

Internal Reviewer's Reponses - Committees _____	2
Internal Reviewer's Reponses - Employment _____	11
Internal Reviewer's Reponses - Fayre & Feast _____	16
Internal Reviewer's Reponses - FOI Clerk's Salary _____	19
Internal Reviewer's Reponses - Market Cross _____	23
Internal Reviewer's Reponses - Other Capital Costs _____	31
Internal Reviewer's Reponses - Public Toilets _____	35

Metheringham Parish Council
The Internal Reviewers Response to Members Questions

I c)

METHERINGHAM PARISH COUNCIL COMMITTEES

While examining the Parish Council's administration documents both at the Parish Office and Online, together with the policies and procedures, I consider it appropriate to make comment on the committee structures with recommendations of how to make changes in the future.

ENVIRONMENT COMMITTEE

Over the last three years the Environment Committee (EC) had been instructed by Full Council to procure contractors for undertaking the following projects;

- *Repairing Village C14 Market Cross*
- *Renovation of Fen Road Public Toilets*
- *Replacement of gas hot water boiler at the Pavilion*

Which documents pertain to the substantiation of the third item here?

The requester asked for information relating to the procurement of all capital projects, this was not a repair but a replacement item to a higher specification and therefore fell within the remit.

Although the Environment Committee Members may have carried out their work with good intention, I have ascertained that on at least four separate occasions they brought only single quotations/estimates to Full Council with recommendations for approval. This was in blatant disregard of both the Parish Council's Standing Orders (SO) and Financial Regulations (FR). Whilst understanding that Full Council should not have accepted these recommendations they should, nevertheless, have requested the EC to obtain further quotations or estimates in accordance with the SO and FR for consideration at a subsequent meeting. In any event the Proper Officer (PO) should have advised Full Council accordingly and if disregarded, it would be minuted. I have been unable to trace any such minutes.

What are the four occasions the reviewers refers to specifically? Which documentation demonstrates that actions taken were in "blatant disregard" of SOs and FRs?

- *After many hours of searching the Council's computer systems. there is no email traffic or documentation (just lack of it) found from any other contractors relating to like for like quotations or estimates relating to the following projects (the SO and FR's are specific relating to the procurement of these types of works):*
- *The Market Cross*
- *The Public Toilets*
- *The Pavilion boiler/water heater replacement*

- *The Carpark near the Village Hall (not undertaken)*

From discussions with the Temporary Clerk (TC) there appears to have been a misguided view amongst Council Members that for projects under the value of £25,000 it was not necessary to strictly follow the SO or FR. The responsibility of all Parish Council Members, including the Environment and other Committees, is to ensure that the procurement of works is carried out correctly and in strict compliance with the Parish Council's adopted regulations based on the Local Government Act 1972 and subsequent legislation.

Can the reviewer explain why this section is included in the IR and which council members does this refer to specifically? I

In the Extraordinary Meeting 20th November 2024, the TC informed me he was questioned repeatedly by Members, specifically Cllr Rob Castle they argued that the SO said - below the sum of £25,000 a Council can do as it likes regarding procurement and that related to both district and county councils too. Mobile phones were withdrawn to prove the point, the TC in a hurry to get into the office to retrieve the Financial Regulations caught his foot around the chair leg and fell down. Once up he brought the document into the chamber and showed where the SO refers to the FR to all procurement below the £25,000 tender process, even down to below £500.00.

It is noted that accounts for the repairs to the Village Market Cross were recommended for payment even though they were 13% over and above the accepted quotations. Although the work may have been necessary, paragraph 10.3 of the Financial Regulations requires that any increases in excess of 5% should be quantified, substantiated and justified along with who authorised the work to be carried out before any payments are made.

Can the reviewer explain why this is attributable to the Environment Committee rather than Full Council?

It is attributable to both; the EC had been the prime mover for this project so it reasonable to assume they had most of the responsibility toward the increase in the contract sum. Full Council has the ultimate responsibility, but often resolve committee recommendations. What is worrying is that the extra £2,000.00 of works carried out were not itemised or quantified nor even written down. The final invoice should have been questioned before payment or if it was, it should have been recorded within the minutes.

Furthermore, the Proper Officer was instructed by the EC Chair to settle the account in full for the Pavilion replacement boiler via a personal email which was also copied to the Parish Council chair.

Can the reviewer provide a copy of that email?

I have seen the email and the relevant Members should have a copy in their inbox. That this document will be in the public domain I cannot display Members private email addresses

I am also very concerned over the failure to make enquiries for obtaining grant aid towards financing almost £40,000 of the Parish Council's capital works when so much funding was and still is available. Having inspected almost 1,000 of the

Council's emails only the following relate to grant aid;

- 1. From North Kesteven District Council advising of available grants.*
- 2. From the Proper Officer (KS) to the Chair stating they were too busy to look into it and that the Chair would organise it.*
- 3. The Chair forwarded the email to Members requesting someone deal with*

Looking at the last three years budgets, and the massive capital spending programme that allocated the Council's reserves prepared by the Proper Officer (AD) amounting to a large six figure sum, the availability of up to 90% grant aid funding was again not mentioned.

A fully experienced PO should be aware of grant aid availability to be able to advise Council Members accordingly.

Why is the attributable to the Environment Committee rather than Full Council? Also why is this directly relevant to the parameters of the FOI requests?

It would appear to the general public when reading councils agenda's and minute's that the Environment Committee 'owned' the responsibility of addressing most (if not all) capital projects in their initial stages and during the progression of the works. I have not addressed Full Council specifically, as it is obvious that all of the final decisions are their responsibility. When a requestor specifies 'all capital projects' it is therefore reasonable to assess they include how these said projects were funded that is why this very relevant issue was included. Please note: I lay the responsibility of grant availability with the Proper Officer to advise Members accordingly.

EVENTS COMMITTEE

Originally the Parish Council's Events Committee was a working group until it would appear in 2021/2022 when Councillor Holmes (Chair) decided to change it to a Council Committee with delegated powers in its terms of reference. However, the Standing Orders and Financial Regulations were not amended to accommodate this change. Having non-members in its formation, the delegation of spending to a budget is in contradiction with the Local Government Act 1972 and subsequent legislation along with the Parish Council's policies. This matter has been raised by the internal auditor in the last two years audits and the inadequacies have still not been addressed.

*As mentioned in my Fayre and Feast FOIA review, there appears to be a WhatsApp group which supports this Committee. I have had opportunity to look at some of the **WhatsApp traffic on the social media site and found quite***

a lot of inappropriate language which should not appear on a forum where members of the public may have free and unrestrictive access. Referring to a number of the WhatsApp messages I am of the opinion that the writers are Bullying and Harassing other Council Members and the Clerk and may have been in contradiction with the Parish Council's adopted Dignity at Work/Bullying and Harassment Policy.

When the reviewer states he has access to "some" messages, what specifically were those messages? Why does he believe they were bullying in nature or feature inappropriate language? Who did he request these messages from?

The TC has many of these messages on his computer system with many relating to the Fayre and Feast, the TC and the Chairman have been open and transparent during my time undertaking this review and have showed me 1,000's of different items going back approximately 3 years. The TC has now informed me according to the Social Media Policy that he should be administering all of the council's social media platforms (which was not known to him or me when I wrote this report). Some of the Events Committee WhatsApp group messages are not in my opinion what you would expect from individuals involved in public service (see the Seven Nolan Principles). I may be old fashioned, but everyone should be treated with respect, even if they don't come up to your expectations, after all you are all giving your time for the public's benefit. There are procedures in place to make complaints via the Code of Conduct, not make criticisms in the public arena, you should appear unified in public. With regard to bullying, it is not for me to assess, but as previously said, being criticised in public could be construed as bullying and, in this day, and age if you feel you are being bullied, you are being bullied and I am afraid we are not allowed to challenge anyone as that is a genuine grievance which may be reported. This part of my review is all related to the Fayre and Feast FOIA, as I believe it is relevant to the animosity surrounding the event as demonstrated in the FOIA. When I spoke to the ICO officer on the telephone she said I could be as wide ranging as I wished as far as it in some way was connected to the subject matter. Surely it is in the council's interest to expose as much of its 'dirty washing' as possible and address it so it can make a new start in the next council year of 2025/26.

I note that Councillor Redpath accepted a new committee member onto the Events Committee through the WhatsApp group without reference to the adopted Council Policies or Procedures.

Which Council policies and procedures would prevent a member of the 'Metheringham Events' WhatsApp group adding a new member?

The Message read that Cllr Catherine Redpath was recruiting a new member to the Events Committee. That is the council's responsibility. With regard to asking someone to join a WhatsApp group please consult the Social Media Policy

Also of concern is that Councillor Redpath stated the Events Committee should proceed on their own to prevent the Chair (KP) and the Parish Council's protracted requirements in an attempt to ignore the adopted Policies and Procedures.

Which document or documents contain this statement?

The email addressed to the TC from Cllr Catherine Redpath stated some of the existing Events Committee would resign if the Chairman remained in post as Chairman of that said committee.

With reference to an email dated Tuesday 24 September 2024, Councillor Worthington did not comply with the Council's adopted Standing Orders and Financial Regulations in so far as agreeing to different payment terms for the Fayre and Feast and without proper authority.

Can the reviewer explain why this statement is included twice in the IR?

It may be relevant where it is written twice.

With regard to the Digby Military Wives Choir participation at the 2024 Fayre and Feast, it is noted that arrangements were carried out through Councillor Redpath and that the subsequent invoice only paid the Conductor with no donation made to the choir members for their services.

Why is this relevant when other acts were also booked by individual councillors who are not named in this IR.

There were no similar issues with other acts. However, a note on this invoice stated that this sum was for just the Conductor and the choir had not actually been paid anything, that they are a charitable organisation a separate donation is usually given.

It is noted that the band and sound system was provided by Naughty Step with their lead singer and his partner on the Fayre and Feast Events Committee. Although the total cost amounted to £950.00, no other quotations were reviewed or obtained.

Which documentation supports the statement that no other quotations were obtained or reviewed?

I could not find any reference to any other bands or artistes being approached either in the Full Council minutes or what Events Committee minutes I was shown.

The Fayre & Feast market traders were all contacted by one Councillor through their own personal or work email address in contradiction of the Parish Council's adopted E-mail Policy.

Does the reviewer know the reasons behind this and if so, why does he feel these reasons were not relevant?

Email traffic relating to all Council business should be made through Members.gov.uk accounts on their mobile telephone, tablets or computers and copied to the Proper Officer account. If this discipline had been followed over the last three years this review would have taken a lot less time

This information was not issued to other Council Members and the Clerk until

only one hour before the event was officially opened.

Does the reviewer know the reasons behind this and if so, why does he feel these reasons were not relevant?

*An email containing the final details was received at 11:09am on Saturday 19 October 2024 by the Chairman from Ms S**** L****.*

FINANCE AND STAFFING COMMITTEE

The Staffing Committee has appeared to have carried out everything it was required to do under both Council policy and Government legislation during this financial year. However, in previous years the Staffing Committee, in my opinion, have not fully explored its options thoroughly or considered the cost implications when making their recommendations for consideration by Full Council.

have inspected the last three years accounts with the Temporary Clerk (TC) including the current financial year and discovered many inaccuracies, anomalies and unresolved accounting mistakes. It is not possible to cover them all in this review, but the following are typical examples;

- 1. The accounts do not appear to separate Section 137 (4.a) expenditure (all expenditure spent not within the statutory powers of the Council) which the legislation requires. This expenditure should not exceed the yearly multiplier which is set by Central Government and this year it is £10.81 times the population of the parish. This sum should be fully demonstrated in the published accounts.*
- 2. The Community Infrastructure Levy (CIL) is paid to parish councils at a rate of 15% of the full CIL received from developers when building houses and commercial properties within a parish. The Parish Council has been eligible to receiving CIL monies since 2019/2020, but just one return was submitted to North Kesteven District Council (NKDC) and only £125,94 allocated. NKDC requested the Parish Council to submit returns of how this revenue had been spent and at least six reminders per year were sent by them until the TC reconciled and submitted a return. Subsequently, the Parish Council received a total payment of £21,173.08 of CIL. All of this money was allocated as income and possibly the reason why the accounts showed £47,242.00 worth of income for that year. The concern is that these figures had been submitted as income in the Parish Council's AGAR returns to Panel Kerr Foster Littlejohn LLP. The TC has recently allocated £10,000.00 on accounts monies spent on the Public Toilets with an additional £4,069.00 for the replacement Pavilion boiler to the CIL monies and has now submitted this return to NKDC.*

The Library income of between £,4000 and £5,000 received from the Lincolnshire County Council appears to have been deposited into a separate bank account and

never shown as income in the AGAR returns. Irrespective of the source, all income should be totalled and filed in the AGAR returns.

It is understood the Parish Council have decided to employ a locum/temporary RFO which should help resolve the accounts going forward. However, it is doubtful whether the appointment will be able to reconcile all the financial irregularities over the last few years. The Parish Council may have to employ an accountancy firm or practice conversant with local authority accounting methods in order to fully audit the previous year's accounts. The Internal Audit carried out by the Lincolnshire Association of Local Councils (LALC) and others is not a full financial audit, but only an audit of council procedures and competencies.

CONCLUSION

I would recommend the Parish Council should have a Planning Committee or working group who are given opportunity as a Statutory Consultee to make comment on all planning applications within the parish, whether to North Kesteven District Council, Lincolnshire County Council or Government National Infrastructure Projects (NSIP's). This is a fundamental responsibility in representing the parish with considered opinions on all planning matters. However, it is noted that until the appointment of the Temporary Clerk in September 2024 only one response to such applications was made by the Parish Council over the previous three years.

The Parish Council should ensure a strict regime is followed regarding all administration procedures including procurement of all future capital projects. They should also consider amalgamating the Environment Committee with a Planning Committee since many of their respective responsibilities are closely interlinked. I also consider they should meet on a regular basis.

I recommend that the Events Committee returns to being a working group conforming with the Parish Council's Standing Orders, Financial Regulations along with Local Government legislation. To also be reformed in line with the structured document prepared by former Councillor N E Byatt on one event I have viewed at the Parish Council Office which addressed the original working group.

Furthermore, the WhatsApp group should only be used for conveying information that is or will be in the public domain. The WhatsApp group should be administered by the Clerk at all times in accordance with the adopted Press and Media policy.

Since the current WhatsApp site is unacceptable I would recommend closing it down and a full copy record should be held by the Clerk for future reference.

I advocate that when making decisions or recommendations on any given instructions, the Finance and Staffing Committee should research all available options, including costs, and report back to Full Council accordingly. This should all be undertaken in accordance with the Parish Council's Standing Orders, Financial Regulations and Local Government legislation.

The last two years internal audit reports were conducted by two different auditors engaged by the Lincolnshire Association of Local Councils (LALC). The internal auditors expressed concerns on several occasions and raised numerous matters relating to the administration of the Parish Council outlined in the internal review. Therefore, it is recommended that all of these issues are addressed and resolved prior to the next inspection by the internal auditor.

VAT:

No Parish Council (PC) should employ a non-VAT registered contractor where they are supplying embedded materials as well as labour in a contract. To explain, it would be financially irresponsible to do so as in their invoice total sum there will be materials embedded where you will not be able claim back the VAT. To give examples: take the Market Cross, J Burrows states in his original quotation he had allowed 14 working days to complete the works, we assume a mason's usual rate of £300 per day = £4,200. Including the £2,000 of extra work that makes a total £18,245, lets round it up to £5,000 for the labour element, that leaves £13,245 of materials and plant hire which are VAT inclusive expenditure which equates to a sum of £2,207.42 of embedded VAT in the £13,245 sum which the Council cannot reclaim.

With regard to the Public Toilet (PT) refurbishment we can assume the materials relating to the internal works would be approximately 70% (using Spon's architects' and builders' price book 2025 ratio) of the total sum of is £11,564 = £8,095 net of VAT which equates to a sum of £1,349 of embedded VAT in the £11,564 total

With regard to the PT roof replacement, the role of thumb for superstructure works (as mentioned above) is 50% materials including plant and 50% labours, the invoice total was £4,200 x 50% = £2,100 with £350 of embedded VAT in the £4,200 total.

*That is a total of **£3,906.42** of embedded VAT the PC cannot reclaim just in those two projects. Thankfully the Contractor who replaced the Pavilion boiler was VAT registered. Also, the contract for the playing field hardstanding has not been awarded and can be restructured. The Village Hall carpark, the TC is hopeful it will be carried out using the LCC Highway Volunteers scheme who supply the labours and plant FOC and we will purchase the materials and claim the VAT back in the usual way*

To correct this PC when using non-registered traders should always buy the materials, plant and access equipment direct from a trader/merchant and claim the VAT back using VAT Form 126 (see below from www.sandrasilk.co.uk) and use the contractor as a Domestic Labour Only Sub-Contractor, with the PC being the Employer in the terms of a JCT contract.

From www.sandrasilk.co.uk) If you pay someone to do work for you and they charge you for their labour plus materials or plus their expenses, if they are not VAT registered you cannot claim back the VAT even if they provide you with a VAT invoice or receipt from their supplier to support the recharge.

Michael Credland BEM

14 March 2025

Metheringham Parish Council

The Internal Reviewers Response to Members Questions

l e)

**EMPLOYMENT OF DIRECTLY EMPLOYED STAFF AND
OTHERS**

Administration Staffing

I have looked at the Parish Council's proposed recruitment program for administration staff and it looks as if some research has been carried out identifying the staffing needs. The separation of roles between the Clerk/Proper Officer and the Responsible Financial Officer (RFO Section 151) in a Parish Council the size of Metheringham is, in my opinion, essential. These are two different skill sets and it is not often an applicant can be found who is excellent in both roles. Reducing the Proper Officer's role to 16 hours per week and employing an Administration Assistant at 16 hours plus 2 hours as a Hub support person also makes sense. This will reduce the risk of being without a Proper Officer or RFO for any length of time.

It is far too onerous to expect a parish the size of Metheringham to take on the role of Acting Clerk when the Proper Officer either leaves, falls sick or is dismissed. The workload is far too great and over the last three years the Parish Council have twice found themselves in this position. Consequently, the Parish Council has not been run as efficiently as it should have been during this period and also afterwards.

I note this staffing combination was recommended to the Parish Council in November 2022 by the Monitoring Officer of North Kesteven District Council (NKDC) and the CEO of the Lincolnshire Association of Local Councils (LALC). In hindsight this would have been a far better route to have taken.

Who did the MO and LALC pass on this recommendation to, and did you find any evidence that this was discussed by Full council?

Emails from Marcella Heath (NKDC Democratic Services Ass' Director) & Andrew Everard Dep' CEO LALC

This meeting took place in late 2022 and was convened in the Church Hall with both Members and members of the public present, it discussed all the of problems and issues which Metherringham Parish Council had had during the employment of the previous Clerk and shortly afterwards. That it was not considered worthy of putting on an agenda open (no agendas recorded after July 2022 until 2023 albeit brief minutes were) or minutes speaks volumes. I do not propose to fill this response with lots of emails, that I say I have viewed them and paraphrases it in report form should be sufficient (which will be lodged in the public domain),

Going forward, I am quite happy with the Parish Council's proposals for the procurement of administration staff.

Handy Person and Litterpicker

I find it difficult to understand how the Parish Council assess your Handy Person role and workloads. It appears that approval has been given for employing another Handy Person for 10 hours per week without undertaking any research into what the role entails and the skills required. Also, programs of planned and cyclical maintenance which has to be undertaken and analysis of reactive maintenance (firefighting). None of these disciplines appear to have been considered.

Could the reviewer confirm whether he examined any Staffing Committee minutes regarding the appointment of a second Handyperson and if so, what led them to recommend that the role was required?

I can find no evidence that this exercise was undertaken, as these discussions were all debated in closed session and only the resolution is published. I am not at liberty to request the confidential notes taken in closed session, indeed if any were kept at all. In today's fast-paced and competitive work environment, understanding and effectively managing workloads is crucial for organizations to thrive. However, measuring and assessing workloads can be a complex and multifaceted task; various methods and techniques may be used to measure workloads, providing valuable insight for the Council looking to optimize productivity and ensure a healthy work-life balance for their team. Before any more employees are engaged a full work load assessment of the existing workload both administratively and practically to fully assess and evaluate any shortfall of operations not being carried out by present staff should be undertaken. The option of outsourcing work should be fully investigated too (the Proper Officer must remain an employee of the Council be statute).

It is also understood that the current Handy Person has not been completing timesheets for some considerable time. This has led me to be even more confused as to how the Parish Council can accurately assess the role and workload of the Handy Person and Litterpicker since it is not possible to differentiate the time spent on each role and task.

Is the failure to complete time sheets a failure of the Handyperson or the Proper Officer/Acting PO?

It is the failure of the Council to not administer its staff (colleagues) in a proper manner, not only for payment of wages but in the event of a civil claim the Council need to have a record of the employees' whereabouts on any given day (requirement of the Councils insurers). The TC has re-instituted this discipline. TC informs me the previous Clerk/PO said this discipline was not necessary.

In my opinion the recruitment of a Handy Person should be left in abeyance until after a full job evaluation exercise has been carried out including the role and skill set required. Consequently, it is suggested the following should be considered to assess both the existing and proposed appointments;

- 1. Schedules of planned maintenance for both annual and quinquennial should be produced and assessed.***
- 2. Evaluate the seasonal workload, grass cutting, gardening, etc***
- 3. Prepare weekly inspections of premises and playground equipment assessments of workload.***
- 4. Evaluate how much time per week/month is spent on reactive***
- 5. maintenance/firefighting (employee communication).***
- 6. Forecast future workload requirements.***
- 7. Evaluate the workload differential involved in seasonal and cyclical patterns.***
- 8. Conduct a skills gap analysis before creating the job description of the prospective Handy Person.***
- 9. As previously mentioned, seek employee feedback on existing workload. Assess leveraging technology, outsourcing and automation into the workplace.***

During my review of the Parish Council's administration I cannot find any workplace risk assessments either specific or generic. I therefore recommend such assessments are carried out as a matter of urgency.

Did the reviewer find that the lack of any risk assessments was challenged by anyone at all at any time?

Not in the written form. The TC has just informed me the Handy Person has mentioned the lack of workplace risk assessments relating to her role, but also said she was qualified to dynamically risk assess some of the jobs carried out. Which is fine providing these assessments are communicated the TC to record. The TC has also informed me he has recently prepared full workplace risk assessments for both the Handy Person and the Litter Picker roles. These risk assessments relate both to employees (colleagues), volunteers and Members, the TC is in the process of updating the councils risk register which deals with fidelity, legal powers as well as health & safety. The Council should ideally have a Risk Management Policy combined with the register in place. Which according to one internal auditor, this was last reviewed in 2015.

Administration Staff Risk Assessments

For the Parish Council Officers in all respects including display screen equipment.

For their respective places of residence when required to work from home as part of a working week including display screen equipment.

Handy Person and Litterpicker Risk Assessments

Relevant risk assessments and method statements should be provided to the Proper Officer before commencement of any work. The Proper Officer must approve any such risk assessments and method statements in writing before commencement of any work.

Contractors will also be required to produce a current Certificate of Public Liability Insurance covering all risks to a value of £10 million.

Contractors with employees must provide a current Certificate of Employers Liability Insurance to the Proper Officer for approval in writing as previously stated.

Should this section be placed in the overall conclusion as it is at risk of being overlooked in the 'Handyperson/Litterpicker RAs?

*It is a statutory requirement that any public body has to have a Public Liability Insurance Policy in place to the value of £10m and an Employees Liability Insurance Policy in place too. You will find reference to insurance of risk including fidelity guarantees in the overall risk register. The reason the council should have evidence of contractor's insurances is without that evidence the liability of that contractor's indemnity of risk may be transferred to the employer (the Council) should there be a claim. It could not be made in contract as the Council is not contractually obliged to an employee or a member of the public, who may sue the contractor and the Council in tandem in the law of tort. The primary aims of tort law are to provide relief to injured parties for harms caused by others, to impose liability on parties responsible for the harm, and to deter others from committing harmful acts. Torts can shift the burden of loss from the injured party to the party who is at fault or **better suited to bear the burden of the loss.** Typically, a party seeking redress through tort law will ask for damages in the form of monetary compensation. Less common remedies include injunction and restitution*

Michael Credland BEM

14 March 2025

Metheringham Parish Council
The Internal Reviewers Response to Members Questions

I b)

**FREEDOM OF INFORMATION ACT RELATING TO
2024 METHERINGHAM FAYRE AND FEAST**

In early November 2024 the Parish Council received a Freedom of Information Act (FOIA) request from a requester requiring information on administration and payments relating to Metheringham Fayre and Feast. The FOIA request was very far ranging and asking for information that was not either held electronically or in a written form which the Temporary Clerk (TC) would have been unable to provide. The requester was also asking for information regarding specific trader's payment details, but because of data protection regulations the TC was unable to provide such information. For ease of reference and to explain and understand the procedure, a redacted copy is appended below.

The TC responded with only information he was legally obliged to provide and advised the requester that much information relating to the request was available in the accessible minutes of the Events Committee. In response, the requester stated they required information and reasons why the Parish Council had not complied in accordance with the event's terms and conditions. The TC advised that the normal trading terms of the Parish Council was payment 30 days from receipt of an invoice.

With reference to an email dated Tuesday 24 September 2024, Councillor Worthington did not comply with the adopted Financial Regulations by agreeing different payment terms and did so without authority.

Why did this email not comply with the Financial Regulations?

Refer to the Financial Regulations below:

4. BUDGETARY CONTROL AND AUTHORITY TO SPEND

4.1. Expenditure on revenue items may be authorised up to the amounts included for that class of expenditure in the approved budget. This authority is to be determined by:

- **the council for all items over £5,000; (the FR needs reviewing, this should read - all items over £500.00).**
- **the Clerk, in conjunction with Chairman of Council or RFO, for any items below £500 (the total spend in this case was £950.00 and not authorised by the Acting Clerk, RFO or Council)**

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

5.4. The RFO shall examine invoices for arithmetical accuracy and analyse them to the appropriate expenditure heading. The RFO shall take all steps to pay all invoices submitted, and which are in order, at the next available Council meeting (not to agree to pay in full seven days before the event).

In reply the requester stated that the event participants terms and conditions were agreed with a member of the Events Committee and provided a copy of an email to

that effect. They also requested dates when three particular payments were made to an event participant who was understood to be associated with the requester. The TC forwarded redacted copies of the Parish Council's bank statements with the three relevant payments itemised and also advised the requester that since a member of the Events Committee had agreed to terms and conditions the Parish Council should have verified.

For evidence of the exact phrasing of the FOI request, please refer to the Appendix on this section of the report. Can the reviewer tell us why he felt it necessary to include this on that basis?

I did so for transparency purposes.

By providing the above, the TC has emailed the requester on two separate occasions asking whether they required any additional information, but no reply was received. Consequently, the Parish Council consider the FOIA request has been answered satisfactorily and the matter now closed.

The Internal Auditor has questioned the Events Committee structure with regard to the inclusion of non-members of the Parish Council together with carrying out financial transactions, entering into booking agreements and costings in relation to event entertainment. I recommend that the Events Committee is restructured as either a working group or as indicated by the Internal Auditor, all responsibility removed for making any financial undertakings in accordance with relevant Acts of Parliament. Furthermore, no agreements are made to settle full and final payments to a participant seven days prior to the event taking place and suggested that only a maximum 50% deposit is paid of any accepted quotation.

Regarding communications, all arrangements of the kind mentioned should be made by the Clerk or Acting Clerk from only their email account.

Appendix:

FREEDOM OF INFORMATION ACT

I am writing to submit a Freedom of Information request covering the organisation and delivery of Metheringham Fayre & Feast 2024. The information I require is as follows:

*Records of all discussions pertaining to the selection, confirmation and procurement of entertainment and ancillary services (including but not limited to sound equipment hire, lorry trailer hire, provision of medical cover, ***** ***, + **** *, ***** and ***** ***) for the Metheringham Fayre & Feast 2024.*

Copies of all communications regarding the agreement of fees for the entertainments and services described above.

Records of the submission dates for all invoices for provision of the entertainments and services above and copies of communications relevant to the submission and

payment of said invoices, including discussions of where invoice payment terms were not met or where payment had to be hastened.

Details of which members of the Metheringham Parish Council (MPC) are authorised and empowered to undertake payment transactions using MPC funds.

Bank statements showing when the invoices for the provision of entertainments and services discussed above were settled and which authorised MPC Councillor made the transaction in each case.

Copies of any communication received regarding the quality of the entertainments and services described above received as at the date of receipt of this request - i.e. 4th November 2024.

*Records of all discussions regarding the identification and procurement of a *** ***** provider and an explanation as to why such a provider was not engaged for Metheringham Fayre & Feast 2024.*

What has MPC done to identify where Metheringham Fayre & Feast 2024 could have been better organised and what lessons have been learned to prevent recurring issues in the organisation of future events?

Michael Credland BEM

14 March 2025

Metheringham Parish Council

The Internal Reviewers Response to Members Questions

I a)

FREEDOM OF INFORMATION ACT 2000

METHERINGHAM PARISH COUNCIL

Evaluation and Recommendations regarding the FOIA relating to the Clerk's salary differentials.

With regard to a request under the Freedom of Information Act 2000 (FOIA) relating to the differential in the level of pay between the interim and previous Clerk/Proper Officer RFO (CPO) and how the salaries were set. The Temporary Clerk/Proper Officer (TC) was unable to fully resolve the question of how and why such a large salary was paid after engaging a CPO in November 2023 until he was in receipt of email traffic between the job applicants and the Chair of the Staffing Committee(CSC). In light of this information being made available to the requestor, the TC is confident the request is fully satisfied.

Whilst the information contained within the recovered emails did show the process, they did not demonstrate why it was necessary to award such a high rate of pay. A far lower salary was paid to the previous CPO, clearly shown in the Parish Council's cash ledger, albeit in the early stages of their employment, some of which was paid through an agency. From a cost point of view the method, or vehicle of employment, is irrelevant. Looking through the Parish Council's administration from February 2023 to June 2024 I would assess that Kirsty Sinclair (KS) appeared more qualified as a trained Responsible Financial Officer with greater knowledge than Angie Driver (AD) who appeared untrained for the accountancy system used by the Parish Council. Also, without any formal Clerk/Proper Officer training, she did not advise the Council on a number of issues when it was prudent to do so.

In an email from the prospective application to the Chair of the Staffing Committee it was suggested that NJC Level 41 would be the required remuneration for them to accept the post, even before it was offered.

I have read through email traffic from the then Chair of the Staffing Committee (CSC) shedding some light on the way the recruitment of the CPO took place. I have also seen an email from the CEO of the Lincolnshire Association of Local Councils (LALC) expressing deep concern over setting such a high salary and the likely repercussions.

What date was the LALC email sent and to whom?

-

The FOIA request shows this fragility. The LALC also recommended the Parish Council should research the salaries of other CPO's employed in parishes of similar size to Metheringham.

When was this advice sent and to whom?

Email from K J Evans CEO of LALC dated the 30 October 2023 sent to the Chairman Keith Parker who forwarded it to the relevant Members.

There is no evidence of this taking place. I have seen an email which shows the CSC emailing applicants without copying to the other appointment panel members, which is of extreme concern given the high level of salary agreed on the Chair's recommendation.

What was in that email that caused the reviewer such "extreme concern"?

Yes, the contents of Cllr Parry's email to the applicant.

-

I have now had the opportunity to look into this and cannot find any parish the size of Metheringham paying their CPO at NJC Level 41. In my opinion, the correct level should be in the Band 29-32, which is currently being paid to the Council's Temporary Clerk. It is suggested the remuneration is set within this range when the Parish Council consider recruiting a Clerk/Proper Officer.

Apart from being an experienced CPO, I would expect to see from applicants some exceptional qualities with a background in business, commerce and possibly legal to expand the role beyond normal duties to justify offering such a high salary. Whilst the appointed CPO appeared to be experienced in the role, I could not discover them undertaking CILCA training or an equivalent formal course in local authority administration.

CONCLUSION

The requester has intimated that paying such a high salary was a misappropriation of public funds, which of course is a criminal offence.

When did the requester make this claim?

*In January 2025 by email to the TC Gmail a/c commenting on the FOIA response the TC sent to them - **It is a misappropriation of public funds to pay that high a salary to a village Parish Clerk.***

From: Governance and Accountability for Local Councils:

Councils must identify and protect income and expenditure and the money represented by each. They must ensure controls over money are embedded in Standing Orders and Financial Regulations.

However, I would not assess this has happened since misappropriation of public funds is usually for the gain of an individual, either being a council member or an employee. In my opinion this was not the case. I do believe the repercussions of paying such a high salary was not fully thought through. All the appropriate information is widely available in the public domain and in these times of financial restraints, value for money should be a major consideration. **I am of the opinion that it was extremely careless, or even reckless, to pay such a high salary when there would have been other applicants who could have been employed at a far lower rate of pay.**

Can the reviewer explain why he has come to this conclusion despite not being party to the recruitment process in this instance?

I have seen details of other applicants, and even if I had not viewed them, the option was to re-advertise the post instead of being forced into the position the Council found itself in. I have seen (on the office computer) evidence of the much lower salary the engaged clerk was paid in previous employment, it is my opinion that due diligence was not undertaken relating to this engagement

I have made recommendations in the conclusion of the general staffing assessment which should be followed in the recruitment of future Clerks and other staff.

Michael Credland BEM

14 March 2025

l g)

1. VILLAGE C14 MARKET CROSS

1. HISTORY

In the centre of Metheringham, known as Cross Hill, a Village Cross has stood from at least the 14th century. A new cross was built in 1835, but by the turn of the twentieth century it was in a dilapidated condition and unanimously agreed to erect a replacement cross to mark the Coronation of King George V on 22 June 1911. The medieval cross was carefully dismantled and reconstructed into a new recess built into an adjacent stone wall. The 1911 cross was damaged beyond repair by a United States Army lorry at the end of the Second World War and replaced in 1949. The Parish Council replaced the cross in 2013, but this too was accidentally damaged in 2020 and repaired and rebuilt in August 2021. Whilst purporting to be a replica of the 1911 Cross, the ornate top was surmounted facing a different direction to the original.

Initially, from 1911, the stone wall forming the recess to the 14th Century medieval cross was capped with a red brick string course topped with clay pantiles, once a common feature throughout the village. However, from contemporary photographs, the capping was replaced by insitu concrete saddleback coping in the early 1920's although the original red brick string course was retained.

In the late 1960's a section of the original 4'0" (1200) high stone wall between the Market Cross and No.27 High Street was removed by the former Kesteven County Council for a new Library and Clinic to be built.

The C14 Market Cross is adjacent to the Village War Memorial, opposite Nook House and Star and Garter public house, all Grade II Listed, and also falls within Metheringham Conservation Area.

In the 1949 edition of Arthur Mee's The King's England - Lincolnshire the following reference is made under METHERINGHAM (page 270). In the twisting High Street is a war memorial - a statue of a soldier with arms reversed; close

by is a stone cross set up to mark the coronation of George the Fifth; and built into a wall is the stump of the ancient village cross.

In the 1989 revised edition by Nicholas Antram of Nikolaus Pevsner and John Harris *The Buildings of England - Lincolnshire* the following reference is made under METHERINGHAM (page 562) In the village the base of a C14 CROSS.

2. LISTING STATUS OF C14 MARKET CROSS

The 14th Century Market Cross (National Grid Reference TF06904614130) in High Street, Metheringham was Grade II Listed by English Heritage, now Historic England, on 02 May 1985.

List Entry No. 1317180 with following description:

Market Cross.C14. Octagonal stepped base topped with much weathered octagonal shaft.

The Cross is listed as a Scheduled Monument 1005022 (Medieval - 1066 AD to 1539 AD).

Full Description (December 2019)

Monument Record ML160713 - Village Cross, Metheringham

Stands in a recess of the wall by the side of the road. Shaft about 5ft high surmounted by an ornamental octagonal feature (it is likely that this was originally about half way up the shaft which stood at a much greater height). The shaft stands on two modern steps. (1)

The Cross at Metheringham which consisted of three octagonal steps, base, restored shaft and a corbel on which had been fixed a lamp, formerly stood at the junction of three roads. In 1911 it was removed and re-erected in a niche in the wall a few yards from its original position, except for parts of the shaft which were built into the wall itself. (2).

White says that the cross was replaced by a new one in 1835, at a cost of about £25, and a market was held around it on Sunday evenings. (3).

For the full description and the legal address of this listed building please refer to the appropriate List of Buildings of Special Architectural or Historic Interest. (6).

Sources/Archives (6)

1. SLI4067 Scheduling Record: HBMC.AM7.SAM94.

2. SLI2635 Index: OS CARD INDEX. METHERINGHAM. TF 06 SE:5, 1964, HARPER FR

3. SLI886 Bibliographic Reference: William White. 1856. History, Gazetteer and Directory of Lincolnshire - Second Edition. page 363.

Under the Town and Country Planning Acts 1947 and The Planning (Listed Buildings and Conservation Areas) Act 1990 buildings or structures of special architectural or historic interest are eligible to being designated and legally protected. Such buildings or structures may not be demolished, extended or altered without permission from the Local Planning Authority (LPA) or Heritage England. Advice can be obtained from the LPA Conservation Officer and if required, an application for Listed Building Consent (LBC) submitted.

Unauthorised work is a criminal offence and individuals can be prosecuted including the person who carried out the work and by anyone who caused or instructed the work to be carried out. The LPA can insist that all work carried out without consent is reversed.

To date, and despite extensive research, no record of consultations with Heritage England and the LPA have been located. No records for a Listed Building Consent nor Planning applications or approval notices have been located.

3. BUILDING WORK TO THE C14 MARKET CROSS

Pre-Contract

The following is a summary regarding repairs to the Market Cross;

Quotations were invited by the Clerk (KS) in June/July 2019 for repairing the Market Cross wall following damage caused by a vehicle crash. Quotations were received and the work carried out and completed.

Can the reviewer confirm this was KS? Can the reviewer confirm that listed building consent was obtained in June/July 2019 for this repair?

Should read SS for Sharon Stafford.

A repair or a like for like reinstatement does not usually require listed building consent and I would assess this was the case in this instance.

From Planning Portal: You will need to apply for listed building consent if either of the following cases apply:

- You want to demolish a listed building (check with your local planning authority about other procedures which must be followed).*
- You want to alter or extend a listed building in a manner which would affect its character as a building of special architectural or historic interest.*
- You may also need listed building consent for any works to separate buildings within the grounds of a listed building.*
- Check the position carefully with the council - it is a criminal offence to carry out work which needs listed building consent without obtaining it beforehand.*

-

At an Extra Ordinary Parish Council Meeting held on Wednesday 19 April 2023 it was resolved to allocate £198,000 towards 11 projects including Refurbishment of the Cross and also To review quotes received to repair wall around the cross outside the council office, if available.

From the Minutes of the Parish Council Meeting held on Tuesday 22 November 2022 it was recorded To Receive an update on the repair to the old village cross. Reported that the work will be substantial and require highways closure. Quotes are to be sort. Proposed; Cllr Tatton, Seconded; Cllr Nelson and RESOLVED unanimously.

Emails dated 21, 23 and 24 April 2023 exchanged between Councillors M Worthington and J Tatton, Parish Council Clerk and John Burrows of a.i.b.m. regarding carrying out repairs to the Market Cross wall.

Can the reviewer explain the precise content of these emails?

Email traffic relating to the proposed works concerning specific sparse information, ex Cllr Tatton is no longer a Member and no doubt Cllr Worthington has copies of these emails.

-

An estimate dated 15 May 2023 was submitted by a.i.b.m. for materials and equipment (including saddle back wall capping's) for the sum of £16,245.00. Attached was a list of Considerations, Schedule of Work, Method Statement and Footpath Closure.

Although invited D Hatcher & Sons of Sleaford declined invitation to submit a quotation.

Under Clauses 10.3, 11.1.b. and 11.1.h. of the Parish Council's Financial Regulations When it is to enter into a contract of less than £25,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk or RFO shall obtain 3 quotations (priced descriptions of the proposed supply);

Can the reviewer explain what evidence there is to suggest that 3 quotations were not sought?

Can the Members please show me anything to the contrary? I explain it in full in paragraph 8 below. The TC has asked contractors who do this type of work in the locality if they were asked to quote and the answer was no. That doesn't mean other were none asked, there is just no evidence of it happening. In the review there was little room for conjecture. If it wasn't written it didn't happen in these terms.

-

Apart from the estimate received from a.i.b.m. no other quotations/estimates appear to have been submitted.

Under Item 5 of Agenda dated 19 May 2023 the Parish Council Environment Committee To review quotes received from contractors for repair work to the cross on Thursday 25 May 2023.

At the Parish Council Meeting held on Wednesday 31 May 2023 it was recorded that the Council were To receive recommendations from the Environment Committee for the refurbishment of the Cross and it was resolved to award the

tender to John Burrows with a maximum budget of £20,000 as recommended by the Environment Committee.

By email dated 15 June 2023 the Clerk wrote to John Burrows of a.l.b.m. awarding him the contract to carry out the work.

Although a.l.b.m. submitted details of the Proposed restoration works to 14C cross wall, Footpath Closure and a Proposed schedule of work, it may have been a requirement to notify the Health and Safety Executive (HSE) under The Construction (Design and Management) Regulations 2015 (CDM15).

Under what circumstances would this be a requirement?

It is a requirement. Fully explained under the Public Toilets response.

4. BUILDING WORK TO THE C14 MARKET CROSS

Post-Contract

From the Minutes of the Parish Council Meeting held on Tuesday 26 September 2023 it was recorded under Item 12. To receive update on Old cross refurbishment. Councillor Parker gave an update on the old cross. Work will be starting very shortly and is expected to be completed before the Fayre and Feast.

From the Minutes of the Parish Council Meeting held on Wednesday 25 October 2023 it was recorded under Item 8. To Receive update on Old cross refurbishment. Councillor Parker reported that the work had been completed in time for the Fayre and Feast, as had been promised. All councillors agreed that a good job had been made of the renovation.

Listed in their Estimate Sheet dated 15 May 2023 a.l.b.m. included for Saddle back wall capping's. However, in the attached Proposed schedule of work it states Supply and lay new stone copings to full length of wall, mitres and ends included. It is unclear whether this variation was ever agreed. Consequently, the architectural detailing has been substantially changed from the original wall. The red brick string course has been omitted and limestone copings (small sections being throated) added with limestone stone-on-edge toppings. Concern is expressed that the limestone used may be susceptible to weathering and frost damage and a recent site inspection has already shown spalling and fissures in the pointing.

A block of white marble approximately 450 long by 100 high had been incorporated into the wall many years ago, but was removed during the renovation work. The block, incongruous to the limestone wall, was most probably a sample of Carrara marble for the War Memorial soldier figure made in Italy and obtained by monumental mason, Mr Frederick William Baldock, to present to the Memorial Committee for approval. His yard and workshop were located on the other side the wall and he constructed the Memorial in 1920. His son Charles died in Egypt during the Great War.

Can the reviewer explain the relevance of this paragraph to the original FOI request?

When the requester mentions procurement, it means the details contained in the procurement of the works, planning and other permissions, this is relevant and the explanation is evident as it explains the importance of this piece of marble was integral to the Market Cross and street scene. This marble should have either remained in place, or have been reinstated because of its significance to the war memorial. It was an action of historic vandalism to remove it. The TC spoke to J Burrows and he said he didn't know whose decision it was that it was to remove it and not be replaced. He came up with a spurious argument that he did not like to mix materials in limestone walling. It is common practice to mix materials in such walling, such as brick arches, band courses, sand stone and terracotta elements. Providing the lime mortar is flexible between the elements, it does not matter if they have different densities, coefficients of expansion or specific gravities, so his argument is flawed.

-

Invoice dated 02 August 2023 in the sum of £5,000 received from J Burrows of a.l.b.m. for materials delivered to site.

Invoice dated 05 October 2023 in the sum of £6,000 received from J Burrows of a.l.b.m. for works carried out to date.

Invoice dated 23 October 2023 in the sum of £8,245 received from J Burrows of a.l.b.m. being final payment (this should have been £6,245).

No combination of these figures matches the original estimate figure referred to in paragraph 3.5. Can the reviewer explain this discrepancy?

This equation is quite complex: the quotation to carry out all of the work agreed was for £16,245. The invoice dated the 2nd of August 2023 for £5,000 was paid as invoiced, the invoice dated the 5th of October 2023 in the sum of £6,000 was also paid. When J Burrows submitted his final invoice, he stated that only £10,000 had been paid on account instead of £11,000. Obviously, KS noticed this error and rectified it, but in the final invoice there was a £2,000 rounded up sum for extra work and materials that had no justification, itemisation or quantification whatsoever that is why when totalled £5,000, £5,000 and £6,245 would have matched his original quotation/estimate. There was no written agreement found to authorise the extra work. In his conversation with the TC, J Burrows confirmed all of his instructions and agreement regarding the design were given on site by Members of the Council.

5. CONCLUSION

From lack of evidence to the contrary it would appear the work was carried out without Listed Building Consent or Planning Approval.

From available Parish Council records and contrary to the adopted Standing Orders and Financial Regulations only one quotation was received and accepted for the work.

Clarification required whether the project was subject to the Construction (Design and Management) Regulations 2015 (CDM15) and the Health and Safety Executive (HSE) notified.

It is understood only verbal instructions were given on site by Councillors Worthington and Tatton and no written records or agreements have been traced of site meetings, site instructions or variations to the original contract.

On what evidence does the reviewer “understand” that only verbal instructions were given by the named Cllrs

There is only record of email traffic is between the named councillors the Clerk and the contractor.

Michael Credland BEM

14 March 2025

Metheringham Parish Council
The Internal Reviewers Response to Members Questions

l d)

3. OTHER CAPITAL PROJECTS

REPLACEMENT GAS FIRED HOT WATER HEATER/BOILER IN PAVILION

Why did the reviewer feel this was a Capital Project rather than a necessary repair? Did the reviewer consider Capital Projects such as the wooden play park equipment and the ride on lawnmower? Did he consider reviewing the procurement of other projects?

From a HVAC technical sheet: A repair is when you fix an existing system. It can also mean that you do what you need to maintain a system like an air-con or HVAC system. For a replacement, you must change something as the old one is broken or will not work.

This was the case with the Pavilion boiler therefore a Capital Project as it was an improved facility. The Ride on Lawnmower was a one off and it may have been difficult to get a like for like quotation. With regard to the Play Park equipment, I did not see them in the accounts that I saw. But you make a relevant point which I hope the parish council will address..

From the Minutes of the Parish Council Meeting held on Wednesday 25 October 2023 it was recorded to consider and resolve to repair a leaking water boiler in pavilion. To retrospectively agreed to repair due to water ingress into the school. It would be to allow a £5,000 budget for repairs.

I cannot find any record at the Parish Council Office of quotations, estimates or even a mention except for an email sent from Councillor Worthington's personal account to the Clerk/Proper Officer. This was copied to the Chair with a quotation received from CMH Heating, Lincoln for £3,069.00 for supply of the water heater and £850.00 for labour plus VAT. It is not certain who accepted the quotation, but the works were commenced on site.

Can the reviewer confirm that there was no other correspondence from the Clerk to the Engineer?

I could not find any reference or correspondence to other contractors relating to this matter. But since my initial review I have seen an email sent from Cllr Worthington's private email address (copied to Cllr Parker) on the 3 November 2023 instructing the Clerk to proceed with the works.

From the Minutes of the Parish Council Meeting held on Wednesday 29 November 2023 it was recorded Works have commenced and the pavilion water boiler is being replaced and would be fitted week of 27th November 2023.

- **On 01 December 2023 CMH Heating was paid the sum of £3,683.84 with no indication of VAT. The PO emailed Councillor Worthington on 11 December 2023 asking "Is everything completed regarding the boiler and were there any updates?"**
- **On 15 December 2023 Councillor Worthington emailed the PO stating "Boiler all done and the keys will be returned through the letterbox".**

Can the reviewer explain why the above statements which include extracts from emails, are relevant to the FOIs?

Again the requester asked for information of the procurement of all capital projects. This was not a repair, but a replacement item to a higher specification and therefore, in my opinion, fell within the remit. To understand the relevance, you need to re-combine it with the below bullet point.

However, two days earlier on 13 December 2023 the PO had paid CMH Heating £1,199.21 including VAT.

- **On 01 January 2024 the PO paid CMH Heating £3,683.84. Later the same day, the PO cancelled the entry of £3,683.84 including VAT from the cash book. These figures have been taken from the cash book details published on the Parish Council's Website. The TPO has been asked to verify that no monies were debited to the bank account at the end of trading on 01 January 2024.**

These payments should have been authorised at the Full Parish Council Meeting held on 27 November 2023 and since there was not a Full Council Meeting in December 2023 these large sums of money were paid without correct procedure or authorisation.

Can the reviewer explain who did pay and authorise this invoice?

It appears the Clerk (AD) paid this Invoice prior to authorisation by anyone as stated and then paid it again (and reclaimed it) by mistake on 1 January 2024

There is no record other than an email from Cllr Mark Worthington. This was contrary to the Council's Standing Orders and Financial Regulations along with their legal obligations. It is considered that such a cavalier approach is unacceptable, either to the parishioners, local governance administered by North Kesteven District Council and the Central Government's external auditors, PKF Littlejohn LLP. I am very surprised the Lincolnshire Association of Local Councils appointed internal auditor did not identify these discrepancies and include within their report.

It is acknowledged that over the last three years the Parish Council at times did not have a Proper Officer (PO) in post or an authorised Acting PO. Nevertheless,

and albeit the primary role of the PO, Council Members all have an obligation to ensure that the Parish Council is run lawfully and in accordance with the Standing Orders, Financial Regulations and adopted policies. *In contradiction, there appears to be a misconception that once a budget has been approved by Council that the financial allocation can be used without further approval.*

Can the reviewer explain what documentation led him to include this statement?

It is obvious that this is the case, once a budget is approved by Full Council and recorded in the minutes no accord to the Standing Orders, Financial Regulations and adopted policies are heeded and I believe it is very relevant to the questions asked by the requester.

Once a budget has been fixed, and the project authorised, it is the responsibility of the PO to invite quotations/estimates for approval by Full Council, or in an emergency, to an extraordinary meeting.

CONCLUSION

Although the procedures for awarding works contracts are clearly detailed in the Parish Council's Standing Orders and Financial Regulations they have not always been complied with in connection with the procurements that I have investigated, including two projects still not carried out.

What other two outstanding projects does the reviewer refer to here?

The Village Hall Car Park and the hardstanding off Prince's Street.

Whilst these works may have been considered as an emergency requiring immediate action, the Council's Financial Regulations do not facilitate for this and stipulate that for works under £5,000 a minimum of three quotations must be acquired.

Which of the Council's FRs stipulate this?

11.1 h.

Any invitation to tender issued under this regulation shall be subject to Standing Orders 18d and shall refer to the terms of the Bribery Act 2010. When it is to enter into a contract of less than £25,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk or RFO shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £3,000 and above £500 the Clerk or RFO shall strive to obtain 3 estimates. Otherwise, Regulation 10.3 above shall apply. (10.3 All members and officers are responsible for obtaining value for money at all times. An officer issuing an official order shall ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction, usually by obtaining three or more quotations or estimates from appropriate suppliers, subject to any de minimis provisions in Regulation 11.1 below).

-
.

However, in the Regulations the PO together with the Chair/Vice Chair are authorised to sanction work in urgent or emergency situations up to a maximum value of £1,000. I recommend that this figure be increased at least to a minimum of £3,000. In all other situations the Parish Council must follow the Standing Orders, Financial Regulations and all other adopted policies.

With regard to recent building work carried out at the C14 Market Cross and Fen Road Public Toilets only one quotation was received for each of the two projects. A minimum of three tenders/quotations/estimates should have been invited in compliance with the Parish Council's adopted Financial Regulations. Consequently, it would not have been possible to make a comparison between competitive tenders. As far as I can determine neither the then Proper Officer or any Council Members were suitably qualified to scrutinise the submitted and accepted quotations to demonstrate the Parish Council were achieving the best value for money.

Since public money was being expended on the two projects, and other breaches and financial anomalies I have identified in this review, I recommend the Parish Council commit to having the works post quantified and evaluated. This should be carried out by a professional in the construction or property industry, such as a quantity surveyor or building estimator. Such action should satisfy the FOIA requester regarding the procurement of capital works, which I am unable to carry out within my remit. The Council may also consider seeking the opinion of a heritage architect in respect of weathering to the stone on-edge capping's and copings installed around the walling of the C14 Market Cross. It is anticipated Heritage England and/or the Local Planning Authority may request this information in the future.

Michael Credland BEM

14 March 2025

Metheringham Parish Council
The Internal Reviewers Response to Members Questions

l f)

2. PUBLIC TOILETS FEN ROAD, METHERINGHAM

1. HISTORY

The Public Toilets were built in c1980 by North Kesteven District Council by extending and remodelling an existing lean-to Village Hall toilet with an adjoining single storey barn. The rectangular coursed stone barn with red brick plinth and natural clay pantile gable roof was a typical vernacular building found throughout the village. Although outside, the building abuts Metheringham Conservation Area and is immediately opposite the former Wesleyan Methodist Chapel and School Hall, a Grade II Listed Building. Considered a sensitive building within the street scene the front facade of the stone barn was retained and sympathetically extended with minimum door and window openings.

What does this mean? Considered sensitive in what way and by whom?

It is both National and Local planning policy to protect sensitive buildings which effect the setting of a conservation area and more importantly the setting of a Listed Building. The Metheringham Conservation Area abuts the front wall of the toilet block and the Old Methodist Chapel opposite is a Grade II Listed Building which should speak for itself. Technically the eaves gutter and the tile overhang is situated within the Metheringham Conservation Area

National Planning Policy Framework (NPPF) as revised 2024

Paragraph 207 states: In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation

Paragraph 208 states: Local planning authorities (LPA) should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

From Planning Portal: Works Near Listed Buildings: The setting of a listed building is also protected. This includes any changes to the surrounding environment that could impact the building's character or historical context. Whether relocating a garage or adding a home office, it is crucial to assess how the new construction might affect the building's setting. Factors like design, size, and placement need careful consideration to avoid harm to the property's heritage value.

The new section of roof was constructed to match the barn and covered with Lincolnshire clay pantiles.

Was this a new section of the roof or was it replaced in its entirety?

The existing roof was red clay pantiles and it was covered by red clay pantiles before they were replaced by incongruous concrete interlocking ones, surely that is what is relevant.

In c2000 the District Council closed a number of public toilets in their District including Metheringham and offered them to the respective local town and parish councils. Responsibility for Metheringham Public Toilets was passed over to Metheringham Parish Council and a cleaner subsequently employed. Later, and in compliance with the Disabled Discrimination Act, a unisex toilet was incorporated at the Parish Council's own expense.

2. BUILDING WORKS TO PUBLIC TOILET

Pre-Contract

From the Minutes of the Extra Ordinary Parish Council Meeting held on Wednesday 19 April 2023 it was resolved to allocate £198,000 towards 11 projects including Public Toilet Refurbishment.

In April 2023 the Clerk (KST) contacted Messrs Smith Construction Ltd of Sleaford regarding the roofing works, but although they did not carry out this type of project they recommended a roofing contractor who did.

From the Minutes of the Parish Council Meeting held on Wednesday 28 June 2023 it was recorded under Item 13.c. Toilet refurbishment item deferred awaiting quotes Proposed Cllr Toynton Seconded Cllr Worthington and approved unanimously. According to an email to the Environment Committee, a meeting was held with Newman Moore on 6th June 2023.

Following a meeting with Councillor Worthington and the Clerk (KS) with building contractors Messrs Newman Moore Ltd of Sleaford a detailed quotation dated 11 July 2023 was received from them to carry out the work for the sum of £24,000. No further action taken.

From the Minutes of the Parish Council Meeting held on Wednesday 26 July 2023 it was recorded under Item.14.b. Refurbishment of public toilet. Despite numerous attempts by the clerk to secure a quote for the repairs, not one company as yet has submitted a quote

Does not part 2, 4 contradict part 2, 5?

Possibly it does but it is copied verbatim from the Full Council minutes.

-

Councillor Worthington proposed to offer some builders names, in a hope of finally acquiring a quote for the work to be conducted. Deferred until the next meeting. Proposed by Councillor Westerman and Seconded by Councillor Parker. All in favour. Despite being deferred, Councillor Worthington nevertheless obtained a quotation some two weeks later. Contrary to the adopted Standing Orders and Financial Regulations no other quotations are recorded to have been invited.

Does the reviewer not believe that the reason for the deferral was so that Cllr Worthington could obtain further quotes in order to pass on to the clerk?

In the review I can only refer to what I have seen written and not conjecture. In these replies I believe I can broaden my remit. Cllr Worthington may have procured other quotes, but they were not brought to the 14 August 2023 meeting, or have I seen written evidence of any such quotations.

-

From the recommendation of Councillor Worthington, a quotation via email was received on 14 August 2023 from Gary Jones Building Services for carrying out the work for the total sum of £11,890.

Can you provide any documentation which relates to part 2,

It is patently obvious Cllr Worthington procured this quotation, a) he is tasked to do so at the July 2023 meeting and b) in email traffic G Jones refers to 'Mark' on a regular basis. Documentation relating to G Jones is very sparse. The quotation came in as just an attachment with no covering email or explanation, just an attachment with the quotation/estimate within it, so did his invoices. There was no address on the quotation or on subsequent invoices just a telephone number. It is the responsibility of the parish council to undertake due diligence on all matters such as these when awarding any works of this nature and certainly when we are talking about five figure sums. Nowhere in the Council computer system can I see that due diligence took place. The Council are required under the Bribery Act 2010 and the Money Laundering Act of 2012 to undertake this exercise. The TC asked Councillor Worthington for G Jones 's address when he was getting no response from emails. I required further information from third parties which is my right under the ICO regulations. We searched the Internet and all other resources to ascertain G Jones address without success. It was only by a stroke of luck that the telephone number matched a G&G Property Maintenance of 24 Harwich Close Lincoln (this address is in the public domain) and that is where the TC sent a special delivery letter which did precipitate a reply of no substance.

In the Full Council minutes of 28 February 2024, it was resolved to pay G Jones Building Services £11,564, in fact £10,000 was paid on the 3 March 2024 in the 2023/24 financial year, the balance of £1,564 was paid in the next financial year, on 2 April 2024 and for the roof works £4,200 on the 25 April 2024 as there was no record of a meeting taking place in March 2024 this sum was paid without the authority of Full Council. It has subsequently been discovered that all of the payments to G Jones was made into the G&G Properties bank a/c. In the Cashbook (able to be viewed on the Councils Website) the payment of £10,000 is shown as being made to G Jones.

When undertaking any future works due diligence must be undertaken. Due diligence in the public sector refers to the careful assessment of potential suppliers before awarding contracts. It involves thorough checks on a company's or traders financial health, legal status, and ability to deliver. The Parish Council should ensure that due diligence is carried out and full identification and commercial status is established before awarding any contracts or other awards.

-

A detailed costings breakdown was not provided. The quotation was also without a business address and the only contact details being an email address and mobile telephone number.

From the Minutes of the Parish Council Meeting held on Wednesday 30 August 2023 it was recorded under Item 12. Quotes: To consider quotes received, if available a. Refurbishment of public toilets. The Chair presented a quote for the refurbishment of the toilets as a whole. This was much lower than the original quote. There then followed a discussion on the viability of the toilets and whether MPC should maintain their presence. It was also brought out that back in 2005 there had been similar discussions and it was raised then that the bus stop is designated as a terminus and a toilet needs to be made available. Councillor Nelson proposed to accept the quote, seconded by Councillor Peek. Chair required vote; For accepting vote - Councillors Peek, Westerman, Worthington, Nelson, Parker. Against accepting vote - Councillor Parry. Carried - to accept the quote.

On 03 November 2023 the Clerk (AD) sent an email to Mr G Jones confirming he had been awarded the contract to refurbish the Public Toilets.

3. BUILDING WORKS TO PUBLIC TOILETS

Post-Contract

The project may have required Building Regulations approval. However, for certain types of building work, people working under a relevant approved competent person scheme set up under Regulation 20 and listed in Schedule 3 of the Building Regulations can self-certify that their work complies with the Building Regulations.

Work started on site, but no records of commencement date, site meetings, site instructions, variations, snagging lists, etc.

An email dated 19 November 2023 from Gary Jones Building Services was received by the Clerk (AD) advising that the rear roof of the toilets was in a poor state of repair and as requested, submitted a quotation as follows;

- 1. Re-felt, new battens, eaves tray and using old tiles (we would have to replace about 25% of old. Materials and labour £3360 club £4200**
- 2. Re-felt, new battens, eaves tray and new tiles (to match squash or a modern-day pantile design. Materials and labour**

iv. From the Minutes of the Parish Council Meeting on Wednesday 29 November

2023 it was recorded under Item 00012;

To consider and resolve to accept the quotation received for additional works identified for a replacement roof to the Public Toilets following the discovery of battens, felt and roof tiles in a poor state of repair.

OPTION 1: Re-felt, new battens. Eaves tray and new tiles Cost £4,200. where possible
OPTION 2: Re-felt, new battens, eaves tray and use old tiles (minimum of 25% of old tiles would need to be replaced) Cost £3,360.

Quotes received include materials and labour.

Proposed Cllr M Westerman, Seconded Cllr F Pembury and Resolved: Council Members approved option one, new roof at a cost of £4,200.

v. The project was completed circa April 2024 and Gary Jones Building Services

submitted a final account with a reduction of £326 for magnetic locks that were

not supplied or fitted.

vi. No records traced of a site inspection or site handover which should have been

carried out before the final account was paid.

Can you confirm that no emails from the clerk to Mr. Jones relating to a site inspection or site handover were in evidence?

All email traffic from G Jones to the Clerk and her replies have been re-examined and there is no such record of practical completion taking place.

vii. Subsequent site inspections identified the following;

Who were these inspections carried out by?

By me and the TC.

The original quotation from Gary Jones Building Services dated 14 August 2023 included Replacement of broken and slipped roof tiles.

The original natural clay pantiles have been changed to inappropriate concrete interlocking roof tiles with dry verges destroying the integrity of the building. No variation order, written instructions or verbal agreements have been traced or identified agreeing to such change.

Is this not covered by the council resolution referred to in para 3, 4 above?

Where not specifically specified it is expected the Council would get like for like tiles, ridge detail and verges unless specified differently be the employer (the Council).

-

Although the quotation dated 19 November 2023 submitted by Gary Jones Building Services is somewhat ambiguous in relation to OPTION 1 and OPTION 2, it is reasonable to conclude that the 'new tiles' would be clay pantiles and not concrete interlocking roof tiles.

What did the reviewer find to be ambiguous specifically?

G Jones stated pantiles not clay pantiles, they could have been concrete pantiles as he stated there was little difference in the price, Lincolnshire red clay pantiles are over twice the price of both concrete interlocking tiles (laid) and concrete pantiles.

Since concrete interlocking roof tiles are heavier than natural clay pantiles a structural engineer's input may have been required to establish whether the existing roof timbers were appropriate to support the additional loadings.

What evidence was used in order to substantiate this claim?

Red Clay pantiles = .42kN/m²; Concrete interlocking = .51kN/m². Over a 20% increase in loading, plus the snow load factor will increase due to the coarser surface of the sand face on the concrete tiles. It is a requirement that any alteration to the structural element of a building fully complies with Part A of the Building Regulations. I have seen no evidence of this anywhere on your systems emails to or from G Jones that a final inspection of the project has been made and a Final Certificate issued. This certificate is granted after the final inspection of the construction project, certifying that all work complies with the UK's building regulations. The certificate is crucial as it verifies that the building meets legal standards for health, safety, and environmental impact. I would assess that a reputable builder knows all relevant regulations related to this work and would know this type of work required registration and both inspection and certification.

The TC is of the opinion that the Public Toilets should not be open to the public until Final Certification is granted, statutes states that building regulation inspection and consent is acquired before the occupation of any premises and failure to fully comply with the regulations can result in enforcement action, including the issuing of notices, fines, or even prosecution.

Since the concrete interlocking roof tiles used on the project are cheaper to provide and lay instead of natural clay pantiles, no price adjustment was made to the final account.

Can the reviewer explain why the provider should adjust the quote once MPC had voted to accept it?

As well as most possibly using the cheaper alternative both to purchase and to lay. G Jones quoted for the repair of the roof using replacement red clay pantiles in his original estimate (a quotation has a legal term, each element is itemised, where an estimate is a sum of all the elements listed). When G Jones gave an estimate to renew the roof that it was a new contract and separate from the original estimate. No wording linked it to the original estimate, such as extra and over works to the roof. Therefore, the sum allowed for the original roof works contained within the original estimate should have been deducted. Also, what is worrying is no one seems to know who made the executive decision to opt for the cheaper alternative, or was it the contractor's decision, if so why was he not questioned? The TC has enquired from G Jones by email and special delivery mail who made the decision with no response received to date.

-

-

The original quotation was for stainless steel WC suites, urinal and wash hand basins. However, the basins installed were white vitreous clay, a cheaper

alternative with no price adjustment to the final account. On further inspection this has now been rectified, but I am informed without communication with MPC. It would appear the contractor had not been requested to complete the work. On further inspection in the Ladies Toilet (12.02.2025) I noted a stainless steel splashback had been fitted and further decoration work carried out around the basin.

What evidence has the reviewer seen which makes him draw the conclusion that the original basins were vitreous clay or indeed that those basins were subsequently changed to stainless steel?

It stated they were white vitreous clay in the brief that I was emailed on the 2 December 2024 by the TC, this was based on a document which had been emailed to Members at 15:19 on the 20th November 2024 and according to the TC paper copies were handed out by the Chairman at the meeting of the 20th November 2024 stating the wash basins were white vitreous clay. It is reasonable to assume a semi-retired Chartered Building Surveyor of many years' experience would know the difference between white vitreous clay and stainless steel. I can confirm the basins were new stainless steel when I inspected the toilets in 21 January 2025 and I was pleased to note the water supply was turned off.

-

It is understood that a relevant NICEIC electrical safety certificate has not been issued. At a MPC Meeting Councillor Worthington confirmed that he would issue such a certificate.

What evidence is there to confirm that Cllr Worthington confirmed that he would issue any such statement?

It was recorded and agreed at a meeting prior to the Fayre & Feast that Cllr Worthington agreed that he would carry out this test prior to The Fayre and Feast. The TC agreed to inspect the roof timbers and the sanitary ware waste systems to see if in his professional opinion they conformed to the relevant building regulations, confirmed to Cllr Redpath by email. While it was possibly correct to open the toilets on a temporary basis for the event. I would err on the side of caution and make sure all the certification is in place before they are opened on a permanent basis.

-
19 Confirmation required that the Unisex Disabled Toilet was decorated. Other issues including holes around wash hand basins, sealants, wipeable surfaces including exposed stone walls and floors. It would appear the contractor had not been requested to complete the work.

4. CONCLUSION

From available Parish Council records and contrary to the adopted Standing Orders and Financial Regulations only one quotation was received and accepted for the project.

In para 2.4 the reviewer states that a quotation was received from Newman & Moore. Does this not therefore contradict the earlier statement?

The quotation from Newton & Moore was a totally different document, it was a detailed quotation with every element separately priced and was apparently discarded and not compared at the meeting with the one from G Jones. The Financial Regulations state for works over £3,000 the Council shall obtain 3 quotations. As previously stated the 'quotation' from G Jones was not a quotation in the legal sense of the word, but an estimate which is only acceptable below £3,000. Therefore, should not have been accepted until it was itemised.*

From the Financial Regulations: 10.1 b

*When it is to enter into a contract of less than £25,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk or RFO shall obtain 3 quotations (*priced descriptions of the proposed supply); where the value is below £3,000 and above £500 the Clerk or RFO shall strive to obtain 3 estimates. Otherwise, Regulation 10.3 above shall apply.*

20. The approved quotation submitted by Gary Jones Building Services only gave a total figure without a detailed breakdown of costs for each element of the proposed works.

Could the reviewer explain how detailed he felt the quotation ought to have been?

It should have been a quotation as described in the Financial Regulations paragraph 10.1b previously stated

Without written evidence it would appear that variations had been made without consultation or approval, particularly in relation to the roof covering.

No written records of site meetings or site instructions have been traced.

Clarification required whether the project was subject to the Construction (Design and Management) Regulations 2015 (CDM15) and whether the Health and Safety Executive (HSE) should have been notified.

Could the reviewer explain what he means by "clarification required"

This project should have been registered. The HSE are quite specific. Any commercial organisation (domestic works are exempt) having maintenance, small-scale building work or other works carried out must comply. As a client you have duties under the Construction (Design and Management) Regulations 2015. The Regulations aim to make sure the construction project is safe to build, use and maintain and offers good value including its method of demolition and disposal at the end of its lifespan. This project and the Market Cross works fall within

these regulations. A qualified Proper Officer should be aware of all these regulations including: development control, planning, building regulations, regulations relating to the historic environment, environmental services, highways, CDM, HSE and a long list of others

Clarification as to whether Building Regulation approval was required, particularly under the following Approved Documents;

Approved Document A - Structure

Approved Document G - Sanitation, hot water safety and water efficiency

Approved Document H - Drainage and Waste Disposal

Approved Document P - Electrical Safety

Could the reviewer explain what he means by “clarification” in terms of a,b,c,d”?

It is self-explanatory, as previously stated the works in the toilet should comply with all the Parts of the Building Regulations they apply to. It is the building owner’s responsibility to ensure the works properly comply, with all inspections carried out and a final certificate is given on the completion of works. This responsibility is usually transferred to the contractor and is usually mentioned in the Preliminaries of the Schedule of Works or the contract document.

Which leads me onto another relevant matter: It is best practice when procuring works such as these to have a contract in place such as the JCT minor works contract for building works Which not only protects the employer but also the contractor and certainly if there are any disputes in the contract term going forward. When any other works are procured by the council a formal contract should be entered into and endorsed by both parties

Michael Credland BEM

14 March 2025