

## Beer Parish Council

The Parish Council Meeting was held on **Wednesday 9 February 2022, 7.30pm** at the Mariners' Hall. Copies of minutes and reports are available on request.

**Present:** Cllr. G Pook (Chairman) Cllr. D Clinch Cllr. R Dormor Cllr. J Green  
Cllr. E Molony Cllr. M Graham Cllr. T Stevens Cllr. L Vine

**In attendance:** Annie Dallaway (Clerk), Kayleigh Westlake (Events Coordinator), Cllr Marcus Hartnell (DCC)

**Chairman's statement - see Appendix to the minutes**

**1. Apologies accepted by the Council:** None received.

**2. Members to declare any interests they may have in agenda items:** Cllr Pook declared an interest in agenda item 17 as he is EDDC Ward Member for Beer.

**3. Items to be dealt with after the public, including the press have been excluded:** The council will resolve to go into private session for agenda item 21 due to the confidential nature of the business to be discussed.

### **4. Co-option of three Casual Vacancies**

Six applications have been received for the co-option of three casual vacancies at the February meeting: Alexandra Adkin, Peter Anderson, Adam Brewer, Sean Greig, John Heath and Brian Potter.

The Clerk circulated paper ballot forms with the names of the six candidates and advised that all councillors had three votes each.

**The three candidates who each received a majority vote were, in alphabetical order, Alexandra Adkin, Adam Brewer and Sean Greig who were all duly elected onto the Parish Council. A**

Declaration of Acceptance of Office form was made available for signing.

**5. Public participation:** There were over 40 members of the public in attendance at the meeting with three who wished to speak in the public session.

Peter Anderson expressed concern about the neglected and unkempt condition of the Jubilee gardens. Mr Anderson compared the gardens to similar areas in other local coastal towns which are well presented and cared for. Mr Anderson recognised the natural re-wilding intentions of EDDC but did not consider this to be a suitable approach for such a prominent public recreational space in the village.

*Cllr Pook will take this up with EDDC StreetScene officers.*

John Heath stated that he currently had an open mind about the asset transfer and was keen to better understand the proposals and implications. Mr Heath noted that an historic council report made reference to a costed schedule of the asset transfer proposal which had been independently reviewed by a professional quantity surveying firm. Mr Heath queried whether the costed schedule had been produced by an independent chartered or certified accountant and why this document was not in the public domain.

*Cllr Pook will address this matter under agenda item 17.*

Brian Potter reported that he had been in contact with EDDC to request the annual maintenance costs of the toilets on the Jubilee. Mr Potter stated that there was a discrepancy between the EDDC costs and

those included in the Parish Council asset transfer budget. Mr Potter highlighted the need for a fully independent qualified financial review of the asset transfer proposals in advance of the Parish Meeting.

**The Chairman made an introductory address to the new Councillors – see Appendix to the minutes**

#### **6. Police – to receive the report.**

Seaton Neighbourhood Team produces a monthly newsletter which is available on the Devon & Cornwall Police website. Monthly crime statistics are also available on the police.uk website: 4 crimes reported for December 2021 and 1 crime reported for January 2022.

#### **7. Approval of minutes:**

The minutes of the Parish Council Meeting held on the 12 January 2022 were reviewed.

- Cllr Stevens queried item 7 which states he voted against the approval of the 8 December 2021 minutes. Cllr Stevens asserted that he abstained from the vote. The Clerk amended the minutes by hand and the Chairman initialled them.
- Cllr Stevens queried item 15 which states that the Chairman had reported that the disposal of assets was covered in the Financial Regulations. Cllr Stevens reported that he did not recall this statement being made as part of the discussion. The Clerk advised that she had included this reference to the Financial Regulations in the minutes for clarification as point 14.3 of the FR states:

*14.3. No real property (interests in land) shall be sold, leased or otherwise disposed of without the authority of the council, together with any other consents required by law. In each case a report in writing shall be provided to council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).*

The Clerk reported that she would clarify this matter in the February minutes.

**The Chairman signed the minutes but no formal vote took place to approve the 12 January minutes – these will be formally approved at the March meeting.**

#### **8. EDDC and DCC Cllr reports**

##### **DCC – Cllr Hartnell provided a verbal report:**

- DCC has produced a **Council Plan** for 2021 to 2025 with 6 key priorities - further information is available on the DCC website.
- The government has backed plans for **devolution for Devon** which means that there will be more money spent in Devon with greater local control over how it is spent.
- A 20mph pilot scheme has been carried out in Newton Abbot and other towns and parishes in Devon can now submit proposals for areas which would benefit from the introduction of a **20mph speed limit**. This will be an agenda item for the March meeting to enable the council to submit proposals to DCC by the end of March.

##### **EDDC – Cllr Pook provided a verbal report:**

- The **Budget** and service plans for 2022/23 have been presented to Cabinet and go to Full Council in February with a proposed £5 increase on EDDC share of the council tax. Car parking fees are proposed at £2 per hour for key coastal car parks with the option of the cheaper winter scheme still available.
- The Strategic Planning Committee meets regularly with a focus on the development of the **Local Plan**.

#### **9. Financial report – all documents previously circulated**

##### **9.1 To approve the bank reconciliation to end January & receive Alpha software reports**

Council noted that the s106 funding from EDDC was received at the beginning of February.

**PROPOSED BY CLLR GRAHAM; SECONDED BY CLLR DORMOR. RESOLVED. ALL IN FAVOUR.**

**9.2 To approve the schedule of payments for February 2022 in accordance with Appendix A.** Total payments of £2200.97 detailed on the schedule of payments. Additional payment requested of £132 for DDC for the job advertisement for the Parish Clerk (previously approved). Total payments of £2332.97 approved.

**PROPOSED BY CLLR GRAHAM; SECONDED BY CLLR DORMOR. RESOLVED. ALL IN FAVOUR.**

**9.3 To approve additional 12 hours for the Clerk for January £161.64 for February payroll.**

**PROPOSED BY CLLR VINE; SECONDED BY CLLR DORMOR. RESOLVED. ALL IN FAVOUR.**

**9.4 To approve the Internal Auditor for 2021/22 as Trudie Jenkins of Blue-Chip Accounts with a 5% increase on the fee £315.**

**PROPOSED BY CLLR DORMOR; SECONDED BY CLLR VINE. RESOLVED. ALL IN FAVOUR.**

**9.5 To approve the Chairman and the Clerk to the Council as the authorised signatories for any official documents on behalf of the Parish Council. To amend the Financial Regulations accordingly.**

**PROPOSED BY CLLR CLINCH; SECONDED BY CLLR VINE. RESOLVED. ALL IN FAVOUR.**

## **10. Calendar of meeting dates for Full Council and committees – to approve**

Council approved the calendar of meeting dates for 2022/23. The Clerk will put the dates on the website and the noticeboard.

**PROPOSED BY CLLR GRAHAM; SECONDED BY CLLR MOLONY. RESOLVED. ALL IN FAVOUR.**

## **11. Community engagement – to discuss Parish Council surgeries**

Council agreed to hold Parish Council surgeries as part of the Beer Horticultural Table Top Sales – future dates are 12 March, 15 April and 7 May.

## **12 Community Infrastructure Levy CIL – to receive an update re electrical installation on the Jubilee**

An additional £3,194 has been received in CIL funding. Council has approved expenditure on the electrical installation on the Jubilee, for use by stall holders at events. Further research has indicated that the work is likely to cost less than £1K so the Electrical Term Contractor can undertake the work. Cllr Pook reported that the work will be scheduled to coincide with some work planned by EDDC which will involve the digging of a trench for cables on the Jubilee.

## **13. Parish Clerk recruitment – to receive an update**

The Parish Clerk interviews took place in January and the position was offered to one of the two applicants, subject to the receipt of satisfactory references. However, the successful applicant subsequently withdrew her application. The Clerk has offered to remain in post until after the Parish Meeting and any Parish Poll has taken place which will tie in with the end of the financial year and the audit process.

Council agreed that the Clerk remain in post on her current employment terms and that the situation be reviewed in April.

**PROPOSED BY CLLR POOK; SECONDED BY CLLR GRAHAM. RESOLVED. ALL IN FAVOUR.**

The Clerk reported that she had received an expression of interest from another East Devon Parish Clerk and an informal meeting was planned.

## **14. Parish Council website – to receive an update**

The new website (compliant with the accessibility guidelines) is currently under construction and a link to the first draft has been provided by Vision ICT to enable councillors to provide feedback. A suggestion was made to include statutory notices on the website. Council agreed the importance of being able to control and change content to keep the website up to date.

## **15. Environment & Community portfolio report – to receive the report previously circulated**

### **15.1 Traffic/parking survey – to receive report from working group**

The consultants have provided a preliminary report summarising recommendations and identifying potential traffic schemes and costings. A working group has taken place to discuss and review the report and a further working group will be scheduled to prioritise schemes and

agree an action plan. Cllr Marcus Hartnell will be invited to attend on behalf of DCC. Further public consultation will take place with school, community and business representatives once provisional recommendations are in place.

*Cllr Green declared an interest as a business owner in Fore Street which may be affected by potential traffic schemes.*

**ACTION: CLLR GRAHAM to organise working group**

### **15.2 Queen's Platinum Jubilee tree planting – to receive an update**

EDDC is offering every town and parish an oak sapling to commemorate the Queen's Platinum Jubilee. Cllr Graham will coordinate the tree planting and advise council when a suitable location for the tree has been identified. **ACTION: CLLR GRAHAM**

#### **Matters arising from the report:**

- EDDC has agreed to replace two general waste bins in the village with two mixed bins (waste & mixed recycling). Council agreed that suitable locations would be outside Top Shop & on the Jubilee. A bottle bin will be placed on the beach in time for Easter.
- The council is still waiting for EDDC to replace the rusty pole at the entrance to Central car park and to update the signage. This matter was first reported two years ago. Councillors were encouraged to report the maintenance issue via the EDDC app.

#### **16. Assets & Property portfolio report – to receive the report previously circulated**

##### **16.1 Ash Hill annual inspection – to approve quote**

Council approved the quote from John Bedford Clarke for £120 plus VAT. The annual safety inspection will be carried out at the end of Feb.

**PROPOSED BY CLLR DORMOR; SECONDED BY CLLR MOLONY. RESOLVED. ALL IN FAVOUR.**

##### **16.2 Hedge cutter and drainage rods for Workman**

Council approved funding up to £600 for a new long reach hedge cutter for the Workman and a set of drainage rods for £28.

**PROPOSED BY CLLR DORMOR; SECONDED BY CLLR GRAHAM. RESOLVED. ALL IN FAVOUR.**

#### **Matters arising from the report:**

- The Maintenance Term Contractor is scheduled to carry out brook maintenance – to clear the cart wash and to replace some of the edging stones.
- The Maintenance Term Contractor is also due to install the cast iron Fingerpost outside the Dolphin pub – DCC Highways has approved the location. Cllr Dormor will source appropriate bolts.
- Cllr Dormor will liaise with Clinton Devon Estates regarding the removal of a broken gate at the entrance to Little Hemphay.

#### **17. EDDC Asset Transfer – to receive report previously circulated**

The revised draft Heads of Terms and the draft Service Level Agreement will be going to EDDC Legal week beginning 14 February. Once the draft Heads of Terms and associated documents have EDDC officer approval, they will be made public (on the Parish Council website) and the Parish Meeting will take place at least two weeks later. If agreed at the meeting, a Parish Poll must take place a minimum of 14 days later.

With reference to the Beer Head car park Southern Plot, Memorial Avenue, council noted that the draft Heads of Terms will be amended to reflect that the lease can only be offered to the RBL or equivalent body.

Further to the question raised during the Public Participation session, Cllr Pook reported that a 2016 first draft of the Asset Transfer proposal made reference to an independent cost assessment. This was not a formal study commissioned by the Parish Council but an informal assessment of costs carried out by Randall Simmonds, quantity surveyors previously used by the CLT.

As the Asset Transfer documents are at an advanced stage in negotiations, council agreed that now would be a good time to consider the commission of an independent study to assess the viability of the financial model. Cllr Pook will obtain quotes from quantity surveyor firms for a viability study on the asset transfer

proposals. This will be an agenda item for the March meeting. Cllr Molony will research the Devon Elevation Fund as a possible source of funding for the viability study. **ACTION: CLLRS POOK & MOLONY**

The Heads of Terms state that if the council propose disposing of an asset in the future, EDDC will be due an overage payment of 50% on the increase in value achieved at the date of disposal over and above the original freehold transfer value, agreed as £1 for each site.

In light of questions raised, Cllr Pook will seek clarification of the following:

- Why some EDDC assets only have a nominal listed value and some have no value listed at all. (EDDC data from 2019 Cabinet meeting minutes/2017 Torbay Development Authority).
- Whether any biological surveys have been carried out on the Jubilee which might affect the asset value.
- Whether the asset value at the time of sale would be the market value or the original asset value.

Cllr Pook will contact the EDDC surveyor to clarify the points raised above. **ACTION: CLLR POOK**

There will be an agenda item at the March meeting to review and clarify point 14.3 of the Financial Regs which references the disposal of assets and consultation with the electorate.

A working group will be organised for councillors to review the draft Asset Transfer PowerPoint presentation to ensure the information is presented as clearly and concisely as possible at the Parish Meeting.

### **18. Beer Community & Tourism Team – to receive verbal report**

- 18.1 Meeting structure - future CTT meetings will take place bi-monthly with additional working group meetings arranged as necessary. The Chairman of the CTT Committee will be confirmed at the next meeting. Kayleigh Westlake, Events Coordinator reported that the first working group meeting had been well attended and productive.
- 18.2 Queen's Platinum Jubilee celebrations – to receive report  
A report will be provided at the next committee meeting.

### **Matters arising:**

Final feedback regarding the Hemingway Design Visioning Document should be provided by 18 February, pending the creation of an online survey for public circulation from 28 February to 28 March. Face to face public consultation will take place in the village week commencing 18 April.

**19. Planning** – the Parish Council noted the consultation responses from the Planning Committee Meeting held on 12 January 2022.

### **20. Correspondence - as on Appendix B**

There were no correspondence items for discussion.

*Cllr Molony left the meeting*

### **PART B**

*It was proposed that, under the provisions of the Public Bodies (Admission to Meetings) Act 1960, as amended by Local Government Act 1972, the public (including the press) be excluded from the meeting as publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be discussed.*

*In line with Standing Order 47, the council agreed that this matter should be Part B due to the confidential nature of the business to be discussed.*

**PROPOSED BY CLLR VINE; SECONDED BY CLLR GRAHAM. RESOLVED. ALL IN FAVOUR.**

### **21. Insurance matters re Workman's storeroom roof – to receive an update**

An update was provided regarding the insurance claim relating to the new roof on the Workman's storeroom. A meeting is due to be scheduled for all parties to meet to review the situation.

### **22. Dates of next meeting:**

**February Full Council: Wednesday 9 March 2022, 7.30pm, Mariners' Hall (main hall)**  
**Parish Meeting: tbc**

**NOTE: DATES OF MEETINGS MAY CHANGE SUBJECT TO COVID 19 STATUS**

The meeting closed at 9.30pm.

Date: .....

Chairman: .....

## **CHAIRMAN'S STATEMENT**

At the meeting of the 12/1/22, Mr Shobbrook questioned the lawfulness of the co-option process. He questioned, to paraphrase "why if we had 4 vacancies we were only electing 1 new member." The clerk explained that since we had not been notified by EDDC that there was no call for a by-election, we could only co-opt one position at that time.

Mr Shobbrook also questioned the lawfulness of the council as there had not been an election of councillors for more than 4 years. This was also answered by the clerk, again paraphrasing "since there were fewer nominations than positions those completing nomination forms were elected unopposed. They are therefore considered as elected councillors as if there had been an election."

At the time Mr Shobbrook raised serious claims against the council and administration in public with the potential for the public to question the lawfulness of the council. In view of the seriousness of the claims and in spite of the clerk's explanation, I said I would check the position with the EDDC Monitoring/legal officer.

The Monitoring Officer confirmed the clerk's explanation and that the co-option process and the formation of the council was lawful.

I have taken this unusual step to answer the question in public to clarify and defray any residual concern the public may have as to the lawfulness of this council.

CLLR GEOFF POOK

## **CHAIRMAN'S INTRODUCTORY ADDRESS TO NEW COUNCILLORS**

The Parish Council is an important and valuable local legislative body and as the lowest level of local government it is able to influence and act on local issues. As councillors we have a responsibility to represent all residents, we are not delegates or spokespersons for individual groups, but form a corporate body tasked with working together to manage parish affairs and develop and implement plans for the benefit of all residents.

We are also volunteers with varying levels of skill, experience and time capacity. We put ourselves forward because we want to benefit the community we live in. The corollary of this is we want to have a positive input and to see real benefit from the effort we put in. To deliver benefit the PC has to be relevant and have the resources and ability to effect change where it's supported by the community.

There are current issues, as we are all aware and there will be issues in the future, the important point is for councillors to feel free to put forward plans and ideas for debate in council and where appropriate to enable debate and input from the community.

The council has rules and procedures and a legal requirement to ensure its business is carried out in a lawful and efficient fashion. The procedures are there to ensure issues are debated and consulted on in a logical and structured manner, in the proper forum with all necessary information, to eliminate repetition and misunderstanding and ensure any decisions are recorded.

As councillors we are volunteers and time capacity is an important consideration. The same applies to clerk's time, however this also has a financial implication on the council. It is important therefore that information and reports are prepared concisely and issues debated at the appropriate time when all relevant information is available to enable decisions or recommendations to be made without being subject to further requirements.

Efficient communication of ideas and accurate information by the council is essential in these days of instant social media and is one area where I accept, we have not functioned as well as we could. It is too easy for inaccurate information to be posted by anyone resulting in confusion and concern taking more time and resources to correct. On this issue we as councillors have a responsibility to ensure whenever possible information is correct.

Differences of opinion and opposition to ideas is expected, encouraged and beneficial as it promotes good debate and understanding. Debate on issues, especially where decisions are to be taken must use only relevant, accurate and latest information whether for debate in council or other public meetings.

Councillors have a responsibility to residents but residents also have a responsibility to councillors and council if they want effective and representative governance. While requests for relevant information are accepted and will be addressed, demands for irrelevant information take time and funds and effectively "clog up" the system and do not benefit democratic debate or the council. Whenever possible, councillors should try to guide resident input to relevant and structured debate in line with procedure.

To conclude, you as councillors take on the role and responsibility on a voluntary basis with the intention of benefiting the community. As volunteers you accept that it will entail time and effort but it must also be enjoyable. Councillors must always expect questions and reasonable opposing arguments, but arguments and debate must remain in the council chamber or appropriate organised forum. Personal attacks, intimidation or unwarranted demands on councillors or staff will not be tolerated and should be reported to council to take appropriate action.

Being a councillor can be a rewarding experience and an effective council will have a positive effect on the village and community, so please take responsibilities seriously, bring energy and ideas and above all enjoy being a councillor.

CLLR GEOFF POOK