

FENITON PARISH COUNCIL

MINUTES OF THE PARISH COUNCIL MEETING HELD ON MONDAY 8th December 2008

Present: Cllr M Smith (Chairman)

Councillors: Mrs B Powell, G Preston, Mrs P Blackmore, P Privett, M Jolly and Mrs K Tomkins (arrived 19.40).

In Attendance: Cllr R Giles (DCC) DCC, Cllr G Brown (EDDC), PC Jim Tyrell, 6 members of the public and J Masters (FPC Clerk)

96. Questions from the public: -

Mrs Georgina Gillingham addressed the meeting saying that her and her husband had lived in the village for 34 years, unfortunately they could not attend the previous meeting but were very upset upon reading the minutes of that meeting when it was reported that a member of the public said “Also in Mount Pleasant a hedge has been removed and an illegal wall has gone up”, implying that this was the cause of the flooding in Feniton. Mrs Gillingham feels that their name has been blackened by that statement and asked for a public apology from the member of public concerned. No apology was forthcoming.

Mr Jim Blackmore said that he had lived in the village for 36/37 years and lives next to the Gillingham’s, he went on to say that water regularly seeped through the Devon Bank making his back garden unusable and a number of year ago he received permission from the land owner ‘Otter Nurseries’ to build a wall to stop his garden from being unusable. The wall served its purpose very well for a number of years and was certainly not illegal. He would also like an apology from the person concerned. No apology was forthcoming.

Mr John Partridge from the Youth Centre said that they were very grateful for the excess soil from the QE11 which they have used to for a Devon Bank on the boundary with the farm, he said the farmer was happy with the bank after a few minor adjustments were made and it will be planted out as soon as they can buy the plants.

97. Apologies for absence: -

None, all member present.

98. To confirm the Minutes of the meeting held on 13th October 2008.

The minutes from the last meeting were agreed and the Chairman initialled each page and signed the last page.

99. Police Officer's Report: -

There were 4 recorded crimes in total; namely 2 cases of assault following a dispute at an address between two males. Enquiries are ongoing.

There was 1 cases of theft from a motor vehicle in Ely Close in which property was stole. This remains undetected.

There was one case of cheque/bank card fraud and enquiries into this are still ongoing.

There were 8 incidents reported to the Police half of which resulted in the above crimes being recorded

PC Tyrell was asked to look into the parking of cars in Fenny Bridges at the junction by the local garage as they are causing an obstruction.

100. County and District Councillors' Reports: -

Cllr G Brown (EDDC) said he wanted it put on record that he would like to say thank you to Cllr Roger Giles (DCC) for working tirelessly during and after the flood making sure that Feniton was not forgotten as Ottery seemed to get all the attention.

Reference the Boundary Commission he said that Norfolk had gone to court to win some more time, there will now be a 6 week delay and the result now should come out at the end of March, he is against EDDC doing the same as it would be a waste of money and would not gain any extra time.

He is against the new planning system that does not allow Parish Councils to be for or against planning applications and that now only 4 application come before the planning committee ant any one time the others being dealt with outside the committee.

One of the councillors said he objected to EDDC addressing him as 'The Occupier' in a recent EDDC mail shot, EDDC knows perfectly well how lives in each house in Feniton, Cllr Brown said he thought it was yet again a waste of money.

Cllr R Giles (DCC) gave out the following report of which edited items concerning Feniton are below: -

DCC estimated the cost of its clean-up operation and repairs to its highway network in East Devon following the 30th October floods at one million pounds. I wrote to Meg Booth/Tony Matthews of DCC asking that when they are putting together and costing a program of repair work for roads, and drainage systems etc, that this should also include necessary repairs to the Public Rights of Way network; and that public footpaths and bridleways should be brought up to the standard that they should have been, rather than to the standard that they were. PROWs are vitally important, not only as an amenity for local people but also play a significant part in attracting visitors to enjoy the beautiful countryside in east Devon on a year-round basis. During the Foot and Mouth crisis of 2001 PROWs were closed; this had a dramatic adverse impact on visitor numbers and on the Devon economy.

DCC `s Environment, Economy and Culture Scrutiny Committee (EECSC) on 11th November received a report on the Pitt Report into the major flooding event of July 2007. It was agreed to set up a task group on flooding (I am a member of the task group).

The EECSC also received a paper on Emergency Planning/Emergency Response with regard to flooding (an issue raised by Rev Cate Edmonds at the 10.11.2008 Feniton PC meeting). The paper listed communities which had experienced flooding events. I was extremely critical of the omission of Feniton from the list of communities with flooding problems; and I was extremely critical that the author of the paper appeared not to have consulted local County Councilors; or Parish/Town Councils; or even DCC officers (local DCC officers have had many messages from me and meetings with me about flooding problems in Feniton). Examination of the DCC web archive of the meeting will reveal the extent of my (justified) annoyance.

I have tabled a Notice of Motion for the DCC meeting of 11th December. The NoM calls on the Government to implement the recommendations of the Pitt Report. It also calls on Government to introduce flood-friendly agriculture – replant hedges grubbed out, recreate ditches and ponds filled in, and stop growing maize in flood sensitive areas.

Some people who were flooded on 30th October (including Feniton people) received bills in excess of two hundred pounds for reconnecting their telephones, for twenty minutes work. It was quite deplorable and quite inexcusable that BT should seek to make so much money out of people's misfortune. I raised the matter directly with BT, and via DCC`s Trading Standards section, and am pleased to say that the cases referred to them have had their charges quashed; BT have said that any further cases would be considered on their merits.

I have written to the Association of British Insurers about restrictive practices applied by some insurance companies who have advised claimants not to go to local businesses for replacement of flood-damaged items.

LOCAL GOVERNMENT REVIEW

On 21st November the Boundary Committee (BC) published the findings of an independent financial assessment of the cases for the unitary council models in Devon, Norfolk and Suffolk. The assessment showed that the single Devon unitary model had considerable financial advantages over the two unitary model covering Exeter/Exmouth and the rest of Devon.

On 8th December the High Court published the outcome of a legal challenge brought by three Norfolk District Councils regarding the BC review of local government in Norfolk. The High Court dismissed the District Councils` criticisms of the way the consultation process is being run; but found that the consultation process had been too short. A short extension of the 31st December deadline was suggested. The Norfolk DCs were ordered to pay two thirds of the BC`s legal costs in addition to paying their own legal fees. East Devon District Council is mounting a legal challenge to the BC.

SCHOOL TRAVEL PLAN GRANTS

The DCSF has allocated a capital grant of £144,235 to 33 Devon schools for the development of their school travel plans. The basis of the allocation is: secondary/special schools 5,000 plus £5 per pupil; primary schools 3,750 plus £5 per pupil. There is a template for school travel plans, and guidance is available from DCC in completion of the plans. Road safety improvements (which benefit the wider community as well as the school) result from the completion of a school travel plan. 90% of state schools have completed a school travel plan; in East and Mid Devon 99 of 104 schools have completed a travel plan.

The chairman thanked Cllr for his report and said he was very concerned that Feniton C of E Primary still has not carried out a School Travel Plan.

101. Declarations of Interest from Members and Officers.

Cllr P Privett and Cllr M Jolly said that they were both flooded recently. Clerk to Feniton Parish Council John Masters said he was on the Allotment Waiting List

103. Feniton Flooding

Concern was raised that if/when the old village receives new drainage what will the knock on effect be as Vine Water flooded and any extra water will make things worse in the future.

Any new schemes must be well thought out or else the problem will be shifted further down to Fenny Bridges.

The chairman said council are in receipt of a letter from the Gillingham's saying that when the house was purchased they had fully investigated the legality of the boundary and wall etc and were advised that every thing was legal, attached to the letter is a photo copy of a letter from ROBERT HAWKINS, CASTLE HILL CONTRACTING a Water Industry Approved External Plumber dated 10th September 2007 saying:-

To report to you on the site visit to the above address (the Gillingham's residence) to investigate a wet area behind the property.

After an inspection of the area it is in my professional opinion that the problem is due to lack of maintenance to the drainage ditch from your boundary downstream.

I feel that clearance of this area would rectify this problem and allow the free flow of water to a drainage pipe. Signed Robert Hawkins.

The chairman read out the following Email received from the Village Handyman:-

I see from Novembers' minutes lots of interesting questions due to the recent flooding regarding the "railway culvert" under the line near Green Lane Bridge/ back of Bath Close.

Mr. Pyle's comments about water being fed back to the river- ask him why his father Ted and the Gibbins family were keen to see the best drainage system we would have had filled in, in the late 70's and levelled over after being used by EDDC and all & sundry as a landfill site for domestic, industrial & hazardous waste. I have an excellent framed picture to hand of the Railway cutting in 1960 showing the clear potential of it as an excellent drainage channel. It would appear that many have forgotten/or are not even aware of the cutting.

The Pullman's Weekly newspaper used to feature it weekly showing it being filled in around 1979- 1982 and am sure they would hold the photographs in their archives. I remember stopping to look at them in their window display in Black Lion Court, Honiton on the way back to station after going swimming! As far as the culvert goes, I expect at one time it fed into the cutting and that rests my case. (And no I'm not just saying the branch line shouldn't have closed!) Cheers.....Alex

Cllr Giles, was most concerned that BT were making a £200.00 charge to reconnect people who had their phones cut off due to the floods and were making money out of other peoples misery. He has since been on to BT who have said they would wave the charge to those who had complained, however there could be cases where people will not move back in for several months and only then find out they have this punitive charge.

The Consultants have now completed their work and a report should be with EDDC in 2 weeks time.

The Multi Agency Services set up in Kings School which is the designated Emergency Centre for East Devon by 12 midday providing meals for people who came to the school, sandwiches and hot drinks were sent out to people who did not want to leave their properties, Feniton Sports and Social Club was up and running by 9.30am by local people.

Emergency Planning cannot be solely down to the council but as a community action, it was decided to hold a Village Meeting in the New Year preferably in the Sports and Social Club as it is more central and accessible to the majority of the Village.

The Clerk was instructed to find out if the DAPC have a template that Feniton can use he was also instructed to invite both the EDDC and DCC Emergency Planning Officers to a council meeting in the New Year.

104. Finance: – To authorise November payments.

- a) 1602 Mr A Spry, Village Handyman. £96.25
- b) 1603 HM Revenue & Customs Income Tax on Clerks Salary £73.00
- c) 1604 Mr J Masters Clerks November Salary £292.26
- d) 1605 Mr J Masters Clerks November Expenses £42.79
- e) 1606 DCC Honiton Library S137 Payment £15.00
- f) 1607 Cosmic, Annual Website Fee £146.88
- g) 1608 Everys Solicitors £325.00

105. Correspondence: -

a) Everyys Solicitors confirming that the various pieces of land held by the Council are now fully registered with the Land Registry.

The chairman looked trough the various documents and to the best of his knowledge looked to be in order.

b) Mr D W Laker wishes to give up his Allotment and general Comments on the Allotments.

106. Village Handyman's Report.

Reported to Street Scene that the safety surface in the QE11 is covered with Mud.

Village Hall Car Park, replaced nails in fence rail where they had rusted away.

The fence adjacent to the field will need replacing within 12 months; a tree is pushing the fence out of position.

107. Allotments:-

The Clerk advised the meeting that he had reached the top of the Allotment Waiting List and produced the waiting list in his predecessors hand writing and told the council he would like to take the plot vacated by Mr Laker, the council agreed to this.

Mr Malcolm Hill has sent in a copy of a draft constituent that the Allotment Holder would like to adopt in setting up an Allotment Association.

There has been a lot of concern by Allotment Holders over the new Feniton Allotment Tenancy Agreement **2.f** 'The tenant is responsible for the provision of adequate and appropriate public liability insurance in respect of their personal liabilities associated with operating the allotment garden'.

The council looked at and agreed that £2.00 will be added to the Annual Allotment Rental to pay for South West Counties Allotment Association membership which will give each Allotment Holder a £5 million Public Liability insurance cover in the event of a personal claim against an individual.

The Clerk was instructed to advise all current Allotment Holders and update the Tenancy Agreement.

108. Clerks Report: -

6th November, attended the New Clerks Training Day in Exeter. It was suggested that all Clerks work towards getting the CiLCA diploma which in turn would help the Parish Council attain Quality Council status. The Council agreed to this.

New nationally agreed pay increase for Clerks (2.45%) which should be back dated to April 2008. The council agreed to implement the back pay from May 2008 in January 2008.

19th November, received call from contractors asking if it was OK to start work on the All Weather Surface at the QE11 the next day, I gave the go a head.

27th November, received call from contactors saying that the work was completed at the QE11 with just a small amount of tidying to do.

2nd December, when putting up the Council notices in the Public Notice Board one of the doors completely fell apart, the doors can no longer be closed properly, they are only held together by the padlock and hasp. The Council agreed to order a new three door Public Notice Board and instructed the Clerk to place the order.

3rd December, received the new Register of Electors 2009.

4th December, received a letter from the Audit Commission with 5 queries on the 2008 Annual Return. I've spoken to Philip Higginson (former clerk who completed the original form) reference Section 1 box 9 – 2007 and box 9 – 2008 and have amended the form. This evening I went to see Val Jones to get her to alter section 4 box K to N/A and initial it. The Council approved the minor changes to the Audit Report and approved the draft letter to the Audit Commission.

I visited Nat West Bank with there latest request for information and hopefully all the signed documents will be approved by the Bank.

5th December, received a letter from Honiton Town Council with the Agenda for tomorrow evenings Meeting with Local Parishes the venue is the Methodist Chapel in Chapel Street, Honiton and the Minutes from the previous meeting.

Whilst attending the Society of Local Council Clerks quarterly meeting I discovered that the Council have until the 31st December to adopt the following document: - Model Publication Scheme. The Council looked through the document and approved its adaptation.

The SLCC have a new scheme called 'New Clerk Support' which is free but will mean travelling to the Torbay area, this would help the Clerk to prepare for the CiLCA diploma, the council agreed that the Clerk should use this facility.

6th December, received the East Devon Local Framework – Issues and Options Report EDDC Planning for the Future 'Questionnaire Survey. It was agreed that the Chairman would study the document and circulate it to other members of the council.

HM Revenue & Customs, Advance warning to send your employer annual return online for 2009/2010. If it is sent on line for the current year in May 2009 the council will get £75 reward, it was agreed that the council should take advantage of this to save taxpayers money..

109. Individual Member responsibilities: -

Cllr Blackmore as not to be Email anything with Pdf's as it slows up the computer.

Cllr Powell said that they had their first Garden Share Scheme success which happened to be Mr Partridge who was attending the meeting; he asked to be taken off the Allotment Waiting List.

Cllr Blackmore asked not to be sent any Pdf's as they slow her machine down.

Cllr Tomkins said she had investigated the cost of new Goal Posts and Net Ball Posts for the new All Weather surface at the MUGA which are coming out at over £4,000.00 which is prohibitive and is now looking into seeing if the council can get some grants towards the costs.

Cllr Privett asked if the Bank at the Allotments had been surveyed yet. Answer 'not yet but hopefully soon'.

110. Adjustments to Annual Finance Budget for 2009/2010:-

Two more requests have been received for S137 Payments Honiton Library and East Devon CAB Honiton Branch.

It was decided not to change any of the previously agreed budgets as the two requests will be covered in the 2009/10 Budget for S137 Payments.

111. Date of next full Parish council meeting: - Monday 14th January 2009 at 7.30pm

There being no further business, the meeting closed at 21.40hrs

.....Chairman 14^h January 2009