

BOXLEY PARISH COUNCIL

www.boxleyparishcouncil.co.uk

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6th June 2012

To Parish Councillors, members of the public and press.

Members are hereby summonsed and notice is given that a **Meeting of the Parish Council** will be held at **European School of Osteopathy, Styles, Lane, Boxley Village** on **Monday 11th June 2012** commencing at 7.30 p.m. when it is proposed to transact the following business:

Time guide
(7.30)

1. **Apologies and absences.** (7.30)
To receive and accept apologies for absence.
2. **Declaration of Interests or Lobbying.** (7.31)
Members are required to declare any interests or lobbying on items in this agenda.
3. **Minutes of the Parish Council Meeting on 14th May 2012** (7.33)
To consider the minutes of the meeting and if in order to sign as a true record (pages 3-6).
4. **Matters Arising From Minutes.** (7.36)
 - 4.1 Minute 2401/5 Round Wood. KCC has submitted Walderslade Woods for Voluntary Village Green status. The request for the old application to be withdrawn in favour of the new voluntary application will be put before the County Council's Regulation Committee. Its next meeting is 15th June 2012 but it is not clear whether it will make this one. A letter of support for the withdrawal has been sent.
- 5 **Report from the PCSO and Police Issues.** (7.38)
 - 5.1 Crime statistics and report (page 7).
 - 5.2 To consider letter from Inspector Geoff Wyatt, Neighbourhood Policing Unit (pages 7-8).

To adjourn to enable members of the public to address the meeting. (7.48)

- 6 **Draft Minutes of Meetings since Previous Parish Council Meetings.** (8.00)
For the parish council to receive the minutes members are allowed to ask questions of the Committee Chairmen.
 - 6.1 Environment Committee meeting 14th May 2012 (page 8-9).
 - 6.2 Environment Committee meeting 21st May 2012 (page 9-11).
 - 6.3 Finance Committee 22nd May 2012 (pages 11-13).
- 7 **Finance.** (8.06)
 - 7.1 To note payments made out of meeting 14.05.12 – 06.06.12 (pages 17-18).
 - 7.2 To note receipts for the period 09.05.12 – 06.06.12 (page 19).
 - 7.3 Account balances as at 06.06.12 (page 20).
 - 7.4 To authorise payments of accounts (list supplied at meeting).
 - 7.5 Insurance premium, to consider extending the number of years 'tied into' the agreement – see information (page 21).

- 8 **End of Year Accounts** (8.15)
To receive the Finance Committee recommendation that the End of Year paperwork be signed. Resolution to be considered "**Boxley Parish Council agrees and signs off the 31st March 2012 End of Year Accounts.**" See report (page 22-24).

- 9 **Acquisition of Land** (8.20)
To ratify the expenditure of £37,000 to secure the 3.3 acres of land at Sandy Lane. To ratify various other decisions that had to be taken out of meeting including the decision to sell on 1.33 acres of the land to Dr and Mrs Spain - see report (page 13).
- 10 **Weaving Diamond Jubilee Orchard.** (8.25)
To receive an update on the situation – see report (page 13).
- 11 **Matters for Decision.** (8.30)
11.1 Attendance at Tunbury School Fete 30th June 2012, 2.00 – 4.00.
- 12 **Reports from Borough and County Councillors.** (8.35)
To allow the councillors to report and discuss matters affecting the parish.
- 13 **Powers of Competence.** (8.45)
To consider the new Act and whether the Parish Council wishes to apply for it see report (page 14 - 16).
- 14 **Policies and Procedures Review.** (8.55)
14.1 Press Policy – see report (page 16).
- 15 **Reports from councillors/office.** (9.00)
Representatives who attended any meeting on behalf of the parish council are invited to give a brief summary.
- 16 **Matters for Information.** (9.08)
16.1 KALC May Parish newsletter, supplied to members.
- 17 **Next Meeting.** (9.10)
Monday 2nd July 2012 at 7.30 pm at Weaving Villager Hall, Weaving Street, Grove Green.

Clerk to the Council.

In agreement with policy the committee meeting is due to stop at 9.30 pm but Chairman has devolved powers to extend it by 30 minutes

Item 3 Minutes of the Annual Meeting of the Parish Council at Beechen Hall, Wildfell Close on Monday 14th May 2012 commencing at 7.30 pm.

Councillors present – Mr M Pepper (Chairman until item 3), Mr I Davies (Chairman from item 3), Mrs P Brooks, Mr V Davies, Mr P Dengate, Mr T Harwood, Mr B Hinder, Mrs W Hinder, Mrs K Macklin, Mr K Perry, Mr G Smith, Mrs A Spain, Mr A Springate, Mr P Sullivan, and Mrs M Waller together with the Clerk, County Councillor P Carter, Ms R Spore (Director of Property and Infrastructure Support), 7 members of the public and 2 members of the press.

1. **Apologies and absences.**

All Councillors were present. PCSO Hawthorn.

5. **Declaration of Acceptance of Office.**

Noted all declarations had been signed before the meeting.

6. **Election of Chairman.**

Cllr Brooks nominated with Cllr Wendy Hinder seconding – **Cllr Ivor Davies**. There being no other nominations this was **agreed** (2 abstentions). Cllr Davies took the position of Chairman and thanked the outgoing Mr Pepper who departed to applause.

Item 10 was moved forward to become item 4.

7. **Declaration of Interests or Lobbying.**

Cllr Spain declared a pecuniary interest in item 23 Purchase of Land.

Cllr Brooks notified members that, in the interests of the Council being open and accountable, she wanted to remind members that she lived close to the site in item 23 but felt that she did not have a pecuniary interest.

Cllr Harwood notified members that due to his role on the Maidstone Planning Committee he would absent himself from the meeting during item 5.

The Chairman notified the meeting that, to ensure no future potential conflict of interest, he had resigned from the position of Secretary to Walderslade Woods Group.

All members declared that they had been lobbied on item 5 Round Wood.

8. **Round Wood**

Cllr Harwood left the meeting for the duration of the item.

County Councillor Carter was welcomed to the meeting and he gave a brief history of the Round Wood project. He apologised for the sometimes slow or lack of action by Kent County Council.

County Councillor Carter informed the meeting that **Kent County Council agreed to the Parish Council's request that Walderslade Woods (excluding the small development site at Wildfell Close) be subject to a Voluntary Village Green submission by KCC**. It was clarified that this submission would be considered by the Commons Registration Unit and it would have to be persuaded that this would be more beneficial than the currently suspended Parish Council application.

A brief discussion took place during which the Chairman adjourned the meeting to allow comments from the public, Ms Spore gave information on a planning application that was being drawn up for the area at Wildfell Close and also on the Voluntary Village Green submission. Ms Spore agreed to supply a copy of the planning application to the Parish Council and to liaise with the Clerk to ensure that the village application submission was successfully progressed.

The Chairman thanked Councillor Carter on behalf of the Council and the residents. He assured members and Walderslade Woods Group that they would be kept updated on progress. **Action - Clerk**

Item 17 was taken at this point and after this County Councillor Carter, Ms Spore and the public departed.

9. **To Elect a Vice Chairman.**

Cllr Springate nominated with Cllr Wendy Hinder seconding – **Cllr Brooks**. There being no other nominations this was **agreed** (with 1 abstention). Cllr Brooks notified the meeting that she would only serve for one year, so as to allow other Councillors to gain

experience.

The Chairman notified the meeting that he planned, whilst in the chair, to abstain from voting.

10. **To Appoint Committees.**

Committees were appointed with the following membership.

Environment Committee.

Cllr P Brooks
Cllr I Davies
Cllr P Dengate
Cllr B Hinder
Cllr W Hinder
Cllr K Perry
Cllr A Spain
Cllr A Springate
Cllr M Waller

Estates Committee

Cllr P Brooks
Cllr I Davies
Cllr V Davies
Cllr P Dengate
Cllr B Hinder
Cllr G Smith
Cllr Sullivan
Cllr Waller

Finance Committee.

Cllr P Brooks
Cllr I Davies
Cllr V Davies
Cllr B Hinder
Cllr W Hinder
Cllr K Macklin
Cllr K Perry
Cllr G Smith

Financial Scrutiny Committee.

Cllr W Hinder
Cllr Spain
Cllr A Springate
Cllr P Sullivan

11. **To appoint Committee Chairman and Vice Chairmen.**

Discussion took place on whether the Chair and Vice Chair should be appointed at the first committee meeting; at the Annual Meeting but with only the committee members voting or whether it should remain unchanged with all Councillors voting.

It was **agreed** that Standing Order 15(a) (viii) remain unchanged and that the appointment of Committee Chair and Vice Chair by all Councillors at the Annual Meeting of the Parish Council continue.

Environment Committee.

Chairman. Cllr Spain nominated, with Cllr Perry seconding, **Cllr Wendy Hinder.** There being no other nominations this was **agreed** (with 1 abstention).

Vice Chairman. Cllr Bob Hinder nominated, with Cllr Springate seconding, **Cllr Perry.** There being no other nominations this was **agreed** (with 1 abstention).

Estates Committee.

Chairman. Cllr Sullivan nominated, with Cllr Bob Hinder seconding, **Cllr Vic Davies.** There being no other nominations this was **agreed** (with 1 abstention).

Vice Chairman. Cllr Brooks nominated, with Cllr Harwood seconding, **Cllr Bob Hinder.** There being no other nominations this was **agreed** (with 1 abstention).

Finance Committee.

Chairman. Cllr Ivor Davies.

Vice Chairman. Cllr Vic Davies nominated, with Cllr Smith seconding, **Cllr Bob Hinder.** There being no other nominations this was **agreed** (with 1 abstention).

12. **Appoint Representatives to External Bodies.**

Agreed.

Grove Green Community Association – Cllr Vic Davies

Kent Association of Local Councils – Cllr Wendy Hinder, Cllr Bob Hinder and Cllr Brooks (reserve).

ACRK – Cllr Ivor Davies

Sandling Village Hall (2 Trustees) – Cllr Waller and Cllr Ivor Davies.
Vinters Valley Nature Reserve (Trustee) – Cllr Vic Davies
Boxley Warren LNR – Cllr Tony Harwood
Mid Kent Steering Group – Cllr Smith

13. **Inspection of Deeds and Trust Documents.**

Noted originals are stored at the Solicitors (Whitehead Monckton), copies can be inspected at the parish office.

14. **Minutes of the Parish Council Meeting on 4th April 2012**

The minutes of the meeting were **agreed** and **signed** as a true record.

15. **Matters Arising From Minutes.**

12.1 Minute 2391/4.2 concurrent functions, a brief update on timing was **received**.

12.2 Minute 2392/10 Powers of Competence will be on the June 2012 agenda.

13 **Report from the PCSO and Police Issues.**

Crime statistics were **received**.

14 **Draft Minutes of Meetings since Previous Parish Council Meetings.**

Noted and **received**.

14.1 Environment Committee meeting 4th April 2012.

14.2 Environment Committee meeting 16th April 2012.

14.3 Estates Committee 17th April 2012, with a minor typing error amended.

15 **Finance.**

15.1 **Noted and received** payments made out of meeting 05.04.12 – 13.05.12.

15.2 **Noted and received** receipts for the period 28.03.12- 08.05.12.

15.3 Account balances as at 08.05.12. An error in the information with a sum (VAT Adj £1199.85) included that related to the 2012/2013 End of Year was identified.

Noted the Finance Committee agenda contained an explanation of the adjustment. **Action –Finance Committee to satisfy itself as to the adjustment.**

15.4 Members received the payments of accounts list and **noted** that the cheques would be signed after the meeting.

15.5 Concurrent functions. **Ratified** the signing off of the MBC expenditure report.

15.6 End of Year Audit, **noted** that the audit period was underway.

15.7 Cheque signatories mandate changes. It was proposed from the Chair and **agreed** that **"in order to take into account changes to the Council caused by the May 2012 elections the Cooperative Cheque Signing Mandate would be presented to all members for signature. There to be no change to the requirement that 2 signatures were required for cheques"**.

It was proposed from the Chair and **agreed** that **"in order to take into account changes to the Council caused by the May 2012 elections work was to be undertaken to amend all other account and investment mandates. There to be no change to the requirement that 2 signatures were required for cheques or authorisations"**.

16 **Matters for Decision.**

16.1 KALC training dates for Councillors were **received** and **noted** Cllr Dengate would be attending training on 27th June 2012 at a cost of £60. **Action –office and Cllr Dengate.**

After discussion it was **agreed** that 4 Parish Councillor Guides would be purchased. **Action – office.**

17 **Reports from Borough and County Councillors.**

County Councillor gave a report on; the expenditure on winter maintenance and the resulting fall in complaints received by him; an update on spending cuts and the effects; the allocation of some of his devolved budget for work on Walderslade Woods Road.

Cllr Wendy Hinder's written report on issues relating to the parish was **received** and she was congratulated on her re-election.

18 **Weaving Diamond Jubilee Orchard.**

A brief verbal update was given on progress. Cllrs Ivor Davies, Bob Hinder and Smith volunteered to judge the bunting competition and they were asked to attend the parish office on 23rd May to do so.

19 **Policies and Procedures Review.**

Standards Board for England PC Policy the Clerk's suggestion that there be no change to the policy until the recommendations from MBC were received was **agreed**.

20 **Reports from councillors/office.**

20.1 Martin Peppers' report on the Walderslade Village PACT meeting was **received**.

20.2 Martin Peppers' report on the Maidstone Council meeting was **received**. Cllr Brooks' verbal update on empty houses strategy of MBC was **noted**.

20.3 Report on Boxley Warren –Mike Phillips Mid Kent Downs Projects Officer, **received**.

As it was 9.30 pm the Chairman used his devolved power to extend the meeting for a further 30 minutes.

21 **Matters for Information.**

Noted

21.1 Parish Precept. Boxley PC is the 2nd lowest in Maidstone at £20.99 average Band D.

21.2 Rural News 115.

21.3 KALC Area Committee minutes.

21.4 E-training. The National Training Strategy for Town & Parish Councils, www.ntselearning.co.uk, has 2 x planning courses and also new councillor training.

21.5 Rural News 116.

21.6 Mid Kent Downs Bulletin May edition.

22 **Next Meeting.**

Monday 11th June 2012 at European School of Osteopathy, Styles Lane, Boxley at 7.30 pm.

In view of the confidential nature (financially sensitive) on the item about to be transacted, a resolution for the public and press be excluded from the meeting for the duration of or for part of the item was passed.

Cllr Spain having declared a pecuniary interest availed herself of the right to address members for 3 minutes and explained her interest in the land. She then left the meeting.

23. **Purchase of Land.**

After considering the information in the confidential report and discussion on the Council's wish to provide allotments members **agreed in principle to pursue the purchase of the land at Sandy Lane which was subject to an auction on 23rd May 2012**. Delegated power to progress this work was given to Cllr Vic Davies, Cllr Ivor Davies, Cllr Wendy Hinder and the Clerk. Permission was given to; explore jointly purchasing the land with any parties that expressed an interest (to ensure that a bidding war did not stop the opportunity to purchase the land); to incur costs for professional advice and representation.

Members **agreed** that the opportunity to purchase land in the area was rarely available and that they would consider paying above the valuation guidance. A report including recommendations for a limit to the bidding, obtained after a professional valuation and possible increase due to 'hope value', was to be supplied to all members for approval and this to happen prior to attendance at the auction. Land would be purchased under Local Government Act 1972, ss 124 and ss139.

Meeting closed at 10.00 p.m.

Item 5 Report from the PCSO and Police Issues. Purpose of item: information and decision.

Item 5.1 Crime figures for Boxley 21/04/2011 to 20/05/2012

Burglary

12/05/2012 Wingrove Drive, Weavingring.

Theft from a Motor Vehicle

29/04/2012 Harrow Way, Fuel Theft.

30/04/2012 Abigail Crescent, Walderslade.

02/05/2012 The Village Hotel, Aylesford.

Going equipped for theft

17/05/2012 Old Chatham Road, Suspect arrested.

PCSO Hawthorn report.

I apologise for not attending this meeting but due to shift changes to enable me to attend the 31st May event and the subsequent long bank holiday weekend I need to take some days off.

The 31st May was an outstanding success and a pleasure to be at with absolutely nothing to report. I am keeping an eye on the Orchard area but everything, so far, is quiet.

I have been dealing with bikes on Beechen Bank and I spoke to 5 youths but unfortunately could not catch the boy on the motorbike I do however know who he is and am monitoring the situation.

I visited Pennies Nursery and took the car along to talk to the children.

I have also been dealing with untaxed vehicles.

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Item 5.2 The following letter is from Inspector Geoff Wyatt, Neighbourhood Policing Unit, and concerns the PCSO covering Bredhurst Parish on a permanent basis. He initially contacted the parish office and was asked for it to be put in writing:-

Please accept my apologies for the late response as I was unable to access the partnership agreement (dated 1st April, 2008) between Boxley Parish Council and Kent Police last week. Similarly, can you pass on my apologies to the parish council for any misunderstanding and the lack of direct communication in the first instance.

My first thought when considering the Bredhurst issue was that PCSO Andy Hawthorn could provide some limited cover for a number of reasons:

1) Geographical - Bredhurst lies on the northern borders of your parish and travelling criminals from Medway frequently pass through Bredhurst (amongst other routes) to commit crime in Boxley and Maidstone. Interception and disruption at the earliest opportunity is always the best approach to reducing and detecting crime.

2) The level of crime and disorder in Bredhurst is negligible and requires a minimal policing presence. I would estimate no more than 1 hour/week and that is primarily in a general patrolling capacity.

3) The lack of cover by another PCSO from a neighbouring parish. A PCSO has only recently been appointed to Detling and Thurnham where cover for Bredhurst has come from in the past. This post had been vacant for a number of months and cover was provided from PCSOs further away. Now that we have filled the vacancy, I need to ensure the Detling and Thurnham PCSO has time to focus and re-establish some key links with the local community. This PCSO also needs to provide support to the North Downs PCSO due to the size of that beat.

4) There are clear links between the communities of Boxley and Bredhurst, a matter that is further evidenced by councillors sitting on both parish councils. This approach would provide a corporate understanding and policing response to any matters that transgress across the two parishes.

5) On review of the partnership agreement, paragraph 5 of Schedule A provides potential scope for covering Bredhurst. Sub-paragraph j) states " to undertake any other duties as directed in support of the primary

aims and activities of the role which reflect local needs. " I would evidence this aspect with paragraphs 1), 2) and 4) above.

6) I accept that contractually Boxley are entitled to 100% cover (with a few exceptions) whilst funding 50% of the post. I have endeavoured to ensure that Andy Hawthorn is not abstracted for any other duties in the spirit of the agreement and felt that Bredhurst would be an acceptable exception.

Hopefully the Parish Council will understand my rationale. I discussed the matter with Andy Hawthorn and asked him to let you and Bredhurst Parish Councils know as a matter of courtesy in the first instance.

On a separate but relevant matter in the circumstances, Kent Police Legal Services are currently reviewing all PCSO contracts to ensure corporacy and to cater for the demise of the KPA with the introduction of Police and Crime Commissioners. With that in mind I would ask Boxley Parish Council consider adding the following clause in order to provide further clarity and agreement about the deployment of the Boxley Parish Council PCSO post -

" to patrol and deal with similar local policing issues in the Parish of Bredhurst. This includes general patrolling and attendance at parish council meetings for an average of one hour per week. "

I would be grateful if this matter could be formally discussed and I am more than happy to address any concerns or observations about this clause being added to the partnership agreement.

Regards,

Geoff

Item 6. Draft Minutes of Meetings since Previous Parish Council Meetings. Purpose of item: To receive.

Item 6.1 Minutes of the Environment Committee on Wednesday 14th May 2012 at Beechen Hall, Wildfell Close, Walderslade commencing at 10.05 p.m.

Councillors present – Mrs W Hinder (Chairman), Mrs P Brooks, Mr Ivor Davies, Mr P Dengate, Mr B Hinder, Mr K Perry, Mrs A Spain, Mr A Springate, and Mrs M Waller together with the Clerk.

1. Declaration of Interest or Lobbying.

None declared.

2. Apologies and absences

None as all members were present.

Not adjourned as there were no members of the public present.

3. Planning Applications and Appeals for Consideration

3.1 MA/12/0529 – Application for an erection of a new two storey classroom block for Invicta Grammar School and new three-storey classroom block for Valley Park School. Valley Park Community School, Huntsman Lane.
Wish to see approved.

3.2 MA/12/0375 erection of a detached 4 bed dwelling at Hillah, Cossington Road.

Ratified the change, taken after consultation with members, to the decision so that the Parish Council's response now reads

Wish to see refused and request the application is reported to the planning committee for the planning reasons set out below:

Development will have

- *A detrimental impact on the visual amenity of the street scene in Beechen Bank Road. Previous developments in the area have preserved the rural aspect, but this proposal will, due to its height, bulk and elevated position, be extremely dominant and over-bearing when viewed from the Beechen Bank Road viaduct (see attached photograph), and also from Cossington Road and across the Boxley Road valley.*
- *The design is not in keeping with the current street scene and there is concern about the amount of glass it contains, which will be widely visible.*
- *There is concern about loss of privacy to neighbouring properties in both Cossington Road and The Covert.*

4. **Next Meeting.**

Next Environment meeting 21st May 2012 at Beechen Hall commencing at 7.30 p.m.

Meeting closed at 10.08 pm.

Item 6.2 Minutes of the Environment Committee on Monday 21st May, 2012 at Beechen Hall, Wildfell Close, Walderslade commencing at 7.50 p.m.

Councillors present; Mrs W Hinder (Chairman), Mrs P Brooks, Mr I Davies, Mr P Dengate, Mr B Hinder, Mr K Perry, Mrs A Spain, Mr A Springate, and Mrs M Waller together with the Assistant Clerk.

The meeting started later than advertised due to the overrun of a presentation on land purchase.

1. **Declaration of Interest or Lobbying.**

Councillors present confirmed they had been lobbied in item 6. Cllr Dengate notified members as a matter of courtesy that he was part of the original residents group that had objected to a previous application to develop Cowbeck Woods.

2. **Apologies and absences**

All members were present. Cllrs P Brooks and M Waller gave their apologies for the next meeting.

3. **Minutes of the Meetings of 4th and 16th April 2012.**

The minutes of the meetings were **agreed** and **signed** as a true and correct record.

4. **Matters Arising From Minutes.**

4.1 Minute 2395/4.1 inconsiderate parking Walderslade Village/Boxley Road. Cllr I Davies confirmed he would notify Cllr Hinder of the next PACT meeting.

4.2 Minute 2395/4.2 marker at Cossington Lane. Members **noted** that work will commence w/c 6/6/12.

4.3 Minute 2395/4.4 PRoW Round Wood valley. Members **noted** that a formal application will be submitted by the Parish Office to KCC.

4.4 Minute 2395/4.5 Lidsing Road. **Noted** a request for additional signage etc. has been submitted.

4.5 Minute 2395/4.6 empty properties. A report was given by Cllr P Brooks at the full Parish Council Meeting 14 May 2012. Cllr Brooks confirmed that she would keep a close eye on the situation and will notify the Council of any changes.

The meeting was not adjourned as there were no members of the public present

5. **Planning Applications and Appeals for Consideration.**

MA/12/0668 – An application for listed building consent for the installation of 4no. externally illuminated signs, 5 no. internally illuminated signs and 5no. non-illuminated signs and rope lighting to the front elevation at Newnham Court Inn, Newnham Court Farm, Bearsted. *Noted.*

MA/12/0665 –An application for advertisement consent for the installation of 4no. externally illuminated signs, 5 no. internally illuminated signs and 5no. non-illuminated signs at Newnham Court Inn, Newnham Court Farm, Bearsted. *Do not wish to object*

MA/12/0693 – Application to vary condition 1 (no vehicle may arrive, depart, be loaded or unloaded within the general site, nor shall vehicles equipped with refrigeration units be allowed to remain stationary in the service yard except between the hours of 0600 and 2300 Monday to Saturdays and 0800 – 1600 Sundays and Bank Holidays. A maximum of five vehicles can visit the site between 1900 -2300 Monday to Saturday and a maximum of three vehicles can visit the site between 1300 and 1600 on Sundays and Bank Holidays) of MA/00/0292 to read as follows:

No vehicle may arrive, depart, be loaded or unloaded within the general site, nor shall vehicles equipped with refrigeration units be allowed to remain stationary in the service yard except between the hours of 0600 and 0000 hours Monday to Saturdays and 0800 – 2000 Sundays and Bank Holidays. A maximum of six vehicles can visit the site between 1900 -0000 Monday to Saturday and a maximum of four vehicles can visit the site between 1300 and 2000 on Sundays and Bank Holidays. At Tesco Stores Ltd, Minor Centre, Grovewood Drive North. *Members wish to see this application refused and reported to the planning committee for the reasons set out below:*

This is a residential area and the additional noise this will cause at this time of night would be unacceptable to local residents.

The Parish Council considers the current hours and amount of vehicle movements are reasonable and acceptable and therefore does not agree there is any evidence to support the change.

It must also be noted The Highway Code states that it is illegal to sound a car horn after the hours of 2300.

TA/0063/12 – Tree Preservation Order no.1 of 1969: An application for consent for works to 1(no) Hornbeam tree being, reduce canopy by 30%, thin canopy by 15% (removing dead wood and split branches), crown lift lateral branches up to 4m above ground level and clear all risings at 17 Pyrus Close, Walderslade. *Do not wish to object subject to the views of the Landscape Officer.*

MA/12/0711 - Erection of a single storey rear extension at 27 Restharrow Road, *Members asked for this application to be deferred and ratified at the next meeting to allow any objections to be received from neighbours.*

MA/12/0687 Erection of a single storey rear extension to both house and garage at 39 Coltsfoot Drive. *Do not wish to object*

Penhurst Close – Members noted the Land at Penhurst Close had been sold by Wards to Palace Estates and an application will be submitted for the development of single storey shops. Members deferred any judgement until an application has been formally submitted.

6. **Cowbeck Woods**

Members **received** further details from the land owner’s agent concerning the area that they may be putting forward for development. Members deferred any judgement until an application has been formally submitted.

7. **Walderslade Woods and Volunteer Group**

Received Cllr Springate’s report on the recent work undertaken on its task day by the group.

8. **Highways and Byways.**

8.1 Humming article and noise at Walderslade, **received** a verbal update, from the Assistant Clerk. Maidstone Borough Council has issued a three month compliance order and the office is monitoring the situation and will update members as it develops.

8.2 Boxley Road/Beechen Bank speed reduction – Members **noted** Subject to no objections from the public to the 18th July JTB (consultation and an advert being progressed May/June). The provisional date set for commencement of works is first week in August.

8.3 Request from two Councillors that a letter is sent to KCC to move the start of 40mph speed limit to north of Grange Lane. Members asked for this to be **deferred** until the meeting on 18th June so that further options could be considered and discussed.

9. **Policy and procedures review.**

Traffic Management Informative. Members **agreed** subject to amending the title of this policy to Traffic Management Advisory that it was still fit for purpose.

10. **Matters for information.**

10.1 **Noted.** South East Water Resources Update – Drought Special.

10.2 **Noted.** Request for Parking Restrictions: Old Chatham Road. Request for these has been refused by MBC. Members **agreed** that another letter is sent to Environmental Health on the grounds of health reasons and cc to Aylesford Parish Council. **Action Office.**

11. **Voluntary Village Green Application**

Members received **the application and map outlining the area of the village green and unanimously** agreed **with its content which is to be submitted by Kent County Council.**

12. **Next Meeting.**

Next environment meetings 11th and 18th June 2012 (full) at Beechen Hall commencing at 7.30 p.m.

No members of the public or press were present but due to the confidential nature (personal details and data) on the Enforcement item about to be transacted, the item was taken in confidence.

13. **Enforcement and Section 106 updates from MBC.**

There were no updates available.

Meeting closed 8.40 pm.

Item 6.3 Minutes of the Finance Committee Meeting held at Beechen Hall, Wildfell Close, Walderslade on Tuesday 22nd May 2012 commencing at 7.30 p.m.

Councillors present – Mr. B Hinder (Vice Chairman), Mrs. P. Brooks, Mr. V Davies, Mr. K Perry and Mr. G Smith together with the Clerk.

1. **Apologies and non-attendance.**

Cllr. I Davies (family commitment) Cllr. W Hinder (unwell) and Cllr Macklin.

2. **Declaration of Interest or Lobbying.**

All members declared lobbying on item 9.1 and item 10.

3. **Minutes of the meeting of 13th March 2012.**

The minutes of the meeting were **signed** and **agreed** as a correct record.

4. **Matters Arising.**

4.1 Minute 2390/11.1 Rates. Members were notified that a favourable re-rating had taken place but that MBC was now asking, due to its back dating, that a wrongly allocated Business Rates Relief of £1202.54 be paid back to MBC. Members were of the view that as this had been a mistake by MBC that the Council should appeal against this request.

4.2 Minute PRS License. Members **noted** that the hall had been assessed and the payment made, the payment being lower than had been feared.

The meeting was not adjourned as no members of the public were present.

5. **Financial report.**

5.1 Income/Expenditure report of 14th May 2012. **Noted** it had not been possible to submit this report as the budget figures for 2012/13 had not yet been entered into the system.

5.2 Reconciliation of accounts report of 31st March 2012 was **received** and **signed off**. Members accepted the explanation of the VAT adjustment figure and **noted** that the Internal Auditor would be looking at this at the next visit.

5.3 Reconciliation of accounts for May 2012 **noted** it had not been possible, due to workload, to complete reconciliation for the latest statements.

5.4 Investment bonds. Cllr Perry raised a concern about the Santander bond and members were notified that the situation was being monitored and if necessary there was a procedure by which the money could, with a loss of interest penalty, be withdrawn early. It was **noted** that the investment was with Santander UK and not the Spanish version of the bank.

Clydesdale Investment Bond. Members **ratified** the decision of the Clerk to cancel the bond, Cllrs Bob and Wendy Hinder signing the form, and reclaim the money. Members **understood** that with the possible land purchase and outstanding bills such as the £30,000 for the crossing that it was better to have the money available and then for the Council to reinvest in another bond.

6. **End of Year Accounts 2011/2012.**

6.1 The accounts were **received** and it was proposed from the Chair and **unanimously agreed** that **the Committee recommended that the Council formally sign them off**.

6.2 Income/Expenditure report 31st March 2012. It was **agreed** to defer this to the next meeting to allow Cllr Ivor Davies to be involved. **Action** – July meeting.

7. **Outstanding Time off in Lieu.**

Members **noted** and **understood** the sudden increase in hours. It was **noted** that the Assistant Clerk would prefer to take the additional hours worked as TOIL. It was **agreed** that the matter be deferred to the next meeting however members were of the opinion that in view of the extra work caused by the Royal visit and the land purchase the Clerk's extra hours needed to be paid. **Action** – July meeting.

8. **Policy and procedures reviews and adoption.**

Noted due to insufficient office time the policies and procedures for review have been deferred to the next meeting.

9. **Grant Request.**

9.1 Museum of Kent Life Cllr Vic Davies proposed, Cllr Brooks seconding that the £1,000 grant be released, **unanimously agreed**.

9.2 Friends of Boxley Church, Cllr Brooks proposed, Cllr Perry seconded that £250 be given, **unanimously agreed**. Payment made under Section 137 of the Local Government Act.

10. **Penhurst Close, lease.**

Member's **received** the Clerks written report and additional comments from Cllr Dengate. After discussion it was **agreed** that the Clerk should investigate the following before making arrangements to get the lease signed.

3.3.3.2 Thistles are included in the list of vegetation that must be kept off the area. In view of the wildlife value of such plants Cllr Harwood to be contacted to give an opinion so that the issue could, if he felt the need, be taken up with MBC.

3.3.3.4 Dog waste bins. Members felt that the emptying of the dog waste bin should be the responsibility of MBC and asked that this clause be removed.

3.3.3.6 It was suggested that MBC be notified that some boundary hedge work was planned and that there would be a boundary management scheme to enhance the wildlife value of the trees and hedges, the work would then comply with 3.3.3.7.

3.3.3.8 Members asked that this clause be amended so that it did not restrict the Council's ability to take out old equipment and replace it with new or better

equipment. Members were aware that this was a 125 year lease and they did not wish to restrict future Parish Council's from improving the area. The suggested clause was "The Tenant must keep in good repair and condition any playground equipment situated on the premises and renew such equipment as and when it falls into disrepair."

- 3.5.2 Members asked for clarification on whether the 3 interpretation boards needed permission or if they could just be included in this clause.

11. Matters for Information.

There was none.

12. Date of Next Meeting.

Tuesday 10th July 2012 at Beechen Hall, Wildfell Close, Walderslade commencing at 7.30 p.m.

Meeting closed at 8.13 pm.

Item 9 Acquisition of Land. Purpose of report; information, clarity and ratification

At its meeting on 14th May 2012 the Parish Council agreed to give delegated powers (so that speedy decisions could be taken) to the Chairman, two councillors and the Clerk to attempt to purchase 3.3 acres of land at Sandy Lane to be sold by public auction on 23 May 2012. A professional valuation of the land was then commissioned. As members are aware, the Parish Council's bid of £37,000 (below the valuation) was successful and a mandatory deposit of £3,700 paid. Transfer of title is currently being processed by our solicitors for completion by 20 June 2012. The cost of the legal work will be £1,000.

As members are aware, to reduce costs and because the area of land was in excess of the Parish Council's requirements, the Parish Clerk had earlier contacted Dr & Mrs Spain to ascertain if they would be bidding for the land. On learning that they were, the Clerk, with the Chairman's agreement, then suggested that they and the Council entered into a partnership to purchase the land. This they agreed to do in a written agreement with the Council made on 22 May 2012 stating that 1.33 acres of the land now purchased will be immediately sold on to Dr & Mrs Spain once full title is granted. The cost of the legal work in connection with this division will be shared on a 60:40 basis between the two parties.

Members are asked to ratify the following decisions taken out of meeting.

- 9.1 The employment of Hobbs Parker to undertake the valuation.
- 9.2 The decision to enter into a partnership with Dr & Mrs Spain with the agreement to split the land into 2 acres and 1.33 acres.
- 9.3 The purchase of the land at a price of £37,000.
- 9.4 The employment of Whitehead-Monckton to progress the transfer of ownership of the land.
- 9.5 The closure of the Clydesdale 3 month bond with all funds transferred to the Parish Council's General Account to cover the possible cost of the purchase and subsequent expenditure.

Item 10. Weaving Diamond Jubilee Orchard. Purpose of item: information and for clarification on any issue to be given.

Members are notified that management responsibility has been passed to the Estates Committee.

Work will commence on getting the 125 year lease completed and signed off.

The school is producing a CD of the children's song, at a cost of £5, with profits going to Maidstone Mencap. If any Councillors wishes to purchase one please notify Cllr Vic Davies.

Item 13. Power of Competence. *Purpose of item: information and for members to consider whether to apply for the power.* Clerks comment- the Clerk is required to keep members notified of any changes to legislation that impacts on a Parish Council. This is such a notification.

Currently a Parish Council can only undertake expenditure if it has been given the legal power to do so. Some years ago the Power of Well Being was introduced but the take up of this power by Parish Councils was poor and rarely (if ever) used. There are probably many reasons for this but it was not a popular power as it was primarily aimed at large local authorities.

The Localism Act 2012 created the possibility of a Parish Council obtaining a Power of Competence. In brief this would allow a Parish Council to provide any service it wished.

The Parish Councils (General Power of Competence)(Prescribed Conditions) Order 2012 has now been passed. For a Parish Council to apply for the power, it has to pass a resolution, which must be reaffirmed at each subsequent relevant annual meeting. At the time of the resolution the Council must:

- Have two-thirds of members (or more) declared elected – contested or uncontested.
- A qualified Clerk. *Clerk's comment - there is a list and my qualification is recognised.*
- Relevant training on the exercise of this general power. Training will be run by KALC.

Clerk's comment. Nobody knows how Parish Councils will use this power however it may be that some parishes would choose to take up some of the services being cut by principle authorities or to pay towards flood defence work. Prior to this Act a Council could use its Section 137 power to pay for something that it did not have the power to do. Section 137 is however limited to £6.80 per head of the electorate per year. So, for example, a Parish Council with an electorate of 1,000 can only spend £6,800 per annum. Under this new power it could spend as much money as it wished if it could justify its expenditure not only to the Auditor but also to the electorate, if challenged.

Training at KALC will be the only cost to the Parish Council if it wished to take up the power. If members consult their budget they will see, in the supporting information, the various Acts under which they currently spend money.

The following was taken from a website as further explanation of the Act.

Localism Bill - General Power of Competence

The long awaited Localism Bill introduced in the House of Common earlier this week begins with a splash - the much heralded "General Power of Competence" (GPC) for local authorities. Ministers have said that the new power would allow local authorities to set up banks, develop property, run new services and own assets.

The following describes the proposals as set out in the Bill, which may of course change during its passage through Parliament

Which local authorities are intended to have the new power?

All local authorities in England including "eligible parish councils". (A parish council is "eligible" if it has been so prescribed by an order made by the Secretary of State.)

What is a "general power of competence"?

This is described in clause 1 of the Bill as a power for a local authority to do "anything that individuals generally may do" even it is unlike anything the authority or public bodies would otherwise do. In using the power, the local authority may act "in any way whatever" including doing things inside or outside the United Kingdom, whether or not for a commercial purpose, with or without charge and whether or not that action would benefit the local authority, its area or persons resident or present in the area.

But the power is proposed to be subject to some statutory exceptions and limitations. These are described in clauses 2, 3, and 4.

What are the statutory exceptions?

These are described as "the boundaries" of the new power and include:

- if there is another (pre-existing) statutory power which "overlaps" with what the authority wants to do and that power is subject to restrictions, those restrictions also apply to the GPC. So a local authority cannot get around express limits on its other powers by relying on the GPC.
- the GPC does not authorise anything which the local authority is unable to do because of an express limitation on its powers imposed by statute.
- it does not enable a local authority to depart from statutory provisions which govern its constitution and the exercise of its functions, ie. under the Local Government Act 1972 regarding discharge of functions by committees, joint committees or officers or under the Local Government Act 2000, currently for discharge of functions through executive arrangements but which the Bill also proposes to amend to allow more flexibility.

Are there any other statutory limits?

Yes, there are separate limits that apply to:

- services the local authority provides to a person "otherwise than for a commercial purpose"; and
- things a local authority proposes to do for a commercial purpose.

Limits on using the general power of competence to charge for "non-commercial" services

The GPC cannot be used to charge for a service which the local authority has a statutory obligation to provide (or if it has a power to charge under another specific provision). Where it may make a charge, the income it generates should not exceed the costs of provision of the service, taking year on year.

Limits on doing things for a commercial purpose under the general power of competence

The limits on commercial activities include:

- a local authority may only do something for commercial purpose if the GPC would also authorise it to do something "otherwise than for a commercial purpose"
- if it is doing something under the GPC for a commercial purpose it must do it through a company
- a "company" means either a Companies Act 2006 company or a society registered (or deemed to be registered) under the Cooperative and Community Benefits Societies and Credit Unions Act 1965 or the Industrial and Providence Society Act (Northern Ireland) 1969. The definition does not include a limited partnership or a limited liability partnership.

Are there any other important limits on the GPC?

The powers of individuals are, of course, subject to the general law. Individuals may not, for example, raise taxes and they must comply with all regulatory requirements and the criminal law. They are subject to general tax law and if, for example, the GPC were to be relied upon to set up a bank, that bank would be subject to normal regulation by the FSA. Their actions could also lead to an infringement of an EC law which is directly enforceable in the UK.

The Bill contemplates the risk that a local authority might act in a way which would lead to a financial sanction being imposed on the UK by the European Court of Justice (whether through use of the GPC or otherwise). A separate part of the Bill (Part 2) includes provisions which would enable a Minister of the Crown to require a local or other public authority to make a payment determined by the Minister in respect of any financial sanction imposed on the UK by the ECJ under Article 206 of the Treaty on the Functioning of the European Union.

Does the Secretary of State have power to expand or restrict the exercise of the GPC?

In line with the pattern for much legislation over recent years, it is proposed that the Secretary of State could, by order, repeal or revoke parts of other legislation which inhibit the exercise of the GPC by local authorities. Alternatively, the Secretary of State may, by order, prevent the exercise of the GPC by a local authority or local authorities generally, or impose conditions on the exercise of the power.

Some practical implications

The Bill was published on the same day that further cuts in public sector budgets were announced. It is likely that local authorities and others will be looking at the GPC to see how far it can assist authorities in raising new sources of finance and maximising the benefits of their assets. The convoluted exceptions to the new power will, however, mean that lawyers will not be wholly redundant. If enacted in its present form, there will be a number of checks and balances to go through to ensure that what the local authority proposes is within the new power. For example, one of the effects of the "boundaries" to the new power would be that local authorities still would not be able to charge their assets to provide security for borrowing. Moreover, a separate part of the Localism Bill (Part 4) contains provisions intended to control increases in council tax, which may be seen as a "safety value" against imprudent action by local authorities. Under these provisions it is proposed that a local authority should hold a referendum on any intended increase in its council tax for a financial year which is "excessive", as determined in accordance with a set of principles determined by the Secretary of State for the year

Item 14 Policies and Procedures Review. *Purpose of item: review and if required amend the policies/procedures.* Clerk's comment- to ensure good and regular press coverage, which the Council currently does not have, it is necessary to cultivate the press. This is proving difficult for the parish office as it can be time consuming. This became apparent in the build-up to the Royal Visit and thus it is being brought to members' attention.

14.1 Press Policy.

The council strives to be open and accessible to the media at all times.

It uses external communication with the media for a number of purposes:

- To broaden and strengthen local democracy through a well-informed public
- To raise awareness of the Council's policies, services and functions
- To publicise meetings and decisions of the Council, and other decision making committees
- To promote the Council's role as a community leader
- To publicise the Council's role in partnership initiative with other bodies
- To enable local people to have an effective, well informed dialogue with the Council about services and policies and the needs of individuals and communities
- In an emergency, to highlight public safety messages and keep people informed.

The Clerk will normally be the contact for press enquiries on appropriate issues, but will refer to the Chairman of the Council or appropriate committee for specific quotes as and when required. The Clerk/Chairman will be responsible for issuing all press releases and for dealing with enquiries from the press in an efficient and timely manner. Press releases will normally be approved by the Chairman of the Council or Committee chairman when there are direct quotes used.

The Council's publicity is intended to be objective and balanced, and will be designed not to affect public support for any particular political party.

When dealing with the press, councillors should be confident about the issue raised and the Council's policy or response to particular activity, service or issue. It is important that quotes that are made on behalf of the Council are factual and standards and ethics are maintained.

The Clerk will update notice boards and maintain the Council's website liaising with the Chairman as appropriate to provide a useful means of informing residents of the Council's services and its activities. The Clerk/Chairman will edit the page in the Downs Mail.

Controversy on some issues is inevitable – indeed it is a healthy part of the democratic process. In these circumstances the Council's policies may need defending in a manner which may be robust but which must still be reasonable.