

**Minutes of West & East Putford Parish Council Meeting held on Tuesday, 21 February 2017 in Bradworthy Primary Academy at 7.30pm.**

<b>Chaired by: Councillor Mrs L Drake</b>	<b>Clerked by: Sue Squire</b>
<b>Present: Councillors</b>  <b>A Bewes</b> <b>P Bond</b> <b>M Cornish</b> <b>Mrs L Drake</b> <b>Mrs P Geen</b> <b>J Jessel</b> <b>Mrs M Lewis</b> <b>N Moulder</b> <b>D Pomeroy</b> <b>M Thomas</b> <b>J Wooldridge</b>	<b>Agenda: -</b> Items raised by members of the public Co-option of Parish Councillor Apologies Declarations of Interest Approval of the Minutes of 6 December 2016 Reports Matters Arising Planning & Planning Correspondence Finance Correspondence / Notices & Publications Received Matters raised by Councillors / Clerk Date of next meeting
	<b>Action:</b>
52.	<b>Items raised by members of the public.</b> None present.
53.	<b>Co-option of Parish Councillor.</b> No letters of application had been received.
54.	<b>Apologies.</b> Councillor M Cornish, PCSO R Rowe.
55.	<b>Declarations of Interest.</b> <b>Councillor Mrs Geen – reappointed to Northern Devon Healthcare Trust Board to March 2019.</b>  <b>Councillor Thomas – Prejudicial Interest under Minute No. 60.2, Finance. Payment to him as reimbursement for the purchase of a laptop and website domain name where the funding had been credited to the Parish Council’s current account via a Smaller Authorities Transparency Code grant from the Devon Association of Local Councils.</b>  <b>Councillor Mrs Geen – interest in Minute No. 61.5 – TAP (Town &amp; Parish) Fund application for a running group.</b>
56.	<b>Approval of the Minutes of the Meeting held on 6 December 2016.</b> <b>Approved and signed as a correct record.</b>
57.	<b>Reports:</b> <b>57.1 Police.</b> When sending her apologies, PC Rowe advised the rural updates as follows: Ashwater: Goats and plastic feeders stolen Bradworthy: Damage to a window, a stone thrown through window; theft of a motor vehicle Halwill Junction: Damage to a bolt which was fixed to a gate Broadwoodwidge: Theft of yellow/black wacker plate, 2 x Kubota excavators Black Torrington: Damage to 8 x courier vehicles parked secure have each had their brake cables cut  Councillor Jessel advised he had reported theft of wood from Venn Farm.  The Clerk had advised PCSO Rowe of the person’s name who had expressed an interest in being involved with Farm Watch. She had tried to make contact but no reply had been received. PCSO Rowe advised that the Farm Watch co-ordinator in Putford is Yolanda Spencer.  <b>57.2 County Councillor R Julian.</b> Not present, was expected to attend. <b>Post Meeting Note: Councillor Julian was getting out of his car as Councillor Mrs Drake and the Clerk arrived in the car park.</b>  <b>57.3 District Councillor R Hicks.</b> Not present, no report received.  <b>57.4 Meetings attended by Councillors / Clerk.</b> The Clerk attended a Cyber Security Training event in Exeter and a written Report has been circulated to Councillors who are online.
58.	<b>Matters Arising.</b>

**58.1 Common Moor.** The Clerk had contacted the Parish Council's insurers regarding insurance and the reply was given to Mr R Dixon of Natural England as follows:

**'If they are responsible for the land then yes it would be covered as they need to maintain it and keep it accessible for people, but it would need to be properly risk assessed before any work was carried out'.**

Mr Dixon raised the following query:

**"Does this mean that your existing policy will cover you for taking on a CS agreement? Would this be with no additional cost? And what exactly needs to be risk assessed – the agreement, or each operation such as swaling, cutting firebreaks and carrying out scrub control? The latter would be covered, I assume by the contractor carrying out the work".**

The insurers replied:

**"If the Parish Council are hiring a contractor to carry out the work, then the contractor will need their own professional public liability cover. The Parish Council will be covered for public liability if there was an incident where they were deemed liable. A risk assessment need to be carried out of the actual activity taking place and needs to be updated each time it is carried out. If the contractor is carrying out the risk assessment, the Parish Council should check this to make sure it is adequate".**

The Clerk replied to the insurers that the work would be carried out by Devon Wildlife Trust and nothing further had been heard.

On the morning of the meeting, Mr Dixon had contacted the Clerk as follows:

**"I have just been speaking to Lisa Schneidau (DWT's Nature Improvement Area Manager) regarding DWT's help with the application etc. She feels (as do I) that it's best for the Parish Council to retain 'ownership' of the agreement etc, but they can help quite a bit with the process. They have done a lot of this and know the scheme well. We suspect the process might be a little daunting to the Parish Council but with their (and NE's) help, we are sure the Parish Council will manage ok, especially through the proposed sub-committee. But we do need to get on with it as soon as possible.**

**Lisa and I spoke about the insurance requirements for the proposed swaling. She has just checked – apparently DWT's insurance requires the Parish Council's own public liability insurance to be valid, too. Are you able to ensure this is in order, please, ASAP? I understand it shouldn't be too much of an issue. DWT can't commence swaling until this is confirmed".**

The Clerk replied:

**"As regards the necessary insurance cover, I have revisited the email received from the person who manages this, the details which I sent to you and repeat again here:**

**Dear Sue,**

**With regards to your enquiry, I have received the following response from Zurich:**

**"If they are responsible for the land then yes it would be covered as they need to maintain it and keep it accessible for people, but it would need to be properly risk assessed before any work was carried out".**

The Parish Council has Public Liability cover in place in respect of items for which it is responsible. During the discussions, there has been a debate as to who exactly owns or is responsible for Common Moor and there have been varying opinions. Some say the Parish Council is responsible for it, others say opposite.

This seems to be the sticking point as to whether the Parish Council is actually responsible for Common Moor. I am concerned that the insurance company would not consider the Parish Council is liable in the event of a claim. Have you checked with the Land Registry to see who it is registered to?

I personally would feel happier if separate insurance was taken out in respect of the Parish Council's Public Liability risk of Common Moor whether owners or not and see from previous

emails from you that this is possible through PSP Insurance Solutions (Alison Willmott) who I have just emailed for confirmation that they can provide the cover whether the Parish Council does or does not own the land and if so, the cost”.

Mr Dixon replied:

**“Many thanks for the quick reply. The insurance issue is a bit grey, and it may well be best to ensure the insurance is separate, as you suggested. Thanks for contacting Alison, too. It would be such a shame if technicalities were to get in the way at this stage.**

**I contacted the Land Registry back in 2013. It was ownerless then and I don’t suppose much has changed.**

**I have spoken to Lisa again. She agrees the issue needs to be sorted out. I mentioned the risk assessment issue (below) and she has provided DWT’s generic risk assessment for swaling, attached. This can be adapted as necessary for Common Moor”.**

The Clerk had asked Mr Dixon to contact the commoners direct as he has the list which he had advised had been done. Councillor Mrs Drake had the list and it would appear that not all the commoners had in fact been contacted and the details had been passed to Mr Dixon for attention.

Mr S Tomosso of Devon Wildlife Trust had enquired if it would be in order to commence cutting the firebreaks.

A reply had been sent advising that a reply will be sent on the morning after the meeting after Councillors have had the opportunity to discuss the insurance aspect and are completely satisfied with the correspondence since the last meeting.

It should be noted that Mr Dixon advised in his email of 10/2/17 when he confirmed he had written by email and post to the list of commoners given –

**One point to be aware of: Any of these operations require SSSI (Site of Special Scientific Interest) consent, which we are of course delighted to give. Becky (Mr Dixon’s colleague) can deal with this in my absence if it looks like things might happen before my return (on 20/2/17). The main thing is that the work takes place. If necessary, we’d have to deal with the consent later, if it comes to that”.**

As a result of the above paragraph, the Clerk emailed Mr Dixon as follows:

**“You mentioned consent for the works in an SSSI and the fact that this could be given after the event. I feel sure that Councillors would want the consent to be in place ahead of any work taking place. I know I would feel a lot happier if it was”.**

**Post Meeting Note: Mr Dixon emailed and advised that the communication gave provisional consent for the creation of firebreaks and swaling, which was not seen by the Clerk until the day after the meeting.**

Councillor Jessel was of the opinion that as the Parish Council does not own the land, the organisation who carry out the work should insure it. Where there is no responsibility, DCC own it. Natural England have a responsibility to see that SSSIs (Site of Special Scientific Interest) are properly managed.

Councillor Mrs Drake advised that Natural England were still contacting the commoners and agreement from them is required before any work takes place.

**Councillor Jessel proposed that the Parish Council communicate to Devon Wildlife Trust and Natural England that it does not own Common Moor and the Parish Council do not wish to be involved in any of the insurance for the work to be carried out. There was no seconder and the proposal fell.**

Councillor Jessel had received legal advice that DCC are the owners.

**Councillor Bewes proposed that no further decision is taken until more information has been obtained in respect of one off insurance. Seconded by Councillor Moulder and agreed.**

Clerk to  
keep  
Cllrs  
informed

	<p>Councillor Jessel advised he was a Member of the Torridge Headwater Scheme Advisory Board. There is a rare hover fly on Common Moor, on Common Moor Beaford and one location in Germany.</p> <p><b>58.2 Parish Council Website.</b> It was noted that Councillor Thomas had constructed the website which is up and running – www.putford.co.uk It was further noted that Councillor Thomas had purchased a laptop and was in the process of drawing up a rental agreement when it is loaned to parishioners..</p> <p><b>58.3 Return of Parish documents to be held by Bradworthy History Society.</b> It was noted the Clerk had enquired the position from Mrs Cooksley. She had met Councillor Thomas to explain the details and intends to take copies for keeping in Bradworthy with the originals kept in the North Devon Record Office. The Clerk to reply confirming that the Parish Council is happy for copies to be taken and the originals left in the North Devon Record Office.</p> <p><b>58.4 Putford Bridge Hill.</b> Councillor Jessel spoke about the accident involving a school bus during the icy weather and advised he had seen busses using the hill despite the route being changed following the accident. He suggested getting a hazard sign at Chruston Cross for heavy goods vehicles. Councillor Bewes advised that the accident was due to the ice and before grit salt had been delivered.</p>	<p>and action</p> <p>MT</p> <p>Clerk</p>																																																				
59.	<p><b>Planning and Planning Correspondence.</b></p> <p><b>59.1 Applications: The following were considered:</b></p> <ul style="list-style-type: none"> <li>▪ <b>Planning Application 1/1075/2016/FUL – Porch over front door of park home – 1 Powlers Piece Park, Putford.</b> <b>It was resolved to recommend approval.</b></li> <li>▪ <b>1/0017/2017/CPL - Certificate or proposed lawful development application. This is not a Planning Application. Powlers Piece Park, Putford.</b> <b>To reply: Councillors do not have sufficient information to comment.</b></li> </ul> <p><b>59.2 Planning Correspondence:</b> There was no Planning Correspondence to consider.</p>	<p>Clerk</p>																																																				
60.	<p><b>Finance.</b></p> <p><b>60.1 Balances. Lloyds Bank Treasurers Account as at 29/12/16: £4,828.62</b> <b>National Savings and Investment Account as at 1/1/17: £2,081.79</b> <b>Interest of £12.43 had been applied on 1/1/17.</b></p> <p><b>60.2 The following payments were approved and authorised:</b></p> <table border="0"> <tr> <td><b>Mrs S Squire</b></td> <td>Salary (2 months) net of PAYE</td> <td>£166.54 *</td> <td></td> </tr> <tr> <td></td> <td>Contribution towards broadband (2 months)</td> <td>£ 3.00</td> <td></td> </tr> <tr> <td></td> <td>Photocopying</td> <td>£ 19.60</td> <td></td> </tr> <tr> <td colspan="4">Shared contribution towards petrol expenses for Cyber Security</td> </tr> <tr> <td></td> <td>Training in Exeter</td> <td>£ 1.50</td> <td></td> </tr> <tr> <td></td> <td>Postage</td> <td>£ 14.28</td> <td><b>£204.92</b></td> </tr> <tr> <td><b>HMRC</b></td> <td><b>PAYE</b></td> <td></td> <td><b>£ 41.80 *</b></td> </tr> <tr> <td colspan="4">• 20p difference from the Agenda due to HMRC software calculations</td> </tr> <tr> <td><b>Bradworthy Primary Academy</b></td> <td>Donation towards hire of the school for meetings</td> <td><b>£ 50.00</b></td> <td></td> </tr> <tr> <td><b>Councillor M Thomas</b></td> <td>Hosting for website (£60.00) &amp; purchase of laptop (£320.00)</td> <td><b>£380.00</b></td> <td></td> </tr> <tr> <td colspan="4"><b>Councillor Thomas declared an interest in this item.</b></td> </tr> <tr> <td colspan="4"><i>This is the amount of the grant given by the Devon Association of Local Councils for this purpose.</i></td> </tr> <tr> <td><b>Three Villages Heritage Festival</b></td> <td>Donation</td> <td><b>£200.00</b></td> <td></td> </tr> </table> <p><b>60.3 Lloyds Bank.</b></p> <ul style="list-style-type: none"> <li>• <b>Text Alerts.</b> Confirmation is awaited that this system has been put in place.</li> <li>• <b>Internet Banking.</b> The Clerk had taken evidence of ID into the bank so that this can progress.</li> <li>• <b>Additional signatories to the Treasurers Account.</b> Councillor Wooldridge had taken his</li> </ul>	<b>Mrs S Squire</b>	Salary (2 months) net of PAYE	£166.54 *			Contribution towards broadband (2 months)	£ 3.00			Photocopying	£ 19.60		Shared contribution towards petrol expenses for Cyber Security					Training in Exeter	£ 1.50			Postage	£ 14.28	<b>£204.92</b>	<b>HMRC</b>	<b>PAYE</b>		<b>£ 41.80 *</b>	• 20p difference from the Agenda due to HMRC software calculations				<b>Bradworthy Primary Academy</b>	Donation towards hire of the school for meetings	<b>£ 50.00</b>		<b>Councillor M Thomas</b>	Hosting for website (£60.00) & purchase of laptop (£320.00)	<b>£380.00</b>		<b>Councillor Thomas declared an interest in this item.</b>				<i>This is the amount of the grant given by the Devon Association of Local Councils for this purpose.</i>				<b>Three Villages Heritage Festival</b>	Donation	<b>£200.00</b>		<p>Clerk</p> <p>Ch.No.306</p> <p>Ch.No.307</p> <p>Ch.No.308</p> <p>Ch.No.309</p> <p>Ch.No.310</p>
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	<p>Charging Schedules and Regulation 123 Lists. Councillors decided not to comment.</p> <p><b>61.8 TDC.</b> Standards Committee &amp; Code of Conduct. Details had been forwarded to Councillors which advised that Members of the Standards Committee are keen to visit some of the Parishes to meet the Councillors and Clerk and perhaps to help with any issues or problems that may have arisen.</p> <p>Councillors decided not to take up the offer of a visit.</p> <p>The Senior Solicitor and Monitoring Officer had requested a copy of the current Code of Conduct which the Clerk had supplied.</p>	
62.	<p><b>Matters raised by Councillors /Clerk.</b></p> <p><b>62.1 Councillor Jessel</b> spoke about the Committee for Common Moor, which he felt had little point. People with commoners rights have a right to be on the Committee and suggested that Councillors should start giving this thought.</p>	Cllrs
63.	<p><b>Date of next Meeting:</b> Tuesday, 18 April 2017 at 7.30pm in Bradworthy Primary Academy.</p> <p>The Meeting ended at 8.55pm.</p>	
<p><b>Summary of Decisions:</b></p> <ul style="list-style-type: none"> <li>➤ <b>Minutes of 6 December 2016</b></li> <li>➤ <b>Work on Common Moor to be held in abeyance pending confirmation of insurance arrangements</b></li> <li>➤ <b>Planning</b></li> <li>➤ <b>Payments</b></li> <li>➤ <b>Community Running Group TAP application funding to be paid through the Parish Council's bank account</b></li> <li>➤ <b>Surplus TAP allocation of £149 to be directed to Holsworthy Rural Community Transport</b></li> </ul>		
<p><b>These Minutes are agreed by those present as being a true record.</b></p>		
<p>Signed: Chair of West &amp; East Putford Parish Council:</p>	<p>Date:</p>	