

MINUTES OF THE ORDINARY MEETING OF HALBERTON PARISH  
COUNCIL ON TUESDAY, 8<sup>th</sup> JULY 2008 AT 7.40PM AT ASH THOMAS  
VILLAGE HALL

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**55. Present**

The Chairman (Cllr Browse), Vice-Chairman (Cllr Britton), Cllrs Mesdames Cuthbert, Jepps and Johnstone, Corden, Lane-Smith, Saunders and Wooding, CCllr Des Hannon, \*Beat Officer Katie Rich and \*Sergeant

\*Both had to leave the meeting early

**56. Apologies**

Cllr Radford

**57. Public Forum**

There were no members of the public present to raise any issues

**58. Approval of the Minutes**

The Minutes of the Ordinary Parish Council Meeting of 10<sup>th</sup> June 2008 were approved without amendment.

**59 Matters Arising**

**Complaint made by Cllr Brian Lane-Smith against the Chairman and Cllr Mrs Jo Cuthbert to the Standards Cttee of MDDC for alleged breaches under the Code of Conduct**

MDDC had now provided its verdict regarding the complaints that Cllr Lane Smith had made to MDDC's Standards Committee. It was understood that both the Chairman and Cllr Mrs Cuthbert had received no prior warning that Cllr LSmith had decided to take this course of action. They had each received a letter from MDDC stating that Cllr LSmith had made complaints against them which would be considered at a closed meeting. Neither party was provided with details of the complaints at that stage. Cllr LSmith who, as well as being a PCllr was a member of MDDC's Standards Cttee alleged that both Parish Councillors were in breach of the Code of Conduct by their "behaviour".

**Complaints made against the Chairman**

The allegations made against the Chairman were:-

The Chairman had used the phrase "BLS had behaved OK" in an e-mail which had been sent in error by the Clerk to all Parish Cllrs including Cllr LSmith.

Cllr LSmith alleged that the Chairman was in breach of the Code as follows:-

- i. the Chairman had failed to treat him with respect
- ii. the Chairman had acted in a manner bringing his office or authority into disrepute
- iii. the Chairman had attempted to use his position as a member improperly to confer on or secure for himself or any other person an advantage or a disadvantage and
- iv. he had done something which had compromised or was likely to compromise the impartiality of those who worked for, or on behalf of the PC

**Complaints made against Cllr Mrs Cuthbert**

Cllr LSmith's complaints against Mrs Cuthbert were:-

At a meeting she had lost her temper, banged on the table with her fist and arms and said to Cllr LSmith "now look Brian". Cllr Mrs Cuthbert the day after the incident sent an e-mail of apology to Cllr LSmith. However despite this Cllr LSmith alleged that Cllr Mrs Cuthbert had been in breach of the Code of Conduct as she had not treated him with respect and that she had conducted

herself in a manner which could reasonably be regarded as bringing her office or authority into disrepute

MDDC found each complaint to be groundless. Cllr Mrs Cuthbert then read out a statement giving full details as to the sequence of events leading up to her losing her temper with Cllr LSmith. She thought it correct and proper that both sides of the situation be told. She advised that Cllr LSmith had acted in an overbearing and uncompromising manner towards her and other members of the PC, at the meeting. Cllr LSmith had accused the Chairman, Cllrs Mesdames Cuthbert and Johnstone of their various inadequacies at the meeting including the fact that they were incompetent. She indicated that she thought Cllr LSmith had brought the PC into disrepute by his actions but it would be a matter for both her and the Chairman to determine as to whether they wished to pursue the matter by issuing a counter claim against him. Personally she felt it would be counter-productive. (It was also indicated that the PC would determine in due course as to whether it considered follow up action was necessary). Cllr Mrs Cuthbert also raised concerns as to how the present procedures operated by MDDC with regards to the manner in which complaints were dealt with, which suggested that persons complained against were guilty until proven innocent. She offered her resignation to the PC and left the meeting in order that the PC could deliberate. Cllr LSmith also left the meeting. There was much discussion. Issues were raised as to whether or not MDDC had followed correct procedures; Cllr LSmith's position on MDDC's Standard Ctte, in the light of these events. Concern was expressed that such trivial complaints were being referred to MDDC's Standards Ctte and that the Cllrs, the subject of the complaints were not provided with any details of the complaints until MDDC had considered the evidence and a decision had been made. Both Cllrs had been extremely distressed by the events and it had very much upset the Clerk that such hard working Cllrs had had to go through this ordeal. The Clerk was particularly upset, as she had inadvertently sent the e-mail which had resulted in Cllr LSmith alleging breach of Code of Conduct against the Chairman. It was also questioned as to why Cllr LSmith had decided to submit these complaints to MDDC five weeks after they had occurred. The Clerk expressed concern that PC members may now be fearful of expressing views or taking part in debates (which sometimes became heated) for fear that they would be reported to the Standards Ctte, which was not conducive in running a democratic council. The Clerk during her time as clerk to numerous parish councils over the years had never witnessed events of this nature and was of the view that they would undoubtedly have an effect on the PC. She urged the PC that it must move forward for the good of the community although she accepted it may take some time before good working relationships could be restored. The PC then voted on Cllr Mrs Cuthbert remaining on the PC. All the PCllrs with the exception of one abstention voted for her to remain.

It was also agreed that the Chairman of the Standards Ctte of MDDC be invited to talk at the October PC Meeting.

#### **60. Other Matters Arising**

- i. The Clerk had received details of usage of the Ash Thomas and Halberton telephone boxes which BT were attempting to remove. The usage shown for Ash Thomas:- two calls made The usage for Halberton:- four calls made. However BT had not provided details of the period in which these calls had been made. The PC had opposed the removal of both boxes and had forwarded this information to MDDC who was the point of contact. It was also understood that a company – ISC-MTCL was wishing to work with councils to convert disused boxes into “state of the art telecommunications” at low cost. The PC however did not wish to take up this offer
- ii. The “No Parking” sign for Greenway was now ready and Cllr Mrs Cuthbert would collect it shortly.

- iii. The directional recycling signs were still in situ. Cllr Corden was hopeful that once the weather improved they could be removed
- iv. The Vice-Chairman had sorted out the problem with the street lighting
- v. The Clerk had received a copy of a letter from Terry Payne who had written to Tim Nickolls of the Post Office strongly objecting to the proposed closure of the Post Office. The Clerk had also received a letter from Angela Browning MP advising that she had telephoned all the post offices due for closure in her constituency and only one post office out of twelve was going to oppose closure. The offer for compensation to post offices was only on the table for a limited period. She would be negotiating with the PO to try and get the best alternative services agreed so that villages continued to receive some level of service. Her principal efforts would be best spent seeking outreach cover and helping with advice and contacts to assist villages where the village shop was also under threat as a result of the closure. It was understood that details of the proposed Outreach service for Halberton should be made available shortly. Devon authorities had argued that ten of the post offices on the list for closure should be saved but none were located in Mid Devon.
- vi. The Clerk had been contacted by Mark Baker advising that the damaged memorial seat (Dick Drew) was beyond repair. This was not a seat in the ownership of the PC. It was agreed that at the present time the PC did not have sufficient funds to replace the seat.
- vii. The Clerk had received a reply from Chief Superintendent Jo Tennant in response to the PC's concerns that PCSO Mel Smith had been redeployed to another area after such a short time policing Halberton. The CS advised that the decision to transfer Mel had not been taken at all lightly and had followed detailed discussions with Superintendent Phil Kennedy and Inspector Matt Lawlor. She advised that Supt Kennedy would be in contact with the PC to discuss the policing arrangements and to answer queries. However the Clerk advised that so far she had not heard from him and would chase him up.
- viii. It was believed that Fawns had not yet carried out the work to alter the height of the Junior Swing seats. The Clerk to chase up the matter.

### **61. Chairman's Announcements**

The Chairman advised that the 'My Devon' call centre appeared to be working efficiently and recommended that it be used when reporting any matter, as the caller would then be given a log number which would enable him/her to check progress. The Chairman also advised that a company (other than Rospa) was carrying out safety checks on play equipment at a preferential rate. He would pass these details to the Clerk.

### **62. Mid Devon District Council Matters**

- i. MDDC had advised that the smoke free legislation was now one year old. The law had made virtually all workplaces and public places free from tobacco smoke. MDDC had carried out 139 compliance checks and had found no evidence of smoking in smoke free places
- ii. MDDC was reminding parishes that they were seeking details of any anti-social behaviour which had occurred and which parishes considered had not been dealt with properly.
- iii. MDDC had published its latest Corporate Plan setting out its aims for the next five years and how it would do it. The Plan would focus the Council's efforts on four priority areas:  
 Managing the Environment  
 Delivering a Well-managed Council  
 Decent and affordable Homes  
 Community Well-being
- iv. District recycling had increased by 4.69% in the last year making MDDC one of the top performers. For the fifth year in a row, recycling rates in Mid Devon had risen. The current rate was 48.68% which, when added to recycling taken to Civic Amenity Centres at Ashley and

Punchbowl rose to 52% There had been a decrease in household waste collection and since the alternate weekly waste collection scheme had started two and half years ago there had been a 33% reduction in waste buried in landfill.

### **63. DCC Matters**

- i. A number of road shows would be taking place across the County to advise about the digital TV switchover. The next road show in the locality would be on 10<sup>th</sup> July at Morrisons, Tiverton.
- ii. Cllr Saunders had been in contact with Meg Booth of DCC regarding his request for a sign preventing HGV's using the back lanes and getting stuck. It was understood that further information was needed and Cllr Saunders would provide a letter detailing recent events which he considered re-inforced the need for a sign.
- iii. The crash barrier near the Barge had still not been repaired. The Clerk would contact 'My Devon' and report the matter.
- iv. It was understood that the directional sign for Uplowman had been repaired
- v. CCllr Hannon advised that the sign for the South View Road trading estate appeared to be of insufficient size. However as the premises were in Cllr Radfords "patch" it would need to be a matter for him to progress.
- vi. Cllr Hannon advised about the Boundary Commission's decision to have a unitary Devon but also the other possibility that Exeter could be grouped with Exmouth and a number of other settlements so effectively there would be two unitaries. However the Commission had stated in its report that this idea would not provide benefits to citizens of the rural Devon authority outside of Exeter and Exmouth. He mentioned that DCC had come to an agreement with all the districts regarding the proposed closure of a number of post offices. He would be attending MDDC's Planning Cttee tomorrow representing objectors in relation to the Hartnoll 2 application. Cllr Hannon expressed delight in the fact that specially adapted cycles for disable people had been trialled in Halberton and had been an overwhelming success. Mencap had funded the purchase of two bikes. DCC's acclaimed Puzzletree service in Okehampton were the first to try the bikes along the Grand Western Canal's cycle path and all the cyclists loved the experience.. Cllr Hannon went on to say that the joy of the venture was that it now meant that cycling was accessible for all, and this facility would offer disabled persons a further way of enriching their lives. He also advised that the police were seriously taking on board the concerns of residents regarding motorists speeding along Willand Road as they had been out in the vicinity, on several occasions, with speed guns. It was understood that the owner of Lake Farm was considering planting up the planters outside of her property along Willand Road. This would greatly assist the Flower Group if she went ahead with this.

### **64. Police Matters**

Katie Rich had provided a Report in her absence. The permanent replacement for PCSO Mel Smith would be Jon Sims and not Tracey Peters as first thought. There had been a number of minor incidents reported in the Village in the last month, which included a number of attempted burglaries, thefts, etc. The police were planning to have a 30mph roundel marked on the carriageway which was currently with contractors. As Katie had had to leave the meeting early it was not possible to ask her about the parking problems at Pethertons.

### **65. Devon Rural Housing Award**

After some discussion and some opposition it was resolved that the PC should enter the competition. The categories were:- The Most Effective Housing Group and the Most Inspirational Individual. The first prize was £125 for each category winner. The Clerk and Chairman would liaise regarding the information required, to put together a submission.

## **66. Emergency Plan – Formation of Committee**

It was agreed that Cllr LSmith would stand down and the following members form the Emergency Plan Committee:- The Chairman, Vice-Chairman, Cllrs Mesdames Cuthbert, Jepps and Johnston. It was agreed that there should be a meeting of the Emergency Plan Ctte and a suggested date was 19<sup>th</sup> August but this may have to be earlier, if it was intended to combine it with a Planning Ctte Meeting (if any planning applications arrived for consideration)

## **67. Update on Unitary Situation**

The Boundary Commission had decided that a single unitary council for Devon was its preferred option. This would mean that all district councils would become extinct and the unitary authority would cover all of Devon except Torbay and Plymouth, as their boundaries would remain unchanged. There would now be a 12 week consultation period expiring on 26<sup>th</sup> September. This would be an item for the September agenda at which any issues raised could then be passed to the Commission for consideration

## **68. Parish Plan Update**

Cllrs Mesdames Cuthbert and Johnstone had both worked extremely hard on producing a Questionnaire to update the present Plan and also the Emergency Plan. The questionnaire was designed for parishioners to be able to make new requests and re-affirm any previous requests and also how they may be able to help in the event of any emergency eg power cuts, flooding etc. The questionnaire would be distributed with the Newsletter and collection would be by carrying out house to house collections. After all the results had been gathered in a Plan Update Meeting would then be arranged. The Vice-Chairman suggested the formation of a History Group in the Parish and this could be a suggestion made in the questionnaire. If sufficient positive responses were received then there was no reason why this could not be set up.

## **69. Cemetery Update**

The Clerk had not received a response to her letter to the PC's insurers regarding the position of relatives carrying out work themselves to graves/headstones. She would chase the insurers for a reply. The Clerk had received a quote from Fine Memorials who would charge £450 plus vat for carrying out an inspection of the memorials in the cemetery and providing a detailed report. AG Real, Honiton would also carry out a survey but would make no charge. Ian Quance, Exeter City's Bereavement Manager would be prepared to attend a meeting of the PC to provide advice as to the legal responsibilities of the PC etc. He would charge £20 per hour for his time but for this he would also provide all the documentation the PC would need to put a management plan together. It was resolved that he should attend a separate meeting of the Cemetery Ctte proposed for 23<sup>rd</sup> September, for two hours. The Clerk had also e-mailed the grass cutter regarding the state of the cemetery paths as they were covered in weeds. Cllr Mrs Cuthbert had indicated that there was a flourishing privet hedge on the boundary of where the trees had once been. She was of the view that there was no necessity to purchase replacement trees as the hedge should be sufficient once it had reached maturity. The PC agreed with this course of action.

## **70. Nomination of Person/Persons in the Parish to attend MDDC's Chairperson's Autumn Reception**

Grant Shippcott and Rob and Jane Varley were nominated to attend the Reception. The Clerk would inform the secretary of MDDC's Chairman

## **71. Car Park/Footpath Update**



|      |       |      |       |  |
|------|-------|------|-------|--|
| 1228 | 29.00 | 5.07 | 34.07 | of postage<br>M Britton – repayment cost of steel gatepost |
|------|-------|------|-------|--|

The above invoices were approved for payment

|   |                   |
|---|-------------------|
| Balance of bank accounts carried forward                              | 29112.42          |
| Plus Receipts for period 1 <sup>st</sup> – 30 <sup>th</sup> June 2008 | 142.27            |
| <b>TOTAL</b>  | <b>£29254.69</b>  |
| Minus Payments made for the above Period                              | £3857.35          |
| <b>TOTAL</b>  | <b>£25,397.34</b> |

|  |                   |
|--|-------------------|
| Made up as follows:- High Interest A/c | 24925.88          |
| Current A/c                            | 471.46            |
| <b>TOTAL</b>                           | <b>£25,397.34</b> |

|                           |                   |
|---------------------------|-------------------|
| <b>VILLAGE HALL FUNDS</b> | <b>1500.00</b>    |
| <b>PARISH PATHS FUND</b>  | <b>2108.79</b>    |
| <b>PARISH PLAN FUND</b>   | <b>433.54</b>     |
| <b>CAR PARKING</b>        | <b>1500.00</b>    |
| <b>GENERAL FUNDS</b>      | <b>19855.01</b>   |
| <b>TOTAL</b>              | <b>£25,397.34</b> |

**Halberton Newsletter: Income for Period 1<sup>st</sup> - 30<sup>th</sup> June 2008 = £652.99 less expenditure £723.68 = Loss £70.69**

### **Other Accounts Matters**

Mrs Erasmus had sent a letter of thanks for the M & S Vouchers from the PC for carrying out the audit. This was appreciated by the PC. It was understood that Cllr Mrs Jepps did not have the correct invoice from the Barge, in order that the Clerk could issue a revised cheque payable to the correct payee, thus ensuring that the PC was compliant with auditing requirements. The Clerk explained that until the invoice was to hand she was unable to process the matter.

### **77. Miscellaneous Matters**

- i. Mrs Armstrong had reported to the PC that it was believed that human faeces were in situ in the bus shelter opposite the farm shop. Cllr LSmith would remove them.
- ii. The hedge on the perimeter of the property (between Greenway and the farm shop) badly needed cutting as persons were now having to walk into the road. The Chairman would speak to the landowner about the problem. Cllr Mrs Johnstone reported a mass of nettles outside of the farm shop which also needed trimming back.
- iii. There were further concerns of speeding traffic at the Barge end of the village and in the vicinity of Greenway

### **78. Next Meeting**

\*9th September 2008 – 7.00pm Halberton Village Hall - Planning Ctte Meeting of Halberton Parish Council  
Above date and location – 7.30pm Ordinary Parish Council Meeting

\*There may also be other Planning Ctte Meetings arranged prior to this date

The Meeting closed at 10.20pm

\_\_\_\_\_  
**CHAIRMAN**

\_\_\_\_\_  
**DATED**