

## APPENDIX A



### **MINUTES of a Meeting of Cullompton Town Council held on Thursday 18 May 2017 commencing at 7pm at Cullompton Town Hall**

**PRESENT:** Cllr Rachel Sinclair (in the chair)

Cllrs: Eileen Andrews, Daniel Barnes James Buczkowski, Camille Harrison, Kate Haslett, Janet Johns, William Jones, Martin Smith and Richard Thorne.

Also in attendance: Cllr John Berry (DCC), two members of the public and one member of the press

Mrs Judy Morris: Clerk

**1. APOLOGIES:** Apologies were received and accepted from: Cllrs: Karl Busch (personal), Iain Emmett (personal), Gordon Guest (personal) and Mike Thompson (personal).

#### **2. ELECTION OF TOWN MAYOR**

**(i) To elect Town Mayor for the ensuing civic year.** Two nominations had been received in advance of the meeting but one was unable to attend due to a last minute emergency.

**RESOLVED:** That, for this meeting only, Cllr Rachel Sinclair is elected Town Mayor. Proposed Cllr James Buczkowski, seconded Cllr Kate Haslett.

#### **3. ELECTION OF DEPUTY TOWN MAYOR**

**RESOLVED:** That the election of Deputy Town Mayor is deferred until the next meeting.

**4. Declarations of Interest: To receive disclosures of pecuniary, non-pecuniary and personal interests.** None

**5. PUBLIC QUESTION TIME: To receive questions from member of the public present at the meeting.** Mr C Snow asked:

(i) Why the Town Council was considering transfer of the public toilets when the running costs have not yet been agreed.

*It was explained that this matter was being discussed later in the meeting but that no decision had yet been made.*

(ii) Concerns about grass not being cut in the cemetery and why staff are not repairing the paths in the old cemetery a section at a time.

*Comments to be fed back to the Maintenance Supervisor.*

6. **MINUTES:** The Minutes of the previous Full Council meeting held on 27 April 2017 were approved and signed as a correct record after amending Item 195 (i) (Town Mayor's Report) to read "willow" instead of "wicker". Proposed Cllr Camille Harrison, seconded Cllr Martin Smith.
7. **COMMITTEES, SUB-COMMITTEES AND COMMUNITY REPRESENTATIVES:** To appoint committees, sub-committees and community representatives for the ensuing civic year.

**RESOLVED:** That this item is deferred until the next meeting. Proposed Cllr Kate Haslett, seconded Cllr Daniel Barnes.

8. **REPORTS**

- (i) **Town Mayor's Report:** Officially opened the new Costa Coffee shop on Saturday 13 May, although busy the other coffee shops in the town centre also appeared to be busy.
- (ii) **County/District Councillor Reports.**
- (a) **Devon County Councillor John Berry** had no report to give as he has only just been re-elected.
- (b) **Mid Devon Councillor Eileen Andrews** reported that she had attended the official opening of a new housing development at Bowling Green View. Very impressed by the site layout and standard of the houses.
- (iii) **Any other meeting reports:** None

9. **COMMITTEES:** To receive the Minutes of the following Committee and Working Group meetings and approve the recommendations contained therein:
- (i) **Policy, Finance and Personnel Committee** meeting held on 25 April 2017 including approval of revised Scheme of Delegation.

**RESOLVED:** That the Minutes of the Policy, Finance and Personnel Committee meeting held on 25 April 2017 are noted and the revised Scheme of Delegation is approved.

- (ii) **Planning & Licencing Committee** meeting held on 27 April: *Noted*
- (iii) **Town Team** meeting held on 27 April: *Noted*
- (iv) **General Purposes Committee** meeting held on 2 May: *Noted*
- (v) **Development & S.106 Working Group** meeting held on 3 May including the following recommendations:
- (a) That the Council accepts MDDC offer to reduce the 2016/17 maintenance charges for the public convenience in Station Road to £10,188.81.

**RESOLVED:** That the Council will only pay the original estimated cost of running the public toilets in Station Road i.e. £6,687.00 and will not accept the MDDC offer to reduce the 2016/17 maintenance charges for the public convenience in Station Road to £10,188.81 for the following reasons:

- (i) The Council based its decision to pay the running costs for the toilets on the original estimate provided by MDDC i.e. £6,687, if it had been told that the actual cost was more than double i.e. £13,684.62 then it may have made a different decision.
- (ii) It was agreed that the Council would receive quarterly invoices for the cost of running the toilets, the first invoice was a half yearly invoice dated 11 November 2016 for £3,421.93, as this was about 50% of the original estimate and included the business rates for the whole year (but no charge for cleaning) it was thought that the Council's budget was about right.

If the Council had received quarterly invoices as agreed then it would have been noticed that the cost was going to be more than originally estimated and the Council would have been able to adjust its budget. Also Mid Devon would have seen that the water charges etc. were far higher than anticipated and could have taken action to have the water readings checked sooner. The Town Council does not have access to the meters etc. and was therefore unable to check the meters.

Mid Devon should have been monitoring water and electricity usage etc. for all its toilet facilities and looking for ways to cut the costs to the local Council Tax payer.

Proposed Cllr James Buczkowski, seconded Cllr Will Jones.

**RESOLVED:** That the Minutes of the Development and S.106 Working Group meeting held on 3 May 2017 are noted, the recommendations to accept the MDDC offer is **not** approved (as above), the following recommendations are approved:

- (b) That arrangements for cleaning the toilets are reviewed by the Policy, Finance and Personnel Committee. Proposed Cllr Rachel Sinclair, seconded Cllr Camille Harrison.
- (c) That the Council investigates other cost savings measures for the toilets, particularly water and electricity usage and sets up a budget line for maintenance. Proposed Cllr Rachel Sinclair, seconded Cllr Eileen Andrews.

- (vi) **Christmas Lights Event Working Group** meeting held on 3 May: *Noted*
- (vii) **Community Wellbeing Committee** meeting held on 9 May: *Noted*
- (viii) **Market Committee** meeting on 10 May: *Noted*
- (ix) **Policy Review Working Group** meeting held on 9 May including review and ratification of amendments to Standing Orders

**RESOLVED:** That the Minutes of the Policy Review Working Group are accepted but that the recommendation to approve the amendments to the Standing Orders is deferred until the next meeting in order to clarify the wording of 3s.

- (x) **Youth Council** meeting held on 20 April 2017 (Appendix L).

## 10. COMMUNITY AND ENVIRONMENTAL MATTERS

- (i) **Purchase of telephone kiosk in Honiton Road for £1:** To approve signing the agreement.

**RESOLVED:** That the Council signs the agreement for purchase of telephone kiosk in Honiton Road for £1. The future use of the box to be delegated to Community Wellbeing Committee. Proposed Cllr Cllr Eileen Andrews seconded Cllr Camille Harrison.

**11. CORRESPONDENCE**

- (i) **Cllr Christopher Stanford:** Notice of resignation: *Accepted*
- (ii) **Various:** Developers at Kingfisher Reach intending to remove dog bins as they have been unable to find a contractor willing to empty.

**RESOLVED:** That both the developer and Mid Devon District Council are told that the Town Council is disappointed that they have not been able to sort this situation out between them. Their actions show a complete disregard for the wishes of local people and the local council. Have they considered the health & Safety implications? Investigate legal situation and discover who is responsible. Proposed Cllr Rachel Sinclair, seconded Cllr Will Jones.

- (iii) **Resident of Culm Lea:** Thank you for supporting the resident's in their efforts to have the fence reinstated at the Culm Lea/River Drive play area. *Noted*

**RESOLVED:** That due to the commercially sensitive nature of the business to be discussed the following items are dealt with as Part 2 business and, in accord with the Public Bodies (Admission to Meetings) Act 1960 and the Local Government Act 1972, the press and public are requested to leave at this point and the next section of the meeting is conducted in private. Proposed Cllr Rachel Sinclair, seconded Cllr Will Jones.

- 12. TRANSFER OF STATION ROAD PUBLIC TOILETS TO THE TOWN COUNCIL: To approve conditions for transfer from Mid Devon District Council:** Mid Devon has offered to transfer the public toilets to the Town Council for £1 on the basis that there will be no restrictive covenant restricting the use of the toilet but that there will be a clawback provision.

MDDC has justified this clawback provision as under s.123 of the Local Government Act 1972 it has a statutory duty to dispose of land for the best price that can be reasonably obtained.

**RESOLVED:** That the Council requests that:

- (i) A time limit is placed on the clawback provision of say 10 years and
- (ii) the clawback is only actioned if the building is sold to a third party.

**Note:** Advice received from the Communities and Local Government Offices states that: *"Local authorities are not obliged to obtain the best consideration when they dispose of land, as it is recognised that there may be circumstances where an authority considers it appropriate to dispose of land at an undervalue. But when carrying out land transactions authorities should always act reasonably and with due regard to their general fiduciary duty to their taxpayers"*.

Proposed Cllr Martin Smith, seconded Cllr Janet Johns.

- 13. ST ANDREWS CAR PARK: To approve revised terms and conditions for regulating of car parking:** The Town Mayor and Town Clerk reported on a meeting held with the car park management company with regard to amending the terms and conditions of parking in St Andrews car park and negotiating a new contract.

**RESOLVED:** That, as the Council's contract expires in November 2017 and it will take about 3 months to implement the proposed changes, the Council does not renew the contract at this time but instead sets up a working group to look at all options for the future management of the car park and then makes a decision about whether to renew when the contact expires. Proposed Cllr Camille Harrison, seconded Cllr James Buczkowski.

**14. TOWN HALL: To approve recommendation of General Purposes Committee with regard to contract for survey work.**

**RESOLVED:** That the Council accepts the recommendation of the General Purposes Committee and accepts the lowest quote for the survey work. Proposed Cllr Rachel Sinclair, seconded Cllr Will Jones.

**15. DATE AND TIME OF NEXT MEETING: Thursday 1 June 2017 at 7pm.**

The meeting closed at 8.45pm

SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_

DRAFT