

# DUNCHIDEOCK PARISH COUNCIL

## Minutes of a meeting of the Council held on Tuesday 17<sup>th</sup> September 2019 at 7.30 pm in the Village Hall, School Lane, Dunchideock, EX2 9UG

**Present:** Cllrs Sharpe (Chairman), Bean, Cook, Ellis, McCarthy, Moor, Robson, Mr Harvey (Clerk)  
TDC Cllr Nuttall, TDC Cllr Andrew Swain and 2 members of the public

### **PART 1** OPEN TO THE PUBLIC AND PRESS

1. **Public Discussion:** No items were raised.

2. **Community Matters:**

a. Cllr Robson gave details of Village Hall events, which are:

September: Friday 20 – Film Night – Fishermans Friends, Saturday 21 – Tea Afternoon

Sunday 22 – Harvest Supper, Saturday 28 – Indian Night

October: Saturday 19 – Tea Afternoon

November: Saturday 16 – Fish and Chip Evening, Saturday 23 – Tea Afternoon

b. Cllr Cook gave details of Church events, which are:

September: Sunday 22 – Harvest Festival and Harvest Supper

November: Sunday 10 – Remembrance Service, December: Sunday 15 – Christingle Service

He also mentioned that the parish has a new Priest-in-Charge who has visited many residents.

3. **Apologies for Absence:** Received from DCC Cllr Connett, TDC Cllr Foden

4. **Declarations of Interest and Dispensations:** (*In accordance with the Code of Conduct*)

Cllr Ellis declared an interest in item 10c – School Wood Quarry.

Cllr Moor declared an interest in item 22 – Telephone Box having raised a personal objection in the BT consultation.

5. **Minutes:**

a. The minutes of the meeting held on 16<sup>th</sup> July 2019 were presented for approval and signature. Proposed by Cllr Bean and seconded by Cllr Cook and resolved that they were an accurate record of the meeting and they were duly signed.

b. The minutes of the Extraordinary meeting held on 13<sup>th</sup> August 2019 were presented for approval and signature. A councillor objected in item 7 – Parish Benches, to the use of the words “removed, repaired and revarnished” as one of the benches does not need to be removed and that “renovated” was more appropriate. Cllr Sharpe stated that this was to agree the accuracy of the decision made in the meeting and not to take into account a change in circumstances post meeting. She asked for a show of hands and three of the members present at that meeting voted in favour of the three words being retained with one against. Proposed by Cllr Robson and seconded by Cllr Bean and resolved that they were an accurate record of the meeting and they were duly signed.

6. **County & District Councillor Reports:**

Cllr Swain mentioned that Defibrillator training was being held in Longdown Village Hall on Thursday 26<sup>th</sup> September at 7 pm.

Cllr Nuttall mentioned that there will be a Planning Cafè in Exminster Village Hall on Tuesday 24<sup>th</sup> September. *This was subsequently cancelled.* Cllr McCarthy hoped to attend an earlier Planning Cafè.

7. **Clerks Report:** The Clerk reported that the last two months had been busier with 218 emails received and 143 sent or responded to in July. August had been very busy with the need to work a substantial number of hours in excess of the contract hours. This is an increasing problem for some parish council clerks.

8. **Governance Documents:**

a. **Risk Assessment:** Cllr Sharpe stated that she had looked at a considerable number of Risk Assessments produced by various Parish Councils and the best parts of each had been used to produce a proposed draft new Risk Assessment. The Risk Level and Potential Impact should be assessed. These have both been included in the revised version that had been circulated to councillors for their comments. Amendments had been included in the final version. Proposed by Cllr Sharpe and seconded by Cllr Moor that the Risk Assessment is adopted by the Council and resolved that this is done.

b. **Complaints Procedure:** Cllr Sharpe stated that she researched Complaints Procedures from other Parish Councils, the Local Government Ombudsman, NHS, DCC, District Councils and others. An increasing number were including an extra part dealing with unreasonably persistent or vexatious complaints. This is a

lengthy document and needs to be fully considered by councillors and the Clerk. Initial amendments have been requested by the 15<sup>th</sup> October with a view to the new version being considered at the next meeting.

9. **Highways:** Briefings were received on the following matters:

a. Drainage on Blacksmiths Hill: Cllr Ellis advised that the CCTV camera revealed there is a long length of drain that is completely broken, is too small and needs to be replaced. The Neighbourhood Highways Officer (NHO) has prepared a scheme for the work to be done. This is being considered within the drainage budget which will determine when the work will be completed. This is a Priority 1 route as the Hill is an icing and bus route. The NHO understands that the drainage budget for this financial year has already been allocated and the work may not be done before March 2020. It is hoped that the work will be in the budget from next April. The NHO has passed on the Councils' concerns in the hope that this may get the work done sooner. The Clerk will contact our County Councillor to ask if he can get the work completed earlier.

b. DCC Community Road Warden Scheme: Cllr Robson stated that the Clerk had obtained further details of this scheme. Devon County Council, as the Highway Authority, is confining its work to its statutory requirements and road safety. The scheme allows Parish Councils to undertake other work that will alleviate problems and enhance the appearance of the parish with the work being completed by volunteers. Two people need to receive specialist training, paid for by DCC and Cllr Robson will book the relevant courses.

10. **Planning:** Cllr McCarthy gave briefings on the following matters:-

a. There had been no new applications and one approval.

b. Application Ref: 19/00668/FUL  
Location: Greenacres, Belvedere Park, Dunchideock  
Proposal: Change of roof materials from concrete tiles to natural slate  
and extend existing front dormer

This application was considered at the Extraordinary meeting held on 13<sup>th</sup> August. TDC has given a Grant of Conditional Planning Permission subject to a Natural England European Protected Species Licence being obtained before any work was commenced.

Cllr Ellis left the meeting prior to discussion of the following item having declared an interest.

c. School Wood Quarry: Cllr Sharpe advised that the Council had been made aware of an accident involving a cyclist and an elderly horse rider on the road by the entrance of the Quarry. It has been suggested that the condition of the road surface had contributed to the cause of the accident. The entrance to the Quarry was subject to planning conditions and it had been suggested that these had not been complied with, contributing to the erosion of the road surface. The landowner has done further drainage work to the entrance area and been in contact with TDC Planning Enforcement Officer and DCC Highways for their approval. Cllr McCarthy has been in contact with TDC Planning Enforcement Officer to obtain confirmation that all conditions for the Planning Approval for School Wood Quarry have been observed and is awaiting a final response. The Clerk has contacted our NHO about the road surface and will contact our County Councillor to enquire if he can get the road repaired quickly.

Cllr Ellis returned to the meeting. One member of the public left the meeting.

11. **Defibrillators:** Cllr Sharpe gave a briefing on the situation with the third Defibrillator:-

a. Present Situation. The installation will be on the wall of 2 Belvedere Park. The owners have given permission, repointing has been completed to the relevant section of wall, Western Power Distribution has completed the power facility on the pole and DCC Highways raised no objection to the unit overhanging the verge which is considered to be part of the highway. The final stage is to agree the financial costs.

b. An electrician needs to now take the power from the pole to the installation site on the adjacent wall and complete the installation. 7 electricians were contacted to quote for the work. Most refused as it is classed as a commercial installation and not domestic or were too busy. One agreed to look if passing but hasn't done so. The electrician who installed the previous two units did give a quotation. His original quotation was for £872.00 plus VAT but he arranged with Western Power Distribution for their power supply to be reduced to a standard 16 amps on the pole, which enabled him to reduce his quotation significantly. He has quoted (at a charity rate) £390.00 plus VAT. The VAT can be reclaimed. Cllr Sharpe recommended this was accepted.

c. We need to be registered with an electricity supplier but few will take on unmetered customers. Cllr Moor has obtained a quotation of £15 - £18.00 per annum from Eon. This is cheaper than the £30.00 per annum originally anticipated. Cllr Sharpe recommended that this was accepted.

d. For both items of work 3 quotations could not be obtained as indicated in Regulation 10.3 of Financial Regulations. This states "All officers are responsible for obtaining value for money that the best possible terms are obtained" "usually by obtaining 3 or more quotations". Regulation 11.1.h. states "where the

value is below £3,000 and above £100 the Clerk or RFO shall strive to obtain 3 estimates. Otherwise Regulation 10.3 shall apply". It is considered that adequate attempts to comply with Financial Regulations have been made and it is recommended that they are waived as in addition to the above information and in accordance with Regulation 11.1.d the following reasons have been taken into consideration:

The electrician has previously installed two defibrillators satisfactorily and free of charge, he wishes to do the work for the benefit of the residents, he is aware of what is required to install electric power for the defibrillators, he has already contacted the electricity supplier to achieve a reduction in the cost of the equipment and he is available locally if there are any subsequent problems.

Advice has been taken from DALC to confirm that the Council can be flexible in these situations where there is a lack of response. Cllr Sharpe recommended that Financial Regulations were waived in connection with the installation of the third Defibrillator.

e. The amount of £316.00 is held in the Parish Council account, being compensation from Lloyds Bank for two banking errors. This has not yet been allocated. Cllr Sharpe recommended that it was used towards the installation cost of the third unit and future annual costs.

f. In order to proceed with the installation of the third Defibrillator unit it is necessary to agree:

- (1) To accept the installation quotation of £390.00 plus VAT
- (2) To approve the use of Eon as the electricity supplier at an estimated cost of £15.00 to £18.00 per annum
- (3) To approve the waiver of Financial Regulation 10.3 for items 11.(b) and (c) in view of the comments made in item 11.d
- (4) To approve the use of the Lloyds Bank compensation of £316.00 towards the installation cost of the third unit and future annual costs

Proposed by Cllr Sharpe and seconded by Cllr Cook and it was resolved to agree to the above 4 items.

TDC Cllr Nuttall left the meeting

g. Fourth Defibrillator at Underdown: There was a discussion regarding whether a fourth Defibrillator at this location should be considered. Previous enquiries suggested that local residents did not support a unit in this location. However, it was felt that further enquiries should be made. A flyer will be delivered to all local and nearby properties as the benefits go beyond the parish boundary. Responses will be brought back to a future meeting for consideration.

**12. Freedom of Information Act:** The Clerk reminded the Council that at the meeting held on 16<sup>th</sup> July 2019 the Council were advised that a resident had complained to the Information Commissioners Office that the Council had not sent to him documents that he had requested. These documents, according to the resident, were alleged complaints against him that led to a letter being sent to him on 20<sup>th</sup> December 2018 regarding his vexatious complaints and emails, but they did not exist as the emails themselves were the documents and the resident already had these, being the sender. As required by the ICO a letter was sent to the resident to try and resolve the matter. He refused to do so. The Chairman spoke to the Case officer at the ICO who advised the action to be taken. The resident was advised that the case was closed.

In the minute the Clerk mentioned that a fine by the ICO would impact on residents as it would have to come out of the precept. This was not correct as a subsequent check with our Insurers found that it could be covered by a section of the insurance cover under Civil Fines and Penalties.

There have been further emails from the same resident with 28 emails being received in the 24 days between 16<sup>th</sup> August and 8<sup>th</sup> September many of which were not in the public interest.

**13. Public Rights of Way:** Cllr Bean reminded the Council that the DCC Parish Paths Liaison Officer (PPLo) gave a briefing on the DCC Parish Paths Partnership Scheme at the meeting on 16<sup>th</sup> July. This is a community approach to improving access to the countryside and if the Council joined the scheme it may assist with the maintenance and improvement of the 4 footpaths in the parish that extend to 1½ miles. The grant is £30 per mile per annum with an initial minimum grant of £100 and other grants may be available. The grant can be spent on a number of matters including the purchase of tools. The PPLo is sending full details for the next meeting. It was agreed in principle to proceed.

**14. Notice Boards:** The following briefings were received:

a. Junction of School Lane at Dunchideock Bridge: Cllr Ellis advised that a stone had been thrown up during hedge cutting and had broken the glass in the door. A cover had been placed over the notice board in order to protect residents from injury. He had now replaced the original glass with reinforced glass. However, a resident had allegedly cut his finger after the repair and minor remedial work has been done to avoid this happening again. As a precaution the Councils Insurer has been advised.

b. **New Notice Board:** Cllr Moor advised that consideration was being given to replace the board on the wall on the corner with Belvedere Park and a quotation had been received from a local cabinet maker for £810 00, who is not VAT registered. However following a review of the number of documents that may need to be displayed it was thought that a larger board may be required to take 6 x 3 A4 sheets. There is £140 already held towards the cost from previous TDC Councillors, an application for £300 towards the cost is being made to the DCC Making the Connection Fund and an application has been made to the DCC Locality Fund for £590 .00 offered by DCC Cllr Connett. A revised quotation has been requested.

15. **Grant Funds:** Cllr Robson gave a briefing on the following applications:-

a. **TDC Rural Aid Grant Fund:** The application for £5,000 for a new kitchen in the Village Hall was successful with £4,750 being granted. This is a significant contribution towards the cost and new quotations have been requested in view of the slightly lower amount awarded.

b. **DCC Making the Connection Fund:** An application will be made for £300 to be used towards the cost of the new Notice Board as above.

c. **DCC Locality Fund:** An application had been made for the £590.00 offered by DCC Cllr Connett to be used towards the cost of the new Notice Board as above.

d. **DCC Cllr Connett** has provided details of other sources of funding that are available.

16. **Devon Air Ambulance Community Landing Site:** Cllr Ellis advised that he had met the Community Landing Sites Development Officer. They had completed a tour of the whole farm looking for a site that was flat, away from cables, trees and the road, could be fenced off, had electric power for night landing and could still be accessed from the road. Unfortunately there was not a suitable site that met all these requirements. A further review of other locations will be made in the future.

17. **Tree Charter:** Cllr Sharpe gave briefings on the following matters:

a. **The Tree Charter:** Some 800 years ago there was a Charter of the Forest giving access to enjoy the Royal Forests. Today England may have tipped into deforestation with more trees being cut down than are being planted. The Tree Charter supports the climate change agenda and has 10 Principles. Councils are being encouraged to sign up to the Charter and to uphold the Principles. It is an electronic process following which we would receive information and updates by email. Proposed by Cllr Sharpe and seconded by Cllr McCarthy and resolved to sign up to the Tree Charter.

b. **Plant a Tree Day – 30<sup>th</sup> November 2019:** This is a national project linked to the Tree Charter with the aim of planting as many trees as possible across the country. Cllr Bean agreed to look into the possibility of planting a tree. Cllr Cook agreed to speak with the Parochial Church Council about a possible site.

18. **Community Events:** Cllr Bean gave briefings on the following matters:

a. **Parish Litter Picks:** These had been successful and the parish now has the Litter Picking Equipment provided by TDC, with the possibility of also using that held by Shillingford St George. The proposal was made to hold Parish Litter Picks on Sunday 24<sup>th</sup> November this year and Saturday 14<sup>th</sup> March 2020.

b. **Easter Egg Hunt 2020:** It was considered that this was a successful event this year. After discussion it was proposed that another would be held on Easter Sunday 5<sup>th</sup> April 2020 at 9.30 am.

c. **Other Events:** Plant a Tree day on 30<sup>th</sup> November as mentioned above.

19. **Rural Skip:** The Clerk advised that the Rural Skip provided by TDC will be in the village on Saturday 2<sup>nd</sup> November. It will be in the area behind the double gates in School Lane opposite Riverside Cottage (formerly The Court). The Council has asked for it to be placed near the grain store so that it can be loaded off road. Posters are on the website, on the notice boards and in Country News. These state what can and cannot be included in the items disposed of and residents are requested to observe the restrictions.

20. **Bus Stop Shelter:** Cllr Moor thought there were two possible sites at Dunchideock Bridge or Webberton Cross, with the latter being the more practical, as there appeared to be space for a shelter for 4 people, subject to the landowners' agreement, planning permission and funding. Contact will be made with Ide PC regarding their bus shelter and also with the bus company, DCC Highways and TDC Planning. The cost will need to be covered with grants and it was agreed to scope the project in principle.

21. **Welcome Pack:** Cllr Bean advised that the last one was revised in 2011. The information was considered to help new residents moving to the village. However having looked at a version in a different parish magazine it was thought that a page in Country News may be preferred. It may be beneficial to do a joint insert with Shillingford Parish Council. It was agreed to proceed in principle and Cllrs Bean and Sharpe will look at the details that may be required.

22. **Telephone Box:** Cllr Sharpe stated that at the last meeting it was agreed that an application would be made to adopt the kiosk and no objections would be submitted to the TDC led consultation. It was felt that this was the best way of preserving it as an iconic landmark. As it is currently subject to a consultation process, BT have noted our interest but cannot proceed with the adoption until the outcome of the consultation is known and a decision made as to whether it will be retained as a public facility. Should the adoption go ahead, we will ask our parishioners whether they simply want to preserve it as a landmark or make use of it. There are many innovative uses that other parishes have introduced across the country.

23. **Review of minutes of meeting held on 19<sup>th</sup> December 2018:**

Cllr Sharpe advised that the Council needed to review Item 6 – Complaints - of this meeting. The review would require reference to personal data and the Council has obligations as to how it uses personal data under the Data Protection Act 1998. Because of this it is necessary to exclude the public and press from this review and to hold it in PART 2 of the meeting. Proposed by Cllr Sharpe and seconded by Cllr Moor and resolved that the public and press are excluded from the review and that it is held in PART 2 of this meeting which will be classified as confidential. TDC Cllr Swain was invited to remain for this PART 2 of the meeting

24. **Finance:** The Clerk presented:

- a. The Bank Reconciliation as at 31<sup>st</sup> August 2019 which was agreed. The funds available to the Parish Council are £2,192.62 but payment for the cost of the election has not yet been deducted and the second half of the precept has not been received.
- b. The Budget/Actual Comparison for 2019/2020 as at 31<sup>st</sup> August 2019.

Proposed by Cllr Bean and seconded by Cllr Cook and resolved that both documents were accepted.

25. **Expenditure and Income:** The items of expenditure need approval and noting of the income:

<b>Expenditure</b>	<b>£</b>
Hire of Village Hall – April to August (4 meetings)	100.00
Greenwood Accountancy – Payroll fee for July and August £10 + VAT £2	12.00
Clerks Salary	202.88
PAYE	50.80
Clerks Expenses: Home/Office - £16.66	16.66
Teignbridge District Council – Election Charge	669.98
AETCS Electrical Contractors Ltd – Defibrillator Installation - £390 +VAT £78	468.00
<b>Income</b>	<b>£</b>
	Nil

Proposed by Cllr Bean and seconded by Cllr Sharpe and resolved that the payments are made and the income noted.

26. **Public Discussion:**

Cllr Ellis spoke as a member of the public to advise that he has installed a soak away sump at the entrance into School Wood Quarry and had submitted details to the TDC Planning Officer. He has had a meeting with the DCC Highways Officer at the location where the bicycle accident occurred. It would appear that the accident was due to the state of the road as there is probably say 20 square yards of road surface that needs to be repaired.

A resident enquired if it was known which of the Bus Stops the person raising the issue at the Annual Parish Meeting used. This was discussed but it was agreed that both stops get used in equal measure.

With reference to Item 21, a previous map of households in the parish to be included was raised by a resident. Cllr Moor will look into producing and distributing an updated version of the map and thanked the resident for the offer of help.

28. **Date of Next Meeting:** Tuesday 19<sup>th</sup> November 2019

The meeting closed at 9.50 pm.

Minutes Approved

Signed

Appointment

Date

**PART 2**

**NOT OPEN TO THE PUBLIC AND PRESS**

**1. Review of Item 6 of the minutes of the meeting held on 19<sup>th</sup> December 2018:**

(1) Proposed by Cllr McCarthy and seconded by Cllr Robson and resolved to send a letter to the first resident in the Confidential Briefing Note dated 17<sup>th</sup> September 2019 to advise that emails would not receive a reply with a review in March 2020.

(2) Proposed by Cllr Ellis and seconded by Cllr Moor and resolved to delay any action regarding the second resident in the Confidential Briefing Note dated 17<sup>th</sup> September 2019 until after the new Complaints Policy was agreed in November 2019

The meeting closed at 10.15 pm.

Minutes Approved

Signed

Appointment

Date

The minutes of this Part 2 meeting recording the confidential resolutions without the confidential information were approved in Item 7 of the Parish Council meeting held on 12<sup>th</sup> May 2020