

# Frithelstock Parish Council

## Minutes of the Parish Council AGM

held on Thursday 5<sup>th</sup> July 2018 at 8pm in Frithelstock Village Hall

**Councillors Present:** Mike Stokes (Chair), Mackie Poole, Roger Hunkin, Andrew Heard, Mark Goldman, Elizabeth Hunkin (part), District Councillor Philip Pennington and County Councillor Andrew Saywell

**Parish Clerk:** Zena Tett

**Also in attendance:** 8 members of the public

### BUSINESS TRANSACTED

18. **Apologies for Absence:** Councillor Mike Baker
19. **Welcome:** Mike Stokes, Chairman of the Parish Council, welcomed everyone to the meeting.
20. **Minutes of the Last Meeting**  
Minutes of the Parish Council meeting held on Thursday 3<sup>rd</sup> May 2018 were agreed and signed as a true record: proposed by Cllr Heard, seconded by Cllr Goldman, all in favour.
21. **Declarations of Interest:** None
22. **Public Speaking Time:**
  - 22.1 Several parishioners spoke of the concerns of residents in Hele Lane regarding the dropped kerb outside a property which runs virtually along the whole front of the property. This would mean a loss of 25% of the parking spaces along this small stretch of road and they were unhappy at not being consulted. Residents have started a petition leading to a static assembly outside the property to register their disapproval. On behalf of the residents of Hele Lane, this resident asked the Parish Council to join them in their rejection of the dropped kerb.
  - 22.2 Another parishioner said they witnessed the gathering of residents and said it was not a mob, more like a family gathering and that no contractors were on site. It was also mentioned that several residents of Hele Lane have carers who visit their homes and shopping is delivered making it increasingly difficult.  
  
D.Cllr Pennington said if there were any contraventions to the law he would find out and this was a common theme running through most villages where parking pressures are becoming increasingly difficult.

- 22.3 Richard Joseph read out a statement from a Nigel McCree after mentioning that everyone had behaved correctly at the gathering. The statement read: *I would add to the reasons I gave to Mike Stokes initially, by stating that, if we were aware sooner (when Mike knew about it) we may have stood a chance of mobilising the anti-dropped kerb feeling, much sooner & we may have been able to intercede before the decision was made by DCC Highways. I do not feel that the PCC Leader has done enough on this issue regardless of his opinion.*

Cllr E Hunkin entered the meeting.

Cllr Stokes moved to bring item 25.1 forward for immediate discussion.

25.1 Highways Enquiry181132823

Cllr Stokes read out a statement on behalf of the Parish Council.

*On the 15th June, Nigel McCree contacted me regarding the permission granted to Mr Boshier to construct a dropped curb at his property. I advised that it was not an issue for the PC but following further emails from him, I agreed that we would include an item on tonight's agenda, to at least make a record of his feelings. This we have done.*

*On 21st June, the PC received a letter from Mr Boshier together with a copy of his licence to construct a dropped curb outside of Caer Bryn. In his letter he asked that the PC endorse the improvements that he was to undertake. I explained that we could not do this, neither could we endorse the actions of those who opposed him.*

*Since then however, I feel that despite our DCC Councillor, Andrew Saywell getting involved, the issue has escalated out of all proportion, resulting in what I can only describe as a lynch mob outside of the property, yesterday morning. This had the effect of intimidating Mr Boshier's contractor, who ceased work; how unfair is that on the contractor.*

*This event was doubly unfortunate because Andrew Saywell, after having consulted with DCC Highways and the Leader of DCC, wrote a very detailed email response the day before, to both protagonists, explaining that what Mr Boshier had done is completely within his rights, there were no grounds for DCC to refuse the application and therefore there is nothing else that can be done. Indeed, if the application had been refused, Mr Boshier could have appealed, would almost certainly have won his case and cost us, as council tax payers, money. It is perhaps worth noting that no-one has a right to park outside of their property and furthermore, none of the vehicles that generally park in Hele Lane are owned by residents. This has prompted several observations that "it is like living in a public car park". I should also add that the point has been made that vehicles have been parked legally; this is not always true because the Highway Code states that where it is necessary to park on the highway, vehicles should park in the direction of the traffic.*

*When parking in Hele Lane was an issue several years ago, arrangements were put in place by the Village Hall Trustees, that for a nominal sum, parishioners could park in the VH car park. This seemed to work well for a*

*while although the practice seems to have ceased. If there is a general parking problem, why can't this option be revisited? I have to say that the recent events, particularly those of yesterday, made me, for the first time in my life, ashamed of the city, town or parish in which I have lived.*

*With hindsight, I don't believe that this whole matter has been handled very well and no-one emerges with any credit. May I suggest that everyone moves on from here, that Mr Boshier be allowed to proceed in peace, with his plans because if we don't, any guests renting Caer Bryn will take away very negative impressions of the parish.*

*Mr Boshier did come to see me this morning and he advised that he is contemplating taking out injunctions against a number of the protagonists as well as suing them for loss of trade which these events risk doing to his business.*

*I really hope that this doesn't happen because I don't believe that what we have seen recently is what Frithelstock is all about.*

C.Cllr Andrew Saywell explained the decision to grant a licence is between the applicant/home owner and the council and no third parties are involved. If granted, it is then up to the home owner to arrange and carry out the works which C.Cllr Saywell does not have the power to stop.

Cllr Stokes thanked C.Cllr Saywell for all the work he had done in this matter and the detailed response C.Cllr Saywell set out is below.

*I have been in contact with Highways Officers at DCC today and yesterday and having asked every question I can think of and looked at every option I can think of I regret to say that there is little more, if anything, I can now do on this matter. I simply do not have the powers to stop this operation.*

*Once a dropped kerb licence is granted it is the responsibility of the applicant/home owner to undertake the works, not DCC. I do not have the power to stop a private home owner from doing these works and the only way the council can intervene would be if they did the works incorrectly or damaged the highway. Equally, the Parish Council do not have any powers or jurisdiction to intervene either.*

*I appreciate how strongly you and other people feel about losing parking spaces. When I lived away from Devon it was next to impossible for me to find a parking space on the street I lived in so I do know how you and your other neighbours feel.*

*However, fundamentally the law of the land does not guarantee individuals or home owners the right to an on-street parking space. It does however, give people the right to construct or have vehicular access to their property though installing a new vehicle crossing or a dropped kerb. You may not feel that is fair or right but unfortunately it is the situation we live in right now.*

*I have looked into the process people have to follow if they want to put in a dropped kerb. Applicants/home owners have to be granted a licence to put one in. The approval of an application for a licence is dependent on a number of factors such visibility at the site and distance from the nearest junction.*

*DCC has a 10 point check list that applicants have to meet before they can submit an application. They are:*

*Can the applicant pay for the licence and construction costs?*

*Is the applicant the homeowner? (DCC can only approve a vehicle crossing with the homeowner's consent.)*

*Do the works require planning permission? (The applicant has to liaise with the local planning authority – in this case Torridge District Council. Essentially if the applicant tells DCC that they do not need planning permission that in itself is not a reason for DCC to refuse to grant a licence)*

*Does the applicant have enough room to fit a standard vehicle without overhanging the footway? A minimum of 5m in length and 2.7m width is required. Any gates must open in towards the property. Whilst there is no maximum length or width of vehicle crossing specified, each site is assessed for safety and feasibility, and therefore a vehicle crossing for the entire frontage of a property to the highway may not be approved.*

*Is the proposed site far enough away from the nearest junction? You need to be 15m from an A, B or C road or 10m from a minor road.*

*Is there good visibility? Walls, hedges or other obstructions may mean that we are unable to approve the vehicle crossing.*

*Are there any utility covers in the vicinity of the dropped kerb? If there are, the applicant will need to contact the utility company to arrange for it to be removed.*

*Are there any trees on the footway or verge in the vicinity?*

*Is the site clear of street furniture such as road signs?*

*Is the site clear of any parking restrictions such as parking bays or bus stops? In this particular instance the applicant would have appeared to have satisfied these criteria otherwise the Council would have refused his application. While I appreciate the loss of parking spaces to neighbours is frustrating, the council cannot make a decision on that basis. The idea of a dropped kerb is to remove the on-street parking of the applicant and have it instead in their own property.*

*While I appreciate in this instance that this may not have been the motive of the applicant – the personal motives of any applicant cannot be used as a reason to refuse a licence application.*

*Equally, as the Neighbourhood Officer – who is a qualified Highways Engineer and who would have inspected the site – could not find any reasons where this applicant failed to meet the criteria, he had little choice but to grant this application. Otherwise the applicant could have appealed and that case would have almost certainly been allowed. This has happened in other cases across the County.*

*I know this is not what you want to hear and I regret that I cannot give you a more positive reply on this. I hope though it has given you some context as to how this and other decisions like this are taken. I am sorry though I cannot be more helpful in this instance.*

Adrian Green mentioned that parking was available in the Village Hall for a nominal fee, however, he reminded everyone that cars are parked at the owner's risk. Richard Joseph agreed to mention this on the website.

A parishioner suggested a compromise in that if the owners of the campervan and works van agreed to park their vehicles on their own properties then the works need not be carried out. Cllr Stokes agreed to write to all parties concerned. **Action Cllr Stokes**

22.4 Richard Joseph, on other matters, mentioned the progress of the Prior was going quite well. Lastly, he mentioned the need of a pub or some sort of social centre and suggested the Parish Council and the Village Hall get together to find out how this is achieved. Adrian Green said that the Village Hall bar could not be run as an alternative to the pub.

22.5 Adrian Green said the Parish Council had previously given permission to put a storage container on the playing field. The Village Hall had now found a cheaper version and are now in a position to give the Parish Council an invoice for £800 plus VAT which equated to the amount agreed as a donation from the Parish Council. The container will be painted green to help it blend in.

### 23. **District and County Councillor Reports**

#### District Councillor Philip Pennington

D.Cllr Phil Penning explained there had been a few teething troubles with the new refuse and recycling and gave his apologies to anyone involved. He urged residents to contact either himself at [phil@philpennington.co.uk](mailto:phil@philpennington.co.uk) or Richard Haste at [Richard.haste@torridge.gov.uk](mailto:Richard.haste@torridge.gov.uk) if they have any further issues or to telephone Torridge District Council direct on 01237 428700 and choose option 3. Cllr Pennington feels it is a good system they have put in place and he is proud of the work they have achieved thus far, they just need a little time to sort out these issues. He is disappointed with the planning inspectorate and their decision on the Clinton Arms, as many of you will be aware this application has now gone through. Finally, there are new schemes going forward for the 2018/19 financial year and parishes should let him know if there are any projects in the pipeline needing funds.

#### County Councillor Andrew Saywell

C.Cllr Andrew Saywell began with expressing how appalled he was at allegations made today against a prominent member of DCC, especially as he had not seen any evidence of wrong doing.

More positive news is that the government have given £83m to DCC in order to upgrade the link road from Barnstaple to South Molton with construction starting in 2020. There is also talk of upgrading the Bideford to Northam stretch.

Two roads in Devon have been earmarked for upgrading; A361, A39 and A380. The County Council have welcomed this news, however, their response to the government was a request for them to recognise the strategic importance of the A386 and A388 in the hopes of upgrading stretches of these roads as well.

to upgrade stretches on the A386 and A388 also.

DCC is in the early stages of preparing a new economic strategy for counties with the emphasis on towns, the working group have announced that now is a good time to work on town strategy including rural areas.

Finally, the new Deputy Leader of CC is James McInnes.

## 24. Matters Arising

### 24.1 Asset Register

At a previous meeting of the Parish Council the Clerk was asked to investigate the value of the land for the purpose of the Asset Register. The Clerk confirmed the land was donated to the Parish by the Allen family and as assets should be listed as their historic cost (i.e. the cost that was paid by the Parish Council) this would mean the land should be listed as a nominal amount of £1.

### 24.2 Playing Field Equipment

The Clerk confirmed receipt of the grant of £3,000 and the Parish Council is now able to pay the invoice from TK Play.

### 24.3 Flashing Speed Sign

The Clerk has been in touch with Westcotec who supplied the Flashing Speed Sign and they are due to investigate. The Clerk was asked to chase. **Action Clerk**

### 24.4 Remembrance Day Vintage Tea

Cllr E Hunkin has approached members of the WI who had a meeting in June. They are more than happy to help to organise the Vintage Tea after the Remembrance Day Service. A resident has offered to supply vintage tea crockery and although numbers are unknown, it has been decided to cater for 80 people. Costs are likely to be in the region of £30, all invited.

At 3pm church bells will ring across the country including Frithelstock. Cllr Poole asked residents to make any further suggestions and to come along and support.

Cllr E Hunkin reminded everyone to dig out their memorabilia to be displayed in the Church Hall on the day.

## 25. New Items

### 25.2 White Stones

The War Memorial needs to be cleaned and the white stones need to be painted. Cllr E Hunkin volunteered to clean the War Memorial, however, Cllr Poole suggested a professional should undertake the task. The Clerk was asked to contact the War Memorial Trust and seek advice. **Action Clerk**

Cllr Goldman offered to provide a tin of paint for the white stones and Councillors agreed to meet on Monday 16<sup>th</sup> July at 7pm in order to paint the stones. All Councillors to bring a paint brush and a pail. **Action All Councillors**

Cllr Stokes also mentioned that it was now appropriate that a sign is put up on the village green and Cllr E Hunkin volunteered to provide posts. **Action Cllrs Stokes and E Hunkin**

A resident asked whose responsibility is it to remove the old brown signs. C.Cllr Saywell was asked to investigate. **Action C.Cllr Saywell**

Another resident asked if it were possible to have a preservation order put on the Clinton Arms otherwise the village will lose its image. Clerk to put on the next Agenda. **Action Clerk**

## 26. Planning

- 26.1 1/0389/2018/AGMB: The Shippon, Smythacott, Frithelstockstone. To minute the decision made by Torridge District Council to grant permission for this application.
- 26.2 1/0038/2018/FUL: Barn at Cloisters Farm, Frithelstock. To minute the decision made by Torridge District Council to refuse permission for this application. Cllr Goldman mentioned the application was refused due to the structure not being strong enough for its use.
- 26.3 Gambling Act Consultation: no comment.
- 26.4 To discuss any applications which may have arisen since the Agenda was published:
  - 26.4.1 1/0122/2018/FUL: Higher Coombe, Monkleigh. To minute the decision made by TDC to grant permission for this application.

## 27. Clerks Report

- 27.1 Correspondence

The following correspondence was noted/reviewed:

  - 14.1.1 TDC: Refuse Collection Dates
  - 14.1.2 Clayewater: TDC Neighbourhood Plan
  - 14.1.3 TDC: Area Advisory Group Meeting dates
  - 14.1.4 TDC: Sam Robinson RIP Civic Memorial Service thsnk msckie and chunk for attending on behalf of pc
  - 14.1.5 Devon & Cornwall Police: Small Grant Scheme
  - 14.1.6 TDC: Roll Out New Recycling Schemes
  - 14.1.7 Police: Proposal from Devon and Cornwall Police to merge with Dorset Police
  - 14.1.8 DCC: Crowdfund Devon Launch 12<sup>th</sup> July
  - 14.1.9 TDC: Communities Together Fund (formerly TAP Fund) – the Clerk was asked to add this item to the next Agenda. **Action Clerk**
  - 14.1.10 Langtree PC: Proposal for use of Communities Together Funding
- 27.2 Register of Interests

Cllr Baker reviewed and signed his Register of Interests.

## 28. Councillors' Reports and Items for Future Agenda

- 28.1 Cllr Stokes had received a letter from a resident complaining about the unnecessary and noisy play equipment that had recently been installed. The letter went on to mention that we were in breach of planning. Cllr Goldman said the planning officer visited the site whilst the work was being carried out and he mentioned in his opinion it was all above board and told the contractor he could continue installing the equipment. The matter can now rest and Cllr Stokes will reply to the resident in question.
- 28.2 Cllr Goldman had received an email from a resident who raised concerns about the access in Church Lane to the potential new building site when construction commences. Councillors decided it would be more appropriate to make comments when the next stage of planning/reserved matters is applied for – this process will cover the detailed design aspects of the planning application. Cllr Goldman was asked to reply to the residents

suggesting they write directly to Torridge Planning with their concerns, referencing the outline planning permission before the Reserved Matters application is submitted.

**29. Finance**

29.1	To consider the following payments	
29.1.1	Frithelstock Cemetery	£50.00
29.1.2	Church Cemetery Maintenance	£250.00
29.1.3	Citizens Advice Bureau: donation	£25.00
29.1.4	Clerks Salary & Expenses	£380.48
29.1.5	Clerks Expenses	£48.75
29.1.6	TK Play: play area surfacing	£3,006.96
29.1.7	TK Play: trampoline	£11,998.80
29.1.8	Internal Audit	£100.00
29.1.9	Additional invoice £130.00	

The above payments were proposed by Cllr Stokes, seconded by Cllr Heard, all in favour.

**29.2 Bank Balance**

The balance in the community account as of 11<sup>th</sup> June 2018 was £18,352.38 and the business account as of 11<sup>th</sup> April 2018 was £665.73. There are outstanding transactions which total £15,851.74 and once these payments have gone through the balance will be £3,166.27.

**30. Date of Next Meeting:** was confirmed as 6<sup>th</sup> September 2018 at 8pm in the Village Hall, Frithelstock.

**With no further business, the meeting closed at 9:30pm**

**SIGNED AS A TRUE RECORD: .....** (Chair)

**NAME: ..... DATE: .....**