



# HELSTON TOWN COUNCIL

*Konsel an Dre Hellys*

THE GUILDHALL • HELSTON • CORNWALL • TR13 8ST

E Mail: [townclerk@helston-tc.gov.uk](mailto:townclerk@helston-tc.gov.uk) Website: [www.helston-tc.gov.uk](http://www.helston-tc.gov.uk)

Tel: (01326) 572063

Pamela Lavelle Town Clerk



17<sup>th</sup> January 2025

To: Members of the Finance and General Purposes Committee

Copy to Members of the Town Council for information

Dear Councillor,

A Meeting of the Finance and General Purposes Committee will be held in The Guildhall, Helston on **THURSDAY 23<sup>RD</sup> JANUARY 2025 at 7.00 p.m.** for the purpose of transacting the undermentioned business.

Yours faithfully

Pamela Lavelle  
Town Clerk

## AGENDA

1. Apologies for absence.
2. Declarations of Interest.
3. To approve and sign the Minutes of the meeting held on 28<sup>th</sup> November 2024 (**Page 3**).
4. Matters Arising from the 28<sup>th</sup> November 2024 meeting (for information exchange only).
5. At this juncture the Meeting will adjourn for a period of up to fifteen minutes to permit members of the public present to make observations in respect of any items on this Agenda.
6. To receive verbal reports by, and to put questions to, the Grounds/General Maintenance Supervisor.
7. To consider the Budget Monitoring Statement to 31<sup>st</sup> December 2024 (**Page 7**).
8. To consider a report by the Town Clerk regarding an internal audit by Members (**to follow**)

9. To give consideration to the Internal Auditor's 2024/25 Interim report (**Page 15**).
10. To consider policies reviewed by the Policy Review Working Party:
  - a) Data Protection Policy (**Page 19**).
  - b) Dispensation Procedure (**Page 29**).
  - c) Document Management Policy (**Page 35**).
11. To review the Internal Controls Policy (**Page 41**).
12. To review Standing Orders (excluding Financial Regulations reviewed by Full Council in October 2024) (**Page 49**).
13. To consider a report by the Town Clerk (**Page 107**).
14. Exclusion of the Press and Public  
The Committee is invited to pass the following resolution:-  
  
"That pursuant to the provisions of the Public Bodies (Admissions to Meetings) Act, 1960 the press and public be excluded from the Meeting for the following item of business by reason of the confidential nature of the business to be transacted."
15. To consider a confidential report by the Town Clerk (**Page 109**).

**MINUTES OF A MEETING OF THE FINANCE & GENERAL PURPOSES COMMITTEE**  
**HELD IN THE GUILDHALL**  
**ON THURSDAY 28<sup>TH</sup> November 2024 AT 7.00PM**

**Councillors:** M Benyon in the Chair

R J L Boase  
F N E Boase

J Martin  
M P Andrew

D Willey

**Officers:** Miss P J Lavelle –Town Clerk

**198. Apologies**

Apologies for absence were received from the Mayor and Councillor Grattan-Kane.

**199. Minutes of the Finance & General Purposes Committee**

On the proposition of Councillor Mrs Boase, seconded by Councillor R J L Boase, it was unanimously

RESOLVED – that the Minutes of the Finance & General Purposes Committee meeting held on 26<sup>th</sup> September 2024 be approved and signed as a true record.

**Voting: For – 4, Against – 0, Abstain – 1**

It was further proposed by Councillor Mrs Boase, seconded by Councillor Andrew, and

RESOLVED – that the Minutes of the Special Finance & General Purposes Committee meeting held on 31<sup>st</sup> October 2024 be approved and signed as a true record.

**200. Budget Monitoring Report**

Members considered the Budget Monitoring Statement to 31<sup>st</sup> October 2024. It was proposed by the Chair, seconded by Councillor Mrs Boase, and unanimously

RESOLVED – that the Budget Monitoring Statement be accepted.

**201. Policies Reviewed by the Policy Review Working Party**

**i) Body Worn Video Camera Policy**

It was proposed by Councillor R J L Boase, seconded by Councillor Andrew, and unanimously

RESOLVED – that the Body Worn Video Camera Policy be accepted.

## 4

### ii) Community Engagement Policy

It was proposed by the Chair, seconded by Councillor Willey, and unanimously

RESOLVED – that consideration of the Community Engagement Policy be deferred to the following meeting to allow the Communications Officer opportunity to make the document more accessible.

**The Chair, Councillor Benyon, left the meeting at 7.18pm and returned to the meeting at 7.20pm.**

### iii) Complaints Procedure

Members considered the Complaints Procedure and agreed the following amendments:

7.2 – Addition of ‘... or Officer ...’ after ‘Councillor’.

7.4 – ‘he/she’ be replaced with ‘they’

It was proposed by Councillor Mrs Boase, seconded by Councillor Willey, and unanimously

RESOLVED – that the Complaints Procedure be accepted, subject to the above amendment.

### iv) Cornish Language Policy

It was proposed by Councillor Andrew, seconded by Councillor Mrs Boase, and unanimously

RESOLVED – that the Cornish Language Policy be accepted.

## 202. General Risk Assessment

Members considered the General Risk Assessment (circulated prior to the meeting) and agreed the following amendments:

Any reference to ‘Peninsula’ be amended to ‘a professional body’

Inclusion of a risk for ‘Environmental & social liability as a consequence of asset ownership’ with the Environmental Action Plan listed as a measure taken.

Loss of cash through theft or dishonesty – Inclusion of intruder alarm as a measure taken

Loss of Investments – Inclusion of ‘at least’ prior to ‘three banks’

Name of accounting and payroll software providers to be removed and listed as ‘appropriate’

Failure of Computer System – ‘daily’ to be replaced with ‘monthly’

Each risk to be numbered for easy reference and the risks to be reorganised into risk areas.

It was proposed by Councillor Mrs Boase, seconded by Councillor Andrew, and unanimously

RESOLVED – that, subject to the above amendments, the General Risk Assessment be approved.

### **203. Report of the Town Clerk**

#### **i) Flora Day**

Following a detailed debate it was proposed by Councillor R J L Boase, seconded by Councillor Willey, and unanimously

RESOLVED – that:

- a) the Council ask Cornwall Council to supply warning signs to alert users going to the event they permitted to take place on their land; and
- b) Councillor Foreman be copied into the correspondence.

It was proposed by Councillor R J L Boase, seconded by Councillor Mrs Boase, and unanimously

RESOLVED – that Standing Order 1.14 be suspended to allow a representative of the Flora Day Association to speak.

A representative of the Flora Day Association advised that the organisation was not in favour of the relocation of the market stalls and would be particularly concerned with any proposal to switch sides part way down Coinagehall Street. He confirmed that the association were particularly concerned with the top of Coinagehall Street and would like to stalls to start 1 or 2 pitches down to assist with crowd management.

On the proposition of Councillor R J L Boase, seconded by the Chair, it was unanimously

RESOLVED – that Standing Order 1.14 be resumed.

It was proposed by Councillor R J L Boase, seconded by Councillor Andrew, and unanimously

RESOLVED – that the stalls continue to be located on the same side of Coinagehall Street but start two pitches further down from the Guildhall.

#### **ii) Budget 2025/26**

Members considered the Draft Budget 2025/26 and the impact of the tax base figure including the Second Homes Council Tax Premium. It was agreed that no further amendments be made at this time and it was proposed by Councillor R J L Boase, seconded by Councillor Andrew, and unanimously

# 6

RESOLVED – that the Committee recommended the draft 2025/26 budget and the Schedule of Fees and Charges to Full Council for approval at the 19<sup>th</sup> December 2024 meeting.

## iii) **Bench outside of former M&Co**

On the proposition of Councillor R J L Boase, seconded by the Chair, it was unanimously

RESOLVED – that the bench located outside of the former M&Co premises be relocated to the bus shelter on the Redruth Road.

## 204. **Exclusion of the Press and Public**

On the proposition of Councillor Mrs Boase, seconded by Councillor Willey, it was unanimously

RESOLVED – that pursuant to the provision of the Public Bodies (Admissions to Meetings) Act 1960, the press and public be excluded from the Meeting for the following items of business by reason of the confidential nature of the business to be transacted.

## 205. **Confidential Report of the Town Clerk**

### i) **Electricity Contract**

It was proposed by Councillor R J L Boase, seconded by Councillor Mrs Boase, and unanimously

RESOLVED – that this item be deferred to the January meeting to allow comparison of the annual usage figures.

### ii) **Accounts Software**

On the proposition of the Chair, seconded by Councillor Mrs Boase, it was unanimously

RESOLVED – that this item be deferred to the January meeting to allow further information to be obtained on service support and retention of old accounts.

### iii) **Solar Panels**

This item was noted.

**Meeting closed at 8.39pm**

**Confirmed**

**Chair**

## Budget Monitoring to 31<sup>st</sup> December 2024

### 1. Introduction

This Budget Monitoring Report has been produced as at 31<sup>st</sup> December 2024 and a copy of the detailed income and expenditure report outlining all budget variances is attached at **Appendix A**.

At the conclusion of the second quarter the majority of budgets are on course to remain within their targeted values. Explanations for any significant variances are listed below.

### 2. Variances

#### Income

##### Under Budget

Code	Budget	Explanation
1000 – Guildhall Lettings	£2,500	Whilst currently under budget a regular booking has recently been received which is expected to bring this income heading to the budgeted sum.
1001 – Guildhall Weddings	£1,300	Income under this heading is lower than anticipated and is expected to remain under budget.
1030 – Indoor Market	£400	With the Indoor Market not operating this budget heading will not achieve the expected target.

##### Over Budget

Code	Budget	Explanation
1032 – Flora Day Market	£5,500	Income from the Flora Day Market was higher than anticipated.
1149 – Com. Infra. Levy & 1181 – Grants Received	£17,400 £23,555	This income relates to Community Infrastructure Levy (CIL) funding and Town Accelerator Funding which is ear-marked
1190 – Bank Interest	£6,500	This budget has exceeded its anticipated income with further interest expected over the course of the financial year.
1999 – Miscellaneous	£3,598	This non-budgeted income covers: <ul style="list-style-type: none"> <li>£1923 Plastic Free Helston Income (EMR)</li> <li>£474 Sale of maintenance equipment</li> <li>£800 Helston Bowling Club Rent</li> <li>£33 Hanging Basket Income – Reimburse MWF</li> <li>£2 Helston Scout Hut</li> <li>£304 Donation for King Charles III Portrait &amp; Framing</li> <li>£12 Mayor’s Quiz – Reimburse MWF</li> <li>£50 MWF Quiz Float – to be reallocated to Exp.</li> </ul>

# 8

## Expenditure

### Over Budget

<b>Code</b>	<b>Budget</b>	<b>Explanation</b>
4105 – Gas	£3,000	Whilst the cost levels are expected to reduce following the Council's change in provider the overall expenditure is likely to exceed the budgeted sum.
4115 – Postage	£1,050	The Council's postage usage has been higher than anticipated which has caused an overspend on this budget. Measures are in place to reduce the use of postage where possible with the aim of minimising the overspend.
4131 – HR & H&S Services	£3,250	This budget will overspend as the cost of the Council's selected provider was higher than anticipated at the time the budget was set.
4175 – Public Projects	£8,642	This unbudgeted expenditure relates to design work for the Town gateways project which is covered by grant funding contained in an Ear Marked Reserve
4177 – Carbon Footprint	£15,000	This budget appears to have overspent due to an accounting adjustment for the deposit previously paid against solar panels. The current years budget remains available.
4999 – Miscellaneous	£9,619	This non-budgeted expenditure covers: £2,375 Plastic Free Helston Expenditure (from EMR) £2,858 Mayor's Welfare Fund – Hanging Baskets & Flora Luncheon & Christmas Appeal (reimbursed by MWF) £675 Leats Survey £17 Misallocation of event cost – To be corrected £144 Portrait of King – Cost reimbursed by Councillors £50 MWF Quiz Float – is cancelled by income £3,500 Legal advice re. restricted funds

### Under Budget

<b>Code</b>	<b>Budget</b>	<b>Explanation</b>
4050 – Building Repairs	£28,820	A significant portion of this budget appears to have been spent but £17,456 of this expenditure relates to the replacement bell which is funded from EMR.
4950 – Bank Charges	£19,020	It is anticipated that this expenditure heading will remain significantly under budget.



**3. Target Year-end General Reserves**

The Council is required to 3 – 4 months of budgeted expenditure for 2024/25 to allow continued operation should the precept payment be delayed or other unforeseen circumstance. For 2024/25 this is:

**£220,752 - £294,337**

**4. Commitments from General Reserves**

<b>Starting Balance:</b>	<b>£248,121</b>	<b>General Reserves as at 31<sup>st</sup> March 2024</b>
<b>Agreed deductions:</b>	(£3,900)	Christmas Lights Storage
	(£325)	Contribution to Leat Survey
	(£5,000)	Discover Helston Magazine EMR

**BLANK PAGE**

07/01/2025

## Helston Town Council

Page 1

17:17

## Detailed Income &amp; Expenditure by Account 31/12/2024

Month No: 9

## Account Code Report

	Actual Last Year	Actual Year to Date	Current Annual Bud	Budget Variance	Committed Expenditure	Funds Available	% Spent
<b><u>Income Detail</u></b>							
1000 Income - Guildhall Lettings	4,434	1,610	2,500	890			64.4%
1001 Income - Guildhall Weddings	1,087	643	1,300	657			49.5%
1005 Income - Guildhall Basement	412	412	400	(12)			103.1%
1010 Income - Agency Agreements	23,647	22,970	24,100	1,130			95.3%
1015 Income - Parking Spaces	1,057	1,947	10	(1,937)			19470.9%
1020 Income - Hire of Monument Walk	780	735	780	45			94.2%
1030 Income - Indoor Market	346	0	400	400			0.0%
1032 Income - Flora Day Market	5,922	6,710	5,500	(1,210)			122.0%
1149 Income - Com. Infra. Levy (CIL	66,292	17,400	0	(17,400)			0.0%
1176 Income - Precept	746,350	841,520	841,520	0			100.0%
1181 Income - Grants received	39,545	23,555	0	(23,555)			0.0%
1184 Income - Seagull Proof Bags	725	105	0	(105)			0.0%
1190 Income -Bank Interest Received	24,395	20,698	6,500	(14,198)			318.4%
1195 Income - Recharges	0	(140)	0	140			0.0%
1999 Income - Miscellaneous	7,594	3,598	0	(3,598)			0.0%
<b>Total Income</b>	<b>922,586</b>	<b>941,765</b>	<b>883,010</b>	<b>(58,755)</b>			<b>106.7%</b>
<b><u>Expenditure Detail</u></b>							
4000 Salaries	388,351	314,175	449,760	135,585		135,585	69.9%
4010 Other/Medical Expenses	0	35	1,300	1,265		1,265	2.7%
4015 Protective Clothing	2,029	1,712	3,080	1,368		1,368	55.6%
4019 Training - Members	480	136	2,080	1,944		1,944	6.5%
4020 Training - Staff	5,127	3,420	6,930	3,510		3,510	49.4%
4021 Honorariums	808	680	1,020	340		340	66.7%
4025 Memberships	248	55	410	355		355	13.4%
4030 Travel Expenses - Staff	1,099	1,042	1,500	458		458	69.5%
4031 Travel Expenses - Members	31	0	250	250		250	0.0%
4035 Vehicle Hire	14,546	8,924	13,680	4,756		4,756	65.2%
4040 Mayor's Allowance	2,595	1,875	2,600	725		725	72.1%
4045 Freeman Insignia/ Ceremonies	26	0	1,000	1,000		1,000	0.0%
4050 Building Repairs	16,065	23,603	28,820	5,217		5,217	81.9%
4099 Lease of Facilities	2,275	920	1,680	760		760	54.8%
4100 Business Rates	9,232	8,309	14,340	6,032		6,032	57.9%
4101 Water Charges	3,253	3,187	4,410	1,223		1,223	72.3%
4105 Gas	6,857	2,352	3,000	648		648	78.4%
4106 Electricity	10,879	4,041	7,910	3,869		3,869	51.1%
4110 Telephones	4,077	3,273	4,470	1,197		1,197	73.2%
4115 Postages	1,401	1,362	1,050	(312)		(312)	129.7%
4116 Insurance	7,769	9,487	9,600	113		113	98.8%
4117 Stationery/Small Equipment	13,034	11,289	14,650	3,361		3,361	77.1%

Continued over page

## Detailed Income &amp; Expenditure by Account 31/12/2024

Month No: 9

## Account Code Report

	Actual Last Year	Actual Year to Date	Current Annual Bud	Budget Variance	Committed Expenditure	Funds Available	% Spent
4118 Advertisements	3,262	2,652	4,200	1,548		1,548	63.1%
4119 Publications	155	0	320	320		320	0.0%
4120 Subscriptions	2,832	3,134	4,190	1,056		1,056	74.8%
4121 Furniture	105	305	440	135		135	69.3%
4122 Cleaning Materials	1,169	619	3,090	2,471		2,471	20.0%
4123 Website	300	73	600	527		527	12.1%
4125 Waste Disposal	2,735	1,353	2,600	1,247		1,247	52.1%
4129 Contract Cleaning	27,532	33,433	49,300	15,867		15,867	67.8%
4130 Consultancy/Professional Fees	4,585	2,330	3,600	1,270		1,270	64.7%
4131 HR & H&S Services	2,702	5,042	3,250	(1,792)		(1,792)	155.1%
4135 Marketing	8,400	10,984	16,800	5,816		5,816	65.4%
4140 Public Seating	0	0	1,780	1,780		1,780	0.0%
4141 Signs & Notice Boards	0	0	1,100	1,100		1,100	0.0%
4143 Defibrillators	1,751	3,993	5,500	1,507		1,507	72.6%
4150 Local Elections	0	0	2,500	2,500		2,500	0.0%
4160 Playground Equipment	72,041	232	2,000	1,768		1,768	11.6%
4162 Play Equip. Replacement Fund	0	0	2,500	2,500		2,500	0.0%
4166 Trees	5,765	0	6,030	6,030		6,030	0.0%
4175 Public Projects	61,514	8,642	0	(8,642)		(8,642)	0.0%
4177 Carbon Footprint reduction	0	22,500	15,000	(7,500)		(7,500)	150.0%
4180 Play & Young People	0	0	200	200		200	0.0%
4181 Provision for Youth Support	16,068	16,550	19,200	2,650		2,650	86.2%
4190 Maintenance Materials	1,330	1,333	2,500	1,167		1,167	53.3%
4200 Street Stalls & Road Closures	5,990	7,342	7,400	58		58	99.2%
4203 Grounds Maintenance	9,932	7,798	10,500	2,702		2,702	74.3%
4204 Ride On Mower	5,365	3,841	5,800	1,959		1,959	66.2%
4206 Grounds Equipment Maintenance	2,897	1,187	2,000	813		813	59.3%
4215 Traffic Regulation Order	0	0	5,000	5,000		5,000	0.0%
4225 Helston Museum	2,000	0	2,500	2,500		2,500	0.0%
4227 Furry Cafe	9,000	20,000	20,000	0		0	100.0%
4230 Public Realm CCTV	23,937	17,185	24,250	7,065		7,065	70.9%
4240 Grant Funding	21,605	19,910	25,000	5,090		5,090	79.6%
4242 Community Enviro Grant	0	0	10,000	10,000		10,000	0.0%
4250 Town Twinning	326	0	2,500	2,500		2,500	0.0%
4251 Flora Day Decorations	622	(88)	750	838		838	(11.7%)
4252 Christmas Lights	11,094	2,306	9,600	7,294		7,294	24.0%
4253 Council Events & Hospitality	10,655	5,081	15,000	9,919		9,919	33.9%
4254 Hanging Baskets	546	599	700	101		101	85.6%
4500 Play Area Maintenance	5,648	944	2,750	1,806		1,806	34.3%
4950 Bank Charges	291	206	19,020	18,814		18,814	1.1%
4999 Miscellaneous Expenses	6,846	9,619	0	(9,619)		(9,619)	0.0%

07/01/2025

Helston Town Council

Page 3

17:17

## Detailed Income &amp; Expenditure by Account 31/12/2024

Month No: 9

## Account Code Report

	Actual Last Year	Actual Year to Date	Current Annual Bud	Budget Variance	Committed Expenditure	Funds Available	% Spent
<b>Total Overhead</b>	819,180	<b>608,983</b>	<b>883,010</b>	<b>274,027</b>	<b>0</b>	<b>274,027</b>	69.0%
<b>Total Income</b>	<b>922,586</b>	<b>941,765</b>	<b>883,010</b>	<b>(58,755)</b>			<b>106.7%</b>
<b>Total Expenditure</b>	<b>819,180</b>	<b>608,983</b>	<b>883,010</b>	<b>274,027</b>	<b>0</b>	<b>274,027</b>	<b>69.0%</b>
<b>Net Income over Expenditure</b>	<b>103,405</b>	<b>332,782</b>	<b>0</b>	<b>(332,782)</b>			
plus Transfer from EMR	117,177	38,764					
less Transfer to EMR	184,841	42,528					
<b>Movement to/(from) Gen Reserve</b>	<b>35,742</b>	<b>329,018</b>					

## Helston Town Council

### Bank - Cash and Investment Reconciliation as at 31 December 2024

<u>Confirmed Bank &amp; Investment Balances</u>		
<u>Bank Statement Balances</u>		
29/11/2024	NatWest Bonus Saver	674,945.74
30/11/2024	NatWest Current	100.00
31/12/2024	Public Sector Deposit Fund	0.00
31/12/2024	Unity Current AC	26,222.97
31/12/2024	Unity Deposit	254,312.75
31/12/2024	Barclaycard	0.00
31/12/2024	Charity Bank 10083864	0.00
		<b>955,581.46</b>
 <u>Other Cash &amp; Bank Balances</u>		
		<b>200.00</b>
		<b>955,781.46</b>
 <u>Unpresented Payments</u>		
		<b>540.10</b>
		<b>955,241.36</b>
 <u>Receipts not on Bank Statement</u>		
		<b>0.00</b>
		<b>955,241.36</b>
 <b>Closing Balance</b>		
		<b>955,241.36</b>
<u>All Cash &amp; Bank Accounts</u>		
1	Barclays Current A/c 20478652	0.00
2	Closed A/c - 03552861	0.00
3	Bank Of Ireland - 64910679	0.00
4	Bank Of Ireland No2 - 72923904	0.00
5	Natwest Bonus Saver 54084628	475,045.74
6	Public Sector Deposit Fund	344,423.41
7	Barclays No 3 A/c 93731391	0.00
8	Unity Current A/C 20472016	25,682.87
9	Unity Deposit A/C 20472029	254,312.75
10	Barclaycard 5566772966794082	0.00
11	Charity Bank 10083864	5,000.00
	Other Cash & Bank Balances	200.00
	<b>Total Cash &amp; Bank Balances</b>	<b>1,104,664.77</b>



HUDSON ACCOUNTING LTD.  
INTERIM INTERNAL AUDIT REPORT:  
TO THE MEMBERS OF HELSTON TOWN COUNCIL  
YEAR ENDED 31ST MARCH 2025.

ISSUE DATE: 30/10/2024  
ISSUED TO: TOWN CLERK

**INTRODUCTION:**

Internal auditing is an independent, objective assurance activity designed to improve an organisation's operations. It helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes.

**Scope:**

The scope of the audit covers, as a minimum, the areas included in the Internal Audit Report contained in the Annual Governance & Accountability Return.

Any areas not covered at this interim stage will be included later in the year or during the final audit activity.

**Approach:**

Audit work is carried out in line with the Chartered Institute of Public Finance and Accountancy's Internal Audit Standards and guidance issued by the National Association of Local Councils.

Where applicable we have included reference to 'proper practice' and the associated guidance as laid out in 'Governance & Accountability for Smaller Authorities in England' which is applicable to financial years from 1<sup>st</sup> April 2024.

Selective testing was carried out and the relevant policies, procedures and controls were reviewed.

**GENERAL COMMENTS:**

We would like to thank the staff for their assistance and co-operation during the audit.

The matters raised in this report are only those which came to our attention during our internal audit work and are not necessarily a comprehensive statement of all the weaknesses that exist, or of all the improvements that may be required.

It should be noted that assurance can never be absolute. The most that the internal audit service can provide is a reasonable assurance that there are no major weaknesses in risk management, governance, and control processes. The audit does not guarantee that the accounting records are free from fraud or error.

We have provided a table of audit recommendations, if required, that allows for the Council's response and which can be used as an ongoing monitoring tool. We would be grateful if, in due course, it was completed and returned to us.



**AUDIT COMMENTARY:****Previous Recommendations**

There are no previous recommendations requiring action.

**Accounting Records**

The accounts are maintained on RBS accounting software, they were up to date and appeared free from material errors.

**Financial Regulations**

Financial Regulations were reviewed in September 2024 and incorporate the new model documentation issued by NALC.

**Payments**

A sample of payments was tested to establish whether the spending decision, procurement process, certification and approval for payment were in line with Financial Regulations as well as ensuring that payments were supported by invoices, VAT was correctly accounted for, and payment controls were applied.

*Purchasing*

**A scheme of delegation is in place and purchase orders are in use.**

*Payments*

**Payments made in July were tested.**

**They were all supported by invoices and were accurately input into the accounting system. They had been certified by the RFO prior to being included on payment schedules approved by Members.**

**VAT was properly accounted for.**

*Payment methods*

**A protocol is in place to ensure separation of duties for internet banking payments.**

**The credit card is operated in line with Financial Regulations and testing revealed any payments made are supported by invoices.**

**Risk***Risk Assessment*

**The Council is yet to review its risk assessment during the year.**

*Insurance*

**Statutory insurances are in place and the Fidelity Guarantee is adequate at £2 million.**

**Comparison of the insurance schedule to the asset register showed no obvious omissions.**

*Investments*

**An Investment Strategy covering the 2024/25 financial year was adopted in March 2024.**

**Budgets***Setting*

**We reviewed the 2024/25 budget setting process as part of our final audit work last year and we review the 2025/26 process later in the year.**

*Monitoring*

**Budget monitoring reports are taken to each meeting of the Finance and General Purposes Committee.**

## Income

Systems were tested to ensure that suitable controls are in place to ensure that all income is received in a timely manner, that charges are correctly applied and that any cash received is promptly receipted and banked.

### *Precept*

**The precept received is in accord with that set by the Council.**

### *Parking spaces*

**Charges for parking spaces have been accurately applied, clients are invoiced and VAT has been properly accounted for.**

### *Room Hire*

**A booking system is in place and testing revealed that fees are accurately applied and that adequate procedures are in place to ensure payment.**

### *VAT*

**VAT claims are up to date.**

### *Flora Day Market*

**The allocation of and payment for pitches is managed through a spreadsheet, sufficient detail is included to allow payment to be traced to the Ledger. Testing revealed no issues to report.**

## Payroll

### *New Starters*

**New employees have been issued contracts of employment and have been paid in accordance with the Terms therein.**

### *Increments*

**Annual increments have been accurately implemented.**

### *Tax, NI & Pensions*

**PAYE and pension requirements have been met.**

### *Pay Award*

**The national pay award has yet to be agreed and further testing will be carried out later in the year.**

## Bank Reconciliation

**Monthly bank reconciliations are carried out in a timely manner and were found to be accurate. There are no balancing entries or old and unrepresented payments.**

**Scrutiny is undertaken as part of the Member internal control checking regime.**

## Electors Rights

**Full Council properly approved the 2023/24 AGAR.**

**The opportunity for electors to examine the accounts was properly advertised and the publication requirements in respect of the 2023/24 accounts have been met.**



**Helston Town Council**

**Konsel an Dre Hellys**

**Data Protection Policy**

## Contents

1. Introduction.....	<del>215</del>
2. Aims and Scope of this Policy. ....	<del>215</del>
3. Definitions.....	<del>215</del>
4. Principles.....	<del>237</del>
5. Policy.....	<del>237</del>
6. Responsibilities .....	<del>2640</del>

## 1. Introduction.

- 1.1. An essential activity within the Council is the requirement to gather and process information about its employees and people in the community in order to operate effectively. This will be done in accordance with the Data Protection Act 2018, General Data Protection Regulations (GDPR), and other related government legislation.
- 1.2. The Council, acting as custodians of personal data, recognises its moral duty to ensure that all such data is handled properly and confidentially at all times, irrespective of whether it is held on paper or by electronic means. This covers the following:
  - 1.2.1. The obtaining of personal data.
  - 1.2.2. The storage and security of personal data.
  - 1.2.3. The use of personal data.
  - 1.2.4. The disposal/destruction of personal data.

## 2. Aims and Scope of this Policy.

- 2.1. This policy is intended to:
  - 2.1.1. Ensure everyone is aware of their responsibility regarding the GDPR.
  - 2.1.2. Provide a list of definitions to assist in the understanding of the Regulations.
  - 2.1.3. Sets out the basic guidelines for ~~employees~~ all staff and Members.
  - 2.1.4. Provide information on the types of information held by the Council.

## 3. Definitions.

To aid the understanding of this document and the provisions of the GDPR the following definitions are provided for assistance:

### 3.1. Data.

Any writing, image, recording.

### 3.2. Data Controller.

The Council as the organisation that determines how data is processed.

### 3.3. Data Processor.

A person, or a firm, processing data for the Council.

### 3.4. Data Subject.

The individual about whom personal data is held.

### 3.5. Personal Data.

Data about a living individual who can be identified from that information (or from that and other information in the possession of the data controller).

### 3.6. Sensitive Personal Data.

Personal data consisting of information as to:

- 3.6.1. Racial or ethnic origin of the data subject.
- 3.6.2. Political opinion.
- 3.6.3. Religious beliefs or other beliefs of a similar nature.
- 3.6.4. Membership of a trade union.
- 3.6.5. Physical or mental health or condition.
- 3.6.6. Sex life.
- 3.6.7. Sexual orientation.
- 3.6.8. The commission or alleged commission of an offence.
- 3.6.9. Any proceedings for any offence committed, the disposal of such proceedings or the sentence of any court in such proceedings.

### 3.7. Processing

Is very widely drawn and means obtaining, recording or holding the information or data or carrying out any operation or set of operations on the information or data including:

- 3.7.1. Organisation, adaptation or alteration.
- 3.7.2. Retrieval, consultation or use.
- 3.7.3. Disclosure.
- 3.7.4. Destruction of the information or data.

### 3.8. Relevant Filing System.

Any data that is recorded as part of a manual filing system or with the intention that it should form part of a relevant filing system (e.g. "any set of information relating to individuals to the extent that, although the information is not processed by means of equipment operating automatically in response to instructions given for that purpose, the set is structured, either by reference to individuals or by reference to criteria relating to individuals, in such a way that specific information relating to a particular individual is readily accessible").

## 4. Principles.

- 4.1. Below are the governing principles relating to the collection, use, processing and disclosure of data, and the rights of data subjects to have access to personal data relating to themselves:
  - 4.1.1. Personal data shall be processed **fairly and lawfully**.
  - 4.1.2. Personal data shall be obtained only for **specified and lawful purposes**.
  - 4.1.3. Personal data shall be **adequate, relevant and not excessive**.
  - 4.1.4. Personal data shall be accurate and, where necessary, **kept up to date**.
  - 4.1.5. Personal data shall **not be kept for longer than necessary**.
  - 4.1.6. Personal data shall be processed in **accordance with the rights of the data subject** under this Act (this includes the rights of subjects to access the data and to correct it).
  - 4.1.7. Appropriate **technical and organisational measures** shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data (this relates to data security).
  - 4.1.8. Personal data shall **not be transferred to any other country** without adequate protection in situ.
- 4.2. These principles are required as the minimum standards of practice for any organisation with respect to personal data.

## 5. Policy.

### 5.1. The council support the objectives of the GDPR.

This policy is intended to maintain the confidentiality of personal data held or processed either on computer or in manual files and to increase the access given to individuals to information relating to them.

### 5.2. GDPR Compliance.

To ensure compliance with the GDPR, the Council will:

- 5.2.1. Acknowledge the rights of individuals to whom personal data relates and ensure that these rights may be exercised in accordance with the Act.
- 5.2.2. Ensure that both the collection and use of personal data is done fairly and lawfully.
- 5.2.3. Ensure that personal data will only be obtained and processed for the purposes specified.
- 5.2.4. Collect and process personal data on a need-to-know basis, ensuring that such data is fit for the purpose, is not excessive, and is disposed of at a time appropriate to its purpose.

- 5.2.5. Ensure that adequate steps are taken to ensure the accuracy and currency of data.
- 5.2.6. Ensure that for all personal data, appropriate security measures are taken, both technically and organisationally, to protect against damage, loss or abuse.
- 5.2.7. Ensure that the movement of personal data is done in a lawful way, both inside and outside the Council and that suitable safeguards exist at all times.
- 5.2.8. All actions regarding data subject access requests will be logged. This audit trail will include details regarding the nature of the request, the steps taken to validate it, the information provided as well as any withheld, e.g. for legal reasons.
- 5.2.9. Treat all employee data with respect and will not obtain or disclose unauthorised, inappropriate or excessive information about individuals.
- 5.2.10. Respond to any information requests under the GDPR within one calendar month.
- 5.2.11. Provide details of exemptions if they apply to a specific request.
- 5.2.12. Destroy or amend inaccurate information when it is brought to light.
- 5.2.13. Responses to subject access requests will not incur a charge.

### 5.3. Amount of data to be held

The Council will hold the minimum personal data necessary to enable it to perform its functions. The data will be erased once the need to hold it has passed. Every effort will be made to ensure that data is accurate and up-to-date, and that inaccuracies are corrected quickly.

### 5.4. Employee Information

- 5.4.1. Helston Town Council will need to keep information for purposes connected with an employee's employment, including recruitment and termination information. This information will be kept throughout the period of employment and for as long as is necessary following the termination of employment.
- 5.4.2. These records may include:
  - a) Information gathered about an employee and any references obtained during recruitment.
  - b) Details of terms of employment.
  - c) Payroll, Income Tax, National Insurance and Superannuation information.
  - d) Performance information.



- e) Details of grade and job duties.
- f) Health records.
- g) Absence records, including holiday records and self-certification forms.
- h) Details of any disciplinary investigations and proceedings.
- i) Training records.
- j) Contact names and addresses.
- k) Correspondence with the Council and other information provided to the Council.

5.4.3. Any information held within the Council is kept in the strictest confidence. In addition, the Council operates a Confidential Reporting Policy which supports our aim that no employee should feel reluctant, for fear of management's response, to give information about any wrongdoing within the organisation.

## 5.5. Councillor Information

5.5.1. Helston Town Council will need to keep information for purposes connected with a Councillor's appointment. This information will be kept throughout the term of office and for as long as is necessary following the end of the Councillors service.

5.5.2. These records may include:

- a) Payroll, Income Tax, National Insurance and Superannuation information (where applicable for payment of Mayor's Allowance).
- b) Training records.
- c) Contact names and addresses.
- d) Register of Interests.
- e) Councillor's signature.

## 5.6. Subject Access

5.6.1. The Council will provide to any individual who requests it, in a specified manner, a reply stating whether or not the Council holds personal data about that individual. A written copy, in clear language, of the current data held, will be given. A fee will not be levied for this service.

5.6.2. However, there are certain exemptions from the right of subject access, which relate largely to a test of prejudice. For example, personal data that is held for the purpose of the prevention or detection of crime is exempt, to the extent that providing access would be likely to prejudice that purpose. In addition, data may be withheld if it is not possible to release information without disclosure of personal data about other people.

## 5.7. Disclosures

- 5.7.1. Disclosures of information must be in accordance with the provisions of the Regulations and the Council's registration/notification. Where the Council has a duty to disclose certain data to public authorities (such as the Inland Revenue, Customs and Excise, DWP), this will be done in accordance with statutory and other requirements.
- 5.7.2. Legal and internal rules limit disclosure within the Authority either to Council officers or elected Members. When a request for information is made, the minimum of personal data will be made available on a need-to-know basis.

## 5.8. System Design

The Council intends that personal data must be treated as confidential. Computer systems will be designed to comply with the Principles of the GDPR so that access to personal data should be restricted to identifiable system users.

## 5.9. Training

It is the aim of the Council that all employees will be fully informed of their obligations under the GDPR and be aware of their personal liabilities, and where appropriate further training will be given.

## 5.10. Disciplinary Action

The Council expects all of its employees and Members to comply fully with this Policy and the Principles of the GDPR. Disciplinary action may be taken against any employee who breaches any of the instructions or procedures contained in this Policy.

# 6. Responsibilities

## 6.1. All Employees and Members

All employees and Members have a duty to observe the Principles of the Regulations, and the procedures referred to in this document.

## 6.2. Individuals

Individuals who do not handle data as part of their normal work have a responsibility to ensure that any personal data they see or hear goes no further. This includes personal data and information extracted from such data, thus, for example, unauthorised disclosure of data might occur by passing information over the telephone, communicating information contained on a computer print-out or even inadvertently by reading a computer screen.

## 6.3. The Town Clerk

- 6.3.1. Ensures that any third-party processing personal information on Helston Town Council's behalf is contractually obliged to put in place similar measures.

- 6.3.2. Has a responsibility to ensure that data subjects have appropriate access, upon written request, to details regarding personal information relating to them.
- 6.3.3. The Town Clerk is responsible for gathering and disseminating information and issues relating to information security, the GDPR and other related legislation and ensuring that all employees comply with the legislation.
- 6.3.4. The Town Clerk is the designated data protection officer who should be notified of any breaches and will take the appropriate action.

BLANK PAGE



## **Helston Town Council**

**Konsel an Dre Hellys**

## **Dispensations Procedure**

# 30

## Contents

1. Introduction.....	<u>314</u>
2. Purpose and Effect of Dispensations. ....	<u>314</u>
3. Procedure for Requesting Dispensations at Full Council.....	<u>314</u>
4. Criteria for Determination of Requests. ....	<u>325</u>
5. Terms of Dispensations.....	<u>325</u>
6. Disclosure of Dispensations.....	<u>336</u>
7. Requests for a Dispensation at Committee Meetings. ....	<u>336</u>
8. Review.....	<u>336</u>
Appendix 1: Dispensation Request Form .....	<u>347</u>

## 1. Introduction.

- 1.1. Helston Town Council is responsible for determining requests for a dispensation by a Councillor under Section 33 of the Localism Act 2011. The Town Council is a 'relevant Authority' under Section 27 (6) (d) of the Act.
- 1.2. This Procedure explains the:
  - 1.2.1. Purpose and effect of dispensations.
  - 1.2.2. Procedure for requesting dispensations.
  - 1.2.3. Criteria which are applied in determining dispensation requests.
  - 1.2.4. Terms of dispensations.

## 2. Purpose and Effect of Dispensations.

- 2.1. In certain circumstances Councillors may be granted a dispensation which enables them to take part in Council business where this would otherwise be prohibited because they have a Disclosable Pecuniary Interest or Non-registerable Interest. Provided Councillors act within the terms of their dispensation, there is deemed to be no breach of the Code of Conduct or the law.
- 2.2. Section 31 (4) of the Localism Act 2011 states that dispensations may allow the Councillor:
  - 2.2.1. To participate, or participate further, in any discussion of the matter at the meeting(s); and/or
  - 2.2.2. To participate in any vote, or further vote, taken on the matter at the meeting(s).
- 2.3. If a dispensation is granted, the Councillor may remain in the room where the business is being considered.
- 2.4. **Please note: If a Councillor participates in a meeting where they have a Disclosable Pecuniary Interest and they do not have a dispensation, they may be committing a criminal offence under Section 34 of the Localism Act 2011.**

## 3. Procedure for Requesting Dispensations at Full Council.

- 3.1. Any Councillor who wishes to apply for a dispensation must complete a Dispensation Request Form ([Appendix 1](#)) and submit it to the Town Clerk as soon as possible before the meeting at which the dispensation is required. Applications may also be made at a Full Council meeting.
- 3.2. There will be a standing item on the Full Council agenda to consider dispensation requests.

3.3. The ~~amended~~ wording for the agenda will be as follows:

2. *Declarations of interest and dispensations:*

(a) *Members to declare interests in respect of any item on this Agenda.*

(b) *To consider written requests from Members for dispensations.*

3.4. A request for dispensation will be made on an individual basis.

3.5. The Full Council may grant a dispensation to a Councillor who has a Disclosable Pecuniary Interest or Non-registerable Interest to participate in any discussion of a matter at a meeting and/or to participate in any vote on the matter if they consider that:

3.5.1. So many members of the decision-making body have a Disclosable Pecuniary Interest or Non-registerable Interest that it would impede the transaction of the business (i.e. the meeting would be inquorate).

3.5.2. The Council considers that the dispensation is in the interests of persons living in the parish; or

3.5.3. It is otherwise appropriate to grant a dispensation.

3.6. The Minute of the decision must include statutory reference and length of time.

3.7. The Councillor will receive confirmation of the Council's decision in writing.

3.8. The Councillor requesting the dispensation can participate in the discussion at Full Council and vote.

#### **4. Criteria for Determination of Requests.**

4.1. In reaching a decision on a request for a dispensation the Council will take into account:

4.1.1. The nature of the Councillor's interest.

4.1.2. The need to maintain public confidence in the conduct of the Council's business.

4.1.3. The possible outcome of a proposed vote.

4.1.4. The need for efficient and effective conduct of the Council's business.

4.1.5. Any other relevant circumstances.

#### **5. Terms of Dispensations.**

5.1. Dispensations may be granted:

(a) For one meeting; or

(b) An agreed period not exceeding four years.



- 5.2 The Monitoring Officer shall be notified of dispensations awarded and a copy of the form filed with the Councillor's Register of Interests.

## **6. Disclosure of Dispensations.**

A Councillor that has been granted a dispensation must declare the existence and nature of the dispensation before the commencement of any business to which it relates.

## **7. Requests for a Dispensation at Committee Meetings.**

- 7.1. If the number of Members declaring an interest in an item during a committee meeting would result in the meeting becoming inquorate, the Town Clerk (or their representative) has delegated authority to grant a dispensation to as many Councillors as necessary to enable the business to be transacted.
- 7.2. The Town Clerk (or their representative) shall award a dispensation to the Councillor who, in their opinion, has the least interest and their decision shall be final. This process shall continue until the meeting is quorate.

## **8. Review**

This procedure will be reviewed regularly and amended as necessary to reflect best practice.

# 34

## Appendix 1: Dispensation Request Form

Please give full details of the following in support of your application for a dispensation. If you need any help completing this form please contact the Town Clerk.

Your name.	
The business for which you require a dispensation (refer to agenda item number if appropriate).	
Details of your interest in that business.	
Date of meeting or time period (up to 4 years) for which dispensation is sought.	
Dispensation requested to participate, or participate further, in any discussion of that business by that body.	Yes / No
Dispensation requested to participate in any vote, or further vote, taken on that business by that body.	Yes / No
<b>Reason(s) For Dispensation</b> 33 a) without the dispensation the number of persons unable to participate in the transaction of business would be so great as to impede the transaction of the business.	
33c) the dispensation is in the interests of persons living in the authority's area.	
33e) that it is otherwise appropriate to grant a dispensation.  Reason:	

Signed: \_\_\_\_\_ Dated: \_\_\_\_\_

DECISION:	
Dispensation <del>Given</del> <u>Awarded</u> : YES / NO	Length of Dispensation: .....
Date: .....	Minute Number: .....
Signed: ..... Town Clerk	



# **Helston Town Council**

**Konsel an Dre Hellys**

## **Document Management Policy**

**Contents**

1. Introduction.....~~373~~

2. Scope. ....~~373~~

3. Policy.....~~373~~

    3.1. Retained Documents.....~~373~~

    3.2. Storage of Retained Documents. ....~~395~~

    3.3. Historical Information. ....~~395~~

    3.4. Destruction of Documents. ....~~395~~

## 1. Introduction.

This policy has been produced to aid the sensible and timely management and disposal of correspondence files and other Town Council documents. In addition, the policy will guide any members of the public as to what documents are readily available for requests under the Freedom of Information Act 2000.

## 2. Scope.

The policy applies to all documents produced by Helston Town Council and all documents received in the Town Council's offices. Reviewing and disposal of all such documents will take place on an annual basis during October and November. Documents produced by and readily available from other sources will be destroyed when they are outdated or superseded.

## 3. Policy.

### 3.1. Retained Documents.

3.1.1. The following documents will be retained for the periods stated and the reasons given:

<b>Documents.</b>	<b>Minimum Period.</b>	<b>Reason.</b>
Minute Books.	Indefinite.	Historical.
Scale of Fees and Charges.	5 Years.	Management.
Annual Audited Accounts.	Indefinite.	Historical.
Receipt Books.	6 years.	VAT.
All Bank Statements.	Last Completed Audit Year.	Audit.
Bank Paying in Books.	Last Completed Audit Year.	Audit.
Cheque Book Stubs.	Last Completed Audit Year.	Audit.
Quotations/Tenders.	Indefinite.	Statute of Limitations.
Paid Invoices.	6 Years.	VAT.
Paid Cheques.	6 Years.	Statute of Limitations.
Sundry Debtor Invoices.	6 Years.	VAT.
VAT Records.	6 Years.	VAT.
Petty Cash, Postage Books.	6 Years.	Tax, VAT, Statute of Limitations.
Timesheets.	Last Completed Audit Year.	Audit and Working Time.
Salaries/Wages records.	12 years.	Superannuation.
Employers Liability Insurance.	40 years.	Management and Statute of Limitations.

Documents.	Minimum Period.	Reason.
Public Liability Insurance.	21 years.	Management and Statute of Limitations.
Health and Safety Inspection Records	21 years.	Management and Statute of Limitations.
Investment records.	Indefinite.	Audit, Management.
Title Deeds, Leases, Agreements, Contracts.	Indefinite.	Audit, Management.
Members Allowances Register.	6 years.	Tax, Statute of Limitations.
Allotments Register and Plans.	Indefinite.	Audit, Management.
<b>For the <del>Town Hall</del> Guildhall</b>		
Applications to Hire.	6 Years.	VAT.
Letting Diaries.	6 Years.	VAT.
Copy Invoices to Hirers.	6 Years.	VAT.

At the end of the stated periods, the files will be destroyed automatically.

### 3.1.2. General Documentation.

Other than as stated at paragraph 3.1.1, general documentation will be destroyed ~~automatically~~ after 5 years. Any documents of an historical nature will be retained by the Town Council. Any documents relating to Town Council owned land and property will be retained indefinitely by the Town Council to give a complete picture of refurbishments, disposals or acquisitions.

### 3.1.3. Development Control (Planning) Files.

Development Control applications supplied by Cornwall Council will be destroyed ~~automatically~~ after 1 year. If a particular application forms part of a planning history for ~~a Town Council owned land and property specific site or a Town Council owned property~~, then the application will be kept indefinitely or until such times as the site is developed.

### 3.1.4. Personnel Documents.

Within 6 months of a member of staff leaving the employment of the Town Council, the individuals Personnel file will be reviewed, any superannuation or salary documentation will be extracted, and the remaining documentation will be destroyed. If there is likely to be a claim made against the Town Council under employment or other relevant legislation, the Personnel file will be archived until such times as any claim has been dealt with or legal advice states that it may be destroyed.

### 3.2. Storage of Retained Documents.

Retained documents will be stored on the Town Council's premises and archived to ensure easy retrieval. As more and more information is produced by the Town Council in electronic format, the information will be stored on electronic/digital media ~~i.e. discs or tapes~~. As time goes on, this should reduce the need to retain some documents, other than those that have to be kept as a paragraph 3.1.1.

### 3.3. Historical Information.

Documents and files kept for historical reasons, will periodically be reviewed. This is to ensure that very old documents are kept in optimum conditions to ensure longevity.

### 3.4. Destruction of Documents.

All documents earmarked for disposal will be destroyed internally or sent for destruction by a recognised contractor specialising in this type of work. All documents will be carefully scrutinised to ensure that anything containing personal information covered by the Data Protection Act is ~~sent for secure destruction by a recognised contractor~~securely destroyed.

**BLANK PAGE**





## ***HELSTON TOWN COUNCIL***

# **INTERNAL CONTROLS POLICY**

## Table of Contents

INTERNAL CONTROLS POLICY .....	<del>411</del>
PART I .....	<del>433</del>
1. Introduction .....	<del>433</del>
2. The Purpose of the System of Internal Control .....	<del>433</del>
3. The Internal Control Environment .....	<del>433</del>
4. Review of Effectiveness .....	<del>434</del>
PART II .....	<del>444</del>
5. Internal Control Environment .....	<del>444</del>
PART III .....	<del>466</del>
6. Day to Day Procedures .....	<del>466</del>
6.2 Purchasing and Creditor Payments .....	<del>466</del>

## **PART I**

### **1. Introduction**

- 1.1 Helston Town Council is responsible for ensuring that its business is conducted ethically and in accordance with the law, and that public funds are safeguarded, properly accounted for, and used economically, efficiently and effectively in the public interest.
- 1.2 The Council's Standing Orders (including Financial Regulations and Committee terms of reference) set parameters for the Council's operations.
- 1.3 In discharging this overall responsibility, the Council is also responsible through the Responsible Finance Officer, who implements financial systems and controls, for ensuring that there is a sound system of internal control which allows for the effective exercise of the Council's functions and which includes arrangements for the management of risk.

### **2. The Purpose of the System of Internal Control**

- 2.1 Internal controls have four primary purposes:
  - 2.1.1 to protect the Council's assets,
  - 2.1.2 to ensure records are accurate,
  - 2.1.3 to promote operational efficiency, and
  - 2.1.4 to encourage adherence to policies and procedures.

### **3. The Internal Control Environment**

- 3.1 The Council has established internal control systems as follows:
  - 3.1.1 Division of Duties
  - 3.1.2 Council Policies including Standing Orders and Financial Regulations
  - 3.1.3 Budget Setting and Monitoring
  - 3.1.4 Independent Internal Auditor
  - 3.1.5 Internal audits by Members
  - 3.1.6 External Audit
  - 3.1.7 Annual Return
  - 3.1.8 Register of Assets
  - 3.1.9 Insurance Policy
  - 3.1.10 Risk Management
  - 3.1.11 Protection of data

Each is described in more detail in Part II

### **4. Review of Effectiveness**

Reviewed January 2024

## 44

- 4.1 The Council has responsibility for conducting a Review of the Effectiveness of Internal Controls. This is conducted by two members of the Finance & General Purposes (F & G P) Committee ~~in~~for the March meeting each year.
- 4.2 The Review monitors the following:
  - 4.2.1 Internal Audit
  - 4.2.2 Risk Assessments
  - 4.2.3 Internal Audits by Members
  - 4.2.4 Budget Monitoring
  - 4.2.5 Insurance
  - 4.2.6 Assets Register
- 4.3 The Review is reported to the Finance & General Purposes Committee and any concerns are investigated and action taken as appropriate.

## PART II

### 5. Internal Control Environment

#### 5.1 Division of Duties

- 5.1.1 Whenever possible, a division of duties is adopted by the Council. For example, cash and cheques are receipted in Reception, banked by the Town Clerk, input onto Omega by the Deputy Town Clerk with budget monitoring by the Town Clerk reporting to F & G P Committee.

#### 5.2 Standing Orders

- 5.2.1 These are agreed by the Full Council and include Financial Regulations and committee Terms of Reference. Standing Orders are reviewed annually by the Finance and General Purposes Committee that recommends amendments to Full Council for approval.

#### 5.3 Budget Setting and Monitoring

- 5.3.1 The Annual Budget is approved by Full Council by January each year following detailed scrutiny by the F & G P Committee from October onward.
- 5.3.2 The Town Clerk produces a Budget Monitoring Statement monthly from Omega which is considered by the F & G P Committee.

#### 5.4 Independent Auditor

5.4.1 It is imperative that the appointed Internal Auditor is totally independent of the Council ie does not carry out any other function for the Council.

5.4.2 Reports by the Internal Auditor are considered by the F & G P Committee.

#### 5.5 Internal Audits by Members

5.5.1 The F & G P Committee appoints four Members (not including those selected to carry out the Review of Internal Controls) to conduct internal audits on a quarterly basis.

5.5.2 Each internal audit is reported back to the F & G P Committee.

#### 5.6 External Audit

5.6.1 The External Auditor is independently appointed and is currently conducted by BDO LLP. The external Auditor examines the Annual Return and other documents specifically requested.

#### 5.7 Annual Governance & Accountability Return (AGAR)

5.7.1 The AGAR is completed by the Town Clerk each year and presented to Full Council. The Full Council must approve the Accounting Statements and Annual Governance Statement by resolution prior to it being forwarded to the External Auditor.

#### 5.8 Register of Assets

5.8.1 The Town Clerk maintains a Register of Assets and ensures that major assets are periodically valued to ensure adequate insurance is held.

5.8.2 The Deputy Town Clerk maintains a mapping record of assets such as benches, bins and bus shelters using the Parish On-line software package.

#### 5.9 Insurance Policy

5.9.1 An insurance policy is purchased each year and includes cover for assets, Public Liability, Employer's Liability and Fidelity Guarantee.

5.9.2 The Insurance Policy and Assets Register are reconciled annually to ensure adequate cover. Every three years the Policy is put out to tender to obtain best value.

#### 5.10 Risk Management

5.10.1 The F & G P Committee reviews the Council's General Risk Assessment annually. Other more specific risk assessments are reviewed by the Town Clerk periodically.

5.11 Protection of Data

5.11.1 Under the Data Protection Act 2018 and General Data Protection Regulations (May 2018), the Council is registered with the Information Commissioner's Office and the Town Clerk is the designated Data Controller.

5.11.2 Individual computers are password protected and all data is regularly backed-up.

**PART III**

**6. Day to Day Procedures**

6.1 Cash Handling

6.1.1 Cash is paid into the Reception Office at the hatch and receipted by one of the Administrative Assistants. The cash is then held in the safe within the Town Clerk's office. The Town Clerk banks the cash at regular intervals. The Deputy Town Clerk inputs data into the Omega accounts system from the receipt books. The Town Clerk monitors the receipts against budgeted targets and reports to the Finance & General Purposes Committee.

6.1.2 The Reception Office door is locked at all times with keypad entry. There is a personal attack alarm on the office wall. The inner Deputy Town Clerk's office door is lockable and the office can be used as an emergency safe area.

6.1.3 Keys to the safe are held by the Town Clerk and Deputy Town Clerk only, and not left on the premises out-of-hours.

6.1.4 Insurance cover is held for cash on the premises.

6.2 Purchasing and Creditor Payments  
(See Internet Payments Procedure)

6.2.1 Expenditure is authorised in accordance with the delegated budgets policy. A purchase order is raised with a unique reference number.

6.2.2 Creditor invoices are checked and coded by the Town Clerk. Payments are input to the Omega accounts system by the Deputy Town Clerk. The monthly Schedule of Payments is authorised by Full Council. The Town Clerk and Deputy Town Clerk action the internet payments and arranges for cheques to be signed. The Schedule of Payments and Bank Statement are cross-checked by a Member of the Council.

6.3 Invoicing

6.3.1 The Deputy Town Clerk raises invoices mainly for parking spaces and room hire. Copy invoices are filed. Payments are receipted by one of the Administrative

Assistants and banked by the Town Clerk. Bad debts are pursued by the Town Clerk. Long-outstanding invoices are reported to Policy, Finance & Resources Committee.

#### 6.4 Signatories

6.4.1 The Council nominates four signatories for each bank account, any two of which can sign cheques and direct debit mandates.

6.4.2 The Town Clerk and Deputy Town Clerk are also bank signatories for the sole purpose of administering the accounts and therefore cannot sign cheques or direct debit mandates.

#### 6.5 Bank Reconciliation

6.5.1 The individual bank reconciliations and consolidated bank reconciliation are completed by the Deputy Town Clerk. These are monitored by the Town Clerk and included in the Budget Monitoring Report to Finance & General Purposes Committee.

#### 6.6 Budget Monitoring

6.6.1 Budget Monitoring Statements are regularly produced by the Town Clerk and presented to the Finance & General Purposes Committee.

#### 6.7 Assets Register & Insurance

6.7.1 The Assets Register is updated throughout the year by the Deputy Town Clerk. An Asset Check is conducted annually to ensure items are present and to confirm their condition.

6.7.2 Comprehensive insurance cover is provided by an approved insurer.

6.7.3 The Insurance Schedule is reconciled with the Assets Register annually.

#### 6.8 Computer Security

6.8.1 All PCs are password protected and physically secured with cables. Individual items are security marked.

6.8.2 Data is stored on One-Drive and automatically backed up as part of their operations. A further back-up is routinely made on an encrypted hard-drive which is stored away from the Guildhall building.

6.8.3 For continuity of service, the server is remotely monitored by a local PC maintenance company.

#### 6.9 Staffing Records and Confidentiality

## 48

- 6.9.1 Hard copy confidential records are retained in a locked cabinet within the Strong Room.
- 6.9.2 Electronic confidential reports and records are stored on the Town Clerk's area on the server and only accessible to the Town Clerk and Deputy Town Clerk.
- 6.9.3 Confidential reports are printed and never sent electronically. Such reports are printed on pink paper and collected in by the clerk at the conclusion of the meeting for shredding by the Town Clerk or Deputy Town Clerk.
- 6.9.4 Passwords are automatically generated by the Council's IT support provider and should be reset by user after first use.
- 6.10 Internal Audits by Members & Review of Internal Controls
- 6.10.1 Members of the Finance & General Purposes Committee are nominated to conduct four internal checks per year. These checks are reported back to the Committee.
- 6.10.2 Two different Members conduct an annual Review of Internal Controls each March which is also reported back to the Committee.
- 6.11 Independent Internal Audit & External Audit
- 6.11.1 Every year at its first meeting following the Council's Annual Meeting, the F & G P Committee appoints its Independent Internal Auditor. The current Auditor (Hudson Accounting) conducts an Interim Audit in October/November prior to the main audit in April.
- 6.11.2 The Annual Return and other requested documentation are examined by the External Auditor – BDO LLP.
- 6.12 Statutory Notices
- 6.12.1 Statutory Notices are displayed on the Council's noticeboards and website in a timely manner.
- 6.13 Risk Assessment
- 6.13.1 A copy of the Town Council's General Risk Assessment can be requested by email: [townclerk@helston-tc.gov.uk](mailto:townclerk@helston-tc.gov.uk).





## Standing Orders

### Including:

- **Financial Regulations**
- **Committee Terms of Reference**
- **Procedure for the nomination of Mayor-elect and Deputy Mayor-elect**

## Contents

Standing Orders .....	<u>491</u>
1. RULES OF DEBATE AT MEETINGS.....	<u>524</u>
2. DISORDERLY CONDUCT AT MEETINGS .....	<u>545</u>
3. MEETINGS GENERALLY .....	<u>546</u>
4. FILMING AND RECORDING MEETINGS.....	<u>579</u>
5. COMMITTEES, SUB-COMMITTEES AND WORKING PARTIES.....	<u>5810</u>
6. ORDINARY COUNCIL MEETINGS.....	<u>5911</u>
7. EXTRAORDINARY MEETINGS OF THE COUNCIL, COMMITTEES AND SUB-COMMITTEES <u>6213</u>	
8. PREVIOUS RESOLUTIONS .....	<u>6214</u>
9. VOTING ON APPOINTMENTS .....	<u>6214</u>
10. MOTIONS FOR A MEETING THAT REQUIRE WRITTEN NOTICE TO BE GIVEN TO THE PROPER OFFICER .....	<u>6314</u>
11. MOTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE .....	<u>6315</u>
12. MANAGEMENT OF INFORMATION .....	<u>6416</u>
13. DRAFT MINUTES.....	<u>6516</u>
14. CODE OF CONDUCT AND DISPENSATIONS.....	<u>6617</u>
15. CODE OF CONDUCT COMPLAINTS .....	<u>6819</u>
16. PROPER OFFICER .....	<u>6920</u>
17. RESPONSIBLE FINANCIAL OFFICER.....	<u>7021</u>
18. FINANCIAL REGULATIONS .....	<u>7022</u>
19. HANDLING STAFF MATTERS .....	<u>7022</u>
20. RESPONSIBILITIES TO PROVIDE INFORMATION .....	<u>7123</u>
21. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION .....	<u>7223</u>
22. RELATIONS WITH THE PRESS/MEDIA .....	<u>7224</u>
23. EXECUTION AND SEALING OF LEGAL DEEDS.....	<u>7224</u>
24. COMMUNICATING WITH UNITARY COUNCILLORS.....	<u>7324</u>
25. RESTRICTIONS ON COUNCILLOR ACTIVITIES .....	<u>7324</u>
26. STANDING ORDERS GENERALLY .....	<u>7325</u>
Appendix 1 – Helston Town Council Financial Regulations.....	<u>7526</u>
1. General.....	<u>7627</u>
2. Risk management and internal control.....	<u>7728</u>
3. Accounts and audit .....	<u>7829</u>
4. Budget and precept.....	<u>8031</u>

5. Procurement .....	<del>8132</del>
6. Banking and payments .....	<del>8536</del>
7. Electronic payments.....	<del>8737</del>
8. Cheque payments .....	<del>8938</del>
9. Payment cards.....	<del>8939</del>
10. Petty Cash.....	<del>8939</del>
11. Payment of salaries and allowances .....	<del>8939</del>
12. Loans and investments .....	<del>9040</del>
13. Income .....	<del>9140</del>
14. Payments under contracts for building or other construction works.....	<del>9141</del>
15. Stores and equipment.....	<del>9241</del>
16. Assets, properties and estates .....	<del>9242</del>
17. Insurance.....	<del>9342</del>
18. Acting as an accountable body .....	<del>9343</del>
19. Charities – Trevenen Exhibition .....	<del>9343</del>
20. Suspension and revision of Financial Regulations .....	<del>9343</del>
21. Appendix a - Tender process .....	<del>9544</del>
Appendix 2 – Committee Terms of Reference .....	<del>9645</del>
Appendix 3 – Procedure for the Nomination of Mayor-Elect and Deputy Mayor-Elect.....	<del>10351</del>

## 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 chair 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 chair 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 chair of the meeting, is expressed in writing to the chair.
- 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 chair 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 chair of the meeting.
- k One or more amendments may be discussed together if the chair 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 chair 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/she/they 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/she/they considers has been breached or specify the other irregularity in the proceedings of the meeting he/she/they is concerned by.
- q A point of order shall be decided by the chair 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 chair 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 three minutes without the consent of the chair 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 chair of the meeting shall request such person(s) to moderate or improve their conduct.
- b If person(s) disregard the request of the chair of the meeting to moderate or improve their conduct, any councillor or the chair 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 chair 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 of the Council shall be held in the Guildhall, Helston unless the Council otherwise decides. **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.**
- 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 of a meeting does not include the day on which the notice was issued or the day of the meeting.**
- 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, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.

- f At the chair'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 The period of time designated for public participation at a meeting in accordance with standing order 3(e) shall not exceed fifteen minutes unless directed by the chair of the meeting.
- h Subject to standing order 3(f), a member of the public shall not speak for more than three minutes.
- i 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 chair of the meeting may direct that a written or oral response be given.
- j A person shall raise their hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). The chair of the meeting may at any time permit a person to be seated when speaking.
- k A person who speaks at a meeting shall direct his comments to the chair of the meeting.
- l Only one person is permitted to speak at a time. If more than one person wants to speak, the chair of the meeting shall direct the order of speaking.
- m Only Helston Town Councillors and officers may speak during Full Council meetings unless an agenda item specifies otherwise, or this Standing Order is suspended by resolution.  
  
Only Members of a Committee or Sub-Committee and officers of the Town Council may speak during meetings of that Committee or Sub-Committee unless an agenda item specifies otherwise, or this Standing Order is suspended by resolution
- n **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.**
- o **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Mayor of the Council may in their absence be done by, to or before the Deputy Mayor of the Council.**
- p **The Mayor of the Council, if present, shall preside at a meeting. If the Mayor is absent from a meeting, the Deputy Mayor of the Council if present, shall preside. If both the Mayor and the Deputy Mayor are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**

- q **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.**
- r **The chair 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/she/they gave an original vote.**

*See standing orders 5(h) and (i) for the different rules that apply in the election of the Chair of the Council at the annual meeting of the Council.*

- s **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.
- t 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 and the names of councillors who are absent;
  - iii. interests that have been declared by councillors and non-councillors with voting rights;
  - iv. the grant of dispensations (if any) to councillors and non-councillors with voting rights;
  - v. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
  - vi. if there was a public participation session;
  - vii. the resolutions made; and
  - viii. The numbers voting for, against and abstaining from the vote for each resolution.
- u **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.**
- v **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 4d(viii) for the quorum of a committee or sub-committee meeting.*

- w **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.
- x Where no meeting of the Full Council or a relevant Committee is scheduled within the necessary timescale to enable a decision concerning an urgent matter to be taken, the Town Clerk may, in consultation with the Mayor and Deputy Mayor (or Chair and Vice-Chair, in the case of a Committee) determine that matter. All decisions taken under this Standing Order shall be reported to the next meeting of the Full Council or the relevant Committee for information, together with the reasons for urgency which required a decision to be taken.
- y A meeting shall not exceed a period of three hours.
- z No meeting of the Council or its Committees shall be held on a day preceding a Bank Holiday.
- aa In extreme circumstances (such as hazardous and unsafe weather conditions) the Mayor and Deputy Mayor [or Chair and Vice-Chair] may postpone a meeting. In such circumstances every effort must be made to inform those expected to be present.

#### **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~~ AND WORKING PARTIES

- 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 Mayor and Deputy Mayor 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 4(b) and (c), appoint and determine the terms of

office of members of such a committee;

- v. may, subject to standing orders 4(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 ( ) days before the meeting that they are unable to attend;
- vi. shall, after it has appointed the members of a standing committee, appoint the chair of the standing committee;
- vii. shall permit a committee other than a standing committee, to appoint its own chair 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.

e The Council may appoint Working Parties comprised of councillors and non-councillors.

f Full Council or the Committee creating the Working Party must agree specific Terms of Reference.

g Working Parties may consist wholly of persons who are non-councillors.

## 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 The Annual Meeting in an election year shall be held on the second Tuesday following the fourth day after the ordinary day of elections to the Council, and in a year which is not an election year shall be held on the Tuesday preceding the third Thursday in May.

- d The Annual Meeting Part 1 shall commence at 12 noon and Part 2 shall commence at 7.00pm the following Thursday.
- e **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.**
- f **The first business conducted at the annual meeting of the Council shall be the election of the Mayor and Deputy Mayor of the Council.**
- g **The Mayor of the Council, unless he/she/they has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his/her/their successor is elected at the next annual meeting of the Council.**
- h **The Deputy Mayor of the Council, unless he/she/they resigns or becomes disqualified, shall hold office until immediately after the election of the Mayor of the Council at the next annual meeting of the Council.**
- i **In an election year, if the current Mayor of the Council has not been re-elected as a member of the Council, he/she/they shall preside at the annual meeting until a successor Mayor of the Council has been elected. The current Mayor of the Council shall not have an original vote in respect of the election of the new Mayor of the Council but shall give a casting vote in the case of an equality of votes.**
- j **In an election year, if the current Mayor of the Council has been re-elected as a member of the Council, he/she/they shall preside at the annual meeting until a new Mayor of the Council has been elected. He/she/they may exercise an original vote in respect of the election of the new Mayor of the Council and shall give a casting vote in the case of an equality of votes.**
- k Following the election of the Mayor of the Council and Deputy Mayor of the Council at the annual meeting, the business shall include:
  - i. **In an election year, delivery by the Mayor 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 Mayor of the Council of his acceptance of office form unless the Council resolves for this to be done at a later date;**
  - ii. To receive verbal reports (maximum three minutes) from, and to put questions to, the Local Cornwall Councillors;
  - iii. To receive questions and observations from members of the public;
  - iv. Confirmation of the accuracy of the minutes of the last meeting of the Council;
  - v. Receipt of the minutes of the last meeting of a committee;
  - vi. To receive announcements and communications from the Mayor and Town Clerk;
  - vii. To consider matters at the request of Members;

- viii. To consider the report of the Projects Officer;
- ix. 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;
- x. To authorise the payment of accounts;
- xi. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council;
- xii. To re-appoint Trevenen Exhibition Governors;
- xiii. Appointment of members to existing committees;
- xiv. Review of representation on or work with external bodies and arrangements for reporting back;
- xv. To note and appoint persons as Nominated Trustees to the Helston Welfare Trust; and
- xvi. To receive reports on any meetings attended by Councillors or the Town Clerk as representatives of the Council since the last meeting.

l On the fourth Thursday in February a Special Full Council meeting will be held to nominate the Mayor-elect and Deputy Mayor-elect for the following Civic Year following the procedure at Appendix 3.

#### Call-In Procedure

m When Full Council is considering a committee recommendation it has the option to call-in the recommendation and the matter will automatically be considered at the following Full Council meeting. A Motion to call-in a recommendation must be proposed, seconded and receive a majority vote in favour.

#### Questions

n A councillor may seek an answer to a question concerning any business of the Council provided notice of the question has been given to the Proper Officer fourteen clear days' before the meeting.

o Questions not related to items of business on the agenda for a meeting shall only be asked during the part of the meeting set aside for such questions.

mp Every question shall be put and answered without discussion.

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

- a **The Mayor of the Council may convene an extraordinary meeting of the Council at any time.**
- b **If the Mayor 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 chair 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 chair of a committee [or a sub-committee] does not call an extraordinary meeting within seven days of having been requested to do so by two members of the committee [or the sub-committee], any two members of the committee [or the sub-committee] may convene an extraordinary meeting of the committee [or a sub-committee]. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two councillors.

## **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 seven councillors to be given to the Proper Officer in accordance with standing order 9.
- b When a motion moved pursuant to standing order 7(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 chair 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 fourteen clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- 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 seven 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 chair 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 20.*

- 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 chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the chair of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he/she/they shall sign the minutes and include a paragraph in the following terms or to the same effect:
 

“The chair 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/ her/their 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

*See also standing order 3(t).*

### 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. All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.

### 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 Member of the Council must not accept any gifts or hospitality that could be seen by the public as likely to influence his/ her/ their judgement and Members are responsible for declaring all gifts and hospitality received over the value of £50 from a single source in one year, either in the form of a single gift or as a cumulative total . Members also must register any gifts or gifts or hospitality over £50 within 28 days of receiving either the gift or hospitality.
- 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(r) above 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.
- f Upon notification by the 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 either (i) the clerk or (ii) other staff member(s) nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.
- 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 seven days before the meeting confirming his/ her/ their withdrawal of it;
- iii. **convene a meeting of the Council for the election of a new Mayor of the Council, occasioned by a casual vacancy in their 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 relevant policies and procedures;
- ix. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- x. 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);

- xi. arrange for legal deeds to be executed;  
*(see also standing order 23);*
- xii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- xiii. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- xiv. refer a planning application received by the Council to the Chair and Vice-Chair of the Planning Committee 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 committee;
- xv. manage access to information about the Council via the publication scheme; and
- xvi. 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 23).*

## **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. FINANCIAL REGULATIONS**

- a 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 Appendix 1 of these Standing Orders.
- 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 Council's proper practices will be in accordance with the most recent JPAG guidance. "Proper practices" in standing orders refer to the most recent version of "Governance and Accountability for Local Councils – a Practitioners' Guide".

## **19. HANDLING STAFF MATTERS**

- a A matter personal to a member of staff that is being considered by a meeting of the

Staffing 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 Chair of Staffing Committee or in their absence the Vice Chair of the Staffing Committee in respect of an informal or formal matter and this shall be reported back and progressed by resolution of the Staffing Committee in accordance with its terms of reference
- c The Mayor shall conduct a review of the performance of the Town Clerk and produce a written record of it which will be retained on the Town Clerk's personnel file. The process will be reviewed by the Deputy Mayor.
- d The Town Clerk or relevant line managers shall conduct reviews of the performance of Council Employees and produce a written record of it which will be retained on the employee's personnel file. The process will be reviewed by the Mayor or the Town Clerk. The Town Clerk will advise Members once the process is completed.
- 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 chair of the Staffing committee or in their absence, the vice-chair of the Staffing committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Staffing committee.
- f Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the Town Clerk relates to the chair or vice-chair of the Staffing committee, this shall be communicated to another member of the Staffing committee, which shall be reported back and progressed by resolution of the Staffing committee.
- g Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.
- h Written records relating to employees shall be kept secure. All paper records shall be secured under lock and electronic records shall be password protected.
- i In accordance with standing order 11(a) the council will identify two persons with line management responsibilities who may have access to staff records referred to in standing order 19 (g).

## **20. RESPONSIBILITIES TO PROVIDE INFORMATION**

*See also standing order 21.*

- 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.

- b. **The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.**

## 21. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION

(Below is not an exclusive list).

*See also standing order 11.*

- 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.**

## 22. 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.

## 23. 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.
- b **Subject to standing order 23(a), the Council's common seal shall alone be used for**



sealing a deed required by law. It shall be applied by the Proper Officer in the presence of two councillors who shall sign the deed as witnesses.

## **24. COMMUNICATING WITH UNITARY COUNCILLORS**

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward councillors 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 councillors representing the area of the Council.
- c An agenda item shall be included on each scheduled monthly meeting of the Full Council to receive reports from Local Cornwall Councillors and for them to take questions from Members.
- d Local Cornwall Councillors be requested to submit a written report if they know they will be absent for the scheduled Full Council meeting.

## **25. 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;
  - ii. issue orders, instructions or directions; or
  - iii. incur any expenditure on behalf of the council or issue an instruction to incur expenditure.

## **26. 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 permanently 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 not be carried unless two-thirds of the councillors at a meeting of the Council vote in favour of the same.
- c The Proper Officer shall provide a copy of the Council's standing orders to a councillor as

## 74

soon as possible.

- d The decision of the chair of a meeting as to the application of standing orders at the meeting shall be final.

## Appendix 1 – Helston Town Council Financial Regulations

### Contents

Standing Orders .....	<del>491</del>
1. General.....	<del>7624</del>
2. Risk management and internal control.....	<del>7725</del>
3. Accounts and audit .....	<del>7826</del>
4. Budget and precept.....	<del>8028</del>
5. Procurement .....	<del>8129</del>
6. Banking and payments.....	<del>8533</del>
7. Electronic payments.....	<del>8734</del>
8. Cheque payments .....	<del>8935</del>
9. Payment cards.....	<del>8936</del>
10. Petty Cash.....	<del>8936</del>
11. Payment of salaries and allowances .....	<del>8936</del>
12. Loans and investments .....	<del>9037</del>
13. Income .....	<del>9137</del>
14. Payments under contracts for building or other construction works.....	<del>9138</del>
15. Stores and equipment.....	<del>9238</del>
16. Assets, properties and estates .....	<del>9239</del>
17. Insurance.....	<del>9339</del>
18. Acting as an accountable body .....	<del>9340</del>
19. Charities – Trevenen Exhibition .....	<del>9340</del>
20. Suspension and revision of Financial Regulations .....	<del>9340</del>
21. Appendix a - Tender process.....	<del>9541</del>

These Financial Regulations were adopted by the council at its meeting held on [enter date]

## 1. General

- 1.1. These Financial Regulations govern the financial management of Helston Town Council and may only be amended or varied by resolution of Full Council. They are one of the council's governing documents and shall be observed in conjunction with the council's Standing Orders.
- 1.2. Councillors are expected to follow these regulations and not to entice employees to breach them. Failure to follow these regulations brings the office of councillor into disrepute.
- 1.3. Wilful breach of these regulations by an employee may result in disciplinary proceedings.
- 1.4. In these Financial Regulations:
  - 1.4.1. 'Accounts and Audit Regulations' means the regulations issued under Sections 32, 43(2) and 46 of the Local Audit and Accountability Act 2014, or any superseding legislation, and then in force, unless otherwise specified.
  - 1.4.2. "Approve" refers to an online action, allowing an electronic transaction to take place.
  - 1.4.3. "Authorise" refers to a decision by the council, or a committee or an officer, to allow something to happen.
  - 1.4.4. 'Proper practices' means those set out in 'The Practitioners' Guide'.
  - 1.4.5. 'The Practitioners' Guide' refers to the guide issued by the Joint Panel on Accountability and Governance (JPAG) and published by NALC in England or Governance and Accountability for Local Councils in Wales – A Practitioners Guide jointly published by One Voice Wales and the Society of Local Council Town Clerks in Wales.
  - 1.4.6. 'Must' and bold text refer to a statutory obligation the council cannot change.
  - 1.4.7. 'Shall' refers to a non-statutory instruction by the council to its members and staff.
- 1.5. The Responsible Financial Officer (RFO) holds a statutory office, appointed by the council. The Town Clerk has been appointed as RFO and these regulations apply accordingly. The RFO;
  - 1.5.1. Acts under the policy direction of the council.

- 1.5.2. Administers the council's financial affairs in accordance with all Acts, Regulations and proper practices.
  - 1.5.3. Determines on behalf of the council its accounting records and control systems.
  - 1.5.4. Ensures the accounting control systems are observed.
  - 1.5.5. Ensures the accounting records are kept up to date.
  - 1.5.6. Seeks economy, efficiency and effectiveness in the use of council resources; and
  - 1.5.7. Produces financial management information as required by the council.
- 1.6. **The council must not delegate any decision regarding:**
- 1.6.1. **Setting the final budget or the precept (council tax requirement).**
  - 1.6.2. **The outcome of a review of the effectiveness of its internal controls.**
  - 1.6.3. **Approving accounting statements.**
  - 1.6.4. **Approving an annual governance statement.**
  - 1.6.5. **Borrowing.**
  - 1.6.6. **Declaring eligibility for the General Power of Competence; and**
  - 1.6.7. **Addressing recommendations from the internal or external auditors.**
- 1.7. In addition, the council shall:
- 1.7.1. Determine and regularly review the bank mandate for all council bank accounts.
  - 1.7.2. Authorise any grant or single commitment in excess of £5,000.

## **2. Risk management and internal control**

- 2.1. **The council must ensure that it has a sound system of internal control, which delivers effective financial, operational and risk management.**
- 2.2. The Town Clerk shall prepare, for approval by the Finance and General Purposes Committee, a risk management policy covering all activities of the council. This policy and consequential risk management arrangements shall be reviewed by the council at least annually.

- 2.3. When considering any new activity, the Town Clerk shall prepare a draft risk assessment including risk management proposals for consideration by the Committee.
- 2.4. **At least once a year, the council must review the effectiveness of its system of internal control, before approving the Annual Governance Statement.**
- 2.5. **The accounting control systems determined by the RFO must include measures to:**
  - 2.5.1. **Ensure that risk is appropriately managed.**
  - 2.5.2. **Ensure the prompt, accurate recording of financial transactions.**
  - 2.5.3. **Prevent and detect inaccuracy or fraud.**
  - 2.5.4. **Allow the reconstitution of any lost records.**
  - 2.5.5. **Identify the duties of officers dealing with transactions.**
  - 2.5.6. **Ensure division of responsibilities.**
- 2.6. **At least once in each quarter, and at each financial year end, a member other than the Chair shall be appointed to verify bank reconciliations for all accounts produced by the RFO. The member shall sign and date the reconciliations and the original bank statements (or similar document) as evidence of this. This activity, including any exceptions, shall be reported to and noted by the Finance and General Purposes Committee.**
- 2.7. **Regular back-up copies shall be made of the records on any council computer and stored either online or in a separate location from the computer. The council shall put measures in place to ensure that the ability to access any council computer is not lost if an employee leaves or is incapacitated for any reason.**

### **3. Accounts and audit**

- 3.1. All accounting procedures and financial records of Helston Town Council shall be determined by the RFO in accordance with the Accounts and Audit Regulations.
- 3.2. **The accounting records determined by the RFO must be sufficient to explain the council's transactions and to disclose its financial position with reasonable accuracy at any time. In particular, they must contain: -**
  - 3.2.1. **Day-to-day entries of all sums of money received and expended by the council and the matters to which they relate.**
  - 3.2.2. **A record of the assets and liabilities of the council.**

- 3.3. The accounting records shall be designed to facilitate the efficient preparation of the accounting statements in the Annual Governance and Accountability Return.
- 3.4. The RFO shall complete and certify the annual Accounting Statements of the council contained in the Annual Governance and Accountability Return in accordance with proper practices, as soon as practicable after the end of the financial year. Having certified the Accounting Statements, the RFO shall submit them (with any related documents) to the council, within the timescales required by the Accounts and Audit Regulations.
- 3.5. **The council must ensure that there is an adequate and effective system of internal audit of its accounting records and internal control system in accordance with proper practices.**
- 3.6. **Any officer or member of the council must make available such documents and records as the internal or external auditor consider necessary for the purpose of the audit** and shall, as directed by the council, supply the RFO, internal auditor, or external auditor with such information and explanation as the council considers necessary.
- 3.7. The internal auditor shall be appointed by Finance and General Purposes Committee and shall carry out their work to evaluate the effectiveness of the council's risk management, control and governance processes in accordance with proper practices specified in the Practitioners' Guide.
- 3.8. The council shall ensure that the internal auditor: -
  - 3.8.1. Is competent and independent of the financial operations of the council.
  - 3.8.2. Reports to council in writing, or in person, on a regular basis with a minimum of one written report during each financial year.
  - 3.8.3. Can demonstrate competence, objectivity and independence, free from any actual or perceived conflicts of interest, including those arising from family relationships; and
  - 3.8.4. Has no involvement in the management or control of the council.
- 3.9. Internal or external auditors may not under any circumstances:
  - 3.9.1. Perform any operational duties for the council.
  - 3.9.2. Initiate or approve accounting transactions.
  - 3.9.3. Provide financial, legal or other advice including in relation to any future transactions.

- 3.9.4. Direct the activities of any council employee, except to the extent that such employees have been appropriately assigned to assist the internal auditor.
- 3.10. For the avoidance of doubt, in relation to internal audit the terms 'independent' and 'independence' shall have the same meaning as described in The Practitioners Guide.
- 3.11. The RFO shall make arrangements for the exercise of electors' rights in relation to the accounts, including the opportunity to inspect the accounts, books, and vouchers and display or publish any notices and documents required by the Local Audit and Accountability Act 2014, or any superseding legislation, and the Accounts and Audit Regulations.
- 3.12. The RFO shall, without undue delay, bring to the attention of all councillors any correspondence or report from internal or external auditors.

#### **4. Budget and precept**

- 4.1. Before setting a precept, the council must calculate its council tax requirement for each financial year by preparing and approving a budget, in accordance with The Local Government Finance Act 1992 or succeeding legislation.
- 4.2. Budgets for salaries and wages, including employer contributions shall be reviewed by the Finance and General Purposes Committee at least annually in October for the following financial year and the final version shall be evidenced by a hard copy schedule signed by the Town Clerk and the Chair of the Finance and General Purposes Committee.
- 4.3. No later than October each year, the RFO shall prepare a draft budget with detailed estimates of all income and expenditure for the following financial year along with a forecast for the following three financial years, taking account of the lifespan of assets and cost implications of repair or replacement.
- 4.4. Unspent budgets for completed projects shall not be carried forward to a subsequent year. Unspent funds for partially completed projects may only be carried forward (by placing them in an earmarked reserve) with the formal approval of the Finance and General Purposes Committee.
- 4.5. The draft budget and three-year forecast, including any recommendations for the use or accumulation of reserves, shall be considered by the Finance and General Purposes Committee and a recommendation made to the Full Council.
- 4.6. Having considered the proposed budget and three-year forecast, Helston Town Council shall determine its council tax requirement by setting a budget. Helston Town Council shall set a precept for this amount no later than the end of January for the ensuing financial year.



- 4.7. Any member with council tax unpaid for more than two months is prohibited from voting on the budget or precept by Section 106 of the Local Government Finance Act 1992 and must disclose at the start of the meeting that Section 106 applies to them.
- 4.8. The RFO shall issue the precept to the billing authority no later than the end of February and supply each member with a copy of the agreed annual budget.
- 4.9. The agreed budget provides a basis for monitoring progress during the year by comparing actual spending and income against what was planned.
- 4.10. Any addition to, or withdrawal from, any earmarked reserve shall be agreed by the council or relevant committee.

## 5. Procurement

- 5.1. **Members and officers are responsible for obtaining value for money at all times.** Any officer procuring goods, services or works should ensure, as far as practicable, that the best available terms are obtained, usually by obtaining prices from several suppliers.
- 5.2. The RFO should verify the lawful nature of any proposed purchase before it is made and in the case of new or infrequent purchases, should ensure that the legal power being used is reported to the meeting at which the order is authorised and also recorded in the minutes.
- 5.3. Every contract shall comply with these the council's Standing Orders and these Financial Regulations and no exceptions shall be made, except in an emergency.
- 5.4. **For a contract for the supply of goods, services or works where the estimated value will exceed the thresholds set by Parliament, the full requirements of The Public Contracts Regulations 2015 or any superseding legislation ("the Legislation"), must be followed in respect of the tendering, award and notification of that contract.**
- 5.5. Where the estimated value is below the Government threshold, the council shall (with the exception of items listed in paragraph 6.12) obtain prices as follows:
  - 5.5.1. For contracts estimated to exceed £30,000 including VAT, the Town Clerk shall seek formal tenders from at least three suppliers agreed by Full Council or the relevant Committee and/ or advertise an open invitation for tenders in compliance with any relevant provisions of the Legislation. Tenders shall be invited in accordance with [Appendix a](#).

- 5.5.2. For contracts estimated to be over £30,000 including VAT, the council must comply with any requirements of the Legislation<sup>1</sup> regarding the advertising of contract opportunities and the publication of notices about the award of contracts.
- 5.5.3. For contracts greater than £3,000 excluding VAT the Town Clerk shall seek at least three fixed-price quotes.
- 5.5.4. Where the value is between £500 and £3,000 excluding VAT, the Town Clerk shall try to obtain three estimates which might include evidence of online prices, or recent prices from regular suppliers.
- 5.5.5. For smaller purchases, the Town Clerk shall seek to achieve value for money.
- 5.6. **Contracts must not be split into smaller lots to avoid compliance with these rules.**
- 5.7. The requirement to obtain competitive prices in these regulations need not apply to contracts that relate to items (5.12.1) to (5.12.4) below: -
- 5.7.1. Specialist services, such as legal professionals acting in disputes.
- 5.7.2. Repairs to, or parts for, existing machinery or equipment.
- 5.7.3. Works, goods or services that constitute an extension of an existing contract.
- 5.7.4. Goods or services that are only available from one supplier or are sold at a fixed price.
- 5.8. When applications are made to waive this financial regulation to enable a price to be negotiated without competition, the reason should be set out in a recommendation to the council or relevant committee. Avoidance of competition is not a valid reason.
- 5.9. The council shall not be obliged to accept the lowest or any tender, quote or estimate.
- 5.10. The Council's budgets are delegated as follows: -

<b>Delegation of Budgets (as listed in the 2024/25 budget book)</b>				
	<b>Town Clerk</b>	<b>Full Council</b>	<b>Staffing</b>	<b>F and GP</b>
<b>EMPLOYEE RELATED EXPENSES</b>				
Salaries			✓	✓
Medical Expenses	✓			

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

Protective Clothing	✓			
Staff Training	✓			
Member Training		✓		
Honorariums				✓
Professional Membership Fees	✓			
<b>TRANSPORT RELATED EXPENSES</b>				
Staff Travel	✓			
Member Travel		✓		
Council Vehicles				✓
Mayor's Allowance				✓
<b>PREMISES RELATED EXPENSES</b>				
Guildhall Repairs and Maintenance				✓
Public Conveniences R and M	✓			
Storage Container				✓
G/Hall Roof removal of debris	✓			
<b>SUPPLIES AND SERVICES</b>				
Business Rates and Water Rates	✓			
Gas and Electricity	✓			
Telephones	✓			
Postage	✓			
Insurances				✓
Office Expenses	✓			
Advertisements	✓			
Publications	✓			
Subscriptions	✓			
	<b>Town Clerk</b>	<b>Full Council</b>	<b>Staffing</b>	<b>F and GP</b>
Office Furniture	✓			
Cleaning Materials	✓			
Website				✓
Consultancy and Professional Fees				✓
Public Seating				✓
Signs and Notice Boards				✓
Local Elections		✓		
Playground Equipment				✓
Town Warden	✓			
Youth Engagement		✓		
Freeman Insignia and Ceremonies				✓
Contract Cleaning (Pub Cons)	✓			
<b>THIRD PARTY PAYMENTS</b>				
Street Stalls and Road Closures				✓
Footpath Maintenance				✓
Grounds Maintenance	✓			
Active Partnering		✓		
Helston Museum		✓		
Human Resources and H and S		✓		
Tree Maintenance	✓			
Public Realm CCTV				✓
Marketing		✓		

Furry Cafe		✓		
<b>GRANT AND PROJECT FUNDING</b>				
Grants		✓		
Town Twinning		✓		
Flora Day Decorations	✓			
Christmas Lights		✓		
Events	✓			
Hanging Baskets				✓
Traffic Regulation Orders		✓		
Carbon Footprint Reduction		✓		
<b>BANK CHARGES</b>				
Bank Charges	✓			
Public Works Loans Board		✓		

	Town Clerk	Full Council	Staffing	F and GP
<b>EAR-MARKED RESERVES</b>				
Play Equipment				✓
Guildhall Refurbishment				✓
Public Seating and Notice Boards				✓
Elections		✓		
Bosnoweth and Hellys Wartha				✓
Professional Fees				✓
Equipment Replacement Fund	✓			
Proceeds of Sale - 3 Penrose Rd		✓		
CCTV				✓
Play Equipment Replacement Fund				✓
Helston and the Lizard Works Project	✓			
Roundabouts and Verges				✓
Marketing and Events Post		✓		
Granite Pavements				✓
Traffic Regulation Order		✓		
G/Hall Pub Cons Refurbishment		✓		
Freeman Ceremony		✓		
Christmas Lights		✓		
TVF Projects	✓			
Pledged Grants	✓			
Carbon Footprint Reduction		✓		
Defibrillators	✓			
Devolution of Services		✓		

	<b>Town Clerk</b>	<b>Full Council</b>	<b>Staffing</b>	<b>F and GP</b>
Community Infrastructure Levy		✓		
Events		✓		
Events of National Significance	✓			
<b>GENERAL RESERVES</b>		✓		

- 5.11. No individual member, or informal group of members may issue an official order or make any contract on behalf of the council.
- 5.12. No expenditure may be authorised that will exceed the budget for that type of expenditure other than by resolution of the council or a duly delegated committee acting within its Terms of Reference except in an emergency.
- 5.13. In cases of serious risk to the delivery of council services or to public safety on council premises, the Town Clerk may authorise expenditure of up to £2,000 excluding VAT on repair, replacement or other work that in their judgement is necessary, whether or not there is any budget for such expenditure. The Town Clerk shall report such action to the Mayor as soon as possible and to the council as soon as practicable thereafter.
- 5.14. No expenditure shall be authorised, no contract entered into or tender accepted in relation to any major project, unless the Council is satisfied that the necessary funds are available and that where a loan is required, Government borrowing approval has been obtained first.
- 5.15. An official order or letter shall be issued for all work, goods and services above £250 excluding VAT unless a formal contract is to be prepared or an official order would be inappropriate. Copies of orders shall be retained, along with evidence of receipt of goods.
- 5.16. Any ordering system can be misused and access to them shall be controlled by the RFO.

## **6. Banking and payments**

- 6.1. The council's banking arrangements, including the bank mandate, shall be made by the RFO and authorised by Full Council or the Finance and General Purposes Committee. The Council has resolved to bank with Unity Trust Bank, NatWest, CCLA and Nationwide. The arrangements shall be reviewed annually for security, efficiency and ethics.
- 6.2. Helston Town Council must have safe and efficient arrangements for making payments, to safeguard against the possibility of fraud or error. More than one person shall be involved in any payment, for example by dual online authorisation or dual cheque signing. Where a purchase has been authorised, the payment must

also be authorised and only authorised payments shall be approved or signed to allow the funds to leave the council's bank.

- 6.3. All invoices for payment shall be examined for arithmetical accuracy, analysed to the appropriate expenditure heading and verified to confirm that the work, goods or services were received, checked and represent expenditure previously authorised by the council before being certified by the RFO.
- 6.4. Personal payments (including salaries, wages, expenses and any payment made in relation to the termination of employment) may be summarised to avoid disclosing any personal information.
- 6.5. All payments shall be made by online banking, in accordance with a resolution of the council or duly delegated committee or a delegated decision by an officer, unless the council resolves to use a different payment method.

6.6. The Town Clerk and/ or RFO shall have delegated authority to authorise payments in the following circumstances: -

- 6.6.1. Any payments of up to [£500] excluding VAT, within an agreed budget.
- 6.6.2. Payments of up to £2,000 excluding VAT in cases of serious risk to the delivery of council services or to public safety on council premises.
- 6.6.3. Any payment necessary to avoid a charge under the Late Payment of Commercial Debts (Interest) Act 1998 or to comply with contractual terms, where the due date for payment is before the next scheduled meeting of the council, where the Town 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.
- 6.6.4. Fund transfers within the councils banking arrangements.

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

## **7. Electronic payments**

- 7.1. Where internet banking arrangements are made with any bank, the RFO and Deputy Town Clerk shall be appointed as the Service Administrator. The bank mandate agreed by the council shall identify the number of councillors who will be authorised to approve transactions on those accounts and a minimum of two people will be involved in any online approval process. The Town Clerk and Deputy Town Clerk may be an authorised signatory for administrative purposes.
- 7.2. No employee or councillor shall disclose any PIN or password, relevant to the council or its banking, to anyone not authorised in writing by the council or a duly delegated committee.
- 7.3. A full list of all payments made in a month shall be provided to the next Full Council meeting and appended to the minutes.
- 7.4. Two councillors who are authorised signatories shall check the payment details against the invoices before approving their payment via the online banking system.

- 7.5. Once authorised by Council a Service Administrator shall set up all items due for payment online. The alternate Service Administrator will then check and confirm the payment as part of the dual authorisation process.
- 7.6. A list of approved payments, together with copies of the relevant bank statements, shall be checked by an authorised signatory on a monthly basis. Evidence of this check shall be retained.
- 7.7. In the prolonged absence of the Service Administrator an authorised signatory shall be authorised to set up any payments due before the return of the Service Administrator.
- 7.8. Evidence shall be retained showing which members approved the payment online.
- 7.9. With the approval of the council in each case, regular payments (such as gas, electricity, telephone, broadband, water, National Non-Domestic Rates, refuse collection, pension contributions and HMRC payments) may be made by variable direct debit, provided that the instructions are signed by two authorised members. The approval of the use of each variable direct debit shall be reviewed by the council at least every two years.
- 7.10. Payment may be made by BACS or CHAPS by resolution of the council provided that each payment is approved online by two authorised bank signatories, evidence is retained and any payments are reported to the council at the next meeting. The approval of the use of BACS or CHAPS shall be renewed by resolution of the council at least every two years.
- 7.11. If thought appropriate by the council, regular payments of fixed sums may be made by banker's standing order, provided that the instructions are signed by two members. Evidence of this is retained and any payments are reported to council when made. The approval of the use of a banker's standing order shall be reviewed by the council at least every two years.
- 7.12. Account details for suppliers may only be changed upon written notification by the supplier verified by the Town Clerk or Deputy Town Clerk. This is a potential area for fraud and the individuals involved should ensure that any change is genuine. Data held should be checked with suppliers every two years.
- 7.13. Members and officers shall ensure that any computer used for the council's financial business has adequate security, with anti-virus, anti-spyware and firewall software installed and regularly updated.
- 7.14. Remembered password facilities should not be used on any computer used for council banking.



## 8. Cheque payments

- 8.1. Cheques or orders for payment in accordance in accordance with a resolution or delegated decision shall be signed by two members and countersigned by the Town Clerk.
- 8.2. A signatory having a family or business relationship with the beneficiary of a payment shall not, under normal circumstances, be a signatory to that payment.
- 8.3. To indicate agreement of the details on the cheque with the counterfoil and the invoice or similar documentation, the signatories shall also initial the cheque counterfoil and invoice.

## 9. Payment cards

- 9.1. Specifically restricted to use by the Town Clerk and any balance shall be paid in full each month.
- 9.2. Personal credit or debit cards of members or staff shall not be used under any circumstances.

## 10. Petty Cash

- 10.1. The RFO shall maintain a petty cash float of £200 and may provide petty cash to officers for the purpose of defraying operational and other expenses.
  - 10.1.1. Vouchers for payments made from petty cash shall be kept, along with receipts to substantiate every payment.
  - 10.1.2. Cash income received must not be paid into the petty cash float but must be separately banked, as provided elsewhere in these regulations.
  - 10.1.3. Payments to maintain the petty cash float shall be shown separately on any schedule of payments presented for approval.

## 11. Payment of salaries and allowances

- 11.1. **As an employer, the council must make arrangements to comply with the statutory requirements of PAYE legislation.**
- 11.2. **Councillor's allowances (where paid) are also liable to deduction of tax under PAYE rules and must be taxed correctly before payment.**
- 11.3. Salary rates shall be agreed by Full Council, or a duly delegated committee. No changes shall be made to any employee's gross pay, emoluments, or terms and conditions of employment without the prior consent of the council or relevant Committee.

- 11.4. Payment of salaries shall be made, after deduction of tax, national insurance, pension contributions and any similar statutory or discretionary deductions, on the dates stipulated in employment contracts.
- 11.5. Deductions from salary shall be paid to the relevant bodies within the required timescales, provided that each payment is reported, as set out in these regulations above.
- 11.6. Each payment to employees of net salary and to the appropriate creditor of the statutory and discretionary deductions shall be recorded in a payroll control account or other separate confidential record, with the total of such payments each calendar month reported in the cashbook. Payroll reports will be reviewed as part of the Internal Audit Check and reported to the Finance and General Purposes Committee to ensure that the correct payments have been made.
- 11.7. Any termination payments shall be supported by a report to the council, setting out a clear business case. Termination payments shall only be authorised by the Full Council.
- 11.8. Before employing interim staff, the council must consider a full business case.

## **12. Loans and investments**

- 12.1. Any application for Government approval to borrow money and subsequent arrangements for a loan must be authorised by Full Council and recorded in the minutes. All borrowing shall be in the name of the council, after obtaining any necessary approval.
- 12.2. Any financial arrangement which does not require formal borrowing approval from the Secretary of State (such as Hire Purchase, Leasing of tangible assets or loans to be repaid within the financial year) must be authorised by the Full Council, following a written report on the value for money of the proposed transaction.
- 12.3. The Council shall consider the requirement for an Investment Strategy and Policy in accordance with Statutory Guidance on Local Government Investments, which must be written in accordance with relevant regulations, proper practices and guidance. Any Strategy and Policy shall be reviewed by the council at least annually.
- 12.4. All investment of money under the control of the council shall be in the name of the council.
- 12.5. All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.

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

### **13. Income**

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

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

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

13.4. All sums received on behalf of the council shall be deposited intact with the council's bankers, with such frequency as the RFO considers necessary. The origin of each receipt shall clearly be recorded on the paying-in slip or other record.

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

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

13.7. Where sum of cash over £100 are regularly received by the council, the RFO shall 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 record such as ticket issues, and that appropriate care is taken for the security and safety of individuals banking such cash.

13.8. Any income that is the property of a charitable trust shall be paid into a charitable bank account. Instructions for the payment of funds due from the charitable trust to the council (to meet expenditure already incurred by the authority) will be given by the Managing Trustees of the charity meeting separately from any council meeting.

### **14. Payments under contracts for building or other construction works**

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

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

## **15. Stores and equipment**

- 15.1. The officer in charge of each section shall be responsible for the care and custody of stores and equipment in that section.
- 15.2. 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.
- 15.3. Stocks shall be kept at the minimum levels consistent with operational requirements.

## **16. Assets, properties and estates**

- 16.1. The Town Clerk shall make arrangements for the safe custody of all title deeds and Land Registry Certificates of properties held by the council.
- 16.2. The RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date, with a record of all properties held by the council, their location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held, in accordance with Accounts and Audit Regulations.
- 16.3. 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.
- 16.4. No interest in land shall be purchased or otherwise acquired, sold, leased or otherwise disposed of without the authority of the council, together with any other consents required by law. In each case a written report shall be provided to council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate where required by law).
- 16.5. No tangible moveable property shall be purchased or otherwise acquired, sold, leased or otherwise disposed of, without the authority of the council, together with any other consents required by law, except where the estimated value of any one item does not exceed £500. In each case a written report shall be provided to council with a full business case.

## **17. Insurance**

- 17.1. The RFO shall keep a record of all insurances effected by the council and the property and risks covered, reviewing these annually before the renewal date in conjunction with the council's review of risk management.
- 17.2. The Town Clerk shall give prompt notification to the Council's Insurer of all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurances.
- 17.3. The RFO shall be notified of any loss, liability, damage or event likely to lead to a claim, and shall report these to Full Council or a relevant Committee at the next available meeting. The RFO shall negotiate all claims on the council's insurers.
- 17.4. 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, or duly delegated committee.

## **18. Acting as an accountable body**

When acting as an accountable body and holding funds for an external organisation the monies will be retained in a specific ear marked reserve.

## **19. Charities – Trevenen Exhibition**

Where the council is sole managing trustee of the Trevenen Exhibition the Town Clerk shall ensure that separate accounts are kept of the funds held on charitable trusts and separate financial reports made in such form as shall be appropriate, in accordance with Charity Law and legislation, or as determined by the Charity Commission. The Town Clerk shall arrange for any audit or independent examination as may be required by Charity Law or any Governing Document.

## **20. Suspension and revision of Financial Regulations**

- 20.1. The council shall review these Financial Regulations annually and following any change of Town Clerk or RFO. The Town Clerk shall monitor changes in legislation or proper practices and advise the council of any need to amend these Financial Regulations.
- 20.2. The council may, by resolution duly notified prior to the relevant meeting of council, suspend any part of these Financial Regulations, provided that reasons for the suspension are recorded and that an assessment of the risks arising has been presented to all members. Suspension does not disapply any legislation or permit the council to act unlawfully.

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

## 21. Appendix a - Tender process

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

**Appendix 2 – Committee Terms of Reference**

Finance and General Purposes Committee..... 9743

Planning and Licensing Committee..... 10045

Staffing Committee ..... 10146



## Finance and General Purposes Committee

### Terms of Reference

1. The Finance and General Purposes Committee shall comprise of a minimum of six Members of the Council.
2. Four Members or a third of the Committee, whichever is higher, shall constitute a quorum. If the number of Councillors present (not including those who have declared an interest) falls below the required quorum, the items of business not transacted shall be deferred to the next scheduled meeting or another day as the Chair may fix.
3. The Committee will meet on the fourth Thursday in May, July, September, November, January and March with a Special budget meeting in October unless otherwise indicated by Council.
4. The Committee shall carry out the functions of the Council under delegated powers in connection with the following matters: -
  - 4.1. All matters relating to footpaths and bridleways as shown on the definitive map.
  - 4.2. All aspects regarding the management of public open spaces in the ownership of Helston Town Council.
  - 4.3. Matters relating to public open spaces maintained by Helston Town Council that are in the ownership of another Authority including: -
    - a) The Sunken Garden.
    - b) Trengrouse Amenity Garden.
    - c) The Guildhall Cobbled Area.
    - d) Sithney Common Hill Lay-by.
    - e) Redruth Road Approach Boulder Area.
    - f) Five Wells Lane.
    - g) Lower Trengrouse Way Gardens.
    - h) Millennium Cross Area.
    - i) Falmouth Road Boulder.
    - j) Roundabouts and Verges.
  - 4.4. To consider all aspects of public assets owned by the Council including: -
    - a) Buildings.

- b) Bus shelters.
- c) Public seating.
- d) Town Council Notice Boards.
- e) 'Welcome to Helston' signs.

4.5. Town Warden and Grounds/General Maintenance Supervisor attend a committee meeting to give an annual report.

4.6. The Committee shall carry out the functions of the Council under delegated powers in connection with all aspects regarding the maintenance of play areas and equipment in the ownership of (or leased by) Helston Town Council, including the provision of new play equipment.

4.7. To review the Council's Standing Orders and Policy documents on a regular basis .

4.8. To produce new Policy documents when required.

4.9. To carry out the functions of the Council under delegated powers in connection with the following matters: -

- a) Maintenance of accounting records.
- b) Annual review of Fees and Charges.
- c) Annually review Ear-marked and General Reserves.
- d) Monthly budget monitoring.
- e) Consideration of bad debts.
- f) Regular audits by nominated Members of P,F and R Committee.
- g) Appointment of Internal Auditor.
- h) Consideration of Internal Audit and External Audit Reports.
- i) Ensure compliance with, and regularly review, Financial Regulations.
- j) Annually review the effectiveness of internal audit.

4.10. Preparation of the Annual Budget for recommendation to Full Council

4.11. To be responsible for risk management and ensure the Council is adequately insured.

4.12. To consider the acquisition of land or buildings that may become available for purchase to the benefit of the community and make recommendations to Full Council.

4.13. To undertake specific projects from time to time as requested by Full Council.

**Planning and Licensing Committee****Terms of Reference**

- 1.1. Reserve committee members shall be temporarily appointed to prevent a meeting being inquorate. If called upon, the Reserve Member must attend the whole meeting.
- 1.2. Four Members or a third of the Committee, whichever is higher, shall constitute a quorum. If the number of Councillors present (not including those who have declared an interest) falls below the required quorum, the items of business not transacted shall be deferred to the next scheduled meeting or another day as the Chair may fix.
- 1.3. The Committee will meet on the first Thursday of every month unless otherwise indicated by the Council.
- 1.4. The Planning and Licensing Committee shall carry out the functions of the Council under delegated powers in connection with the following matters:
  - a) To consider and make comments/recommendations on all Planning Applications, Certificates of Lawfulness, Conservation Area Consents, Building and Tree Preservation Notices and Orders that are forwarded to the Council by the Local Planning Authority and/or Cornwall County Council.
  - b) Attend Site Inspectional Panel Meetings that may from time to time be called by the Local Planning Authority and to attend and speak at Cornwall Council Planning Committee meetings.
  - c) Attend or make comment, either written or verbal, on behalf of the Council at any Planning Appeal of Public Inquiry.
  - d) To consider and comment upon consultation documents relating to the Cornwall Structure Plan and other such documents that may be issued.
  - e) To consider all highway matters including improvements, complaints or observations made to the Council in respect of local issues.
  - f) To consider and make recommendations to Cornwall Council on Licensing Applications relating to Helston.
  - g) To consider and respond to Licensing-related consultations.
- 1.5. Members shall abide by the Council's Pre-Application Protocol.

## Staffing Committee

### Terms of Reference

- 1.1. The Staffing Committee shall comprise of seven Members of the Council.
- 1.2. Three Members shall constitute a quorum. If the number of Councillors present (not including those who have declared an interest) falls below the required quorum, the items of business not transacted shall be deferred to the next scheduled meeting or another day as the Chair may fix.
- 1.3. The Committee will meet quarterly in June, September, December and March on dates agreed at the Annual Meeting.
- 1.4. The Committee will undertake training as identified and recommended by the Town Clerk.
- 1.5. The Committee shall carry out the functions of the Council under delegated powers in connection with the following matters: -
  - a) Oversee any staffing related matter brought to it by the Town Clerk, including setting terms and conditions for members of staff and to update existing terms and conditions following any changes in employment law and/or best practise guidelines, which fall outside the scope of their officer delegated powers.
  - b) Manage the health and well-being of all members of staff in conjunction with the Town Clerk.
  - c) Ensure arrangements are in place for staffing cover, flexible working time arrangements and integrated office working should the Town Clerk indicate there is a problem than cannot be easily resolved under their officer delegated powers.
  - d) Wherever requested by the Town Clerk to offer support through the annual staff appraisals.
  - e) At the request of the Town Clerk to work with them to review the existing administration structure to ensure effective utilisation of staff resources to include recruitment, selection, restructures and dismissal/redundancy situations.
  - f) Put in place and manage the Council's Pay and Grading structure for staff, including reviews of said structure as the Council evolves (subject to advice from the Town Council's HR advisors, consulting staff and recommendations from the Town Clerk).
  - g) At the request of the Town Clerk to setup a Panel of members (excluding the Mayor/ Chair) to receive and consider any disciplinary or grievance processes and take whatever action necessary subject to considering advice provided by the Town Council's HR advisors and/ or Town Clerk.

- h) Setup a Panel of members (including the Mayor/ Chair) to receive and consider subsequent appeals, if relevant, and take whatever action necessary subject to considering advice provided by the Town Council's HR advisors and/ or Town Clerk.
- i) Consider and make relevant decisions on any matter referred to it by Full Council and following consultation with the Town Clerk, Staff or Union Reps as necessary.
- j) To consider, adopt and implement any employment policies of the Council which must always be following the advice and guidance of the Council's HR advisors and the Town Clerk. Any policies affecting terms and conditions of employment are subject to a full consultation with staff before implementation. If there are any disputes or disagreements, such policies should be considered by Full Council before implementation or withdrawal.

### **Appendix 3 – Procedure for the Nomination of Mayor-Elect and Deputy Mayor-Elect**

- 1.1. A Special Full Council meeting is held on the fourth Thursday in February, with a single Agenda item “Nomination of Mayor-Elect and Deputy Mayor-Elect for the next civic year”.
- 1.2. This Special Full Council meeting will be open to the public.
- 1.3. At this meeting, the Chair will ask any Councillor who wishes to be considered for either or both posts to state their candidature. The Chair then asks for a proposer and seconder in order, for each candidate for each post.
- 1.4. All validly nominated candidates will be invited to then make a short (maximum one minute) presentation to all present as to why they should be chosen for the post.
- 1.5. The Councillors present will then be invited to ask all validly nominated candidates questions.
- 1.6. At the conclusion of this question/answer session, each Councillor will then be asked to vote by show of hands for a single candidate for either post. In the event of more than one candidate for either post, voting will be by paper ballot.
- 1.7. At the completion of this voting, and being duly recorded, the Chair will then announce who has been chosen for the post of Mayor Elect and Deputy Mayor Elect for the next civic year.

## Appendix 4 – Internet Banking Procedure

### 1.1. Payment of Salaries

- a) In April each year the salary rates are adjusted by the Deputy Town Clerk (DTC) and entered onto the salaries spreadsheet.
- b) The salary rates are checked and agreed by the Town Clerk. They are also checked during quarterly Internal Audits by Members.
- c) The monthly salaries are processed by the DTC using Sage 50 Payroll software and a confidential Schedule of Payments is produced.
- d) The Schedule is presented to two members of the Finance and General Purposes Committee to authorise.
- e) Once authorised by two Members, the Town Clerk actions the online transfers and prints out confirmations.
- f) The confirmations along with the original Schedule are presented to a member of the Finance and General Purposes Committee to sign that the sums tally.
- g) Random checks are conducted during Internal Audits by Members.

### 1.2. Payment of Creditors

- a) Invoices are checked and coded by the Town Clerk.
- b) Invoices are input onto the Rialtas Accounts system by the DTC and a Schedule of Payments produced indicating the payment method (Direct Debit, Credit Card, Cheque or Internet Transfer).
- c) The Schedule of Payments is presented to Full Council at its monthly meeting.
- d) The approved Schedule of Payments is signed by two Members of the Finance and General Purposes Committee.
- e) The Town Clerk actions the online transfers and prints out confirmations.
- f) The confirmations along with the Schedule of Payments are presented to a member of the Finance and General Purposes Committee to sign that the sums tally.
- g) Random checks are conducted during Internal Audits by Members.

### 1.3. General

- a) It is imperative that the division of duties is maintained.



- b) The transfer of funds from investment accounts (NatWest and CCLA) into Unity are by cheque signed by two signatories.
- c) Online payments are restricted by Unity Bank to £10k per transfer.
- d) In the absence of the Town Clerk, payments can be made by cheque or, if urgent, by internet transfer by the Deputy Town Clerk.

**BLANK PAGE**

**Finance & General Purposes Committee Meeting 23<sup>rd</sup> January 2025**

**REPORT OF THE TOWN CLERK**

**1. Flora Day**

Further to Min. No. 89/ 2024 and 203 i), a response has been received from the Community Link Officer advising that she had chased the response on the Council's behalf with Event Planning and the Safety Advisory Group (SAG) is likely to look at this in January or February. Once this has taken place Event Planning would be in a position to respond.

**2. Keep Helston Tidy Litter Picks**

The locations for the forthcoming litter picks are as follows:

25 <sup>th</sup> March at 10am	St Johns Road & car park, Tanyard Lane, Cross Street and Church Street leading to Guildhall
29 <sup>th</sup> April at 2pm	Fairground Car Park including rear lane towards sewage treatment plant
27 <sup>th</sup> May at 10am	Hellis Wartha estate and Football Club practice pitches (subject to permission)
24 <sup>th</sup> June at 2pm	Wellmoor play area, Tenderah Road, Wendron Street and Godolphin Road
29 <sup>th</sup> July at 10am	Gays Hill and no through road next to Sainsburys
26 <sup>th</sup> August at 2pm	Trengrouse Way car park and surrounding areas
30 <sup>th</sup> September at 10am	Manor Way and Gwealdues areas

**3. Overhanging Tree Branches**

A complaint has been received from a neighbouring resident regarding branches from a sycamore tree located in the Cades Parc Play Area which are overhanging his property. Whilst the latest tree inspection report has not raised any issues specifically with the condition of the tree, Members permission is sought to remove the overhanging branches to avoid future issues.

#### 4. Bulwark Play Area Consultation

Further to Min. No. 88/ 2024 the Projects Officer has applied for Section 106 funding for improvement works to the Bulwark Play Area and following a lengthy delay has received approval for the use of the funding. The Projects Officer has also consulted with the residents of the area on the potential options and has received the following responses:

	<b>Votes For</b>
MUGA	18
Additional Play Equipment	17
Outdoor Gym Equipment	4
More Natural Planting	1
Decorative Seating	0
Do Nothing	0

Quotations have been sought for a mini MUGA and are reported for consideration under confidential matters.

#### 5. Indoor Market

In July 2024, the Committee agreed that the Saturday Indoor Market be paused until the 1<sup>st</sup> April 2025 (Min No. 90. iv)/ 2024). To allow development of the market from April the type and frequency of market requires further consideration. An informal ideas gathering meeting was held with Council staff and the following suggestions were made:

- Initially hold the markets quarterly and build up frequency from there when interest grows;
- Vary the themes for each market;
- Ideas for themes include:
  - Vintage Market selling clothes, records, etc.;
  - Craft Market;
  - Cornish Market; and
  - Clothes swap event;
- The markets could incorporate a workshop e.g. the vintage market could include someone showing how to repair clothes;
- The market needed to include some form of entertainment for children, whether this be a colouring station with pictures and coloured pencils or something organised such as a face painter;
- It could be possible to use both floors of the Guildhall for the event;
- The Council may need to offer free stalls in the first instance to encourage participation; and
- The previous timings of 10am to 2pm on a Saturday were felt appropriate.

It is recommended that the Council proceed with quarterly themed markets on a Saturday in the Guildhall and that the Town Clerk be given delegated authority to make the specific arrangements.

**Town Clerk**  
**16<sup>th</sup> January 2025**