

## **MINUTES OF THE EXTRAORDINARY MEETING ON 26TH APRIL FOLLOW**

### **KINGSWEAR PARISH COUNCIL**

#### **Minutes of the Meeting of Kingswear Parish Council Held in the Trust Room on Tuesday 12th April 2016**

**Present:** Cllr J Hawkins (chairman), Cllr M Trevorrow, Cllr E Essex, Cllr L Payne, Cllr J Henshall, Cllr E Jones, Cllr H Newcombe, Cllr L Maurer, Cllr R Searle, Cllr Bastone. Twenty members of the public were also present.

#### **C/84/16 Apologies for Absence**

Cllr Parkes

#### **C/85/16 Declaration of Interest**

None

#### **C/86/16 Exempt Information**

The following were agreed as exempt items:

- 1.1 Staffing Committee including need for an extraordinary meeting covering HR issues.
- 1.2 Clerks Appraisal
- 1.3 Cemetery Lodge Letting
- 1.4 Gugolka family concerns.

#### **C/87/16 Minutes**

The minutes of the Council Meeting held on 9<sup>th</sup> February 2016 were agreed and signed as a correct record.

One amendment to the minutes of the Council Meeting of 8<sup>th</sup> March 2016 was proposed and resolved. The resolution referred to C/63/16. The resolution agreed was:

*We have been advised by DALC that this (C/63/16) is a private matter and not a Council matter and propose to move this item to C/64/16.*

The minutes of the Council Meeting held on 8<sup>th</sup> March 2016 were agreed and signed as a correct record with this one amendment.

Cllr Essex requested that Cllr Hawkins send her a copy of the DALC email.

#### **C/88/16 Urgent items**

The Clerk read out a personal statement regarding concerns about his employment with Kingswear Parish Council.

#### **C/89/16 Questions from the members of the Public**

##### **Questions from Parishioner 1**

1. Is there a budget for 2016/7 set now? **Action Clerk**
2. Did the Auditor say the accounts were in good order? **Action Clerk**
3. How has £5283 gone missing from the accounts? **Action Clerk**

### **Question from Parishioner 2**

Q1. "Have all Councillors got copies of the Standing Orders, adopted by KPC March 2011, under which KPC operates?"

The answer was that all the Councillors have copies of the Standing Orders.

Q2. "Noting SO 11a states 'A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except by a written motion...' – why has KPC neither rescinded the resolution (minuted as 139/15 - that KPC inquire of the signatories to the anonymous statement read to KPC on 8 September 2015, what evidence they had to substantiate the allegations that three named councillors had acted with impropriety - or whether they withdrew those allegations), nor sent such a letter?"

### **Action Clerk**

### **Questions form Parishioner 3**

In order to prevent a repetition of the debacle which occurred in front of the Police and Press on 08.03.16, I request that the PC, either in public or closed session, debate these questions and formally record the decisions reached. Naturally I would like a copy of your deliberations.

1. Will the PC consider ways to deal with individuals whose behaviour is contrary to the Public Meeting Act 1908 and NALC Standing Orders on Disorderly Conduct? In particular will the PC establish and enforce written guidelines on how to deal with any " person who acts in a way which prevents normal PC business" and take advice from the Police since this is a criminal matter?

In addition will the PC produce a Code of Practice which distinguishes between " normal " PC business and "Private" matters?

2. Is the ongoing matter which has been raised at a number of PC Meetings ref the " Petition", a Parish Council matter or is it a "Private" matter?

I understand you have already received professional advice from Lesley Smith and SHDC on this matter?

3. If based on the advice you have received , this is now a " Private" matter why is Kingswear Parish Council expending public resources/ time / effort on the subject ? Will you now consider the " Value for Money" maxim enshrined in public life and as I understand it the PC Code of Practice?

4. In the alternative, if contrary to written advice you consider the matter to be part of normal Council business and thus a Council matter would you please supply your full reasons for reaching this decision? In addition do you consider a declaration on non pecuniary interest was/ is required from interested party(s) if any such persons exist ? If this is the case, has the SHDC Monitoring Officer been notified within the stipulated 28 day period?

### **Question from Parishioner 4**

Is the speed in the village reviewed, monitored or is there any Police intervention regarding the traffic on Brixham Road. **Action Chairman**

The Council was formally asked to note that a parishioner had been involved in an accident with a car which hadn't stopped and that the Chairman has been sent an email from the Parishioner on this topic.

It was also agreed that the Clerk would provide any information that would help improve the traffic situation. **Action Clerk**

### **Question from Parishioner 5**

A Parishioner raised a concern regarding traffic exiting from Kaywana Hall in the wrong direction. **Action Chairman**

### **Question from Parishioner 6**

A Parishioner asked the Council would it be possible to carry on with work previously started to make the road safe?

### **C/90/16 Actions from Previous Meetings**

ACTIONEE	DETAILS	WHEN BY
Cllr Trevorrow	Obtain three quotes for pontoon maintenance once Schedule of Work is available.	Pending Schedule of Work
Cllr Trevorrow	Obtain quote for pontoon quarterly inspection by Mr Fenton	Next Meeting
Clerk	To allocate budget for NHP in 2015/6 and 2016/7	Next Meeting
ACTIONEE	DETAILS	WHEN BY
Cllr Henshaw	Determine ownership of the wall on Brixham Rd adjacent to Hoodown Ferry Rd	Transferred to GPC

### **C/91/16 To receive report from District Councillor Bastone**

- SHDC and WDBC have been awarded the prestigious title of ‘Council of the Year’ at the Improvement and Efficiency Social Enterprise awards;
- The council is launching a new drive to increase recycling rates and become more efficient and as part of this drive, it is making changes to some of its waste collections. Those residents affected by the changes will receive a postcard through the door in the next two weeks, followed by more detailed information before the changes come into effect on 18 April. See below.
- The Council has launched a new online tool that will bring everything that the Council does for its customers into one online account. More information is available on the Council website via the ‘My Account’ facility;
- The Council has also launched a new website for businesses, offering up to date advice and information for local companies. To sign up for free newsletters, view our new business-orientated website and complete the survey online at: <http://devonbusinessvoice.co.uk/>; and
- The Overview and Scrutiny Panel considered a review on the Locality Service at its meeting on 17 March 2016 and agreed some recommended revisions in order to meet existing business demand. The Panel also requested that ongoing monitoring took place, with a further review being presented back in six months’ time.

### ..... Waste Round Review – Phase 1

Improvements to waste collection services are now underway with postcards being delivered to affected households over the next two weeks. The postcard is intended to alert residents to change and to look out for more information. The Council website has further details such as why we are making the changes and information about road shows, but specific changes at individual properties will not appear until the second round of information has been delivered from 11 April.

Road shows are being planned in the areas most affected. So far, the road shows which have been confirmed are listed below. However, there will be more arranged and there will be an update before these take place.

FAQs will be published on the Council website on 18 April in readiness for actual collection changes commencing on week beginning 25 April.

**C/92/16 To receive report from District Councillor Hawkins**

- Last week attended special Full Council and Executive at Follaton House
- Have been a member of South Hams Working Group looking at the future of the Lower Ferry
- Last month at the Devon County HATOC a new South Hams wide Traffic order was discussed This will be advertised soon for residents comments Two Kingswear Issues that were agreed for inclusion Yellow lines on bend of Raddicombe Drive and 20 minute parking bay outside the Railway Station

**C/93/ To receive report from the Police**

PC Vaughan was not present.

**C/94/16 Memorial Plaque for 23<sup>rd</sup> MTB Flotilla**

Mr Paul Newgass gave the meeting a brief history of the 23<sup>rd</sup> MTB flotilla and why he wanted to promote a memorial plaque and stated that he was seeking funding for a memorial plaque.

The Council resolved that it is minded to consider using some of the Wishing Well money as a contribution towards the memorial.

Cllr Trevorrow kindly agreed to ask the Kingswear Historians if they may be interested in making a contribution.

It was agreed that Cllr Henshall and The Clerk would act a points of contact for Mr Newgass.

**C/95/16 Internal Audit**

It was resolved that the council would inform S & W Auditors that there is a mistake in the Audit Report, 'that the precept was based on a budget' and this should happen with immediate effect.

**C/96/16 For Approval of the Annual Governance Statement**

It was resolved that this be reviewed by the Finance Committee.

**C/97/16 Consideration of Budget for 2016/7 prepared by the Finance Committee**

It was resolved this be an agenda item for the Extraordinary Meeting on 26<sup>th</sup> April

**C/98/16 To receive a report from the General Purposes Committee including Cemetery.**

Cllr Henshall reported that the first GPC had made good progress.

Cllr Maurer is currently writing Terms of Reference for consideration by the Council.

**C/99/16 Formation of Advisory Committee to review Standing Orders including Financial Regulations**

It was resolved that this advisory committee would consist of Cllrs Payne, Maurer and Henshall

**C/100/16 Replacement of Cllr Searle on the Staffing Committee**

It was resolved that Cllr Maurer will join the Staffing Committee as a replacement for Cllr Searle

### **C/101/16 Selection of Letting Agent for Cemetery Lodge**

*It was resolved to select Freeborn as the Letting Agent for Cemetery Lodge*

### **C/102/16 Arrangements for Annual Parish Meeting**

The date is May 23<sup>rd</sup>.

It was agreed that the first item will be the Neighbourhood Plan with Mr G Swiss as guest speaker.

It was agreed to provide drinks/tea/coffee for around 50 to 60 people. Cllrs Maurer and Jones kindly offered to organise this.

Cllr Trevorrow kindly agreed to assist the Clerk to put out an agenda and invite the various village organisations.

### **C/103/16 Lighthouse Beach**

Cllr Henshall reported that she had sent a copy of the Geotechnical Assessment to Mr D Southwick.

Cllr Henshall to arrange a meeting with DCC, Mr D Southwick, Cllr Hawkins, Mr C Wills, Mr P Brunt and herself. Agenda will include Beacon Road. **Action Cllr Henshall**

### **C/104/16 To receive update on Pontoon**

Cllr Trevorrow reported that he is still waiting pricing information from Mr I Fenton.

### **C/105/16 to receive update on Neighbourhood Plan**

We have had leaflets printed and they will be distributed in May. Members have kindly agreed to help deliver them and I will hand them out in the extraordinary meeting we will be having later in April.

### **C/106/16 Moorings**

Cllr Trevorrow reported that the moorings data base needed a refresh and that he would work with the Clerk to carry this out.

### **C/107/16 To receive update on Residents Parking**

Cllr Payne gave the following report

Neil Oxtan suggested that it might be possible to introduce one 60m residents' bay opposite the flats of Mount Pleasant, room for 10-12 cars plus the lay-by outside Mount Pleasant. He suggested a sign 'Permit Holders Only 10am-11am and 2pm-3pm. The Residents Parking Group thought these times would not be satisfactory since visitors in the summer could leave their cars at 3pm with impunity and the 15 or so workers on that street would not be able to benefit from a parking place. We are in discussion with Mr Oxtan about this. We have also proposed to him that there should be restricted parking opposite Waterhead Terrace for residents but to leave parking free up the road as at present. Nothing has been decided we are still in consultation.

Devon Highways have agreed to extend the double yellow lines where Redoubt Hill joins Higher Contour Road in order to enable cars to turn safely. They are also considering removing the double yellow lines on the new parking bay created by Mr Elliot.

### **C/108/16 Appointment of Tree Warden**

*It was resolved that Mr A Payne is to be the Tree Warden*

**C109/16 To receive a review of the Insurance Policies**

Cllr Payne gave the following report:

I phoned the insurers and found out that we are insured for firework displays and a bonfire. If the position of the bonfire results from a risk assessment then it can go ahead. It is about the application of common sense. It would be useful to review the building costs of Cemetery Lodge and the Chapel.

The Chairman's Chain is not insured and needs to be sent for valuation purposes. **Action Chairman.**

The Clerk was actioned to provide Cllr Payne with a rebuilding cost of Cemetery Lodge.

**C/110/16 Payroll arrangements for Clerk**

*It was resolved that the HMRC submissions for the Clerk's payment be carried out by South Hams District Council rather than by the Clerk.*

**C/111/16 Payment of Clerk by Standing Order**

*It was not resolved to pay the Clerk by Standing Order but payment method to remain as is during the probationary period.*

**C/112/16 To consider purchase of Finance Software**

Clerk was action to determine which software is used by Dittisham Parish Council. Action Clerk

**C/113/16 Kingswear Award**

The recipient of the year's award was agreed. Presentation will take place at the Annual Parish Meeting.

**C/114/16 Website**

Cllr Jones kindly offered to review the new Council Website

The Clerk was action to provide Cllr Jones contact details for Dartmouth computing and any contract information on file.

**C/115/16 Budget/Finance**

Bank Reconciliation reports and end of year report were circulated by the Clerk. Councillors asked for time to review.

**C/116/16 To receive Chairman's Report**

Chairman gave thanks for support during his recent period of poor health.

**STANDING ORDERS WERE SUSPENDED TO ALLOW THE MEETING TO CONTINUE BEYOND THE 2 HOURS 30 MINUTES DURATION**

**C/117/16 Correspondence**

It was agreed to ask Cllr Newcombe to represent the Council at Exeter Cathedral Evening Song to celebrate the Queen's Birthday.

**C/118/16 To receive any Councillors requests of the clerk for future agendas.**

These to be emailed to The Clerk

In addition the following were agreed for the Extraordinary Meeting: 16/17 Budget, End of Year Position, HR issues.

**C/119/16 To authorise payments for the month of March/April 2016.**

All payments were agreed, please see table below minutes.

### **C/120/16 Exempt Items**

- 1.1 Staffing Committee including need for an extraordinary meeting covering HR issues.  
It was agreed to hold an Extraordinary Meeting on 26<sup>th</sup> April
- 1.2 Clerks Appraisal.  
*It was resolved to start this process afresh.*
- 1.3 Cemetery Lodge Letting  
Item not discussed.
- 1.4 Gugolka family concerns.  
Clerk was actioned to arrange a meeting with the family.

### **C/122/16**

Meeting terminated at 10.05pm

## **KINGSWEAR PARISH COUNCIL**

### **Minutes of the Extraordinary Meeting of Kingswear Parish Council held at the Trust Room on Tuesday 26<sup>th</sup> April 2016 at 7.30pm.**

**Present:** Cllr M Trevorrow (Vice Chair), Cllr E Essex, Cllr E Jones, Cllr H Newcombe, Cllr J Henshall, Cllr L Maurer, Cllr R Searle and Cllr L Payne.  
Also in attendance: Mr R Barber (Clerk), and 12 members of the public.

### **C/123/16 Apologies**

Cllr Hawkins and Cllr Parkes

### **C/124/16 Declaration of Interests**

None declared.

### **C/125/16 Exempt Information**

- a) HR Issues

### **C/126/16 To hear any questions that members of the public may wish to raise.**

#### **Parishioner A**

When will the drains on Higher Contour Road be unblocked? Cllr Henshall answered this question with reference to TAP funding.

#### **Parishioner B**

Are there any developments in the speeding problem in the village since PC Vaughan had informally suggested a monitoring group be established. Cllr Payne kindly offered to discuss the issue with PC Vaughan with a view to decide who needs to be involved in this group.

#### **Parishioner C**

Asked if the 30 mph sign on entry into the village could be moved beyond the entrance to Oversteps.

**Parishioner D**

Question as to progress on vehicles emerging out of Kaywana Hall in the wrong direction.  
Response was that new signage is being arranged.

There was a plea for Parishioners to restate their views at the Annual Parish Meeting when it is planned that there will be an agenda item on speeding.

**Parishioner E**

Has the Council written to the Internal Auditor regarding the accuracy of the statement about precept setting and budget availability? Action Clerk to write to the Internal Auditor

**C/127/16 Allocation of Budget for year 2016/7**

Cllr Jones apologised saying that the budget had not been finalised.

**C/128/16 End of Year Report**

The Clerk reported that the Finance Committee Meeting had not yet finished preparing the budget.

Cllr Henshall raised three questions regarding the end of year report circulated at the previous meeting.

**C/129/16 Emails between Council meetings.**

It was agreed that these should be courteous.

**C/130/16 Lighthouse Beach**

Cllr Henshall reported that a meeting has been arranged for May 9<sup>th</sup>. Attendees will be Mr D Southwick, Mr P Brunt, Cllr Hawkins and Cllr Henshall.

**C/131/6 Exempt Items**

a) HR issues

It was resolved to go into exempt session

**C/132/16 Closure of Meeting.**

The Chairman closed the Meeting at 9.30pm

Minutes approved ..... Date .....