

# KNOWSTONE PARISH COUNCIL

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## Minutes of the Meeting of the Council held on 22nd September 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), 4 members of the public, C/Cllr Yabsley (part)

**20/64 Apologies for absence** – None

**20/65 Declarations of Interest** (re. matters appearing on this agenda) – Cllr Stanbury declared a pecuniary interest in agenda item 15.

**20/66 Approve Minutes** It was RESOLVED to accept the minutes of the meeting held on 25th August 2020, Cllr Howe proposed, Cllr Pomfret seconded, all agreed. It was RESOLVED to accept the minutes of the Extraordinary meeting held on 8th September 2020 after amending the planning reference under item 20/63 (ii) to 72027 and correcting the spelling of Cllr Pomfret's name under item 20/63 (ii) second line, Cllr Moore proposed, Cllr Howe seconded, all agreed.

**20/67 Nomination and election of Vice Chairman.** The Chairman asked if any councillor was willing to take on this role; no volunteer was forthcoming.

**20/68 Allocation of roles** previously undertaken by Cllr Filmer-Bennett who was Road Warden and responsible for Highways matters – two key tasks. The role of Road Warden can be carried out by a non-councillor but a Highways lead was needed. Cllr Barrett volunteered to undertake the Highways role. The clerk will pass his contact details to C/Cllr Yabsley and vice versa.

**20/69 Correspondence (not covered elsewhere on the agenda).**

The following correspondence was NOTED:

- Email from DCC dated 28.08.20 re. Essential tree safety work on the North Devon Link Road;
- Email from OPCC dated 9.09.20 re. survey on road safety now open;
- Email from OPCC dated 10.09.20 with link to its Annual Report;
- Email from OPCC dated 12.09.20 attaching its Rural Affairs Autumn Newsletter
- **Note any correspondence received after the preparation of the agenda – none.**

**20/70 Public Questions** – none from those present. The Chairman said that a concern had been raised by a parishioner about the estimate for £18,000 that had been received to level the land at East Hill. He clarified that this had not been discussed by the council – it was just a ballpark figure obtained by the council for information purposes.

**20/71 East Hill Farm** – the Chairman reported that Crosse Wyatt has written to Kingstons' solicitors on 11th September asking for confirmation that Kingstons have not yet started any work. No reply has been received to date. For the benefit of members of the public attending the meeting the Chairman briefly explained that when the development goes ahead the Parish Council is entitled, under the S106 arrangement, to receive a sum of money within twelve months of the start but as far as the Council is aware the development has not yet started.

**20/72 Finance**

(a) The accounts to date, previously circulated, were REVIEWED.

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

- Wendy Sweet (pay for period 20/7 – 13/09) £299.76.

(c) Following the Chairman's annual appraisal with the Parish Clerk on 14th September, it was RESOLVED to increase the Clerk's pay to SCP 16, back dated to 1st April 2020, reflecting the

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performance of the Clerk during the past year, Cllr Moore proposed, Cllr Howe seconded, all agreed. The Chairman gave a brief summary of the review and read out some of the comments he had received from councillors regarding the clerk's performance. The increase to the clerk's pay is approximately 95p per hour.

**20/73 Standing Orders Working Group** – The Chairman reported that the WG had met and identified changes that would bring KPC's standing orders up to the 2018 model. These will be circulated to all councillors before the next meeting when they will be voted on. The proposed changes to the Standing Orders lead into the Financial Regulations and a new version of Financial Regulations will also be circulated before the next meeting to be voted on.

**20/74 Website Compliance** – The Clerk explained that new regulations introduced in 2018 required all public bodies, including Parish Councils, to have a website that meets accessibility standards (WCAG 2.1AA) by 23rd September 2020. The process had been started about a year ago and Website Development Limited who created Knowstone's website has made the necessary changes. It is now partially compliant as per the draft Compliance statement as the PDF documents containing minutes etc are not fully accessible. The Clerk has rectified this for the current year and following advice from SLCC will go back through the minutes for 2018 and 2019 and make those accessible too. The Chairman asked whether there is governance over what goes on the website to avoid anything being put on it that could be offensive or politically incorrect. The Clerk said that only herself, Wendy Vigus and Website Development have access to the website. She said that she is planning to undertake a thorough overhaul of the website, including the hall and church pages as a lot of information is now out of date. Wendy Vigus said that she usually makes a judgement on what to post on the website, eg information from Neighbourhood Watch and suggested that perhaps we have two sign offs before information goes on the website. It was **RESOLVED** to approve the Compliance statement, previously circulated, Cllr Moore proposed, Cllr Pomfet seconded, all agreed.

### **20/75 Planning**

- (i) Applications notified since last meeting – None
- (ii) Applications notified since the preparation of the agenda - None
- (iii) Other planning matters – Cllr Howe reported that none of the outstanding planning applications have been determined yet. With regard to the field at Crosside Hill, the Environment Agency has visited it and given the owner two months to undertake work regarding the stream about which the EA is concerned. An electric fence has to be erected a certain meterage from the river and currently it is too close and will be required to be moved. Cllr Howe also reported that the Chairman of Planning, D/Cllr Ley has written to the planning officer indicating that he reserves the right to have this application (ref. 72027) be put in front of the full Planning committee for consideration. D/Cllr has visited the field and talked to neighbours and is fully aware of the problems that have arisen.

### **20/76 Third Party Reports**

- a) District Councillor – not present
- b) County Councillor – C/Cllr Yabsley reported that he had attended an online Joint Planning Working Group at which they had received a two and a half hour briefing on the new Planning Paper which is very complex and a lot to take in. There will be a further briefing with full council on 30th September. Council officers are putting together a response to the consultation. On the County side of things there is a lot going on regarding housing and planning and also the new regime for the farming community – ELM (Environmental Land Management). This is going to take over from the basic farm payment which has three tiers but information is quite vague and the Planning White Paper also lacks detail. He hopes to come out soon on a Highways visit to the Parish when he would also meet with Cllr Barrett. Cllr Moore raised the issue of Hittsford Lane where a serious amount of work is needed and a parishioner is struggling to get a tractor along it and asked who Cllr Barrett should be prodding to get it onto a worksheet. C/Cllr Yabsley said he would put it on his list to chase up; he said he already had the blocked gully in East Knowstone on the list.

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**20/77 Members Reports**

a) **Highways** – Cllr Moore

(i) outstanding issue of gully in East Knowstone – covered above under 20/76(b).

(ii) Cllr Moore raised the issue of the dangerous entrance to Harpson and Kidland where drivers pull out blind onto the A361 and suggested that better signage was needed. C/Cllr Yabsley said he would have a look at it.

b) **Footpaths & Beaples Stone** – Cllr J Pomfret reported that DCC has agreed that the gateway at the bottom of Shapcott Woods can be removed by the landowners and DCC will arrange and pay for a local contractor to re-install it 10m away. Cllr Pomfret will ask the landowner to put temporary fencing across the opening after they have removed the gate otherwise the garden of the adjacent property will be overrun by deer. A damaged footpath sign near Wiston Farm, Roachill had been reported to him and as he has a spare sign he will replace it himself. He has received 5 new sets of maps which are still showing the old route of the Two Moors Way which he will point out to Ros Davies at DCC.

c) **Welcome Pack update:** Cllr Maidment reported that she had delivered four packs to new residents a couple of weeks ago which had been well received. Councillors were reminded to let Cllr Maidment know when new people moved into the parish so that a welcome pack could be delivered. It was also suggested that anyone selling their property could be given a Welcome pack to show potential buyers.

d) **Police Report** – Cllr Moore said that there was nothing much to report. He thanked Cllr Barrett for posting the road survey on the Knowstone Facebook page. The results of the survey will be a valuable resource for the police. In view of today's announcement re. COVID-19 restrictions he said that everyone should obey the new rules as far as practicable. Although cases are low in the South West we cannot be complacent. There will be hefty fines for breaking the rules. He suggested that information about the new rules should be put on the website when available.

e) **Parish Hall** – Cllr Howe reported that Pilates classes were carrying on the hall twice a week. Unfortunately it had not been possible to hold the Harvest supper this year or any other of the planned events.

f) **PCC Report** – Cllr Howe reported that there will be an ad-hoc PCC meeting next Tuesday to fill out annual forms, respond to the appropriate body in Westminster on how the church has used charitable money it has received, decide whether or not to go ahead with under-pew heating and other matters relating to the church fabric. There will be a christening in the church on 11th October. All participants will have to wear masks other than the vicar conducting the service.

**20/78 Moors Management** – Cllr Moore reported on his attendance at a recent Moors Management Association (MMA) meeting where he felt that he had not been treated with respect as a representative of KPC, one of the association's landowners. He flagged up his deep concerns about KPC's relationship with MMA and the way MMA is conducted which would have been fine 25-30 years ago but is not how things are conducted in today's environment. He had been disappointed with the way the meeting had gone when he had tried to get to the bottom of how the Association works. Things have not been recorded in council minutes in the past. He tried to get more transparency and clarity from MMA but the response, he felt, had been dismissive and condescending. As a committee member he was not able to see the things that make due diligence work. When he asked if he could view the accounts, he had been told by the Treasurer of the Association that he could only see the abbreviated copy that is handed out at the Association's AGM. He said he would not go back on that committee or recommend that anyone does until such time that KPC manages to meet somewhere in the middle with MMA. He felt that as a Council we are part of a group, that is run by a Treasurer and a Chairman, from which we get money, the reason for which has become blurred over time which is a strange situation to be in. He did not think that proper legal advice was sought when KPC joined MMA, nor when a deed was signed in 2012 which covers how money is received into MMA and how it is utilised. He re-iterated what he had said in his email to councillors - "To be absolutely clear my only concern is that on behalf of KPC I want to have the confidence to feel that the Moors Management Assoc is currently run on a proper and legal basis (whatever that might mean) and that KPC's involvement and receipt of funds annually is fully in accordance with our legal financial responsibilities." He felt that in 2020 that means transparency and due diligence. If the Council is receiving money it needs to know exactly what it is for and record it accordingly.

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KPC had not been diligent when sending people to MMA meetings fully briefed. It had previously been described as just being a rep to report back to KPC meetings but KPC is a full committee member of the Association. He said that he has no concept of what rights and responsibilities the Council gave up to MMA and what rights and responsibilities KPC retains, particularly financial ones. There is no master list that he can find. There are significant amounts of money going to commoners; and he does not know what due diligence is around on how that is arrived at. In conclusion Cllr Moore said he would like to form a small Working Group with a couple of councillors to look at the paperwork and see what can be done going forward.

Cllr Pomfret, based on what Cllr Moore had reported, said he would be unhappy with just letting the situation carry on without some further investigation, consultation or discussion. Cllr Howe said that as parish councillors it was important to remember that we are Trustees and people should have trust in us to manage our affairs in a correct manner. He had attend MMA meetings himself in the past and did not fully understand what was going on. He felt that KPC ought to have a better understanding of MMA's structure and the distribution of any funds so that the Council can be sure everything is OK and above board and in line with proper financial requirements.

Cllr Stanbury, as Chairman of MMA, gave the following summary of the Association's background. Since the year dot Knowstone parishioners could do what they wanted on the moor, put what they wanted on it and take what they wanted. In 1960 they had to register their rights; after which they could only put animals on the moor, take stones and sticks etc if they had registered their rights with the Commons Register. Cattle could be grazed 365 days per year / 24 hours a day. In 1990 the government set up a WES (Wildlife Enhancement Scheme) agreement via what was then English Nature to manage the moor. The rights-holders had to form an association to be able to draw the funds down. A committee was formed which consisted of 3 landowners and 3 commoners. A limit of 100 cattle to graze the moor between 1 April and 1 October was agreed with English Nature so rights holders immediately lost out and could not exercise their rights. For the first 10 years the money received was used to put in 4 cattle grids at a cost of approximately £19k each plus 10 years maintenance charge. Money then accumulated in the pot and it was decided to pay some of it to the rights-holders for a couple of years as compensation for lost rights. It was then proposed and agreed by a narrow margin to pay some money to landowners as well. As there are 19 rights-holders and 3 landowners, the landowners were lucky to win that vote. There are 359 registered rights and 360 acres. The annual money is divided up between the rights-holders and landowners after the following items of expenditure are paid - public insurance, hedge trimming, burning, gorse cutting and an amount is retained for unforeseen circumstances. The accounts are looked over every year by an approved accountant. If you have rights you can look at the Association's books. It is not a closed shop.

The matter was discussed further between Cllr Moore and Cllr Stanbury. Cllr Moore raised concerns over whether the deed that had been created in 2012 had been signed by KPC. Cllr Stanbury said that the Council could talk to Landsense who had drawn up the deed to have any questions answered. Cllr Howe asked Cllr Stanbury whether the money received is from the Rural Payments Agency. He replied that it is and comes via Natural England under a 10 year HLS (Higher Level Scheme) agreement.

Cllr Moore said the options for KPC were send a rep, not send a rep or withdraw from the Association. Cllr Stanbury said that there has to be six committee members (3 landowners, 3 commoners) at the AGM in December and that the Association would fold if KPC withdrew. It was AGREED that Cllrs Howe, Moore and Stanbury will meet to discuss further and to try to gain a get better understanding of MMA to everyone's satisfaction.

**20/79 Parish Meeting** – The Chairman stated that it was clear that having a Parish meeting in the next six months was not going to be possible. It was hoped that a summary of last year's activities could go on the website and a booklet produced as previously.

**20/80 Business at the Chairman's discretion** – none

**20/81 The date and time of the next meeting** were confirmed as Tuesday 27th October 2020 at 7.30 p.m.

The meeting closed at 20.53.

*Draft minutes to be approved at the next scheduled meeting*