

CHARDSTOCK PARISH COUNCIL

Minutes of the Ordinary Council Meeting held on Wednesday 9th February 2022 – 7.00pm; meeting held in Chardstock Community Hall.

Present: Cllrs. Wilson (Chair), Greer (Vice-Chair), Hughes, Reeve and Sonnenberg (quorate).

In Attendance: Paul Hayward (Clerk) (also representing East Devon District Council)

4 members of the public in attendance.

	<p>Meeting started at 7.00pm. The Chair welcomed all in attendance and outlined Fire Safety precautions and CV19 compliance and safety guidance.</p> <p>Public Forum:</p> <p><i>Chair proposed that item iv) be taken first. Agreed</i></p> <p>iv) Representation received from parishioner regarding speeding within the parish and the need for traffic calming/slowing measures. Further discussion regarding possible unforeseen consequences of such measures and the need to engage with DCC and the County Councillor (and local Police teams) to determine what could legally be done and what enforcement might be possible. Chair thanked speaker for attending and also noted two other items of correspondence received on the same subject.</p> <p>i) A written tree report had been provided by Hon. Tree Warden. No Police Officer in attendance and no crime report available.</p> <p>ii) No report to Council from Hon. Footpath Warden on P3 matters.</p> <p>iii) Reports from County & District Councillors.</p> <p>a) No report received from Cllr. Chubb.</p> <p>b) Brief verbal report from Cllr. Hayward.</p> <p>No public questions to Cllr. Hayward.</p> <p>The Chair closed Public Forum session accordingly at 7.30pm.</p>
22/015	<p>To note and, if thought fit, to approve apologies for absence received: (LGA 1972 s.85(1))</p> <p>Apology for absence received from Cllr. Eames who was travelling back to the Parish and would endeavour to attend the meeting during the evening. Noted. Absence of County Cllr. Chubb and Hon. Tree Warden/P3 Wardens noted.</p>
22/016	<p>Declarations of interest under the Code of Conduct:</p> <p>Chair declared a personal interest as a Trustee of the Community Hall.</p> <p><i>Chair highlighted the need for members to declare any interests that arose during the meeting.</i></p>
22/017	<p>To consider any matters listed on this agenda that Councillors consider should be dealt with as confidential business as per the provisions of the Public Bodies (Admission to Meetings) Act 1960:</p> <p>Chair proposed that agenda item 22/019 be considered in Part Two (confidential committee session) due to the nature of the subject matter and the associated confidential and legal issues involved. Seconded by Cllr. Greer. Resolved.</p>
22/018	<p>To consider and, if thought fit, approve the minutes of the Ordinary Meeting of Chardstock Parish Council held on 12th January 2022:</p> <p>Approval of the minutes of this Ordinary meeting was proposed by the Chair, seconded by Cllr. Reeve. Resolved unanimously.</p> <p>Signed as a true record of that meeting by the Chair.</p> <p>Matters arising from these minutes: None.</p>

	<i>Chair proposed that agenda item 22/021 i) ii) be brought forward for discussion and consideration. Agreed.</i>
22/021	<p>Planning matters to be considered:</p> <p>a)i) To consider planning applications received prior to agenda publication:</p> <p>2) 22/0074/FUL – Country West Trading Estate, Tytherleigh. EX13 7BE Construction of 5 no. dwellings and means of access and assoc. works. Chair confirmed that a site visit had been undertaken by members of the Council. Chair invited members of the public in attendance to speak on this matter and make representations if they so wished. Representations received from residents of Broome Lane (x2). After discussion amongst members, <i>it was proposed by Cllr. Greer, seconded by Cllr. Hughes, that Council did NOT support this application on the following grounds:</i></p> <p><i>a) Absence of sufficient information as to surface water drainage alleviation.</i> <i>b) Concerns over access onto A358 and assoc. visibility issues.</i> <i>c) That the application was in contravention of the 2016-31 EDDC Local Plan which had determined Chardstock Parish to be “unsustainable” in planning terms.</i> <i>d) That the application did not accord with the adopted Chardstock Parish Neighbourhood Plan.</i> <i>e) Concerns that pre-development works had resulted in the loss of extensive tree cover and assoc. eco-habitat on the eastern boundary of the site.</i> <i>The proposal was resolved unanimously.</i> <i>2 members of the public left the meeting at this point.</i></p> <p>1) 22/0079/FUL – Readshill Farm, Birchill. EX13 7LB Erection of roof over existing livestock yard. <i>It was proposed by Cllr. Greer, seconded by Chair, that Council supported this application. Resolved unanimously.</i> <i>Clerk: please submit both planning consultee comments to the LPA as soon as possible, copying in the email to the Ward Member.</i></p> <p>a)ii) To consider planning applications received after agenda publication as per supplementary agenda circulated to all members. No applications received for Council to consider.</p> <p>b) Determinations/Decisions advised by LPA: None advised.</p> <p>c) Tree (Planning) Matters: No applications received for Council to consider.</p> <p>d) Appeals lodged/in progress: None advised.</p> <p>e) Planning correspondence received: None received.</p> <p>f) Planning applications to be considered at forthcoming EDDC Planning meetings where the Parish Council may wish to make a representation: None advised.</p> <p>g) Planning Consultations pending/in progress; to agree response from the Parish Council (if appropriate): None advised.</p> <p>h) To consider any current planning enforcement matters in the parish: Correspondence had been received from a resident on this subject. <i>Chair proposed that this agenda item be considered as a Part Two matter due to the confidential nature of the subject and the fact that a 3rd party had been named. Seconded by Cllr. Sonnenberg. Resolved.</i></p>

22/019	<p>To consider matters pertaining to the Chardstock Community Shop (and committee):</p> <p><i>See 22/017 above. This matter is to be considered in Part Two session.</i></p>
22/020	<p>To consider Parish Maintenance, Highways and Footpath (P3) matters:</p> <p>i) Lengthsman and maintenance matters: Clerk reported that he was in direct communication with the Lengthsman and that works were proceeding as required during the winter season. Hon. Footpath Warden was also liaising on P3 matters.</p> <p>ii) Highway matters incl. speeding: In light of the earlier representations, the Chair suggested that the Parish Council contact DCCllr. Chubb in the first instance regarding proposed new traffic calming measures and/or increased signage requests. The Clerk highlighted that any amendments to the speed limit would have to be approved by the DCC HATOC body, and that this was a process that could take 12mon. at least. It was agreed that the Parish Council would ask DCC to reinstate their Vehicle Activated Speed (VAS) device on the A358 as a speed reduction measure. Clerk: Please note and action accordingly. It was also suggested that Clerk contact the DCCllr. to seek Locality Funding (after April 2022) to pay for the installation of a VAS pole (DCC approved) on Westcombes “green-bank” to host a parish council-operated VAS unit (which the PC might be able to borrow from a neighbouring Parish/Town Council). Clerk: Please note and action accordingly.</p> <p>iii) Clerk updated members as to progress with CRWS based repairs in the parish. Residents were encouraged to continue to report potholes to DCC via the web portal as they are discovered/found.</p>
22/022	<p>Financial Matters to be considered:</p> <p>a) To consider timetable for Council’s Annual Risk Assessment Review: RFO advised that this matter would be brought back to Council in March for review and approval. Noted. RFO: Please note.</p> <p>b) To consider timetable for Council’s Internal Financial Control Review: RFO advised that this matter would be brought back to Council in March for review and approval. Noted. RFO: Please note.</p> <p>c) To consider timetable for completion and submission of 2021-22 Annual Governance and Accounts Return (AGAR3): RFO advised that this matter would be brought back to Council in April or May for review and approval by FULL Council prior to submission to the internal and external auditors. Noted. RFO: Please note.</p> <p>d) To consider items of expenditure authorised under Chair’s/Clerk’s Delegated Authority (Financial Regulations May 2021 s4.1 and within Delegation Appendix) Clerk reported that a new printer (shared cost) and road signs (shared cost) had been purchased as per prior resolutions. Noted.</p> <p>e) To consider proposal to add additional Lloyds Bank signatories to mandate: Chair deferred consideration on this matter and asked that a proposal be brought to Council in March to close the primary Lloyds account. Noted Clerk: Please note and action accordingly.</p>

Initial:

	Business to be considered:
22/023a)	<p>a) To note receipt of annual LTN30 (Defamation) advice from the Proper Officer: Clerk outlined the reason why this matter was brought before Council each year. Receipt of said advice noted.</p>
22/023b)	<p>b) To consider submission of articles to Parish Newsletter for the March 2022 edition: Potential article submissions: Precis of EDDC Dog Article (on environmental health grounds). Request that parishioners continue to report potholes on parish roads. Defibrillator training update (2nd week of March possibly). <i>All other content delegated to the Chair to submit on Council's behalf.</i> <i>Chair: Please submit appropriate article to the Newsletter Editor.</i></p>
22/023c)	<p>c) To consider timetable for Council's Policy Reviews: It was suggested that the policies requiring review be split into 3 sets, with one set being considered in each month March to May inclusive. Agreed. <i>Clerk: Please note and arrange accordingly.</i></p>
22/023d)	<p>d) To consider proposal to provide wired broadband into the Committee Room: Chair declared a personal interest as a trustee of the Community Hall. Clerk was directed to obtain costs for the proposed installation (which was agreed in principle) to be brought back to Council for further discussion and resolution in the future. <i>Clerk: Please note and action accordingly.</i></p>
22/023e)	<p>e) To consider whether Council wishes to nominate a member for the EDDC Standards Committee vacancy (as Local Council representative): <i>Cllr. Greer nominated Cllr. Caroline Wilson (who had expressed an interest in the role). Seconded by Cllr. Hughes. Resolved unan.</i> <i>Clerk: Please submit nomination accordingly.</i></p>
22/023f)	<p>f) To consider whether Council wishes to submit a formal response to the EDDC Code of Conduct Consultation: Chair noted the deadline response date of 14th March 2022 and asked that this matter be brought back to Council at the next Ordinary meeting due on 9th March 2022. Agreed. <i>Clerk: Please note and recirculate EDDC Consultation document to all members beforehand.</i></p>
22/023g)	<p>g) To consider proposal to fund the CiLCA training and examination fees for the Clerk to enable Council to acquire the General Power of Competence (GPoC): <i>It was proposed by Chair, seconded by Cllr. Greer, that Council fund these costs upto the value of £410. Resolved unanimously.</i> Clerk conveyed his thanks to all members for their resolution. <i>Clerk: Please note and proceed to register for training accordingly.</i></p>
22/023h)	<p>h) To consider potential democratic and electoral arrangements to enable Council to formally adopt the GPoC: Chair proposed that this matter be deferred until the Clerk had obtained his CiLCA qualification as that was a precursor to any further democratic actions within the Council membership. Noted.</p>
22/023i)	<p>i) To receive update on future defibrillator training: Clerk outlined proposals for the training event to take place by the 2nd week of March at the Community Hall venue. He confirmed that he was holding a list of prospective attendees and would contact them accordingly.</p>

Initial:

22/023j)	<p>j) To consider arrangements for any parish celebrations in recognition/celebration of HM The Queen's Platinum Jubilee in June 2022:</p> <p>i) It was noted that several community groups were planning to host/organise their own events during the QJ22 celebration period.</p> <p>It was proposed by Chair, seconded by Cllr. Greer, to vire the sum of £376.55 into a newly-created QJ22 Reserve Fund, and those said funds could – in principle – be used towards the costs of providing commemorative pin badges for residents and local children (Council would seek to use s137 LGA1972 as the power to support this expenditure). Resolved unanimously.</p> <p>Chair asked that the subject of QJ22 remain as a standing agenda item until the event(s) had taken place. Clerk/RFO: Please note and action accordingly.</p> <p>ii) It was proposed by Chair, seconded by Cllr. Greer, that Council resolves to kindly accept the offer of the EDDC Jubilee Oak Tree (to be funded and planted by EDDC) subject to agreement on the location being agreed for the planting of the tree (in conjunction with the Council's Hon. Tree Warden, Michael Davis) Resolved unanimously.</p> <p>Clerk: Please convey this decision to EDDC Chair and thank them for their kind offer which the Council were delighted to accept. Please liaise with Mr. Davis to determine the best spot for the tree to be planted, noting the guidance from EDDC in that regard.</p>
22/024	<p>Other matters considered as urgent by presiding Chair for discussion only:</p> <p>None raised.</p>
22/025	<p>Date of next meeting:</p> <p>Next Ordinary meeting of council scheduled for 9th March 2022 7.00pm start time, to be held at the Community Hall (Committee Room).</p> <p>Clerk: Please prepare agenda and publicise accordingly through usual channels.</p>
22/026	<p>It was proposed by Cllr. Greer 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. Members to agree upon matters to be discussed in confidential session, as per agenda item 22/017 above. Seconded by Cllr. Reeve. Resolved unanimously.</p>
22/027	<p>Matters to be considered in committee session:</p> <p>i) Employment matters:</p> <p>Chair proposed that Council make a contribution of 7.50% of Clerk's Gross earnings for the financial year 2021-22 towards Clerk's Superannuation benefit. Seconded Cllr. Hughes. Resolved unanimously.</p> <p>It was further proposed by Chair that Clerk's Contractual Remuneration Rate be increased to SCP26 with immediate effect, with the increase backdated to the start of the current Contractual period ie. 1st April 2021. Seconded Cllr. Sonnenberg. Resolved unanimously.</p> <p>Clerk thanked members for their generosity and kindness.</p> <p>Chair noted that the NJC Pay Award for 2021-22 had not yet been finalised and confirmed that this would be paid once negotiations had been finalised and a national LG pay award agreed between all parties, again backdated to 1/4/21.</p> <p>RFO: Please note and action accordingly.</p> <p><i>Continued Overleaf</i></p>

<p>22/021h) (Deferred from earlier)</p>	<p>This matter had been deferred from an earlier part of the meeting. Council had received correspondence from a parishioner which raised a series of concerns regarding another resident in respect of purported planning enforcement matters. Councillors agreed that this was not a matter in which the Parish Council had any jurisdiction to act but asked the Clerk to liaise with the Ward member for EDDC and suggest that the parishioner make representations in that regard. Noted.</p>
<p>22/019 (Deferred from earlier)</p>	<p>Representatives of the Chardstock Community Shop Committee (CSCC) were invited to present their updated report to members. This material is confidential in respect of the ongoing sale of the property by 3rd parties, who have kindly shared financial data with the CSCC group. Clerk outlined the powers available to Council in respect of the requests received, and the potential option of Council adopting the General Power of Competence (GPOC) [<i>Localism Act 2011</i>].</p> <p>Summary of discussion and debate:</p> <ul style="list-style-type: none"> i) A fundraising target of £400,000 has been agreed upon. ii) CSCC have been tasked with finding £240,000 from external non-PC investment. iii) CSCC have joined the Plunkett Foundation. iv) A “shop surgery” event has been arranged for Saturday 26th February at the Community Hall. v) Clerk was asked to seek further clarification from DALC/NALC/PWLB on lending criteria and “powers to act”. vi) It was unanimously agreed upon that a parish “referendum” was required to evidence support for the proposed project from the entire Chardstock community. After significant discussion, debate and clarification of terms and conditions, <p>It was proposed by Chair, seconded by Cllr. Greer, that:</p> <ul style="list-style-type: none"> a) The Parish Council supported the “principle” of borrowing up to £180,000 (one hundred and eighty thousand pounds) from the PWLB for a period of up to 23 years with loan repayments of up to £10,220 per annum, repayable via an increase in <u>parish precept</u> council tax element of up to 50.45% subject to a precept increase consultation with the residents of Chardstock Parish. b) The Parish Council resolves to seek the approval of the Secretary of State for Housing, Communities and Local Government to apply for a PWLB loan of up to £180,000 over a borrowing term of no more than 23 years for the purpose of supporting the purchase of the Chardstock Community Shop and Post Office. The annual repayments would come to around £10,220. c) The Council authorises expenditure of up to £500 towards costs of the Parish Precept Consultation/referendum exercise under powers contained within S137 of the Local Government Act 1972. d) The RFO be directed to liaise with DALC/NALC to create a suitable and valid Referendum Question (noting the guidance within the MCHLG Borrowing Approval Application notes) in consultation with the Chair.

	<p>e) The Council, in conjunction with the CSCC, undertake a parish-wide referendum/consultation exercise – over a period of not less than one calendar month – at a date to be agreed upon with the results of that referendum/consultation exercise being counted and validated by an independent teller who is not to be:</p> <p>i) A member of the Parish Council or CSCC ii) An officer of the Parish Council iii) A resident of the Parish.</p> <p>f) The outcome of the referendum/consultation exercise be reported to Council/CSCC via email within 7 days of the deadline date for receipt of referendum/consultation responses.</p> <p>g) The Council to convene an Extraordinary meeting thereafter to approve the terms, duration and financial impact of the proposed borrowing (if so required).</p> <p>h) The Parish Council (via delegated authority to the Proper Officer and Chair) to liaise with the members of the CSCC to draw up legal agreements outlining the ownership of any asset purchased, the terms of any legal agreements and the terms for the termination of any legal partnership at the point the loan is repaid. Both parties will be expected to seek independent legal advice on any such wording to protect the Council’s financial and legal position.</p> <p>Resolved unanimously.</p>
	<p>With no further business to transact, the Chair closed the meeting at 10.00pm</p>

Minutes of the Ordinary Council Meeting held on Wednesday 9th February 2022 – 7.00pm; meeting held in Chardstock Community Hall.

Signed: _____ Date: 09/03/2022

(Chair)