



AGENDA FOR THE FULL COUNCIL MEETING OF TOTNES TOWN COUNCIL

MONDAY 3RD APRIL 2023 IN THE GUILDHALL

Please note that public question time will be held prior to Full Council from 6.30pm.

There are stairs to the Council Chamber but if any member of the public has mobility issues the Council can relocate to the lower Guildhall.

You are hereby **SUMMONED** to attend a meeting of the Council, on **Monday 3rd April 2023 at 7.00pm** for a maximum of 120 minutes the purpose of transacting the following business:

1. WELCOME TO ALL ATTENDING AND OBSERVING

The Chair will read out the following statement:

Welcome to everyone attending and observing the meeting.

A reminder that open proceedings of this meeting will be video recorded. If members of the public make presentations, they will be deemed to have consented to being recorded. By entering the Council Chamber attendees are also consenting to being recorded.

This meeting is limited to 120 minutes and therefore members are asked to raise their points succinctly and not repeat the same view expressed by colleagues if it does not add to the debate.

2. APOLOGIES FOR ABSENCE AND DECLARATION OF INTERESTS

To receive apologies and to confirm that any absence has the approval of the Council. The Mayor will request confirmation that all Members have completed or made any necessary amendments to their Declaration of Interests.

The Committee will adjourn for the following items:

Reports from County and District Councillors.

- a. County Cllr Hodgson – no document.
- b. District Cllr Birch – document attached.
- c. District Cllr Rose – no document.
- d. District Cllr Sweett – no document.

The Council will convene to consider the following items:

3. CONFIRMATION OF MINUTES

To approve and sign the minutes of the following Meetings:

(Please note confidential minutes can be agreed but any discussion must be held in Part 2)

- a. Full Council 6th March 2023 – document attached.

To note the following minutes:

- b. Council Matters Committee 13th March 2023 – document attached.
- c. Planning Committee 20th March 2023 – document attached.
- d. Town Matters Committee 27th March 2023 – document attached.

4. CONSIDERATION OF ANY MATTERS ARISING REQUIRING A DECISION

To consider any matters arising from the Minutes and to approve any recommendations from Committees (document attached):

(Please note confidential minutes can be agreed but any discussion must be held in Part 2)

- a. Full Council 6th March 2023 – document attached.
- b. Council Matters Committee 13th March 2023 – document attached.
- c. Planning Committee 20th March 2023 – document attached.
- d. Town Matters Committee 27th March 2023 – document attached.

5. FINANCIAL REGULATIONS

To review the Financial Regulations. Document attached.

6. LIST OF MEETING DATES

To note a list of upcoming meeting dates. Document attached.

7. NEXT MEETING

To note the next meeting date of Monday 15th May 2023, 6.30pm public session, 7.00pm formal meeting in the Guildhall.

The Council will be asked to RESOLVE to exclude the press and public "by reason of the confidential nature of the business" to be discussed and in accordance with the Public Bodies (Admission to Meetings) Act 1960.

8. CONFIDENTIAL ITEMS FROM COMMITTEE (Standing Item)

To consider any recommendations or matters arising that are considered confidential in nature.

- a. Town Matters Committee report. Document attached.

9. CHRISTMAS EVENT ORGANISER TENDER

To consider the applications received to tender for running the three Christmas Festival nights in December 2022 (commercially sensitive). Document to follow.

10. CIVIC HALL PILLARS ART PROJECT

To consider an update on the Civic Hall pillars art project (commercially sensitive). Verbal update.

11. ELMHIRST PROJECT (Standing Item)

To consider any update on the Elmhirst Site project (commercially sensitive). Verbal update.

Agenda produced by:

Catherine Marlton

Town Clerk

29th March 2023

USE OF SOUND RECORDINGS AT COUNCIL & COMMITTEE MEETINGS

The open proceedings of this Meeting will be audio and video recorded. If members of the public make a representation, they will be deemed to have consented to being recorded. By entering the Council Chamber or Zoom meeting, attendees are also consenting to being recorded.

Televised, vision and sound recordings or live broadcastings by members of the press or public at Council or Committee debates are permitted and anyone wishing to do so is asked to inform the Chairman of the respective Committee of their intention to record proceedings.

John Birch

SHDC Member for Totnes

**Report to the Totnes Town Council meeting to be held on Monday 3
April 2023**

I report on the following

HOUSING NEEDS TO BE ADDRESSED

When the current SHDC administration took office in May 2019 the Council's housing waiting list showed that there were 693 people in urgent need of affordable rented accommodation. Four years later the figure has gone up BY 10% to 766. The need to reduce the waiting list should be a priority for the new administration.

Like many, including the Town Council, I support the campaign to progress the ATMOS community project at the former Dairy Crest site. The ATMOS community project aims to deliver 65 much-needed genuine affordable homes for local residents as well as employment for at least 160 people.

It is projects like these that are needed to reduce the district's housing waiting list.

ATTEMPT TO SCRAP IMPORTANT WORKING GROUP

Several councillors at a recent SHDC council meeting called for the scrapping of a working group set up to investigate the consultation process surrounding the abandoned Ivybridge Aldi project. The scrapped project cost the council taxpayers nearly £500,000

At an earlier meeting the Council accepted my proposal to set up the working group to look into the consultation process that initially showed support for the project and yet at the planning stage attracted widespread opposition leading to it being scrapped.

The working group received evidence showing that there was a failure to provide the full facts during the consultation. Important matters such as the ripping up of a Devon Bank, reduction of long term car parking and the closure of the town centre car parks during construction were not mentioned in the consultation documents.

When these omissions came to light support for the project withered away leading to it being scrapped at a cost to the council taxpayers of around £500,000.

I am concerned that the administration at SHDC wishes to ignore what can be described as a "flawed consultation process" and thus the move to scrap the working group.

COST OF FAILED WASTE PRIVATISATION

At the last Full Town Council meeting I gave a verbal report on the £millions of council taxpayers' money wasted on the privatisation of the SHDC waste collection service which has now been brought back in-house. I now confirm the figures in a written report.

The wasted costs are over £5 million. The cost of bringing the service back in-house from October 2022 is as follows.

ONE OFF SET UP COSTS

Between £1.25 million and £1.5 million.

TRANSITIONAL COSTS.

9 months @ £290,000 totalling £2.6 million.

ADDITIONAL ANNUAL COSTS.

Between £1.25 million and £1.5 million.

I have obtained these figures from reports produced by SHDC officers. The costs incurred by council taxpayers as a result of the abandoned waste privatisation scheme is in excess of £5 million.

Cllr John Birch
SHDC Member for Totnes
27 March 2023

Item 3a+
Bto 4a



DRAFT MINUTES FOR THE MEETING OF TOTNES TOWN COUNCIL
MONDAY 6TH MARCH 2023 IN THE GUILDHALL

Present: Councillors E Price (Chair), M Adams, G Allen, T Bennett, J Cummings, J Hannam, J Hodgson, P Paine, D Peters, B Piper and L Smallridge.

Apologies: Cllrs Hendriksen and Webberley.

Not Present: Cllrs Collinson and Skinner.

In Attendance: District Cllr Birch and Rose, members of the press and public, C Marlton (Town Clerk), P Bethel (Town Sergeant).

1. WELCOME TO ALL ATTENDING AND OBSERVING

2. APOLOGIES FOR ABSENCE AND DECLARATION OF INTERESTS

To receive apologies and to confirm that any absence has the approval of the Council. The Mayor will request confirmation that all Members have completed or made any necessary amendments to their Declaration of Interests.

The apologies were received and agreed unanimously.

The Committee will adjourn for the following items:

Reports from County and District Councillors.

- a. County Cllr Hodgson
- b. District Cllr Birch
- c. District Cllr Rose
- d. District Cllr Sweett

*It was **RESOLVED** to suspend standing orders.*

- a. County Cllr (C Cllr) Hodgson updated on the pedestrian crossing near the Lamb as she has asked Devon Highways officers why some of the issues raised by Inclusive Totnes have not been addressed despite them being legal requirements and is waiting on a reply. C Cllr Hodgson reported that there have been cutbacks at Rushbrook because of problems and requested that the police make a report to the next meeting.
- b. District Cllr (D Cllr) Birch gave a verbal update.
- c. District Cllr Rose had circulated a report.
- d. District Cllr Sweett had not circulated a report.

The Council reconvened.

3. CONFIRMATION OF MINUTES

To approve and sign the minutes of the following Meeting:

(Please note confidential minutes can be agreed but any discussion must be held in Part 2)

a. Full Council 6th February 2023.

It was **RESOLVED** to approve and sign the minutes.

To note the following minutes:

b. Council Matters Committee 13th February 2023.

Noted.

c. Planning Committee 20th February 2023.

Noted.

4. CONSIDERATION OF ANY MATTERS ARISING

To consider any matters arising from the Minutes and to approve any recommendations from Committees:

(Please note confidential minutes can be agreed but any discussion must be held in Part 2)

a. Full Council 6th January 2023.

No matters arising.

b. Council Matters Committee 13th February 2023.

Item 7 – Christmas Markets. It was **RESOLVED** unanimously to begin the tender process for a two-year contract for the organisation and management of the Christmas Markets event.

c. Planning Committee 20th February 2023.

No recommendations.

5. CIVIC PROTOCOL AND PROCEDURE

To review the Civic Protocol and Procedure.

It was **RESOLVED** by majority to accept the revised Civic Protocol and Procedure.

6. CLIMATE CHANGE BUDGET

To consider a reallocation of the climate change budget.

It was **RESOLVED** by majority to accept the proposal for the remaining Climate Change budget:

Project	Amount	Recommended Amount
	Remaining in Budget	£3870.99
Cllr travel expenses for Sustainable South Hams/ Climate Change events (prior approval from Town Clerk)		£226.00
Gardening for Wildlife booklet printing and distribution	Printing ~£1300 Distribution ~£200	£1500.00
Biodiversity work in the Cemetery by Park Life – spec TBC		£1500.00
	Total:	£3226.00
	Remaining unspent	£644.99

7. EVENT EXPENDITURE

To consider event expenditure given the response from the Elizabethan Society.

It was **RESOLVED** by majority to accept the proposal for the reallocation of expenditure previously identified for partnering with the Elizabethan Society on the Orange Races to another event in August.

When	Detail	Spend	Note
Total Budget Amount		£12000.00	
From Paige Adams	Grant community element of Spring Festival	£500.00	
Thursday 13 th April 2023	Spring Festival (including free community event)	-£3000.00	Already agreed
Sunday 28 th May 2023	Working with SeaChange to expand the market offer	-£1000.00	Already agreed
Wednesday 23 rd August 2023	Summer Fair	-£4000.00	Change from joint project with Orange Races
Christmas Late Night Shopping 2023	Visit Totnes sponsoring entertainment/community element	Unknown	To be confirmed after event organiser appointed
Total Spend Allocated:		-£8000.00	
Unallocated Budget:		£4500.00	

8. LICENSING APPLICATION

To consider an application for a new premises licence from The Angel Totnes Ltd for The Angel, South Street, Totnes, TQ9 5DZ.

Cllr Hodgson declared a personal interest. It was **RESOLVED** by majority to support the application.

9. LIST OF MEETING DATES

To note a list of upcoming meeting dates.

Noted.

10. NEXT MEETING

To note the next meeting date of Monday 3rd April 2023, 6.30pm public session, 7.00pm formal meeting in the Guildhall.

Noted.

The Council will be asked to RESOLVE to exclude the press and public "by reason of the confidential nature of the business" to be discussed and in accordance with the Public Bodies (Admission to Meetings) Act 1960.

11. CONFIDENTIAL ITEMS FROM COMMITTEE (Standing Item)

To consider any recommendations or matters arising that are considered confidential in nature.

No recommendations.

12. NEIGHBOURHOOD PLAN

To consider the draft response to a fact check on the Neighbourhood Plan examiner's report (legally sensitive).

It was **RESOLVED** unanimously to respond to South Hams District Council as drafted, subject to clarification about page numbering.

13. CCTV QUOTES

To reconsider quotes for extending the Close Circuit television coverage outside the Guildhall and Guildhall garage area (commercially sensitive).

It was **RESOLVED** unanimously to accept the quote of £4404.00 plus VAT for the CCTV hard wired system.

14. EASTGATE LEASE

To consider the lease on Eastgate (commercially sensitive).

It was **RESOLVED** unanimously to serve notice on the lease of Eastgate while requesting access as required to service the clock.

Cllr Adams left the meeting.

15. ELMHIRST PROJECT (Standing Item)

To consider any update on the Elmhirst Site project (commercial).

There was no new information to update Council with at this time in terms of the bid. It was **AGREED** to launch a community conversation about the site at the Annual Town Meeting on 17th May 2023.

16. CHRISTMAS LIGHTS

To consider Christmas lighting costs and how to proceed (commercially sensitive).

The Town Clerk explained the proposed specification for lighting in the town and this was **AGREED** as a basis for the tender. It was **RESOLVED** unanimously to: proceed to the tender process for the specification agreed; and give the Town Clerk delegated authority to administer to process and bring the tenders back to Council for a decision on a contractor.

Cllr Emily Price
Mayor



DRAFT MINUTES FOR THE MEETING OF COUNCIL MATTERS MONDAY 13TH MARCH 2023 AT 6.30PM IN THE GUILDHALL

Present: Councillors B Piper (Chair), M Adams, J Hodgson (joined at 18.40), D Peters and E Price.

Apologies: Cllrs Allen and Hannam.

In Attendance: A member of the public, C Marlton (Town Clerk) and C Bewley (Finance, HR and Lettings Manager).

1. APOLOGIES FOR ABSENCE

The Chair read a statement about how the meeting would be conducted and recorded. The apologies were accepted.

The Committee will adjourn for the following items:

PUBLIC QUESTION TIME

The member of the public asked the Committee to consider under item 5 (review of the Community Grants Policy) that funding should be for projects within the parish boundary only and that spend should be carried out in the financial year, not just within six months of award. The member also raised the accessibility of the committee papers on the Town Council website which the Clerk said would be looked at and addressed.

The Committee will reconvene to consider the following items:

2. CONFIRMATION OF MINUTES

To approve the minutes of 13th February 2023 and update on any matters arising.

The minutes were **AGREED** as an accurate record of the proceedings.

3. BUDGET MONITOR

To consider the Budget Monitor including the reserves projection.

The budget monitor was **AGREED** unanimously. The Clerk updated that there will be some variance to the expected year-end figures in areas such as wayfinding and installation of the hearing loop in the Guildhall Council Chamber. The level of reserves started of the financial year was around £705K and is expected to be in the region of £565K at year-end.

4. CIVIC BUDGET AND MAYORAL ALLOWANCE POLICY

To review the Civic Budget and Mayoral Allowance Policy.

This was reviewed and unanimously **AGREED**.

5. COMMUNITY GRANTS POLICY

To review the Community Grants Policy and note the timeline for 2023/24.

This was reviewed and **AGREED** unanimously with the following amendments:

- a. The scheme is to support local charities and community organisation providing services within the Totnes parish boundary.
- b. The grant period will be for the financial year in which it is awarded and applicants are asked to submit a six month progress update as well as an end of project completion statement (should the project run longer than six months).

6. PRIVACY NOTICE

To review the Privacy Notice.

This was reviewed and unanimously **AGREED**.

7. PRIVACY POLICY

To review the Privacy Policy.

This was reviewed and unanimously **AGREED**.

8. CLOSE-CIRCUIT TELEVISION POLICY

To review the Close-Circuit Television Policy.

This was reviewed and unanimously **AGREED**.

9. COUNCIL ASSETS AND PUBLIC REALM WORKING GROUP

To consider the recommendations (items 2b and 7) from the Council Assets and Public Realm Working Group held on 21st February 2023.

It was **AGREED** unanimously that:

- a. Item 2b – the Clerk will write to South Hams District Council and the Community Safety team about waste collection, storage of commercial bins and the future of split collection for recycling from public bins.
- b. Item 7 – this recommendation has been superseded by the decision of Full Council on 6th March to allocate funding from the Climate Change budget for a biodiversity project by Park Life around the chapel and circle in the cemetery.

10. DATE OF NEXT MEETING

To note the date of the next meeting of the Council Matters Committee – Monday 17th April 2023 at 6.30pm in the Guildhall.

Noted.

*The Committee will be asked to **RESOLVE** to exclude the press and public “by reason of the confidential nature of the business” to be discussed and in accordance with the Public Bodies (Admission to Meetings) Act 1960. (CONFIDENTIAL by virtue of relating to legal and/or commercial matters, staffing and/or the financial or business affairs of a person or persons other than the Council)*

11. BANK STATEMENTS AND RECONCILIATIONS (Standing Item)

To consider the bank statements and reconciliations for February.

These were reviewed and unanimously **AGREED**.

12. COMMUNITY FUNDRAISER RECRUITMENT

To update on the recruitment to the Community Fundraiser vacancy.

It was **AGREED** to keep the Community Fundraiser vacancy on the Council website and look to re-run the full advertisement process after the local elections.

13. STAFFING UPDATE

For any general or urgent updates that required confidential sharing with Councillors.

The verbal update was noted.

14. REFURBISHMENTS

To consider the increased cost of painting the offices upstairs.

The Clerk declared an interest. It was unanimously **AGREED** that:

- a. Expenditure to date on decorating was approved for the Civic Hall bar and Guildhall office expansion;
- b. Freelance decorating is to continue at the agreed rate of £16.50 per hour. This includes continued work on the Guildhall offices and Civic Hall refurbishment; and
- c. The invoices for the freelance decorating work on the project will be signed by the Finance, HR and Lettings Manager and Town Maintenance Officer as a temporary change to the budget signatories due to the potential conflict of interest. All payments will be countersigned by a Councillor as normal.

Catherine Marlton
Town Clerk
March 2023



DRAFT MINUTES FOR THE PLANNING COMMITTEE

MONDAY 20TH MARCH 2023 IN THE GUILDHALL

Present: Councillors G Allen (Chair), S Collinson (from 19.20), J Cummings, R Hendriksen, J Hodgson (from 18.45) and L Smallridge.

Apologies: Cllrs Bennett and Collinson.

In Attendance: A member of the public, S Halliday (Governance and Projects Manager).

1. WELCOME AND APOLOGIES FOR ABSENCE

To receive apologies and to confirm that any absence has the approval of the Council.

Cllr Allen read out a statement about how the meeting would be conducted and recorded.

The apologies were received and accepted.

The Committee will adjourn Standing Orders for the following items:

PUBLIC QUESTION TIME

There were no members of the public present who wished to speak.

The Committee reconvened Standing Orders.

2. CONFIRMATION OF MINUTES

To approve the minutes of 20th February 2023 and update on any matters arising.

The minutes were approved as an accurate record of proceedings. There were no matters arising.

3. PLANNING APPLICATIONS

To make recommendations on the following planning applications:

3a. 3048/21/FUL – READVERTISEMENT (amended plans) Provision of single dwelling house (resubmission of 1668/20/FUL). Montgo, Maudlin Road, Totnes, TQ9 5TG.

Noted. No further comments to make to those submitted in November 2022.

3b. 4445/22/HHO – Householder application for alterations and extensions to first floor accommodations. Camellia Cottage, North Street, Totnes, TQ9 5NZ.

Support.

3c. 0304/23/HHO – Householder application for conversion of garage into accommodation, provide access from road level to front entrance, create dormer within existing main roof pitch, with deck and access bridge, extend kitchen. 5 Follaton Bungalows, Totnes, TQ9 5LZ.

Support.

3d. 0351/23/HHO – Householder application for two storey rear extension. 5 Westonfields, Totnes, TQ9 5QU.
Support.

3e. 0603/23/HHO – Householder application for proposed extension and alterations to create veranda and new dormer window to replace existing roof light and proposed PV solar array on East elevation. Waylands, Bourton Lane, Totnes, TQ9 5JF.
Support.

and to note:

3f. 0730/23/FUL - New fire escape door and replacement front entrance doors. Civic Hall, High Street, Totnes.
Noted.

4. SOUTH WEST WATER CONSULTATION

To consider the South West Water 'Draft Water Resources Management Plan (2024)' and make a recommendation (through the Town Matters Committee) to Full Council [consultation closes on 9th May].

To **RECOMMEND** to Full Council (subject to any additions by the Town Matters Committee) the following response to the South West Water Draft Water Management Plan 2024 consultation:

- The Council believes that South West Water should be a statutory consultee as part of the planning process and would support changes in planning legislation to enable this.
- The Council believes that there should be a further consultation on the South West Water Drainage and Wastewater Management Plan consulted on in 2022.

Environmental

- Extreme Weather Events - no details given to the effects of extreme weather events and the effects on water treatment plants, how South West Water will respond, how to handle run off and slowing water flows down (for example through tree planting, attenuation ponds).
- Water Quality - no detail is given about water quality monitoring, frequency of monitoring and what is being tested for (for example, nitrates, pollutants, plastics, antibiotics) particularly in relation to bathing water areas.
- Biodiversity – no details are given on the wildlife species currently supported which therefore gives no baseline to monitor improvement or deterioration against.
- Future Modelling Tools - would like to see the use of future modelling of the impacts of river water levels – in drought and flood conditions – and the environmental and biodiversity effects.
- Catchment Management – no detail of how this strategic approach is taken into account in plans and programmes to assess and address the effects of run-off from agriculture and developed areas.
- All sewage treatment should be designed to include anaerobic digestion waste systems to support energy production, address climate change and prevent sewage discharges into rivers and the sea. (this could be combined with agricultural slurry treatment in rural areas).

Developments

- Flood Risk Modelling - The plan should include flood risk modelling for any new development and the potential effect on neighbouring areas and river catchment from surface water run-off.
- Water Treatment – South West Water needs to take into consideration the cumulative impact of various housing developments in a water catchment area in terms of: provision of potable water, capacity of water treatment plants to process the sewage and grey water generated, flood risk from non-permeable surfaces, and run-off effects into rivers.
- Water Management Infrastructure - New developments should install separate sewage and rain water systems to lessen the volume of water passing through the waste water treatment process, and natural soakaway areas within the site of any new development should be insisted upon.
- Grey Water Management – could the water companies insist on all new housing developments to be fitted with grey water harvesting for use in the home (for example toilet flushing, water butt collection) to reduce the volume of water consumption required per capita and support increased drought resilience?
- South West Water should be empowered to refuse additional developments loading onto the system where capacity for the provision of potable water and/or sewage treatment has been reached and can be demonstrated.

5. EVENTS ON SOUTH HAMS DISTRICT COUNCIL LAND

To note the following events taking place on South Hams District Council land (no document):

- a. **Dart Totnes Rowing Club Head of the Dart Race, Saturday 25th March 1300hrs to Sunday 26th March 1913hrs, Longmarsh Car Park.**

Noted.

6. DATE OF NEXT MEETING

To note the date of the next meeting of the Planning Committee – Monday 24th April 2023 at 6.30pm in the Guildhall.

Noted.

Sara Halliday
Governance and Projects Manager
March 2023

Item 3d
+4d



DRAFT MINUTES FOR THE TOWN MATTERS COMMITTEE

MONDAY 27TH MARCH 2023 IN THE GUILDHALL

Present: Councillors J Cummings (Chair), G Allen (joined at 19.25), S Collinson, B Piper (joined at 19.00), L Smallridge.

Apologies: None

Not present: Cllr Webberley

In Attendance: L Ferrier (Marketing and Communications Manager) and S Halliday (Governance and Projects Manager).

1. WELCOME AND APOLOGIES FOR ABSENCE

To receive apologies and to confirm that any absence has the approval of the Council.

Cllr Cummings read out a statement about how the meeting would be conducted and recorded.

No apologies had been received.

The Committee will adjourn for the following items:

PUBLIC QUESTION TIME

There were no members of the public present.

The Committee reconvened.

2. CONFIRMATION OF MINUTES

To approve the minutes of 30th January 2023 and update on any matters arising.

The minutes were approved as an accurate record of proceedings with one amendment to show Cllr Cummings as 'Chair' (not Deputy Chair). Matters arising:

Item 4 – Arrangements for the Christmas Lights Switch On 2023. It was **RESOLVED** unanimously by Full Council that the community Christmas Lights Switch On takes place on Tuesday 28th November from 3-6pm, and that officers make the necessary arrangements to secure entertainment, refreshments and crafting activities (as set out in the note) within the budget set for financial year 2023/24.

Item 5 – Water Quality. As this meeting is being held during the pre-election period the ‘facilities for motor homes at Longmarsh’ item is scheduled for discussion in June given it is a potentially controversial subject.

Item 8 – Climate Emergency Working Group – work on community composting is ongoing with the first step being securing a potential location. An update will be given at the next meeting.

3. SOUTH WEST WATER CONSULTATION

To consider the South West Water ‘Draft Water Resources Management Plan (2024)’ draft response from the Planning Committee and make any additional recommendation to Full Council [consultation closes on 9th May].

To **RECOMMEND** to Full Council the following response to the South West Water Draft Water Management Plan 2024 consultation:

- The Council believes that South West Water should be a statutory consultee as part of the planning process and would support changes in planning legislation to enable this.
- The Council believes that there should be a further consultation on the South West Water Drainage and Wastewater Management Plan consulted on in 2022, and that there should be a clear link with the Draft Water Resources Management Plan.

Environmental

- Extreme Weather Events - no details given to the effects of extreme weather events and the effects on water treatment plants, how South West Water will respond, how to handle run off and slowing water flows down (for example through tree planting, attenuation ponds).
- Water Quality - no detail is given about water quality monitoring, frequency of monitoring and what is being tested for (for example, nitrates, pollutants, plastics, antibiotics) particularly in relation to bathing water areas.
- Biodiversity – no details are given on the wildlife species currently supported which therefore gives no baseline to monitor improvement or deterioration against.
- Future Modelling Tools - would like to see the use of future modelling of the impacts of river water levels – in drought and flood conditions – and the environmental and biodiversity effects.
- Catchment Management – no detail of how this strategic approach is taken into account in plans and programmes to assess and address the effects of run-off from agriculture and developed areas.
- All sewage treatment should be designed to include anaerobic digestion waste systems to support energy production, address climate change and prevent sewage discharges into rivers and the sea. (this could be combined with agricultural slurry treatment in rural areas).

Developments

- Flood Risk Modelling - The plan should include flood risk modelling for any new development and the potential effect on neighbouring areas and river catchment from surface water run-off.
- Water Treatment – South West Water needs to take into consideration the cumulative impact of various housing developments in a water catchment area in terms of: provision of potable water, capacity of water treatment plants to process the sewage and

DRAFT Town Matters Committee, 27th March 2023

grey water generated, flood risk from non-permeable surfaces, and run-off effects into rivers.

- Water Management Infrastructure - New developments should install separate sewage and rain water systems to lessen the volume of water passing through the waste water treatment process, and natural soakaway areas within the site of any new development should be insisted upon.
- Grey Water Management – could the water companies insist on all new housing developments to be fitted with grey water harvesting for use in the home (for example toilet flushing, water butt collection) to reduce the volume of water consumption required per capita and support increased drought resilience?
- South West Water should be empowered to refuse additional developments loading onto the system where capacity for the provision of potable water and/or sewage treatment has been reached and can be demonstrated.

4. WATER QUALITY UPDATE

To note an update Of the Rivers Assembly meeting.

Noted. Cllr Cummings updated that the Rivers Assembly had been a good meeting with opportunities to network and useful presentations. Cllr Collinson commented that more active Council participation in the Dart Harbour Community Group would be useful going forward.

5. COST OF LIVING PARTNERSHIP UPDATE

To note the minutes of the Cost of Living Partnership meeting.

Noted. The Committee noted the good works that is being carried out by this group.

6. CLIMATE EMERGENCY WORKING GROUP

To note the minutes of the Climate Change Working Group held on 28th February 2023 (standing item).

Noted.

7. DATE OF NEXT MEETING

To note the date of the next meeting of the Town Matters Committee – Monday 26th June 2023 at 6.30pm.

Noted.

*The Committee will be asked to **RESOLVE** to exclude the press and public “by reason of the confidential nature of the business” to be discussed and in accordance with the Public Bodies (Admission to Meetings) Act 1960. (CONFIDENTIAL by virtue of relating to legal and/or commercial matters, staffing and/or the financial or business affairs of a person or persons other than the Council)*

8. COMMUNITY AWARD SCHEME

To consider the nominations for the Community Award scheme individual and group categories (personal information).

The Committee considered the nominations received. A confidential report with the recommendations will go to Full Council for consideration.

Sara Halliday

Governance and Projects Manager

DRAFT Town Matters Committee, 27th March 2023

ITEM 4 – CONSIDERATION OF RECOMMENDATIONS

4a. Full Council, 6th March 2023

No recommendations.

4b. Council Matters Committee, 13th March 2023

No recommendations.

4c. Planning Committee, 20th March 2023

See Town Matters recommendation under item 3.

4d. Town Matters Committee, 27th March 2023**Item 3. South West Water Consultation**

To **RECOMMEND** to Full Council the following response to the South West Water Draft Water Management Plan 2024 consultation:

- The Council believes that South West Water should be a statutory consultee as part of the planning process and would support changes in planning legislation to enable this.
- The Council believes that there should be a further consultation on the South West Water Drainage and Wastewater Management Plan consulted on in 2022, and that there should be a clear link with the Draft Water Resources Management Plan.

Environmental

- Extreme Weather Events - no details given to the effects of extreme weather events and the effects on water treatment plants, how South West Water will respond, how to handle run off and slowing water flows down (for example through tree planting, attenuation ponds).
- Water Quality - no detail is given about water quality monitoring, frequency of monitoring and what is being tested for (for example, nitrates, pollutants, plastics, antibiotics) particularly in relation to bathing water areas.
- Biodiversity – no details are given on the wildlife species currently supported which therefore gives no baseline to monitor improvement or deterioration against.
- Future Modelling Tools - would like to see the use of future modelling of the impacts of river water levels – in drought and flood conditions – and the environmental and biodiversity effects.
- Catchment Management – no detail of how this strategic approach is taken into account in plans and programmes to assess and address the effects of run-off from agriculture and developed areas.
- All sewage treatment should be designed to include anaerobic digestion waste systems to support energy production, address climate change and prevent sewage discharges into rivers and the sea. (this could be combined with agricultural slurry treatment in rural areas).

Developments

- Flood Risk Modelling - The plan should include flood risk modelling for any new development and the potential effect on neighbouring areas and river catchment from surface water run-off.
- Water Treatment – South West Water needs to take into consideration the cumulative impact of various housing developments in a water catchment area in terms of: provision of potable water, capacity of water treatment plants to process the sewage and grey water generated, flood risk from non-permeable surfaces, and run-off effects into rivers.
- Water Management Infrastructure - New developments should install separate sewage and rain water systems to lessen the volume of water passing through the waste water treatment process, and natural soakaway areas within the site of any new development should be insisted upon.
- Grey Water Management – could the water companies insist on all new housing developments to be fitted with grey water harvesting for use in the home (for example toilet flushing, water butt collection) to reduce the volume of water consumption required per capita and support increased drought resilience?
- South West Water should be empowered to refuse additional developments loading onto the system where capacity for the provision of potable water and/or sewage treatment has been reached and can be demonstrated.

Item 8. Community Award Scheme.

To be considered in Part 2.



Financial Regulations

TOTNES TOWN COUNCIL

AGREED SEPTEMBER 2022

NEXT REVIEW APRIL~~JULY~~ 2023

These Financial Regulations are produced in accordance with Governance and Accountability for Local Councils and were adopted by the Council at its meeting of 5th September 2022.

Amendments to paragraph 11.1.e & 11.1.f

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1. GENERAL

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

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

shall be a matter for the Full Council only.

1.14. In addition the Council must:

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

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

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

2. ACCOUNTING AND AUDIT (INTERNAL AND EXTERNAL)

- 2.1. All accounting procedures and financial records of the Council shall be determined by the RFO in accordance with the Accounts and Audit Regulations, appropriate guidance and proper practices.
- 2.2. On a regular basis, at least once in each quarter, and at each financial year end, a member other than the Chairman shall be appointed to verify bank reconciliations (for all accounts) produced by the RFO. The member shall sign the reconciliations and the original bank statements (or similar document) as evidence of verification. This activity shall on conclusion be reported, including any exceptions, to and noted by the Council Matters Committee.
- 2.3. The RFO shall complete the annual statement of accounts, annual report, and any related documents of the Council contained in the Annual Return (as specified in proper practices) as soon as practicable after the end of the financial year and having certified the accounts shall submit them and report thereon to the Council within the timescales set by the Accounts and Audit Regulations.
- 2.4. The Council shall ensure that there is an adequate and effective system of internal audit of its accounting records, and of its system of internal control in accordance with proper practices. Any officer or member of the Council shall make available such documents and records as appear to the Council to be necessary for the purpose of the audit and shall, as directed by the Council, supply the RFO, internal auditor, or external auditor with such information and explanation as the Council considers necessary for that purpose.

- 2.5. The internal auditor shall be appointed by and shall carry out the work in relation to internal controls required by the Council in accordance with proper practices.
- 2.6. The internal auditor shall:
- be competent and independent of the financial operations of the Council;
 - report to Council in writing, or in person, on a regular basis with a minimum of one annual written report during each financial year;
 - to demonstrate competence, objectivity and independence, be free from any actual or perceived conflicts of interest, including those arising from family relationships; and
 - has no involvement in the financial decision making, management or control of the Council.
- 2.7. Internal or external auditors may not under any circumstances:
- perform any operational duties for the Council;
 - initiate or approve accounting transactions; or
 - direct the activities of any Council employee, except to the extent that such employees have been appropriately assigned to assist the internal auditor.
- 2.8. For the avoidance of doubt, in relation to internal audit the terms 'independent' and 'independence' shall have the same meaning as is described in proper practices.
- 2.9. The RFO shall make arrangements for the exercise of electors' rights in relation to the accounts including the opportunity to inspect the accounts, books, and vouchers and display or publish any notices and statements of account required by Audit Commission Act 1998, or any superseding legislation, and the Accounts and Audit Regulations.
- 2.10. The RFO shall, without undue delay, bring to the attention of all Councillors any correspondence or report from internal or external auditors.

3. ANNUAL ESTIMATES (BUDGET) AND FORWARD PLANNING

- 3.1. The RFO must each year, by no later than December, prepare detailed estimates of all receipts and payments including the use of reserves and all sources of funding for the following financial year in the form of a budget to be considered first by the Council Matters Committee and then approved by the Full Council.
- 3.2. The Council shall consider the annual budget proposals in relation to the Council's three year forecast of revenue and capital receipts and payments including recommendations for the use of reserves and sources of funding and update the forecast accordingly.
- 3.3. The Council shall fix the precept (council tax requirement), and relevant basic amount of council tax to be levied for the ensuing financial year not later than by the end of

January each year. The RFO shall issue the precept to the billing authority and shall supply each member with a copy of the approved annual budget.

- 3.4. The approved annual budget shall form the basis of financial control for the ensuing year.

4. BUDGETARY CONTROL AND AUTHORITY TO SPEND

- 4.1. Expenditure on revenue items may be authorised up to the amounts included for that class of expenditure in the approved budget. This authority is to be determined by:
- the Council for all items over £10,000;
 - the Council Matters Committee for items over £5,000; or
 - the RFO for any items below £5,000.
 - members of the management team for specific budget lines as decided by the RFO for any items below £1000.

Such authority is to be evidenced by a minute or by an authorisation slip duly signed by the RFO or member of the management team, and where necessary also by the appropriate Chairman.

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

- 4.2. No expenditure may be authorised that will exceed the amount provided in the revenue budget for that class of expenditure other than by resolution of the Council. During the budget year and with the approval of Council having considered fully the implications for public services, unspent and available amounts may be moved to other budget headings or to an earmarked reserve as appropriate ('virement').
- 4.3. Unspent provisions in the revenue or capital budgets for completed projects shall not be carried forward to a subsequent year.
- 4.4. The salary budgets are to be reviewed at least annually in October for the following financial year and such review shall be evidenced by a hard copy schedule signed by the Clerk and the Chairman of Council or relevant committee. The RFO will inform the Council of any changes impacting on the budget requirements for the coming year in good time.
- 4.5. In cases of extreme risk to the delivery of Council services, the Clerk may authorise revenue expenditure on behalf of the Council which in the Clerk's judgement it is necessary to carry out. Such expenditure includes repair, replacement or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of £5000. The Clerk/RFO shall report such action to the chairman as soon as possible and to the Council as soon as practicable thereafter.
- 4.6. No expenditure shall be authorised in relation to any capital project and no contract entered into or tender accepted involving capital expenditure unless the Council is

satisfied that the necessary funds are available and the requisite borrowing approval has been obtained.

- 4.7. All capital works shall be administered in accordance with the Council's standing orders and financial regulations relating to contracts.
- 4.8. The RFO shall regularly provide the Council Matters Committee with a statement of receipts and payments to date under each head of the budgets, comparing actual expenditure to the appropriate date against that planned as shown in the budget. These statements are to be prepared for each Council Matters Committee meeting, at least at the end of each financial quarter, and shall show explanations of material variances. For this purpose "material" shall be in excess of £250 on overspends of the budget.
- 4.9. Changes in earmarked reserves shall be considered by the Council Matters Committee and approved by Full Council as part of the budgetary control process.

5. BANKING ARRANGEMENTS AND AUTHORISATION OF PAYMENTS

- 5.1. The Council's banking arrangements, including the bank mandate, shall be made by the RFO and approved by the Council; banking arrangements may not be delegated to a committee. They shall be regularly reviewed for safety and efficiency.
- 5.2. A schedule of the payments required shall be prepared by the RFO and, together with the relevant invoices, be presented to a Councillor who is a bank signatory to sign the schedule confirming the invoices match the schedule and approving them for payment.
- 5.3. All invoices for payment that do not have a supporting signed requisition form shall be examined, verified and certified by the RFO or budget holder if under £1000, to confirm that the work, goods or services to which each invoice relates has been received, carried out, examined and represents expenditure previously approved by the Council.
- 5.4. The RFO shall examine invoices for arithmetical accuracy and analyse them to the appropriate expenditure heading.
- 5.5. The Clerk/RFO shall have delegated authority to authorise the payment of items only in the following circumstances:
 - a. If a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998, and the due date for payment is before a member is able to review the invoice, where the Clerk/RFO certify that there is no dispute or other reason to delay payment, provided that a member reviews the invoice retrospectively;
 - b. An expenditure item authorised under 5.6 below (continuing contracts and obligations) provided that a member reviews the invoice retrospectively; or

- c. Fund transfers within the Council's banking arrangements up to the sum of £2,500.
 - d. A payment for an online/telephone order that is made by debit card in advance of receiving the invoice provided that a member reviews the invoice retrospectively.
- 5.6. For each financial year the Clerk/RFO shall draw up a list of due payments which arise on a regular basis as the result of a continuing contract, statutory duty, or obligation such as but not exclusively Salaries, PAYE and NI, Superannuation Fund and regular maintenance contracts and the like for which Council may authorise payment for the year provided that the requirements of regulation 4.1 (Budgetary Controls) are adhered to, provided also that a list of such payments shall be submitted to the next meeting of the Council Matters Committee.
- 5.7. A record of regular fixed and variable Direct Debits made shall be drawn up and signed by two members annually or when new DDs are added to authorise the regular payments.
- 5.8. In respect of grants the Council Matters Committee shall approve expenditure within any limits set by Council and in accordance with any policy statement approved by Council. Any Revenue or Capital Grant in excess of £5,000 shall before payment, be subject to ratification by resolution of the Council.
- 5.9. Members are subject to the Code of Conduct that has been adopted by the Council and shall comply with the Code and Standing Orders when a decision to authorise or instruct payment is made in respect of a matter in which they have a disclosable pecuniary or other interest, unless a dispensation has been granted.
- 5.10. The Council will aim to rotate the duties of members in these Regulations so that onerous duties are shared out as evenly as possible over time.

6. INSTRUCTIONS FOR THE MAKING OF PAYMENTS

- 6.1. The Council will make safe and efficient arrangements for the making of its payments.
- 6.2. Following authorisation under Financial Regulation 5 above, the Council, a duly delegated committee or, if so delegated, the Clerk/RFO shall give instruction that a payment shall be made.
- 6.3. All payments shall be effected by bank payment or debit card.
- 6.4. Cheques for payment drawn on the bank account shall be signed by two members of Council. A member who is a bank signatory, having a connection by virtue of family or business relationships with the beneficiary of a payment, should not, under normal circumstances, be a signatory to the payment in question.

- 6.5. To indicate agreement of the details shown on the cheque or order for payment with the counterfoil and the invoice or similar documentation, the signatories shall each also initial the cheque counterfoil.
- 6.6. If thought appropriate by the Council, payment for utility supplies (energy, telephone and water) and any National Non-Domestic Rates may be made by variable direct debit provided they are included in the record required in Regulation 5.7.
- 6.7. If thought appropriate by the Council, payment for certain items may be made by banker's standing order provided that the instructions are signed, or otherwise evidenced by two members are retained and any payments are reported to Council as made.
- 6.8. If thought appropriate by the Council, payment for certain items may be made by BACS or CHAPS methods provided that the instructions for each payment are signed, or otherwise evidenced, by two authorised bank signatories, are retained and any payments are reported to Council as made. As an exception, Payroll payments made by BACS transfer will be authorised by the Clerk/RFO and the Finance Manager.
- 6.9. Unless an alternative payment method is required by the supplier, invoices will be paid by internet banking transfer provided the requirements of Regulations 5.2 – 5.5 have been adhered to. The bank transfers will be authorised by two members of the Management team.
- 6.10. No employee or councillor shall disclose any PIN or password, relevant to the working of the Council or its bank accounts. Only the members of the Management Team specified by the Clerk/RFO will be given bank PINs to be able to authorise payments as detailed in Regulation 6.9.
- 6.11. Regular back-up copies of the records on any computer shall be made and shall be stored securely away from the computer in question, and preferably off site.
- 6.12. The Council, and any members using computers for the Council's financial business, shall ensure that anti-virus, anti-spyware and firewall software with automatic updates, together with a high level of security, is used.
- 6.13. Where internet banking arrangements are made with any bank, the Clerk/RFO shall be appointed as the Service Administrator. The bank mandate approved by the Council shall identify a number of councillors who will be authorised to approve transactions on those accounts.
- 6.14. Access to any internet banking accounts will be directly to the access page (which may be saved under "favourites"), and not through a search engine or e-mail link. Remembered or saved passwords facilities must not be used on any computer used for Council banking work. Breach of this Regulation will be treated as a very serious matter under these regulations.

- 6.15. Supplier invoices paid via internet banking facilities will be entered onto the bank payment system by the Finance Manager. The Clerk/RFO or another member of the Management Team will then authorise the payments on the internet banking system and carry out a random sample check of the bank account details for suppliers on the internet banking screen against the supplier invoices.
- 6.16. Any Debit Card issued for use will be in the name of the Clerk/RFO and will be restricted to a single transaction maximum value of £1000 unless authorised by the Full Council or the Council Matters Committee before any order is placed. Use of the card for cash withdrawals will be solely for the purpose of topping up the petty cash balance. Proper VAT invoices must be obtained for all purchases made with the debit card. The card will be securely stored by the Finance Manager and will only be provided to staff with the PIN on receipt of a signed requisition form detailing the proposed purchase. The card will be signed out and signed back in and the Finance Manager will, within 24 hrs of the card use, confirm the amount on the requisition form matches the amount paid out of the bank. Invoices from all card purchases must be signed retrospectively by a member.
- 6.17. A pre-paid debit card may be issued to employees with varying limits. These limits will be set by the Council's Council Matters Committee. Transactions and purchases made will be reported to the Council Matters Committee and authority for topping-up shall be at the discretion of the Council Matters Committee.
- 6.18. The Clerk/RFO may provide petty cash to officers for the purpose of defraying operational and other expenses.
- a. The Finance Manager shall manage the petty cash. Vouchers/receipts for payments made from petty cash shall be kept to substantiate the payment. Petty cash payments will not exceed £25.
 - b. Vouchers/receipts for payments made must be initialled/signed by the Clerk/RFO or budget holder as authorisation for reimbursement and forwarded to the Finance Manager for reimbursement.
 - c. Income received must not be paid into the petty cash float but must be separately banked, as provided elsewhere in these regulations.
 - d. Cash to maintain the petty cash float shall be drawn from the bank using the debit card. Cash will be collected by Finance Manager using the debit card after the Clerk/RFO has signed a cash withdrawal form.

7. PAYMENT OF SALARIES

- 7.1. As an employer, the Council shall make arrangements to meet fully the statutory requirements placed on all employers by PAYE and National Insurance legislation. The payment of all salaries shall be made in accordance with payroll records and the rules of PAYE and National Insurance currently operating, and salary rates shall be as agreed by Council, or duly delegated committee.

- 7.2. Payment of salaries and payment of deductions from salary such as may be required to be made for tax, national insurance and pension contributions, or similar statutory or discretionary deductions must be made in accordance with the payroll records and on the appropriate dates stipulated in employment contracts.
- 7.3. No changes shall be made to any employee's pay, emoluments, or terms and conditions of employment without the prior consent of the Council.
- 7.4. Each and every payment to employees of net salary and to the appropriate creditor of the statutory and discretionary deductions shall be recorded in a separate confidential record (Wages file). This confidential record is not open to inspection or review (under the Freedom of Information Act 2000 or otherwise) other than:
- a. by any councillor who can demonstrate a need to know;
 - b. by the internal auditor;
 - c. by the external auditor; or
 - d. by any person authorised under Audit Commission Act 1998, or any superseding legislation.
- 7.5. The total of such payments in each calendar month shall be reported with all other payments as made as may be required under these Financial Regulations, to ensure that only payments due for the period have actually been paid.
- 7.6. An effective system of personal performance management should be maintained for the senior officers.
- 7.7. Any termination payments shall be supported by a clear business case and reported to the Council. Termination payments shall only be authorised by Council.
- 7.8. Before employing interim staff the Council must consider a full business case.

8. LOANS AND INVESTMENTS

- 8.1. All borrowings shall be effected in the name of the Council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by Council as to terms and purpose. The application for borrowing approval, and subsequent arrangements for the loan shall only be approved by Full Council.
- 8.2. Any financial arrangement which does not require formal borrowing approval from the Secretary of State/Welsh Assembly Government (such as Hire Purchase or Leasing of tangible assets) shall be subject to approval by the Full Council. In each case a report in writing shall be provided to Council in respect of value for money for the proposed transaction.
- 8.3. All loans and investments shall be negotiated in the name of the Council and shall be for a set period in accordance with Council policy.

- 8.4. The Council shall consider the need for an Investment Strategy and Policy which, if drawn up, shall be in accordance with relevant regulations, proper practices and guidance. Any Strategy and Policy shall be reviewed by the Council at least annually.
- 8.5. All investments of money under the control of the Council shall be in the name of the Council.
- 8.6. All investment certificates and other documents relating thereto shall be retained in the custody of the Clerk/RFO.
- 8.7. Payments in respect of short term or long-term investments, including transfers between bank accounts held in the same bank, or branch, shall be made in accordance with Regulation 5 (Authorisation of payments) and Regulation 6 (Instructions for payments).
9. INCOME
 - 9.1. The collection of all sums due to the Council shall be the responsibility of and under the supervision of the Clerk/RFO who will ensure an effective debt monitoring process is in place.
 - 9.2. Particulars of all charges to be made for work done, services rendered or goods supplied shall be agreed annually by the Council, notified to the Clerk/RFO and the Clerk/RFO shall be responsible for the collection of all accounts due to the Council.
 - 9.3. The Council will review all fees and charges at least biennially, following a report of the Clerk/RFO.
 - 9.4. Any sums found to be irrecoverable and any bad debts shall be reported to the Council and shall be written off in the year.
 - 9.5. All sums received on behalf of the Council shall be banked intact as directed by the Clerk/RFO. In all cases, all receipts shall be deposited with the Council's bankers with such frequency as the Clerk/RFO considers necessary.
 - 9.6. The origin of each receipt shall be entered on the paying-in slip.
 - 9.7. Personal cheques shall not be cashed out of money held on behalf of the Council.
 - 9.8. The Clerk/RFO shall promptly complete any VAT Return that is required. Any repayment claim due in accordance with VAT Act 1994 section 33 shall be made at least annually coinciding with the financial year end.
 - 9.9. Where any significant sums of cash are regularly received by the Council, the Clerk/RFO shall take such steps as are agreed by the Council to ensure that more than one person is present when the cash is counted in the first instance, that there

is a reconciliation to some form of control such as ticket issues, and that appropriate care is taken in the security and safety of individuals banking such cash.

- 9.10. Any income arising which 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 (see also Regulation 16 below).

10. ORDERS FOR WORK, GOODS AND SERVICES

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

11. CONTRACTS

- 11.1. Procedures as to contracts are laid down as follows:
- a. Every contract shall comply with these financial regulations, and no exceptions shall be made otherwise than in an emergency provided that this regulation need not apply to contracts which relate to items (i) to (vi) below:
 - i. for the supply of gas, electricity, water, sewerage and telephone services;
 - ii. for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants;
 - iii. for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;
 - iv. for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council;
 - v. for additional audit work of the external auditor up to an estimated value of £500 (in excess of this sum the Clerk/RFO shall act after consultation with the Chairman and Vice Chairman of Council); and
 - vi. for goods or materials proposed to be purchased which are proprietary articles and / or are only sold at a fixed price.
 - b. Where the Council intends to procure or award a public supply contract, public service contract or public works contract as defined by The Public Contracts

- Regulations 2015 ("the Regulations") which is valued at £25,000 or more, the Council shall comply with the relevant requirements of the Regulations¹.
- c. The full requirements of The Regulations, as applicable, shall be followed in respect of the tendering and award of a public supply contract, public service contract or public works contract which exceed thresholds in The Regulations set by the Public Contracts Directive 2014/24/EU (which may change from time to time)².
 - d. When applications are made to waive financial regulations relating to contracts to enable a price to be negotiated without competition the reason shall be embodied in a recommendation to the Council.
 - e. Such invitation to tender shall state the general nature of the intended contract and the Clerk/RFO shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Clerk/RFO in the ordinary course of post or by e-mail. ~~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.~~
 - f. All ~~sealed~~ tenders shall be opened/considered at the same time on the prescribed date by the Clerk/RFO in the presence of at least one member of Council.
 - g. Any invitation to tender issued under this regulation shall be subject to current Standing Orders, and shall refer to the terms of the Bribery Act 2010.
 - h. When it is to enter into a contract of less than £25,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk/RFO shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £5,000 and above £1,000 the Clerk/RFO shall strive to obtain 3 estimates. Otherwise, Regulation 10.1 above shall apply.
 - i. The Council shall not be obliged to accept the lowest or any tender, quote or estimate.
 - j. Should it occur that 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, provided that the specification does not change, 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.

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

- 12.1. Payments on account of the contract sum shall be made within the time specified in the contract by the Clerk/RFO upon authorised certificates of the architect or other

¹ The Regulations require councils to use the Contracts Finder website to advertise contract opportunities, set out the procedures to be followed in awarding new contracts and to publicise the award of new contracts

² Thresholds currently applicable are:

- a. For public supply and public service contracts 209,000 Euros (£164,176)
- b. For public works contracts 5,225,000 Euros (£4,104,394)

consultants engaged to supervise the contract (subject to any percentage withholding as may be agreed in the particular contract).

- 12.2. Where contracts provide for payment by instalments the Clerk/RFO shall maintain a record of all such payments. In any case where it is estimated that the total cost of work carried out under a contract, excluding agreed variations, will exceed the contract sum of 5% or more a report shall be submitted to the Council.
- 12.3. Any variation to a contract or addition to or omission from a contract must be approved by the Council and Clerk/RFO to the contractor in writing, the Council being informed where the final cost is likely to exceed the financial provision.

13. ASSETS, PROPERTIES AND ESTATES

- 13.1. The Clerk/RFO shall make appropriate arrangements for the custody of all title deeds and Land Registry Certificates of properties held by the Council. The Clerk/RFO shall ensure a record is maintained of all properties held by the Council, recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held in accordance with Accounts and Audit Regulations.
- 13.2. No tangible moveable property shall be purchased or otherwise acquired, sold, leased or otherwise disposed of, without the authority of the Council, together with any other consents required by law, save where the estimated value of any one item of tangible movable property does not exceed £250.
- 13.3. No real property (interests in land) shall be sold, leased or otherwise disposed of without the authority of the Council, together with any other consents required by law. In each case a report in writing shall be provided to Council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).
- 13.4. No real property (interests in land) shall be purchased or acquired without the authority of the Full Council. In each case a report in writing shall be provided to Council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).
- 13.5. Subject only to the limit set in Regulation 14.2 above, no tangible moveable property shall be purchased or acquired without the authority of the Full Council. In each case a report in writing shall be provided to Council with a full business case.
- 13.6. The Clerk/RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date. The continued existence of tangible assets shown in the Register shall be verified at least annually, possibly in conjunction with a health and safety inspection of assets.

14. INSURANCE

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

15. CHARITIES

- 15.1. Where the Council is sole managing trustee of a charitable body the Clerk/RFO 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 Clerk/RFO shall arrange for any audit or independent examination as may be required by Charity Law or any Governing Document.

16. RISK MANAGEMENT

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

17. SUSPENSION AND REVISION OF FINANCIAL REGULATIONS

- 17.1. It shall be the duty of the Council to review the Financial Regulations of the Council from time to time. The Clerk/RFO shall make arrangements to monitor changes in legislation or proper practices and shall advise the Council of any requirement for a consequential amendment to these Financial Regulations.
- 17.2. The Council may, by resolution of the Council duly notified prior to the relevant meeting of Council, suspend any part of these Financial Regulations provided that

reasons for the suspension are recorded and that an assessment of the risks arising has been drawn up and presented in advance to all members of Council.

ITEM 6 – LIST OF MEETING DATES

April

Full Council – 3rd April at 6.30pm

Council Matters Committee – 17th April at 6.30pm

Planning Committee – 24th April at 6.30pm

Traffic and Transport Forum – 26th April at 6.30pm

May

Annual Meeting of the Council – 15th May at 6.30pm

Annual Town Meeting – 17th May at 6.30pm in the Civic Hall

Council Matters Committee – 22nd May at 6.30pm

Planning Committee – to be confirmed (suggested Wed 24th May or Thurs 25th May at 6.30pm as a one off as only 2 x non-Bank Holiday Mondays in May)

Mayor Making – 25th May at 11.15am in the Guildhall (this is not a public meeting – it is for all Councillors and invite only)

