

APPROVED AND SIGNED 5 December 2022

21/11/22

Summonses to the meeting of Sampford Peverell Parish Council to be held in the committee room at the Memorial Hall, Lower Town on 21 November 2022, starting at 7.00 pm, were distributed with the agenda and posted on the website on 14 November 2022.

Minutes of the Meeting of Sampford Peverell Parish Council held on 21 November 2022

Present:

Councillors Cutts (Chairman), Culpin (Vice-Chairman), Castle, Taylor and Williams and S McGeever (Clerk).

Cllr Cutts opened the meeting and welcomed those present.

2022/23/006/1 - Public Open Forum

Greg Chuter of the Battens Cross Roman Villa Community Excavation Project addressed the meeting setting out the project's plans to excavate the mosaic floor of the Roman Villa situated at Battens Farm. The site which was very close to the surface together with a secondary site where the building was located deeper under the surface were currently being protected by an agreement between Devon County Council and the farmer.

It was hoped that the two year project which looked to involve local archaeological and history groups as well as schools and community groups would be funded through Heritage Lottery Funding. As part of the bid, letters of support were required from as many local organisations as possible and he hoped that Sampford Peverell Parish Council would feel able to write a letter supporting the funding application. The Project were also looking to raise the 5% match funding to secure the lottery bid. Funding could come from local organisations and trusts.

Given no financial contribution was required, the Parish Council RESOLVED to write a letter of support given that the Sampford Peverell History Society were assisting with the bid. The Clerk would write a letter of support from the Parish Council to Battens Cross Roman Villa Community Excavation Project.

2022/23/006/2 - Apologies

Apologies had been received from Councillors Burt, O'Connell and Perks and Councillors Norton (MDDC) and Radford (DCC).

Councillor Burt attended the meeting via Zoom but did not vote on any of the resolutions.

Cllr C Collis (MDDC) was not present.

2022/23/006/3 – Declarations of Interest

There were no declarations of interest.

2022/23/006/4 – Approval of the Minutes of the Annual Parish Council Meeting held on 26 September 2022

It was RESOLVED that the minutes of the meeting held on 26 September 2022 were a true record of proceedings and they were duly signed by the Chairman. There were no matters arising from those minutes.

2022/23/006/5 - Planning matters

a) Consultation requests received:

22/01942/FULL (12 October 2022)

Variation of Conditions 2 and 3 of Planning Permission 19/01897/FULL - Erection of 3 dwellings following demolition of agricultural buildings - for the Surface Water Drainage Strategy to be updated
Location: Land and Buildings at NGR 303139 114216 (Morrells Farm) Lower Town Sampford Peverell
Site Vicinity Grid Ref: 303139 / 114216
Parish: Sampford Peverell 42

This variation was to move a new attenuation run off tank to a new position and was in line with ensuring that detailed plans were in place. The change was in line with the Parish Council plan. No objection – no comment required.

22/01797/HOUSE (26 October 2022)

Proposal: Erection of a replacement rear extension
Location: 28 Higher Town Sampford Peverell Tiverton
Site Vicinity Grid Ref: 302691 / 114245
Parish: Sampford Peverell 42

It was RESOLVED following the report from Councillor Taylor that the Parish Council had no objection to this application.

22/02060/CAT (27 October 2022)

Proposal: Notification of intention to fell one Liquidamber tree within a Conservation Area
Location: High Cross House 3 Higher Town Sampford Peverell
Site Vicinity Grid Ref: 302942 / 114284
Parish: Sampford Peverell 42

It was RESOLVED following the report from Councillor Taylor that the Parish Council had no objection to this application.

22/02029/CAT (28 October 2022)

Proposal: Notification of intention to reduce the height of 1 Yew tree by 12m within the Conservation Area
Location: Methodist Church Higher Town Sampford Peverell
Site Vicinity Grid Ref: 302768 / 114289
Parish: Sampford Peverell 42

It was RESOLVED following the report from Councillor Taylor that the Parish Council had no objection to this application.

22/02102/MFUL (9 November 2022)

Proposal: Construction of on-farm anaerobic digestion plant with associated equipment and works
Location: Land at NGR 300535 112291 (Bycott Farm) Lower Town Halberton
Grid Ref: 300503 / 112348
Parish: Halberton 25

Whilst this application was not within the Parish of Sampford Peverell, it was felt that there was likely to be an increase in traffic through the village. The proximity to the existing AD plants at Willand and Crown, Hill, Halberton were also noted.

It was RESOLVED that the Parish Council would object to this application on the grounds of Traffic and Road Safety.

The existing AD plant in Halberton had resulted in increased tractor movements through the village taking slurry and silage to the plant. It was noted that this application whilst specified as on-farm would be exporting to the National Grid.

b) Decision notices received:

22/01403/HOUSE – APPROVED 16/9/22

Proposal: Erection of single storey extension and porch following removal of conservatory Location: 36 Higher Town Sampford Peverell Tiverton Devon

22/00997/CLP – APPROVED 26/9/22

The proposed insertion of window at Sampford Mill, Higher Town, Sampford Peverell is considered to comply be permitted development.

22/00493/HOUSE – APPROVED 30/09/22

Proposal: Erection of first floor rear extension and enlargement of veranda
Location: Wickets Lower Town Sampford Peverell Tiverton

22/01649/CAT – APPROVED 30/9/22

Proposal: Notification of intention to fell 1 Yew tree within the Conservation Area
Location: 1 Boobery Sampford Peverell Tiverton Devon

22/01839/PNHH – APPROVED 10/11/22

Prior Notification for the erection of an extension, extending 5.3m to the rear, maximum height of 2.70m and eaves height of 2.50m
Location: 22 Boobery Sampford Peverell Tiverton Devon

c) Enforcement matters

ENF/22/00163/ENCAT – 29/7/22

Works to trees in a conservation area
Sunny View 14 Boobery Sampford Peverell

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

Construction of pond
Land off Station Road, Sampford Peverell

MDDC Enforcement's policy was to contact the Parish Council when there was information to disclose on their investigations. As yet, no report had been received on either case and it was noted that such matters could take several months and/or years.

The Parish Clerk would contact Enforcement to see if there had been any progress with their investigations.

d) any other planning matters and planning correspondence

22/01688/MOUT

Proposal: Variation of conditions 7, 9, 10 and 11 of planning permission 17/01359/MOUT to amend the requirement for access and highway works from pre-commencement of development to occupation of development (Outline for the erection of 60 dwellings and construction of new vehicular access onto highway to the West of the site)
Location: Land and Buildings at NGR 302469 114078 Higher Town Sampford Peverell

The Parish Council had responded to this application and expressed their concerns regarding the variations to the conditions agreed by the Appeals Inspector.

Correspondence had been received, following the call of this meeting, that the application had been placed on the Agenda for consideration by Members at MDDC's Planning Committee on 30 November 2022. Given the importance of the application, it was RESOLVED that Councillor Culpin would attend the meeting on 30 November 2022 and speak on behalf of the Parish Council.

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, South West of Chains Road) Sampford Peverell

Site Vicinity Grid Ref: 302782 / 113779

Parish: Sampford Peverell 4

It was noted that no amended plans had been received and the project was currently on hold.

2022/23/006/6 - Finance

a) Financial position

The financial position was as follows:

Business Reserve Account

Balance 31/10/22 £ 3,971.55

Interest of £0.72 in September

Interest of £1.29 in October

Current Account

Balance 31/10/22 £40,527.78

Receipts

Statement to 30 September 22

FOTP £ 8.00

VAT return £ 9882.05

Statement to 31 October 22

FOTP Payments £ 8.00

Precept £ 7932.50

The cheques presented on the current account and recorded in the agenda were noted.

It was noted that the following cheque had not been cashed:

Sampford Peverell VH (Room hire) 15.00

b) Payments made since the last meeting

The payments made since the last meeting were noted as follows:

001623 - Npower (electricity) 40.04

001624 - Closed cemetery at SP 350.00

c) Authority to pay accounts rendered

It was RESOLVED to pay the following invoices:

20033728 MDDC Grass Cutting	1500.97
20033729 MDDC Grass Cutting	208.33
S McGeever (Wages – October plus expenses Ink for printer)	375.33

The Clerk had received two further requests for payments for the contracted services relating to power and water and it was RESOLVED to pay the following invoices:

Npower (electricity)	37.56
Source for Business (water)	100.36

d) National Pay Rise

The correspondence from the Devon Association of Local Councils relating to the national pay rise awarded to council staff was noted and would be discussed at the Finance Meeting.

e) Purchase of a Parish Council computer

As previously RESOLVED, the Clerk had now purchased a laptop, mouse and Norton security on behalf of the Parish Council. The laptop had come with Microsoft Office 365 and this had been set up as a Parish Council account. Following the expiration of the free first year's subscription, there would be an ongoing charge of £59.99. It was further RESOLVED that the sum of £293.77 would be re-imbursed to the Clerk.

This meant that the Clerk's email address sampevclerk@outlook.com now appeared on the Parish Council's computer.

The computer would be added to the list the Parish Council's asset register and could be handed to a Parish Councillor during any period when the Clerk was on leave to ensure business continuity.

The purchase of a back-up drive and printer would be completed shortly, but in the meantime, files were backed up on the Clerk's own computer.

f) VAT reimbursements

The Clerk advised that the latest VAT claim had been undertaken by the outgoing Clerk who had provided the following information on 17 July 2022:

The claim for VAT refund is ready to send off to HMRC.

Please look out for a credit of £9,882.05 and advise me when received. I will then let you have the relevant invoices and associated documents, including details of the claim. Assuming the claim is met in full, the Parish Council will retain £2075.68. It will need to refund Fred Harding £160.00 and transfer to the Village Hall Charity a total of £7,646.37.

The Clerk had subsequently expressed her concern that the Parish Council might be over-stepping its legal boundaries and carried out research in this regard. In the first instance, this had been to obtain copies of:

LTN 28 | BASIC CHARITY LAW

Principal roles played by local councils in the trusteeship of charities and

LTN 21 | LOCAL COUNCIL HELP TO VILLAGE HALLS

which had been sent to the Chairman and, later to the Chairman of the Village Hall.

Given the content of the two documents and the Parish Council's status as a custodian trustee outlined in the constitution of the charity set up in relation to the Village Hall and associated bodies, further clarification had been sought through the Devon Association of Local Councils and their expert advisors on VAT related matters.

The basis of the advice was that:

- i) as a custodian trustee, the Parish Council merely held legal title on behalf of the charity and
- ii) HMRC did not accept a custodian trustee council as the owner of a building for VAT purposes
- iii) the Parish Council should pay the relevant sums reclaimed on behalf of funds paid out of the Village Hall's account back to HMRC going back to November 2018.

The Chairman had circulated the information received from both the DALC expert advisor and the Village Hall's accountant who had verbally advised them that he felt that the monies could be distributed to the Village Hall.

The Chairman advised that up until November 2014, the Village Hall had been VAT registered but had chosen to de-register following the completion of major building works as they were losing booking revenue.

The Chairman, who sat on the Village Hall committee, felt that the best way forward was to obtain a written letter from the Village Hall's accountant that clearly stated that the Parish Council had acted in accordance with all VAT legislation. Had He hoped to have the letter to present to the Parish Council.

Following an in-depth discussion, it was RESOLVED that providing the Village Hall's accountants were able to indemnify the Parish Council, then the monies should be paid over to the Village Hall. It was hoped the letter would be available for consideration at the Finance Meeting on 5 December 2022.

The Clerk expressed her concern regarding how the sum of money would be accounted for in the 2022/23 Parish Council accounts and the ability for any such transaction to pass an internal audit.

g) Correspondence

It was hoped that following correspondence with the bank, the statements would now be sent to the new Clerk.

The Clerk would write a report on the possibility of the Parish Council using online banking to allow up to date financial information to be circulated prior to meetings.

h) Internal Audit

The Clerk had circulated a report on the requirements of an internal audit and had noted that the 2021/22 internal audit had not covered all the points in the report.

A decision on the way forward for 22/23 would be taken at the Finance Meeting on 5 December 2022..

i) Financial provision for the 2023 May elections

The Chairman advised that he had followed the previous Clerk's advice and had always left vacancies on the Parish Council so that expenditure on a election was not required.

A decision on the way forward would be taken at the Finance Meeting on 5 December 2022.

2022/23/006/7 - Review of Standing Orders and Core Documents

The Clerk had circulated the full list of Core Documents required by the Parish Council.

A draft of the required Financial Regulations document had been circulated and this would be considered at the Finance Meeting on 5 December 2022.

The Asset Register did not currently list all the Parish Council's assets and an updated register was in the process of being written. The Clerk asked all Parish Councillors to advise of any assets they believed the Parish Council owned. It was hoped the completed document would be available for the Finance meeting on 5 December 2022.

Further documentation was being prepared on the Core Document list was being prepared.

Action: Clerk

2022/23/006/8 - Report from Working Groups/Individual Roles

a. Communications & Engagement (publicity)

Cllr Cutts advised that the website and Facebook were used to communicate with parishioners.

b. Climate Change and environmental issues

Cllr Burt advised that he had nothing to report.

c. Roads, Pavements & Footpaths/Road Safety

Councillor Williams asked the Clerk to follow up on her Road Warden and Chapter 8 training.

Action: Clerk

Membership of the National '20 is plenty' campaign was being actioned.

Action: Clerk

Cllr Castle advised that she would raise the matter of setting up a Parish Council led working group to look at the traffic problems with the village at the January 2023 meeting.

The Clerk advised that a definitive answer on the Seddon's signs was still awaited and this would be followed up.

Action: Clerk

d. Public Convenience Development Group

The Chairman advised that three quotes had been received and given the health and safety aspect of no lighting in the facility during the winter months, the decision had been taken to go ahead with a local company.

No other maintenance issues had been reported and no invoice had been received for the ongoing cleaning and daily locking of the facility.

The process of finding a tenant for the coffee hut needed to be implemented.

e. Affordable Housing – Community Lands Trust

Cllr Culpin had advised there was nothing to report.

f. Snow Warden

Cllr Taylor had advised that he had checked the grit was suitable for spreading and moved a quantity of salt to the public convenience so that it was ready should icy conditions prevail. He had set up the winter weather alerts.

g. Tidiness/Litter-picking

Cllr Burt advised that a Spring litter-pick would go ahead only if required.

h. Defibrillator maintenance

Cllr Taylor advised that the three defibrillators located at the Sports Ground, Village Hall and School were all in working order.

He confirmed to the Clerk that these were owned by the Parish Council and should be listed on the Asset Register they had cost £800 each with a £400 cost for the cabinets.

It was noted that new batteries and pads would be required in the Spring at a cost of £300 each for the designated make or £150 for a Zol recognised make.

The Clerk advised that Devon County Council Locality Budgets had re-opened and funding may be available to assist with the cost via Councillor Radford.

Cllr Taylor advised that he preferred to replace rather than repair the two older units and would contact Councillor Radford.

Cllr Castle advised she would put Cllr Taylor in touch with the local first aid trainer who had agreed to provide a training course for parishioners free of charge in January/February 2023. The trainer would bring her own equipment. Once the date was known, a notice would be included in the Parish magazine.

2022/23/006/9 - Other Highways and village matters

a. Vandalism/ASB/criminal damage in the village

It was noted there was nothing to report.

b. Other highways matters

It was noted that an individual continued to repair potholes in Boobery.

2022/23/006/10 - Discussions with Cllr Radford, DCC and also with MDDC Ward Members, Cllrs Collis and Norton

Cllr Radford had sent through a report during the course of the meeting and this would be circulated to Parish Councillors.

In her email of apologies, Cllr Norton had advised that she would act on any issue raised by the Parish Council.

2022/23/006/11 - Brief reports from Parish Council representatives on any recent activities

a. Village Hall and Recreation Ground Charity Committee

Cllr Cutts advised that the Village Hall was extremely concerned about the VAT situation could badly affect their finances and had considered mass resignation.

b. Grand Western Canal Joint Advisory Committee

Cllr Cutts had sent his report to Parish Councillors and the Newsletter had been circulated by the Clerk.

c. Sampford Peverell and District Twinning Association

Cllr Castle advised that the family French breakfast had been well attended and a second event was planned for the new year. A jumble sale would take place on 14 January 2023. Cllr Castle hoped that there would be a resurgence of support for the association.

d. Sampford Peverell Society

Cllr Culpin had sent in a report. The next meeting of the SP Society would be on 9 December 2022 when Todd Gray would be talking about Devon slave owners and how they were compensated when slavery was abolished in 1834.

e. Tree Wardens Report

The Tree Wardens report had been circulated to Parish Councillors and noted.

2022/23/006/12 - Correspondence

Minutes of the Joint Parish Meeting on Speed Limits

The meeting had been attended by Cllr Culpin whilst apologies had been recorded for Cllr Castle. The following action points had been raised:

1. Did Sampford Peverell Parish Council wish to have a representative on a joint committee?
It was RESOLVED that the Parish Council would have a representative.
2. Who would be Sampford Peverell's nominated representative?
It was RESOLVED that Cllr Castle would be the representative
3. Representatives had been asked to share their priorities with other members?
It was RESOLVED that priorities should be shared.

The Clerk would advise Halberton Parish Council of these decisions and details of the first meeting would be circulated in due course – it was noted that Wednesday's were not possible. It was hoped that a combined approach to traffic matters would assist in action being undertaken.

Invitation from Halberton Parish Council to attend the next meeting of the Traffic Committee (4/1/23) meeting and presentation on Speed Watch

It was RESOLVED that Cllr Castle would attend and, if not possible, Cllr Williams.

Let's Talk Mid Devon Residents Survey

Cllr Culpin advised she had gone online and it appeared to be a survey on which facilities people would be willing to see stopped.

Request to pollard the trees between the playpark and tennis courts

Cllr Cutts had received two quotations and a third was awaited. The trees were on Parish Council land and the works were required. It was hoped a third quote would be available for the Finance Meeting on 5 December 2022.

The Clerk advised that MDDC would require prior notification of the work being carried out as it was within the Conservation Area.

It was also noted that work had been requested to the trees planted by the Parish Council on The Brendons. Work had been undertaken in January 2022. It was noted that the Clerk was in the process of ascertaining in the piece of land had been officially adopted by the Parish Council.

It was felt a member of the Parish Council should visit residents.

Annual request for precepts

This matter would be addressed at the Finance Meeting on 5 December 2022. It was noted two councillors were unable to attend the meeting.

Letter from MDDC regarding possible assistance with services

Cllr Cutts noted that MDDC may request the Parish Council to take over the car park and children's play area.

Free Landmark Tree

Given the Tree Warden had indicated that there was room for two trees in the Community Orchard, the email would be forward to him

Wildlife Warden Scheme

Jess Carter would attend the January meeting to talk about the scheme.

Connecting the Culm

Lucy Jefferson would attend the January meeting to talk about the scheme.

2022/23/006/13 - Any other matters by leave of the Chairman or the delegate Chair

Cllr Cutts raised the village Christmas Tree and it was RESOLVED that the Parish Council would contribute 50% of the cost to a maximum of £50.

2022/23/006/14 - Next meeting of the Parish Council

The dates of the next meetings of the Parish Council were:

Finance Meeting - 5 December 2022 at 7pm in the Committee Room of the Memorial Hall.

Council Meeting – 16 January 2023 at 7pm in the Committee Room of the Memorial Hall

Signed _____ Date _____