

**MINUTES OF THE MEETING OF THE FINANCE & GENERAL PURPOSES
COMMITTEE HELD ON FRIDAY 14TH MAY 2004 AT 10.00 a.m.
AT THE PAVILION, MANOR FIELD**

Present : Cllr Mr A Barnett
Cllr Mr J Gaywood (Vice Chairman)
Cllr Mr Ramsay

1. Apologies

Apologies had been received from Cllrs Alford and Abraham.

2. Election of Chairman

RESOLVED: That, Cllr Mr C Alford be elected Chairman of the Finance and General Purposes Committee until the Annual Meeting in May 2005.

3. Election of Vice Chairman

RESOLVED: That, Cllr Mr B Ramsay be elected Vice Chairman of the Finance and General Purposes Committee until the Annual Meeting in May 2005.

4. Review of the Terms of Reference

The Committee reviewed its Terms of Reference.

RECOMMENDED: That, the item 9 of the Committee's Terms of Reference be amended to read, "To review donations to outside organisations", as set out in appendix 1 attached to these minutes.

5. Minutes

RESOLVED: That, the minutes of the meeting of the Finance and General Purposes Committee held on 7th April 2004 be approved and signed as a correct record.

6. Declarations of Interest

Cllr Mr B Ramsay declared a personal interest under minute item 8 (a) in respect of the request for a donation from the Rural Age Concern Darent, as the Parish Council's representative on this outside body and as a benefactor to the charity.

7. Vary the order of business

RESOLVED: That, pursuant to Standing Order 18, the order of business be varied so that minute item 14 in respect of the Office Accommodation be taken immediately before minute item 15 in respect of the data subject access request and during the confidential part of the meeting.

8. Donations

The Committee considered requests for donations from:

(a) Rural Age Concern Darent Valley

(b) Open Spaces Society - to support its court case against the Secretary of State for Environment, Food and Rural Affairs for failing to hold a public inquiry into the controversial proposal to erect fencing on Wisley Common in Surrey.

RECOMMENDED: That, (1) in accordance with powers under Section 137 of the Local Government 1972 a sum of £100 be donated to the Rural Age Concern Darent Valley and, (2) the Council decline the request to make a donation to the Open Spaces Society in support of its court case

against the Secretary of State for Environment, Food and Rural Affairs in respect of the erection of a fence on Wisley Common in Surrey.

9. Banking Arrangements

The Committee considered a report explaining the Council's current banking arrangements and new accounts being offered by the Council's bankers. It was reported that the Clerk and the Vice Chairman of the Finance and General Purposes Committee intend to meet the Council's bankers to discuss a number of issues affecting the administration of the Council's bank accounts.

RESOLVED: That, the matter be deferred.

10. Local Government Pension Scheme

The Committee considered a consultation draft of the Local Government Pension Scheme (Amendment) (No 2) Regulations 2004. The scheme amendments proposes changes to, (1) the earliest age at which Scheme benefits can be paid, other than on grounds of ill health and (2) the 85 year rule in respect of future accruals.

RESOLVED: That, the consultation draft of the Local Government Pension Scheme (Amendment) (No 2) Regulations 2004 be noted.

11. Periodic Electoral Review of Kent County Council: Final Recommendations

The Committee considered a letter dated 27th April 2004 from The Boundary Committee for England informing the Council of the publication of its report to The Electoral Commission setting out the Committee's final recommendations for electoral arrangements for Kent County Council.

The Boundary Committee is recommending that Kent County Council should have 84 councillors representing 72 divisions and that there should be changes to division boundaries in order to improve electoral equality. The Council had been informed at its Annual Meeting on 10th May 2005 by the County Councillor that the Boundary Committee is recommending that the existing division of Ashcum-Ridley, Hartley and Fawkham be enlarged to include West Kingsdown.

RECOMMENDED: That, the Boundary Committee for England's report to the Electoral Commission on the electoral arrangements for Kent County Council be noted.

12. Sale of land at Manor Field

It was reported that a letter dated 5th May 2004 had been received from the landowners informing the Council that they were taking instructions and they will get back in contact in due course.

RESOLVED: That, the letter dated 5th May 2004 be noted.

13. Exclusion of the press and public from the meeting

RESOLVED: That, pursuant to Standing Order 66 members of the press and public be temporarily excluded from the meeting due to the confidential nature of the business to be transacted under minute item 14 in respect of the office accommodation and minute item 15 in respect of a data subject access request.

A member of the public left the meeting at 10.40 a.m.

14. Office Accommodation

It was reported that the architect had requested pre tender estimates from three contractors and that to date only one had been received.

RECOMMENDED: That,

(1) the architect be instructed to submit a planning application in line with the scheme as detailed on drawing number SK02, previously approved by the Council on 5th April 2004 and,

(2) the architect be instructed to prepare tender documentation, invite tenders from agreed local contractors in accordance with the Council's financial regulation 11.1 (c), received tenders on the Council's behalf, prepare tender report and advise tenderers of outcome at lump sum fee of £550 plus VAT and,

(3) the architect be invited to prepare enhanced drawings and specification sufficient for and make application for Building Regulations approval at a lump sum fee of £450 plus VAT.

15. Data Subject Access Request

The Committee gave further consideration to a request from a former Member of the Council to be supplied with certain documents relating to an investigation undertaken in January and February 2003 by a specially appointed Complaints Committee of the Council. The Committee was reminded that the investigation followed a complaint made by a member of staff and that because of the confidential nature of the matter, the circulation of the relevant papers had been restricted to members of the Complaints Committee. The Committee had met in private but on completion of its investigation it had issued a report which was adopted by the Council. The former Member of the Council had also asked to be supplied with copies of the Complaints Committee's report and the minutes of the Council held in April 2003 and that as these were already public documents, copies had been duly supplied. The former Member had also been advised that the Council could not deal with his request for copies of any Emails containing his name as such documents were not retained.

When the matter was considered previously by the Committee, concern had been expressed about the implications of the release of documents which had been given to the Council in confidence. In addition, the Committee wanted to be reassured that when making a decision it would comply with the requirements of the Data Protection legislation and requested the Clerk to seek advice from the Information Commissioner. That advice had now been received and the Committee noted that the Information Commissioner had expressed the view that if the Council was satisfied that a clear duty of confidence existed then it would not be reasonable to provide information without consent.

RECOMMENDED: That

- 1) The former Member of the Council be advised that the Council
 - a) notes and confirms the action taken by the Clerk to supply him with further copies of the report of the Advisory Committee and the minutes of the meeting of the Council held in April 2003.
 - b) Confirms the information given to him that the Council does not retain copies of any Emails relating to him.
 - c) Is satisfied that it has a duty of confidence in relation to the other specific documents requested by him and therefore, in accordance with the advice given to the Council by the Information Commissioner, is not prepared to supply him with copies of those documents without the express consent of the authors.
- 2) In accordance with 1) c) above, the authors of the relevant documents be contacted by the Clerk to ascertain whether they are prepared for their communication to be released to the former Member.

16. **Date of the next meeting**
To be confirmed.

The meeting closed at 11.10 a.m.

Signed:.....
Chairman of F & G P Committee

Date:.....

Finance and General Purposes Committee

Terms of Reference

1. To make recommendations to the Council on the Budget for the ensuing year; such budget shall be prepared having regard to the Council's statutory duties, obligations and such objectives that the Council wishes to undertake for the benefit of the Parish.
2. To undertake quarterly reviews of expenditure against the approved budget and to report thereon to the Council highlighting any variations.
3. To consider applications for financial assistance including expenditure under the provisions of Section 137 of the Local Government Act 1972.
4. To undertake the evaluation of tenders and quotations for work to be undertaken on the Council's behalf and to recommend to the Council the most appropriate tender(s) for acceptance in accordance with Best Value guidelines, where these do not already fall within another Committee.
5. To ensure proper arrangements for the conduct of the quarterly audit of the Council's accounts and statutory annual audit, including the appointment of internal auditor.
6. To approve the Annual Statement of Accounts and submit them to Council for adoption.
7. To undertake the regular review of the Council's banking arrangements and investments.
8. To review the administrative functions of the Council and make recommendations as appropriate to the Council.
- ~~9. To review annual subscriptions to outside organisations.~~
- *9. To review donations to outside organisations.**
10. To review the Clerk's and the Assistant Clerk's terms and conditions of employment.
11. To review the Council's office accommodation.
12. To deal with any matters which do not fall within the Terms of Reference of any other Committee.

*** *proposed amendment shown in bold italics***

As approved by Council on 14th July 2003 and

Re confirmed by Council at its Annual Meeting on 10th May 2004