

MINUTES OF AN ORDINARY MEETING OF HALBERTON PARISH COUNCIL ON TUESDAY, 9TH OCTOBER 2007 AT 7.30PM AT HALBERTON VILLAGE HALL

118. Present

The Chairman (K Browse), Vice-Chairman (B Lane-Smith), Mesdames Cuthbert, Jepps and Johnstone, Cllrs, Corden, Radford, Saunders and Wooding, CCllr Des Hannon, PC Dodd, WPSO Smith and 3 Members of the Public

119. Public Forum

There were no questions raised

120. Apologies

Cllrs Britton and Gibbs

121. Approval of Minutes

The Minutes of the Ordinary Parish Council Meeting of 11th September 2007 were approved and signed unamended

122. Matters Arising from the Minutes

- i. The Clerk advised that it had previously been agreed that Martin Harvey of MDDC would come to a PC meeting to speak about Code of Conduct and the implications for PCllrs. However Mr Harvey had advised that Code of Conduct issues were really the domain of MDDC's Monitoring Officer, Jan Shadbolt. The Clerk indicated that MDDC intended to run some Code of Conduct Workshops in the Autumn and the PC decided that Members who were interested could attend these. The Vice-Chairman advised that there was a very informative DVD about this subject which MDDC held, although he indicated it may prove difficult to try and borrow it.
- ii. The Chairman and Vice-Chairman would be able to attend the "21st Century Village Conference" on 17th October free of charge. The organisers had agreed to waive the £50 fee.
- iii. The name sign at Pethertons had not been re-erected as far as the PC was aware. The Clerk to chase up.
- iv. It was understood that the walls and railings at Birdcage Cottage had now been completed
- v. Cllr Saunders was liaising with Cllr Mrs Jepps about the tree trimming which required to be carried out in the cemetery
- vi. The Chairman and Cllr Corden would speak to the owner of Halberton Court about the overgrown trees which were obscuring the street lighting at the lay by.
- vii. CCllr Hannon asked that the matters which had been emailed to him previously by the Clerk, be e-mailed to him again, in order that he could follow them up.

123. Chairman's Announcements

Bale's Charity had agreed to the PC erecting a sign at Greenway Bridge. The matter to be an item for the Amenities Cttee Meeting. The Chairman had attended the DAPC Conference on 29th September. He had run a session on affordable housing at the Conference for which was thanked. He explained that Cllr Britton's absence was due to the fact that he was attending MDDC's Chairman's Reception. The Chairman thanked the Village Hall Cttee for the tarmac work which had now been completed which provided much improved parking facilities and enhanced the area greatly.

124. Local Buses

CCllr Hannon advised that the bus contract would be coming up for renewal at the beginning of next year. He thought it was unlikely that the Pethertons bus service would be restored, however he would pursue the matter further, although he was not over optimistic.

125. Emergency Planning

The Plan required updating to take into account the suggestions of DCC and DDC. The item to be discussed at the next Amenities Ctte Meeting.

126. Public Rights of Way Consultation Document

The document had not been returned to the Clerk. It was now considered too late for the PC to make any representations to DCC about the document.

127. Police Matters

Cllr Hannon was following up the speed survey situation. It was understood that this matter was out of PC Dodds' control as DCC was responsible for organising the survey. The Governors of Halberton Primary School had submitted a letter to the Chairman regarding recent criminal acts which had occurred at the school. The letter had also raised the question of security of the premises. The Governors had suggested that the school's security be considered as part of a whole village strategy, which may include the extension of the CCTV system at the Village Hall. Suggestions ranged from the installation of CCTV at the school. However opinion was very much divided by the PCllrs about this suggestion with some members being strongly opposed to it. PC Dodd would be attending the Governors meeting at the school, on 15th October and would represent the PC on this issue.

128. DCC Matters

Cllr Hannon advised of the following:-

- i. The judicial review was now underway with regard to Exeter obtaining Unitary status. He was not optimistic that DCC would be successful
- ii. DCC was setting up partnerships with MDDC, the police, PCT etc

129. Mid Devon District Council Matters

- i. The new leader and Executive structure would commence on 1st November
- ii. It was understood that MDDC's Planning Department had been rated one of the best Planning Departments in the UK
- iii. The PC submitted the following street names for the new development at Pethertons:- "Fishers Way" and "Cordwents View".
- iv. The Clerk advised that the amendments to the Conservation Area Appraisal & Management Plan had been submitted to MDDC, however the PC had missed the cut off date. It was suggested that the list of amendments be pinned to the front cover of the document so that users would be aware of them. The Clerk passed the list of amendments to Cllr Mrs Johnstone for necessary action.
- v. The PC had been asked to complete a questionnaire in connection with the Review of the Corporate Plan. The PC concluded it was a complete waste of time and money and concluded that MDDC should not have made various pledges if it was unable to deliver. The whole thing was a nonsense.
- vi. MDDC was carrying out a review of its polling districts/stations etc. It was suggested that to aid elderly and disabled voters, a handrail should be placed on the side of the village hall which would be extremely helpful and beneficial. The Clerk to pass this information to MDDC.

130. National Calor Village of the Year Competition

The Clerk had received information from the organisers. The entry form needed to be submitted by 30th November. She had run off a hard copy of the entry requirements which were quite extensive. She would let PCllrs have details of the Web Site in order that they could access the information themselves. The Clerk had e-mailed a template of a supporting statement which she

had prepared for the competition a couple of years ago and she suggested that this be used as a starting point. The item to be placed on the Amenities Agenda.

131. Uffculme Environmental – Match Funding for Halberton Village Hall

It was understood that the Village Hall had been successful in its bid for funding from Uffculme Environmental in order that it could carry out further renovations to the Village Hall. The PC agreed it would now pay its agreed contribution towards the costs in the sum of £246.75. The Clerk advised that she would require a formal request in writing for this sum from the Village Hall Cttee for audit purposes.

132. Play Equipment

The granules had been laid and the Rec` was now open for business!! The children in the village were delighted and it was understood the equipment was being well used. The equipment and surfacing had been inspected by MDDC and was found to be satisfactory. The Clerk was waiting to receive payment from MDDC as she being chased by the supplier of the equipment to settle their invoice. She was becoming increasingly frustrated by the delay, particularly as she had submitted this to MDDC sometime ago (MDDC was now saying that it had not received the invoice). The matter to be referred to Cllr Radford for appropriate action.

133. Byelaws

The Clerk outlined the procedure required for making a byelaw. She had obtained legal advice from MDDC who had informed her that powers to make byelaws for pleasure grounds and open spaces fell under the Open Spaces Act 1906 and the Public Health Act 1875. The Parish Council could make byelaws under these Acts. The Communities and Local Government website had all the information to assist the PC in this matter. The Clerk would forward details of the Web Site to PCllrs. The Clerk had also located on the internet the minutes of a PC who were considering making a byelaw in respect of their recreational ground but after consulting with other parish councils had not bothered to pursue the matter as it had been advised that the byelaw would not be worth the paper it was written on. It was decided that the matter be an item for the next Amenities Cttee Meeting.

134. Charity Commission Annual Return – Year End March 2007

The Clerk had completed the Return on line. The gross income for the year had been Nil and the expenditure had been £495

135. S.106 Monies Update

The Clerk had received no positive response from Kevin Finan at MDDC. She had repeatedly asked him to provide her with the authorisation and evidence that would permit MDDC to legally spend some of Halberton S.106 monies but he had not been able to do so. After further discussion it was agreed that that the Clerk be authorised to refer the matter to MDDC`s Scrutiny Cttee for investigation. If this proved to be unsatisfactory then the matter to be referred to the Ombudsman.

136. Culvert Under the Road

The PC considered the plan the Clerk had supplied, showing details of land ownership in the area but it did not show who owned the culvert. Various suggestions were made as to ownership. Cllr Corden would investigate further. It was understood that trimming work was required now that the blockage in the culvert had been cleared.

137. Parish Council Outside Organisations.

Membership of the Outside Organisations would remain as before but with the following amendments:-

Canal

The Chairman and Vice-Chairman, Cllrs Mrs Cuthbert and Cllr Radford (MDDC)

Devon Playing Fields

Vacant

Emergency Planning

The Chairman and Vice-Chairman, Cllr Mesdames Jepps and Johnstone

CADI

Cllr Corden

Police Liaison

Cllr Wooding

Mid Devon Ass of Local Councils

The Association did not appear to be continuing – The Clerk to delete it from the list

MDDC Scrutiny Panel – As above.

The Clerk would prepare an amended list to circulate to members.

It was suggested that rather than the PC continuing its membership of the Devon Playing Fields Association that the PC should join the Community Council of Devon as the grants they provided were greater and possibly more accessible.

138. Car Park/Footpath Update

After further consideration and after taking into account Mark Copleston's (Midas) views that the PC should be seen to be more environmentally friendly and not overly promote the use of the motor car (thus there should be fewer car parking spaces proposed and provision to allow for overspill parking if certain events required it), it was resolved that any planning application should be for 30 car parking spaces with access off Lower Town. The Clerk to make Mr Copleston aware of the views of Alison Fish, MDDC's Planning Officer which he could take into account when he prepared the plans. It was understood that a 30 space car park would be in the region of £28,000 whereas 50 spaces would be in the region of £47,000. Other expenses would need to be taken into account such as offsite works – visibility splay, hedge removal, diversion of utility plant, signage, lighting and surface water drainage etc. Once plans had been received from Mr Copleston it would be necessary to carry out a survey of parishioners.

139. Future Parish Council and Other Meetings

1. 31st October 2007 - Mid Devon Transport Group Stakeholder Forum,
St George's Extension, Tiverton
2. 13th November 2007 – Parish Council Meetings at Halberton Village Hall :-
 - i. Policy & Finance – 6.30pm
 - ii. Planning – 7.15pm
 - iii. Ordinary PC Meeting – 8.00pm

140. Meetings Attended

29th September 2007 DAPC AGM at County Hall 10.30am

The Chairman had attended this – (see Minute 123)

141. Committee Reports

There were none as matters had already been discussed previously in the Meeting.

142 Clerk's Report

The Clerk had nothing to report

143. Accounts

RECEIPTS FOR PERIOD 1ST - 30TH SEPT 2007:

Bank Interest	58.94
Newsletter	107.87
Cemetery	442.50
TOTAL	£609.31

PAYMENTS MADE FOR THE PERIOD 1ST - 30TH SEPT 2007 £2051.45

PAYMENTS TO BE APPROVED

Cheque No	Amount	Vat	Total	Details
SO	23.00		23.00	MDDC – Cemetery Rates
1135	244.02		244.02	Mrs C McIntyre – salary Oct/Nov
1136	5.19		5.19	Mrs C McIntyre – repayment of 3 x reams paper
1137	246.60	43.15	289.75	Education Matters - Newsletter production costs
1138	5.00		5.00	Education Matters – Welcome Packs
1139	15.00		15.00	J Austin – delivery of Newsletter
1140	50.00		50.00	Vitalise - donation
1141	135.00	23.63	158.63	Audit Commission – Audit Fee 2007
1142	10.14		10.14	South West Water – cemetery water - May - Aug
1143	17.80		17.80	Mrs C J McIntyre – repayment of postage costs
1144	20.00		20.00	Royal British Legion – donation
1145	246.75		246.75	Uffculme Environmental – PC Agreed contribution to V Hall imptwork

The above invoices were approved for payment

Balance of bank accounts carried forward	23242.74
Plus Receipts for period 1 st Huly – 31 st Aug	609.31
TOTAL	£23852.05

Minus Payments made for the above Period	2051.45
TOTAL	£21800.60

Made up as follows:- High Interest A/c	20299.24
Current A/c	1501.36
TOTAL	£21800.60

VILLAGE HALL FUNDS	600.00
PARISH PATHS FUND	2113.79
PARISH PLAN FUND	433.54
CAR PARKING	850.00
GENERAL FUNDS	17803.27
TOTAL	£21800.60

Halberton Newsletter: Income for Period 1st April - 30th Sept 2007 = £977.26 less expenditure £765.79 = Profit £211.47

144. Bank Mandate

It was necessary to amend the bank mandate to ensure the signatories listed at HSBC bank, correctly

reflected the present Council The PC resolved the following:

- i. That bank accounts be continued with HSBC Bank PLC and that the Bank be authorised to:-
 - a. pay all cheques and other instructions for payment signed on behalf of the PC by any three signatories (these being all the members of the PC and the Clerk) whether any account of the PC is in debit or credit;
 - b. deliver any item held on behalf of the PC by the Bank in safe keeping against the written receipt of the signatory; and
 - c. accept the signatory as fully empowered to act on behalf of the PC in any other transactions with the Bank
- ii. That any debt incurred to the Bank under the mandate shall, in the absence of written agreement by the Bank to the contrary, be repayable on demand
- iii. That the Clerk is authorised to supply the Bank as and when necessary with lists of persons who are authorised to sign, give receipts and act on behalf of the PC and that the bank may rely upon such lists
- iv. That these resolutions remain in force until cancelled by notice in writing to the Bank signed by the Chairman or Clerk acting or claiming to act on behalf of the PC and the Bank shall be entitled to act on such notice whether the resolutions have been validly cancelled or not

145. Members Business

- i. A complaint had been received about a tree outside of 50 High Street, (Canworthy) which was blocking visibility. Cllr Mrs Johnstone agreed to speak to the owners about the property.
- ii. A deep hole had appeared on land at the side of the road by the pond which it was believed may be owned by Colin Edge and which could pose a risk to animals and people. The Chairman had already reported it to DCC and had been advised that NickAllen of DCC would investigate and come back to him. However the Chairman had heard nothing further. CCllr Hannon would follow the matter up and Cllr Corden would speak to Mr Edge. The Clerk advised that if the PC took action to deal with the problem on somebody else's land it could constitute a trespass. The sensible way forward was to draw the matter to the attention of the owner of the land and request that he took immediate action to rectify the situation. If he failed and somebody or something was injured he could be prosecuted under the Occupiers Liability Act.
- iii. The continuing problem of persons dumping household refuse near the bottle banks at the Village Hall was continuing. Cllr Corden advised that the "21st Century Village Conference" would be taking place on 17th Oct at the Village Hall and it was vital that this problem be dealt with before then, otherwise a poor impression would be given of the Village Hall. The Chairman agreed to talk to MDDC to request the rubbish be removed.
- iv. The concrete had dropped from one of the traffic calming structures and in two cases vehicles had sustained punctured tyres. CCllr Hannon to pursue this matter.

146. Miscellaneous Matters

- i. Cllr Mrs Cuthbert advised that there was a problem with the Parish Web Site and users were encountering difficulties with assessing the Parish Plan. It was agreed that if anyone required sight of it, hard copies would be made available.
- ii. A provisional date of 23rd October had been proposed for an Amenities and Planning Cttee Meeting. The Vice-Chairman would let the Clerk know asap whether the date was acceptable.

147. Confidential Business

The Chairman advised that in view of the confidential nature of the business about to be transacted it was advisable in the public interest that the public be temporarily excluded. They were instructed to withdraw accordingly.

The Meeting ended at 9.40pm

DATE

CHAIRMAN

Confidential Business

The Clerk advised that it was now impossible for her to carry out the PC's work in the 8 hours per week for which she was paid. The PC had to appreciate that there were more Parish issues to be dealt with than ever before and that more time was needed to deal with them all. She indicated that as well as PC matters her duties also required her to deal with the administration of the Newsletter in the 8 hours she was paid. In addition she only took 2 weeks holiday a year (in August when there wasn't a PC meeting) as otherwise it was not possible to be able to deal with PC matters efficiently. It was agreed that the matter should be considered at the Policy and Finance Cttee Meeting at the same time as the Amenities Cttee Meeting.