

KINGSWEAR PARISH COUNCIL

Draft Minutes of the Meeting of Kingswear Parish Council Held in the Trust Room on Tuesday 14th June 2016

Present: Cllr Jan Henshall (Chairman), Cllr E. Essex (minute taker), Cllr J. Hawkins, Cllr E. Jones, Cllr L. Maurer, Cllr H. Newcombe, Cllr E. Parkes, Cllr R. Searle, Cllr M. Trevor, District Cllr H. Bastone.

Apologies for Absence: Cllr L. Payne, District Cllrs R. Rowe,

Declaration of Interest: None

C/180/16 Minutes

Minutes of the Extraordinary Meeting held on May 24th 2016 were duly signed.

C/181/16 Exempt Items

The following items were confirmed as exempt:

- a) Data Access Request
- b) Moorings
- c) Appointment of RFO
- d) Update on appointment of replacement clerk

C/182/16 Questions from members of the public

A parishioner asked Members to confirm that they supported the school and the playground. Two Members qualified their support for the playground by saying it should be set up on a sound legal basis.

Another parishioner asked for clarification of 'legal basis'. Cllr Henshall replied that the Council had in January 2015 supported "In Principle" provision of a Playground; this was subject to approval of the final design and also that there would be no cost to the Council. At the July 2015 Meeting support was offered subject to legal advice. The advice subsequently received from Foot Anstey suggests that the equipment when installed should be owned, maintained and insured by the council. This clearly conflicts with the January decision and would need to be reconciled.

Following a report by Tony Swainston at the APM, Cllr Henshall was concerned to learn that although the Council had not discussed the proposed playground since July 2015, approaches had been made to DCC/SHDC by Cllr Hawkins and 2 members of the Parish Council regarding positioning of play equipment and licensing requirements. Also that an Application for a Certificate of Lawfulness had been submitted by the former clerk to Kingswear Parish Council on 3/2/2016 in which he had nominated Tony Swainston to act as the Council's Agent. Cllr Henshall felt it important to stress that these actions were undertaken without the knowledge and authority of this council and that any action to be taken in the future would need to be carried out with full consideration of the Council's legal position.

A parishioner referred to a letter from the headmaster of Kingswear Primary School and asked the Council to confirm that an apology had been sent to him for Cllr Payne's action in

seeking an FOI request. The chairman replied that she had not apologised for the FOI request, and she read out her reply to the headmaster.

A query was raised as to why Councillor Payne had not declared an interest due to her B & B business. The questioner was informed that Cllr Payne had terminated her business before she became a Councillor.

A parishioner asked for the reasons behind the cancellation of the Street Party for the Queen's 90th Birthday. The Chairman said only four Members were available to help and that she had contacted clubs and organisations in the Village but few volunteers had come forward.

C/183/16 Police Report

P.C. Vaughan had sent in his report. There were no crimes to report. During the Music Festival in the later part of the evening there was unruly and drunken behaviour on both ferries. Youths from Brixham were escorted by police from the ferry to the Banjo and the officers stayed with them to make sure there were no public order offences. There will be a Police Surgery on 21st June 18-00 to 19-30.

C/184/16 Report from District Councillor Bastone

Affordable Housing Planning Obligations

The Planning Guidance has recently been updated, this is as a result of the court of appeal process following the Judicial Review of the previous policy change brought by Reading and West Berkshire Councils. The Court of Appeal has reversed the decision and the government has re-introduced guidance in the PPG setting higher thresholds for the provision of affordable housing in housing developments. As a result of this, affordable housing or financial contributions for Affordable Housing can no longer be collected on developments of 10 or less properties or, in Designated Rural Areas, of 5 units or less.

Members may recall the previous Council resolution on 10 September 2015, when the previous guidance was revoked, it was agreed that the Council would have regard to National Guidance and the PPG, therefore the new guidance set out within the PPG will be followed in the determination of planning applications.

As such, the following will apply:

In Dartmouth, Totnes, Ivybridge and Kingsbridge, unless any part of the application site falls within the AONB, affordable housing contributions will be sought where the proposal is for more than 10 units of accommodation.

In the rest of the South Hams, affordable housing contributions will be sought where the proposal is for more than 5 units of accommodation.

Housing and Planning Act Briefing Note.....and More Planning Legislation

Following the discussion and controversy over the Bill, we now have enacted legislation and a briefing note. The LGiU summary is at the following link – which if you haven't already seen it gives very helpful background information:

<http://www.lgiu.org.uk/briefing/housing-and-planning-act-2016/>

The legislation will have major and direct impacts across a number of service areas and the implications will become clearer over the coming months.

The Queens Speech also introduced a further ‘Neighbourhood Planning and Infrastructure Bill’. Some elements are summarised below from the DCLG briefing notes. This would appear to involve a further shift of planning powers to Neighbourhood Plans and a fundamental review of the use of planning conditions.

- To further strengthen neighbourhood planning and give even more power to local people;
- The new legislation would also strengthen neighbourhood planning by making the local government duty to support groups more transparent and by improving the process for reviewing and updating plans; and
- To ensure that pre-commencement planning conditions are only imposed by local planning authorities where they are absolutely necessary.

Further details are available via the following link:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/524040/Queens_Speech_2016_background_notes_.pdf

Cllr Bastone also gave the following report:

**ADVANCE ANNOUNCEMENT of AREA RESTRICTIONS REGATTA AIR
DISPLAYS 26 Aug 1800 – 27 Aug 16 1730.**

Following the Shoreham air accident and further to the procedures already put in place as part of pedestrian safety plan it is necessary to increase the recommended safety precautions for the general public during any aerobatic demonstration.

Cooperation is required from **every** individual if air displays are to remain part of the Regatta. If cooperation with the advice listed below is demonstrated this year, it is hoped that the Regatta will once again be able to have the full Red Arrows display which has become a major part of the event.

These new recommendations will no doubt cause some inconvenience and controversy but they are for the safety reasons.

Dartmouth.

The Dartmouth side of the river is designated as the official crowd line stretching from the North to the South embankment. Any point behind this North-South line is suitable to watch the air displays. This also gives the best view of the displaying aircraft.

River Restrictions.

The river will be closed to all river movement from Castle Ledge to Sandquay Pontoon 30 minutes prior to any aerobatic display. This is to ensure any vessels in the river prior to the closure have time to make their moorings and personnel vacate their vessel to a safe location. Ferries will continue to operate within this 30 minute period to reduce crowd numbers on the Kingwear side of the river.

We would encourage **all boat Captains** moored on the river within the restricted area to vacate their vessels and watch the aerobatic demonstrations from the Dartmouth side of the river. Owners using their boats as viewing platforms are requested to do so outside the river restriction zone.

We would also advise all boat owners moored on pontoons to watch the air displays from the safety of the Dartmouth embankment. Dart Haven Marina boat owner’s are advised to watch from the Dart Haven Car Park area.

Kingswear.

Road closure will be enforced from Hill Head 30 minutes prior to any aerobatic display. This will include the A379 Higher ferry, B3205 Lower ferry, Lower Contour and Brixham roads and Fore Street.

Pedestrians in the vicinity of the Ferries, Steam railway station and Fore Street should move to the Banjo and/or Darthaven car park area behind the steam railway line.

The ferries will continue to operate until 5 minutes prior to the display to further reduce numbers on the Kingswear side.

Summary I hope everyone will understand why we are recommending these procedures and fully cooperate. The time windows are very small and disruption should be less than one hour on each day. Please keep an eye on the website, twitter and FB feeds but especially for PA announcements for additional information.

Jason Aylett – Regatta Flying Display Director.

C/185/16 Report from County Councillor Hawkins

Councillor Hawkins reported that there was now a fund available for road repairs, that there was an appeal for Dartmouth's indoor swimming pool and Ray Bridges would be coming to discuss our needs with regard to the pool, that the consultation with regard to the new hospital for Dartmouth and Kingswear had been postponed until the autumn, and all the Parish councils were being invited to put forward a representative to take part in the working group, Chris Rook would be coming to Dartmouth on June 17th to discuss parking and traffic Wardens.

C/186/16 Kingswear Award

The Chairman announced that the award was being given to Carolyn Williams for her great contribution to the life of the village and in particular her involvement with the church, the village hall, and the 2 to 4 club. She was not at the meeting and the Chairman will pass the award to her on another occasion.

C/187/16 Cemetery

Following recent concerns Cllr Maurer had held talks with Torbay Council in an effort to avoid any possibility of repetition of past mistakes. She stated that she was currently writing a clear set of Cemetery Regulations to be adhered to, and had devised a fool proof marker system for the graves.

A request had been received for the hanging of two 'in memoriam' plaques in the Chapel. It was agreed that this could be allowed, and noted that the Chapel should be cleaned first.

C/188/16 Internal Audit and Annual Return Update

Cllr Essex reported that due to the fact that the internal auditor had been seriously ill, he had not been able to complete the Return. However, he had agreed to do so the following day when she would be taking the papers to his home.

C/189/16 Cemetery Lodge

Expenditure of £1480 for work to roof and chimney to rectify damp problems was unanimously approved. Cllrs Henshall and Maurer confirmed that the last tenant had left the property in very good condition and it should only require cleaning of the carpets and rectification of chipped paintwork in places.

Council agreed to discuss further details in exempt.

C/190/16 Curb spraying and clearance

Cllr Henshall had spoken to Mark Capper of SHDC who confirmed that the weed spraying was going ahead and in fact being done on this day.

C/191/16. Battle of Jutland Commemoration

Cllr Hawkins suggested that a special mention of the 100 year anniversary should be made on Nov 11th this year.

C/192/16 Letter from former head teacher of Kingswear Primary School

The Chairman did not think it helpful to the school to read out the letter. She felt that there was a need for the council and the village to move forward. Cllr Jones expressed concern that Cllr Payne had made a FOI request of the school. It was agreed to discuss this at the next Meeting when Cllr Payne would be present.

Cllr Henshall also stated that she had responded to Mark Oakshott's letter offering full support to the school and hoping that the council will meet with the school in the near future. Cllr Parkes, chairman of KNDP has arranged a meeting at the school to talk about the neighbourhood plan. Cllr Trevorrow suggested making a presentation to the retiring headmaster.

C193/16 Lighthouse Beach

Discussions had taken place between DCC and landowners, and tenders were being sought to carry out the necessary work. It would be necessary for the Landowners to contribute quite sizeable sums to further the project. A contribution from Kingswear would hopefully come from Grant/Match Funding; Cllr Hawkins to organise a meeting between himself, Ros Mills DCC and the Chairman.

C194/16 The playground – Legal and Financial Considerations

Cllr Henshall stated that we had to contact Foot Anstey and that we had to make sure that everything is done legally. Also we needed to consider the insurance policy we have with Aon.

It was resolved that the council would support the erection of a playground and would do all it could to overcome barriers that may prevent the project moving forward.

C195/16 Kingswear Neighbourhood Plan

Cllr Parkes reported that a meeting had taken place on the 15th May when plans were made for the presentation to be made by Mr Storah at the APM on 23 May.

Following this there has been positive feedback, ideas and suggestions slowly coming in. eg. parking – development of a small patch of land adjacent to Jubilee Park. Raddicombe Lodge has been offered as a venue for a public open meeting and this will take place on July 7th between 11-00 and 15-00 and another meeting has been arranged on July 11th at Kingswear Village Hall between the hours of 18.00 and 20.30.

Publicity for these meetings has been arranged by way of posters in Kingswear, door to door leaflets in Hillhead and Gampton/Greenway, and a notice put in "By The Dart"

Many things are ongoing and to date expenditure has been £384.34

C196/16 Residents Parking

Cllr Payne sent in a report that the Residents' Parking Group were considering the needs of those who go to work who live on Higher Contour Road. So over Regatta they are requesting

provision, for the residents of Mount Pleasant Flats and Contour Heights, by way of Regatta Parking Permits which already are in place for the residents of Waterhead Terrace. Discussions had been held with DCC & the Regatta Committee to further this project.

C197/16 Report from Cllr Payne re Speeding on Brixham Road

Cllr Payne sent in a report that Neil Oxton had emailed her saying that DCC will be conducting a speeding test on the Brixham Road.

C198/16 Parish Council Protocol

Cllr Hawkins recommended that all councillors should have dedicated e mail addresses.

C199/16 Pontoon in Waterhead Creek/ Moorings

Cllr Trevorrow confirmed that all stickers had been sent out and that his priority now was to get some more moorings let ASAP. **Action: Cllr Trevorrow**
If anyone wants to use the public slipway they can contact the Parish Clerk and get the number for the padlock.

C/200/16 Exempt Items

It was resolved to go into exempt session

(a) FOI

Cllr Maurer had contacted the FOI office which had confirmed that we do have to hand over the information that had been requested and so this will be done. **Action: Cllr Maurer**

(b) Moorings

Please see committee note

(c) Appointment of Temporary RFO

Cllr Maurer agreed to take on this role temporarily.

(d) Replacement Clerk

The chairman reported that there are now three applicants and interviews would be taking place next week.

Closure of meetings 10-25pm