

**KINGSWEAR PARISH COUNCIL**  
**Minutes of the Council Meeting held remotely via Zoom**  
**on Wednesday 10<sup>th</sup> March 2021 at 7.00pm**

**Present:** Cllrs L Maurer (Chairman), B Longland, J Hawkins, G Webber, E Jones, P Pudduck, H Newcombe, B Lowe, J Hacking.

**In Attendance:** Miss Sue Balsdon – Clerk to the Council.

14 members of public present.

**C/166/20 – Welcome from the Chairman**

The Chairman welcomed everyone to the meeting.

**C/167/20 – To receive any apologies for absence from the Meeting.**

Cllr P Burnell, District Cllr H Bastone, District Cllr R Rowe.

**C/168/20 - To receive any Declaration of Interest. [Councillors are also reminded that they must register any new interest or change in any interest already registered within 28 days of that new interest or change].**

None.

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

In respect of the Strip of Land, Higher Contour Rd, the following points were raised by residents:

- In respect of the newly installed fence, on the strip of land, concerns were raised regarding road safety and law and order issues. The barrier has stopped access to 6 well needed parking spaces. Residents would ordinarily use the verge as a passing bay, but this option is not now available, due to the fence.
- With reference to the 2 letters (2017 & 2018) received by Kingswear Parish Council from Wollen Michelmore solicitors acting on behalf of their clients the Boohay Estate and relating to the boundary of their land at the top of the embankment and above the road and the unregistered strip of land DN705195 below and adjacent to the road. Given the strategic importance of the evidence contained within the above letters, the requirements of Openness and Transparency with which the Council is obliged to comply and the enormous degree of Public Interest in this matter, the Parish Council were asked if they would now publish these two letters on the Parish Council website and if not why not?
- There is a constant stream of traffic along Higher Contour Road. The road is effectively a single track road, for two way traffic. The verge does provide space for cars passing. If the barrier remains there will be problems going forward, with people unable to pass and the possibility of accidents.
- The Council should confirm the non ownership of the land to include the bank and the verge. The Council should write to the landowner who installed the fence, to ascertain the basis of his claim to the land.

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

**i) Emily Reed – Devon Carbon Plan**

Emily Reed, the Devon Climate Emergency Project Manager for Devon County Council, provided a presentation regarding the work of the Devon Climate Emergency Partnership, with particular reference to the Interim Devon Carbon Plan.

**ii) Devon County Councillor - Jonathan Hawkins:**

Please see Kingswear Parish Council website (Full Council Minutes) for County/District Councillor reports.

**iii) South Hams District Councillors:**

Please see Kingswear Parish Council website (Full Council Minutes) for District Councillor reports.

**iv) Police: None.**

**iv) Residents Parking Working Group:**

The Residents Parking Working Group are disappointed that Chris Rook (DCC), will not allow permits for those living on the perimeter of the village. Chris Rook would like to promote pay and display and designated parking bays for visitors, but the working group do not feel this is the best way forward for Kingswear. Residents parking only, during the hours of 10 to 12 and 4 to 6, allows visitors to park in a 4 hour slot over lunchtime and this helps support local businesses.

**v) Neighbourhood Plan:**

South Hams District Council have advised, that the Kingswear Neighbourhood Plan is going to referendum on 6<sup>th</sup> May, on the assumption that the Covid plans are not altered. For the Neighbourhood

Hood Plan to be made and become legally binding, we must receive more yes votes than no votes. The Parish Council can advertise the fact that a referendum is taking place, along with all the details of the plan and how to vote. The Parish Council are not allowed to canvass for a yes vote, but individual councillors and residents, if they do not use public money, can canvass for a yes vote. The steering group would like to have some posters, banners and flyers printed, to inform residents that the referendum is taking place and about where they can obtain information about the plan – Anticipated cost £300.

***The Council will reconvene to discuss the following items:***

**C/169/20 - In respect of the strip of land on Higher Contour Rd:**

**i) To consider and agree future actions, regarding correspondence received in connection with the registration of the land with the Land Registry.**

The following points were raised by Councillors, in relation to this matter:

- Wollen Michelmore, acting on behalf of the trustees of Boohay, have advised that their research has not revealed any evidence at all which might lead to the view that the embankment in question is within the title to Boohay. Conveyance plans from 1949, 1952 and 1961 clearly show the boundaries of Lower Boohay as adjoining the embankment area, rather than including it.
- With regards to the adjacent land owners application to the Land Registry, in relation to the strip of land, it was stated that although they may currently have a backlog, the Land Registry do record the receipt of correspondence and have advised that they have not received anything in relation to this matter.
- South Hams District Council have stated that there is no statutory power conferring on the District Council, with reference the responsibility for resolving landownership problems and the power to make a CPO for that purpose.
- Devon County Council have advised that they will not be taking any action, as the area of land is not highway maintainable at public expense and there is no danger to users of the public highway caused by the use of this land.
- The only way the Parish Council can acquire the land, is for the District Council to do so on their behalf by compulsory purchase. SHDC have estimated the cost of compulsory purchase at £20k-£25k and this amount is not affordable within the Parish Council's budget. A CPO can only be made if there is a compelling case in the public interest and it is thought that the strip of land will allow space for approx 3 car parking spaces only.
- If the Council were to acquire the land, there would be additional costs in relation to the maintenance of the hedge, trees and embankment.

Councillors voted in favour of sending a letter, to the landowner who has erected the fence on the strip of land, to ask for this to be removed, until such time as they are able to prove ownership. The Clerk advised that the Council cannot legally enforce the removal of the fence.

**ii) To consider and agree whether to pursue ownership of the strip of land.**

The Council voted to postpone a decision with regards pursuing ownership of the strip of land, for a period of six months.

**C/170/20 - With regards residents parking, to consider and agree future actions regarding (Jonathan):**

**i) Feedback received from Chris Rook (Devon County Council Traffic Management), with reference the proposed Residents Parking Scheme.**

Chris Rook, from the Devon County Council Traffic Management Team, previously raised concerns regarding the proposed inclusion of properties outside of the community, in the proposed Kingswear residents parking scheme. Mr Rook advised, that he would not wish to set a precedent by advocating something that has not been permitted elsewhere and that is not aligned with DCC policy. The scheme was amended in accordance with Mr Rook's recommendations and he advised that he would have no objection to the Working Group commencing informal consultation with the community.

It was agreed for the Council, to now go out to consultation with the Parish, in regard of the proposed residents parking scheme.

**ii) Correspondence received from Hillhead resident in respect of parking issues.**

The Clerk advised that correspondence has been received, from a resident at Hillhead, in respect of parking issues on Raddicombe Drive, with particular reference to commercial and contractor vehicles. The resident asked whether Residents Parking could be extended to Hillhead, but Councillors advised that licensed contractor vehicles would still be eligible to park there.

**C/171/20 - 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 10<sup>th</sup> February 2021.**

The minutes were approved without amendment.

**C/172/20 - Financial Matters (Clerk).**

**i) To resolve to approve the expenditure of the Council for the period 01/2/21 – 28/2/21.**

It was resolved to approve the expenditure of the Council for the period 1<sup>st</sup> to 28<sup>th</sup> February 21.

**ii) To present for review the month end finance report and bank reconciliation as at 28/2/21.**

The income and expenditure report and bank reconciliation for month ending 28<sup>th</sup> February 21 was reviewed by Councillors.

**C/173/20 - With regards to the 20/21 Internal Audit (Clerk):**

**i) To approve the continued appointment of Kevin Rose (IAC Ltd) as the Council's Internal Auditor.**

The Council approved the continued appointment of IAC LTD as the Council's Internal Auditor.

**ii) To approve quote received for the 20/21 Internal Audit.**

The Council approved a quote in the sum of £285 + VAT for the 20/21 Internal Audit.

**C/174/20 - To receive the Chairman's report.**

'As we near the end of lockdown restrictions, we still have committed volunteers who continue to help our elderly and vulnerable. We are grateful to them and feedback is positive. Our food pantry at the Church has also been successful. Creating a colourful floral Parish, has kick-started a slightly competitive situation, which is good to see and photographs will be taken, to support our submission to the It's your Neighbourhood initiative.'

**C/175/20 - To review and approve the Council's Standing Orders and Financial Regulations (Clerk).**

The Council's Standing Orders and Financial Regulations were reviewed and approved by Councillors.

**C/176/20 - With regards to the Council's bank accounts, to review and approve (Clerk):**

**i) Bank mandate.**

**ii) Direct Debits and Standing Orders.**

The Unity Trust Bank mandate and a list of direct debits and standing orders were reviewed and approved by Councillors.

**C/177/20 - To consider and agree protocol with regards data sharing in relation to resident letters/emails. (Clerk).**

It was agreed for the Clerk, to ensure permission is sought from residents, prior to sharing emails or letters with Councillors.

**C/178/20 - To consider and approve the extension of the Lengthsman's contract to 30<sup>th</sup> September 21 (Jonathan).**

It was agreed to extend the Lengthsmans contract to 30<sup>th</sup> September 21. The Parish Council will then go out to tender in June, for both this contract and the Grounds Maintenance contract, to commence from 1<sup>st</sup> October 21.

**C/179/20 - To set up a working group to plan celebrations for the Queen's Platinum Jubilee - 2<sup>nd</sup> to 5<sup>th</sup> June 2022 (Jonathan).**

The Council agreed for a working group to be set up, to plan the Queen's Platinum Jubilee Celebrations. Preliminary ideas were proposed for the event - A street party, firework display, Fore St lights changed to red, white & blue, celebration mugs, celebration logo designed by the Primary School.

**C/180/20 - To discuss and agree preliminary arrangements for the Annual Parish Meeting (Clerk).**

It was agreed to defer a decision regarding the arrangements for the Annual Parish Meeting, until it is known whether the legislation which allows virtual meetings, will be extended. A possible date of 28<sup>th</sup> April was proposed, if the APM is to be held virtually via Zoom.

**C/181/20 - To consider whether to introduce a tree replacement policy for the Council (Clerk).**

Item deferred until the April Full Council meeting.

**C/182/20 - To consider and approve the siting of bee hives on the Parish Council allotments (Clerk).**

Item deferred until the April Full Council meeting.

**C/183/20 - To consider and agree quotes for:**

**i) Sanitary Bins - Lower Ferry Toilets.**

Approved Quote: Peake (GB) Ltd £316.14 + VAT per Annum.

**ii) Legionella Risk Assessment – Lower Ferry Toilets / Cemetery Lodge.**

Approved Quote: South West Legionella Risk Assessment (swlra.co.uk) £475+VAT.

**iii) Replace Mains Smoke Alarm / Install Heat Detector / Fire Blanket – Cemetery Lodge.**

Approved Quote: KR Electrical £340+VAT Mains Smoke Alarms & Heat Detector.

It was agreed for a fire extinguisher to be installed at Cemetery Lodge, in addition to the fire blanket – Cost to be notified to Councillors via email.

**iv) Service of Cooker – Cemetery Lodge.**

The electrician who carried out the service of the Cemetery Lodge cooker, recommended that it be replaced. Councillors approved the cost estimate of £300.

**C/184/20 - To propose agenda items for the April 21 Full Council meeting.**

Councillors to notify the Clerk, if they wish to add items to the April agenda.

**C/185/20 - Urgent Items – For information.**

None.

By Order of the Council

*Sue Balsdon*

Sue Balsdon  
Clerk to the Council

***The Meeting ended at 9.25pm.***

**Minutes Approved:** ..... Councillor L Maurer – Chairman