

**Minutes of the Annual Fremington Parish Council Meeting
Held on Monday 14th May 2018 at 7.00pm at Fremington Parish Hall,
Higher Road, Fremington**

Prior to 7pm and opening the meeting the Chairman called for a minute silence as a tribute to the former Cllr Tony Wood who recently passed away suddenly.

Present: Cllrs Mrs S Kingdom (Chairman), F Biederman, R Cann, D Chalmers, Miss L Goodger, K Groves, Mrs C McCormack-Hole, A Rennles, Ms M Scott, and B Sherborne
Mrs V Woodhouse, Parish Clerk, Mrs E Badcock, Services Officer and Mrs L Steer, Deputy Services Officer

1805/01 **To Elect the Chairman for 2018-2019 and presentation of the Chain of Office**
Cllr Biederman nominated, seconded by Cllr Cann, that Cllr Mrs Kingdom be elected Chairman for 2018-2019.

Cllr Rennles nominated, seconded by Cllr Chalmers, that Cllr Chalmers be elected Chairman for 2018-2019.

Cllr Biederman proposed and it was **resolved**, with one vote to the contrary, to hold a Secret Ballot for the election of Chairman.

It was **resolved**, with two votes to the contrary, that Cllr Mrs Kingdom be elected Chairman for 2018-2019.

1805/02 **The Chairman will read and sign the prescribed 'Declaration of Acceptance of Office'**
The Chairman, Cllr Mrs Kingdom, read and signed the prescribed 'Declaration of Acceptance of Office'.

1805/03 **To Elect the Vice-Chairman for the year 2018-2019**
Cllr Mrs Kingdom nominated, seconded by Cllr Rennles, that Cllr Biederman be elected Vice-Chairman for 2018-2019.

It was **resolved**, with one abstention and one vote against that Cllr Biederman be Vice-Chairman for 2018-2019.

1805/04 **Apologies**
Cllr D Brailey.

1805/05 **Declarations of Interest**
Cllr Biederman declared a Personal Interest in Item 1805/39 as a County Councillor and Item 1805/44 as a North Devon Councillor.

Cllr Ms Scott declared a Personal Interest in Item 1805/39 as the applicant is her employer.

Cllr Cann declared a Personal Interest in Item 1805/44 as a North Devon Councillor.

1805/06 **Chairman's Announcements**
The Chairman reminded members that the funeral for Mr Wood would be held on Tuesday 15th May 2018 at 1.40pm at the North Devon Crematorium. Cllr Ms Scott conveyed her apologies as she would not be able to attend due to work commitments.

1805/07 **To agree the agenda between Part A and Part B (Confidential)**
It was **resolved** to agree the agenda between Part A and Part B (Confidential).



1805/08 **To approve and sign the minutes of Fremington Parish Council meeting held on Monday 9th April 2018**

Copies were circulated with the agenda.

It was **resolved**, with no votes to the contrary, to approve and sign the minutes of the meeting on the 9th April 2018 as a correct record. Cllr Mrs Kingdom duly signed the minutes.

1805/09 **To receive, and to ratify the decisions therein, the minutes of the following Committee meetings**

- Parks & Playing Fields Committee meeting held on Thursday 26th April 2018
It was **resolved** to receive and ratify the decisions therein, the minutes of the Parks and Playing Fields Committee meeting held on Thursday 26th April 2018.
- Finance & Personnel Committee meeting held on Thursday 26th April 2018
It was **resolved** to receive and ratify the decisions therein, the minutes of the Finance & Personnel Committee meeting held on Thursday 26th April 2018.
- Tews Lane Committee meeting held on Thursday 26th April 2018
It was **resolved** to receive and ratify the decisions therein, the minutes of the Tews Lane Committee meeting held on Thursday 26th April 2018.

1805/10 **To receive reports from outgoing Committee Chairmen:**

- Finance & Personnel Committee
- Footpaths Committee
- Parks & Playing Fields Committee
- Tews Lane Committee
- Fremington Quay Management Committee

The reports were contained within the Annual Report and circulated. It was **resolved** to note the reports.

1805/11 **To review the Council's Standing Orders**

It was **resolved**, with no votes to the contrary, to amend Standing Orders as follows: -

1. Meetings – **Addition under paragraph L**

Inclusion of: A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.

Addition under paragraph S

The minutes of a meeting shall record the names of Councillors present.

Inclusion of: The time and place of the meeting.

The names of Councillors who have given apologies.

Interests that have been declared by Councillors and non-councillors with voting rights.

The grant of dispensations (if any) to Councillors and non-councillors with voting rights.

Whether a Councillor or non-councillor with voting rights left the meeting when matters that they held interest in were being considered.

A brief summary of public participation.

The resolutions made.

2. Proper Officer – **Addition under paragraph b i**

Inclusion of: or by email authenticated in such manner as the Proper Officer thinks fit.

9. Minutes – **Addition of new paragraph f**

Inclusion of: if the Council's gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.

30. Financial Matters – **Deletion of paragraph e and Addition of new paragraphs e, f and g**

Inclusion of:

- e A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in standing order 27f is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity.
- f A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.
- g A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for extraction of gas, oil or solid fuel with an estimated value in excess of £363,424 for a supply, services or design contract; or in excess of £4,551,416 for a works contract; or £820,370 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.

Inclusion of the Following Additional Paragraphs between 27 Freedom of Act Information 2000 and 28 Relations with the press/media:

28 Responsibilities to Provide Information

- a If gross annual income or expenditure exceeds £200,000 the Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.

29 Responsibilities under Data Protection Legislation

- b The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning personal data.
- c The Council shall have a written policy in place for responding to an managing a personal data breach.
- d The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action take.
- e The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.

- f The Council shall maintain a written record of its processing activities.
- G The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.

It was further **resolved**, with no votes to the contrary, to defer consideration of adding a paragraph to read "The Council shall appoint a Data Protection Officer" due to the amendment that has been proposed to the General Data Protection Regulations and until this requirement is clarified.

1805/12

To review the Council's Financial Regulations

It was **resolved**, with no votes to the contrary, to amend Financial Regulations to include the following:

- e A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in standing order 27f is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity.
- f A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.
- g A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for extraction of gas, oil or solid fuel with an estimated value in excess of £363,424 for a supply, services or design contract; or in excess of £4,551,416 for a works contract; or £820,370 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.

1805/13

To appoint all members of the Council to serve on the Burial Authority

It was **resolved**, with no votes to the contrary, to appoint all members of the Council to serve on the Burial Authority.

1805/14

To appoint one Councillor to serve on the Finance & Personnel Committee (and substitute if necessary)

It was **resolved**, with no votes to the contrary, to appoint Cllr Cann to the Finance and Personnel Committee.

1805/15

To appoint seven Councillors to serve on the Parks & Playing Fields Committee and one substitute member

It was **resolved**, with no votes to the contrary, to appoint Cllrs Biederman, Chalmers, Miss Goodger, Mrs Kingdom and Rennles with Cllr Sherborne as substitute to serve on the Parks & Playing Fields Committee, it was further **resolved**, with no votes to the contrary, to defer two spaces to be filled after the Co-options and Elections.

- 1805/16 **To appoint five Councillors to serve on the Footpaths Committee and one substitute member**
It was **resolved**, with no votes to the contrary, to defer appointment until August.
- 1805/17 **To appoint seven Councillors to serve on the Tews Lane Committee (two of which to include an invitation to the District Council Ward Members to join the Committee)**
It was **resolved**, with no votes to the contrary, to appoint Cllrs Biederman, Cann, Rennles, Mrs Kingdom, and Sherborne with an invitation to District Cllr Mrs Flynn, with Cllr Chalmers as substitute to serve on the Tews Lane Committee. It was further **resolved**, with no votes to the contrary, to defer one space to be filled after the Co-option and Elections.
- 1805/18 **To appoint seven Councillors to serve on the Fremington Quay Management Committee and one substitute member**
It was **resolved**, with no votes to the contrary, to appoint Cllrs Biederman, Cann, Chalmers, Miss Goodger, Rennles and Sherborne with Cllr Mrs Kingdom as substitute to serve on the Fremington Quay Management Committee. It was further **resolved**, with no votes to the contrary, to defer one space to be filled after the Co-option and Elections.
- 1805/19 **To approve that the Chairman, Vice Chairman, Chairman of Finance & Personnel Committee and the Chairman of the relevant committee most closely related to the particular matter constitute an Emergency Committee**
It was **resolved**, with no votes to the contrary, to approve the appointment of the Chairman, Vice Chairman, the Chairman of Finance & Personnel Committee and the Chairman of the committee most closely related to the particular matter as an Emergency sub-Committee of the Council.
- 1805/20 **To appoint representatives to outside bodies**
It was **resolved**, with no votes to the contrary, to make the following appointments:
- | | |
|---|-------------------|
| Devon Association of Local Councils/AGM | Cllr Chalmers |
| Fremington Parish Hall Management Committee | Cllr Ms Scott |
| Tomlin Hall Management Committee | Cllr Chalmers |
| Fremington Quay Environment Group | Cllr Groves |
| Muddlebridge & Babbages Allotment Association | Cllr Rennles |
| Tree Warden (Fremington /Yelland) | Cllr Miss Goodger |
| Tree Warden (Bickington/Roundswell) | Cllr Cann |
- 1805/21 **To review the Council's Assets and Lease Arrangements**
A copy of the Council's Asset and Lease Arrangements had been circulated with the agenda. It was **resolved** to note the Council's Assets and Lease Arrangements.
- 1805/22 **To receive the Councillors attendance record for 2017/18**
A copy of the Councillors Attendance Record had been circulated with the agenda. It was **resolved**, with no votes to the contrary, to note the Councillors attendance record for 2017/18 a copy of which is attached as Appendix One.
- 1805/23 **To receive Parish Council Website Statistics for 2017/2018**
A copy of the statistics had been circulated with the agenda. Members were pleased with the number of views and it was **resolved**, with no votes to the contrary, to note the website statistics for 2017/2018.
- 1805/24 **To receive a report from the Police**
None received. It was noted that the report would be circulated once received.

- 1805/25 **Public Participation Period**
None.
- 1805/26 **To discuss and agree the Annual Governance Statement detailed in the Annual Governance and Accountability Return 2017/2018**
It was **resolved**, with no votes to the contrary, to defer this item to the June meeting to allow the Internal Audit to be completed.
- 1805/27 **To receive and agree the Accounting Statements contained within the Annual Governance and Accountability Return 2017/2018 along with the Internal Auditor's Report**
It was **resolved**, with no votes to the contrary, to defer this item to the June meeting to allow the Internal Audit to be completed.
- 1805/28 **To consider and agree the Annual Governance and Accountability Return for 2017/2018**
It was **resolved**, with no votes to the contrary, to defer this item to the June meeting to allow the Internal Audit to be completed.
- 1805/29 **To review the Members' Code of Conduct**
The Members' Code of Conduct was reviewed and no changes made.
- 1805/30 **Matters to Note** (all held in the office unless specified as enclosed)
 - Newsletter of the Devon Community Resilience Forum – Spring 2018
 - DCC – Local Flood Risk Strategy newsletter
 - Correspondence from HM Land Registry in response to objection raised to application for adverse possession – Land at Fremington Quay (copy enclosed)
It was **resolved**, with no votes to the contrary, to note the information.
- 1805/31 **County and District Councillors' Reports** - To receive reports from the County Councillor and District Councillors for information only.
Cllr Biederman paid tribute to the late Cllr Wood who was his fellow ward member, and had undertaken many tasks and projects within the community especially relating to flower beds and trees and thanked him for his work and contribution.
- 1805/32 **To consider hire of Fremington Quay for the Nightwalk**
It was **resolved**, with no votes to the contrary, to approve the hire subject, it was noted that a copy of the Public Liability Insurance and Risk Assessment had been received but any necessary licences would be the responsibility of the hirer.
- 1805/33 **To consider Street Naming and Numbering for Lyddicleave, Bickington**
Members considered the proposed names and it was **resolved**, with no votes to the contrary, to accept the proposed names for the development.
- 1805/34 **To receive DALC report and information on the Devon Strategic Partnership that focused on the roll out of Universal Credit and the Councillor Advocate Scheme** (item requested by Cllr Chalmers)
Cllr Chalmers reported that he had attended two events as Councillor Advocate and was the link between the Parish Council and the Police Crime Commissioner, the role is currently a work in progress. A grant will be announced shortly to tackle anti-social behaviour in communities and Cllr Chalmers would circulate all relevant information via the Clerk.

Cllr Chalmers informed members that Universal Credit would be rolled out within the area on the 4th July 2018 and the impact this could have on some families within the community. Members discussed the idea of consulting with the Citizens Advice Bureau about having a volunteer in the Meeting Room of the replacement Beechfield Centre once built.

- 1805/35 **To receive update on the General Data Protection Regulations**
Members were reminded of the main principles of the General Data Protection Regulations and the procedures the Parish Council will be undertaking to work towards compliancy. Members were also informed that an amendment to the bill had been submitted which would remove the requirement for Town and Parish Councils to appoint a Data Protection Officer, the Parish Council would still be required to comply with all other aspects of the act and members would be informed once a decision has been announced.
- 1805/36 **To consider Consultation on Application for a Marine Licence**
It was **resolved**, with no votes to the contrary, to note the information. Members were concerned that the footpath was still closed, Cllr Biederman informed members that he had been chasing the developer who had hoped to open the footpath by May but would then need to close the footpath for a further two weeks to undertake the works. Cllr Biederman will follow up with the developer. It was agreed that, if the Parish Council has not already, to write to the developer to express concerns at the closure.
- 1805/37 **To consider works to BMX track in Griggs Field**
Members considered the works and it was **resolved**, with no votes to the contrary, to instruct Playground Solutions to undertake the repair works to the surface of the BMX track in Griggs Field.
- 1805/38 **To receive correspondence from the Tav and Torridge Estuary Forum and consider representation from the group at a future Council meeting**
The correspondence was circulated prior to the meeting. It was noted that the comments of a protest group which were factually incorrect had been noted in the group's minutes and the Parish Council's Representative did not find it appropriate for the Parish Council to be involved. It was **resolved**, with one abstention, to invite the Acting Chairman and Secretary of the Forum to a future meeting.
- Cllr Biederman and Ms Scott declared a Personal Interest in the following item.
- 1805/39 **Devon County Council – Planning Application**
Devon County Council, the determining Authority, has asked for comments from this Parish Council on the following planning application:
- Town and Country Planning General Regulations 1992 – Regulation 3
Ref: JR/DCC/4051/2018
Proposal: Removal of old dilapidated "Devon Lady" classroom block and replacement with a permanent modular classroom building
Location: Fremington Community Primary School, Beechfield Road, Fremington EX31 3DD
- It was **resolved**, with no votes to the contrary and two abstentions, to recommend APPROVAL subject to consideration being given to the impact on neighbouring properties.
- 1805/40 **North Devon Council – Planning Applications**
North Devon Council, the determining Authority, has asked for comments from this Parish Council on the following planning applications:
It was formally noted that participation of the Councillors who are also members of NDC in both the debate and subsequent vote (in respect of any of the above, were preliminary taking account of the information matters) was on the basis that the views expressed made available at the time to the Parish Council. The District Councillors were reserving their final views on the applications until they were in full possession of all the relevant arguments for and against

64203 Proposal: Erection of 34 bungalows (12 affordable & 22 open market) & associated works (amended plans)
Location: 50 Oakland Park South, Sticklepath, Barnstaple
Applicant/Agent: Mr J Evans

It was **resolved**, with no votes to the contrary, to recommend REFUSAL, the design is not of a standard that the Parish Council finds acceptable.

64730 Proposal: Extensions to dwelling
Location: 1 Cornflower Close, Roundswell, Barnstaple
Applicant/Agent: Mr W Smith

It was **resolved**, with no votes to the contrary, to recommend APPROVAL subject to an appropriate design and no adverse impact on the amenity of neighbouring properties.

64691 Erection of replacement dwelling
Location: Farm View (former Penhill Nursery), Fremington, Barnstaple
Applicant/Agent: Mr P Brown

It was **resolved**, with no votes to the contrary, to recommend REFUSAL, the Parish Council would express concerns at the proposed development in open countryside, the standard of design is not acceptable in this location.

1805/41

North Devon Council – Planning Decisions

North Devon Council, the determining Authority, has APPROVED the following applications with conditions as filed:

62667 Proposal: Application for consent for works to trees covered by a Tree Preservation Order in respect of crown reduction (maximum of 2.5 metres reduction to the existing canopy height and radius) of one Beech tree
Location: 11 Shieling Road, Bickington, Barnstaple
Applicant/Agent: Mr M Kidd

64305 Proposal: Demolition of one industrial building & erection of two industrial buildings (Block A comprising three industrial units & Block B comprising five industrial units)
Location: Freebird Estuary Business Park, Yelland Quay, West Yelland, Barnstaple
Applicant/Agent: PWH Surveyors Ltd

64378 Proposal: Reserved matters application for erection of 61 dwellings (outline planning permission 63356)
Location: Land west of Mead Park, Bickington, Barnstaple
Applicant/Agent: Boyer

64431 Proposal: Extension to dwelling
Location: 14 Ballards Crescent, Yelland, Barnstaple
Applicant/Agent: Mr J & Mrs C Collins

64548 Proposal: Erection of new garage & alterations to existing gateway
Location: Elmsleigh, Bickington Road, Sticklepath, Barnstaple
Applicant/Agent: Mr N Polkinghorne, NPAS Devon Ltd



64561 Proposal: Erection of a coffee shop pod (floor area of 167.2 square metres) with outdoor seating area
Location: Roundswell Retail Park, John Penrose Road, Roundswell, Barnstaple
Applicant/Agent: Mr M Tombs, NTR Planning Ltd
As amended

64764 Proposal: Application for a non-material amendment to planning permissions 57663 & 63468 in respect of lighting & brick material change
Location: Land adj B3233, West Yelland, Barnstaple
Applicant/Agent: Barratt Homes

North Devon Council, the determining Authority, has REFUSED the following applications:

62607 Proposal: Application for consent for works to trees covered by a Tree Preservation Order in respect of removal of one Beech tree
Location: 11 Shieling Road, Bickington, Barnstaple
Applicant/Agent: Mr M Kidd

64629 Proposal: Outline application for erection of two open market dwellings (all matters reserved except access)
Location: Joey's Field, Fremington, Barnstaple
Applicant/Agent: NPAS Devon Ltd

It was **resolved**, with no votes to the contrary, to note the information.

1805/42

Councillors Questions

Cllr Chalmers reported that he had attended a North Devon Networking event which had looked at the issues surrounding mental health especially those effecting young people, this is also an issue that Petroc is concerned about.

Cllr Groves had received communication from a resident about grass cutting in Brookside, it was noted that, although the Parish Council is not under an obligation to cut this area, it does cut the highway verge but cannot do so if there are cars parked due to the possibility that they could be damaged.

Cllr Ms Scott raised concerns that young people entering children services for mental health issues can often find themselves in an adult category before they receive an appointment. Cllr Ms Scott had been contacted by a resident about the MUGA on the former Army Camp Site, it was noted that this matter had been dealt with by the Office and the MUGA was not yet available for public use.

Cllr Mrs Kingdom thanked members for re-electing her as Chairman

1805/43

It was **resolved** that under Section 1(2) of the Public Bodies (Admission to Meetings) Act 1960 that the public and press be excluded from the meeting for the following items as they involve the likely disclosure of confidential information.

PART B

Cllrs Biederman and Cann declared a Personal Interest in the following item.

1805/44.

To consider draft terms for leases and licences for the management of the Community Facilities on the form Army Camp Development site and consider associated quotations to undertake the work

It was **resolved**, with no votes to the contrary and two abstentions, to appoint the North Devon Council's legal department to act on behalf of the Parish Council and draft a lease for the Scouting Groups with a licence for the Football Club to use the Community Building and a lease for the Football Club for the Football Pitch and Store Building with a licence for the Scouting Groups to use the Store Building. It



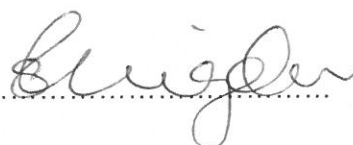
was felt that the terms should include a clause to allow the Parish Council to mediate and take a final decision should there be a conflict between the two groups, it was noted that the appointment would also include dealing with the transfer of the Community Facilities to the Parish Council. It was further **resolved**, with no votes to the contrary, for Cllr Biederman and the Clerk to investigate the mobile application based entry system for the management of the MUGA.

1805/45

Close

There being no further business the meeting closed at 8.30pm.

Signed



Dated

4.6.18