

Botus Fleming Parish Council

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Wednesday 27th February 2019

Present: Councillor Ellis (Chair)

Councillors Edwards (V/Chair), Fletcher, Robinson, White and Willey

Apologies for absence : Cornwall Councillor Jesse Foot

Also in attendance: Christopher Cook - Parish Clerk & Responsible Financial Officer

Members of the public: 14

The Public meeting started at 7:30pm and closed at 10:15pm

Members of the public were permitted to speak on each agenda item for a period of 3 minutes. This meeting was advertised as a Public meeting and as such could be filmed or recorded by broadcasters, the media and members of the public. The public were advised that whilst every effort is taken to ensure that members of the public would not be filmed, it could not be guaranteed.

Minutes I 27th February 2019

222/2019 Chair's Welcome & Housekeeping

Cllr. Mervyn Ellis (Chair) welcomed Councillors and residents to the public meeting. The Chair commented on the number of public in attendance, stating that much support for the Parish Council was evident and appreciated by the Councillors.

223 Public participation

Mr. Hilborn spoke in support of Planning Application PA18 / 10236, mentioning that the concerns raised by a neighbour in relation to Fire risks associated to the boundary situation of the development, and also access issues were noted as mediation points to address with the resident. Mr. Hilborn explained further the height dimensions of the new unit and also that the entrance track to the development would be reinstated to an acceptable standard. Councillors noted these points which would be considered under Item 231 (A).

224 Apologies

Cornwall Councillor Jesse Foot

225 Declarations of Interest

Councillor David Willey declared a non-registerable interest Item 225 (B) in respect to Item 231 (A). All Councillors noted and agreed.

226 Minutes of the Public meeting

It was **Resolved** to confirm the minutes of the public meeting held on 23rd January 2019 were a true and accurate record, Proposed Cllr Fletcher, seconded Cllr Edwards (V/Chair). All agreed.



227 Matters arising from the minutes

There were no matters arising from the minutes 23rd January 2019.

228 Correspondence

Correspondence received from :-

a) Resident complaint concerning the Parish Council's handling of Planning Applications PA18/09919 & PA18/09456 (non-material amendments) and Application PA18/11050 (subject to 5 day protocol process).

Cllr Ellis (Chair) made the following statement in response to the accusations incited against the Clerk and Councillors

I would like to state that this Council is not coerced or intimidated by any one person including the Clerk, as has been alluded to. The Clerk is there for guidance and we support him in that role.

We, as a Council, have certainly not set out to deliberately mislead or undermine each other or indeed the paying residents of this Parish.

Before I invite the Clerk to make a statement, to answer the outstanding issues not cleared to the satisfaction of the resident who raised the concern, I would like to emphasise that this is not up for debate, the issue will be closed by this Parish this evening and we will continue with urgent business and impending issues that need serious attention and thought.

The Council is aware that residents may raise concerns about the practices and procedures and we respect their right to do so but going forward we hope not to have to justify ourselves or feel it necessary to explain what may be perceived as shortcomings.

I will now hand over to our Clerk to give a response to the issues raised at the last meeting.

A full transcript of both the Clerk's and Councillor's responses can be found under Reports on the Parish Council website www.botusfleming.org.uk

b) Cllr Steve Malcolm resignation

Cllr Ellis (Chair) and Councillors acknowledged the work and dedication that Steve Malcolm had given to the Parish Council and Community in a number of areas, and understood that personal and work commitments would not enable Steve to continue. Cllr Ellis proposed a vote of thanks and acknowledged that Steve would still be supporting the Community in the future when he was able.

c) St. Mary's Church

The Church Hall Committee were seeking to re carpet the Church Hall and improve the flooring in the toilet and kitchen areas. As a number of organisations use the Church Hall it was hoped that donations could be received from these individuals to help with expenditure. It was proposed that £200 be contributed as a donation amount from Council reserves.

Proposed Cllr Edwards (V/Chair), seconded Cllr Ellis (Chair). All agreed.



d) PlayforceUK were seeking to provide an inspection of playground equipment service to the Parish Council. This matter was deferred to Item 235 (C) and referred to Item 228 (D) not Item 228 (B) as published on the Agenda.

229 Report Cornwall Councillor, Cllr Jesse Foot

No report from Cllr. Foot.

230 Finance

A Accounts for Payment

It was **Resolved** to approve the payments schedule. Proposed Cllr Ellis (Chair), seconded Cllr White. All agreed

B Bank receipts for information
Bank receipts were noted.

C Bank reconciliation

At the close of Business on 27th February 2019, the Parish Council held £21,730.24 in it's combined accounts with Lloyds. Earmarked fund amounts and reserves were identified as £4,585.24. The Sports & Recreation Earmarked funds stood at £1,999.54. Councillors **Resolved** to note the amounts.

231 Planning Matters

A To agree the Parish Council's response to Cornwall Council consultations on new planning applications received for the current Agenda.

Councillor David Willey left the room

Application PA19 / 00168

Proposal Provision of a potato storage building

Location Ziggerson Hill Farm Botus Fleming Saltash Cornwall

Applicant Messrs MM and MW Holmes

Grid Ref 240942 / 61940

Mr Holmes clarified the dimensions of the proposed development and stated that although a previously agreed Application subsequently gained retrospective authority, the situation would not arise with this Application. Cllrs Ellis (Chair) & Fletcher mentioned that they were satisfied with issues surrounding the cladding of the building and any interruption to the skyline and that they observed nothing obtrusive under an ' Area of Natural Beauty '. Councillors agreed that local businesses should be supported.

Councillors agreed to support the Application. Proposed Cllr Ellis (Chair), seconded Cllr Robinson. All agreed.

Councillor David Willey returned to the room



Application PA18 / 10236
Proposal Erection of sectional framed agricultural shed for the storage of animal foodstuff / materials
Location Sunnyside Meadow Botus Fleming Saltash Cornwall PL12 6NL
Applicant Mr Hilborn
Grid Ref 240658 / 61206

Having regard to the points raised by the Applicant under Item 223 and conscious of the issues raised by a neighbour, Councillors were satisfied that by promoting a mediation process and agreeing to some compromises the Applicant had addressed concerns.

Councillors agreed to support the Application. Proposed Cllr Ellis (Chair), seconded Cllr Willey. All agreed.

Application PA19 / 01319
Proposal Single storey rear extension
Location Bluebell Wood Botus Fleming Saltash Cornwall
Applicant Mr A Ferris
Grid Ref 240915 / 61616

Councillors agreed to support the Application. Proposed Cllr Fletcher, seconded Cllr Ellis (Chair). All agreed.

- B Planning application received after Agenda published – for information only
- C Planning applications decided by Cornwall Council - none Approved
- D Applications closed – none received

232 Neighbourhood Development Plan (NDP)

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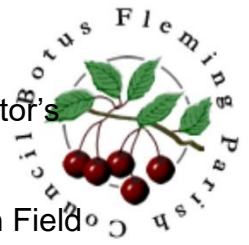
Cllr Fletcher proposed that as the points raised in the NDP report related precisely to the Recreation Field negotiations, that these points be addressed under Item 233.

Cllr Ellis (Chair) sought agreement to this proposal.

It was **Resolved** to move Item 232 to Item 233. All agreed.

233 Recreation Field

Cllr Edwards (V/Chair) commenced with an update as to current informal negotiations between the Parish Council, Landowner and Tenant and commented upon issues raised during three previous meetings. The designation of a Public Green Space (PGS) to the Recreation Field appeared acceptable to the Landowner (due in part to the Meadow serving as access for farm machinery), but that any enforcement action with regard to a (PGS) to any other area would be reflected in



the end of the Lease Agreement as previously indicated in the Landlord Solicitor's letter to the Parish Council dated 28th November 2018.

Parish Councillors addressed the possibility of the purchase of the Recreation Field and are very aware of the possible loss of a Community asset, with little or no other green spaces available to the Parish Council.

Comments previously received during Public Participation at the Public Meeting 23rd January 2019 under Item 215 were reiterated and reflected the following :-

Extending the current Lease to 99 years

Addressing the Asset of Community Value

Addressing the Public Green Space of the 'Meadow' mentioned in the (NDP) Plan

Possible purchase of the Recreation Field land

Entering into a Service Level Agreement (SLA) with Cornwall Council Legal Services

Consideration of Financial issues attaching to the above points and the impact on Parish Council budgets/reserves.

Had all members of the NDP Committee subscribed to the latest NDP report dated 27/02/2019?

Cllr Fletcher referred to 3 points which were raised by the NDP Chairman as a report submitted an hour before the Public Meeting.

The Chair of the NDP steering group, Dr Trevor Aughey, stated that he would feel that all the work he has put into the NDP would have been wasted should BFPC accept the position of the owners of the recreation field and the meadow without first seeking legal advice on the possibility of various courses of action to retain them for the community. These options for him he feels are as follows.

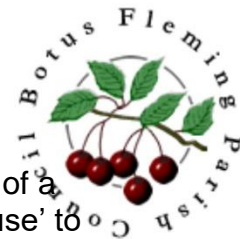
1. That if the Parish Council did not seek any legal advice, that he as the Chair of the NDP Steering group would take no further part in the NDP.
2. That should the Parish Council seek legal advice, and that the advice given was that a Compulsory Purchase Order (CPO) would very probably succeed or that the owners would find it difficult to obtain change of use for the fields, and the Parish Council ignored this advice, then he would as the Chair of the NDP Steering Group take no further part in the NDP.
3. That if the Parish Council sought legal advice, and that the advice was that a (CPO) would be unlikely to succeed and that the owners would be likely to succeed in change of use, then Dr Aughey, as the Chair of the NDP Steering Group would re-write the plan accordingly.

4. The following **Proposals** were made by Councillors :-

1. That the Parish Council enter into a Service Level Agreement (SLA) with Cornwall Council Legal Services (document as previously circulated). The (SLA) would be used for the purpose of renewing the Recreation Field Lease.

Proposed Cllr Fletcher, seconded Cllr Ellis (Chair)

Councillors **Resolved** that the SLA be adopted and Cllr Ellis (Chair) duly signed the Service Level Agreement document. All agreed.



Action The Parish Clerk to return the signed Agreement to Cornwall Council.

2. That the Parish Council should gauge from Cornwall Council the likelihood of a Compulsory Purchase Order (CPO) succeeding and proposing a 'change of use' to the Fields. (indicated under points 2 & 3 above).

Proposal Cllr Fletcher, the proposal was not seconded and therefore not carried. Councillors **Resolved** to note this action. All agreed.

234 Councillors Reports

A Cllr Sally White - maintenance

Monthly maintenance audit noted (report previously published)

Councillors **Resolved** to note the monthly Audit report.

B Cllr John Robinson – Saltash Area Road Safety (SARS) Committee

Cllr Robinson advised Councillors that Census work on traffic speed and frequencies of the traffic lights at Carkeel roundabout continues to be carried out, and that a Survey would in due course be completed. The Survey would pass to Highways England for action.

Councillors **Resolved** to note this report. All agreed.

C Cllr Dave Edwards (V/Chair) – Cornwall Gateway Community

Cllr Edwards (V/Chair) advised that the two schemes submitted by the Parish Council in respect to handrails in Vollards Lane, and a 20mph speed limit sign, had been accepted as schemes for completion between April 2019 and April 2020.

Councillors **Resolved** to note this report. All agreed.

D Cllr Dave Edwards (V/Chair) – Dog Bins

Cllr Edwards (V/Chair) informed Councillors that the two Dog Bins had been purchased and positioned at the two locations as previously agreed (see Item 216 (B). The bin at the Recreation Field was being more frequently used than the one situated in Botus Fleming. The Parish Council will make a monthly payment to Biffa for bin cleansing with effect from 1st April 2019. Biffa have offered the service free of charge during March 2019.

Councillors **Resolved** to note this report. All agreed.

E Cllr Dave Edwards (V/Chair) – Playground Equipment

Cllr Edwards (V/Chair) circulated a detailed report on potential Playground equipment which could be positioned at the Recreation Field and replace some of the old equipment. Purchase of the equipment estimated at £1,299.95 could be met from the Earmarked funds under 'Sports & Recreation' (£1,999.54). All Councillors agreed that the concept of purchasing new equipment was well overdue and thanked Cllr Edwards (V/Chair) for the research carried out. Cllr Fletcher suggested that quotations for alternative style equipment be obtained. Cllrs Fletcher & White enquired as to suitable safety matting to match the equipment and to extend to the old swings area. Cllr Ellis (Chair) suggested that the views of ROSPA should be obtained concerning the criteria for suitable safety matting. Councillors agreed that the project should proceed and additional information on other playground equipment and safety issues be gathered as the next stage of the process.

Proposed Cllr Edwards (V/Chair), seconded Cllr Ellis (Chair)

Councillors **Resolved** to note this report. All agreed



F Cllr Malcolm Fletcher – Biodiversity

Cllr Fletcher updated Councillors over Climate Change issues currently under review by Cornwall Council and subject to a Report. The report would seek to ensure Cornwall is carbon neutral by 2030. Cllr Fletcher reported that Cornwall Council had been requested to consider the Parish Council request to plant trees and flowers along the verges of the A388. Cormac have stated that they have no objection to the request, but require a detailed planting plan and three year maintenance schedule. Councillors **Resolved** to note this report. All agreed.

G Cllr Dave Edwards (V/Chair) – Big Event preparations & Newsletter

Cllr Edwards (V/Chair) advised Councillors that the only item to mention was that the Big Event chairman Mrs Sarah Edwards proposed to purchase a marquee estimated at £500. This item of expenditure would be met from Earmarked funds under 'Big Event' (£1,167.04). The marquee would then be retained as Parish Council owned equipment. Entertainment issues for the Big Event were well in hand. Councillors **Resolved** to note this report and agreed proposed expenditure.

Cllr Edwards proposed that due to restrictions on personal time in proof reading and laying out the Newsletter itself, that an experienced person in this field be used. The cost of this would not be significant and would be reported to the Annual Parish Meeting 24th April, 2019 or before, in time for the May edition of the Newsletter. Councillors **Resolved** to note this report. All agreed.

H Cllr Dave Edwards (V/Chair) – Projector and Screen

Cllr Edwards reported that the Parish Council owned laptop would be updated to windows 10 version, although the laptop screen had a flaw which would require attention and maybe incur a repair cost. This aspect would need to be completed first before a suitable compatible projector was purchased. Councillors **Resolved** to note this report. All agreed.

235 Chair's Agenda Items

A Container for Council equipment

Cllr Ellis (Chair) stated that the potential purchase and positioning of a container unit was still under review in association Cllr Willey sourcing and costing a suitable Container. Cllr Edwards (V/Chair) had written to the St. Mary's church PCC enquiring as to whether a container could be strategically placed in a corner of the Church Hall car park.

Councillors **Resolved** to note this action. All agreed.

B Charity Status

Report deferred until 27th March 2019.

Councillors **Resolved** to note.

C Playground equipment annual inspection

Cllr Ellis (Chair) advised Councillors that PlayforceUK were seeking to provide an Engineering inspection service on playground equipment, although no cost of any inspection had been provided. Cllr Ellis suggested that this matter be discussed further under the context of Item 235 (D) and handed over to the Clerk for an update.



D Playground equipment inspection reports by Zurich Municipal
The Clerk explained that the Parish Council were already afforded insurance cover in respect to Playground inspection as Zurich Municipal (experts in dealing with Local Authority risks), inspected the Council's playground equipment on an annual basis. The Inspection reports had now been traced and the next inspection was due in April 2019. Any safety improvement recommendations made in the reports are noted by the Council and action taken accordingly. As the Zurich Municipal insurance cover currently offered to the Parish Council was on a block policy basis incorporating Material damage, Liability and Fidelity risks as well as Engineering, then the Council received a premium discount, discounted further by the Long Term Agreement in place. The level of premium enjoyed could be compromised to the detriment of the Parish Council should the element of Inspection cover be transferred to another supplier. It was generally accepted that Zurich Municipal offered competitive premiums.
Councillors **Resolved** to note the Inspection reports and maintain cover with Zurich Municipal. All agreed.

236 Clerk's Agenda Items

A Parish Pound

The Parish Clerk explained that a further Search had secured a copy of the local Land Charge dated 23rd February 1968 this being an Estate Contract between the Parish Council of Botus Fleming of the one part and The County Council of the Administrative County of Cornwall on the other part. Land Charge No. 33965/68 referred to a plot numbered 9293 on the 25 inch Ordnance Survey Map for the said Parish. As it was unclear as to whether this plot related exactly to the Parish Pound further research with Cornwall Records Office would be carried out. Clerk to **Action**.
Councillors **Resolved** to note this report. All agreed.

B Co-optation of Councillors progress update

The Parish Clerk advised Councillors that a Notice of Vacancy was posted reflecting the Resignation of Cllr Steve Malcolm. The Notice period ends 18th March 2019, and thereafter, the Parish Council could well be in the position to co-opt a Councillor.
Councillors **Resolved** to note this report. All agreed.

C Local Planning Authority (LPA) – 5 day Protocol Process

The Parish Clerk stated that although the process was not often used, there was no guidance document in place to enable Councillors to deal with the matter. A briefing document for adoption had been devised by the Parish Clerk and also referred to the Society of Local Council Clerks (SLCC) for comment. The SLCC considered the proposed document fit for purpose.

Councillors **Resolved** to adopt the 5 day Protocol document. Proposed Cllr Edwards (V/Chair), seconded Cllr White. All agreed.

D Meet the Planners – Area 7 Team

The Parish Clerk distributed details of the next ' Meet the Planners' meeting intended for Parish Councils in the South East. Places were limited to 3 for each Parish Council, and Botus Fleming expected to send 3 Councillors. The 'Meet the Planners' as seen as a useful training session especially for newer Councillors.
Councillors **Resolved** to note this action. All agreed.



E Polling District and Polling Places Review

The Parish Clerk mentioned that by law, Cornwall Council must carry out a 'Polling Review' to advise the Parish Council and Electorate on the suitability of current Polling Stations or to suggest alternatives. The Review Stage 1 process ends 15th April 2019. Clerk to **Action** response. Councillors **Resolved** to note this action.

F Standards in Public Life

The Parish Clerk reported the Independent Committee (previously the Nolan Committee) on Ethical Standards in Local Government would shortly be issuing their Report which would contain 26 recommendations intended to promote and maintain standards expected by the public. Cllr Edwards (V/Chair), a member of the Standards Committee, elaborated on some of the main points of the recommendations. Councillors **Resolved** to note this report. All agreed.

G Annual Parish Meeting 24th April 2019

Councillors **Resolved** to note. All agreed.

H Councillor's responsibilities 2019 – 2020

A new Councillor's responsibilities schedule was produced to reflect the current set of Parish Councillors (subject to further review).

Councillors **Resolved** to note. All agreed.

237 Chair's Urgent Business

Cllr Ellis (Chair) moved the Co-option of a Councillor process to receive an Application. Press and Public were excluded from the Co-option meeting. The Clerk explained the Interview and Voting process, though there was only one candidate applying for Co-option.

Following due process Mr Alexander Smith was co-opted as a Councillor effective from 27th February 2019 and was provided with a Register of Interests form to complete along with the following Botus Fleming Parish Council Documents (BFPC) and other Guidance :-

- Standing Orders (BFPC)
- Financial Regulations (BFPC)
- Code of Conduct practice & Principles of Public Life
- Schedule of Meetings
- Budget accounts and Precept
- What is a Parish Council (CALC)
- What is a Parish Councillor (CALC)
- Roles & Responsibilities (BFPC)
- Good Councillor guide (NALC)

Councillors **Resolved** to note the appointment of Cllr Alex Smith. All agreed.

238 Date of next meeting

The next Public Meeting of the Council will be on Wednesday 27th March 2019 at 7:30pm in St.Mary's church hall.

239 End of meeting 22:15

