

**Minutes of the Annual Parish Council Meeting held at St Andrew's Church, Tur Langton
25th June 2019 at 7.30 p.m.**

Present: Cllr T Bladon, Cllr P Officer, Cllr C Staveley

In attendance: Alison Gibson, Clerk

Action

1.	73/19 – Apologies for Absence - District Councillors Phil King and Simon Whelband, county Councillor Kevin Feltham	
2.	74/19 – Declarations of disclosable pecuniary interests and granting of dispensations Cllrs Bladon and Officer declared Disclosable Non Pecuniary Interest in Item 6 - Village Hall Renovation Project for the following reasons: Cllr Bladon – Trustee of Tur Langton Village Hall Committee Cllr Officer - Member of Tur Langton Village Hall Committee Both Councillors have been granted a dispensation to speak and vote on the matter to run to the next election	
3.	75/19 – To approve the minutes of the previous meeting held on 21st May 2019 Resolved that the Minutes of the Parish Council Meeting held on 21/5/19 be approved and adopted as a true record.	
4.	76/19 – Questions from members of the public – none present	
5.	77/19 – Review of Standing Orders It was resolved to update Standing Order 18d to make it clearer that it relates to contracts with value greater than £25,000 to read as follows (<i>alteration shown in italics</i>): Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works with the <i>value greater than £25,000</i> shall include, as a minimum, the following steps:	
6.	78/19 – Village Hall Renovation Project A letter has been received from John Hartley and Associates, Chartered Surveyors, (agents for Merton College) asking for evidence to check whether the legal and statutory obligations defined in the lease are being met. Cllr Bladon will prepare a response on behalf to the Village Hall Management Committee in her capacity as Trustee. The clerk circulated a report (Appendix 1) relating to items 6.1 to 6.3 below 6.1 Update on Borrowing Approval Application - an electronic copy of the application for approval to borrow £55,000 has been submitted to LRALC and hard copies are to be forwarded. 6.2 To discuss and agree how the whole renovation project will be managed - At the meeting on 21/5/19 it was resolved that the council will manage the work associated with the loan (if the loan is received) in order to be able to claim back the VAT and to make the decision on the management of the remainder of the project at a future meeting. The council considered the VAT advice at Part 2 of the report at Appendix 1 in relation to the project. It was resolved that the Parish Council expand the area of responsibility to include managing all of the main construction work associated with the renovation project, subject to receiving the loan and grants to pay for the work. This construction work	Cllr Bladon

is to be classed as Phase 1 of the whole Village Hall renovation project.

The Parish Council will therefore manage the following work associated with the loan, as previously agreed (if successful in securing the loan)

- Roof
- Windows
- Electrical Work

If the application for the loan is successful the Parish Council will apply for grants and if successful will manage the work associated with the following:

- Floor
- Plumbing
- Fit out
- Kitchen fit out (using units previously donated)
- Internal and External decoration

Should the application for the loan fail the future of the whole project will be reviewed.

The Council's role in the management of the project is set out in Appendix 2 below. Note the position regarding insurance is still being investigated (see below) and may be added to the list at a later date.

Insurance – the clerk has contacted the council's insurer (Zurich) to establish the position regarding the insurance of the part of the project managed by the council. Their advice is that the council would need to ask the contractors to check their own insurance cover to see whether it includes a clause that requires the inception of "Works in Progress" cover. If there is no clause present the work may proceed. Zurich can only provide "Works in Progress" cover if the building is directly insured by them. As the building is insured with a different provider by the Village Hall Committee, Zurich advise checking this insurance and recommend seeking legal advice to ensure the council is legally correct (this can be accessed free of charge as a Zurich customer). With regard to a volunteer working party, provided they only undertake low risk maintenance activities and nothing which requires certification or professional qualifications this would be covered by the Public Liability cover already held by the council.

Action – Cllr Bladon will check with the Village Hall insurers. Once their advice has been received the clerk will seek legal advice as recommended above

Cllr
Bladon
/ clerk

6.3 To discuss and agree Terms of Reference for Advisory Committee – it was agreed at the meeting on 21/5/19 to appoint an Advisory Committee to support the Parish Council in managing the project (Local Government Act 1972 section 102 (1)), to include members who are not councillors (Local Government Act 1972 section 102 (3)). This will be a Task and Finish Group for the period of the renovation project and include members of the Village Hall Committee as non-councillor members. Councillors considered section 3 in the report at Appendix 1, which refers to the council's Standing Orders relevant to appointing a committee.

It was resolved to adopt Terms of Reference for the advisory committee as shown in Appendix 3. The committee will be known as the Village Hall Renovation Project Advisory Committee

It was resolved to appoint the following members:

Councillor members

- Cllr Tessa Bladon
- Cllr Paul Officer
- Cllr Clare Stavely

	<p>Non Councillor Members</p> <ul style="list-style-type: none"> • Jan Haynes • Amanda Phillipson <p>The Project Manager will be appointed once the loan is approved.</p> <p>6.4 Project Financial Management Strategy – Contracts are not expected to exceed £25,000 and so are likely to be awarded in line with Financial Regulation (FR) 11.1h). On behalf of the Advisory Committee, the Project Manager will prepare a schedule of quotes or estimates for each package of work requiring approval. The Parish Council will then consider these at a full Parish Council meeting in line with Section 11 of the council’s Financial Regulations and resolve which quotation to accept. The Project Manager will also prepare a draft official order letter for approval at the Parish Council meeting, detailing the scope of works within the package, to be issued to the successful contractor by the RFO. This is reflected in the Terms of Reference for the Advisory Committee point 13. Payment of invoices will be approved at a full Parish Council meeting on receipt of a report from the Advisory Committee that the work has been completed satisfactorily and inspection by the Parish Council (FR 5.3). FR 11.1 iv states that “work to be executed or goods or materials to be supplied which would constitute an extension of an existing contract to the council” does not need to comply with the requirements set out in section 11 of the Financial Regulations and will be relevant in the case of any additional works or variations to existing contracts.</p> <p>6.5 To discuss CDM (Construction Safety) Obligations – obligations under CDM are being reviewed.</p>	
<p>7.</p>	<p>79/19 – Finance 2019/20 year</p> <p>7.1 To approve for payment</p> <p style="padding-left: 40px;">7.1.1 Leicestershire Gardens for grass cutting 3rd and 26th May 2019, £140.00 – resolved approved</p> <p style="padding-left: 40px;">7.1.2 The Society of Local Council Clerk’s membership subscription fee - £106.00 resolved approved (note 50% of this will be reimbursed by East Langton PC)</p>	
<p>8.</p>	<p>80/19 - To confirm the date of the next meeting and items for the next agenda – it was agreed to change the next meeting date from 9/7/19 to 30/7/19.</p> <p>Items for the next agenda to include</p> <ul style="list-style-type: none"> • Review of Aims and Objectives • Review of Community Response Plan (Emergency Plan) • Storage of archive material at Records Office • Speeding • Review of Financial Regulations and Expenses polices in relation to petty cash • Review of Grievance and Disciplinary Policies 	

Agenda item 6 – Village Hall renovation project – Report to Parish Council meeting 25/6/19

1. Background

It has been established that the Parish Council can take out a loan and make a grant of that amount to the Village Hall Charity. However to be able to claim the VAT back the Parish Council needs to manage the project and follow the requirements outlined in (2) below. The Parish Council is looking to take out a loan for £55,000 to cover the following work:

- Roof
- Windows
- Electrical Work

At the meeting on 21/5/19 it was resolved that the work relating to the loan will be organised by the Parish Council.

The remaining work is to be covered through claiming grants:

- Floor
- Plumbing
- Fitout
- Kitchen fitout - (using Great Bowden units)
- Internal and external decoration

At this meeting (25/6/19) the Parish Council is to consider whether to manage and fund the whole project to be able to reclaim VAT or whether the Village Hall Committee fund and manage any of the project.

2. VAT

LTN 21 discusses whether a parish council can reclaim VAT on work done on a Village Hall:

“A local council which purchases equipment or building materials or pays for building work for a village hall may reclaim VAT under Section 33 of the Value Added Tax Act 1994, provided that all the following conditions are met:

- a) The goods and services are ordered by and supplied to the council in its own name (with the VAT invoice made out in the name of the council*
- b) The goods and services are paid for out of the council’s own funds or those of another local authority or central government*
- c) The council gives or loans the goods or services to the Village Hall Committee and does not recover any of its costs from the Village Hall Committee or from a private individual or another voluntary body that obtains any direct benefit from the use of those goods or services.*
- d) Where a project is part funded by the village hall, the council contracts to carry out a specified part of the work or to purchase specified materials **before** the project commences.”*

The Parish Council also obtained VAT advice from Steve Parkinson via LRALC summarised below:

- Reiterates guidance in LTN21 (above) (HMRC Notice 749 section 6.1)
- For VAT purposes the council’s position as Custodian Trustee has no significance
- If TLPC receives funding from the Village Hall Committee (including through fundraising) to go towards the repayment of the loan or any of the costs of refurbishments it cannot be classed as making a gift, it would be seen as receiving payment for the work carried out and the council would be required to register for VAT and charge VAT to the Village Hall Committee (HMRC VAT Notice section 10.4). However TLPC could do its own fundraising.
- If the Village Hall Committee received donations towards the work to the Village Hall and receives gift aid on these donations the situation remains as above and if transferred to TLPC it would be seen as receiving payment for the work carried out. However there may be a slight advantage as

the increase in value of the donation would be 25% from gift aid compared to 20% VAT that could be claimed back by TLPC

3. Advisory Committee

At the meeting on 21/5/19 it was agreed that an advisory committee will be set up to advise the Parish Council on the renovation project with the Terms of Reference to be agreed at meeting 25/6/19.

Local Government Act 1972 section 102 (1) provides that a local authority may appoint a committee. Section 102(3) provides that a committee can include persons who are not members of the appointing authority. Section (4) provides that a local council can appoint a committee to advise the appointing authority. Non councillor members of an advisory committee can have voting rights (Sections 13(3), (4)(e) or (4)(h) of the Local Government Housing Act 1989).

NALC Legal Topic Note 7 advises that “in practice and dependant on their Terms of Reference, advisory committees are usually comprised of both councillors and those who are not members of the council. Councils often refer to advisory committees as working parties / groups / panels.”

The Good Councillor’s Guide page 33 advises that “working parties or task and finish groups are occasionally set up for a short term purpose. They are not subject to the strict rules that apply to formal council meetings and do not need to be held in public. A working party cannot make a decision on behalf of the council, but they can explore options and present these to the council for a decision”

TLPC Standing Orders - 4(d) allows the council to appoint a committee. 4(b) enables a council to include non-councillors. 4(c) says that all members of an advisory committee can be non-councillors. 4(d) includes the following requirements for setting up a committee:

That the council:

- Shall determine the Terms of Reference
- Shall determine the number and times of ordinary meetings up to the next annual meeting of the council
- Shall appoint and determine the Terms of Office of the members of the committee
- As the committee is not a Standing Committee the council can permit the committee to appoint its own chair at the first meeting of the committee
- Shall determine the place, notice requirements and quorum (which shall be no less than three)
- Shall determine if the public shall participate at a meeting of the committee
- May dissolve the committee

In relation to the Village Hall Renovation Project the Parish Council will:

1. Manage all parts of Phase 1 of the renovation project (the main construction work)
2. Appoint an advisory committee, to include members of the Village Hall Committee to make recommendations upon which the council can make its decisions.
3. Appoint a Project Manager from the membership of the Advisory Committee
4. Apply for a loan and grants to cover the work in Phase 1
5. Approve contracts and issue formal order letters (through the RFO), ensuring that goods and services are supplied to the council in its own name with VAT invoices made out to the council and that all contracts are in line with the council's Standing Orders and Financial Regulations
6. Monitor the work as it progresses, receiving reports from the Project Manager on behalf of the Advisory Committee.
7. Pay for the goods and services from its own funds. Payment will only be made on receipt of a satisfactory report on the completion of the package of work from the Project Manager on behalf of the Advisory Committee. The Parish Council will also undertake its own inspections. (Financial Regulation 5.3)
8. Reclaim VAT
9. Ensure compliance with CDM Regulations

Agenda item 6.3 – Terms of Reference for Village Hall Advisory Committee

1. Committee name – Village Hall Renovation Project Advisory Committee
2. The committee was appointed at the meeting of Tur Langton Parish Council on 25/6/19.
3. The committee is a “Task and Finish Group” set up for the duration of the Village Hall renovation project and will be dissolved once the project is completed. Subject to that set out in 4 below the committee shall make recommendations to the Parish Council, with such frequency as is considered appropriate, upon which the council can base decisions. Advisory committees cannot make decisions on behalf of the Parish Council.
4. Responsibilities and areas of operation:
 - To advise the Parish Council on all aspects of the renovation project for the Village Hall based on the Business Plan which has already been drawn up.
 - To advise and make recommendations on any variations to the business plan
 - To liaise with potential contractors to obtain quotations for the work to be done, noting that this must be in line with the Council’s Financial Regulations
 - To forward quotations to the Parish Council with recommendations for consideration.
 - Applying for grants to cover the work – to make recommendations to the Parish Council on potential grants to cover the costs of the work. To provide supporting information for completions of loan applications.
 - To monitor the work as it progresses, reporting to the Parish Council. Report in writing to the Parish Council when a package of work has been completed satisfactorily
 - To support any fundraising efforts organised by the Parish Council
 - To check contractor’s insurance
5. Members to be appointed by the Parish Council. Membership to comprise at least two Parish Councillors and at least two non-councillors who are members of the Village Hall Committee. Non-councillor members must not be disqualified pursuant to Section 104 of the Local Government Act 1972
6. Members’ term of office runs until the project is complete or until the Annual Parish Council meeting. The Parish Council will appoint members at the Annual Parish Council meeting. Members can be co-opted onto the committee during the year by the Parish Council on the recommendation of the committee.
7. The committee will elect a chair at its first meeting, whose term of office will run to the next Annual Parish Council meeting, with the committee appointing a chair each year at its first meeting following the Annual Parish Council meeting.
8. As an advisory committee all members, including non-councillor members, have voting rights. Rules on voting are set out in the Council’s Standing Orders.
9. The Committee shall, at all times, be subject to the Parish Council’s policies, in particular Standing Orders, Financial Regulations, Data Protection and Health and Safety Policies. Parish Councillors shall be subject to the Code of Conduct.
10. The quorum for the committee shall be three members, one of whom must be a Parish Councillor
11. The committee will meet as it sees fit and will convene its own meetings. Meetings to take place at Tur Langton Village Hall. As an advisory committee public notice of meetings or public admission to meetings is not required.
12. As an advisory committee full minutes or meetings are not required. The chair of the committee will report to Parish Council meetings. The Committee is to provide written reports of recommendations, which may be published on the Parish Council website. (see also 13 below)
13. The Project Manager will prepare for the Parish Council a schedule of quotes or estimates for each package of work requiring consideration and approval at a Parish Council meeting along with a draft official order letter for approval at the meeting, including detailed scope of works within that package, for issue to the successful contractor(s). The schedule will form part of the chairman’s report (point 12 above). Estimates / quotations may be published on the parish council website.
14. For recommendation / quotations to be considered at a Parish Council meeting they must be received by the clerk more than five working days before the date of the meeting.