

**MINUTES OF THE MEETING OF THE FINANCE & GENERAL PURPOSES
COMMITTEE HELD ON WEDNESDAY 7TH JULY 2004 AT 11.15 a.m.
AT THE PAVILION, MANOR FIELD**

Present : Cllr Mr L Abraham
Cllr Mr C Alford (Chairman)
Cllr Mr J Gaywood
Cllr Mr B Ramsay

1. Apologies

Apologies had been received from Cllr Mr A Barnett.

2. Minutes

RESOLVED: That, the minutes of the meeting of the Finance and General Purposes Committee held on 14th May 2004 be approved and signed as a correct record, subject to the following correction on page 1 against the list of Members present at the meeting to show that the Vice Chairman of the Finance and General Purposes Committee is Cllr Ramsay and not Cllr Gaywood.

3. Declarations of Interest

Cllr Mr C Alford declared a personal interest under minute item 10, as a member of the Local Government Pension Scheme.

4. Audit 2000/01

At the last meeting of the Council, it had been reported that the audit fees for the financial year 2000/01 were £1,215.00 plus VAT, which was three times higher than that of previous and subsequent years and that advice had been sought from the District Auditor as to why this may be the case. The District Auditor has now provided an explanation for the increase in the audit fees for that particular year, which was due to the number of letters of objection to the accounts received from local residents resulting in a considerable amount of additional audit work.

The Committee noted that residents had been asked, on a number of occasions, to address any query over the accounts directly to the Council, so that it may be given the opportunity to answer their questions. If residents were not satisfied with the Council's response, they would still have a statutory right to raise any matters of concern with the District Auditor and in giving the opportunity to the Council to answer any issues of concern before referring them to the District Auditor, it would ensure that the external audit fees were kept to a minimum. However despite this request, the Committee noted that a number of residents had chosen to refer their concerns directly to the District Auditor, which involved the external auditor in a considerable amount of additional audit work and resulted in higher than normal audit fees.

The Committee noted that the District Auditor had not upheld any of the objections to the accounts raised by local residents and considered the additional audit fees incurred as a result of investigating and reporting on these objections to be complete waste of public money.

RESOLVED: That, the District Auditor's response be noted.

5. Audit 2002/03

(a) It was reported that, despite a last minute objection being raised on the accounts, the audit for the year 2002/03 had now been completed and that the notice of conclusion of audit and right to inspect the annual return for the year

ended 31st March 2003, together with the certified Annual Return had been displayed for the required statutory period of 14 days.

RESOVLED: That, the report be noted.

(b) The Committee examined the external auditor's certificate and opinion.

RESOLVED: That, external auditor's certificate and opinion be noted and that no further action was required.

6. Internal audit 2003/04

The Committee examined the internal auditor's report for the year ending 31st March 2004. The internal auditor had made three recommendations that (1) the Clerk contact Scribe to ensure the figures produced on the annual return corresponded with the figures shown on the accounts, (2) the Clerk certify all staff time sheets and (3) the fidelity guarantee cover be reviewed.

The Clerk reported that the problem with the accounts software package was due to a bug and that the software provider had provided the Council with an upgrade disk which had resolved the problem.

The Clerk will ensure that in future all time sheets for the Assistant Clerk are certified.

The Clerk reported that the internal auditor had recommended that the fidelity guaranteed cover be raised to £144,000.

RESOLVED: That, the report be noted.

RECOMMENDED: That, the Clerk be delegated authority, in consultation with the Chairman and Vice Chairman of the Finance and General Purposes Committee, to increase the fidelity guarantee cover to a level recommended by the internal auditor, provided the increase in insurance premium was reasonable.

7. Income and expenditure – 1st April to 30th June 2004

The Committee examined a financial report indicating the Council's net position for the first quarter of the current financial year.

RESOLVED: That, the financial report be received and noted.

8. Office accommodation

The Committee considered a report on the current position with regard to the relocation of the Parish Office in Hartley Library. The Clerk reported that the hourly rate charged by Kent County Council's legal team was £75 per hour plus VAT and not £60 per hour, and that the legal team anticipated that the actual time required to undertake the surrender of the existing lease and execution of a new lease to be in the region of 6 hours, provided the negotiations between the two parties were straightforward.

The Committee expressed concern over Kent County Council's estimation of the period of time (4 to 6 months) required to surrender the lease on the existing Parish Office and to execute a new lease on the relocated Parish Office, particularly as it would appear that the County Council is reluctant to allow the building works to start in advance of the execution of the new lease.

RECOMMENDED: That, (1) the report be noted and the Clerk's actions be confirmed and, (2) the County Council be instructed to formally open negotiations for the surrender of the existing lease and granting of the new lease and, (3) Martin Tolhurst Partnership be instructed to act on behalf of the Parish Council during the negotiations with the County Council for the surrender of the existing lease and granting of the new lease and, (4) subject to the granting of planning

permission and building regulation approval, Kent County Council be asked to consider whether it would be acceptable to start the building works in advance of the execution of the new lease.

9. Donations

The Committee considered a request for a donation from the Kent Wildlife Trust to assist the Trust with its work to resist pressures to develop land in Kent for house building.

RECOMMENDED: That, in accordance with powers under Section 137 of the Local Government Act 1972, a sum of £40 be donated to Kent Wildlife Trust.

10. Local Government Pension Scheme

The Committee considered a letter from the County Council in respect of the Local Government Pension Scheme Regulations 1997. The Parish Council is required to agree a number of policy decisions in areas of the regulations where the Council has discretion.

RECOMMENDED: That, the policies as set out in appendix 1 attached to these minutes be adopted by the Council.

11. Sale of land at Manor Field

No further information had been received from the land owners.

RESOLVED: That, the matter be referred to the next meeting of the Council.

12. Air Quality Review and Assessment

The Committee considered a letter from Sevenoaks District Council asking for the Council's views on the latest reports about air pollution in the district, which forms part of the ongoing process of the review and assessment of air quality required by the Environment Act 1995.

RESOLVED: That, the report about air pollution in the Sevenoaks District be noted.

13. Sevenoaks District Council's Best Performance Plan 2004/05

It was reported that the Sevenoaks District Council's draft Performance Plan 2004/05 had now been adopted.

RESOLVED: That, the Sevenoaks District Council's Best Performance Plan 2004/05 be noted.

14. Highway Act 1980 - Stopping up of Highways

The Committee considered a letter from Kent County Council informing the Parish Council that approval had been granted to the making of a stopping up order in respect of an area of land fronting Orchard Lea, Church Road. The County Council intends to make an application before Sevenoaks Magistrates pursuant to section 116 and 12th Schedule of the Highways Act 1980 for an application to stop up all highway rights over this area of land on the grounds that it is no longer necessary as part of the public highway. Private rights of access remain unaffected by the proposal and rights of access of statutory undertakers will remain at all times.

RECOMMENDED: That, (1) the Council has no objection to the making of a stopping up order in respect of land fronting Orchard Lea, Church Road and, (2) the Clerk be asked to seek clarification over the future ownership of the land once the stopping order has been granted.

15. Bench at Manor Lane/Church Road

The Committee noted that the bench located at the junction of Manor Lane and Church Road had been damaged and that the ownership of the bench was unclear. In light of the Highway Authority's confirmation that it does not own the bench, the Committee considered whether the Council should assume ownership and instigate the necessary repairs.

RECOMMENDED: That, the Council assumes ownership of the bench located at the junction of Manor Lane and Church Road and that the necessary repairs be instigated.

16. Complaints procedure

The Committee considered a report in the adoption of a complaints procedure, as set out in appendix 2 attached to these minutes. The Committee noted that the complaints procedure related to only to officers and that complaints relating to Members of the Council were now handled by the Standards Board for England.

RECOMMENDED: That, the Council adopt the complaints procedure, as set out in appendix 2 attached to these minutes.

17. Date of the next meeting

To be confirmed.

The meeting closed at 12.18 p.m.

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

Date:.....

Regulation	Policy decision	<p style="text-align: center;">Kent County Council's Policy</p> <p style="text-align: center;"><i>* Amendments as recommended by F & GP Committee at its meeting held on 7th July 2004 shown in bold italics</i></p>
7 (9) a	Re scheme members who opt in and out of the scheme more than once	It is KCC's Hartley Parish Council's policy to give employees the opportunity to opt into the pension scheme twice during the course of their continuous employment with the Authority. If after the second opt in they subsequently decide to opt out again then they will not normally be allowed to rejoin the scheme unless the Kent County Council's Pensions Manager consider that there are exceptional reasons to allow them to do so.
14 (3) (b)	Re protected manual workers who at 31 March 1998 were paying contributions at the rate of 5%	A manual worker who returns to local government employment having left after a statutory transfer will be given the opportunity to rejoin the pension scheme and pay contributions at the rate of 5% following another statutory transfer. They must elect to do so within 30 days of the date of notification of that option.
15 (1)	Waiver or reduction of member's contribution rate on completion of 40 years scheme membership	<p>It is the policy of KCC Hartley Parish Council to waive pension contributions of any employee only where they have completed 40 years service with Kent County Council Hartley Parish Council and as a member of the Kent Local Government pension scheme.</p> <p>In exceptional circumstances, if there is a proven total benefit to the organisation then the Kent County Council's Corporate Human Resources Manager may also, in conjunction with the Kent County Council's relevant Strategic Director, agree to waive or reduce contributions in respect of other individuals.</p>
18 (6) & (7)	Late application by member to pay optional contributions for period of absence such as authorised unpaid leave or	Employees who have the option to pay contributions in respect of unpaid absence must elect to do so within 30 days of the date of the notice issued to them by the Kent County Council's Pension Section stating the amount of contributions to be paid. This time limit may be extended by the Kent County Council's Pensions Manager if the employee can demonstrate exceptional

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	unpaid maternity leave	circumstances so as to justify an extension of time.
23 (4)	Time span within which a Certificate of Protection of Pension Benefits can be issued	It is KCC's Hartley Parish Council's policy to request the issue of a Certificate of Pension Benefits from the Kent County Council's Pensions Section to protect employees who suffer detriment by being required to take a cut in pay or who are prevented from having future pay increases by having their pay frozen due to reasons beyond their control. This request can be made at any time after the employee has suffered the pay cut or pay freeze.
31 (2)	Elections for early payment of benefits from age 50 and before age 60 (other than for redundancy, efficiency, or ill health reasons, which are covered by other regulations).	It is not the policy for Kent County Council Hartley Parish Council to give consent to the immediate payment of benefits to employees who voluntarily retire from the age 50 but before 60 or the early payment of deferred benefits to ex employees from age 50 but before age 60, unless there is a demonstrable benefit to the organisation which would take full account of any extra costs to be borne by the authority. Any such consent shall be agreed by the Kent County Council's Corporate Human Resource Manager and the Kent County Council's relevant Strategic Director.
31 (5)	Where a scheme member leaves (or a deferred benefit is brought into payment) and at that time they have not met the 85 year rule so that their benefits are reduced, the employer can waive that reduction on compassionate grounds.	Where consent to the early payment of benefits is given on the grounds of compassionate circumstances, full consideration must be given to the guidelines* contained in the Kent Scheme conditions of service and only after agreement between the Kent County Council's Corporate Human Resource Manager, the Kent County Council's Pensions Manager and the Kent County Council's relevant Strategic Director. In compassionate circumstances KCC Hartley Parish Council will be responsible for any additional costs deriving from the decision to release benefits prematurely. <i>* These guidelines state that the circumstance must be exceptional and would not reasonably be expected to prevail, i.e. the occurrence of a disaster or accident etc. Financial hardship in isolation would not normally be deemed appropriate.</i>

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32 (8) (A)	Restricts the time period within which a member can make an election to aggregate two periods of Local Government Pension Scheme membership.	<p>If a scheme member wishes to aggregate the most recent of their periods of previous scheme membership with their current membership, it is the policy of KCC Hartley Parish Council that the election must be made within 12 months of the Pension Section being notified that the employee has again become an active member.</p> <p>Where a person was an active member of the Kent Pension Scheme on 1 April 2004 an election must be made no later than 31 March 2005.</p>
34 (1) (b)	No double entitlement in respect of same period of membership and member does not elect	<p>In the event that an employee is eligible for two benefits under the regulations of the Pension Scheme and they have not elected to choose one of these within 3 calendar months of the notification of these benefits then, it is KCC's Hartley Parish Council's policy to select the option which in its opinion is most beneficial to the employee.</p>
52	Granting of extra scheme membership	<p>It is the policy of KCC Hartley Parish Council only to grant extra pension scheme membership to employees aged 50 years or over, within regulation 52 of the Local Government Pension Scheme 1997, where there is a proven total benefit to the organisation which includes any costs that might be borne by the authority. Any such granting of extra scheme membership needs to be agreed between the Kent County Council's Corporate Human Resources Manager and the Kent County Council's relevant Strategic Director.</p> <p>Additional service will not be granted in respect of pre April 1972 service, which at the point of retirement has not yet been up-rated.</p>
66 (9) (b)	Late application to convert scheme Additional Voluntary Contributions (AVC) into membership credit	<p>Employees who leave the pension scheme and who have the option to convert an in house AVC to Local Government Pension Scheme membership, must elect to do so within 30 days of the date of the notice issued to them by the Kent County Council's Pensions Section of the value of the AVC. This time limit may be extended by the Kent County Council's Pensions Manager in exceptional</p>

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		circumstances.
67 (1)	Shared cost AVC schemes	It is not the policy of KCC to operate a shared cost AVC scheme for employees. However, this policy will be reviewed biennially by the <i>Kent County Council's</i> Corporate Human Resource Manager in conjunction with the <i>Kent County Council's</i> Corporate Finance Director.
121 (8)	Restricts the time period within which a member can make an election to transfer their benefits from another pension arrangement.	<p>If a scheme member wishes to transfer any pension benefits they have built up in other scheme to the Local Government Pension Scheme, it is the policy of Kent County Council <i>Hartley Parish Council</i> that the election must be made within 12 months of the Pension Section being notified that the employee has become an active member of the Kent Scheme.</p> <p>In respect of employees who were active members of the Kent Scheme at 1st April 2004 the election will be accepted provided it was executed no later than 31st July 2005.</p>

Hartley Parish Council

Draft Complaints Procedure

1. This Policy sets out procedures for dealing with any complaints that anyone may have about the ***Hartley Parish Council's*** administration and procedures. It applies to the ***two*** Council's employees, ***the Clerk and the Assistant Clerk***. Councillors are covered by the Code of Conduct adopted by the Council on 8th February 2002. Complaints against policy decisions made by the Council shall be referred back to Council (but note paragraph 38 (a) and (b) of the Council's Standing Orders which says that issues shall not be re-opened for six months).

2. If a complaint about procedures or administration as practised by the Council's employees is notified orally to a Councillor or the Clerk to the Council, they should seek to satisfy the complaint fully. If that fails, the complainant should be asked to put the complaint in writing to the Clerk to the Council and be assured that it will be dealt with promptly after receipt.

3. If the complainant prefers not to put the complaint to the Clerk to the Council he or she should be advised to put it to the Chairman of the Council.

4. (a) On receipt of a written complaint the Chairman of the Council or the Clerk to the Council (except where the complaint is about his/her own actions) shall try to settle the complaint directly with the complainant. This shall not be done without first notifying the person complained against and giving him or her an opportunity to comment. Efforts should be made to settle the complaint at this stage.

(b) Where the Clerk to the Council or the Chairman of the Council receives a written complaint about the Clerk to the Council's own actions, he or she shall refer the complaint to the Chairman of the Council. The Clerk to the Council shall be notified and given the opportunity to comment.

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(c) Where the Clerk to the Council or the Chairman of the Council receives a written complaint about the Assistant Clerk to the Council's own actions, the Clerk to the Council shall try to settle the complaint directly with the complainant. The Assistant Clerk shall be notified and given the opportunity to comment.

5. The Clerk to the Council or Chairman of the Council shall report to the next meeting of the Council any written complaint disposed of by direct action with the complainant.
6. The Clerk to the Council or Chairman of the Council shall bring any written complaint that has not been settled to the next meeting of the Council. The Clerk to the Council 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. (Unless such a matter may be related to Grievance, Disciplinary or Standard Board proceedings that are taking, or likely to take place when such a hearing may prejudice those hearings when the complaint will have to be heard under Exempt Business to exclude any member of the public or the press, or deferred on appropriate advice received).
7. The Council shall consider whether the circumstances attending any complaint warrant the matter being discussed in the absence of the press and public but any decision on a complaint shall be announced at the Council meeting in public.
8. As soon as may be after the decision has been made it and the nature of any action to be taken shall be communicated in writing to the complainant.
9. A 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 advice has been received.