

## **SHEBBEAR PARISH COUNCIL**

**Minutes of Council Meeting held on Tuesday August 14th 2012  
in the Church Room. Shebbear.**

### **Present:**

Chairman: Cllr R Clark.

Cllrs: H Davis. M A Wells. J Stupple. J Dungate. E Haste. T Carr. J Curtis. R Gliddon.

7 members of the public. Clerk. David Walker.

### **Agenda. 2012. Commenced at 7- 30 pm.**

#### **81. Apologies for Absence.**

Cllr P Lomax. (Prev eng). PCSO Baker. (Off duty).

#### **82. Public Participation Period.**

(1) Tessa Osborne spoke on behalf of Shebbear Parishes Protection Group about the manner in which TDC determine wind turbine planning applications, particularly the recently approved, and appallingly dealt with, Durpley Farm application, and asks that the parish council supports efforts to ensure that decision making is fairly and democratically carried out. At present TDC do not heed the provisions of the Localism Act 2011, and local views and requests are ignored, giving rise to opinions among a number of parish councils that the TDC application process is not fit for purpose. SPPG suggests that Shebbear Parish Council join forces with other parishes to bring concerted pressure on TDC. Examples of photomontages supplied by the applicants were shown to Cllrs to prove the misleading nature of the material that TDC are accepting as satisfactory. Many more examples could have been presented had time allowed. Cllrs were urged to move and support a vote of No Confidence in the TDC planning process.

(2) Lisa James reported on her initiative to provide young people of the parish with facilities which, at present, are sadly lacking. A meeting had already been held recently in the village which was well attended, which was encouraging. Contact has been made with Devon Youth Service who have put us in touch with the Local Youth Network who can assist with all the administrative matters that lay people find daunting. They will also provide a proportion of funding, but not for 13 to 19 year olds. It is therefore envisaged that other sources of funding would be sought, possibly from the parish council. It is understood that projects like this can raise concern among older residents but, be assured, that those who will run the sessions will have been trained by Devon Youth Service to ensure that sessions are properly run. The sessions will be divided in two. An early session for younger ones and the older ones afterwards. The next stage of the process is for a meeting to be arranged for the children, and we have been advised that the children should take responsibility for the way the Club is run, which it is hoped will give them an interest in the success of the project.

Cllr Wells asked if an amount had been calculated for start up costs. A figure of £500 was estimated. Chairman suggested that a request for a parish council grant should be submitted later in the Autumn and enquired if potential numbers who may attend were known. Lisa said that this was not yet finalised. Surveys were being done, which included the School and the College. In conclusion, a number of persons have already come forward to help get the project off the ground and Lisa would be pleased to welcome anybody else who was willing to assist.

#### **83. Declarations of Interest in items on the Agenda/ Any variations to Members Registration of Interests.**

Cllr Haste Declared an Interest in Item 90(1) as he, as a Cllr, and his private business matters, are the subject of the correspondence.

#### **84. Minutes of the Council Meeting held on Tuesday July 10th 2012.**

All in agreement that the Draft Minutes, which had been previously circulated, be approved and signed as a correct record.

**85. Clerks Report. Any matters arising from the Minutes.**

Jubilee Mugs In addition to mugs distributed to local children, 55 have been sold so far. There are still in excess of 300 remaining.

Shebbear Sign The renovation has been completed and all agreed that Clerk should arrange for a suitable commemorative plaque to be affixed, suitable wording to be chosen by Clerk.

Complaints about dogs If Cllr Lomax had been present he would spoken about complaints he has received about dogs worrying livestock and messing in the street. No doubt this will be an agenda item for a forthcoming meeting. Coincidentally, TDC are consulting about the introduction of new Dog Control Orders at the moment. Chairman reported that a letter received by the Editor of Reflecting Shebbear also referred to an incident of a dog chasing cattle while the dog owner used a footpath through a field near the village.

**86. Agenda items for Discussion and Resolution.**

(1) New Parish Plan. Chairman felt that the time was ripe for the project to be moved on with an inaugural meeting. The offers of support were in place from 10 volunteers plus 3 Cllrs. It has been decided that a sum of £500 be allocated towards start up costs and that the Group should elect their own Chairperson at the earliest opportunity. The initial action to be taken by one of the Cllr members. All Agreed that Clerk write to the Group members informing them of the decision.

(2) Parish Tidy Up. Cllr Davis reported receiving criticism about the number of weeds growing unchecked along pavement edges and in public areas in the village area. The view was expressed that although a few households keep the pavement adjoining their properties clear, the majority don't, possibly because they feel they shouldn't have to. Adrian Caudwell has agreed in principle that, in addition to his grass cutting work, he would take on the job of weed killing, provided that it could be arranged for him to attend a herbicide spraying course and obtain the necessary certificate. He already has public liability insurance.

Agreed, that enquiries be made as to available courses with a view to be ready for the 2013 season.

Also, it was suggested that Clerk make enquiries about what assistance may be available for general repair and maintenance tasks which lie outside Adrians' job description.

**87. District Councillors Report.**

D/Cllr Lewis not in attendance.

**88. Planning.**

(a) New applications. 1/0432/2012/FUL. Conversion of outbuilding to provide annexe living accommodation. Little Worden Farm. Shebbear. For Mr & Mrs J Foulkes. No objections received, Cllrs recommended approval.

(b) Application Withdrawn. None received

(c) Applications Granted. 1/0073/2012/FUL. Erection of 500kw wind turbine at Durpley Farm. Shebbear. Chairman commented that he had attended the planning meeting where this decision was made and noticed what a rude and arrogant attitude was displayed by the applicant. He also reported that the decisions made were illogical and open to challenge and the threat of costs. In addition, after the planning meeting Chairman had communicated with the Head of Planning, David Green, to correct the possible impression held by TDC, that Shebbear Parish Council objected to all turbine applications as a matter of course, and reiterated that Shebbear had a democratically arrived at, and formally adopted policy to only object to applications that were likely to have a significant negative effect on Shebbear parish.

Cllr Carr added that an explanation should be sought as to why the Vaglefield application was refused by a majority of 8 - 1, and the application for an identical turbine, by the same applicant, in a similar open countryside location at Durpley Farm was granted by a majority of 6 - 3. In the absence of a satisfactory explanation a vote of no confidence was a distinct possibility. Cllrs agreed that Clerk should arrange an informal, closed, meeting between Cllrs, the TDC Leader, and the Head of Planning, later in September.

(d) Any relevant adjacent applications. None.

**89. Finance.**

(1) Request for grant towards graveyard upkeep at St Michaels Church. All in favour that a grant of £100 be paid in lieu of the Section 137 grant which had not be requested earlier in the year.

(2) Approval of accounts for payment. All agreed that agenda items (a) to (d) inclusive be paid.

Bank Balances - (August 13th with all cheques cleared) Current a/c £1470.57 Reserve a/c £12,528.15 .

Reserve a/c balance includes: P3 funds in credit £1580.36

Twinning funds £1659.99

**90. Correspondence.**

(1) The Information Commissioner. Mr Harrups' complaint.

The complaint, which has been the subject of previous correspondence received on May 8th 2012 (Agenda item 57(3)), is that a Shebbear Parish Councillor released an item of correspondence, sent by Mr Harrup on May 21st 2011 to Shebbear Parish Council and to individual Cllrs, to "unintended recipients". And that this happened before it was seen and discussed at the meeting on June 14th 2011. Clerk informed Cllrs that he had replied to the May 8th letter on May 16th stating that it was difficult to form an opinion on the few facts given in the ICO letter and that as far as Clerk was concerned the Parish Council handled the correspondence in the required manner. A letter was then received from the ICO on July 9th which contained a mild reprimand that the Parish Council had not replied to the May 8th letter, this was followed the next day, July 10th, by a phone call from the ICO Case Officer apologising as they had mislaid the letter which had now been discovered elsewhere in their system.

The letter from the Information Commissioner dated July 26th 2012 was read to the meeting and gave more details than had been previously supplied including a copy of a letter sent to DCC Highways from a business consultant, Mr R Hicks, employed by EC Haste and Sons, which stated that they were forwarding a letter, dated May 21st 2011, presumably Mr Harrup's, although the name had been blacked out. The inference from this, as pointed out by the ICO in their letter, was that Cllr Haste allowed his copy of Mr Harrups' letter to be inappropriately disclosed.

The ICO required that 3 questions be answered:-

- (a) Did Cllr Haste disclose Mr Harrups' letter to Robert Hicks?
- (b) If so, on what basis under the Data Protection Act did Cllr Haste disclose the letter?
- (c) Does the Council have guidance in place for Councillors regarding the handling of personal data?

Chairman said that, in response to the third question, at the time this allegation occurred, Shebbear Parish Cllrs were bound by the previous Code of Conduct which, like the new Code, gives explicit guidance on handling sensitive material, and that that should be pointed out to the ICO.

Cllr Haste requested that he be allowed to defend himself and said that he personally did not release the letter to Bob Hicks.

Chairman said that, on that basis then, question two does not require an answer.

Cllr Haste said that the letter was most likely to have been released by a member of his family who was consulting with Mr Hicks about the family business. Cllr Haste also pointed out that Mr Hicks' letter was headed "Without Prejudice", which he understood to mean, on legal advice, that the letter should not have been disclosed to anyone.

All Agreed that all that could be done at this stage would be to reply to the ICO answering the 3 questions contained in their letter and await a reply.

- (2) Treasurer, Reflecting Shebbear Magazine. Thanks for contribution towards Jubilee printing expenses.
- (3) TDC. Introduction of Dog Control Orders. (Circ).
- (4) Devon Rural Housing Partnership. (Circ).
- (5) TDC. Consultation re changes to Council Tax. (Circ).

Councillors Circulation All received by Cllrs.

**91. Items for the Council Meeting Agenda to be held on Tuesday September 11th 2012, and any other matters, for discussion only, at the Chairmans discretion.**

Cllr Davis reported that concerns had been raised that a gateway had been opened through a Devon bank at Rosehill onto the main road, and there was no apparent record of planning permission being obtained.

Cllr Lomax had received complaints about dogs being out of control and messing in public places, the subject to be on the September Agenda.

There being no other Business the Meeting ended at 9-15 pm.

Signed.....

Dated.....