

NEWTON POPPLEFORD & HARPFORD PARISH COUNCIL

Minutes of the remotely held Parish Council Monthly Ordinary meeting on Monday 27th July 2020 at 7pm via Zoom Webinar Platform as per legislation contained within section 78 of the Coronavirus Act 2020 * (meeting also “livestreamed” to Council’s Facebook Page)

ACTION by:

	<p>Present (remotely): Cllrs. Burhop (Chair), Dalton (Vice-Chair), Bilenkyj, Carpenter, Chapman, Hughes, Lipczynski, Tillotson and Walker (Quorate) Clerk, Paul Hayward. EDDC Cllr. Val Ranger Hon. Footpath Warden 1 members of the public (via Zoom link, multiple viewers on Facebook)</p>	
	<p>Chair welcomed all Councillors, and member of the public to Council’s July Ordinary ‘virtual’ meeting, made necessary by the current CV-19 situation which requires social distancing measures, held in accordance with Clause 78 CA 2020 *</p>	
	<p>Public Forum:</p> <p>a) Police Representative. No Police Report had been received. <i>Clerk: Please make contact with DCP Sidmouth to make enquiries.</i></p> <p>b) County Councillor Report. County Councillor report had been received and published.</p> <p>c) District Councillor Report. Written copy provided and published online. Cllr. Ranger answered questions from members of Council and from the public incl. Red Bridge proposed works. <i>Chair thanked EDDC for their decision on the future of GESP.</i></p> <p>d) P3 / Hon. Footpath Warden. Hon. Footpath Warden gave a verbal report including:</p> <p>Ongoing bank repairs to FP3 (see previous minutes) Update on path maintenance across parish. Update re: FP17 and the issue of “historic use” of the Green Lane; Process may well take up to 12 months to determine. Himalayan Balsam project ongoing (but constrained by CV-19) and timetable in place for CDE liaison and community pulling; More volunteers sought. Cllr. Hughes asked about Venn Ottery Green Lane and the 4x4 measures proposed by DCC; Clerk to chase PROW officers for update. <i>Clerk: Please note and action accordingly.</i> <i>Chair thanked Mr. Swan for his continued support, as did Cllr. Bilenkyj who had accompanied Mr. and Mrs Swan on a field walk.</i></p> <p>e) Public Representations and questions. No public questions / representations.</p> <p>As such, Chair closed the public forum.</p>	<p>Clerk</p> <p>Clerk</p>

20/070	<p>Apologies for absence: None received from members of Council. Apology received from Cllr. Claire Wright (DCC).</p>	
20/071	<p>Declarations of Interest made / Dispensations Noted: All members present are, by definition, members of the NPPFF Trustee Board and declare a personal interest in that capacity.</p> <p>Cllr. Tillotson was afforded a dispensation * at the Ordinary meeting held 22/07/2019 to discuss and vote upon matters pertaining to parish allotments. This dispensation applies until May 2023 (unless rescinded prior to that date) and is afforded in respect of her personal and disclosable pecuniary interests as Allotment Manager. * <i>Localism Act 2011 (s.33)</i></p> <p>Cllr. Hughes was afforded a dispensation * at the Ordinary meeting held 18/05/2020 to discuss and vote upon matters pertaining to trees. This dispensation applies until May 2023 (unless rescinded prior to that date) and is afforded in respect of his personal and disclosable pecuniary interests as owner of Bowhayes Trees Ltd. * <i>Localism Act 2011 (s.33)</i></p> <p>No further declarations made. Chair reminded all members that further declarations could be made during the meeting if necessary</p>	
20/072	<p>To consider minutes of the Ordinary meeting held Monday 29th June 2020, these having been previously circulated and approved at the Extraordinary Meeting of the 10th July 2020:</p> <p><i>To consider matters arising from these minutes:</i> Chair ran through Action Points raised. The issue of the proposed replacement bridge on Venn Ottery Village Green was to be considered at August's ORD meeting. Ongoing negotiations at VOVG re: Gate Replacement. Clerk: Please obtain signed MoU and then proceed with works in liaison with Cllr. Hughes as previously resolved.</p>	Clerk
20/073	<p>To consider and, if thought fit, approve the minutes of the Extraordinary meeting of Council held 10th July 2020: Cllr. Hughes extended his apologies for his non-attendance due to conflicting work engagements. It was proposed by Chair, seconded by Cllr. Walker, that these minutes be approved. Resolved unanimously. <i>Chair was unable to sign the minutes as a true record of that meeting and therefore this action has been deferred until such time as it is possible.</i></p> <p><i>To consider matters arising from these minutes.</i> Cllr. Tillotson and Clerk to liaise on Badger Close Play Area signs. Chair to finalise WC Risk Assessment asap. Clerk confirmed no response received to date from CDE. Other matters from that meeting to be covered within tonight's agenda.</p>	MT / Clerk Chair

20/074	<p>Chair’s Announcements / Matters of Urgency / Statement on ongoing CV-19 situation: Chair gave a further verbal report to Council. Thanked all involved with the parish CV-19 response measures. Chair reminded parishioners that CV-19 had not gone away and still posed a risk.</p> <p>Noted that masks were being worn more as per HMG guidance. Help and advice available online. It was recognised that Devon (as a tourist destination) welcomed visitors and their contribution to the rural economy but was compelled to ask such guests to be patient, reasonable and considerate of others.</p> <p>Littering may be an issue. Cllr. Dalton noted that some play park users were not following the guidance contained within the new signage. Chair noted this but reminded all that it was down to personal responsibility of users and that PC could not, and should not, “police” the play area to enforce the guidelines and recommendations on the signs, which were clearly visible to all.</p> <p>Clerk mentioned that a potential safety issue had been identified with the picnic bench and that he had circulated details of a replacement model, in man-made timber (MMT) or recycled plastic as per recent bench installations elsewhere. Clerk asked to add to next meeting for further consideration. <i>Clerk: Please note and action accordingly.</i> RFO gave a verbal report confirming £483.46 remaining in the CV-19 contingency reserve.</p>	Clerk
20/075	<p>Planning Matters to be considered:</p> <p>a) To consider planning applications received:</p> <p>i) 20/1501/FUL – 26 Glebelands, NP. EX10 0HB Single Storey extension, alterations and rendering to brickwork <i>This matter was deferred to allow members to undertake a site visit.</i> <i>Clerk: Please arrange with application agent.</i> <i>Please seek an extension of comment submission date until 24/8</i></p> <p>b) To consider planning applications received after primary agenda publication, and published on a supplementary agenda as per Clause 78 legislation and previously circulated to members of Council:</p> <p>i) 20/1507/FUL – Summerhay, VO Road, NP. EX10 0BU Construction side extension and side facing windows <i>This matter was deferred to allow members to undertake a site visit.</i> <i>Clerk: Please arrange with application agent.</i> <i>Please seek an extension of comment submission date until 24/8</i></p> <p>c) Tree (Planning) Matters; None advised d) Planning Determinations/Decisions; As per published agenda e) Appeal Matters; 20/0471/FUL – Holmleigh, Back Lane, NP. Appeal lodged. f) Planning Correspondence: Clerk outlined correspondence received re: GESP. <i>No further comment necessary from Council.</i></p>	Clerk Clerk

20/076	<p>Financial Matters</p> <p>a) To consider and review Financial Reports for July 2020: Noted and reviewed. Chair highlighted key points.</p> <p>b) To consider and, if thought fit, approve payments for July 2020 (as previously circulated to members of Council): Substantive payment total £5970.42 Chair highlighted main areas of expenditure. <i>Chair proposed. Seconded by Cllr. Hughes.</i> <i>Resolved unanimously.</i> RFO: Please arrange for these payments to be made accordingly.</p> <p>c) Questions to RFO on these reports: Chair sought confirmation that next tranche (50%) of Precept due for receipt in September. RFO confirmed that this is usually the case and that he had no reason to think otherwise.</p> <p>d) To consider Internal Auditor report for AGAR submission 2019/20: Chair expressed a personal interest as an acquaintance of the Internal Auditor. RFO outlined the IA process and the work that he and the IA had undertaken. After review of the assurance provided by the Internal Auditor, <i>it was proposed by Cllr. Walker, seconded by Vice-Chair, that Council approve the acceptance of the IA report.</i> <i>Resolved 8 for / none against and 1 abstention (Chair).</i> RFO: Please submit to external auditor as part of AGAR process and publish in accordance with statutory requirements.</p> <p>e) To consider and, if thought fit, approve the Annual Governance Statement for the Parish Council for financial year 2019/20 for submission to the external auditor as per AGAR3: <i>RFO had circulated the draft version to members before meeting.</i> RFO asked Council to independently consider statements 1) to 9) inclusive. A positive response was approved for each. <i>It was proposed by Chair, seconded by Vice-Chair, that Council approve the Governance Statement as completed.</i> <i>Resolved unanimously.</i> RFO: Please complete submission version and obtain Chair's signature prior to submission to external auditor.</p> <p>f) To consider and, if thought fit, approve the Accounting Statements for the Parish Council for financial year 2019/20 for submission to the external auditor as per AGAR3: <i>RFO had circulated the draft version to members before meeting.</i> RFO highlighted each section year-on-year and explained variances. <i>It was proposed by Chair, seconded by Cllr. Hughes, that Council approve the Accounting Statements as completed.</i> <i>Resolved unanimously.</i> RFO: Please complete submission version and obtain Chair's signature prior to submission to external auditor.</p> <p>g) To note the timescales for the Notice of the Exercising of Public Rights from 1st September 2020 to 12th October 2020: <i>RFO had circulated a draft version of the public notice to members before meeting.</i> RFO explained reason for the publication and the dates involved. Noted. RFO: Please publish according to the statutory legislation. Please submit all documents to External Audit to seek their unqualified assurance for the financial year 2019/20 (AGAR3) Please report back to Council once EA response received.</p>	<p>RFO</p> <p>RFO</p> <p>RFO</p> <p>RFO</p> <p>RFO</p>
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	Business to be considered:	
20/077a)	<p>a) To consider Council’s response (and proposed actions) to Devon County Council’s consultation “doing what matters”:</p> <p>Chair recapped on previous discussions with County Councillor and the DCC Highways Officer (HWO) and how several of the previous reports had not been dealt with, which affects the completion and submission of this new consultation.</p> <p><i>Areas discussed as potential areas of interest for works:</i></p> <ul style="list-style-type: none"> i) The road to Woodbury Common; B3180 ii) Burrow Lane / Back Lane iii) Road to Hunger Hill (past allotments) iv) A3052 flooding issues at Capper Close v) Possible pedestrian crossings sought at KAW and Station Road by village hall. vi) A3052 Bus Stops at Burrow vii) Proposed Red Bridge repairs viii) Footpath repairs / improvements (FP1?) ix) Venn Ottery Rd / A3052 roundabout – visibility issues (consider additional VAS pole and VAS unit – Clerk to add to next agenda for consideration) x) Flood relief channels at Otter Reach / Meadow Drive xi) School Lane parking and traffic calming / control measures xii) Additional road signage to alert drivers to hidden hazards. <p>Chair / Clerk: Please note and prepare a draft schedule of potential works / areas of concern and circulate to all members.</p>	<p>Clerk</p> <p>Chair/Clerk</p>
20/077b)	<p>b) To consider proposal from Cllr. Hughes for the creation of an Amenity and Public Space Committee:</p> <p>Cllr. Hughes explained the reason for his proposal.</p> <p>It was agreed that matters pertaining to amenities which did not constitute “open space” should remain with Finance Committee, such as WC’s, surgery, allotments etc. but play facilities could be incorporated into the new committee’s scope.</p> <p>After further debate, it was suggested that Cllr, Hughes return to Council with a brief written report outlining the scope and Terms of Reference for such a committee, whereupon Council can consider the creation of the same, and potential membership.</p> <p>Cllr. Hughes: Please note and circulate report to Councillors before next meeting date – 24th August.</p> <p><i>Member of the public left the meeting at 20.50hrs</i></p>	<p>Clerk</p>

20/077c)	<p>c) To consider report from Climate Change Emergency Working Party; Cllr. Bilenkyj to report: Cllr. Bilenkyj apologised for not providing the report to members as yet. This will be provided to Council in August. There were a great many projects which could be achieved in the parish which would benefit and improve CCE outcomes. Cllr. Bilenkyj – please provide report in July as mentioned above.</p> <p>Cllr. Bilenkyj was encouraged that schools were returning in September as some engagement with younger residents was to be encouraged to develop an early interest in CCE issues.</p> <p>Cllr. Hughes mentioned the Venn Ottery Balsam Suppression project.</p> <p>The issue of preventative maintenance on trees at Webbers Meadow was raised and Clerk was asked to check as to what quotes had been obtained for the proposed safety works.</p> <p>Clerk: Please review draft tree report to ascertain what trees require inspection and quoting for safety / remedial / maintenance works. Please liaise with Cllr. Hughes to confirm correct trees identified.</p>	<p>CBil.</p> <p>Clerk</p>
20/077d)	<p>d) To consider formal response to the Neighbourhood Plan Examiner as suggested by the NHP Steering Group committee in conjunction with EDDC NHP officers: <i>Chair proposed that Standing Orders be temporarily suspended to allow contributions by EDDC Ward Member, Val Ranger. Resolved.</i></p> <p>Chair thanked the NHP Steering Group for the incredible amount of time, effort and work that they had expended in reaching this milestone in the creation of the Newton Poppleford and Harpford Neighbourhood Plan. Chair noted that draft responses had been circulated to all members (with recent revisions upto and incl. tonight’s meeting) and that those responses appeared balanced, fair and equitable and provided a robust response to the examiner’s questions. <i>It was proposed by Chair, seconded by Cllr. Carpenter, that Council approves the substantive draft response and that this be submitted to the Examiner on Council’s letterhead and under Chair’s signature.</i></p> <p>Clerk: Please liaise with Steering Group and prepare a formal response document for the Chair’s signature to be sent to the Independent Examiner as soon as possible.</p> <p>Cllr. Ranger advised that no referendum would be possible until May 2021 at the earliest as a result of the recent Coronavirus legislation and that EDDC had only just approved the NHP for Newton Poppleford and Harpford at Cabinet level.</p>	<p>Clerk</p>
	<p><i>Chair left the meeting due to technical difficulties at 9pm. Cllr. Dalton assumed the Chair.</i></p> <p><i>Acting Chair proposed that Standing Orders be resumed. resolved unanimously.</i></p> <p><i>Cllr. Burhop re-joined the meeting at 9.05pm and took the Chair.</i></p>	

20/077e)	<p>e) To consider revisions to the draft Grounds Maintenance Tender (GMT) document as per details previously circulated:</p> <p>Clerk was asked to re-circulate the document in a tabular / cellular form to allow members to specify (by a box shading exercise) what particular areas they felt should be included (or excluded) in the proposed GMT draft. This table to include an option for frequency and also a notes field and a column for indicating ownership of land in question.</p> <p>Clerk: Please note and re-circulate in time for Ordinary meeting of 24th August, to enable member review, completion and return, to allow for data collation.</p>	Clerk
20/078	<p>Correspondence received, not already circulated to members:</p> <p>None. Chair sought confirmation that application forms and enclosures for the resolved bank account switch had been received by Clerk. Confirmed.</p>	
20/079	<p>Date and time of next meeting:</p> <p>The next meeting of council will be held in remote session on Monday 24th August 2020, at 7.00pm via the Zoom Platform, this being an Ordinary Meeting of the Council.</p> <p>Clerk: Please note and action accordingly.</p>	Clerk
20/080	<p>It was proposed that, under the provisions of the Public Bodies (Admission to meetings) Act 1960, as amended by Local Government Act 1972, the public (including the press) be excluded from the meeting as publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be discussed. Proposed by Chair, seconded by Vice-Chair. Resolved unanimously.</p> <p>Facebook Livestream was terminated. Clerk confirmed that only Councillors remained in the meeting as per the requirements of the above legislation. Meeting moved into Committee with a separate Meeting ID code.</p>	
20/081	<p>Matters to be considered in committee:</p> <p><i>a) To consider matters pertaining to Newton Poppleford parish allotments:</i></p> <p>Members discussed the ongoing situation in closed session in relation to tenant X (SS):</p> <p>It was subsequently proposed by Chair, seconded by Cllr. Carpenter, that the written appeal by tenant X (SS) was not successful and the decision to suspend his tenancy and withdraw his rights of access to the allotment site stands unchanged. All property / chattels / equipment to be removed from this tenants plot by the 10th August (under the pre-arranged supervision of the Chair and Clerk of the Council), together with the return of any keys to the Summerhouse, Tea Shed and Eco-Toilet that remain in his possession, such keys to be returned to Chair or Clerk by prior arrangement. Personal items stored within the Summerhouse also to be removed. Resolved 8 for / 0 against / 1 abstention (MT).</p> <p>Continued Overleaf on Next Page</p>	

It was also proposed by Chair that a separate letter be sent to the 3rd party (Mrs R) confirming that the community / veterans garden was open to all at the invitation of the Council and that this invitation could be withdrawn if the Council felt that a visitor was causing undue anxiety and stress to any plot-holder or other visitor. Resolved 8 for / 0 against / 1 abstention (MT).

It was further proposed by Chair that tenant X (SS) and his colleague (RB) be permanently excluded from the allotment site; this being private land under the ownership of the Parish Council. Resolved 8 for / 0 against / 1 abstention (MT).

Chair agreed to draft both letters and send under his signature; a copy being sent to the Clerk for filing.

Chair then outlined the ongoing situation in relation to tenant Y (MS).

After further discussion about the relationship between MS and SS and their colleague RB, and the need for Council's decision to be fair and reasonable, it was proposed by Chair, seconded by Vice-Chair that;

i) The resolution to suspend tenant Y's tenancy, made 10th July, be rescinded with immediate effect but that a separate formal written warning be sent to tenant Y (MS) citing the allegation of unacceptable racist language and also that Council believed that our water supply fixings had been tampered with by the tenant without the consent of the allotment authority ie. The Parish Council.

ii) That this warning letter be explicitly clear that any further breaches of the allotment regulations would result in the immediate suspension of the allotment tenancy.

iii) Furthermore, that (in light of the exclusion of the two persons named above) any attempt to invite those persons onto the allotment for any reason would be considered a further breach of the allotment regulations, which tenant Y had previously signed to confirm acceptance of the same.

Resolved 8 for / 0 against / 1 abstention (MT).

Chair agreed to draft letter and send under his signature; a copy being sent to the Clerk for filing.

Chair left the meeting at 10pm due to technical difficulties. Vice-Chair assumed the Chair and proposed an adjournment of 5 minutes to allow the Chair to return. Resolved unan.

Cllr. Burhop re-joined the meeting at 10.05pm and took the Chair.

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	<p>Further matters to be considered in committee: <i>b) To consider matters pertaining to land east of the property known as No.1 The Bank, Newton Poppleford (which currently provides access to the Parish Council Cemetery):</i></p> <p>After discussion regarding the current use of the access strip from the A3052 into the cemetery, it was proposed by Chair, seconded by Cllr. Lipczynski, that Council was willing to consent to a 3rd parties request to seek removal of a planning condition from 1979 which allowed access across this private land, on the understanding that the 3rd party meet all legal and professional costs of the necessary legal paperwork and that the erection of boundary fences etc be undertaken on their land, without impact on the Council's land. Resolved unanimously. Clerk: Please convey this decision to the 3rd party immediately.</p> <p><i>c) and d) To consider matters pertaining to the WC amenity in Roberts Way.</i> Chair proposed that these matters be deferred until the Ordinary meeting in August. Resolved unanimously. Clerk: Please note and add to agenda accordingly.</p>	<p>Clerk</p> <p>Clerk</p>
	<p><i>With no further business to discuss, Chair closed council meeting at 10.20pm.</i></p>	

Minutes of the remotely held Parish Council Monthly Ordinary meeting on Monday 27th July 2020 at 7pm via Zoom Webinar Platform as per legislation contained within section 78 of the Coronavirus Act 2020 * (meeting also “livestreamed” to Council’s Facebook Page)

Signed as a true record of the meeting above:

Chair: _____ Date: _____

Action Points on final page:

Action Points from ORD meeting of NPHPC – 27th July 2020

Action Required	By Whom	By When	To
Contact DC Police Sidmouth re: crime reports	Clerk	ASAP	DCP
Chase DCC PROW re: VOVG Green Lane	Clerk	ASAP	PROW
Issue MoU docs. to landowner re: VOVG gate replacement	Clerk	ASAP	SF. (VO)
Liaise with Cllr. Tillotson re: Badger Close signage for re-opening.	Clerk/MT	ASAP	MT.
Arrange two site visits for planning applics.	Clerk	ASAP	Members
Seek extension for comment submission	Clerk	ASAP	EDDC HT
Arrange for July payments to be made	RFO	By 31/7	Bank
Submit all AGAR3 papers by deadline	RFO	By 31/8	EA/PKF
Publish Notice of Public Rights document	RFO	By 28/8	Website
Preparation of DWM schedule	Chair/Clerk	By 24/8	Councillors
Preparation of A&PSC scope, TOR	HH	By 24/8	Councillors
Liaise with HH to identify tree works	Clerk	After 17/8	HH/Clerk
Prepare NHP response doc. for Chair's signature	Clerk	ASAP	Examiner
Prepare revised cellular GMT schedule	Clerk	ASAP	Members
Prepare letter to Tenant X confirming decision of Council made 10/7 EOM	Chair	ASAP	Tenant X
Prepare letter to Tenant Y confirming rescindment of the earlier suspension from the allotment but confirming that a written warning was appropriate.	Chair	ASAP	Tenant Y
Prepare letter to 3 rd party confirming access rights to community / veteran garden but confirming that invitation to enter the site could be withdrawn at Council's discretion.	Chair	ASAP	Mrs R.