

## **SHEBBEAR PARISH COUNCIL**

**Minutes of Council Meeting held on Tuesday February 12th 2013  
in the Church Room. Shebbear.**

### **Present:**

Chairman: Councillor R Clark

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

13 Members of the public. Clerk. D Walker.

### **AGENDA. 2013. Commenced at 7-30 pm.**

#### **14. Apologies for Absence.**

PCSO M Baker (Off duty).

#### **15. Public Participation Period.**

No requests to speak received.

#### **16. Declarations of any Councillors Interests in Items on the Agenda.**

##### **(a) Discloseable pecuniary interests.**

Councillor Haste declared an interest re Item 25 (1) to (5) inclusive, and Item 23 (b).

Councillor Dungate declared an interest re Item 25 (1) to (5) inclusive, and Item 23(b).

##### **(b) Registerable interests.**

Councillors Wells and Davis declared interests in Item 23 (b) and (e).

#### **Any variations to Members Registration of Interests.**

None received.

#### **17. Draft Minutes of Council Meeting held on Tuesday January 8th 2013.**

Proposed Councillor Davis, seconded Councillor Lomax, with all in agreement, that the Draft Minutes, which had been previously circulated, be approved and signed by Chairman as a correct record.

#### **18. Any matters arising from the Minutes. Clerks Report.**

Clerk reported that Western Power had renewed poles and upgraded the cabling in the Back Lane area at the end of January and there had subsequently been complaints that Back Lane had been left covered in mud and stones rendering it impassible for residents, particularly the occupant of Myrtle Cottage who relies on a mobility scooter. When checked it was noted that, thanks to Brian Broad and his shovel plus a night of torrential rain, the tarmac footpath was restored to its earlier condition, which, although not ideal for Mrs Luxton mainly because of the gradient, is satisfactory as P3 Footpath 16, as verified last year.

The questionnaire relating to West Country Concrete Ltd has been circulated and the architect involved is pleased with the response so far, and expects that the results will be available around the middle of March.

The draft response to David Green at TDC Planning Management, and a draft letter of appreciation to Geoffrey Cox MP, were received by Councillors for approval.

South Molton recycling are shortly to issue brown bags for cardboard and small electrical items, to be collected on green bin day.

#### **19. To Agree any items to be dealt with in Part 2, closed session, of the Meeting.**

Agreed - all items to be Part 1.

**20. Any urgent agenda business or correspondence brought forward with the approval of the Chairman.**

Chairman stated that, as Item 25, Correspondence, contained 11 letters, some of which were likely to generate debate, he was intending to hear Item 25 at this point.

(1) *Barry Hunt. Chairman of the Village Hall and PF Committee.* Wishing to thank the Parish Council for the Local Grant agreed for 2013 to be paid in May.

(2) *Dr Richard Tiner.*

(3) Jackie Hammans (Buckland Filleigh).

(4) *P D Mawby.*

(5) *Barbara Bevis.*

Items (2) to (5) inclusive, together with a letter from *Mrs Sarah Blake* (Buckland Filleigh), received after the agenda was posted, all complained about Councillor Haste's behaviour at the TDC Planning Committee meeting on January 17th last when he spoke in favour of the Alscott wind turbine application, which was at variance with Shebbear Parish Council's agreed policy statement regarding turbines.

All the letters were read out and before calling for Members comments Chairman established that no one present had already made an official complaint to the Monitoring Officer and that the debate could proceed. Councillor Lomax said there appeared to be an inconsistency, the minutes report unanimity, is it allowed for a Councillor to act in this way?

Councillor Carr felt that there were queries re the legal position.

Councillor Gliddon said that surely we were allowed to have our own opinions.

Councillor Stupple said that Ted Haste said this as himself.

Councillor Davis said that Councillor Haste was entitled to speak as an individual but overstepped the mark when he said he was a Councillor.

Councillor Wells said that she understood that Ken Miles (Monitoring Officer) has agreed that Councillor Haste has done nothing wrong.

Councillor Haste for the benefit of those who had not heard it before, read out the speech he had made at the Planning Meeting and said that freedom of speech was the important issue at stake here.

Chairman drew attention to the fact that Case Law in the High Court relating to Ken Livingstone had set the precedent that a Councillor could speak in contravention of a Council's agreed decision. Councillor Haste had spoken to Chairman and the Clerk about his intention before listing himself as a private speaker with TDC.

At this point Chairman reminded those present of the Shebbear Policy Statement which did not state that all turbine applications were to be objected to automatically but were to be considered with an open mind.

There then followed a debate about the numbers of people who had voted either for or against wind turbines, the results of which were the basis for deciding the Shebbear Policy Statement.

This debate was curtailed by Chairman who pointed out that the allegation under discussion is not about the figures involved.

Chairman then said that in reply to earlier questions as to whether we had taken legal advice on this matter, yes we had, and DALC had confirmed that a Councillor was entitled to speak at a meeting in his private capacity. (Message read out).

We had also sought the opinion of Ken Miles, who was present at the Planning Meeting, and said that although Councillor Haste said he was a Shebbear Parish Councillor he made it plain that he was speaking as a private individual. (Message read out).

Chairman then outlined the latest complaints procedure for the benefit of anyone present who felt the need to refer these complaints to the Monitoring Officer.

Items (6) to (10) inclusive, information received by Councillors.

3.

(11) *Mr R Human. Resignation from the Parish Plan Committee.* Councillors were sorry to hear of this intention from Ralph after a relatively brief period as Chairman. Councillor Lomax informed Members that there was a meeting of the Parish Plan Committee coming up soon when it is hoped that the Committee can be reformed and a fresh start can be made. The importance of having a Plan cannot be ignored and having Committee members of all age groups and backgrounds is just as important. The work involved needs to be enjoyable and rewarding but inevitably there has to be a degree of formality in the process which hopefully will be kept to a minimum.

All Agreed that Clerk will reply to Ralph after the Committee decisions are known.

(Item) Councillors heard the *Report from PCSO Baker* that was received with her apology. There had been no logged Police activity in the parish in the past 30 days apart from a burglary at Shebbear College where computers and electrical equipment valued at £22,000 had been stolen. This was believed to be connected to a series of similar offences in other areas. Melissa also wished parishioners to be aware that theft of fuel from vehicles was occurring, notably in Dolton, but no doubt will happen elsewhere.

## 21. Agenda items for Discussion and Resolution.

(1) Parish Projects for 2013.

All Agreed that this be held over to the March Meeting.

(2) Draft N Devon & Torridge Local Plan - Rural Development Opportunities

A printed version of the Draft was available for circulation to Members and there was also an online copy. Councillors approved that, as the draft contained a huge amount of information, the majority of which related to the urban areas of the north of the County, that we should concentrate on the rural sections and formulate a response at next months Parish Council Meeting in time for the consultation deadline, March 15th.

## 22. District Councillors Report.

None received from D/Councillor Lewis

## 23. Planning.

(a) New Applications. None.

(b) Applications Refused.

*1/0349/2012/FULM. Erection of 102m wind turbine. Land at Alscott Farm. Peters Marland.*

*1/1250/2011/FULM. Erection of 3 no. wind turbines and 1 meteorological mast on land near Dunsland Cross. Brandis Corner.*

Information received by Councillors.

(c) Applications Granted. None.

(d) Refused Applications to Appeal None.

(e) Any relevant adjacent applications.

(1) *1/0017/2013/FUL. Erection of 500kw wind turbine (74m to blade tip), associated infrastructure and access track. Land at Bowden Farm. Buckland Brewer.*

No comments received from Councillors.

(2) *1/1141/2013/FUL. Installation of 11kw wind turbine (height to blade tip 24.8m). Meadow Farm. Langtree.*

No comments received from Councillors.

4.

**24. Finance.**

(1) Approval of Items for payment

All Agreed that Items (a) to (d) inclusive be paid.

Bank Balances to January 30th 2013.

Received by Councillors

**25. Correspondence.**

Dealt with earlier at Item 20 with Chairmans approval.

Councillors Circulation

Received by Councillors.

**26. Items for the next Council Meeting Agenda which will be held on Tuesday March 12th 2013, and any other matters, for discussion only, at the Chairmans discretion.**

Chairman R Clark sought the approval of Members for the May 2013 Annual Council Meeting to be brought forward to Tuesday May 7th. There were no objections. Clerk to note.

There being no other Business the Meeting ended at 9-35 pm.