**DRAFT**

**MARLDON PARISH COUNCIL MEETING**

Minutes of the Meeting of Marldon Parish Council held on

Monday 8th July 2019 at 7.15pm

**PRESENT:** Cllr S Veasey, Cllr J Clarke, Cllr M Oliphant, Cllr F Palk, , Cllr R Thorp, Cllr J T Pennington, Cllr Webber, County Cllr. Hawkins

**ALSO PRESENT:** 8 Members of the public and Clerk to the Parish Council, Mrs S J Watt

A member of the public requested an update on the situation regarding parents parking during school start and end times. Parking on the pavements, on the zig zags and across property entrances.

The Clerk informed everyone that she had spoken at length with the Police who had sent patrols to monitor and who would continue to do so for the next couple of weeks. A member of the public expressed dismay that the Officers were visible so the culprits would not park illegally whilst the police were there. It was explained that the Police had to be visible and also had to inform the public in general when they were carrying out speed checks etc.

The Clerk said that Highways had also been in attendance and that she had spoken with the Head of Marldon Primary School, who will help in any way he can. It was agreed that a letter be sent out from the Parish Council informing parents of the situation and the potential consequences if the parking situation continued to break the law. It was further agreed that the letter would put an emphasis on the health, safety and welfare of the children as the priority.

A member of the public expressed concerns regarding the poor state of the play Park, they had concerns regarding safety and also the height of the grass and access. The Council were shown photographs taken by the resident. It was explained that there was to be a discussion regarding upgrading the whole park and the play park. The Clerk confirmed that the two climbing frames had been repaired with new parts and nets. That we were aware of the swings and that we would be discussing this later in the meeting. Members of the public were assured that the safety of the children was a priority and that the Council hoped to have some proposals within a few weeks.

A member of the public also requested that the Minutes be included in the Parish Magazine. The Clerk was unaware that this happened, the Chairman, Cllr. Veasey apologised and said that it was an oversight. The Clerk reported that the minutes were a legal document and as such should not be amended or shortened in any form as this would not be a true legal record of the meeting to which they referred. The minutes were now put on the Parish Council Notice Boards and always available online via the Marldon Parish Council Website. The Clerk also suggested that residents could request a copy if they phoned or emailed the Clerk. Other options would be looked at after legal advice had been sought by the Clerk.

**1. (07.19) APOLOGIES**.

Apologies received from Cllr. Page and Cllr. Stevens

**2. (07.19) DECLARATIONS OF INTEREST:** None

**3. (07.19) APPROVAL of MINUTES 10/06/2019**

Cllr. Pennington rejected the minutes as there was a typing error on the Agenda. This was amended in front of the Council. It was then proposed by Cllr Palk and seconded by Cllr. Thorp that the minutes were a true record of the Parish Council Meeting on 10th June 2018. The Chairman requested a show of hands. Cllr. Pennington again rejected the Minutes. The Majority voted in favour of the approval of the minutes. The minutes were approved and duly signed by the Chairman as a true record

**4. (07.19) MATTERS ARISING**. There were none.

**5. (07.19) POLICE MATTERS**. The Clerk reported that there had finally been contact made with D & C Constabulary. Communication had been had between Sgt. Tim Perrin who has stated that he wishes to be included in all emails sent to the Marldon PCSO so that he can ensure a response and either attendance or a report at Parish Council meetings.

**6. (07.19) FINANCE.**

The Clerk/Responsible Financial Officer read out the current state of finances.

The Clerk informed the Council that Marldon had passed the Audit, however, the Auditor had made certain recommendations after consulting with The Clerk/Responsible Financial Officer. The Auditor was happy that the Clerk/Responsible Financial Officer was implementing robust procedures to ensure that all financial requirements were followed in the future. The Clerk read out the Auditor’s letter.

There was still a delay from NS&I regarding the update on the new signatories and also the urgently required statement. The Clerk/Responsible Financial Officer informed the Council that she had made a formal complaint regarding the delays and will report progress at the next Parish Council Meeting.

The new banking details have now been delayed due to Cllr. Page not being in attendance as his details were required for the formation of the new bank account. This will hopefully be addressed by the next Parish Council Meeting.

The Clerk also reported that she had had communication with Stephen Holley and requested that his invoices were sent in monthly and not held over for a number of months. He has agreed to this. The Clerk also requested a Service Level Agreement be put in place as there was no record of this within the personnel files held. The Clerk also reported that the Auditor had requested confirmation that our ‘self-employed’ contractors all had Service Level Agreements and that the Council was conforming to IR35 regulations. The Clerk is to contact the Payroll Department at SHDC to ensure the Parish Council was complying with the IR35 regulations.

The following payments were submitted for approval:

**Payments- Main a/c:**  £

\*The Clerks salary was paid late due to the Parish Council Meeting falling two weeks after the pay date.

Clerk’s – net salary for June 2019 payable by 30/06/2019\* 562.00

Office Allowance £12.00

Phone Allowance £10.00

\*Includes O/Time – maximum 8 hours: to cover Audit/additional meetings/Policies for Health & Safety, Equal Opportunities, Grievance Procedures etc.

Danger – Do not use signs (Totnes Fire Protection & Signs) £17.52

**£601.52**

SW Water **£11.26**

Plandscape – Grass Cutting for June **£144.90**

Stephen Holley **£540.00**

Amazon – Post Box (paid by S. Veasey) **£29.99**

J B Design & Build Ltd - repairs to climbing frames x 2 **£830.00**

Community First Trading Zurich Insurance 3 YRS Agreement **£443.62**

Devon Audit Partnership **£210.00**

**BANK ACCOUNTS as at 28th June 2019**

Main Account as at 28th June 2019: £25,776.67

P3 Account as at 28th June 2019: £580.64

Environment Account as at 28th June 2019: £172.83

NS&I Investment Account Balance at 31/12/2017 £21,018.72

**Total Balances held by Marldon Parish Council at 30 May 2019: £47,548.86**

**7. (07.19)**  **Committees**

Chairman, Cllr. Veasey informed the Council that the Committees were not conforming to legislation and that some Committees needed to be dissolved to enable better streamlined management and transparency. Cllr. Pennington said that this could not happen as it was less than six months since the Committees were established. Cllr. Hawkins interjected and stated that the Chairman could suspend Standing Orders to take the vote. Standing Orders Suspended. The Clerk was requested to explain as follows: All Committees needed to follow the same legally required procedures as for the full Parish Council meetings, i.e. an agenda needed to be produced and published 3 clear days prior to the meeting, that the meetings were open to the public, that minutes needed to be put on the website.

The Clerk explained that currently none of the Committee Chairpeople or the Committee members had any delegated authority and therefore, all matters requiring a decision needed to be brought to full Council for decision making. Furthermore, all financial decisions and actions also needed to go through Full Council for decisions making and all financial dealings must go through the Responsible Financial Officer.

It was also reported that the Terms of Reference for the Neighbourhood Planning Committee had not been adopted by the Parish Council and as such that Committee was acting without authority. This was the reason that the Chairman of NDP had been requested to meet with the Chairman and the Clerk so that he could be made aware of this and that it could be resolved at the next Parish Council meeting. Unfortunately the Chairman resigned his post.

It was suggested that many of the Committees did not actually have meetings and therefore, those committees be dissolved with the Chairpeople of those Committees becoming Officers of their respective concerns.

It was RESOLVED that the following Committees be dissolved: Proposed by Cllr. Oliphant and seconded by Cllr. Palk. A majority vote of 7 – 1 in favour. Cllr. Pennington voted against and requested his name was minuted as against the proposal.

The Allotment Committee – Cllr. Thorp - Officer

The Cemetery Committee – Cllr. Veasey - Officer

The Footpaths Committee – Cllr. Page - Officer

The War Memorial Committee – Cllr. Veasey - Officer

The Public Grounds & Parks Committee – Cllr. Clark - Officer

Road Safety Committee – Cllr. Oliphant (Compton) and Cllr. Thorp (Marldon) both now Officers.

Planning Committee – Planning Officer – Cllr. Veasey (all Planning decisions are made at full council).

It was RESOLVED that the Finance Committee be dissolved: Proposed by Cllr. Veasey and seconded by Cllr. Oliphant. A majority vote of 7-1 in favour. Cllr. Pennington voted against and requested his name was minuted as against the proposal. Cllr. Pennington also questioned the status of the Clerk as the Responsible Financial Officer. It was confirmed that this was indeed, part of her role and her employment status and as such should not be discussed in public.

Two Committees which were not part of the above.

**MEG Committee** – would stay in existence as this was a grant funded Committee with reporting conditions. However, any meetings must follow the correct legislation. The Clerk to inform the Chair of this Committee.

**Neighbourhood Planning Committee –** This was now in a state of ‘suspension’ as the previous Chair had resigned. The NDP Committee had unfortunately been acting, unwittingly, outside of the required legislation, which the Clerk had had to highlight, this resulted in a misunderstanding. It was agreed that the Terms of Reference had not been adopted by the Parish Council and needed to be amended, also a request had been sent to obtain grant funding, which again, the Parish Council had not authorised and had now expired. It was requested that the Clerk – produce suggested amendments to the Terms of Reference ready for the next meeting and also apply urgently for the grant funding of £9000 which must be spent according to the eligible funding requirements of the Fund by March 2020. In the interim, it was proposed by Cllr. Webber and Seconded by Cllr. Oliphant, that Chairman Cllr. Veasey and the Clerk would keep an eye on requirements until such time as a Working Group was established and then a full Steering Group convened. The Chairman requested the Clerk obtain documentation of the boundaries held by The National Trust in relation to Compton Castle. All in favour apart from Cllr. Pennington who abstained from the vote.

Cllr. Pennington then proposed that Cllr. Stevens be asked if he might re-consider his position, Cllr. Veasey and Cllr. Clarke seconded the proposal. The Clerk was asked to draft a letter to Cllr. Stevens to request he reconsider his position and to request he meets with the Chairman and the Clerk to resolve the issues surrounding the NDP so that clear and positive progress can be made. Vote was unanimous.

Standing Orders were reinstated.

**8. (07.19) MEG REPORT**

As Cllr. Page was not present, Cllr. Thorp gave a brief update. The MEG report is attached at the end of these minutes.

**9. (07.19)**  **Highways:**  It was reported that the potholes at Westerland were again in need of filling. The Clerk was requested to inform Highways.

**10. (07.19) Committee Reports/ District & County Reports:**

**Allotments:** Cllr. Thorp reported all was in good order but there had been a swarm of bees which had been dealt with.

**Public Parks & Leisure:** Cllr. Clarke reported that the Children’s Play Park had had some work completed and was ongoing, but hopefully the park will be safe for the little ones to play in.

Cllr. Clarke wished to call a meeting regarding the s106 funds – it was decided that this would be discussed under item 14 of the agenda.

Cllr. Clarke said she was going to ask the Village Hall Council to make the large hall available to the Youth Club after September as another group would be using their current space. It would need to be an earlier time as the children could not be expected to be up too late. Cllr. Clarke suggested that there may be other groups who could move to a different night and time to help accommodate the Youth Club.

**District:**  Cllr. Pennington had nothing to report.

**County:** Cllr. Hawkins reported that he was still working hard to get the 20 mph in the village, but it had come to a bit of an impasse and at the moment there was no hope of it being implemented. He would continue to fight though.

Cllr. Hawkins informed the Council that he was now on the Executive Committee of SHDC and his remit was wellbeing.

**11. (07.19) MARLDON VILLAGE HALL :** As there was no current update, this discussion was deferred to the next Parish Council Meeting. Proposed by Cllr. Veasey and seconded by Cllr. Palk. All in agreement accept Cllr. Pennington who abstained. Cllr. Pennington then went on to talk about how well the Village Hall was doing and what had been done in the past. It was explained again to Cllr. Pennington that no decision could be made until we had the full facts. The Village Hall were aware of the situation.

**12. (07.19) PLANNING.**

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| **Reference: 1700/19/HHO** - **RECOMMEND: APPROVAL** |
| Proposal: Householder application for extensions to provide additional living, kitchen and bedroom space  on ground floor, replacement roof structure with 2 additional en suite bedrooms in roof space |
| Site Address: Providence Cottage, Westerland, Marldon, TQ3 1RU   |  | | --- | | **Reference: 1675/19/HHO - RECOMMEND: APPROVAL** | | Proposal: Householder application for proposed rear extension and external alterations | | Site Address:  12 Pembroke Park, Marldon, Devon TQ3 1NL | |  | |  | |  | | **Reference: 1868/19/HHO - RECOMMEND: APPPROVAL**   |  |  | | --- | --- | |  |  | | Proposal: | Householder application for garden room extension to replace existing conservatory | | SiteAddress: | 1 Gentian Close, Marldon, Devon, TQ3 1LS | | |
| |  |  | | --- | --- | | **Reference:** | **1831/19/HHO - RECOMMEND: APPROVAL** | | Proposal: | Householder application for rear dormer extension, materials and type to match existing front dormer | | Site Address: | 11 Belfield Avenue, Marldon, TQ3 1NU |  |  |  | | --- | --- | | **Reference:** | **1909/19/FUL – RECOMMEND: Site visit to take place on Saturday 13th July 2019 at 12.30pm. Cllrs. Veasey, Pennington, Webber & Palk to attend.** | | Proposal: | Form new agricultural access into owners field | | Site Address: | Lower Westerland Farm, Westerland, Marldon¸ TQ3 1RU | |  |  | |

**13. (07.19) s106 FUNDS UPDATE:**  It was agreed that an Informal Discussion and Plan take place before any decisions are made at Full Parish Council. It was proposed by Cllr. Veasey and seconded by Cllr. Oliphant that a date be agreed for this meeting. Monday 22 July 2019 at 7.30pm was agreed by all except Cllr. Pennington who abstained from the vote. The Clerk was requested to see if the Village Hall was available and to book accordingly and send an email once booked. Cllr. Pennington again, read out a document which stated how well the Village hall was received by the Community and that he had spoken to Alexis Huggins who had said the s106 money was ok for them (the village hall) to have. The Clerk also read out an email she had received from Alexis Huggins which stated that the Developer had agreed for the funds to be used for the repair *only if the Parish Council were in agreement.*

**14. (07.19) CO-OPTED COUNCILLORS:**

After some brief discussions, it was proposed by Cllr. Webber and seconded by Cllr. Veasey that the Council would like to meet and interview the candidates before taking a vote and making a decision. It was agreed that the interviews should be held on the same day as the Informal Meeting on Monday 22 July 2019. The Clerk was requested to make the necessary arrangements and to inform all concerned. It was agreed by all except Cllr. Pennington who abstained from the vote.

**15. (07.19) CLERKS REPORT:** Role of the Clerk, Standing Orders – date for informal discussion, Correspondence – including school parking, Compton lorries, Bonfires and Compton phone box.

The Clerk provided a report on the Role of the Clerk from the SLCC (Society of Local Council Clerks) -–this was in addition to the email sent out to Cllrs. previously highlighting the role of the Clerk. This was in response to Cllr. Stevens questioning the Clerks role.

The Clerk also read out a section of the Minutes from the last Neighbourhood Planning Committee Meeting – a section had been added after the minutes, stating that the Clerk had requested the Chairman to stand down and a further section had been added stating that no further meeting had been arranged as the Clerk was going to dissolve the Neighbourhood Planning Committee. Both accusations are untrue. The Parish Council agreed that the minutes could not be distributed as a true record as notes had been added after the meeting and that those notes were untrue accounts. All RESOLVED to have the minutes of the last Neighbourhood Planning Meeting rejected, all agreed except Cllr. Pennington who abstained from voting.

The school parking was discussed earlier in the meeting.

Bonfires: the Clerk had had emails from SHDC who had suggested the Council write to the offenders, this was unanimously rejected by the Parish Council as the matter needed to be dealt with by the Environment Department at SHDC. It was proposed by Cllr. Webber and seconded by Cllr. Palk that the Clerk writes to SHDC Council to request they investigate who is doing the burning which also amounted to illegal tipping. All in favour.

The Clerk reported that she had received an email from the National Trust at Compton Castle, requesting that the Public Phone box was taken out of use so that they can use it to place a defibrillator. Whilst this was an admirable request, the Phone Box functioning as a working land line phone was absolutely essential for the Community of Compton including the Castle as there is no mobile network in the area. It was proposed to reject the National Trust’s request, by Cllr. Oliphant and seconded by Cllr. Veasey. It was unanimously RESOLVED that the Clerk informs the National Trust of its rejection of the request to demobilise the phone box. The Clerk was also requested to write to BT and inform them of the Parish Councils decision.

The Clerk informed the Council that Highways had said they will look into the lorry restriction at Compton and report back as soon as they have investigated.

The Clerk read out a brief letter of thanks from Totnes Mayor and County Cllr. Jacqui Hodgson on behalf of TRAYE for the £1000 grant.

The Clerk had received a letter from a resident regarding a high hedge. It was advised that as this was not on Parish Council owned Land, this was a civil matter to which the Council could not be involved.

The Clerk had received an email from a member of the public who was extremely concerned regarding the state of the play park – This was discussed earlier in the meeting.

There had been another request for allotment space. However, the Clerk had responded to the request but no address or further correspondence had been received. Therefore, this request was not put on the Allotment waiting list.

The Clerk thanked Cllr. Hawkins for his grant of £500 towards the repairs for the Play Park Climbing Frames. The Clerk informed the Council that Cllr. Hawkins had offered a further £500 but this had to be for new equipment. The Clerk suggested that this is used to buy new swings which had been identified as splitting and would not last much longer. It was proposed by Cllr. Clarke and seconded by Cllr. Oliphant that the £500 be used to buy new swings and the Clerk was given delegated authority to instruct the purchase of news swings as per the quote already received from JB Design & Build. All in favour.

**16. (07.19) BUSINESS AT DISCRETION OF CHAIR (for noting only)**.

The Date for an Informal Meeting to discuss Standing Orders would be agreed at the next meeting.

**17. (07.19) DATE OF NEXT MEETING.**

Monday 12 August 2019 @ 7.15pm

The meeting closed at 21:35hrs.

Signed By.................................................. Cllr. Veasey (Chairman) – 12th August 2019