

## **SHEBBEAR PARISH COUNCIL**

Minutes of Council Meeting held on Tuesday 11<sup>th</sup> June 2019 at 7.30 pm.

in the Church Room. Shebbear.

CHAIRMAN: Cllr R Clark'

Vice Chairman: Cllr N Whatley

Councillors: Cllr M Pearce. Cllr J Stuppel. Cllr J Curtis. Cllr J Franklin.

Cllr D Hurley. Cllr C Styles-Power.

5 Members of the Public. Clerk: M Whatley

### **AGENDA 2019.**

**Chairman welcomed our new Councillors, back with us Councillors Franklin, Stuppel, Curtis; elected last month was Cllr Pearce, and Cllr Styles-Power.**

#### **041. Apologies for Absence.**

None.

#### **042. Public Participation Period of 15 minutes.** For speakers registered in advance, with the Clerk.

None.

#### **043. Declarations of any Councillors Interests in Items on the Agenda.**

(a) Discloseable pecuniary interests (Prejudicial).

None.

(b) Registerable Interests.

None.

(c) **Any variations to Members Registration of Interests.**

None.

#### **044. Draft Minutes of the Council Meeting held on Wednesday May 15<sup>th</sup> 2019 having been previously circulated, to be approved and signed.**

Proposed Cllr Pearce, Seconded Cllr Whatley, all in favour that the Minutes be recorded as a true record.

#### **045. Any matters arising from the Minutes. Clerks Report.**

##### Memorial Seating

Touched base with Steve Harris regarding erection of the memorial seating, and he confirmed it had been sent to be 'bent' and was due back this week.

##### Election.

Following the election at the beginning of May, I duly circulated Register of Interest Form (where applicable) and Acceptance of Office of Councillor and Codes of Conduct Forms with accompanying letter inviting the Councillors to take their seats this evening.

##### Auditor.

Appointment with Auditor, Mark Ohlsen. As I mentioned at the April meeting, there was a cheque that remained uncashed. This was in favour of Shebbear PCC in the sum of £81. As this had run out of time, I have checked with Mr Goode, who identified the sum in question and on the Auditor's instructions have agreed to issue a replacement cheque, subject to agreement from the members this evening. Is this OK?

Mark Ohlsen approved and signed off our accounts to be sent on to the external Auditors. I will be putting up Notice of Public Rights and Publication of Annual Returns on the Notice Boards, web page and Facebook inviting members of the public to inspect the records between 17<sup>th</sup> June and 26<sup>th</sup> July 2019. Mr Ohlsen has submitted an invoice in the sum of £45, which he will be donating to Cancer Research. He confirms that he will be happy to do the audit for 2020, if so required.

**046. To Agree any items to be dealt with in Part 2, closed session, of the Meeting.**

None.

**047. Any urgent Agenda business or correspondence brought forward with the approval of the Chairman.**

(1) Resignation of Cllr Hurley.

We have to accept the resignation of Cllr Hurley who gallantly agreed to be put in place to make Shebbear Parish Council quorate. Cllr Hurley said it was the shortest term of office of Councillor he had held, and please make it clear that this position referred to the Parish Council and not the District Council.

(2) Co-option.

The next phase we have to go through is the Co-option process; if there are more than three candidates we have to have a voting system, whereby all are interviewed and asked the same questions, and the candidates with the most votes are elected.

(3) Corporate Working.

**Chairman addressed the meeting.**

Notes on collective responsibility.

A parish council, regardless of how many councillors it has, acts and can only act lawfully as a single entity. No councillor has any more responsibility or authority than any other. The chairman is there to control the meetings and to some extent by being the public face of the council to display its culture.

It is unlawful for any councillor to be given any special authority to execute any action that is the right and proper work of the officer, in our case the parish clerk.

The parish clerk acts for the council as a whole and is not there to do the bidding of the chairman or any other member.

The parish council carries insurance as an indemnity against claims arising from improper actions. This indemnity is for the council as a whole and not for individual members. If a member does something wrong whilst on council business and is acting for the council then the indemnity extends to that member. If the member is acting or purporting to act as a councillor but on a matter that does not have full council support then they are not covered and any damages awarded and costs associated are to their own personal account. Likewise if a councillor acts in contravention of agreed council policy or contrary to council procedures they are not covered.

Notes on Part 1 and Part 2 sessions.

It is a basic tenet of all parish council activities that they should be open and transparent and all meetings should be open for the public and press to attend.

However there are times when a matter has to be discussed behind closed doors.

A council is able to exclude the public and the press, by voting to enter into what is widely known as "Part 2". The agenda is divided into two parts, Part 1 is open and Part 2 is closed.

If the meeting enters into Part 2 then the press and the public must leave, and this applies to all press and all public.

Types of information.

Information which should not be placed in the public domain may be confidential or exempt.

These definitions are not always what they seem. Something that is conveyed to you by a government department may be confidential. Something that you have learned from other sources or are about to learn and is related to a commercial matter or a contract of employment may also be what the man in the street would call confidential, but the correct legal phrase is "exempt".

Councils need to have a good reason to enter into part 2.

If the matter involves confidential information it is sufficient for a member – usually the chair –

to propose a motion that the council goes into part 2. This should be seconded and a vote taken. If the matter involves exempt information then first the council must debate the public interest in this matter without mentioning any details, and only when the council votes that it would be in the public interest to go into part 2, can a motion to do so be made. If this is seconded and voted on, then the meeting has entered part 2.

Once part 2 has been dealt with, there should be a motion to return to part 1. This is seconded and voted upon.

No detailed minutes of part 2 items are kept; it is sufficient to record that a matter regarding – and then a loose description – was discussed.

Examples of where a parish council might need to go into part 2 would be discussion of the clerk's contract of employment, or a contract award for a building or maintenance or service project where tendered prices may be revealed.

It is a fundamental pillar of part 2 items that they are not discussed with any third parties under any circumstances and are not revealed in any way. Any councillor who missed the meeting does not have an automatic right to know what was said and agreed and should ask to be informed by the clerk, not seek information from another councillor. There is a legal debate regarding 'need to know' in this instance.

Any member who reveals Part 2 information to a third party risks a complaint against them and a referral to the Monitoring Officer. Revealing such information is in contravention of the council's agreed procedures which means the liability for any consequential damages falls on the member and there is no cover under the insurance policy.

(4) Tweak Planning Form.

Chairman had drawn up a comprehensive Planning Form to help members when considering planning applications. Agreed Item 1 probably not used, Cllr Franklin proposed we add Item 12 'Review of Demonstrated Public Comments', Seconded Cllr Stupple, all in favour.

(5) **Received after the Agenda was circulated.**

Cllr Styles-Power asked if the Village Hall playing field was public space as people regularly exercise their dogs. There was concern at Black Torrington, an item raised in their newsletter and the question was really to find out whether our playing field was exposed to risk, and to do something about it if it was. Chairman had spoken with Mr D Smith, who is the Dog Warden for the area, and he confirmed that there was a Public Space Protection Order put in place last year for three years, which defines all the land which is in the administrative territory of the Council, and it is an offence if any person fails to 'pick up' after their dogs. The second part of the Public Space Protection Order covers areas where dogs by Law are excluded, one is Victoria Park in Bideford., beach area at Westward Ho! play park at Aish Park. Mr Smith said any action had to be evidence-based, in other words there had to be an actual problem, not just a perceived one.

**048. Agenda Items for Discussion and Resolution.**

(1) Any matters raised during the Public Participation period.

None.

**049. District Councillor's Report.**

**Chairman welcomed Cllr Hurley to the meeting.**

Shebbear Doctors Surgery

I reported at the February meeting of this Council that Geoffrey Cox had said that he would be coming to Shebbear to hold a public meeting and discuss the Doctors Surgery. Last week I had a response from the manager of Geoffrey's Office in Tavistock advising me that Geoffrey remains in constant dialogue with RCMG, the CCG and NHS England. He is still waiting for the CCG's final decision on the future of the surgery which he has been advised has not yet been finalised.

Electric Car Charging Points

Torrige District Council has installed, in partnership with ChargePoint UK, some of the first publically accessible electric car charging points in car parks in Northern Devon. After the Government announced that petrol and diesel cars would be phased out after 2040 and with ownership of electrical vehicles continuing to rise Councillors have decided to act now to provide facilities for both tourists and residents at

strategic locations across the district (Riverbank in Bideford, South Street in Torrington, Manor in Holsworthy, and Churchfields in Appledore). The 55KW rapid charging units that have been installed have the capacity to charge two vehicles at a time from empty to 80% in 30 minutes.

#### New Car Park Pay and Display m/c's

Alongside the introduction of Electric Vehicle Charging points the Council have also installed new Pay and Display Machines in all car parks. The machines in 9 of the main car parks offer customers the choice to make card or contactless payments.

The planned upgrade of the machines has resulted in reduced installation costs and reduced annual maintenance fees totalling around £53,000 in the first year of operation. The savings over a five year period will be around £100,000.

#### Starlings Petition

A petition to ban the New Year's Eve fireworks in Bideford, and the associated loud bangs, that we are told frightens starlings that apparently roost in the arches of the old bridge at Bideford and cause them to fly out and crash in panic into the sea or buildings and subsequently die. After much debate, both for and against the petition, it was resolved to move the firework discharge area to an undefined distance from the bridge. Three options are to be considered further.

#### Climate Change

Local children and parents brought their climate change concerns to Torridge District Council's offices in Bideford a couple of weeks ago as part of an international campaign for action. They met with Councillors and Officers to ask the Council to do more to tackle the problem and commit to a Carbon Neutral target by 2030. Torridge already has a good track record of Councillors and Officers looking at ways to address some of the issues and as previously mentioned recently activated new electric charging points in their car parks. This is in addition to installing Solar Panels on buildings, moving to a single site for operations, reducing their carbon footprint in the process, along with installing other eco-friendly systems such as reactive lighting and better insulation.

Torridge has also reduced the amount of waste going to landfill through the kerbside recycling service. In the last year alone this has boosted the recycling figures from 41% to 51% with a reduction of over 3,609 tonnes in waste simply being buried in the ground.

Councillors will have a Notice of Motion to consider at the next full Council meeting on July 1st, which asks them to consider a pledge to make the Council carbon neutral by 2030. New to this Council is a position of Lead Member for Climate Change. This position is filled by Cllr Peter Hames of the Green Party.

#### Caute to Rowden road

I confirmed with Cllr Parsons yesterday evening that no date has yet been set for the work to commence. To be fair, we are only in the third month of the financial year so early days yet.

**Chairman thanked Cllr Hurley for his very comprehensive report.**

### **050. County Councillor's Report.**

No report available.

### **051. Planning.**

#### **(1) New Applications.**

##### **(a) 1/0414/2019/FUH. Mill Cottage, Shebbear, Beaworthy, Devon.**

4 No. Rooflights to First Floor.

Proposed Cllr Franklin, Seconded Cllr Whatley, all in favour that Clerk respond to TDC Shebbear Parish Council has no objections to this application.

##### **(b) 1/0447/2019/FUL. Arlington Cottage, Shebbear, Beaworthy, Devon.**

Creation of 2 off road parking spaces for dwelling.

Proposed Cllr Stuppel, Seconded Cllr Curtis, all in favour that Clerk respond to TDC Shebbear Parish Council has no objections to this application.

##### **(c) Received after the Agenda was circulated.**

**1/0385/2019/FUL. Moor Town, Stibb Cross, Beaworthy, Devon.**

Agricultural Storage Shed.

Proposed Cllr Curtis, Seconded Cllr Whatley, all in favour that Clerk respond to TDC  
Shebbear Parish Council has no objections to this application.

- (2) Applications Granted.  
None.
- (3) Applications Refused.  
None.
- (4) Any relevant adjacent applications.  
None.

**052. Finance.**

- (1) Approval of Items for Payment.
  - (a) Muriel Johns – Flowers for Memorial/Pitt Hill - £63.00
  - (b) M Ohlsen Auditor - £45.00.Proposed Cllr Stupple, Seconded Cllr Styles-Power, all in favour that items (a) and (b) be paid.

**Bank Balances:**

Current Account: £11,689.28

Reserve Account: £19,763.83

**053. Correspondence.**

- (a) Police Report Melissa Baker.  
None received.
- (b) Thank you Grant Letter – Citizens Advice Bureau.  
Received by Councillors.
- (c) John Bradbeer (Japanese Knotweed).  
Clerk to respond to John Bradbeer, the Council is no longer responsible for the control of Knotweed, it is up to the individual owners to control the weed on their property and not let it escape into neighbouring properties.
- (d) Flood Warning System.  
Clerk reported she had received emails from Julian Parkin, Hydro-Logic and Hock Lee (DCC) regarding the contract renewal, and this would be up for discussion at the July meeting
- (e) TDC – Audit of Play Areas.  
Clerk to respond. Aish Park, Balleroy Close, Village Hall and playing field. Football field and Top Field (shooters) not open to public.

**Circulation File.**

Council Planning Lists. Police Report. Holsworthy Rural (Cllr Parsons).

**054. Agenda items for the next Parish Council Meeting, which will be held on Tuesday July 9<sup>th</sup> 2019 at 7-30 pm, and any other matters, for discussion only, at the Chairman's discretion.**

There being no other business, Chairman closed the meeting at 9.08pm

Signed .....

Dated .....