

## **HARBERTON PARISH COUNCIL**

Minutes of the ordinary meeting of Harberton Parish Council held at 7.30pm on Tuesday 8<sup>th</sup> November 2022 at Harbertonford Village Hall.

### **In attendance**

#### **Harbertonford Councillors**

Cllr Beamish: Apologies  
Cllr Bowley: Present  
Cllr Hambly: Present  
Cllr Palmer: Absent  
Cllr Simon: Present  
Cllr Waite: Apologies

#### **Harberton Councillors**

Cllr Camp: Present  
Cllr Davies: Present  
Cllr J Hockings: Apologies  
Cllr Paine: Present  
Cllr Morris: Present  
Cllr Williams: Present

#### **Others**

D.Cllr McKay: Present  
C.Cllr Hodgson: Present  
Clerk Ms Radford: Present  
Members of the Public:

### **Public Session**

i) A Member of the Public (MoP) attended the meeting in response to the Parish Council's circulation of a brief seeking a Parish Lengthsman. Invitations to tender are open until Thursday 1<sup>st</sup> December 2022. The MoP has undertaken Lengthsman and Buddle Hole work for several years and offered a view on what the Parish may need – offering support some direction on what needs to be done if required. It was noted that there are a small number of people doing lengthsman work in the local area, and that many may not be able to take on any additional work. It was noted that a MoP local to Harberton had expressed interest in undertaking lengthsman work, and the MoP attending the meeting suggested he could get in touch with him to encourage a tender application. The MoP commented that Chapter 8 roadside training is important, taking you through what is required to be compliant with the law. It was suggested that Chapter 8 and Public Liability Insurance should be a requirement. It was also commented that a good relationship with landowners and farmers is required to ensure that buddles remain clear.

### **Agenda**

1. **Apologies** were received (as above). **It was RESOLVED** to sanction reasons for apologies.
2. **Declaration of Interests**
  - 2.1. Register of Interests Cllrs were reminded of the need to update their register of interests. It was noted that Cllr Davies had completed the notification form.
  - 2.2. To declare any interests (nature and scope) on items on the agenda.  
Item 10. Cllr Nick Williams is the resident making the request. Cllr Williams left the meeting during consideration of this item.
3. **Reports** for information from:
  - 3.1. County Councillor (C.Cllr) The C.Cllr's monthly report was circulated ahead of the meeting. The following issues were highlighted:
    - 3.1.1. Devon County Council Statement on Budget It was reported that a statement has been released by the County Council commenting that it is perilously close to running out of money. The Council is looking to make approximately £100M savings in the next two years and is lobbying government for support and to increase the limits on increases to the precept before going to referendum. The C.Cllr invited comment from Parish Councils as to what the County Council might trim. It was noted that cutting back on budgets will likely have an effect of reduction of maintenance services. The C.Cllr commented that there are a lot of good reasons to keep public services as good as possible, as a lack of investment will have negative impacts in the future. The C.Cllr will keep the Parish Council informed of any developments.
    - 3.1.2. Road Closure at Halwell The C.Cllr drew cllrs attention to the road closure planned over 2 nights noting the long diversion that will be in place for the period of closure.
    - 3.1.3. KEVICC's Fields There was no updates on discussion around the sale of the school fields. The school is seeking more Parent Governors before the Governing Board makes any decisions.
    - 3.1.4. Power Allotments The C.Cllr referred to the 'Power Allotments' initiative by Regen in which local communities can be supported to identify sites and install solar panels. It was commented that this is a way for Parish Councils to make a bit of money whilst supporting an increase in the use of renewable energy. There was a discussion in which it was commented that there is a significant issue in bringing new renewable energy sites online in the South West until the infrastructure link at the Hinkley C power plant is built. Until then, the grid infrastructure is at capacity. Lack of capacity is having the effect that renewable energy projects to be mothballed. It was commented that the Local Enterprise Partnership has been doing work on local infrastructure as well as finishing the plant. It was also commented that a planning application near Riverford has been passed to provide a huge field of batteries that will smooth out flow and manage grid capacity.
    - 3.1.5. Greening Church Yards An initiative to create wildflower meadows in churchyards, with bug houses, bird boxes and enhancement for bats and wildflowers was mentioned. It was also mentioned that Sustainable South Hams looking to start up and local community composting scheme.
  - 3.2. District Councillor (D.Cllr)
    - 3.2.1. Waste The D.Cllr updated the Parish Council that waste services have now been formally taken back in house by the local authority. It was commented that there are still some issues with the collection of the

brown bins, that some people with assisted collections haven't been getting them, but the D.Cllr is getting far fewer complaints. It was commented that South Hams District Council (SHDC) officers are turning around problems really quickly which is down to the relationship with the workforce; who are much happier and being listened to, which has made all the difference.

3.2.2. Complaints about the encampment on Luscombe Cross The District Council has found encampment residents somewhere else to go and the waste on site is being dealt with.

3.2.3. Vehicle Activated Speed Signs (VAS) It was reported that there had been a lot of delays in installing the posts on which the signs would be erected. The contractor had promised to have these installed in the next few weeks.

3.2.4. Baltic Wharf The D.Cllr is supporting a project to retain Baltic Wharf as an essential infrastructure site for marine activities up and down the river.

**4. Minutes** Consider approval of the minutes from the following meetings:

4.1. **It was RESOLVED** to sign the minutes of the Extraordinary General Meeting of the Parish Council 11<sup>th</sup> October 2022 as an accurate record.

4.2. **It was RESOLVED** to sign the minutes of the Ordinary Meeting of the Parish Council 11<sup>th</sup> October 2022 with minor amendments.

4.3. **It was RESOLVED** to sign the minutes of the Extraordinary Meeting of the Parish Council 19<sup>th</sup> October 2022 as an accurate record.

**5. Report Matters Arising from the Minutes** for information only

5.1. Harberton Devon Air Ambulance clearance area sign Ongoing.

5.2. Harberton Parish Emergency Plan It was reported that the Clerk and Cllr Paine are setting a date to review an updated draft of the Emergency Plan with the community volunteer who has drafted it. Cllr Paine will be attending sessions about Emergency Planning as arranged by Communities Together later in November.

5.3. Harbertonford Vehicle Activated Signs Ongoing.

5.4. Highways Matters

5.4.1. Marquee and outside seating at the Church House Inn, Harberton It was reported that Devon County Highways (Highways) Neighbourhood Officer has visited the pub twice to make enquiries, but found it closed on both occasions. Highways is unclear if SHDC issued a temporary 'pavement' licence in response to the Covid pandemic. Following a query from Highways with regard to the nature of the concern, cllrs confirmed that the Parish Council is both concerned about the issue of occupation of the and also that it is being used as a selling feature of the pub. The Parish Council had already received complaints about occupation of the highway and reduction in car parking spaces. The Parish Council was of the opinion that this was a temporary structure in place during COVID. It was noted that the marquee is now seldom used, and when it is, by smokers. It was agreed to provide this response to Highways, copying the C.Cllr who is also a D.Cllr and may be able to follow up the status of the licence with SHDC.

5.4.2. Works at Screw Lane, Harberton A response had been received from Highways apologising if the resident that wrote to the Parish Council does not think the work done is of any benefit. The Officer commented that rural drainage is generally reliant on two aspects, surface water flow and ground water percolation. The grips and buddle holes are present to allow the majority of surface water to progress and flow quickly in a downward direction, but some more level road sections need verge trenches (ditches) to accept and hold water to improve groundwater penetration; they don't always connect to positive systems. The Officer commented that works can be removed from the schedule if requested, but it is doubted that this will improve the road's water dispersal. After discussion in which some cllrs commented that they believed the works at Screw Lane did in fact make a positive impact, **it was RESOLVED** to confirm with Highways that the scheduled works be continued. The email from the Neighbourhood Highways Officer continued to comment that from Highways perspective, all that can be done is hope that the current land easements are maintained and are respectfully functional. The Officer commented that increasing capacity and introducing attenuation ponds is a private land matter and a decision that can only be made by the owner. Water volumes and pond capacity are just two factors that need to be calculated, and this will depend on the area of land new owners are prepared to dedicate. It could be quite complicated and any alteration could have consequences. It's not a concept that the Neighbourhood Highways Officer could justifiably inspire or legally encourage. It was commented however that if the Parish want to approach the owner subjectively and if the landowner is amenable, they could contact the Devon County Flood Risk Team for advice. **ACTION: Cllr Williams** agreed to seek out contact details of the new landowner in order to facilitate conversation.

5.4.3. Willow Tree, Adjacent to the A381/Old Rd Bridge, Harbertonford Cllrs were informed that the Clerk had received a request for the Parish Council to cut back a willow tree on Harbertonford Green as it is hanging over the road at the bridge and is in the way of pedestrians. As the Green is common land the Clerk was looking to confirm who had undertaken maintenance works in the past, as the Parish Council has not taken on maintenance responsibilities, nor had the Environment Agency. Highways confirmed that it has no record of having dealt with this issue in the past. The Neighbourhood Highways Officer has passed the enquiry to the S154 Team, who is now responsible for arranging a Devon Tree Service Site Assessment. If the tree has no owner and no one wants to take on responsibility, then it will be left to grow unmaintained. Highways would only respond if it impacted highway safety i.e if the tree encroaches the road and is being hit by passing vehicles or if it impaired visibility. Highways may possibly take action if the tree is hanging low and hindering pedestrian passage below 2.1m, but as there is no footway this aspect is debatable. A site

assessment could take months to achieve as the S154 Team is already overwhelmed with outstanding vegetation issues.

- 5.5. 20's Plenty Campaign The Clerk reported having been in touch with the 20's plenty campaign and it was suggested the Parish Council consider considering a motion supporting 20mph speed limit as 'normal' where people live work and play. It was agreed to discuss this under an agenda item at the next meeting **ACTION: the Clerk** will compile all available background material for circulation with the next agenda.
- 5.6. Advertising for a lengthsman It was reported that the brief for Parish Lengthsman has been circulated with a deadline for tenders as 1<sup>st</sup> December. The Clerk has been in touch with contractors undertaking lengthsman services for other Parish Councils in relation to the tender as there a few people offering this service, and many have more work than they can handle. The Clerk has been in touch with Highways asking about the availability of Chapter 8 and SWQR training to enable contractors to work on the highway, should someone submit a tender who has not already undertaken that training. Any tender documents received will be brought to the next meeting of the Parish Council for consideration.
- 5.7. Luscombe Cross Encampment It was reported that following the last meeting of the Parish Council the Clerk had written to the District Council and the Police, copying in the District and County Councillors, stating that the behaviour of the residents at the encampment at Luscombe Cross has caused alarm, distress and fear for the safety of passing residents and agricultural workers. The email referred to *Community Remedies under Sec 101 The Anti-Social Behaviour Crime & Policing Act 2014*. The threshold for activating the Community Trigger is 3 complaints within the previous 6 months to any agency or a number of different agencies, including the Police, SHDC or Harberton Parish Council. The District Council's Specialist Environmental Health officer responded to request more information as to the nature of the complaints, and cllrs were asked by email to provide more information. No more information has been forwarded to the Clerk to enable any further action. It is understood that alternative accommodation has been found for residents of the encampment and the process to clear the site is underway. After discussion it was agreed that as site is no longer occupied and as the residents are receiving support from SHDC and other statutory services then the Parish Council would take no further action.
- 5.8. Honorary Freeman/Freewoman The Clerk has made contact with some suppliers in order to produce an address to those on which the titles had been conferred. Once these have been produced the Clerk will make personal presentations in a way most appropriate for the recipients.

## 6. Planning

- 6.1. Consideration of planning applications
  - 6.1.1. 2857/22/LBC Listed building consent for structural & other repairs to correct wall& roof structure defects, window defects, roof covering issues including poor slate condition, poor alignment & many general moisture defects leading to extreme damp penetration internally at the Old School, Harbertonford. **It was RESOLVED** SUPPORT the application.
  - 6.1.2. 3361/22/CLE Certificate of lawfulness for existing building works for enclosing the bays on the barn at Eden Farm, Harberton. After discussion **it was RESOLVED** to make NO COMMENT on the application.
  - 6.1.3. 3587/22/CLE Certificate of Lawfulness for Existing use of plot of land on the opposite side of Harbourne River is used as a garden in association with Tailrace & should not be defined as agricultural land, a parking area has been created adjacent to Bow Road, there are several wood stores & a shed together with planting areas all for sole use of the residents of Tailrace. At Tailrace, Crowdy Mill, Harbertonford. It was agreed to inform the planning authority that several members of the Parish Council were able to confirm that the information provided to the local authority for comment was true and correct.
  - 6.1.4. Consideration of making an additional comment on planning application 2491/22/HHO as no further correspondence had been received from the member of the public that had raised a query with the Parish Council, there was no information to consider. The matter was not discussed.
- 6.2. Receive a report on planning or appeal decisions Cllrs were informed of the following decisions made by the planning authority:
  - 6.2.1. 3304/22/ARC Application for approval of details reserved by condition 4 (windows) of planning consent 1892/22/HHO at Hillsgreen, Old Road, Harbertonford Discharge of condition Approved
  - 6.2.2. 1223/22/HHO Householder application for vehicle hard standing at front (Riverdale) & extension to rear shed (Bow Road) at 3 Riverdale, Harbertonford Conditional Approval  
The clerk noted that a considerable number of applications on which the Parish Council had given recommendation had been withdrawn in July.
- 6.3. Receive a report on enforcement cases (for information only) A hard copy of the enforcement caseload was circulated to councillors for information only.

## 7. Monthly reports

- 7.1. Finance Committee update No update.
- 7.2. Community Land Trust update Nothing to report.
- 7.3. Sustainable Harbourne Valley update It was reported that the Apple Day held at the park in Harbertonford went well. Cllrs were informed of the upcoming talk to be held in Harbertonford Village Hall, as part of a series of occasional presentations.
- 7.4. Neighbourhood Plan update The Parish Council's application for technical support in compiling a Site Assessment had been approved and a short meeting was held with AECOM consultants in order to kick start that process. It was confirmed that a number of technical tasks can be completed in tandem, and that

AECOM will put in an application in order to produce a Strategic Environmental Assessment for the Parish at the same time as the Site Assessment. It was suggested that work on the Site Assessment could be complete in time to enable a public consultation to take place in March 2023.

7.5. Harberton Playing Field Association (HPFA) update No report.

7.6. Clerk's update The Clerk reported having begun the process to find a new Internal Auditor. A number of quotes have been received and this information will be presented to the Parish Council at the December meeting in order to make an appointment.

8. **Fire Service Consultation** At the last meeting councillors requested time to consider the consultation in order to offer comments from the Parish Council. Having read the consultation material, the Parish Council had no specific comments to make on the consultation, however it was agreed to submit a comment of support for the Devon and Cornwall Fire Service as a central community service. Cllrs agreed that should such a valuable service require an uplift in funding from the precept this should be supported.

## 9. Harbertonford Playpark

9.1. To receive a report on actions from site meeting Cllrs had received a detailed response to issues raised in inspection reports through the minutes of the Extraordinary General Meeting of 19<sup>th</sup> October 2022, held at the park. It was confirmed that the monkey bars had been removed as agreed. A work-day had been arranged to take place on 12<sup>th</sup> November, at which logs currently in the undergrowth and a potential rolling/trapping hazard would be used to form a boundary to the grass edges of the playground, digging them in. The triangular shelter would also be removed at the same time.

9.2. To consider action in response of boundary issues It had been noted in September and October playground inspection reports that the boundary between the play park and a resident's garden is no longer in place. Having reviewed the lease it was agreed to write a letter to the landowner to ask that the boundary be reinstated, in relation to clause 10.9 of the lease with Exeter Diocese the Parish Council as the tenant will use all reasonable endeavours to prevent trespassing on the adjoining or neighbouring property. **ACTION: The Clerk** to draft a letter with support from **Cllr Morris**.

## 10. Request to break ground at Harberton Playing Field

Cllrs were informed of a request for permission for a resident of the Old Hall, Harberton, to dig a trench over land owned by the Parish Council in which to lay a 16mm electrical cable connecting power from the rear of their property to their parking space, 50 meters from their house. This is for the purpose of providing a charging point for an electric vehicle. It was noted that the resident has asked the Parish Hall committee and the Harberton Playing Field Association to also consider this, as whilst the Parish Council is the landowner, the land is subject to lease agreements with those organisations.

During discussion it was agreed that it was not quite as simple a matter as asking permission and it be or not be granted, but that an easement would be required. **It was RESOLVED** to write to the resident offering them the chance to work with a solicitor to apply for an easement. It was agreed that the resident be required to pay for all the Parish Council's reasonable costs, including legal costs.

## 11. Correspondence

11.1. Temporary Traffic Notice MORELEIGH ROAD TO A381 Harberton Cllrs were informed of a road closure from 12<sup>th</sup> December for a maximum of 5 days to enable road surfacing. The alternative signed route will be via Hernafor Road.

11.2. Temporary Traffic Notice MORELEIGH ROAD TO A381 Cllrs were informed of a road closure from 3<sup>rd</sup> – 6<sup>th</sup> January for a maximum of 5 days to enable drainage works. A diversion via Hernafor Road will be in place.

11.3. South Hams Support Interest for Investment Zone Cllrs were informed by news release of the District Council's decision to support the submission of an Expressions of Interest for Investment Zone (IZ) status for the Plymouth and South Devon Freeport.

11.4. Request for Grant - St Andrew's Churchyard The Parish Council has been thanked for the 2022/23 contribution to Harberton cemetery expenses.

11.5. Reduced Council Tax Scheme - Have Your Say on Proposed Changes Cllrs were informed by press release that the District Council has opened a public consultation on changes to its Council Tax Reduction Scheme ahead of making any decisions. Consultation is open until 27<sup>th</sup> November 2022 and can be viewed by following this link: [www.engagement.southhams.gov.uk/council-tax-reduction](http://www.engagement.southhams.gov.uk/council-tax-reduction) (html). It was commented that it is likely that there are a number of people in the community that this affects, and it was suggested that cllrs have a look at the consultation.

11.6. Your SLCC Membership Renewal Notice **It was RESOLVED** to renew the Clerk's membership to the Society of Local Council Clerks by 1<sup>st</sup> December 2022 at a cost £134.

11.7. #50 2022 DALC E-bulletin Cllrs were informed that this issue includes news that new training dates for the following courses have been made available: Being a Good Employer, Charing Local Council Meetings, Clerks Essential Series, Being a Good Council Series should any councillors be keen to book a place.

11.8. Halwell - Tree Works - A381 Cllrs were informed of the closure of the A381 at Halwell on 24<sup>th</sup> and 25<sup>th</sup> November between 7pm and 7am in order to complete tree safety works on Devon County Council land adjacent to the highway.

- 11.9. ICO - Renewal confirmation ICO\_00011263882 Cllrs were informed of the confirmation of the annual direct debit payment made to the Information Commissioner's Office as a registered data controller.
- 11.10. #51 2022 DALC E-bulletin Cllrs were informed that this bulletin includes information about a new webinar on the Code of Conduct available for Parish Councils, and a new e-learning course about the Standards in Public life. This bulletin also includes a link to DALC's annual report.
- 11.11. Nature and Climate Declaration **It was RESOLVED** that the Parish Council sign the Nature and Climate Declaration calling on the Government to have a strategy to: Ensure that the UK achieves its fair share of CO2 reductions to ensure that global temperature does not rise above 1.5C as against pre-industrial temperature – as agreed at the Glasgow Conference; and Halt and reverse biodiversity loss by 2030 as agreed by the Government in the Leaders Pledge for Nature.
- 11.12. Peninsula Transport Business Plan 2022\_2023 Cllrs were informed that each year Peninsula Transport produces a business plan, setting out its priorities for the year ahead. The business plan details the work that will be delivered to support those priorities and is available to download here: [www.peninsulatransport.org.uk/business-plan/](http://www.peninsulatransport.org.uk/business-plan/)
- 11.13. Our financial situation has never been so bleak as it is now Cllrs were informed by press release that the County Council's leader is urging the Chancellor and Prime Minister, to use the extra time they now have to produce an economic recovery plan that's balanced, fair and equitable. And crucially, an economic plan that doesn't single out local government for cuts. The press release comments that [deep cuts to vital local services in Devon are inevitable unless the government provides more support](#). The County Council has made £36m savings in the current financial year but needs to find additional £37m savings before the end of March 2023. Projections show another £75 million savings to be found in the next financial year unless the Government intervenes. Alongside lobbying the government for support, the Council has put a freeze on staff recruitment in non-frontline areas, delayed planned investment in IT and infrastructure projects, and cut heating and lighting bills. All external contracts are being squeezed. Some routine road maintenance has been stopped and school transport contracts and public transport subsidies are being reviewed.
- 11.14. New Community Project - Power Allotments, Devon Cllrs were informed that Power Allotments, Devon is a community energy site finding project, jointly run by the Devon Energy Collective and Regen, and funded by Devon County Council. A Parish Pack has been put together to introduce the project to the Parish Council including some posters and leaflets for the community to learn more and get involved. More information can be found on the website: <https://devonenergycic.co.uk/our-projects/power-allotments-devon/>
- 11.15. #52 2022 E-bulletin Cllrs were informed by this bulletin that DALC has endorsed the 20's Plenty campaign for a speed limit of 20mph to be normal on residential streets and in town and village centres, unless full consideration of the needs of vulnerable road users allows a higher limit on particular streets.
- 11.16. South Hams garden waste service subscriptions are now live Cllrs were informed by press release that residents of the South Hams can now sign up for the new chargeable fortnightly garden waste subscription service at a cost of £49 per year. This subscription covers collections for one brown wheelie bin, with a maximum of two subscriptions for two bins per household. Collections for those who sign up before the deadline of 22nd January 2023 will begin in March 2023.

## 12. Finance

- 12.1. To consider raising staff salaries in line with the 2022/23 National Salary Award The Parish Council had received notification from the National Association of Local Councils (NALC) that the Local Government Association (LGA) had come to an agreement on the new pay scales for 2022-23 to be implemented from 1<sup>st</sup> April 2022. Employers are encouraged to implement this pay award as swiftly as possible. **It was RESOLVED** to increase the Clerk's rate of pay from £12.95 to £13.95 per hour according to new pay rates for LC1 spine point 17, and to backdate those increases to April 2022. **It was RESOLVED** to pay back pay at a value of £260.69 in two instalments: £145.35 in November 2022 and one of £145.34 in December 2022.
- 12.2. Notice of income and expenditure since last meeting.
- 12.2.1. Direct Debit Payment 2210\_7 to Information Commissioner's Office, annual payment to ICO reference ZA142198 = £35 no VAT.
- 12.3. To consider payments as per the November payment schedule **It was RESOLVED** to make the following payments:
- 12.3.1. Payment 2211\_1 to Cat Radford, payslip dated 22<sup>nd</sup> November 2022 includes Clerk Dec salary £483.60, Neighbourhood Plan Dec Salary at £55.80 and backdated pay increase payment 1 at £145.35 = £684.75 no VAT.
- 12.3.2. Payment 2211\_2 to Cat Radford, Clerk expenses claim dated 3<sup>rd</sup> November 2022 for mileage at £15.48 and broadband at £7.50 = £22.98 no VAT
- 12.3.3. Payment 2211\_3 to The Society of Local Council Clerks (SLCC) for annual membership renewal: £134 no VAT

An invoice from Devon Association of Local Councils was not approved as it included costs that were not correct.

13. **E-Circulars for information** Cllrs were informed that circulars regularly received include: Citizens Advice South Hams, Climate Change and Biodiversity Emergency, Devon Communities Together, Devon County Council Community News Round-up, Devon Home Choice, Emergency Planning newsletter, Green Lanes Environmental Action Movement (GLEAM), Harberton Village Email, Healthwatch Devon, Information Commissioners Office,

Rural Services Network, SLCC Membership, Torbay and South Devon NHS Foundation Trust. Any of these can be forwarded to councillors should they wish to read them.

#### **14. Matters at the discretion of the Chairman**

- 14.1. SatNav directed traffic It was reported that queries have been received from a resident asking if anything can be done in liaison with SatNav companies to indicate that certain roads are not suitable for larger vehicles. This was in response to circumstances in which larger vehicles cause an obstruction on narrow lanes, or get stuck. It was commented by councillors that HGV SatNavs indicate where roads are narrow or unsuitable for use, but this does not extend to standard commercial systems available to the public. It was agreed to direct this enquiry to Highways and ask if this is something that Highways is ever asked to consult on

#### **15. Date and location of next ordinary meeting**

*\*indicates papers are provided.*

Meeting closed at 9:42pm