

**MELBOURN PARISH COUNCIL
MINUTES**

Minutes of a Meeting of the Parish Council held on Monday 12th December 2016 in the upstairs meeting room of Melbourn Community Hub at 7.15pm.

Present: Cllrs Norman (Chair), Cross, Gatward, Hales, Hart, Regan, Kilmurray, Porter, Travis,

In attendance: The Clerk and approximately 10 members of the public.

PC222/16 To receive apologies for absence

Cllr Stead for work commitments, Cllr Shepherd, Cllr Sherwen, Cllr Siva, Harrington for personal reasons. Cllr Hales apologies for arriving late due to another meeting.

PC223/16 To receive any declarations of pecuniary and non-pecuniary interest and reasons from councillors on any item on the agenda.

There were no declarations of interests to be made.

PC224/16 Public Participation (For up to 15 minutes members of the public may contribute their views and comments and questions to the Parish Council – 3 minutes per item).

At 7.16pm The Chair Suspended Standing Orders

Mrs Meliniotis thanked Cllr Hart for cutting back her hedge on the corner of Rose Lane/Cross Lane and that this should help the traffic. The Clerk also confirmed she had reported Mrs Meliniotis Highway issues to Cambridge County Highways and these are ongoing.

At 7.17pm The Chair reinstated Standing Orders

PC225/16 To approve the Minutes of the Parish Council Meeting 28th November 2016

Cllr Hart stated she left the room when discussing PC196/16 e)

IT WAS PROPOSED BY CLLR REGAN AND SECONDED BY CLLR GATWARD FOR ACCURACY. ALL IN FAVOUR. THIS WAS CARRIED.

IT WAS PROPOSED BY CLLR REGAN AND SECONDED BY CLLR GATWARD THE MINUTES WERE A TRUE RECORD OF THE MEETING. ALL WERE IN FAVOUR. THIS WAS CARRIED.

PC226/16 To report back on the minutes of the Parish Council Meeting 28th November 2016

The Clerk reported as follows:

- PC191/16 The Clerk has reported Highways issues re: Rose Lane/Dolphin Lane to Cambridge County Highways
- PC195/16 Littlehands Lease is on the agenda this evening.
- PC196/16 – The Clerk has informed applicants of the outcome of the Grant Discussion from 28th November 2016. The Clerk to make payments to successful applicants this week.
- PC199/16 – The Clerk sent Melbourn Parish Council's response to Boundary Commission.

PC227/16 To approve the quote from Wicksteed Playgrounds for work to be carried out at The Moor and Clear Crescent Playparks – APPENDIX A

The Chair presented a quote from Wicksteed Playgrounds for the necessary work to be completed on the two playparks in the village.

IT WAS PROPOSED BY CLLR TRAVIS AND SECONDED BY CLLR KILLMURRAY TO ACCEPT THE QUOTE. ALL IN FAVOUR. THIS WAS CARRIED.

PC228/16 To discuss the Soil Store at New Road Cemetery and Quotes – APPENDIX B

The Chair presented two quotes from Herts & Cambs Ground Maintenance.

IT WAS PROPOSED BY CLLR HART AND SECONDED BY CLLR REGAN TO ACCEPT QUOTE 2. ALL WERE IN FAVOUR. THIS WAS CARRIED.

PC229/16 To discuss and approve applying for a Grant Application for a Cricket Wicket on the New Recreation Ground - APPENDIX C

Foxton Cricket Club has approached BeActive about installing an artificial cricket wicket in between the two football pitches on the new recreation ground outside the pavilion, so their third team can play matches.

The Chair explained there has been interest from TTP who would be willing to support this. Cllr Hart has links with Thriplow Cricket Club and stated she would ask if they would be interested. **ACTION : CLLR HART**

BeActive had previously informed the Chair the next step was for the Parish to apply for a Grant Application for the work. The Chair explained Mrs Bridget Smith normally is appointed to complete Grant Applications on behalf of the Parish.

IT WAS PROPOSED BY CLLR CROSS AND SECONDED BY CLLR GATWARD TO ACCEPT THE QUOTE FROM BRIDGET SMITH. ALL WERE IN FAVOUR. THIS WAS CARRIED.

PC230/16 To agree payment for completion of variation from Fields in Trust, this is required to permit the issue of the new Lease to Littlehands. – APPENDIX D

The Chair presented the invoice and documentation to members.

IT WAS PROPOSED BY CLLR KILMURRAY AND SECONDED BY CLLR TRAVIS THAT THE INVOICE WAS ACCEPTED. ALL WERE IN FAVOUR. THIS WAS CARRIED.

PC231/16 Update from the Car Park Working Party – APPENDIX E

The Chair presented “Contract Final Account Settlement Review and Recommendation Report” to members.

The Chair stated there were two typos:

Section 2. Under 2.2 final account take out the word (*on*).and on the last line - were as follow(s) not follow.

The Chair read out the following email from Mr Roland Potter – The Chairman of the Car Park Working Party: **APPENDIX E.**

- a) The Council to accept recommendation of full and final account from Interserve proposed by the Car Park Working Group

Cllr Travis asked was this amount definitely the final payment. Cllr Regan and Cllr Kilmurray confirmed that this was the case.

Cllr Regan stated that the advice from the solicitor was that the balance of probability was that the Parish Council would lose any adjudication and the cost would increase significantly.

3.1 Based on discussions and a detailed review of the facts and issues involved the Car Park Working Group strongly recommend that the Parish Council accept the final account of Interserve negotiated by Currie and Brown in the sum of £344,980.45.

IT WAS PROPOSED BY CLLR TRAVIS AND SECONDED BY CLLR CROSS. ALL WERE IN FAVOUR. THIS WAS CARRIED.

Cllr Hales arrived at the meeting

- b) The Council to accept the recommendation of the Car Park Working Group for part payment of Interserve Interim Certificate Number 9.

The Chair presented Interim Certificate Number 9 and stated this was a legal requirement and must be paid.

3.2 In order to follow due process and the need for an early settlement to prevent Interserve proceeding to adjudication it is further recommended that Interserve submit a further invoice in the sum of £25,000.00 whilst due process takes its course.

IT WAS PROPOSED BY CLLR KILMURRAY AND SECONDED BY CLLR HART. ALL WERE IN FAVOUR. THIS WAS CARRIED.

The Chair explained that after reading out Mr Potters email Cllr Hales and Cllr Regan should step down for Phase 2 and asked any members who were not on the previous council would they have an interest on being on the Car Park Working Party. Cllr Porter raised his hand. The Chair thanked Mr Porter and also asked The Clerk to ask councillors who were not there that evening.

ACTION: THE CLERK

3.3 The Car Park Working Group will need to review the costs, benefits and risks of taking legal action against the unsatisfactory performance of the consultant responsible for many of the charges and increases and costs.

IT WAS PROPOSED BY CLLR HART AND SECONDED BY CLLR CROSS TO ACCEPT THE REPORT FROM THE CAR PARK WORKING PARTY. ALL WERE IN FAVOUR. THIS WAS CARRIED.

- PC232/16 To agree the synopsis from the HR Panel relating to the new Job Descriptions for:**
- a) Village Warden
 - b) Assistant Village Warden

APPENDIX F

The Chair asked Cllr Travis to present "Notes on the revision of Job Descriptions for the Village Ranger and Litter Picker/Care Taker and presented the two new proposed job descriptions.

Members thanked the HR Panel especially Cllr Travis for all their hard work.

IT WAS PROPOSED BY CLLR REGAN AND SECONDED BY CLLR KILMURRAY TO ACCEPT THE NEW JOB DESCRIPTIONS FOR THE WARDEN AND ASSISTANT WARDEN. ALL WERE IN FAVOUR. THIS WAS CARRIED.

Cllr Travis confirmed that a review of Contracts, together with formal Risk Assessments need to be carried out for both jobs.

- PC233/16 To discuss and agree a Pension Provider for Melbourn Parish Council**

The Chair explained that due awaiting further information the Pension Provider will be

discussed on Monday 19th December 2016.

PC234/16 Report from Code of Conduct Working Party – APPENDIX G

Mrs Diana Barker presented the Revised Code of Conduct documentation.

a) Revised Code of Conduct

It was noted by The Chair that ALL Councillors would be expected to sign the Code of Conduct and that they will abide by it.

Cllr Travis suggested that the Code of Conduct needs to be crossed referenced to other policies within the Council.

IT WAS PROPOSED BY CLLR CROSS AND SECONDED BY CLLR PORTER TO ACCEPT THE REVISED CODE OF CONDUCT. ALL WERE IN FAVOUR. THIS WAS CARRIED.

b) Complaints – Staff, Service Providers, Administration and Procedures

IT WAS PROPOSED BY CLLR KILMURRAY AND SECONDED BY CLLR REGAN. ALL WERE IN FAVOUR. THIS WAS CARRIED.

c) Complaints – Councillors

IT WAS PROPOSED BY CLLR KILMURRAY AND SECONDED BY CLLR REGAN. ALL WERE IN FAVOUR. THIS WAS CARRIED.

Councillors agreed in principle to work towards the NALC Good Council Award subject to confirmation as to the duration of the award, achieving the foundation level by the end of this Civic year and the Quality Level by the time the Council is dissolved in May 2018.

ACTION: CLLR HART TO CHECK THE DURATION OF THE AWARD

In the New Year The Chair stated that 2/3 Councillors would work with The Clerk to assess how the Council matches up to the award criteria. This can be done in conjunction with ensuring the Internal Auditors Check List is being met.

PC235/16 Strategic Vision for Melbourn Parish Council

The Chair explained members need to agree what the Parish Council is trying to achieve and how the Council will change to meet the new expectations of what a Parish Council is for.

The Council had a discussion on the following proposed strategic vision for the Council:

To restore the trust and confidence of the Parish Council to the residents of Melbourn in the diversity of services, guidance, advice and associated expenditure.

Councillors felt this vision should be addressed annually. The Council has 16 months until the next election in May 2018.

ACTION: THE CLERK TO PLACE ON FUTURE AGENDA FOR FURTHER DISCUSSION.

ACTION: COUNCILLORS TO SEND ANY COMMENTS THEY HAVE TO CLLR REGAN TO COLLATE.

PC236/16 Correspondence:

a) Any other correspondence at time of meeting

There was no correspondence to report.

PC237/16 To accept notices and matters for future agendas

a) Suggestions from Councillors

- Revised Index for Melbourn Parish Council Policies
- Booklet to residents informing them of what the Parish / Cambridge County and South Cambs District Council are responsible for.

At 8.50pm Standing Orders were suspended.

b) Suggestions from Members of the Public

- Mr Stapleton queried the figures relating to the Car Park, but The Chair gave an explanation which he understood.
- Mr Baker – asked for clarification if the cricket wicket was going to be artificial, which The Chair confirmed it was. Mr Baker also stated that due to the Parish Council financial situation could BeActive not apply for the Grant. The Chair confirmed it was Melbourn Parish Council's responsibility.
- Mr Forbes questioned do the current Council know how much it costs to run the Council now and much did it cost in previous years. Is this costing necessary?. The Council has Legal obligations for the precept and how does the Council go beyond them? The Council need to have tighter financial control.
- Mrs Meliniotis stated that certain residents have lack of interest in the Parish Council and the Parish Council need to gain their interest. Cllr Hart and Cllr Travis stated that public interest is exactly what is needed and more residents should become involved as it is their Council and they should have their say and would like to thank the members of the public who do attend meetings.

At 9.00pm The Chair reinstated Standing Orders.

At 9.00pm The Chair closed the meeting

APPENDIX A

Parish Clerk

PC 227/116.

From: Assistant Clerk
Sent: 05 December 2016 23:20
To: Parish Clerk
Subject: FW: Melbourn PC - : 2x Inspection reports from Allianz Insurance for The Moor and Clear Crescent Playparks - Melbourn
Attachments: Play and recs inspection Oct 2016.pdf

From: Rhiannon Britton [mailto:rbritton@wicksteed.co.uk]
Sent: 05 December 2016 11:34
To: Assistant Clerk
Subject: FW: Melbourn PC - : 2x Inspection reports from Allianz Insurance for The Moor and Clear Crescent Playparks - Melbourn

Hi Claire,

We have quoted below for the works which we'd be happy to carry out for you, but there are a few things that we would recommend you get completed separately. This includes trimming hedges/spurs, welding fixings on to the gate, replacing the steps on the slide, and (as you advised) refilling the bark bit.

Tightening rope fixings

21 x 2215-508 M10 Washer @ £0.45 each = £9.45
21 x 2192-006 M10 Nyloc Nut @ £0.90 each = £18.90
21 x PLC48CAPB 48mm OD plastic cap blue (to suit 35mm hole) (Fawns) @ £0.90 each = £18.90

Swings

16 x 4061-125- Rapid link @ £4.40 each = £70.40

Cableway

A new trolley is 2903-002 Trolley Assembly for Wildcat Cableway @ £1018.00

The parts we may change are:

2 x 2903-026 Roller (for cableway) @ £0.50 each = £1.00
1 x 2903-027 Brake spring(cableway) @ £55.00 each = £55.00
2 x 2903-028 Brake block (cableway) @ £13.00 each =£26.00

Vertical climbing net

10 x 2182-063 M10 X 130 Carriage Bolt @ £1.79 each = £17.90
10 x 2215-508 M10 Washer @ £0.45 each = £4.50
10 x 2192-006 M10 Nyloc Nut @ £0.90 each = £9.00
16 x 2611-033 Plastic Dome Cap And Base - Green (spares included for rope bridge) @ £0.90 each = £14.40

Labour cost to fit all of the above = £320.00

Total Excluding VAT = £1583.45

If you would like to place an order with us, please can you advise on a full invoice and delivery/site address and a name and telephone number to contact on delivery/site and I will be more than happy to process this for you today.

Errors & Omissions Excluded.

Wicksteed Leisure General Conditions of Sale apply.

Please note this is not an official quotation.

If I can be of any further assistance please do not hesitate to contact me.

Kind regards,

Rhiannon Britton
Customer Advisor
Tel: +44 (0)1536 517028
Web: www.wicksteed.co.uk



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From: Assistant Clerk [<mailto:assistantclerk@melbournpc.co.uk>]
Sent: 20 October 2016 14:13
To: Jenni Redman
Cc: Parish Clerk
Subject: RE: 2x Inspection reports from Allianz Insurance for The Moor and Clear Crescent Playparks - Melbourn

Dear Jenni

Further to your earlier correspondence with Sarah Adam, the Parish Clerk, I attach copies of various photographs and notes which relate to the Allianz inspection reports.

Please let me know if you need any further information to enable the repairs to be carried out.

Kind regards
Claire Littlewood

Assistant to Melbourn Parish Clerk

Melbourn Parish Council
Melbourn Community Hub
30 High Street
Melbourn
Cambridgeshire
SG8 6DZ

Tel: 01763 263303 option 3

<http://www.melbournparishcouncil.co.uk>

From: Jenni Redman [<mailto:jredman@wicksteed.co.uk>]
Sent: 28 September 2016 17:02
To: Parish Clerk <ParishClerk@melbournpc.co.uk>
Subject: RE: 2x Inspection reports from Allianz Insurance for The Moor and Clear Crescent Playparks - Melbourn

Hi Sarah,

Thank you for your email. However we cannot advise on the repairs based on the information attached. Can you

please provide further details of the repairs you require us to complete on any Wicksteed play equipment along with some photos of the equipment in order for us to identify the unit you have installed.

Kind regards,
Jennifer Redman
Customer Advisor
Tel: +44 (0)1536 517028
Web: www.wicksteed.co.uk



This e-mail is confidential and intended solely for the use of the individual to whom it is addressed. Any views or opinions expressed are solely those of the author and do not necessarily represent those of Wicksteed Leisure Ltd.
If you are not the intended recipient of this email please delete it from your system immediately. Any use, dissemination, forwarding, printing or copying of this email other than by the intended recipient is strictly prohibited.

From: Parish Clerk [<mailto:ParishClerk@melbournpc.co.uk>]

Sent: 27 September 2016 14:47

To: Sales

Subject: 2x Inspection reports from Allianz Insurance for The Moor and Clear Crescent Playparks - Melbourn

As discussed please can you give me a quote for the work to both playparks

Best wishes

Sarah Adam

Kind regards

Sarah Adam
Melbourn Parish Clerk
Melbourn Parish Council
Melbourn Community Hub
30 High Street
Melbourn
Cambridgeshire
SG8 6DZ

Tel: 01763 263303 option 3
<http://www.melbournparishcouncil.co.uk>



Herts & Cambs Ground Maintenance Ltd
Grounds Maintenance Contractor's



Sarah Adams
Melbourn Parish Council
The Hub
High Street
Melbourn
Royston
Herts

Dear Sarah

I have a cost to remove soil from soil store,

Option 1: we will have to use our tractor and trailer with grass tyres as before as we can't get a grab lorry under front entrance gate

Total £320.00 plus Vat

Option 2: We will run the soil around the road to avoid any damage to the grass using a couple of vans and tip inside the rear entrance in an agreed area

I feel this is your best option as the soil can then be reused in the cemetery to construct a new soil store in a much more convenient place. This will be easier for emptying and away from the graves so it doesn't look anywhere near as unsightly for visitors.

Total £250.00 plus Vat

Kind Regards

Justin Willmott

Bank details Account 20572530 / Sort code 60 18 42

Summerhouse Farm, New Road, Melbourn Royston Herts SG8 6DL

Tel: 01763 261 999 **Email:** Justin@hcgmltd.co.uk

www.hcgmltd.co.uk

VAT Reg: 987421972 Company number: 6936328

www.cambridgegritting.com

APPENDIX C

PC229/16

Bridget Smith

Community Project Development and Fundraising
Maypole House
Church Street
Gamlingay
Sandy
Bedfordshire
SG19 3JJ

December 6th 2016

Quote for Melbourn Parish Council for support with preparation of application for grant funding for the installation of a cricket square.

- Familiarisation with application Half a day
- Research of local information Half a day
- Application completion One day

Daily rate £265.00
Hourly rate £35

Estimated cost £530.00 Plus eligible and allowable expenses

APPENDIX D

PC230/16



Incorporating

LB Limbach Banham Solicitors

Sarah Adam
Melbourn Parish Council
Melbourn Parish Offices
Melbourn Community Hub
30 High Street
Melbourn
Hertfordshire SG8 6DZ

Our ref: AZE/DKH/184868-3

2 December 2016

Dear Sarah

Lease Agreement - Little Hands Nursery, Melbourn

I have finally received the completed Variation from Fields in Trust, which is required to permit the issue of the new Lease to Little Hands.

This requires registration at the Land Registry.

The systems here require that I invoice at each stage of the transaction and I therefore enclose herewith our invoice to deal with the Variation for attention in due course.

Once the Variation has been registered at the Land Registry, we will be able to proceed to conclude the negotiations for the new Lease with Little Hands Nursery.

Kind regards.

Yours sincerely

Alan England
Solicitor

Direct Dial 01763 295854
Direct Fax 01763 247019
Email alan.england@teeslaw.co.uk

Enc: Invoice.

John Street, Royston, Hertfordshire SG8 9BG Tel 01763 242257 www.teeslaw.co.uk
law@teeslaw.co.uk DX 37310 Royston Fax 01763 247019

Tees Law is a trading name of Stanley Tee LLP which is a Limited Liability Partnership authorised and regulated by the Solicitors Regulation Authority. Registered in England and Wales number OC327874.
Registered office: Tees House 95 London Road Bishop's Stortford Herts CM23 3GW. A list of members is available from this address.

Invoice

Invoice No : 259010

Date 2 December 2016

To Melbourn Parish Council
Melbourn Parish Offices
Melbourn Community Hub
30 High Street
Melbourn
Cambs SG8 6DZ



Incorporating
LB Limbach Banham Solicitors

File No: 184868-3

New Recreation Ground

Our ref: AZE/DKH/MELBOURN/184868-3

Registered for VAT No: 205 2982 19

TO PROFESSIONAL CHARGES in connection with correspondence with Fields in Trust concerning the removal of restrictions affecting the buildings at the new Recreation Ground, Melbourn.

Land Registration Fees (to be paid)

| Costs | Disbursements | VAT 20% |
|---------------------------------|----------------------------|------------------|
| 250.00 | | 50.00 |
| | 20.00 | |
| Total Costs | Total Disbursements | Total VAT |
| 250.00 | 20.00 | 50.00 |
| Total | £ | 320.00 |
| Less received on account | £ | |
| Balance due | £ | 320.00 |

Per Pape
With Compliments

Payment is due on receipt of this invoice.

Bank Details: Account No. 93176614 Sort Code. 20-17-19 Account Name. Stanley Tee LLP Ref: AZE/MELBOURN/184868-3

If all or part of this bill remains unpaid we are entitled to charge interest on the outstanding amount of the bill in accordance with Article 5 of the Solicitors (Non-Contentious Business) Remuneration Order 2009.

You may have a right to object to this bill by following the firm's Complaints Procedure, a copy of which will be provided on request, and/or by making a complaint to the Legal Ombudsman whose contact details are: PO Box 6806, Wolverhampton WV1 9WJ, Telephone: 0300 555 0333 or Email: enquiries@legalombudsman.org.uk. Alternatively, you may be able to apply for an assessment of the bill under Part III of the Solicitors Act 1974.

John Street, Royston, Hertfordshire SG8 9BG Tel 01763 242257 www.teeslaw.co.uk
law@teeslaw.co.uk DX 37310 Royston Fax 01763 247019

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Registered office: Tees House 95 London Road Bishop's Stortford Herts CM23 3GW. A list of members is available from this address.

APPENDIX E

Dear Sarah

I have read the report and notes of the meeting and I have the following observations to make in the report.

The role of the working group falls into two parts

1. To review the details of the claim by the contractor and to work with Currie and Brown to negotiate the best solution possible.
2. To review the process of the decision to undertake works and to review the overall management of the contract.

The Working Group does not have any delegated powers or duties to resolve the contractual position other than to make recommendations to the Full Council.

Review the details of the claim by the contractor and to work with Currie and Brown to negotiate the best solution possible.

With regard to the contract the Council need to weigh up the cost of legal fees in challenging the contract and the costs of arbitration.

The risks associated with a legal challenge may include:

- The costs of taking and instructing legal advice on behalf of the Council.
- The potential liability of paying the contractors legal cost in any legal case or arbitration.
- The case being settled in favour of the contractor and a higher rate.
- Interest and compensation which may be liable of deferred or late payments.

The Working Group together with Currie and Brown have identified a settlement figure which they are recommending to Council for consideration and it is for Council to consider this recommendation as it is presented and not to consider factors which are still to be considered by the Working group regarding the Councils management of the process and contract.

With regard to second item on your Council agenda regarding the Interim stage 9 payment. Under NJC contracts this is a lawful demand for payment and the Council has a duty to pay lawful claimed payments under the contract.

Review the process of the decision to undertake works and to review the overall management of the contract.

The responsibility of the Working Group is now to focus on the process and management of the contract and as such, I am of the opinion that in order to ensure the integrity of the working group and its outcomes both Cllr Hales and Regan will not be involved in this part of the Working Groups task.

I would therefore ask the Council to appoint another Parish Councillor to the Working Group who was not a member of the previous Council.

Finally with regard to the questions raised by the public at Council meetings and by other means;

These should all be recorded and forwarded to the Working Group who will look into all the questions as part of its investigation.

The Council should not seek to answer the questions as these will form part of the Working Groups report.

Yours sincerely

Roland Potter

PC 231/16(b)



Currie & Brown UK Ltd
5 Wellington Court, Wellington Street
Cambridge, CB1 1HZ, United Kingdom
Tel: +44 (0)1223 454 500
www.curriebrown.com

FAO Mike Skipper
Interserve Construction Ltd.
1 Carisbrooke Court
Buckingway Business Park
Swavesey
Cambridge
CB24 4UQ

Ref: MRO/108743/QS/01A/038

5th December 2016

Dear Mike

Melbourn Parish Council High Street Car Park Refurbishment - Interim Payment Certificate

As discussed please find enclosed our Interim Payment Certificate Nr.9 for your information and action.

Please raise your invoice to co-ordinate with this certificate in the name of Melbourn Parish Council and send it direct to Melbourn Parish Council, Melbourn Hub, 30 High Street, Melbourn, SG8 6DZ for the attention of Sarah Adam.

Please contact the undersigned if you have any queries.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Martyn Orwell'.

Martyn Orwell
Senior Cost Consultant

Encl Interim Certificate Nr 9.

c.c Melbourn Parish Council – Sarah Adam & Claire Littlewood

Regulated by the RICS
Currie & Brown UK Ltd, Registered in England & Wales, No 1300409
Registered Office: Dashwood House, 69 Old Broad Street, London, EC2M 1QS

Interim Valuation



Melbourn Parish Council - High Street Car Park Refurbishment

| | | | |
|-----------------------|--|--------------------------------|--|
| Issued by: | Currie & Brown UK Limited | Employer: | Melbourn Parish Council |
| Address: | 5 Wellington Court Wellington Street Cambridge CB1 1HZ | | Melbourn Community Hub 30 High Street Melbourn Herts SG8 6DZ |
| Contractor: | Interserve Construction Ltd 1 Carisbrooke Court Buckingway Business Park Swavesey Cambridge CB24 4 UQ | Contract Administrator: | Currie and Brown UK |
| Job reference: | Valuation no. | Contract dated: | Valuation date: |
| 108734 | 9 | 17 Aug 2015 | 5 Dec 2016 |
| | | | Issue date: |
| | | | 5 Dec 2016 |
| | | | Final payment date: |
| | | | 19 Dec 2016 |

| | | | |
|--|--|------------|-------------|
| | Gross valuation: | £ | 321,294.15 |
| | Net retention stated below: | £ | 8,032.35 |
| | Net valuation: | £ | 313,261.80 |
| | Previously certified: | £ | 288,261.80 |
| Contract Sum: | £ | 257,733.99 | |
| Balance due for payment: | Twenty Five Thousand Pounds and no pence | | |
| (exclusive of VAT) | | | £ 25,000.00 |
| Statement of Retention: | | | |
| Retention percentage on work which has not reached Practical/Sectional/Substantial completion. | 5.0% of | £ | 0.00 |
| One-half retention percentage on work which has reached Practical/Substantial Completion | 2.50% of | £ | 321,294.15 |
| | | | £ 8,032.35 |
| | Total amount of retention: | £ | 8,032.35 |

Notes:

1. All the above amounts are exclusive of VAT.
2. The balance stated is subject to any statutory deduction which the Employer may be obliged to make under the provisions of the Income and Corporation Taxes Act 1988 where the Employer is classed as a "contractor" for the purpose of the Act.
3. For the avoidance or removal of doubt it is mutually declared, acknowledged and agreed that this Valuation is not intended to and shall not operate as conclusive evidence that any of the work or materials or goods or workmanship conforms to description or is in accordance with the contract. Where we have been formally notified that work or material is not in accordance with the Contract it has been excluded.

Signed:

Stephen Pritchard
For and on behalf of
Currie & Brown UK Limited

Distribution:

| | | |
|-------------------------|----------------------|-----------|
| Interserve | Principal Contractor | Original |
| Melbourn Parish Council | Employer | Duplicate |

T:\Job\108743 - Melbourn High Street Car Park\QSI11. Valuations\11.3 Valuation 09\11.3.1 QS Valuation\Melbourn Parish Council.docx

Currie & Brown UK Ltd, Registered in England & Wales. No 1300409
Registered Office: Dashwood House, 69 Old Broad Street, London, EC2M 1QS

MELBOURN PARISH COUNCIL CAR PARK WORKING GROUP

CONTRACT FINAL ACCOUNT SETTLEMENT

REVIEW AND RECOMMENDATION

1. Background

1.1 Phase 1 of the Terms of Reference for the Car Park Working Group (CWG) included a review of the final account of Interserve Construction (the car park contractor). The principle recommendation of Phase 1 of the review was to:

1.1.1 Fully understand all associated costs and to satisfy themselves that they were a fair charge to public funds

1.1.2 make recommendations to the Parish Council for Payment

1.2 During their review of the final account the CWG were concerned about the apparent lack of clear documentation and due process in general and of greater concern was the lack of financial and change control procedures in particular during the construction of the project. These areas will be the subject of a detailed investigation and scrutiny during phase 2 of the report.

2. Actions Taken

2.1. In February 2016 Interserve submitted a final account in the sum of £504,175.79. Subsequent discussions between Interserve and Sweett resulted in Interserve submitting a revised account in July 2016 of £393,364.09.

2.2. An early action for the newly formed CWG was to meet with Sweett (now Currie and Brown and will be referred to as such from now on) who were responsible for preparing and agreeing the final account on. The meeting which was held on 3rd November sought to review in detail the draft final account prepared by Currie and Brown. At this stage the estimated final account figures were as follow:

2.2.1 Currie and Brown - £295,653,13

2.2.2 Interserve - £393,364.09

2.3. At this stage, Currie and Brown were of the view that Interserve had yet to provide evidence of any additional work that would justify their figure. The additional work within the figure estimated by Currie and Brown was reviewed in detail and explanations sought as to the reasons and outcomes arising from the additional work. As a result, the CWG were able to populate an excel spreadsheet identifying the costs and reasons. Where a satisfactory answer was not forthcoming Currie and Brown were formally tasked with providing the information. It was agreed that an early meeting between Interserve and Currie and Brown was to take place in attempt to resolve the outstanding differences in an effort to prevent the issue proceeding to adjudication.

2.4. The CWG was also of the view that legal advice should be sought in the likely event of adjudication and the need for the Parish Council to explore a potential claim against one of the design consultants.

2.5. Following a further threat of adjudication by Interserve if the final account was not settled by November 18th an urgent meeting was held on 25th November between Currie Brown and Interserve with the aim of reaching a final settlement. A final settlement figure was reached in the value of £344,980.45. At this meeting, it became apparent that Interserve had been required to carry out much more work than had been recorded on the drawings. This was as a result of the one of the design team consultants refusing to update their drawings to capture many of the later changes to the contract work as he had expended his fee. This work had not previously been included in the assessments of Currie and Brown as their previous recommendations were based on drawings which were shown to be out of date and inaccurate. Currie Brown believe that the figure of £344,980.45 to be fair and equitable settlement of the account and represents a reduction of £48,400 from the Interserve revised final account issued in July and a £159,200 reduction from their original final account submission. It is also understood that the actual costs of Interserve are around £420,000 and Interserve have agreed to accept this reduction on the basis of an early acceptance of this agreed figure. Should this early acceptance not be agreed the threat of adjudication still remains. Details of this settlement were forwarded to the Parish Clerk on 28th November.

2.6. In the interim approval was given by the Parish Council for the CWG to seek legal advice and engage the services of Birketts on an interim basis to explore the situation. Their initial advice suggested that should this issue proceed to adjudication:

2.6.1 The Parish Council would need to engage lawyers to defend their position and this could be in the order of £5k to £15k.

2.6.2 There was no guarantee that the adjudication result would reduce the final account and the starting point for the adjudicator would be the initial claim of Interserve (£504,175.79). In addition, the costs of an adjudication could incur an additional cost of between £5k to £15k and therefore would also need to be budgeted for, should the Parish Council lose the case, as these costs are normally borne by the losing party.

2.7. The CWG sought an early meeting with Currie and Brown to review and understand the additional costs involved in arriving at a figure of £344,980k from the £295,653.13 previously agreed.

2.8. A meeting with Currie Brown took place in the Hub on 2nd December where all of the additional costs were reviewed and the summary of the additional work involved was developed and agreed. This is attached at Appendix 1.

2.9. Members of the CWG and Clerk discussed the results arising from the meeting with Birketts on 5th December during a conference call. Birketts remained of the view that the comments in their letter to the Parish Clerk dated 29th November still stand:

2.9.1. Should the Parish Council wish to seek further reductions in cost either themselves (or via a third party) or via Currie and Brown the likelihood is that Interserve would proceed to adjudication and any reductions gained would be more than offset by likely increases in cost of the adjudicators final assessment of cost and the legal fees involved.

2.9.2. The Parish Council could themselves proceed to adjudication in an attempt to reduce the final settlement however this would involve the same risks.

2.9.3. The low risk option would be to accept the recommendations of Currie and Brown and settle the account as quickly as possible.

2.9.4. In doing so the Parish Council should also consider whether to take action against the unsatisfactory performance of consultant responsible for many of the changes and increases in cost.

3.Recomendations

3.1. Based on discussions and a detailed review of the facts and issues involved the CWG strongly recommend that the Parish Council accept the final account of Interserve negotiated by Currie and Brown in the sum of £344,980

3.2. In order to follow due process and the need for an early settlement to prevent Interserve proceeding to adjudication it is further recommended that Interserve submit a further invoice in the sum of £25k whilst due process takes its course.

3.3. The CWG will need to review the costs, benefits and risks of taking legal action against the unsatisfactory performance of the consultant responsible for many of the changes and increases and costs.

**CAR PARK WORKING GROUP
FINAL ACCOUNT SETTLEMENT
REVIEW AND RECOMMENDATION TO MELBOURN PARISH COUNCIL**

APPENDIX 1 SUMMARY OF ADDITIONAL COSTS INCURRED.

INTRODUCTION

The costs highlighted below are the major items of additional expenditure on the project. Minor costs of additions and deletions have not been included. A detailed summary of the additions and omissions can be found in the Currie Brown letter dated 28th November 2016.(copy attached)

THE CONTRACT

- Tender Figure £257,733.99
- Final account £344,980.45
- Additional costs incurred £ 87,246.66

- Construction Start Date – 17th August 2015
- Contract Construction Completion Date – 6th November 2015
- Actual Completion date- 18th December 2015
- Delay – 6 weeks

ADDITIONAL WORK FOUND TO BE NECESSARY RESULTING IN CONTRACT ADMINISTRATORS INSTRUCTIONS BEING ISSUED

Soakaway £7.5k

The storm water drainage from the new car park construction was not allowed to leave the site and this was a design constraint. A solution to discharge this run off to ground was developed via a large soakaway. The design of which was based on percolation rates measured in trial holes pre-construction. Additional costs were incurred during the excavation of the soakaway to achieve the required rate of percolation in the design. Percolation rates found to be in ground conditions measured in the trial holes undertaken for the initial design were not found when the soakaway excavation was completed to the design levels and additional excavation and backfill was found to be necessary to achieve the necessary percolation rate.

Car Park Surfacing and Sub Grade Capacity £42.1k

The contract included for the area of new and overlay construction to be determined on site and based on existing construction thicknesses and the bearing capacity of the sub grade. Unfortunately, the Interserve offer did not include a new sub-base within the contract as it was the intention the whole car park would be overlaid with 30mm of tarmac. The conditions found on site were found to be unsuitable for overlaying with tarmac due to the tarmac to the south-western boundary being oxidised (the tarmac is no longer bound together) and the ground being softer than anticipated. Interserve undertook CBR (California Bearing Ratio) testing to ascertain whether or not it would be possible reduce the build-up of the sub base and tarmac to the south-western boundary (the area where the garages were). The existing tarmac condition to the rear of the car park proved unsuitable for tarmac overlay and a revised design was developed in consultation with the design team which includes car

park reconstruction to the large majority of the rear half of the car park, with an area within the centre of the car park being identified for a tarmac overlay of some 180mm. This work also entailed substantial alterations to the drainage and kerb levels.

Drainage £19.3k

A number of revised drainage layouts were issued during the contract the latest addition being Revision M. The number of revisions reflected the requirement to ensure that with the new formations of levels necessary (see 3 above) the kerbs and drainage needed to be revised to ensure that the run off from the car park surface worked efficiently and no ponding would take place. The ACO channel adjacent to the workshop was also the subject of a redesign. Additional work was also found to be necessary due to the need to provide a foundation to the new petrol interceptor as no design was completed pre-contract. A number of the revisions to these drawings were found to be necessary due to inaccuracies in the consultant's levels.

Workshop Additional Brickwork £6.2k

Additional excavation proved necessary to reach an approved formation level for the workshop foundations. The costs of the additional foundation work are included in the sum for Provisional Sums and Variations not on CAI's below. The increase depth of excavation required additional brickwork to bring the walls up to ground floor level.

Omissions to the Contract £29.6k

The following is a list of costed omissions to the contract:

Provisional Sums and dayworks - £10.9k
Revisions to Car Park Specification - £6.9k
Surfacing to footpath £11.8k

PROVISIONAL SUMS AND VARIATIONS NOT INCLUDED ON CONTRACTORS ADMINISTRATORS INSTRUCTIONS

Miscellaneous additions and deletions (12 in number) £5k

Includes additional items such as:

Electrical connection
Sewer connection
Electrical cupboard
Additional work to store foundations
Additional work in and around bus shelter

CONTRACTORS DELAY AND DISRUPTION

Contractors Claims £34k

Interserve submitted a list of 94 items to support their claim for of £18,917.14 for delay and disruption based on six weeks' prolongation. Following discussion and negotiation this was reduced to a loss and expense of £8,107.

Disruption costs for abortive work and general delays to the contract works were valued and agreed at £10,872.26

A claim based on civils additional preliminaries was also agreed due to delays of 2.57 weeks during the sub contract period. This was agreed at £15,018.15.

SUMMARY OF ADDITIONAL COSTS (based on Currie Brown letter dated 28th November 2016)

| | |
|---|-------------------|
| Contract Administrators Instructions (additions £77.4, omissions £29,376) | £48,024.33 |
| Provisional Sums and Variations | £5224.72 |
| Contractors Delay and Disruption | £33,997.41 |
| | <hr/> |
| Total | £87,246.46 |

PC232/16

Notes on the revision of Job Descriptions for the Village Ranger and Litter- Picker/Caretaker

BACKGROUND

The Job Descriptions of 'Village Ranger' (Keith Rudge) and 'Litter Picker and Caretaker' (Peter Andrews) have been in place for a number of years. During this time the jobs have changed somewhat and the two individuals, to a great extent, now frequently work together on many common tasks. This was not originally the case.

Peter Andrews

In Peter Andrews job, the changes have been most marked.

The historical Job description of Litter Picker and Caretaker is almost completely redundant. Litter picking for the village, while still a task often carried out by both individuals, is now carried out globally through a Service Provider (Tim Stebbing). Caretaker duties reflect a past responsibility in respect of the pavilion at the Moor. The pavilion is now leased to BeActive and he is no longer needed for caretaking. Instead, Peter now mirrors many of the tasks carried out by Keith Rudge.

Keith Rudge

The Job Description for Keith Rudge is currently poorly presented, being basically a list of tasks. These tasks do not properly match his typical weekly routine and, for example, seem to give him broad responsibilities for the maintenance of Stockbridge Meadows and the management of contractors. In neither these cases is this good representation of the real world.

DISCUSSIONS with the JOBHOLDERS

Two meetings have taken place with Keith and Peter. These were conducted with both present.

At the first meeting we explored their working practices and responsibilities, and also how the jobs have come to overlap as things changed. They were open about the jobs and how the jobs had changed and now interacted. They also expressed a desire for things to be tidied up and that they were willing to have different Job Titles if this seemed appropriate.

A number of issues were revealed from this first meeting and new Job descriptions were subsequently drafted to try and address these. The next page lists the areas where the new Job Descriptions have been changed or need to be improved.

A second meeting with the two jobholders took place after giving them draft copies of revised Job Descriptions. These were agreed with one small amendment. The amended agreed versions are now those before the Council.

SIGNIFICANT CHANGES & ISSUES THAT NEED TO BE ADDRESSED

The following points have been discussed and agreed in principle with both individuals.

1. The Job Titles have been changed to **Village Warden** (Keith Rudge) and **Assistant Village Warden** (Peter Andrews). They are happy about these changes (in fact welcome them).
2. Job Descriptions have been re-written as a list of *Responsibilities* not *Tasks*. The detail of tasks can change year on year but over-arching responsibilities do not.
3. The Job Titles now indicate that, in the main, both are carrying out similar work. They both continue to report directly to the Clerk. However, the Village Warden position implies greater planning and co-ordination.
4. They have agreed to co-operate in creating a 'Task List', to be used in tandem with the Job Descriptions as a reference point for both themselves and the Clerk in deciding work priorities. We have asked them to create this list in terms of (a) regular/recurring upkeep tasks that have no special timing or priority and (b) those that are seasonally driven. Eventually this list needs to be integrated/harmonised with a Parish Maintenance Plan. 'Special' jobs that arrive on the Clerk's desk can be included in this listing.
5. Both jobholders already regularly meet with the Clerk at least weekly to put in time sheet claims for hours worked and discuss forward working arrangements. We need to build on this existing routine as follows:
 - 5.1 Time Sheets need to be a more detailed record of what they have done each day/week. They said that 'the reason this is not done now is because the time sheet has too little space for the detail'. *A new time sheet format is needed to address this point.*
 - 5.2 Better recording of work vs. time will begin to enable the Clerk to measure output and gauge performance. This is always going to be problematic as they cover so much ground and are mostly working unsupervised. However, it is a start.
 - 5.3 The Clerk will need to actively encourage both to provide as clear as possible communication concerning what they actually do. This must eventually reflect the priorities in a PC Maintenance Plan. Care must be taken with this, as their knowledge and experience should not be denigrated or cooperation will obviously be lost.
 - 5.4 The general relationship with contractors should be investigated and addressed. Currently, contractors (especially Herts. and Cambs.) have informal access through Keith Rudge and others. The Council needs control of this process.

PC 232/16 (a)

Melbourn Parish Council

JOB DESCRIPTION: Village Warden

Reports to: Parish Clerk

Job Purpose: The practical maintenance of grounds, gardens, cemeteries, play areas, footpaths and other open public spaces in Melbourn village for which the Parish Council has responsibility

Key Responsibilities:

- 1) To regularly patrol and inspect all areas, as defined above, for which the Parish Council has responsibility and report back at least weekly, in written form, any items where corrective or maintenance work is needed
- 2) In conjunction with the Parish Clerk, to draw up and maintain a broad schedule of the key tasks requiring (a) regular upkeep, but where timing is non-critical, and (b), seasonally driven calendared maintenance across the year including items specifically requested by the Parish Clerk
- 3) To provide written details of work completed each day to support hours worked on time sheets at a weekly meeting with the Parish Clerk
- 4) On a weekly basis, to meet and agree together with the Parish Clerk and Assistant Warden a written list of upcoming and required items on which routine and non-routine work is required with expected completion dates
- 5) In agreement with the Parish Clerk, to liaise with the Assistant Warden on the division of work agreed for each week
- 6) To carry out any tasks normally assigned to the Assistant Warden when necessary
- 7) To use vehicles and equipment available from the Parish to accomplish daily tasks, as appropriate
- 8) To liaise and support volunteers at times when these may be assigned to assist with grounds maintenance tasks (for example at Stockbridge Meadows)
- 9) As requested and agreed weekly with the Parish Clerk to liaise with contractors working for the Parish Council

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Office: Melbourn Parish Council, Melbourn Community Hub, 30, High Street Melbourn, Cambridgeshire, SG86DZ

Melbourn Parish Council

- 10) To participate in training or retraining on all aspects of the role as required and agreed with the Parish Clerk
- 11) To carry out all functions in a way that ensures compliance to Health and Safety and all other relevant regulation

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PC 232/16 (b)

Melbourn Parish Council

JOB DESCRIPTION: Assistant Village Warden

Reports to: **Parish Clerk**

Job Purpose: The practical maintenance of grounds, gardens, cemeteries, play areas, footpaths and other open public spaces in Melbourn village for which the Parish Council has responsibility

Key Responsibilities:

- 1) To regularly patrol and inspect all areas, as defined above, for which the Parish Council has responsibility and report back at least weekly, in written form, any items where corrective or maintenance work is needed
- 2) In conjunction with the Parish Clerk, to contribute to a broad schedule of the key tasks requiring (a) regular upkeep, but where timing is non-critical, and (b), seasonally driven calendared maintenance across the year
- 3) To provide written details of work completed each day to support hours worked on time sheets at a weekly meeting with the Parish Clerk
- 4) On a weekly basis, to meet and agree together with the Parish Clerk and Village Warden a written list of upcoming and required items on which routine and non-routine work is required with expected completion dates
- 5) In agreement with the Parish Clerk, to liaise with the Village Warden on the division of work agreed for each week
- 6) To carry out any tasks normally assigned to the Village Warden when necessary and if appropriate training has been received
- 7) To use equipment available from the Parish to accomplish daily tasks as appropriate, consistent with training given
- 8) To support volunteers at times when these may be assigned to assist with grounds maintenance task
- 9) To participate in training or retraining on all aspects of the role as required and agreed with the Parish Clerk
- 10) To carry out all functions in a way that ensures compliance to Health and Safety and all other relevant regulation

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MELBOURN PARISH COUNCIL
CODE OF CONDUCT WORKING PARTY

Members: Public: Diana Barker and Howard Gascoyne

Councillors: Sally Ann Hart, Steve Kilmurray and Julie Norman

Terms of Reference

There should be a maximum of 6 members, of whom up to 3 should be non-councillors.

The Working Party (WP) is to report back to the Parish Council by 31 December 2016.

Initially, the remit of the WP is to:

- Review the Council's current Code of Conduct (adopted November 2015) in the light of PC68/16 (Ian Dewar's note on Disclosable Pecuniary Interests – Melbourn) and other guidance on good practice (for example, Local Councils Explained).
- To review the current Standing Orders on dealing with complaints against the Council and to present a draft Complaints Policy to the Parish Council.
- To recommend to Council whether to apply for the NALC Local Council Award Scheme as an external validation of the changes made to procedures, and at which level.

As a second phase the WP should be asked to review the Council's Standing Orders – to be completed for the Annual Parish Council Meeting in May 2017.

Meetings

The WP has met 4 times during November and December 2016. The minutes of meetings¹ are attached at **Appendix 1**. Recordings of meetings other than the first are available on request.

Recommendations

The WP makes the following recommendations:

Code of Conduct

1. A revised Code of Conduct is attached at **Appendix 2**. The WP considered the Code of Conduct adopted by Melbourn Parish Council in November 2015 and a revised draft prepared by the Assistant Clerk. The draft it has produced is based on those 2 documents, with the addition of a section on 'Team working and

¹ The minutes of the meeting on 1 December 2016 are not yet available.

promotion of MPC's integrity and openness'. **Councillors' comments on the draft are welcomed.**

2. The Clerk may wish to seek CAPALC's views on the draft before formal adoption.
3. The WP **recommends** that all Councillors read and sign the Code annually at the Annual Parish Council Meeting (the beginning of the Civic year), and that the Clerk makes any person enquiring about becoming a Parish Councillor aware of the Code of Conduct.

Complaints Procedures

4. The WP considered the Melbourn Parish Council 'Code of Conduct on Complaints' set out in the Council's Standing Orders (para. 80) (**Appendix 3**).
5. The WP's proposals are contained in **Appendices 4 and 5**. The WP concluded that 2 separate procedures are needed. The first deals with complaints about Council Staff, Service Providers, Administration and Procedures (**Appendix 4**). It is based on those of a number of different Parish Councils.
6. Complaints about Councillors **must not** be dealt with by the Parish Council. They should be sent straight to the Monitoring Officer at South Cambridgeshire District Council and **must not** be copied to the Parish Clerk. The procedure to be followed is set out in **Appendix 5**
7. Again the Clerk may wish to seek CAPALC's views on the final documents. **Councillors' comments on the draft are welcomed.**

NALC Local Councils Award

8. There are three levels to the award: Foundation, Quality and Gold. For each level, a set of strict criteria must be met. These are given at **Appendix 6**.
9. The opinion of the WP is that: Melbourn Parish Council will meet the criteria for the Foundation Award by May 2017 and the Quality Award by May 2018. A decision on whether to apply for the Gold Award should be left to the new Council post May 2018.
10. The cost implications are (for the year 2016/17):
 - i. Registration for the Foundation Award is £50, and accreditation is £80.
 - ii. Registration for the Quality Award is £50 and accreditation is £100. However, if the application is made within 12 months of applying for the Foundation Award, there is a £20 reduction.
11. The WP **recommends** that the Council applies for the Foundation Award as a first step because it is:

- a way of ensuring that the Parish Council has the correct procedures in place;
- an opportunity to show the parish what its Council does on its behalf; and
- a way of providing external validation of its policies and procedures

12. A small group of Councillors will need to work with the Clerks to prepare the application for the Foundation Award.

Other Business

13. The WP also considered a document submitted by Hugh Pollock. Mr Pollock's document is lengthy and is available as **Appendix 7** only in the electronic version of this report. A hard copy is available on request to the Clerk.

14. The WP considers that its proposals on the new Code of Conduct, Complaints Policy and (to be completed by April 2017) revision of the Standing Orders, along with the existing statutory requirements cover the majority of Mr Pollock's points. The WP would like to thank Mr Pollock for his considered contribution to the debate.

15. The WP will start meeting again in January 2017 to revise the Standing Orders.

Code of Conduct Working Party December 2016

APPENDIX 1

MINUTES OF THE CODE OF CONDUCT WORKING PARTY

MELBOURN PARISH COUNCIL
CODE OF CONDUCT WORKING PARTY
MEETING HELD ON THURSDAY 3 NOVEMBER AT 2PM

Present: Members of the public: Diana Barker Howard Gascoyne
Councillors: Steve Kilmurray Sally Ann Hart Julie Norman

1. Diana Barker was elected as Chair.
2. Julie Norman volunteered to prepare the minutes.
3. **Overview of example Code of Conducts (CoCs).** The WP looked at the CoC adopted by Melbourn Parish Council in November 2015. This was based on the National Association of Local Councils (NALC's) Model CoC. Members also considered a revised draft of a CoC prepared by the Assistant Clerk. They concluded that the new Melbourn CoC should contain sections on: complying with the law on declaration of interests; behaviour as a Councillor and in meetings; and working together as a team in the interests of the parish. Neither CoC covered the latter point.

**Actions: Members to look at CoCs adopted by other Parish Councils
JN to provide a draft for discussion for the next meeting.**

4. **NALC Local Council Award.** The advantages of achieving the award were identified as: a way of ensuring that the Parish Council has the correct procedures in place; an opportunity to show the parish what the Council does on their behalf; and external validation that the Council has changed.
5. An application will not be made until the Council believes it complies with the requirements. The provisional timeline is: Foundation – May 2017; Quality – May 2018. The new Council (which will come in May 2018) can then decide whether to go for the Gold Award.

**Actions: Members to look at the website of Councils which have
achieved the award to see what they do (Knutsford, Lutterworth, Holmes
Chapel, Cranleigh)**

6. **Date of the next meeting:** Thursday 10 November at 2pm. The main task will be to consider the first draft of the Code of Conduct.

**Actions: JN to circulate the document from Hugh Pollock making
suggestions for the governance of Melbourn Parish Council.**

Melbourn Parish Council

Minutes of Meeting

November 10, 2016

2.00

Type of Meeting: Code of Conduct Working Party

Meeting Chair: Diana Barker

Present: Julie Norman, Sally Ann Hart, Steve Kilmurray, Howard Gascoyne

I. Approval of Minutes from last meeting. There was some discussion about this, but eventually the Minutes were approved. Ms Barker agreed to take the Minutes for the next Meeting to clear up misunderstandings about what formal Minutes may include.

Matters Arising From Last Meeting. Mr Gascoyne and Ms Barker both expressed concern that the reasoning behind the decision to advocate going ahead with the Foundation Level of the LC award was not contained in the previous Minutes. The Quality and Quality Gold options were rejected largely because they require a large publication schedule which might put undue pressure on the Parish Office and be expensive to implement. The Quality Gold required a three year forward business plan and meets its duties with respect to biodiversity and crime and disorder. All three Councillors wished to stress that the Foundation Level was chosen in order to have something in place to work towards for May next year.

II. Chair's Introduction to Code of Conduct Discussion. Having ascertained last week that little can be done at present if Councillors fail to keep to the Code of Conduct, Ms Barker wished to impress upon the WP that the document produced should be viewed as a document in the public realm which Melbourn Residents will consult to ensure themselves that the mistakes that the Council has made in the past are being addressed

III. Code of Conduct. Between the meetings Ms Barker had sent a list of possible improvements on the current CofC which Cllr Norman had integrated into a new draft document. The main difference between this and the previous CofC is that there is a separate section on Team Working. Cllr Norman explained she had done this because this was where the problems encountered in the previous year had arisen. All agreed this was an excellent idea and all expressed approval on the user-friendly look of the new document.

Document Details:

1. Page 1: Cllr Norman agreed to look up the definition of an officer of the Council
2. Section 1 General Conduct: It was agreed that the Bullying Clause should stand alone, and should include group and third party bullying. Treating others with respect should go above this. It was agreed to add a definition box concerning the term "public interest" as this could be interpreted differently. Several clauses were included dealing with how Councillors should prepare for and

conduct themselves in Council Meetings. Cllr Kilmurray agreed to look into what is meant by using MPC resources improperly for private and political purposes.

3. Section 2: Team Working, Integrity, and Openness. It was agreed that "Read and Comply with the requirements of MPCs Standing Orders and policies" should go to the top of the list. It was agreed to add a clause saying: "Do not engage in group actions that are divisive to the Council Body as a whole. This includes forming factions and taking actions to promote these factions at the expense of the Council Body". Cllr Norman agreed to look find a definition of unreasonable behaviour from the Standing Orders. It was agreed to add clauses saying, "If in hindsight a mistake has been made, do not blame other Councillors but use the process in the MPC Standing Orders to correct the mistake". And "The Council should be prepared to make a public apology if, for any reason, the consequences of any Council decision, have caused widespread anger, concern, or stress to members of the public" It was agreed to add a boxed definition of transparency.

4. Section 3: Registration and Disclosure of Interests. It was agreed that little needed doing to this section, apart from adding a box explaining when Councillors should declare the Pecuniary Interest and withdraw from discussion. Cllr Norman had emboldened the penalty that can be imposed if Councillors fail to declare gifts and hospitality.

5. Cllr. Hart, who had been making amendments to the 2015 document throughout the meeting, agreed to send a copy of these to Cllr Norman to be distributed at the next meeting. The meeting was then adjourned.

Melbourn Parish Council

Minutes of Meeting

November 17, 2016

Type of Meeting: Code of Conduct Working Party

Meeting Facilitator: Diana Barker

Invitees: Julie Norman, Sally Ann Hart, Steve Kilmurray, Howard Gascoyne

IV. Call to order

V. Roll call: All present

VI. Approval of minutes from last meeting. These were approved after Ms Barker agreed to add two further notes concerning why the Foundation Level Quality Award was decided upon.

VII. Open issues

a) Matters Arising from last meeting: See above.

V. New business

- a) Code of Conduct Document. All members had received a revised copy of the document from last week. Cllr. Norman had highlighted the changes. The first of these is that document will be signed by all Councillors annually at the Annual Parish Council Meeting in May. The second is a definition of an Officer of the Council as "An employee of a Council (Parish, District, or County) who puts the policies of the elected Council into practise." Under "General Conduct" members decided to change no 3 to: "You must provide leadership by example." Cllr Kilmurray proposed to change no 12 to: "You must ensure that the resources of MPC are not used to promote any political party or political activity. You must not use MPC resources for any private business reasons." This change was unanimously agreed. Most of the changes suggested under "Team Working" were purely grammatical in order to change to a more impersonal, plural tone. The exceptions to this are: no 9, where it was decided to change full transparency to openness as this concept is easier to understand; no 10, where "Strategy" replaces Policy; and 11 where "see MPC Training and Development Policy" is added. The box on "Unacceptable Behaviour" was expanded to include unacceptable behaviour in writing to state "If a member thinks there had been unacceptable behaviour in writing they should ask the Chair to investigate whether the Code of Conduct has been broken". It was decided to abandon the Local Government Transparency Code definition of transparency as it was considered unhelpful. It was agreed that Transparency would be covered in the Standing Orders. It was agreed that no more changes should be made to the "Disclosure of Interests" Section apart from repeating the "if in doubt get out" box at a suitable point.

- b) Informal Complaints Procedure. The members deliberated over a draft document which has been circulated by Cllr Norman. It was decided that the whole document should cover service providers as well as Council Employees, and that it should start with 2 introductory paragraphs before the boxes dealing with types of complaint. Cllr Norman agreed to investigate whether internal complaints are sufficiently covered in MPCs Disciplinary Procedure. It was agreed that the Review Panel should consist of the Chair and Vice Chair of the Council and 3 other Councillors who are not members of the HR Panel. It was decided to add an item "In the case of an HR complaint, the employee or service provider is given the opportunity to sum up." The final point was changed to "All except Panel Members leave the room. Panel Members decide whether or not grounds for the Complaint have been made. If there is need for clarification, all parties should be invited back. All parties return to hear the decision, or to be advised when the decision will be made." It was decided unanimously NOT to follow the Henlow model of making the meeting public, as this would be stressful for all concerned. The members then discussed the MPC Complaint Form, and decided to add a note: "You may have assistance when completing this form". For clarification, the sentence concerning the need to give full evidence was changed to "It is important that you provide all the evidence you wish to have taken into account, in order for the Clerk or Chair to decide whether to take any action on your complaint." There was some discussion about the overlap between the complaints and grievance procedures. In order for Panel Members to be able to decide whether the form was a good record of events it was decided to have add a yes/no answer box at the end of the form with the question "Did you have help completing this form?"

The meeting was then Adjourned

Minutes of the meeting held on 1 December 2016 are not yet available.

APPENDIX 2

REVISED CODE OF CONDUCT

MELBOURN PARISH COUNCIL

Members' Code of Conduct

To be signed by all Councillors annually at the Annual Parish Council Meeting in May

Melbourn Parish Council (MPC) has adopted this Code of Conduct as required by Section 27 of the Localism Act 2011 to promote and maintain high standards of behaviour.

Definitions

This Code applies to any member of Melbourn Parish Council whether elected or co-opted. An "officer" refers to an employee of a Council (Parish, District or County) who put the policies of the elected council into practice.

It applies whenever you are acting, claim to act or give the impression that you are acting in your capacity as a member of MPC, including:

- i. At formal MPC meetings
- ii. When acting as a representative of MPC
- iii. Taking any decision as a Councillor
- iv. Discharging your functions as a Councillor
- v. Corresponding with MPC other than in a private capacity

'Meeting' means any meeting organised by or on behalf of MPC, including:

- i. Council, committee or Working Party
- ii. Any briefing by Officers (of MPC, SCDC or CCC)
- iii. Any site visit to do with the business of MPC

The Code is based on the 7 principles which apply to the conduct of people in public life – the 'Nolan principles', and you should always act according to them.

The Nolan Principles

Selflessness – you should act in the public interest

Integrity – you should not put yourself under any obligations to others, allow them to act improperly to influence you or seek benefit for yourself, family, friends or close associates

Objectivity – you should act impartially, fairly and on merit

Accountability – you should be prepared to submit to public scrutiny necessary to ensure accountability

Openness – you should be open and transparent in your actions and decisions unless there are clear and lawful reasons for non-disclosure

Honesty – you should always be truthful

Leadership – as a councillor, you should promote, support and exhibit high standards of conduct and be willing to challenge poor behaviour

As a Member of Melbourn Parish Council, you are expected to:

- i. Conduct yourself according to the principles set out in **Section 1**.
- ii. Work together with your fellow Councillors as a team and promote the integrity and openness of MPC, as set out in **Section 2**.
- iii. Comply with statutory requirements relating to registration and disclosure of interests, as set out in **Section 3**.

Failure to take appropriate action in respect of a Disclosable Pecuniary Interest may result in a criminal conviction and fine of up to £5,000 and/or disqualification from office for a period of up to 5 years.

If a member of the public who knows the relevant facts would reasonably think the personal interest is so significant that it is likely to prejudice the member's judgement of the public interest, then the Councillor should declare it and withdraw from the discussion. Ian Dewar CAPALC 2016

"If in doubt, get yourself out"

*Public Interest: Anything affecting the rights, health, or finances of the public at large.

I have read and will abide by this Code of Conduct

Name:

Signature:

Date:

SECTION 1. GENERAL CONDUCT

1. You must promote and support high standards of conduct, and do nothing which causes MPC to act unlawfully.
2. You must not do anything through your office or MPC to dishonour or discredit someone or something ("bring into disrepute").
3. You must provide leadership by example.
4. You should encourage participation within your community.
5. You must treat others with respect and promote equality as set out in the MPC Equality and Equal Opportunity policies
6. You must not bully or threaten any person (*ref to policies*) either as an individual or part of a group. You must also not allow others to bully or threaten on your behalf.
7. You must respect the confidentiality of information which you receive as a Member by:
 - i. Not disclosing confidential information to 3rd parties **unless** required to do so by law or where there is a clear and over-riding *public interest in doing so.
 - ii. Not obstructing 3rd parties' legal right of access to information.
8. You must exercise your independent judgement, taking decisions for good and substantial reasons by:
 - i. Preparing for council meetings by doing all necessary reading and research. This should include listening to the advice of MPC's Proper Officer/Responsible Financial Officer (the Clerk) and the Assistant Clerk, paying attention to public opinion and (if necessary) seeking the views of a range of interests.
 - ii. Entering Council meetings with an open mind ready to listen actively by asking questions for clarification and admitting if anything is not understood.
 - iii. Being prepared to state clearly and publically the reasons for each of your voting decisions.
9. You must ensure that the resources of MPC are not used to promote any political party or political activity. You must not use MPC resources for any private business.

SECTION 2. TEAM WORKING AND PROMOTION OF MPC'S INTEGRITY AND OPENNESS

All members of Melbourn Parish Council will:

1. Read and comply with the requirements of MPC's Standing Orders and policies.
2. Be civil at all times, and maintain good working relationships with all members and officers, and any other group or individual working with MPC.

3. Listen to and respect the views of others even when they disagree.
4. Not engage in group actions that are divisive to the Council body as a whole. This includes forming factions and taking actions to promote these factions at the expense of the Council body.
5. Not tolerate unacceptable behavior (see Box below) in meetings or in written communications.
6. Accept collective responsibility for all decisions taken honourably and in the interests of the community. If a member of MPC believes a decision was taken dishonourably, then consult the MPC Whistle-blowing Policy to see what further action to take. (If a member feels strongly that they cannot support a decision which was taken honourably, then resignation is an option).
7. Not blame other Councillors if, in hindsight a mistake has been made, but use the process in the MPC Standing Orders to correct the mistake.
8. Be prepared to request that MPC make a public apology if, for any reason, the consequences of any Council decision have caused widespread anger, concern or stress to members of the public.
9. Start from the position of full openness in all MPC actions and information. Confidentiality of information is dealt with in Section 1.7 above
10. Communicate key issues and progress to the community on a regular and frequent basis as set out in MPC's Community Engagement Strategy.
11. Be willing to undertake regular training including refresher training. (See MPC Training & Development Policy)
12. Comply with best practice for the functioning of Parish Councils as set out by the National Association of Local Councils (NALC), and seek continuous improvement in MPC's systems and processes.

"Unacceptable Behaviour"

1. In meetings, unacceptable behaviour is covered in the Standing Orders.

In summary, if the Chair considers that a member has broken the provisions of Standing Order 33 (a), they tell the Council and invite a proposal to either:

- Ask the member to remain silent; or
- Ask the member leave the meeting.

As a last resort, the Chair may suspend the meeting.

2. In writing, a member who thinks there has been unacceptable behaviour, should ask the Chair to investigate whether the Code of Conduct has been broken.

SECTION 3. REGISTRATION AND DISCLOSURE OF INTERESTS

Registration

You must register (through the Clerk or Assistant Clerk) with the SCDC Monitoring Officer within 28 days of being elected or co-opted any interests listed in the Boxes A and B on pages 4 and 6. You must ensure that your Register of Interests is kept up to date and notify the Monitoring Officer (through the Clerk or Assistant Clerk) in writing within 28 days of becoming aware of any change in your interests.

Gifts and Hospitality

You must, within 28 days of receipt, declare any gift, benefit or hospitality with a value in excess of £25 except:

- i. Any that you receive from family and friends that are not related to your position as a member of MPC. ***You should however question any such gift or hospitality offered from an unusual source;***
- ii. Facilities or hospitality provided to you by MPC; and
- iii. Gifts given to MPC which you accept formally on MPC's behalf and are not retained by you personally

The procedure to be followed is set out in the MPC Gifts and Hospitality Policy. The form must be submitted to the SCDC Monitoring Officer.

You must immediately report to the SCDC Monitoring Officer any circumstances where an inappropriate gift or hospitality has been offered as a criminal offence may have been committed.

Box A: Disclosable Pecuniary Interests

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows:

| Interest | Prescribed description |
|--|---|
| Employment, office, trade profession or vocation | Any employment, office, trade, profession or vocation carried on for profit or gain |
| Sponsorship | Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992). Cont'd |

Box A Disclosable Pecuniary Interests cont'd

| | |
|---------------------|---|
| Contracts | Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority: (a) Under which goods or services are to be provided or works are to be executed; and (b) Which has not been fully discharged. |
| Land | Any beneficial interest in land which is within the area of the relevant authority. |
| Licences | Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer. |
| Corporate tenancies | Any tenancy where (to M's knowledge): (a) The landlord is the relevant authority; and (b) The tenant is a body in which the relevant person has a beneficial interest. |
| Securities | Any beneficial interest in securities of a body where: (a) That body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) Either: (i) The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) If the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class. |

For this purpose:

'the Act' means the Localism Act 2011;

'body in which the relevant person has a beneficial interest' means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

'director' includes a member of the committee of management of an industrial and provident society;

'land' excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

'M' means a member of the relevant authority;

'member' includes a co-opted member;

'relevant authority' means the authority of which M is a member;

Disclosable Pecuniary Interests

You have a disclosable pecuniary interest if a description of it appears in Box A above **and** either:

- i. it is an interest of yours; or
- ii. you know that it is an interest of a "relevant person", that is: your spouse or civil partner; a person with whom you are living as husband or wife; or a person with whom you are living as if you were civil partners.

When you have a disclosable pecuniary interest, you:

- i. Must make a verbal declaration of the existence and nature of any disclosable pecuniary interest at or before the consideration of that item of business or as soon as the interest becomes apparent.
- ii. Must not (unless you have obtained a dispensation from the SCDC Monitoring Officer, using the process specified by the MPC Standing Orders):
 - Participate (further) in any discussion of the matter; or
 - Remain in the room whilst the matter is debated or participate in any vote taken at the meeting.

If a member of the public who knows the relevant facts would reasonably think the personal interest is so significant that it is likely to prejudice the member's judgement of the public interest, then the Councillor should declare it and withdraw from the discussion. In other words: Ian Dewar CAPALC 2016

"If in doubt, get yourself out"

Non-Statutory Disclosable Interests

Box B Scope of 'interest'

An interest which relates to or is likely to affect any body:

- (a) Exercising functions of a public nature; or
- (b) Directed to charitable purposes; or
- (c) One of whose principal purposes includes the influence of public opinion or policy (including any political party or trades union) of which you are a member or in a position of control or management.

You have a 'non-statutory disclosable interest in an item of business of MPC where:

- i. It relates to or is likely to affect any of the interests listed in Box A but in respect of a member of your family (other than a 'relevant person') or a person with whom you have a close association; or
- ii. A decision in relation to that business might be regarded as affecting the well-being or financial standing of you or someone with whom you have a close

association to a greater extent than it would affect the majority of the inhabitants of the Parish of Melbourn; or

- iii. It relates or is likely to affect any of the interests in Box B and that interest is not a disclosable pecuniary interest.

If you attend a meeting at which any item of business is to be considered and you are aware that you have a non-statutory disclosable interest in that item, you must make verbal declaration of the existence and nature of that interest at or before consideration of that item, or as soon as the interest becomes apparent.

The Code of Conduct must be reviewed annually.

Chair:

Date

APPENDIX 3

**STANDING ORDERS (PARA. 80): CODE OF CONDUCT ON
COMPLAINTS**

Melbourn Parish Council – Members Handbook
Last Updated 26th January 2016

to be filled by co-option within 60 days. An absolute majority of those present and voting is required to choose a new Councillor. If a poll is claimed by 10 collectors a by-election is to be held up by poll. No poll can be claimed in the six months before the ordinary elections.

CODE OF CONDUCT ON COMPLAINTS

80. The Council shall deal with complaints of maladministration allegedly committed by the Council or any officer, member or employee in the manner recommended in Circular 2/88 re-issued by the National Association of Local Councils. Complaints will be dealt with in the following manner:-

1. Any complaint concerning any employee of the parish council will be investigated by the Chairman and the Vice-Chairman and reported to the full council and any agreed action taken. Any appeal of any agreed action will be taken to CAPALC for adjudication and to the Monitoring Officer of South Cambridgeshire District Council. Any suggested action will not invalidate any systems of appeal to relevant employment bodies or tribunals guaranteed by law.
2. Any complaint concerning an individual councillor will be investigated by the Chairman and Vice-Chairman and reported to the full council. Any agreed action will be referred to CAPALC for adjudication and to the Monitoring Officer of South Cambridgeshire District Council.
3. Any complaint against the Chairman, Vice-Chairman or Parish Clerk should be referred to CAPALC for adjudication and to the Monitoring Officer of South Cambridgeshire District Council.
4. Any complaint against the council as a whole should be referred to CAPALC for adjudication and to the Monitoring Officer of South Cambridgeshire District Council.

VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

81. Any or every part of the Standing Orders except those printed in **bold type** may be suspended by resolution in relation to any specific item of business.

82. A resolution permanently to add, vary, or revoke a Standing Order shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

STANDING ORDERS TO BE GIVEN TO MEMBERS

83. A copy of these Standing Orders shall be given to each member by the Clerk upon delivery to him of the member's declaration of acceptance of office.

END OF PART 2

APPENDIX 4

COMPLAINTS PROCEDURE: STAFF, SERVICE PROVIDERS, ADMINISTRATION AND PROCEDURES

Complaints Procedure: Council Staff, Service Providers, Administration and Procedures

Melbourn Parish Council provides services to the community. We try to get our service delivery right every time but there are occasions when users of our services may be dissatisfied with our performance. If that happens, the Council wants to put things right and ensure that mistakes do not recur in the future.

This document explains what to do if you are dissatisfied with an aspect of our administration, procedures or the actions of any of the Council's employees.

This procedure does not cover complaints about the conduct of a Member of Melbourn Parish Council.

If your complaint is about a Councillor, please follow the procedure described in 'Complaints Procedure: member of Melbourn Parish Council'.

If your complaint is about a **financial irregularity**, use the formal complaint route described below. If you are not satisfied with the answer you receive, ask the Clerk for details of the Council's External Auditor and raise your concerns with them.

If you wish to complain about a **minor matter or need for repair to property owned or operated** by the Parish Council, please contact the Parish Clerk. This type of complaint will normally be dealt with directly by the Clerk without any need for a response.

If your complaint concerns any **criminal activity**, it should be made directly to the police.

The best way to make a complaint is through the Parish Clerk.

You may complain to a Councillor but, under the legislation governing Parish Councillors, a Councillor has no authority to act as an individual and must refer the matter to the Clerk.

Informal Complaint

We hope that most complaints can be resolved quickly and amicably through this route.

Informal complaints can be made by telephone, e-mail or a visit to the Parish Office. The complaint will be handled by the Clerk.

If you feel that an informal complaint has not resolved the issue or if the initial complaint is serious, then the formal complaints process should be followed.

Formal Complaint

A formal complaint must be made in writing. To register a written complaint, please obtain and complete a copy of the Council's **complaint form** (Appendix A) and then return it to the

council's address by post or e-mail. This should be addressed as 'Confidential – Formal Complaint' unless the complaint concerns the Clerk.

If your complaint concerns the Clerk, it should be sealed and addressed to the Chair of the council and clearly marked "Council Chair - Private and Confidential".

If the complaint is not recorded on the form, you will be asked to do this. Receipt of the complaint will be acknowledged within 3 working days.

The Clerk will keep a log of formal complaints received by themselves and the Chair.

The Clerk will carry out an initial investigation into the complaint and will, within 10 working days, provide you with an update on progress or a suggested solution. If you are satisfied with the resolution, the complaint is closed. The Clerk will report to the Council a summary of the complaint and its resolution. This will be recorded in the minutes². If you do not wish your name to be included in the summary, please indicate this on the complaint form.

If your complaint concerns an employee of the Council, the complaint may be resolved or it may be treated as an internal disciplinary matter to be dealt with under the MPC Disciplinary Procedure.

If the Clerk is unable to resolve the complaint, or the complainant is not satisfied with the proposed resolution, then the matter will be referred to a meeting of the Parish Council's Review Panel.

The Review Panel is described in the Box overleaf.

Impact on Council staff or Service Provider

A formal complaint is a serious matter. A complaint against a member of the Council's staff could result in disciplinary action or, in cases of gross misconduct, dismissal from the Council's employment.

The Council will not under any circumstances enter into any correspondence or discussion with any complainant about any action taken, formally or informally, against any member of its staff or service provider. This is expressly to protect the employment rights to which all employees of the Council are entitled.

Anonymity

The Council will not consider, under any circumstances, informal or formal complaints which are submitted anonymously.

Review

This procedure must be renewed before 30 April 2018 or after use (whichever is sooner).

Chair:

Date:

² Certain types of Human Resource or other sensitive issues may under certain parts of legislation be exempt from publication.

THE REVIEW PANEL

The Review Panel is a properly formed committee of the Parish Council. There will be 5 members, none of whom will be members of the HR Panel. Three members will review a complaint. The Panel will consist of the Chair and Vice Chair of the Council and 3 other councillors²

Arrangements for minute taking will be reviewed when a meeting is called. It is expected that the Panel will meet within 7 working days of being notified by the Clerk. However, in the case of a complex complaint or the absence of a member of staff or service provider involved in the complaint, it may take longer.

Prior to the meeting

Seven clear working days before the Review Panel meets, the complainant will provide the Parish Council with copies of all documentation or other evidence they intend to introduce to the meeting. The Parish Council will do the same for the complainant.

At the meeting

1. The complainant can be accompanied by one other person
2. The Chair of the Panel will introduce everyone and explain the procedure. The meeting should be as informal and friendly as possible, without prejudicing the need to consider the complaint properly.
3. The complainant (or representative) will be invited to outline the grounds for complaint and panel members given the opportunity to ask questions.
4. If relevant, the Clerk will explain the Council's position and panel members can ask the Clerk questions.
5. The complainant will be given an opportunity to sum up their position.
6. In the case of a HR complaint the employee or service provider will be offered an opportunity to sum up their position.
7. The Clerk will be offered an opportunity to sum up their position or, in the case of a HR complaint, their investigation.
8. All except panel members will be asked to leave the room. Panel members will decide whether or not grounds for the complaint have been made. If there is a need for clarification, all parties should be invited back. All parties will return to hear the decision, or to be advised when the decision will be made.

² Members of the HR panel may be involved in disciplinary action as a result of the complaint.

APPENDIX A

MELBOURN PARISH COUNCIL COMPLAINT FORM (Note: You may have assistance when completing this form)

A. Your details

Please provide your name and contact details. Anonymous complaints will not be considered.

| | |
|---|--------|
| Title: | |
| First Name: | |
| Last Name: | |
| Address: | |
| Contact Telephone: | |
| Email Address: | |
| Signature: | |
| Date of Complaint: | |
| Did you have help completing this form: | Yes/No |

Your address and contact details will not usually be released unless this is necessary to deal with your complaint.

A copy of your complaint will be shared with any employee(s) or service providers about whom you are complaining.

If you have serious concerns about your name and a summary or details of your complaint being released, please complete **Section C** of this Form and discuss your reasons or concerns with the Council's Clerk or Chair.

B. Making your complaint

Please explain in the Box overleaf the nature of your complaint. If the allegation(s) made occurred more than 28 days ago, clearly explain why the complaint was not made at an earlier date.

You should provide any relevant background information or other relevant documentary evidence to support your complaint.

If you are complaining about more employees or service providers, you must name them. If you are complaining about more than one employee or service provider, you should clearly explain what each individual has done, with dates and witnesses to substantiate the alleged action.

It is important that you provide all the evidence you wish to have taken into account in order for the Clerk or Chair to decide whether to take any action on your complaint. For example:

- You should be specific, wherever possible, about exactly what you are alleging.

- You should provide the dates of any alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged incident and provide their names and contact details if possible.

Please provide the details of your complaint. Continue on a separate sheet if there is not enough space on this form

(Continue on separate sheet(s), as necessary)

C. Confidentiality of complainant and the complaint details

Only complete this next section if you are requesting that your identity is kept confidential

In the interests of fairness and natural justice, an employee or service providers who is complained about has a right to know who has made a complaint and the substance of the allegation(s) made against him/her. Your personal details or the details of your complaint are unlikely to be withheld unless there are justifiable grounds to do so, for example:

- you may be victimised or harassed by employee(s) or service providers against whom you are submitting a written complaint (or by a person associated with him/her) and there are reasonable grounds for this view; or
- you believe you may receive less favourable treatment from the Council because of the position of the employee(s) or service providers against whom you are submitting a written complaint in relation to any existing Council service provision or any tender you are submitting or contract you have with the Council.

Please note that requests for confidentiality or requests for the suppression of the personal or complaint details will not be granted automatically. The Review Panel will consider the request along with your complaint and the Clerk will contact you with the decision. If your request for confidentiality is not granted, usually you will be allowed the opportunity, if you so wish, of withdrawing your complaint.

However, it is important to understand that - in exceptional circumstances, where the matter complained of is serious - an investigation (or other action) may proceed and there may be no choice but to disclose your personal and complaint details, in view of the allegation(s) made, even if you have expressly asked us not to.

Please provide us with details of why you believe your name and/or the details of your complaint should be withheld:

Continue on separate sheet(s), as necessary)

APPENDIX 5

COMPLAINTS PROCEDURE: COUNCILLORS

MELBOURN PARISH COUNCIL
Complaints Procedure: Councillors

This procedure does not cover complaints about Council Staff, Administration and Procedures. Please use the policy: Complaints Procedure: Council Staff, Administration and Procedures.

If your complaint is about a **financial irregularity**, use the formal complaint route described in the other complaints procedure. If you are not satisfied with the answer you receive, ask the Clerk for details of the Council's External Auditor and raise your concerns with them.

If you wish to complain about a **minor matter or need for repair to property owned or operated** by the Parish Council, please contact the Parish Clerk. This type of complaint will normally be dealt with directly by the Clerk without any need for a response.

If your complaint concerns any criminal activity, it should be made directly to the police.

How to make the complaint is set out in Appendix A.

Your complaint should be sent directly to the Monitoring Officer at South Cambridgeshire District Council. **It must not be sent via or copied to the Melbourn Parish Clerk.**

The Monitoring Officer
South Cambridgeshire District Council
South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge
CB23 6EA
Tel: 01954 713027
Email: monitoring.officer@scambs.gov.uk

Review

This policy must be renewed before 30 April 2018.

Chair

Date:

APPENDIX A

COMPLAINT FORM

B. Your details

Please provide your name and contact details. Anonymous complaints will not be considered.

| | |
|--|--------|
| Title: | |
| First Name: | |
| Last Name: | |
| Address: | |
| Contact Telephone: | |
| Email Address: | |
| Signature: | |
| Date of Complaint: | |
| Did you have help completing this form | Yes/No |

Your address and contact details will not usually be released unless this is necessary to deal with your complaint.

A copy of your complaint will be shared with any Councillor(s) about whom you are complaining. If you have serious concerns about your name and a summary or details of your complaint being released, please complete **Section C** of this Form and discuss your reasons or concerns with the Monitoring Officer.

B. Making your complaint

Please explain in the Box overleaf the nature of your complaint. If the allegation(s) being made occurred more than 28 days ago, clearly explain why the complaint was not made at an earlier date during that period of time.

Please indicate whether you are:

- A member of the public
- An elected or co-opted Member of the Council
- A Member of Parliament
- A Monitoring Officer
- A Council employee, contractor or agent of the Council
- Other (please state)

You should provide any relevant background information or other relevant documentary evidence to support your complaint.

You must name the Councillor(s) you are complaining about. If you are complaining about more than one Councillor, you should clearly explain what each individual has done, with dates and witnesses to substantiate the alleged action.

It is important that you provide all the evidence you wish to have taken into account when it is decided whether to take any action on your complaint. For example:

- You should be specific, wherever possible, about exactly what you are alleging the Councillor said or did. For instance, instead of writing that the Councillor insulted you, you should state what it was he/she said or did to insult you.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information or other relevant documentary evidence to support your allegation(s).
- If the allegation(s) being made occurred more than 28 days ago clearly explain why the complaint was not made at an earlier date during that period of time.

Please provide the details of your complaint. Continue on a separate sheet if there is not enough space on this form

C. Confidentiality of complainant and the complaint details

Only complete this next section if you are requesting that your identity is kept confidential

In the interests of fairness and natural justice, a Councillor who is complained about has a right to know who has made a complaint and the substance of the allegation(s) made against him/her. Your personal details or the details of your complaint are unlikely to be withheld unless there are justifiable grounds to do so, for example:

- you may be victimised or harassed by the councillor(s) against whom you are submitting a written complaint (or by a person associated with him/her) and there are reasonable grounds for this view; or
- you believe you may receive less favourable treatment from the Council because of the position of the councillor(s) against whom you are submitting a written complaint in relation to any existing Council service provision or any tender you are submitting or contract you have with the Council.

Please note that requests for confidentiality or requests for the suppression of the personal or complaint details will not be granted automatically. The Monitoring Officer will consider the request along with your complaint and contact you with the decision. If your request for confidentiality is not granted, usually you will be allowed the opportunity, if you so wish, of withdrawing your complaint.

However, it is important to understand that - in exceptional circumstances, where the matter complained of is serious - an investigation (or other action) may proceed and there may be no choice but to disclose your personal and complaint details, in view of the allegation(s) made, even if you have expressly asked us not to.

Please provide us with details of why you believe your name and/or the details of your complaint should be withheld:

Continue on separate sheet(s), as necessary)

APPENDIX 6

NATIONAL ASSOCIATION OF LOCAL COUNCILS AWARDS

REQUIREMENTS FOR THE NATIONAL ASSOCIATION LOCAL COUNCIL AWARDS

| FOUNDATION | |
|-------------------------|---|
| Publishes online | |
| 1 | Its standing orders |
| 2 | financial regulations |
| 3 | Its Code of Conduct and a link to councillors' registers of interests |
| 4 | Its publication scheme |
| 5 | Its last annual return |
| 6 | Transparent information about council payments |
| 7 | A calendar of all meetings including the annual meeting of electors |
| 8 | Minutes for at least one year of full council meetings and (if relevant) all committee and sub-committee meetings |
| 9 | Current agendas |
| 10 | The budget and precept information for the current or next financial year |
| 11 | Its complaints procedure |
| 12 | Council contact details and councillor information in line with the Transparency Code |
| 13 | Its action plan for the current year |
| 14 | Evidence of consulting the community |
| 15 | Publicity advertising council activities |
| 16 | Evidence of participating in town and country planning - have the 199 homes work and Neighbourhood Plan |
| It has | |
| 1 | A risk management policy |
| 2 | A register of assets |
| 3 | Contracts for all members of staff |
| 4 | Up-to-date insurance policies that mitigate risks to public money |
| 5 | Disciplinary and grievance procedures |

- 6 A policy for training new staff and councillors
- 7 A record of all training undertaken by staff and councillors in the last year
- 8 A clerk who has achieved 12 CPD points in the last year

| QUALITY | |
|-------------------------|--|
| Publishes online | |
| 1 | Draft minutes of all council and committee meetings within four weeks of the last meeting |
| 2 | A Health and Safety policy |
| 3 | Its policy on equality |
| 4 | Councillor profiles |
| 5 | A community engagement policy involving two-way communication between council and community |
| 6 | A grant awarding policy |
| 7 | Evidence showing how electors contribute to the Annual Parish Meeting |
| 8 | An action plan and related budget responding to community engagement and setting out a timetable for action and review |
| 9 | Evidence of community engagement, council activities and the promotion of democratic processes in an annual report, online material and regular news bulletins |
| 10 | Evidence of helping the community plan for its future – Neighbourhood Plan |
| It has | |
| 1 | a scheme of delegation (where relevant) |
| 2 | addressed complaints received in the last year – doesn't say it has to be done well! |
| 3 | at least two-thirds of its councillors who stood for election (elected – opposed or unopposed) ie not co-opted 11/15 and only need 10/15 |
| 4 | a printed annual report that is distributed at locations across the community |
| 5 | a qualified clerk |
| 6 | a clerk (and deputy) employed according to nationally or locally agreed terms and conditions |
| 7 | a formal appraisal process for all staff |
| 8 | a training policy and record for all staff and councillors |

| QUALITY GOLD | |
|-------------------------|---|
| Publishes online | |
| 1 | A business plan covering a financial forecast for at least three years linked to revenue and capital plans for the council and its community |
| 2 | An annual report, online material and at least four news bulletins a year with evidence of <ul style="list-style-type: none"> a engaging with diverse groups in the community using a variety of methods b community engagement leading to positive outcomes for the community c At least four positive outcomes achieved for the community in the last six months and a broad range of council activities including innovative projects d co-operating constructively with other organisations |
| It has | |
| 1 | Ensures that the council delivers value for money |
| 2 | Meets its duties in relation to bio-diversity and crime & disorder |
| 3 | Provides leadership in planning for the future of the community |
| 4 | Manages the performance of the council as a corporate body |
| 5 | Manages the performance of each individual staff member to achieve its business plan |