# Minutes of Berrynarbor Parish Council Meeting held on Tuesday, 9 February 2016 in the Manor Hall at 7pm.

Chaired by: Councillor A Stanbury	Clerked by: Sue Squire	
Present: Councillors  Mrs G Bacon Mrs S Barten from Minute No. Mrs J Beer Mrs J Fairchcild D Kennedy Mrs D Reynolds A Stanbury Mrs L Thomas Mrs C White until 8.15pm.  District Councillors Mrs Y Gubb & J Lovering 11 Members of the Public	Agenda: - Representations from the Public Apologies Declarations of Interest Approval of the Minutes of 12/1/16 Reports Planning & Planning Correspondence Matters Arising Finance Correspondence Compliance Items raised by the Chairman, Councillors an not covered at this Meeting Date of next Meeting	nd Clerk
11 Members of the Public		
rights of way application instigated by Graha Correspondence received has indicated that right to address the Parish Council for a man Items raised by members of the public.	ve a prejudicial pecuniary interest in the public am Sanders as this affects our family homes. It the above mentioned may wish to exercise his aximum of three minutes under Agenda item 1.	Action:
113. Items raised by Members of the Public.  Mr Sanders asked that the discussion on the So which the Chairman agreed.	chedule 14 Application item was brought forward, to	
Councillors Mrs Reynolds and Mrs White de room and did not take part in the discussion	clared a prejudicial pecuniary interest, left the	
on the Definitive Map & Statement. Mr Chairman. Members will, by now, have had the opportu I draw your attention to Paragraph 45 which		
2012. Had they taken heed of this letter from	ent to Mr and Mrs Reynolds dated 12 September of the previous Parish Council, there would have Application in order to re-establish the status quo.	
I note that the Minutes of the meeting held of Prejudicial Pecuniary interest in Minute num	n 10 November 2015 only indicate a Declaration of ber 10.5.	
	who proposed; seconded and voted in favour of a e, withdrawing Parish Council support, aware of cking the ancient Parish Road'?	
If the answer is 'Yes' then I believe that they	should all reflect upon their actions.	



If, however, the answer is 'No', they should immediately contact the Monitoring Officer and table a vote of No Confidence in Councillor Revnolds. I call for Councillor Reynolds to voluntarily tender her resignation from this Council in order to draw a line under this entire matter. Mr D Richards asked: Now that the Appeal has been given on the Parish Road becoming a Restricted Byway, are the residents of Venture Cottage and Number 77 going to remove the pile of wood, fencing and signs saying it is private property and no Public Right of Way, as he understood it iis criminal offence to block a Public Byway and an arresstible offence. The householders had been requested on two previous occasions. Mr C Richard thought the Parish Council should sent a letter of gratitude on behalf of Berrynarbor parishioners to Mr Sanders for all his efforts in securing the Public Road as a Byway as well as apologizing for withdrawing the Parish Council's support. Surely it is the Parish Council who should protect assets for residents who have lived here for decades. He wanted to know who instigated the letter that the Parish Council sent. Mrs L Bowden advised when she was a Parish Councillor, the Clerk advised Councillor Mrs Reynolds would not be able to come a Parish Councillor as she was in legal contest regarding the Parish Road. Mr C Richards spoke about flooding and drainage at Crosspark. He had noticed that South West Ctv Cllr Highways had spent a considerable sum putting in a drain outside Venture Cottage, the area of which Mrs A never flooded. The road was shut for 3 days and the work was not needed. Davis to If the work had been done at Crosspark where the culvert had been filled in, it would have made more be asked sense. Why was this waste of money work carried out when it could have been done at Crosspark. District Councillor Mrs Gubb asked if Councillors knew where the supply of sandbags were as during the heavy rain on the previous Saturday evening with the risk of flooding when she visited the village, there were none in the store and it had been necessary to bring replacements. She suggested that if anyone uses sandbags, they advise her or a Parish Councillor. She noticed there was no lid on the sand supplied for use with sandbags and was advised that the Parish Council was dealing with this. 114. Apologies. Councillor Mrs Barten had advised she would be late. County Councillor Mrs A Davis (at a Meeting in London), PCSO A Drury. 115. Declarations of Interest. Councillors Mrs Reynolds and Mrs White - Prejudicial Pecuniary Interest in the Schedule 14 Application. Councillor Stanbury - Personal Interest in Planning Application 60653 - Insertion of dormer window & re-construction of porch altering the roofline & creating a canopy at Springwater Cottage, Combe Martin. 116. Approval of the Minutes of the Meeting held on 12 January 2016. Approved and signed as a correct record. Notes of a Sub Committee Meeting held on 21 January 2016 were received. 117. Reports. 117.1 Police. When sending her apologies, PCSO Drury advised there had been two crimes: 1 X Assault occasioning Actual Bodily Harm (ABH) 1 X Public Order offence This compared with no crimes recorded for the same period last year. 117.2 County Councillor Mrs A Davis. A written Report had been sent and circulated to Councillors ahead of the Meeting, covering: Funding received to develop North Devon Link Road improvement business case; the Heart of the South West Devolution proposals; spending boost for Devon care services. 117.3 District Councillors Mrs Y Gubb & J Lovering.



**District Councillor Mrs Gubb** suggested that Parishes were encouraged to be proactive and Berrynarbor should be prepared for future flooding issues. Contact details to be on the Parish Council website.

**District Councillor J Lovering** advised that the government had cut £750,000 from ND Council's grant representing a 15% cut. There is to be a 2% increase in Council Tax, the first for 5 years and this will bring in some extra revenue.

#### 117.4 Councillors Mrs L Thomas & Mrs J Beer. Play Area Inspections.

Manor Hall. All in order.

Recreation Field. All in order except there was flooding in the goal mouth.

## **117.5 Councillor Mrs D Reynolds – Manor Hall.** Councillor Mrs Reynolds gave further details on Manor Hall repairs.

Councillor Mrs Fairchild proposed that £10,000 in principle is ringfenced for short term issues. Seconded by Councillor Stanbury and agreed.

Councillor Mrs Reynolds felt it would be prudent that the Parish Council is made aware of what the money is to be spent on. A formal letter of request to be sent.

### 117.6 Meetings/events attended by Councillors/Clerk. None.

#### 118. Planning and Planning Correspondence.

118.1 Planning Applications: The following Applications were considered:

Planning
Application Ref.

Type
Description

Application Ref.

Application
Erection of conservatory at 7 Berrynarbor Park, Berrynarbor.
It was resolved to recommend approval.

Variation
Of Condition 4 (use) attached to Planning Permission 52047 to allow for barn 6 to be used as B1 (office) at Yellaton Farm,
Combe Martin.
It was resolved to recommend approval.

The following Applications had been received after the Agenda had been sent:

Planning Application Ref.	Туре	Description
60653	Application	Insertion of dormer window & re-construction of porch altering the roofline & creating a canopy at Springwater Cottage, Combe Martin.  Councillor Stanbury declared a Personal Interest.  It was resolved to recommend approval.
13569	Lawful Development Certificate	For existing use of property as use Class C3 (dwelling house)  – Dormer House, 45 The Village, Berrynarbor.  To reply that no information was known.

118.2 Planning Correspondence. North Devon Council Planning Decisions:

Planning Application Ref:	Туре	Decision	Description
59594	Listed Building	Approval	Insertion of three replacement double glazed wood windows at Brinscott Farmhouse, Combe Martin.
60232	Application	Approval	Extension to dwelling & formation of balcony at Treetops, Old Coast Road, Berrynarbor.
60463	Application	Approval	Conversion of garage to form additional living Accommodation at Summerhouse, Birdswell Lane, Berrynarbor.

#### 118.3 Enforcement.

**Enforcement 9837** – Alleged unauthorised development. Building works may be for stables at 6 Goosewell, Hagginton Hill, Berrynarbor. The Clerk received representations in between Meetings and submitted the details to North Devon Council Enforcement Department, this not being a Parish Council issue. The copy correspondence received is as a result of the details being passed to Enforcement who are investigating the matter.

Clerk



	Article regarding talk by the Fire & Rescue Service had been included in the
119.1	Berrynarbor News.
119.2	Footpath between Sawmills and Watermouth Harbour. Mr C Townsend had been
	requested to attend to this and in the future when required.
119.3	Emergency Plan. A copy of the Plan prepared by Mr S Hill had been obtained.
	The Sub Committee's Report regarding the sand bunker had been received.
	Councillor Mrs Thomas reminded Councillors that District Councillor Mrs Gubb advised
	it should be called a draft Emergency Plan. Councillors will send additional information
	to be included.
119.4	Recreation Field Play Area, including goalposts, seats and tables.
	The Sub Committee reported the following:
	Shed. A lock up shed to be purchased and located next to the electric shed. It will
	require a concrete base and a combination lock. The Primary School to have access to
	the shed for the storage of PE equipment.
	Paths & Gates. Councillor Stanbury had a site meeting with A&B Contractors and a
	quotation had been received. Two further quotations to be obtained.
	Councillor Stanbury to also ask A&B for a quotation to put the football posts in concrete.
	Football Nets. A suitable set had been identified.
	Seating. 3 Benches to be purchased.
	Brambles. Councillor Stanbury to ask Mr Townsend to clear these.  Gates. A quotation was being obtained from A&B Contractors for different options of
	gate.
	Emergency items. The spare bus shelter to be utilized to house the sandbags behind
	the Community Shop for the storage of sandbags, shovel and cone.
	Councillor Mrs Barten to liaise with North Devon Council regarding the existing bunker,
	asking about a further Licence to have the facility and also enquire if the sand could be
	moved to a more suitable location.
	Councillor Mrs Barten proposed that the nets, seats and shed were purchased.  Seconded by Councillor Stanbury and unanimously agreed and delivered to
	Councillor Stanbury.
119.5	Signage in the Recreation Ground. Councillor Mrs Barten advised she was having a
	site meeting with Mr Songhurst.
119.6	Bus Shelter at the top of Barton Lane. A Site Meeting had been held with County
	Councillor Mrs A Davis who was in agreement for a new bus shelter to be constructed
	at a new location felt to be safer.
	Councillor Mrs Barten to send County Councillor Mrs Davis a picture of the proposals.
	To be on the next Agenda for Councillors to advise their further thoughts.
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Councillor Stanbury advised Councillor Mrs Reynolds had brought the book to him when she had discovered this.

Mrs Sanders asked if there had been any progress of reporting the issue to the Police. She was advised that the Police had been informed.

The Clerk had enquired if the North Devon Record Office had details of the Minute Book on microfiche and was advised this was not the case.

Mr D Richards advised that the Appeal was allowed on 18/1/16 and felt that the sign should be removed with the householders being advised it was now a Byway.

Mr Sanders advised his claim was that it was a highway in 1889 for all vehicles that would have used the highway in 1898.

It is clear that the Parish took over the road in Sterridge Valley including this one and it belonged to the taxing authority which was Berrynarbor Parish Council. There is no evidence that the piece of road had been transferred to anyone else and it still belonged to Berrynarbor Parish Council.

Councillor Stanbury advised that the Parish Council would need to ascertain who is obliged to maintain it.

The Clerk to make enquiries from DCC Public Rights of Way as to what the obligations are.

Mr Lane asked the Parish Council to ascertain if anyone has the right to walk the path.

Mr D Richards stated there was also the issue of the large pile of shillet which may have come from Number 77 when building work was being done. He was of the opinion that it should be considered at fly tipped controlled waste.

Mr M Bowden advised he had lived in Sterridge Valley all his life and it was not a Restricted Byway.

Mrs Sanders was of the opinion that it Mr and Mrs Reynolds should be requested to remove the barricades and obstacles place on the highway a number of years ago. The cost of this should not come from the Parish Council's or DCC's budget.

It was noted that a letter had been sent by the Parish Council to Mr and Mrs Reynolds on 9/9/12 requesting the removal of same.

Councillor Kennedy felt the Parish Council was not resisting it.

Mr D Richards felt Councillor Mrs Reynolds was hostile to the Parish Council she was serving on.

The Clerk to write to Mr and Mrs Reynolds requesting the removal of the fence and pile of wood.

Mr C Richards spoke about a letter of apology to Mr Sanders.

Councillor Stanbury responded. As he understood it at the Meeting in June 2014 the question was would the Parish Council support his Schedule 14 Application as a result of some evidence he had unearthed. It was appreciated that a lot of work had been done, but the evidence was not brought to the Parish Council Meeting that evening but the Parish Council at that time agreed to support Mr Sanders' Application based on the new information he had.

The Parish Council supported it at the time and when asked the reason why, it was based on the evidence he had advised although never seen by the Parish Council. Councillor Stanbury pointed out how could this be supported when the evidence was not shown.

Mr D Richards felt the Parish Council should have supported Mr Sanders because it was a Parish asset instead of going against it and withdrawing the support.

Clerk



Councillor Stanbury replied that he knew the path was used by members of the public historically, having watched both Public Rights of Way Committee Meetings.

Mr Sanders advised that based on historical evidence, once a highway, always a highway. There had never been a stop notice put on it. He spoke about the Meeting in June and on 22 April he made an Application which was served to the Parish Council and North Devon Council. It was necessary for him to find the true registered owner of the land. He checked with the Parish Council, Land Registry and Post Office. He asked Mr D Richards, a Parish Councillor at the time, in writing, if he would post the Notice on the notice board and also asked the manageress at the Community Shop. In 24 hours the Notice was removed from the Parish Council notice board.

The Notice was also removed from the Community Shop under threat of being sued and he had an email that confirms who went in the Shop about this.

As a result, the Parish Council knew the situation, he attended the Parish Council Meeting where the Minutes had recorded that a letter of support would be useful.

Councillor Stanbury advised the Parish Council had been asked for evidence. He believed it should be a highway.

Mr D Richards had spoken to Mr L Harvey (now deceased) that if an area is not used should it give the rights for others to take it?

Mr C Richards informed that when he sat on the Parish Council, he told the Parish Council he had walked it.

Councillor Stanbury responded about the technical details as to whether it had been walked in so many years.

Mrs L Bowden had done the same and made written representations.

Councillor Stanbury had listened to what people had said in the Committee and the evidence was out of date.

Mr Sanders advised that the Appeal has thrown doubt about the DCC judgment. He further said that DCC had manipulated the evidence. He said he asked the Parish Council to look at the evidence.

Councillor Stanbury replied that the email sent by Mr Sanders had quoted two different dates.

Councillor Stanbury confirmed the reversal of the decision was nothing to do with the fact that it was in connection with a Councillor.

Councillor Mrs Thomas advised she had abstained from voting adding that the Parish Council did not have any hard evidence.

Mr C Richards said as it was a Bayway, that should give a clue. A highway cannot be challenged until it is blocked.

The Environment Agency had previously been advised about the dumping of shillet

The Clerk responded to the accusation she had avised Councillors that Councillor Mrs Reynolds could not be a Councillor as she was in legal conflict with the Council. Despite Mrs L Bowden and Mr C Richards recalling this had been said, the Clerk was baffled by this as she was not aware of this information to have been able to advise it. Councillor Stanbury said it was not for this Council to deicide who was being voted in.

Councillor Kennedy advised that at the November Meeting, he voted with most other Councillors purely on the basis it was in support of evidence and voted on information that was presented to him. In hindsight he should not have and apologized on the assumption that the outcome was final as was being presented during the meeting. Councilor Mrs Beer echoed these thoughts, neither of them having the benefit of the history.

Mr Sanders commented that these Councillors were not aware of the true reason why

	the road was blocked. Councillor Mrs Reynolds had asked for the Schedule 14 Application to be included on the Agenda and there was a short closing date. Ultimately, the Parish Council's support or non support made no difference.	
	Mr Lane asked if Councillor Mrs Reynolds had withdrawn while the item was discussed and this was confirmed.	
	Mr D Richards asked that as it is now a Restricted Byway and does not belong to Venture Cottage or No. 77, does it bring into question the Planning Permission for the extension at No. 77 which took away the parking and that is where they have to park as the extension done away with the parking space.	
	Mr C Richards asked if Mr Sanders will have a letter from the Parish Council. All Councillors were in agreement for this to be sent.	
	The following to be written in a letter to Mr and Mrs Reynolds: Subject to confirmation of the outcome from DCC that this is a restricted byway, please remove the fence.	
	The section of the Meeting where Public Participation was allowed then closed. Councillors Mrs Reynolds and Mrs White returned to the table.  All members of the public left the Meeting as did the District Councillors.	
	Councillor Mrs Reynolds was not aware of the discussion which had just taken place but wanted to draw Councillors' attention to the procedure following the Appeal and fully explained this.	
	Councillor Mrs Reynolds withdrew from the Meeting (Councillor Mrs White had by that time left the Meeting) and the matter was again discussed by Councillors. It was left that Councillor Stanbury would make enquiries of DCC Public Rights of Way Department as the information given by Councillor Mrs Reynolds altered the basis on which there had been agreement during the earlier part in discussing the item.	
	Councillor Mrs Reynolds returned to the table and the Meeting proceeded to discuss other items on the Agenda.	
119.11	Berrynarbor School & West Down School Community Partnership. Councillor Mrs White had left the Meeting at 8.15pm and was not present for this item.	
119.12	North Devon Communities Fund Application. There was no further information to report.	
119.13	Glebe Field. Councillor Stanbury reported he had spoken to the tenant who had not objection to the area being used as a dog walking area.  Subsequently it had been advised that it would be difficult to undo the tenancy but there was no objection to this. Councillor Mrs Fairchild to obtain a second opinion.	
119.14	Defibrillator. Proposed by Councillor Stanbury, seconded by Councillor Mrs Barten and unanimously agreed that it is to be sited in the telephone box at Silver Street which had recently been purchased by the Parish Council from BT who were in the process of decommissioning it.	DR
119.15	Impact damage to the Basset Fountain at Sawmills. Two quotations from monumental masons were awaited for submission to the insurance company.	Clerk
119.16	<b>Mr T Kitchin.</b> It was noted that the Court had ordered the claim to proceed under Part 7. The Clerk had submitted evidence to the Solicitors who are preparing a defence to be filed by 19 February.	
119.17	Adoption of Telephone Kiosks in Silver Street & Berry Down. BT had returned the Agreement and removed the telephony on 8/2/16. This had not happened and the Clerk to follow up.	
	An estimate from Mr Sage to wire up the defibrillator was £150.  As regards the Berry Down kiosk, the Community Shop to be asked if they still wanted it and if so, the Committee to make arrangements to collect it.	DK & JC
	and it 30, the Committee to make alrangements to collect it.	Ц

	Mr I	rickering	had been informed that his quotation to	refurbish th	ne kiosk in Si	ilver Street		
	had been accepted.							
119		Devon Air Ambulance Night Flying Operations. Councillor Mrs Reynolds advised a						
		site meeting at the Playing Field was planned for 15 January with an Air Ambulance						
440		officer to assess the viability of using this area.  Cycle Signs on Signpost at bottom of Barton Lane. The whereabouts of the signs had not been found. The Clerk to contact DCC to request replacements.						
119								
119.		had not been found. The Clerk to contact DCC to request replacements.						
119	10000000	Celebration of HM The Queen's 90 <sup>th</sup> Birthday. Councillor Mrs Thomas confirmed she had passed the details from HM Lord-Lieutenant of Devon to Mrs K Ozzelton. It was						
		understood other villagers were liaising to plan an event.						
119.			lor Course. Due to illness, the trainer co		this on 24 F	ehruary	$\dashv$	
110			officers were available. Arrangements a					
	1967,000	inesday i		Jonig III	ado to iix a a			
119.			ent of the Public Toilets.	341	***			
	Тор	ps Tiles c	ompetition entry had been submitted.					
	Cou	ncillors K	ennedy and Mrs Fairchild will prepare de	etails of the	e scope of			
		rbishmen						
119.			es sign at the Square bus shelter. Co	ouncillor Mi	rs Reynolds t	to organise		
		fixing.						
			es for January 2016 were tabled.					
			rers Account as at 14/1/16:		908.16			
L	ioyas Busi	ness Bar	iking Instant Access Account as at 11	1/1/16: £25	,668.40			
120.1	The follow	ving pav	ments were approved and authorised	l:			Cler	
Nam			Reason		Amount	Cheque No.		
						140.		
Mr B	3 Davies	İ	February Toilet Cleaning		£ 75.00	659	1	
	S Squire		February Toilet Cleaning February Salary	238.70	£ 75.00	659		
			February Salary Broadband	3.00	£ 75.00	659		
			February Salary Broadband Photocopying	3.00 11.85	£ 75.00	659		
			February Salary Broadband Photocopying Mileage	3.00 11.85 10.56		660		
Mrs	S Squire		February Salary Broadband Photocopying Mileage Postage	3.00 11.85	£286.79	660		
Mrs	S Squire		February Salary Broadband Photocopying Mileage Postage PAYE	3.00 11.85 10.56	£286.79 £ 59.60	660 661		
Mrs HMR Mr C	S Squire  RC C Townsend		February Salary Broadband Photocopying Mileage Postage PAYE Hedge trimming & extra grass cut	3.00 11.85 10.56 22.68	£286.79 £ 59.60 £155.00	660 661 662		
Mrs HMR Mr C	S Squire		February Salary Broadband Photocopying Mileage Postage PAYE	3.00 11.85 10.56 22.68	£286.79 £ 59.60	660 661		
HMR Mr C	S Squire  RC C Townsend		February Salary Broadband Photocopying Mileage Postage PAYE Hedge trimming & extra grass cut Electricity supply to the public toilets. Collect	3.00 11.85 10.56 22.68	£286.79 £ 59.60 £155.00	660 661 662 Direct Debit Direct		
HMR Mr C Opus	S Squire  RC C Townsend is Energy th West Wat	er	February Salary Broadband Photocopying Mileage Postage PAYE Hedge trimming & extra grass cut Electricity supply to the public toilets. Collect 10/2/16 Water supply to the public toilets. Collected	3.00 11.85 10.56 22.68 cted on	£286.79 £ 59.60 £155.00 £ 13.72 £ 22.68	660 661 662 Direct Debit Direct Debit		
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122.	Queen, involving community litter picks. North Devon Council can offer support and advice, equipment and schedule any rubbish collections needed.  It was noted that Berrynarbor has its own litter pick group.  Compliance.  122.1 Standing Orders. To receive recommendations from Councillors Mrs Barten and Mrs Reynolds with a view to adopting.  The work had been completed with a further strategy meeting to be held. The details were circulated	Cllrs
	It was noted that Berrynarbor has its own litter pick group.  Compliance.  122.1 Standing Orders. To receive recommendations from Councillors Mrs Barten and Mrs Reynolds with a view to adopting.	Cllrs
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123.	Reynolds with a view to adopting.	
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123.	The work had been completed with a further strategy meeting to be neid. The details were circulated	
123.	with a view to adopting at the most Macting	
123.	with a view to adopting at the next Meeting.	
	Items raised by the Chairman, Councillors and Clerk not covered at this Meeting.  123.1 Message in a Bottle. The Clerk handed canisters to Councillors for use by emergency personnel and carers. Inside the canister was a form for people to list medication and give an alert to any condition suffered. It had been suggested that the canister was placed inside the 'fridge door to save people having to look for it and a label was provided for the inside of the front door so that those attending would be aware there was information in the property.	
	123.2 Councillor Stanbury suggested the budget was looked at after the Meeting to discuss the Standing Orders.	Cllrs
	<b>123.3 Councillor Mrs Beer</b> spoke about leaves and mud on the hair pin bends at Sterridge Valley as vehicles were getting stuck. The Clerk to ask, via County Councillor Mrs Davis, for the road to be cleaned.	Clerk
124.	Date of next Meeting: Tuesday, 8 March 2016 in the Manor Hall at 7pm.  The Meeting ended at 10.15pm.	
Sumr	mary of Decisions:	
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4		
A		
	Defibrillator to be sited in the Silver Street telephone kiosk	
2		
	An order to be placed with The Play Inspection Company to inspect the play	
	equipment in the Manor Hall play area and Playing Field	
>		
These	e Minutes are agreed by those present as being a true record.	
Signe	d: Date:	
_	of Berrynarbor Parish Council: 8 \ 3 \ 16	

