



It has not been possible to include the financial reports as a pdf on this website page. A copy can be obtained by contacting the parish office. The Parish Council apologies for the inconvenience caused and is attempting to find a solution

BOXLEY PARISH COUNCIL

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To Parish Councillors, members of the public and press.

28th August 2012

Members are hereby summonsed and notice is given that a **Meeting of the Parish Council** will be held at the at **European School of Osteopathy, Boxley Village** on **Monday 3rd September 2012** commencing at 7.30 p.m. when it is proposed to transact the following business:

Time guide
(7.30)

1. **Apologies and absences.**
To receive and accept apologies for absence. (7.31)
2. **Declaration of Interests or Lobbying.**
Members are required to declare any interests or lobbying on items in this agenda. (7.33)
3. **Minutes of the Parish Council Meeting of 2nd July 2012.**
To consider the minutes of the meeting and if in order to sign as a true record (pages 3-5). (7.36)
4. **Co-option to Parish Councillor Vacancy (South Ward).**
To consider the application for the position of Parish Councillor, see attached report (page 5) and confidential enclosure. (7.46)
5. **Matters Arising From the Minutes.**
 - 5.1 Minute 2421/4.1 Round Wood. The request to withdraw the Village Green application was approved by KCC and signs, giving the public the right to comment, have been erected concerning the voluntary registration application.
 - 5.2 Minute 2421/4.4 Website: the Working Group will be meeting shortly to decide on what further work is required. If members have any views or comments please supply them to the parish office.
 - 5.3 Minute 2422/9.1 Parish Tour. To set a date and notify the Clerk of any additional areas that they wish to visit see report (page 5-6).
 - 5.4 Minute 2422/10 Code of Conduct advert not yet placed due to a complication caused by KALC Maidstone Area Committee.
 - 5.5 Community Project Grant, closing date for applications has been set for 28th September and this will then be progressed with the judging group.
 - 5.6 Weaving Diamond Jubilee Orchard. A reminder (20.08.12) has been sent to MBC that the lease agreement was still outstanding due to the item relating to emptying of the dog waste bin.
6. **Report from the PCSO and Police Issues.**
 - 6.1 Crime statistics and report (page 5).
 - 6.2 PCSO Contract. The Police are taking legal advice and the Chairman has been invited to a meeting to discuss the situation with Chief Inspector Bumpus.

To adjourn to enable members of the public to address the meeting. (8.05)

7. **Draft Minutes of Meetings since Previous Parish Council Meetings.** (8.15)
For the parish council to receive the minutes, members are allowed to ask questions

of the Committee Chairmen.

7.1 Environment Committee meeting 2nd July 2012 (page 6-8).

7.2 Environment Committee meeting 9th July 2012 (page 8-11).

7.3 Finance Committee 10th July 2012 (pages 11-14).

7.4 Estates Committee 14th August 2012 (pages 14-17).

8 Finance. (8.20)

8.1 To note payments made out of meeting 03.07.12 – 28.08.2012 (pages 28-30).

8.2 To note receipts for the period 26.06.12 – 28.08.2012 (page 31 - 33).

8.3 Account balances as at 28.08.12 (page 33).

8.4 To authorise payments of accounts (list supplied at meeting).

8.5 Annual Return for 2011/2012 has been received see report (page 17-18).

9 Land at Sandy Lane, Boxley. (8.25)

To receive an update, see report (page 18).

10 Flag at Beechen Hall. (8.35)

To consider the Estates Committee recommendation concerning the flag at Beechen Hall see report (page 18).

11 Parish Council Payments Consultation. (8.40)

To ratify the response, see report (page 18-19).

12 Matters for Decision. (8.48)

12.1 Action with Communities in Rural Kent Annual Meeting on Thurs 13 September 2012 at Elham Village Hall, commencing at 5.30pm (e-mail 08.08.12)

12.2 KALC - The Annual Finance Conference will be held on Saturday 20th October 2012 at Lenham Community Centre.

13 Reports from Borough and County Councillors. (8.54)

To allow the councillors to report and discuss matters affecting the parish.

14 Policies and Procedures Review. (9.05)

14.1 Code of Practice for Handling Complaints Against the Parish Council (p 19-21).

14.2 Policy on dealing with Code of Conduct Complaints (page 21-24).

14.3 Dispensations (new policy) (page 22-23).

14.4 Land and Building Purchase Policy - see report (page 23-24).

14.5 Draft minutes on website (page 24).

14.6 Standing Orders revision (page 24).

The planned review of policy and procedure for Internal Complaints and Civic Recognition Recommendations has been deferred to the October meeting.

15 Reports from councillors/office. (9.30)

Representatives who attended any meeting on behalf of the parish council are invited to give a brief summary.

15.1 Walderslade Ward (Medway) PACT Meeting, 16 July 2012 (page 24-25).

16 Parish Services Scheme. (9.35)

To receive an update on the situation see report (page 25).

17 Matters for Information. (9.40)

See report (page 26 – 27) for list.

18 Next Meeting. (9.44)

Monday 1st October 2012 at St John's School, Provender Way, Grove Green. Councillor requests for agenda items are to be submitted no later than 19th September 2012.

Clerk to the Council.

Items to be returned to a future agenda. Power of Competence; Round Wood Village Green status; Quality Council application;

In accordance with policy the meeting should close no later than 9.30 pm but Chairman has devolved powers to extend it by 30 minutes.

Item 3 Minutes of the Meeting of the Parish Council held at Weaving Village Hall, Weaving Street, Grove Green on Monday 2nd July 2012 commencing at 7.30 pm. Purpose of item: to agree and sign.

Councillors present – Mrs P Brooks (Chairman), Mr V Davies, Mr P Dengate (arrived with apologies at item 4.2), Mr T Harwood, Mrs K Macklin (arrived with apologies at item 5.1), Mr K Perry, Mr G Smith, Mrs A Spain, Mr A Springate, Mr P Sullivan and Mrs M Waller together with the Clerk, Borough Councillor D Butler, PCSO Hawthorn, 1 member of the public and 2 members of the press.

1. Apologies and absences.

Cllrs. Ivor Davies (holiday), Bob and Wendy Hinder (holiday). County Councillor Paul Carter (KCC commitment).

2. Declaration of Interests or Lobbying.

Cllr Spain reminded members of her involvement with item 8 and notified members that she would take no part in discussions.

3. Minutes of the Parish Council Meeting of 11th June 2012

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

4. Matters Arising From the Minutes.

4.1 Minute 2412/4.1 Round Wood. **Noted** the request to withdraw the Village Green application was being submitted to the Regulation Committee Member Committee on 17th July 2012. The Clerk was to monitor the situation.

4.2 Minute 2412/25.2 PCSO duties. **Noted** the Police had been notified that the Parish Council did not wish to see the agreement changed and a response was awaited.

4.3 Minute 2413/13 Powers of Competence. **Noted** Clerk training was on 3rd July.

4.4 Minute 2413/15.1 Website. **Noted** work was underway to transfer website information across.

5 Report from the PCSO and Police Issues.

Noted and received crime statistics and report from PCSO who informed members that Pilgrims Way was being targeted by the Police. He requested that mountain bike associations be contacted to ask them to remind their members not to go off path. **Action – office.**

The meeting was not adjourned as no member of the public indicated that they wished to speak.

6 Draft Minutes of Meetings since Previous Parish Council Meetings.

Noted and received.

6.1 Environment Committee meeting 18th June 2012.

6.3 Estates Committee 19th June 2012.

7 Finance.

7.1 **Noted and received** payments made out of meeting 12.06.12 – 25.06.12.

Appendix A

- 7.2 **Noted and received** receipts for the period 07.06.12–25.06.12. Appendix B.
 - 7.3 **Noted and received** account balances as at 25.06.12. Appendix C.
 - 7.4 **Authorised** payments of accounts. Appendix D.
 - 7.5 Internal Audit. Cllr Bob Hinder was suggested for the internal audit. Cllrs Dengate and Perry offered to undertake the next series of checks. **Action – office.**
- 8 **Land at Sandy Lane, Boxley.**
Noted an item would be on each Parish Council agenda until all issues were resolved.
- 8.1 **Agreed** the Terms of Reference for the working group. First meeting was to be 17th July 2012.
 - 8.2 **Ratified** the decision to transfer the remaining sum, to pay for the land, via a CHAPS payment,
- 9 **Matters for Decision.**
- 9.1 Parish Tour, **agreed** to be arranged for late September or October. **Action – office**
 - 9.2 Quality Council, **agreed unanimously** to apply for reaccreditation. Clerk to draft documents and to submit to September or November Finance Committee for approval. **Action – office.**
- 10 **Code of Conduct.**
 Lengthy discussion took place on the change to the legislation and the requirement for spouses and partners to be listed on the Notification of Disclosable Pecuniary Interests and for this to be displayed on websites.
 The Chair proposed the resolution that “**Boxley Parish Council adopt the Maidstone Borough Council recommended Code of Conduct**”. **Agreed** (7 for, 3 against and 1 abstention). **Noted** an advertisement would be placed as required by the legislation. **Action – office.**
- 11 **Reports from Borough and County Councillors.**
 Cllr Butler notified members of the availability of a grant from MBC and the Clerk was asked to circulate details. **Action – office.**
- 12 **Policies and Procedures Review.**
- 12.1 Press Policy **agreed.**
 - 12.2 Parish Councillor Allowance. Members **noted** that the last increase had been in 2008. In view of the increase in petrol costs etc. it was **agreed** that the allowance should be increased for the 2013/14 financial year. The actual percentage increase was deferred to the Finance Committee for decision. **Action – Finance Committee.**
- 13 **Reports from councillors/office.**
Noted and received
- 13.1 Cllr Dengate report on Boxley Warren walk.
 - 13.2 Cllr Dengate report on the Dynamic Councillor – New Councillor Training that he had attended.
- 14 **Matters for Information.**
- 14.1 June newsletter from Cobtree Manor Park.
 - 14.2 ACRK newsletter Oast to Coast summer 2012.
 - 14.3 Kent Wildlife Trust newsletter Wild Kent Spring 2012.
 - 14.4 CPRE Fieldwork Spring 2012
 - 14.5 Rural news ACRK newsletter issue 117.
 - 14.6 Kenward Trust newsletter Spring/summer 2012
 - 14.7 Open Spaces newsletter Summer 2012 30/4.
 - 14.8 Two trees have been snapped off in the orchard and these will be replaced this winter. **Action – office.**
 - 14.9 Paul Carter’s members allowance was available for community or highway projects.

15 Next Meeting.

Monday 3rd September 2012 at 7.30 pm at European School of Osteopathy, Boxley Village.

The Clerk requested guidance on how to progress the Community Project Grant applications. The Chairman was suggested and Cllrs Macklin, Smith, Dengate volunteered to be on the judging group. **Action – office.**

Meeting closed at 8.27 p.m.

Item 4. Co-option to Parish Councillor Vacancy (South Ward). *Purpose of item: To consider applications and make a decision.* A confidential copy of any submitted C.Vs is enclosed for members.

Members are reminded of the procedure that the Parish Council has previously agreed/used when dealing with co-option to vacancies (one or more candidates).

- A candidate will be asked to submit a C.V which will be supplied to members.
- Candidates will be invited to the meeting and allowed up to 3 minutes each to address the meeting.
- No candidate will be present whilst another candidate speaks.
- Councillors will be able to ask questions of each candidate.
- The Council shall decide and vote on the appointment in the absence of the candidates.
- The meeting and decision are taken in an open and public meeting.
- A successful candidate will be asked to sign a Declaration of Office and then join the meeting.

Clerk note. If more than one candidate stands then the law requires a clear majority, the Clerk will advise on the voting procedure. A Parish Council is not required to appoint to the vacancy at this meeting, even after interviewing the candidate(s). However it must give clear reasons why it is not doing so.

Item 5.4 Parish Tour. *Purpose of item: to agree a date and for councillors to suggest stops.*

Draft itinerary

Rendezvous Bus stop at Grovewood Drive North outside Early Bird P.H.

Bold denotes a stop.

Route

Grovewood Drive

New Cut Road.

Bearsted Rd/Ware St.

Bearsted Road

Bargrove Road

Penenden Heath

Boxley Village

Pilgrims Way

Lidsing Road

Westfield Sole Road

Lordswood Lane

KIMS site.

Gidds Pond Cottages (turn around in Averanches Road)

Crematorium and traffic issues.

Woodlands and noticeboard.

Ask members to take note of the views, road layout etc. as they drive to the village.

Green and wall, Lych Gate, War Memorial, closed churchyard and burial ground. It will probably be wet underfoot so proper shoes etc. as you will be walking on grass. Comment on car parking issues.

Point out water station.

Westfield Cottages (by cattery)

Agricultural land under threat? Point out the industrial area and comment on possible housing development. Traffic problems etc.

Badger Road

Bus shelter

Stop near Golden Wood and walk through to Timber Tops Play Area.

Gleamingwood Drive
 Beechen Bank Road
 Boxley Road, Walderslade
 Walderslade Village

Reduction in speed limit (PC project)
 Infilling. Talk about open areas of land under threat.
 (Turn round the mini roundabout?????) Parking in Boxley Road/Walderslade Village.

Wildfell Close

Round Wood and Beechen Hall.

Walderslade Woods road Hoped for speed reduction.

Forestdale

Car parking problems.

Impton Lane

Hospital, bus stop, KH32a and woodlands, plateau.
 Footway links- failed project.

Forstal Road

Running Horse Roundabout, Malta Inn and Museum of Kent Life, Cobtree Manor Country Park, Forstal Road Pumping Station, traffic issues.

Beddow Way

Industrial area.

Old Chatham Road

Celebrating Boxley Warren, MBC land,

Tyland Lane

Seat, sign, noticeboard, Tyland Barn. Industrial area and the orchard/paddock area. LDF issues – development to the paddock?.

Grange Lane

Yew Tree Pub. Scout HQ.

Sittingbourne Road

Eclipse Business Park – P&R, Hilton Hotel.

Bearsted Road

Nottcuts - stop to view strategic gap. Kent Clinic.

Averanches Road

Ransom strip.

Fox and Goose Weaving Street – buffet lunch will be arranged.

Weaving Street

Visit play area. Traffic problems also parking problems.
 Community Orchard.

Groveswood Drive South

Crownfields and GG Halt.

Provender Way

Controlled crossing point (PC project).

Vinters Valley NR

Group will undertake a short walk in the park DO MEMBERS WISH TO HAVE THIS ARRANGED?

Shepherds Gate Drive

Weaving Heath, sports wall also look at Strategic Gap.

Penhurst Close

Open space

Grove Green Retail Area.

Grove Green Community Centre.

Other issues to be covered in tour – Neighbourhood Development Plans, Core Strategy etc.

Item 6 Crime figures for Boxley 21/07/2012 to 20/08/2012. Purpose of item:
information.

Attempted Burglary

11/08/2012 New Cut Road, Weaving, Attempted Burglary.

Burglary

24/07/2012 The Harvester, Running Horse, Sandling, Meat stolen from an outside store room.

03/08/2012 Larchwood Close, Lordswood, Garage on-bloc

Theft

15/07/2012 Museum of Kent Life, Aylesford, Live stock stolen.

01/08/2012 European school of Osteopathy, Lead flashing stolen

08/08/2012 Bell Lane, Earthing cable stolen

08/08/2012 Harp Farm Road, Earthing cable stolen.

Item 7. Draft Minutes of Meetings since Previous Parish Council Meetings. Purpose of item:
To receive.

Item 7.1 Minutes of the Environment Committee on Monday 2nd July 2012 at Beechen Hall, Wildfell Close, Walderslade commencing at 8.38 p.m.

Councillors present – Mr K Perry (Chairman), Mrs P Brooks, Mr P Dengate, 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

Cllr W Hinder. Cllr B Hinder, Cllr Ivor Davies (Holidays)

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

3. Planning Applications and Appeals for Consideration

3.1 MA/11/1414 – Application for variation of condition 11 of MA/04/1503 (change of use from agricultural land to recreational land and erection of a timber shed for use as changing rooms) as follows – ‘the use hereby permitted shall only be carried on by Bredhurst Juniors Football Club or other football club based in the parishes of Bredhurst or Boxley’ at Bredhurst Nurseries, Dunn Street Bredhurst.

Wish to see refused and reported to the Planning Committee for the following reasons:

- **Unsustainability due to need to travel by private motor cars.**
- **Nuisance to local residents.**
- **Application did not contain a Transport Statement or Transport Assessment.**

The original change of use to allow pitches was allowed because it was considered that the facility would be a valuable resource for young members of Bredhurst Juniors Football Club, members of which would be from Bredhurst Village.

A subsequent application to allow other teams to play at the site was refused by Maidstone Borough Council as users of the site would travel from outside the village using private motor cars and this was unsustainable. This refusal was upheld by the 2009 Planning Inspectors decision as to allow other teams to use the site would a) lose the local community connection, which was the basis of the original application, and b) result in unsustainable private motorcar travel as the site is not served by public transport.

The 1st June 2010 Planning Inspectorate Appeal allowed a change to the condition regarding the name of the team but the decision also clearly required the teams to be local to Bredhurst village. The inspector’s report stated *“The proposal before me makes clear that the appellant seeks to allow the use of the pitch by teams from not only Bredhurst but also Rainham, Hempstead, Walderslade, Boxley and Maidstone; a catchment area that covers some densely populated conurbations. In my opinion this would be likely to encourage unsustainable forms of travel and conflict with the adopted policy noted above. Also I have been given no analysis of the facilities, or lack of them, in the areas listed that might justify allowing players to travel to the Bredhurst site”*.

The current application is for 4 adult teams to play at the site and players would be required to access the site by private motor car. Section 4 of the National Planning Policy Framework Promoting Sustainable Transport requires a Transport Statement or Transport Assessment and this has not been provided.

The applicant states that “I confirm that the teams that are playing this season are based in Bredhurst and Boxley parishes and that the players all live locally to the site”. In view of this statement the following comments are made.

FC Wouldham. The Chairman and Secretary live in Grove Green and this equates to a round trip, via country lanes, of approximately 11 miles. Grove Green is actually on the outskirts of Maidstone and is one of the last parished area before the town

urban areas. It is the furthest point in Boxley Parish to Bredhurst Village and therefore the site. Wouldham Village is within Tonbridge and Malling District and thus outside the parish of Boxley. A round trip to the village is approximately 13.5 miles. It is likely that the team would draw its players from this area.

Bredhurst Rovers and Bredhurst Rovers Reserves. The Parish Council has been informed that this is actually Twydal FC renamed. Twydal is in Gillingham. The Chairman gives his address as in Bredhurst Village but it is believed that this is only a 'letter drop' address as the Parish Council has been informed that he on the electoral register as living in Rainham.

Use of the pitch by teams from the above areas would encourage and result in unsustainable forms of travel.

Swallow Rise 93. This has a Chairman and Secretary from an address that is a 4.5 miles round trip to the site. It is not clear where the players for the team would be drawn from.

The applicant states that due to Data Protection it is "extremely difficult to obtain players addresses" but also confirms that all the players live locally to the site. This is a contradiction.

With a joint population of, approximately, 11,000 inhabitants in Boxley and Bredhurst parishes and 3-4 adult teams already existing in and recruiting from the immediate area it is a wonder that so many local players actually exist to support what now appears to be 8 adult teams in 2 parishes.

Previous use of the site was allowed for a junior team with a local connection. Times of use was also restricted to stop nuisance to local residents however there have been issues regarding trespass (to recover lost balls and also to try to find the parking for the adjacent site) onto a neighbouring property and also noise pollution from the use. Other nearby residents have also complained about the noise from the site. A condition placed on planning permission was clear that no adult teams or adult training could take place on the site but this condition has been ignored and adult teams have played there.

Adult teams are generally noisier than junior teams and will create additional noise pollution and nuisance for local residents.

The original change of use was allowed to provide a local facility however by advertising the pitch for adult teams and linking the site's bar, serving alcohol, the use is clearly linked to the business that is run at the site and so it is not a local facility but a business opportunity.

3.2 MA/12/0693 – Amended Plans to application to vary condition 1 (no vehicles may arrive, depart, be loaded or unloaded within the general site.....at Tesco Stores Ltd, Grovewood Drive North, Grove Green.

Comment this is the same application that members objected to recently. The amended plan is a letter with an amended site plan. The letter also states that Tesco would be prepared to negotiate on the previous application including limiting deliveries from other companies. **Noted previous objection reiterated.**

4. **Next Meeting.**

Next Environment meeting 9th July 2012 at Beechen Hall commencing at 7.30 p.m.

Meeting closed at 8.59.

Item 7.2 Minutes of the Environment Committee held on Monday 9th July 2012 at Beechen Hall, Wildfell Close, Walderslade commencing at 7.30 p.m.

Councillors present; Mrs P Brooks, Mr P Dengate, Mr K Perry (Chairman), Mrs A Spain, Mr A Springate, together with the Assistant Clerk.

1. **Apologies and absences**
Cllrs I Davies, W Hinder, B Hinder and M Waller (Holidays).
2. **Declaration of Interest or Lobbying.**
None declared.
3. **Minutes of the Meetings of the 18th June, 2012.**
The minutes of the meetings were **agreed** and **signed** as a true and correct record.
4. **Matters Arising From Minutes.**
 - 4.1 Minute 2415/4.1 Marker at Cossington Lane. **Noted** The Parish Office is investigating the type and location of the marker. Cllr Springate asked for the wording appearing on the marker to be confirmed **Action** – office.
 - 4.2 Minute 2415/4.2 PRoW Round Wood valley. **Noted** After consulting with KCC it was agreed that a more cost effective procedure for the Parish Council to take would be for a deed of dedication. **Action** – office.
 - 4.3 Minute 2415/4.3 Lidsing Road. **Noted** a request for additional signage etc. has been chased for a reply.
 - 4.4 Minute 2415/4.4 Noise pollution, Walderslade. **Noted** remedial work on the unit causing the problem was completed on 23rd June and since this date MBC and the parish office have received no further complaints.
 - 4.5 Minute 2416/8.1 Boxley Road/Grange Lane speed restriction. **Noted** Cllr Bob Hinder will attend The Maidstone Joint Transport Board meeting on 18th July to highlight the issue.

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

5. **Planning Applications and Appeals for Consideration.**
 - 5.1 MA/12/0923 erection of two storey extension to replace existing garages at 10 Lombardy Drive, Vinters Park. *Do not wish to object.*
 - 5.2 MA/12/0997 ground floor side and rear extensions with raised roof terrace at Frantom, Grove Green Road, Weaving. *Do not wish to object.*
 - 5.3 MA/12/1002 erection of a two storey rear extension at 8 Barncroft Close, Weaving. *Do not wish to object.*
 - 5.4 MA/12/0526 amended details for the construction of new sport hall at Valley Community School, Huntsman Lane – a letter confirming the situation with regards to Sports England and details on the condition of the current areas. *Noted.*
 - 5.5 MA/12/1092 erection of a single storey rear extension and side porch at Grove End, Vintners Way, Weaving. *Do not wish to object.*
 - 5.6 MA/12/1078 erection of a single storey side extension at 12 Olivine Close, Walderslade.
Members requested to delay decision until a site visit had been made and to allow any objections from neighbours to be received. The decision will be made out of meeting by the committee and ratified at the next meeting.
 - 5.6 MA/12/1077 - Erection of fencing at 13 Shepherds Gate Drive, Weaving.
Wish to see the application refused for the planning reasons set out below but do not request the application reported to the planning committee.
 - *The open plan nature of the design of the estate would mean that the 1.8 metre wooden fence around the front garden adjacent to the footpath and on a corner plot would have an adverse impact on the street scene.*

See footnote.

5.7 MA/12/1102 – Erections of replacement conservatory at 11 Shepherds Gate Drive, Weaving.
Do not wish to object.

5.8 MA/12/1150 – Erection of Two-storey and single-storey rear extension at 3 Malus Close, Walderslade.
Do not wish to object but members have concerns on the impact this extension will have on the immediate neighbours, particularly due to its size.

5.9 MA/12/1170 – Erection of single-storey rear extension at 3 Abbey Court Cottages, Boarley Lane, Sandling.
Do not wish to object.

6. **Planning applications and appeals decisions.**

Planning rota – Cllrs requested another copy of the rota for next 12 months to include, where known, any changes due to holidays. Cllr Perry requested that if the Parish Council is to make a representation at a meeting when a less experienced Councillor is due to attend, they must be accompanied by an experienced Councillor.

7. **Walderslade Woods and Volunteer Group**

Cllr Springate reported that despite the weather forecast, 14 members turned out to carry out further work in Round Wood clearing the Glades, as well as the metalled zig zag pathway.

8. **Highways and Byways.**

8.1 Boxley Road/Grange Lane junction. Cllr Spain indicated that the vision splays at this junction were so overgrown it is dangerous for drivers exiting the junction. The Assistant Clerk confirmed that all highways issues should, in the first instance be reported by the Councillor (as they will have the local knowledge) direct with KCC or MBC and only given to the office to follow up if the issue has not been resolved.

9. **Policy and procedures review.**

9.1 Annual Competency report. Members **received** and **agreed** this report with a couple of minor amends. Bearing in mind the workload of the office, Cllr Dengate asked how realistic the 2012 deadline for commencing training was?

9.2 Planning Application response. Members **noted and agreed** the new laminated forms.

10. **Neighbourhood Development Plans**

Members **received** two neighbourhood plans for Boxley Village and Sandling & Forstall. issues were discussed for example Cllr Perry suggested that the flood plain in the Sandling NDP is given more prominence. Members agreed they were happy with the format and congratulated the Clerk on the content and layout. It was also agreed that the committee would wait until a draft of the Core Strategy is released by MBC in August before submitting.

11. **Saracen Fields open area**

Members **received** and **noted** the Clerk's report after much discussion Members **agreed** for the office to respond to the resident who reported this issue to see if they had considered purchasing the land for themselves. Members asked to review this again once a response had been received.

12. **Matters for information.**

12.1 KCC Consultation Kent Lane Rental Scheme. **Noted** no action required.

13. **Next Meeting.**

Members **agreed**, that unless there was an urgent need there would not be a meeting on 13 August 2012. Next environment meetings 3rd (after Parish Council meeting) and 10th September 2012 (full) at Beechen Hall commencing at 7.30 p.m.

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

There were no updates available.

Meeting closed 9.50pm.

Footnote: *On the advice of the Assistant Clerk, due to a possible misunderstanding, following the meeting members were asked to review their decision taking into account further information supplied and it was decided*

Members agreed:

Do not wish to object, however, Members have major concerns, as the open plan nature of the design of the estate would mean that the 1.8 metre wooden fence (along the Henley Fields side) is adjacent to the footpath and as it is on a corner plot would have an adverse impact on the street scene.

Item 7.3 Minutes of the Finance Committee Meeting held at Beechen Hall, Wildfell Close, Walderslade on Tuesday 10th July 2012 commencing at 7.30 p.m.

Councillors present – Mr I Davies (Chairman), Mrs P. Brooks, Mr. V Davies, Mrs K Macklin (left with apologies at item 6.4), Mr K Perry and Mr G Smith together with the Clerk.

1. Apologies and non-attendance.

Cllr B Hinder (holiday) and Cllr W Hinder (holiday).

2. Declaration of Interest or Lobbying.

There were none.

3. Minutes of the meeting of 22nd May 2012.

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

4. Matters Arising.

4.1 Minute 2411/10 Penhurst Close lease. **Noted** MBC's legal section had accepted the majority of the Council's requests for changes to the draft lease. The request to have the clause regarding the dog waste bin removed had been referred to another department and a response was awaited.

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

5. Financial report.

5.1 **Received** and **noted** the Income/Expenditure report of 2nd July 2012.

5.2 Reconciliation of accounts report of 2nd July 2012 **received** and **signed off**.

5.3 Members were notified of the reason the May bank account reconciliation could not be completed. A sum of £12.80 had been unaccounted for; this was due to a missing statement with a single entry of £12.80. A duplicate statement was obtained and the account was reconciled. Members **accepted** the explanation.

5.4 **Agreed** the following adjustments to the 2012/2013 budget.

Parish office Salary and PAYE. The split of the budget amended to - Salary £32,246 and PAYE £15,174.

Insurance. An amendment had been made to take into account the reduced premium, a 5 year commitment to the company having been approved. There was also a consolidation of individual codes with the main entry under one code. **Noted** the supporting information accompanying the budget would show what items were insured and that some codes, for instance for Walderslade Woods Group, would be kept separate.

Concurrent functions. Income changed to reflect actual amount that would be received.

Beechen Hall PAYE. The budget for PAYE was increased as it was significantly under the actual amount being paid out. The reason for this will be investigated to ensure next year's budget is correct. **Action** – Clerk.

New codes. These had been added where there was a need, for example Sandy Lane Land.

The Chairman requested an updated copy of the budget. **Action** – Clerk.

5.5 Contingency Virements made to reflect the recent change to the hall and office rates; and the recent decision to accept MBC's reclaim of a wrongly awarded business rate rebate.

6. Policy and procedures reviews and adoption.

6.1 Investment Strategy.

Members **received** the Clerk's report.

It was **noted** that due to the maturing of a bond in September but before the next committee meeting, there was a need to make a decision about where to invest this sum either out of meeting or to arrange a special meeting. Another bond will mature in October and the September meeting will need to make a decision about this.

After lengthy discussion due to concerns as to how decisions would be made and the ethics of delegating power to a few people, the following was **agreed**.

- Normally, every effort will be made to involve all members of the Finance Committee in a decision by sending a briefing note and recommendation with time to allow a response. A majority vote would be used to obtain a decision.
- In the event of a need to make a quick decision, e.g. a pressing deadline for re-investment, three Finance Committee members, including the Chair and Vice Chair if available, will be consulted by the Clerk, who will then decide what to do.

The Clerk, also the Responsible Financial Officer, was asked to explain how a decision would be made and how she would deal with any concerns. It was **noted** that out of meeting the Clerk, the Proper Officer of the Council, was responsible for taking decisions but only did so if she was satisfied that a decision was needed and it was in-line with the Council's or Committee's views. All decisions were then ratified at the next meeting. It was **noted** that the Environment Committee had a similar procedure to deal with urgent planning issues which worked well. This procedure allowed the Clerk to use common-sense and also allowed her to decline to make a decision if she considered that the decision would be controversial in which case she either contacted all members of the Committee for guidance/views or arranged a meeting to discuss the issue.

It was **agreed** that the Clerk would put out a briefing note to committee members setting out the procedure, together with a copy of the draft minutes once cleared by the chairman. **Action** – Clerk.

It was also **agreed** that:

- Members would consider a 2 or 3 year bond being entered into if the interest rate was attractive
- A representative of the Public Sector Deposit Fund should be invited to address the Committee.

After lengthy discussion it was **agreed** that members would be comfortable with £100,000 invested in a 12 month bond, £68,000 in a short term bond and £100,000 in a 12 month or possibly longer term bond. It was further **agreed** that the Clerk would keep members informed of the situation and arrange to brief the 3 deciding members.

The investments were to be spread through various banks, to mitigate risk, and a possible list of banks would be sent to members for their comments. **Action** – Clerk.

The Annual Investment Strategy was then, with a small change to reflect the above, **agreed** as fit for purpose.

6.2 Training and Statement of Intent.

Cllr Macklin suggested that the Council produced a skills matrix of Councillors and staff then use it to identify weaknesses and for the production of a training matrix. Discussion took place on the benefits of this, the relevance of life experience and that it could only be a voluntary submission. It was **agreed** in principle and the Clerk was asked to draft a form and covering note to be circulated to the Finance Committee for views. **Action** – Clerk.

- 6.3 Petty cash.
Agreed the policy and procedure was still fit for purpose.
- 6.4 Payment of bills by Direct Debit and Standing Orders.
Agreed the policy and procedure was still fit for purpose, however members asked that for future reviews a complete list of companies or organisations authorised to be paid by this method be included. **Action** – Clerk.
- 6.5 Risk Assessments.
Members **received** the risk assessments and **noted** the addition of sections dealing with General Power of Competency; Computer security; Council reputation; Weaving Diamond Jubilee Orchard; and Land at Sandy Lane. The Clerk's recommendation that a review is undertaken of computer security, as offered by Cllr Dengate was **agreed**. **Action** – Clerk and Cllr Dengate.
- 6.6 Health and Safety Policy. **Noted** the review of the policy would be undertaken at the September meeting. **Action** – agenda.
- 6.7 Review Audit controls. **Noted** the review of the policy would be undertaken at the September meeting. **Action** – agenda.
7. **Grant Request.**
Kent Wildlife Trust **agreed** (with the chairman abstaining) proposed by Cllr Vic Davies seconded by Cllr Brooks that a grant of £2,000 is awarded with the condition that it was spent on a project within Boxley Parish. The Clerk was asked to ensure that KWT was aware of the £10,000 Community Project scheme. **Action** – Clerk
8. **Consultation on appointment of external auditor for 2012/13.**
Noted no action required.
9. **Subscription payments.**
Received review of the subscriptions paid by the Council. **Agreed** that, as the list was included in the information supplied when setting the Council's budget, the annual review should in future coincide with the budget work of the committee.
Action – Clerk.
10. **Earmarked Reserves.**
After **agreeing** to increase the long-term liability fund to reflect recent acquisitions and rising costs, members **agreed** the earmarked reserves.
11. **Matters for Information.**
There were none.
- Parish Councillor Allowances, referred from Parish Council meeting. After discussion regarding the increased costs being incurred by councillors, not least that of travel within the parish, stationery and telephone calls, Cllr Vic Davies proposed seconded by Cllr Brooks that a **5% increase to the Councillor and Chairman's Allowances for 2013/2014 be recommended to the Parish Council. Agreed** (with chairman abstaining). It was requested that at the annual review there should be information included in the report detailing any changes to MBC councillor allowances in the preceding twelve months.
12. **Date of Next Meeting.**

Tuesday 11th September 2012 at Beechen Hall, Wildfell Close, Walderslade commencing at 7.30 p.m.

The Chairman moved that in view of the confidential nature (staff salaries and staff remuneration) that the next items would be taken in confidential sitting.

The Clerk left the meeting for the duration of the 2 items.

13. Outstanding Time off in Lieu.

After lengthy discussion regarding how this long-standing issue had arisen and how it could be avoided in the future, members **agreed** in principle to purchase all of the Clerk's outstanding TOIL at an appropriate hourly rate to enable both parties to start with a clean slate. The Clerk should also be asked to review working practices and workload to avoid this situation recurring.

On her return to the room after confidential discussion on item 14, the Clerk was asked to consider a financial offer. This she agreed to do but indicated that she wished to retain a small amount of TOIL as a buffer for emergencies. It was then **agreed** that the Clerk would work with Cllrs Ivor and Vic Davies on a mutually agreeable settlement and to draw up policy and procedures to ensure that the situation did not arise again. **Action** – Cllr Ivor Davies, Cllr Vic Davies and the Clerk.

14. Salaries of office personnel.

Members expressed concern that the Clerk and Assistant Clerk had received no increase in salary for three years despite the ever-increasing cost of living during that period. As good employers, it was beholden upon them to concern themselves with the staff's welfare. Cllr Vic Davies proposed, seconded by Cllr Smith, that a **salary addition of 2% of their respective salaries as at 1 April 2012 be awarded to the Clerk and Assistant Clerk**. The amount to be paid as a monetary sum additional to the salary scale and to be shown as such on all future calculations.

Meeting closed at 10.00 pm.

Item 7.4 Minutes of the Estates Committee Meeting held at Beechen Hall, Wildfell Close, Walderslade on Tuesday 14th August 2012 at 7.30pm.

Councillors present – Mr V Davies (Chairman), Mrs P Brooks, Mr I Davies, Mr P Dengate, Mr B Hinder, Mr P Sullivan, Mr G Smith, Mrs M Waller together with the Clerk and Assistant Clerk.

1. Declarations of Interest and Lobbying

None declared.

2. Apologies and absence.

None as all members present.

3. Minutes of Previous Meeting 19th June, 2012.

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

4. Matters Arising From Previous Minutes.

4.1 Minute 2398/4.1 Boxley War Memorial – As no quotes had been received in time for the meeting members agreed that the Chair, Vice Chair and Assistant Clerk could make a decision and progress the issue. Cllr I Davies suggested contacting stone masons for quotes. **Action – Chair, Vice Chair and Assistant Clerk.**

4.2 Minute 2398/4.3 Wall Mounted Water Boiler – Members agreed for the Assistant Clerk to bring back a further report, with costs, to the October meeting to allow members to agree a budget for 2013/14 for this item. **Action – office.**

As there were no public present the meeting was not adjourned

5. **Boxley Parish Burial Ground.**

All members **agreed** the procedures and draft documents with slight typographical amendments. It was **agreed** that Cllr Ivor Davies would clear the final letter for signing. Cllr Dengate requested that all the information is placed on the website. **Action – Clerk and Cllr Ivor Davies.**

6. **Weaving Diamond Jubilee Orchard**

Litter Picking – Cllr I Davies proposed seconded by Cllr Brooks and all Members **agreed** to the advertising of the vacancy for 1 hour per week at the minimum wage adult rate. The Clerk to organise the advertisement etc. and would notify the committee if there are any problems. The Chairman has arranged for the rubbish to be placed in the Grove Green Hall refuse bin. **Action – Clerk.**

Playground Inspection – **Agreed** that playground inspection training, at a cost of £175 for up to 4 people, should be purchased. Cllr Vic Davies, Cllr Sullivan, the Clerk and Assistant Clerk would attend the training to enable them to carry out the weekly/monthly playground inspections. Members **noted** the need for an annual professional inspection of the playground for the purposes of insurance policy. **Action – office, Cllr Vic Davies, Cllr Sullivan, the Clerk and Assistant Clerk.**

Grounds Maintenance - Members **noted** that the cost of maintenance was more than the provision in the budget but that the outstanding amount would be placed against the Diamond Jubilee Orchard budget with an adjustment to the future grounds maintenance budget.

Tree Maintenance and boundary treatment – **Agreed** the Clerk, after consultation with Cllr Harwood, would provide a report to the October meeting on the boundary work that was required at the site. Replacement trees would be ordered for replanting. **Noted** there was provision in the original budget for the boundary work. **Action – Clerk.**

7. **Allotments.**

Members received the Clerk's briefing report. After lengthy discussion and consideration a number of issues and ways to proceed were **agreed**:

- Allotments Association. The Clerk was to arrange membership of an association that could help and advise the parish council.
- Water. Rather than just agree to have standpipes it was suggested that systems incorporating ball cocks, push buttons or pressure plates should be investigated. Members considered there was a need to have a system that automatically turned off.
No sprinklers or hosepipes would be allowed at any allotments and water harvesting opportunities should be investigated. Cllr Dengate suggested using the geography of the land to channel rain water into a collection system to supplement piped water. There was also a need to investigate what rainwater harvesting features could be used if sheds were allowed on the site.
- Noticeboards. Either 2 boards or a large double unit would need to be supplied. One area for parish council notices the other for allotment holders' messages.
- Sheds/storage units. Members felt that strong consideration should be given to the parish council providing allotment plots with a storage unit or a unit in an adjacent area. Members preferred to have control over any structures that were erected. Members agreed that there needed to be further discussion and depending on the decision the draft regulations might need to be adapted.
- Site visit. Arrangements were to be made to visit Burham Allotments and if it could be arranged the Medway Council allotments at Hempstead. A question list would be produced by the Clerk and provided to members on the site visit.
- Bonfires. There was concern over bonfires especially the impact on smoke drifting across the Boxley Road and M20. Bonfires would probably not allow bonfires at the site but felt there was a need for further investigation.
- Equalities Act. Members noted that the allotments layout would conform to the requirements of the Act but that it would help on any site visit to actually

investigate this issue in detail.

- Cllr Hinder notified members that some allotments had an area where local farmers or horse owners could deposit manure for use at the allotments. He asked that this be considered/investigated.

Various comments were made on the draft documents but it was **agreed** that the committee would gradually work through the documents over the next 3 meetings.

8. **Closed Churchyard St Mary and All Saints.**

8.1 Beech Tree - Members **agreed** for an aerial survey to be carried out and to carry out the remedial work on dead branches. The Clerk to liaise with the Church and then the Chairman on costs etc. **Action – Clerk and Chairman.**

8.2 Yew Tree – Members noted the Clerk’s report on this tree and the adverse impact on the listed wall. The Clerk was to seek the advice of the Conservation Officer but members recognised that there may be no option but to remove the tree. The Clerk was to seek advice on whether another species of tree could be planted there and whether the Yew wood could be used elsewhere. The Clerk was to liaise with the Church about the need to remove the tree and the cost. Delegated powers were agreed for the Clerk to liaise with the Chair and Vice Chair and to resolve the issue. **Action – Clerk.**

8.3 Box Trees – The Chairman commented that the War Memorial looked better without any Box trees adjacent to it. It was however recognised that there should be some Box trees at the village. It was **agreed** that Cllr Vic Davies and Cllr Sullivan would plant the replacement Box trees into the verge at their current position whilst the issue of the Yew tree and whether to have Box trees by the War Memorial was resolved. Members **noted** the advice that as soon as the, currently distressed, Box trees recovered it would need to make a decision on the exact location. **Action- Cllrs Davies and Sullivan.**

9. **Assistant Clerk’s Report.**

9.1 Noted the receipt of hire fees were received for June/July (Brackets indicate income over same period previous year).

		2011/2012
Casual	£3,728.20	(£1,962.16)
Regular	<u>£3,166.16</u>	<u>(£3,191.12)</u>
Total	£6,894.36	(£5,153.28)
Cumulative figures for		
	2012/13	2011/2012
Casual	£ 6,531.70	(£3,391.33)
Regular	<u>£ 6,823.71</u>	<u>(£5,747.45)</u>
Total	£13,355.41	(£9,138.78)

It was **noted** that the increase in hall use was having an impact on the current staffing arrangements and hours. Currently an informal arrangement was in operation with the retired relief caretaker helping out when needed but it was now considered that there a need to review the situation with perhaps the appointment of a third member of staff on an as and when needed contract. **Agreed** there would be an investigation of the situation and a report would go to the next meeting. **Action – office.**

9.2 Marketing Plan – Members **noted** the revisions on the Marketing Plan. It was **agreed** to arrange a review meeting for the website working group. **Action – Assistant Clerk.**

Action	Note	Completion date	Office review Date
Website	Work in progress for new website.	Went live 31 st May	August
Planning Change			Bring back to

Extended Hours			agenda with report October 2012.
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9.3 Incidences at the hall - Members **received** and **noted** the Clerk's report and **agreed** to allow the parish office to monitor the situation and if incidences become more frequent to notify the committee. **Noted** the Alcohol Risk Assessment being considered later in the meeting had been revised to take account of recent events.

9.4 Regular New Hirer – **Noted** Beechen Hall has another regular hirer starting Thursday 6th September NCT mother and baby exercise class.

10. **Review of Policies and Procedures.**

10.1 Clerk's delegated powers – hall maintenance - **Agreed**.

10.2 Burial Grounds Regulations - **Agreed** with minor typographical amendments.

10.3 Annual Inspection of hall – Members **noted** the schedule of projects and **agreed** for them to be brought back to future meetings and to be included in the budget. An inspection of the hall would take place half an hour before the next meeting. **Action – Assistant Clerk to modify agenda.**

10.4 Fire Risk Assessment - members **noted** that there had been no change was still fit for purpose.

Drink and Personal Licence Holder Risk Assessment for hall - **received and noted.**

10.5 Annual Competency review – **received and noted.** The Clerk was asked to include details of land acquisition policies in the list. Cllr Dengate asked for clarification on the process for placing an item on an agenda and the Clerk will send around a reminder. It was also suggested that a reminder goes on the bottom of agenda. **Action – Clerk.**

11. **Flag pole.**

Members **received** the Clerk's briefing report on flagpoles and flags. It was **agreed** that the Clerk would investigate possible locations and pole designs and notify members. After discussion and with 2 objections it was **agreed** that a recommendation would be made to the parish council that only the Union Flag would be flown and that it would generally be kept flying, although the etiquette was not to fly the flag during the night. **Action – Clerk.**

12. **Carbon Footprint**

Received the updated carbon footprint and environmental impact briefing note for the Parish Council. It was **agreed** that the committee would gradually work through the issues that could be improved and members' prioritised 2 issues for immediate work with reports to be produced for the next meeting.

- Wall insulation at Beechen Hall
- Solar photovoltaic panels for Beechen Hall.

The Clerk was asked to update the document to include the land at Sandy Lane. **Action – Clerk.**

13. **Matters for Information**

Noted the Clerk attended a meeting at St Mary's Church to discuss the issue of parking at the village. Members were given a brief update and informed that the issue will be placed before the parish council for discussion.

14. **Date of Next Meeting.**

Tuesday 9th October, 2012 at Beechen Hall, Wildfell Close, Walderslade, Chatham commencing at 7.30 p.m.

Item 8.5 End of Year Accounts 2011/2012. *Purpose of report; information and explanation*

Enclosed for members is a copy of Section 3 – external auditor's certificate and opinion

which includes a comment. As members are aware there was a newly updated SCRIBE 2010 and there was a problem with the software which meant that any payments made into a salary code does not appear in the calculations on the end of year Annual Return print out. A change was made to the coding of the system (payments shown as a separate entry and an updated 'return' was sent. The Clerk will now always check the report printed off of SCRIBE.

Item 9 Land at Sandy Lane, Boxley. *Purpose of report; information and to agree terms of reference for the working group.*

Update from Clerk.

Ownership - the 3.33 acres is now in the ownership of Boxley Parish Council and solicitors are in touch about the next stage – the splitting of the land.

Site plan - an independent site plan is being produced by Sibley Pares, there is a slight query over a line which is being resolved now.

Entrance area. Joint ownership (between the 2 parties) is currently being discussed with a report from the Solicitor on possible future problems.

Water utilities – the water supply has been turned off and the water board informed of the change of ownership of the land. A meter reading was also taken. The advice from the water company is that the change from one water meter to two water meters needs to be done as the work to put in 2 pipes is undertaken. The water company quote only lasts 3 months and the application form has to include technical details.

MBC trees. Contact has been made with the MBC officer and a site visit will be arranged when the working group feels it needs one.

Planning permission. An e-mail was sent to MBC outlining the Clerk's understanding of the legal position but a response has not yet been received. I have chased for an answer.

Letter to adjacent residents. Sent – no response yet.

Item 10 Flag at Beechen Hall. *Purpose of item: to consider the recommendation and make a decision on what flag or flags should be purchased and how they should be flown.*

At its meeting on the 14th August the Estates Committee made a recommendation to the Parish Council that "only the Union Flag would be flown [at Beechen Hall] and that it would generally be kept flying, although the etiquette was not to fly the flag during the night".

Item 11 Parish Council Payments Consultation *Purpose of item: to ratify response to the consultation*

Response sent.

a) Do you agree that the two signature rule for parish and community councils and charter trustees should be removed from legislation?

Yes as long as suitable and sensible safeguards are put in place. The provision for a parish council to retain the two-signatory rule if it so wishes is welcomed.

b) Are you aware of any empirical evidence on the reduction of burdens or the other benefits identified in chapter 3 of the consultation paper that supports the need for these reforms? If so, please provide details here or in an attachment.

- As a parish council that runs a community hall it has been apparent for a long time that many people no longer have cheques books. Many hirers prefer to pay by BACS, which this parish council can accommodate, or by debit or credit card, which it cannot. However having paid by BACS hirers wish to have any refunds made the same way, which we cannot do.
- As a parish council that undertakes a lot of work, the number of cheques that need signing is becoming a heavy, and unnecessary, burden on councillors. With appropriate safeguards this burden could be eased.

- The current legislation means that for a parish council to fully benefit from the internet or some high street deals it must rely on its Clerk to pay with a personal credit card against reimbursement by the council. This should not be necessary in this day and age.
- A BACS payment requires two signatures and costs £25. Direct payment electronically would be simpler and would cost nothing.
- To ensure prompt payment for goods and services from support small local businesses, whom the council wishes to support, the parish council prepares the signed cheque in advance, which it holds on to it until the final invoice is received. Whilst this does cut down time on settling the invoice, the supplier has still to wait for the cheque to arrive in the post and then clear in the bank.
- This parish council uses direct debits in some cases, using the two-signatory rule for the mandate, as this is the only way to take advantage of the cheaper offers by utility firms. But full electronic banking would offer a number of advantages and is the logical next step. Even checking statements on-line is proving impossible without signing up to full electronic banking.

c) Do the proposals put forward in this consultation document remove any necessary protection?

They do not appear to do so, as long as suitable safeguards are put in place and the 'Governance and Accountability in Local Councils in England and Wales A Practitioners Guide' is updated to take account of these.

d) Do you agree that:

- **the proposals satisfy the preconditions for a Legislative Reform Order (see Annex A and Chapter 4)**

Yes

- **the negative Parliamentary resolution procedure (as outlined in paragraph 3.12) should apply to the scrutiny of this proposal?**

Yes

Item 14 Policies and Procedures Review. *Purpose of item: review and if required amend the policies/procedures.*

Item 14.1 Code of Practice for Handling Complaints against the Parish Council.

Clerk's comment; The Government advises that the ACAS scheme for dealing with complaints should be followed and the following document was originally based on the ACAS recommendations (details are on the ACAS website www.acas.org.uk). The Clerk is signed up to the ACAS training and notification system and has not been notified of any changes to the guidance or legislation.

The previous agreed document has been amended to take into account the changes to the Code of Conduct.

Code of Practice for Handling Complaints against the Parish Council.

Boxley Parish Council is committed to providing a quality service to residents of the Parish and to anyone who deals with the Parish Council. The Parish Council is determined to conduct its business in a fair and equitable manner. To meet this standard the following complaints procedure has been adopted. Complaints or allegations will normally fall under one of three heads, namely:

- Misconduct by Parish Councillors.
- Misconduct by Council staff.
- The Parish Council's procedures, policy or administration.

Misconduct by Parish Councillors.

All councillors have to conform to the adopted Code of Conduct a copy of which is available on the parish council website (www.boxleyparishcouncil.org.uk) or from the parish office. The

Code of Conduct details the behaviour and rules by which a Councillor has to work and details the seven principles of public life: **SELFLESSNESS, INTEGRITY, OBJECTIVITY, ACCOUNTABILITY, OPENNESS, HONESTY** and **LEADERSHIP**.

Any member of the public, parish councillor or council personnel can make a complaint using The Maidstone Borough Council complaints procedure details of which can be found on the Maidstone Borough Council website (www.maidstone.gov.uk/complaints) or obtained from Maidstone Borough Council.

The Parish Council has a separate policy (Code of Conduct Complaints) detailing the process it would take if it was informed of a complaint to the Monitoring Officer at Maidstone Borough Council.

Misconduct by Council staff.

Any complaints should be made in writing to the Chairman of the Parish Council, the e-mail contact address and telephone number are on the parish website or are available from the parish office. If a letter is received at the parish office it will be passed onto the Chairman. The matter will come under the Parish Council's adopted Disciplinary Procedure of the Parish Council.

The Parish Council's procedures, policy or administration.

A complaint should not be made just because you do not agree with a decision of the Parish Council. You will need to show that the Parish Council did not follow correct procedure or policy and this has resulted in unfair treatment. The Parish Council has numerous policies and procedures and its minutes and most records are open for public scrutiny. This policy is in accordance with the Freedom of Information Act 2000 – Publication Scheme. A copy of the Freedom of information Act publication scheme and the Council's minutes and many other policies are on the Parish Council's website www.boxleyparishcouncil.org.uk or are available from the parish office.

It is in the particular interest of a Parish Council to settle a complaint because, even if it is unjustified, it will in the absence of a settlement be raised again. This is bad for the council since it wastes time and affects its reputation.

1. If a complaint about procedures or administration is notified orally to a councillor or clerk and they cannot satisfy the complainant forthwith the complainant shall be asked to put the complaint in writing to the clerk.
2. If the complainant prefers not to put the complaint to the clerk he/she shall be advised to put it to the chairman.
3. (a) On receipt of a written complaint the clerk or chairman, as the case may be, shall try to settle the complaint directly with the complainant but shall not do so in respect of a complaint about the behaviour of the clerk or of a councillor without first notifying that person and giving them an opportunity for comment on the manner in which it is intended to attempt to settle the complaint. The Parish Council shall not get involved with complainants about the misconduct of a councillor but will instead refer the complainant to the Local Monitoring Officer at Maidstone Borough Council.
(b) Where the chairman receives a written complaint about his or her own actions then he or she shall forthwith refer the complaint to the council.
(c) Where the clerk receives a written complaint about his or her own actions then he or she shall forthwith refer the complaint to the chairman.
4. The chairman or the clerk shall report to the next meeting of the Parish Council any written complaint disposed of by direct action with the complainant.
5. The chairman or clerk shall bring any written complaint that has not been settled to the next meeting of the Parish Council. The clerk shall notify the complainant of the date on which the complaint will be considered, and the complainant shall be offered an opportunity to explain the complaint orally.

If the complainant is submitting documentation or evidence to which they will be referring to at the meeting then they should, 7 clear working days prior to the meeting, provide copies to the council. Similarly the Parish Council should supply the complainant with copies of any Parish Council documents, which are requested and available under the Freedom of Information Act - Publication Scheme.

6. The Parish Council shall consider whether the circumstances attending any complaint warrants the matter being discussed in the absence of the press and public but any decision on a complaint shall be announced at the Parish Council meeting in public. In the interest of openness and accountability there must be clear relevant reasons or a request from the complainant for the matter to be held without the presence of the press or public.
7. At the meeting the Chairman should
 - (a) Introduce everyone
 - (b) Explain the procedure
 - (c) Ask the complainant to outline the grounds of the complaint.
 - (d) Allow members to ask questions.
 - (e) Allow the Clerk or other Proper Officer to explain the council's position.
 - (f) Allow members to question the Clerk or Proper Officer.
 - (g) Members to decide whether or not the grounds for the complaint have been made.
8. Within 7 working days of the meeting the decision and the nature of any action to be taken shall be communicated in writing to the complainant.
9. The Parish Council shall defer dealing with any written complaint only if it is of the opinion that issues of law or practice arise on which advice is necessary. The complaint shall be dealt with at the next meeting after the advice has been received.

Note. The Local Government Ombudsman is unable to deal with complaints about Parish Councils as its legal remit only covers County, District and Borough Councils.

Item 14.2 Policy on dealing with Code of Conduct Complaints.

Clerk's comment; Members have a policy to deal with how it will react should MBC receive a Code of Conduct complaint against a Councillor. With the abolishment of the Standards Board, and it still being unclear how MBC are going to manage a complaint, the procedure (below) has been amended as a 'stopgap' until advice is received from the Monitoring Officer. The main principle, innocent until proven guilty, has been preserved.

Boxley Parish Council attempts to always work in an open and accountable way. It is recognised that there might be complaints against Parish Councillors but in order to be fair to individual members the Parish Council will not publicly acknowledge such a complaint until the independent Maidstone Borough Council Monitoring Officer decides that there is a case to investigate. The Parish Council has no control over what the complainant makes public however it will take no action that interferes with the investigation or which will inflame the situation.

The Boxley Parish Council procedure for dealing with notification of a complaint, from the Monitoring Officer, about a councillor is;

On notification of a complaint the Chair* of the Parish Council will write a **confidential** briefing note to all councillors simply stating that Councillor X is the subject of a complaint to the Monitoring Officer. In the interests of fairness the issue/complaint will not be discussed at any Parish Council meeting.

If the decision is to take no further action then the Chair* of the Parish Council will write a **confidential** briefing note to all councillors stating no further action is being taken. The issue/complaint will not be discussed at any Parish Council meeting and it is up to Councillor X whether he/she wishes to have the complaint acknowledged publicly as unfounded.

On receipt of notification, from the Monitoring Officer, that there has been a decision to further investigate the complaint, the Chair* of the Parish Council will again write a **confidential** briefing note to all councillors stating that the complaint is being investigated further. The issue/complaint will not be discussed at any Parish Council meeting** however the Chair and Vice Chair will draft a press release in case the complaint becomes public. The press release will stick to the facts and not comment on the actual complaint.

If the decision is to take no further action then the Chair* of the Parish Council will write a **confidential** briefing note to all councillors stating no further action is being taken.

On notification that the Monitoring Officer considers that there is substance to the complaint, which is when it is likely that the complaint will become public, the Chair* of the Parish Council will again write a briefing note to inform all councillors of the situation. Advice will be sought from the Monitoring Officer on whether the issue should be acknowledged as an item at the next Parish Council Meeting. The Parish Council (and individual councillors if approached) will stick to the facts and not comment on the actual complaint. The press release will be released if necessary.

If necessary at the conclusion of the investigation the Parish Council will prepare another press release and acknowledge any decision taken by Monitoring Officer. A draft of this press release will be supplied to all councillors. If it is felt necessary an emergency Parish Council meeting will be arranged.

*or if necessary the Vice Chair or Clerk.

** If there is a recommendation from the Monitoring Officer that Councillor X or the Parish Council might require some training then the Parish Council will need to discuss generalities (i.e. need for and cost of training) but specifics of the complaint/decision will not be discussed.

Item 14.3. Dispensation

A Parish Council may in certain circumstances grant a dispensation to permit a member to take part in the business of the Council even if the member has a disclosable pecuniary interest relating to that business. The changes to the Code of Conduct (caused by the Localism Act 2010) has affected the way dispensations are dealt with. Prior to the Localism Act the Borough Council dealt with all requests but the Parish Council is now responsible for its own award of dispensation. MBC will be providing a copy of a form that can be used when a Councillor is applying for dispensation but the council now needs to agree a procedure to consider applications.

The Code of Conduct, see below, identifies when and why dispensation can be given and allows the full council, a committee or sub-committee or the Clerk to be given the power to do so.

Clerk's comment; dispensations should be dealt with fairly promptly so I suggest that this rules out the Estates and Finance Committees (unless special meetings are called to deal with dispensation applications). The Council could

- (a) Set up a specific Dispensations Committee (meeting as and when required); or*
- (b) Allocate the issue to the Parish Council or Environment Committee (they meet the most frequently. Alternatively*
- (c) The Clerk could be authorised to make the decision and then required to report it, giving reasons why dispensation was awarded, to the next Parish Council meeting. If this option is taken then the Clerk requests an addendum to the authority that allows her to decline to take a decision and to report it to the Parish Council meeting.*

There are a number of pros and cons for the above

- (i) It is another meeting to arrange, attend and minute.*
- (ii) The Environment Committee is already very busy and what if the majority of its members apply for dispensations? If power to decide is delegated to a committee then is there a right of appeal? The Parish Council contains 15 members so is less likely to have a majority applying for dispensation. If decided by a Parish Council*

then using current procedure the applications form would be placed with the agenda and publicised.

- (iii) Some members may not like to increase a Clerk's power to make decisions outside of meeting. The Clerk is not hampered by 'numbers' and if agreed there is an 'opt-out' clause that allows the issue to be referred up if there are complications etc. Should a Councillor denied a dispensation wish to appeal then he/she can go to the full Council.*

Clerk's suggestion. Keep it as simple as possible and do not create another committee or sub-committee.

Extract from the Code of Conduct.

Dispensations

- 8.(1)** The Authority or any committee, or sub-committee of the Authority, or the Clerk (where authorised) may, on a written request made to the Clerk (as appointed Proper Officer for the receipt of applications for dispensation) by a Member with an Interest, grant a dispensation relieving the Member from either or both of the restrictions on participating in discussions and in voting (referred to in paragraph 5 above).
- (2)** A dispensation may be granted only if, after having had regard to all relevant circumstances, the Authority or any committee, or sub-committee of the Authority, or the Clerk (where authorised) [considers that:
- (a) without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business; or
 - (b) without the dispensation, the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business; or
 - (c) granting the dispensation is in the interests of persons living in the Authority's area; or
 - (d) it is otherwise appropriate to grant a dispensation.
- (3)** A dispensation must specify the period for which it has effect, and the period specified may not exceed four years.

Item 14.4 Boxley Parish Council Land and Building Purchase Policy

Clerk's comment; in reviewing the policy members should consider whether it allows the Parish Council to purchase land to stop development.

The Council will consider purchasing land* or building** after careful consideration of the following;

Where the use to which the land would be put would be primarily for the good of the parishioners. The judgment of what constitutes 'good' will be with the then Council but it is expected that the benefit to the parishioners would be recreational use, wildlife conservation or for environmental reasons either now or in the future.

Constitute good value for money in the context of the benefits (current or future), tangible and intangible, that would accrue, in the first instance, to our parishioners. The Council would be required to obtain a land valuation, prior to purchase, and be able to justify any purchase and future maintenance costs including site security. Any decision on the purchase of land will take place at an open meeting after careful deliberation. The Council will endeavour to identify, in advance, a wish list for areas where Council held land would benefit local communities and the reasons why it is considered of benefit.

*Local Government Act 1972, ss 124,126,127 (Power to acquirement by agreement, to appropriate, to dispose of...) Local Government Act 1972, ss139 (Power to accept gifts of land).

** Local Government Act 1972, s133, s144. Local Government (Misc Prov) Act 1976, s19

Item 14.5 Procedure for publishing draft minutes on the website.

Procedure to be followed;

- Parish office submits the draft minutes to the person who chaired the meeting with a view to getting the draft minutes onto the website within 7 days of the meeting.
- If for any reason the chair is not going to be available to meet this deadline then the draft minutes are to go to the vice chair or if necessary to members that attended the meeting.
- The parish office is to be allowed to deal with any problems by using common sense.
- For councillors' security the draft minutes will not include reasons for members not being there (these will however be included in the copy to be signed).
- The draft minutes are to be clearly marked as draft.
- The chair or responsible person checks the contents of the draft minutes and liaises with the Clerk/Asst Clerk if they have any comments. They formally agree to the draft minutes being placed on the website.
- In the unlikely event of a dispute over the actual contents then the chair and parish office will use common sense to sort it out (such as sending a copy to all councillors who attended the meeting to get a consensus).

Item 14.6 Standing Orders revision.

Clerk's comment: Recent changes to the way Code of Conduct operates, the closing of the Standards Board For England and the replacement of Power of Well Being by the Power of Competency has required some amendments to the Standing Orders.

Members are asked to note that on agreement to the changes the Standing Orders will be placed on the website.

The Clerk asks members to approve the following changes:

- (i) Removal of all references to the Standards Board for England and changes to anything that refers to the old legislation, with a reference to the new Code of Conduct if needed.
- (ii) Standing Order 7c, referring to the old legislation and rights of a Councillor to address the meeting, has been combined with 7d to produce a new 7c. The old legislation required a council to specifically refer to adopting Para 12(2) but this is now no longer required.
- (iii) The addition to SO7 an item dealing with dispensation along the lines of
Councillors may apply to..... for a dispensation from either or both of the restrictions on participating in discussions and in voting, Code of Conduct 8(1) – (4).
- (iv) SO25 Power of Well Being has been amended to Power of Competency

(a) Before exercising the Power of Competency a meeting of the full Council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria.

(b) A further resolution, subject to the council still meeting the eligibility criteria, must then be passed at every annual meeting after the ordinary election

Item 15. Reports from councillors/parish office. Purpose of item: information.

Item 15.1 Walderslade Ward (Medway) PACT Meeting, 16 July 2012 (Report by Ivor Davies)

The following points were relevant to our parish.

Boxley Road At the above meeting PCSO Stevie Kennett reported that the police had conducted a speed check in Boxley Road just south of the village on a recent schoolday between 08.15 and 09.15 (?). The average speed of the 64 cars recorded was 28.5 mph (max 37 and min 19).

The PCSO added that the records showed two reported accidents in the past year and seven reports of obstruction. Of the latter, four were deemed valid, i.e. that it was not possible to pass on the footway with a pushchair (there is a set width in law that she could not immediately remember). She asked that any cases of obstruction should be reported by phone on 101, quoting the registration number if possible.

When I pointed out that our perceived accident risk stemmed as much, if not more, from obstruction of the highway as of the footway, Cllr Brake described it as "ready-made traffic calming" [shades of Gidds Farm Cottages!]. However, when I protested, the PCSO undertook to continue to monitor the situation and to place advisory notices on vehicles where relevant. [I think we must continue to hammer at this one if an accident to a pedestrian is to be avoided].

Motorbikes in Woods A Medway resident complained that there was still a problem with bikes in the woods. PCSO Kennett, who was aware of the recent exercise in Boxley Warren and confirmed that she had contact with Andy Hawthorn, asked that whenever there was a problem it should be reported immediately on 101, no matter whether it was in the Medway, Maidstone or T&M area of the woods. Force HQ would decide who should respond.

Survey of Traffic Problem Areas Cllr Brake had nearly completed his survey, in which he would be recommending barring HGVs from Boxley Road (it is much used for driver training) and other changes that should benefit our residents venturing over the border. He bemoaned the fact that KHS had not discussed with Medway recent changes in Robin Hood Lane (T&M) although only 50 yards from the common boundary [and some 200 from our own]. I described what we hoped to achieve on Walderslade Woods road (A2035), which was welcomed, and the imminent speed limit reduction on Boxley Road/Beechen Bank Road.

Next Meeting Tuesday 9 October at 7.30 pm [coincides with Estates] at St William's, Walderslade.

COMMENT: Unlike the previous meeting I, and others, attended in July, I felt that BPC representation was, on this occasion, actually welcomed.

Item 16 Parish Services Scheme (replacement for Concurrent Functions). Purpose of item: information.

Summary of a report at the KALC Maidstone Area Committee meeting on 25th July. KALC Maidstone Committee had requested, whilst negotiations had been going on with MBC, that parishes did not arrange to meet with MBC to discuss the new scheme. Quite a few parishes did go ahead with the meeting and the majority reported back that the meeting had been unproductive. The Committee agreed that little progress had been made and that it was necessary to step up pressure. It was resolved to draft a renewed petition as the centre piece of a new campaign and that consideration should be given to pressing for differential rating unless a fair system of Parish Funding was achieved.

MBC was also to be approached to seek a meeting between a group (made up of a representation from parishes of various sizes) and MBC officers to attempt to open discussion on a way forward. The aim must be to secure a system of parish funding that was fair and overcame the issue of double taxation.

Item 17 Matters for information. *Purpose of item: information and clarification.*

Item 17.1. Agenda items, clarification from the Parish Clerk.

Members are reminded that there are a number of ways to get an item onto an agenda for discussion. They can formally ask at a meeting, generally at the matters for information item or at a related item on the agenda, they can approach the Chairman of the meeting, the Clerk or the Assistant Clerk in person or via e-mail/telephone. Members are notified that the agenda, although prepared and signed by the Clerk, is in fact cleared by the Chairman as it is his/her meeting. A Chairman can refuse to have something included on their agenda but if this ever occurred then Standing Orders has provisions to deal with this.

To ensure a Councillor's idea or issue is clearly presented at the correct meeting and that it contains relevant information to enable a decision to be taken, it is suggested that Councillors either discuss the issue with the Clerk/Assistant Clerk or submits a report to go with the agenda. If a Councillor requests the parish office will happily help with constructing a report and can also advise on any recent decisions, policy etc. It is preferable that where possible that all agenda items have a supporting report so that when it is advertised on the website etc. residents can understand the issue and the parish council can be seen to be working in an open and accountable way.

If a Councillor has asked for an item to be included then it is likely that the Chairman will invite him/her to introduce and explain the issue at the appropriate time.

Item 17.2 Report from Mike Phillips (Mid Kent Downs Officer)

**Celebrating Boxley Warren Update for Boxley Parish Council – April 2012
Progress and Events in last 3 months**

The last three months have seen little activity in terms of events but the site has had a great summer and has responded well to the winter works with several new species found. Activities undertaken up to July 31st, 2012:

- Plan, promote and run a wildlife walk led by Jon Bramley and Lesley Mason – 24th June – attended by 16 people
- Held meeting with Kent Heritage team at KCC to discuss archaeology events programme due to start in late autumn.
- One Friends of Boxley Warren meeting where the group agreed to start monthly practical tasks which is very encouraging.
- Boxley warren leaflets design now in progress.
- Management plan review now in progress.

Planned Activities in the next 3 months

- Bat walk – 23rd August, 8pm
- Meeting of Friends of Boxley Warren – 21st August
- Continue review management plan for Boxley Warren and incorporate 'The Veitch Land'
- Design, promote and initiate community heritage/archaeology project
- Creation of Boxley Warren pages on Boxley Parish Council website
- Design Boxley Warren promoted walk leaflet
- Plan winter work task days

Expenditure

Activities	£270.00
Walk leader	£120.00
Walk co-ordination	£150.00
Establishment of Friends Group	£200.00
TOTAL	£470.00

A full copy of the accounts for the project is held at the Boxley Parish Council office

Total spent so far: £16,078.05

Total Budget: £56,526.00

Item 17.2 ACRK Rural News 118 (e-mail 10.07.12), 119 (e-mail 02.08.12), 120 (e-mail 17.08.12)

Item 17.3 Kent County Playing Fields Association newsletter August 2012 (e-mail 08.08.12).

Item 17.4 Openness and transparency – a guide for councillors (sent electronically to all councillors).

Item 17.5 Medway Neighbourhood Watch newsletter issue 28.

Item 17.6 KALC Maidstone Area Committee minutes 25.07.12.

Item 17.7 Thank you letter from Friends of Boxley Church for the grant.

Item 17.8 Thank you letter from Kent Wildlife Trust. The grant will go towards updating a walks leaflet as well as installing an information boards at the Tyland Barn site.