



## MEETING MINUTES

### **Buckland Brewer Parish Council Meeting**

**Held on Thursday 29<sup>th</sup> June 2023**

**Buckland Brewer Methodist Chapel**

**Councillors Present:** Philip Ainsworth, Kathryn Cann, Sally Cole, George Heywood, Richard Hooper, Jane Lowe, Trevor Mills (arrived 7:10pm), Hen Staveley-Brown

**Also in attendance:** 3 members of the public and Robert Hicks and Andrew Heywood of R Hicks & Co.

**Parish Clerk:** Jo Miles

**Meeting Chair:** Cllr Richard Hooper

**KEY: Actions are shown in bold blue type Decisions are shown in bold red type**

### **Business transacted at the meeting:**

**18)** Apologies for Absence: Dave Watson (Cllr Phil Pennington TDC)

**19)** Declarations of Interest: Sally Cole and Kathryn Cann re 22) THHM

**20)** Minutes of the Meeting of the Parish Council held on 14<sup>th</sup> June 2023 : Agreed

**21)** Public Participation: None

**22)** Thornhillhead Moor – An overview of the Special Site of Scientific Interest (SSSI) status, graziers' rights and BBPC responsibilities was provided by Robert Hicks and Andrew Heywood, R Hicks & Co.

- Robert Hicks opened by saying that THHM is the most complicated matter that BBPC must manage.
- BBPC's involvement dates to the Commons Registration Act 1965, when parties had 5 years to register an interest own common land or to graze cattle. Parish Council registered its ownership of the moor and several farmers registered their rights to graze against certain fields. As fields have been broken up over the years, the rights are spread here and there across fields. New registrations are not permitted.
- The condition of the moor deteriorated drastically and BBPC did not have funding to be able to manage its upkeep singlehandedly. An agreement was signed with Defra to provide agricultural management and to fund some maintenance, e.g. shrub clearance. Coming close to the end of that agreement.
- TB regulations severely limit options for two or more farmers to graze cattle on the same field, as farmers would not want to take any risk of cross-infection.
- Natural England rules are stringent. Graziers are only permitted to graze cattle and they are not permitted to fertilise the moor, spread muck or phosphates.
- Parts of THHM are registered as a SSSI due to the presence of a very rare shrimp. The location of shrimps cannot be disclosed so councillors were only given a brief look at a map and this was not discussed openly.



- The largest part of the SSSI and the largest part of the grazing land is fenced but Defra would not fund more fencing or cattle grids. Cannot put cattle on an unfenced road nowadays as there are too many vehicles.
- Funding is ring-fenced for THHM and a graziers agreement was signed by a previous BBPC Chair, Andrew Hewitt. R Hicks stated that any surplus funds belong to the graziers but this was strongly refuted by Cllr Heywood as he pointed out that BBPC pays an annual fee to farmers who do not graze cattle.
- Andrew Heywood provided an update regarding the status of the moor and highlighted some pressing maintenance requirements. Fence posts are rotting. Significant funds will be needed to replace them. Grant funding cannot be obtained as the original fences were grant funded.
- Open public rights to roam, walk dogs etc.
- There may be opportunities to find environmental schemes to provide some funding to the parish but good quality land attracts the best premiums and opportunities and THHM isn't good quality.
- Initial period ended 2021. A 5-year extension was previously agreed by BBPC (under domestic policy and not EU) but BBPC can opt to end early if it swaps into a new agreement with more benefits. There are no alternatives for consideration at present.
- THHM acreage is relatively small and it is designated as moorland and not lowland so does attract a high income per hectare.
- Difficult to get contractors to clear scrub and undertake works as it all needs to be done by hand. Swaling may be a possibility but this would need to be undertaken in accordance with Natural England regulations (permission is given to swale specific areas). Parts of the site are extremely wet which prevents using farming equipment and impedes access to carry out works.
- Andrew Heywood explained the usage of the moor and associated actions by referring to a series of maps\*. E.g. areas A and C are grazed. Scrub clearance area C. Chain saws are needed when north of C is cleared. Area B – is topped regularly but it is restricted at certain times. Tidying required but isn't grazed and is left due to the size (small) and not grazed. \*The maps were collected at the end of the presentation as the location of the protected shrimps cannot be publicly disclosed.
- Rewilding schemes were queried as a potential option for the moor, but AH confirmed there are not government funded.
- Field Tenancy: Before leaving, Andrew Heywood clarified a BBPC request regarding a new field tenancy. The Council wants to give the new tenant a 1-month notice period initially to support someone new to agriculture. AH advised that this cannot be done by law and that tenants must give 12 months' notice to relinquish a tenancy. He suggested a 2-year Grass Keeping Licence which would give both parties the same legal protections as well as the flexibility to amend the notice period. At the end of the 2-year period a decision can be taken whether to continue with the same type of agreement or to switch to a standard field tenancy, if preferred. The Council accepted this solution and it was confirmed that rent is payable monthly in arrears and that the

tenant's notice will be 1 month (for the initial 2 years) but BBPC's notice to the tenant would still be 12 months (as for all other field tenants).

**23) Clerk's Report:**

- a) Correspondence
  - i)
- b) Updates
  - i) 2022-23 internal audit is complete. The account summary had been circulated prior to the meeting to enable councillors to review the information in readiness for this meeting.
  - ii) DALC newsletters highlighted due to a feature on BBPC's new branding/logo and the D-Day commemoration in June 2024 when all parishes are encouraged to light a beacon. Cllr Hooper advised that the PFA committee already has provisional plans for the latter.
  - iii) Councillor training has been booked. Cllr Lowe reiterated that she was unable to attend on 10<sup>th</sup> August and Cllr Heywood may not be available either. **Clerk asked to investigate other options.**

**24) Approval of the Year End Accounts 2022-23 and the completion of the Annual Governance & Accountability Return (AGAR):**

- a) The Internal Auditor only raised 2 queries – a payment queried was presented after 31/3/23 YE cut-off - and the other related to a difference that had already been identified and the submitted accounts had already been annotated. **The 2022-23 accounts were accepted and formally approved. AGAR submission paperwork was signed off.**

**25) Dispensations:**

- a) A Councillors' Dispensation relating to all aspects of budget setting and precept demands during the Council's term of office (May 2023 to May 2027) was **unanimously agreed** to enable all councillors to participate in budget setting and precept actions throughout their 4-year term.

There was a heated debate in relation to declarations of interest and how this dispensation may affect that process. The Clerk's knowledge was questioned and criticised repeatedly, including by a former councillor in attendance. (The Chair stepped in to point out that he was not permitted to speak outside of the Public Participation section of the meeting and to ask him to refrain.) Cllr Staveley-Brown also stepped in to highlight the constant undermining of the Clerk's position and that it was not acceptable.

- b) A Clerk's Dispensation was presented to be able to authorise payments in exceptional circumstances during the Council's term of office (May 2023 to May 2027).

The dispensation will allow the Clerk to co-sign cheques should only one councillor signatory be available to sign cheques. The proposal was verified in advance and very strict protocols will be implemented as and when BBPC approves use of the dispensation. Use was approved from 29

June until the bank account mandate has been updated, as only Cllr Mills and the Clerk are currently approved signatories following the change of council. **Dispensation unanimously agreed.** (Cllr Hooper's paperwork has already been submitted and he has also completed his ID verification details. Awaiting confirmation of acceptance from the bank.)

**26) Agreement of Sub-Committees and Councillor Roles and Responsibilities.**

- a) Cllr Mills objected to deciding roles and responsibilities at this meeting as he felt that BBPC needs to wait for training as councillors. The Chair stated that the council cannot wait as there are business requirements that must continue. This was challenged and a debate ensued and Cllr Staveley-Brown clarified that not all councillors had been trained previously and yet had been part of the same committees. Cllr Ainsworth disagreed and felt that the whole situation was ridiculous. At that point the Chair called for a vote to decide whether to continue to agree roles and responsibilities. **It was agreed to continue by a vote of 5 councillors for and 3 against.**
- b) Preferred roles and responsibilities had been declared by councillors ahead of the meeting.

<b>Fields and Allotments – Sub-Committee Agreed</b>			
<b>Phil Ainsworth</b>	<b>Kathryn Cann</b>	<b>Richard Hooper (Ch)</b>	<b>Hen Staveley-Brown</b>
It was confirmed that an allotment-holder may be co-opted onto the sub-committee, as before, and it was agreed that Mr C Kaminsky should be contacted to see whether he wished to continue. <b>Clerk to contact.</b>			

<b>Personnel – Interested Parties Decision was deferred as concerns were raised which were not resolved.</b>			
Kathryn Cann	Jane Lowe	Richard Hooper	Hen Staveley-Brown
David Watson			
<p>The Clerk clarified that while all decisions come back to the full council not all details are discussed openly to adhere to employment regulations and to guard employee confidentiality.</p> <p>Cllr Lowe was asked whether she really wanted to be considered as she had undertaken the Webmaster role previously. She stated that she felt she was very qualified as she had interviewed the new Webmaster and was interested at seeing how the role developed. Cllr Staveley-Brown enquired whether there might be a conflict but this was rejected. Cllr Hooper said he felt that 5 councillors was too many and offered to step aside but this is not permitted as the Chair must be involved in personnel matters.</p> <p>The Clerk expressed her unease regarding Cllr Lowe's request to be part of the Personnel Committee as she was part of the previous administration and may have different</p>			

expectations of the role having worked so closely with the former Clerk. Irrespective of these employee concerns Cllr Lowe stated that the Parish Council would have to exclude her and that she was really not prepared to stand down.

**Governance Sub-Committee – Interested Parties Sub-Committee (plus Clerk)**

<b>Phil Ainsworth</b>	<b>Kathryn Cann</b>	<b>Sally Cole</b>	Richard Hooper (if needed)
Jane Lowe (if needed)	<b>Hen Staveley-Brown</b>		

Cllrs Heywood and Lowe both requested clarity regarding the purpose of the committee, since all matters must to be presented to the whole council before decisions can be taken, and the impact on workload. The Chair clarified that the proposal was to create a short-term working group to bring policies up to date as quickly as possible and introduce key procedures (there are none currently).

Cllr Heywood queried whether, as an employee, the Clerk could do this herself and present the drafts to BBPC. The Clerk clarified that whilst she could the suggestion behind having a small working group is to collaborate closely with Councillors from the outset to try to avoid lots of back-and-forth. That way the work can be done as efficiently as possible and without lots of rework. All Councillors will be involved in the final decision making in the usual manner.

**Other Roles**

<b>Role</b>	<b>Agreed Representative(s)</b>
Vehicle Activated Sign (VAS) Maintenance (4 batteries held)	<b>Phil Ainsworth</b>
BB School Representative	<b>David Watson</b>
BB Shop Representative	<b>Hen Staveley-Brown</b>
BB PFA	<b>Phil Ainsworth</b>  Richard Hooper confirmed he is likely to step down as PFA Chair to avoid any conflict of interest.
BB Hall	<b>Trevor Mills (Trustee)</b> David Watson (Trustee)
DALC Representative (One of several TDC reps)	<b>David Watson</b>
Footpaths	<b>Richard Hooper</b>

- 27)** Consider how sound quality may be improved when streaming meetings. Cllr Hooper commented that he had viewed the previous meeting and the sound quality had been fine. No further action was proposed.
- 28)** Hedge trimming and maintenance requirements were raised by Cllr Heywood in relation to Back Lane. Landowners are legally obliged to trim hedges adjacent to their property but property owners in Back Lane have consistently refused to do so. Cllr Heywood stated that they should be compelled to undertake maintenance. There was a question regarding ownership of part of the hedge since the death of an earlier owner, Mr Felix Dzurynski, and this would have been handed over as part of the provisions of his will. Cllr Hooper clarified that DCC gave the PC a grant in 2022 to enable BBPC to clear this lane and a similar request has been submitted in 2023. (District Cllr Robert Hicks confirmed that this was a bridleway and it is the county council's responsibility to act – this is delegated to parish councils but county councils remain accountable.)
- 29)** Damage to the community shop noticeboard had been raised as a safety issue, as the glass door has been broken. Cllr Hooper confirmed the noticeboard isn't BBPC property and the shop committee is arranging for it to be removed.

### **30) Members' Reports**

**Trevor Mills** - Nothing to report.

#### **Jane Lowe**

- 7 potholes reported after a short walk. Only 1 has met the criteria for remedial action. All parishioners urged to report issues individually.
- Pearce Construction – Cllr Lowe contacted the MD as previously agreed to request additional attention is given to the amenity field. The old pump is due to be disconnected shortly so Pearce Construction will endeavour to complete the works if the requirements are clarified. Cllr Lowe confirmed she now has the information from Cllr Mills and will follow this up.
- Paint and sandpaper has been purchased to refurbish the benches by the church. Volunteers were sought and Cllr Staveley-Brown said she would assist.
- Nationwide problem with 999 calls had been highlighted the previous weekend. FB post was made by the Clerk. (Problem was resolved within 2 hours.)
- A parishioner made a complaint regarding speeding. Cllr Lowe mentioned there is a 20 MPH initiative being undertaken by DCC. The Clerk confirmed BB is already formally registered but no contact has been received to date; most attention is focused on larger communities, particularly in South Devon, and it is unlikely that BB will move to top of the list due to the criteria.

- Cllr Lowe has been trying to resolve an ongoing 101 matter with a parishioner and has emailed and tried to call the County Councillor. Cllr Hooper needs to contact Cllr Morrish about another matter so will try to reach him and will ask him to call Cllr Lowe.

#### **George Heywood**

- Hedges – Cllr Heywood enquired whether BBPC wants all hedges to be cut back. **Councillors agreed that all hedges should be cut back as far as possible on all roadside verges to improve visibility.**

#### **Kathryn Cann**

- Cllr Cann advised she had contacted Kieran Stanbury DCC regarding roads as a complaint had been received regarding an overgrown hedge on Orleigh Close that is obstructing the footpath. DCC has agreed to address this.

**Hen Staveley-Brown** – Nothing to report.

#### **Sally Cole**

- Cllr Cole suggested signage would be beneficial to direct people to BB Hall and the adult fitness equipment, especially via the pedestrian walkway. A recent visitor did not know how to reach them easily and some parishioners may not be aware either.

**Phil Ainsworth** – Nothing to report.

#### **Richard Hooper**

- Cllr Hopper confirmed he will be aiming to fix the water leak the following week. A temporary fix had been made to allow the allotment water supply to be switched back on but a large leak is still present. The water will be switched off overnight to save water pending a fix. (The tenant has provided consent to access the field.)

**31) Planning Application(s):** No new applications or decisions received since the previous meeting.

### 32) Accounts: Receipts and Payments for May/June 2023

<u>Summary</u>	<b>General Account</b>	<b>Thornhillhead Moor Account</b>	<b>Savings Account</b>	<b>Consolidated</b>
Opening Balance	£18,475.29	£15,025.20	£27,357.48	£60,857.97
Receipts to date	£7,635.00	£30.00	£0.00	£7,665.00
Payments to date	£5,555.51	£0.00	£0.00	£5,555.51
Closing cash book balance	<b>£20,554.78</b>	<b>£15,055.20</b>	<b>£27,357.48</b>	<b>£62,967.46</b>
Closing Bank Balances	<b>£23,631.67</b>	<b>£15,055.20</b>	<b>£27,357.48</b>	<b>£66,044.35</b>
As at	<b>31/05/2023</b>	<b>31/05/2023</b>	<b>31/05/2023</b>	
Unreconciled (net)	-£3,076.89	£0.00	£0.00	-£3,076.89
Net THM Savings			<b>£11,000.00</b>	
Fund Balances	<b>£39,989.15</b>	<b>£26,055.20</b>		<b>£66,044.35</b>



Some of the following payments had been reported 14/6/23 but are listed again as no cheques have been issued to date.

The Clerk's Dispensation was invoked to co-sign the following cheques with Cllr Mills. (Invoices were checked and signed by two independent councillors.)

i) Payments for May/June 2023: £2904.04 + VAT)

(1) Electricity	£12.46
(2) Grass cutting	£130
(3) Water	£16.91
(4) Gate sign	£43.00
(5) Gardening	£179.50
(6) Payroll (May) inc exp/HMRC	£1092.33
(7) Asphalt - Amenity Field Path	£222.06
(8) Payroll (June) inc exp/HMRC	£1071.66
(9) Internal Audit Fee	£160.00

ii) Receipts for May/June 2023

(1) Field Rents	£275
(2) Precept 1 <sup>st</sup> installment	£7,360
(3) Barclays compensation*	£30

**There being no further business, the public meeting was formally closed at 9:05pm.**

**Signed as a true record: ..... Date: .....**