

62/18 CORRESPONDENCE

Emails circulated to Councillors via the Clerk:-

SHDC - Sherford's First Primary School, Sherford Vale, Now Officially Open
Cllr Hosking - Business Safety Week
SHDC - Universal Credit Roll Out Complete
Cllr Hosking - Litter Prevention Fund
Ivybridge Community First Responder car
Cllr Hosking - Devon County Council Devon Funding News
Cllr Hosking - Councillor Advocate Scheme Update
SHDC - Devon and Cornwall Alert - Are you Signed Up?
South Dartmoor Community Energy - Can you help us to help vulnerable people to keep warm and well this winter?

Post

DCC letter re Village Green application, Ermington Park Fawns Close, Ermington – *letter scanned and e-mailed to Councillors*

The meeting closed at 9.16 pm.

The next [Parish Council Meeting](#) will take place on [Tuesday 6 November 2018](#) at [7.30 pm](#), in the Reading Rooms, Ermington

John Kerlake

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(*Ermington Parish Council Chairman*)

Date: 6 November 2018

Minutes can be viewed on the Ermington Parish website - <http://www.ermingtonparish.com/parish-council/archives/>

61/18 VILLAGE GREEN

The Parish Council had received a letter from Devon County Council enclosing a copy of a formal application to them from The Friends of Ermington Park to register the recreation field as a town or village green under Section 15 of the Commons Act 2006. Cllr Kerlake asked whether or not any councillors wished to declare a conflict of interest before discussion of this letter and application commenced. No declarations were made.

Cllr Kerlake had prepared and circulated a briefing note for councillors and went through the detail of it. He explained that section 15 of the Commons Act 2006 applied where:

a) a significant number of inhabitants of any locality, or of any neighbourhood within a locality, have indulged **as of right** in lawful sports and pastimes on the land for a period of at least 20 years;

and

b) they continue to do so at the time of the application (or within one year of the cessation of use)

Cllr Kerlake went on to explain that on the face of it these tests look like they had been met. But the key legal aspect of the application was the use of the term **as of right** in the 2006 Act. The use must not be by force, stealth nor with the consent of the owner, but, in effect as tolerated trespassers.

Advice received indicated that the test fails in this case because Ermington Rec Ground was originally acquired for the purposes of the Physical Training and Recreation Act 1937 and the use of the land is dictated by that Act. This meant that its use would be **by right** in accordance or compliance with the statutory provisions of that Act. The **by right** definition, if upheld would mean that the 20 year user **as of right** requirement cannot have started to run. Cllr Cross explained that by right was incorrect as parishioners use the park without the knowledge that they have a right and that they therefore use it as a right.

South Hams/SW Devon's legal department had provided this outline advice to Ermington Parish Council and would be putting its own case together to support a rejection of the application. Cllr Kerlake emphasised the significance of the application which, if successful, would prevent the construction of a village hall in the play park area.

Cllr Kerlake suggested that the Parish Council could either put its own objection in now based on the advice received so far or wait to see a copy of the more detailed response from South Hams/SW Devon and piggyback on that if they agreed to share their response with us.

Cllr Onley felt that the matter should be left entirely to the lawyers in SHDC/West Devon and that Ermington Parish Council should not put in its own representation. It is important to include this in the minutes as this is the contradictory argument to SHDC legal stance. This course of action was rejected by the majority of councillors who agreed that a "piggyback" response should be prepared based on the more detailed response from South Hams/SW Devon.

Cllr Kerlake said that if DCC solicitors considered the site consistent with Section 15 of the Commons Act 2006 they would designate it as a Village Green. If not they would not do so. He also explained that due account needed to be taken of the content of the Physical Training and Recreation Act 1937 and its potential impact on the Parish Council's plans. He would be having further discussions with SHDC/SW Devon who were prepared to explore this further.

The applicant would be sent copies of all representations made to Devon County Council and would have up to 21 days to respond (longer if DCC specify it). So the final decision might not be taken until well into November.

58/18 PLANNING

Planning Applications:

2015/18/HHO – Torr Croft, Hunsdon, Ivybridge

Recommendation: No objection, but recommendations from the Ecology Services report should be implemented.

3954/17/FUL Proposed Phase 2 development site at SX 619 565, Immediate north of Harford Mews, Cornwood Road, Ivybridge

Recommendation: Places an unacceptable burden on infrastructure and highway.

The following planning application was discussed but had not been placed on the Agenda. This meant that any decision could not be final. Deferral to the next meeting would mean that the decision would be outside the statutory time limit for response. The rules allowed the Clerk as the Proper Officer to respond under delegated authority in line with discussions at this meeting. The plans would be placed on the Tuesday 6 November 2018 Parish Council Meeting agenda for ratification.

3087/18/FUL Creation of agricultural yard area

Location: Cleeve House, from Marjery Cross to eastern Lodge, Ivybridge

Recommendation: No comments.

59/18 FINANCE

It was agreed to pay the following:-

PAYMENT(S)

Cheque No:	Description	Gross	Nett	VAT
1237	Caretaker's cost from 17 August – 16 September 2018 (inclusive)	£17.84	-	-
1238	Clerk's Salary – September 2018	£525.18	-	-
D/D	EDF Energy monthly Direct Debit – September 2018	£21.00	£19.95	£1.05
1239	PKP – audit of accounts year ending 31 March 2018	£240.00	£200.00	£40.00
1240	Reimbursement to Clerk – 24 x 2 nd class stamps	£13.92	-	-
1241	Reimbursement to Clerk – 5 reams of A4 paper	£21.59	£17.99	£3.60
1242	Mr D Onley – reimbursement re. land search of land owners in Ermington	£6.00		

RECEIPT(S)

HMRC, VAT refund = £245.29

SHDC Precept = £12,649.50

Hire of Reading Rooms – Wednesday Group = £80.00

Hire of Reading Rooms - ESS = £310.00

GRANT REQUEST(S) - None

Treasurers Account – Balance £101,944.14 as at 13 September 2018

Business Account - Balance £8,392.13 as at 11 June 2018

60/18 READING ROOMS

The Parish Council is responsible for the security of the building and currently there is no definitive list of those who have keys. It was agreed to explore the costs of purchasing and installing a combi lock. **ACTION: Cllr Webley**

Cllr Webley is obtaining quotes to repair the guttering. **ACTION: Cllr Webley**

General maintenance of the Reading Rooms – Cllr Onley had circulated information identifying specific issues with the building suggesting that work be undertaken to bring the building up to a specification that would allow it to be fully used pending the building of a new village hall. Cllr Kerslake informed that meeting that this was considered in 2009 with an estimate of costs amounting to around £40000 plus. This would amount to a considerably higher cost at today's prices. The suggestion was not therefore adopted but it was agreed that it would be helpful to clear unwanted items from the downstairs rooms. **ACTION: Cllr Onley**

52/18

(c) Public Questions

Parishioner raised concern over the future management of the Public Open Space below “The Spires”. Cllr Holway stated the S106 agreement has £70,000 for a one off payment for maintaining the area indefinitely. Cllr Martin suggested SHDC has a discussion with the Development Company as the area needs to be dealt with in line with the planning application of “The Spires” development.

A parishioner has been for many years, has been working with the charity Devon Wildlife Trust and suggested he liaised with them in connection with the public open space. Cllr Kerslake pointed out that this would need to involve the owners of the site (“The Spires” developer) in the light of their obligations under the Section 106 agreement. This was agreed.

ACTION: Parishioner

A parishioner asked Cllr Holway if there had been any movement or discussion regarding the local community area holding on to Business Rates. Cllr Holway had no further information to offer at the moment.

A parishioner had asked a few months ago, that the Parish Council continue to cut the grass of Honey’s Field. Cllr Kerslake and Councillors present, agreed the Clerk will liaise with the owner of the field on an annual basis to discuss and agree this arrangement with the Council. **ACTION: Clerk**

53/18 TO CONFIRM MINUTES

The minutes of Ermington Parish Council meeting held on 4 September 2018 (as previously circulated), were agreed and signed by the Chairman.

54/18 PAST SUBJECT MATTERS FOR THE PURPOSE OF REPORT ONLY

04/18 Crooked Spire ACV – ongoing. **ACTION: Cllr Martin**

32/18 Trial to restrict the width of the road near “The First and Last” to see if it would slow down traffic. **ACTION: Cllr Hosking/Nick Colton**

32/18 Repairs to bridge. **ACTION: Cllr Hosking**

32/18 Blocked drains on the left-hand side of Town Hill. **ACTION: Cllr Hosking/Nick Colton, DCC Highways**

32/18 River Erme erosion A3121 & bio diversity for the natural management of lower fields. **ACTION: Cllr Hosking**

39/18 Light pollution, River Park Industrial Estate, Ermington - Cllr Holway has received a map of River Park Industrial Estate, Ermington and contact numbers of those who rent the units. The information will be passed to the Clerk.

ACTION: Cllr Holway

39/18 Management of the public open space below “The Spires” – no information has yet been received from SHDC and needed to be followed up. **ACTION: Cllr Holway**

39/18 “The Spires” has the road in the development been adopted by highways? **ACTION: Cllr Hosking**

55/18 ALLOCATION OF COUNCILLOR ROLES

Vice Chairman - agreed the position will be reconsidered when the current parish council vacancy has been filled and there is a full council.

P3 parish footpaths – Cllr Cross- Clerk to forward last parish footpath’s report and any additional information.

Snow Warden – Cllr Cross

Speed Sign — information on the speed sign passed to Cllr Midgley to take matter forward

Churchyard Committee – Cllr Heaton would be asked to take on the role.

Salt/grit bin checks – Cllr Cross to check the three grit bins within the village and Penquit. Cllr Martin agreed to check the grit bins at Endsleigh, Marjery Cross and Westlake.

56/18 ALLOTMENTS

A letter has been sent to landowners, awaiting feedback.

57/18 ERMINGTON VILLAGE HALL PROJECT (EVHP)

The EVHP have a meeting on 4 October 2018.

Cllr Onley asked that the plans of the latest Hall designs be circulated to councillors. Cllr Kerslake explained that plans would be circulated in due course in support of the proposed joint Parish Council/Working Group meeting at which the Groups recommendations to the Parish Council would be delivered and discussed

ERMINGTON PARISH COUNCIL
The Minutes of Ermington Parish Council meeting
held in the Reading Rooms on 2 October 2018 at 7.30 pm

Present: Cllrs John Kerslake (Chairman), Di Webley, Patricia Dolman,
Susan Martin, John Dunlop, Richard Midgley, Denis Onley, Robert Cross

Also present District Councillor T Holway
T Drew (Parish Clerk)

Parishioners present: 6

50/18 APOLOGIES

Apologies received from County Councillor R Hosking, Police Community Support Officer A Potter and Cllr Averil Heaton.

51/18 MEMBERS' CODE OF CONDUCT – Declaration of Interests

In accordance with the Code of Conduct, members were invited to declare any personal, disclosable or pecuniary interests including the nature and extent of such interests they may have in items to be considered at the meeting.

None declared.

52/18

(a) Police Reports for September 2018

Police Community Support Officer A Potter provided the following report which was read to those present by Cllr Kerslake.

Ermington

1st, report of harassment, enquiries ongoing CR/084728/18
Overnight 5th/6th theft of two animal traps CR/082149/083359/18
15th, report of a theft of a bank card CR/085720/18

Lee Mill Ind. Est.

5th, theft of property from a motor vehicle CR/081713/18
6th, making off without payment CR/082187/18
7th, making off without payment CR/083180/18
12th, shoplifting CR/087074/18
13th, theft of cash CR/082052/18
15th, shoplifting CR/085131/18

(b) Councillor's Reports

Cllr Hosking emailed the following report:

We have an £8.7m overspend mainly in Children's Services as we approach the midpoint of the financial year. This is largely due to increases in demand for services particularly Education, Health & Care Plans for which no additional budget is provided. We anticipate that we will be able to manage this additional claim on resources to achieve a balanced budget.

Libraries unlimited have now completed 2 years as a Charitable Company Limited by guarantee. No libraries in Devon have closed and there are now 4 new libraries opened in that time. Libraries are evolving to become community hubs as well as adapting to digital technology to deliver their service to remote locations and people who have difficulty attending libraries.

Cllr Holway

Meetings are taking place at SHDC to prepare next year's budget, SHDC would be cutting out more non-statutory services e.g. public toilets and grants to CVS. Borrowed money (£60m) will be invested in commercial property or housing within the South Hams.