
- 1.4. These financial regulations demonstrate how the council meets these responsibilities and requirements.
- 1.5. At least once a year, prior to approving the Annual Governance Statement, the council must review the effectiveness of its system of internal control which shall be in accordance with proper practices.
- 1.6. Deliberate or wilful breach of these Regulations by an employee may give rise to disciplinary proceedings.
- 1.7. Members of Council are expected to follow the instructions within these Regulations and not to entice employees to breach them. Failure to follow instructions within these Regulations brings the office of councillor into disrepute.
- 1.8. The Responsible Financial Officer (RFO) holds a statutory office to be appointed by the council. The Clerk has been appointed as RFO for this council and these regulations will apply accordingly.
- 1.9. 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 accounting control systems;

- ensures the accounting control systems are observed;
 - maintains the accounting records of the council up to date in accordance with proper practices;
 - assists the council to secure economy, efficiency and effectiveness in the use of its resources; and
 - produces financial management information as required by the council.
- 1.10. The accounting records determined by the RFO shall be sufficient to show and explain the council's transactions and to enable the RFO to ensure that any income and expenditure account and statement of balances, or record of receipts and payments and additional information, as the case may be, or management information prepared for the council from time to time comply with the Accounts and Audit Regulations.
- 1.11. The accounting records determined by the RFO shall in particular contain:
- entries from day to day of all sums of money received and expended by the council and the matters to which the income and expenditure or receipts and payments account relate;
 - a record of the assets and liabilities of the council; and
 - wherever relevant, a record of the council's income and expenditure in relation to claims made, or to be made, for any contribution, grant or subsidy.
- 1.12. The accounting control systems determined by the RFO shall include:
- procedures to ensure that the financial transactions of the council are recorded as soon as reasonably practicable and as accurately and reasonably as possible;
 - procedures to enable the prevention and detection of inaccuracies and fraud and the ability to reconstruct any lost records;
 - identification of the duties of officers dealing with financial transactions and division of responsibilities of those officers in relation to significant transactions;
 - procedures to ensure that uncollectable amounts, including any bad debts are not submitted to the council for approval to be written off except with the approval of the RFO and that the approvals are shown in the accounting records; and
 - measures to ensure that risk is properly managed.
- 1.13. The council is not empowered by these Regulations or otherwise to delegate certain specified decisions. In particular any decision regarding:
- setting the final budget or the precept (council tax requirement);

- approving accounting statements;
- approving an annual governance statement;
- borrowing;
- writing off bad debts;
- declaring eligibility for the General Power of Competence; and
- addressing recommendations in any report from the internal or external auditors,

shall be a matter for the full council only.

1.14. In addition the council must:

- determine and keep under regular review the bank mandate for all council bank accounts;
- approve any grant or a single commitment in excess of £5,000; and
- in respect of the annual salary for any employee have regard to recommendations about annual salaries of employees made by the relevant committee in accordance with its terms of reference.

1.15. In these financial regulations, references to the Accounts and Audit Regulations or 'the regulations' shall mean the regulations issued under the provisions of section 27 of the Audit Commission Act 1998, or any superseding legislation, and then in force unless otherwise specified.

In these financial regulations the term 'proper practice' or 'proper practices' shall refer to guidance issued in *Governance and Accountability for Local Councils - a Practitioners' Guide (England)* issued by the Joint Practitioners Advisory Group (JPAG), available from the websites of NALC and the Society for Local Council Clerks (SLCC).

2. ACCOUNTING AND AUDIT (INTERNAL AND EXTERNAL)

- 2.1. All accounting procedures and financial records of the council shall be determined by the RFO in accordance with the Accounts and Audit Regulations, appropriate guidance and proper practices.
- 2.2. On a regular basis, at least once in each quarter, and at each financial year end, a member other than the Chairman [or a cheque signatory] shall be appointed to verify bank reconciliations (for all accounts) produced by the RFO. The member shall sign the reconciliations and the original bank statements (or similar document) as evidence of verification. This activity shall on conclusion be reported, including any exceptions, to and noted by the council.

- 2.3. The RFO shall complete the annual statement of accounts, annual report, and any related documents of the council contained in the Annual Return (as specified in proper practices) as soon as practicable after the end of the financial year and having certified the accounts shall submit them and report thereon to the council within the timescales set by the Accounts and Audit Regulations.
- 2.4. The council shall ensure that there is an adequate and effective system of internal audit of its accounting records, and of its system of internal control in accordance with proper practices. Any officer or member of the council shall make available such documents and records as appear to the council to be 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 for that purpose.
- 2.5. The internal auditor shall be appointed by and shall carry out the work in relation to internal controls required by the council in accordance with proper practices.
- 2.6. The internal auditor shall:
- be competent and independent of the financial operations of the council;
 - report to council in writing, or in person, on a regular basis with a minimum of one annual written report during each financial year;
 - to demonstrate competence, objectivity and independence, be free from any actual or perceived conflicts of interest, including those arising from family relationships; and
 - have no involvement in the financial decision making, management or control of the council.
- 2.7. Internal or external auditors may not under any circumstances:
- perform any operational duties for the council;
 - initiate or approve accounting 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.
- 2.8. For the avoidance of doubt, in relation to internal audit the terms 'independent' and 'independence' shall have the same meaning as is described in proper practices.
- 2.9. 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 statements of account required by Audit Commission Act 1998, or any superseding legislation, and the Accounts and Audit Regulations.
- 2.10. The RFO shall, without undue delay, bring to the attention of all councillors any correspondence or report from internal or external auditors.

3. ANNUAL ESTIMATES (BUDGET) AND FORWARD PLANNING

- 3.1. Each committee (if any) shall review its three year forecast of revenue and capital receipts and payments. Having regard to the forecast, it shall thereafter formulate and submit proposals for the following financial year to the council not later than the end of November each year including any proposals for revising the forecast.
- 3.2. The RFO must each year, by no later than December, prepare detailed estimates of all receipts and payments including the use of reserves and all sources of funding for the following financial year in the form of a budget to be considered by the Accounts & Audit committee and the council.
- 3.3. The council shall consider annual budget proposals in relation to the council's three year forecast of revenue and capital receipts and payments including recommendations for the use of reserves and sources of funding and update the forecast accordingly.
- 3.4. The council shall fix the precept (council tax requirement), and relevant basic amount of council tax to be levied for the ensuing financial year not later than by the end of January each year. The RFO shall issue the precept to the billing authority and shall supply each member with a copy of the approved annual budget.
- 3.5. The approved annual budget shall form the basis of financial control for the ensuing year.

4. BUDGETARY CONTROL AND AUTHORITY TO SPEND

- 4.1. Expenditure on revenue items may be authorised up to the amounts included for that class of expenditure in the approved budget. This authority is to be determined by:
 - the council for all items over £5,000;
 - the Clerk, in conjunction with Chairman of Council or Chairman of the appropriate committee, for any items below £500.
 - the Clerk for items below £250 from the Office Costs budget

Such authority is to be evidenced by a minute or by an authorisation slip or Purchase Order duly signed by the Clerk, and where necessary also by the Chairman.

Contracts may not be disaggregated to avoid controls imposed by these regulations.

- 4.2. No expenditure may be authorised that will exceed the amount provided in the revenue budget for that class of expenditure other than by resolution of the council, or duly delegated committee. During the budget year and with the approval of council having considered fully the implications for public services, unspent and available

amounts may be moved to other budget headings or to an earmarked reserve as appropriate ('virement').

- 4.3. Unspent provisions in the revenue or capital budgets for completed projects shall not be carried forward to a subsequent year.
- 4.4. The salary budgets are to be reviewed at least annually in October for the following financial year and such review shall be evidenced by a hard copy schedule signed by the Clerk and the Chairman of Council or relevant committee. The RFO will inform committees of any changes impacting on their budget requirement for the coming year in good time.
- 4.5. In cases of extreme risk to the delivery of council services, the clerk may authorise revenue expenditure on behalf of the council which in the clerk's judgement it is necessary to carry out. Such expenditure includes repair, replacement or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of £500. The Clerk shall report such action to the chairman as soon as possible and to the council as soon as practicable thereafter.
- 4.6. No expenditure shall be authorised in relation to any capital project and no contract entered into or tender accepted involving capital expenditure unless the council is satisfied that the necessary funds are available and the requisite borrowing approval has been obtained.
- 4.7. All capital works shall be administered in accordance with the council's standing orders and financial regulations relating to contracts.
- 4.8. The RFO shall regularly provide the council with a statement of receipts and payments to date under each head of the budgets, comparing actual expenditure to the appropriate date against that planned as shown in the budget. These statements are to be prepared at least at the end of each financial quarter and shall show explanations of material variances. For this purpose "material" shall be in excess of 15% of the budget.
- 4.9. Changes in earmarked reserves shall be approved by council as part of the budgetary control process.

5. BANKING ARRANGEMENTS AND AUTHORISATION OF PAYMENTS

- 5.1. The council's banking arrangements, including the bank mandate, shall be made by the RFO and approved by the council; banking arrangements may not be delegated to a committee. They shall be regularly reviewed for safety and efficiency.
- 5.2. The RFO shall prepare a schedule of payments requiring authorisation, forming part of the Agenda for the Meeting and, together with the relevant invoices, present the schedule to council. The council shall review the schedule for compliance and, having satisfied itself shall authorise payment by a resolution of the council. The

approved schedule shall be ruled off and initialled by the Chairman of the Meeting. A detailed list of all payments shall be disclosed within or as an attachment to the minutes of the meeting at which payment was authorised. Personal payments (including salaries, wages, expenses and any payment made in relation to the termination of a contract of employment) may be summarised to remove public access to any personal information.

- 5.3. All invoices for payment shall be examined, verified and certified by the RFO to confirm that the work, goods or services to which each invoice relates has been received, carried out, examined and represents expenditure previously approved by the council.
- 5.4. The RFO shall examine invoices for arithmetical accuracy and analyse them to the appropriate expenditure heading. The RFO shall take all steps to pay all invoices submitted, and which are in order, at the next available council meeting.
- 5.5. The Clerk and RFO shall have delegated authority to authorise the payment of items only in the following circumstances:
 - a) If a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998, and the due date for payment is before the next scheduled Meeting of council, where the Clerk and RFO certify 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;
 - b) An expenditure item authorised under 5.6 below (continuing contracts and obligations) provided that a list of such payments shall be submitted to the next appropriate meeting of council; or
 - c) 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 [or finance committee].
- 5.6. For each financial year the Clerk and RFO shall draw up a list of due payments which arise on a regular basis as the result of a continuing contract, statutory duty, or obligation (such as but not exclusively) Salaries, PAYE and NI, Superannuation Fund and regular maintenance contracts and the like for which council may authorise payment for the year provided that the requirements of regulation 4.1 (Budgetary Controls) are adhered to, provided also that a list of such payments shall be submitted to the next appropriate meeting of council.
- 5.7. A record of regular payments made under 5.6 above shall be drawn up and be signed by two members on each and every occasion when payment is authorised - thus controlling the risk of duplicated payments being authorised and/or made.
- 5.8. In respect of grants a duly authorised committee shall approve expenditure within any limits set by council and in accordance with any policy statement approved by council. Any Revenue or Capital Grant in excess of £5,000 shall before payment, be subject to ratification by resolution of the council.

- 5.9. Members are subject to the Code of Conduct that has been adopted by the council and shall comply with the Code and Standing Orders when a decision to authorise or instruct payment is made in respect of a matter in which they have a disclosable pecuniary or other interest, unless a dispensation has been granted.
- 5.10. The council will aim to rotate the duties of members in these Regulations so that onerous duties are shared out as evenly as possible over time.
- 5.11. Any changes in the recorded details of suppliers, such as bank account records, shall be approved in writing by a Member.

6. INSTRUCTIONS FOR THE MAKING OF PAYMENTS

- 6.1. The council will make safe and efficient arrangements for the making of its payments.
- 6.2. Following authorisation under Financial Regulation 5 above, the council, a duly delegated committee or, if so delegated, the Clerk or RFO shall give instruction that a payment shall be made.
- 6.3. All payments shall be effected by cheque or other instructions to the council's bankers, or otherwise, in accordance with a resolution of council.
- 6.4. Cheques or orders for payment drawn on the bank account in accordance with the schedule as presented to council or committee shall be signed by two members of council in accordance with a resolution instructing that payment. A member who is a bank signatory, having a connection by virtue of family or business relationships with the beneficiary of a payment, should not, under normal circumstances, be a signatory to the payment in question.
- 6.5. To indicate agreement of the details shown on the cheque or order for payment with the counterfoil and the invoice or similar documentation, the signatories shall each also initial the cheque counterfoil.
- 6.6. Cheques or orders for payment shall not normally be presented for signature other than at a council or committee meeting (including immediately before or after such a meeting). Any signatures obtained away from such meetings shall be reported to the council at the next convenient meeting.
- 6.7. If thought appropriate by the council, payment for utility supplies (energy, telephone and water) and any National Non-Domestic Rates may be made by variable direct debit provided that the instructions are signed by two members and any payments are reported to council as made. The approval of the use of a variable direct debit shall be renewed by resolution of the council at least every two years.
- 6.8. If thought appropriate by the council, payment for certain items (principally salaries) may be made by banker's standing order provided that the instructions are signed, or otherwise evidenced by two members are retained and any payments are reported

to council as made. The approval of the use of a banker's standing order shall be renewed by resolution of the council at least every two years.

- 6.9. If thought appropriate by the council, payment for certain items may be made by BACS or CHAPS methods provided that the instructions for each payment are signed, or otherwise evidenced, by two authorised bank signatories, are retained and any payments are reported to council as made. The approval of the use of BACS or CHAPS shall be renewed by resolution of the council at least every two years.
- 6.10. If thought appropriate by the council payment for certain items may be made by internet banking transfer provided evidence is retained showing which members approved the payment.
- 6.11. Where a computer requires use of a personal identification number (PIN) or other password(s), for access to the council's records on that computer, a note shall be made of the PIN and Passwords and shall be handed to and retained by the Chairman of Council in a sealed dated envelope. This envelope may not be opened other than in the presence of two other councillors. After the envelope has been opened, in any circumstances, the PIN and/or passwords shall be changed as soon as practicable. The fact that the sealed envelope has been opened, in whatever circumstances, shall be reported to all members immediately and formally to the next available meeting of the council. This will not be required for a member's personal computer used only for remote authorisation of bank payments.
- 6.12. No employee or councillor shall disclose any PIN or password, relevant to the working of the council or its bank accounts, to any person not authorised in writing by the council or a duly delegated committee.
- 6.13. Regular back-up copies of the records on any computer shall be made and shall be stored securely away from the computer in question, and preferably off site.
- 6.14. The council, and any members using computers for the council's financial business, shall ensure that anti-virus, anti-spyware and firewall software with automatic updates, together with a high level of security, is used.
- 6.15. Where internet banking arrangements are made with any bank, the Clerk shall be appointed as the Service Administrator. The bank mandate approved by the council shall identify a number of councillors who will be authorised to approve transactions on those accounts. The bank mandate will state clearly the amounts of payments that can be instructed by the use of the Service Administrator alone, or by the Service Administrator with a stated number of approvals.
- 6.16. Access to any internet banking accounts will be directly to the access page (which may be saved under "favourites"), and not through a search engine or e-mail link. Remembered or saved passwords facilities must not be used on any computer used for council banking work. Breach of this Regulation will be treated as a very serious matter under these regulations.

- 6.17. Changes to account details for suppliers, which are used for internet banking may only be changed on written hard copy notification by the supplier and supported by hard copy authority for change signed by the Clerk and a member. A programme of regular checks of standing data with suppliers will be followed.
- 6.18. Any Debit Card issued for use will be specifically restricted to the Clerk [and the RFO] and will also be restricted to a single transaction maximum value of £500 unless authorised by council in writing before any order is placed.
- 6.19. A pre-paid debit card may be issued to employees with varying limits. These limits will be set by the council. Transactions and purchases made will be reported to the council and authority for topping-up shall be at the discretion of the council.
- 6.20. Any corporate credit card or trade card account opened by the council will be specifically restricted to use by the Clerk and shall be subject to automatic payment in full at each month-end.
- 6.21. The council will not maintain any form of cash float. All cash received must be banked intact. Any payments made in cash by the Clerk (for example for postage or minor stationery items) shall be refunded on a regular basis, at least quarterly.

7. PAYMENT OF SALARIES

- 7.1. As an employer, the council shall make arrangements to meet fully the statutory requirements placed on all employers by PAYE and National Insurance legislation. The payment of all salaries shall be made in accordance with payroll records and the rules of PAYE and National Insurance currently operating, and salary rates shall be as agreed by council, or duly delegated committee.
- 7.2. Payment of salaries and payment of deductions from salary such as may be required to be made for tax, national insurance and pension contributions, or similar statutory or discretionary deductions must be made in accordance with the payroll records and on the appropriate dates stipulated in employment contracts, provided that each payment is reported to the next available council meeting, as set out in these regulations above.
- 7.3. No changes shall be made to any employee's pay, emoluments, or terms and conditions of employment without the prior consent of the council.
- 7.4. Each and every payment to employees of net salary and to the appropriate creditor of the statutory and discretionary deductions shall be recorded in a separate confidential record (confidential cash book). This confidential record is not open to inspection or review (under the Freedom of Information Act 2000 or otherwise) other than:
 - a) by any councillor who can demonstrate a need to know;
 - b) by the internal auditor;

- c) by the external auditor; or
 - d) by any person authorised under Audit Commission Act 1998, or any superseding legislation.
- 7.5. The total of such payments in each calendar month shall be reported with all other payments as made as may be required under these Financial Regulations, to ensure that only payments due for the period have actually been paid.
- 7.6. An effective system of personal performance management should be maintained for the senior officers.
- 7.7. Any termination payments shall be supported by a clear business case and reported to the council. Termination payments shall only be authorised by council.
- 7.8. Before employing interim staff the council must consider a full business case.

8. LOANS AND INVESTMENTS

- 8.1. All borrowings shall be effected in the name of the council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by council as to terms and purpose. The application for borrowing approval, and subsequent arrangements for the loan shall only be approved by full council.
- 8.2. Any financial arrangement which does not require formal borrowing approval from the Secretary of State/Welsh Assembly Government (such as Hire Purchase or Leasing of tangible assets) shall be subject to approval by the full council. In each case a report in writing shall be provided to council in respect of value for money for the proposed transaction.
- 8.3. The council will arrange with the council's banks and investment providers for the sending of a copy of each statement of account to the Chairman of the council at the same time as one is issued to the Clerk or RFO.
- 8.4. All loans and investments shall be negotiated in the name of the council and shall be for a set period in accordance with council policy.
- 8.5. The council shall consider the need for an Investment Strategy and Policy which, if drawn up, shall be in accordance with relevant regulations, proper practices and guidance. Any Strategy and Policy shall be reviewed by the council at least annually.
- 8.6. All investments of money under the control of the council shall be in the name of the council.
- 8.7. All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.

- 8.8. Payments in respect of short term or long term investments, including transfers between bank accounts held in the same bank, or branch, shall be made in accordance with Regulation 5 (Authorisation of payments) and Regulation 6 (Instructions for payments).

9. INCOME

- 9.1. The collection of all sums due to the council shall be the responsibility of and under the supervision of the RFO.
- 9.2. Particulars of all charges to be made for work done, services rendered or goods supplied shall be agreed annually by the council, notified to the RFO and the RFO shall be responsible for the collection of all accounts due to the council.
- 9.3. The council will review all fees and charges at least annually, following a report of the Clerk.
- 9.4. Any sums found to be irrecoverable and any bad debts shall be reported to the council and shall be written off in the year.
- 9.5. All sums received on behalf of the council shall be banked intact as directed by the RFO. In all cases, all receipts shall be deposited with the council's bankers with such frequency as the RFO considers necessary.
- 9.6. The origin of each receipt shall be entered on the paying-in slip.
- 9.7. Personal cheques shall not be cashed out of money held on behalf of the council.
- 9.8. The RFO shall promptly complete any VAT Return that is required. Any repayment claim due in accordance with VAT Act 1994 section 33 shall be made at least annually coinciding with the financial year end.
- 9.9. Where any significant sums of cash are regularly received by the council, the RFO shall take such steps as are agreed by the council to ensure that more than one person is present when the cash is counted in the first instance, that there is a reconciliation to some form of control such as ticket issues, and that appropriate care is taken in the security and safety of individuals banking such cash.

10. ORDERS FOR WORK, GOODS AND SERVICES

- 10.1. An official order or letter shall be issued for all work, goods and services unless a formal contract is to be prepared or an official order would be inappropriate. Copies of orders shall be retained.
- 10.2. Order books shall be controlled by the RFO.

- 10.3. All members and officers are responsible for obtaining value for money at all times. An officer issuing an official order shall ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction, usually by obtaining three or more quotations or estimates from appropriate suppliers, subject to any *de minimis* provisions in Regulation 11.1 below.
- 10.4. A member may not issue an official order or make any contract on behalf of the council.
- 10.5. The RFO shall verify the lawful nature of any proposed purchase before the issue of any order, and in the case of new or infrequent purchases or payments, the RFO shall ensure that the statutory authority shall be reported to the meeting at which the order is approved so that the minutes can record the power being used.

11. FINANCIAL CONTROLS AND PROCUREMENT

- 11.1. Procedures as to contracts are laid down as follows:
 - a. The council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
 - i. the keeping of accounting records and systems of internal controls;
 - ii. the assessment and management of financial risks faced by the council;
 - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
 - iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments; and
 - v. whether contracts with an estimated value below **£25,000** due to special circumstances are exempt from a tendering process or procurement exercise.
 - b. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
 - c. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in standing order 11.1.(f) is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity unless it proposes to use an existing list of approved suppliers (framework agreement).**

- d. Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
- i. a specification for the goods, materials, services or the execution of works shall be drawn up;
 - ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
 - iii. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
 - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
 - v. tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;
 - vi. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.
- e. Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- f. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.**
- g. **A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £363,424 for a supply, services or design contract; or in excess of £4,551,413 for a works contract; or £820,370 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant**

**procurement procedures and other requirements in the Utilities
Contracts Regulations 2016.**

**12. PAYMENTS UNDER CONTRACTS FOR BUILDING OR OTHER CONSTRUCTION
WORKS (PUBLIC WORKS CONTRACTS)**

- 12.1. Payments on account of the contract sum shall be made within the time specified in the contract by the RFO upon authorised certificates of the architect or other consultants engaged to supervise the contract (subject to any percentage withholding as may be agreed in the particular contract).
- 12.2. Where contracts provide for payment by instalments the RFO shall maintain a record of all such payments. In any case where it is estimated that the total cost of work carried out under a contract, excluding agreed variations, will exceed the contract sum of 5% or more a report shall be submitted to the council.
- 12.3. Any variation to a contract or addition to or omission from a contract must be approved by the council and Clerk to the contractor in writing, the council being informed where the final cost is likely to exceed the financial provision.

13. STORES AND EQUIPMENT

- 13.1. The officer in charge of each section shall be responsible for the care and custody of stores and equipment in that section.
- 13.2. 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.
- 13.3. Stocks shall be kept at the minimum levels consistent with operational requirements.
- 13.4. The RFO shall be responsible for periodic checks of stocks and stores at least annually.

14. ASSETS, PROPERTIES AND ESTATES

- 14.1. The Clerk shall make appropriate arrangements for the custody of all title deeds and Land Registry Certificates of properties held by the council. The RFO shall ensure a record is maintained of all properties held by the council, recording the 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.

- 14.2. 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, save where the estimated value of any one item of tangible movable property does not exceed £250.
- 14.3. No real property (interests in land) shall be sold, leased or otherwise disposed of without the authority of the council, together with any other consents required by law. In each case a report in writing 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).
- 14.4. No real property (interests in land) shall be purchased or acquired without the authority of the full council. In each case a report in writing 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).
- 14.5. Subject only to the limit set in Regulation 14.2 above, no tangible moveable property shall be purchased or acquired without the authority of the full council. In each case a report in writing shall be provided to council with a full business case.
- 14.6. The RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date. 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.

15. INSURANCE

- 15.1. Following the annual risk assessment (per Regulation 17), the RFO shall effect all insurances and negotiate all claims on the council's insurers.
- 15.2. The RFO shall keep a record of all insurances effected by the council and the property and risks covered thereby and annually review it.
- 15.3. The RFO shall be notified of any loss liability or damage or of any event likely to lead to a claim, and shall report these to council at the next available meeting.
- 15.4. 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.

16. RISK MANAGEMENT

- 16.1. The council is responsible for putting in place arrangements for the management of risk. The Clerk shall prepare, for approval by the council, risk management policy statements in respect of all activities of the council. Risk policy statements and consequential risk management arrangements shall be reviewed by the council at least annually.
- 16.2. When considering any new activity, the Clerk shall prepare a draft risk assessment including risk management proposals for consideration and adoption by the council.

17. SUSPENSION AND REVISION OF FINANCIAL REGULATIONS

- 17.1. It shall be the duty of the council to review the Financial Regulations of the council from time to time. The Clerk shall make arrangements to monitor changes in legislation or proper practices and shall advise the council of any requirement for a consequential amendment to these Financial Regulations.
- 17.2. The council may, by resolution of the council 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 drawn up and presented in advance to all members of council.

* * *

LUDGVAN PARISH COUNCIL - ASSET REGISTER 2019

DATE OF ACQUISITION	DESCRIPTION	SUPPLIER	LOCATION	COST	VALUATION METHOD	VALUE AT							DISPOSAL	
						31/03/2013	31/03/2014	31/03/2015	31/03/2016	31/03/2017	31/03/2018	31/03/2019	DATE	VALUE
COMMUNITY ASSETS														
	Crowlas Cemetery Chapel				INSURANCE	39,128	39,128	39,128	39,128	39,128	39,128	39,128		
	Crowlas Cemetery Wall				INSURANCE	3,968	3,968	3,968	3,968	3,968	3,968	3,968		
	Land at Ludgvan Churchtown CL219395	Donated by Mr & Mrs Higgins	St Pauls Churchyard & Amenity Area	-	COST	-	-	-	-	-	-	-		
BUS SHELTERS														
	St Erth													
	Canons Town													
	Whitecross													
	Cockwells													
	Crowlas				INSURANCE	5,914	-							(5,914)
	Long Rock													
	Chy An Mor													
Jan 2000	Ludgvan Leaze													
FURNITURE & FITTINGS														
	Storage Cabinet		Ludgvan Community Centre		INSURANCE	594	594	594	594	594	594	594		
Nov 2002	Teak Seats (2)	Five Islands	Crowlas Cemetery		INSURANCE	1,158	1,158	1,158	1,158	1,158	1,158	1,158		
June 2006	Teak Seats	R & J Supplies	New Garden Amenity Area	132	COST	132	132	132	132	132	132	132		
May 2017	Telephone Kiosk	BT	Whitecross	1	COST						1	1		
EQUIPMENT														
April 2007	MCC Processor	MCC Computers	Clerk's home	291	INSURANCE	322	-						Apr-13	(322)
April 2007	Brother DCP7010 Laser Printer	MCC Computers	Clerk's home	175	INSURANCE	194	-						Apr-13	(194)
April 2007	MCC Monitor	MCC Computers	Clerk's home	71	COST	71	-						Apr-13	(71)
April 2013	Fujitsu Lifebook AH532	Laptops Direct	Clerk's home	337	COST	-	337	337	337	337	337	337		
April 2013	Brother MFC7860DW Laser Printer	Viking Direct	Clerk's home	215	COST	-	215	215	215	215	215	215		
April 2013	Epson EB W02 Projector	Projector Point	Clerk's home	303	COST	-	303	303	303	303	303	303		
April 2013	Projector Screen	Projector Point	OASIS	192	COST	-	192	192	192	192	192	192		
	Kawasaki Brushcutter KBH45-A	Celtic Engineering		350	INSURANCE	378	378	-					Sep-14	(378)
January 2014	AXX6/SA - 6xA4 Aluminium Notice Board with header	Greenbarnes Ltd	Canonstown	447	COST		447	447	447	447	447	447		
January 2014	AXX6/SA - 6xA4 Aluminium Notice Board with header	Greenbarnes Ltd	Long Rock Stores	447	COST		447	447	447	447	447	447		
January 2014	AXX8/SA - 8xA4 Aluminium Notice Board with header	Greenbarnes Ltd	Church Town Gardens	494	COST		494	494	494	494	494	494		
January 2014	APXX7070/SA 70x70x2400 Aluminium posts	Greenbarnes Ltd	Church Town Gardens	298	COST		298	298	298	298	298	298		
					TOTAL	51,859	48,091	47,713	47,713	47,713	47,714	47,714		

LUDGVAN PARISH COUNCIL

CODE OF PRACTICE FOR HANDLING COMPLAINTS

Ludgvn Parish Council recognises that from time to time there will be concerns expressed by members of the public over the activities of the Council or one of its members or employees. To address these issues the Council has adopted a procedure for the handling of complaints. This procedure allows people to have a form of address to the Council if they feel they have a complaint, or have been unfairly treated in their dealings with the Council staff, Councillors, the Council or its Committees.

VERBAL COMPLAINTS

1. On receipt of a complaint by telephone, letter, fax or email the Clerk will try to satisfy the complainant immediately or as soon as is practicable and will record all complaints made.
2. If the Clerk is unable to answer the complaint immediately, then full details of the complaint together with the complainant's telephone number etc will be recorded so that a further verbal response can be made as soon as possible.
3. If a verbal response is unable to satisfy, then the Clerk/member will ask that the complaint be put in writing in order that it can be investigated more fully.

WRITTEN COMPLAINTS

1. On receiving a written complaint, the Clerk shall try to settle the complaint directly.
2. If the complaint is about the behaviour of a member or employee of the Council, the Clerk must also notify the person and offer the opportunity for comment on the manner in which it is intended to try and settle the complaint.
3. If necessary, the Clerk will send a holding letter to the complainant to allow further time to address the issues raised.
4. The Clerk or Chairman shall bring any written complaint which has not been settled to the next meeting of the Council and the Clerk shall notify the complainant of the date of the meeting. The Complainant will be offered the opportunity to explain the nature of the complaint to the meeting.
5. The Clerk shall consult with the Chairman/Vice Chairman to consider whether the written complaint warrants discussion at a Council meeting in the absence of the press and public, with the decision on the complaint shall be announced at the Council meeting in public.
6. The Clerk will communicate in writing the decision that has been made by the Council and the nature of any action taken by the Council.

COMPLAINTS AGAINST AN OFFICER OF THE COUNCIL

1. Any complaint against a member or officer must be submitted in writing.
2. If the complaint is against the actions of the Clerk, it should be submitted in writing to the Chairman.
3. If the complaint is made against the actions of an employee, it will be considered as an employment issue and the Clerk will present the complaint to the Employment Committee of the Council for consideration at a meeting held in the absence of the press or public.

4. If the complaint is made against the actions of the Clerk, it will be considered as an employment issue and the Chairman will present the complaint to the Employment Committee of the Council for consideration at a meeting held in the absence of the press or public.
5. The Complainant may be invited to attend part of the meeting to explain the nature of their complaint, in the absence of the public and press.
6. Persons mentioned in the complaint will have the opportunity to will explain the nature of their actions to the meeting, in the absence of the public and press.
7. The result of any council consideration of a complaint will be announced at a Council meeting in public.

COMPLAINTS AGAINST A MEMBER OF THE COUNCIL

Parish and Town Councillors sign up to a Code of Conduct on taking office. The Council is unable to investigate complaints against any of its members. If you wish to submit a complaint for breach of this code should do so to the Monitoring Officer at Cornwall Council.

Email: councillorcomplaints@cornwall.gov.uk

Post:

The Monitoring Officer,
c/o Eleanor Garraway,
Floor 4 North Wing,
New County Hall,
Treyew Road,
Truro,
TR1 3AY

Further information can be accessed from www.cornwall.gov.uk

FREEDOM OF INFORMATION

Introduction:

The Freedom of Information Act 2000 provides public access to information held by public authorities.

It does this in two ways:

public authorities are obliged to publish certain information about their activities; and members of the public are entitled to request information from public authorities.

Ludgvan Parish Council has adopted the Model Publication Scheme

The Act covers any recorded information that is held by a public authority in England, Wales and Northern Ireland, and by UK-wide public authorities based in Scotland.

Principles:

The main principle behind freedom of information legislation is that people have a right to know about the activities of public authorities, unless there is a good reason for them not to. This is sometimes described as a presumption or assumption in favour of disclosure. The Act is also sometimes described as purpose and applicant blind.

This means that:

- everybody has a right to access official information. Disclosure of information should be the default – in other words, information should be kept private only when there is a good reason and it is permitted by the Act;
- an applicant (requester) does not need to give you a reason for wanting the information. On the contrary, you must justify refusing them information;
- we must treat all requests for information equally, except under some circumstances relating to vexatious requests and personal data. The information someone can get under the Act should not be affected by who they are. We treat all requesters equally, whether they are journalists, local residents, public authority employees, or foreign researchers; and
- because we treat all requesters equally, we only disclose information under the Act if we would disclose it to anyone else who asked. In other words, we consider any information we release under the Act as if it were being released to the world at large.

Information covered:

The Act covers all recorded information held by a public authority. It is not limited to official documents and it covers, for example, drafts, emails, notes, recordings of telephone conversations and CCTV recordings. Nor is it limited to information we create, so it also covers, for example, letters we receive from members of the public, although there may be a good reason not to release them

Who can make a request under the Act:

Anyone can make a freedom of information request – they do not have to be UK citizens, or resident in the UK. Freedom of information requests can also be made by organisations, for example a newspaper, a campaign group, or a company. Employees of a public authority can make requests to their own employer, although good internal communications and staff relations will normally avoid the need for this.

Requesters should direct their requests for information to the public authority they think will hold the information. The public authority that receives the request is responsible for responding. Requests should not be sent to the Information Commissioner's Office (ICO), except where the requester wants information the ICO holds.

What happens if you make a request?

We have two separate duties when responding to a request:

to tell the applicant whether we hold any information falling within the scope of their request; and to provide that information.

We will normally aim to respond to a request within 20 working days.

Requests under the Act or other requests for information should be directed to:

M J Beveridge
Clerk to Ludgvan Parish Council
The Old Mill
Nancladra
Penzance
TR20 8NA

01736-740922

clerk@ludgvan.org.uk

LUDGVAN PARISH COUNCIL
Communications Protocol/Social Media Guidance

1. Introduction

The purpose of this protocol is to define the roles and responsibilities within the Council regarding communications. It is not the intention of this policy to curb freedom of speech or to enforce strict rules and regulations. Rather, it provides guidance on how to deal with issues that may arise for example when dealing with the media

2. Parish Council Correspondence

- a The point of contact for the parish council is the Clerk, and it is to the Clerk that all correspondence for the parish council should be addressed.
- b The Clerk should deal with all correspondence following a meeting.
- c No individual Councillor or Officer should be the sole custodian of any correspondence or information in the name of the parish council, a committee, subcommittee or working party. In particular, Councillors and Officers do not have a right to obtain confidential information/documentation unless they can demonstrate a ‘need to know’.
- d All official correspondence should be sent by the Clerk in the name of the council using council letter headed paper.
- e Where correspondence from the Clerk to a Councillor is copied to another person, the addressee should be made aware that a copy is being forwarded to that other person (e.g. copy to XX).

3. Agenda Items for Council, Committees and Working Parties

- a Agendas should be clear and concise. They should contain sufficient information to enable Councillors to make an informed decision, and for the public to understand what matters are being considered and what decisions are to be taken at a meeting.
- b Items for information should be kept to a minimum on an agenda.
- c Where the Clerk or a Councillor wishes fellow Councillors to receive matters for “information only”, this information will be circulated via the Clerk.

4. Councillor Correspondence to external parties

- a As the Clerk should be sending most of the Council’s correspondence to other bodies, it needs to be made clear by the Councillor that it is written in their official capacity and has been authorised by the parish council.
- b All personal correspondence as a Councillor to other agencies should make it clear that the views expressed are the personal opinions of the writer and not necessarily those of the council.
- c A copy of all outgoing correspondence relating to the council or a Councillor’s role within it, should be sent to the Clerk, and it be noted on the correspondence, e.g. “copy to the Clerk” so that the recipient is aware that the Clerk has been advised
- d Correspondence from the Clerk marked “Confidential” must be treated as such and not be disclosed to anyone
- e If a member of the public requests a copy of any correspondence from a councillor, the matter should be referred to the Clerk who will consider whether the correspondence is in the public domain

5. Communications with Parish Council Staff

- a Councillors must not give instructions to any member of staff, unless authorised to do so (for example, three or more Councillors sitting as a committee or subcommittee with appropriate delegated powers from the council).

LUDGVAN PARISH COUNCIL
Communications Protocol/Social Media Guidance

- b No individual Councillor, regardless of whether or not they are the Chair of the council, the Chair of a committee or other meeting, or are styled “Leader” of the Council, may give instructions to the Clerk or to another employee which are inconsistent or conflict with council decisions or arrangements for delegated power.
 - c Telephone calls should be appropriate to the work of the parish council.
 - d E-mails:
 - Instant replies should not be expected from the Clerk; reasons for urgency should be stated;
 - Information to Councillors should normally be directed via the Clerk;
 - E-mails from Councillors to external parties should be copied to the Clerk;
 - Private e-mail addresses should not be used for Council business as this may jeopardise the security of data transmitted and it does not demonstrate a professional approach.
 - Councillors should acknowledge their e-mails when requested to do so.
 - e Meetings with the Clerk or other officers:
 - Wherever possible an appointment should be made;
 - Meetings should be relevant to the work of that particular officer;
 - Councillors should be clear that the matter is legitimate council business and not matters driven by a personal or political agenda
- 6. Contact with the Media**
- a The purpose of a press release is to make the media aware of a potential story, to provide important public information or to explain the council’s position on a particular issue. The Clerk, in consultation with the Chairman, is responsible for issuing formal press releases on behalf of the Council.
 - b Proactive media releases will be issued to promote a decision or work of the Parish Council.
 - c Reactive press releases will be prepared and issued in response to a specific question or as a rebuttal to an article already published. Such statements should be dealt with in a timely manner.
 - d Approaches from the media should be referred to the Chairman who is the authorised contact with the media in consultation with the Parish Clerk. The Parish Clerk is, however, authorised to speak to the media in the Chairman’s absence. The Clerk is also authorised to answer minor questions from the press without consulting the Chairman.
 - e Statements made by the Chairman to the media should reflect the Council’s opinion.
 - f Unless a Parish Councillor has been authorised by the Council to speak to the media on a particular issue, parish councillors who are asked for comment by the press should make it clear that any views they express are personal and request that this be clearly reported as their personal view.
 - g It should be noted that on occasions, the most effective strategy is not to respond to the media.
 - h Press releases will not be used to comment on national political debates unless of specific relevance to this parish council.
 - i Statements should preferably be submitted in writing for the avoidance of misinterpretation and misunderstanding.
 - j Other Councillors can talk to the media but must ensure that it is clear that the opinions given are their own and not necessarily those of the Council.
 - k Individual members will not be permitted to issue media releases on behalf of the parish council.
 - l Confidential matters including items discussed at meetings where the press and public have been excluded must not be divulged.

LUDGVAN PARISH COUNCIL
Communications Protocol/Social Media Guidance

- m Caution should be exercised when submitting letters to the editor for publication in newspapers. There are occasions when it is appropriate for the Council to submit a letter, for example to explain important policies or to correct factual errors in letters submitted by other correspondents. However, such letters should be kept brief and balanced in tone and correspondence should not be drawn out over several weeks.
- n Letters representing the views of the Council should only be submitted by the Chairman or the Parish Clerk. If other Members choose to use the letters column to express their own opinions on Council policies, they should make clear that the views put forward are those of the individual Member. Care should be taken not to disclose any information of a confidential nature, if a Member is unclear whether information is confidential they should consult the Parish Clerk.
- o Members and the Clerk should always have due regard for the long-term reputation of the Council in all their dealings with the media.
7. **Guidance on the use of Social Media**
- a Members should exercise caution in the use of social media which includes but is not limited to Facebook, Twitter, YouTube, Blogs and various discussion forums, LinkedIn and Email.
- b Councillors can have blurred identities; they may have a social media account which they comment as both an individual and a councillor. It must at all times be made clear whether councillors are posting as individuals or in their capacity as a councillor. Aspects of the Members' Code of Conduct apply as much to on-line activity as they do to other written or oral communication. On-line content should be objective, balanced, informative and accurate.
- c The key to whether on-line activity is subject to the Code of Conduct is whether the councillor is giving the impression that he/she is acting as a councillor. It is the perception that counts. If the perception is that a councillor is acting as a councillor, the provisions of the Code of Conduct apply.
- d Councillors should be respectful and informative, never condescending or "loud"
- "Loud" is when capital letters are used. Use sentence-case format
 - Refrain from posting controversial or potentially inflammatory remarks. Language which could be deemed as offensive, especially in respect of race, sexuality, disability etc should not be published on any social media site
 - Avoid personal attack, on-line fights and hostile communications
 - Never use an individual's name unless you have written permission
 - Respect the privacy of other councillors and residents
 - Be aware not to publish anything which violates laws or regulations.
- e In the main, councillors have the same legal duties on-line as anyone else, but failure to comply with the law may have more serious consequences. It is useful to remember that extra care needs to be taken for electoral campaigning and when writing on planning matters.
- f When using social media it is important to remember the Nolan Principles –
- Selflessness
 - Integrity
 - Objectivity
 - Accountability
 - Openness
 - Honesty
 - Leadership

RISK REGISTER 2018/19

Risk No.	Description	Impact	Likelihood Score (1-3)	Impact Score (1-3)	Risk Rating	Response
Assets						
1	Security of notice boards, seats & gates	Damage would require the Council to pay for repairs or replacement	2	2	4 Medium	Insurance in place. Regular inspections
2	Security of office equipment	Damage would require the Council to pay for repairs or replacement	1	1	1 Low	Insurance in place. Equipment of relatively low value and kept at Clerk's home
3	Security of Chain of Office	Damage would require the Council to pay for repairs or replacement	1	2	2 Low	Insurance in place. Kept securely by Chair
4	Damage to third party property or individuals arising from council activities	Council may be subject to an insurance claim or criminal charge if negligent	1	3	3 Medium	Public Liability £10m included in insurance cover.
5		Injury to council members or employees arising from council activities	1	2	2 Low	Employers Liability £10m included in insurance cover.
Allotment Sites						
6	Injury to tenants & visitors from tenant activities.	Council may be subject to an insurance claim or criminal charge if negligent	1	3	3 Medium	Regular inspection of allotment sites made & recorded; Public Liability included in insurance cover.
7	Slips/trips/falls.		2	2	4 Medium	
8	Injuries from contact with barbed wire		1	2	2 Low	Barbed wire prohibited in tenancy agreement
9	Bee keeping/Attack by bees		1	2	2 Low	Tenant to be accredited member of the Bee Keepers Association. No bee keeping at present
10	Overgrown vegetation		Personal injury. Rodents	1	2	2 Low

RISK REGISTER 2018/19

Risk No.	Description	Impact	Likelihood Score (1-3)	Impact Score (1-3)	Risk Rating	Response
11	Smoke from fires	Breathing difficulties, particularly for those suffering from asthma. Fire spread	1	2	2 Low	Letting agreement includes rules on fires.
Cemetery Sites						
	Crowlas					
12	Danger from falling wall masonry/grave headstones	Injury to staff or public, insurance liability or criminal charge	1	3	3 Medium	Cemetery walls & grave headstones regularly examined & repaired as required. Future control of headstones facilitated by introduction of reinforced beam. Insurance in place. New cemetery software will enhance recording of inspection process
13	Danger of slips/trips/falls.		1	2	2 Low	Cemetery areas regularly maintained, grass cut & rubbish including leaves removed.
14	Security of Crowlas cemetery store	Damage would require the Council to pay for repairs	1	2	2 Low	Insurance in place. Regular inspections
15	Seating	Injury due to poor maintenance.	1	1	1 Low	Regular inspections
	St Pauls					
16	Danger from falling grave headstones.	Injury to staff or public, insurance liability or criminal charge	1	2	2 Low	Reinforced beams installed to facilitate fitting & positive retention of headstones. Insurance in place
17	Danger of slips/trips/falls.		1	2	2 Low	Central tarmac pathway provided for pedestrians. Grass regularly trimmed & leaves etc removed. Cemetery subject to regular inspection. Undertakers to be responsible for grave excavation, spoil disposal & graveside safety.

RISK REGISTER 2018/19

Risk No.	Description	Impact	Likelihood Score (1-3)	Impact Score (1-3)	Risk Rating	Response
Amenity/Other Sites						
	St Pauls Amenity Site					
18	Slips/falls from steep bank,	Injury to staff or public, insurance liability or criminal charge	1	2	2 Low	Terraced footpaths for pedestrians regularly trimmed, maintained & inspected. Insurance in place
	Churchtown Garden					
19	Slips/trips	Injury to staff or public, insurance liability or criminal charge	1	2	2 Low	Regular maintenance. Insurance in place
20	Trees - danger of falling limbs	Injury to staff or public, insurance liability or criminal charge	1	3	3 Medium	Regular inspection of sycamore in Churchtown Garden.
General						
21	Injury to members of the public caused by contractors when on Council business	Claim against the Council	1	3	3 Medium	Contractors required to have public liability insurance which is inspected by the Council.
22	Loss of cash through theft or dishonesty	Financial impact on Councils ability to deliver services	1	2	2 Low	All receipts banked promptly (payment accepted by cheque or internet banking only); no petty cash held.; two Member signatories for all cheques; fidelity guarantee included in insurance cover.
23	Integrity of banking arrangements	Financial loss	1	2	2 Low	Current account (Interest earning account closed July 2018) maintained with Lloyds TSB. Authorised signatories (with specimen signatures) amended when the composition of the Council changes. Bank mandate approved by Council.
24	Integrity of insurance cover	Legal liability as a consequence of asset ownership or activities of council	1	3	3 Medium	Insurance cover reviewed annually by Accounts & Audit Working Party and approved by Council.

RISK REGISTER 2018/19

Risk No.	Description	Impact	Likelihood Score (1-3)	Impact Score (1-3)	Risk Rating	Response
25	Integrity of computer held records and documents	Loss of data Breach of Data Protection Act	1	3	3 Medium	Duplicate backup of relevant files held on separate hard drive. Hard copy of all key documents retained by Clerk. All computer activity protected by the latest Norton Anti-virus software. DPA policy in place. Allotment, Cemetery & Planning data maintained on proprietary software which is regularly backed-up
26	Integrity of Archived records	Loss of historic data	1	1	1 Low	Appropriate historical records to be transferred to County Records in Truro.
27	Failure to maintain proper financial records	Inability to manage council services effectively or efficiently	1	2	2 Low	Accounts maintained on software package that can easily produce all necessary reports Regular back-ups made. Monthly reporting of bank reconciliations, receipts & payments against budgets.
28	Failure to achieve an effective internal audit	Lack of scrutiny and possibility of fraud	1	2	2 Low	Independent, competent internal auditor appointed.
29	Failure to keep up to date Standing Orders & Financial Regulations	Governance arrangements are not for purpose and lead to failure of accountability	1	3	3 Medium	Both documents based on NALC Model and reviewed annually in May.
30	Failure to meet requirements as an employer	Financial penalty form HMRC. Loss through payment of incorrect salary	1	2	2 Low	Clerk paid in line with approved contract of employment. Overtime, if any, formally approved. Payroll managed on HMRC software
31	Failure to comply with VAT requirements	Financial loss if VAT not reclaimed	1	1	1 Low	Council not VAT registered and undertakes no services that would currently require registration. VAT claims produced by accounts software.

RISK REGISTER 2018/19

Risk No.	Description	Impact	Likelihood Score (1-3)	Impact Score (1-3)	Risk Rating	Response
32	Failure to maintain sound budget arrangements	Insufficient funds to deliver services	1	2	2 Low	Precept and three year projections produced by Clerk in conjunction with Accounts & Audit Working Party and approved by Council. Monthly budget monitoring reporting in place
33	Failure to act within legal powers	Inability to deliver wishes of Council. Reputational impact as acting 'ultra vires'	1	3	3 Medium	All new projects checked against list of powers; advice would be sought from Cornwall Council Monitoring Officer in cases of doubt. Member of SLCC & CALC.
34	Fraud or Corruption	Financial loss. Reputational impact	1	3	3 Medium	Members provide Declaration of Interests and are bound by the Code of Conduct.
35	Failure to comply with General Data Protection Regulations	Unlimited fines	1	3	3 Medium	Members assigned parish council email addresses for all council matters. In anticipation of GDPR, unnecessary historic paperwork shredded under licence.

INTERNAL AUDITOR'S REPORT 2019

29/04/2019

To the Clerk and Councillors - Ludgvan Parish Council

I am writing to advise that I have carried out the Annual Internal Audit in respect of Ludgvan Parish Council for the financial year 2018-2019.

For this purpose I was provided with all the necessary documents as per the agreed list with clerk which included invoices and schedules of payment all of which had been approved by council. Evidence of income received in respect of cemeteries and allotments was provided and amounts verified against charges and were banked promptly.

Risks both material and financial have been identified and assessed and are correctly managed and supported by adequate insurance cover.

VAT has been recorded and reclaimed as appropriate.

I have examined the minutes generally and specifically in respect of the precept and budget setting process when detailed information was provided to councillors.

Accordingly I have completed the Internal Audit section of the Annual Return and there are no matters to bring to the attention of the council.

The fee for the audit remains unchanged at £160.00 and I look forward to receiving payment in due course.

Yours sincerely

David Gallie
Internal Auditor

Annual Governance and Accountability Return 2018/19 Part 3

To be completed by Local Councils, Internal Drainage Boards and other Smaller Authorities*:

- where the higher of gross income or gross expenditure exceeded £25,000 but did not exceed £6.5 million; or
- where the higher of gross income or gross expenditure was £25,000 or less but:
 - are unable to certify themselves as exempt (fee payable); or
 - have requested a limited assurance review (fee payable)

Guidance notes on completing Part 3 of the Annual Governance and Accountability Return 2018/19

1. Every smaller authority in England that either received gross income or incurred gross expenditure exceeding £25,000 **must** complete Part 3 of the Annual Governance and Accountability Return at the end of each financial year in accordance with Proper Practices.
2. **The Annual Governance and Accountability Return is made up of three parts, pages 3 to 6:**
 - The **annual internal audit report** is completed by the authority's internal auditor.
 - **Sections 1 and 2** are to be completed and approved by the authority.
 - **Section 3** is completed by the external auditor and will be returned to the authority.
3. The authority **must** approve Section 1, Annual Governance Statement, before approving Section 2, Accounting Statements, and both **must** be approved and published **before 1 July 2019**.
4. An authority with either gross income or gross expenditure exceeding £25,000 or an authority with neither income nor expenditure exceeding £25,000, but which is unable to certify itself as exempt, or is requesting a limited assurance review, **must** return to the external auditor by email or post (not both):
 - the Annual Governance and Accountability Return Sections 1 and 2, together with
 - a bank reconciliation as at 31 March 2019
 - an explanation of any significant year on year variances in the accounting statements
 - notification of the commencement date of the period for the exercise of public rights
 - Annual Internal Audit Report 2018/19

Unless requested, do not send any additional documents to your external auditor. Your external auditor will ask for any additional documents needed.

Once the external auditor has completed the review and is able to give an opinion on the limited assurance review, the Annual Governance and Accountability **Section 1, Section 2 and Section 3 – External Auditor Report and Certificate** will be returned to the authority by email or post.

Publication Requirements

Under the Accounts and Audit Regulations 2015, authorities must publish the following information on a publicly accessible website:

Before 1 July 2019 authorities **must** publish:

- Notice of the period for the exercise of public rights and a declaration that the accounting statements are as yet unaudited;
- **Section 1 - Annual Governance Statement 2018/19**, approved and signed, page 4
- **Section 2 - Accounting Statements 2018/19**, approved and signed, page 5

Not later than 30 September 2019 authorities **must** publish:

- Notice of conclusion of audit
- **Section 3 - External Auditor Report and Certificate**
- **Sections 1 & 2 of AGAR** including any amendments as a result of the limited assurance review.

It is recommended as best practice, to avoid any potential confusion by local electors and interested parties, that you also publish the Annual Internal Audit Report, page 3.

The Annual Governance and Accountability Return constitutes the annual return referred to in the Accounts and Audit Regulations 2015. Throughout, the words 'external auditor' have the same meaning as the words 'local auditor' in the Accounts and Audit Regulations 2015.

**for a complete list of bodies that may be smaller authorities refer to schedule 2 to the Local Audit and Accountability Act 2014.*

Guidance notes on completing Part 3 of the Annual Governance and Accountability Return 2018/19

- The authority **must** comply with *Proper Practices* in completing Sections 1 and 2 of this Annual Governance and Accountability Return. *Proper Practices* are found in the *Practitioners' Guide** which is updated from time to time and contains everything needed to prepare successfully for the financial year-end and the subsequent work by the external auditor.
- Make sure that the Annual Governance and Accountability Return is complete (i.e. no empty highlighted boxes), and is properly signed and dated. Where amendments are made by the authority to the AGAR after it has been approved by the authority and before it has been reviewed by the external auditor, the Chairman and RFO should initial the amendments and if necessary republish the amended AGAR and recommence the period for the exercise of public rights. If the Annual Governance and Accountability Return contains unapproved or unexplained amendments, it may be returned and additional costs will be incurred.
- The authority **should** receive and note the annual internal audit report if possible prior to approving the annual governance statement and before approving the accounts.
- Use the checklist provided below to review the Annual Governance and Accountability Return for completeness before returning it to the external auditor by email or post (not both).
- Do not send the external auditor any information not specifically requested. However, **you must inform your external auditor about any change of Clerk, Responsible Financial Officer or Chairman, and provide relevant email addresses and telephone numbers.**
- Make sure that the copy of the bank reconciliation to be sent to your external auditor with the Annual Governance and Accountability Return covers all the bank accounts. If the authority holds any short-term investments, note their value on the bank reconciliation. The external auditor must be able to agree the bank reconciliation to Box 8 on the accounting statements (**Section 2, page 5**). An explanation **must** be provided of any difference between Box 7 and Box 8. More help on bank reconciliation is available in the *Practitioners' Guide**.
- Explain fully significant variances in the accounting statements on **page 5**. Do not just send a copy of the detailed accounting records instead of this explanation. The external auditor wants to know that you understand the reasons for all variances. Include complete numerical and narrative analysis to support the full variance.
- If the external auditor has to review unsolicited information, or receives an incomplete bank reconciliation, or variances are not fully explained, additional costs may be incurred.
- Make sure that the accounting statements add up and that the balance carried forward from the previous year (Box 7 of 2018) equals the balance brought forward in the current year (Box 1 of 2019).
- The Responsible Financial Officer (RFO), on behalf of the authority, **must** set the period for the exercise of public rights. From the commencement date for a single period of 30 consecutive working days, the approved accounts and accounting records can be inspected. Whatever period the RFO sets it **must** include a common inspection period – during which the accounts and accounting records of all smaller authorities must be available for public inspection – of the first ten working days of July.
- The authority **must** publish the information required by Regulation 15 (2), Accounts and Audit Regulations 2015, including the period for the exercise of public rights and the name and address of the external auditor **before 1 July 2019**.

Completion checklist – 'No' answers mean you may not have met requirements		Yes	No
All sections	Have all highlighted boxes have been completed?		
	Has all additional information requested, including the dates set for the period for the exercise of public rights , been provided for the external auditor?		
Internal Audit Report	Have all highlighted boxes been completed by the internal auditor and explanations provided?		
Section 1	For any statement to which the response is 'no', is an explanation provided?		
Section 2	Has the authority's approval of the accounting statements been confirmed by the signature of the Chairman of the approval meeting?		
	Has an explanation of significant variations from last year to this year been provided?		
	Has the bank reconciliation as at 31 March 2019 been reconciled to Box 8?		
	Has an explanation of any difference between Box 7 and Box 8 been provided?		
Sections 1 and 2	Trust funds – have all disclosures been made if the authority as a body corporate is a sole managing trustee? NB: do not send trust accounting statements unless requested.	N/A	

**Governance and Accountability for Smaller Authorities in England – a Practitioners' Guide to Proper Practices*, can be downloaded from www.nalc.gov.uk or from www.ada.org.uk

Annual Internal Audit Report 2018/19

LUDGVAN PARISH COUNCIL - CORNWALL

This authority's internal auditor, acting independently and on the basis of an assessment of risk, carried out a selective assessment of compliance with relevant procedures and controls to be in operation **during** the financial year ended 31 March 2019.

The internal audit for 2018/19 has been carried out in accordance with this authority's needs and planned coverage. On the basis of the findings in the areas examined, the internal audit conclusions are summarised in this table. Set out below are the objectives of internal control and alongside are the internal audit conclusions on whether, in all significant respects, the control objectives were being achieved throughout the financial year to a standard adequate to meet the needs of this authority.

Internal control objective	Agreed? Please choose one of the following		
	Yes	No*	Not covered**
A. Appropriate accounting records have been properly kept throughout the financial year.	P		
B. This authority complied with its financial regulations, payments were supported by invoices, all expenditure was approved and VAT was appropriately accounted for.	P		
C. This authority assessed the significant risks to achieving its objectives and reviewed the adequacy of arrangements to manage these.	P		
D. The precept or rates requirement resulted from an adequate budgetary process; progress against the budget was regularly monitored; and reserves were appropriate.	P		
E. Expected income was fully received, based on correct prices, properly recorded and promptly banked; and VAT was appropriately accounted for.	P		
F. Petty cash payments were properly supported by receipts, all petty cash expenditure was approved and VAT appropriately accounted for.			No petty cash held by Council
G. Salaries to employees and allowances to members were paid in accordance with this authority's approvals, and PAYE and NI requirements were properly applied.	P		
H. Asset and investments registers were complete and accurate and properly maintained.	P		
I. Periodic and year-end bank account reconciliations were properly carried out.	P		
J. Accounting statements prepared during the year were prepared on the correct accounting basis (receipts and payments or income and expenditure), agreed to the cash book, supported by an adequate audit trail from underlying records and where appropriate debtors and creditors were properly recorded.	P		
K. IF the authority certified itself as exempt from a limited assurance review in 2017/18, it met the exemption criteria and correctly declared itself exempt. (<i>“Not Covered” should only be ticked where the authority had a limited assurance review of its 2017/18 AGAR</i>)			P
L. During summer 2018 this authority has correctly provided the proper opportunity for the exercise of public rights in accordance with the requirements of the Accounts and Audit Regulations.			Not applicable ✓
M. (For local councils only) Trust funds (including charitable) – The council met its responsibilities as a trustee.	Yes	No	Not applicable P

For any other risk areas identified by this authority adequate controls existed (list any other risk areas on separate sheets if needed).

Date(s) internal audit undertaken

Name of person who carried out the internal audit

24/04/19

25/04/19

DD/MM/YY

DAVID JOHN LEWIS GALLIE AL AUDITOR

Signature of person who carried out the internal audit

SIGNATURE REQUIRED

Date

26/04/19

*If the response is 'no' you must include a note to state the implications and action being taken to address any weakness in control identified (add separate sheets if needed).

**Note: If the response is 'not covered' please state when the most recent internal audit work was done in this area and when it is next planned, or, if coverage is not required, the annual internal audit report must explain why not (add separate sheets if needed).

Section 1 – Annual Governance Statement 2018/19

We acknowledge as the members of:

LUDGVAN PARISH COUNCIL - CORNWALL

our responsibility for ensuring that there is a sound system of internal control, including arrangements for the preparation of the Accounting Statements. We confirm, to the best of our knowledge and belief, with respect to the Accounting Statements for the year ended 31 March 2019, that:

	Agreed		'Yes' means that this authority:
	Yes	No*	
1. We have put in place arrangements for effective financial management during the year, and for the preparation of the accounting statements.			<i>prepared its accounting statements in accordance with the Accounts and Audit Regulations.</i>
2. We maintained an adequate system of internal control including measures designed to prevent and detect fraud and corruption and reviewed its effectiveness.			<i>made proper arrangements and accepted responsibility for safeguarding the public money and resources in its charge.</i>
3. We took all reasonable steps to assure ourselves that there are no matters of actual or potential non-compliance with laws, regulations and Proper Practices that could have a significant financial effect on the ability of this authority to conduct its business or manage its finances.			<i>has only done what it has the legal power to do and has complied with Proper Practices in doing so.</i>
4. We provided proper opportunity during the year for the exercise of electors' rights in accordance with the requirements of the Accounts and Audit Regulations.			<i>during the year gave all persons interested the opportunity to inspect and ask questions about this authority's accounts.</i>
5. We carried out an assessment of the risks facing this authority and took appropriate steps to manage those risks, including the introduction of internal controls and/or external insurance cover where required.			<i>considered and documented the financial and other risks it faces and dealt with them properly.</i>
6. We maintained throughout the year an adequate and effective system of internal audit of the accounting records and control systems.			<i>arranged for a competent person, independent of the financial controls and procedures, to give an objective view on whether internal controls meet the needs of this smaller authority.</i>
7. We took appropriate action on all matters raised in reports from internal and external audit.			<i>responded to matters brought to its attention by internal and external audit.</i>
8. We considered whether any litigation, liabilities or commitments, events or transactions, occurring either during or after the year-end, have a financial impact on this authority and, where appropriate, have included them in the accounting statements.			<i>disclosed everything it should have about its business activity during the year including events taking place after the year end if relevant.</i>
9. (For local councils only) Trust funds including charitable. In our capacity as the sole managing trustee we discharged our accountability responsibilities for the fund(s)/assets, including financial reporting and, if required, independent examination or audit.	Yes	No	N/A
			P

*Please provide explanations to the external auditor on a separate sheet for each 'No' response and describe how the authority will address the weaknesses identified. These sheets should be published with the Annual Governance Statement.

This Annual Governance Statement was approved at a meeting of the authority on:

08/05/2019

and recorded as minute reference:

MINUTE REFERENCE

Signed by the Chairman and Clerk of the meeting where approval was given:

Chairman

SIGNATURE REQUIRED

Clerk

SIGNATURE REQUIRED

Other information required by the Transparency Codes (not part of Annual Governance Statement)
Authority web address

WWW.LUDGVAN.ORG.UKADDRESS

Section 2 – Accounting Statements 2018/19 for

LUDGVAN PARISH COUNCIL - CORNWALL

	Year ending		Notes and guidance
	31 March 2018 £	31 March 2019 £	
			<i>Please round all figures to nearest £1. Do not leave any boxes blank and report £0 or Nil balances. All figures must agree to underlying financial records.</i>
1. Balances brought forward	37,574	48,288	<i>Total balances and reserves at the beginning of the year as recorded in the financial records. Value must agree to Box 7 of previous year.</i>
2. (+) Precept or Rates and Levies	34,487	41,414	<i>Total amount of precept (or for IDBs rates and levies) received or receivable in the year. Exclude any grants received.</i>
3. (+) Total other receipts	26,359	23,274	<i>Total income or receipts as recorded in the cashbook less the precept or rates/levies received (line 2). Include any grants received.</i>
4. (-) Staff costs	15,421	18,693	<i>Total expenditure or payments made to and on behalf of all employees. Include salaries and wages, PAYE and NI (employees and employers), pension contributions and employment expenses.</i>
5. (-) Loan interest/capital repayments	0	0	<i>Total expenditure or payments of capital and interest made during the year on the authority's borrowings (if any).</i>
6. (-) All other payments	34,711	27,968	<i>Total expenditure or payments as recorded in the cashbook less staff costs (line 4) and loan interest/capital repayments (line 5).</i>
7. (=) Balances carried forward	48,288	66,315	<i>Total balances and reserves at the end of the year. Must equal (1+2+3) - (4+5+6).</i>
8. Total value of cash and short term investments	48,288	66,315	<i>The sum of all current and deposit bank accounts, cash holdings and short term investments held as at 31 March – To agree with bank reconciliation.</i>
9. Total fixed assets plus long term investments and assets	47,714	47,714	<i>The value of all the property the authority owns – it is made up of all its fixed assets and long term investments as at 31 March.</i>
10. Total borrowings	0	0	<i>The outstanding capital balance as at 31 March of all loans from third parties (including PWLB).</i>
11. (For Local Councils Only) Disclosure note re Trust funds (including charitable)	Yes	No	<i>The Council, as a body corporate, acts as sole trustee for and is responsible for managing Trust funds or assets.</i>
		N/A	<i>N.B. The figures in the accounting statements above do not include any Trust transactions.</i>

I certify that for the year ended 31 March 2019 the Accounting Statements in this Annual Governance and Accountability Return have been prepared on either a receipts and payments or income and expenditure basis following the guidance in Governance and Accountability for Smaller Authorities – a Practitioners' Guide to Proper Practices and present fairly the financial position of this authority.

Signed by Responsible Financial Officer before being presented to the authority for approval

SIGNATURE REQUIRED

Date

08/05/19 Y

I confirm that these Accounting Statements were approved by this authority on this date:

08/05/19 Y

as recorded in minute reference:

MINUTE REFERENCE

Signed by Chairman of the meeting where the Accounting Statements were approved

SIGNATURE REQUIRED

Section 3 – External Auditor Report and Certificate 2018/19

In respect of

LUDGVAN PARISH COUNCIL - CORNWALL

1 Respective responsibilities of the body and the auditor

This authority is responsible for ensuring that its financial management is adequate and effective and that it has a sound system of internal control. The authority prepares an Annual Governance and Accountability Return in accordance with *Proper Practices* which:

- summarises the accounting records for the year ended 31 March 2019; and
- confirms and provides assurance on those matters that are relevant to our duties and responsibilities as external auditors.

Our responsibility is to review Sections 1 and 2 of the Annual Governance and Accountability Return in accordance with guidance issued by the National Audit Office (NAO) on behalf of the Comptroller and Auditor General (see note below). Our work **does not** constitute an audit carried out in accordance with International Standards on Auditing (UK & Ireland) and **does not** provide the same level of assurance that such an audit would do.

2 External auditor report 2018/19

(Except for the matters reported below)* on the basis of our review of Sections 1 and 2 of the Annual Governance and Accountability Return, in our opinion the information in Sections 1 and 2 of the Annual Governance and Accountability Return is in accordance with Proper Practices and no other matters have come to our attention giving cause for concern that relevant legislation and regulatory requirements have not been met. (*delete as appropriate).

(continue on a separate sheet if required)

Other matters not affecting our opinion which we draw to the attention of the authority:

(continue on a separate sheet if required)

3 External auditor certificate 2018/19

We certify/do not certify* that we have completed our review of Sections 1 and 2 of the Annual Governance and Accountability Return, and discharged our responsibilities under the Local Audit and Accountability Act 2014, for the year ended 31 March 2019.

*We do not certify completion because:

External Auditor Name

ENTER NAME OF EXTERNAL AUDITOR

External Auditor Signature

SIGNATURE REQUIRED

Date

DD/MM/YY

*Note: the NAO issued guidance applicable to external auditors' work on limited assurance reviews in Auditor Guidance Note AGN/02. The AGN is available from the NAO website (www.nao.org.uk)

Contact details

Name of smaller authority: LUDGVAN PARISH COUNCIL

County Area (local councils and parish meetings only): CORNWALL

Please complete this form and send it back to us with the AGAR or exemption certificate

	Clerk/RFO (Main contact)	Chair
Name	Joan Beveridge	Roy Mann
Address	The Old Mill, Nancledra, Penzance, Cornwall, TR20 8NA.	Little Chysauster, Newmill, Penzance, TR20 8XA.
Daytime telephone number	01736-740922	01736-351134
Mobile telephone number	N/A	N/A
Email address	clerk@ludgvan.org.uk	roy.mann@ludgvan.org.uk

Bank reconciliation – pro forma

This reconciliation should include **all** bank and building society accounts, including short term investment accounts. It **must** column headed “Year ending 31 March 2019” in Section 2 of the AGAR – and will also agree to Box 7 where the accounts are and payments basis. Please complete the highlighted boxes, remembering that unpresented cheques should be entered as r

Name of smaller authority: **LUDGVAN PARISH COUNCIL**

County area (local councils and parish meetings only): **CORNWALL**

Financial year ending 31 March 2019

Prepared by (Name and Role): **JOAN BEVERIDGE - CLERK/RFO**

Date: **15/04/2019**

	£	£
Balance per bank statements as at 31/3/19:		
Treasurer's account	66,604.9	
[add more accounts if necessary]		
		66,604.9
Petty cash float (if applicable)		-
Less: any unpresented cheques as at 31/3/19 (enter these as negative numbers)		
3201	(290.00)	
[add more lines if necessary]		
		(290.00)
Add: any un-banked cash as at 31/3/19		
		-
Net balances as at 31/3/19 (Box 8)		<u>66,314.9</u>

Explanation of variances – pro forma

Name of smaller authority: **LUDGVAN PARISH COUNCIL**

County area (local councils and parish meetings only): **CORNWALL**

Insert figures from Section 2 of the AGAR in all **Blue** highlighted boxes

Next, please provide full explanations, including numerical values, for the following that will be flagged in the **green boxes where relevant**:

- variances of more than 15% between totals for individual boxes (except variances of less than £200);
- a breakdown of approved reserves on the next tab if the total reserves (Box 7) figure is more than twice the annual precept/rates & levies value (Box 2).

	2017/18 £	2018/19 £	Variance £	Variance %	Explanation Required?	Automatic responses trigger below based on figures input, DO NOT OVERWRITE THESE BOXES	Explanation from smaller authority (must include narrative and supporting figures)
1 Balances Brought Forward	37,574	48,288				Explanation of % variance from PY opening balance not required - Balance brought forward agrees	
2 Precept or Rates and Levies	34,487	41,414	6,927	20.09%	YES		Higher Neighbourhood Planning costs of £9,171 and Clerk's salary costs increase of £1,862 offset by lower electoral costs of £4,221.
3 Total Other Receipts	26,359	23,274	-3,085	11.70%	NO		
4 Staff Costs	15,421	18,693	3,272	21.22%	YES		New Clerk's higher hours in last 6 months £2,573 plus overlay of Clerks during change-over of £679.
5 Loan Interest/Capital Repayment	0	0	0	0.00%	NO		
6 All Other Payments	34,711	27,968	-6,743	19.43%	YES		Election costs lower by £5,721, Neighbourhood Planning lower by £1,536 and General Maintenance and Repairs lower by £1,155 offset by higher Footpath costs of £1,703.
7 Balances Carried Forward	48,288	66,315			NO	VARIANCE EXPLANATION NOT REQUIRED	
8 Total Cash and Short Term Investments	48,288	66,315				VARIANCE EXPLANATION NOT REQUIRED	
9 Total Fixed Assets plus Other Long Term Investments and	47,714	47,714	0	0.00%	NO		
10 Total Borrowings	0	0	0	0.00%	NO		

Rounding errors of up to £2 are tolerable

Variances of £200 or less are tolerable

LUDGVAN PARISH COUNCIL

NOTICE OF PUBLIC RIGHTS AND PUBLICATION OF UNAUDITED ANNUAL GOVERNANCE & ACCOUNTABILITY RETURN

ACCOUNTS FOR THE YEAR ENDED 31 MARCH 2019

**Local Audit and Accountability Act 2014 Sections 26 and 27
The Accounts and Audit Regulations 2015 (SI 2015/234)**

NOTICE

1. Date of announcement – Friday, 14th June, 2019 (a)

2. Each year the smaller authority's Annual Governance and Accountability Return (AGAR) needs to be reviewed by an external auditor appointed by Smaller Authorities' Audit Appointments Ltd. The unaudited AGAR has been published with this notice. As it has yet to be reviewed by the appointed auditor, it is subject to change as a result of that review.

Any person interested has the right to inspect and make copies of the accounting records for the financial year to which the audit relates and all books, deeds, contracts, bills, vouchers, receipts and other documents relating to those records must be made available for inspection by any person interested. For the year ended 31 March 2019, these documents will be available on reasonable notice by application to:

(b) M. J. Beveridge, Ludgvan Parish Clerk
The Old Mill, Nancledra, Penzance, Cornwall TR20 8NA
clerk@ludgvan.org.uk

commencing on (c) **Monday 17 June 2019**

and ending on (d) **Friday 26 July 2019**

3. Local government electors and their representatives also have:

- The opportunity to question the appointed auditor about the accounting records; and
- The right to make an objection which concerns a matter in respect of which the appointed auditor could either make a public interest report or apply to the court for a declaration that an item of account is unlawful. Written notice of an objection must first be given to the auditor and a copy sent to the smaller authority.

The appointed auditor can be contacted at the address in paragraph 4 below for this purpose between the above dates only.

4. The smaller authority's AGAR is subject to review by the appointed auditor under the provisions of the Local Audit and Accountability Act 2014, the Accounts and Audit Regulations 2015 and the NAO's Code of Audit Practice 2015. The appointed auditor is:

PKF Littlejohn LLP (Ref: SBA Team)
1 Westferry Circus
Canary Wharf
London E14 4HD
(sba@pkf-littlejohn.com)

5. This announcement is made by (e) M. J. Beveridge – Clerk/RFO to Ludgvan Parish Council

LOCAL AUTHORITY ACCOUNTS: A SUMMARY OF YOUR RIGHTS

Please note that this summary applies to all relevant smaller authorities, including local councils, internal drainage boards and ‘other’ smaller authorities.

The basic position

The [Local Audit and Accountability Act 2014](#) (the Act) governs the work of auditors appointed to smaller authorities. This summary explains the provisions contained in Sections 26 and 27 of the Act. The Act and the [Accounts and Audit Regulations 2015](#) also cover the duties, responsibilities and rights of smaller authorities, other organisations and the public concerning the accounts being audited.

As a local elector, or an interested person, you have certain legal rights in respect of the accounting records of smaller authorities. As an interested person you can inspect accounting records and related documents. If you are a local government elector for the area to which the accounts relate you can also ask questions about the accounts and object to them. You do not have to pay directly for exercising your rights. However, any resulting costs incurred by the smaller authority form part of its running costs. Therefore, indirectly, local residents pay for the cost of you exercising your rights through their council tax.

The right to inspect the accounting records

Any interested person can inspect the accounting records, which includes but is not limited to local electors. You can inspect the accounting records for the financial year to which the audit relates and all books, deeds, contracts, bills, vouchers, receipts and other documents relating to those records. You can copy all, or part, of these records or documents. Your inspection must be about the accounts, or relate to an item in the accounts. You cannot, for example, inspect or copy documents unrelated to the accounts, or that include personal information (Section 26 (6) – (10) of the Act explains what is meant by personal information). You cannot inspect information which is protected by commercial confidentiality. This is information which would prejudice commercial confidentiality if it was released to the public and there is not, set against this, a very strong reason in the public interest why it should nevertheless be disclosed.

When smaller authorities have finished preparing accounts for the financial year and approved them, they must publish them (including on a website). There must be a 30 working day period, called the ‘period for the exercise of public rights’, during which you can exercise your statutory right to inspect the accounting records. Smaller authorities must tell the public, including advertising this on their website, that the accounting records and related documents are available to inspect. By arrangement you will then have 30 working days to inspect and make copies of the accounting records. You may have to pay a copying charge. The 30 working day period must include a common period of inspection during which all smaller authorities’ accounting records are available to inspect. This will be 1-12 July 2019 for 2018/19 accounts. The advertisement must set out the dates of the period for the exercise of public rights, how you can communicate to the smaller authority that you wish to inspect the accounting records and related documents, the name and address of the auditor, and the relevant legislation that governs the inspection of accounts and objections.

The right to ask the auditor questions about the accounting records

You should first ask your smaller authority about the accounting records, since they hold all the details. If you are a local elector, your right to ask questions of the external auditor is enshrined in law. However, while the auditor will answer your questions where possible, they are not always obliged to do so. For example, the question might be better answered by another organisation, require investigation beyond the auditor’s remit, or involve disproportionate cost (which is borne by the local taxpayer). Give your smaller authority the opportunity first to explain anything in the accounting records that you are unsure about. If you are not satisfied with their explanation, you can question the external auditor about the accounting records.

The law limits the time available for you formally to ask questions. This must be done in the period for the exercise of public rights, so let the external auditor know your concern as soon as possible. The advertisement or notice that tells you the accounting records are available to inspect will also give the

period for the exercise of public rights during which you may ask the auditor questions, which here means formally asking questions under the Act. You can ask someone to represent you when asking the external auditor questions.

Before you ask the external auditor any questions, inspect the accounting records fully, so you know what they contain. Please remember that you cannot formally ask questions, under the Act, after the end of the period for the exercise of public rights. You may ask your smaller authority other questions about their accounts for any year, at any time. But these are not questions under the Act.

You can ask the external auditor questions about an item in the accounting records for the financial year being audited. However, your right to ask the external auditor questions is limited. The external auditor can only answer 'what' questions, not 'why' questions. The external auditor cannot answer questions about policies, finances, procedures or anything else unless it is directly relevant to an item in the accounting records. Remember that your questions must always be about facts, not opinions. To avoid misunderstanding, we recommend that you always put your questions in writing.

The right to make objections at audit

You have inspected the accounting records and asked your questions of the smaller authority. Now you may wish to object to the accounts on the basis that an item in them is in your view unlawful or there are matters of wider concern arising from the smaller authority's finances. A local government elector can ask the external auditor to apply to the High Court for a declaration that an item of account is unlawful, or to issue a report on matters which are in the public interest. You must tell the external auditor which specific item in the accounts you object to and why you think the item is unlawful, or why you think that a public interest report should be made about it. You must provide the external auditor with the evidence you have to support your objection. Disagreeing with income or spending does not make it unlawful. To object to the accounts you must write to the external auditor stating you want to make an objection, including the information and evidence below and you must send a copy to the smaller authority. The notice must include:

- confirmation that you are an elector in the smaller authority's area;
- why you are objecting to the accounts and the facts on which you rely;
- details of any item in the accounts that you think is unlawful; and
- details of any matter about which you think the external auditor should make a public interest report.

Other than it must be in writing, there is no set format for objecting. You can only ask the external auditor to act within the powers available under the [Local Audit and Accountability Act 2014](#).

A final word

You may not use this 'right to object' to make a personal complaint or claim against your smaller authority. You should take such complaints to your local Citizens' Advice Bureau, local Law Centre or to your solicitor. Smaller authorities, and so local taxpayers, meet the costs of dealing with questions and objections. In deciding whether to take your objection forward, one of a series of factors the auditor must take into account is the cost that will be involved, they will only continue with the objection if it is in the public interest to do so. They may also decide not to consider an objection if they think that it is frivolous or vexatious, or if it repeats an objection already considered. If you appeal to the courts against an auditor's decision not to apply to the courts for a declaration that an item of account is unlawful, you will have to pay for the action yourself.

For more detailed guidance on public rights and the special powers of auditors, copies of the publication [Local authority accounts: A guide to your rights](#) are available from the NAO website.

If you wish to contact your authority's appointed external auditor please write to the address in paragraph 4 of the *Notice of Public Rights and Publication of Unaudited Annual Governance & Accountability Return*.

<u>Account</u>	<u>Opening Balance</u>	<u>Net Transfers</u>	<u>Closing Balance</u>
320 EMR Repairs & Renewals	15,441.00		15,441.00
330 EMR Elections	0.00	1,500.00	1,500.00
340 EMR Neighbourhood Plan	5,242.00	1,774.00	7,016.00
350 EMR Green Initiatives	1,476.40		1,476.40
360 EMR IT Equipment	700.00	300.00	1,000.00
370 EMR Training	380.00	500.00	880.00
380 EMR LLCA	1,599.00		1,599.00
390 EMR Toilets	0.00	1,200.00	1,200.00
400 EMR Aggragate Fund	0.00	4,500.00	4,500.00
	<u>24,838.40</u>	<u>9,774.00</u>	<u>34,612.40</u>

REPORT FOLLOWING ALLOTMENTS INSPECTION BY THE ALLOTMENTS WORKING PARTY

Both allotment gardens at Long Rock and Church Hill were inspected by members of the Allotments Working Party on 29th April, 2019.

Inspections offer 4 ratings: Good, Satisfactory, Poor or Very Poor. In the event that a plot is deemed to be Very Poor, the tenant will be informed that, unless there are mitigating circumstances, they have 2 weeks in which to significantly improve their plot. If improvements are not made, a second letter will be sent, the date of which being the start of one month's notice of termination of the lease. If, at the end of the one month's notice no improvements or mitigating circumstances have been received, a third letter will terminate the lease and the plot will be re-allocated.

Long Rock:

Of the 17 allotment plots inspected, 16 rated either Good or Satisfactory. **One plot rated Very Poor.**

Church Hill:

Of the 52 available allotment plots, 3 are currently vacant, 2 have only been rented out in the last couple of months and therefore not reasonable to inspect them at this time. Of the 47 allotments plots inspected, 43 rated either Good or Satisfactory. **One rated Poor, three rated Very Poor.**

Two plots had combination locks on their gates which prevented access for inspection, in breach of the Allotment Rules which requires the combination codes to be supplied to the Parish Clerk. The tenants will be sent letters giving them 2 weeks to rectify the situation.

Overall:

Better use could be made of existing water butts and more water butts installed, also soakaways for polytunnels and guttering for sheds, linked to water butts.

Several plot holders are taking active measures to encourage wildlife diversity, with bird feeders, wildlife ponds etc., however, it is desirable if more plot holders followed suit.

On Church Hill, water tap no.5 is leaking from the tap. Maintenance repair is urgently required to prevent more water loss. Hopefully, it will only require a new washer.

One of the vacant plots at Church Hill has an overly large, dilapidated former chicken shed with lean-to elements, on a concrete base. It is unsightly, takes up a significant amount of the plot and should be taken down.

The bottom gate at Church Hill has now been rehung.

The Working Party therefore made the following recommendations:

Letters should be sent to tenants in breach of the Allotment Rules and those with plots rated Very Poor asking if there are mitigating circumstances and otherwise giving 2 weeks in which to significantly improve their plots.

Urgent repairs should be undertaken on Church Hill water tap no. 5.

The shed on Church Hill plot #34 should be removed.

A 'Please shut gate after use' sign should be fixed to the bottom gate at Church Hill, in the interests of security.

PLANNING & HIGHWAYS ITEMS FOR INFORMATION

Cornwall Council – Planning Decisions

	Details:	LPC:	CC:
PA18/11590 February 2019	Construction of timber cabin for visiting artists and wedding guests – Tremenheere Sculpture Garden Tolver Long Rock TR20 8YL – N. Armstrong	No objection, subject to full-time residential use being excluded.	Refusal 9 Apr 19
PA18/11157 February 2019	Construction of detached garage & pool house, outbuildings restoration, alterations to dwelling house, alterations to fenestration and balcony – Access Track To Wheal Darlington Long Rock TR20 9BJ – Mr & Mrs Auchincloss	No objection, subject to questions about the previous mining history on neighbouring property and the issue of contaminated land.	Approved 12 Apr 19
PA19/00814 March 2019	Self build retirement bungalow. Alterations to existing access. – Land NW of The Countryman Nance Trink Cornwall TR26 3JQ – Mr And Mrs H Massey	Council objects to this application on the grounds that it is a new dwelling in open countryside. Alterations to the existing access would, as a result, appear to be superfluous.	Refused 16 Apr 19
PA18/10625 December 2018	Outline application for residential development of up to 5 dwellings (all matters reserved) – 3 Riverside Cottages, Access To Riverside Cottages, Cockwells TR20 8DB – Mr Michael Rendell	No objection.	Approved 24 Apr 19
PA19/01692 March 2019	Proposed granny-annexe – Polpeor Villa Wheal Kitty Road Lelant Downs Cornwall TR27 6NS – Mrs Linda Bree	Council objects to this application as it continues to consider it a new development in open countryside.	Approved 25 Apr 19
PA19/01734 April 2019	Construction of 6 dwelling houses (3 affordable), access road, landscaping, community gardens and associated works – Land Rear To Louraine House A30 Between Rospeath Lane and Cockwells Crowlas TR20 8DS – Mrs L Trudgeon	No objection, subject to Highways’ agreement.	Withdrawn 30 Apr 19

Highways - Planned Roadworks:

Location:

Timing:

Location:

Timing: