

15.05.23

Summonses to the Annual Meeting of Sampford Peverell Parish Council to be held at the Memorial Hall, Lower Town on 15 May 2023, starting at 7.30 pm, were distributed with the agenda and posted on the website 9 May 2023.

Minutes of the Annual Meeting of Sampford Peverell Parish Council held on 15 May 2023

Prior to the meeting Councillor, Cutts, Burt, Castle and Taylor had signed the Declaration of Acceptance of Office making the meeting quorate.

Present:

Councillors D Cutts (Chair), T Burt, E Castle, B O'Connell and S Taylor and S McGeever (Clerk).

The current Chair, Councillor Cutts, opened the meeting and welcomed those present including Clair Cottrell who was attending with a view to becoming a Parish Councillor.

2023/24/012/1 -Election of Chairman for 2023/24

Councillor Burt proposed that Councillor Cutts continue in the role of Chair. The proposal was seconded by Councillors O'Connell and Taylor and unanimously approved. Councillor Cutts accepted the appointment for the forthcoming year.

2023/24/012/2 - Election of the Vice Chairman for 2023/24

Councillor Cutts proposed that Councillor Burt take on the position of Vice-Chair. The proposal was seconded by Councillor O'Connell and unanimously approved.

2023/24/012/3 - Review/Approval of Parish Council documentation including but not limited to Code of Conduct, Standing Orders and Financial Regulations.

The Code of Conduct published on the website was reviewed and it was RESOLVED to approve the current wording, and the document would be published on the website and adhered to by all Councillors.

The Standing Orders prepared by the Clerk based on the 'Model Standing Orders' published by NALC were reviewed and decisions taken where applicable to complete the document to reflect the working practices and size of Sampford Peverell Parish Council.

It was RESOLVED to approve and sign a copy Standing Orders reflecting the decisions made at the next meeting, and these would be subsequently published on the website.

The Financial Regulations had been prepared in 2022 and it was RESOLVED to approve the current Financial Regulations, and these would be published on the website.

It was noted that the Parish Council did not have and, therefore, did not publish all the obligatory core documentation. The Parish Clerk would present further documentation to an upcoming meeting.

Action: Clerk

2023/24/012/4 - Open Forum

Members of the public spoke on planning application 22/01209/FULL and the following points were raised:

- the plans were not valid as they had not met all the national and local regulations required at the point of submission and, therefore, should not have been allowed to go forward,
- if the applicant's true intention was for the proposed house to be a farmhouse, then MDDC requirements state that the need would have to be assessed by an independent agricultural consultant and the question should be raised why this requirement had not been completed on the application,
- if the application referred to a farmhouse, then at least some members of the public would have no objection, but the current application would allow for a residential home outside the curtilage of the village on agricultural land,
- the Parish Council should be representing the voices of its parishioners and working within its Code of Conduct
- the applicants had advised that they required a second agricultural barn for which approval was granted only to then declare that the original barn was surplus to requirements and the Class Q fallback position would be used to provide for a dwelling hence the need for an independent agricultural consultation.

2023/24/012/5 - Apologies

No apologies had been received.

2023/24/012/6 - Declarations of Interest

Councillor Cutts and O'Connell declared an interest in the upcoming discussions regarding VAT given that they sat on both the Parish Council and the Village Hall committee.

2023/24/012/7 - Approval of the Minutes of the meeting of the Parish Council held on 17 April 2023

It was RESOLVED that the minutes of the meeting held on 17 April 2023 were a true record of proceedings and they were duly signed by the Chairman.

2023/24/012/8 - Planning matters

a) Consultation requests received:

23/00645/HOUSE

Proposal: Replacement front door and repairs to shopfront

Location: 21 Higher Town Sampford Peverell Tiverton

Site Vicinity Grid Ref: 302845 / 114299

Parish: Sampford Peverell 42

The Parish Council considered that this work would be an improvement and, therefore, RESOLVED to record a comment of 'no objection'.

22/01209/FULL

Proposal: Erection of dwelling following demolition of an agricultural building utilising the Class Q fallback position

Location: Land and Buildings at NGR 302779 113776 (Morrells Farm, Southwest of Chains Road) Sampford Peverell

Devon Grid Ref: 302782: 113779

Parish: Sampford Peverell 42

At its previous meeting, the Parish Council had RESOLVED to ask MDDC Planning if all the legal requirements had been met at the time of submission.

The response received was:

Yes, my understanding is that we have now received all of the required documents. We also re-advertised the application to be on the safe side.

The development will be within the red line but if approved and not constructed in accordance with the plans then applicants will be open to enforcement action.

It was, therefore, RESOLVED that given the comments raised in the Public Forum further assurances would be sought from MDDC Planning. In addition, a request for a meeting with MDDC Planning would be made to fully understand the requirements of Class Q and the Class Q fallback position.

Action: Clerk to write response and circulate prior to submission

23/00730/CAT

Proposal: Notification of intention to fell 1 Leylandii within the Conservation Area

Location: Quay Head 2 Boobery Sampford Peverell

Site Vicinity Grid Ref: 302940 / 114329

Parish: Sampford Peverell 42

The Parish Council considered that removal of the tree would be an improvement and, therefore, RESOLVED to record a comment of 'no objection'.

b) decisions notified by MDDC

The Parish Council noted the following approvals:

22/01634/HOUSE – APPROVED

Proposal: Installation of 26 ground mounted solar panels

Location: East Pitt Farm Whitnage Tiverton

23/00464/FULL – APPROVED

Proposal: Erection of replacement dwelling to include conversion of outbuilding (Revised Scheme)

Location: 9 Lower Town Sampford Peverell Tiverton

23/00462/CAT - APPROVED

Proposal: Notification of intention to pollard 1 Willow tree within the Conservation Area

Location: 3 Boobery Sampford Peverell Tiverton

23/00563/HOUSE – APPROVED

Proposal: Erection of single storey rear extension and infill existing porch

Location: 3 Blackdown View Sampford Peverell Tiverton Devon

c) enforcement matters

ENF/22/00302/RURAL - 31/10/22

Construction of pond

Land off Station Road, Sampford Peverell

No further response received.

d) any other planning matters and planning correspondence

Correspondence from Clearston Energy

Renewable Energy project proposal in Sampford Peverell PC

It was RESOLVED to publish information regarding the Consultation Meeting on 31 May 2023 at Sampford Peverell Village Hall on 31 May 2023 from 2-7pm on social media and the website. It was noted that the date fell within half term.

The Clerk was asked to arrange a meeting with the consultants either before or after the above meeting as members of the Parish Council meeting would be attending the Consultation.

Action: Clerk

2023/24/012/9 - Finance

The Parish Council reviewed its arrangements with MDDC for grass cutting and rubbish collection and noted that these were all in order.

The Parish Council reviewed its subscriptions, noting that membership of the Devon Association of Local Councils had increased by 15% probably due to inflation and an increase in staff members. The advice they were able to offer was considered invaluable.

The Parish Council noted that following the refurbishment of the Public Conveniences and, in due course, the servery, the premises may become subject to rates, and this should be reflected in the budget.

Action: Clerk

a) Current Financial position

Business Reserve Account

Balance 30/04/23 £3988.47

Receipts

April £ 3.11

Bank reconciliation

Balance on 28 February 2023 £3985.36

Receipts £ 3.11

Balance on 31 March 2023 £3988.47 Reconciles to bank

Current Account

Balance at 30/04/23 £32323.82

Receipts

Statement to 30 April 23

FOTP £ 8.00

Precept £8725.50

Total £8733.50 Reconciles to bank

Payments

Statement to 30 April 2023

Cheque 1644 (Source for Business – toilets) £ 31.51

Cheque 1655 - (S McGeever wages after tax) £ 430.17

Cheque 1656 – (HMRC tax payable) £ 24.00

Total £ 485.68 Reconciles to bank

Bank reconciliation

Balance on 31 March 23 £24076.00

Receipts £ 8733.50

Payments £ 485.68

Balance on 30 April 23 £32323.82

Outstanding cheques
Cheque 1657 (DALC membership) £356.03

b) Payments made since the last meeting
None

c) Authority to pay accounts rendered

The following invoices had been received for payment:

Npower (electricity)	£ 34.68
Sampford Peverell VH	£ 15.00
H Culpin (Website)	£ 65.87
S McGeever (wages/expenses)	£368.81
HMRC (PAYE)	£ 90.80
Zurich Insurance	£423.07

It was RESOLVED to pay the Zurich Insurance amount due at renewal for continuity of cover and then contact them to ensure adequate insurance cover was in place. Following a review of all Parish Council assets during the year 2022/23 by the Parish Clerk, the number of items recorded had significantly increased.

Following advice from DALC, the assets where the Parish Council was the Custodian Trustee had been reflected with an amount of £0 given that they were owned and insured by the Sampford Peverell Recreation Ground and Village Hall Charity (Number 300956).

The Public Convenience had been given to the Parish Council by Mid Devon District Council together with a grant towards their refurbishment. The building was currently insured by the Recreation Ground and Village Hall Charity. Given the Parish Council would be liable for its ongoing costs and maintenance consideration would be given to adding the building to the Parish Council insurance.

Action: Councillor Cutts/Clerk

d) S106

i) The cricket club has submitted a new application for review by S106 - subject to the contents being approved, the Parish Council would then submit the bid.

ii) No further request has been received from Heathcoat's relating to electronic facilities at the cricket ground.

e) Review of accounts for the year 2022-23 including reserves

The Clerk presented the accounts as signed by the internal auditor for the year 2022-23 and it was RESOLVED that the Chairman would sign the accounts on behalf of the Parish Council.

The Clerk following the internal auditor's advice (see item h. below) had added a contingency fund into the reserves for 2023-24 to cover part of the potential VAT liability. This did not cover the whole amount as this could expose the Parish Council financially and it was hoped that a payment schedule could be agreed with HMRC. In addition, the possibility of recuperating some of the funds was being investigated.

Considering the Clerk's report submitted to Finance Committee in December 2022 regarding VAT and the concerns raised by the Internal Auditor, it was RESOLVED that the Clerk should contact HMRC with immediate effect for clarification of the correct procedures for claiming VAT and for returning any monies which should not have been included on VAT returns undertaken by the previous clerk.

Action: Clerk

f) Change of signatories on the bank account, move to online banking

It was RESOLVED that the signatories on the bank account should reflect the five elected Parish Councils as of the 4 May 2023 election.

It was understood that a number of Parish Councils used the Unity Trust Bank as an alternative to a High Street bank and this would be investigated.

Action: Clerk

g) AGAR - Signing of the Annual Governance Statement

Given the Clerk's report submitted to Finance Committee in December 2022 and the email from the internal auditor (see item h. below) concerning VAT, it was RESOLVED that the signing of the Annual Governance Statement would be deferred to a meeting on 5 June 2023 by which time it was hoped the VAT questions would have been resolved. Irrespective of this, the Parish Council would need to declare that VAT had not been accounted for properly in previous years.

The Accounting Statement would then be signed at the same meeting under a separate agenda item.

h) Internal Audit

The following information was received from the internal auditor regarding the VAT claimed on behalf of other organisations:

I've read the advice from Devon Association of Local Councils.

My understanding is that there is a liability to HMRC of £16,227.86 of which £8,421.49 arises from 2019/20 and £7,806.37 arises from 2022/23. If this is not correct, please let me know. This needs to reflect in the accounts and in the Annual Report.

In the Accounts this should be shown as a liability. If SPPC has grounds to dispute this liability it should be shown as a provision, if this is the case, please let me know the grounds for the dispute. If any of the organisations have agreed to repay any amounts to SPPC this can be shown as money owing to SPPC.

In addition, I understand that interest may be payable, and I would expect to see a provision for interest shown as a liability.

To achieve the requested finish of Monday, please can you let me have a draft of the formatted Accounts that will be signed off by the Chairman and yourself. In the meantime, I can do the checks against the spreadsheets but will need to check these against the documents that will be signed.

I will have to tick that VAT has not been appropriately accounted for and provide an explanation. I believe it would be better if I can include a comment as to how the money will be repaid. I understand that this should be repaid using the next available VAT return. I also understand (but this may be incorrect) that as the liability is over £10,000 a separate declaration has to be submitted prior to or at the same time as the VAT return. If I receive an assurance (by email) that these will be submitted, I will comment accordingly.

I understand the VAT liability should have been adjusted in the next return (and declared) after the liability became clear, which appears to have been in November 2022. If this is incorrect, please let me know as I will have to comment accordingly.

Ideally the points regarding the VAT return adjustment and declaration should be verified by DALC or HMRC.

As reported in e) above, the Clerk would be contacting HMRC and report back to the Parish Council.

i) The Parish Council should review its expenditure incurred under s.137 of the Local Government Act 1972.

It was noted that expenditure for the Jubilee could be incurred under S137.

2023/24/012/10 - Report from Working Groups/Individual Roles

A review of the current working groups and individual roles, including arrangements for reporting back, was undertaken at the meeting and the list of working groups and individual roles is detailed below under section a) – j).

Each group or individual would report back to the Parish Council at its meeting and, where possible, providing a report to be included in the agenda of said meeting.

The Parish Council did not currently run any formal committees and, therefore, there were no minutes from committees to review, no recommendations to consider and no review of the delegation arrangements required that would not be covered in the Standing Orders and Financial Regulations.

Given the number of councillors, the Parish Council RESOLVED not to consider setting up any new committees.

a) Communications & Engagement (publicity) (Councillor Cutts)

- Social Media (Councillor Castle)

- Review of social media policy

Action: Clerk to present a social media policy to the next meeting.

Councillor Cutts and Castle advised there was nothing to report at this meeting.

b) Climate Change and environmental issues (Councillor Burt)

- SP wastewater treatment and works update

Councillor Burt advised there was nothing to report at this meeting.

c) Roads, Pavements & Footpaths/Road Safety (Councillors Burt and Castle)

- traffic speed survey: Councillor Castle advised there was nothing to report at this meeting.

- '20 is plenty' signage/national '20 is plenty' membership/speed limits

 - Sampford Peverell's membership of the '20 is plenty' scheme has been completed.

 - Councillor Castle advised there was nothing to report at this meeting.

- Annual footpath review: Councillor Burt had submitted his annual report to Devon County Council and some works were required to be undertaken by them.

d) Public Convenience Development Group (Councillors Cutts, O'Connell & Taylor)

- maintenance issues

- maintenance costs

- cleaning and daily locking (1 March – 31 May 2023)

 - It was reported that a start date for the electrical work was still awaited.

e) Affordable Housing – Community Lands Trust (Councillor Cutts)

f) Snow Warden (Councillor Taylor)

Councillor Taylor advised that the siting of the grit bins was still to be finalised.

g) Tidiness/Litter-picking (Councillor Burt)

h) Defibrillator maintenance (Councillor Taylor)

i) Phone Box – given that the telephone box had been recently refurbished, it was felt that it was not necessary to have an individual tasked with its maintenance.

j) Parish Council website (Clerk)

The Clerk would look after the Parish Council pages (Mrs Culpin would continue to look after the non-council pages).

2023/24/012/11 - Other Highways and village matters

a. Vandalism/ASB/criminal damage in the village

It was noted that there had been some break-ins in the Boobery area and that residents would report them to the police.

A notification regarding graffiti is being dealt with by the Clerk.

b) Other highways matters: road maintenance/Boobery

The road surface at Boobery remains an issue.

2023/24/012/12 - Discussions with Councillor Ray Radford, DCC and also with MDDC Ward Members

Councillor Radford and the newly elected MDDC Ward Members were not present.

2023/24/012/13 - Brief reports from Parish Council representatives on any recent activities:

A review of the current representatives, including arrangements for reporting back, was undertaken at the meeting and the list of representatives is detailed below under section a) – d).

Each representative would report back to the Parish Council at its meeting and, where possible, providing a report to be included in the agenda of said meeting.

New councillors should be appointed to fill the vacancies.

a) Village Hall and Recreation Ground Charity Committee (Councillor Cutts)

b) Grand Western Canal Joint Advisory Committee (Councillor Cutts)

Newsletter from the Friends of the Grand Western Canal have been circulated to council members.

c) Sampford Peverell and District Twinning Association (Councillor Castle)

It was noted that the next Twinning Association event was the visit from its counterparts in France from 20-24 July. A sum of £200 had been allocated in the budget towards the reception which would take place at the Village Hall.

d) Sampford Peverell Society

It was noted that the Sampford Peverell Society constitution required a Parish Council member to sit on its committee. It was hoped to attract new members to the Parish Council and that this position could be filled by one of those individuals.

e) Tree Wardens (report from Mr Peter Bowers)

It was noted that there was nothing to report at this meeting.

2023/24/012/14 - Correspondence

Trees at Brendon

The Clerk was awaiting a response to work required by DCC.

2023/24/012/15 - Any business items for the next meeting

The setting up of Parish Council emails should be considered at the next meeting when the names of Parish Councillors are known.

Other actions required:

1. Review of the Council's complaints procedure
2. Review of the Council's policies, procedures, and practices in respect of its obligations under freedom of information and data protection legislation
3. Review of the Council's employment policies and procedures.

It was noted that the Parish Council did not have sufficient elected councillors to hold the General Power of Competence.

2023/24/012/16 - Dates for 2023-24 Parish Council Meetings

The following dates were agreed:

2023

Monday, 24 July

Monday, 25 September

Monday, 27 November

Monday, 4 December (Finance)

2024

Monday, 22 January

Monday, 25 March

As previously reported, a short meeting would be held on 5 June 2023 to sign the AGAR documentation.

The Parish Council also set the date of the next Annual Meeting of the Parish Council as 13 May 2024 as 6 May 2024 was a Bank Holiday.

There being no further business the Chairman closed the meeting.

Signed _____
Chairman

Date: _____

