

MINUTES OF THE ORDINARY MEETING OF THE OTTERY ST MARY TOWN COUNCIL HELD ON MONDAY 3rd SEPTEMBER 2018 AT 7PM AT TIPTON ST JOHN COMMUNITY HALL

PRESENT Mayor

Councillor Bartlett (North Ward)

Councillors

Dobson, Edwards, Holmes, Giles*, Pang Carter and Faithfull (Town Ward)
Gori (Deputy Mayor) (North Ward)
Harding (Tipton St John Ward)
together with the Clerk

Other Persons Present

DCC Cllr Claire Wright,
One member of the Press and three members of the public

**Cllr Giles left the meeting early, due to feeling unwell*

PRAYER

The Clerk read the Council Prayer

18/09/01

TO RECEIVE APOLOGIES FOR ABSENCE

Cllr Pratt

18/09/02

DECLARATIONS OF INTEREST FOR ITEMS ON THE AGENDA AND RECEIPT OF REQUESTS FOR NEW DISCLOSABLE PECUNIARY INTERESTS (DPIS) DISPENSATIONS FOR ITEMS ON THE AGENDA

There were none

18/09/03

IN CONSIDERATION OF THE PUBLIC BODIES (ADMISSION TO MEETINGS) ACT 1960 (PUBLICITY WOULD BE PREJUDICIAL TO THE PUBLIC INTEREST BY REASON OF THE CONFIDENTIAL NATURE OF THE BUSINESS TO BE TRANSACTED): TO AGREE ANY ITEMS TO BE DEALT WITH AFTER THE PUBLIC AND PRESS HAVE BEEN EXCLUDED

It was agreed that Items 15 (the Silver Band) and Item 18 (consideration of increased hourly rate for the cleaner) be discussed in Confidential Session due to the commercial sensitivity of both items

18/09/04

TO ALLOW MEMBERS OF THE PUBLIC PRESENT TO SUBMIT QUESTIONS/COMMENTS FOR CONSIDERATION

David Boyle from the Tipton St John Playing Field Association (‘the Association’) provided a funding update regarding the replacement play equipment and requested that the Council’s promised grant of £4,000 towards the costs of the equipment, be carried over until next year, in view of delays with the project due to a funding gap. He spoke about repairs to the river bank, which were required, due to the erosion of the bank. The costs for the works had rocketed to approx. £23,000 (it had been anticipated that the costs would be in the region of £10,000) and although the Association had sufficient monies to cover the cost it would now result in future planned projects being delayed, because of the additional expense. The Association hoped the Council would contribute towards the costs. In addition, the Association was seeking a contribution from the Council towards the costs of having a height bar erected at the entrance of the playing field car park; the likely costs being approx. £1700. It was agreed that these matters should be considered at a future Finance Committee Meeting. Mr Boyle was asked to provide full details of all expenditure, for the Council to consider the requests, at the said meeting

Mayor’s Initials.....

18/09/05

TO RECEIVE THE MINUTES OF THE FULL COUNCIL MEETING OF 6TH AUGUST 2018 (MINUTE REFS 18/08/01 – 18/08/30), AND TO APPROVE THE SIGNING OF THE MINUTES BY THE MAYOR AS A CORRECT RECORD

The Minutes of the Full Council Meeting of 6th August 2018 (MINUTE REFS 18/08/01 – 18/08/30) were presented, approved and signed by the Mayor as a correct record

18/09/06

TO APPROVE THE SIGNING BY THE MAYOR OF THE MINUTES OF THE PLANNING COMMITTEE MEETING OF 7TH AUGUST 2018 (MINUTE REFS P18/08/01 – P18/08/07), (MINUTES HAVING ALREADY BEEN CONFIRMED BY THE PLANNING COMMITTEE) AND TO RECEIVE THE MINUTES OF 20TH AUGUST 2018 (minute refs P18/08/08 – P18/08/015) AND TO APPROVE THE SIGNING OF THE MINUTES BY THE MAYOR AS A CORRECT RECORD

The Minutes of the Planning Committee Meeting of 7th August 2018 (minute refs: P/18/08/01- P/18/08/07) (having already been confirmed by the Planning Committee) were approved and signed by the Mayor as a correct record and the Minutes of the Meeting of 20th August 2018 (minute refs: P/18/08/08 – P/18/08/15) were presented, approved and signed by the Mayor as a correct record Cllr Homes indicated that the next Planning Committee meeting was likely to take place on 17th September.

18/09/07

TO RECEIVE REPORTS FROM EDDC AND DCC COUNCILLORS

Cllr Wright

Cllr Wright thought the Tour of Britain had been a fantastic success for the town and she warmly congratulated the Deputy Mayor for organising the event. She advised that a meeting had taken place on 21st August in Ottery for persons who were encountering problems with the Department of Work and Pensions resulting in delayed payments of benefit. There was representation from CAB who were able to offer advice

On 20th September at DCC's Health and Adult Care Scrutiny Committee meeting she was hoping that two items would be included on the agenda `Carers` and the extent of NHS cuts proposed in the Devon Sustainability and Transformation Partnership document. She had been trying for many months to establish which cuts were being proposed. She also mentioned a report about a review of care at home services and would be making powerful recommendations in view of her serious concerns about the service

Cllrs Giles

Cllr Giles advised that at EDDC's Strategic Planning Committee on 4th September, the future growth of East Devon district would be considered. Cllr Giles expressed great concern that in the documentation he had seen, it was advocated that a minimum of 844 dwellings a year be built with consideration being given to the quadrant to the north of Exmouth and the west of Ottery for the new dwellings. In addition, the possibility of a second new town, in the district was mentioned. Cllr Pang enquired as to whether the NHP had any influence on the proposed development. However it was understood that this was regarded as supplementary planning guidance only

Cllr Carter

Cllr Carter advised that the new green waste collection scheme operated by EDDC appeared to be receiving a positive response. The election called to replace Matt Coppell for the OSM Rural Ward would take place on 20th September. Cllr Carter would be attending DMC and Strategic Planning at EDDC tomorrow

Cllr Faithfull

Cllr Faithfull attended EDDC's Over View Committee meeting on 30th August meeting. The Committee was considering setting up a Think Tank to further consider green energy issues

18/09/08

POLICE MATTERS

A response (e-mailed to all councillors) had been received from Inspector Antonia Weeks of Devon & Cornwall Police in reply to the Clerk's letter containing various concerns and complaints about the policing of Ottery. Inspector Weeks advised about crime statistics; the team responsible for the policing of Ottery; the options around CCTV and that due to operational commitments, the reasons

Mayor's Initials.....

why it was problematic for the police to attend monthly council meetings (but would attend if there was a specific issue to discuss). She also suggested that councillors link into the LAG meetings and sign up as advocates, to increase the two way flow of information. She also suggested that if it was of benefit to the Council for her to attend a council meeting in the autumn, (to put the aforementioned issues into context), then the Clerk should let her know.

Gerry Moore the Co-ordinator of the Local Action Group had also seen a copy of the Clerk's letter. His response had been e-mailed to all councillors at Mr Moore's request, as he wished to provide full information, to clarify the points which had been raised in the Clerk's letter.

Cllr Pang advised that she had responded to Gerry Moore's e-mail as her understanding was that the figures were not to be published. Cllr Holmes advised that different categories of crime were now being included in the crime figures which had had an impact and needed to be understood in order to obtain a true picture of the situation. He also advised that there were difficulties in comparing last year's figures against this year's figures, in view of new categories of crime being introduced. Cllr Harding and John Harding advised about the theft of tools at Tipton. Mr Harding advised that he had reported the theft of the tools at Sidmouth police station and he didn't know whether the incident would be reflected in the Sidmouth or Ottery crime figures. An incident number was given but the police did not physically visit the premises from where the theft occurred. Cllr Pang expressed her concern at the rising crime figures. However, Cllr Holmes advised that the figures needed to be analysed in context, to fully understand what they meant.

18/09/09

OTTERY HOSPITAL - UPDATE AND ALSO CONSIDERATION OF DECISION RE THE COUNCIL'S APPLICATION TO LIST THE HOSPITAL AS A COMMUNITY ASSET

All councillors had been e-mailed the refusal decision made by EDDC with regards to the Council's application to list Ottery Hospital as a community asset. EDDC had stated that:- *'OSM Hospital does not play a role in promoting cultural, recreational or sporting interests and as such does not meet the test that it furthers the social interests of the community. There is no statutory definition of 'social wellbeing'. However the Plain English Guide to the Localism Act cites buildings or amenities that play a vital role on community life and lists as examples community centres, libraries, swimming pools, village shops, markets or pubs. The list does not include health care facilities'.*

The Mayor advised that there was no statutory right to a review or an appeal. The only remedy would be to challenge EDDC's decision by judicial review, if the Council considered the correct procedures had not been followed, or the decision made was either irrational or disproportionate. The Council made no recommendations to pursue such a course of action.

All councillors had been e-mailed a copy of the letter from Simon Tapley, the Interim Accountable Officer/Director of Commissioning at the NHS, advising that Sophia Christie was likely to be the new Chief Officer in post shortly. Mr Tapley recognised that the hospital continued to serve the town and surrounding area and that the services provided, were provided by dedicated and caring staff. Mr Tapley had advised that no decisions about local services, including the hospital were made without engaging the public.

The Council noted the aforementioned information

18/09/10

TO CONSIDER THE OBSERVATIONS OF NICK WRIGHT (EDDC'S ECONOMY PRACTICE MANAGER) RE THE COUNCIL'S FINAL LIST OF PROPOSED COMMUNITY ASSETS FOR LISTING AND TO AGREE APPROPRIATE ACTION

The Clerk had held a recent meeting with Nick Wright, EDDC's Economy Practice Manager, in respect of the list of assets which the Council had agreed at the August Council meeting, be submitted to EDDC for consideration for listing as community assets. Following this meeting, the Clerk had e-mailed all councillors a report which contained reasons as to why some of the properties on the Council's list of should be removed, together with a revised list with the pertinent properties having been omitted. The Council **RESOLVED** that the revised list of assets should now be submitted to EDDC for consideration for listing as community assets

Mayor's Initials.....

18/09/11

UPDATES/REPORTS BY THE DEPUTY MAYOR FROM VARIOUS STEERING GROUPS (TOUR OF BRITAIN, OSM SECOND KING AND QUEEN OF THE MOUNTAIN AND OSM FURE CGHAMPIONS HILL CLIMB)

A report from the Deputy Mayor had been circulated to all councillors advising of the latest information from the Steering Groups. The Deputy Mayor expressed her thanks to a number of individuals whom she considered had made the Tour of Britain OSM event such a success. The Mayor advised that in recognition of the Deputy Mayor's hard work, in respect of the Tour of Britain, that she had been presented with a bouquet of flowers and bottle of wine. In addition, on 13th September at 3.30pm at OSM Primary School, a Future Champions Hill Climb would be taking place. The Late Night Christmas Shopping Steering Group consisted of the same team who had worked on the Tour of Britain. A meeting would be taking place on 27th September to go over the final programme for the Late Night Shopping event which would be taking place on 30th November

18/09/12

OSM REGENERATION PROJECT WORKING GROUP – UPDATE/REPORT BY THE DEPUTY MAYOR

A report and updates from the Deputy Mayor had been circulated to all councillors advising of the latest information from the Regeneration Project Working Group. It was noted that the Group were progressing a number of matters including the possibility of forming a Heritage and Conservation sub group and involving pupils at Kings School in a regeneration project

18/09/13

TO CONSIDER QUOTES FOR A LEAFLET (RE A SURVEY ON ROADS, TRAFFIC AND PARKING TO BE CONDUCTED BY THE TOWN CENTRE TRAFFIC MANAGEMENT SUB-GROUP OF THE OSM REGENERATION WORKING GROUP) AND TO APPOINT A COMPANY TO PRODUCE THE LEAFLETS

Quotes had been e-mailed to all councillors. It was resolved that One Media be awarded the contract for the delivery of leaflets to Ottery at a cost not exceeding £117.48 plus Vat, for A5 colour double sided leaflets, plus delivery costs. A member of the public advised that the leaflet could be delivered to Tipton residents together with delivery of the Tipton Times, free of charge. However no firm decision was made at the meeting to take up this offer

18/09/14

EMERGENCY PLAN – VOLUNTEER(S) REQUIRED

John Mabbot had now left the area and new volunteer(s) were required. It was agreed that this be advertised on the Council's website and in the Gazette

18/09/15

PROPERTY MATTERS

THE CEMETERY – APPROVAL OF DRAFT DOCUMENTATION

Councillors had been e-mailed all the documentation. The Council **RESOLVED** to approve all the documentation with the addition of the Council's logo and a different photograph on the front of the booklet relating to the Exclusive Rights of Burial

STRAWBERRY LANE - RECOMMENDATIONS MADE BY THE FIRE RISK ASSESSOR IN RESPECT OF THE PAVILION AND TO APPROVE THE IMPLEMENTATION THEREOF

The recommendations made by Hedley Richie, the Fire Risk Assessor, were:-

- All Parts of the Building - The next main electrical tests should be carried out in 2019
- Store room containing the petrol cans - The filling of the petrol tank of the ride on mower must be carried out clear of the sports pavilion and clear of all naked lights
- Main entrance door to the pavilion - Change the barrel lock for a 'thumb turn lock'. This door then will; always be available from the inside without recourse to a key which is satisfactory

Mayor's Initials.....

- The end room - If the pavilion is used during the hours of darkness, fit within this room an emergency escape lighting unit. This extension should comply with BS 5266 and be installed by a competent person

It was **RESOLVED** to accept all of Mr Richie`s recommendations

AN UPDATE AS TO THE PROPOSED RENT INCREASE RE THE PÉTANQUE CLUB`S USE OF THE BOULES COURT

Proposals had been discussed with John Thatcher of the Pétanque Club and the Council was currently waiting to hear further from the Club with their response to the proposed increased rental

THE ALLOTMENTS – CONSIDERATION OF QUOTES FOR TREE WORK AT THE ALLOTMENTS AND TO APPOINT A CONTRACTOR

Councillors had been e-mailed the quotes from two contractors. Despite valiant attempts made by the Town Council`s assistant, she had been unable to obtain three quotes. It was agreed that the matter be considered by the Property and Land Committee at its next meeting

THE OLD TOWN HALL – UPDATE ON THE SILVER BAND`S PROPOSED NEW TENANCY OF THE BAND ROOM

This item would be discussed in Confidential Session

THE FORMER COST CUTTERS BUILDING – CONSIDERATION OF PROPOSED FUTURE USE(S)

Cllr Faithfull advised that the Cost Cutter building was available to purchase and had provided sales particulars which the Clerk had circulated to councillors . He suggested that a site meeting take place as he thought the premises would have potential as an indoor market. However after much discussion and debate, in which it was noted that the street market held some years ago had not been a success, no further action was proposed to be taken regarding the vacant property at this time

18/09/16

UPDATE ON PROPOSED RENTAL INCREASE BY DCC OF RIO`S PREMISES AND ASSOCIATED MATTERS

The Clerk had been liaising with David Bowles and Matthew Harris, both DCC Officers. Matthew advised that DCC would be making direct contact with RIO to ask them to set out a proposal for rent which DCC could then consider. The Clerk also advised Matthew that with regard to the Council considering the acquisition of the RIO property, that it was not in a position to acquire the property at full market value and therefore was looking at DCC for a price guide which the Council could consider. She had also suggested to Matthew, that a meeting be set up with representatives from DCC and/or NPS and the Chair and Vice Chair of the Council`s Property and Land Committee, to explore the various options in relation to the property. The Mayor also advised that the Council needed to be mindful, that under the Council`s Financial Regulations it stated:- *‘No real property (interests in land) shall be purchased or acquired without the authority of the full council. In each case a report in writing shall be provided to council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate)’. Therefore these requirements would need to be taken into account should it be intended to progress the property purchase*

18/09/17

TO CONSIDER AND APPROVE FURTHER AMENDMENTS TO THE COUNCIL`S STANDING ORDERS FOLLOWING FURTHER AMENDMENTS BY NALC

NALC had advised that some minor amendments were required to the Council`s Standing Orders. Councillors had been sent the Council`s current Standing Orders with the revisions shown on pages 20, 22, 23 and 25. It was **RESOLVED** to accept all the revisions

18/09/18

UPDATE - FOLLOWING REQUEST FOR A BENCH OUTSIDE THE ENTRANCE OF SAINSBURY`S

Cllr Holmes and Cllr Dobson had carried out a site survey of the proposed area for the siting of a bench. Cllr Holmes advised that the width of the pavement was 1.9 m and the distance from the wall to the kerb was 2.2 m. There was a 0.3m drain next to the wall. A double baby buggy was approx.

Mayor`s Initials.....

1m, leaving approx 0.5m clearance. This was insufficient width, should persons sitting on a bench have shopping in front of them. An invalid scooter was about 0.65m wide. Cllrs Homes and Dobson had spoken to ladies sitting on the bench, in the entrance to Sainsbury's, who advised that they could see buses coming and never had a problem with the bus not stopping. The bus stop was marked 'BUS STOP' therefore Cllr Holmes presumed the bus would automatically stop at the location as it was not a request stop. In conclusion Cllrs Holmes and Dobson did not consider that a bench by the bus stop to be a viable project. The Council did not indicate that it wished to pursue the matter further

18/09/19

CONSIDERATION OF REQUEST TO INCREASE THE HOURLY RATE OF COUNCIL'S CLEANER

This item would be discussed in Confidential Session

18/09/20

MAYOR'S CHAIN OF OFFICE – CONSIDERATION AND APPROVAL (IF APPROPRIATE) OF REFURBISHMENT AND ENGRAVING

The Clerk was seeking estimates at the present time and would report back to full council when she was in receipt of the same

18/09/21

UPDATE ON TRAVELLERS FOLLOWING THEIR ILLEGAL ENCAMPMENT AT TIPTON ST JOHN

Cllr Harding provided a full and concise report (including costings) which had been e-mailed to all councillors previously, regarding the illegal encampment of travellers at Tipton St John and the costs incurred in the clean-up operation by the Trustees of the Tipton St John Community Hall. In an attempt to stop further illegal encampments on the Community Hall's car park, steps were being taken to erect a height bar at the entrance. Cllr Harding confirmed that the trustees were seeking a contribution of approx. £2000 from the Council towards the total costs of the incident. It was agreed that this item be discussed at the next Finance Committee Meeting.

18/09/22

TO APPROVE THE AUGUST 2018 COUNCIL SCHEDULE OF PAYMENTS

The August 2018 Council Schedule was presented by the Mayor showing £11,653.34 (incl. VAT) for Council expenditure. It was **RESOLVED** that the schedule be approved and it was duly signed by the Mayor

18/09/23

ANY MATTERS OF URGENCY BROUGHT FORWARD BY THE MAYOR

Councillors had been e-mailed details of EDDC's Gambling Policy Consultation. The consultation period would last until 26th October and councillors were asked for their comments. No comments were made at the meeting.

18/09/24

REPORT BY MAYOR

David Colman the Senior Arboricultural Officer at EDDC, had provided details of a proposed tree planting scheme on the western side of the River Otter between the river and the line of the old railway. Comments had to be sent to David by 24th August. The Clerk had e-mailed all councillors details of the scheme and Cllrs Faithfull and Giles had responded directly to David within the timescale making various points regarding the proposals.

Ed Freeman from EDDC had advised that there would be further delays regarding the lack of support for S106 issues and Sulina Tallack, S106 Officer, would not be available to progress these matters until the end of September. He apologised for the continuing delays but gave an assurance that the work was necessary as it would lead to a better service and better access to information about S106 monies etc in the future.

18/09/25

REPORT BY CLERK

Batts Lane - Jacqueline Webster, EDDC's Planning Enforcement Officer advised on 30th August that she understood that the daughter of the owner of the property, would be carrying out repairs to the building. She believed it was the daughter's intention to move into the property once the works had been carried out. However the works would be considerable and would be carried out over a period of months. Although Ms Webster would take no further action, she would monitor the site

Mayor's Initials.....

Victoria Terrace - The Clerk had received a response from South West Water (‘SWW’) with regards to the concerns of residents living on Victoria Terrace regarding flooding issues. SWW were carrying out remedial works which would continue until mid September. A survey of sewers on Mill Street was intended to be carried out to ensure SWW’s plans were correctly mapped. Additionally SWW would be checking the networks outside the affected properties to check if the manhole flooding was from the surface water sewer or the combined sewer. New piping and headwall would be laid, and other works carried out to resolve the flooding problems in the area. SWW were also planning to meet with the residents. The Clerk had e-mailed the Victoria terrace residents, the information from SWW

18/09/26

TO RECEIVE CORRESPONDENCE FOR INFORMATION AND ANY LATE CORRESPONDENCE

The following correspondence was tabled

Sender	Details
DALC	Annual Report
Heritage Society	Autumn Journal
DCC	Road Closure Notice re Tour of Britain

18/09/27

TO RECEIVE REPORTS BY COUNCILLORS OF MEETINGS ATTENDED AS COUNCIL REPRESENTATIVES

Mayor’s Meetings Tabled (August)

2nd	Otter Vale Art Society Exhibition
7th	Planning Committee Meeting
18th	Chairman’s Garden Party EDDC
21st	CCTV Meeting
20th	Planning Meeting
23th	Tour of Britain Meeting
29th	Interview with Radio Heart

Councillors Meetings (August)

Councillor	Meeting details
Harding	Dealing with traveller issues
Holmes	Police Advocate meeting
Pang	Institute meeting

18/09/28

TO RECEIVE COUNCILLORS’ QUESTIONS

- i. Cllr Edwards suggested that consideration be given to using part of the sale proceeds of St Saviours land, towards the cost of a replacement footbridge over the Leat at the Land of Canaan. The Mayor advised that EDDC would be considering part funding the bridge at its meeting in September
- ii. Cllr Pang advised that the OSM Skate and District BMX Trust were holding an event on 22nd September at 1.30pm. She indicated that councillor support at this event would be welcome. She mentioned that West Hill PC had obtained £10000 funding for new play equipment. She also advised that the drain near the Lamb and Flag was still blocked. It was understood that the new proprietors of the business had also pursued this issue with the relevant authority
- iii. The Deputy Mayor wished to have it recorded in the Minutes that she wanted to personally thank the residents and businesses of the town; the press (particularly Clarissa); members of the Tour of Britain Steering Group; the Town Clerk and her assistants and all those persons who had made the Tour of Britain event, such an overwhelming success.
- iv. Cllr Dobson advised that the provision of Christmas lights had been organised
- v. Cllr Harding enquired of Cllr Carter as to whether progress had been made in respect of any potential planning issues which could arise in using the former phone box at Tipton St John as a library. He advised he was investigating and would get back to her shortly. Cllr Harding also gave her apologies for the next planning and full council meetings

The Meeting ended at 20.10pm

Mayor’s signature: **Date:**.....

DATE OF THE NEXT MEETING: MONDAY 1ST OCTOBER 2018 AT 7PM IN THE COUNCIL CHAMBER, THE OLD CONVENT, 8 BROAD STREET, OTTERY ST MARY

Mayor’s Initials.....

CONFIDENTIAL SESSION

18/09/15

The Old Town Hall – Update on the Silver Band’s Proposed New Tenancy of the Band Room
Cllrs Dobson, Holmes and the Clerk had met with a representative of the Silver Band to discuss terms for a new lease. Further revisions had been made to the terms following the meeting. After some discussion it was **RESOLVED** that all the proposed terms (including the slightly reduced rent proposed by the Silver Band) be accepted. In addition, it was agreed that the Silver Band’s representative (a practicing solicitor) be approached by the Clerk with a request for him to draft the Deed of Surrender and a new lease (in view of the Council accepting a reduced rental), and for the Council’s solicitor to check the same, in an attempt to reduce the Council’s legal costs.

18/09/19

The Council’s Cleaner

It was **RESOLVED** to increase the Council’s cleaner, her hourly rate. It was also noted that the cleaner now had public liability insurance in accordance with the Council’s requirements

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