

MINUTES OF THE ORDINARY MEETING OF HALBERTON PARISH COUNCIL HELD ON TUESDAY, 8th SEPTEMBER 2009 AT 7.30PM AT HALBERTON VILLAGE HALL

75. Present

Cll Browse (Chairman), Cllrs Mesdames Cuthbert, Graham, Jepps and Johnstone and Cllrs Britton (Vice-Chairman), Corden, Gibbs, Hand, Radford and Saunders, CCllr Des Hannon, MDDC Chairman Cllr Frank Rosamund, PCSO Jonathan Sims and five members of the public

76. Apologies

Beat Officer – Katie Rich

77. Introduction of MDDC's Chairman – Cllr Frank Rosamund

The Chairman introduced Cllr Rosamund who provided a summary of matters relating to MDDC. He spoke about several issues but in particular advised that MDDC was improving as a Council with regard to its services and that it was trying to be more cost effective. He advised that the future for parish councils would be to work together in order that they could be more effective. Cllr Corden raised the issue about transparency with regard to MDDC no longer making correspondence available on the its web site. He considered that this course of action was questionable, particularly under Freedom of Information legislation. Cllr Rosamund advised that this had been the result of certain correspondence coming into the council which could have had litigious implications if published. He admitted that MDDC's course of action in this respect had resulted in concerns and probably needed to be considered further. Cllr Rosamund was thanked for attending the meeting and for providing an update on MDDC matters

78. Public Forum

Various issues were raised by parishioners:-

- i. A request for MDDC to take notice of the PC's recommendations regarding planning applications (suggesting that some applications are determined by MDDC prior to the PC submitting its comments) and that all planning application sites should be the subject of a site visit. Cllr Rosamund provided a response in this respect. Cllr Corden also advised that a number of properties were visited, particularly those which were subject to planning applications which may be viewed as being contentious. In addition, the PC now had two planning meetings per month to ensure that it was able to submit its comments by MDDC's deadline dates
- ii. Mr T Payne had a number of issues but agreed he would forward an itemised list to the Clerk for her to deal with. He raised the matter of fly tipping on land it was believed to form part of Hartnoll Farm and was concerned about the possible escape of toxic waste. The Clerk refer this matter to MDDC's Environmental Health Officer
- iii. The new pavement along the High Street was causing concern as it sloped. It was suggested that this may result in injury. (See DCC Matters)
- iv. Certain hedges were in need of urgent trimming back as they were causing problems for farm machinery passing by (See DCC Matters)

79. Approval of the Minutes

The Minutes of the Ordinary Parish Council Meeting of 14th July 2009 were approved and signed without amendment

80.MDDC Matters

i. Cllr Radford reported on the following matters:-

the litter picking of Halberton, organised in conjunction with MDDC, would be taking place in the Autumn

MDDC was setting up discussions with EDDC to enhance working arrangements with regards to waste management as MDCR had given up its industrial waste collection as it was no longer economically viable

Polly Colthorpe had resigned as Deputy Leader and member of the Executive Council

The Local Development Framework had been discussed at a meeting of MDDC in August. It had been agreed at the meeting that Policy AL/TIV/1 be amended so that the Eastern Urban Extension proceeded no further than Manley Lane, Tiverton and that the Head of Planning and Regeneration be given delegated authority to make consequential amendments to the Plan. Grateful thanks were expressed to Colin Grabham who had written to every district councillor individually about the implications of the land being included and it was felt his efforts had contributed in MDDC reaching its decision..

ii. Cllr Mrs Johnstone advised that concerns were expressed about rubbish accumulating and possible infestation resulting, at a council owned property in the village. There was also a request for the removal of a tree at the same property but ownership had not been determined. It was agreed that Cllr Radford would deal with this matter on behalf of the PC (Note- later in the meeting it was understood the rubbish had been removed but the tree issue still needed resolving)

iii. Parking at Pethertons was becoming a concern. The matter to be an item for the October agenda

iv. MDDC was currently carrying out a review of its statement of principles that governed how it carried out its duties under the Gambling Act 2005. The PC was at liberty to comment on the draft by 13th November

v. A Planning Training Session had been arranged for Thursday 15th October at 6.00pm at Phoenix House. Cllrs Corden and Hand would attend

vi. Standards Training had been arranged for 9th November at 6.00pm at Phoenix House. The Vice-Chairman, Cllr Mrs Cuthbert and Cllr Hand would attend and possibly the Clerk, subject to availability

vii. The Dreamscheme Project which took place at Amory Park, Tiverton for two weeks in August, had been a great success

viii. In response to the Chairman completing a questionnaire regarding the relationship between Town and Parish Councils and MDDC, Sarah Lees, Member Services Officer would now be setting up a meeting in due course with specific members of the PC. It was understood that the Scrutiny Cttee would issue a report containing recommendations aimed at improving the effectiveness of the working relationship

ix. It was reported that 151 people had accessed free advice and help from Homemaker Southwest in the first 6 months of the year about their concerns in maintaining mortgage repayments

x. There would be changes taking place to the Mid Devon Local Plan. The Clerk to request the attachment which was missing from MDDC's letter and also a more detailed updated pack of information

xi. Brenda Hull had been appointed Vice-Chairman of MDDC

xii. Following on from the completion of the questionnaire by the Chairman, (produced by MDDC's Scrutiny Cttee), MDDC had agreed that it would send a monthly e-mail advising that the Planning Cttee agenda had been published together with a link to the agenda, in order that PC Clerks were better informed

81. Police Matters

PCSO Jonathan Sims reported on the following matters:-

horses had been running loose in the village but were eventually reunited with their owner! There had been a collision involving three vehicles at Lower Town; a tractor had been stuck in the Parish which had created some problems; an accident had occurred at Hartnoll Farm. one crime had been reported at Muddiford Farm in which a handbag had been taken. It was later recovered but its contents were missing; Speed Watch had not been carried out for 6 weeks due to staffing problems but would be carried out shortly; Jonathan himself had had personal experience as to how dangerous certain vehicles were travelling along Willand Road and was pleased that the matter had been well documented in the local newspapers; Jonathan would follow up Cllr Mrs Cuthbert's complaint about vehicles using land at Greenway as a skid pan; details of an abandoned vehicle had been received but it was understood that MDCC was now dealing with the matter

82. Matters Arising

- i. The Clerk advised that the Pre-School had now forwarded the PC details of its funding requirements. It was agreed that this would be an item for consideration at the Policy and Finance Ctte Meeting in November
- ii. The Chairman had spoken to Roger Folley from NPS South West about the hedge at Lower Town which also needed trimming. Mr Folley would arrange for action to be taken.
- iii. The issue with the diverters still in situ over the pond, was ongoing. It was believed that the landowner may be in discussions with the electricity supply company in an attempt to resolve the issue
- iv. Richard Spurway (and possibly the Rights of Way Warden) from DCC would be attending the November PC Meeting to talk about the PPP Survey and future projects
- v. Sue Southwell and/or John Scott from Devon Rural Community Council would be attending the October PC Meeting to talk about their roles as Housing Enablers
- vi. A further request had been made by Judith Wanstall regarding the delivery of Newsletters and the display of notices advertising meetings etc at the Uffculme side of the Parish. After some discussion it was resolved that copies of the agendas/notices would be sent to Cottage Garden Nursery who had agreed to display them. Cllr Corden also very kindly agreed to deliver eight copies of the Newsletter to one location where parishioners could obtain a copy of the Newsletter
- vii. The Clerk advised that she had received a letter from Ms S Hutter, Landlady of the Barge in response to the complaint she had received from a parishioner via Cullompton Town Council, details of which had been disclosed at the July PC Meeting. The Clerk read out the contents of the letter from Ms Hutter which contained certain inaccuracies and also her reply to this letter. She repeated that the information received did not come via "an anonymous e-mail" but by means of a letter from Cullompton Town Council which detailed the complaint and also details of the complainant. The complainant had asked for his/her identity to be kept secret for fear of reprisals. The Clerk reminded PCllrs that they were at liberty to discuss PC business outside of PC Meetings (unless it was designated as being "Confidential") but if such information was inaccurate or misleading it could create Code of Conduct issues for the member concerned. She requested that they took particular care in this respect. The PC was of the view that nothing could be added to this summary.
- viii. Nigel Cuthbert had attended DCC's strimming course. Cllr Hand would attend the same course at a future date
- ix. The street lighting issue at Cemetery/Lower Town had still not been resolved despite Cllr Britton taking the matter up with DCC
- x. Cllr Corden was intending to erect the Speed Watch signs shortly

83. Chairman`s Announcements

There were none

84. Purchase of new Payments and Receipts Book

It was resolved that the Clerk should order this in the sum of £53.79

85. Halberton Newsletter

Mr T Payne provided background information re the publication costs of the Newsletter and the way forward to minimise them with various options outlined. After much discussion it was resolved by the PC that Education Matters would buy a machine that would fold and staple the Newsletter and that charges for the Newsletter would remain broadly the same as at present with some reductions, The reductions, saving about £37 per issue coming into place on a 16 page issue when 750 copies were produced (on a sliding scale). Education Matters recouping the cost of buying the machine by savings in labour costs.

86. Consideration of Terms of Acceptance for Grant towards the cost of new Goal Posts

It was resolved to accept the terms. The necessary forms were signed and would be returned to the Football Foundation. The goalposts should arrive shortly. It was also agreed that the anonymous donor of monies for the Parish be updated with regards to this matter

87. DCC Matters

CCLr Hannon reported and responded regarding the following matters:-

- i. He was pleased that DCC and the Devon & Cornwall Constabulary, after having looked at the benefits and problems with the issues of surrounding 20mph zones and limits, were now committed and supporting the introduction of 20mph restrictions where appropriate. A leaflet would be produced outlining DCC`s adopted speed limit policy for all speed limits shortly
- ii. He would be cycling to County Hall on 22nd September, DCC`s designated “Car-Free” day
- iii. Road surfacing had been carried out at Lower Close and Mill Stream Gardens. The type of dressing was poor and needed to be rectified. Mrs Wooding had passed a letter of complaint to Cllr Corden about this matter. Cllr Hannon was advised that the problems at Lower Close had now been addressed and there was a 95% improvement on the previous work but Mill Stream Gardens still needed attention.
- iv. He suggested in view of the number of issues affecting the Parish – hedges needing trimming back, the construction of the new pavement, the parking issue at Pethertons etc, that arrangements be made with Darren Queenan to walk the Parish with a number of PCllrs. The Clerk read out a letter of complaint from Mrs Mal Court relating to the recent works carried out to the High Street. The Clerk would pass this to DCC
- v. He considered the attitude of DCC with regard to the problems of speeding vehicles along Willand Road to be astounding. He was now of the view that campaigning would have to be carried out vigorously to highlight the problem in the hope that DCC would change its view and take steps to deal with the problem before there was a fatality

The Clerk reported on the following:-

- i. Devon was having a “Devon Car Free Day” on 22nd September 2009.
- ii. DCC`s Definitive Map Review Officer Emily Spurway would be starting a review of public rights of way in the Parish shortly. It was agreed that a separate meeting be held on Tuesday, 3rd November at Halberton Village Hall at 7.30pm and that the footpaths be walked by PCllrs within the next six weeks.
- iii. The Parish Lengthsman would be visiting Halberton again from 24th – 27th November

88. Boundary Review Update

The matter was subject to yet further delay. It was suggested that as it had seemed to have lost momentum and there would be a General Election next year, there was a distinct possibility that it would not proceed.

89. Consideration of Halberton PC's proposed Policies and Procedures

It was agreed to adjourn this matter to the October agenda

90. Car Park/Footpaths at Cordwents

The Chairman, Vice Chairman and Roger Folley of NPS South West had met to progress this matter. The Chairman reported that the matter "was looking promising". A letter needed to be compiled to send to MDDC's Planning Department. In addition, the provision of allotments to be considered as there was funding available for this. The footpath to the canal would be included in the project. The Chairman also reported that the proposed footpath between Greenway and the Farm shop would be going to the next stage

91. Parish Plan Update (including Emergency Contacts)

The list of the Emergency Contacts would be included in the next edition of the Newsletter

92. Cemetery Matters

- i. The grass cutting was still causing concern although it was acknowledged that this may be partly due in part to the tender specifications. It was agreed that at the Policy and Finance Cttee Meeting to be held in November that this would need to be reviewed and amended accordingly.
- ii. The Clerk had taken further advice from the PC's insurers who had confirmed that it would be in order for a parishioner to carry out the topping up of a relative's grave himself. This would be subject to the PC checking the area prior to the work being carried out to ensure that there were no hazards present and, following the work, to check that the area was restored to a safe condition. Cllr Gibbs to inform the Parishioner accordingly. Cllr Cuthbert raised the point that the insurer's consent did not mirror the recommendations of BRAMM
- iii. A request had been made by a parishioner to Cllr Mrs Jepps for the reservation of a grave. The Clerk would contact the parishioner concerned and if necessary liaise with Cllr Mrs Jepps
- iv. It was agreed to hold a site meeting at the cemetery on 19th September at 10.00am to determine necessary action required now and in the immediate future

93. DAPC Course Dates

- i. 26th September n 2009 – DAPC – AGM and Seminar at County Hall
The Chairman would attend. It was resolved to pay the Conference fee of £15
- ii. 19th November 2009 – New Cllr Short Course at Honiton Town Hall – It was resolved that two places be booked at a cost of £25 each

94. Committee Reports

There were none. It was confirmed that the Amenities Cttee Meeting would be held on 29th September at 7.30 at Halberton Village Hall. Items on the agenda would include 'Village of the Year', health and safety issues re cemetery (digging of graves), removal of trees (planning consent required), consideration of cemetery application forms etc, parking at Pethertons, replacement bench/memorial bench, Ash Thomas telephone box .

95. Clerk's Report

The Clerk produced a copy of the September 'Village Green' issue in which the Chairman had had published a comprise and informative account of the format for the 2009 Annual Parish

Meeting. It was understood that overall the new format had been well received but there had been some complaints as to lack of seating etc. This would be addressed next year. The Chairman added that the Annual Report 2008/09 for the Devon Countryside Access Forum contained a photograph of Cllr Hand's family!

96. Halberton Children's Recreational Ground

The Clerk advised that the District Auditor had signed off the 2008/09 PC accounts but had stated in his recommendations that a separate bank account must be established for the Children's Recreational Ground. The PC could decide to make a donation to the charity to cover its running costs. This would be subject to the PC making a resolution to this effect and identifying appropriate powers to do so. The Auditor also advised that the PC had reclaimed vat on maintenance on behalf of the charity. He was of the view that vat could only be reclaimed on items by and for the PC. The Clerk subsequently sought further advice and information from the Auditor who informed her that "the external auditor cannot give advice to councils as this may fetter its independence". She then contacted Peter Lacey at NALC who was most helpful and advised that there was no need to open a bank account if the charity had no income. With regards to the ongoing maintenance and other associated costs of the Rec. he suggested that the PC should agree to a grant being made (to be agreed at the Policy and Finance Cttee Meeting) to cover such expenditure, whereupon these expenses could be paid in kind by way of direct payments to suppliers. Thus all relevant payments would appear in the PC cash book and would make for easy lifting for vat claims. Any monies that the PC received for the Rec (eg S.106 monies) would be regarded as charity income and in that case a bank account would be required. It was also noted that any equipment attached to the land belonged to the charity. The Recreational Ground Charity Accounts were approved by the PC for submission to the Charity Commission

97. Accounts RECEIPTS FOR PERIOD 1ST JULY - 31ST AUGUST 2009:

Bank Interest	2.99
Newsletter	314.07
Cemetery	1001.00
TOTAL	£1318.06

PAYMENTS MADE FOR THE PERIOD 1ST JULY – 31ST AUG 2009 £1990.55

PAYMENTS TO BE APPROVED

Cheque No	Amount	Vat	Total	Details
SO (July)	25.00		25.00	MDDC – Cemetery Rates
SO (Aug)	25.00		25.00	MDDC – Cemetery Rates
1318	349.93		349.93	Mrs C McIntyre – salary Sept/Oct
1319	29.90		29.90	Mrs C J McIntyre – repayment for travel costs and postage
1320	4.53		4.53	South West Water – cemetery water charges
1321	135.00	20.25	155.25	Audit Commission – 2009 Audit Fee
1322	373.90		373.90	Education Matters – publication costs of Newsletter
1323	20.00		20.00	J Austin – repayment of newsletter delivery costs
1324	22.43	3.36	25.79	Ottery Office & Computer Ltd – photocopying, embossed paper and paper clips
1325	40.00		40.00	Mrs C J McIntyre – repayment of internet/phone charges for July – September

1326	262.60		262.60	HM Revenue & Customs – income tax payable for July – September
1327	283.75		283.75	R Smale – grass cutting for August
1328	629.00	94.35	723.35	It's a Goal – cost of goalposts
1329	Cancelled			
1330	15.00		15.00	Ash Thomas Village Hall – hire of hall 15 th July
1331	8.89	1.33	10.22	Mrs J Cuthbert – repayment of web domain monies
1332	346.50		346.50	Halberton Village Hall – hire of hall from Sept 2008 – September 2009

All the above were approved for payment

Balance of bank accounts carried forward	29676.39
Plus Receipts for period 1 st July – 31 st August 2009	1318.06
	TOTAL: £30994.45

Minus Payments made for the above Period	£1990.55
	TOTAL £29003.90

Made up as follows:- High Interest A/c	27186.90
Current A/c	1817.00
	TOTAL £29003.90

VILLAGE HALL FUNDS	2500.00
PARISH PATHS FUND	2493.79
VILLAGE OF THE YEAR PRIZE	500.00
DONATION FROM PARISHIONER	2500.00
PARISH PLAN FUND	433.54
CAR PARKING	2500.00
GENERAL FUNDS	18076.57
TOTAL	£29003.90

Halberton Newsletter: Income to date £1101.74 - less expenses of £855.15 = credit £246.59

98. Members Business

- i. Cllr Corden had not had any success with his attempts to construct a new bench. It was agreed that this be an item for the agenda at the Amenities Cttee Meeting with consideration being given to utilising an existing bench as well as purchasing an additional bench, with the Village Hall and the PC sharing costs.
- ii. The Vice Chairman had a number of matters which he wished to raise which included overhanging trees, hedge trimming etc relating to specific properties in the Parish. It was agreed that the PCllrs would raise these issues with the parishioners concerned in the first instance.
- iii. A walk of the footpaths would be organised within the next six weeks
- iv. Cllr Saunders agreed to deal with the securing in of the goalposts when they arrived, once it was agreed where they were to be sited
- v. Cllr Mrs Cuthbert raised the issue of the publication costs of the Newsletter. The Clerk advised that she had liaised with Mr Payne who was prepared to précis down the PC items which she had no objection to, thus reducing the number of pages required and the overall costs

vi. The Clerk to refer problem of overhanging hedges that need trimming back at Merrimead Farm to DCC

vii. The Chairman advised that Mr A Cooper had requested the PC to reconsider its earlier decision not to proceed with the acquisition of the telephone box at Ash Thomas. The Clerk advised that she had also been contacted by Mr Cooper but had requested he put his request in writing. It was agreed that Cllr Saunders would seek parishioners views in this respect. The Clerk provided reasons of the PC's earlier decision as to why it considered the acquisition should not be proceeded with. It was noted that Mr Cooper had been particularly touched by the PC's kind wishes in relation to his recent illness

99. Future PC Meetings

i. 29th September 2009 - 7.00pm Planning Ctte Meeting followed by Amenities Ctte Meeting commencing at approx 7.45pm

ii. 13th October 2009

7.00pm Planning Ctte Meeting of Halberton Parish Council

7.30pm Ordinary Parish Council Meeting

The Meeting closed at 10.22pm

CHAIRMAN

DATED