

WEST HILL PARISH COUNCIL MINUTES OF THE PARISH COUNCIL MEETING HELD ON 7th March 2023 AT 7.30PM

Present:	Chairman Cllr Della Cannings (DC), Cllr Margaret Piper (MP), Cllr Stephen Owen (SO), Cllr Alison Carr (AC), Cllr Peter Bennett (PB), Cllr Neil Bromley (NB), Cllr Amanda Townsend (AT)
In attendance:	Anne Oliver Parish Clerk, DCC/EDDC Cllr Jess Bailey, 10 members of the public attended the meeting
Absent	n/a

Minutes of the Ordinary Meeting of the Parish Council

Item (a)	Discussion and decisions (b)
23/068	Welcome and Chairman's announcements The meeting started at 7.30pm.
	The Chairman welcomed everyone to the meeting. The Chairman gave a short report:
	- The Local Election will take place on 4 th May 2023. The restrictions of the pre-election period (formerly known as purdah) begin on 27 th March. o If 8 or more candidate nominations are submitted to the EDDC Returning Officer
	an election will be held. o If 7 or fewer nominations are submitted then the candidates will be elected
	uncontested. o If only 1 or 2 nominations are submitted the Council will be inquorate and EDDC will take the appropriate action.
	- West Hill's Annual Parish Meeting , a meeting of the electors, takes place on Friday 10 th March 2023, 7.30 at the Village Hall. West Hill residents are encouraged to attend.
	- It is anticipated that a developer will soon launch a public consultation on proposals to develop a site near Windmill Lane. This is site WHP04, identified as a "preferred site" in the emerging East Devon Local Plan. The Chairman explained that the Parish Council will respond to a detailed planning application if and when it is submitted.
	- The agent for planning application 23/0325/PIP (Land at Toadpit Lane), has submitted a response to the concerns raised by residents at the Extraordinary WHPC meeting held on 21st February 2023. Further details are available on the EDDC Planning Portal.
	- The Chairman reported that key McColls staff have resigned and are soon to leave the store in West Hill. The Parish Council has previously recognised the importance of a shop/Post Office to the village and, in 2020, had applied to EDDC to register the site as a Community Asset. This was approved and the listing remains in force until April 2025.
	Cllrs noted that WHPC had written to Morrisons on two previous occasions.
	It was unanimously resolved to write to Morrisons and The Post Office again stressing the importance and potential of the West Hill store.
	- The local Herald newspapers published (3 rd March 2023) an article regarding the Clerk's resignation and included comments by Cllr PB. The Chairman had since written to the



editor seeking a right to reply, asking for corrections/defence to criticism to be published in the Herald publications.

The Chairman proposed the press article and her letter to the editor were published on the WHPC website.

Cllrs voted 5 in favour, 1 abstain, 1 against.

Available on the WHPC website: <u>Sidmouth Herald Article and WHPC Chairman Letter</u> March 2023

23/069

Apologies. To receive apologies and approve reasons for absence.

23/070

Public question time (3 minutes)

From 7.30pm 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. *Individual contributions are limited to 3 minutes*.

This item includes issues submitted to the Clerk prior to the meeting.

Items submitted by residents to the Clerk:

1. **Planning application 23/0346/FUL** agenda Item 23/075: the resident expressed concerns including: adverse impact on trees, no arboricultural report provided, potential impact on streetscene and proposals for the access were out of character with the village.

2. Vexatious Complainant: Comments included

- For the past 5 years I have taken an interest in WHPCs meetings and their efforts to maintain and improve our "Woodland Village". Communication has been informative and reassuring.
- Time and money has been spent following their procedural Complaints Policy resulting in the resident being designated a Vexatious Complainant on several occasions.
- Council efforts have been rebuffed by the resident, who is now seeking to have their designation removed......
- Why is the complainant allowed to shackle Council members by using procedural constraints to satisfy an unknown agenda? Why not open up this sorry affair to all residents of West Hill? After all they are being asked to vote in the May elections. A solution has to be found otherwise I can see all the positive time and effort on behalf of West Hill residents will have been wasted and undermined by the negative complainant.

Cllrs agreed to contact the resident to confirm their letter had been read to the meeting.

3. A Freedom of Information request including:

- i. A request for disclosure of Cllr Bennett's letter to WHPC regarding the Extraordinary Meeting of 21st February.
- ii. Did Cllr Bennett disclose his dispute with the Parish Council when standing as a candidate in the 2021 election?
- iii. Is the EDDC Monitoring Officer aware of the designation of vexatious complainant.
- iv. A request for the estimates value, in time and money, of costs attributed to complaints/FOIs etc.



The Chairman invited comments from Cllrs. Cllr PB queried the source of content of the letters (items 2 and 3 above) and asked "Are any of the letters anonymous?

The Chairman noted that the letters read out by the Clerk were not anonymous.

The Chairman asked Cllr PB if he was willing to provide his letter to the resident as requested. He declined.

Cllr PB queried a statement made by the Chairman at the 21st February 2023 Extraordinary meeting. The Chairman explained that Cllrs are required to submit their apologies and provide a reason for their absence for a meeting. Accordingly, she had provided Cllrs with the reasons for absence provided by Cllr PB. Cllr PB challenged the Chairman's explanation.

Regarding the Freedom of Interest request the Chairman confirmed that the Council would respond directly to the resident. The Chairman commented on items i-iv:

Items i + ii : The Chairman proposed to write to EDDC Monitoring Officer and Returning Officer regarding the Freedom of Information request. Cllrs In favour 5, Abstain 1, Against 1

Item iii: Noted that it was necessary to differentiate between matters relating to the Councillor and resident when considering the request.

Item iv: Listed items totalling £8,079.80 but noted that this did not included an estimate of the Clerks time spent processing the correspondence or the "lost opportunity" costs.

The Chairman invited any other comments/questions from the public:

- a. A resident thanked the Clerk for her work for the village during her time as Clerk and expressed regret that "so much time" had been spent on one individual. Cllrs noted the comments and the support from other members of the public present at the meeting.
- b. Two members of the public identified themselves as the authors of the letters read out by the Clerk.
- c. A resident expressed serious concerns regarding McColls store in the village. She stressed the importance of the shop and Post Office to residents in the village and also noted the ongoing lack of stock and broken chiller cabinets.

The Chairman advised that she would be writing to Morrisons and the Post Office also the Parish Council would continue to monitor the situation. In future, the Parish Council or a community group could consider taking action if the need arose but residents should be aware that this entails a lot of work.

The Chairman noted Cllr PB's earlier comment on source of information referred to in the letters read by the Clerk and further commented that matters have been reported at Council meetings and are recorded in the minutes for public information.

23/071

District and County Councillors' reports for information (items raised for decision will appear on the agenda for the next meeting)

DCC/EDDC Cllr Jess Bailey's (JB) report included

- Kings School: children living in the Kings School catchment area but not attending a feeder school may not be allocated a place for Sep-2023. Cllr JB was concerned that this demonstrates the pressure on local services.
- DCC Highways have advised that they expect to carry out the approved works to paint yellow lines on a section of Bendarroch Road early in the new financial year beginning April 2023.



West Hill Parish Council		
	- DCC are seeking to save £30m on Adult Services and are currently consulting on cuts to day services and respite care.	
	Cllr NB asked if Cranbrook was in the catchment area for Kings School. Cllr JB confirmed that it wasn't.	
23/072	Declarations of Interest a. Register of Interests: Councillors are reminded of the need to update their register of interests. b. To declare any personal interests in items on the agenda and their nature. To declare any disclosable pecuniary interests in items on the agenda and their nature (Councillors with DPIs must leave the room for the relevant items).	
	Cllrs MP, NB, AC, SO,AT declared no interests. Cllr PB declared a personal interest in items 23/088, 23/089 and 23/090. Cllr DC declares that she approached every item on the agenda with an open mind, free from bias or pre-determination based on the facts available at the meeting.	
22/073	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. Proposed items, to be considered in Part B, if appropriate: n/a	
	It was agreed to consider items 23/080, 23/089 and 23/090 in Part B if necessary.	
23/074	Minutes: To approve and sign the minutes of the Parish Council a. Meeting on 7 th February 2023, b. Extraordinary Meeting on 21 st February 2023, both previously circulated.	
	Cllr PB challenged the accuracy of the minutes of the 7 th February meeting but did not provide any details when asked by the Chairman (as per Standing Orders 10a). Of the 6 Cllrs present at the meeting - 5 Cllrs accepted the minutes as a true record of the meeting - I Cllr voted against The Chairman signed the minutes.	
	Of the 4 Cllrs present at the 21 st February meeting, 4 Cllrs accepted the minutes as a true record of the meeting subject to a correction to item 23/062 to read "Cllrs DC, AC, AT, NB declared no interests" The Chairman signed the minutes of the Extraordinary meeting.	
23/075	Planning Applications received	
	23/0346/FUL Lower Mead West Hill Road EX11 1TY Applicant Mr T Harrison To construct a two storey extension, insulate and render the exterior of the building, remove the conservatory and part of the lean-to, and to alter the entrance onto site	
	Cllrs considered the application and objected to it for the following reasons:	
	1. This is a prominent site at the centre of the village. The trees on the boundary of the site form a significant feature when viewed from West Hill Road and make a significant contribution to the character of the local area, a woodland village.	
	Cllrs raised a number of concerns regarding the close proximity of the proposed works to the boundary trees, particularly the mature trees on West Hill Road:	
	a. The impact of construction works/extension on the trees is unclear as no arboricultural assessment or management plan has been provided.b. The mature trees will dominate the extension leading to future pressure to fell or reduce the trees which would significantly alter the streetscene.	



NP3 + NP26 – West Hill Design of the Neighbourhood Plan applies D3 - Trees and development sites (Local Plan 2021-31 applies)

2. The proposed widening of the access would lead to the loss of Devon bank and hedging and is contrary to NP26 – West Hill Design of the Neighbourhood Plan. The proposed materials, brick piers and gates, are out of character within a 'woodland village' and are contrary to NP26 – West Hill Design of the Neighbourhood Plan.

23/0398/TRE Land North of Higher Metcombe Applicant Mr Compton To fell a beech tree.

The Chairman noted

- The tree forms part of a beautiful avenue of trees that is recorded as a "valued view" in the West Hill & Ottery St Mary Neighbourhood Plan
- that the tree had been the subject of a 5 day notice for urgent works to fell the tree but this had since been withdrawn by EDDC Tree Officers.
- The tree is on land subject to a current Outline planning application 22/2533/MOUT
- An arboricultural report has been provided which identified the presence of disease in the tree.

The Chairman proposed the Parish Council should commission a tree report, on behalf of the community, to assess the tree and the extent of works required. Three quotes had been sought and estimated costs are £350-£400+vat.

Cllrs discussed the proposal and Cllr PB asked for District Cllr JB's view.

Standing Orders were suspended

Cllr JB declared that she was the subject of a complaint relating to the site. Taking into account the valued view and prominence of the tree she would support the Council's action to commission a report.

Standing Orders were resumed.

Cllrs unanimously supported the proposal to commission an arboricultural report, with associated costs up to £400+vat.

23/076 Planning Appeal received:

APP/U1105/W/22/3313627 Mount Houlditch Farm Toadpit Lane EX11 1LQ Demolition of two barns and three outbuildings and the construction of a residential annexe ancillary to the main dwelling house, a pool house also ancillary to the main dwelling house and an extension to the house for a home office.

Cllrs noted WHPC had previously supported the application 22/1584/FUL but EDDC has refused it. Cllrs unanimously agreed to uphold their previous comments but wished to stress that the annexe and pool house should be considered ancillary accommodation and not as separate dwellings.

23/077 Planning decisions received for information (*denotes WHPC differed)

22/2369/FUL Silverwood 6 Brackendown EX11 1NT Status: Approved Single storey rear extension, porch to front, garage link in-fill and single storey side and rear extensions to garage.

22/2253/FUL Touch Wood 3 Hylands Close Higher Broad Oak Road EX11 1XJ Status: Refused

Retrospective application to retain 1.8m fence to front of property, bordering turning area Noted

23/078 Other Planning Matters:



- 1. To note new Tree Protection Orders
 - 23/0006/TPO Land South of Windmill Lane and North of Eastfield
 - 23/0007/TPO Tuftbury Higher Broad Oak Road

Noted

WHPC Groups + Initiatives

23/079 WHPC Strategic Planning Group: 1. Emerging East Devon Local Plan: To receive a verbal update on the EDDC Strategic Planning Committee held on 14th February 2023. Cllr DC reported that EDDC's Strategic Planning Committee of 14th February had resolved to put the Emerging Local Plan "on hold" with the exception of named workstreams. The Committee had resolved: 'that Officers continue with the background technical work with regard to the Local Plan including discussions with consultees and other stakeholders and infrastructure providers in particular concerning water, sewerage and other environmental matters to enable those discussions with infrastructure providers and stakeholders to continue but that no further discussions or decisions will be made with regard to the sites or their allocation until the Government has delivered the finalised NPPF (National Planning Policy Framework)." The timeframe for the NPPF is unknown. 2. Neighbourhood Plan: a. To receive a verbal update b. To consider making an application to EDDC to designate a Neighbourhood Development Area defined by the current parish boundary. Cllr DC advised that WHPC had submitted an application to EDDC in December 2022 for a Neighbourhood Area for West Hill as per the WHPC decision 6th Dec 2022 22/358. EDDC have since sought legal advice on the process for their consideration of the application given the unusual circumstances (ie a joint Neighbourhood Plan for West Hill and Ottery St Mary currently exists). This has taken some time but hopefully the methodology will soon be finalised. Cllr DC explained that the Parish Council was required to confirm the area to be covered by the proposed Neighbourhood Area. It was unanimously resolved to make an application to EDDC to designate a Neighbourhood Development Area for West Hill defined by the current parish boundary. 23/080 Village Hall Pedestrian Link: To receive an update on the Invitation to Tender for the construction works and recommendations for the next stage of the project. Cllr AC reported three revised quotes had been requested and received. Cllrs agreed to consider the quotes and recommended actions in Part B. 23/081 **Community Engagement Group:** 1. To confirm arrangements for the **Annual Parish Meeting** 10th March 2023. Clirs noted the details provided by Clir MP. The Annual Parish Meeting (APM) is a meeting of the electors within the Parish and will take place at 7.30pm Friday 10th March 2023 at the Village Cllrs PB and NB gave their apologies for the APM. 2. To receive a verbal update on arrangements for West Hill events to celebrate the Coronation of King Charles III. Cllr MP advised the next edition of The Messenger will include a schedule of events organised by groups within West Hill.



23/082 HR Group: To receive a verbal update on recruitment of a new Clerk.

Cllrs DC/MP reported adverts had been published but no enquiries had yet been received. Cllr DC noted this was disappointing but not unexpected.

Cllr DC proposed the HR group should begin a search for a Locum Clerk such that the Council has the services of a Clerk if no suitable candidates came forward in response to the advert. Cllr DC advised Councillors would have to consider the hours worked by the Locum and the services to be provided. Also costs for a Locum Clerk were likely to be approx. £300 per day. The deadline for responses to the advert is 24th March 2023.

Cllrs unanimously accepted the proposal.

Other Matters

23/083	Clerks Report: 1. To confirm decisions taken under Delegated Powers 2. Action points from previous WHPC meetings 3. Matters arising 4. Resident Communications 5. Any urgent matters arising
	 The Clerk reminded Cllrs their Highways concerns should be channelled to DCC Highways via the Clerk. The DCC Highways Report a problem webpage is available to members of the public to report highways issues such as potholes, overgrown vegetation etc Cllrs wishing to take their Members Allowance are requested to provide the necessary information to the Clerk to enable payment to be made.
23/084	Grant Award: To consider an application from West RBL for funding for a band to play at the street party to celebrate the coronation of King Charles III.
	Cllrs considered a grant application submitted by West Hill's Royal British Legion branch.
	Cllrs unanimously resolved to award a grant of £450, for the hire of a band, towards the costs of the community street party on Sunday 7 th May 2023 to celebrate the Coronation of King Charles III.
23/085	The Community Ownership Fund - to receive a verbal update on a government programme to support community groups to take ownership of assets that are at risk of being lost to the community.
	The Community Ownership Fund is a government programme with £150m over 4 years to support community groups to take ownership of assets that are at risk of being lost to the community. The fund will support a range of community a range of projects such as sports facilities, shops etc. Details can be found on the Government website: Community Ownership Fund
	Cllrs noted this may be of interest to the next Parish Council or a community group, at a future date, if the village shop/Post Office appears to be at risk.
23/086	VAS: To consider the WHPC VAS Report for 2022 Cllrs noted the report (available on the WHPC website) and thanked Cllr MP for the summary. Cllrs discussed the report and highlighted the problem on West Hill Road near the War Memorial. Cllrs were very concerned that the majority of cars travelling from the McColls direction were ignoring the 20mph limit: Approximately 75% of vehicles exceed the 20mph limit with approximately 25% exceed 25mph. This area is used by many schoolchildren travelling to/from school. Cllrs



	West Hill Parish Council
	 a. agreed to pass the annual VAS report to West Hill's Community Speedwatch Team and also to the multi-authority Vision Zero group.
	 considered it appropriate the next Council should review the report and consider possible actions.
23/087	Leisure East Devon (Ottery St Mary): To receive a verbal update on a recent meeting of the community forum.
	Cllr AT gave a brief update on the first meeting of a cross community user group.
23/088	Freedom of Information Request (FOI) + Subject Access Request (SAR):
	 To note the receipt of an FOI and WHPC response. To note the receipt of a SAR to individual Councillors. To note the receipt of an FOI and SAR to the Council. Noted. Cllrs raised no issues.
23/089	Complaints against the Clerk: To note the receipt of 1. a complaint received 9th February 2023. 2. a complaint received 28th February 2023.
	4 Members of the public left the meeting 9.10pm.
	Cllrs noted the receipt of the complaints. The Chairman explained that the Council had written to the complainant asking for details of the complaints. Cllrs raised no issues.
23/090	Resident Communication: To consider a request for Council to review a designation of vexatious complainant.
	Cllr PB left the room 9.12pm
	The Chairman read from the WHPC Complaints Police setting out the criteria for a vexatious complainant:
	"A vexatious complainant is a person who complains about issues, either formally or informally, on a frequent basis or frequently raises issues which the complainant considers to be within the remit of the Parish Council, and whose behaviour is unreasonable. Such behaviour may be characterised by:
	Actions which are obsessive, persistent, harassing, prolific, repetitious;
	 Prolific correspondence or excessive e-mail or telephone contact about a concern or complaint;
	" Full details are available on the WHPC website WHPC Complaints Policy or on request from the Clerk.
	The Chairman stated
	 the Council had been asked to consider rescinding a designation of vexatious complainant of a resident/Councillor. No person in the role of a Councillor has been designated a vexatious complainant. A resident was designated a vexatious complainant in December 2021 and June 2022 with the designation to apply until 4th May 2023. There is no obligation for the Council to consider the residents request however for openness and transparency the item was included on the agenda for Cllrs consideration. The decision of 7th June 2022 was not taken lightly.
	The Chairman then read from the minutes of the Council meeting item 22/198 and from the Council's letter of 9 th June 2022 to the resident which sets out the reasons for the designation.



	West Hill Parish Council
	Cllr SO commented that he had not observed a change of the residents' behaviour and he considered it had become worse. Cllr MP proposed the Council should consider extending the period of designation to ensure the new Council, new Clerk or Locum Clerk is not 'embroiled in further correspondence'. Cllr DC noted that the Council is not required to respond to the vexatious complainants' correspondence unless it has a Statutory Duty to do so. Cllrs AC and AT supported the previous comments. Cllrs agreed to continue the consideration against the criteria set out in the Complaints Policy
	in Part B. Cllr PB re-joined the meeting
23/091	Police Matters: To receive the monthly West Hill crime stats: November/December 2022 if available (for information). No reports were available as the data has not yet been published on www.police.uk
23/092	Financial matters: 1. To consider and approve the Schedule of Payments for WHPC 7th March 2023. The Clerk raised two further payments for approval • Village Hall Room Hire (Feb-23) £30.38 • PLG Services VAS Transfers £96.00 Cllrs noted and approved the payments. Cllrs considered the payment schedule and invoices (previously circulated). Cllr PB queried an invoice relating to the Village Path project (Request for Tenders). Cllrs explained that previous meetings had approved the work and costs. Cllrs unanimously noted and approved the payments. 2. To receive if available: WHPC Finance Tracker, Bank reconciliation January/February 2023, if available. The bank reconciliations and finance trackers, both previously circulated, were noted and signed.
23/093	Councillor questions, reports and items for future agenda 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. Councillors are respectfully reminded that this is not an opportunity for debate or decision making. No items were raised
23/094	Next meeting: To confirm arrangements for the next WHPC ordinary meeting Tuesday 4th April 2023 7.30pm at the Village Hall.

Part A of the meeting ended 9.20pm DCC/EDDC Cllr JB and all members of the public left the meeting.

Part B started at 9.20pm.

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.

23/080	Cllrs unanimously agreed to extend the duration of the meeting beyond 10.00pm. Cllr PB asked if any items other than 23/090 were to be considered in Part B. Cllr DC advised there weren't. Cllr PB left the meeting.
	Cllr DC gave an apology to Cllr PB, in his absence, as she had overlooked that, during Part A, Cllrs had agreed to consider item 23/080 in Part B.



Village Hall Pedestrian Link: To receive an update on the Invitation to Tender for the construction works and recommendations for the next stage of the project.

Cllrs discussed the tenders and the draft Village Hall Trustees–WHPC agreement. It was agreed

- WHPC was not yet in a position to approve the agreement
- The Working Group was asked to establish if the tenders met the Village Hall Trustees requirements for a grant application.

23/090

Resident Communication: To consider a request for Council to review a designation of vexatious complainant.

Cllrs resolved

- without a Special Motion they were not in a position to rescind the decision of June 2022 (ref 22/198) and the designation remains in place until 4th May 2023

Following a consideration of the residents behaviour and communications since June 2022 against the criteria set out in the Council's complaints policy Cllrs unanimously resolved

- 1. that the designation was still appropriate
- 2. should be extended until 31st August 2023.
- 3. The Council will write to the resident to advise them of the decisions.

Part B ended at 10.12pm

The meeting closed at 10.15pm

Signed: Anne Oliver, Clerk to the Council, 9th March 2023