

MINUTES OF THE PARISH COUNCIL MEETING OF NEWTON & NOSS PARISH COUNCIL

Held on 10 March 2016

PRESENT MRS.ANSELL MR. COOPER CLLR.GREEN MR. HUSSELL MR. CARTER
MS. ADAMS MR.PARRY-SMITH MRS COOPER MR. LYNDON

ALSO PRESENT; Cllr. Richard Hosking, 2 parishioners, Mrs McDonough (Clerk).

OPEN FORUM

Police report

PCSO Potter had attended the Annual Parish Meeting beforehand. His police report for February 2016 was read out; Newton Ferrers- no reported crime.

Noss Mayo- between 1515 and 1610 on 18 February, a vehicle parked in the tennis courts car park was broken into and property stolen. (CR/010619/16)

Hill Crest, Beacon Hill 0493/16/HHO-the architect gave a brief outline of the proposals and to show a picture of with before and after pictures.

Broadband-Mr. Jeremy Brown gave a presentation on the limited Superfast Broadband available in the Parish and those properties in Noss Mayo, particularly in Stoke Road and some areas of Pillory Hill/Bridgend who had no access. Mr. Brown presented maps showing the areas which had no coverage and the situations of the copper cable running from the telephone exchange. He believed the cabling should have a range and afford coverage of 1-1.5 km area. It was thought the green box on Stoke Road had not been converted to accommodate Superfast Broadband. Mr. Brown had attended the Devon County Council Place Scrutiny Committee meeting which had been advised that 90% of Phase 1 rollout was complete. Devon County Council, South Hams District Council and the Government had provided millions of pounds of funding for the project. Mr. Brown suggested that the organisations funding the project appeared unable to confirm who would get the service. It was suggested that Devon County Council would benefit financially from BT if there was a good take-up. It was thought there had been a very good take up in Newton Ferrers. It was suggested Phase 2 rollout would start once Phase 1 had been audited but that Devon County Council was having difficulty in finding an auditor to work to the timescale (end of April 2016). Cllr. Leadbetter had suggested all was going well and Cllr. Hosking had suggested connection issues were up to the BT Chief Engineer. Mr. Brown suggested that DCC should be monitoring the contract. He wanted to know where the 90% coverage figure came from(-undertaking a random sample it was suggested only 75 % coverage), when Stoke Road would be included (Phase 2 or 3), / would the financial benefit DCC received from BT arising from take up be ploughed back into the rollout scheme and why some attractive areas had been held back.

The Chairman suggested Revelstoke and Middlecombe did not have access.

Cllr. Hosking advised that he had been supplied with information by Cllr. Leadbetter. Phase 1 to provide coverage for 90% of premises in Devon & Cornwall had been awarded by contract. The BT Chief Engineer would make the decision as to which areas would be covered by the 90%. BT would know feasibility and their network. He had no knowledge as to how the areas for Phase 2 would be selected. Technology was advancing. Rather than Phase 3, alternative technologies were developing. He had put Mr. Brown in touch with someone very knowledgeable of Broadband at Devon County Council whom Mr. Brown would be shortly meeting. Mr. Brown suggested that as DCC were funding the scheme, DCC should have more knowledge of what was going on. Cllr. Hosking suggested that they were not BT engineers. He was aware that the 10% who had not been included in Phase 1 may be upset as to the longer wait. The target for Phase 2 was the next 5%. Mr. Brown suggested the Parish Council should have a standing request laid with DCC to find out what was going on and when the uncovered parts of the Parish would receive Superfast Broadband.

56/16 APOLOGIES FOR ABSENCE- there were apologies from Cllr. Baldry (who had attended the Annual Parish Meeting beforehand), Cllr. Blackler and Ms. Longworth.

57/16 INTERESTS TO BE DECLARED - members were invited to declare interests in the items for discussion during the course of the Meeting. None were declared.

58/16 DISPENSATION REQUESTS- none.

59/16 MINUTES- the Minutes of the 11 February Parish Council Meeting were confirmed and signed as a correct record.

60/16 VARIATION OF AGENDA –RESOLVED: Matters relating to consideration of quotations for stream grille maintenance, cricket net removal and the Clerk’s employment should be considered in Committee. (Vote; Unanimous.)

1/10March2016.....Chairman

61/16. COUNTY COUNCIL

61.1 County Council- Cllr. Hosking had had to leave.

61.2 Highways/Transport-

i) A379 –it was hoped work would start before the end of April.

ii) Grass cutting- details were still awaited from Devon County Council Highways.

iii) Membland signage- the sign at Perches Close had been moved further down the hill. A parishioner had suggested that the signs should be moved to Eastern Lodge/Western Lodge being the boundaries for Membland. DCC Highways Officer had advised against this.

iv) Coach Road- a meeting had been arranged with DCC Highways on 21 March to discuss any “snagging” issues as a result of the recent highways works.

62/16. DISTRICT COUNCIL

Both District Councillors had sent apologies.

63/16. CORRESPONDENCE

63.1 Broadband-it was agreed to contact Devon County Council to find out when those areas in the parish not yet covered would have access to Superfast Broadband.

63.2 Dementia Friendly Parishes- it was understood Ms. Longworth had attended the AGM that day. The matter would be put back to the next meeting.

63.3 The Green- Mr. Howard Swift had kindly offered to make something for the village using the wood from part of the Beech Tree due to be felled. Given the decay in the tree it was agreed to suggest Mr. Swift liaise with the tree surgeon. The decision as to what should be made would then be delegated to the Chairman and Ms. Adams in conjunction with Mr. Swift.

64/16. PLANNING

64.1 Newton Downs Farm 37/1426/15/F- proposed Solar PV array at SX 553 496.Notes of the meeting with Yealm Community Energy on 7 March 2016 had been circulated to Members prior to the meeting. Yealm Community Energy (YCE) representatives had comprised Mr. Peter Brown, Dr. Andrew Moore, Mr. Peter Andrews- Mongoose Energy, Bath. Newton & Noss Parish Council (NNPC) representatives attending had been Cllr. John Green, the Vice Chairman, Ms. Longworth and the Clerk.

Mr. Brown advised that Community Benefit (CB) negotiations were ongoing. The Section 106 Agreement between the landlord and South Hams District Council (SHDC) was being drawn up by the SHDC legal team. YCE was involved as an interested party. It was hoped construction could commence late summer. Community Benefit provision was being built into the Section 106 agreement.

Options

i) Community ownership- under a Community Benefit Society (CBS). A CBS must operate for the benefit of the community in which it was embedded. If the array came under the ownership of the CBS, the CB would be much greater than if under ownership of a developer. YCE had been working with Mongoose Energy to raise money to build the solar array- around £5 million to be raised from bank borrowings, bonds and ownership. YCE would give people who live in the area the opportunity to own through the CBS and who would be able to invest. The CBS would be in the form of a Co-op structure – local people could therefore have the opportunity to be directors and have a say in governance. As a community asset it could generate significant sums of money. The funds generated from the solar array would repay borrowings and investors (anticipated at 7% pa) and surplus would go into community funds. It was anticipated the CB could be in the region of £25,000.The bond would be available to all, but local people may have a lower entry into buying the bond. It could widen entry.

ii) Community Benefit solely- a commercial company buys the development for which there would be a community benefit charge of £** per megawatt. At the moment £2000 per megawatt was anticipated with the proposal that the benefit would be split between the five parishes that made up YCE. A CBS was under a legal obligation to give profits to a recognised organisation. The options as to how to spend the CB were a long way off.

YCE wished to do its utmost to bring the project into community ownership. The work and effort undertaken by YCE was recognised. It was anticipated YCE would go on to form a separate charity with representatives from YCE , local residents, Parish Council members and those with a vested interest- stakeholders.

YCE advised that the CB would be divided between the 5 parishes covered by YCE- Newton & Noss, Yealmpton, Wembury, Brixton and Holbeton. No agreement had been reached as to proportions to be allocated but a bias could be towards the parish in which the solar array was located. Examples of which CB was applied in other areas included solar panels for schools, local charity gardening scheme, solar array for a canoe club, community halls, farmers’ markets, low carbon initiatives. There was scope to introduce flexibility into the projects which could be supported.

YCE were looking at other solar array projects including one in Yealmpton. In effect potential CB from those schemes could benefit Newton & Noss residents.

Following the meeting the SHDC Planning Officer had advised that the primary objective of the Section 106 negotiations was securing the purchase of the solar farm by the Yealm Community Energy Group and this could not be changed without the approval of Development Management Committee. The fall-back position, should YCE not

purchase the installation, was that an annual payment would be made to a group / body that represented the local community. The logistics / mechanism for doing so had not been discussed at the Development Management Committee meeting where approval was granted. He welcomed the view of the Parish Council in this respect. His view was that the body that received and administered the funds should be representative of the local community and fully accountable to it.

The Clerk explained limitations on Parish Council spending powers. An outline was given of Section 137 Local Government Act 1972 which gave the Parish Council the ability to support certain projects for which it did not have a statutory power of spending- currently the equivalent of £7.36 per elector.

Advice had been sought from the SLCC legal adviser and circulated to Members. The Council did not have the General Power of Competence under the Localism Act. Donations to charities or not-for-profit organisations could be made under s 137 of the 1972 Act, but the amount of money was strictly limited by section 137(4). There was no legal power for a Parish Council to spend money on energy projects unless they were incidental to something else.

It would be possible for a section 106 Agreement to require the developer to give money directly to a charity or to a not for profit company like YCE. The adviser had suggested that public money coming in over a 30 year period should be controlled by a local authority, which was likely to last longer and be better accountable than anything else, over a 30 year period. He suggested the Parish Council could seek specialist legal advice to set up a charitable trust, wholly controlled by the Parish Council and for the CB to be required to be paid not to a local authority but instead directly and exclusively to the Charitable Trust.

Members agreed, in the event Yealm Community Energy do not exercise the buy- out option,

1. The Community Benefits arising under the Newton Downs Solar Farm Project would be administered through a charitable trust set up by Yealm Community Energy as the Community Benefit Society. Two members of the Parish Council should sit as trustees on the charitable trust.

2. The parish of Newton & Noss, being the parish in which Newton Downs Solar Farm was situated, would have first call on the first 75% of Community Benefit funds generated by Newton Downs Solar Farm for projects in Newton & Noss. In the first year in which Community Benefits were payable, Newton & Noss parish would have first call on 100% of the Community Benefits. This would be to look at in particular, projects around the Butts Park area- being the area most affected by the construction works.

It was agreed Cllr. Green would speak with Mr. Brown (YCE) regarding the Parish Council's decision following which the Clerk would advise the planning officer Mr. Jones.

Planning applications received including;

64.2 Hill Crest, Beacon Hill 0493/16/HHO- householder application for construction of garden room and kitchenette. DECISION: No objection. *(Vote; Unanimous.)*

64.3 The Old Sail Loft, Bridgend 0178/16/HHO-householder application for proposed alterations to construct dormers, porch and conservatory. DECISION: No objection. *(Vote; Unanimous.)*

64.4 Sprat's Cottage, Pillory Hill 0483/16/HHO-retrospective householder application for resubmission of changes to granted permissions 37/0044/15/F and 37/0045/15/LB - reduction in length, increase in depth and windows. DECISION: No objection subject to the Conservation Officer being satisfied with the proposed plans. *(Vote; Unanimous.)*

64.5 11 Yealm Road 0443/16/HHO-householder application for erection of two single storey timber framed garden rooms replacing existing single storey UPVC garden rooms. DECISION: No objection. *(Vote; Unanimous.)*

64.6 Newton & Noss Neighbourhood Plan

i) Housing Needs Surveys- were in the process of being delivered to households by volunteers. RESOLVED: To authorise the Chairman to sign a revised contract with Devon Communities Together for the provision of the Newton & Noss Housing Needs Survey (in which one party to the contract had been amended from Devon Communities Together Ltd to Devon Communities Together.) *(Vote; Unanimous.)*

ii) Locality Fund- Mr. Christopher Lunn had written to suggest that the Parish Council delegate authority to Mr. Peter Pritchard to bid for the funding for the Housing Survey, given he had already been through the screening process and was regarded as a Neighbourhood Plan bidder, with the requirement that the funds be paid into the Parish Council accounts. The Parish Council would then be responsible for settling the invoice for the Housing Needs Survey once received. The Parish Council agreed to this suggestion on the basis that the application was sufficient, at least, to cover the Housing Needs Survey cost.

iii) Steering Group- Mr. Lunn had written to the Parish Council to advise that he would be stepping down as Chair of the group but would remain as a member. He would stay as point of contact for the Housing Needs Survey until Devon Communities Together satisfactorily delivered its report. He suggested a meeting with members of the steering group, leaders of the working group and Mr. Pritchard to discuss progression.

64.7 Housing & Planning Bill- no comments were made in respect of the technical consultation on implementation of planning changes.

64.8 Village Housing Initiative- it had been suggested work would commence at the end of the month. Cllr. Green referred to the Community Reinvestment Fund in respect of which the Parish Council could potentially make an application.

65/16. ADMINISTRATION

65.1 Events applications-none received.

65.2 Bishops Court-no response had been received from the Reading Room Committee. Mr. Carter would contact the Chairman.

65.3 Annual Parish Meeting- it was agreed the Annual Parish Meeting should start at 7pm in future.

65.4 Parish Basic Allowance- details of the recent decision of South Hams District Council to approve a revised Scheme of Members' Allowances (to be backdated to May 2015) had been circulated to Members. It was agreed the Parish Council would not pay a Parish Basic Allowance.

65.5 Internal audit arrangements-details of a new contract for the provision of internal audit services by South and West Internal Audit were discussed. Members agreed that given the level of service provided by Mr. Abraham, it would not be necessary to seek alternative quotations. RESOLVED; to authorise the Chairman to sign a new contract with South and West Internal Audit for the provision of internal audit services. (Vote; Unanimous)

66/16 AUTHORISATION OF PAYMENTS –cheque payments were authorised and signed in accordance with the schedule prepared by the Clerk, checked by Mr. Hussell and listed in Minute 67/16

67/16 AUTHORISATION OF PAYMENTS –

Santander Current Account :	Total balance at 1.3.16	£56206.15
The balance includes: Hedge Cutting Bond		£3000
Monies held on completion of Newton & Noss Play Park Improvement Project		£36.02
Monies held in respect of the maintenance of the Revington Memorial Seat		£390
Monies held in respect of the Locality Fund Grant from Devon County Council		£400
The following cheques were authorised totalling:		£3191.35

Chq No	PAYEE		AMOUNT
2069	WI Community Hall	Hire fee NNPC Meeting 10 March 2016	£25.00
2070	WI Community Hall	Hire fee NNPC Meeting 24 March 2016	£25.00
2071	S. McDonough	Net salary-February 2016	£1,215.98
2072	HM Revenue & Customs	Clerks monthly Tax & National Insurance	£294.97
2073	South Hams Garden & Property Services	Stream grille clearance	£20.00
2074	WI Community Hall	Hire fee -meeting Yealm Community Energy 7 March.	£12.00
2075	P. Burridge	Collaton path hedge/grass cutting	£362.40
2076	L. Finch	Rugby posts installation	£1,236.00
		Total	£3,191.35
DD	Spectrum Housing Group Ltd	Bishops Court rent March 2016	£363.62

*Section 137 Local Government Act 1972 payments: £0 total to date; £480

68/16. MEETINGS ATTENDED:

68.1 Harbour Authority- Mr. Carter advised that a couple of quotes had been received for the installation of CCTV around the harbour

68.2 Halls- the Vice Chairman advised that he had stood down as Chair of the WI Hall Committee. Ms. Adams would be taking over as Parish Council representative. The meetings were being reduced to four per year. Mrs Cathy Matthews and Mrs. Brenda Merritt had also stood down. Mrs. Court Hampton would be taking over as treasurer/ bookings. There was no Chairman elected as yet.

The Chairman advised that the Newton & Noss Village Hall AGM would take place in April.

69/16 MAINTENANCE

69.1 The Fairway- it had been established that the noise disturbance had been caused by a bird scarer device. Mrs. Cooper left at 8.45pm

69.2 Maintenance working groups-

i)Sports Pavilion- Mr. Hussell advised that he was conducting weekly inspections. The rugby posts had been installed. Advice had been sought from the Parish Council's insurers and the SHDC Locality Officer regarding protective padding for the posts. Zurich had advised to go for suitable padding around each post. Zurich had advised undertaking a risk assessment of the new facility and the posts would need to be inspected and maintained, with adequate records kept. The Maintenance working group had been advised of the need for a risk assessment and the necessity to update their inspection schedules to include the rugby posts. The SHDC Locality Officer had advised that the local rugby clubs had assumed responsibility for SHDC land on

which rugby posts were situated. The rugby posts supplier had advised use of padding. The Council discussed matters some members feeling padding was unnecessary as no games would be played on the field and the posts were for kicking practice only. Mr. Parry Smith did not agree and suggested clear advice had been given. RESOLVED; The Parish Council would not install protective padding for the rugby practice posts at Butts Park playing field. (Vote; 6 in favour, 1 objection. 1 abstention.)

A member of the Cricket Club had contacted the Clerk requesting a copy of the draft Licence for use of the Sports Pavilion which the maintenance group had supplied to the Cricket Club. There had been no news of the Licence which had been sent to the Football Club. The maintenance group had been asked to forward copies of both Licences to the Clerk for onward transmission to the respective Clubs. Both Clubs had been asked for insurance details by the Clerk together with copies of the Clubs' risk assessments and inspection schedules as under the Licence terms.

Comments had been made regarding the cleanliness of the Pavilion by a cricket club member.

ii) The Green/Dillons Green-investigations regarding potential sponsorship for the areas were ongoing.

iii) Play parks-the group would be meeting the following week to discuss funding application progress and to work towards the start of phase 1 at Butts Park play park. Potential work arising from an inspection undertaken by the Vice Chairman at Noss Mayo had been reported to SHDC and would be added to the work schedule arising from the parish asset inspection if necessary.

iv) Noss Recreation Areas-

Noss Car Park-a member had suggested a sign be placed at a car park by Noss Tennis Courts to the effect that parking was at "own risk". The Parish Council's insurers had advised against this in relation to injury. Any disclaimer for liability for injury sustained as a result of using the tennis courts or other facilities would be of no legal effect. The Unfair Contract Terms Act specifically prevented an organisation from escaping liability by reliance on a contract term. It would be more appropriate to display a sign asking users to notify the Council of any damage they discovered to help ensure prompt remedial action. Mr. Carter was to look at the blocked drain.

Noss Recreation Area – the Council's insurers had advised that Riparian landowners had riparian responsibility for their sections of river banks and any culverts, drains, ditches or water courses on their land.

Tennis Courts- the original wind screens had perished. It was agreed to give the tennis club permission to put up two new screens. The Chairman would liaise.

Community Orchard- the Newton & Noss Community Orchard Group were continuing to work on improvement plans.

69.3 Parish asset inspection – was incomplete. It was agreed the Clerk would prepare a draft works schedule for the next meeting based on the inspections to date.

69.4 Any other areas for consideration

i) Kilpatrick's Steps- the RYHA had arranged for the steps to be repaired.

ii) Wide Slip- Devon County Council would be repairing the railings.

iii) Butts Park- Mr. Lyndon suggested two pine trees by the water tower, on land believed to be owned by DCC, needed to be inspected.

In committee

69.5 Stream grilles- RESOLVED; to accept the quotation from South Hams Garden and Property Services to dig out silt and lower the grille to secure to original height at Noss Play Park (£50) and to fabricate and fit extensions to the grille entering Noss Green to prevent debris entering the culvert £120. (Vote; Unanimous.)

69.6 Cricket nets-urgent work to complete works to remove the cricket nets at Butts Park playing field to make the area safe in the interests of public safety had been authorised by the Chairman and Mr. Hussell in the sum of £50. The work had been undertaken by South Hams Garden and Property Services.

70/16. CLERK'S EMPLOYMENT- following investigations undertaken by the Independent Financial Adviser instructed on behalf of the Council to set up a pension for the Council to comply with auto enrolment requirements, it had been established that Hawthorn Accounting Services did not accommodate auto enrolment work. The adviser had suggested PBS Accounting Payroll and Book Keeping Services who could administer both the payroll and pension. Details of the company and terms of business had been circulated to members. RESOLVED; to authorise the Chairman to sign the contract with PBS Accounting Services to undertake payroll and pension administration services from the start of the new financial year and to thank and advise Hawthorn Services that their services would not be needed. (Vote; Unanimous.)

The Meeting closed at 9.15pm