

Note: At the bottom of these minutes is published a letter from the Monitoring Officer, Mid Devon District Council, with regard to Item 3 below.

Minutes of the Meeting of Bampton Town Council Held on October 1st 2013.

1. Councillors present were Brian Smith (Chairman) Rodney Baker, Francis Stoner, Keith Pitt, Rachel Gilmour (Acting Clerk) Jean Pope, Edward Tanner, William Weston and Jack Ward. Also present were Cllr Colthorpe and Mr Peter Williams of MDDC Forward Planning.
2. Declarations of Interest. Cllr Ward declared an interest regarding all matters pertaining to the church and Bampton United Charities and Mr Hatchett's letter. Cllr Tanner said he would declare an interest as the meeting progressed. He was of the opinion that it was a stupid system and one which held him up.
3. Minutes of the previous meeting. With regard to 8a. The Millennium Green. Cllr Pope asked that Jane and Catherine Eyre be named as the volunteers who helped to clear the stream, also re: 8e. Station Car park toilets, that Cllr Stanley be acknowledged for advising on the situation regarding the public toilets. Cllr Ward re: 8k felt it should be noted that the Clerk's hours were not, in his opinion, twelve hours per week but fifty per calendar month. He also felt it unnecessary to have noted that the wages were now to be paid at the relevant point on the National Association of Local Clerk's salary scale. He continued that regarding point 8h. He had contacted the Monitoring Officer at MDDC on September 18th and 19th September to complain about what he believed to be an incorrect ruling by BTC that he and Cllr Tanner had to declare an interest with regard to the Heritage Centre. [Cllr Gilmour, as Acting Clerk, reminded BTC that at August's meeting both Cllrs Tanner and Ward had stated that the PCC had no involvement with or knowledge of the Heritage Centre. However the Vicar, when attending her first Town Council meeting had contradicted this, as is shown by the minutes of that meeting. She went on to advise the Council that as the Heritage Centre was not an agenda item it should not be discussed or it may give rise to a complaint. Cllr Smith over-ruled this advice and both Cllrs Tanner and Ward said they would be willing to risk any sanction.] Cllr Gilmour, again as Acting Clerk, read out the Clerk's contemporaneous notes of her telephone conversation with the MDDC Monitoring Officer on September 27th, which confirmed that BTC had acted properly and in accordance with the standards expected by MDDC when deciding upon the allocation of public funds, this account had been agreed with Ms Tregellas, the Monitoring Officer, on 30th September. Cllr Ward stated that he did not believe the conversation had ever taken place. However, he then went on to read an e-mail from Ms Tregellas to the Clerk and the Chairman which confirmed the contents of the notes made by the Clerk, that BTC had acted correctly and that Cllr Ward's complaint was not upheld. Since the points raised by Cllr Ward with regard to the Heritage Centre had occurred since the previous meeting they could not be accepted as amendments to those minutes. The Chairman then refused to sign off the minutes until amendments had been noted.
4. Matters arising. Cllr Stoner reported a successful meeting with Jim Faux of the Environment Agency. Notes of the meeting have been circulated to all councillors.
5. Mr Peter Williams of MDDC Forward Planning distributed a Neighbourhood Plan Guide and talked Councillors through the procedures. BTC can get up to ten days free guidance from the Government Locality consultants and a grant of up to £7,500 for creating a Neighbourhood Plan. Boundaries could be set as per the Parish Plan or as BTC sees fit but the designated boundary is recommended. BTC need to consult with reference to adopted policies and allocating land. Evidence is also required to support policies e.g. local need for housing. Mr Williams agreed to provide an electronic link to the Bampton website. There would need to be a second round of consultation before the Plan is submitted. The Neighbourhood Plan runs in conjunction with the National Planning Policy Framework and needs to be strategically aligned to the MDDC Core

Strategy. Cllr Gilmour queried why Bampton had been chosen as the fourth largest town in Mid Devon for planning purposes? Mr Williams explained that it was because of the services provided by Bampton to the surrounding area and Bampton alone takes on the housing needs of that area. The Chair confirmed with Mr Williams that the Neighbourhood Plan would have no meaningful impact on the Core Strategy i.e. there would be no change in the proposed development for Bampton. MDDC are due to write their report for 2015 and the new Local Plan. BTC will find out whether MDDC decides to give Bampton village status. Cllr Tanner said he was worried about the cost of the Neighbourhood Plan and was advised to contact Locality for help. He also stated that Bampton had not been well represented with regard to the proposed developments. Cllr Gilmour asked whether the Parish Plan Questionnaire (cost to BTC over £3,000) could form the basis of the Neighbourhood Plan and Mr Williams confirmed that relevant points could. Mr Williams also explained that the policy for the Local Plan Part Three would be activated on October 30th 2013 with reference to the Renewable Energy Planning Policy. Landscape assessments had been undertaken to establish detailed guidelines about the suitability of local landscapes for this kind of development. These are available on the MDDC website. Cllr Smith asked about sustainable designs for local homes and Cllr Tanner expressed concerns about the costs related to local and national policy changes.

6. Cllr Colthorpe reported on behalf of MDDC and DCC. She stated that the landscape assessments are not as stringent as she had hoped and felt BTC would be disappointed. DCC are doing a lot of work on making their safeguarding work more robust after recent criticism. There was also a recent meeting regarding the future of the Youth Service. DCC are information gathering before making budget decisions. Provision of the youth service may become more targeted rather than being available to all. Cllr Gilmour asked that this be carefully considered as universal provision serves as a preventative factor. (Further cuts of £100 million over the next three years.) Cllr John Hart, Leader of DCC is coming to Tiverton town Hall on October 16th at 7pm for a Hard Choices meeting. BTC were encouraged to attend. Cllr Pitt asked for Cllr Colthorpe to arrange for all grit bins to be filled. He also asked why S106 money had been given to Morebath and not Bampton. Cllr Colthorpe explained that Bampton was grouped with Morebath, Huntsham and Clayhanger and that the money had been earmarked for Morebath approximately five years ago. The Community Infrastructure Levy was available on a wider basis but with less money. Cllr Stoner asked about the current availability of S106 money and Cllr Smith asked about the dropped kerb at the Millennium Green, previously raised by Mrs Fagg, and Cllr Colthorpe stated that she would look into it.

7. Finances. The Town Clerk's allowances for the past year were paid in full on September 23rd. Cllr Ward was asked to calculate these sums in advance in the future. Cllr Ward said that because the Clerk's new contract stated that she would work 50 hours per month from September 6th this should be backdated to April 2013, giving a sum of £1800. Cllr Pitt pointed out that this would be equivalent to paying her for 26 hours a month, which had not been worked. Cllr Gilmour explained that the Clerk had had a 'pro temp' contract up until 6th September, which entitled her to work up to 30 hours a month. Cllrs Weston, Baker, Tanner, Pope, Stoner, Gilmour and Pitt asked for a common sense approach and asked Cllr Gilmour to get a proper assessment of the legal situation from her husband who is a company lawyer. Cllr Ward agreed to send the relevant details on the clerk's salary and hours to her. He then added that BTC was paying income tax on the Clerk's salary and suggested clawing PAYE and NI payments back from her. Clerk to check whether monies had been claimed back from the church for water rates and the Millennium Green Trust, totalling £1,800. Cllr Smith confirmed that new signs asking for voluntary payment had been put up in Station Road car park and £93 had been collected in one week, about £20 more than usual. Cllr Smith proposed two more signs be added, Cllr Tanner seconded this.

September payments.

5 th September	H.M.R.C & Customs PAYE & NI contributions Town Clerk	£119.10
23 rd September	Clerk's allowances	£312.00

September receipts.

2 nd September	Car park	£170.00
25 th September	Car park	£212.00

Bank statements at 25th September

HSBC £16,799.53 c/r Scottish Widows £36,531.35 c/r

All cheques except for chq no. 101765 dated 23/9/13 for £312 had been cashed.

October payments due.

D/d MDDC Rates for toilets in car park		£77.00
M.Morgan Toilet cleaning		£300.00
Bampton Business Group Signage		£230.00
Film Distributors R.Hall film		£116.40
The Design Guy Stewards' jackets (fair)		£100.00
PHS Group Annual duty of care		£83.94
Just the Job Grass cutting Hollett Garden		£20.00
SWWA Car park Station Road		£26.50
SWWA Church Fund Fixed Charge		£114.80
Costcutter Wine for volunteer evening		£ 44.91
Mr B Smith Volunteer evening costs		£19.51
MJF Contractors Grass cutting		£ 141.19
Caxtons Copying and printing		£78.89

8.a. Millennium Green. Cllr Smith that the security camera had not yet been bought. Cllr Pitt suggested purchasing a better quality camera than had been suggested and this was proposed and seconded by Cllrs Pope and Baker respectively. Quotes to be requested for fitting. Contractors on the School Close site had knocked down the fence. Several significant documents were noted as missing from the Millennium Green file; Cllr Ward suggested that the Clerk contact Mrs Celia Hicks in respect of this.

b. The Pump House. Cllr Smith is currently chasing up a quote from PFG for security doors, a quote had been received from Jim Goodwin. A new security chain and padlock be acquired for the Pump House in the meantime, as there was evidence of another attempted break-in.

c. The Code of Conduct will be adopted at the next meeting to which the Monitoring Officer will be invited.

d. Register of Interests. Cllrs Tanner, Baker, Smith and Gilmour need to contact MDDC to update their registration.

e. Bampton Open Day. It needed to be acknowledged that only BTC could use their insurance for one day events. The organisers of the Open Day and organisers of other one day events need to make their own arrangements.

f. The Parish Plan. Cllrs Ward, Tanner and Baker had attended a meeting to pull out items from the plan to revise it. New leaflets to be published and paid for by the P.P. group.

g. A meeting to discuss new funding opportunities to be held on Tuesday 15th October at 7.30pm.

h. Cllrs Tanner and baker proposed and seconded the proposal that Lilian Edworthy remain the Town Council representative on Bampton United Charities. Cllr Gilmour asked that BTC consider setting up a Fuel Poverty relief fund. Over 5000 people in Britain die of cold every year.

Considering the rising cost of fuel and warnings BTC has received from Cllr Stanley regarding the impact of frontline cuts on the infirm, elderly and disadvantaged it would be practical to create a fund for this winter using some of the revenue from the increased car park monies. A sum of £500 was suggested to be used for the purchase of logs and coal for the short-term relief of need. It was agreed the fund be administered by BUC as this is the work they already undertake. BTC to arrange delivery as and when necessary. Proposed by Cllr Tanner and seconded by Cllr Ward.

i. There have been further complaints received regarding the state of the public toilets from both locals and visitors. The contract with cleaners is to be reviewed and Cllr Pope will meet with them to ensure they understand what is expected, a letter of confirmation to follow. Proposed by Cllr Pope seconded by Cllr Baker. The toilets also need redecorating and the handdrier in the gents to be repaired.

j. Bampton Fair. Cllr Pope said that the St John's Ambulance have agreed to do the first aid. New maps have been designed and are on the Bampton website. Cllr Tanner has stored the flags and the banner is to go up on October 4th. The list of stewarding places has been produced and it was agreed that the Rotary need to steward and not to just volunteer in the Heritage Centre. The Steering Committee will next meet on October 10th. Extra signs are to be made and Cllr Smith will put these up.

k. Play Park repairs. One more quote is awaited before the contract can be awarded.

l. Rubbish skip. The skip was filled but as Viridor were late in picking it up there was more rubbish in it. Viridor to be asked for a discount.

9. The overhanging branches on Packhorse Way. Steve Leigh will be asked to deal with it.

A letter was received from Derek Aldridge regarding the white horse on the former pub.

Permission was required to retain this should the building be redeveloped. BTC are keen to see the horse retained and asked for a proposal to be brought to the next meeting.

A letter was received from Paul and Donna at the Swan explaining that they paid extra rates to use the bottle bank for their empties.

A letter from Mr Hatchett was noted with the advice that BTC had not been responsible for the original Parish Plan as he believed.

Mrs McLean-Williams wrote to state her support for the BTC response to the Heritage Centre and the concerns noted regarding sustainability.

A letter received from Rebecca Way was noted.

The next meeting will take place on November 5th 2013

Notes from the Public Forum 1st October 2013.

Lilian Edworthy explained that Bampton United Charities had a small amount of money available for the relief of local people in times of need. Two small grants had already been made this year. The charity met three times a year and should BTC wish to have a representative on the committee Mrs Edworthy would be willing to step down.

Mr Cotterill asked for an update regarding his complaint about the lack of street lighting at West Street. The police officers present said that without lights the area is a 'burglar's paradise'. Cllr Tanner asked that the County Council be contacted about this matter.

Mrs Fagg reported that the new kerb at the Millennium Green was not a dropped one and as such made disabled access to the MG impossible.

The police update was that all had been quiet this month. Please report anything suspicious by phoning 101.

Wendy Lunell informed the meeting that there is a public consultation asking for views on MDDC Planning Dept and Committee. Cllr Gilmour agreed to have a look at this and respond after reporting back to BTC

Email from: Head of Communities & Governance and Monitoring Officer

From: [Amy Tregellas](#)
Sent: Monday, September 30, 2013 11:41 AM
To: 'bamptontownclerk@hotmail.co.uk'
Cc: 'briansmith.btc@gmail.com'
Subject: RE: Bampton Heritage Centre

Further to our telephone conversations I thought that it would be useful to just drop you a line re the points that I have clarified in respect of the decision re Bampton Heritage Centre grant.

The minutes for the Bampton Town Council meeting on 1st May 2012 (Minute 10) note that it was agreed to confirm BTCs support to the Heritage and Visitor Centre and an amount of £250 is listed in the minutes. There is no discussion in the minutes about earmarking £3000 for this project and I cannot find any reference prior to this meeting.

Following this meeting former Cllr Les Hartley sent a letter of support to the Bampton Heritage Centre, dated 1st June 2012 stating that “the Town Council has now agreed to earmark £3,000 to this project”. There is no evidence in the minutes to substantiate this statement.

The BTC meeting minutes for 10th June state that “Cllr. Hartley confirmed that BTC had agreed to support the Heritage Lottery grant application with a grant of £3,000 and a further £5,000 had been applied for from the Town & Parish fund. It was agreed that further information on the use of this money was needed”.

There does not seem to be a clear audit trail in the minutes as there is no reference to the £3,000 grant specifically apart from in former Cllr Hartley’s letter and him announcing it at the Committee on 10th June – after the letter had been sent.

The minutes in June ask for more information but there is no record of this being discussed at the next meeting. There is also no formal minute where the decision to give £3,000 grant has been proposed, seconded or approved by BTC.

Therefore, I have to say that BTC were right to put this on their agenda when they became aware of it and to vote on the matter as, according to the old minutes, this has not previously been voted on by the Town Council, whether the current one or previous one.

As to whether the decision in relation to Bampton Heritage Centre funding on 3rd September stands – Yes it is my opinion that it does.

Chapter 7, section 28(4) of the Localism Act 2011 relates to Codes of Conduct and states “a decision is not invalidated just because something that occurred in the process of making the decision involved a failure to comply with the Code”.

In light of this legislation and because the vote to offer a loan was carried by 7 for and nil against, even if the two Cllrs with personal interests had voted this would not change the outcome of the decision.

I would recommend that in future minutes that the type of interest raised by a Councillor is recorded in the minutes as well as the nature of that interest.

The only other comment that I would make is that I would be very happy to come along to a future meeting of BTC to talk to Cllrs about the code of conduct, register of interests and legislation if you would like me to.

Kind regards

Amy

Amy Tregellas
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Mid Devon District Council
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