

**AGENDA PACK**  
**Finance, Legal and Administration committee**  
**Thursday 29<sup>th</sup> April 2021**

**To: Members of the Finance, Legal and Administration Committee (FLAC)**

You are hereby summoned to attend a Finance Committee meeting

To be held via Zoom\* on Thursday 29<sup>th</sup> April at 7.30pm

**AGENDA**

All Parish Council Meetings are open to the Public and Press

**21F/045. Chairman's Introduction and Apologies for absence** – *(Schedule 12 of the Local Government Act 1972 requires a record to be kept of the members present and that this record form part of the minutes of the meeting. Members who cannot attend a meeting should tender apologies to the Parish Clerk as it is usual for the grounds upon which apologies are tendered also to be recorded. Under Section 85(1) of the Local Government Act 1972, members present must decide whether the reason(s) for a member's absence are accepted.*

**21F/046. To accept Declarations of Interest and Dispensations** – *i. To receive disclosures of pecuniary and other interests from Councillors on matters to be considered at the meeting. ii. To receive written requests for dispensation. iii. To grant requests for dispensation as appropriate. (NB this does not preclude any later declarations).*

**21F/047. Minutes** – To resolve that the minutes (circulated to members) of the Finance Committee meeting held on Tuesday 30<sup>th</sup> March 2021 be signed as a correct record.

**21F/048. Public Participation** – **\* This meeting will be held virtually using Zoom software; members of the press or public wishing to submit questions, should contact the Clerk by 3pm on Wednesday 28<sup>th</sup> April.** *Public question time is dealt with prior to the start of the meeting and doesn't form part of the formal business of the Council. Time is limited to 30 minutes and each member of the public is entitled to speak once only in respect of business itemised on the agenda and shall not speak for more than 3 minutes to allow other people to also speak without the public session exceeding its allotted time. Questions not answered at this meeting will be answered in writing to the person asking the question or may appear as an agenda item for the next meeting. Photographing, recording, broadcasting, or transmitting the proceedings of a meeting by any means is permitted. A person may not orally report or comment about a meeting as it takes place if he is present at the meeting of a parish council or its committees but otherwise may film, photograph or make an audio recording of a meeting; use any other means for enabling persons not present to see or hear proceedings at a meeting of the parish council as it takes place or later; report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting.*

**21F/049. Village Hall/Nursery Project** – Cllr Morris

**21F/050. Consider EY Nursery Committee – draft Terms of Reference** – Cllr Morris

**21F/051. Review draft year-end accounts** - RFO

**21F/052. Consider charges for EV charger** - Clerk

**21F/053. Consider charges for kebab van** - Clerk

**21F/054. Consider implications of trading on KGV land at the Recreation ground** – Cllr Morris

**21F/055. Consider Procurement Procedure legislation from NALC for Financial Regulations and Standing Orders** - RFO

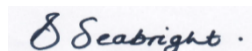
**21F/056. Review Complaint's procedure** – Cllr McCarthy

**21F/057. Follow up review of Model Publication Scheme** – Cllr Collinson

**21F/058. Matters for consideration at the next meeting.**

**21F/059. Date of next meeting** – TBA

**21F/060. Close of meeting** –



Right Side Entrance, Community Centre

250a High Street, Cottenham, Cambridge, CB24 8RZ Tel: 07503 328401 Email: [rfo@cottenhampc.org.uk](mailto:rfo@cottenhampc.org.uk)

22<sup>nd</sup> April 2021

## 21F/047.

### **DRAFT Finance, Legal and Administration Committee (FLAC) Minutes**

Meeting held via Zoom on Tuesday 30<sup>th</sup> March 2021 at 7.30pm

**Present:** Cllrs Bolitho (chair), Collinson, McCarthy, & RFO

**21F/035. Chairman's Introduction and Apologies for absence** – Cllr Morris (Illness), Young (Work)

**21F/036. To accept Declarations of Interest and Dispensations** – None given

**21F/037. Minutes** –Resolution that the minutes of the Finance Committee meeting held on Tuesday 23<sup>rd</sup> March 2021 be signed as a correct record. **RESOLVED.**

**21F/038. Public Participation** – One member of the public present.

**21F/039. Management Accounts (to 28<sup>th</sup> February 2021)** – The committee were satisfied that the management accounts are an accurate record.

**21F/040. Bank Reconciliation (to 28<sup>th</sup> February 2021)** - The RFO & Cllr McCarthy completed a bank reconciliation. The committee were satisfied that the bank reconciliation is an accurate record.

**21F/041. Village Hall/Nursery Cashflow position** – The committee looked at our financial position as of the 25<sup>th</sup> March 2021 and councils general running costs due to be paid at the next full council meeting on the 6<sup>th</sup> April. We then looked at the charge for the next invoice from SEH French which is due shortly and how we will pay it. We will have an approximate total equity of £350K after payments made at the meeting next week, if we minus all the earmarked reserves not to be used for the village hall then that leaves an approximate £218K to cover the next invoice. We also expect 50% of next year's precept in mid-April. The loan application for 230K continues but we still have no decision date as yet.

**21F/042. Policy Review** –

- Risk Assessment – The RFO reviewed our general risk assessment document. The building insurance figure and the Fidelity insurance figure needs amendment, also need to research new legislation on procurement procedure from NALC. The new risk assessments relating to the Village Hall and Covid will need to be adopted at Full council
- Financial Regulations – Cllr Bolitho reviewed the regulations and again we need to check that the recent (February 2021) NALC guidelines relating to procurement are incorporated into our financial regulations. Can we find out whether items 3.1 and 3.3 relating to three-year forecasts can be legally removed from our financial regulations.
- Standing Orders – Cllr Collinson found a few typos particularly in sections J1, 11c and 14. Sections 18 & 19 refer to European commission thresholds and there is a question regarding their relevance now. There were several instances where we should look at gender inclusive language.
- Internal Controls Document – Debbie reviewed the document and there are no changes required
- Child Protection – Cllr Young reviewed the policy, his feedback found that the policy has not been changed since adoption in November 2013. It was reviewed in the

context of the Children and Social Care Act of 2017, sitting it in context with the role and operation of the Parish Council it was felt that the policy is compliant with the principles set out in the legislation and needs no amendments. He suggests that we reference the legislation in the document.

- Communication – Cllr McCarthy reviewed the policy and felt that no changes were needed to the policy itself. It does state that we should have a Communications Officer which is currently a vacant position. Needs to go to full council for a decision on this.
- Community Engagement – Cllr Young reviewed the policy, and his feedback was that no changes are recommended, however typo – incorrect spelling of cemetery at the bottom of page 2 which will be amended
- Complaints Procedure – Cllr McCarthy needs to liaise with other councillors and the clerk, this will be discussed at the next FLAC meeting
- Health and Safety – The RFO reviewed the Health and Safety statement and no changes needed.
- Model Publication Scheme – Cllr Collinson reviewed this document and queried class 2 regarding whether Members’ allowances and expenses should be by inspection only and class 7 regarding Burial ground where it says “No CPC administered burial grounds or closed churchyards” and whether this statement is accurate. The burial ground working party will look into this and bring it back to the next FLAC meeting.

**21F/043. Kids club Holiday Club and Zone 1 rates** – Kids club would like to run a holiday club in zone 2 (usual space) in the school holidays for which they cater for up to 15 children each day. FLAC recommends to full council a daily rate of £100 + VAT. Kids club are also hoping to be able to use Zone 1 on a more regular basis going forward and have asked for a sessional hire cost for the breakfast club and afterschool club, the committee felt that this should be revisited in 6 months’ time when we have a better idea of the usage in zone 1.

**21F/044. Matter for consideration at the next meeting –**

- Bank Reconciliation and Management accounts
- Procurement Procedure legislation from NALC for Financial Regulations and Standing Orders
- Complaint’s procedure
- Model Publication Scheme

**21F/045. Date of next meeting** – Thursday 29<sup>th</sup> April 2021

**21F/046. Close of meeting** – 8.43pm

Signed \_\_\_\_\_ (Chair) Date \_\_\_\_\_

**21F/049.**

### **Village Hall/Nursery Project**

Both the Village Hall and Nursery have achieved “partial completion” status with just a 2.5% retainer left to pay in approx. 12 months after the defect rectification period.

The work has been completed by the CPC-agreed team:

- Client represented by Chair, Clerk and RFO.
- W&B acting as Architects, QS and CDM
- Cambridge Van Leyden acting as M&E Consultants
- Peter Dann Ltd acting as Structural Engineers
- SEH French as Prime Contractor (with about 30 sub-contractors)

I called an on-site meeting led by our Architects to review and list currently known defects before “wear and tear” can be used to mitigate some of the necessary works. SEH French have begun work to rectify the agreed defects.

Although many design details have changed over the last 14 months, the project remains within the overall budget of around £4.2 million +VAT, although much of the contingency element identified in the construction budget has been used, mostly by expanding the scope of the SEH French construction work to include e.g. emergency access road, car park improvements, including lighting, improvements to LB Fire Exits etc.

Delays on s106 receipts and income generated due to COVID-19 have led to a cash shortfall which we hoped to bridge using the proposed PWLB loan but our application has not yet been processed. This has been temporarily mitigated by deferring some fixtures and fittings (e.g. building-wide WiFi, some white goods) but is affecting our ability to open facilities now that COVID-19 threat appears, at least temporarily, to have diminished.

Operator selection for the Nursery is now proceeding again with a Selection Panel due to meet with short-listed candidates imminently. Contract, based on HOTs, and revised Business Plan will ensue before appointment is ratified by CPC.

**21F/050.**

**Consider EY Nursery Committee – draft Terms of Reference**

## **Cottenham Parish Council**

### **Terms of Reference**

#### **Early Years Nursery Committee / Supervisory Board**

##### **1 Objective**

The Committee provides oversight of the Parish Council's financial and operational interests in Cottenham Nursery. It achieves this by:

- a) half-termly meetings with Nursery staff to review operations and anticipate issues, and
- b) regular update reports to the Parish Council, summarising key measures of financial and operational performance and identifying any significant areas of risk requiring closer attention, including a summary of operational and financial performance and advance notice of any strategic projects it is considering that may require finance and/or approval of the Parish Council

##### **2 Membership**

- a) The Committee has 6 members:
  - 3 members of the Parish Council, including Chair or Vice Chair "ex-officio" (one of whom will be designated as the Senior Responsible Officer) plus
  - a representative of the Cottenham Primary School and
  - a representative from the Cambridgeshire County Education team, and
  - a representative from the Nursery Management Team (the Senior Responsible Officer)
- b) Membership of the Committee shall be determined at the Annual Meeting of the Parish Council and subsequent Parish Council meetings if the need arises.
- c) The Committee shall appoint a Chair by election from Parish Councillors on the Committee at the first meeting in any Council year

##### **3 Quorum**

The quorum necessary for the transaction of any business shall be 3. If the number of members present (not including those debarred by reason of a declared interest) falls below the required quorum

then the meeting shall be adjourned and business not transacted shall be transacted at next meeting of the Committee.

##### **4 Minutes of meetings**

Every meeting of the Committee shall be minuted and the minutes formally agreed by the Committee at its next meeting. The draft minutes shall be published (clearly marked "draft, subject to amendment") on the Parish Council website within 3 working days and a copy sent to the Cottenham Library also within 3 working days.

## **5 Areas of responsibility**

The Early Years Nursery Committee has delegated authority to:

- a) develop a 5-year strategic framework, reviewed at least annually, for desirable improvements to Early Years Nursery facilities within the village
- b) consider and make representations to the appropriate authorities on any matter or document that may affect the Parish from an Early Years education perspective
- c) discuss, review (at least annually) and manage the safe and cost-effective operation of Cottenham Nursery
- d) prepare an annual outline plan – output (Child hours), revenue and costs - for consideration by the Finance, Legal and Administration Committee for the precept assessment process

## **6 Delegation of powers**

- a) For convenience in cases where an urgent response is required to areas delegated to this Committee, the Chair of the Committee together with one other person serving on the Committee and the Clerk may prepare and submit a representation on behalf of the Parish Council without referring to the Parish Council, provided a report is made in writing to the next available meeting of either the Committee or the Parish Council whichever is sooner.
- b) Noting emergency financial delegation policy for the Clerk, the Chair of the Committee and Clerk together with one other person serving on the Committee may approve spending, up to £1,000 plus VAT in a quarter, on professional advisory services without referring to the Parish Council, provided that the Committee and Responsible Financial Officer (RFO) are notified, and a report is made in writing to the next available meeting of either the Committee or the Parish Council whichever is sooner.
- c) When authorised by a Committee vote, the Committee may approve spending, up to 25% of the budget in a quarter on a delegated maintenance line item or approved project without referring to the Parish Council, provided that the Responsible Financial Officer (RFO) is notified. In addition, any funds donated by third parties for a specific purpose within the Nursery's scope can be applied in addition.

## **8 Precedence**

The Parish Council's adopted Standing Orders, Financial Regulations and Code of Conduct retain precedence over these Terms of Reference.

**21F/051.**

**DRAFT Year End accounts – Sent out separately.**

## **21F/052.**

### **Consider charges for EV charger**

With the EV charger now installed at the Recreation Ground we need to complete the process with Pod Point, and this includes agreeing the rate for use. For comparison, local Pod Point chargers have a cost varying from £1.50-£2 per hour for 3 hrs then £4-5 per hour or 20-25p per kwh.

Your chosen tariff will show up in Smart Reporting under Pay-As-You-Go Pricing

### **Driver billing**

Where priced, drivers will be billed and payment for charging will be taken through the Pod Point App, these funds will go directly to Pod Point before reimbursement.

### **Getting reimbursed**

Reimbursement of the funds is arranged via BACS transfer. The minimum amount for Pod Point to transfer any reimbursement funds is £100.01 GBP. This reimbursement should be initiated by a request to your Pod Point Account Manager.

NB: After receiving and installing your charging hardware, we need to commission it in order to activate the smart features and make use of our charging software. Once commissioned the charger will have the initial settings of the Commercial Configuration form. The charger needs to be connected to WiFi or a mobile network.

## **21F/053.**

### **Consider charges for kebab van**

The clerk has investigated this, and example documents sent out separately.

## **21F/054.**

### **Consider implications of trading on KGV land at the Recreation ground**

The new Hall encroaches slightly onto KGV land, even after the adjustments agreed with NPFA around 20 years ago.

This could mean that any trading should be related to sport and leisure and revenue (and associated costs) passed through the KGV charity and declared to the Charity Commission.

This affects the Kebab van and may affect proposed services to be offered from the Hall.

There are myths related to rights enjoyed by residents following the 1938 dedication. e.g.:

- Sports clubs / any Cottenham residents are entitled to free use of the Playing Fields
- Income from any activity (e.g. professional tuition or Kiosk / "Tuck Shop" sales) carried out on the KGV land must be paid to the Charity
- Fees for parking / trading off the land should be passed to KGV.

We need a definitive view, possibly endorsed by legal opinion in due course.

## **21F/055.**

**Consider Procurement Procedure legislation** – legislation document sent out separately.



21F/056.

## Complaint's procedure

1. *The following procedure will be adopted for dealing with complaints:*
  - (a) **about a policy decision made by the Council** will be referred back to the Council, or relevant Committee, as appropriate, for consideration.
  - (b) **about the Council's administration or its procedures** will be handled as outlined in paragraphs 2 to 7 and A to D below
  - (c) **about the conduct of a member of the Parish Council** will be handled as outlined in paragraphs 8 to 12 and A to D below.
  - (d) Matters relating to **Grievance or Disciplinary proceedings** that are taking, or are likely to take place, should be dealt with in accordance with paragraphs 2 to 7 below then in accordance with the Council's grievance and disciplinary procedures.
2. If a complaint about **procedures, administration or the actions** of any of the Council's employees is notified orally to a Councillor, or to the Clerk to the Council, a written record of the complaint will be made, noting the name and contact details of the complainant and the nature of the complaint.
3. The complainant will be asked to put the complaint in writing (letter/e-mail/standard form) to the Clerk to the Council at Right Side Entrance, Community Centre, 250a High Street, Cottenham, Cambridge CB24 8XZ. The complaint will be dealt with within 21 days of receipt. Refusal to put the complaint in writing does not necessarily mean that the complaint cannot be investigated, but it is easier to deal with if it is in writing.
4. If the complainant prefers not to put the complaint to the Clerk to the Council (because the matter relates to the Clerk, for example,) he or she should be advised to write to the Chair.
5. On receipt of a written complaint, the Clerk to the Council (except where the complainant is about his or her own actions) or Chair of Council (if the complaint relates to the Clerk), will seek to settle the complaint directly with the complainant. This will not be done without first notifying any person complained about and giving him or her an opportunity to comment. Efforts should be made to resolve the complaint at this stage.
  - (a) Where the Clerk to the Council or a Councillor receives a written complaint about the Clerk's actions, he or she shall refer the complaint to the Chair of Council. The Clerk to the Council will be formally advised of the matter and given an opportunity to comment.
6. The Clerk to the Council (or Chair) will report any complaint disposed of by direct action with the complainant to the next meeting of the Council.
7. If the matter cannot be resolved in this way the complaint, in writing, should be put to CPC's Complaints Committee, comprising three members of the Standards Committee and two co-opted Councillors who are not currently members of the Standards Committee, whose procedure is outlined at paragraphs A to D below.
8. **Complaints about the conduct of a Member of the Parish Council** should be made in writing to the Clerk of the Council (or the Chair of the Standards Committee if the complainant prefers not to put the complaint to the Clerk) at the Parish Office, Village Hall, Lambs Lane, Cottenham, Cambridge CB24 8TA or by email to [clerk@cottenhampc.org.uk](mailto:clerk@cottenhampc.org.uk)
9. Upon receipt of a written complaint the Clerk will notify a member of the Standards Committee, normally the Chair unless the subject of the complaint, who will, if necessary seek further information from the complainant **until three members of the Standards**

**Committee** are able to assess whether the complaint, in principle, qualifies as a breach of the Code of Conduct and likely acceptable forms of redress.

10. In the event of a technically valid complaint, the complainant will be advised that the councillor(s) against whom the complaint(s) is made will be given 10 working days to offer a response and that response will be copied to the complainant within 2 working days of such receipt
11. The complainant will then be given 5 working days to consider the response after which time the Clerk will ask whether the complainant is satisfied or whether further action is required.
12. If the matter cannot be resolved in this way the complaint, in writing, should be put to CPC's Code of Conduct Committee, comprising three members of the Standards Committee and two co-opted non-Councillor residents from a list approved by Council. Their procedure is outlined in paragraphs A to D below.
  - A. The Committee may defer dealing with any complaint if it is of the opinion that issues arise on which further advice is necessary. The advice will be considered and the complaint dealt with after the advice has been received.
  - B. The complainant will be invited to attend a meeting of the relevant committee on the understanding that any documentation of other evidence on which the complainant may rely has been copied to and received by the Clerk seven working days prior to the meeting date. The complainant may be accompanied by whomsoever he/she wishes but such person may only attend as an observer and whilst their presence will be acknowledged they must take no part in the proceedings.
  - C. The meeting will be held in private at which time:
    - i. The Chair will introduce everyone
    - ii. The Chair will then state the nature of the complaint and thereafter ensure that the hearing adheres to the following:
    - iii. The Complainant will detail the grounds for complaint and the action he/she would expect to resolve the complaint.
    - iv. The Committee members will then be given time to ask questions of the Complainant.
    - v. The Parish Clerk, a Councillor or the subject of the complaint (the nominee) will explain their position.
    - vi. The Committee will then have time to question the nominee.
    - vii. The nominee and then the Claimant (that order) will be given an opportunity to make a final address to the Committee.
    - viii. The nominee and the Claimant will be asked to leave the room whilst the Committee decides whether or not the grounds for complaint have been made. (In the event that any point is in need of clarification then both parties will be invited back in).
    - ix. The nominee and the Complainant will return to hear the decision or be told when the decision will be made.
  - D. The decision will be confirmed in writing, and with details of any action to be taken, within seven working days of the decision date. Furthermore such decision shall be announced, and explained at the next council meeting and in the presence of any members of the public or press.

**21F/057.**

**Model Publication Scheme** – sent out separately

