

WIDECOMBE PARISH COUNCIL

Minutes of a meeting of the Parish Council held in Leusdon Memorial Hall, Leusdonon Thursday 3 February 2022

Members present: Councillor Elliott (Chairman for this meeting), Butcher, Edwards, Jones and Partridge.

Members were joined by Sandra Zab after item 2 following her co-option.

Also present: District Cllr Nutley

Members of the Public: Four

Clerk: Suzanna Hughes

4766 APOLOGIES FOR ABSENCE

(a) Members received and noted the resignation of Cllr Whiteside.

(b) Members received apologies from:

- Cllr Fenton
- Cllr Hassell
- County Cllr Gribble
- District Cllr Parker-Khan
- District Cllr Cox
- Rob Steemson (DNPA)

4767 CASUAL VACANCIES

Four applications were received for two vacancies. Members agreed to cast their vote by paper ballot which resulted in Sandra Zab and Jane Bibby being elected as co-opted members. Sandra Zab was present at the meeting. She signed her Declaration of Acceptance of Office and immediately joined the meeting.

The other applicants were thanked for their interest in the Parish Council.

4768 OPEN FORUM

A member of the public expressed ongoing concerns about the activities at land south west of Honeybag Tor, Widecombe (Thornhill Lane). A planning application was approved last year for the widening of an access and new hardstanding (0252/21) despite a number of local objections including the Parish Council. The work that is being undertaken in this location appears to be going beyond that for which permission was given. This includes the widening of a category 12 highway without permission, removal of banks to allow access for large vehicles, preventing access to other road users, lack of signage and the felling of many trees. It was agreed that the Parish Council will write to DNPA's Enforcement Officer to establish whether the applicant has complied with the planning conditions or whether the works which have been carried out have gone beyond those which were given permission. A letter will also be sent to DCC Highways to establish whether the applicant obtained permission from DCC for the works he

has carried out to widen the highway in this location and whether he was given permission to close the highway.

A member of the public expressed concern about accessing the defibrillator and advised that there is an opportunity for 30 people in the community to be trained on using a defibrillator at a cost of £250. Cllr Elliott advised that she believed that posters had already gone up around the parish inviting people to take part in first aid training incorporating using a defibrillator at a cost of £8 per person. Members also suggested increasing signage across the parish to raise awareness of where the defibrillators are located.

4769 DECLARATIONS OF INTEREST AND REQUESTS FOR DISPENSATIONS

Members were reminded of their responsibility to continually update their Notice of Registerable Interests and invited to state whether they have any interest in the items to be discussed during this meeting in accordance with the Council's Code of Conduct.

Unforeseen requests for a Dispensation to be considered at this point only if there was no way a Councillor would have been aware of such before the meeting.

Cllr Butcher declared an interest in 4774 (a)(i).

Cllr Jones declared an interest in 4774 (a)(ii).

4770 RATIFICATION OF MINUTES

Members received the minutes of the Parish Council meeting held on 2 December 2021 which were approved as a true and correct record.

4771 REPORTS

(a) County Councillor

Cllr Gribble was not present at the meeting but wished to inform the Council that he had granted £1000 to Leusdon Memorial towards the cost of repairing the internal walls.

(b) District Councillors

Cllr Nutley reported that TDC is working on draft budget proposals for 2022/23 and 2024/25. The proposed budget includes an increase in the Band D council tax of £5 equating to £185.17 for 2022/23 (2.87%). Increased support is being given for housing including the Teignbridge 100 whilst backing business and bringing people and organisations together for local neighbourhood planning infrastructure. A sum of £26,000 has been budgeted for the reintroduction or rural aid for 2022/23 and a new two year pot of £40,000 per annum for 'Tidy Teignbridge' initiatives to improve cleanliness for town and parish councils. Provision has also been made for a voluntary and community sector small grant scheme. These can be applied for on the TDC website. The proposals will come before the Executive on 8 February and to the Full Council on 22 February for approval. Further budget proposals can be viewed on TDC's website.

Cllr Nutley reported that a number of TDC's recycling staff are suffering with Covid and are having to self-isolate. Although some collections are not being carried out on their normal days, they are doing their best under difficult circumstances and some have been working weekends to try and catch up with the backlog.

Cllr Nutley informed members that he has a new role on the Council: he is now an Executive Member and Portfolio Holder for Sport, Recreation and Culture. At the moment, the Council is carrying out decarbonisation work on the sport and leisure centres and at the Council offices at Forde House. It is hoped that the work will be completed by the end of March.

Because some of the District Council meetings have been disrupted by some members of the public shouting out, the meetings have had to be suspended for a short time. The Council is now looking to have security at the next Council meeting in order to safeguard councillors and officers.

Cllr Partridge reported that the village sign near Lady Meadow Terrace has been graffitied. Cllr Nutley suggested reporting this to DCC Highways.

(c) DNPA Representative

Rob Steemson was not present at the meeting.

Cllr Nutley advised that body cams will be made available for Rangers to use following incidents of abuse by members of the public.

(d) Police

No report.

(e) Delegate Reports

Cllr Elliott informed members that she had recently attended the first of four 'Being a Good Councillor' training sessions and advised that, as an employer, it is considered good practice to have an HR Committee.

4772 PROJECTS

(Lead Councillors: Cllrs Partridge & Fenton)

(a) Parish Field

Members considered documents which had been circulated prior to the meeting including a draft terms of reference for Friends of Widecombe Parish Field and a list of suggestions for how the parish field might be used.

Cllr Jones considered that the Parish Council, whilst looking at obtaining a water supply, should explore whether it has a right to water. She also expressed concern about a five-year sheep grazing lease and that a one-year lease would be more appropriate to start with. The arrangement with the pre-school was also discussed and it was noted that the signed contract which had been sent to them on 16 July 2021 had not been returned. Cllr Elliott offered to contact the pre-school to follow this up. There was also a general discussion about the orchard and whether it was appropriate to sponsor trees. The compatibility of grazing with other events and the planting of the orchard was also discussed.

It was suggested that the Parish Council needs to consider whether it is looking to generate an income from the Parish Field or whether its priority is to use it for community events.

After discussion, Cllr Elliott advised that many of the suggestions hinges on whether there is sufficient interest from members of the public to form a 'Friends' group. It was therefore agreed that Cllr Partridge would go back to those people who had put their names forward at the Parish

Field Open Day in September to find out in what capacity they are prepared to get involved. An article in the Parish Link was also suggested to establish interest in the community. In the meantime, invitations for tenders for sheepgrazing from April to mid-December (without water) would be advertised in the parish.

4773 ESTATES

(Lead Councillors: Cllrs Edwards & Elliott)

(a) Signage around the horse chestnut tree on the green

Members received and considered quotations for signage to be erected around the horse chestnut tree on the green (under which soil amelioration was recently carried out) to dissuade people from walking underneath and protect its root structure.

After discussion, some members agreed that because the lifespan of the tree is limited, signage was unnecessary additional expense. It was therefore agreed by a majority of members not to purchase any signage.

4774 PLANNING/LOCAL LIAISON

(Lead Councillors: Cllr Jones)

(a) New planning applications/appeals

(i) 0022/22 – Little Barnyard, Poundsgate

Side extension and replacement of existing roof finishes, window and door units

It was agreed not to comment on this application as the application related to more technical matters about which it was more appropriate for the planning officer to determine.

(ii) 0625/20 – Blackdown Piper Farmhouse, Widecombe-in-the-Moor

Appeal against refusal of full planning permission for permanent use for temporary agricultural worker's dwelling (principal dwelling) granted ref 0257/18

It was agreed that as the Parish Council had not commented on the original application, commenting at the appeal stage would not be appropriate.

(b) Planning Decisions/Withdrawals

(i) 0575/21 – West Sherill, Poundsgate

Replacement agricultural livestock/agricultural and machinery storage barn

Members noted that DNPA has granted conditional planning permission.

(ii) 0370/20 – Brook Lane, Widecombe-in-the-Moor

Construction of eight affordable residential dwellings and associated infrastructure, field to the west of Brook Lane Cottages, Brook Lane, Widecombe-in-the-Moor

Members noted that TDC has granted conditional planning permission.

(iii) 21/0071 – Proposed tree works, New Park Cottage

Members note that DNPA has not protected the trees with a Tree Preservation Order.

(iv) 0684/21 – Old Post Office, Poundsgate

Erection of two rear single storey extensions

Members noted DNPA has granted conditional planning permission.

(c) Other planning matters

(i) DNPA Local List Public Consultation (26 January-10 March 2022)

This consultation was noted and Councillors were invited to make their own comments if they so wished.

4775 FINANCE AND GOVERNANCE

(Lead Councillor: Cllrs Butcher)

(a) Payments

Members received and approved the following payments:

- Cheque no 001092 – Clerk's salary and disbursements (Feb) – £241.57
- Cheque no 001093 – J Southcombe (reimbursement for new pads and rescue kit for the defibrillator) – £93
- Cheque no 001094 – DALC (Cllr Jones training) – £36

(b) Small Grant Scheme

Members received and considered five applications for a small grant. A sum of £2100 was available. (£1500 in 2021-22 budget plus a sum of £600 carried forward from last year).

Having received applications from Widecombe PCC and Leusdon Church for maintenance of their churchyards, it was noted that there are specific rules around making grants to churches. These are set out in the Local Government Act 1894 and the Local Government Act 1972.

The powers in the 1894 Act prohibit councils' involvement in property relating to the affairs of the church e.g. the maintenance or improvement of buildings or land or contributing to the costs. However, it could be that the provisions contained in the 1894 Act are overridden by the legislation made in 1972. S.214(6) of the LGA 1972 provides that councils which are burial authorities may contribute to another person's expenses (e.g. the PCC) in providing a cemetery in which residents in the council's area may be buried. Further, s.215 of the 1972 Act permits a council to maintain a closed churchyard.

There is an accepted legal principle, applied by the courts, which is that in interpreting what an Act of Parliament means, a specific provision overrides one of a general nature. In applying this principle, the National Association of Local Councils (NALC) considers that s.214(6) appears to overlap with the specific provision in s.8 of the 1894 Act which prevents a council from contributing to the affairs of the church and, in NALC's view, the specific provision would prevail. S.215 of the 1972 Act is a specific provision in respect of the responsibilities of a council to maintain a closed churchyard which, in NALC's opinion, thus overrides the prohibitions in ss 6 and 8 of the 1894 Act.

NALC advise that there is no current case law to resolve the question of whether or not the 1894 Act restrictions override the provisions in later Acts of Parliament and ultimately it would be for

the courts to determine the extent of any prohibition from the 1894 Act. Any court action started so as to resolve this point is likely to be expensive and time consuming. Whilst there is no consensus on the issue, a council that considers making a payment in these circumstances needs to consider whether it is prudent to take a course of action that it cannot be certain is legally valid.

is in mind, and given that it was very much a grey area, the majority of members agreed that the Parish Council should not allocate any funds to either of the Churches in the parish. Cllrs Elliott and Jones agreed to draft a note to both Churches to explain the position.

It was agreed to allocate the funds as follows:

- Leusdon Memorial Hall (Repairs to internal walls) – £1500
- Spitchwick Cricket Club (Repairs and servicing of equipment) – £300
- Widecombe Hand Bell Ringers (Towards loan repayments covering servicing/replacement parts) – £300

(c) Annual Parish Meeting

The clerk advised that legally this has to take place between 1 March-1 June. It was agreed that it was too soon to arrange a larger event involving community groups etc and that this is something which be arranged for later in the year. On this occasion, it was therefore agreed to hold a short Annual Parish Meeting on 3 March at 7.00pm in Church House, Widecombe, which would be immediately followed by the March Parish Council meeting at 7.30pm.

(d) Frequency of Parish Council Meetings

Members considered a proposal to hold Parish Council meetings every other month (January-later in the month, March, May, July, September and November) with interim Planning Meetings as required.

It was agreed to trial this for 6 months. It was further agreed to amalgamate the existing four groups into two (projects/estates & planning/finance) to ensure better support for each area. Meetings will be alternated between Church House, Widecombe and Leusdon Memorial Hall.

4776 HIGHWAYS

(a) Members received confirmation that the application for a stopping-up order on highway known as Land Adjacent to Hayloft, Widecombe-in-the-Moor was made on 20 January 2022 with immediate effect.

(b) Members noted that works to Newbridge and Holne Bridge will be taking place from 21-25 February. Diversions will be in place.

Potholes and other highways maintenance issues can be reported direct to DCC:

Online: <https://www.devon.gov.uk/roadsandtransport/report-a-problem/>

Telephone: 0345 155 1004

Email: customer@devon.gov.uk

4777 CORRESPONDENCE

(a) Members received an invitation to attend the National Park Forum on 17 February, 2-4pm to consider DNPA's response to the Landscapes Review.

(b) Members were advised that a community group is being formed to plan events to celebrate the Queen's Platinum Jubilee. Some funding is available from the old Social Group and ideas are being discussed.

4778 MEMBERS' ITEMS FOR INFORMATION OR GENERAL DISCUSSION, FOR INCLUSION ON FUTURE AGENDAS AND/OR ITEMS REQUIRING URGENT ATTENTION

Members are reminded that they have not received the statutory notice of this business to be transacted and should therefore recognise that any decision made may be taken to be unlawful if challenged in the future

None.

4779 DATE OF NEXT MEETING

The Annual Parish Meeting will be held on 3 March 2022 at 7.00pm in Church House, Widecombe.

This will be immediately followed by the March Parish Council meeting at 7.30pm.

Signed Dated