

MINUTES OF THE ORDINARY MEETING OF HALBERTON PARISH
COUNCIL HELD ON TUESDAY, 13TH APRIL 2010 AT 7.40PM AT
HALBERTON VILLAGE HALL

238. Present

Cllr Browse (Chairman), Cllrs Mesdames Cuthbert, Graham, Jepps and Johnstone and Cllrs Britton (Vice-Chairman), Corden, Gibbs and Radford, CCllr Des Hannon and PC G Custance and 1 member of the public

239. Apologies

Cllrs Hand and Saunders and PCSO Sims

240. Public Forum

Mr Payne queried the increase in the Newsletter advertising charges. The Clerk advised that this had all been agreed with the PC and Judy Austin. CCllr Hannon queried the extent of the area that the Newsletter now served. The switching off of the street lights in the village was raised and the shading of specific lights in the village. The lighting question to be considered fully after the Annual Parish Meeting

241. Approval of the Minutes

The Minutes of the:-

- i. Ordinary Parish Council Meeting of 9th March 2010 and
- ii. Amenities Committee Meeting of 23rd March 2010 were approved subject to the following amendments being made in the Amenities Minutes:-

Minute 9 i. Amend £5236 to £3250 and Minute 14 amend 120 to 140

242. Matters Arising from the Minutes

- i. Cllr Corden would approach Mr Edge regarding the drain near the pond
- ii. The Vice-Chairman would follow up with Blundells School on how to improve the goalmouths
- iii. Cllr Radford to provide information regarding the safety of volunteers litter picking later in the meeting
- iv. It was resolved to accept Mr Penfold's quote in the sum of £1,785.00. The Clerk to liaise with the Vice-Chairman for details of Mr Penfold in order that she could formally write to him to accept the quote
- v. Cllr Radford would follow up the muddle concerning the area of land at Pethertons whereby a number of residents required a parking area. (Hasnein Kanani of MDDC had advised that any conversion of land into a car parking area would require planning permission, since there would be change of use for a communal parking area. The planning officers would not recommend planning approval because it would spoil the aesthetics of the surrounding area and the Highway Authority would object to it on the grounds of safety. There would also be health and safety implications. However these matters related to land at 55 -60 Pethertons. The PC was in fact seeking permission in respect of the area adjacent to 52 and 57 Pethertons).
- vi. The Clerk had heard from MDDC regarding the PC's request to become a Clean Zone. It was usual for MDDC to target areas with bigger social and litter problems than at Halberton. However MDDC had agreed that Halberton could be added to the Clean Zone list. The PC agreed that a further litter pick of Halberton was required and it was agreed that this should take place at the beginning of June. An article would need to be placed in the Newsletter about the Clean Zone proposal and the timetable for implementation.. It was understood that after the litter pick MDDC would send extra resources to sweep the area and clear any fly-tipped rubbish.

District Officers would patrol during the week to look for dog fouling and litter offenders. Gary Pilling from MDDC would talk to Cllr Radford about the proposals.

vii. Carole Thomas of MDDC's Private Sector Housing Team MDDC was investigating the matter of the woman living in a hut in Halberton. The Clerk hoped to be in receipt of full information by the next PC meeting.

viii. MDDC's Structure's team would be making contact with the owner of the wall at the Old Rectory which was causing concern

ix. It was understood from Terry Payne that a full set of the Halberton Newsletters would be kept by the Newsletter team and another set would be passed to the Halberton History Society

x. The Clerk had heard from Steve Densham at MDDC that he was referring the matter of responsibility for the roadway at Rock View to Hasnein Kanani for consideration. As far as he was aware he believed that the access road was not MDDC's responsibility to maintain but the area around between the houses was MDDC's land. MDDC undertook regular inspection and repairs as necessary where it was responsible. He advised that the access was a difficult issue that seemed beyond resolution and MDDC on occasions had carried out work to top up potholes *ex-gratia* without accepting responsibility as a 'duty of care'. Cllr Radford to also follow up this matter.

xi. The Vice-Chairman advised that several people in the village had been proactive regarding trimming back hedges/tree branches etc. The Diocese had been contacted regarding this problem at the church property

xii. It was understood that the damage to the grass verge near the cemetery had been addressed

243. The Chairman's Announcements

The Chairman advised that the Housing Minister John Healey had announced that parish councils would be given a special planning power to build new affordable homes. The proposals, would allow a limited number of affordable homes to be built in villages, without the need for individual planning applications where the parish council backed the new homes.

244. Leave of Absence request by Cllr Derek Hand

It was understood that Cllr Hand would be unable to attend PC meetings due to work commitments and had asked for leave of absence. The LG Act 1972 provided for leave of absence for 6 months from the date of his last attendance (February). The PC resolved that Cllr Hand be granted 6 months leave of absence the period would expire on 12th August 2010. Cllr Hand would hopefully be able to resume his councillor duties in September.

245. Annual Parish Meeting

The meeting had been arranged for 4th May at 7.00pm. Cllr Mrs Johnstone would arrange the catering and it was resolved that the sum of £50 be provided for this purpose. PC Custance apologised in advance as he would be unable to attend. It was hoped that PCSC Jonathan Sims would be present. The Clerk would send out invitations to all the organisations. It was also agreed that she should contact Paul Tucker and Alison Fish of MDDC and Mark Baker the canal ranger with invitations. CCllr Hannon would enquire as to whether an officer from DCC's Highways Dept would be available.

246. Ash Thomas Phone Box

The Clerk reported that DCC maintained the land on which the phone box was erected but did not own it. It was suggested that the land was common land. The Clerk to carry out a Land Registry search and investigate whether or not the land was common land. The Clerk also advised that the adoption agreement prepared by BT, provided that the obligation for BT to incur the costs of the electricity supply would cease after five years from the date of the agreement

247.Code of Conduct Issues

The Clerk advised about the recommendations of the Standards for England whereby each PC should have in place a procedure as to how to deal with notifications of complaints made against PCllrs. It was understood that Simon Johnson the Legal Services Manager and Monitoring Officer at MDDC had offered to prepare a draft protocol for consideration by the PCs in Mid Devon. The Clerk had sent a follow up e-mail to Mr Johnson about this but he had not responded to date. She would chase up this matter. The Clerk also advised as to the Code of Conduct in relation to Freemasons. Freemasons were required to register membership of the Grand Charity in their register of members interests and where appropriate declare their membership of the Grand Charity as a personal or prejudicial interest before or during council meetings. The recent government decision whereby Freemasons would no longer need to declare their membership when applying for positions on the judiciary, did not affect the need to register membership as an interest under the Code

248. Replacement Seat in the Village

Cllr Corden would bring the brochures to the next meeting for consideration. The Clerk to schedule this as an item for the May agenda

249. The Cemetery

Four Bags of rubbish had been collected. There was much discussion about this matter and it was agreed that as the PC paid rates then it was the responsibility of MDDC to collect, although it was understood that despite recent assurances MDDC had failed to do this. There was much debate and it was understood that Mr Cuthbert (grass cutter) had offered to collect the bags in the first instance but it was agreed that MDDC should carry out this task. . The Clerk was thanked for all her hard work in putting the burial records on computer. Cllr Mrs Cuthbert had a couple of queries regarding the records which she would raise with the Clerk direct. The gravedigger had agreed to use soil from excavated graves to top up sunken graves. The gravedigger and Mr Cuthbert both to be issued with a key to the shed. The Clerk advised that the Cemetery, Rec and the Mead were covered under the PC`s public liability insurance policy. The insurers had advised, that provided the PC was solely responsible for the maintenance of these areas they would automatically be covered under the liability section of the PC`s policy. However the PC would need to ensure that it complied with the requirements of the policy by keeping the premises in safe condition, carrying out regular inspections, on-going maintenance, risk assessments etc etc. The Vice-Chairman advised that it would take a number of months to gather together the information regarding next of kin details for the exclusive grants of burial. The matter to be reconsidered in July/September. The Clerk to contact a number of the known next of kin regarding memorial stones which required attention..

250.DCC Matters

CCllr Hannon advised that Judicial Review would be taking place shortly with regard to the Unitary decision. He requested that all pot hole problems should be reported by using DCC`s hotline number. He advised that deep pot holes had to be filled within two weeks of being reported. He mentioned about the Devon Country Mile which was a partnership exploring rural road safety, specifically in the area between Exeter and Barnstaple, bordered by the A361, the A377 and the A396. The partnership was made up of Devon County Council, Devon and Cornwall Police, Devon and Somerset Fire and Rescue Service, the Devon and Cornwall Safety Camera Partnership, Devon Primary Care Trust and South Western Ambulance Service NHS Trust.

250. DCC Matters contd

The Clerk to send a reminder e-mail to CCllr Hannon relating to:-

- i. the white line at the farm shop which required re-painting
- ii. the repeat speed roundels going out of the village which required attention
- iii. the white line coming into village from Tiverton end which needed attention
- iv. the drain covers which needed unblocking adjacent to golf course
- v. the overhanging tree/hedges at Merrimead which were so overgrown that buses were having to drive into the middle of the road and farm vehicles were getting caught up in the branches
- vi. the white line in the centre of the village. This was still in situ and needed to be removed

Cllr Hannon would also follow up further the problems of the drains. It was understood that the pipe under the road from the Watton Farm entrance into the opposite field was blocked. Further down towards Willand there was a broken drain top but with no obvious signs of where the water ran on from there. Further down there was a pipe under the road with no obvious drain for water to run into. This appeared to be partially blocked. The drains or lack of them were on either side of Coombe House and allegedly causing the flooding.

A stretch of the canal had been re-surfaced. Cllr Mrs Graham advised that part of the towpath was quite slippery and it would be beneficial for this to also be resurfaced however it was understood that it was unlikely that any further works would be carried out at the moment.

251. MDDC Matters

- i. Cllr Radford was of the view that despite certain people bashing MDDC there were areas of the Council which were providing particularly good services and he considered that it had cause to blow its own trumpet about these achievements. He raised the issue about potholes and the fact that DCC was trying to deal with the matter despite funding issues.
- ii. The Clerk had received a draft charter between MDDC and the town and parish councils in Mid Devon in respect of partnership working. It was agreed that the draft charter should be circulated to all members and also CCllr Hannon for consideration. The matter to be an item for the May meeting
- iii. The Clerk and the Chairman confirmed agreement to their contact details on MDDC's website and signed the confirmatory form accordingly
- iv. The Examination of the Mid Devon Allocations & Infrastructure Development Document hearing sessions were now underway. The Clerk had been informed by the Programme Officer that although the PC had supporting representation, the Inspector would not normally include supporting representors in the oral hearing discussions unless there was exceptional justification or need. It would be for the council officers to speak in support of the Allocation during the discussions. However the supporting Original Representation would be taken into account.
- v. MDDC was currently reviewing some of the vehicles used for recycling collections. There was a need to replace some very dated vehicles which were not very efficient or environmentally friendly in terms of their fuel economy.
- vi. MDDC had increased its charges for building regulation fees from 29th March. In addition there would be an increase in the charge for replacement glazing. MDDC would also be introducing charges for pre-application advice in respect of some types of development. However general planning advice and advice on extensions or other alterations to a house; applications for affordable housing; conservation advice and facilities for disabled persons would remain free of charge
- vii. The Customer First Team had achieved the Customer Service Accreditation which was the Government Standard for Customer Service Excellence, championed by the Cabinet Office.

viii. The Annual State of the District Debate had taken place on 10th March. There was an audience of approx 40 persons present. The debate concentrated on the future economy in Mid Devon and the way ahead to stimulate enterprise development in the district.

ix. Young people from the Dreamscheme Dynamos had planted 35 small trees donated by the Woodland Trust along the Railway Walk between Cowleymoor Road and Brickhouse Hill on 23rd March.

x. MDDC had been shown to be in the top 15% of councils in the country for meeting the shortfall of new affordable homes.

xi. MDDC has been awarded a higher than average Planning Delivery Grant. The average grant awarded by the government to each council was £370,000 but MDDC had been awarded £442,394. Paul Williams, Chairman of MDDC's Planning Cttee had stated that MDDC had been recognised as one of the top performing planning authorities.

252. Police Matters

o. It was understood that the bus stop signs would not be in situ in the 2009/10 financial year. Marie Moffett of DCC's Area East Highway Management Team was unable to give a timescale for implementation

ii. PC Custance was questioned about the theft of stereo equipment from a motor vehicle on 6th March in Halberton. It was understood that no arrest had been made as the owner could not identify the exact radio. PC Custance was not aware of the incident but it was likely further investigations were being carried out

iii. PC Custance reported that there had been problems of anti-social behaviour in Hillhead; at Hartnoll Farm a bus had been sprayed with graffiti; a stolen car had been abandoned at Church Path; the school had inadvertently left its lights on overnight; a burglary had been committed at Sutton Barton and a suspect had been arrested; the speeding on the Willand Road and Lower Town was still being monitored

253. Car Park/Footpath Project

The Chairman advised that Steve Gardiner had arranged a meeting with Dan Meek and Mark Baker for 4th May to consider the matter further. The Chairman had prepared a sketch plan of Old Cordwents which he intended to send to Dan Meek together with Alison Fish's letter regarding the entrance. Cllr Corden was most unhappy with the proposed location of the car park and reiterated his and other persons concerns about this together with health and safety issues and the likelihood of its lack of use. There was considerable discussion. However it was resolved on a majority vote (Cllr Mrs Jepps and Cllr Corden were both against) that the sketch plan be submitted to Dan Meek but with the inclusion of a footpath on one side, together with Alison Fish's letter.

254. Clerk's Report

The Clerk had attended the Annual Meeting of Parish and Town Council Clerks with MDDC Officers. She advised that the meeting had been very informative and interesting, particularly with regards to Code of Conduct issues and the manner in which other parishes dealt with them. The Clerk had also obtained details of MDDC's burial fees which were extremely expensive in comparison to those charged by the PC. Finally Lesley Smith had given a very informative talk about the benefits of a Clerk attaining the CiLCA qualification. The Clerk was very interested in undertaking this qualification but was unable to do so at the moment due to her other commitments.

255. Accounts

RECEIPTS FOR PERIOD 1ST - 31ST MARCH 2010:

Bank Interest	2.41
Newsletter	326.88
TOTAL	£329.29

PAYMENTS MADE FOR THE PERIOD 1ST - 31ST MARCH 2010 £847.25

PAYMENTS TO BE APPROVED

Cheque No	Amount	Vat	Total	Details
1382	353.71			
1383	7.11	1.24	8.35	Ottery Office – Photocopying
1384	175.00		175.00	Mr N Cuthbert – grass cutting
1385	24.56		24.56	Mrs C McIntyre – repayment ink cartridges
1386	20.00		20.00	Judy Austin – delivery costs Newsletter
1387	393.75		393.75	Newsletter – publication costs
1388	33.20		33.20	Mrs C McIntyre – repayment of postage costs and stationery
1389	90.00		90.00	Halberton Village Hall – hire charges
1390	23.00		23.00	Mrs J Cuthbert – repayment cost of tree

Balance of bank accounts carried forward	23091.87
Plus Receipts for period 1 st – 31 st March 2010	329.29
TOTAL:	£23421.16

Minus Payments made for the above Period	£847.25
TOTAL	£22573.91

Made up as follows:- High Interest A/c	21695.52
Current A/c	878.39
TOTAL	£22573.91

*VILLAGE HALL FUNDS	2420.00
PARISH PATHS FUND	2058.59
VILLAGE OF THE YEAR PRIZE	252.00
DONATION FROM PARISHIONER	2186.00
PARISH PLAN FUND	433.54
CAR PARKING	2500.00
GENERAL FUNDS	12723.78
TOTAL	£222573.91

***Ash Thomas £1250 and Halberton £1170**

Halberton Newsletter: Income to date £2548.65 - less expenses of £2535.80 = £12.85 less sum of unpaid invoice £3.60 = £9.25p profit!

The Parish Precept would be paid in one lump sum for 2010/11 and thereafter in half yearly instalments in April and October.

The cemetery rates had increased to £248.40 for 2010/11

256. Members Business

- i. The Vice-Chairman was continuing to pursue the sat-nav problems which were creating problems when large vehicles were using the narrow lanes.
- ii. The Clerk had not received the Rospa report although it was understood an inspection had been carried out in March. She would chase up this matter.
- iii. The Vice-Chairman advised that complaints had been made about persons lighting bonfires near the Church. It was agreed that an article be placed in the next edition of the Newsletter about this nuisance.
- iv. Fly posters were being placed around the village advertising businesses. The item to be considered at the May meeting and also an article placed in the Newsletter. In the meantime the Clerk to find out the legal position about this problem
- v It was again mentioned to Cllr Mrs Cuthbert that costs incurred by her in association with the website or any other expenditure she incurred relating to parish council matters would be reimbursed on production of the relevant receipts.,
- vi . The Chairman was of the view that a register of training sessions attended by PCllrs/the Clerk should be kept in order to keep track of costs and to confirm that members/the Clerk were receiving regular training.

257. Miscellaneous Matters

- i. John Scott Rural Housing Officer had advised that the CCD had now agreed its programme of housing needs surveys for the next 12 months and Halberton had been included. It was agreed that Mr Scott be invited to attend either the June or July PC meeting to discuss the mechanics of the process.
- ii. Wayne Rickard had been appointed as the Audit Commission`s external auditor to audit the accounts for the PC.
- iii. The Clerk advised that AON had now taken over from Allianz, as the PC`s insurer. The Clerk expressed concern as to the declaration that the PC was now expected to give in relation to the Clerk or any PCllr with regards to them having county court judgements, convictions of criminal offences etc. The Clerk advised that a Cllr would be disqualified from becoming a Cllr in any event if he/she had been declared bankrupt or convicted of a criminal offence but she considered the other requirements of the declaration were excessive. The Chairman indicated that as the PC`s insurance was not due for renewal until June he would investigate alternative insurers.

258. Future PC Meetings

The Meeting closed at 10.30pm

CHAIRMAN

DATED