**MARLDON PARISH COUNCIL MEETING**

Minutes of the Meeting of Marldon Parish Council held on

Monday 13TH January 2020 at 7.15pm

**PRESENT:** Cllr. Page, Cllr M Oliphant, Cllr J T Pennington, Cllr. Ward. Cllr. Thorp Cllr. Clarke. Cllr. Webber. Clerk to the Parish Council, Mrs S J Watt. - County Councillor Hawkins.

**ALSO PRESENT:** 19 Members of the public.

Before the meeting started around 8 members of the Public came into the meeting, it was explained to them that it had been publicised that at this meeting there would be no Public Forum and that a Confidential Matters item was being discussed at 7.15pm. It was further explained that the Public were welcome to attend at 7.30pm but there would be no discussion section as the Council had urgent Council business to attend to. The Public became aggressive and demanded they be heard. In two cases members of the public sat down and said they would not move unless the public forum section was reinstated. Cllr. Pennington proposed that the public forum section be reinstated, it was pointed out that the meeting had not started and was not under Standing Orders therefore, no proposal could be made.

Eventually the public left whilst the meeting started and with the knowledge that a proposal and vote would take place to reinstate the public forum into the current meeting.

The Meeting commenced at 7.15pm under Standing Orders to discuss the Confidential Matters item. The Council were informed that a formal Complaint had been made against Marldon Parish Council. The content of the Complaint was read out and it was agreed that Legal action should commence and it was therefore, proposed by Cllr. Oliphant and seconded by Cllr. Thorp that the Parish Council would fund the legal action and that the Council’s Zurich Insurance should be accessed to assist. There was a vote with 5 Cllrs. voting in favour and 2 Cllr. Voting against. It was therefore, **RESOLVED** that the Parish Council would fund the legal action.

There was then a discussion regarding the implementation of the Public Forum at this meeting, it was agreed that this would go ahead under strict conditions. Proposed by Cllr. Oliphant and seconded by Cllr. Webber, it was therefore, **RESOLVED** to reinstate the public forum for this meeting. It was also **RESOLVED** that the Parish Council will no longer tolerate the aggressive behaviour and stance of some members of the public and this would be stated at the beginning of the public forum.

The public were then permitted to enter. **STANDING ORDERS** were suspended.

A member of the public requested permission to put a shed on an area behind the Village Hall for the storage of the Pre-School equipment. Cllr. Pennington told them to complete a Planning permission request and compile a business plan. The Chairman requested they actually put the request in writing to the Clerk who would investigate the options.

A member of the public challenged the use of s106 for the repair of the cliff face backing onto the Village Hall. The Chairman requested the Clerk explain. The member of public stated he had an appointment with Solicitors the next day and that the Council was Ultra Vires. The Clerk tried to explain that the Council had already spoken to the Specialist at SHDC and been given authorisation to put the application forward. It was also explained that the Developer, the Ward Member and the Portfolio holder made the decisions on how the s106 funds were allocated, not the Council and that the final decisions of its use was the Developers decision, the member of public stated that the Clerk was wrong as he knew how it worked. The Clerk again explained that she had spoken to the Specialist at SHDC that day and re-confirmed that the Council could put in the application for the use of s106 funds, the Clerk also reiterated that other funds would be looked at to replace those funds so any regeneration of Torfield would not be jeopardised. Another member of the public then stated that there was no guarantee of those funds coming through, the Clerk stated that it had also been agreed to look at a loan from the Public Works Scheme and that the Office of the Secretary of State had suggested the Council apply for funds for the regeneration by that means.

A member of the public then requested an update on the automatic speed camera placement – the Clerk explained that the request had only just gone in.

The member of the public then requested an update as to whether the Clerk had sent a letter to the Environmental Agency regarding the bonfires. The Clerk confirmed she had and that the response was that the EA would look into it and contact us by 2 February 2020. The member of public was told that she also needed to contact the EA as this was not within the Parish Council’s remit.

The same member of public then requested an update on a byelaw – the Clerk confirmed that she had contacted the Office of the Secretary of State and was awaiting confirmation that Council could commence to implement a byelaw regarding bonfires. The Clerk explained the process was quite long and came under specific Government rulings and if the byelaw was established it would have to be signed off by the Secretary of State. The member of public stated that it should be sorted by the next meeting, the Clerk stated that was not possible as the process had to be handled in the correct procedural and legal manner and a time limit could not be set as it was not in the Parish Council’s hands to manage the process.

The same member of the public requested the Council look at putting in a path from Marldon Christmas Tree Farm to Farthing Lane as it is extremely dangerous trying to walk that area to and from Marldon. The Clerk stated that the P3 application was being compiled and this could be looked at for submission within the application.

**STANDING ORDERS** were reinstated

**1. (13.20) APOLOGIES**. Cllr. Palk

**2. (13.20) DECLARATIONS OF INTEREST:** None

**3. (13.20) ELECTION OF CHAIRMAN TO MARLDON PARISH COUNCIL** followed by election of Vice-Chairman. Nominations were requested for the Office of Chairman. Cllr. Oliphant proposed Cllr. Page and seconded by Cllr. Ward. There were no further nominations. After a unanimous vote it was therefore, **RESOLVED** that Cllr. Page was duly elected as Chairman of Marldon Parish Council. Cllr. Page accepted the Office and signed the Acceptance of Office as witnessed and signed by the Proper Officer (the Clerk).

Nominations were requested for the Office of Vice-Chairman; Cllr. Clarke proposed Cllr. Webber and seconded by Cllr. Pennington. There was a call for any other nominations; Cllr. Ward was proposed by Cllr. Oliphant and seconded by Cllr. Thorp. Both Cllrs. were asked if they wished to leave or remain whilst the vote was made, both opted to remain. The vote was drawn. The Chairman was then asked to use his casting vote. The Chairman and the Clerk left the room. On return, it was declared that Cllr. Webber be offered the Office of Vice-Chairman, Cllr. Webber duly accepted and therefore, it was **RESOVLED** that Cllr. Webber was duly elected as Vice-Chairman of Marldon Parish Council.

**4. (13.20)** **APPROVAL of MINUTES 16/12/2019 -** were approved as a true record of the meeting and duly signed by the Chairman.

**5. (13.20) MATTERS ARISING**. None

**6. (13.20) CLERK’S REPORT:** Public Consultation – the Clerk read a prepared report which all Cllrs. had received regarding a Public Consultation for the regeneration of Torfield, Broomhill Meadow and Jubilee Meadow – it was proposed that the Consultation run from 1st April – 30 April 2020 to culminate in an open day event on Saturday 2 May 2020. The consultation would take the form of an online survey, an A4 folded to A5 leaflet to be delivered to every household in Marldon and Compton Parish, this to be carried out by a professional leaflet delivery company. That various groups within Marldon would also be consulted i.e. The Brownies, Youth Club etc. Specialist Consultants to be instructed to carry out basic studies of all three Council owned sites to confirm what can and cannot be achieved on all three sites. The approximate costs were between £2,300 and £2,500. It was proposed by Cllr. Thorp and seconded by Cllr. Oliphant to instruct the Clerk to go ahead with the proposed Public Consultation as per the prepared report. There was a unanimous vote in favour and it was therefore, **RESOLVED** that the Public Consultation commence and the budget set at £2500 save any unforeseen expenditure resulting from the studies.

The Clerk and the Chairman also confirmed that a poster had been circulated in the Village which pertained to be produced by the Parish Council, the Clerk had contacted the Devon Association of Local Councils and it was stated that the document was verging on the illegal as the person or persons who had produced it had not been given authority by the Parish Council and that there was no public consultation at this current time. It was requested that if anyone knew who had produced these posters to ask them to desists with any further notices as the true Public Consultation could be jeopardised.

The Clerk updated those present regarding the damaged wall in Love Lane. The Clerk had worked with the Village Hall Caretaker and obtained photographs and evidence that the wall had probably been hit by a SHDC rubbish lorry as fragments of the lorry had been left at the scene. The Clerk had called in a stone wall specialist who stated that in his opinion (he would write a statement accordingly if required) the wall had been hit as the wall was stable, there were no roots or evidence of weather collapse. A quote to repair the wall was in the region of £600-£700 plus VAT. The Clerk had contacted SHDC and they had carried out an investigation and the Clerk had met with an operative at the site who is going to respond in a couple of weeks. The repair will be made by SHDC once liability has been accepted. The Clerk also reported that she had contacted Highways over the Christmas period and they had come out and put the safety bollards in place.

**7. (13.20) FINANCIAL STATEMENT/PAYMENTS:**

The Clerk/Responsible Financial Officer read out the current state of finances. The Clerk and Chairman had spent a number of days trying to open the Lloyds Bank Account this was proving a headache as they had limited members of staff to assist and kept requesting a call back. The Clerk, emailed Bank of Ireland and requested the statements to date from 16/09/2019 and informed the bank that they were breaking GDPR laws by sending our financial information to a person or persons not associated with the Parish Council. Within a short space of time, the bank responded by stating the Statements were in the post to the correct address, that all signatories and the updated address information was being actioned. The Clerk had received an email stating that all Signatories were in place and that address details were just being added. The Clerk had received the Bank Statements from Bank of Ireland and was able to reconcile the main account and provide confirmed updated balances up to 24th December 2019.

The Clerk/RFO then confirmed that the same action needed to be applied to the NS&I account as there had been no response from the previous ‘addressee’ as to whether the statements were being sent there. A letter was produced by the Clerk for the two current signatories and the Chairman to sign, requesting immediate change of address details as the Bank was currently contravening GDPR laws by sending out the Parish Council’s statement to persons with no connection to the Council. The Letter also requested the transfer of funds from the NS&I account to the Parish Council’s main account with BOI to cover the repayment to the Village Hall for the making safe payment to A R Hood for the cliff face - £9,164.00

The Budget and the Precept was then discussed. Cllr. Pennington proposed that another meeting was arranged so that the budget could be discussed, it was explained that the reason the Agenda and public forum had been reduced was to discuss the budget and precept in a transparent manner that evening and not behind closed doors. The Budget had been sent to all Councillors prior to the meeting along with the UpToDate finances and current balances. There was no seconder to Cllr. Pennington’s proposal, therefore, the budget and precept were discussed in full.

There was a proposal to accept both the budget and the Precept. Proposed by Cllr. Oliphant and seconded by Cllr. Webber. It was therefore, **RESOLVED** to accept the budget for 2020/21 and the Precept. Cllr. Pennington had requested a recorded vote and voted against the budget and the precept. Cllrs. Page, Oliphant, Webber, Ward, Thorp and Clarke had all voted in favour.

The following payments were submitted for approval on 13th January 2020:

**Payments- Main a/c:**  £

Clerks Salary, phone allowance, office allowance and stationery sundries (December) **£637.10**

Marldon Village Hall – Repayment of monies paid out for cliff repair. **£9,164.00**

(Minutes 14/10/19) Minute 18 (10.19)

S W Water (Allots: £67.91/Meadow £34.65) **£102.56**

Robin Cox – mileage claim **£15.07**

**BANK ACCOUNTS as at 24/12/2019**

Main Account (approx.) as at 24 December 2019: £22,540.86

P3 Account as at 24 December 2019: £580.64

Environment Account as at 24 December 2019: £172.83

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

**Total Balances (approx.) held by Marldon Parish Council at 24 December 2019: £44,313.05**

**7. (13.20) PLANNING:** Cllr. Pennington did not take part in this vote to due conflict of interest in his District Councillor role.

Reference: 3997/19/VAR – removal of condition 4 planning permission 34/1505/02/FUL – barn at Lower Westerland: **REFUSAL**

**9. (13.20)**  **Highways:**  Highways had been contacted regarding the Grit bin refilling and the position of two new bins, there had been a question regarding the siting of a grit bin in West View Road as there was already one in situ. It was confirmed that a second bin was required at the bottom of the road to assist residents who needed to get up the hill from the Cul-de-Sacs. The re-painting of the yellow lines had also been discussed.

There had been no confirmation of all requests including the siting of the autospeed limit machine and the signs for Five Lanes – the Clerk explained that the requests had only just gone in as the last meeting had been Christmas week and return to work had only been the previous week. There would be updates at the February meeting, however, Highways would have to visit the proposed sites for the autospeed limit machine and the signs in Five Lines before any approval or otherwise was received.

**13. (13.20) DATE OF NEXT MEETING.**

Monday 10th February 2020 @ 7.15pm

The meeting closed at 21.25hrs.

Signed By.................................................. Cllr. Page (Chairman) – 10th February 2020

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