

Meeting of Modbury Parish Council Meeting
Tuesday 11th June 2019 at 7.00 PM
The Pavilion, Queen Elizabeth II Recreation Field
MINUTES

Apologies: Cllrs Rosevear, Keel, and Ms Turner.

Present: Cllrs Watts (Chair), Middleton, (Vice-Chair), Woodcock, Barnes, Cole, Coates, West, Taylor & Whybrow.

Open Forum:

- Responding to a letter in the Messenger on **Dog Fouling/Dog poo bags** which had been left hanging on the railings by the entrance to the sewer works, Cllr Middleton had already written an article for the Messenger, so, in addition will print and laminate more Anti-dog fouling signs and ensure these are placed in strategic places.
- **Memorial Hall car park/play area** – Cllr Taylor has now received feedback regarding whether an extension to the car parking space would require planning permission and will report on this in his relevant Agenda Slot. The Council received a letter signed by 8 residents requesting a “public meeting” about this matter. This was to be discussed later in the meeting.
- The **red brick wall** at the new development was not in breach of any planning conditions and is as per the planning granted. It was suggested that an item clarifying this was published in the Messenger to inform residents as they do not all read the Parish Council Minutes.
- **Parking outside Co-op and Galpin St** (see later Agenda item)
- **Grass verges** – Could more verges be set aside and planted with wildflowers to encourage and support Bees? There is one area by Long Park which is already designated as wild/meadow flower verge. This will be placed on the Agenda for July's meeting so that the Council can consider identifying additional sites that might be feasible for such purpose (bearing in mind traffic visibility).

Forestry Commission presentation – Postponed until July meeting.

Devon Councillor's Reports.

- Cllr Gilbert handed out a leaflet on **Trading Standards** approved businesses (which comes under cabinet portfolio). He requested this was publicised as Modbury has many mature people in community who may be vulnerable to scammers. Companies bearing this kitemark are quality companies who have been inspected by council and have to pay a fee. The Clerk will scan and publish this on the Council's website.
- There have been several Traffic Restriction Orders for the main road towards Plymouth from **Edmeston to Fancy Cross**. Although the resurfacing works are not being carried out until October, there is significant structural damage which needs to be fixed before resurfacing can commence, so that section of road will be closing a couple of times beforehand. This will obviously cause a disruption to motor vehicles travelling this route, although it has been confirmed that this will not affect public transport which will be granted access even during times of road closure.
- Things are still looking positive for **British Ceramic Tiles** at Newton Abbot and there is good reason to suggest that the factory will be re-opening.
- Cllr Cole requested that Cllr Gilbert look into the subject of redundant GPO manholes along the Highways. He believes many are now relics as new cables have been installed. Cllr Gilbert will raise this matter at his next monthly meeting with Highways. However, he stressed that Utilities providers do have all sorts of powers to do things and don't need the approval of highways. He may not have an answer in July, but hopefully for the next meeting, but will look into this. Cllr Taylor mentioned that he had received a report that one of these Manholes (by Penn Parks) was defective and had caused damage to somebody's recently MOT'd vehicle. This Manhole had, however, now been repaired. Cllr Gilbert left the meeting.

District Councillor's Reports.

- Cllr Taylor confirmed that South Hams District Council had now released **Champernowne Play Park** funding in the sum of £13,028.
- **Memorial Hall Play Area/Car Park** – Cllr Taylor has now established after meeting with Planners, that any extension to the car parking area would definitely need planning permission. He was not able to obtain any indication as to whether this would be granted; but, this might be difficult if there was a lot of opposition from residents who want the play area to remain in situ. With regard to the resident's request for a public meeting with the Memorial Hall Trustees (to open up dialogue), the Chair reminded everybody about the history behind the Memorial Hall play area, which prompted the proposals for the new pocket park at the Green which had been agreed in planning documents pursuant to the License entered into with Bloor Homes in December 2015. Cllr Whybrow also expressed his resentment to the misrepresentation/implications that had been made (in a letter published in the Messenger) that the council had done nothing about the Play Area. He reiterated again that he had spent the last 18 months in dialogue with the Memorial Hall Trustees, parents and SHDC trying to come up with solutions and alternatives for the play area, with no resistance from the Memorial Hall to an exploration of all options; and that until the Memorial Hall applies for planning permission, and the results are revealed, then there is nothing further that can be discussed as it comes down to whether planning will even be granted. The Clerk explained that she was not aware of any legislation that required the Council to call a public meeting at the request of 8 residents so she would take advice from Devon Association of Local Councils (DALC) on this. However, as all parish Meetings are public meetings, and are held monthly it did not seem necessary to hold a further additional and specific meeting at this stage.
- Unfortunately Modbury had been unsuccessful in securing SHDC funding for **Electric Car charging points** as this had been allocated to Kingsbridge, Ivybridge and Totnes. However, smaller towns will get another chance next year.
- **Historic England - High Streets Heritage Action Zones Funding.** Expressions of Interest are being called for this funding scheme so Cllr Whybrow and Ms Turner are looking at the feasibility and what projects this fund can be applied for.

- SHDC had a **£49K underspend** last financial year. This is not a large amount in the grand scheme of things so it is looking at other areas in which savings can be made.
- SHDC is joining with Teignbridge Council to look at what can be done for **climate change**.
- Cllr Cole had heard that West Devon was trialling three-weekly **refuse collections**. Cllr Taylor explained this would only be garden was not food waste as that is hazardous. He confirmed that there had been some initial teething problems with the new Waste Management Contractor, but things are now running smoothly.
- Cllr Whybrow had written to Wendy Ormsby about the Barracks Road imprinted surface which was refused (as discussed at previous meetings). She had forwarded this query to a colleague who had something to do with phase 1. Cllr Whybrow asked Cllr Taylor if he could find out who the colleague was. Cllr Taylor will find out.
- Cllr Taylor received a query from a resident who had recently returned from France, where, in some towns, parking was free and the towns appear to thrive. Cllr Taylor explained that if a method of funding this shortfall to SHDC could be found, then this would not be a problem. However, even if there was an increase in Council Tax, the majority of that increase would not be passed on to SHDC as the vast majority goes to Devon County Council. Whether a town thrives does not just depend on parking charges. Some towns charge a lot more for parking, yet are still very busy.

Police Report. Read out by clerk

Total crimes between 14th May and 11th June 2019 – 9 Crimes broken down as follows:

Assault x 4, Criminal Damage x 3, Possession of a Class B drug x 2. (Note: 4 x crimes were generated out of a single incident).

Total crimes for the same period in 2018: - 1.

19.071. Declarations of pecuniary and other interests

Cllr Watts declared an interest in Part 2 – MARS Minor Works Contract and also in Appendix 1 Payment to MARS.

Cllr Taylor declared an interest in the section of Planning as he sits on the SHDC Planning Committee.

Cllr Barnes declared an interest in Appendix 1 payment to the Messenger CIC.

19.072. The Council's had been asked to overturn its previous decision (*Minute 19.026.c*) regarding the plan/proposals submitted by **Highways Enforcement** team for a **limited waiting** area at the bottom of **Galpin St** outside the Co-op by 4 councillors (and residents). The Clerk gave brief introduction into events leading to this for the benefit of new councillors. The request to overturn its previous resolution was on the basis that there had been a misunderstanding about the proposed changes, which it had believed pertained to works discussed in a meeting that had taken place with the Highways Officer. However, an additional suggestion had been subsequently added by Highways for 2 short stay bays by the office, which would effectively remove existing parking for residents. (Permission was given for a Galpin Street resident to record this section of the meeting). The Council had received some alternative suggestions from one resident, and it was felt they were a good idea, so it was felt a further meeting with the Highways Officer was necessary. With regard to CCTV, Cllr Whybrow had been informed by a parking enforcement officer that only they could issue tickets and photographic evidence from elsewhere would not be sufficient. This was contrary to previous advice that the Council had received from the police who had stated that any photographic evidence could be submitted to the parking enforcement team who then contact the registered owners of offending vehicles. Cllr Cole proposed, seconded by Cllr Whybrow, and all were in favour that the previous decision in the above minute be overturned and the Clerk should contact the Highways Officer to arrange a further meeting.

19.073. Planning: The Council considered the following applications:

200	1260/19/FUL	Barn at Traine Modbury PL21 ORL	Alterations to barn conversion previously permitted (0576/17/PDM), including window locations, roof materials, woodburner flue, PV panels and extension to residential curtilage.	MM/CB proposed No objection and all were in favour (bar 1 x abstention – BT)
201	1422/19/LBC	The Poundhouse Modbury PL21 ORN	Listed Building Consent application to replace a rotten timber beam under the stone arch (retrospective).	MM/CB proposed No objection and all were in favour (bar 1 x abstention – BT)
202	1642/19/HHO	8 Stones Close Modbury PL21 ORZ	Householder application to alter the roof to provide a room in the roof space, including velux windows and dormer extension (revision of consent 35/2199/14/F).	MM/CB proposed No objection and all were in favour (bar 1 x abstention – BT)

19.074. Minutes of Annual Meeting of 14th May 2019.

- The Council considered the above **Minutes** (distributed earlier). Cllr Whybrow proposed, with Cllr Coates seconding, and all were in favour the Minutes be approved as a true and accurate record.
- The Clerk had circulated the **Appendix II Action Plan** to councillors prior to the meeting. Sheephams lane to Strode Cross has been put as a monthly item on Ermington's monthly meeting agenda. Cllr Hosking has still not replied to the follow up email. The Clerk will email him to remind him.

19.075. Finance and Human Resources

- The Council considered the payments as listed in **Appendix 1**; Cllr Taylor proposed, seconded by Cllr Whybrow and all were in favour (bar 2 abstentions) that the **payments be approved**.
- Standing Orders and Direct Debits** – The Council reviewed ongoing standing orders and direct debits as per their policy. Cllr West proposed, Cllr Middleton seconded, and all were in favour these should continue.
- In accordance with a suggestion from the Auditor to ensure compliance for internet banking. The council considered a new proforma **Purchase/payment authorization slip** for internet banking payments/purchases made by councillors. Cllr Whybrow proposed, Cllr Middleton seconded and all were in favour this be approved.

- d) The council considered making a **grant** to the **Christmas lights** this year. Funds in the sum of approximately £2,300 are currently held by the (now merged) Kingsbridge, Salcombe and Modbury businesses Chamber of Commerce which help to partially fund events like this. Cllr Taylor suggested the amount of £500. Cllr Middleton's view was that this had in the past always been self-funding, with the retailers organising a summer ball to raise money. However nothing was organised last year. She felt if the Council did support this, that retailers should still make efforts to fundraise for this event and should be encouraged to do so. Cllr Taylor proposed, seconded by Cllr Woodcock and all were in favour bar one objection, **that the council should grant the sum of £500 for the Christmas Lights.**
The question of events insurance was raised. The Clerk clarified that the Council's policy only covered events organised by the Council so would not cover this event. She will contact the Clerk for Aveton Gifford to clarify, as it is alleged Aveton Gifford Parish Council has in place, a policy which covers all events whether organised by the Council or not, and which covers the swimming pool.
- e) The Council considered it's for the allocation and maintenance of the **new car parking spaces** that Modbury Parish Council will be acquiring. The Clerk ran through options and costings. Allocation criteria will be required so as to ensure people with no viable parking in that location are given priority when applying, (for example Church Street applicants). Cllr Cole proposed, seconded by Cllr Middleton and all were in favour that **lockable parking posts (as per quote provided) could be purchased without further referral to the council when the Clerk was satisfied that the Transfer of spaces would be going ahead as per the Licence.** In the meantime the Clerk will check the handover provisions for the new parking spaces and will chase up Bloor Homes for a meeting on site to discuss their proposals and enquire if they might install such posts at the time of surfacing the spaces.
Cllr Cole wished to investigate the possibility of the existing car park at the Green remaining as a car park if the planned pocket park proposals did not go ahead. This area has been designated a public open space by planners and formed the basis of the Licence with Bloor so it was highly unlikely this would be permitted. Cllr Cole and Cllr Coates proposed, and it was generally agreed that it would be in order for Cllr Taylor to merely enquire about the feasibility of this.
Cllr Woodcock announced she had been conducting an informal survey of bad and inconsiderate parking in that area and felt this could be a contentious issue in future.
- f) The Council considered the final draft **Lease for Champernowne Play Park.** Cllr Whybrow gave a brief precis on the story so far for the benefit of new councillors. The project will be managed by LiveWest. A post installation inspection will be undertaken by RoSPA which will be synchronous with completion of the Lease; and Modbury Parish Council (MPC) will then take on routine manage/maintenance and inspection of. There will be a guarantee of 10 years for play park apparatus with a life expectancy of 20 years. Apparatus will be made of Robinia wood and Larch. MPC will receive £5K Maintenance Fund from Champernowne on the understanding that this is ring-fenced for the future maintenance of this Play Area only. The first draft Lease was for 25 years but it was felt that given the length of guarantee/life expectancy that 15 years would be more appropriate, thereby reducing the risk to a 5 year period outside of the guarantee. Champernowne Play Park Group (the Group) will hold fund raising events each year to top up the fund. LiveWest did not want group to be party to Lease so instead the Groups is giving MPC a letter of intent. Cllr Whybrow proposed, seconded by Cllr Barnes, and all were in favour **that the Lease be approved and that it can be signed/completed by the Clerk (once in a position to proceed) without further referral to MPC.** Due to LiveWest's insistence that MPC agree (in principal) to the Lease terms before proceeding with works; and to a delay in Earthrites commencing works to break up the existing play park surface, it looks like will works will not start mid-July. However, the Group needs to meet and decide whether to ask for the land to be fenced off, and commence installation works over the summer, or to keep it open for the summer, and run a compensatory event and strive to get it open for half term in October.

19.076. Other bodies and committees: Owing to holidays the working group had not been able to organise a meeting to look at the restructuring of Committees and Working Groups/their Terms of reference and delegated powers. A provisional date of 21st June has been agreed. This will be discussed at the July meeting.

19.077. The Council received the Minutes of the recent Communications Committee meeting held on 5th June. They had made recommendations for a **policy to be drafted for dealing with the Press or Media.** Details of this were set out in the Minutes. The Clerk will prepare a draft policy to be approved at the July meeting. The Emergency Plan Policy also needs updating so Cllrs Middleton, Watts and Taylor will communicate and make any necessary changes to be approved at the July meeting. The Clerk pointed out that any residents whose names and details are published in this policy should complete a form consenting to this to comply with GDPR. The Clerk will prepare such a form and email this to Cllr Middleton.

19.078. Parking Working Group – There were no updates from the Parking working group but Cllr Cole had spoken to Mrs Richardson and she will be calling a meeting in the next 10 days.

19.079. Swimming Pool Update. Cllr West had spoken with Mr Berry who had attended an unsuccessful meeting with Mrs Jezzard and 2 members of the Local Education Authority (LEA). They were opposed to the school allowing the pool to be used out of school hours (despite recent changes to legislation requiring this) on the basis that they had concerns about insurance issues and the possibility of litigation. Mrs Gage had also had a telephone call with a LEA liaison officer who was not sympathetic to the cause. The Swimming pool Working Group have not given up though, and is hoping to get the Parent Teacher's Association (PTA) onboard for a bigger push, although it looks like nothing will be sorted for this summer. The Council's ongoing support will be needed.

- 19.080. a) Neighbourhood Plan NP) /Joint Local Plan (JLP) –** Ms Turner was on holiday so there was no update, save for the fact that some proposed amendments to the NP were to be considered by the Council in Part 2;
- b) Community Action Plan;** Modbury Loves Local have now got 3 traders sitting on the group. They have been given details about a High Street Heritage Actions Zones Fund that might be a possibility, but need to look at what projects might be viable for this. The Closing date for applications is 12th July. Their next meeting is set for 10th so any suggestions will need

to be circulated in advance so they can decide whether to bid or not. There are also one or two other smaller schemes that they might be able to apply for.

Marigolds Day monies have covered the purchase of planters to increase the number of planters to around 20.

19.081. Palm Cross Green Development General update. There had been queries about the height of the industrial units, They will only be one storey but internally the ceiling height will be 14 feet as the entrance will be situated on the higher ground level, and will be stepped down inside.

19.082. With the **Penn Parks Phase 3** development in mind, the Council discussed the suggestion that it should request Highways implement a **30mph speed limit zone** from the section of road **from the Layby at New Road, all the way out to Fancy Cross**. Also they were asked to think about extend the footpath further (towards plymouth). This will be discussed with Highways at the next meeting.

19.083. The Council considered what course of action needs to be taken in relation to the **Wall along Barracks Road**. It was generally agreed that the Clerk should write a letter to occupiers of properties adjacent to the Wall to notify them of the potential problems. It is believed that there is a covenant that there should be no trees within 1 metre of the wall. Cllr Whybrow knows a potential new purchaser of one of these properties so may be able to get a copy of the Title Deeds to verify what provisions there are.

19.084. Correspondence

- a) The Council considered making the **Seafarers UK Merchant Navy Day** a recurring annual event (for as long as the event continues nationally). It was generally agreed this should be an annual event.
- b) The state of the road from **Crownhill Cross to Strode Cross** was discussed earlier in the meeting.

19.085. Committees and working groups:

The **Maintenance Committee** will be calling an official meeting imminently. This will be advertised in advance.

Mr Weeks had tried to commence weed spraying but had been unable to access the equipment in the store. Cllr Cole will make sure that there is clear access to the spraying equipment.

Part 2

Members of the public were requested to leave the meeting.

Standing order 3d. *"Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted."*

19.085. The Council had been asked to consider SHDC's suggested amendments to the **Neighbourhood Plan** before final submission. Cllr Whybrow ran through details of the amendments. Most of the changes were mostly minor tweaks but there was one substantial suggested change for which a declaration will have to be made to all consultants. Cllr Whybrow proposed these **suggested amendments be approved**. This was seconded by Cllr Barnes with all in favour bar 1 x abstention.

19.086. The Council considered the **MARS's Minor Works Contract** between MARS and the approved Contractor, for improvement works to the Pavilion. Cllr Watts did not take part. The Clerk stressed she had insufficient experience and expertise to advise on the terms of such a contract. Cllr Barnes had highlighted some areas that needed clarification in the Particulars Section 5.3 and 7. Cllr Woodcock proposed, seconded by Cllr Whybrow, with all in favour that this be approved and the signing thereof be delegate to Clerk/MARS to sign, subject to clarification of the relevant clauses mentioned before.

19.087. The Council considered renewal of the **Grass Cutting Contract** with **Back To Nature Gardening**. The quotation was higher this year but there were increased cuts and additional areas that had been quoted for. Cllr Taylor proposed, seconded by Cllr Coates and all were in favour that MPC **should renew the contract with Back to Nature**.

Councillors were reminded about the next 4 Saturdays on the duty Rota:


Cllr Woodcock (swapped with Cllr Middleton – 15th June

Cllr Taylor – 22nd June

Cllr Harvey – 29th June

Cllr Middleton (swapped with Cllr Woodcock) – 6th July

Meeting closed at 2150 Hrs.

Signed by Vice Chair: 

Date: 9-7-19