



TOWN CLERK – MS LOUISE BAREHAM
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6th February 2023

TO ALL MEMBERS OF FAVERSHAM TOWN COUNCIL

Dear Councillor

YOU ARE HEREBY SUMMONED TO ATTEND the Meeting of Faversham Town Council to be held on Monday 13th February 2023 at **7.00pm** in The Guildhall, Faversham.

Yours sincerely

Louise Bareham

Louise Bareham FSLCC
Town Clerk

The Mayor will allow a maximum of thirty minutes for Members of the Council to receive questions from registered electors of the Town before the formal meeting commences. When providing your name and address prior to addressing the meeting, please confirm or otherwise, that you consent to your personal details being recorded in the Minutes. Your personal data will be processed as directed by GDPR Article 5. At the start of the meeting the Mayor will confirm if all or part of the meeting is being filmed or audio recorded. The whole of the meeting can be recorded, except where there are confidential or exempt items. If any member of the public has an objection to being filmed, please make yourself known to the Mayor or the Town Clerk before the start of the meeting.

AGENDA

1. Apologies
To receive apologies for absence.
2. Declarations of Pecuniary and Non-Pecuniary Interests
Members who have an interest to declare on any items on the Agenda, must declare the existence and nature of it at the start of the meeting and act in accordance with the Council's Code of Conduct (s27 Localism Act 2011).

3. Faversham Town Council

To receive and accept as a true record the Minutes of the Town Council Meeting held on 16th January and 23rd January 2023 and any matters for report.

4. Mayor's Announcements

To receive the Mayor's Announcements.

5. Challenges to 2021/22 AGAR

Members are asked to consider the following correspondence from PKF Littlejohn, the Town Council's external auditors and agree the draft response (Appendix A).

"There has been some correspondence back and forth with the member of the public who brought the information to our attention in the meantime, as a result of which we plan to look at only two issues from the many raised. We now request that you collate and take to the Council for formal approval, the Council's responses to the following points:

1. Darius Wilson contract(s) (Assertions 2 and 3 and Box 6)
 - a. the contention is that the tendering process was not followed and therefore the expenditure of £98,975 and £56,000 during the year was unlawful, e.g. there was a failure to advertise contracts in line with Public Contracts Regulations 2015
 - b. the contention is that there was poor project management of the contracts including monitoring of any overspend
 - c. the contention is that there was a lack of compliance with the contract terms
 - d. the contention is that the year-end accruals in relation to the contract are inaccurate
 - e. Please provide the Council's response to each of these matters, a copy of the relevant tendering documentation for the contracts and minutes showing the Council's approval of the payments
 - f. Please provide a copy of the most recent internal audit report on purchasing and procurement.
 - g. Please provide copies of the Council's standing orders and financial regulations that were in force during 2021/22.
2. Enhancement/asset expenditure (Assertion 1 and Boxes 6 and 9)
 - a. the contention is that capital expenditure and asset purchases during 2021/22 have not been correctly included in Box 9.
 - b. Please provide a copy of the Council's asset register as at 31/3/22 and a copy of any calculation of additions and disposals during the year.

Please provide a copy of the agenda showing that this information request will be discussed at full Council. If there are any reporting issues arising from our additional work, they will be reported direct to the Council. Engagement lead time for additional work as a result of challenge correspondence is charged at £355 per hour plus VAT, the rate set by SAAA. Please provide the requested information by 18 February 2023, this deadline can be flexed if required, please just let me know."

6. Footpath

Cllr Saunders proposes the motion *that the Town Council applies to Kent County Council for a DMMO order for paths at Abbeyfields and Hollowshore.* (See Appendix B)

7. Faversham Umbrella

Cllr Perkin proposes the motion *that Faversham Town Council pledges to match fund the third-party contribution of £5,000 for Faversham Umbrella's funding application to FCC, for an industrial-catering standard kitchen, only provided the funding application be successful.*

8. Environment Committee

To note the Minutes of the Environment Committee meeting dated 11th January 2023 and 8th February 2023 (tabled) and approve any recommendations.

9. Active Travel Committee

To note the Minutes of the Active Travel Committee meeting dated 19th January 2023 and approve any recommendations.

10. Community Committee

To note the Minutes of the Community Committee meeting dated 6th February 2023 (tabled) and approve any recommendations.

11. Spring 2023 Newsletter

To agree the contents of the Spring 2023 Newsletter.

12. Receipts and Payments

To resolve to agree receipts and approve payments for February 2023.

13. Private Session

To Resolve *that under the Public Bodies (Admission to Meetings) Act 1960, the public and representatives of the press and broadcast media be excluded from the meeting during the consideration of the following items of business as publicity would be prejudicial to the public interest because of the commercially sensitive nature of the business to be transacted.*

14. Honorary Freeman

To consider nominations for Honorary Freeman

15. KALC Community Award Scheme

To consider nominations and agree the recipient of the KALC Community Award

16. Staffing Matters

To consider confidential staffing matters

Join Zoom Meeting

<https://us02web.zoom.us/j/85185886847?pwd=L0RiaXBZZ3BwZTY4RDJBN2owYVBBUT09>

Meeting ID: 851 8588 6847

Passcode: 465345

Draft Response to Challenges from PKF Littlejohn**Darius Wilson contract(s) (Assertions 2 and 3 and Box 6)**

In relation to works carried out by Darius Wilson Associates, Faversham Town Council reaffirms its positive assertions to the following statements on the Annual Governance Statement 2021/22:

2. We maintained an adequate system of internal control including measures designed to prevent and detect fraud and corruption and reviewed its effectiveness.
3. We took all reasonable steps to assure ourselves that there are no matters of actual or potential non-compliance with laws, regulations and Proper Practices that could have a significant financial effect on the ability of this authority to conduct its business or manage its finances.

In combination, we do not recognise the figures of £98,975 and £56,000 to Darius Wilson Associates for the financial year 2021/22.

We acknowledge that this project was carried out during the Covid-19 pandemic and the implementation of the Coronavirus Act 2020, when local government was at its least open and transparent period, due to members of staff working from home and meetings being virtual. However, we are satisfied that robust internal control and monitoring of the project was carried out by a several layers of governance; made up of a leading team of experts (in museums and medieval history) known as the Advisory Group; FTC Heritage Working Group; FTC Policy and Resources Committee; and Full Council.

The threshold for the procurement spend was less than the requirements of the Public Contracts Regulations 2015. No contract was assigned and therefore no terms have been broken.

Our Financial Year End Closedown was undertaken under the supervision of Rialtas Business Solutions Ltd, and we are satisfied that the procedure was carried out correctly. For this project, we used the procedure of Earmarked Reserves, and not Accruals.

Enhancement/asset expenditure (Assertion 1 and Boxes 6 and 9)

In relation to capital expenditure and asset purchases, Faversham Town Council reaffirms its positive assertion to the following statement on the Annual Governance Statement 2021/22:

1. We have put in place arrangements for effective financial management during the year, and for the preparation of the accounting statements.

We are satisfied that our process for internal control is robust, which consists of Monthly Councillor Audits, Monthly Reporting to the Policy and Resources Committee and Half-Yearly Internal Audits carried out by an Independent Auditor.

Faversham Town Council
13th February 2023

Motion Proposing that the Town Council applies to Kent County Council (KCC) for a Definitive Map Modification Order (DMMO) for pathways at Abbeyfields and Hollowshore included on the Definitive Map of Public Rights of Way.

Introduction

The Countryside and Rights of Way Act 2000 charges KCC with protecting a network of public rights of way which appear on the Definitive Map of Public Rights of Way which KCC hold.

In addition to public rights of way there are a large number of other pathways crossing private land which are regularly used by the public. The Act states that if the public uses a path without interference for some period of time – set by statute at 20 years - then the owner had intended to dedicate it as a right of way.

Over the last few years, members of the Faversham Footpaths Group have been identifying paths within the Town Council area which fall into this category, where it would be desirable to make an application to the County Council for a DMMO which registers the pathway as a public right of way, so that the rights of the public to use these pathways is protected. The two most obvious ones requiring modification are being put forward at this stage.

It is normal for Parishes to make these applications, although any work that is requested by KCC to 'prove' requirements after the initial application has been made would be likely to be undertaken by members of the local community. If KCC agree to the DMMO it would then be advertised to allow objections. If KCC decline to make a DMMO the Town Council would then have to decide whether to object to the decision.

The paths proposed are:

The Tram Road which runs from Ham Farm where it meets Public Footpath ZF5 to Ham Wharf and also the England Coast Path ZF2. Members may be familiar with this as the route they take to the Shipwrights Arms.

The road which runs up to the sewage works beyond Abbeyfields and which forms part of National Cycle Route 1 and two pathways which run around the edge of a field to the west of this road leading across to Public Footpath ZF39 which runs alongside Faversham Creek.

Maps of these paths are provided.

Cllr Julian Saunders