

MINUTES OF THE ORDINARY MEETING OF HALBERTON PARISH  
COUNCIL HELD ON TUESDAY, 12<sup>TH</sup> OCTOBER 2010 AT 7.30PM AT  
HALBERTON VILLAGE HALL

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**111. Present**

Cllr Browse (Chairman), Cllrs Mesdames Graham and Jepps and Cllrs Britton (Vice-Chairman), Corden, Gibbs, Hand, Radford and Saunders, CCllr Des Hannon, MDDC Chairman Cllr Frank Rosamond and 3 members of the public

**112. Apologies**

Cllrs Mesdames Cuthbert and Johnstone and PC Katie Rich

**113. Public Forum**

Sue Hutter, Landlady of the Barge provided information regarding an incident which had occurred at the Barge on Saturday evening ((9th October). An 18<sup>th</sup> Birthday party event had escalated out of control due to the numbers who had turned up later in the evening (unknown to Sue the event at been advertised on Facebook) and fighting had broken out. The police were summoned but did not arrest the culprits as it was indicated that “they did not have time”. Considerable damage was caused to the pub which had caused Sue much distress. The PC was very concerned about how the incident had been handled by the police. It was resolved that the Clerk write a letter of complaint to the police and copy in Cllr Radford and Cllr Rosamond. Terry Payne advised that the Newsletter group had now been re-instated. He had provided a list of 35 items which required DCC’s attention via the Lengthsman. He advised that only 8 of the items had been dealt with but he had now added a further 8. Mr Payne required feedback on this issue. Cllr Corden suggested that more Lengthsman time was required in the Parish to deal with these matters. Mr Payne also advised that some parishioners were putting out their rubbish too early which could create an environmental issue. Mr Payne would provide contact details of culprits and PCllrs would investigate. Mr Payne had serious concerns regarding the traffic calming scheme in the village. He stated that the traffic calming had not resulted in cars slowing down as the speed that some vehicles travelled was horrendous. He considered the traffic calming scheme to be of a poor design. Cars were also continuing to park on the virtual pavements despite PCSO Jonathan Sims warning these errant drivers previously. Mr Payne had witnessed the problems pedestrians were encountering and was fearful that an accident was waiting to happen. He requested that action be taken against the drivers who were parking on the virtual pavement and who were driver in excess of the speed limit..

**114 Introduction of MDDC Councillor and Chairman – Frank Rosamond**

Cllr Rosamond was warmly welcomed to the meeting. He spoke about various MDDC matters including MDDC’s Audit report in which MDDC had now been given a clean bill of health and that the Parish Charter was reaching a conclusion. He also spoke about his hopes to spare funding cuts for Villages in Action as he was aware as to how much the rural communities valued this service .

**115. Approval of the Minutes**

The Minutes of the Ordinary Parish Council Meeting of 14<sup>th</sup> September 2010 and the Amenities Ctte Meeting of 28<sup>th</sup> September 2010 were approved and were signed accordingly

**116. Matters Arising from the Ordinary Minutes**

- i. The Clerk had still not received a response from Mrs Onley-Gregson regarding the PC's intentions to make a financial contribution towards the costs of the school improvements. The PC agreed that the matter be left in abeyance until the school's intentions were known
- ii. The Clerk advised that the documentation had now been prepared for the transfer of burial rights re the Kilbride grave and she was waiting receipt of the signed documentation from Mrs Kilbride's solicitors. She had also been in contact with a firm of solicitors acting in the estate of the late David Grabham. They would be in contact with her again when probate had been granted but this was likely to take some time as complications had arisen.
- iii. A letter of thanks had been received from Vitalise regarding the PC's donation of £50.
- iv. The Clerk to check if the new bin at Muxbeare Lane had been placed in situ by MDDC
- v. Cllr Radford advised that due to the disbandment of the Tiverton & Area Tenant Group it was not possible to pursue the requirement for parking at Pethertons but once a new organisation had been formed (which it was understood would be happening imminently) then the matter could be re-considered
- vi. The questionnaires had now been received from John Scott re Affordable Housing and Cllr Corden confirmed that a number had already been delivered. He would organise delivery of the remaining forms. The Clerk also advised that she had details about CCD's conference on Rural Housing taking place on 20<sup>th</sup> October if anyone was interested in attending
- vii. The Clerk had now received the Parish Biodiversity Audit Report from Cllr Mrs Jepps

### **117 Matters arising from the Amenities Cttee Minutes**

- i. The Clerk had provided a plan of the cemetery which showed that the PC was responsible for all the boundaries.
- ii. The hardcore at the entrance of the Rec had now been laid
- iii. The repair to the 'Springy' had been carried out
- iv. The issue with the table in the Rec (which required cross-bracing) had been resolved but the situation would be monitored. A donated table would be placed in the Rec shortly
- v. The matter of the litter bin in the Rec being put back into its former position, was ongoing
- vi. The seats/bench at the pond area had all been bolted down. Cllr Hand was modifying the bin which he would bolt down shortly
- vii. It was resolved that recommendations at 9 v and vi of the Minutes be approved and that Mr Cuthbert carry out the works to the trees and hedge etc at an hourly rate of £12
- viii. The Vice-Chairman would talk to Gordon Davis about the disposal of trimmings re the cemetery trimming works in due course
- ix. Cllr Mrs Graham was carrying out further research re the area in the cemetery in which it was proposed it should be used to cultivate wild flowers. It appeared that the soil needed to be impoverished and scarified. It was agreed that Mr Cuthbert be advised to carry out this work

### **118. Police Matters**

PCSO Jonathan Sims reported that a burglary had taken place at Halberton Court Farm; vehicle accidents had occurred at Ash Thomas and on the bridge towards Post Hill; a tree had fallen down on the edge of Cullompton /Brithem Bottom and the road had been closed; speed checks had been carried out and three drivers had been warned - One driver had been issued with a fixed penalty ticket; 10 vehicles had been seen being driven through the village at speeds in excess of the speed limit. PCSO Sims reported that substantial damage had been caused to the church by vandals which was likely to result in many thousands of pounds having to be spent on repairs. Some of the stained glass windows had been smashed. Cllr Corden provided full details of this

sickening incident and was at a loss to understand why anyone would want to carry out such mindless vandalism. PCSO Sims would also follow up the complaint about vehicles parking on the virtual pavement and the concerns as to the police's handling of the Barge incident.

#### **119.The Chairman`s Announcements**

The Chairman would be in London tomorrow attending NALC`s AGM. The Chairman would be representing Devon. One of the issues to be discussed was the concern about district councils failing to implement planning conditions.

#### **120.Purchase of Digital Projector**

It was agreed that a digital projector would be a useful tool to have. It was resolved to purchase this item (second hand) from the Methodist Church and the cost shared between the PC and the Village Hall who would also have the use of the item. The PC and the Village Hall would pay £75 each.

#### **121. Street Lighting**

PC Katie Rich had advised that with regards to DCC`s proposals to reduce street lighting that it was possible for crime and anti-social behaviour to increase as it would be easier to commit these offences under the cover of darkness. However as there wasn`t much crime and anti-social behaviour currently taking place in the Parish, she didn`t think there would be much of an increase (if any). It was something the police would need to monitor and if levels of crime and anti social behaviour increased then the revised street lighting hours would need to be re-examined by the PC and DCC

#### **122.Pethertons Bus**

The Pethertons bus had ceased to drop off at Pethertons some time ago because of health and safety issues (the reversing of the bus at this location) which had caused a considerable amount of inconvenience to many parishioners. It was understood that the Mid Devon County Committee meeting to be held on 18<sup>th</sup> October at County Hall would hear a presentation re `DCC`s Support for Rural Bus Services` and it was suggested that the Pethertons issue be raised.

#### **123. Mextravaganza**

Mr Payne provided background information about the event which was intended to promote Mexico and to celebrate its culture etc. The event was intended to take place on 17<sup>th</sup> September 2011. It was understood that Mexican dignitaries were interested in attending. It was resolved that the question of the PC providing some funding towards the event be considered at the November Precept Meeting but in principle the PC supported the event. In addition it was resolved that a committee of like minded persons be set up to organise and manage the event.

#### **124. Halberton Newsletter**

The Clerk advised that she was in the process of gathering in printing quotes which she would present at the Precept meeting in November. She had liaised with other Clerks about this matter to glean details of printing companies that their organisations used.

#### **125. Request by University Student to complete Questionnaire re Affordable Housing**

Cllr Hand agreed he would try and help with this, subject to him having time available.

### **126. Litter Pick**

Cllr Radford would arrange this event. It was also suggested that the event be posted on Facebook and Cllr Gibs would deal with this. It was agreed that the Litter Pick would take place on Saturday 30<sup>th</sup> October and the meeting point would be the Village Hall at 10.30am

### **127. Nightstop Devon**

The Clerk advised that emergency accommodation was being sought for young people in Devon who would otherwise be spending nights on the streets. `Crashpad` provided short term accommodation of up to eight weeks for young homeless people, and persons who had a spare room were being sought to provide accommodation. Expenses upwards of £125 a week would be paid. It was agreed that details of the organisation be published in the next edition of the Newsletter

### **128. S.106 Monies**

The Clerk had made further enquiries regarding the current `state of play` in respect of the S106 monies MDDC was holding on behalf of the PC. The S106 agreement relating to the Midas monies currently stood at £25961. The Clerk had checked the S.106 Agreement and there was no 5 year cut off point specified. However even though the agreement was not time limited, S.12(3) Planning and Compensation Act 1992 provides for a person (developer) to apply for a planning obligation to be discharged after 5 years. It was very likely in these stringent financial times that developers would seek to reclaim these monies if they had not been spent within the allocated time period. The Clerk advised that the S.106 agreement in relation to Cordwents clearly specified the five year cut off period. However Dave Scott at MDDC was unable to specify the approximate amount of S.106 monies due to the PC under this agreement as he had advised that "the S.106 monies cannot be claimed until commencement of the development by which time I will work out what is due". Cllr Radford thought he had seen correspondence with a S.106 figure stated in respect of this development and would look into it and report back.

### **129. DCC Matters**

- i. The Clerk advised that the Parish Lengthsman would next be visiting the Parish from 2<sup>nd</sup> – 5<sup>th</sup> December and from 15<sup>th</sup> – 18<sup>th</sup> March 2011. Mr Andrew Butler had advised that following the Lengthsman`s recent visit, he had discovered that he had not cleared the lagoon in Lower Town (opposite the entrance to `Cracklehayes` and `Deneswell` ). It was understood that this job was not on the Lengthsman`s list although Cllr Corden advised that details of this job had been sent to DCC some months ago. The Clerk to contact DCC via CCllr Hannon to advise that the PC was displeased with the service as DCC had had advance notice to deal with this issue. It was also suggested that the Clerk request from DCC, a programme of the Lengthsman`s intended works. It was also understood that the Lengthsman could not be approached to carry out additional tasks whilst he was actively working in the Parish, due to insurance risks. A number of matters had been listed by Terry Payne, however it was believed that several of these matters would have been outside of the Lengthsman`s domain
- ii. The Vice-Chairman advised that there were seven salt bins in the Parish and that the bin at the bottom of Sock Hill was damaged.
- iii. CCllr Hannon advised that by virtue of the Flood and Water Management Act that from October 2010 DCC became the Lead Local Flood Authority with responsibility for surface water, groundwater and ordinary watercourses. DEFRA were working towards most local authority responsibilities for local flood risk management being

ready to come into effect from April 2011. CCllr Hannon was making enquiries as to whether this would have an impact on the flooding situation in Halberton but it appeared the legislation would have no immediate effect. However It was understood that the drainage issues on Willand Road were being resolved

- iv. The Clerk had details of the following road closures:-
  - a. 12<sup>th</sup> – 14<sup>th</sup> October – Crown Hill form outside Jesmond Dene to outside Cordwents Farm
  - b. 8<sup>th</sup> – 17<sup>th</sup> November from Battens Bridge Cross to Willand Road
  - c. 18<sup>th</sup> – 19<sup>th</sup> November from Battens Bridge to Willand Road
- v. It was understood that due to the intervention of the PC and CCllr Hannon, the mobile library stop would be retained at Lower Close instead of the Farm Shop as previously proposed by DCC. It was noted that if there was anyone physically unable to access the new stop they may be eligible for the Home Library Service whereby a WRVS volunteer would deliver books directly to a person`s home.
- vi. The matter of the provision of satellite navigation was discussed with regards to vehicles (especially lorries) coming into the Parish and using roads unsuitable for their mode of transport due to following satellite navigation instructions. DCC was aware of these issues with regard to problems of large lorries blocking minor roads and would continue to liaise with the DfT, Ordnance Survey and mapping providers, in order to try and influence the development of Sat Nav equipment and data; and would continue to engage with hauliers and stakeholders in order to ensure cross boundary consistency via the South West Freight Quality Partnership;
- vii. It was understood that there was ivy on the Tiverton Road canal bridge. The Clerk to contact Mark Baker the canal ranger about this problem and suggests he liaises with DCC`s highways dept
- viii. It was understood that hedges were still a problem in the Parish although a number had now been cut back. Cllr Radford confirmed that he would deal with his offending hedge!

### **130. MDDC Matters**

- i. MDDC thanked the PC for returning the Development Management Development Plan Document comments form
- ii. The Audit Commission praised MDDC for the very significant improvements MDDC had made in value for money for Mid Devon residents and for its well prepared annual accounts
- iii. All council households in Mid Devon were recently sent a copy of MDDC`s Housing Service Annual Report which detailed many changes that had been made including safety in tenants homes and improving the areas in which they lived
- iv. The Licensing Act 2003 required that MDDC`s Licensing Policy was now subject to a three year review. The policy was accessible on line and responses had to be submitted by 7<sup>th</sup> January 2011.
- v. There would be free parking available on the four Saturdays prior to Christmas in the Tiverton long and medium stay carparks . Cllr Radford advised that Vat increases were likely to result in increases in car parking charges

### **131. Car Park/New Footpath Update**

Chris Liversidge from NPS South West Ltd was now dealing with this matter. He was having discussions with MDDC and would refer back to the PC shortly. DCC was seeking to achieve a positive outcome before November 2011 and he had confirmed that the proposal he was working up proposed that DCC would provide the land for a car park etc if it involved an overall scheme with other sympathetic development on DCC`s land in that vicinity. Mr Liversidge also indicated

that he would be happy to discuss the matter more fully with Cllr Corden or any other member of the PC.

### **132. Meetings Attended/ Future Meetings**

Cllr Corden would be attending a MDDC organised workshop for persons holding licences to sell alcohol in Mid Devon, be they pubs, clubs, corner shops, supermarkets or village halls. Mid Devon District Council's Licensing Team was working with the police, Trading Standards and licensed premises throughout the district to reduce the problems caused by under-age sales of alcohol.

### **133. Committee Reports**

#### **Footpaths**

Survey Forms should arrive shortly, for completion by a number of PCllrs. There were no reported problems with the condition of the paths etc. Progress was being made with the proposed new footpath from Greenway to the Farmshop. Steve Gardner – DCC`s Rights of Way Improvement Plan Officer required additional information from the Chairman (which the Chairman was in the process of supplying) to enable the Permissive Path Agreement to be drafted.

### **134. Clerk's Report**

The Clerk had nothing to report

### **135. Accounts**

#### **RECEIPTS FOR PERIOD 1<sup>ST</sup> - 30<sup>th</sup> SEPTEMBER 2010:**

Bank Interest	1.54
Newsletter	226.90
<b>TOTAL</b>	<b>£228.44</b>

#### **PAYMENTS MADE FOR THE PERIOD 1<sup>ST</sup> - 30<sup>th</sup> SEPTEMBER 2010 £1693.38**

##### **PAYMENTS TO BE APPROVED**

<b>Cheque No</b>	<b>Amount</b>	<b>Vat</b>	<b>Total</b>	<b>Details</b>
SO	25.00		25.00	MDDC - Cemetery Rates
1435	412.50		412.50	DCC – Rental for Mead -25/3/06 – 29/9/2010
1436	6.54	1.44	7.68	Ottery Office – Photocopying
1437	446.32		446.32	Education Matters – Newsletter costs
1438	20.00		20.00	Judy Austin – Newsletter Delivery Costs
1439	135.00	23.63	158.63	Audit Commission – audit fee
1440	15.00		15.00	DALC – Delegate Fee
1441	1785.00	312.37	2097.37	J Penfold Ltd – cost of tarmac work
1442	353.51		353.51	Mrs C McIntyre – Salary
1443	29.56		29.56	Mrs C McIntyre – repayment of costs of postage stamps
1444	350.00		350.00	Mr N Cuthbert – grass cutting charges
1445	11.56	2.02	13.58	Mr D Hand – repayment of cost of anchors
1446	20.00		20.00	*Royal British Legion - Donation

\*It was agreed that the donation amount should remain as at the same amount for last year (£20). Cllr Hand declared a personal and prejudicial interest.

The above accounts were approved for payment

Balance of bank accounts carried forward	32308.38
Plus Receipts for period 1 <sup>st</sup> – 30 <sup>th</sup> Sept 2010	228.44
<b>TOTAL:</b>	<b>£32536.82</b>

Minus Payments made for the above Period	£1693.38
<b>TOTAL</b>	<b>£30843.44</b>

Made up as follows:- High Interest A/c	28508.08
Current A/c	2335.36
<b>TOTAL</b>	<b>£30843.44</b>

<b>VILLAGE HALL FUNDS</b>	<b>3420.00</b>
<b>PARISH PATHS FUND</b>	<b>2058.00</b>
<b>VILLAGE OF THE YEAR PRIZE</b>	<b>252.00</b>
<b>DONATION FROM PARISHIONER</b>	<b>1949.00</b>
<b>PARISH PLAN FUND</b>	<b>434.00</b>
<b>CAR PARKING</b>	<b>3500.00</b>
<b>TRAINING</b>	<b>200.00</b>
<b>RECREATIONAL GROUND</b>	<b>1648.25</b>
<b>GENERAL FUNDS</b>	<b>17382.19</b>
<b>TOTAL</b>	<b>£30843.44</b>

**Halberton Newsletter: Income to date £1542.18 - less expenses of £1266.86 = credit of £275.32**

### **136. Auditing of the 2009/10 Accounts**

The Accounts had been returned from the Audit Commission, signed off as being in accordance with the Audit Commission's requirements and that no matters had come to its attention which had caused it concern, that relevant legislation and regulatory requirements had not been met

### **137. Members Business**

Nothing was raised

### **138. Miscellaneous Matters**

- i. Three new toolkits had been launched by the Community Council of Devon which covered legal tenure, planning and access issues and which were intended to help communities when they set up new food growing projects. CCD's `Home Grown – Community Owned` (Hogco) was already working with over 20 groups across Devon. The Clerk had looked at the information on the website which she had found to be informative and extremely useful
- ii. The Environment Agency had produced a booklet `Flooding – Minimising the Risk` and had also provided contact numbers for the local area in the event of flooding occurring
- iii. The Department of Culture, Media and Sport had announced that it was considering making cuts in Big Lottery Fund grants in the short to medium term. The Department's policy direction was to aim grant funding at the voluntary and community sector. If this was proceeded with

many local councils (including parish councils) which had delivered community projects with BLF assistance in the past could lose out. Consultation would close on 29<sup>th</sup> October.

iv. It was understood that the Standards Board was likely to be abolished. An announcement would be made in the next few days. PCllrs raised concern about this as it would have implications for the Code of Conduct etc.

v. The Government was intending to introduce legislation at the earliest opportunity requiring any billing or precepting authority which set an excessive council tax increase to hold a referendum

vi. The Clerk read out a letter on behalf of Alan Perkins in which Mr Perkins expressed concern about the excessive speed of traffic passing through Lower Town and Crownhill. He stated that many motorists were travelling at speeds far in excess of 30mph which he considered was very dangerous in view of children going to and coming back from school. He was of the view that the maximum speed should be 20mph. The Clerk to request a Speed Check be carried out in this area and a copy of Mr Perkin`s letter to be sent to DCC Highways and the Police.

vii. The Chairman was continuing to pursue the removal of the bird diverters over the pond

### **139. Future PC Meetings**

i. 26<sup>th</sup> October 2010 at 7.30pm - Planning Ctte Meeting at Halberton Village Hall - (subject to there being planning applications received)

ii. 9<sup>th</sup> November 2010 at Halberton Village Hall

6.30pm - Precept Meeting

7.30pm - Planning Ctte Meeting

8.00pm - Ordinary PC Meeting

The Meeting closed at 9.45pm

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**CHAIRMAN**

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**DATED**



