Minutes of Berrynarbor Parish Council Meeting held on Tuesday, 12 April 2016 in the Manor Hall on the rising of the Annual Parish Meeting.

Chair	ed by: Councillor A Stanbury	Clerked by: Sue Squire	
Present: Councillors Mrs G Bacon Mrs S Barten Mrs J Beer Mrs J Fairchild D Kennedy Mrs D Reynolds A Stanbury Mrs C White County Councillor Mrs A Davis District Councillors Mrs Y Gubb & J Lovering 13 Members of the Public		Agenda: - Councillors to adopt the procedure for Public Participation Councillors to adopt Standing Orders Items raised by members of the public Apologies Declarations of Interest Approval of the Part I & Part II Confidential Minutes held on 8 March 2016 Reports Planning & Planning Correspondence Matters Arising Finance Correspondence Items raised by the Chairman, Councillors & not covered at this Meeting Part B Confidential in respect of legal or persitems Date of next Meeting	Clerk
		Date of flext Meeting	
138.	The document had been circulated to Councillors ahead of the Meeting. Councillor Mrs Barten understood certain issues were emotive and how personal it can be. Proposed for adoption by Councillor Mrs Barten, seconded by Councillor Kennedy. Unanimously agreed.		To be included on the website To be included on the
140.			

Valley. A reply had been received from DCC Highways as follows: The drainage at Venture Cottage was done as a prevention of flooding to property as well as the road'.

I have lived in the Sterridge Valley for 16 years and have regularly driven past Venture Cottage for well in excess of 45 years whilst living at The Lees. I have never been aware of any flooding to this section fo road which would justify the work carried out, particularly at a time of budgetary constraint. It is reported within the Minutes of the February meeting that the road was closed for three days in order to carry out the work. Venture Cottage, as you will know, is set back from and elevated well above the road level, where the preventative drainage scheme was carried out. I am not aware that this work was discussed or promoted by the Berrynarbor Parish Council. Could Devon County Councillor Mrs Davis or Councillor Reynolds provide an explanation, given the costs involved would doubtless have been considerable?

Two emails from Mr Sanders had been received dated 2 April 2016 and 4 April 2016.

The email of 2/4/16 requested that Mr Sanders' email of 28 March 2016 was circulated to all Members and raised for discussion in order that appropriate answers to his questions could be agreed by all

Members present.

The email also attached a copy of Mr Sanders' letter to the Chairman dated 5 March 2016, a copy of which he requested to be circulated to all Members together with the Agenda for the forthcoming Meeting on 19 April 2016.

In connection with Mr Sanders' email of 28 March 2016, Councillor Stanbury asked Mr Sanders if he was satisfied that the email had been responded to in the appropriate way, the Clerk having replied to the questions. Mr Sanders confirmed that a reply had been received to this email.

The email of 4 April 2016 to Councillor Stanbury had been circulated to Members and a reply had not been sent to Mr Sanders. A response to be drafted by the Clerk who would send this to the Monitoring Officer for checking and clearance.

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Councillor Mrs Reynolds returned to the Meeting.

140.2 Mr T Kitchin. Email seeking clarification on three issues: (1) Devon Air Ambulance night land site; (2) Play Area Inspection; (3) Has the Parish Council consulted on the site of the metal shed and three seats that have been agreed to be placed in the Recreation Field?

The Clerk was instructed to draft a reply and circulate to Councillors for approval before sending it in writing to Mr Kitchin.

140.3 Mr R Bowden. On Page 5 of the Minutes of the February 2016 Meeting it stated that Mr M Bowden advised 'it was not a restricted byway' in connection with the Schedule 14 Application, Ancient Parish Road.

Mr Bowden requested that the Minutes were altered to read that it is a restricted byway. Mr Bowden was informed that because the February 2016 Minutes had been approved by Councillors it was not possible for these to be amended, but that his request to correct the details would be included in the Minutes of this Meeting. Mr Bowden understood the situation and was satisfied that the correction would be included under the Public Participation section of this Meeting.

140.4 Mr C Richards. In the Minutes of the February 2016 Meeting, it said that Councillor Mrs Reynolds declared a Personal, Pecuniary and Prejudicial Interest and left the room. Mr Richards felt that Councillor Mrs Reynolds was in full hearing of what was said in the main room.

During the time that Councillor Mrs Reynolds had withdrawn from the Meeting, Councillors agreed to send a letter of gratitude to Mr G Sanders in connection with the Schedule 14 Application regarding the Ancient Parish road. Did Mr Sanders received this?

When Councillor Mrs Reynolds came back into the room, the Parish Council changed its mind about sending a letter of gratitude to Mr Sanders and it appeared to Mr C Richards that Councillor Mrs Reynolds had obviously listened to what had been said, and he did not feel this was correct.

During the above, when Councillor Mrs Reynolds realized what was being said, she declared a Personal, Pecuniary and Prejudicial Interest, withdrew from the Meeting and left the room.

Clerk

Clerk



140.5 Mr C Richards asked the position about the flooding at Cross Park. County Councillor Mrs Davis advised that the drain was opposite June Cottage. Mr C Richards advised that this had not been mentioned, the area of concern was opposite Mr D Phillips' gateway where the culvert had been filled in for years. The drain is a foot higher where the water runs. Councillor Stanbury advised that this issue would be addressed later in the Meeting. Clerk 140.6 Mr A O'Riley, Langley Guest House asked if the brambles could be cut at the roadside Add to section of hedge in Pitt Hill from the dog exercise area. Tender The Clerk to contact Mr C Townsend. This additional work to be added to the annual Tender. details District Councillor Mrs Gubb informed the Meeting that the Monitoring Officer could be off for a few weeks with a broken wrist. Councillor Mrs Reynolds returned to the Meeting. 141. Apologies. None. 142. Declarations of Interest. 142.1 Councillor Mrs Reynolds. Personal Interest in Manor Hall correspondence as a Trustee. 142.2 Councillor Mrs Reynolds. Personal, Pecuniary and Prejudical Interest in connection with correspondence from Mr G Sanders. 143. Approval of the Part I and Part II Confidential Minutes of the Meeting held on 8 March 2016. The numbered Part II Confidential Minutes were circulated on coloured paper to Councillors at the Meeting and collected back after they had been read. The original copy to be signed by the Chairman was not numbered. The Part I and Part II Confidential Minutes were approved and signed as a correct record. 144. Reports: 144. 1 Police. Not present. Post Meeting Note: PCSO Drury emailed the Clerk the day after the Meeting to apologise that it had not been possible a Report to be sent, due to other duties. The Report was based on the crimes for the period 1/4/15 to 1/4/16. These details have been included on the Annual Parish Meeting Minutes and are included below: I have collated the crimes reported/recorded for the period 01/04/15 to 01/04/16 covering the Parish of Berrynarbor 3 X Burglary dwelling 1 X Burglary non dwelling 1 X Attempt Burglary 4 X Criminal Damage 1 X Criminal Damage to Motor Vehicle 3 X Theft 1 X Theft of Pedal Cycle 1 X Assault causing Actual Bodily Harm 4 X Common Assault 1 X Possession of a controlled drug - Cannabis 1 X Harassment 5 X Public Order offences 1 X Communication Offence 1 X Fail to stop after an accident 1 X Fail to provide a specimen of breath 1 X Drive whilst unfit through drink or drugs This compares with 26 crimes reported/recorded for the period 01/01/14 to 01/04/15. 145.2 County Councillor Mrs A Davis. Councillor Mrs Davis began by congratulating the Parish Council on the P3 (Parish Paths Partnership)



Grant from DCC Public Rights of Way.

Councillor Mrs Davis then spoke about a site visit at Cross Park attended by herself, Councillor Stanbury and the DCC Neighbourhood Highway Manager for the area.

A scheme is to be drawn up funded by County Hall as it was discovered there is a raised manhole that needs to be lowered. Additionally, the other side of the road needs to be cleared off to ensure it can cope with a volume of water.

There are a few small Springs in the middle of the tarmac that are difficult to deal with.

One Spring could be diverted and the other diverted to a proposed concrete gulley to the lowered manhole.

Councillor Mrs Davis pointed out that this work has to be the subject of a bid and it was not guaranteed it would be successful.

144.3 District Councillors:

Mrs Y Gubb spoke about the Police and Crime Commissioners Election on Thursday, 5 May 2016 where there are 5 candidates standing, none from the North of the County. People have until 18 April 2016 to register to vote.

J Lovering did not have anything to report.

Volume of litter on the Link Road was spoken about. Councillor Lovering advised there had been 800 prosecutions in the South Devon area where a private firm had been hired to identify people who deposit litter.

It was suggested that if litter is seen to be deposited, the registration number of the car is taken and reported to North Devon Council and also Safer North Road.

144.4 Play Area Inspections. Councillor Mrs J Beer. Councillor Mrs Beer advised that all was in order in both the Manor Hall Play Area and the Recreation Field Play Area.

She enquired when the annual equipment inspection would take place and was advised this would be in June.

North Devon Council employee Martin had emptied the bin in the Recreation Field. A letter of thanks to be sent to North Devon Council commending him for his work.

The grass had been cut under the Play Area equipment.

The orange netting had been removed.

The new turf at one of the goal mouths had taken.

The person dealing with a mole problem in the field was working on an hourly basis.

144.5 Councillor Mrs D Reynolds – Manor Hall. A letter had been received from the Chairman of the Management Committee, circulated to Councillors, regarding the Constitution. The Chairman had advised the Manor Hall Chairman that it was unlikely a decision could be made at this Meeting due to the complex nature of the enguiry and this was accepted and understood.

The Chairman closed the Meeting to enable the Manor Hall Chairman, Mr L Narborough, to address the Meeting.

Trustees of the Manor Hall are liable in law. They cannot take on large contracts but a Trustee can be liable for a number of issues and he felt it was unfair to an individual.

Mr Narborough spoke about a CIO (Charity Incorporated Organisation). By law it can enter into contracts.

Legal advice had been taken where it had been confirmed the general advice of the Charity Commission can be followed for the Manor Hall to transfer assets and start a new Charity to be in a position to enter into a CIO.

This would involve the transfer of Title from the Parish Council as Custodian Trustees to a new CIO. The Parish Council has no managerial control powers or financial interest.

It was envisaged a Charity who would hold Title. This would allow the Trustees to enter into contracts which they cannot do at the moment. The current arrangements were not designed for the current circumstances. There are at least 3 stages to the process.

Councillor Stanbury announced that the Parish Council Meeting had resumed, with no further comment from members of the public.



The County and District Councillors left the Meeting.

Mr Narborough was asked if anyone else has done this type of thing.

The Chairman permitted Mr Narborough to answer.

Reply: Advice had been sought from Devon Communities Together.

Councillor Mrs Barten was of the opinion this was positive other she could see a few issues and felt it was for the village to decide.

Councillor Mrs Barten stated that the Manor Hall Committee was to be commended on their ongoing hard work in trying to save the Manor Hall. However many of the villagers and Parish Councillors were not fully up to speed on the existing legal position nor on the intended future position. This historic decision had to have the villages backing and this would require them to be in full possession of the facts.

She asked if a new Trust was formed could the Parish Council continue to be a trustee and therefore enable protection in perpetuity.

Mr L Narborough explained that even now the PC has no legal right financially or managerially on the Manor Hall and so there would be no difference with or without the new Trust.

Councillor Mrs Barten further felt that legal advice should be sought on behalf of the village to enable the PC to advise the village and also for the PC to make an informed decision.

Councillor Stanbury asked the situation if the Committee could not keep Committee Members. The Chairman permitted Mr Narborough to answer.

Answer: If the Committee failed, the Manor Hall would close. It would not revert back to the Parish Council.

The Charity Commission would deal with the matter and probably sell it so that the assets could remain in the charitable sector.

The Parish Council would not own the Manor Hall, only hold Title.

The Parish Council is a statutory body.

The Manor Hall and Parish Room sits in a Trust that would be transferred to a CIO and move from one administrative charity to another.

Councillor Mrs Fairchild commented that the Parish Council does not have any say in the matter.

Councillor Stanbury felt that it the Manor Hall Committee are prepared to do the work, he could not see what different it would make and the Trust cannot be eroded.

The confidence the Parish Council needs is by changing Title that is to continue that what has gone on continues in the same vein to protect it and the village needs to be reassured that it would happen and the only way is to get legal advice.

A joint publication from the Parish Council and Manor Hall Management Committee to be produced and circulated to parishioners. To be an item on the May 2016 Agenda.

Councillor Mrs Barten to seek legal advice with Councillor Kennedy with a view to reporting at the May Meeting.

144.6 Meetings/events attended by Councillors/Clerk. Councillor Stanbury had attended a site meeting at Cross Park with County Councillor Mrs Davis and the DCC Neighbourhood Highways Manager for the area, reported on under Minute No. 145.2

145. Planning and Planning Correspondence.

145.1 Planning Applications: The following Applications were considered:		
60766	Retrospective Application for alterations to access & drive together with erection of garage at Oaklands, Newberry Close, Berrynarbor. It was resolved to recommend approval.	
60795	Certificate of Lawfulness for continued siting of caravans all year in breach of Planning Condition 8 (siting restriction) attached to Planning Permission 77/2290/5/4.	

May Agenda

SB / DK

Clerk



	Proposed by Councillor Stanbury to recommend refusal on the grounds that the hard standing has been created less than 10 years ago. Seconded by Councillor Mrs Bacon. Unanimously agreed.
62/50/16/004	Exmoor National Park Application. Proposed demolition of public toilets & shelter, relocation of public car park, erection of new toilets & interpretation building & change of use of land from agricultural to public amenity space together with provision of temporary public car park as per additional information & plan dated 9/3/16 – site of current public car park, Blackmoor Gate. Additional plans / information. It was resolved to recommend approval.

Applications received after the preparation of the Agenda.

60727 – Retrospective Application for erection of assembly building at Combe Martin Wildlife and Dinosaur Park, Combe Martin.

It was resolved to recommend refusal on the grounds that the description of the Planning Application is questionable as it does contain other facilities.

145.2 Planning Correspondence. The following North Devon Council Decision Notices were noted:

APPROVALS FOR:

- ⇒ 60532 Erection of a conservatory at 15 Berrynarbor Park, Berrynarbor.
- ⇒ 60494 Erection of conservatory at 7 Berrynarbor Park, Berrynarbor.
- ⇒ 60653 Insertion of dormer window & reconstruction of porch altering the roofline & creating a canopy at Springwater Cottage, Combe Martin.
- ⇒ 60651 Widening of access at Watermouth Valley Camping Park, Berrynarbor.
- ⇒ 60655 Removal of Condition 3 (means of enclosure) attached to Planning Permission 55014 conversion of basement to form additional living accommodation as the works are complete at Dene Cottage, Birdswell Lane, Berrynarbor.
- ⇒ 60492 Replacement rear extension & proposed side extension along with associated refurbishment works at Manor Hall, Birdswell Lane, Berrynarbor.
- ⇒ Certificate of Lawful Use or Development issued in respect of Cherry Dene, Sterridge Valley, Berrynarbor.
- **145.3 North Devon Local Plan Consultation.** It was noted that a response had been sent from this Parish Council.
- **145.4 North Devon Council Enforcement Review Consultation.** It was noted that a response had been sent from this Parish Council.

146.1	Flooding at Cross Park. This had been covered under Minute No. 145.2. Emergency Plan. Councillor Mrs Barten was in correspondence with a North Devon Council Officer in connection with the sand bunker. A site meeting at the Community Shop car park to be held with Councillors Stanbury and Mrs Reynolds and Mr R Pickering as the present arrangements are not satisfactory. The sand bunker is to be sited at it's present location on a concrete base with a lid to protect	AS / DR
	the sand from the elements. The previously constructed bus shelter originally intended for the top of Barton Lane is to be located by the sand bunker and used for storage.	
146.3	Recreation Field Play Area. It was reported that the brambles had been trimmed. Advices under Minute No. 144.4 confirmed that the problem with moles was being addressed and that the litter bin had been emptied. Councillor Stanbury to obtain two further quotations for the provision of gates and steps down from the path to the Recreation Field.	AS



		Football goal posts. Delivery expected in 7-10 days. Invoice terms 30 days. Moulded seats. Delivery expected in 2 weeks. Invoice terms 30 days. Metal shed. Delivery expected in 3 weeks on receipt of cheque.	
	146.4	Bus Shelter at the top of Barton Lane. Councillor Mrs Barten asked for this to be deferred to the May Agenda.	May Agenda
	146.5	Defibrillator Training. This was fixed for Tuesday, 19 April 2016 in the Manor Hall at 7pm. Councillors had hand delivered leaflets to publicise the event.	
	146.6	Telephone kiosk at Berry Down. Confirmation had been received from the Community Shop regarding their interest in the structure.	
	146.7	Glebe Field. Councillor Stanbury had not had any further conversation with the tenant of the Glebe Field. The Council felt that even though he had made a generous offer of using the field as an unofficial dog walking field, the Council could not proceed with this, and we are unable to sub let it from the tenant. Councillors again discussed the suitability of using the field adjacent to the Playing fFeld owned by the Council and currently rented from the Parish Council by Mr Gubb. Councillors Stanbury and Mrs Barten will visit Mr and Mrs Gubb to confirm that now the Parish Council has consulted with the village concerning this matter, we would like to proceed with notice on his tenancy and turn this field into a dog walking field. Councillor White will investigate the cost of taking down the fence that separates the current dog field with the field discussed above and will look at the hedge and fencing between the rented field and the field next door which Mr and Mrs Gubb own.	AS /SB
	146.8	Impact damage to the Bassett Fountain at Sawmills. The quotation from the second monumental mason had not been received. The insurance company require a photograph of the fountain and Councillor Kennedy will attend to this. Councillor Stanbury had spoken to A & B Contractors and will obtain a written quotation. Councillor Kennedy will ask Mr Johns again to provide a quotation.	DK DK
	146.9	PA System in the Manor Hall. An email had been sent to Mr Songhurst thanking him for his comments.	
	146.10	Mr T Massey. An email had been sent in reply to his comments.	
	146.11	Mr G Sanders. A reply had been sent in connection with his letter.	
	146.12	Mr T Kitchin. A reply had been sent in connection with his letter.	
	146.13	Stiles progress for two Public Rights of Way. It was understood this was in the process of being dealt with by DCC Public Rights of Way Department.	
	146.14	Vacancy on the Parish Council due to Mrs L Thomas's resignation. North Devon Council had confirmed that no requests for an Election were received. The Parish Council can now co-opt and the relevant Vacancy Poster had been displayed. The co-option would take place at the Annual Parish Council Meeting on Tuesday, 10 May 2016.	May Agenda
147.	Finance. Lloyds B	Balances: Lloyds Treasurers Account as at 30/03/16: £1,529.33 usiness Banking Instant Access Account as at 09/03/16: £25,670.44	
	Budgetar	ry figures for March 2016 were tabled.	
	Craft Sho	ouncillors considered a request for funding from the Berrynarbor Horticultural and ow. A copy of the latest set of accounts has been provided to comply with criteria to be by the Parish Council.	



	Proposed by Councillor Stanbury to give the sum of £100.00 as requested. Seconded by	Clerk
	Councillor Mrs Beer. Unanimously agreed.	
	A request to be made that the programme acknowledges the donation by the wording 'Supported by	Clerk
	Berrynarbor Parish Council'.	
-	147.2 The following payments were approved and authorised:	
	Mr B Davies April Toilet Cleaning £ 75.00	Ch.No.687
	Mrs S Squire	
	April Salary (£238.65) & Overtime for the period 9/2/16 – 3/3/16	
	(26 hours and 16 minutes) £489.56	
	Overtime details were circulated to Councillors as follows:	
	Dealing with 199 emails	
	Dealing with the resignation of Mrs L Thomas 1 05	
	Dealing with the Play Area Defence 6 00	
	Dealing with Schedule 14 issues 4 00	
	Typing up Minutes 4 20	
	Phone calls 1 56	
	Dealing with adoption of 'phone box 0 30	
	Collating items for Community Toilet Grant Application 3 15 Attendance at February Meeting 3 15	
	Attendance at February Meeting 3 15 Preparing March Agenda 1 20	
	Other items from the Meeting 2 40	
	TOTAL 51 16	
	Contracted hours per month: 25. Overtime: 26 hours, 16 minutes.	
	Broadband £ 3.00	Ch.No.688 VOIDED
	Photocopying £ 25.30	Due to
	Mileage £ 10.56	Incorrect
	Reimbursement for sundry items including advert in the Journal inviting Tenders	amount
	for the public toilet refurbishment £129.00	01.11.000
	Postage £ 15.24 £672.66	Ch.No.689 Ch.No.690
	HMRC PAYE £122.20	
	Mrs C White Reimbursement for printing in connection with defibrillator training £60.00 *	Ch.No. 691
	* This cheque is to be returned and Voided as the actual Invoice was for £59.50. A replacement	VOIDED
	cheque will be included on the Agenda for payment at the May Meeting.	Ch.No.692
	A & B Contractors Importing topsoil and turfing goalmouth £481.20	Ch.No.693
	Devon Association of Local Councils 2016 Subscription £178.58 Greenhouse Stores One Metal shed and fixing kit £462.00	OF N - CO4
	0.00	Ch.No.694 Ch.No.695
	Berrynarbor Horticultural and Craft Show Donation £100.00	
	147.3 To award the Tender for refurbishing the public toilets.	
	Two quotations had been received, from Mr H Richards and Mr R Pickering.	
	Mr H Richards had quoted in accordance with the specification provided.	
	Mr R Pickering had quoted on the basis of a different scope. Councillors felt the suggestions made	
	were relevant and should be implemented within a scope of the specification.	
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	Councillor Kennedy to contact Mr H Richards and request a further quotation based on the same	
-	details as those quoted for by Mr Pickering.	JC
	Councillor Mrs Fairchild to contact Mr K Brookes and invite a quotation.	
	The Chairman raised the fact that both quotations, based on different scope, were considerably higher	
	than what had been expected.	
	At that point in the Meeting, the Clerk referred to the 2016/17 Budget set at the Parish Council	
	Meeting on 10 November 2015 and advised Councillors that the sum set aside for the public toilets	_
	repairs including refurbishment was £3,500, well below the amount of the quotations received.	
	The Chairman felt that caution should be exercised in making a decision regarding the refurbishment	
	due to the large variation in the figures between the amount allocated in the 2016/17 budget and the	



	amount quoted in both quotations. He acknowledged that the toilets could benefit from refurbishment but at the same time, stressed to Councillors to be aware that the work should be delayed until all Councillors were completely satisfied that the Parish Council could afford the work. If necessary, the matter to be left until the 2017/18 financial year when a further allocation of funds could be set aside for this work when the 2017/18 budget is set at the November Parish Council Meeting.	
	147.4 Bank Mandate. Councillors completed the relevant form to sign to add all as cheque signatories.	Clerk to send to Bank
	147.5 North Devon Council. Community Toilet Grant Application. It was noted that the sum of £700 had been awarded.	
	147.6 DCC. It was noted that a Public Rights of Way Grant of £300 had been awarded.	
	147.7 Insurance. Confirmation that two BT telephone kiosks and defibrillator and accessories had been included in the cover. The annual additional premium for this amendment was £18.83, deferred until the renewal date on 1/6/16.	
148.	Correspondence. Publications received were put on the table to see and read. 148.1 Wise £ Money. Posters for display. The Community Development Officer was willing to address a Meeting to give further details about the facility. <i>Noted</i> .	
	148.2 DCC. Email regarding Ilfracombe Town Bus Services. Circulated to Councillors. Noted.	
	148.3 North Devon Record Office & Local Studies Centre. Update on the present position regarding its future. <i>Noted</i> .	
	148.4 Get Up to Speed, part of the Connecting Devon & Somerset programme. Digital sessions for this area available. <i>Noted.</i>	
	148.5 CPRE Devon 'Our Outdoors' Competition 2016 (formerly the Best Kept Village Competition). Hard copy details had been printed by the Clerk and handed to Mrs Applegate for the Berry in Bloom Team to progress.	
149.	Items raised by the Chairman, Councillors and Clerk not covered at this Meeting. 12.1 Clerk's Training. Mrs Squire is booked on the following: Clerks Essentials 7/7/16 in Exeter. Clerk's Social 9/8/16 in Barnstaple.	
150.	Part B Confidential in respect of legal or personnel items. Proposed by Councillor Mrs Barten that the Meeting should go into Part B Confidential. Seconded by Councillor Mrs Beer. Unanimously agreed. All members of the public had already left the Meeting at this point.	
151.	Date of next Meeting: Tuesday, 10 May 2016 in the Manor Hall at 7pm. This will be the Annual Parish Council Meeting (AGM). The Meeting ended at 10.53pm.	
	mary of Decisions:	
>	Procedure for Public Participation Standing Orders	
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These Minutes are agreed by those present as being a true record.		
Signed: Chair of Berrynarbor Parish Council:	Date: (0 5 2016	