

KINGSWEAR PARISH COUNCIL

REPORTS FOR FULL COUNCIL MEETING DECEMBER 2018

APPENDIX 1

Devon County Councillor – Report from Cllr Hawkins

1. Second Home/ Business Rates

At last week's Full South Hams District Council meeting, it was unanimously supported by Cllrs to lobby Central Government to change the current system of charging for second homes/ holiday lets.

The motion that was passed said ' this Authority urges the Government to consider the removal of the 100% Business Rate Relief on the letting of Self catering holiday homes. The Government's present approach has a serious financial impact on local Authorities with a high volume of Holiday Home lettings'.

For an area such as ours it badly affects income to councils as the properties are not available to local people but the services councils provide are still required by the tourists and the property owners make considerable income.

2. Frontline (Waste & Cleansing Procurement)

The Council has been looking into how best to operate this service for some time and a Working Group of Officers and Councillors has been set up to look into the best way forward from April 2019

At last week's meeting it was agreed to accept an external contract for the Districts Waste, Recycling and road sweeping.

A huge amount of work has taken place and it was felt this was the best value for money option
A service level Agreement will be in place that is challenging and penalties will be made if this is not met

All South Hams current staff will be transferred to the new operator via TUPE.

3. Development Management

- A. West Dart Phase 2 - This was given permission at the November meeting , all 3 local Councillors supporting.
- B. Waterhead Brake - Awaiting Officers recommendation.
- C. Fish Hoek - Awaiting Officers recommendation.

4. HATOC

Attended last week's meeting at Follaton.

Beacon Road was discussed and hopefully stabilisation of the Cliff will be complete soon

A costing has been sought to clarify how much locally we need to raise

5. Raddicombe Close/ Drive

County Officers are to close proposals for next year's TRO with it coming to the HATOC meeting in March

Following the Parish consultation with residents the Council needs to make its recommendations, suggestions to Officers before Christmas .

Devon County have set up a Working Group to look into the provision of 20 mile zones and the success of current ones

APPENDIX 2

South Hams District Councillors – Report from Cllr Rowe

This is a brief report of Main matters which have been discussed at Meetings of The Council in the last two weeks.

Much of the information is available on the Council's website and in the media.

At a recent meeting of the Executive the main item for discussion was the management of the Public toilets. I know that Cathy Aubertin, the officer with particular responsibility for this, has been in correspondence with your clerk with reference to the ones relevant to Kingswear Parish Council. Cllr Hawkins has been dealing with these issues too.

A Full Council meeting was held on Thursday 6th December and the main agenda items included:

Front Line Services ref. Waste and Cleansing. A decision was made to take this operation outside of the Council's remit and award the contract to a private Company. This will give the Council a cost saving and hopefully a better service.

The proposal to support a S.W. Mutual Bank which came before members.

The Council offices will be closing on 24/12/2018 at 3 p.m. and reopening on 02/01/2019.

Apologies that I am not with you this evening.

May I wish you all a Happy Christmas and Peaceful New Year.

APPENDIX 3

Kingswear Community Orchard – Report from Cllr Payne

The Kingswear Parish Community Orchard Group has been fortunate in being able to have the service of a pro bono lawyer in order to draw up an agreement for the use of the orchard site. The lawyer Joseph Patchitt is from Fried, Frank, Harris, Shriver & Jacobson LLP, one of the largest international firm of solicitors who most agreeably do pro bono work. I obtained a draft tenancy agreement from the "Community Orchards Handbook" which I enclose. After tweaking by the Orchard Group Committee I sent it off to the lawyer for him to formalise into a legal document and he has produced the enclosed lease.

I have since found out that if we are to obtain grants we need to have a lease of the land. Both Lottery "Awards for All" and Tesco "Bags of Help" require evidence of a lease. Their view being that they do not wish to donate money only to find out that the owner of the site later withdraws permission to use it.

Here are the main details of the agreement.

- 1) KPC is still the owner of the land – freehold.
- 2) The only use of the site is for an orchard and non profit making activities. (Permitted use item 1.1 and 7.1)
- 3) We are asking for a 99 year lease. Orchard trees last about 100 years. The hope is that this site will become a beautiful addition to Jubilee Park and it would be good to preserve it for the enjoyment of future generations of Kingswear residents.
- 4) The rent is a peppercorn.
- 5) Since the Orchard Group is an unincorporated body (becoming a charity is too expensive and complicated), It means we have to have two members of our committee, called trustees sign the

agreement. We need to protect those two members from liability and the adviser from CVS South Hams said we could have this written into the tenancy. Hence item 13

- 6) We have an item for changing trustees.
- 7) In the event of the Orchard Group disbanding then the lease will be cancelled. See “Automatic Termination event” item 1.1 and 14.1. As a group we are already future proofing the orchard – we have a young family living in Kingswear that visit us whilst working on the site and their little children will help us spread the grass seed soon. Likewise we have written to Kingswear Primary School inviting some of the young people to help plant the trees in January and to hopefully come to events to learn about maintenance of the site.
- 8) Our constitution, enclosed, reflects all these items in the lease – appointment of Trustees, site reverts to KPC in the event of disbandment etc.
- 9) The Orchard Group commit to keep the orchard well managed according to the “Management Plan”. The orchard is in good hands - two of our committee Bill Riddell (chairman) and Richard Coe both owned and managed orchards prior to living in Kingswear. Likewise Alan and I have been on numerous courses run by Devon Orchard Link which supply excellent guidance in running orchards. The Members of the Orchard Group have spent over 160 hours working on the site in the last six weeks.
- 10) I asked Mr Patchitt to include items that a landlord would need for a good contract. Notwithstanding, you may wish to run the agreement past another lawyer.

APPENDIX 4

Residents Parking – Report from Cllr Payne

Residents’ Parking Meeting held with Highways: Annemarie Gibson. Dave Mindy Cllr Hawkins and I met with DCC Highways on 3rd Dec 2028. We put a proposal as detailed below to them.

1. Permit parking extended to most of Higher Contour Road and Redoubt Hill.
2. Times of permit parking to be 11am-12am and 4pm – 6pm
3. Visitors parking allowed to all residents only 30 permits
4. Designated visitor parking areas in Kingswear: Waterhead Brake, lower end of Ridley Hill (where there are no residences), Castle Road, Higher Contour Road from Fir Mount House to just before the junction of Higher and Lower Contour Road.

They had concerns about our proposal and suggested an alternative the details of which they have sent this afternoon and I suggest we consider them over the next month and discuss them in the January Meeting.