

Botus Fleming Parish Council

www.botusfleming.org.uk



Notice of the Public Meeting of the Parish Council

Members of the Public and the Press are invited to attend all Council meetings

(Public Bodies (Admission to Meetings) Act 1960)

Date: Wednesday 28th April 2021

Time: 7.30pm

Location: Virtual Meeting by remote access Microsoft Teams

To : Chairman & Parish Councillors

Chairman D Edwards

Councillors. M Ellis, M Fletcher, J Oakes, J Robinson, S White, & D Willey (Vice Chairman).

You are hereby summoned to attend the above meeting to consider the items of business.

(LGA 1972 sch.12 para.10(2))

Councillors will be discussing all the items as listed overleaf on the Agenda.

Christopher Cook (CILCA)

Christopher Cook

Clerk to the Council

6th April 2021

Under the Openness of Local Government Bodies Regulations 2014, any members of the public are allowed to take photographs, film and audio record proceedings and report on all public meetings (including on social media). No prior notification is needed but it would be helpful to let the Clerk know of any plans to film or record so that any necessary arrangements can be made to provide reasonable facilities to report on meetings. This permission does not extend to private meetings or parts of meetings which are not open to the public.

Should you wish to record the meeting, you are asked to act in a reasonable manner and not to disrupt the conduct of meetings by, for example, using intrusive lighting, flash photography, or in asking people to repeat statements for the benefit of the recording. Oral commentary may not be made during the meeting. The Chairman has the power to control public recording, and recording must be clearly visible to anyone at the meeting.

Please be aware that whilst every effort is taken to ensure that members of the public will not be filmed, we cannot guarantee this, especially if you are speaking or taking an active role. Members of the public will be permitted to speak for a period of 3 minutes. Please note that members of the public exercising their right to speak during Public Questions Time may be recorded.

The Parish Council recommend that any questions for Members should be submitted in writing to the Parish Clerk 24 hours before the Meeting and that responses may be put in writing at a later date.

Parish Clerk & Responsible Financial Officer
24 Rashleigh Avenue - Saltash - Cornwall - PL12 4NS
Tel. 07523 005414
clerk@botusfleming.org.uk

7.30pm – Item 729 below (Public Bodies (Admission to Meetings) Act 1960 s.1 extended by LG Act 1972 s.100)

Questions and comments from members of the public (limited to 15 minutes in total)

This provides an opportunity for members of the public (who are not usually permitted to speak during the meeting except by special invitation of the Chairman) to participate before the start of the meeting by asking questions, raising concerns or making comments on matters affecting Botus Fleming and Hatt. No decision can be taken during this session*, but the Chairman may decide to refer matters raised for further consideration. Items of a sensitive nature are not discussed in public and the Council passes a resolution under the above Act

* Councils cannot lawfully decide items of business that are not specified in the Summons/Agenda (LGA1972 Sch.12, paras 10(2)(b) and Longfield Parish Council v Wright (1918) 88Ch.119

Agenda | 28 April 2021

728/2021 Chair's Welcome & Announcements

Health and Safety housekeeping announcement,
Recording of Meetings – Please notify the Chair if you are intending to record this meeting.

729 Public participation

730 To receive Apologies for Absence and approve the reasons given.
(LGA 1972 s.85 (1))

731 Declarations of interest

Parish Councillors will be asked to make any declarations of interest in respect of items on this Agenda. Items A to C accord with the requirements of the Parish Council's Code of Conduct and Item D accords with the Localism Act 2011 s33(b-e). This does not preclude any later declarations.

A. Pecuniary/Registerable Declarations of Interests – Members must declare an interest, which has been declared on their Register of Financial Interests Form, relevant to this Agenda.

B. Non-registerable Interests – Members must declare non-pecuniary interests at the start of the meeting or whenever the interests become apparent.

C. Declaration of Gifts – Members must declare any gift or hospitality with a value in excess of £50.

D. Dispensations – Members to consider any written requests for dispensations.

732 To approve and sign as a correct record the draft Minutes of the Public Meeting of the Parish Council held on Wednesday 24th March 2021 (virtual remote meeting), and the Extraordinary Public Meeting held on Wednesday 10th March 2021 (virtual remote meeting).
(LGA 1972 sch.12.para 41(1))

733 Matters arising from the Minutes for report purposes only.

734 A Report from Cornwall Councillor Jesse Foot

735 Finance

A Accounts for Payment.

Members are asked to note the following items of expenditure for the month of **April 2021**.

Payments Schedule		28 April 2021		Period 1
Date	Payee	Description	BACs ref.	£
28/04/2021	Christopher Cook	Salary	BACS126	239.98
28/04/2021	HMRC	PAYE	BACS127	59.80
28/04/2021	Christopher Cook	Administration expenses	BACS128	20.35
28/04/2021	Clr. Mervyn Ellis	Expenses mileage claim	BACS129	26.10
28/04/2021	Eric Distin	Professional Surveying fees	BACS130	1,500.00
28/04/2021	BMS Landscaping	Grass cutting (April)	BACS131	537.00
All BACs payment amounts today				£ 2,383.23

B Direct bank Payments & Receipts for information

All bank receipts for this period **£11,326.20** Total receipts 2021/2022 are **£11,326.20**

Date 28th April 2021

Botus Fleming PC Current Year 2021/2022

Period 1

Receipts & Payments statement as at 28/04/2021
for Cashbook - Current A/c 1 & Business Reserve A/c 2

Bank Statement Account Name(s)	Statement Date	Amount	Balances
Current Account - Lloyds A/c 1	28/04/2021		11,326.20
Business Reserve Account - Lloyds A/c 2	28/04/2021		0.00
Lloyds A/c 2 = Earmarked Funds *			
Total Receipts			11,326.20

Available General Funds from 31st March			14,103.84
Less - Payments made A/c1 - Apr			2,383.23
Add - Receipts during April			11,326.20
Less - Payments made A/c1 - May			0.00
Less - Payments made A/c1 - June			0.00
Less - Payments made A/c1 - July			0.00
Less - Payments made A/c1 - August			0.00
Less - Payments made A/c1 - Sept			0.00
Add - Receipts during September			0.00
Less - Payments made A/c1 - Oct			0.00
Less - Payments made A/c1 - NOV			0.00
Less - Payments made A/c1 - Dec			0.00
Less - Payments made A/c1 - Jan			0.00
Less - Payments made A/c1 - Feb			0.00
Less - Payments made A/c1 - Mar			0.00
General Funds as per Bank Statement			23,046.81

Movement on A/c1 April	Receipts	Payments	Movement +/-
Receipts against Payments	11,326.20	2,383.23	8,942.97

1st Precept payment due 7/4/21
£10,000.00

07/04/2021 Receipt A/c1		Cornwall Council		Precept April 2021	10,000.00
07/04/2021 Receipt A/c1		Cornwall Council		CTS Grant April 2021	80.39
09/04/2021 Receipt A/c1		HMRC		Vat recovery claim	1,245.81
14/09/2021 Receipt A/c1		Cornwall Council		Precept April 2021	0.00
14/09/2021 Receipt A/c1		Cornwall Council		CTS Grant April 2021	0.00
					11,326.20

28/04/2021 Earmarked Funds receipts *					
Big Event / Christmas Fayre		Account 2		Receipts	0.00
Big Event / Assets		Account 2		Receipts	0.00
Sports & Recreation		Account 2		Receipts	0.00
BOTHER Climate emergency		Account 2		Receipts	0.00
Neighbourhood Development Plan (NDP)		Account 2		Receipts	0.00
RFO 28th April 2021					0.00

C Bank reconciliation and Earmarked Funds (EMF) balances at 28th April 2021

Date 28th April 2021

Botus Fleming PC Current Year
2021/2022

Period 1

Bank Reconciliation statement as at 28/04/2021
for Cashbook - Current A/c 1 & Business Reserve A/c 2

Bank Statement Account Name(s)	Statement Date	Amount	Balances
Current Account - Lloyds A/c 1	28/04/2021		23,046.81
Business Reserve Account - Lloyds A/c 2	28/04/2021		16,788.76
A/c 2 = Earmarked Funds *			
Total balance			39,835.57

Unpresented Cheques (Minus)	0.00	0.00
		39,835.57
Receipts not banked / Cleared (Plus)	0.00	0.00
		39,835.57
	Balance per Cash Book is :-	39,835.57
	Difference is :-	0.00
General Funds as per Bank Statement	Available General Funds	23,046.81

28/04/2021 Earmarked Funds *		
Big Event / Christmas Fayre		3,285.52
Big Event / Assets		1,400.00
Sports & Recreation		1,921.64
BOTHER emergency response		8,762.94
Neighbourhood Development Plan (NDP)		1,418.66
		16,788.76
RFO 28th April 2021		

D Monthly budget monitoring balances at 28th April 2021

Summary Expenditure Account Year ended 31st March 2022
Monthly Budget monitoring

YEAR END 2021-2022

Period 1 - April

Lloyds Current Account A/c 1 - 38772468	Budget 2020 2021 *	Expendit ure 2020 2021	Budget 2021 2022 *	Expendi ture as at 28/4/21	Budget availab le
Expenditure					
Clerk's Salary & Locum expenses	4,000	3,277	3,750	239	3,511
HMRC	700	818	686	60	626
				299	
General & Administration					
Postage & Admin / Office allowance	400	529	350	20	330
Legal & Website	500	654	500	0	500
Legal - Recreation Field	1,500	1,138	50	50	0
Elections & Adverts	0	0	3,000	0	3,000
Training & Expenses & Subscriptions	800	824	800	26	774
				96	
Contracts					
Grasscutting	4,250	2,897	4,250	448	3,802
Dog bin cleansing			700	0	700
Insurance	1,000	709	1,000	0	1,000
Loan Repayments	2,500	2,757	5,464	0	5,464
Maintenance & Equipment	500	516	500	0	500
				448	
Other Payments					
Grants & Donations	650	600	300	0	300
Newsletter printing	1,000	698	400	0	400
Projects & CAT	2,850	0	1,000	1,200	-200
Big Event *	1,400	0	1,000	0	1,000
Neighbourhood Dev. Plan *	250	0	250	0	250
BOTHER	0	0	500	0	500
Vat recoverable amount^					
^see Receipts £1,245.81				1,200	
* includes Projects, Bother & (CAT)					
Total Budget £4,500					
Total Payments	22,300	15,417	24,500	2,043	22,457
Vat amount to date 2021 2022				339	

RFO 28th April 2021

E Public Works Loan Board - Loan Statement 28th April 2021

Date 28th April 2021

Botus Fleming PC Current Year 2020/2021

Period 1

Loan Payments statement
for Cashbook - Current A/c 1

Bank Statement Account Name(s)	Statement Date	Loan advance	Payments Principal & Interest	Balance to pay
Current Account - Lloyds A/c 1	24/03/2021			

PWLB Loan advance 24/06/2020*		69,975.00		
Direct Debit payment – 24/12/20			2,732.22	67,242.78
Total Loan amount outstanding				67,242.78

* PWLB less loan admin fee £25

F Year End Accounts for Internal Audit

- (i) Supporting Statement to receipts & Payments Account & Section 137
- (ii) Receipts & Payments Summary 2020 / 2021
- (iii) Summary Receipts & Payments Account 2020 / 2021
- (iv) Statement of Income & Expenditure 2020 / 2021

736 Planning

New Planning Applications – None received

Application link <http://planning.cornwall.gov.uk/online-applications>

Planning Application Decisions – None received

Planning Application – For information

Town & Country Planning (Appeals) (Written Representations Procedure) (England) Regulation 2009

The following Appeal has been made to the Ministry of Housing, Communities and Local Government:

MHCLG **APP/D0840/W/21/3270382**
 Cornwall Council ref **PA20 / 02824**
 Appeal start date 12th April, 2021
 Proposal Construction of four detached bungalows with private drive access
 Location Land east of Loveton, Vollarads Lane, Hatt, Cornwall PL12 6PT
 Appellant Mr & Mrs Christopher, Ann, Alistair Mason, Ms Jane Johnson
 Cornwall Council decision - REFUSED

Planning Application received after the Agenda issue – To be advised

737 Neighbourhood Development Plan – Cllr Dave Edwards (Chairman)

www.botusflemingandhattndp.com

Report deferred until 17th May 2021

738 Parish Plan - Cllr Dave Edwards (Chairman)

Report deferred until 17th May 2021

739 Recreation Field - Cllr Dave Edwards (Chairman)

740 Councillor Reports

- A Asset Audit - Cllr Sally White
- B Bio diversity - Cllr Malcolm Fletcher
- C Climate change emergency - Cllr Malcolm Fletcher

Given that BFPC declared a Climate Emergency in 2019, I believe that it should support all possible legislative initiatives to tackle the Emergency. I would therefore like to propose the following **two Motions**:

1. *BFPC declares its support for the Climate and Ecological Emergency Bill*
2. *BFPC urges its MP, Hon. Sheryll Murray, to lend her support to the Bill in subsequent readings in Parliament and will write to her to this effect.*

D	BOTHER	- Cllr Mervyn Ellis
E	Big Event / VE day	- Cllr Dave Edwards (Chairman)
F	Signage in the Parish	- Cllr Dave Willey (Vice Chairman)

741 Clerk's items

Annual Meeting of the Parish Council (AMPC) 17th May 2021

Code of Conduct (as previously circulated) – Councillors are requested to Adopt the Code of Conduct as recommended from the Committee on Standards in Public Life (adopted by Cornwall Council 23rd March 2021).

Councillors to note the updated Register of Interests form effective after the Local Elections on 6th May, 2021.

742 Correspondence

742 (i) Letter from North Lodge Moditonham Botus Fleming 17th March 2021

Dear Parish Councillors

We are writing as we have concerns about road safety in Botus Fleming. We have exercised our dogs for many years in the village. It has got to a stage now where the volume of traffic and in particular the speed it is travelling makes it an issue and you can no longer enjoy a country walk in safety.

Regards, David & Jenny Freeman

742 (ii)

Dear Dave,

I understand that our neighbour, Mr Chris Jarvis has already emailed you and that the points he has made relating to the Parish Recreation Field and the issues surrounding parking at the top of our lane, will be considered at the BFPC meeting on the 24th of March.

Unfortunately, with the proposed easing of lockdown restrictions, I've been so busy with work related tasks, I didn't realise that I had missed the cut-off date to have the comments of my husband and myself shown in print on the agenda for the meeting and would have very much liked to have had our voices heard.

We are in total agreement with Chris and would like to add our comments on the issues he has raised.

With regards the parking situation at the top of the lane, as well as the obvious issues with waste and recycling due to random parking, cars and vans parked in front of the gate to the field, force vehicles on to the wrong side of the road where they are less able to see oncoming cars or pedestrians as they turn into the lane. An example of this was one morning last week, when a DPD delivery van swung into the lane on the wrong side of the road because there was a car parked in front of the gate, right in front of my husband and myself as we were walking our dogs.

More seriously, one evening last year - again while dog walking - my daughter and one of the dogs were hit by a car turning down the lane too fast. Luckily, neither of them were badly hurt, but I was extremely distressed to have witnessed this, so obviously, we have enough problems here without adding to them. Parking in this area by people using the Parish Recreation Field and dog walking facility is something that needs to be addressed before there is a more serious accident.

Regarding football in the Parish Recreation Field, the problem we find ourselves with is, that since we purchased Dovecote Barn in January of 2019, we have either been here only part time pre Covid or full time just as the first lockdown started, so we cannot comment on what has happened in the past, but can only describe what has been happening in what may not have been 'normal times'

When we bought the house, we were unaware that the field was used by organised football teams. We were under the impression that it was a Parish Recreation Field, a bit like a village green, for random use by the villagers, but it soon became apparent that actual football matches were being played here by both junior and more senior teams on a very regular basis, and on occasion, the use of bad language could be clearly heard coming from the football area, due to its close proximity to the house.

Unfortunately, since we were not there all of the time, we don't know just how frequently these teams played pre-Covid.

Obviously, during the first lockdown last year, it was very quiet since football was not allowed under lockdown rules, but when these rules were lifted at the beginning of July, very often there were what seemed to be training sessions, as well as games, at least 3 evenings per week and matches on weekends both on Saturdays and Sundays throughout the summer, from early morning until after lunch as there was often more than one match played each day.

We learned this when, on allowing an 'official' to collect the ball after it had been kicked into the garden, I asked if the person in charge could come for a word when they were finished so that we could have a chat and find out about the future 'fixtures'. He didn't come and when I went looking for him, I was told by some parents locking the gates, that he had been there for one of the 'earlier matches' and was now gone.

So we have yet to find out if that was 'the norm' or if they were playing catch-up with matches missed during lockdown.

We sincerely hope that they were playing catch-up with the season's games because if what we experienced last summer was normal, then it is totally unacceptable. We are actually dreading the lifting of lockdown regulations regarding football on the 29th of this month.

I'm sure that not many members of the BFPC have sat in a queue of traffic on the road that they live on, waiting for someone to open the gates into a Recreation Field parking area so that they can get home. This is also something that we have experience of.

On one Sunday morning, I counted more than 30 cars in the parking area and at least 80 people on and around the football pitch in the field right in front of my house shouting and applauding - the most annoying being the 'coaches' shouting out instructions at the top of their voices! Not to mention whistles....

As a result, on a match weekend we keep windows closed to keep out the noise as it is not only intrusive but it also upsets our dogs who are unable to be let out into our garden until football is finished. Annoyingly, due to the fact that the house slopes down and away from the playing field, the noise seems to reverberate down and around to the back of the house where it is still surprisingly loud.

On pleasant summer evenings, when most people would expect to be sitting in their gardens enjoying the sound of birdsong, we have the shouts and cheers from the football pitch. It is invasive and disruptive and it is impacting on our freedom to enjoy our home and garden.

Also, quite importantly, something which doesn't appear to have been considered when allowing these matches, and which I find quite concerning, is the lack of toilet facilities for such a large number of people.

I have been informed by dog walkers who use the adjoining 'Meadow' that they have, in the past, seen players relieve themselves around the other side of the hedge separating the Parish Recreation Field from the dog walking meadow. This land has now been (or is about to be) sold and a gate and fence have been erected by the Parish Council. As far as I am aware, there has not as yet been any formal arrangement put in place to continue it's use as a dog walking facility but even if there is, I am certain that the new owner would not wish their land to be used as a public toilet facility!!

So, what options would they then have?

We certainly hope it's not the one where the hedge behind the goalpost fronting on to our property is used!

As well as the sanitation issue, concerning as that is, I'm sure that it can't have escaped anyone's notice that we are still in the grip of a Global Pandemic. Therefore, it's not unreasonable for us not to want to encourage these gatherings of people standing around shouting, only yards from our front door and we have no doubt that this risk to our health and safety, as well as the invasion of our privacy, is not something any member of the BFPC would tolerate on their own doorstep. Therefore, we would strongly request that steps are taken to reduce the impact of other people's social activities, not only on our quality of life, but on our safety and that of our neighbours.

Yesterday, I read with some trepidation, the announcement on Facebook about the completion of the purchase of the field by the Parish council and hope that your comment about 'improving the facilities' doesn't mean just more disturbance and disruption for us and our neighbours. And as I've already said, I'm sure that neither you or your fellow members of the BFPC would want it on your doorstep, so why would we????

My husband and I moved here looking for a quieter, more peaceful life, but so far, not so good.

We met with Councillor Willey more than 5 months ago and aired our concerns regarding these matters and the issues surrounding the drainage system in the field. We have since had reassurances regarding the drainage system, but unfortunately, as far as these other matters are concerned, we have heard absolutely nothing.

I trust that you will ensure that our concerns reach the ears of the other members of the BFPC at the meeting on the 24th and to that end, I am happy for you to (and hope that you will) copy my email to all Councillors prior to the meeting, for discussion and debate in the hope that, going forward, some action will be taken to alleviate our concerns and that we won't be writing to you again in another 5 months regarding the same issues.

We would obviously welcome the opportunity to discuss these matters further with you or with one of your fellow councillors.

Thank you very much for your attention

Kind Regards,

Monica and Bruce Chapman
Dovecote Barn
Hatt

742 (iii)

Dear Chris and Parish Councillors,

Jeanette and I were wondering if you might be able to respond to issues that arise on the Facebook page.

Whilst we usually know the answer, we sometimes feel it would be good coming from the Parish Council. It shows engagement and let's parishioners know you are "on it!".

Typically, 2 days ago somebody asked about dog walking in the playing field and lack of signage. I know it's something that you have in hand and there's obviously still a possible agreement with the new land owners of the dog walking Meadow. I just feel that an acknowledgement would be good to show that the Parish Council is addressing issues, and the Facebook page is a very public forum as we all know. It is also a good way to point parishioners in the direction of your website and the notice boards which are there for everyone but possibly underused/ viewed.

I know there is lots of work involved being a Parish councillor and don't want to burden you with more.

We would be very happy to discuss a solution,

Kind regards

Becky and Jeanette

742 (iv)

Dear Councillors

I was pleased to see that you are looking to improve the facilities on the recreation field and hope that you will consult with the parishioners before you spend our money. There are many things we may like and we may all be surprised at what comes out as the most popular.

Some suggestions to get you started are :

A hard enclosed court with goals and basketball posts - such as in Longstone Park, Saltash
Play equipment for under 6 years
Play equipment for 6 - 15 years
Outdoor keep fit equipment - as in Tavistock Park
A Skate Ramp
An outdoor table tennis table - as in Bere Ferrers Park
A boule pitch.

Every summer there are mutterings about teenagers hanging around on corners could we try and get them to give their vote to the consultation.

Many thanks

Helena Vallis
West Park
Hatt

742 (v)

Dear Mr Cook

(a) In the February meeting of BFPC you presented the matter of General Powers of Competence (GPC). GPC can be adopted by a PC at any public meeting provided that it meets the eligibility criteria. It then must review its position at each annual meeting of the PC. There is no obligation on a PC to adopt GPC just because it is eligible. In your minuted comments you make the following claims:

“Council do not currently meet the 2/3rds elected mandate” This is correct so this eligibility criterion is not met.

“but must register when the Clerk becomes qualified as a formal part of the (GPC) process in preparation of the reaffirmation.” Although having a recognised qualification is a criterion for eligibility your is comment makes no sense and does not reflect the provisions contained in the Act. https://www.legislation.gov.uk/ukxi/2012/965/pdfs/ukxiem_20120965_en.pdf

The reasons for imposing these conditions are twofold. Firstly to ensure that the PC has a democratic mandate and secondly, to ensure that the Clerk has adequate training to make certain that the powers are used lawfully.

Something that cannot be affirmed cannot be reaffirmed. The time to adopt GPC is when all criteria are met which may, or may not, be following the May election. BFPC is already exposed to the risk of legal action and financial risk because of the numerous unlawful decisions it has made in the past. Unlawful use of GPC would increase these risks significantly. Please review and retract this adoption.

(b) With regard to the ongoing governance issue I would remind you that my complaint of 15th September 2020 has still not been considered by BFPC under its Complaints Procedure. The stated reason - that CALC and Cornwall Standards assure you that you have acted appropriately - has been shown to be unfounded. No correspondence has been declared to support these claims following my FOI request. Moreover, the Monitoring Officer has distanced himself from these claims. As the reasons for ignoring my complaint have fallen away I request that the matter is dealt with at the next public meeting of the PC. I have requested this from the vice Chair but have received no response from him.

If any Councillors are unaware of the communications relating to this matter. Am more than happy to share them.

Yours sincerely

743 Date of next meeting.

The next Meeting of the Council will be the **Annual Meeting of the Parish Council** on Monday 17th May 2021.

This Meeting will be held at 7:30pm at the St Mary's Church hall (covid safe). The Meeting will be the first Meeting of the Parish Council following the Local Elections 6th May 2021.

744 End of meeting

