

Exminster Parish Council Meeting Minutes

Monday 13 May 2019 at 19:30 in the Victory Hall, Main Road, Exminster

Chairman: Cllr Brian Aird

19/209	<p><u>Election of Chairman and Declaration of Acceptance of Office</u> Cllr Aird was elected as Chairman and signed the Declaration of Acceptance of Office. Cllr Aird thanked Cllr Walledge, the outgoing Chairman, for her commitment to the Parish Council and the wider community.</p>	
19/210	<p><u>Election of Vice-Chairman</u> Kevin Smith was elected as Vice Chairman.</p>	
19/211	<p><u>Public open session</u> No comments.</p>	
19/212	<p><u>Present</u> Cllr Brian Aird (BA), Cllr Peter Chandler (PC), Cllr Sheila Churchward (SC), Cllr Derek Madge (DM), Cllr Charles Nuttall (CN), Cllr John Ponsford (JP), Cllr Kevin Smith (KS), Cllr Lorne Smyth (LS), Cllr Renata Szewczyk (RS), Cllr Josie Walledge (JW). Clerk: Mrs Jill Daw (JD) Deputy Clerk: Mrs Helen Hibbins (HH) Devon County Councillor: Alan Connett (AC) Teignbridge District Councillor: Charles Nuttall (CN) Public: 1</p>	
19/213	<p><u>Apologies accepted from</u> None offered. The Clerk reported that Cllr John Goodey resigned from the Parish Council with effect from 7 May. As Mr Goodey resigned prior to signing his Declaration of Acceptance of Office, Teignbridge District Council (TDC) had advised that another election would be required to fill the vacancy. Further information on the process was awaited from TDC. It was agreed to send a letter of thanks to Mr Goodey for his service on the Parish Council.</p>	JD
19/214	<p><u>Declaration of interest on Agenda Items</u> None declared.</p>	
19/215	<p><u>Dispensation requests regarding Code of Conduct</u> None received.</p>	
19/216	<p><u>To approve the Draft Minutes of the EPC Meeting held on 29th April 2019</u> Resolved.</p>	
19/217	<p><u>Review of delegation arrangements to committees, sub-committees, employees and other local authorities</u> The Parish Council currently has 1 Committee and no Sub-Committees.</p> <ul style="list-style-type: none"> • Complaints Committee - convened only in the event of a complaint with membership, determined according to its Terms of Reference and the nature of the complaint. It has Delegated Authority (DA) to decide on action to be taken regarding any valid complaint. <p>Five Working Parties are currently in place, two with DA; reviewed as part of the Terms of Reference annually in June or as required.</p> <ul style="list-style-type: none"> • Exminster Neighbourhood Development Plan Working Party (ENDPIG) – No DA • Community Resilience Plan Working Party – No DA • Parish Asset Management Steering Group – No DA • Green Spaces Working Party – DA allowing Officers to authorise expenditure of up to £250 • Community Plan Working Party (CPWP) – DA allowing Officers to authorise expenditure of up to £4,000 <p>The Parish Council's Financial Regulations give DA to the Officers to be used in the following situations; in consultation with the Chairman or Vice-Chairman on matters relating to the delivery of the Parish Council's business.</p>	

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	<ul style="list-style-type: none"> • To incur expenditure of up to £2000 on matters that would put the delivery of Parish Council services at risk (including Health and Safety remedial work). • To incur expenditure of up to £500 for the implementation of any decision of the Parish Council or its committees where insufficient express authority was already given. <p>The Clerk or Deputy Clerk are also authorised without consultation:</p> <ul style="list-style-type: none"> • To spend within budgetary limits on stationery (office supplies), cleaning materials, postage, telephones, training and room hire. • To spend up to £500 on small maintenance projects (including tree maintenance). • To authorise up to £250 expenditure for the Green Spaces Group. <p>There are no delegation arrangements to other Local Authorities.</p>	
19/218	<u>Receipt of nominations to existing committees, advisory committees and working parties</u>	
/1	Exminster Neighbourhood Development Plan Implementation Group Cllrs Aird, Madge, Ponsford, Smyth and Walledge were appointed; one vacancy remains.	
/2	Green Spaces Working Group Cllrs Chandler and Madge were appointed.	
/3	Community Plan Working Party Cllrs Churchward and Walledge were appointed; two vacancies remain.	
/4	Community Resilience Working Party Cllrs Smith and Walledge were appointed; two vacancies remain.	
/5	Parish Asset Management Steering Group Cllrs Madge, Smyth and Walledge were appointed.	
19/219	<u>To appoint Lead Councillors to the following positions</u> It was suggested that two further Lead Councillor positions were created; for Matford and for the Environment. This would need to be considered at a future meeting.	JD
/1	Planning Cllrs Churchward and Smith	
/2	Finance Cllr Walledge	
/3	Property and Amenities Cllr Madge	
/4	Media and Communications Cllr Aird	
/5	Footpath Warden As this did not need to be a Parish Councillor, it was suggested that Mr John Goodey was asked if he wished to continue in the role, in the first instance.	JD
/6	Data Protection Cllr Smith	
/7	Green Spaces Working Group Cllr Chandler	
/8	Exminster Neighbourhood Development Plan Implementation Group Cllr Ponsford	
/9	Community Plan Working Party Cllr Churchward	
/10	Community Resilience Working Party Cllr Smith	
/11	Highways Cllr Nuttall	
19/220	<u>To Review:</u>	
/1	Exminster Parish Council Standing Orders	

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	Standing Orders were reviewed and amended in March 2019. The National Association of Local Councils (NALC) issued new guidelines in July 2018, updating matters relating to the General Data Protection Regulation and contracts. The updates were reflected in the March review.	
/2	<u>Financial Regulations</u> Reviewed in August 2018 with next review due in August 2019.	
/3	<u>To appoint two Internal Controllers</u> It was noted that the Internal Controllers could not be bank signatories. Cllrs Chandler and Smyth were appointed.	
/4	<u>To confirm bank signatories</u> Cllrs Aird, Madge, Smith and Walledge were signatories on all Exminster Parish Council accounts.	
19/221	<u>Review of representation on or work with external bodies and arrangements for reporting back.</u>	
/1	<u>Deepway Centre Trust – 1 Trustee</u> Cllr Chandler	
/2	<u>Victory Hall Trust - 3 Trustees</u> Cllrs Smith, Szewczyk and Walledge	
/3	<u>Affirmation of Feoffees Membership and Parish Council representatives</u> Cllr Derek Madge, Mrs Carol Smith and Mrs Rosemary Sanders had confirmed to the Clerk that they were happy to continue in post.	
/4	<u>TALC Representatives – 2 nominations</u> Cllrs Madge (with other Councillors invited to attend, if interested in a particular topic.)	
19/222	<u>Review of inventory of land and assets including buildings and office equipment.</u> The Assets list was updated in March 2019. A simplified version would be posted on the Parish Council website following approval of the Annual Governance and Accountability Return. At the end of the 2018/19 Financial year, Parish Council assets were valued at £436,482.	
19/223	<u>Review and confirmation of arrangements for insurance cover in respect of all insured risks</u> Insurance cover was arranged by Came and Company with an annual renewal date of 1 October. Currently, the Parish Council was in year one of a three-year fixed agreement. Not all Parish Council assets are insured directly by the Parish Council. The Pavilion at St Martin's Football Ground, the Victory Hall and the Deepway Centre are all insured by their respective Trusts. A note is included in their policies indicating the Parish Council as an interested party.	
19/224	<u>Review of the Council's and/or employees' memberships of other bodies</u> The current subscriptions/memberships were confirmed as: <ul style="list-style-type: none"> • Devon Association of Local Councils (DALC) • Institute of Cemetery and Crematorium Management • National Allotment Society • Society of Local Council Clerks • Information Commissioner (Data Protection) • Campaign to Protect Rural England (CPRE) • Devon Communities Together 	
19/225	<u>Review the Council's complaints procedure</u> The procedure was last reviewed in April 2019; next review due April 2022	
19/226	<u>Review the Council's procedures for handling requests made under the Freedom of Information (FOI) Act 2000 and the Data Protection Act 2018</u> The procedure for FOI requests was last reviewed in December 2018; next review due December 2021. The Privacy Notice explaining how data is held, processed and protected is available on the Parish Council website.	

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19/227	<p><u>Review the Council's policy for dealing with the press/media</u> The policy was last reviewed in July 2016; next review due July 2019.</p>	
19/228	<p><u>Setting the dates, times and place of ordinary meetings of the full Council for the year ahead</u> Parish Council meetings take place on the first and third Mondays of the month, excluding Bank Holidays. Councillors were reminded of the Google calendar, noting the dates of all Council meetings and other meetings attended by Councillors. It was requested that the link was re-circulated.</p>	HH
19/229	<p><u>Confirmation of Direct Debit Payments</u> Current Direct Debits were confirmed as:</p> <ul style="list-style-type: none"> • Nat West Bankline • Staples • Devon Communities Together Subscription • Information Commissioner • Utility Warehouse • NEST pensions • Royal Mail Finance • Communicate Better 	
19/230	<p><u>County Councillors Report on items other than those on the agenda</u> Devon County Councillor Alan Connett had no matters to report. Congratulations were extended to Cllr Connett for his reappointment as District Councillor for the Kenton and Starcross Ward.</p>	
19/231	<p><u>District Councillors Reports on items other than those on the agenda</u> Teignbridge District Councillor Charles Nuttall had no matters to report. Congratulations were extended to Cllr Nuttall for his appointment as District Councillor for the Kenn Valley Ward. Cllr Nuttall's colleagues would be invited to future meetings.</p>	
19/232	<p><u>Chairman's Report</u> Cllr Aird invited Cllr Walledge to speak as the outgoing Chairman. Cllr Walledge extended thanks to Cllr Goodey for both his service on the Parish Council and the District Council and to Cllr Lake for his service on the District Council. A letter of thanks to both ex Councillors would be sent.</p>	JD
19/233	<p><u>Clerk's Report</u></p> <ol style="list-style-type: none"> 1. Cllr Walledge was thanked for her chairmanship. 2. All Councillors were welcomed for a new term of office. 3. Declarations of Acceptance of Office had been distributed and signed. 4. The Clerk reminded Councillors that a Register of Interests form needed to be submitted to the Monitoring Officer at TDC within 28 days of election. TDC had requested that ideally, the Clerk would collect the forms, scan them and submit them electronically, but Councillors could post them if preferred. 5. It was confirmed that the following Councillors would prefer to receive both electronic and hard copies of the summons and papers: Cllrs Nuttall, Szewczyk, Smyth, Chandler, Madge and Aird. All other Councillors agreed to receive electronic copies only. 6. Councillors were invited to take either a refresher course or a New Councillor Course, as appropriate. As Cllr Szewczyk was a new Parish Councillor, Cllr Madge would be her mentor. 7. The Victory Hall Trust would hold their AGM on Tuesday 21 May in the Victory Hall Annexe at 8pm. 8. A defibrillator awareness evening would be held at the Victory Hall on Monday 10 June. 	All

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	<p>9. The Clerk explained that the path across Gissons Field would be made narrower than that shown on the plans (in agreement with TDC) and would not be lit due to foundations of considerable depth being required for each individual lamp. It was confirmed that the path would be of sufficient width for a mobility scooter but had been made narrower to discourage cycling. TDC would confirm that the change in width was acceptable in writing.</p> <p>10. From 26 May bus service 2B would be re-introduced as a result of further developer funding in the Dawlish area. This would provide an hourly service to Exeter from Teignmouth and Dawlish via Matford and Marsh Barton. This would supplement Service B from Exminster.</p> <p>11. Approval had been given for the Green Spaces Group to site nesting boxes for owls in the Oak tree in Crockwells Meadow.</p>	
19/234	<p><u>To comment on the Highway Management Traffic Order Annual Waiting Restriction Review relating to sites in in Milbury Farm Meadow and Old Quarry Drive</u></p> <p>The plan of the proposed no waiting areas had been circulated. Additional lines were suggested on the corners of Milbury Farm Meadow adjacent to numbers 26 and 94.</p> <p>Cllr Churchward raised questions about enforcement. Cllr Chandler explained that dangerous or inconsiderate parking could be reported online; triggering an enforcement officer to visit. It was resolved to approve the plan as submitted with the additions outlined above.</p>	HH
Planning Matters		
19/235	<u>Planning Applications</u>	
/1	<p><u>19/00819/FUL, 23 The Buntings - Conversion of garage into additional accommodation</u></p> <p>The conversion would meet the requirements of Exminster Neighbourhood Plan policy EXM03 (Quality of Design) as the finish would be complementary to the existing and neighbouring dwellings.</p> <p>It was confirmed that the property had sufficient parking spaces (in excess of the 1.5 parking spaces required within the conditions of the original planning application for the development). There were no objections lodged on the TDC planning portal.</p> <p>It was resolved to support the application for the conversion and note that the loss of parking had been considered.</p>	HH
/2	<p><u>19/00845/FUL, 106 Berrybrook Meadow - Single storey rear extension and replacement of windows to the north, south and east with grey UPVC window</u></p> <p>It was noted that there was no continuity of design between the existing property and the extension (although it was not visible from the road); therefore, it was deemed to be contra to Exminster Neighbourhood Plan policy EXM03 (Quality of Design). Additionally, the proposed replacement grey UPVC windows were out of character with neighbouring properties.</p> <p>There were no objections on the TDC planning portal.</p> <p>It was resolved to object to the application as it was not in accordance with EXM03 as it was out of keeping with neighbouring properties and the character of the area.</p>	HH
19/236	<p><u>Planning Decisions</u></p> <p>Noted as listed below:</p>	
/1	<p><u>19/00720/FUL, 152 Milbury Farm Meadow - conversion of integral garage to additional accommodation – GRANTED</u></p> <p>Cllr Smith noted that the Planning Officers report stated that the Parish Council had not objected to the application and therefore TDC had not carried out a site visit; instead using Google Streetview to consider the impact of the design. However, earlier in the report, it stated that the Parish Council had objected to the application and several Councillors had tried to view the property on Google Streetview which was unavailable for the area in question.</p> <p>It was resolved to write to the head of planning at TDC to challenge the report.</p>	JD
/2	<u>19/00024/FAST – Ross Hi, Abovevay – Appeal against refusal of planning permission</u>	

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	It was agreed that the Parish Council did not wish to withdraw its comments relating to this application.	
Other Planning Matters		
19/237	<p><u>To review the presentation made by Cavanna Homes to the Parish Council at its meeting on 29th April</u></p> <p>Cllr Aird noted that there were issues that had arisen with both the Cavanna Homes presentation and at the meeting with Barratt Homes that needed to be shared with the Parish Council and that there was insufficient time within the meeting to allow sufficient depth of discussion. It was therefore resolved to defer this item and item 19/238 to the meeting on Monday 20 May.</p> <p>Concern was expressed about the speed at which the reserved matters from both developers were likely to be received and how analysis of them could be managed by the Parish Council. It was agreed to circulate the Terms of Reference for ENGPIG for information.</p>	JD
19/238	<p><u>Update on a meeting that took place with Barratt Homes on the 10th May relating to land off Chudleigh Rd and Waybrook Lane, Exeter</u></p> <p>It was noted that Barratt Homes had expressed an interest in attending a Parish Council meeting to give a presentation on its development area.</p> <p>Item deferred to the meeting on Monday 20 May.</p>	JD
Neighbourhood Development Plan		
19/239	<p><u>To discuss the response from Teignbridge District Council and advice from the Council's Solicitor, in respect of the s106 agreement for Matford Home Farm</u></p> <p>Copies of the correspondence received by the Parish Council's solicitor from TDC and advice of potential next steps had been circulated.</p> <p>To summarise TDC's response: The developers within the South West Exeter Development were required to pay contributions towards the community facility. Several of the developments were subject to viability review and the subsequent S106 obligations package was, of necessity, a compromise in some regards.</p> <p>Despite the shortfall in contributions from the Bovis Homes development in lieu of the land for the community facilities being provided on their site, TDC had no intention to propose any additional "community building land" contribution within the Matford Home Farm S106 agreement.</p> <p>TDC stated that this was in compliance with policy SWE1 because the overall scheme would benefit from in excess of £3M funding applicable to the delivery of the community facilities as set out in the policy.</p> <p>The Parish Council's solicitor stated that it was lawful for planning authorities to place weight on viability appraisals when determining the level of S106 contributions.</p> <p>In order to take the matter further, the Parish Council would need to instruct an independent valuer to review any viability report and even if errors were apparent, it was not guaranteed that the Parish Council would be able to successfully judicially review TDC's decision, as they had a measure of discretion as to the level of planning obligations needed to meet policy requirements.</p> <p>It was resolved to discuss the drafting of a letter in response to the above at the meeting on Monday 20 May.</p> <p>It was resolved that there was no requirement for a part II to confidentially discuss the matter.</p>	JD
19/240	<p><u>Councillors Reports</u></p> <ol style="list-style-type: none"> 1. Cllr Ponsford reported that there were still issues with drainage at the Deepway Centre; it was believed that some of the original drains were responsible. It was possible that the Deepway Trust may seek funding from the Parish Council to undertake remedial work. 2. Cllr Chandler reported that the Green Spaces Group's sign for the Village Orchard was currently in production by the Woodcarvers. 	

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	<p>3. Cllr Walledge reported that the CPWP would meet at 10:00 in the Victory Hall on Saturday 18 May.</p> <p>4. Cllr Smith reported that the Deepway Centre car boot sale would take place on Sunday 19 May on Deepway Green from 10:00 until 13:00.</p>	
19/241	<p><u>It is proposed that in accordance with section 1 (2) of the Public Bodies (Admission to Meetings) Act of 1960, the Press and Public will be excluded from item 19/243 (part II) having due regard to the confidential nature of the business to be transacted.</u></p> <p>Not required – see item 19/239.</p>	
19/242	<p><u>Public Open Session</u></p> <p>Comments:</p> <ul style="list-style-type: none"> • Could the results of elections taking place at the Victory Hall polling station be publicised on the Parish Council notice board? 	
Part II		
19/243	<p><u>Contracts</u></p> <p>Not required – see item 19/239.</p>	
<p>The meeting closed at 21:30</p> <p>Date of next meeting: Monday 20 May 2019 at 19:30 in the Victory Hall</p>		

Signed: ...Brian Aird..... Date: ...20 May 2019.....