

NEWTON POPPLEFORD AND HARPFORD PARISH COUNCIL

Minutes of an Ordinary Meeting of **Newton Popleford and Harpford Parish Council** which took place at The Pavilion, Back Lane, Newton Popleford at 7.00pm on Monday, 29th July 2024

Present: Cllrs Carpenter, Dalton, Harrison, Lipczynski, Tillotson, Tribble (Chair) and Walker
Jacqui Baldwin, Clerk and RFO
Ward Cllr. Chris Burhop
Ted Swan, Parish Footpath Warden
Ian Kimber, Deputy Footpath Warden
2 members of the public

Chair outlined the Fire Regulations and Evacuation Procedure and reminded those present that the Clerk would be recording the meeting.

Public Forum

- a) Neighbourhood Policing report:
PC Tom Driver sent apologies for the absence of the Neighbourhood Policing Team. In response to a question raised at the June meeting about a burglary in King Alfred Way, PC Driver confirmed that this incident is still under investigation and enquiries are ongoing. Dates were suggested for a crime prevention drop-in session in the village. It was agreed to arrange this for 17th August at the Village Hall if available. Cllr. Walker agreed to establish whether the Village Hall is free and make the booking. Clerk to confirm this date to the Neighbourhood Policing Team.
- b) County Councillor report: Cllr. Jessica Bailey
Cllr Bailey had sent her apologies for absence. Her report had been circulated to members prior to the meeting.
- c) District Councillor report: Cllr. Chris Burhop
Cllr Burhop stated that, following the election of a Labour government, there will be more pressure on land and green spaces as EDDC is required to meet compulsory house building targets. Progress is being made on improving social housing in the district and additional monies have been committed to carrying out repairs and upgrades. A Stock Condition Report is currently being completed which will provide detailed information on the condition of all social housing in the district. Sewage spills continue to cause concern with SWW issuing pollution warnings in July despite no rain and pumping stations in Beer and Exmouth breaking down. Cllr Burhop advised that he was dealing with residents' concerns about caravan and motorhome parking in Otter Reach and persistent illegal parking at the entrance to School Lane car park. Finally, Cllr Burhop noted that the Environment Agency has still not carried out its promised survey of the Back Brook and suggested that the Parish Council arrange a post-flood review with the EA and those residents who have riparian responsibilities. Chair thanked Cllr. Burhop for his attendance.
- d) Report from Ted Swan, Parish Footpath Warden
Mr Swan introduced Ian Kimber, deputy Footpath Warden and publicly thanked him for his valuable assistance in recent weeks. A dead tree which had fallen across FP1 has been removed but Mr Swan advised that there are several dead trees in this area (between King Alfred Way and the Toll House) that require attendance. Clerk to establish ownership. FP37 remains closed due to the landslide which took place many months ago and there seems to be no progress on repairs. Clerk to contact Emma Hellier to obtain the contact details of the landowners. Nor has there been any progress on repairing the partially collapsed footbridge on FP17 although this remains passable with care. Mr Swan suggested that a repair should be affected to the area of FP1 where the handrail has collapsed and there is a large, unprotected, drop to the gardens below. This was to be dealt with by DCC but Mr Swan understands that funding has been withdrawn. Clerk to contact Emma Hellier to confirm whether this is the case before any decisions are taken. Mr Swan advised that children from the primary school had been

helping with clearance of Himalayan Balsam in Webbers Meadow. They did a fantastic job and showed great community spirit. Unfortunately, Himalayan Balsam is rampant in the Back Brook but there are no (adult) volunteers to assist with clearance. Finally, Mr Swan asked whether the scrub could be cleared from the culvert under the A3052.

- e) Report from the MUGA Working Party
None received.
- f) Report from the Climate Change Group:
Notes from the July meeting of the CCG were circulated prior to this meeting. Chair noted that the Finance Committee is dealing with a request for funding to purchase additional trees for Meadow Drive.
- g) Questions and representations from residents/parishioners:
Members of the public present complained about the standard of the work carried out by the grounds maintenance contractor. Chair agreed that this is an unfortunate situation – Council took the decision to appoint the current contractor in good faith, the tender process was correctly followed and good references received. Chair added that Councillors were aware of residents concerns and agreed that this situation could not continue. However, Council has to ensure continuity of service through the coming months and decide when to commence a new tender process. These matters will be discussed at agenda item 24/026A.

There being no further questions the Public Forum was closed. Chair confirmed that Standing Orders would be suspended to allow Mr Swan to speak at agenda item 24/020.

		Action:
24/012	<p>To consider apologies for absence and approve if accepted: (LGA 1972 S.85(1)) Apologies received from Cllrs. Compton and Hughes were accepted and unanimously approved.</p>	
24/013	<p>Declarations of interest from members / Dispensations afforded: Cllr. Tillotson was afforded a dispensation to discuss and vote upon matters pertaining to Parish allotments at the Annual Meeting held on 22nd May 2023. This dispensation applies until May 2027 (unless rescinded prior to that date) and is afforded in respect of her personal and disclosable pecuniary interests as Allotment Manager and an allotment tenant.</p> <p>All members present declare an interest as members of the Trustee Board of the Newton Popleford Playing Field Foundation of which the Parish Council is the sole trustee.</p>	
24/014	<p>To consider any matters listed on this Agenda that Councillors consider should be dealt with as confidential business as per the provisions of The Public Bodies (Admission to Meetings) Act 1960 (see Agenda item 24/026): Chair proposed that agenda items 24/026A and 24/026B be discussed in committee. Agenda item 24/026A relates to contractual matters which, to protect the privacy of the parties, Council has a responsibility to discuss in private and 24/026B relates to a legal matter. Seconded by Cllr. Walker and resolved unanimously.</p>	
24/015	<p>To consider and, if thought fit, approve the Minutes of the Council Meeting held on 24th June 2024 as previously circulated to members: Cllr Lipczynski proposed that the Minutes be approved as drafted. Seconded by Cllr. Carpenter and resolved with 5 votes in favour and two abstentions. To consider any matters arising from those Minutes not dealt with elsewhere on this agenda: Chair proposed that Standing Orders be suspended to allow Cllr. Burhop to participate in this discussion. Seconded by Cllr. Walker and resolved unanimously.</p>	

	<p>a) Fireworks event – 8th November Cllr Burhop confirmed that the PTA is happy with the event date and delighted that children will be able to attend free of charge. A meeting of the Working Party will be arranged during August. Chair confirmed that a quotation is awaited for repairs to the tennis club car park and the surface will be levelled prior to this event.</p> <p>b) Damaged Wall – Goosemoor: It was noted that the wall has been made safe.</p> <p>c) Playground repairs: Playground repairs were completed prior to the start of the school holidays.</p> <p>d) Skatepark: A skatepark contractor has made a site visit and a report is awaited. It was agreed that, should the project go forward, local school children will be involved in the design process.</p> <p>Cllr Tillotson proposed that Standing Orders be reinstated to preclude any further public participation. Seconded by Cllr. Walker and resolved unanimously.</p>	
24/016	<p>To review the Minutes of the Council’s Finance Committee meeting held on 22nd July 2024 as previously circulated to members and, if thought fit, ratify recommendations made therein: Cllr Walker confirmed that the Clerk had been authorised to publish the WC refurbishment tender. She and the Clerk will meet next week to commence a review of the new model Financial Regulations.</p> <p>a) To note and approve the new format of Council’s Fixed Assets Register: Chair proposed that the Fixed Assets Register be approved as recommended by the Finance Committee. Seconded by Cllr. Lipczynski and resolved unanimously.</p>	
24/017	<p>Correspondence received (not previously circulated): Chair advised that an email has been received from the Environment Agency confirming that further de-silting works will be carried out on the Back Brook beneath Back Lane during August. Clinton Devon Estates have requested the opportunity to update Council on the “Heaths to the Sea” Landscape Recovery Project at the September meeting which has been agreed. By this date the outcome of initial reports on hydrology, ecology and heritage will be available to share with Council.</p>	
24/018	<p>Planning Matters:</p> <p>a) To consider planning applications received after agenda publication: None received.</p> <p>b) Planning determinations/decisions advised: None advised since the last meeting.</p> <p>c) To note and respond to Planning Appeals received: 24/0525/COU - Land at Southerton It was agreed that the appeal statement does not address any of the objections made against the initial planning application. Chair proposed that Council responds by reiterating its original objections. Seconded by Cllr. Lipczynski and resolved unanimously. Clerk to note and action before the 12th August deadline.</p>	
	<p>d) To consider Council’s Neighbourhood Plan Monitoring Report: Update circulated to Councillors in advance of the meeting.</p>	Clerk
24/019	<p>Financial Matters:</p>	

	<p>a) To consider and review Financial Reports to the end of June 2024 as per documents previously circulated to members and published on-line.</p> <p>b) To consider and, if thought fit, approve payments for July as per documents previously circulated to members and published on-line. Cllr. Walker proposed that payment of invoices totalling £11,545.95 be approved. Seconded by Cllr. Harrison and resolved unanimously. Clerk to note and make payments accordingly.</p> <p>c) Questions to RFO from members of Council relating to the financial reports. None raised.</p>	Clerk
24/020	<p>Chair proposed that Standing Orders be suspended to allow members of the public to contribute to the following agenda items. Seconded by Cllr. Walker and unanimously resolved.</p> <p>To receive an update on matters pertaining to Public Rights of Way and Footpaths:</p>	
	<p>a) Footpath 40 – School Lane to Church Green Chair confirmed that the route of this footpath has now been agreed and notices advising of the modification of the Definitive Map published. Mr Swan added that he was pleased this matter had now been resolved after more than a year of debate. The designation will ensure that the footpath is protected if EDDC sell the car park site in the future. Chair thanked Mr Swan for his assistance and persistence.</p> <p>b) Footpath 41 – Venn Ottery Village Green Chair advised that the Creation Agreement has now been received from DCC and executed on behalf of Council. It is a requirement of the Highways Act 1980 that a Notice of the Agreement is published in the press and DCC will recover the cost of this (approx. £215) from Council. Once the Notice has been published this path will legally become Footpath No.41.</p> <p>c) Confirmation of P3 Grant for 2024-25 Chair stated that the grant application submitted by the Footpath Warden and Clerk included a request for a maintenance grant of £700 in addition to the £450 standard annual grant. Unfortunately, the maintenance grant was not approved and Council will receive the standard grant of £450 later this year.</p>	
24/021	<p>To receive an update on matters pertaining to pedestrian safety in Newton Poppleford:</p> <p>Chair advised that, as agreed at the May Council meeting, she wrote to Cllr Bailey pointing out that in July 2022 DCC had committed to carrying out a Pedestrian Survey in Newton Poppleford following the untimely death of Ken Cooper. The survey has never been carried out. Cllr Bailey kindly raised this at the Highways and Traffic Orders Committee meeting held on 16th July and has subsequently forwarded the relevant Minute from that meeting:</p> <p><i>Members received a verbal update on the progress towards the carrying out of a pedestrian demand survey that had been previously agreed by the Committee in its July 2022 meeting (Minute *32 refers). Officers reported that, as a specialist survey, there was limited opportunity to undertake the survey but that a window had been identified in early winter 2024 where it was possible that the survey could take place.</i></p> <p><i>In response to a councillor request regarding receiving a firm commitment on completion of the survey, officers explained that, based on existing resource and</i></p>	

	<p><i>funding allocation, October / November 2024 was the earliest identified opportunity to undertake the proposed pedestrian demand survey.</i></p> <p><i>In discussion, officers also clarified that a review of the quality of the existing crossing points in Newton Poppleford was not understood to be part of this survey. Members expressed concern on the quality of the existing crossing points and that further consideration on this point would be desirable. Officers responded that internal conversations already happened with regard to identifying further funding for this, with none currently forthcoming, but that they were willing to revisit those conversations.</i></p> <p>Councillor Bailey has committed to ensuring that the survey is carried out this year and the Chair thanked her for her support.</p> <p>Cllr Burhop, who is also a member of HATOC, asked Councillors which crossing locations in the village should be surveyed. It was agreed that the Toll House and Village Hall would be appropriate locations. Cllr. Burhop went on to say that, as DCC has no funds to improve the current unsafe 'refuges', the Parish Council may have to consider whether it can provide the funds to do this.</p> <p>Chair then proposed that Standing Orders be reinstated to preclude any further public participation. Seconded by Cllr. Harrison and unanimously resolved.</p>	
24/022	BUSINESS TO BE CONSIDERED:	
	<p>A To consider the use of available CIL Funds to purchase a new bus shelter and refurbish two existing shelters on High Street/Station Road, Newton Poppleford:</p> <p>Cllr. Walker proposed that CIL funds should be utilised to fund the purchase of a new bus shelter at a cost of £5,168 plus VAT, the refurbishment of the two existing shelters at a cost of £1,925 plus VAT and the installation of extended bench seating in the two existing shelters at a cost of £572.50 plus VAT. Seconded by Cllr Harrison and resolved with 6 votes in favour and one abstention.</p> <p>It was noted that the existing bench at the bottom of Station Road will have to be relocated and the concrete plinth on which it sits extended to provide a base for the new shelter. Approval of the shelter design is still awaited from the DCC Road Safety Team.</p> <p>Cllr. Dalton felt that this urban style of shelter was not appropriate in a rural setting but it was noted that a wooden shelter would not be approved for this location because of road safety concerns.</p> <p>Chair advised that the owner of Pride hairdressers has offered to maintain the shelter situated outside her premises following the refurbishment.</p> <p>Clerk to follow up with Road Safety Team, obtain a quotation for the plinth extension and liaise with the shelter supplier regarding delivery and installation.</p>	Clerk
	<p>B To receive an update on the WC Refurbishment Project:</p> <p>Dealt with under agenda item 24/016. The closing date for receipt of tenders is Friday 30th August.</p>	
	<p>C To receive a report on Council's meeting with the Headmaster of Newton Poppleford Primary School:</p> <p>In the absence of Cllr. Malawana, Chair gave a brief report of this meeting. Chair advised that she, along with Cllrs. Tillotson and Walker, had attended the school to participate in 'Art Week' and Cllrs. Tillotson and Walker are assisting the school with planting out their raised beds. Cllr. Carpenter said that he would liaise with Cllr. Malawana about the proposed trip to the Houses of Parliament.</p>	
	<p>D To consider delegating authority to the Clerk to carry out any regulated or lawful activity on behalf of Council that may be necessary in the</p>	

		<p>absence of a formally convened meeting of Council in August. Any such activity to be reported to the Chair and Vice Chair beforehand and then notified to all members by email with all such activity to be ratified by Council at the meeting scheduled for September:</p> <p>Chair proposed that authority to be so delegated to the Clerk. Seconded by Cllr. Carpenter and resolved unanimously.</p>	
24/023		<p>To consider matters viewed as urgent by presiding Chair for discussion only:</p> <p>None such matters raised.</p>	
24/024		<p>Date of next Ordinary Meeting:</p> <p>Monday, 30th September 2024 at The Pavilion, Back Lane, Newton Poppleford commencing at 7.15pm</p>	
24/025		<p>Chair proposed that, under the provisions of the Public Bodies (Admission to Meetings) Act 1972, the public (including the press) be excluded from the meeting as publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be discussed. Seconded by Cllr. Lipczynski and resolved unanimously.</p> <p>Chair thanked all those present for attending and closed the meeting to the public at 8.30pm.</p>	
24/026	A	<p>To discuss matters pertaining to the current Grounds Maintenance Contract:</p> <p>Councillors agreed that the level of service being provided by the current grounds maintenance contractor did not meet Council's or resident's expectations. Matters have not improved since the performance review carried out in June and Council cannot allow this situation to continue.</p> <p>Cllr Harrison proposed that:</p> <ul style="list-style-type: none"> a) The current grounds maintenance contract be terminated on 30th August 2024. b) Council to commence the tender process in December 2024 for a new contract to start 1st April 2025. c) Chair to contact a local contractor about the provision of grounds maintenance services for the 7-month period from 1st September 2024 to 31st March 2025. <p>Clerk to note (a) and (b) and action accordingly.</p> <p>Chair to progress discussions with alternate contractor.</p>	Clerk Chair
	B	<p>To note advice received from Gatehouse Chambers pertaining to the former surgery building and to consider next steps:</p> <p>Chair advised that Gatehouse Chambers had confirmed that they would charge a fee of £1,250 plus VAT to progress an application to the Lands Tribunal for modification of the restrictive covenant on the building. This fee would be in addition to the standard application fee of £880.</p> <p>Chair reminded members of advice on personal liability previously received from the National Association of Local Councils: that Council is a body corporate and therefore the financial consequences of its activities are those of the Parish Council and not individual councillors.</p> <p>Councillors agreed that the advice received from the barrister was very clear and positive.</p> <p>Chair therefore proposed that Council should proceed with an application to the Lands Tribunal and that the services of Gatehouse Chambers be retained for this purpose at a cost of £1,250 plus VAT. Seconded by Cllr. Lipczynski and resolved unanimously.</p> <p>Clerk to note and action.</p>	Clerk

With no further business to consider, the Chair declared the meeting closed at 8.59pm.