

Burlescombe Parish Council

DRAFT MINUTES

Meeting of Burlescombe Parish Council
on Wednesday 11 September 2024 at Burlescombe Village Hall

Present: Councillors Downing, Eaves (Vice-Chair), Farley, Palmer, Scott and Smith. MDDC Councillors Lock and Westcott and Acting Parish Clerk, Mrs McGeever was also present.

Councillor Eaves, in his position of Vice-Chair, opened the meeting at 7pm and welcomed all those present and made the following announcements:

Filming and public participation

In line with current legislation tonight's Parish Council meeting is being filmed. Those filming this public meeting have been allocated a position at the front of the meeting so that the camera will focus on the councillors who are all aware that by taking a public position, there was the possibility that the proceedings would be filmed.

Members of the public can sit behind those filming the meeting but should note that the filming of the event includes audio and so all comments will be recorded.

Members of the public are able to raise matters during the public forum but should otherwise not verbally contribute to the meeting unless the Chair enables this by putting down standing orders and asking a question. Following any response standing orders will be resumed.

The Parish Council is aware of the sensitivities surrounding the filming of this public meeting and would like to remind members of the public that matters can be raised with individual councillors or through writing to the Acting Parish Clerk and such items will be placed on the next agenda.

Subject to recommendation of the Parish Council, the Chair is looking to introduce a drop-in 'meet your councillors' session for members of the public prior to its next meeting.

Protocol for filming

The Parish Council has reviewed the filming protocols of several district, town and parish council as well as taking advice from the Devon Association of Local Councils. The protocol placed on the agenda for discussion at tonight's meeting meets, to the Parish Council's best knowledge, its legal requirements.

Call of the meeting

For the sake of transparency, the Parish Council recognises that the publication of the agenda for this meeting was made through village noticeboards within the statutory three day's notice but due to a clerical error did not appear on the Mid Devon District Council website until Monday, 9 September 2024. The Parish Council is working hard to re-instate a Burlescombe Parish Council website which would have ensured that the agenda appeared on the Parish Council's own website within the designated timescales.

11092024/1 Apologies

Apologies had been received from Councillor Forward together with and DCC Councillor Radford.

11092024/2 Declarations of Interest/Dispensations

Councillor Eaves declared an interest in Item 9 and would take no part in the discussion.

11092024/3 Minutes of Previous meeting

The minutes of the meeting on 11 September 2024 had been circulated to all councillors. Following a proposal by Councillor Downing, seconded by Councillor Farley and unanimously agreed by those present at that the meeting, it was RESOLVED that the minutes were a true record of the meeting. The Vice-Chair initialled and signed the minutes.

11092024/4 Public Participation

The following matters were raised during the Public Forum:

- the sign for Westleigh had disappeared
- potholes and road surfaces
- objections to voices being recorded without consent at the meeting

Councillor Westcott felt that whilst those elected to the office of Parish Councillor should expect to be filmed as a legal requirement, there should be some opportunity for members of the public to not have their voice recorded.

11092024/5 To review and approve the terms of Reference for the Planning Committee and Amenities Working Group

Planning Committee

Councillor Farley proposed and Councillor Palmer seconded the proposal that the Terms of Reference for the Planning Committee be approved and this was unanimously agreed. (see appendix)

Amenities Working Group

Councillor Farley proposed and Councillor Scott seconded the proposal that the Terms of Reference for the Amenities Working Group be approved and this was unanimously agreed. (see appendix)

11092024/6 To review and approve the protocol for filming as recommended by the Assets and Responsibilities Working Group

Councillor Smith proposed and Councillor Farley seconded the proposal that the protocol for filming be approved and this was agreed with four councillors in favour. One councillor voted against the proposal and one abstained. (see appendix)

11092024/7 To approve the methodology for appointing a new clerk as recommended by the Assets and Responsibilities Working Group

Councillor Farley proposed and Councillor Smith seconded the proposal that the methodology for the appointment of a new clerk as recommended by the Assets and Responsibilities Working Group and recorded in the published minutes of the meeting on 28 August 2024 be approved and this was unanimously agreed.

11092024/8 To consider the Parish Council's response to the consultation on proposal to change conservation area of Grand Western Canal

Councillor Palmer, as the Parish Council's representative on the Joint Advisory Committee for the Grand Western Canal spoke on the consultation and the proposed recommendation circulated to councillors which read as follows:

Having studied the 82-page draft plan and the submitted responses we agree that there should be no reduction in the current conservation areas. We would concur with those submissions that suggest an increase in certain areas along the length of the canal.

There are several locations which we would wish to keep, extend and conserve, within the Parish of Burlescombe.

- The Lime Kilns at Canonsleigh the Parish Council supports the inclusion of these in the Conservation area.
- Whipcott Lime Kilns are not included in the draft proposals and are of equal historic value and would urge that these are also included in the revised draft.
- Whipcott Tramway. As set out by the FVEG submission there is historic value at this site, and we agree that this should also be included in the revised plan.

Whilst not in the Burlescome Parish the council feels it should comment that the Tidcombe hall area and surrounding land should be included within the conservation plan.

Councillor Downing proposed and Councillor Smith seconded the proposal that the response given above should be submitted to MDDC and this was unanimously agreed.

Action: Clerk to submit response to MDDC

11092024/9 To consider the Parish Council's response to Councillor Eaves did not take part in the discussion.

21/01576/MOUT

Re-determination of Appeal

Proposal: Outline for the extension of existing business park for up to 3.9ha of employment land and up to 150 dwellings with associated infrastructure and access with all other matters reserved - APPEAL DISMISSED 20.10.23 -

Quashed by High Court of Justice 05.06.24 - Redetermination of Appeal

Location: Land at NGR 298976 112882 (Hartnoll Farm) Tiverton Devon

Application No: 21/01576/MOUT

Appeal Ref No. APP/Y1138/W/22/3313401

Appellants Name: Waddeton Park Ltd

Councillor Palmer, as the Parish Council's representative on the Joint Advisory Committee for the Grand Wester Canal spoke on the detrimental effects this development would have on the Grand Western Canal conservation area and called for the Parish Council to support MDDC in their refusal of the application.

Councillor Palmer proposed and Councillor Scott seconded the proposal that the Parish Council lend their support to MDDC and this was unanimously agreed.

Action: Clerk to prepare response and submit to the Inspectorate Planning Portal.

11092024/10 To receive an update on the website and consider the way forward

The Clerk reported that in line with best practice, the Parish Council should move to a gov.uk website. To this end, the Clerk had contacted the current provider and several Parish Council website providers to obtain quotes. Once all the quotes had been received, the Parish Council would be in an informed position to decide on the way forward at the next meeting.

The Acting Parish Clerk had access to the current website and its content and was downloading electronic copies of agendas, minutes and other relevant documentation that was not available on the Parish Council computer.

11092024/11 To receive a report from the Chair on:

Maps of the Parish

The Clerk would be picking up parish maps from MDDC's offices and would bring them to the next meeting.

Update on the Play Park from the Amenities Working Group

The Amenities Working Group had walked round the play park and adjoining recreation area to ascertain the potential works to be done following MDDC work carried out on the play area surface and considered that work was required to the paintwork on the play equipment together with possible improvements to top platform of the climbing frame.

The Clerk was asked to contact MDDC in this regard and ascertain the cost of the equipment for insurance purposes.

Action: Clerk

The Clerk would also look to ascertain who was responsible for the fencing and hedging around the recreation area together with the wooden stockproof fencing around the football pitch.

Action: Clerk

The Working Group also recommended that three quotes be obtained for cutting the grass in the whole area.

Action: Clerk

Councillor Training

The Clerk had been in contact with the Devon Association of Local Councils to obtain prices for training. An in-person session for all councillors would be more cost effective than online training.

Action: Bring to next meeting

In the meantime, the Good Councillor Guide had been circulated to all councillors.

11092024/12 To receive the report from the Communications Officer

Councillor Smith's report had been published with the agenda for this meeting and the communication plan had been published in the minutes of the last meeting.

The minutes of recent meetings had been published in the Parish magazine, on Facebook and parish noticeboards as well as the sharing of information for agendas etc.

The Parish Council's Code of Conduct provided information on what was and was not acceptable.

The next Parish magazine would provide information on the responsibilities taken on by councillors.

11092024/13 To receive the report from FVEG

The report from FVEWG had been published with the agenda for this meeting.

The Parish Council wished to thank FVEG for their report and looked forward to working with them closely in the future to improve the villages in the parish of Burlescombe.

11092024/14 Highways Matters/Footpaths

Councillor Eaves reported that he had been working with the Clerk and the Neighbourhood Highways Officer on:

- White lines at the railway bridge and school

The NHO was in contact with Westleigh Quarry regarding the funding to improve the white lines.

- Potholes

Roads in the parish were inspected on different timescales i.e. the A38 was inspected monthly whilst local roads were inspected every six months. It was extremely important to report any Highways issues on the DCC website page which covered potholes, hedges, flooding, signs etc. The more often a problem was reported, the more likely it was to be repaired/fixed.

The link had been put on the Facebook page and would be included on the website once operational.

Councillor Radford had been included in all emails.

It was noted that the dip in road at Whitevball was very dangerous and this should be raised with both British Rail and DCC.

It was also noted that the Welcome to Devon sign had disappeared.

The current NHO would be leaving on 23 September 2023.

- Road Warden scheme and the Snow Warden scheme
Councillor Eaves was looking into both schemes and DALC were currently running a series with Devon County Council Highways on self-help schemes.

Action: Clerk to send information to Councillor Eaves

- P3 Scheme (Footpaths)

Councillor Smith advised that he had contacted the DCC PROW scheme and the P3 organisers as a grant had been applied for by Burlescombe Parish Council.

Councillor Smith believed the Parish Council was part of the scheme that provided funding for the maintenance of the footpaths within the parish.

Reports regarding the state of footpaths could be sent to the Acting Parish Clerk.

11092024/15 Financial matters

Bank accounts

The Clerk was in the process of completing the form to change the signatories on the account.

Action: Clerk

Consideration of grants

Westleigh United Reformed Church (grant request)

£300.00

St Mary's Church

It was RESOLVED that consideration of grants would take place at the next meeting when all details of the funding available in the bank account was known.

Correspondence from the SBA (External auditor)

The Clerk advised that the SBA would only contact the Parish Council if a question had been raised during the period of Public Rights and Publication of Annual Governance & Accountability Return (Exempt Authority).

11092024/16 Items for next meeting

Review of the protocol for filming following comments made in the Public Forum.

Play Park update

Report from the Assets and Responsibilities Working Group

Litter picking

Grants including the maintenance of the churchyard at Burlescombe

11092024/16 Dates of the next Parish Council Meetings

The Clerk had proposed a meeting date of 9 October 2024 but would check availability on 7 October 2024.

Councillor Eaves closed the meeting.

Signed _____ **Date:** _____
Chair

Burlescombe Parish Council

Planning Committee

Terms of Reference

Background:

To review all planning applications and, where appropriate, recommend that the application be considered by Full Council and/or discussed at a special meeting to allow for full participation by residents.

Terms of Reference

1. To comply with the Parish Council's Standing Orders on the governance and membership of the Planning Committee.

Note: Standing Orders are being updated.

2. To study relevant plans, individual Councillors to take a view as to whether to visit relevant sites to form their opinion and consider any comments from members of the parish before coming to a decision as provided for on the Devon County Council/Mid Devon District Council Planning Portals or provided at a meeting of the Burlescombe Planning Committee or Full Council.

3. To endeavour ensure that any objections or recommendations are based solely on material planning considerations.

4. To consider environmental aspects when considering planning applications.

5. To monitor the general environment of the parish and report to the Clerk/planning authority any potential planning breaches.

6. To respond on behalf of the Parish Council when a time sensitive response is required and/or on behalf of the council to planning consultations which do not require discussion outside the Planning Committee.

7. The Planning Committee can make a recommendation to send a representative of Burlescombe Parish Council to any relevant Devon County Council/Mid Devon District Council planning committee meeting.

8. The Planning Committee can make a recommendation to provide for written representations and/or attendance at any Appeal proceedings.

9. To attend planning training sessions as offered by Mid Devon District Council or the Devon Association of Local Councils and to read all relevant documentation to ensure that the Committee is aware of current legislation and regulations

10. When appropriate, seek expert opinion and guidance from other parties.

11. To consider the need for a neighbourhood plan.

Burlescombe Parish Council

Amenities Working Group

Terms of Reference

The Parish Council as the parent body has formed a Working Group to carry out specific detailed tasks on these matters that fall within its powers.

The Working Group will comply with the Parish Council's Standing Orders on the governance and membership.

Purpose:

To oversee the ongoing provision, maintenance and future development of all amenities either owned or leased by the Parish Council for the benefit of the Parish.

Membership:

The membership of the Working Group will be agreed by Burlescombe Parish Council.

No less than four Parish Council members will sit on the Working Group and the Working Group may also co-opt members of the public who have specific knowledge/expertise on the subject to assist the Working Group.

Term of Membership

The Term of Membership for a working group will be for a period of one year or to the next Annual meeting of the Full Council. The Annual Meeting of the Council can re-confirm the working group's membership and terms of reference or appoint other elected members to serve for the forthcoming civic year.

Leader

A leader will be appointed for the working party by the Parish Council. The leader will be the main point of contact for the Clerk to Council, Council members and members of the public, and must be a member of the Council unless otherwise agreed by the Full Council.

Powers Working Group

The Working Group cannot make decisions or spend any money on behalf of the Parish Council, and any recommendations made by working parties will be subject to approval by the Full Council.

Responsibilities and Areas of Operation

1. To implement relevant policies of the Parish Council relating to the parish's amenities and, where appropriate, recommend amendments and new policies to the Parish Council.
2. To exercise the delegated powers and duties of the Parish Council with respect to the provision, care, maintenance and development of:
 - a. children's play parks and recreation grounds
 - b. the Old Railway Line
 - c. Parkwood
 - d. the conservation area
3. To ensure compliance with health and safety legislation including play park inspections and risk assessments and insurance liability.
4. To submit proposals to the Parish Council for new and improved services.

5. To formulate a budget for revenue/capital expenditure for the next financial year and to recommend it to the November meeting of the Parish Council.
6. To propose, budget and obtain quotes for revenue/capital expenditure subject to the permission of the Parish Council.
7. To assess and discuss issues relating to the condition and maintenance of footpaths in the parish and correspond with the relevant bodies.

Meetings

The working group will arrange its own meetings and schedule of work at its inaugural meeting.

The Clerk to the Council will be notified of any meeting with at least 4 working days' notice and will advertise the meeting with at least 3 working days' notice. The quorum of the group shall be one Parish Councillor member of the group plus two other members.

Meetings of the working group will be held in a publicly advertised location which may be a private residence or a local hall.

The working group shall report formally to each meeting of the Council with informal updates to Council members following each meeting. The working group will report formally to the Full Council at its Annual Meeting if required.

For the purposes of transparency, the Working Group reports will be published in the minutes of the Parish Council.

Note: The leader of the working group, if unable to attend a meeting of the Full Council, will nominate another member of the working party to attend.

Approved by Burlescombe Parish Council on ___ 11 September _____ 2024

Burlescombe Parish Council

Filming and Recording of Parish Council Meetings Protocol

The right to record, film and to broadcast meetings of Local Councils, committees and sub committees was established following the Local Government Audit and Accountability Act 2014. The "Openness of Local Government Bodies Regulations 2014" became active legislation in August 2014. This is in addition to the rights of the press and public to attend such meetings.

Protocol

1. Except where members of the public have been excluded due to the confidential nature of the business, any person may film, photograph, audio record or use social media to report on meetings of the Council including any public participation session.
2. Reporting is restricted by legislation to the proceedings of the meeting, in other words from calling to order to the official closure of the meeting.
3. Any person intending to report should give notice before the commencement of the meeting to the Clerk or Chairman of the Council. This will enable reasonable facilities to be afforded.
4. The council will provide reasonable facilities to the public and press to assist filming or recording of meetings by allocating space(s) for this purpose on the front row of the designated public areas. All filming and recording must be done in a non-disruptive manner and can only be undertaken from those designated spaces.
5. In accordance with Government guidelines, council policy does not permit the filming or photographing of persons under the age of eighteen or vulnerable adults without permission of a responsible adult.
6. In the interests of privacy and safeguarding individuals, the council will ensure spaces are also available in the public area for members of the public who do not wish to be filmed.
7. Any persons who object to being filmed or photographed and have moved to an area designated for this purpose should also not be filmed or photographed. However, the Council cannot guarantee that anyone will not be filmed or photographed.
8. A notice indicating that meetings may be reported by use of filming etc. will be displayed at the meeting venue and a statement about reporting will also be included in relevant notices of meetings.
9. At the start of each meeting, the Chairman will announce that proceedings may be filmed, photographed or recorded and invite any members of the public not wishing to be filmed or photographed to move to the designated area.
10. Live oral commentary will not be permitted at any time.
11. The use of flash photography or additional lighting will not be allowed unless agreement has been reached in advance of the meeting.
12. Recordings will not be made for reporting by the Council or any other person during any part of the meeting when the public and press are excluded.
13. Persons reporting on a meeting who act improperly or in a disruptive manner could be excluded from the meeting. 'Disruptive behaviour' would include any action or activity which disrupts the conduct

of the meeting or impedes other members of the public from being able to see, hear or film etc., the proceedings. This might include:

- Moving outside designated public areas
- Excessive noise during debate
- Intrusive lighting and use of flash photography
- Asking people to repeat for the purpose of recording
- Failure to observe this protocol

14. Those reporting on meetings should not edit the recordings, films or photographs in a way that could lead to misinterpretation of the proceedings. This includes refraining from editing an image or views expressed in a way that may ridicule or show a lack of respect towards those being photographed, filmed or recorded.

15. Recording and reporting the Council's meetings is subject to the law and it is the responsibility of those recording and reporting to ensure compliance, including data protection and defamation. They will be responsible for any allegations of breaches of the law which may result from their use of recorded material and are admitted to the Council Meeting on the basis that they accept this responsibility. The Council reserves the right to initiate legal proceedings in appropriate circumstances.

16. The Council takes no responsibility for any recording made by others. It also takes no responsibility where a recording which it makes is subsequently used by any third party. Any third party making or editing a recording of a meeting shall in doing so be taken to have indemnified the Council against all actions, proceedings, costs, claims, demands, liabilities, losses and expenses whatsoever relating to the making or use of that recording.

17. The Council asserts no copyright or control over recordings of meetings made by itself or others whilst on Council premises, subject to paragraph 14 above.

18. Generally, archived recordings made by the Council will be available on request.

Approved by Burlescombe Parish Council on ___ 11 September _____ 2024