

TOWN CLERK'S REPORT TO A MEETING OF FAVERSHAM TOWN COUNCIL held on 10 September 2018

1. NAMING MEMBERS OF THE PUBLIC IN MINUTES/ANNEX

Members are asked to note the advice received from the Kent Association of Local Councils on naming members of the public who ask questions:

“Personal names should not be cited. I know that some LCs refer to an elector of the High Street etc. In your case you are following the older model (NALC a few years ago pushed for the public form/questions to be raised up into the meeting with material facts being minuted but even then suggested that names not be cited). In your model you run the forum before, in the middle after an adjournment or after the meeting closes and therefore this will not be minuted but “file notes” maybe kept. These should just be based on material considerations. The legal angle here is that minutes are a record of the DECISIONS of the TC and therefore material should only relate to facts (therefore by definition and particularly in your scheme where the forum is outside of the meeting) the argument is weak to include names and the practical issue of ensuring context and background can usually be met by not naming even in the NALC higher gearing model. Other issues must be around accuracy, defamation and GDPR and setting a poor precedent. Members of the public may well wish to have their moment of glory but that is not what minutes are for and they of course are a product of the Clerk and ownership (legally) falls to the TC: therefore they can ask... but there is no expectation and as above real reasons why a TC should be consistent.” Clive Powell, Advisor

2. CONTACT DETAILS FOR COUNCILLORS

Members are asked to note the reason why some Members' details are withheld on the Town Council website:

Under the Localism Act 2011 Part 1, Chapter 7, Section 32 it is the responsibility of the Monitoring Officer to decide if an interest is considered 'sensitive' as to whether the information is withheld. The monitoring officer of a parish/town council is the monitoring officer of its principal authority which in Faversham's case is Swale Borough Council.

Further advice from the Kent Association of Local Councils is “the Town Clerk, as legal officer, will ensure the law is applied to your TC as a Local Authority will apply (eg FOI/DPI) but that where this is not the case and policy is the issue (ie best practice and discretion) you will apply it at common law ie consistently and reasonably . Obviously if this is in line with other standards and bodies this makes life easier but this does not mean the MO dictates beyond his responsibility.”

3. SWALE CYCLING AND WALKING POLICY CONSULTATION

Members are invited to comment on the development of a Swale Cycling and Walking Policy Framework for 2018-2022. The consultation will close on Friday 5th October.

4. ILLEGAL CYCLING

To consider the motion “The Town Council deplores the extent of illegal riding of cycles within the Town Centre, on the Town’s pavements and on footpaths in the Town. It is considered that if something is not done there will be a serious accident when a resident of Faversham will be injured. It is agreed that the Town Clerk be asked to contact Swale Borough Council’s Safety Partnership for their help in tackling this issue by way of a public campaign and enforcement action.

This motion is proposed by Cllr Kay and seconded by Cllr Wilcox

5. FLY POSTING

To consider the motion “The Town Council deplores the extent of commercial Fly Posting in the Town, including community events more than two weeks in advance of the event: when it is not taken down after the event or when it is in inappropriate locations. It is agreed that the Town Clerk be asked to contact Swale Borough Council for their permission for Faversham Town Council to take responsibility for removing inappropriate Fly Posting in the Town and the Town Caretaker be allocated this task and people in the Town be encouraged to report to the Town Council any inappropriate Fly Posting they see.”

This motion is proposed by Cllr Kay and seconded by Cllr Wilcox

6. PRESTON FOOT BRIDGE

Following the meeting with a representative of BAM Nuttall the following response has been received with regard to the suggested paint schemes:

Network Rail are reviewing the options to paint the structure in the station colours. There are 2 main concerns:

- a) Is changing the colour scheme within what is permitted under historic structures consent – as these colours have no historic significance.
- b) How likely is it that the operating company will rebrand, or change franchise, resulting in a change of colours on the trestles.

This has been escalated to the Network Rail Asset Manager for review.

7. FLAGS

Cllr Kay has requested that a risk assessment is carried out by an external company, for changing/raising of flags on the Guildhall. Access to change the flag is via the roof, the recent Quinquennial Report suggests that a safety wire is required.

8. ARMED FORCES DAY

To consider the motion “Faversham Town Council supports Armed Forces Day and will fly the flag on Saturday 29 June 2019”.

This motion is proposed by Cllr Kay and seconded by Cllr Cosgrove

9. FLAG FLYING GENERALLY

Following the decision in June 2018 for a flag to be flown on the Guildhall every day, it appears that this may contravene some protocols. Members are asked to agree to a flag flying policy being brought to the Council in October, this will require the agreement of a minimum of 5 councillors to be reconsidered.

Louise Bareham PSLCC
3 September 2018