

**KINGSWEAR PARISH COUNCIL**  
**Minutes of the Council Meeting held at the Sarah Rooth Trust Rooms on**  
**Thursday 14 July 2016 (for formal approval at the next Meeting of the**  
**Council)**

*Present:* Councillor J Henshall – Chairman

Councillors: E Essex, E Jones, L Maurer, H Newcombe, M Trevorrow, J Hawkins, R Searle and L Payne.

*Apologies:* Councillor E Parkes  
District Councillors H Bastone and R Rowe  
Police Constable A Vaughan

In Attendance: Mr David Edwards – Clerk to the Council

There were 19 members of the public present.

***C/303/16 – Welcome***

The Chairman welcomed everyone to the meeting and introduced the new clerk to the Council, Mr David Edwards.

David thanked the Members for his appointment and hoped that he could help the Council to be an effective and productive Council.

***C/302/16 - Apologies for absence:***

Councillor E Parkes  
PC Andrew Vaughan – Police  
South Hams District Councillors H Bastone & R Rowe

***C/303/16 – Declaration of Interests***

There were no amendments to the Register.

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

***C/304/16 - The following statements and questions were made:***

The day of the Council Meeting is normally on Tuesday why is on a Thursday?

*The Chairman explained that with the appointment of a new clerk there had been a delay in the issuing of notices and agendas.*

A request was made for information on the availability and number of moorings.  
*Councillor Trevorrow was able to confirm that the moorings were being taken up and payment of fees chased.*

The payment to South Hams District Council for the Certificate of Lawfulness for the installation of the play equipment at Jubilee Park was raised. The Council had not made this payment and the question of legality of the action of the Play Ground fund raising group, who made the payment, was raised.

*Following some debate it was concluded that "Tony Swainston said he had paid a cheque for £48.50 in good faith "*

and it was agreed that the writing in italics (at the bottom of the page ) be deleted and this sentence substituted.

*the payment had been made in good faith and was accepted as correct District Council procedure.*

The Chairman raised the issue of the actions of the Play ground fundraising Group and questioned the procedures where it appeared that the Council had not given any delegated powers to the Group.

*It was pointed out that Councillor Hawkins had agreed that the question of procedure be directed to South Hams District Council. It was further stated by Councillor Hawkins that the Group had acted in accordance with the wishes of the vast majority of the village to obtain the funds and permissions to install the playground.*

It was stated that the only outstanding decision required by the Council was whether it takes on ownership of the equipment. It was also questioned why the item had not been on the agenda in the past months.

*There as some further debate on the understanding of some Members of whether the Play ground was proceeding due to a lack of communication between the various groups and the Council. It was noted that the project was also delayed to resolve the positioning of the public footpath. Comment was made that the community were all involved with the fund raising therefore it was well known to all that the project was still current.*

### **C/305/16 – County Councillor Report – Cllr Hawkins**

Councillor Hawkins reported that he had attended several meetings:

- Lisa Edmonds – Traffic Orders
- The Working Group – Resident's Parking – this included a walk around specific areas of Dartmouth with Cllr Henshall and Chris Rook (DCC Officer) It is noted that this had no connection to the Kingswear Working Group as it had been organised by Dartmouth in conjunction with Devon County Council
- Beacon Road investigations to re-open and stabilize the cliff path ( Ros Mills – DCC Officer)
- DCC Officers – reference Regatta parking permits.

### **C/306/16 – South Hams District Councillor Report – Cllr Hawkins**

Councillor explained that Councillors Rowe and Bastone were attending the Joint Plymouth, South Hams & West Devon Neighbourhood Plan meeting in Dartmouth this evening.

Councillor Hawkins explained that this was a very important process and would affect the residents of Kingswear for the next 30/40 years. The Council and residents of Kingswear should be making representations.

*Cllr Henshall mentioned a meeting at Follaton House on 27<sup>th</sup> July and she said it was her intention to attend on behalf of the Kingswear Neighbourhood Plan Group.*

The Council reconvened to discuss the following items:

### **C/307/16 - To resolve to approve the following minutes subject to any amendments:**

i. Full Council Meeting – 14 June 2016

Councillor Hawkins asked that it be noted that thanks be extended to Councillor Essex for the taking of the minutes in the absence of a clerk.

He made reference to an omission:

Comments he made at the meeting had not been included. The Chairman explained that she had ruled the items as not part of the agenda and stopped further comment, they were, therefore, not minuted.

C/200/16 – Reference to FOI should read ICO

ii. Extraordinary Full Council Meeting – 21 June 2016

iii. Extraordinary Full Council Meeting – 04 July 2016

**It was RESOLVED to approve the Minutes of the Meetings subject to the amendments.**

**C/308/16 - To make comment to The Planning Authority with regard to Planning Applications:**

- 1120/16/FUL – Upgrading of existing telecommunications site including replacement antennas, equipment cabinets and associated works.  
Location: Lower Well Farm, Off Combe Lane, Devon, TQ5 0EP

**It was resolved to recommend approval**

- 1953/16/HHO – Application for rear extension  
Location: Coombe Cottage Bridge Road, Kingswear

**The Plans for this application had not been received and it would be included on the Agenda for the Planning Committee Meeting on 26 July 2016**

**C/309/16 - To discuss the general aspect and condition of public phone boxes [Cllr Parkes]**

In view of the absence of Councillor Parkes it was agreed that this item be deferred to the next meeting.

**C/310/16 - To discuss Allotment at Jubilee Park [Cllr Parkes]**

In view of the absence of Councillor Parkes it was agreed that this item be deferred to the next meeting.

**C/311/16 - To discuss the former Cemetery Lodge tenant's deposit [Cllr Parkes]**

In view of the absence of Councillor Parkes it was agreed that this item be deferred to the next meeting.

**C/312/16 - To receive the Neighbourhood Plan Report [Cllr Parkes]**

The Neighbourhood Planning Report for the 2 meetings held on 01 and 13 July had been received and is now attached to the Minutes.

The letter from South Hams District Council dated 30 June 2016 was noted.

**C/313/16 - To discuss the installations of the Playground at Jubilee Park, in particular:**

- i. Insurance requirements [Cllr Parkes]
- ii. The Legal advice provided by FootAnstey solicitors
- iii. The attached items of correspondence and reports
- iv. Design Plan.

The Clerk explained that the Council would be able to insure the equipment through the Council insurance policy. It is the Clerk's recommendation that as the equipment will be on Council property, this would place an obligation on the Council to ensure the equipment is safe and insured for any public liability.

The Council were of the view that the District Council should undertake inspections. It was noted that these inspections take place at specific intervals depending on the amount of usage, position and potential hazards.

The Clerk advised that the District Council inspector had stated that there was no reason for play equipment not to be sited under trees. The equipment, in these instances, may require additional cleaning and inspection.

The proposed equipment is constructed of specially treated timber to reduce the danger of slipping. It was noted that should the play equipment is not situated to the side of the park it may cause difficulties for other users of the Park.

Councillor Payne proposed that the equipment should be away from the shade. It was her view that the equipment should include various types of equipment that would be for fitness, health and educational. It would be more useful to the school and offer better options for the community.

**This motion was LOST.**

Councillor Maurer and Hawkins expressed their disappointment that this item had not been resolved bearing in mind the timescales, the consultation that had taken place and the manner in which the community had raised money for the equipment.

Councillor Hawkins referred to the allotment area, the Lime Kilns and the area around Waterhead Creek where consideration could be given to additional equipment being installed at a later date. He was of the view that the proposed equipment which is designed for younger children should be installed as soon as possible.

Councillor Payne made comment that the Neighbourhood Plan had various plans and proposed an overall management plan for the area.

The Chairman made reference to the report from FootAnstey solicitors and: PROPOSED that the Council acts in accordance with the legal advice and purchases and installs the play equipment.

Councillor Hawkins PROPOSED an amendment that the Council purchases the Play equipment that has been selected by community group known as the "Playground Group" and the funds that have been raised by this group are transferred to the Council. The Council will own and take responsibility for the installation, inspection, repair and insurance of the equipment. It was noted that the Council would be able to reclaim the Vat.

**It was RESOLVED to accept the amendment.**

**It was RESOLVED to approve** the substantive Motion that the Council purchases, installs the equipment in the position proposed, insures and is responsible for the inspection and repair of the equipment on the condition that the funds that have been raised by the community are transferred to the Council account to enable the purchase to take place.

***C/314/16 - To discuss the handrail and footpath behind Raddicombe Lodge Garden [Cllr Essex]***

Councillor Hawkins advised that the handrail had been ordered and will be installed by the County Council. The costs would be met from his County Council Locality Fund.

***C/315/16 - To discuss the maintenance of the Fire Engine***

The Chairman explained that Paul Moynagh a former resident of the village had made reference, to the poor condition of the Fire Engine, on a recent visit. Councillor Trevorrow explained that the current position is not the best place. It was built in 1876 by Merryweather of London and it needs a specialist repair.

Councillor Hawkins advised that the engine from the Compton Castle is due to be installed on the platform by the Steam and Rail Company.

It was PROPOSED and:

**It was RESOLVED that 3 quotes be obtained for the repainting and repair of the Fire Engine.**

***C/316/16 - To discuss the Wishing Well and allocation of funds.***

The Chairman explained that it was past procedure the money in the Well was distributed to various groups. The Chairman had suggested some funds be given to the 2 to 4 Club.

**It was RESOLVED: the Clerk make appropriate enquires to ascertain the position:**

- **regarding the funds and**
- **the transfer of funds to appropriate groups in the village.**

***C/317/16 - To discuss any action or outstanding issues relating to the Moorings.***

The Chairman made reference to some boats that on the mooring that appeared to

be in poor condition and had not moved for some time. A resident of Brixham had asked if it was possible to purchase one of these boats. Councillor Trevorrow agreed to make enquiries and check the ownership.

Councillor Trevorrow also reported that he had undertaken some renumbering of the moorings at the Council pontoon by the railway. The numbering will run from 1 to 27.

The pontoon is not in good condition and Councillor Trevorrow has been in contact with Dart Haven.

With regard to the Moorings along Waterhead Creek , Councillor Trevorrow has arranged for the numbers to be repainted. He advised that there may be one or two dry moorings on the park available.

Reference was made to the boat that has not been moved and the owner be written to.

Councillor Trevorrow explained that adverts would be placed to obtain new boat owners to take up the empty spaces.

The question was raised over the inspection of the pontoon. Dart Haven have offered to inspect twice each year but without responsibility; only informal advice. An inquiry to Dart Harbour is awaiting a response.

A comment was made that regular inspections should be taking place as clearly there was a need to ensure the safety of any members of the public using the pontoon.

**It was RESOLVED that the recent report prepared on the condition of the Pontoon be referred to the Council Insurers and any other action be taken to ensure that the Council has covered any of its legal obligations with regard to health and safety.**

#### ***C/318/16 - To discuss Regatta Parking Permits [Cllr Payne]***

Councillor Hawkins explained that the County Council were resistant to permits on the basis that it would require additional enforcement measures. The Chairman explained that an area below Contour Heights is coned off and residents are allocated numbered permits to park in this area. The two spaces at the Banjo should also be available as in previous years.

Further comment was made regarding the problems the additional cars coming into the village cause resulting in difficulties of access and turning.

It was noted that Councillor Henshaw was a member of the Regatta Liaison Group which would be meeting in due course.

#### ***C/319/16 - To discuss traffic issues at the junction of Higher and Lower Contour Road.***

There is some concern that the road signs are not sufficiently clear and drivers are turning right at the junction of Higher Contour Road and Lower Contour Road, on

the B3205, towards the cemetery. This is a one way system and the drivers are driving the wrong way.

This issue is part of several parking and traffic problems and it was agreed that there is a need to meet with a representative (Chris Rook) from Devon County Highways Department.

Councillor Payne explained that the Neighbourhood Planning Group were in contact with Neil Oxton another member of the Highways Team.

**It was RESOLVED:**

**An invitation be sent to Mr Chris Rook to attend the October Council Meeting.**

***C/320/16 - To note that the work on the Cemetery Lodge roof has now been completed. The Agents for the Council have put forward a prospective tenant and the Clerk is making arrangements to have the property cleaned and some decoration completed in readiness for occupation.***

This was noted. The tenants are acceptable to the Council and the Clerk will liaise with the Agents to arrange the commencement of the tenancy.

The Chairman advised that the Cemetery Chapel would be cleaned and decorated at the same time.

***C/321/16 - To note the letter from South Devon Area of Outstanding Natural Beauty with an invitation for the Council to send a representative[s] to the Planning Guidance Workshops.***

[Information obtained since the Meeting - *It was noted that the workshops are a repeat of earlier workshops already attended by Councillors Payne and Parkes.*]

Councillor Hawkins explained that there was an initiative to replace all the "Welcome to our Village/Town" signs with signs that have a reference to the Area of Outstanding Natural Beauty. He had set aside £500 from his County Council Locality Budget.

Councillor Trevorrorow and Payne had spoken to the Primary School and it had been suggested that the children could come up with paintings or drawings to be incorporated in the signs. Three signs would be required and also consideration to include Kingswear's Twin Town.

**It was RESOLVED:**

**Councillor Trevorrorow would contact the Primary School.**

***C/322/16 - To note a letter from Devon Communities Together confirming the Council membership.***

This was noted

***C/323/16 - To discuss the outstanding item related to the Freedom of***

**Information request to the Kingswear Primary School.**

The was some debate regarding enquiries made by Councillor Payne to the Primary School with regard to the number of children residing in Kingswear. This relates to the proposed playground and the need to obtain some statistical information.

There had been some resistance from the Head Teacher and Councillor Payne had auctioned a Freedom of Information request. The information was provided but a subsequent complaint from the Head Teacher was sent to the Council. The request had not been under a resolution of the Council but the Head Teacher had made the assumption that it had. (*Councillor Payne had made the request quite rightly using her title of Councillor although it was not made clear to the Head Teacher that it was an individual request*).

There was mention of the need for apologies to be made to Councillor Payne and to the School but following further debate; it was agreed that the time had come to put the matter to rest and every effort should now be made to improve relationships between the Council and the School.

The incident has caused some bad feeling between the School and the Council and the Members agreed that Mr Oakshott, had been an excellent Head Teacher and through his efforts the school had stayed in Kingswear.

A new Head Teacher had since been appointed. It was noted that Councillor Trevorrow had visited the school recently and some "bridges had been mended".

**C/324/16 - To respond to a request from Mrs Sue Pudduck to use Jubilee Park on 17 July 2016 at 7.00pm for a performance of Shakespeare by the Countess Weir group and for the Council to cover the cost of a mobile toilet which will be £75 approximately.**

**It was RESOLVED:**

**To approve the use of Jubilee Park and for the Council to cover the cost of the mobile toilet.**

*The Chairman thanked everyone for their attendance and closed the Meeting at 9.45pm*