

Biddenden Parish Council
Minutes of the Extraordinary Meeting held on October 17th 2008

Present

Cllr Mrs J Ashcroft

Cllr D Boulding

Cllr Mrs E Cansdale – **Vice Chairman**

Cllr M Conway

Cllr C Daly

Cllr T Lupton

Cllr H Richards

Cllr H Ruse

Cllr J Rymer Jones - **Chairman**

13 Parishioners were also present

Apologies for absence from Cllrs Barfoot and Friend.

- 1 The Chairman opened the meeting by explaining its purpose was for the Council to be able to respond to the District Auditors letter of September 17th and accompanying "Public Interest Report" into the provision of Biddenden Post Office.
- 2 **The Chairman then summarised the Report** for the benefit of parishioners present and drew attention to the key complaints, raised by Ms Clark and Mr Linnett, that led to the Auditors investigation. These were that,
 - 2.1 The Council did not seek adequate legal advice
 - 2.2 The Council did not have powers to acquire the land and erect a building for the purpose of providing a Post Office
 - 2.3 The Council made a decision to proceed with the project in January 2006 when crucial financial information was withheld from Councillors
 - 2.4 The Council decided to acquire a lease from Ashford BC without disclosing all the relevant information to Councillors
 - 2.5 That it unlawfully entered into a lease for the premises as a sub Post Office
 - 2.6 That it failed to follow the Council's Standing Orders in its decision making
 - 2.7 That it took decisions at meetings when members with a personal or prejudicial interest were present
- 3 **The Auditor found that,**
 - 3.1 The Council had legal powers to acquire the car park and toilets from Ashford BC, to convert the toilets into a Post Office and build new toilets
 - 3.2 The Council had powers to enter into a lease for the Post Office at less than market rent for up to 5 years
 - 3.3 Council meetings in January and March 2006 were not attended by members holding personal or prejudicial interests
but the Auditor found the Council was deficient in three important aspects,
 - 3.4 It did not have all the necessary financial information relevant to the running and maintenance costs of the new Post Office and toilets when it decided to proceed with the project
 - 3.5 It did not have the market rent information available to compare with the affordable rent it agreed to charge for the Post Office premises
 - 3.6 It did not comply with its own Standing Orders which would have delayed approval of the project until all financial information was available

- 4 **The Chairman then drew attention to the Reports recommendations that the Council should,**
- 4.1 Clearly consider the benefits of any course of action against any financial risks
 - 4.2 Obtain appropriate legal advice regarding the powers and duties specific to the proposed activity
 - 4.3 Demonstrate that value for money is obtained for the local taxpayer
 - 4.4 Ensure appropriate notice is given for key financial decisions
 - 4.5 Ensure that Councillors have sufficient information on matters about which they are required to make decisions

All Councillors accepted the recommendations

- 5 **Cllr Conway** thought it important to note that of the existing Council only five members were in post when the Post Office problems arose and whilst the existing Council has accepted the Auditors recommendations no blame for the problems can apportioned to the new Councillors.
- 6 **Cllrs Mrs Ashcroft, Conway and Richards** emphasised that they were always in favour of a Post Office but felt that the decision to proceed, at the time, had been taken without knowledge of the full facts as indicated in the "Public Interest Report"
- 7 **Cllr Conway** also considered that the Council's letter of September 15th 2007 to the Audit Commission, admitting that not all procedures were properly followed had persuaded the Auditor to issue a Public Interest Report rather than take more serious action.
- 8 **Cllr Conway** felt Ms Clark and Mr Linnett should be thanked for bringing the issues to the attention of the Audit Commission and that the "Public Interest Report" demonstrated that their concerns were vindicated.
- 9 **Cllr Richards** considered an apology was due from the Council to the Parish for mishandling the Post Office project and incurring, in his personal view, excessive costs.
- 10 **Cllr Lupton** said he supported publishing factual costs for the whole Post Office/toilets project but could not support individual Councillors own interpretations of the figures.
- 11 **Cllr Lupton** also wished to emphasise that the Council, at the time, had voted to support the project for the wishes of and benefit to the village. He felt it important to focus on the procedural concerns as set out in the "Public Interest Report".
- 12 **Cllr Daly** felt that despite any failings noted by the Auditor the project itself was a great success and much appreciated by the villagers.

- 13 **Cllr Lupton** thought that one of the key lessons to be learnt was that the Council should deal with problems as they arise and in future avoid the sort of situation that marred an otherwise successful project.
- 14 The Council agreed unanimously to accept the "Public Interest Report" and the recommendations it contained.
- 15 The meeting noted that it had formally adopted Standing Orders on 12th June 2007 (NALC July 2003) and was now operating within these.
- 16 The Council agreed that the Chairman should submit a draft notice to the District Auditor summarising the decisions reached at the meeting. This notice will be published in a newspaper circulating in the Council's area once the District Auditor has approved its contents.

The Council agreed this notice should reflect the letter submitted by the Council to the Audit Commission dated 15th September 2007.

The Council also agreed it should have available, on request, a copy of the "Final Financial Forecast of the Post Office Relocation/New Toilets" prepared by the Councils Auditor dated 11th April 2008. These figures were presented at the Annual Parish Meeting held on 22nd April 2008

The meeting closed at 8.30pm

Graham Smith, Parish Clerk 01622 890596