

## WEMBURY PARISH COUNCIL

<b>Parish Councillors</b>	<b>D Drought</b> <b>J Bennett</b> <b>A Cammack</b> <b>M Doody</b> <b>P Filby</b> <b>M Gage</b> <b>J Hart</b> <b>N Martin</b> <b>R Newnham</b> <b>R Rowland</b> <b>L Scoble</b> <b>J Squire</b>	<b>Chairman</b>     <b>County Councillor</b>   <b>Vice Chairman</b>  <b>District Councillor</b>
<b>Clerk</b>	<b>R Fairclough</b>	

**Minutes of the Wembury Parish Council meeting held at the Silver Jubilee Hall, Down Thomas, on Monday 24 November 2008.**

### **08-144 OPENING THE MEETING**

The Chairman, Cllr Drought, formally opened the meeting at 7.30 pm and welcomed everyone to the meeting.

Cllrs, Bennett, Cammack, Doody, Filby, Hart, Martin, Newnham, Rowland, and Squire were present.

Six members of the public, Alison Murray and District Councillor Cane were also present.

### **08-145 APOLOGIES**

Apologies had been received from Councillors Gage & Scoble.

### **08-146 DECLARATION OF INTEREST**

There were no other declarations of interest.

### **08-147 THE BUSINESS OF THE COUNCIL WAS SUSPENDED FOR THE PUBLIC TO MAKE OBSERVATIONS OR TO PUT QUESTIONS**

**The Chairman suspended the business of the Council and opened this session to the public at 7.31 pm.**

#### **i) Alison Murray, Magistrate, Judiciary for England & Wales**

The Chairman welcomed Alison to the Parish Council meeting.

Alison explained that Lord Justice Levington wanted magistrates to meet local communities so she was pleased to speak to the Parish Council.

Alison informed members that she had been a magistrate for 11 years in the South Devon branch, which covered from Wembury to Torquay, with 140 JP's on the bench.

She then outlined the history of the magistrate service from 1195 to the present day.

Anyone can now apply to become a magistrate between the ages of 18 to 70. Selection is by interview and appointment is on merit.

A bench sitting comprises of 3 magistrates with a majority decision. The process is

adversarial and they sit like a jury, so they listen and make a decision on the facts. Magistrates are not legally trained, they just assess the facts. They have the power to suggest a range of sentences from a discharge to 6 months in prison. Magistrates are not paid for their work, but can claim expenses. They have to sit for a minimum of 26.5 days per year. Committees and sub-committees are sworn in once per year.

Alison outlined six key qualities for a Magistrate, unfortunately, common sense was not one of them. All new magistrates receive training and are mentored, as well as being continually appraised. Any appeals are heard in the Crown Court with two magistrates present.

Alison then asked if there were any questions.

Cllr Newman asked about smacking of young children. Alison said that this was not part of her remit. In any case, they just stick to the law and should not show any personal feelings. Most cases involving youths are referred to the Youth Service.

Cllr Squire expressed concern about a comment made by Alison that with any conviction up to a 50-day prison sentence the offender will only serve 7 days before being released because of overcrowding in prisons and the offender will be released with a settlement grant and daily payment for up to 18 days.

Cllr Bennett asked how Alison was able to leave her personal feelings behind in difficult cases. She explained that she has a legal background and so it was not a problem for her, but recognised that it could be for other people.

Cllr Doody was sad that common sense was not politically correct and she thought that the main thing should be common sense. Alison explained that a person with the six key qualities should have common sense!!

Cllr Martin also shared the frustration at being able to use common sense and asked about younger magistrates as they were keen at work for people to become magistrates. Alison explained that there were more younger magistrates in the larger cities than the rural areas. Alison said that they go in schools, which has received good feedback and leads to younger magistrates.

Liz Walker said that it was not practical for younger people to become magistrates because of their jobs and families. This could be resolved by holding evening sittings.

Cllr Martin then asked about the closure of Magistrate Courts. Alison said that with the closure of many Magistrates Courts it does cause some problems with the magistrate not being aware of the local area. She felt that this situation was only going to get worse with more mothballing of Courts due to financial restrictions.

Alan Puddicombe asked about training, mentoring and appraisals. Alison said that there was a system of ongoing appraisals, cross-benching between areas and appraisal of other Courts. However, with a lack of finances training is becoming more difficult.

The Chairman thanked Alison for her very interesting presentation and for answering so many questions. Alison then left the meeting.

## **ii) Crime Report November 2008**

Unfortunately, PC Nolan and Sid Lawrence had given their apologies; it was their rest day and so would not be attending the meeting.

The Chairman then read out the Crime Report for November 2008

### **Theft**

Between Saturday 30<sup>th</sup> August 2008 and Sunday 2<sup>nd</sup> November 2008, a kayak has been stolen from the boat park at Church Road.

There are no witnesses to the theft.

The crime at this time has been filed as undetected

Between Tuesday 28<sup>th</sup> October and Tuesday 4<sup>th</sup> November, a 'Haybob' machine valued at £2000 has been stolen from a field near to Knighton Road.

There are no witnesses to the theft.

The crime at this time remains undetected.

Sometime between 2100 hrs on Wednesday 19<sup>th</sup> November and 0700 hrs on Thursday 20<sup>th</sup> November, a quantity of electrocuted fencing has been stolen from a field in Cliff Road. The aggrieved person used the field to keep her horses, and is concerned as to whether the offenders actually intended to steal her horse along with the fence.

There are no witnesses to this incident.

Local officers are aware, and will pay the area specific attention.

### **Burglary**

Between Monday 3<sup>rd</sup> November and Saturday 8<sup>th</sup> November, a residential property in Ford Road was burgled.

Entry was gained by forcing open a double-glazed metal window, using a pair of lawn edging shears, which belonged to the home owner.

Property stolen includes a large flat screen television, and golfing equipment.

This is one of a series of burglaries, which is currently being investigated by Ivybridge CID.

### **Attempted Burglary**

Sometime between Wednesday 19<sup>th</sup> November and Friday 21<sup>st</sup> November an attempt has been made to enter a residential property in Renney Road, Heybrook Bay.

The offenders have tried unsuccessfully to force the beading from a ground floor UPVC window.

There are no witnesses to this offence.

This is one of a series of burglaries, which is being investigated by Ivybridge CID.

There has been one further incident concerning child protection issues. Details of such incidents are not disclosed in line with Force policy.

### **For information;**

At this present time the area along the A379, in particular Yealmpton, Brixton and Ermington is experiencing a spate of burglaries.

This series now also seems to be extending towards the Wembury area.

Isolated residential properties are being targeted, entry is normally gained by either smashing a window or removing a window pane.

Items being stolen at the moment include flat screen televisions, and lap top computers.

The offenders are believed to be using implements such as gardening or DIY tools left at the scene to force entry.

This series of burglaries is being investigated by Ivybridge CID. Local officers are patrolling along the A379 and adjoining areas in an effort to deter / stop check the offenders.

If anyone has any suspicions, no matter how minor they may appear, please call the central switchboard number (08452 777 444). Your information will be treated in confidence, and may well be vital to identifying the offenders

The Chairman reminded everyone to ensure that their tools and garden implements are locked away so that they can't be used to gain entry into their house.

### **iii) Public Comments**

Bob Harvey complained about nettles in the verges, potholes in the road and mud on the roads from local farmers. Cllr Hart explained that the recent mud on the road had been cleaned, the highways department were looking at cutting the verges and the potholes he had mentioned were too small to require priority filling due to limited finances available. Bob also mentioned the speed of vehicles through the village. Cllr Hart explained the problem of providing a speed limit, but he would keep speaking to the Devon Highways department about it.

The Chairman then closed this open session at 8.06 pm and resumed Parish Council business.

## **08-148 CONFIRMATION OF MINUTES OF THE PARISH COUNCIL MEETING HELD AT 7.30 PM ON MONDAY 27 OCTOBER 2008.**

With the following minor corrections, the minutes were agreed as being a correct record and duly signed by the Chairman.

**08-126** Delete and replace with: 'Measures have been recommended by South Hams DC Environmental Health to attempt to cure the fly infestation problem.'

**08-139 Devon CC, Cllr Hart** Add: '...than against, where there was no lobby'.

**08-139 South Hams DC**, Car income figure should be £150,000 in the second paragraph.

## **08-149 MATTERS ARISING FROM THESE MINUTES**

### **08-134 i) First Devon & Cornwall Ltd**

First had replied that if the corner near the post office in Wembury was a designated stop then it required a sign. Councillors said that there used to be a sign on the telegraph pole. They also went on to complain that yet again buses are not stopping at the viaduct and drivers are saying that it is not a mandatory stop.

Cllrs Squire and Martin both reported cases where a bus did not stop because the people waiting didn't put a hand out even though it was clear that they were waiting for the bus. Cllr Martin also observed that drivers were not checking people on the bus so that it gave the impression that fewer people were using the bus that actually were.

Cllr Hart reiterated that people should use the bus or lose it.

**The Clerk was asked to raise these concerns with First again.**

#### **08-134 ii) Road Crossing**

Cllr Squire said that he had still not been contacted by Chris Watkins of Devon Highways to arrange a site meeting, to view the problem of how dangerous it is to cross the road near the War Memorial Hall, Wembury, at the end of the railings.

**Cllr Hart agreed to speak to Chris Watkins and said that this needs to be part of the school travel plan.**

#### **08-134 iii) Footpath Surfacing, Southland Park Road**

Some work had been carried out in Southland Park Road but weeds are growing though the footpath. Cllr Hart asked for this area to settle down and then it would be resprayed. Cllr Cammack reported that the Wembury Meadow footpath was breaking up, due to vehicles parking on it. Cllr Hart said that it could be a utilities problem but that he would look into it further.

#### **08-134 iv) Car Parking**

Cllr Squire reported that South Hams DC had been responsible for issuing parking tickets within Wembury, however, the money collected went to Devon CC.

Cllr Hart explained that South Hams DC collect the fines and then take out their costs, with any surplus money going to Devon CC. It was thought likely that this year there would be no surplus money going to Devon CC.

#### **08-134 v) Street Name Signs**

Cllr Squire is still chasing re the street name signs had not yet been replaced in Heybrook Bay.

**Cllr Squire agreed to speak to South Hams DC again.**

#### **08-134 vi) Wembury Allotments**

The Clerk has spoken to the South Hams DC planning department and they only require a planning application for the shed and polytunnel. Once the Clerk has all the necessary information from the Allotment Society, he will submit the planning application to South Hams DC on behalf of the Parish Council. The fee is likely to be in the region of £35. A short discussion ensued about the diversion of the public footpath that runs through the centre of the allotment site. An alternative path will be suggested by the Allotment Society, but to divert it officially will be too expensive.

**The Clerk to submit the planning application in due course.**

#### **08-137 Department for Communities & Local Government – The Making & Enforcement of Byelaws**

Cllr Martin had responded and had sent the Clerk details.

#### **08-142 Closure of Pubs**

Cllr Filby was concerned about the possible closure of the pub in Wembury and informed members about a guide for local communities called, Saving your local Pub. Several local communities were helping to keep their local pubs open by running the pubs themselves. The Clerk was asked to circulate the guide with additional information about Community Pubs, for further discussion by the Parish Council.

**08-150 TO RECEIVE THE MONTHLY PLANNING REPORT AT ANNEX A TO THESE MINUTES**

The Chairman went through the planning report shown in Annex A of the Agenda.  
**RESOLVED: To accept the Planning Report with resolutions as detailed in ANNEX A to these minutes.**

**08-151 TO RECEIVE INWARD CORRESPONDENCE  
FOR ACTION**

**i) South Hams DC – Council Standards Committee**

Cllr Martin may consider applying again to become a Parish Council representative

**ii) Communities & Local Government**

Cllr Martin agreed to consider the Consultation Paper and respond through the Clerk.

**iii) South Hams DC**

Cllr Rowland agreed to attend the South Hams DC budget Meeting with Parish Councils on 15 January 2009.

**iv) Teignbridge DC - Shoreline Management Plan for SW Devon**

The Shoreline Management Plan for SW Devon was noted and will be reviewed periodically.

**v) South Hams DC – Local Government Review**

A debate ensued about the current local government review. It was agreed that whilst the Parish Council had reluctantly agreed to a Unitary Devon there was now an opportunity to write to the Secretary of State proposing an alternative improved status quo for Devon with shared services.

The Chairman proposed, seconded by Cllr Bennett, that the Clerk inform the Secretary of State that Wembury Parish Council now support an improved status quo for Devon with shared services. The proposal was carried by 8 votes for with 2 against. Cllr Martin wished to record his vote against.

**RESOLVED: The Clerk inform the Secretary of State that Wembury Parish Council now support an improved status quo for Devon with shared services.**

**vi) Plymouth CC - Local Development Framework**

There were no comments on the Plymouth Local Development Framework Consultation document.

**vii) South Hams DC – Parish Remuneration Panel**

Councillors to let the Clerk have suitable items for the meeting Agenda.

**FOR INFORMATION.**

The letters in ANNEX B had all been circulated and were taken as read.

**08-152 URGENT MATTERS BROUGHT FORWARD AT THE CHAIRMAN'S  
DISCRETION**

The Chairman read out an email from Eric Blogg, which gave details of the Reverend Terry Freeman's Farewell Service in St Werburgh's church on 30 November 2008.

The Reverend Michael Harman will be taking up the position of part-time Priest in Charge of the Parish for a period of 12 months for future worship in the Parish.

**08-153 TO RECEIVE REPORTS FROM THE COUNTY OR DISTRICT COUNCIL  
ON MATTERS AFFECTING WEMBURY**

**DEVON CC**

**Cllr Hart** said that the County were currently going through its budget cycle; however, there were problems as the Treasurer recently had a heart attack. It would be a tight

settlement with around a 5% predicted increase. The County have cushioned the Districts in the past by the use of reserves, but not any longer with the current financial situation. A new committee has been set up to look at the area from Rame Head to Plymouth regarding red diesel and nuclear water.

The Boundary Committee have submitted 18 financial options for the proposed changes. The best one was for a Devon Unitary Authority. It looks like half the Shire Counties will be Unitary Authorities by 2009 and the rest are likely to follow.

Cllr Hart attended a recent meeting with Devon Districts Chief Executive Officers to get information together ready for a future decision on a new Unitary Authority by the Secretary of State. There is a desire by several Parish Councils to carry out services themselves and this is being looked into.

### **SOUTH HAMS DC**

**Cllr Squire** said that South Hams DC had a current budget shortfall of around £900,000. Grounds maintenance was costing £300,000 and all costs were being looked at. South Hams DC has £1.2m tied up with the Icelandic Bank, although this was deposited in accordance with strict guidance and procedures.

Cllr Squire had received conflicting reports about Sherford. The section 106 agreements are continuing, but RedTree developers are seeking concessions due to the current financial downturn situation. The MP Garry Streeter can't see this scheme starting in the foreseeable future.

Cllr Squire said that second home owners could now vote in local elections where their second home is located, so they can vote in two local elections. However, they can only vote once in national elections.

A good debate was had in the District Council about the car parking financial shortfall and it is possible that the car parking charges will increase by 4 to 12 %.

Cllr Squire was concerned that the DAPC supported the Devon Unitary Authority proposal even though most Parish Council's were against it.

**Cllr Cane** said that the Icelandic Bank is under administration and it will not be known whether they will get their money back until 23 December 2008.

He was pleased that the District Council has retained its Investors in People status, which it has now held for 15 years.

South Hams DC was second in the country for the amount of waste recycled, some 57% and he thanked everyone in the District for their support of recycling. They were also the best in the Country for sending the least amount of waste to landfill.

The District Council is looking for suitable properties for lets. They will act as a broker and anyone interested in letting a room or property should contact Wendy Rowling on 01803 861234.

From 1 February 2009, South Hams Dc residents will be able to purchase a Residents Parking Permit, which will allow free parking in any South Hams DC car park from 4 pm until 10 am. The cost of the permit is likely to be £10.

The Chairman asked whether the free car parking in Ivybridge had been successful in bringing more people in to shop in Ivybridge. Cllr Cane said that there had been mixed views on whether it had been successful or not, depending upon your point of view, but it will continue for while longer and then be reviewed.

Cllr Cammack said that with better use of public transport the car parking income is always going to fall. Cllr Cane said that the situation was continually being reviewed. Salcombe Harbour was recognised recently recognised as a 'leading light', which is a

prestigious award.

On 15 December 2008, there will be a celebration to recognise the South Hams 'Land Girls'.

A recent planning meeting discussed the recent planning changes and found them to be very difficult to follow. If in doubt, contact the planning department.

Cllr Cane informed members of a charity cricket match on Sunday 11 January 2009 at Ivybridge, between South Hams DC 11 and Devon County Cricket Club. There will also be a hog roast and it will be a fun day out for the family.

## **08-154 TO RECEIVE REPORTS FROM COMMITTEES AND REPRESENTATIVES AS APPROPRIATE**

### **i) Forward Planning Working Group**

Cllr Filby had already circulated a report on the current situation. Alan Puddicombe has produced a draft working document, which will be circulated to the working group and councillors for comments.

The main Parish Plan will be about an 8 page A4 document and this is currently being priced up. This document will be supported by an A3 folded leaflet Action Plan.

Cllr Filby recently attended a workshop with Lesley Smith that suggested that the Parish Plan should define the problems and the solutions will follow through the Action Plan. Details are posted on the Wembury Parish website and work continues in finalising the plan.

### **ii) Leisure Facilities Working Group**

Cllr Bennett has prepared a paragraph on leisure facilities for the Parish Plan.

#### **Tennis**

He informed members that improvements to the Wembury Tennis Courts had been priced up by South Hams DC, but that they are not on the original list for early renovation.

Cedric Tarsky has arranged a couple of tennis tournaments recently and is a leading light regarding tennis in Wembury. Cllr Rowland informed members that the Wembury Tennis Club has not progressed as well as expected because, sadly, Boris their Chairman had suddenly died a week ago. There may be further delays in formally setting up the club.

#### **Skateboarding**

Several local youths have formed a committee and met Kathy Cuthbert to fill out an application form for a grant for their skateboard park design. They have had good support from the Police, South Hams DC, Devon CC and the Parish Council. The skateboard park will be expensive to create because the quieter concrete structures are proposed. There is to be a further meeting in a few days time to gather more information.

#### **Play Area**

South Hams DC are currently looking at a children's play area and a 5-a-side pitch in Wembury and upgrade for the Down Thomas children's play area.

### **iii) Parish Clerks Workshop**

The Clerk had attended a Parish Council Clerks Workshop in Ivybridge on 29 October 2008.

A speaker from the Audit Commission outlined what was required from Clerks in respect of the Parish Council Annual submission.

A lengthy debate ensued about the lack of action taken by dog wardens in South Hams. Subsequently, a letter was sent to South Hams DC from all the Clerks, asking them to take suitable action in future.

There was an interesting discussion about the length of Parish Council meetings, some go on until midnight!  
Other topics discussed, ranged from the proposed Devon Unitary Authority, Parking Enforcement to the Committee System for Parish Councils.

## **08-155 TO RECEIVE AND APPROVE THE MONTHLY FINANCIAL STATEMENT AT ANNEX C**

### **i) Financial Statement for November 2008**

The Chairman presented the financial report as per ANNEX C.

**RESOLVED: The monthly financial statement was approved as detailed at ANNEX C.**

### **ii) Finance Sub Committee Proposals**

The Chairman referred to the proposals made by the Finance Sub-Committee on Thursday 13 November 2008.

The proposal concerning the National Trust, shown below, was debated and the Clerk was asked to clarify whether the new path through Wembury Woods would be a permissive path or not.

Cllr Drought proposed, Cllr Cammack seconded, that the proposal regarding the National Trust be approved.

**PROPOSAL:** The Parish Council contribute £1000 to the National Trust to assist the construction of the footpaths through Wembury Woods, with £500 allocated from the projected budget underspend and £500 allocated from the Guidebook account.

The proposal was approved by 3 votes for with 1 vote against. 6 members abstained, as they were members of the National Trust.

**RESOLVED: The Parish Council contribute £1000 to the National Trust to assist the construction of the footpaths through Wembury Woods, with £500 allocated from the projected budget underspend and £500 allocated from the Guidebook account.**

Cllr Newman proposed, seconded by Cllr Martin that the following proposals made by the Finance Sub-Committee are approved enbloc.

**PROPOSAL:** The Clerk is paid the recommended NALC/SLCC mileage rate, commencing on 1 December 2008.

**PROPOSAL:** The WPC office rental be increased to £165 per month, commencing on 1 April 2009.

**PROPOSAL:** A grant of £1000 is given to Wembury Youth Club for the Skateboard Park project, from the projected budget underspend.

**PROPOSAL:** That £100 is granted to the Wembury Allotment Society to assist with the setting up of the allotments.

**PROPOSAL:** The Wembury History Society is granted £125 towards the cost of mounting a 2-day exhibition in the Wembury War Memorial Hall.

**PROPOSAL:** The annual St Werburgh Church grant is increased from £400 to £500, to cover both the maintenance and Flower Festival contributions.

The proposals were approved unanimously.

**RESOLVED: The above proposals made by the Finance Sub-Committee are approved enbloc.**

### **Annual Budget**

The Clerk had explained the interim budget comparison to 31 October 2008 at the Finance Sub-Committee meeting and the budgeted income would be realised by the end

of the year. He had also highlighted about six items where there was likely to be a current projected total underspend of about £2500 on the budget.

The Chairman had recently attended a South Hams DC budget meeting on 12 November 2008. He said that the problems with the Icelandic bank, reported earlier, meant a lack of income for South Hams DC. In addition, the free bus scheme is costing much more because of visitors to the area; however, this may be transferred to the County by 2010. When the costs are known, they will then look at the scheme starting at 9.00 am instead of the current 9.30 am. The meeting split into groups to discuss what Parish Councils would like the District Council to invest in. The list of suggestions was wide and varied. Cllr Drought will circulate notes of the meeting in due course.

### **Annual Report**

The Clerk reported that had now received the Annual Return from the External Auditor. The Annual Report was displayed on the two main notice boards and copies could be obtained for £15 by members of the public.

### **08-156 EXCHANGE OF INFORMATION**

**Cllr Squire** informed members that South Hams DC is now dealing with the dog issue mentioned by the Clerk earlier. The Dog Control Order is to be put before the District Council, which will enable to dog wardens to take suitable action regarding dog fouling.

### **08-157 ANY OTHER BUSINESS**

The Chairman explained that he was shortly to go into hospital for a knee replacement and would probably miss the December meeting. Also, the Clerk would not be able to attend that meeting. He suggested that as it was only three weeks after the November meeting that it could easily be cancelled.

Following a short discussion, Cllr Drought proposed, seconded by Cllr Bennett that the Parish Council meeting due to be held on 15 December 2008 is cancelled. The proposal was carried unanimously.

**RESOLVED: The Parish Council meeting due to be held on 15 December 2008 is cancelled.**

There being no further business the Chairman closed the meeting at 9.58 pm.

R Fairclough  
Clerk to Wembury Parish Council