

## Exminster Parish Council Meeting Minutes

Monday 6 June at 19:30 in the Victory Hall, Main Road, Exminster

Chairman: Josie Walledge

16/251	<p><b><u>Public open session</u></b></p> <p>Comments:</p> <ol style="list-style-type: none"> <li>1. Had the council considered provision of a footpath from the Gissons garages through to Crockwells Road and Crockwells Meadow? [It was confirmed that this was part of the proposed cycle route throughout the village.]</li> </ol>	
16/252	<p><b><u>Present</u></b></p> <p>Cllr Peter Chandler (PC), Cllr John Goodey (JG), Cllr Derek Madge (DM), Cllr Richard Morgan (RM), Cllr John Ponsford (JP), Cllr Kevin Smith (KS), Cllr Lorne Smyth (LS), Cllr Josie Walledge (JW), Cllr Adrian Wood (AW).</p> <p>Clerk: Mrs Jill Daw (JD)</p> <p>Deputy Clerk: Mrs Helen Hibbins (HH)</p> <p>Devon County Councillor: Alan Connett (AC)</p> <p>Teignbridge District Councillors: John Goodey (JG), Kevin Lake (KL)</p> <p>Public: 5</p>	
16/253	<p><b><u>Apologies accepted from</u></b></p> <p>Cllr Gordon Evans (GE) – personal reasons</p> <p>Cllr Chris Maynard (CM) – personal reasons</p>	
16/254	<p><b><u>Declaration of interest on Agenda Items</u></b></p> <p>16/261 Cllr Wood - Neighbour of the applicant.</p> <p>16/273 Cllrs Walledge and Smith - Victory Hall Trustees.</p> <p>16/272 Cllr Walledge - Treasurer of Exminster School Association.</p>	
16/255	<p><b><u>Dispensation requests regarding Code of Conduct</u></b></p> <p>None received.</p>	
16/256	<p><b><u>To approve the Draft Minutes of the EPC Meeting held on 16 May 2016</u></b></p> <p>Resolved, subject to the removal of Cllrs Connett and Lake from the list of attendees as they were not present at the meeting.</p>	JD
16/257	<p><b><u>County Councillors Report on items other than those on the agenda</u></b></p> <p>Devon County Cllr Alan Connett reported:</p> <ol style="list-style-type: none"> <li>1. Resurfacing of the road through the village centre had been completed.</li> <li>2. Legal advice had been sought regarding the Majestic Van parked in the layby on Reddaway Drive. The advice, sourced by Devon County Council (DCC), suggested that it was a police matter.</li> <li>3. £1.5 Million funding had been received by DCC for pothole repairs. £28,459 was available to the Kenton and Exminster area.</li> <li>4. The priorities for traffic joining Bridge Road, heading into the roadworks, had been changed for the Big Weekend. The former priority system would be restored in the near future. Highways officers continued to monitor the traffic flow situation.</li> </ol>	
15/258	<p><b><u>District Councillors Reports on items other than those on the agenda</u></b></p> <p>Teignbridge District Cllr Kevin Lake reported:</p> <ol style="list-style-type: none"> <li>1. An increase in littering on the road and verges between the Motorway Bridge and Sannerville Way had been noticed. This would be addressed as soon as possible.</li> <li>2. Work on the Majestic Van parked on Reddaway Drive had been reported to Jamie Hewitt (DCC).</li> <li>3. A car had been parked in the gateway on Reddaway Drive. Although it had been reported to the police and moved, it had since reappeared.</li> <li>4. The Big Weekend had been very successful. There were no major traffic problems in the villages. Local businesses had benefited.</li> </ol> <p>Teignbridge District Cllr John Goodey reported:</p> <ol style="list-style-type: none"> <li>1. The AA had been advised that signage had not been collected from the A379 after the</li> </ol>	

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	<p>Big Weekend.</p> <p>2. Fly tipping had been reported on Days Pottles Lane.</p>	
16/259	<p><b>Chairman's Report</b></p> <p>The Chairman reported:</p> <ol style="list-style-type: none"> <li>1. Councillors were reminded that a Euro Referendum Debate would take place at 8pm in the Victory Hall on Wednesday 8 June.</li> <li>2. Councillor Madge had attended the Garden Party at Buckingham Palace.</li> </ol>	
16/260	<p><b>Clerk's Report</b></p> <p>The Clerk reported:</p> <ol style="list-style-type: none"> <li>1. Cllrs were reminded to update their Register of Interests if necessary.</li> <li>2. The Clerk and Deputy Clerk would meet the Rural Aid Committee at the Skate Park on Wednesday 8 June to discuss the recent grant application.</li> <li>3. The phrase "<i>something on your land which attracts the trespassers</i>" within the legal advice received regarding the boundary on land at Spurfield was clarified with the Solicitor who was reminded that the area was public open space. On that basis the original advice was amended to read "<i>if you <b>allow</b> dog walkers on your land (not tolerate, which he originally understood to be the case) and they cause a nuisance of some type to Spurfield, then, with caveats, EPC could just be held liable but there is no general duty to prevent the trespass of others.</i>"</li> <li>4. Clarification was sought regarding any potential sale of land behind Spurfield House. The Marketing agents re-confirmed that the current bid was for the whole site, including the parcel of land behind it, and had been accepted on that basis.</li> <li>5. Delegated authority was used to renew the Parish Council's domain name in the sum of £7.79 including VAT.</li> <li>6. Delegated authority in the sum of £38.64 including VAT was used to cover the increased costs in purchasing the posts for the Allotments due to a supplier price rise since the original authority was given.</li> <li>7. Research had been undertaken following recent communication from a resident who reported an incident on the cradle swing in the Playpark at Deepway Green. Playdale, who supplied the swings and the Company who independently inspected the swings, confirmed that the swings were manufactured to relevant British Safety standards and that they had not received reports of any similar issues. Council agreed to inform the parent and the Parish Council's insurers (as a file note).</li> <li>8. Reports had been received of Deepway Green being used for archery practice and drone flying. It was agreed to monitor the situation and that any sightings should be reported to the Clerk or Deputy Clerk.</li> <li>9. The first Defibrillator had been ordered for siting outside the Victory Hall. Three community members had volunteered to check and monitor the unit. Awareness evenings would be organised.</li> </ol>	<p>JD/HH</p> <p>JD</p>
<b>Planning Matters</b>		
16/261	<p><b>Planning Applications</b></p>	
/1	<p><b>16/01104/FUL, 23 Pridhams Way - Two storey side extension</b></p> <p>Cllr Wood declared an interest in this application and would not vote.</p> <p>Cllr Morgan reported that the proposed extension accorded with the Quality of Design Policy in the Neighbourhood Plan. No comments regarding the application had been lodged on the Teignbridge District Council (TDC) planning portal.</p> <p>It was resolved to support the application.</p>	<p>HH</p>
/2	<p><b>16/01443/FUL, 52 Crockwells Close - Single storey rear extension</b></p> <p>Cllr Morgan reported that the planning application did not explicitly state that the materials from which the extension would be built would match the existing property and noted that there was no ecological survey associated with the application.</p> <p>It was resolved to support the application subject to confirmation that the materials for the</p>	

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	extension would match the existing dwelling and that no ecological survey was applicable to the application. The Quality of Design Policy from the Neighbourhood Plan should be considered when determining this application.	HH
16/262	<b><u>Planning Decisions</u></b> Noted as listed below.	
/1	<b>15/03492/FUL, San Remo, Dawlish Road - Demolition of existing dwelling and erection of two dwellings and single garage (one dwelling in outline only- approval sought for access) - GRANTED</b>	
/2	<b>16/00609/FUL, 87 Crockwells Road - First floor side extension - GRANTED</b>	
/3	<b>16/00920/FUL, 100 Berrybrook Meadow - Single storey rear extension - GRANTED</b>	
/4	<b>16/01025/FUL, Lions Rest Eco Park, Station Road - GRANTED</b>	
<b>Other Planning Matters</b>		
16/263	<b><u>Bovis Homes Planning Application 15/00708/MAJ</u></b> <b>1. To agree the timelines for reviewing the report from the Planning Officer, Teignbridge District Council, expected on 17 June, on the above planning application</b> It was proposed to hold a meeting on Wednesday 22 June at 19:30 to discuss the officer's report and the Parish Council's response. The Parish Council meeting on Monday 20 June would go ahead as planned and there would be an item on the agenda for preliminary discussion of the report. <b>2. To confirm the representative from the Council who will attend the Planning Committee Meeting on the 28 June</b> It was resolved that Cllr Wood would attend.	JD JD JD/AW
16/264	<b><u>To consider a report for submission to the Planning Department, Teignbridge District Council, regarding the application for the proposed Grasscrete car park off Reddaway Drive</u></b> The report had been circulated to all Councillors. The Clerk noted that a letter from a resident regarding the application had been received. The letter had been circulated to all Councillors. It was agreed that the letter should be responded to as a separate issue to the report. It was proposed that the report was submitted subject to the inclusion of a quotation from section 5.19 of the Neighbourhood Plan regarding green spaces. Resolved.	JD JW/JD
<b>Neighbourhood Development Plan</b>		
16/265	<b><u>Notes of the Exminster Neighbourhood Development Plan Implementation Group (ENDPIG) meeting held on 18 May 2016</u></b> Cllr Wood presented a diagram showing the journey from the Community Plan through to the running of the Matford Community Facilities. The following points from the notes were highlighted: <ul style="list-style-type: none"> <li>• Cllr Wood would step down as Chair of the Implementation Group once the s.106 agreements for the Matford Facilities were signed, or alternatively, when a position was reached where the s.106 agreements were unlikely to be signed.</li> <li>• A Community Worker had been funded through a s.106 agreement at Cranbrook and this had proved to be pivotal throughout that development and should be investigated for Matford.</li> <li>• Regarding the Artificial Turf Pitch – it was believed that a 2G pitch would offer the most flexibility, as it was able to accommodate a number of sports therefore maximising its usage.</li> </ul>	
16/266	<b><u>To consider the following recommendations from ENDPIG:</u></b> <b>1. That the Parish Council writes to the Regional Schools Commissioner regarding secondary provision at Matford</b> A draft letter had been circulated. Cllr Wood briefly explained why it was necessary to write the letter. Standing Orders were suspended to allow Cllr Connett to speak:	

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	<ul style="list-style-type: none"> <li>DCC had completely changed its stance on secondary provision and now required a 750 place Secondary School to come forward at the same time as the Primary School as a Through School. Initially, the need for a secondary school was acknowledged, but the timescales were much longer. It appeared that this may have been brought forward as a result of the latest school place forecast.</li> </ul> <p>Standing Orders were reinstated.</p> <p>Discussion of the draft letter suggested that the sentence <i>“In these circumstances the Parish Council thinks that this secondary school would be better placed within the Exeter City boundaries to reduce unnecessary movements”</i>, should be softened to read <i>“In these circumstances the Parish Council wonders whether this secondary school may be better placed within the Exeter City boundaries to reduce unnecessary movements?”</i>, as there was an identified need for secondary provision within Matford, although not within the timescales now envisaged.</p> <p>It was resolved to submit the letter with the aforementioned amendment.</p> <p><b>2. <u>That the Parish Council authorises a budget figure of £4,500 plus VAT, for detailed work on costings for the Matford Facility from LHC</u></b></p> <p>Cllr Wood had prepared a paper on the budget proposal.</p> <p>As LHC had worked up the initial proposal it was reasonable to ask them to continue with the next phase of work for continuity.</p> <p>The work would be funded through the Community Plan Projects budget.</p> <p>It was resolved to authorize the budget figure of £4500 plus VAT.</p> <p><b>3. <u>To accept the revised Terms of Reference</u></b></p> <p>It was resolved to accept the revised Terms of Reference subject to an additional amendment in section 1 (Membership) to read:</p> <p><i>“If an appointed Council member of the Implementation Group is unable to attend a meeting then a substitute Parish Councillor can be asked to attend on their behalf.”</i></p> <p>Resolved.</p>	<p>HH</p> <p>HH</p>
<b>Finance Matters</b>		
16/267	<p><b><u>Accounts for Approval</u></b></p> <p>It was resolved to approve payments in the sum of £1246.00.</p> <p>It was resolved to take item 16/273 next.</p>	HH
16/273	<p><b><u>To receive, discuss and agree actions arising from the report prepared by Cllrs Morgan and Wood concerning the legal relationships between the Parish Council and the Victory Hall Trust and the Deepway Centre Trust</u></b></p> <p>An extensive report based on the legal advice received had been circulated to all Councillors. Cllr Morgan outlined the key conclusions of the report.</p> <ul style="list-style-type: none"> <li>The Parish Council did not own either the Victory Hall or the Deepway Centre. As the Custodian Trustee it held the property on behalf of the Trusts.</li> <li>The beneficial ownership rested with the two Trusts who could ask for the properties to be transferred into their names. The Parish Council could not refuse the transfer.</li> <li>As the Custodian Trustee, the Parish Council could transfer the property into the name of another custodian trustee. Also, the two Trusts could ask that the properties were transferred to a custodian trustee of their choice and, in this case too, the Parish Council could not refuse the transfer.</li> </ul> <p>Discussion on the five recommendations in the report took place. It was noted that both the Deepway Trust and the Victory Hall Trust had received a copy of the advice that the Parish Council had received.</p> <p>a) It was noted that the advice received regarding the funds for building the Deepway Centre were correct. No further action was necessary.</p> <p>b) and c) Discussions were needed to take place with the Victory Hall Trust and the Deepway Trust to find a way forward regarding long term funding issues and legal arrangements. Whilst the situation with the Deepway Trust appeared to be more</p>	

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	<p>straightforward than that with the Victory Hall Trust any recommended changes would need the approval of the Trust(s).</p> <p>It was suggested that while it may be sensible to remove the leases there would need to be other arrangements in place and different management models, such as Community Interest Companies, could be explored.</p> <p>Standing Orders were suspended to allow Victory Hall Trustee Mr Richard Pike to speak from the public gallery:</p> <ul style="list-style-type: none"> <li>○ The lease [with the Victory Hall Trust] as it stood offered the Trustees some protection. Trustees would be reluctant to rescind the lease until another model was in place and were very keen to progress matters.</li> </ul> <p>Standing Orders were reinstated.</p> <p>d) Questions were raised about who owned the land on which the buildings stood.</p> <p>e) Due to the complexities of being a Custodian Trustee and Landlord, with Parish Councillors having dual responsibilities, it was suggested that alternative models should be explored.</p> <p>Standing Orders were suspended to allow Victory Hall Trustee Mr Richard Pike to speak from the public gallery:</p> <ul style="list-style-type: none"> <li>○ Would it be possible to consider an arrangement with the Public Guardian as Custodian Trustee?</li> </ul> <p>Standing Orders were reinstated.</p> <p>At the conclusion of discussion, the following actions were identified:</p> <ol style="list-style-type: none"> <li>1. To request a Solicitor's quote to confirm who owned the land on which both the buildings stood.</li> <li>2. Ascertain cost of registering Freehold Titles</li> <li>3. Advice and information on Public Guardian custodianship should be sought with costs for the transfer of the Title(s).</li> <li>4. Further meetings needed to take place with the Trusts to discuss how to move matters forward. Cllrs Morgan and Madge agreed to attend these meetings.</li> </ol>	<p>JD</p> <p>JD</p> <p>JD</p> <p>RM/DM</p>
16/268	<p><b><u>To authorise the completion and signing of National Westminster Bank PLC's Bankline Mandate for the provision of internet banking services and to accept the Bankline Terms on behalf of Exminster Parish Council</u></b></p> <p>It was agreed to investigate dual authorisation of payments and to research Unity Trust as a potential banking provider.</p>	HH
16/269	<p><b><u>To approve the payment of employee and employer pension contributions to NEST, monthly by variable direct debit</u></b></p> <p>Resolved.</p>	HH
16/270	<p><b><u>To consider the adoption of a Business Continuity Plan</u></b></p> <p>A draft Business Continuity Plan had been circulated.</p> <p>It was resolved to adopt the plan subject to the amendment of item 2 on the Business Recovery Map to include informing members.</p>	HH
16/271	<p><b><u>To review and consider the amendments to the EPC Risk Assessment</u></b></p> <p>It was resolved to adopt the Risk Assessment with the amendments proposed and to set up a small group to look at the document in greater detail before the next review. Cllrs Walledge and Smith agreed to be involved in this.</p>	HH/JD/ JW/KS
16/272	<p><b><u>To consider Community Small Grant applications from the following organisations</u></b></p> <ol style="list-style-type: none"> <li>1. <b><u>Exminster School Association for the sum of £500</u></b> Cllr Walledge declared an interest in this item and would not vote. Funds were requested for the provision of a climbing wall, as part of a programme to improve the outdoor learning environment. It was resolved to support the application in the sum of £500.</li> <li>2. <b><u>Exminster Summer Playscheme for the sum of £500</u></b> Funds were requested towards the cost of running this year's Playscheme events,</li> </ol>	JD/HH

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	<p>including entertainers, arts and craft resources and staffing. It was resolved to support the application in the sum of £500. It was noted that there were few village organisations that applied for Community Small Grants from the Parish Council. It was agreed to increase publicity. Cllr Madge would include this in the next Scene article.</p>	<p>JD/HH  DM</p>
<b>Property &amp; Amenities Matters</b>		
16/274	<p><b><u>Councillors' Reports – for information only</u></b> 1. Cllr Madge thanked the Parish Council for his nomination to attend the Buckingham Palace Garden Party. The day had been very enjoyable.</p>	
16/275	<p><b><u>Public Open Session</u></b> Comments:</p> <ul style="list-style-type: none"> <li>• The Parish Council were congratulated on their tenacity regarding the Matford Development.</li> <li>• A new management model was required for both the Deepway Centre and the Victory Hall. It had proved difficult to attract volunteers to the trusts due to insufficient support staff.</li> </ul>	
<p>The meeting closed at 21:30 Date of next meeting: Monday 20 June 2016 at 19:30 in the Victory Hall</p>		

Signed:....Josie Walledge..... Date:....20 June 2016.....