**There was a meeting of Chawleigh Parish Council on Wednesday 28th September 2022 at 7.30pm held in the Chawleigh Village Hall.**

**Members Present:** Parish Councillors Steve Godley (Chairman); Daphne Cockram; Andrea Huxley; Jan Flavin; Henry Martin; David Stewart.

**Also Present:** District Cllr. Clive Eginton

**In attendance:** Rob Martin, Parish Clerk

**No members of the general public**.

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**MINUTES:**

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| **2223-053** | **THE DEATH OF QUEEN ELIZABETH ll**  The Chairman instigated a two-minute silence in memory of the late queen and proclaimed Charles lll as her successor.  Cllr. Cockram suggested that, if agreement is made to remove the infected Ash Trees (see minute 2223-064 below), the replacements could be planted as a commemorative trees. |
| **2223-054** | **APOLOGIES**  Apologies for absence had been received from Cllrs. Batty & Cottrell.  Apologies had been received from County Cllr. Squires. |
| **2223-055** | **DECLARATIONS OF INTEREST (PECUNIARY AND NON-PECUNIARY)**  Non-pecuniary interests were declared by:   * The Chairman in relation to anything on the playing field & CCT * Cllr. Cockram in relation to anything on the playing field and the small shed as she was on both of the committees involved. * Cllr. Flavin whose husband was involved with the CCT * Cllr. Martin as a trustee of the Charity Lands Committee |
| **2223-056** | **PARISH COUNCILLOR VACANCY**  Cllr. Huxley announced that she would be resigning as a councillor with effect from the end of this meeting so that she could concentrate on her new business venture. The Chairman wished her well in this and confirmed with her that she would continue with assistance in maintaining the parish council website. Cllr. Stewart offered to step in on this task for the future. The clerk would initiate the replacement procedure, forthwith.  No applications had been received to fill the vacancy advertised previously. |
| **2223-057** | **MINUTES**  On a proposal by Cllr. Martin, seconded by Cllr. Cockram it was **Resolved** that the minutes of the Parish Council Meeting held on 20th July 202 were approved as a correct record and were duly signed as such. |
| **2223-058** | **COUNCIL REPORTS** |
|  | 1. **Clerk’s Report**   The Clerk delivered his report:   1. **Playing Field Charity**   Having looked at the copy of the Playing Field Committee charitable scheme (Charity No. 1083248), I fear we have been working to the wrong assumptions. I will also refer to the parish council Asset Register with reference to ownership.  I have also acquired the conveyance the charity with the referenced plan, which shows that it is restricted to the land to the eastern side of the land behind the hall, but not to the western triangle plot adjacent to it, upon which the play equipment is placed. The conveyance document for this is dated 12 August 1991 – this document is the one referred to in the Charitable Scheme held by the Charity Commission.  It is clear from the Charitable Scheme document that the trustees are not necessarily parish councillors, but requires 8 ‘elected’ trustees plus one nomination each from:   * Chawleigh Parish Council * Chawleigh Primary School * Chawleigh Pre-School Group * Chawleigh Youth Club   There is, of course no Primary School or Youth Club in Chawleigh, so this provision has to be altered. An interesting point is that the ‘elected’ trustees are also ‘appointed’ in the same paragraph which appears to be an oxymoron.  The other piece of land with the play equipment on it was the subject of a purchase by Chawleigh Parish Council from Devon County Council on 12th February 2009, in the sum of £7,750 (Source Land Registry Records). This means that the playing field has Chawleigh Parish Council as the ‘Custodian Trustee’ with the Playing Field Charity as the ‘Management Trustee’ whereas the play area is just the property of the Parish Council without any obligation for the charity to get involved.  It might be the case that the working arrangements are different in practice but we should be aware that this distinction is important when considering the playing field accounts and the work it does. In short, work done for the charity land cannot be included in the parish council accounts, nor can the VAT on the cost be recovered – this should all go through the parish council accounts, potentially with a grant to cover the cost, if that is necessary. The charity should have separate insurance cover for the playing field, especially for third party cover.  All of the cost of the play area equipment and land should go through the parish council books and be included on the Asset Register of the council, making sure it is all covered by the parish council insurance policy.  All of the above comments are based on the evidence to hand which quite clearly outlines the responsibilities of each organisation. This sort of charity arrangement was common until very recently but is a devil to administer properly and causes unnecessary confusion. Both the parish council and the charity need to decide what it wants to do from this point.  ***The Clerk emphasised that the separation of the two roles of Managing and Custodian Trustees was important in accounting and operational terms. There were a number of options for ensuring that the various legislative requirements were complied with which the clerk would outline in a further report on the subject. In order to encourage fundraising and volunteering it would be preferable for the charitable status of the Playing Field Committee to be retained and the clerk would bear this in mind when writing the report.***  ***The important distinction is that the playing field is subject to the charity legal requirements whereas the play area is not necessarily so.***   1. **PROW P3 Grant**   The grant was applied for and has been received. The work is being undertaken and I am liaising with Bert to bring this to a conclusion.   1. **Meetings Dates**   Contact with Rose Waldron needs to be made, I do not have contact information for her, to inform her of dates going forward. Following this meeting the meetings dates agreed at the meeting on 13th April 2022 were:   * 9th November 2022 * 14th December 2022 * 25th January 2023 * 8th March 2023 * 19th April 2023 * 24th May 2023   ***The Chairman undertook to get these dates to Rose to ensure availability of the hall for those dates.***   1. **MDDC Boundary Review**   The District Council is undertaking a parish boundary review and the second consultation on its conclusions to date closes on 23rd October 2022. There is no change proposed for Chawleigh at this time.   1. **Land off School Lane – LiveWest**   A number of people are expressing concerns about how this site is going to be worked and allocated. The question is whether LiveWest should be invited to outline their thoughts on this by attending the next parish council meeting, perhaps.  ***It was agreed that LiveWest be invited to attend the next meeting on 9th November 2025 to field questions from councillors and the public on the proposal.***   1. **Updating The Dart**   It had been noted that the councillor information within The Dart was not up to date and I had been requested to update accordingly. Who do I contact to do this?  ***The Chairman would send the contact information to the Clerk.***   1. **Tarka Railway Campaign**   Eggesford Parish Meeting had contacted the parish council in relation to this campaign which is looking to improve and extend services on the line. Does anyone want to be the parish council representative on the group?  ***The parish council would like to take part in the work of this group.***   1. **Other Matters**   Two additional matters had arisen, as follows:   * The Hall Toilets – it needed to be made clear that the Jubilee Hall Committee pay for and maintain the internal hall toilets whereas the external public toilets are the responsibility of the parish council. * The Air Ambulance lighting had failed to work when needed so there had been a need to get MAT Electrical to attend. The lights were now working properly. The system will now be manually checked once every two weeks.  1. **To receive the Chairman’s Report**   The Chairman reported that:   * The fencing on the playing field had been ordered and the contractor was intending to get on with the work in the next couple of weeks. There was a need to inform the Nursery School because there would be machinery on site. * The broken noticeboard at the shop would need to be replaced as it was not suitable for the location. It was suggested that an open noticeboard without doors might be more suitable, and the Chairman agreed to see whether this could be arranged.  1. **Other Councillor Reports**  * Cllr. Cockram asked the clerk whether the work on the barrier outside of the school had been ordered. He confirmed that it had many months ago. * Cllr. Martin was concerned about the car parking and car charging points proposals for the LiveWest site. District Cllr. Eginton explained the current legal position on charging points which was somewhat confused. * Cllr. Martin also queried the changes to bus services being publicised which would be applicable from 31st October. The Chairman explained that his understanding was that this was still subject to negotiation with Devon County Council for subsidies to keep services open. * Cllr. Stewart was concerned about the fact that there had been no attendance by the dog warden. Cllr. Eginton explained that attendance should be made if ‘culprits’ are identified and names passed to the warden directly so that action can be taken. * Cllr. Stewart was also concerned that fowl birds are being allowed to roam free, particularly in the churchyard. Concerns about bird flu would appear to make this an unacceptable practice. Chawleigh was no longer not part of a restricted area but it still seemed to be to be ill advised. * Cllr. Stewart had also been approached about the junction of the B3042 where a mirror would improve safety. This had been a subject of concern for decades but it had become clear that until there was a record of fatalities at the site there would be no work done there. An email could be sent to County Cllr. Squires making this suggestion without expecting much to change. * Cllr. Stewart was concerned about the untidiness of the land at the end of Blackwalls Lane which was very overgrown. He had trimmed few bits and thrown them over the fence but it needed more than that. Cllr. Cockram would try to get a message to the owners to persuade them to take action on it. |
| **2223-059** | **CHAWLEIGH COMMUNITY TRUST (CCT)**  The Chairman reported that there were currently 5 contractors interested in developing the site. Tenders for the project were due to be received during December 2022. |
|  | *The Chairman to declare the meeting closed* |
| **2223-060** | **PUBLIC AND OTHER BODIES’ SESSION**  The following reports were received.   1. County Councillor – the County Councillor was not present. 2. District Councillor – Cllr. Eginton reported that the District Council, in common with all other local authorities, was now actively looking at areas where savings could be made to have a balanced budget for the next financial year (2023-24). The 3-weekly bin collection agreement has just about been signed off, but in addition the December Cabinet would be looking at the possibility on having weekly recycling collections rather than fortnightly. 3. Members of the public – No members of the public were present. |
|  | *The Chairman to declare the meeting open* |
| **2223-061** | **FOOTPATH WORKS**  Cllr. Batty had reported by email that he had spoken to Ian Woollacott who was not concerned about getting an invoice in for early payment which can wait until next meeting. He says he has been really busy, but aims to replace the gates next week. |
| **2223-062** | **DEFIBRILLATOR REPLACEMENT**  The renewal contract was due in January 2023 and it was **Resolved** that the contract for the current defibrillator be renewed at a cost of £1,800 for a four-year contract and to install a further unit at an additional cost of £1,000 for the same period to be located on the wall of the Duke of Portsmouth Inn.  On a proposal by the Chairman, it was **Resolved** that the cost of the renewal (£1,800) would be funded from the earmarked reserve currently standing at £2,535.60, whilst the cost of the new contract would come from the General Reserve. This would leave a remaining balance in the Earmarked Reserve of £735.60 as a starting point for the next cycle. |
| **2223-063** | **INTERNAL AUDIT**  The company which provided the obligatory Internal Audit service for 2021/2022 has now indicated that it will not be providing this service for the current year. There is a shortage of people providing this service across the country, but the clerk located a company known to him who have offered to carry the audit out for 2022/2023 and beyond. The company is Mulberry & Co. based in Hampshire and they charge £60 per hour and expect the charge to be around 4 hours per annum, or £240.  On a proposal by Cllr. Cockram, seconded by Cllr. Stewart it was **Resolved** to appoint Mulberry & Co as Internal Auditor for the current year. |
| **2223-064** | **ASH DIE-BACK**  There had been reports that there were 3 Ash trees on community land suffering from Ash Die-Back and that these should be removed before they become dangerous. The Chairman had arranged for a tree surgeon to inspect the trees ang they had confirmed that they should be removed, and this should be done sooner rather than later. The Chairman had contacted both Western Power and Devon County Council to ascertain responsibility once and for all. It was looking like the parish council would have to do and pay for the work.  On a proposal by the Chairman, it was **Resolved** that he would get some quotes from tree surgeons and see what was involved before arranging through the clerk to get any necessary work carried out. The trees were protected so would require a planning application to be agreed before removal could take place.  This would then leave the opportunity to plant some commemorative trees as replacements. |
| **2223-065** | **REPLACEMENT PLAY EQUIPMENT**  Notwithstanding the complications related to the responsibility for equipment outlined in the Charity Scheme discussed in the Clerk’s Report, some of the equipment on the children’s play area needs to be replaced. A quotation had been received from TK Play for this to happen in the sum of £16,520 (excl.VAT).  The Clerk had asked the question of how it was expected that this work would be funded which organisation would undertake the work. Cllr. Cockram had been given information about possible funding avenues by the potential contractor, TK Play, and she would forward this to the clerk. The clerk would put some grant applications together in an attempt to get started on the project. |
| **2223-066** | **ADULT FITNESS EQUIPMENT**  Cllr. Flavin had questioned the position on the possible provision of this equipment which had not been discussed for some time. Cllr. Huxley made the observation that this sort of equipment had little fitness effect and believed that it was an expensive waste of money. It was agreed to put the matter on the back-burner for the time being. |
| **2223-067** | **REPLACEMENT BINS**  A number of the rubbish and dog bins in the parish needed to be replaced as they were broken. Under the District Council policy of ‘Any Bin Will Do’ the parish council would like the broken ones of both types replaced with just rubbish bins. The clerk requested that someone annotate a map with the position of bins needing replacement which he would then send to Mid Devon District Council for its consideration. |
| **2223-068** | **CHURCHYARD MAINTENANCE**  On a proposal by Cllr. Cockram, seconded by Cllr. Stewart it was **Resolved**  that parish council make a grant of £300 to St James Parish Church, Chawleigh towards churchyard maintenance. |
| **2223-069** | **RECOVERY DEVON**  Cllr. Huxley had attended the Mid Devon well-being fayre in June 2022 and spoke with someone from Recovery Devon ( <https://recoverydevon.co.uk/>) who is looking to bring more communities together, ultimately to help people access services or groups to help them improve mental health and how best to do this.  The aim was to investigate with parishes and other local organisations how the availability of mental health services could be communicated at a parish level and haw these could be accessed.  Councillors were not aware of a need for these services in Chawleigh but the details could be put onto the website. The belief was that if resources are sent out the parish council would endeavour to ensure that the information was available to all. |
| **2223-070** | **SHOP LEASE**  It was **Agreed** that the clerk would write to Lindsay Stone of Hotchkiss Warburton, enclosing a copy of the existing lease, requesting a quotation for the production of a new lease in time for its renewal in April 2023. |
| **2223-071** | **SMALL STORAGE SHED LEASE**  On a proposal by Cllr. Martin, seconded by Cllr. Flavin it was **Resolved** that the quotation dated 5th August 2022 from Hotchkiss Warburton be accepted and that they be instructed to carry on with the lease preparation. The quotation was for a sum of £548 plus VAT for the parish council costs, plus a further £800 plus VAT for the costs of the Chawleigh Parish Lands Charity. Taking other disbursements into account results in a budget of around £1,500 for the legal costs.  It was noted that there would be a payment on account of £980 to be made to cover the costs of the charity before work could be started. |
| **2223-072** | **WEBSITE & SOCIAL MEDIA**  Cllr. Huxley had updated some of the events section of the website and the clerk had kept the council business section updated. Cllr. Huxley pointed out that there would be a need to do an Accessibility Review for the site. |
| **2223-073** | **BANK RECONCILIATION**  The 21st September 2022 Bank Reconciliation statement was **Adopted.** |
| **2223-074** | **RECEIPTS & PAYMENTS TO DATE COMPARED TO BUDGET**  To receive the statement of Receipts and Payments compared to Budgets for the period from 1st April 2022 to 21st September 2022 (attached). |
| **2223-075** | **RECEIPTS & PAYMENTS SCHEDULE**  On a proposal by Cllr. Stewart, seconded by Cllr. Martin it was Resolved that the payment of the invoices on the schedule below for the period since the last meeting was **Approved** |
|  | |  |  |  |  |  | | --- | --- | --- | --- | --- | | **PAYMENTS** |  | |  |  | | **Payment to** | **Services** | | **Amount**  **£** | **Payment No.** | | **2022/2023** |  | |  |  | | IONOS | Website Domain – August 22 | | 4.80 | DC2223-11 | | IONOS | Email Access – August 22 | | 2.40 | DC2223-11 | | Zoom | Access – August 22 | | 14.39 | DC2223-12 | | Land Search Online | Playing Field Search | | 23.94 | DC2223-15 | | Lilian Jones | Caretaker – August 2022 | | 152.08 | SO | | Lilian Jones | Caretaker – September 2022 | | 152.08 | SO | | RJ Martin | Salary September 2022 | | 312.80 | 2223-16 | | HMRC | Tax Deduction | | 78.20 | 2223-16 | | IONOS | Website Domain – Sept 22 | | 4.80 | DC2223-13 | | IONOS | Email Access – Sept 22 | | 2.40 | DC2223-13 | | Zoom | Access – Sept 22 | | 14.39 | DC2223-14 | | Lilian Jones | Caretaker – October 2022 | | 152.08 | SO | | RJ Martin | Salary October 2022 | | 312.80 | 2223-17 | | HMRC | Tax Deduction | | 78.20 | 2223-17 | | IONOS | Website Domain – October 22 | | 4.80 | DC2223-16 | | IONOS | Email Access – October 22 | | 2.40 | DC2223-16 | | Zoom | Access – October 22 | | 14.39 | DC2223-17 | | Paul Hammond | Hedge Cutting | | 40.00 | 2223-18 | | Chawleigh Jubilee Hall | Parish Council Meetings | | 55.00 | 2223-18 | | Chawleigh Jubilee Hall | Chawleigh Lunch Club | | 137.50 | 2223-18 | | Parish Church PCC | Churchyard Maintenance Grant | | 300.00 | 2223-18 | | Hotchkiss Walburton | Payment on Account | | 980.00 | 2223-18 | | British Legion | Poppy Appeal | | 25.00 | DC2223-18 | | **RECEIPTS** | |  |  |  | | **Receipt from** | | **Services** | **Amount**  **£** | **Method** | | **2022/2023** | |  |  |  | | Steve Godly | | St John’s Ambulance Donation | 240.00 | BAC | | Devon County Council | | P3 PROW Grant | 800.00 | BAC | | Mid Devon District Council | | Section 106 Grant | 2,800.00 | BAC | | Steve Godly | | Defibrillator Funds | 285.00 | BAC | |
| **2223-076** | **PLANNING APPLICATIONS**  To consider the following Planning Applications and to agree comments: |
|  | 1. **Planning Applications made since the last meeting** |
|  | |  |  |  | | --- | --- | --- | | **Reference** | **Location** | **Proposal** | | 22/01831/PNAG & 22/01529/FULL | Box's Corner  Fiddlecott Lane Chawleigh  Devon | Prior notification for the erection of an agricultural building for use as TB Isolation Unit for calves  22/01529/FULL  **Decision: Objection**  The two applications listed are for the provision of the same facility with permission being requested by the owners for one or the other as they believe they need to build the facility for their farming business. The Parish Council has been told that the original application (22/01529/FULL) is the owners preferred option, but the alternative version would do the job and be easier to get permission for.  Chawleigh Parish Council objected to 22/01529/FULL on the basis that:-   * There is no demonstrable need for another isolation building given that there are already a number of unused buildings on the site that could be adapted for TB isolation. * This will be a large building right on Box's corner. It will be very unsightly on the entrance to Chawleigh on the B3042 and an unwelcome view from the end for inhabitants in the village   These views are unchanged, and the Parish Council still believes strongly that this is the wrong building in the wrong place, but it recognises that these are not considered as being ‘strong planning grounds’ for refusal.  Whereas the parish council objected to the proposal, it understood that there no strong planning case on an agricultural needs basis for the application to not get permission.  22/01831/PNAG  **Decision: Stronger Objection**  In the light of this, Chawleigh Parish Council has reluctantly concluded that, of the two applications, the least desirable would be the new one (22/01831/PNAG) because its visibility intrusion would be much worse than the original, not only in relation to the position in the field but also because an access road would be needed from the highway.  Against Approval: Cllrs. Stewart, Flavin, Martin, Cockram, Godly.  For Approval: Cllr. Huxley | | 22/01402/FULL | Forest Cabin  Chenson | Installation of monitoring borehole 20m depth with cabinet above on plinth and standpipe  **No Comment** | | 22/01528/ARM | Holly House  Chawleigh | Reserved Matters for the erection of 2 dwellings following Outline approval  22/00243/OUT  **Decision: OBJECTION**  The two four-bedroom houses with dormer windows were not what was envisaged when the outline planning consent was agreed.  The proposed houses are too big for this site and not in keeping with the rest of the village. The building height at approximately 10 m is a concern because this will make them overwhelm the surroundings.  From the outline assumption that these would be two bedrooms only, the increase in to 4 bedrooms means the provision for parking is too low with consequent impact on the surrounding highways.  In addition, the traffic access arrangements do not allow sufficient room to manoeuvre on the highway without encroaching onto private land. |  1. **Decisions made by Mid Devon District Council since the last meeting**  |  |  |  |  | | --- | --- | --- | --- | | **Reference** | **Location** | **Proposal** | **Decision** | | 22/01757/NMA | The Lakes,  Chawleigh | Non-Material Amendment for 21/00321/HOUSE to allow the extension around the utility room area to be extended by 1.5m to the west | NMA Granted | | 22/01312/NMA | The Lakes,  Chawleigh | Non Material Amendment to revise the elevations to include a corner window with cladding board finish over | NMA Granted | | 22/00780/HOUSE | Butts Cottage,  Chawleigh | Erection of conservatory | Full Permission Granted | | 22/01202/FULL | Fox & Hounds Country Hotel,  Eggesford | Change of use of function room to self-contained flat for staff accommodation | Full Permission Granted | | 22/01344/CAT | Leaches House,  Chawleigh | Notification of intention to crown thin by 25% reduce an lift the crown of 2 Walnut trees by 1-3 metres within a Conservation Area | No Objection to works | | 21/02448/FULL | Eggesford Close,  Eggesford | Erection of Dwelling | Full Permission Granted | | 22/01273/HOUSE | Four Winds,  Chawleigh | Erection of an extension, porch and alterations | Full Permission Granted |  1. **Other Planning Matters**   Land off School Close – dealt with under the Clerk’s report above. |
| **2223-077** | **DATE OF NEXT MEETING**  The next meeting of Chawleigh Parish Council is scheduled to be Wednesday 9th November 2022, in Chawleigh Village Hall at 7.30pm. |
| **2223-078** | **CONFIDENTIAL MATTERS**  There were no confidential matters. |
| **2223-079** | **MEETING CLOSURE**  The meeting closed at 9.55pm |

Signed:………………………

Print:…………………………

Date:…………………………

**ALL DOCUMENTS ARE AVAILABLE IN LARGE PRINT BY REQUEST**