

**KILMINGTON PARISH COUNCIL
MINUTES OF THE ANNUAL MEETING HELD AT
7.30pm ON TUESDAY 21st MAY 2019
IN THE CRICKET PAVILION**

Present: Cllrs B. Trott (Chair), J. Mear, M. Jones, S. Seward,
A. Dare, P.Ball, E. Styles

In Attendance: A Jenkins (Clerk), DCC/EDDC Cllr. I. Chubb

Members of Public: 0

COUNCIL BUSINESS

1. Election of Chair

Cllr. Seward proposed Cllr. Trott for the post, seconded by Cllr. Dare, all in favour.

2. Chair's Declaration of Acceptance of Office

The Chair signed the Declaration witnessed by the Clerk

3. Election of Vice Chair

Cllr. Trott proposed Cllr. Collier for the post. (Cllr. Collier had confirmed to Cllr. Trott previously that he was prepared to stand). Seconded by Cllr. Dare, all in favour.

4. Apologies

Cllr. Collier and Cllr. Huscroft.

5. Members' Declaration of Acceptance of Office

The remaining Councillors signed their declarations witnessed by the Clerk.
(Cllr. Collier and Cllr. Huscroft had previously signed their declarations witnessed by the Clerk)

6. Registers of Interest Forms

The Clerk gave forms to all Councillors and asked them to complete and return to him as soon as possible. He would send forms to Cllr. Collier and Cllr. Huscroft.

7. Election of Officers and Committee Representatives

a) Planning Committee

All Councillors prop. Cllr. Trott, sec. Cllr. Seward

b) Allotments

Cllr. Collier prop. Cllr. Trott, sec. Cllr. Mear

c) Village Hall Committee

None

d) Playing Field Committee

Cllrs Collier, Huscroft & Styles prop. Cllr.Mear, sec. Cllr. Jones

e) Arthur Hitchcock Charity (Shute)

Cllrs. Jones & Seward prop. Cllr. Mear, sec. Cllr. Styles

f) Devon Association Local Councils

None

- g) Responsible Financial Officer**
The Clerk prop. Cllr. Trott, sec. Cllr. Dare
- h) Internal Auditor**
Thomas Westcott Accountants prop. Cllr. Dare, sec. Cllr. Mear
- i) Trees**
Cllr. Jones prop. Cllr. Ball, sec. Cllr. Seward
- j) The Common**
Cllrs. Trott & Collier prop. Cllr. Jones, sec. Cllr. Seward
- k) Neighbourhood Plan**
Cllrs. Ball, Seward & Dare prop. Cllr. Trott, sec. Cllr. Jones
- l) Emergency Planning Coordinator**
Cllr. Seward prop. Cllr. Trott, sec. Cllr. Mear
- m) Highways**
Cllrs. Mear & Styles prop. Cllr. Seward, sec. Cllr. Dare
- n) Footpaths**
Mrs Elaine Penzer (non Councillor) prop. Cllr. Trott, sec. Cllr. Jones

All Councillors were in favour of the above appointments.

8. Open Session

No matters raised

9. Minutes of Meetings

a) 26th February 2019

The minutes were declared a true record of the proceedings, proposed by Cllr. Dare, seconded by Cllr. Mear, all in favour. The Chair signed the minutes.

b) 2nd April 2019

The Chair advised that the draft minutes were incorrect in that:-

- 1) There was 1 member of the public present, namely the appointed new Clerk, A Jenkins.
- 2) That the following report should have been recorded as Item 21.

The Interview Panel reported that they had 4 candidates for interview (drawn down from 10 applicants). The Interview Panel comprised the Chair Cllr. Trott, Cllr. Mear and Cllr. Dare and after the interviews on the 12th March 2019, the Panel had resolved to appoint Mr Adrian Jenkins as Clerk and Responsible Finance Officer to the Council with effect from the 6th April 2019, based on 8 hours per week on SCP16 point, with the understanding that in the interim that more hours may be required.

With these amendments the minutes were declared a true record of the proceedings, proposed by Cllr. Dare, seconded by Cllr. Mear, all in favour. The Chair signed the duly amended minutes.

c) 23rd April 2019

Cllr. Dare advised that the minutes were incorrect in that his name was omitted from those present. With this amendment, the minutes were declared a true record of the proceedings proposed by Cllr. Seward, seconded by Cllr. Mear. The Chair signed the duly amended minutes.

10. Matters Arising from the Minutes

a) 26th February 2019

None

b) 2nd April 2019

The Clerk advised that a copy of the Interview Panel notes should be filed with the Minutes in the Minutes binder. The Chair said that he would forward a copy to the Clerk for filing.

c) **23rd April 2019**

None

11. Finance

a) Current Financial Position

The Clerk said that he was unable to advise the current financial position due to the piecemeal extended handover from the previous Clerk, Ms. Kirkcaldie. He had however been passed the Lloyds Bank Statements from the 29th March 2018 to 28th February 2019 and passed around for the Council's perusal the statement dated 28th February 2019. This however would not have reflected the true financial position at that time as he did not know what unpresented cheques there were. With regard to the Santander and NS & I accounts he had not been passed any papers.

b) Confirmation of Bank Signatories for 2019/20 and signature of any mandate variations

With regard to the Lloyds account, the Chair advised that all Councillors should be signatories and that Cllr. Ball and Cllr. Styles should be added and that the previous Cllrs. Hodges and Bolton should be removed. The Clerk said that he had submitted signed forms for himself to be added, Ms Kirkcaldie to be removed and for future mail to be redirected to him. Once these were actioned, he would obtain further forms for the addition and removal of the above new Councillors as signatories.

With regard to the Santander account which is to be closed, the Chair understood that Cllr. Collier with previous Cllr. Bolton and Ms Kirkcaldie were signatories. He further understood that it was the same three who were the signatories on the NS&I account. The Clerk advised that he was unable to do anything on these accounts until he was passed the papers by the Ms Kirkcaldie.

c) Requests for Financial Support

None received but the Clerk said that the Council should have a Policy in force for Requests for Financial Support. He would include an item on the agenda for the July meeting.

d) Intervening Expenditure to approve

None

e) Expenditure to be approved for which bills have been received

Cllr. Mear proposed, Cllr. Dare seconded, all in favour that:-

- i. Payment be made to Axe Skip Hire of £36.00 for skip delivered to the allotments on 05/04/2019
- ii. Payment be made to Axminster Printing of £49.84 for stationery
- iii. Payment be made to Maxine Lawson of £95.58 for web maintenance, email hosting and domain name renewal
- iv. Payment be made to the Clerk (A. Jenkins) of £24.98 for reimbursement of purchase of wireless mouse and memory sticks
- v. Payment be made to the Clerk (A. Jenkins) of 8.40 for reimbursement of purchase of 12 first class stamps
- vi. Payment be made to the Clerk (A. Jenkins) of £478.08 for 6 weeks salary 6th April 2019 to 18th May 2019. (This is a gross payment as the HMRC documentation and gateway passwords have not been handed over by the previous Clerk.)
- vii. Payment be made to Came & Company of £675.34 for renewal of the Council Insurance Policy.

f) Forthcoming expenditure to approve

None

g) Review of Insurance Policy

Councillors reviewed the insurance and Cllr. Trott proposed, seconded by Cllr. Jones and all in favour that the items with values to be insured were as follows:-

ITEMS INSURANCE VALUE	LOCATION
3 Bench Seats on the Common @ £500 each - £ 1,500	The Common
2 Bench Seats On Jubilee Green £700 & £500 - £ 1,200	Jubilee Green
1 Bench Seat on Village Green £700	Village Green
Telephone Kiosk (Used as Library) £1,000	Jubilee Green
5 Dog waste bins @ £100 each- £ 500	
2 Bus shelters £13,200	A35
Allotment Borehole Pump & Housing (Timber) £ 1,500	George St. allotments
Allotment Shed (Timber & Felt) £3,000	George St. allotments
4 Grit bins £600	
2 Notice boards @£2,500 each £ 5,000	Old Parsonage & Stanley Orchard Walls
Village sign £600	Village Hall Car Park
Trafalgar Plaque £280	Village Hall
Defibrillator £1,400	Village Hall
2 Filing Cabinets £50	Village Hall
Playground Equipment & surfacing & Groundworks £52,000	Playing Fields
Night landing lighting towers (for Devon Air Ambulance Helicopter) £ 6,000	Playing Fields
Lenovo 850 Laptop with windows 7 Pro £500 * All Risks	At Clerk's home and to and fro To meetings
Canon Pixma Printer £80 * All risks	“ “ “ “
Office Contents -£1,000	At Clerk's home
Ansi XGA Projector -£420	Stored in Cricket Pavilion
*Clerk's home address - Tower View Fruit Farm, Offwell, Honiton EX14 9RW	
Land /areas owned or the responsibility of the Council: –	
The Common (Triangle of land between junction of Shute Road and Roman Road, Kilmington	
The Village Green (Land in front of the Old Parsonage, opposite junction of The Street with Whitford Road, Kilmington)	
Jubilee Green (Area of land bounded by The Street to the North, Gore Lane to the East and South and Arch Cottage to the West, Kilmington)	
Strip of Land at Meadow Bank (at end of Meadow Bank, Kilmington adjacent to No 8)	
Strip of Land at Newtons Orchard, Kilmington	
Allotment Gardens at George Street, Kilmington	
Childrens playground at the Playing fields	

The Clerk to contact the Insurers to revise the cover and advise the additional premium due.

h) Annual Accounts

The Clerk advised that he had written to the external auditors to advise them that he was the new Clerk, requesting them to forward copies of the instructions for the 2018/19 Annual Governance & Accountability Return (AGAR) and asking them if there were any outstanding matters. They had replied and had sent copies of two letters they had sent to the Ms Kirkcaldie.

Commented [KP1]:

The first letter dated 5th February 2019 was a **Statutory recommendation: Failure to submit an AGAR for the year ending 31 March 2018**. It set out statutory requirements for the Council to hold a public meeting within one month of the date of the letter and for the Council to submit the completed AGAR within 7 days of the public meeting. If they received no response within 42 days of the letter, they would exercise further powers by issuing a public interest report. This letter gives rise to an additional fee of £200 plus VAT.

The second letter dated 20th March 2019 was a **Statutory Public Interest Report; failure to submit an AGAR for the year ended 31 March 2018**. It stated that the Council had not responded to the Statutory recommendation in its previous letter of the 5th February and as a result it had no option but to issue the Public Interest Report under the Local Audit and Accountability Act 2014. The Act requires the Council to consider this public interest report at a public meeting within one month of the date of the letter. The letter gives rise to a further fee of £200 plus VAT. There may also be further fees for time incurred. Copies of the two letters had been forwarded to The Secretary of State, Smaller Authorities' Audit Appointments Ltd, and the Monitoring Officer at EDDC.

Councillors were shocked to hear of these two letters as Ms Kirkcaldie had not disclosed them to the Council. Indeed, when they continually asked her about the 2017/18 AGAR she said that the papers were with the Internal Auditors and that although it was late that everything was in order.

The Clerk advised that he had contacted DALC for advice on how the Council should proceed but that they also needed to take advice as this situation was unprecedented. They had however advised that the Council needed to take urgent action to submit the 2018/19 AGAR on time. The Clerk advised that in order to be able to do so, he urgently needed all the outstanding items and papers passed over to him. He would keep the Chair advised of any advice received from DALC and if necessary issue an agenda for an extraordinary meeting.

12. Reports

a) County Councillor

DCC Cllr. Chubb reported that the budgets had been agreed but there had been a £9.5M overspend due mainly to Childrens Services. He was planning on a monthly meeting with the Highways Officer to discuss Highways issues. The County Council were seeking to adopt a Patron Saint for the County and St. Boniface had been suggested.

b) District Councillor

EDDC Cllr. Chubb reported that although he had been re-elected himself, the elections had resulted in many Independent Councillors being elected with the Independents now being the largest group on the Council. This may result in certain policy changes.

c) Police

The Clerk had received no report but would in future try to download reports for future meetings.

d) Meeting with Sulina Tallack from EDDC re Sec. 106 & CIL monies

The Clerk reported that he together with the Vice Chair and previous Cllr. Bolton had met with Sulina Tallack, the EDDC planning officer responsible for Sec. 106 & CIL monies. She had advised that with regard to S106, there was £NIL available for Play Capital, £NIL available for Sport Capital and £4,841.52 available for amenity, parks and play youth. Unfortunately, the latter cannot be spent on new fencing for the playground as that is a different age category. The Council would have to find a

different scheme for S106 which would be eligible as amenity, parks or play youth. Ideally, best practice would be to ensure that any spend occurred by May 2022. As regards CIL, the Council should receive payments over the next few years in six monthly instalments and that this money could be spent on a wider number of things so long as it supported further development. The Clerk advised that CIL was governed by Government regulations and that he would circulate to Councillors some information he had compiled. He also advised that at present any CIL monies the Council may receive would represent 15% of the levy revenues arising from qualifying developments that take place in the Parish. However, this would increase to 25% after a Neighbourhood Plan had been agreed and adopted following a referendum.

e) Children's Play Area

The Clerk advised that the ROSPA Safety Inspection Report dated 12th March 2019 had been passed to him by Ms Kirkcaldie and gave the report to Cllr. Styles as one of the Councillors responsible for the Play Area. The Report did comment on certain items which required attention.

f) Notice Boards, Seats and Village Sign

Cllr. Stafford said that he would arrange installation of the two new notice boards which placed together would replace one of the existing notice boards.

The Chair said that he together with the Vice Chair would inspect the Seats and Village Sign and report back to Council.

g) Bus Shelters

The Chair and Vice Chair to inspect and report back to Council.

h) Trees

Cllr. Jones to report back to Council with a schedule of any works required.

i) Dog Fouling & Dog Waste Bins

Cllr. Seward said that the bin positioned in Springhead Lane was always full.

The Clerk said that the Council should be due to receive the Annual invoice from EDDC shortly and that he would check that the collections are three times a week for all the bins.

j) Village Hall

The Clerk advised that a letter had been received from the Chair of the Village Hall appealing for volunteers to join their Committee as members and Officers. Cllr. Ball said that he would place an advert in the Postscript magazine.

k) The Common

The Chair said nothing to report

l) Allotments

The Chair said nothing to report

m) Hitchcock Trust (Shute)

Cllr. Seward & Cllr. Jones said they would inspect and report back on any tree and spraying works required

n) Defibrillators

Councillors advised that the last defibrillator training session was over two years ago.

The Clerk said that he would make enquiries on what training is available.

o) Parish Paths

Nothing to report

p) Highways

Nothing to report

q) Any other maintenance matters

Nothing to report

13. Planning Applications

a) 19/1024/FUL – 6 Whitehayes Close, Kilmington EX13 7RR

Councillors studied the application documents and plans and following discussion, Councillors resolved to support this application.

(Proposed by Cllr.Seward, seconded by Cllr. Trott, all in favour.)

b) 19/0795 – Gapemouth Corner, felling Multiple Trees

c) Councillors studied the application documents and plans and following discussion, it was proposed by Cllr. Trott, seconded by Cllr. Jones, all in favour that Council resolve to strongly object to the whole application. The woodland plot at Gapemouth Corner, Kilmington, EX13 7RY is located in the countryside, outside of the Kilmington Built Up Area and in the East Devon Area of Outstanding Natural Beauty.

This area of woodland has been highlighted during the ongoing preparation of the Kilmington Neighbourhood Plan as an important asset to the community.

It is located between the central densely populated part of Kilmington Village and the very busy Honiton to Dorchester A35 running alongside the highway. Through its position it provides an important and valuable 'buffer' for local residents between residential housing and the road. The trees reduce noise from traffic, intercept dust and harmful particulates from exhaust smoke and adsorb pollutants. In so doing they improve the wellbeing of residents and reduce mental fatigue and stress.

If these mature trees were removed these benefits would be almost totally lost until such time as any new young trees grew to a significant height and size, at least twenty or more years hence. Therefore anything that can be done to minimise this impact would be beneficial to local residents. If trees that are covered by either of the TPOs are removed we would expect them to be replaced at least one for one and new TPOs put in place for each of the replacement trees.

Reducing the present width of the plantation to that shown in the plan (less than 10m) would also reduce the effectiveness of this natural 'buffer'. In addition we would lose much of the benefit the present woodland provides for wildlife, reducing carbon and generating oxygen for our environment.

14. Any Other Planning Matters

19/0077/FUL – Land at Pit Orchard, Bim Bom Lane, Kilmington

The Clerk reported that this application had been refused

15. Street Trading Consent Application

Tessa Hampton on the A35 Layby, Studhayes Cross, Kilmington

Monday-Friday Permanent(9.00-14.00)

Councillors studied the application and following discussion; it was proposed by Cllr. Mear, seconded by Cllr. Dare, all in favour that the Council had no objection to the application subject to the applicant having a Waste Certificate for disposal of any waste generated.

16. Neighbourhood Plan & Affordable Housing Needs Survey

Cllr. Ball, Cllr. Seward & Cllr. Dare advised that it had been established that it was necessary for an Affordable Housing Needs Survey to be carried out in support of and as part of the development of the Neighbourhood Plan. The contribution cost would be £300 which it was hoped could be funded out of the Neighbourhood Planning funding. If this was not possible, Cllr. Dare proposed, seconded by Cllr. Jones, all in favour that the Council pay the £300.

17. Email accounts for Councillors

The Clerk said that he would arrange with the website administrator the setting up of the accounts.

18. Parish Council Pages on Village Website

The Clerk said that he would speak to the website administrator regarding the necessary required changes to be made to comply with the Transparency Code.

19. Councillors Training Audit and Needs

Councillors advised that no one had undertaken any training. The Clerk advised that EDDC were running some training courses on the 30th May and 3rd June on Councillor Code of Conduct and Planning. The Chair and Councillors Stafford, Mear, and Ball agreed to attend.

20. Correspondence

None received other than letter referred to under Item 13j.

21. Dates of Ordinary Meetings of the Council

It was agreed that the existing set dates for up to December 2019 be confirmed.

22. Complaints Procedure

The Clerk advised that the Council are required to have a Complaints Procedure Policy in place and asked Councillors to consider adopting the Policy he had drafted. Councillors considered the draft policy and Cllr. Seward proposed, seconded by Cllr. Styles, all in favour that the policy be adopted.

23. Matters of Urgency

None

24. Agenda Items for Next Meeting

None

PART TWO Items which may be taken in the absence of the press and public. The Committee is recommended to pass the following resolution:- 'Resolved that under section 1(2) of the Public Bodies (Admission to Meetings) Act 1960, (as amended by the Local Government Act 1972) that the public and press be excluded from the meeting for Item 24 as they involve the likely disclosure of sensitive and confidential information.' Proposed by Cllr. Trott, seconded by Cllr. Dare

25. Hand over from Hilary to Adrian

The Clerk reported that he had not received all the documents and files from the Ms Kirkcaldie and that this was causing difficulties in him being able to do his job, particularly with the accounts and HMRC. He was receiving things in a very piecemeal and unorganised fashion and he had completed an audit trail of the items he had received. The Chair said that he had telephoned, emailed and written to Ms Kirkcaldie requesting the remaining papers and items urgently and would continue to pursue the matter.

26. Complaint received

The Clerk advised that he had received a telephone call on the 15th May from a Parishioner wishing to make a complaint and requesting a copy of the Complaints Procedure Policy. The person had spoken to the Monitoring Officer at EDDC who had advised him to contact the Parish Council and request a copy of the Policy. The Clerk understood that the complaint related to an hedge cutting issue from 2014 onwards. Councillors said they were aware of the issue. The Clerk said that he would forward onto the Parishioner a copy of the Policy now adopted by Council.

27. Date & Time of Next Meeting

The date of the next Ordinary Meeting of Council is Tuesday 25th June 2019

The meeting closed at 10.30pm

Signed *B Trott*

Date *25/06/2019*