

## **KINGSWEAR PARISH COUNCIL**

### **Minutes of the Council Meeting held at the Sarah Roope Trust Rooms on Tuesday 12 December 2017 at 7.00pm (for formal approval at the next Meeting of the Council)**

*Present:* Councillor J Henshall – Chairman

Councillors: L Maurer (Vice Chairman), H Newcombe, E Parkes, M Trevorrow, J Hawkins and L Payne.

*Apologies:* Councillors E Jones, Cllr R Searle and Cllr E Essex.

Police Constable A Vaughan, District Councillors R Rowe and H Bastone,

In Attendance: Mr David Edwards – Clerk to the Council  
Mrs Melissa Trudgill – Assistant Clerk to the Council

There was 4 members of the public and 1 member of the Press present.

#### **C/097/17 – Welcome from the Chairman**

The Chairman welcomed everyone to the meeting. The representative from the Press recorded the meeting. There were no objections.

#### **C/098/17 – Declaration of Interests**

The Members were reminded that any changes to their Declaration of Interests should be notified to the Clerk.

#### ***The Council Meeting was suspended to allow members of the public to ask questions and make representations to the Council:***

#### ***Questions from the public:***

1. A member of the public reported her concern over two issues:
  - i) that following the roads being swept by the road sweeper, two workers walk along with leaf blowers which results in large piles of leaves filling the pavements. This causes inconvenience to pedestrians particularly with pushchairs who have to walk in the road to go past the leaves and could be dangerous with traffic.
  - ii) There have been two white vans which have been causing distress to residents by driving too close to residents' bumpers, flashing their lights and other unsociable behavior. The Chairman asked if there was further information that could be supplied like a registration plate, so it could be reported to the Police, but this had not yet been obtained.
2. Reference was made to a recent complaint to South Hams District Council through the Local Government Ombudsman regarding the use of confidential information being used or disclosed inappropriately. An enquiry was made on whether the Councillor had apologised to the complainant. Cllr Hawkins responded that this was a confidential matter and Cllr Henshall repeated that it was not a matter for this

Council. Cllr Hawkins directed the member of the public to contact South Hams District Council's solicitor about the matter.

The meeting received information and looked at the plans from Mr Morris of Mill Farm, regarding Galmpton Boatyard. Mr Morris explained that there had been objections to the previous planning application from Natural England and the Environment Agency which have now been resolved. Inclusion of the reestablishment of an oyster bed which could be monitored by a team from Plymouth University, using a tank of recycled rain water to wash the boats and a subterranean ecological zone have all helped to enhance the project. In addition, Mr Morris and his team had listened to the requests from the local villagers about wanting access to the beach and this was also included in the new plan. Mr Morris had brought the plans to this Council meeting out of courtesy before submitting it to South Hams District Council where it would go through the process and be considered officially by the planning committee in the New Year. Cllr Hawkins enquired whether there had been concerns about increased traffic and Mr Morris believed there were no issues with Highways.

*Cllr Parkes entered meeting 7.30pm.*

***The Council will receive the following reports if available:***

*i. Devon County Councillor*

Councillor Hawkins reported that there had been stakeholder meetings regarding the Riverview Clinic/Hospital and concern that the NHS contract has gone out to tender. A patient participation group has been set up with Nick Highmarsh as the contact if a representative from the Council would like to be involved. He requested that the Council write to the NHS Trust about these issues and request that the NHS finds the funds to fulfil their promise of supplying 6 nursing care beds at Dartmouth Riverview hospital.

He told the Council that Dartmouth Academy had just received a good Ofsted inspection. The Head is planning a trip for the pupils to go to France and Cllr Hawkins said that at £550 it might be out of some of the pupils' reach but would be a very valuable experience. The Council discussed this issue and suggested that if there were any pupil from Kingswear wishing to go on the trip but had some financial restrictions, that they could apply for a grant from two local trusts – the Maxi Trust or the Kingswear Combined Charities. The Headteacher would know if there were any children who lived in Kingswear who might benefit from this assistance.

There had been a meeting at Follaton House regarding the Mayflower 400 working group and Cllr Hawkins suggested that a member from this group could attend a future Council meeting to inform the Council and see in what way it could be involved.

Another meeting at Follaton House between the South Devon Estuary partners Non-Beneficiary Group with its focus being to improve the environment of the river. They were also looking at new environmental policies and Nigel Mortimer will be sending out model policies which each Parish could consider and adopt. Cllr Maurer said she would be interested in attending this group. The Waterhead Preservation Society could be contacted to see if they wished to participate in this process.

*ii South Hams District Councillors*

Councillor Hawkins – included in above

Councillors Bastone and R Rowe – No reports

*iii Police Report:*

No report.

***The Council reconvened to discuss the following items:***

**C/99/17 – To consider and make a response to South Hams District Council on the following planning application:**

- 3715/17/FUL – demolition of a portal frame farm building on the site.
- Location – Lower Greenway Farm, Greenway, Kingswear, TQ5 0ES.
- Applicant – The National Trust

Some of the Members were familiar with this building and reported that it was an eyesore which had asbestos in its structure. There were no plans to replace it with another building. The site itself is of historical interest being a good example of model farm.

**(Cllr Hawkins abstained and did not vote).**

**It was RESOLVED to support.**

For information – the Council were informed about the plan for a mobile phone mast amongst the trees at Fountain Violet Farm and gave its support to the application.

**C/100/17 - To resolve to approve the following minutes subject to any amendments:**

**[Amendments to the Confidential Minutes to be noted and documented in Part II:]**

- i. Full Council Meeting – 14 November 2017
- ii. Full Council Meeting – 14 November 2017 (Confidential)
- iii. General Purposes Committee – 28 November 2017
- iv. Planning Committee – 28 November 2017

**It was resolved to approve the Minutes subject to the following amendments:**

- **The date of the General Purposes Committee Meeting was 28 November and the Committee membership includes Councillor Newcombe. Councillor Jones is not a member of this Committee.**

**C/101/17 – To receive an update on the proposed Composting Scheme in Six Acre Field Kingswear**

Cllr Payne reported to the meeting that there had been a good response to the fliers with 30 people volunteering making the scheme viable. Amongst the volunteers, 3 had experience in engineering and design. The Council considered the next step re planning permission being sought and a solicitor engaged to work on the leasing of the land from Cllr Jones to the Parish Council. However, Cllr Hawkins suggested before legal costs were incurred, that the Council should take advantage of having a pre-planning consent meeting with the Planning Authority (in this case Devon County Council) in case there were issues which had not already been considered. It was hoped that the legal agreement between Cllr Jones and Kingswear Parish Council could follow in February.

**It was RESOLVED that Cllr Payne would contact the Planning Department to have an advisory meeting before the planning application is applied for and the**

**Council agreed to pay the fee for this advisory meeting.**

**C/102/17 – To discuss and receive the Report from the Resident’s Parking Working Group (Cllr Payne) and to resolve any action to be taken by the Council.**

The Clerk had written to the Agent of the Nethway Estate regarding the section of land at Higher Contour Road. There is a quotation from a solicitor how much the legal fees would be in acquiring the land. The meeting discussed if Mr Elliott could be approached to see if he might sell or lease his land to the Council for the benefit of the village.

**It was RESOLVED to write to Mr Elliott about the possibility of purchasing the section of land or leasing it from him.**

Report from Councillor Payne re a meeting with Devon Highways on Dec. 5<sup>th</sup> 2017:

*"After hearing about Kingswear’s safety and parking concerns Highways have agreed to put forward a proposal for the whole village to become Residents’ parking. We were very pleased how flexible their approach was: B and B, weekly rentals, second homes, businesses, residents of Hillhead and outlying settlements could all be accommodated. The cost to the parish would be approximately £10,000. Only if as a result of consultation if there was a consensus in support could the scheme go ahead. Highways are drawing up some proposals which we hope to present to the Council in January 2018. After that if the Members so desired we would initiate village consultation.*

Cllr Payne reported that South West Water had agreed to inspect the old reservoir near the junction of Higher and Lower Contour Road due to safety concerns. Unfortunately, they did not have the appropriate equipment to lift the heavy manhole cover but are planning to return to investigate further.

**It was RESOLVED that Cllrs Payne and Parkes would be present when the representative from South West Water returns.**

Cllr Payne gave feedback on the Highways Conference on 16<sup>th</sup> November 2017 that she and Cllr Newcombe had attended:

Highways have a easy to use website called "Report a Problem" concerning anything to do with road issues like potholes or streetlights. That within a week of reporting the large pot hole by the bus shelter using the website it had been mended.

Cllr Payne reported on the idea of a road warden scheme where a person can attend Chapter 8 training and volunteers can be enlisted to undertake various maintenance tasks (filling pot holes, clearing weeds, cleaning signs etc).

It was discussed that other Parishes have adopted this self-help approach to keeping their Parish in good condition especially in these times where there are less funds available for such works. If the council pays a subcontractor for some of the maintenance work then 50% can be applied for from a Highways Fund.

The Clerk advised caution with taking on additional works which might not be sustainable in the future and where perceived liability might be appropriated if the works are undertaken by the Council. There is also concern that the Council insurance might not cover these works to be undertaken by the councillors and volunteers. The Council insurance is due for renewal in June so consideration of this idea with insurance to cover it could be considered at this point of renewal.

There might be an overlap between these works and the duties of a Lengthsman. The next Chapter 8 training course will run in March.

Reference was made to the Snow Warden Scheme. Councillor Jones is the designated Snow Warden. The meeting discussed if he had sufficient salt and was he at the ready if required.

**It was RESOLVED that the Clerk would contact Cllr Jones to see whether he requires any materials which are available from Devon County Council: up to 5 tons of salt, free training and the refilling of the Parish salt bins.**

**It was RESOLVED that the Road Warden scheme be on the agenda for the January Council Meeting.**

**C/103/17 – To receive the Neighbourhood Plan Report from Councillor Parkes (General) and to discuss and approve the actions and any expenditure detailed in the following report.**

Eileen's report to follow by email.

**To include**

Paul Weston – consultancy fee to help write the neighbourhood plan

Fund in the precept for next year to cover the cost of neighbourhood plan

Residents parking permits.

Expenses:

Lower Village Hall hire £14.00

**It was RESOLVED to approve the Report and Expenditure.**

**C/104/17 – To receive the initial report from the Mooring Working Group with regard to:**

- the drawing up of a Moorings Allocation Policy
- the delegation to a Moorings Working Group or named Councillors to undertake weekly inspections of the moorings and pontoons.
- A review of the fees for 2018/2019
- A review of the current Moorings Policy
- The removal of unauthorized boats from Council moorings

The Assistant Clerk circulated a report from the meeting. The working group had reviewed the current moorings policy:

- Options to amend certain paragraphs would be included in the final report
- the Assistant Clerk will obtain model policies from the RYA for consideration with the option to incorporate into the Council's current mooring policy.
- All options will come to the Council for consideration and final ratification.

- There had been a discussion of the current fee structure and a rise of 2% on all charges had been suggested.
- The Assistant Clerk was in contact with the Dartmouth Harbour master and would have a meeting with him in the New Year regarding the Council's moorings policy, allocation process and a draft policy on the removal of boats.
- The working group had discussed a step by step procedure for removing abandoned boats.
- The Assistant Clerk would continue the work of the Clerk to inspect the pontoons (alongside inspection of Jubilee Park) on a weekly basis.

**It was RESOLVED that the option to increase moorings fees for the year 2017.2018 would be on the next Council Meeting agenda.**

**C/105/17 – To Resolve to approve the Expenditure of the Council for the period 06 November 2017 to 05 December 2017 – see attached.**

Comment was made regarding the payment to Kingswear Combined Charities of £498.40. This was a grant to cover of the insurance for the Kingswear Firework Display. It was considered that this was higher than previous years and any consideration to make a similar grant should be brought to the Council in September to allow time to consider alternatives. This insurance was predominantly for the bonfire as the company providing the display would have had their own insurance.

**It was RESOLVED to accept and approve the items of expenditure.**

**C/106/17 – To receive a report from Councillor Payne on the Orchard Link course held on December 2<sup>nd</sup> 2017 on how to plan a new orchard run by Adam Montague. (A report was provided and forms part of the minutes)**

Cllr Payne explained how a community orchard can be a very positive thing for a parish to undertake. It was discussed where in Jubilee Park the optimum site would be for the Orchard. Cllr Hawkins told the meeting that he had previously allocated £1152 to Jubilee Park for tree planting which has not been spent. This could be used for the proposed Orchard. The representative from the ANOB also mentioned a grant of £2000-£2500 for tree planting. There is the option to involve the pupils of Kingswear Primary School.

**It was RESOLVED that Cllr Hawkins would contact Alison Howell (Devon County Council Members Services Officer) to allocate the £1152 monies for the Orchard.**

**C/107/17 – To discuss the proposed development at Whiterock Paignton and to agree on the response by the Council.**

The Council discussed the proposed development and there were concerns that it was against the Torbay Local Plan and to the detriment of the local environment, the River Dart and would increase traffic numbers.

**It was RESOLVED to object to the proposed development at Whiterock.**

**C/108/17 – To discuss the Brixham/Kingswear Peninsular Project and the**

**options available to the Council on the use of the available funding (Cllr Henshall).**

Cllr Henshall circulated a report expressing her concerns over the absence of consultation with Kingswear Parish Council:

*"This item is on the Agenda following several meetings and E Mails with the District Council related to S106 Funding.*

*It is of concern that out of these meetings potential funding of £4875 from the Youth Hostel Application and £300000 from the Noss Development is available.*

*Although there is no Resolution by the Council or detail of any discussion the District Council appear to have worked up a scheme in conjunction with several other organisations.*

*The Delivery Plan is claimed to have been developed between October 2016 to September 2017. 28 projects have been identified and included in what is described as the Final Plan. The projects have been developed through a series of site visits and meetings with stakeholder groups and partnership organisations they claim. It is further stated that the project list captures the aspirations of land owning and managing organisations, community and recreational user groups, supported by public authorities.*

*In view of the amount of potential funding it is of concern that this process has been undertaken when this Parish Council had no knowledge or input.*

*The Plan involves provision of a Public Orchard on KPC owned land and is already a project which the Council has discussed and looking to take on. The basis of this type of funding is by consultation and working in partnership, therefore it appears that there has been a breakdown in communication causing unnecessary work.*

*It is also of concern that the District Council appear to have ignored the Parish Council.*

*It is proposed that the Council write to Councillor Tucker (Leader of the District Council) to ask why the Parish Council had not been consulted and on what basis the District Council had proceeded with drawing up a Plan without a clear resolution from the Parish Council on its decision to either support or not support the proposals."*

The Chairman made reference to this item, a visit by Councillor John Hart (Leader - Devon County Council) to Kingswear and the application for a Certificate of Lawfulness related to Jubilee Park Play Equipment. It was her view that all these items had been arranged, undertaken or were known to Councillor Hawkins and he had not consulted, advised or obtained Council approval for these actions.

Councillor Hawkins referred to the Brixham and Kingswear Peninsula Project and explained that representation by the former Councillor Lovell was agreed by the Council. Councillor Hawkins also commented that he had attended and been involved in very few meetings.

Councillor Hawkins stated that the other items mentioned were not part of the agenda and it was out of order to make reference to them.

**It was RESOLVED that the Council write to Councillor Tucker (Leader of the District Council) to ask why the Parish Council had not been consulted and on what basis the District Council had proceeded with drawing up a Plan without a clear resolution from the Parish Council on its decision to either support or not support the proposals.”**

**C/109/17 - To discuss items of a confidential nature and resolve that in accordance with the Public Bodies (Admission to Meetings) Act 1960 Sub section 2, and the Local Government Act 1972 Section 100A sub sections (2) and (4) that the public and press be excluded from the Meeting in view of the items to be discussed. (Staff matters)**

***The Meeting ended at 22.10***

**Minutes Approved:**

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Councillor J Henshall – Chairman