

**WEST HILL PARISH COUNCIL
MINUTES OF THE EXTRAORDINARY PARISH COUNCIL MEETING
HELD ON 16th January 2024 AT 7.30PM**

Present:	Chairman Cllr Alison Carr (AC), Cllr Andrew Gorton (AG), Francis Pullman (FP), Cllr Trevor Ingram (TI)
In attendance:	Anne Oliver Parish Clerk, DCC/EDDC Cllr Jess Bailey, 9 members of the public attended the meeting.
Absent	Cllr Stanley Paulo (SP)

Minutes of the Extraordinary Meeting of the Parish Council

Item (a)	Discussion and decisions (b)
24/024	<p>Welcome and Chairmans announcements: The meeting started at 7.30pm. The Chairman, Cllr AC, welcomed everyone to the meeting. Chairman’s announcements included:</p> <ul style="list-style-type: none"> - The Extraordinary Meeting called to enable the Parish Council to respond to two planning applications. The deadlines for response to East Devon District Council both expire before the WHPC meeting in February. - Residents should also be aware that further amended documents have been uploaded to the planning portal regarding the application on land south of Windmill Lane (23/1143/MFUL). The new expiry date (29th January) falls before the February Council meeting. - the Council is considering correspondence from a resident. This will be discussed in Part A because transparency is important and the community needs to understand what the Council is dealing with and how its finances may be impacted. I remind Councillors and members of the public not to identify the resident. - The Casual Vacancy arising from the resignation of Cllr Neil Bromley has been posted and the period during which any ten electors can give notice requiring an election to fill the vacancy will expire on the 24th day of January 2024. If an election is not called the Council will seek to fill the vacancy by co-option.
24/025	<p>Apologies. To receive apologies and approve reasons for absence. Cllr SP sent his apologies and his reasons for absence were accepted.</p>
24/026	<p>Public question time (3 minutes): Residents are invited to give their views and question the Parish Council on issues on this agenda or raise issues for further consideration at the discretion of the Chairman, before the start of the Parish Council meeting. Members of the public may not take part in the Parish Council meeting itself. This item includes issues submitted to the Clerk prior to the meeting. <i>Individual contributions are limited to 3 minutes.</i></p> <p>Residents thanked the Council for arranging the meeting within the short timescales.</p> <p>Several residents expressed concerns about planning application 24/0008/PIP Land off Hayes End, including:</p> <ul style="list-style-type: none"> - The site is outside the BUAB - East Devon needs smaller, affordable homes. The smallest of the proposed new homes is a 3-bed home. - Protection of the trees on the heavily wooded site is a major concern. The woodland site is visible from the village and B3180. It provides amenity for residents and forms part of the character of West Hill.

	<ul style="list-style-type: none"> - The site was put forward to EDDC’s call for sites. The EDDC assessment considered that development may be possible but only on a limited section of the site. - Drainage - the local area is subject to flooding. The public footpath adjacent to the site and neighbouring properties on lower ground will be subject to flooding. - The application is predicated on the lack of 5 Year Housing Land Supply. This no longer applies. - Planning obligations can’t be made against a PIP application. <p>The agent for the development, Andrew McNaughton was present at the meeting. His comments included:</p> <ul style="list-style-type: none"> - EDDC Planning didn’t validate a full application as a bat survey report would not be available until later in the year. - The site’s trees and the Neighbourhood Plan policy NP26 have informed the design. - Trees and natural hedgerow will be planted. There will be a bio-diversity net gain. - The site will connect to drainage works installed for previous developments. - Following Michael Gove’s announcements many Councils, including EDDC, have paused work on development of new Local Plans. <p>Cllr JB advised that EDDC had continued work on a new Local Plan and a public consultation had taken place. EDDC was able to apply a 4 Year Housing Land Supply requirement. The EDDC Strategic Planning Committee held on 9th January 2024 chose to consider applications on this basis.</p> <p>Residents spoke on Windmill Lane planning application 23/1143/MFUL. Their comments included:</p> <ul style="list-style-type: none"> - Pleased to learn that the 4 Year Housing Land Supply now applies. - The further documents available do not address the flooding concerns raised by residents. - Asked for documents passed between South West Water (SWW) and EDDC to be published. - Asked for an on-site meeting with SWW and EDDC to discuss concerns regarding foul drainage and surface water flooding. <p>Cllr AC noted that the Parish Council had arranged to meet a Windmill Lane resident to gather information on the flooding issues.</p> <p>District Cllr JB agreed to seek to organise a meeting with SWW/EDDC. She also advised that public comments previously submitted would be taken into account by EDDC when they consider the latest amended application.</p> <p>8.01pm six members of the public left the meeting.</p> <p>Cllr thanked residents for their comments.</p>
<p>24/027</p>	<p>Declarations of Interest:</p> <ul style="list-style-type: none"> - Under the Localism Act 2011 (sections 26-37 and Schedule 4) and in accordance with the Council’s Code of Conduct, members are required to declare any interests that are not currently entered in the Member’s register of interests including the nature and extent of such interests they may have, in items to be considered at this meeting. - Members are also reminded that any change to their Declaration of Interests must be notified to the Monitoring Officer at East Devon District Council within 28 days of the change. - Receipt of requests for dispensations for new Disclosable Pecuniary Interests, Other Registerable Interests or Non-Registerable Interests for items on the Agenda. <p>The Chairman noted that agenda items 24/033 and 24/034 would consider a resident’s correspondence sent to each Cllr. She proposed a general dispensation for all Cllrs for these agenda items as the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business. (Standing Orders 13H). Cllrs FP, AG, AC and TI declared no further interests.</p>

24/028	<p>Confidential/exempt items. In consideration of the Public Bodies (Admission to Meetings) Act 1960 (publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted): to agree any items to be dealt with after the public and press have been excluded.</p> <p>To consider, if appropriate, any agenda items should be considered in Part B.</p> <p style="color: red;">Cllrs agree to continue discussion of items 24/033 and 24/034 in confidential session 23/038 if considered appropriate.</p> <p style="color: red;">8.03pm EDDC Cllr JB left the meeting</p>
24/029	<p>Planning Applications received: To consider and agree a response to:</p> <p>a. 24/0008/PIP Land off Hayes End, EX11 1GG (subject to validation and notification by EDDC) Planning in principle for a residential development of up to 5 dwellings, on land off Hayes End, West Hill.</p> <p style="color: red;">Cllrs strongly objected to the application for reasons including:</p> <ul style="list-style-type: none"> - The site is covered by TPO 21/0029/TPO. - Loss of amenity/Landscape Harm - The woodland forms a significant part of the treescape that defines the character of West Hill. - The site lies outside the BUAB - Infrastructure is already under significant strain. - The application doesn't address the established Housing Need for affordable homes. - Flooding and drainage concerns <p style="color: red;">Cllrs noted the Council had considered several PIP applications during 2023 and agreed the Council's responses were also relevant to this PIP application. Cllrs were keen to take a consistent approach when responding to application whilst also considering the detail of each application.</p> <p>b. 21/1688/MFUL Land South of Lily Cottage Exeter Road Whimple Roadside Service Area (RSA), including a Petrol Filling Station (PFS) comprising of a forecourt sales building, canopy, separate HGV and Car fuel pumps and underground storage tanks and a new Class E/Sui Generis drive-thru restaurant alongside associated car, coach and HGV parking, landscaping and off-site highway works on the B3174.</p> <p style="color: red;">Cllrs considered the application as a neighbouring Parish. The Chairman noted that the application had been ongoing for some years and Parish Council had consistently submitted objections to the proposed development.</p> <p style="color: red;">Councillors considered the amendments to the application and agreed that the Council's previous comments were still relevant. Comments included:</p> <ul style="list-style-type: none"> - There's no proven need for a service station in this location. - Devon has declared a climate emergency. - Safety concerns regarding increased traffic - Serious concerns regarding safety on the B3174 and at the Daisymount junction as traffic accesses and leaves the site. - Light pollution, noise/litter, loss of visual amenity, adverse effect on wildlife. <p style="color: red;">Also, whilst Cllrs recognised jobs would be created, details of the jobs to be created were very limited.</p> <p>c. 23/2747/TRE Springfield House West Hill Road EX11 1UZ Row1: x12 Leyland cypress - fell to as near ground level as possible.</p> <p style="color: red;">Cllrs noted the Council had previously supported an application 23/1814/TRE for removal of branches on T1 and T2. However, Cllrs did not support this application as</p>

	<ul style="list-style-type: none"> - An arboricultural report was not submitted with the application to provide an assessment of the trees or justification for the removal of 12 mature trees. - Details of the species to be re-planted was not provided. <p>d. 24/0040/TRE White House West Hill Road EX11 1UZ T1, T2 and T3, Oaks : remove hazardous deadwood. G4, Beech (group of 3) : reduce by 1-2 metres, maximum diameter of cuts (MC) 50mm. T5, Beech : crown raise to comply with Highways Act 1980, reduce south eastern limb over road by 3m back to previous pruning points, reduce top of tree by 2-3m, MDC 75mm.</p> <p>Cllrs noted that the trees were a significant feature on West Hill Road and contributed greatly to the treescape of the area. West Hill is recognised as a Woodland Village defined by its tree-lined roads and lanes.</p> <p>Cllrs recognised that tree works were sometimes required for public safety and for the health of trees. However, Cllrs were unable to support the application as they felt insufficient information was made available for them to assess the need for proposed works. An arboricultural report was not submitted with the application to provide an assessment of the trees or justification for the scale of the works. Cllrs deferred to EDDC Tree Officers and would support reasonable tree management as recommended by him</p>
24/030	<p>Planning Matters: To receive a verbal update.</p> <ul style="list-style-type: none"> a. 23/1143/MFUL, Land to the South of Windmill Lane. Cllrs noted the notification of further amendments received after the agenda was issued. Cllrs were keen to ensure their comments would be submitted before the deadline and agreed to submit their comments under delegated powers. b. Cllr AC gave an update on the EDDC Strategic Planning Committee meeting on 9th January. Of particular interest was the discussion regarding the revised National Planning Policy Framework and the need to maintain a 5 Year Housing Land Supply. Cllrs were pleased to note the Committees decision to apply a 4 Year Housing Land Supply requirement since a public consultation on the new Local Plan had taken place (Regulation 18). Cllrs understood that this took immediate effect.

Other Matters

24/031	<p>To note the receipt of an FOI/SAR on 5th January 2024.</p> <p>Cllrs noted:</p> <ul style="list-style-type: none"> - the receipt of an FOI/SAR on 5th January 2024. - the Parish Council posted a response to the FOI/SARs of 12th December + 5th January, however the resident refused to accept delivery of the Council's letter. <p>The Chairman noted that as a Local Authority the Parish Council has a legal obligation to respond to Freedom of Information Requests and Subject Access Requests. However, the legislation was not intended to place an unfair burden on authorities and the Parish Council applies exemptions where appropriate. For example, the Council is not required to process repeat requests.</p> <p>The Chairman noted that the Council was committed to Openness + Transparency and took its decisions at a public Council meeting.</p>
24/032	<p>To note the receipt of a complaint against the Council and the Parish Council's response.</p> <p>Cllrs noted:</p> <ul style="list-style-type: none"> - A complaint received on 18th December 2023 was processed according to the Council's complaint policy. The complainant was unhappy that the Council was closed for business over the Christmas period and unable to provide information.

	<p>- On 4th January, the Parish Council wrote to the complainant to advise that the complaint was not upheld.</p>
<p>24/033</p>	<p>To consider correspondence received and actions the Council may wish to consider including:</p> <ol style="list-style-type: none"> a. The engagement of legal advice. b. The Parish Council's Duty of Care as an Employer c. Keeping the Council's Insurer informed of the correspondence. <p>Cllr FP gave an update on correspondence received by the Parish Council during December 2023 and January 2024:</p> <ul style="list-style-type: none"> • The Parish Council previously considered the volume and tone of correspondence from a single resident to be unacceptable and unsustainable to the extent that the resident was designated a vexatious complainant under the terms of the Council's Complaints Policy. This decision was not taken lightly. • Over the years the Parish Council has sought to resolve matters with the resident. This has involved significant Council time and effort. It has also included the expenditure of public money such as the appointment of an independent professional mediator. As the Council has previously reported mediation was unsuccessful. • Unfortunately, the Council continues to receive a high volume of correspondence from the resident. In the past six days the Council had received 4 emails/letters each containing further allegations, complaints, Freedom of Information requests, Subject Access Requests etc, • This correspondence occupies a dis-proportionate amount of the Clerk and Council's time. <p>The HR Working Group set out a series of issues for the Council's consideration:</p> <ul style="list-style-type: none"> • The resident continues to make unfounded allegations of wrongdoing by the Clerk, Councillors and Council. This is both distressing and frustrating for the Clerk, Chairman and Council. It is also a reputational risk. As an employer, we have a Duty of Care. Councillors have a responsibility to each other. • This matter continues to occupy Council time (at a time when the village is under pressure from development). The Council consists of a part time Clerk and Councillors who give up their time for the benefit of the community. We're a small Council and we have to use our time wisely. We don't want to waste our time. The resident's correspondence generates an onerous workload. • The Council is not obliged to process correspondence from the vexatious complainant unless legally obliged to do so. Also, the Council is not obliged to consider complaints from the vexatious complainant unless it concerns new matters. Should the Council take a firmer stand? • The Chairman and Clerk have been advised that the Council has taken all of the possible actions available under its policies to manage the resident's correspondence. • Recent correspondence has included references to litigation. It is now understood that this is not action against the Council. The Council has not received any such correspondence from a legal body. <p>Cllrs considered a recommendation by the HR Working Group that the Council should seek legal advice on the options available to it. Cllrs noted this would necessitate a solicitor specialising in Local Authority sector and would incur further cost as such costs are not covered under the terms</p>

	<p>of the Council's insurance cover. The Council previously approved a budget of up to £2,000 +vat for such action (ref WHPC Meeting 20th July 2023, 23/265).</p> <p>Cllr TI fully supported the proposal and commented that the Council had previously considered the impact of the correspondence so onerous that the Council had previously approved the budget but at that time the action was "put on hold".</p> <p>Cllrs AG and AC supported the proposal. Cllr AC added that her major concern was care for the Clerk.</p> <p>Cllrs unanimously resolved to:</p> <ol style="list-style-type: none"> a. Engage a solicitor specialising in the Local Authority sector to advise on the options available to it in relation to the correspondence from a resident and its impact on the Council and Employee. b. To write to the Parish Council's Insurers informing them of recent correspondence to alert them of possible future litigation against the Council. <p>Action: The Solicitor's response to be brought back to a future meeting for consideration.</p> <p>No further matters were considered in Part B 24/038.</p>
24/034	<p>To review the Parish Council's Risk Register.</p> <p>Cllrs considered the Council's Risk Register. It was agreed to update the Risk Register in respect of:</p> <ul style="list-style-type: none"> - Reputational Risk - Financial Risk - Loss of Clerk and Councillors. - Risk of an inquorate Council. - Inability to attract new Councillors or recruit a new Clerk. - Distraction from other matters affecting the whole village such as the many planning applications. <p>Action: The Risk Register to be brought back to a future meeting.</p> <p>8.42pm 1 member of the public left the meeting</p>
24/035	<p>Clerks Report: (for information) No matters were reported.</p>
24/036	<p>Councillor questions, reports and items for future agenda</p> <p>Each Councillor is requested to use this opportunity to report minor matters of information not included elsewhere on the agenda and to raise items for future agendas. <i>Councillors are respectfully reminded that this is not an opportunity for debate or decision making.</i></p>
24/037	<p>Next meeting: To confirm arrangements for the next WHPC ordinary meeting Tuesday 6th February 2024 7.30pm at the Village Hall.</p>

Part B - Confidential/exempt items. In consideration of the Public Bodies (Admission to Meetings) Act 1960 (publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted): to agree any items to be dealt with after the public and press have been excluded.

24/038	<p>To consider correspondence received and to consider actions the Council may wish to take.</p> <p>No matters were considered in confidential session.</p>
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All remaining members of the public left the meeting.
Meeting closed 8.44pm