

KNOWSTONE PARISH COUNCIL

Minutes 20/21 Page 20

Minutes of the Meeting of the Council held on 27th October 2020, held remotely via Zoom

Present: Cllr D Barrett, Cllr R Howe, Cllr D Maidment, Cllr T Moore (Chairman), Cllr J Pomfret, Cllr J Stanbury

In attendance: W Sweet (Clerk), 8 members of the public, D/Cllr Ley, C/Cllr Yabsley (part)

20/82 Apologies for absence – None

20/83 Declarations of Interest (re. matters appearing on this agenda) – Cllr Stanbury declared a pecuniary interest in agenda item 13.

20/84 Approve Minutes Cllr Stanbury said that it had been agreed at the last meeting, item 20/74, that two people would oversee what was put on the website before it was posted but if this had happened then a copy of the Moors Management Internal Agreement would not have been put up onto the website. The Clerk explained that it had not been formally agreed – it had just been a suggestion put forward by Wendy Vigus. The Clerk also pointed out that everything sent to councillors is supposed to be made available to the public under the Transparency Code. Cllr Stanbury also said that under item 20/78 it had been agreed that a meeting would take place between Cllr Moore, Cllr Howe and himself but that this not had happened

It was RESOLVED to accept the minutes of the meeting held on 22nd September 2020, Cllr Moore proposed, Cllr Howe seconded, all agreed.

20/85 Correspondence (not covered elsewhere on the agenda).

The following correspondence was NOTED:

- Freedom of information request dated 26.09.20 relating to supporting documents for agenda item 15, KPC meeting 22.09.20;
- Email dated 2.10.2020 from OPCC re. Barnstaple's new 'Temp' Police Station now open;
- Email dated 6.10.2020 from PCC re. Results of recent Road Safety survey.

The following correspondence, received after the preparation of the agenda, was NOTED.

- Weekly information sheets from North Devon Council;
- Copy of a letter from David Morgans sent to Cllr Howe when he was KPC's representative on Moors Management committee;
- Email from Judith Dark re. councillor co-option.

20/86 Public Questions – standing orders suspended.

(a) A parishioner asked reference planning at the Oakland Poultry Farm whether the Council is liaising with East Anstey to find out how they are reacting to the re-applications. Cllr Howe responded to this by giving an update on the situation which was that in order to follow the correct planning procedures the retrospective applications had to be accepted by NDC but they would be declining to determine on them, as there is an enforcement notice in place. A copy of an email from Michael Tichford (Head of Place) dated 9th August had been sent to the Clerk by D/Cllr Ley and circulated to all councillors regarding this matter. The enforcement notice becomes operative from 9 November and the landowner has a six month period for compliance.

(b) A parishioner said reference item 13, Moors Management, that he took the chairman's point re. audited accounts as being normal business practice but Moors Management is not a normal business; it is a conduit in order to spend money from Natural England. He asked when did KPC last see audited accounts for DCC as KPC is planning to be in receipt of a cash sum from DCC reference the piece of land at East Hill? The Chairman said that he would not look at DCC's accounts and did not think that the comment was relevant in relation to MM.

(c) A parishioner commented that the amount of agricultural traffic coming through Roachill has been very heavy in the last couple of weeks going to and from the poultry farm, travelling quite fast and dirty

Approved

with stuff falling on the road. Cllr Stanbury responded by informing the meeting that it was actually stuff being transported from Higher Shapcott to Nomansland or to the bio-digester in South Molton.

(d) A parishioner asked whether the parish council has to have its accounts audited. The Clerk explained that the Council goes through an Internal and External Audit process, part of which involves the Accounts being published on the website so they can be viewed by everyone in the Parish. As the Council has an income of less than £25,000 per year it is exempted from having an External Audit but at any time it could be subjected to a spot check by the External Auditor – PK Littlejohn.

Standing Orders resumed

20/87 East Hill Farm

(i) The Council needs to appoint a Trustee to replace Jeremy Filmer-Bennett in relation to the land that it will acquire at East Hill Farm. The Chairman explained that the Council did seek legal advice and has a letter from its solicitor explaining the role of the Trustees and he asked the Clerk to re-circulate it to councillors. He asked councillors to consider if they were willing to be a Trustee and it will be dealt with at the next meeting of the council.

(ii) Update re. use of land as an air ambulance night landing site – the Chairman reported that the Council had heard from Devon Air Ambulance explaining that the land at East Hill would not be suitable as a landing site even after it was levelled out. If the Council wants to pursue this idea it will have to go back to looking for someone who has a suitable site and would be willing for it to be used. The area of land needed is 50m x 50m and should be relatively flat with no animals or crops on it; DAA will contribute some of the cost of installing power to the land if not already there.

20/88 Finance

(a) It was NOTED that £2,038.00 – the final 50% of the precept had been received from DCC on 28.9.20. It was RESOLVED to agree the accounts to date, previously circulated, Cllr Moore proposed, Cllr Howe seconded, all agreed. Expenditure against budget to date, previously circulated, was REVIEWED.

(b) It was RESOLVED to settle the following accounts, Cllr Moore proposed, Cllr Stanbury seconded, all agreed:

- Wendy Sweet (pay £264.56, back pay £94.86 & exes £1.56) £360.98
- Wendy Vigus – website updating £108.00

(c) It was RESOLVED to renew the McAfee subscription (security cover for the Council's laptop) for two years at a cost of £119.99, Cllr Barrett proposed, Cllr Howe seconded, all agreed.

(d) It was RESOLVED to add Cllr Maidment and Cllr Pomfret as cheque signatories to the Council's current account to bring total number of cheque signatories back up to five, Cllr Moore proposed, Cllr Barrett seconded, all agreed.

20/89 Internal Audit – A copy of Alison Marshall's contract had previously been circulated. It was RESOLVED to appoint Alison Marshall as Internal Auditor for 2020-2021, Cllr Moore proposed, Cllr Howe seconded, all agreed.

20/90 Standing Orders – The Chairman explained that the proposed changes were mandatory ones from the NALC Model Standing Orders 2018. Most of the changes were relatively subtle; the biggest change means that councillors are allowed to tweet about a council meeting whilst it is taking place should they wish to do so. The wording around data protection has also been tightened. It was RESOLVED to agree the proposed changes as previously circulated, Cllr Howe proposed, Cllr Stanbury seconded, all agreed. Other points in the Council's Standing Orders could be tidied up in due course and Cllr Pomfret volunteered to assist the Chairman and Clerk with this task.

20/91 Planning

Planning

(i) Applications notified since last meeting

(a) **Ref. 72163** - Change of use of building from agricultural to equestrian and installation of a horse walker at Moortown Barton Knowstone South Molton Devon EX36 4RZ – Cllr Howe reported that this application had not been determined yet. KPC had already submitted its support of the application.

(b) **Ref. 72208** - Installation of a Non Domestic Biomass boiler at Pounceys, Knowstone EX36 4SB - Cllr Howe reported that he had been to see the applicant who had showed him around. The biomass being installed is non domestic as it will be heating the applicant's own house and another property at the same location. The discharge from the boiler would be quite clean and the system would be efficient and effective. It was RESOLVED to support the application, Cllr Howe proposed, Cllr Stanbury seconded, all agreed.

(ii) Applications notified since the preparation of the agenda - None

(iii) Other planning matters

(a) It was reported that the installation of a shepherd's hut at Luckett had been approved.

(b) Land at Crosside Hill – it was reported that the owner has been given instructions by the Environment Agency to build a fence in a certain position but it has been put too close to the river and muck is still going down into the Crooked Oak. There has been an adjustment to the plans for the agricultural building but it is still too close to the two listed buildings. There should have been a decision on the application by 19th October.

20/92 Third Party Reports

a) District Councillor – D/Cllr Ley felt that re. Oaklands Poultry Farm, it would be worthwhile KPC submitting a one line response to the retrospective applications supporting Mike Tichford's letter that the Planning Department should not determine on them.

Re. the land at Crosside - the application is for a substantial building and he had been trying to contact the Planning Case Officer about it as he had put in a request for it to go to committee for a decision.

Re. East Hill Farm – D/Cllr Ley recommended that KPC should chase up what it happening at East Hill.

b) County Councillor – C/Cllr Yabsley said he would be in the Parish to look at various issues the following day with the Highways Officer and he arranged to meet with Cllr Barrett.

20/93 Members Reports

a) **Highways** – Cllr Moore reported that there had been a problem in Hittsford Lane a few days previously when a car had driven down Harpson Hill onto Hittsford Lane and had got stuck due to the very deep ruts. The Police had been called. Cllr Moore had walked down there and the worst part is where the tarmac has collapsed. C/Cllr Yabsley said he would look at it when he was in the parish the next day but as it is a little used, minor road it may be deemed to be beyond repair and a closure sign would be put there. That does not mean it cannot be used but people would use it at their own risk. Cllr Stanbury said that it had been made suitable for use by cars not many years ago and a concrete dish should have been put in place at that time below Pound House to take surface water into the Council's field. This would have prevented the water from washing away the scalplings. It was pointed out that if the lane was in a better state of repair it would be used more. C/Cllr Yabsley was not hopeful that money could be found to make it viable.

b) **Footpaths & Beaples Stone** – Cllr Pomfret reported that the gate at the bottom of Shapcott Wood has now been moved about 10m towards Millhaven at the request of the landowner. This had been arranged by DCC. He had noticed that the track across Kingdon's field, which used to be about 2.5m wide, is no longer there as the whole field had been ploughed and the marker posts removed. Cllr Pomfret has taken down the signs that he had put up in the Spring at each end of the footpath asking people to keep to the footpath. Once the crop has grown the farmer will cut a path again. It was felt that regular users would know the route.

c) **Welcome Pack update:** Cllr Maidment said it had been a quiet month and was not aware of anyone

Approved

moving into the Parish. Cllr Moore issued a reminder to let Cllr Maidment know if anyone new moves into the Parish so that a Welcome Pack can be delivered.

d) **Parish Hall** – Cllr Howe reported that Pilates classes were the only activity taking place in the hall at the moment.

e) **PCC Report** – Cllr Howe reported that there had been a lovely Christening service in the church on 11th October. The PCC had just received permission to go ahead with the installation of under pew heating. One quote had been received and another one was being sought. There is an initiative coming out from the Edgemoor Group to have a lot of PCC work carried out by a joint committee and several meetings had taken place to explain the idea. There is a lack of people in the ministry. Some smaller churches in the group would only have one service per month and the worry is that this may lead to churches being closed. He had major concerns about the proposals and planned to discuss them with Rev'd David Baker. At the moment restrictions are in place that mean that at any service there is no singing and masks have to be worn etc.

20/94 Moors Management – Cllr Moore asked Cllr Stanbury to not to speak for a while as he had declared a financial interest in this item.

Cllr Moore reported that a lot of information has been gathered recently to understand what MM does and what the Parish Council's relationship with it is. One document received from DALC – 'Protection of Common Land' - was very interesting and confirmed the information received from various other sources. Cllr Moore read an extract from it – "Common land is not defined by who owns it but by the rights certain individuals ("commoners") have over it. Those rights are called "rights of common"." The concept of ownership is different and is supported by the views that MM have portrayed through this exercise around the rights of who controls what. In this document it details what rights as landowners KPC still has. The document goes through what the owner can do and KPC needs to sit down with MM to try and work out when things happen on the moor to what extent KPC as landowners get involved or MM. For example with the van that was parked overnight on the moor – this document would have given the police the reasons why they should have taken action. He was not sure whether he should have been dealing with it as Chairman of KPC or whether MMA should have been dealing with it. The same applies to the situation of the track leading to the farm on Haresdown Moor; should that have been KPC or MM? He felt that there is a framework that KPC could work with MM to understand where KPC, as a council and as a landowner, has a responsibility to things and where MM does, which would be extremely useful.

Regarding MM having its accounts audited which is specified in its constitution, Cllr Moore asked councillors to express their views as his views on it were already known. Cllr Howe said that the word audit is used when accounts are checked and he felt that the two accounts that MM has are put together by the treasurer and financially checked. The amount of money they deal with does not require them to be audited. Cllr Barrett felt that as the Council is acting on behalf of residents it should have a way of proving to them that the Council is acting in their best interests relating to the income from the moor and how the money is spent. He felt that audited accounts are needed to prove that everything is above board. Cllr Pomfret felt the council needed to have as much information as possible and if the constitution says that accounts should be audited he would take that at face value. Cllr Maidment said she had some knowledge of single farm payments and was on the fence at the moment.

Cllr Stanbury said that Cllr Moore had wasted enough time on this issue and referred him to the minutes of the MM meeting in September where it was agreed to change the wording of the constitution from 'annual audit' to read 'independent examination to be conducted'. He felt that should settle it the matter and that it had been recommended by the qualified accountant to change the constitution. Cllr Moore was not sure whether the deed could be changed by changing the constitution as it would be frustrating the terms of the deed and possibly not be legal. Cllr Stanbury said that the accounts were very simple. The cost of having the accounts audited could be looked at but he felt it was just a wording issue. The Secretary of MM said the terms and conditions from Natural England within the agreement stated nothing about having to have audited accounts. She agreed with Cllr Stanbury (the Chairman of MM) that it is wording issue and did not think Natural England would have an issue with that.

Cllr Moore said that if it was a matter of cost and if the Council took a view and agreed to not take its contribution this year and this was used to fund at least one year's proper audited accounts was that

something the MM would at least consider? Cllr Stanbury responded by saying that MM did not have to pay KPC anything – it would be up to the AGM. It was a democratic association. He felt that Cllr Moore was nit picking. With reference to the other points raised by Cllr Moore in his briefing paper – the Association does have two bank accounts, forward planning and budgeting does take place and new Trustees are sworn in at the AGM. MM is being run as it should be.

Cllr Moore stated that the Council will decide at next meeting how to move things forward.

20/95 Casual Vacancy for a Parish Councillor – try to keep a look out for someone to join the Parish Council.

20/96 Business at the Chairman's discretion – none

20/97 The date and time of the next meeting were confirmed as Tuesday 24th November 2020 at 7.30 p.m.

The meeting closed at 21.13.