

**LYDFORD PARISH COUNCIL**  
**MINUTES OF THE MEETING**

Held in the Nicholls Hall  
Tuesday 15<sup>th</sup> January 2008

**01-2008 Present:**

Ms L Ellicott (Chairman): Ms J Gannon (Vice-Chairman): Mrs K Boyd: Mrs L Cole: Mrs S Holland: Ms C Moriarty: Mrs A Martin (Clerk)

**Parishoners and others in attendance:** Cllr I McPhie and seven Parishoners were in attendance.

**02-2008 Apologies for Absence:** Cllr A Hosking (unwell): Mr I Hammerton (unwell)

**03-2008 Declaration of Interests** None

**04-2008 Parishoners and Visitors Time:**

04.1 The South West Riders (a local sub-group of the British Horse Society dedicated to campaigning for better bridleway access), through their spokesman Mrs Brickl, put forward a response to the Definitive Footpath consultation. She voiced the following opinions on their behalf:

a) Footpath 10 from Mill Cottage to the track leading past Prescombe Farm should have become a bridleway as it is an ancient way and was originally a pack horse trail leading to the mill. It might, however, be necessary for a rider to dismount and lead the horse along this track in order to traverse it safely, and the gate at the top is not conducive to the passage of a mounted rider.

b) The new upgrade of footpath 8 to a bridleway is welcome in that any new bridleway is welcome. SW Riders do feel, however, that the upgrade has raised safety issues especially at the end of the track where it meets the A386. Walls on either side of the track mean that any rider has to emerge partly onto the main road before traffic can be seen, and is therefore very dangerous. The group has, in the past, suggested that a bridleway be created across the fields at Prescombe Farm, which is owned by Devon County Council, which would allow safe access onto Blackdown Moor on the north side of the A386. Along this section of moor are a number of splayed road crossing points which are already well used by riders and have a good safety record.

c) The newly created bridleway from Watervale House onto Peter Tavy Great Common takes the rider to a part of the moor which is very boggy ground and which is also very close to the firing range. Safety issues with these two factors, added to the problems crossing the A386 to access it, may lead to its being little used by riders.

This concluded Mrs Brickl's report.

The Members appreciated the dangers of the A386, noting that safety issues on this road as it passes through the Parish are of continuing concern. They gave unanimous support to the principles of safe passage for all members of the community, noting that bridleways are also open to use by pedestrians and pedal cyclists. Ms Gannon enquired as to whether landowners had been approached by the group, and was told that SW Riders considered that this was not in their remit. The Riders understand that some of their requests fall outside of the remit of the Definitive Map Review consultation, but requested that their views be put forward.

*Mrs Brickl left the meeting. PC Kevin Reed entered the meeting*

04.2 Mrs Cole spoke on behalf of the landlord of the Castle Inn, who has offered to hold a key to the Public Toilets during the winter months, to open them on a daily basis and to clean them at no

charge. Further consideration of this item was postponed until later in the meeting as there had also been correspondence regarding the closure of the toilets.

04.3 Dog fouling in and around the village was raised by a concerned parishoner. Members agreed that there was growing cause for concern on this issue. At one time Lydford belonged to the West Devon Dog Warden Scheme (1999 – 2004), but withdrew as it was not proving effective and did involve an extra cost to Lydford residents which had risen sharply from its inception. It was decided that in the first instance the council will instigate a programme of increased public awareness of the anti-social nature of dog fouling, and attempt to improve the situation by persuasion rather than bureaucracy. Devices are readily available at small cost to facilitate the task of picking up dog faeces. It was noted that there is only one dog bin in the village, which is situated at the start of the Granite Way. The clerk will investigate the possibility of more bins being made available.

04.4 It was reported that there had been road flooding at various locations in the Parish earlier in the day due to extreme weather conditions. The chairman reported that the flood on the A386 had been cleared very quickly. Floods on minor roads had also been cleared. Ms Gannon pointed out that traffic, warned of the delays on main roads by radio broadcasts, had been turning off onto minor roads without apparently being aware of the fact that these were also affected. Members were pleased that the problems caused by flooding had been dealt with so efficiently within the Parish.

#### 04.5 Report by PC Kevin Reed – Community Beat Manager

PC Reed reported that over the previous 60 days only two crimes in Lydford had been reported, though unfortunately one of these was a house burglary. Enquiries are continuing into this crime, and so PC Reed was unable to comment further. There had been a number of Road Traffic Accidents, one of which was a hit-and-run. Additionally there was one speed enforcement, and a driver was stopped and tested for drink driving, but was found to be under the limit.

Mrs Holland expressed concern that although the Neighbourhood Watch telephone cascade receives numerous messages, many of which barely affect Lydford, on this particular occasion no information about the burglary had been received via this route. PC Reed promised to look into the issue.

Some members had noticed PC Reed operating a speed gun on the A386 during the previous weekend. There was some discussion about the places on the A386 where speed testing would be appropriate, but PC Reed reassured the meeting that the same drivers are likely to speed at various sections of the road, and that speeding points go on their licences regardless of whether they were caught in Mary Tavy, Lydford, Sourton or wherever. It is the fact of being caught and the application of the points on their licences that hopefully curtails their future driving speeds through Lydford.

PC Reed was asked, on behalf of a parishoner, whether it is legal for a member of the public to operate a private speed gun. He replied that there is no offence committed unless the person is actually impersonating a police officer. Devon and Cornwall Police do not, however, encourage this type of vigilante action.

He was also asked about the rules regarding shooting on private land close to a footpath or bridleway, and specifically whether it is a requirement to erect a warning notice to members of the public at the start of the track. PC Reed replied that there are slightly different rules for shotguns than for other firearms, and that there are safe distance rules for the protection of the public. Warning signs may be desirable, but are not compulsory.

PC Reed passed on the appreciation of the police that the victim(s) of the recent burglary in Lydford, whilst maintaining anonymity, had expressed gratitude in a letter to the local paper for

the service and support that the police had provided. In the light of the Chief Constable of Devon and Cornwall's recent announcement that more officers will be put out into the community Members added their own high degree of satisfaction with our community policing as provided by PC Reed and CSO Chapple, who are our community beat manager and community support officer respectively. A letter will be sent to this effect.

*PC Reed left the meeting at the end of his report*

#### **05-2008 To approve the minutes of the previous meeting:**

The minutes of the meeting held on Tuesday 18<sup>th</sup> December 2007 were signed by the Chairman as a true and accurate record of the proceedings after a small amendment had been made. At the previous meeting Cllr Moyse attended as a Parishoner and not as a deputy for Cllr McPhie, and so the words "deputising for Cllr McPhie" were struck out of the Draft copy. The Clerk apologised for the misunderstanding.

#### **06-2008 Matters arising:**

06.1 Bus services update: A reply has been received from Nicole Black, the Customer Services adviser at First Bus, in which we are assured that the timetable is reviewed on an on-going basis to meet the needs of as many customers as possible. There are, however, no plans to reinstate the withdrawn service that so many Lydford residents found so valuable.

06.2 Parking and Traffic Issues Update: Much of the time since the last Parish Council meeting has been school holiday. The Chairman has an appointment to visit Mrs Wells at the school on 8<sup>th</sup> February.

06.3 Parish Plan Update - Ms Gannon reported that work on the Parish Plan questionnaire has been completed and that the proposed questionnaire is now ready to submit to Devon for approval. This will take approximately two weeks, after which the questionnaire should be ready to be issued. Once the main questionnaire is out there will be a consultation period of approximately one month. When the questionnaires have been returned it will take approximately one further month to produce the Plan.

06.4 Post Office – The Clerk had contacted Tanya Morel by telephone regarding the production of an A Board, but Tanya was ill in bed at the time, and so contact has not yet been established. The clerk also reported that West Devon Borough Council has a consultation in progress about rural Post Offices, and it was decided to consider a response at the next meeting. Information regarding this consultation is available on the West Devon website.

06.5 Highway Issues update – the Clerk reminded members and parishoners that the lengthsman will be in the village early next month. The Chairman will include this information in the next Parish Magazine. It was reported that the gully down the lane by Lake Cottage is prone to flooding, and that although the householder has cleared it himself it should be brought to the lengthsman's attention.

06.6 Sewage Update – The Parish Council has heard that SWW were fined £3000, as a result of a prosecution brought by the Environment Agency, for allowing sewage to leak into the River Lyd in Lydford Gorge. Members felt that this explained the new tanking regime that SWW have instigated at the current sewage treatment works. There has been no update regarding the dropping

pipe at the War Memorial, and the Clerk will send another reminder to SWW, which we will keep Mr Greenaway (Principal EHO at West Devon) informed about.

06.7 Captain Hunter's Dedication – The Clerk reported that nothing has been heard back from Col Clarke, nor from the Army Chaplain Service, nor from the Stannary Band. A formal invitation has been prepared and there was unanimous approval for her request for authorisation to send the formal invitations out. The question of insurance of the new plaque would be included in the financial report later in the meeting.

06.8 Ancient Spring Update: The Clerk reported that she had recently been in touch with Mr John Pettit RIBA, the Project Manager. A site meeting had already taken place with one potential contractor, whose firm has done work for Mr Pettit in the past. Another site meeting had been arranged with Mr Pengelly, whose firm was recommended by the DNPA, and this will take place soon. Mr Pettit is also considering the eventual planting of the site, and is seeking advice from bodies such as the Devon Wildlife Trust. As regards the registration of the land, Mrs Cole reported that she had answered the request from the solicitor for information supporting the fact that the Council has taken responsibility for the Spring in the past, and had offered to go in to the offices, along with Mrs P Martyn, who was also a member of the Council at the time under consideration. The Clerk, similarly, has supporting evidence in the old Minute Book, which is a legal document, and which she would be happy to take in to the Solicitor's office for scrutiny. The Clerk will write to the solicitor with a view to moving the proceedings on. She will also contact ING with an update of our progress, as it is now a year since the grant was received.

#### **07-2008 Receive Reports from Councillors on respective outside bodies:**

07.1 DNPA Consultative Forum - No meeting this month

07.2 Police Authority – No meeting this month.

07.3 Southern Parishes Link Committee – No meeting this month

07.4 Nicholls Hall Committee – Mrs Boyd reported that the Hall is doing well. The next Bistro Nite is on 8<sup>th</sup> February, and the Committee is now considering various styles of chairs with a view to the purchase of a new set. The Chairman raised the possibility of the new Clerk Surgeries starting soon, now that the WI Room is refurbished. It was agreed that these will take place on Tuesdays from 10.30 to 11.30, in the hour before the opening time of the post Office, and will start at the beginning of February, subject to ratification by the Nicholls Hall committee. Mrs Holland could foresee no problem as it would come under the heading of a regular booking.

#### **08-2008 Receive the financial report:**

08.1 The Clerk, as Responsible Financial Officer, presented members with the financial statement and a supplementary written report detailing the following points:

- i). We almost went overdrawn earlier in the month. The new paying in book, which the Clerk thought was for our current account, was actually for our flexi account, and so the current account had £350 less than expected in it. Fortunately the monthly statement had arrived on the very day that the account was going overdrawn and an emergency transfer of funds was carried out thanks to Mrs Cole, who was at home and able to provide the second signature needed for this to be done. The clerk took it into the bank during opening hours, and the transfer was carried out immediately. The January Financial Statement shows the transfers between the two accounts.
- ii) The Clerk has submitted a second invoice to Lloyds TSB, and will follow it up in the near future.

iii) The Clerk has received information back from the Financial Hub, a government body which advises organisations like the Parish Council. Information about CAF (Charities Aid Foundation) Bank was circulated to members prior to the meeting. The Clerk requested authorisation to proceed with a move to this bank, and this was unanimously granted. The interest rates at the time of the meeting were reported to be 4.71% AER on the current account and 5.49% AER on the deposit account.

iv) The Clerk had checked the insurance on Captain Hunter's Plaque. The old plaque was insured for £433. The foundry advise insuring the new plaque for £2500, to allow for rising metal costs, transport and installation costs should the plaque require replacement under insurance. The Clerk was authorised to put the new insurance in place providing that to do so incurs a further cost of no more than £100.

08.2 The following balances were reported:

Current account – £268.63

Deposit account - £5422.93

Parish Plan - £1331.38

Ancient Spring - £9812.80

The following cheques were authorised from the general budget: Clerk salary & expenses £268.62: HMRC (via Post Office Ltd) £30.75: Mainly Stationery £3.75. A further transfer of £500 from the Deposit Account to the Current Account was authorised.

Provisions held as shown on the sheet circulated to members and attached to the master set of minutes.

## **09-2007 Correspondence:**

09.1 The Council has received a request from a parishoner for information under the Freedom of Information Act, asking how much Grant the council had requested from the DNPA towards the winter opening of the toilets, and how much had actually been offered. The two figures are £770 and £351 respectively. The Clerk will forward this information on, but will also advise the applicant that the DNPA grant is discretionary. The DNPA offer to pay half the cost of cleaning, but people are apt to overlook the fact that the cleaning costs account for less than half of the total cost of keeping the toilets open, and our grant application was based on the anticipated total figure. The grant offer was based on information supplied by West Devon direct to the DNPA detailing the exact cleaning cost. Costs also include water, sewerage, electricity, consumables and insurance. Cllr McPhie has received a complete breakdown of these costs from WDBC, and can supply them to us if requested. The cost this year was significantly higher because West Devon kept the Lydford invoice artificially low in 2006/07 following protests about a steep rise in costs during that year. They warned Lydford Parish Council at the time that it should budget for a significant increase in charges in 2007/08.

As a result of this request the Clerk will supply members with briefing notes as to the workings of the Freedom of Information Act. The Chairman requested members, should they receive this kind of official request, to bring it to the Council Meeting and not to deal with it as individuals. The Clerk reminded the meeting that no individual member (including the Chairman), nor the Clerk, has the power to speak on behalf of the Council: this can only be done when an item has been through the Parish Council meeting. Members may, of course, speak as individuals and express their own opinions, but should make the difference clear.

09.2 A letter had also been received from Mrs Barkell, writing on behalf of the church, regarding the closure of the toilets, which impacts on the Church congregation as there are no facilities at the Church. It was suggested that as the Church owns the vicarage the occasional member of the

congregation who had come a longer distance and arrived in need of a comfort stop might be invited in for this purpose. The offer by the landlord of the Castle Inn to unlock and clean the toilets on a daily basis was noted. The Clerk will make West Devon aware of the offer, but warned that the West Devon Borough Council officers are constrained to implementing Council Policy and that policy decisions rest with the elected Councillors. There seems to be a lack of understanding in the village that the Parish Council does not own the toilets, and that its choices are limited to those offered by West Devon. There was, however, agreement by the members that they had taken the right decision in that it is incumbent on them to act in the best interests of the majority of Parishoners, all of whom have their own toilet facilities within the parish, and for whom the extra cost per household could be a significant burden.

*Ms Gannon offered to leave the room when the next item was introduced, but was reassured by the chairman that although this correspondence had been initiated by a tree on her property and in which she had a personal interest the ensuing correspondence now coming up for discussion was of a general nature regarding tree procedures. She therefore remained in position.*

09.3 There had been correspondence from Mr Beasley at the DNPA regarding the procedures for dangerous trees as opposed to the standard procedure for requesting permission to fell a tree in the Conservation Area. The Clerk confessed that she could still not appreciate the difference between a tree which was giving cause for concern and was recommended to be felled and a dangerous tree, and the members agreed that they too were at a loss to understand the difference. Two important points had emerged from the correspondence:

Firstly that a parishoner submitting a professional report with an application should be aware that the copyright remains with the author and that the contents of the report will not therefore be made known to third parties like the Parish council, but will only be seen by the body to which the report was submitted, in this case the DNPA. It would be easy to think that the person who had paid for the report would have some say in this matter, or even to expect that the content of the report would be made known when consultations with other public bodies are made, but this is not the case.

Secondly that any Parishoner having a tree on their land which they have reason to believe is dangerous should not seek permission to fell it through standard procedures, but should issue a five day notice of intention to fell, which will receive a much more urgent response. Mr Beasley, at the DNPA, can provide further advice on tree issues.

09.4 Notification of a proposed CiLCA Training Course for clerks had been received from the Community Council for Devon. The Chairman proposed that the Clerk be sent on this course, given that she will have been in post for almost a year by the time of the course takes place. The clerk drew Members' attention to a scheme whereby clerks from small budget councils like Lydford can obtain a bursary for 75% of the cost, this being limited to one bursary per clerk per year. Members were unanimous in agreeing that as they rely on the clerk for information about procedures, ultra vires rules, planning rules and sundry other information it is essential that she is kept up to date. This would also be a step towards achieving Quality Council Status in the future. It was decided to agree to the Clerk being sent on this course subject to the bursary being granted and the detailed content of the course being approved by the Members

09.5 A letter had been received from the Community Council for Devon regarding progress of the Parish Plan. This was covered at item 06.03 and the Clerk will reply with the update as reported there.

09.6 A letter had been received from West Devon Borough Council expressing concern that the Government has reduced Rural Funding in its grant funding announcement of 6<sup>th</sup> December. The

letter highlighted particular areas for concern, including the new free bus travel scheme for the over 60's, where it is felt that because of the tourism aspect West Devon will experience an exceptionally high cost relative to urban and metropolitan areas. Recycling will become even more essential as the cost of landfill rises. The problems caused by the sparse population spread over a geographical area the size of Greater London were an issue, as are the high house prices in an area with below average wage levels. The partnership arrangement with South Hams and Teignbridge District Council was highlighted as a positive approach to easing the financial pressures.

09.7 A letter had been received from Terry Liversidge, at Turning Leaves, regarding the grass cutting in 2008. The grass is cut around the Home Guard seats (except for one which is currently cut by the owner of the house outside which it stands) and the "triangle". The clerk recommended that this be accepted, as the service is very reliable, the proposed charge is the same as in 2007, and a grant is made by Devon CC to cover the cost of cutting grass at the triangle. It was unanimously agreed that the Clerk will write in reply requesting Mr Liversidge to continue to cut the grass in Lydford during summer 2008.

## **10-2008 Planning Notifications and Applications**

10.1 Planning permission has been **granted** by West Devon for the chimney on the side of the house at Downside, Vale Down

10.2 Notification that the appeal at Raventor regarding the proposed conversion of coach house to workroom/art studio with guest bedroom for occasional use ancillary to dwelling has been dismissed by the Planning Inspectorate.

10.3 A new application for: **Demolition of existing garage and workshop and construction of new garage and workshop: construct bedroom and shower room in existing roof space: removal of existing dormer window and rooflight: insert new rooflights at Trehaven, Lydford** had been received (DNPA 1008/07). After consideration by the Council it was RESOLVED that:

*The Council SUPPORTS this application. The buildings which are proposed for demolition are in poor condition and are unsightly, and the improvements brought about by the planned replacement could be considered to be long overdue. The replacement of the existing dormer window and rooflight with new rooflights is considered to fit in with the general upgrade of the property and should not impact negatively on any third party.*

## **11-2008 Items raised at the previous meeting for inclusion on this agenda:**

11.1 An Emergency Plan for Lydford – Mr Hammerton requested this item to be considered as he understood that Mary Tavy had already started work on such a plan. As Mr Hammerton was absent from the meeting the item was postponed until the following month.

11.2 West Devon Update – this item appears on the agenda for the first time, but will become a regular agenda item in future. Cllr McPhie updated the meeting on a new scheme for the levying of parking fines, which comes into force at the beginning of April. Under the new scheme parking fines will go to the District Council (ie West Devon) and not directly to the government as at present. Parking infringements which are actually illegal (as opposed to infringements like overstaying time in the car park) will be dealt with by the Police in the same way as at present.

**12-2008 Items raised for inclusion on the next Agenda**

- 12.1 The West Devon Post Office consultation response
- 12.2 The National Trust update by Catherine Maddern
- 12.3 Planning procedures
- 12.4 The caravan alongside the A386

**13-2008 To agree the date of the next meeting:**

The date of **Tuesday 19<sup>th</sup> February 2008** was agreed commencing at 7.00 pm

There being no further business the meeting was formally closed by the Chairman at 8.45 pm.

**Annie Martin**

**Clerk to the Parish Council**

17<sup>th</sup> January 2008

Signed as a true and accurate record..... (Chairman) Date.....