

LOPEN PARISH COUNCIL
MEETING TO BE HELD IN THE SUNDAY SCHOOL ROOM,
CHURCH STREET, LOPEN
7pm Tuesday 15th March 2016
Minutes

Present:

Cllr. T. Sienkiewicz (Chairwoman)

Cllr. S. Crane

Cllr. B. Davolls

Cllr. S. Mason

Cllr. N. Jones

Cllr. E. Moore

Cllr. J. Feeney

Mr Roger Gurner (Clerk)

Minutes: transcribed by Ms Kim McDonald (Interim Clerk)

Members of the Public: 3

16/16 District Councillors' Reports

Cllr. Adam Dance - provided a written report, which has been passed to Members.

Cllr. Crispin Raikes - Confirmed that no further matters were able to be added to the forthcoming Area North Meeting Planning Committee.

Frogmary Farm Anaerobic Digester - Green for Life, the developers, had submitted a retrospective application to cover the changes to the site. SSDC Planners have organised a meeting with the Council's legal team regarding the application.

17/16 County Councillor's Report

Cllr. Le Hardy reported that the Highways **Small Improvement Scheme** has been approved by Highways as proposed by Cllr. Le Hardy, mostly to improve the Snapant Junction, with works scheduled for the next financial year. Cllr. Davolls reported that the schemes Lopen had applied for were just Church Street and Traffic Calming and not Snapant. At that time the Snapant Junction was never considered a possibility as there was funding only for for minor works. Cllr. Crane was asked to review works that were agreed as part of the earlier consultations (with information provided by Cllr. Davolls) and include works at the Snapant bend and the road leading into the village.

A303 Improvements – Consultations had been ongoing with various Parishes (although Lopen appeared not to have been included). There may be a possible new A303 junction coming out from the Branstons road to the west of South Petherton. The first three phases of A303 improvements are Salisbury Plain, Podimore/Sparkford and A358. Once these works are completed, Ilminster Bypass improvements will be reviewed, but this is not likely to start until after 2020, due to funding. Cllr. Le Hardy agreed to resend consultation reports.

Devolution for South West - The reports in the Leveller were misleading. Devolution would not impose another level of Government on the region. It was noted that this was a change being driven by central Government and would be the main channel for future funding - the aim being to devolve power and money to local authorities. Devolution in the SW was to be based on the

LEP area initially, but this may change as negotiations start to happen. It was noted that 18 of the 19 authorities did not want to pursue a Mayoral lead, but to run as a collaborative group. The area is considered too large and diverse to make a Mayor useful. There is now public access to the documents and prospectus on the web.

18/16 Apologies

Cllr. Adam Dance sent his apologies

19/16 Declaration of Interests

None

20/16 To approve the minutes of the Meeting held on 12th January 2016

Amendment: Cllr. Jenny Feeney was added to the minutes as being present at the meeting.

21/16 Matters arising from the minutes

None

22/16 To receive an update on the Lopen War Memorial.

Cllr. Crane reported that a decision has been made by the PPC to appoint a Stonemason from Martock and that additional wording has been arranged. The total figure is £656.56. The PPC would like to put an article in the EYE to seek public contributions and a fund raising event might be organised and the PPC would take the lead. LPC Councillors agreed to see what public funds could be raised and then make a decision regarding a contribution. There was £200 that could be made available for this purpose within next year's budget.

23/16 To receive an estimate of the cost of repairs to the Churchyard wall

Cllr. Crane reported that the PCC have decided to go with the lower quote for the repair to the wall offered by Colin Bennett £1735.00. Further investigation were needed with Tree Officer from SSDC in relation to the Yew Tree roots and hedge roots. Works were thought to include removing the stone wall, cutting back the bank and replacing the wall. No foundations will be dug to avoid disturbing any graves. LPC does not have a budget for refurbishment or substantive repairs under its maintenance obligations. Further, requests for major works would need to be given with 1 year and 3 months notice to allow the Council to work within annual precept limitations. It was agreed that LPC has a responsibility for the upkeep for the closed churchyard, but there was some discussion as to whether the wall was in the closed part of the Churchyard. It was clear that the PPC and the LPC have differing views on the responsibilities and obligations in this case. As the village is so small, the PCC believes that a 50/50 cost split is reasonable. Cllr. Raikes has offered to speak with the SSDC's Charlotte Jones to seek a grant towards the wall repair in recognition of the costs that SSDC has been able to save following the PPC and LPC 's agreement to manage ongoing maintenance. LPC thanked the Cllr. for his offer. There is no known plan of the site with boundaries and responsibilities marked. It was agreed that this should be arranged as clarity is required for the future. There is no insurance cover. LPC awaits formal notice from the PPC requesting the repair at which point LPC will approach SSDC to clarify assistance with costs. Cllr. Crane undertook to inform the PPC of these discussions and outcomes.

24/16 Update on the current situation regarding the proposed lease for the Eggwood site and in light of the new circumstances provisionally (subject to agenda item 24)

agree the basis on which to proceed (if at all)

Cllr, Davolls reported in brief:

- Merriott PC has formally agreed to the lease as it stands
- Having previously been content with the lease Hinton and Lopen have raised new concerns surrounding the "indemnity" clause 24.3 as a result of SCC's recent claim that this was not an indemnity after all
- Clause 24.3 is a form of indemnity that does provide what was originally requested but nothing more i.e. we will not be required to clean up the past contamination of the site if this were ever required
- SCC have stated that they will not take out any specific insurance for this site...all insurance is down to us
- As it stands, the PCs are required to insure for public liability insurance including any claim that may relate to the past pollution of the site
- Initial insurance enquiries will not provide cover for non-accidental pollution incidents. As it stands, we cannot get cover for the past contamination so we cannot meet the terms of the lease
- For any insurance policy to apply (with or without the past contamination issue cover), we are required to demonstrate a duty of care and provide evidence that the land is deemed safe for public use
- As it stands, I cannot recommend we proceed to sign the lease and feel sufficient has changed to refresh our previous decision to commit to the lease

LPC options:

- 1) Abort altogether and avoid further cost
- 2) Agree to continue but on the basis that this is subject to obtaining Public liability cover at an affordable cost by whatever means (probably SCC insuring and charging us through the lease) and to ask SCC for their risk assessment and environmental reports that demonstrate that the site is safe for public access. (possible increased legal costs)

LPC Members agreed unanimously to progress with option 2 above with Cllr. Davolls delegated to continue with the negotiations.

Cllr. Davolls also proposed that this transaction is exempt from the specific requirements in new Standing Orders and Financial regs. assuming we do adopt them later in this meeting (section 14 Financial regs. suspension) as this matter has been ongoing for several years and the risks have been well versed and the many previous reports provided have kept the members fully informed in this case. This was also unanimously approved in the event the Financial Regs were approved.

25/16 Report on the construction of a building without permission on the Mill Lane 'industrial' estate

LPC received a notice from Mike Hicks reported that SSDC have issued a temporary stop notice. No planning application has been received.

26/16 Breaches of planning conditions at Lopenhead Nursery site and the anaerobic digester at Frogmary Green Farm and determination of any further action

Please refer above 16/16 for Frogmary Green Farm Anaerobic Digester.

There have been a lot of breaches at the Lopen Business Park and these were outlined by Cllr. Sienkiewicz. Planning permission and a Licence are required for the Champagne Cave. It was agreed that Cllr. Sienkiewicz to write to SSDC regarding breaches of conditions.

27/16 Report on plans to update the A303

Please refer to the note above 17/16. Plans are available on Highways website. There was to be further public consultation.

28/16 To sanction the payment of £75.48 for Ranger Fees to SSDC

The latest invoice received was for the wrong month. The amount was also wrong, but SSDC were nonetheless content to bill only for 3.7 hours. The contract and payments made by LPC need to be discussed at a future meeting as there were too many discrepancies. For this meeting it was agreed to pay the invoice presented.

29/16 Adoption of the revised Standing Orders & Financial Standing Orders.

Financial Regs. 4.8 - this should be amended to remove the £100 variance limit.

14.2 - to be adjusted to say that assets cannot be disposed of without the formal approval of the council. A date of adoption should be added to both the Financial Regulations and Standing Orders documents. With these amendments the new Standing Orders and Financial Regulations were approved and adopted.

30/16 To receive an update on the Revised Budget and Precept Application

There had been a number of queries on the budget and Precept preparation previously circulated. The Clerk was asked to circulate amended budget, which would be reviewed at the next meeting, once Members had been able to digest the detail.

31/16 To receive a report on the end of year statement of accounts for 31st March 2016

The Clerk was requested to re circulate an amended statement of accounts which would be reviewed at the next meeting.

32/16 New rules on parish council audit and determination of whether to continue to have external audit after 2017

LPC along with all other Parishes are to decide whether to retain the option of having future External Audits. If we do not wish to continue with an External Audit we need to make the Auditors aware of our wishes by the end of March. Audits for the next 2 financial years would continue to be free, but thereafter are likely to be chargeable. Historically, we have paid for Audits and this has been in the region of £200. It was unanimously agreed to not to opt out of External Audit.

33/16 To receive a report on the Highways' response to reported Potholes

Cllr. Crane reported that no response received as yet.

34/16 To consider the Council's response to increasing heavy traffic through the village

Cllr. Jones believes that there maybe increased tanker activity to farms from the Anaerobic Digester and this was supported by other Councillors. Many of which should not be travelling through Lopen. It was agreed that Cllr. Sienkiewicz and 4 volunteers would reinstate adhoc traffic checks on vehicles travelling through the village. Cllr. Davolls has requested that SID results are circulated around the Members. Cllr. Mason asked whether LPC might be able to purchase our own device to address speeding. This could be investigated but devices are expensive.

35/16 To adopt a motion to support an approach to improve Broadband Services within Lopen with the full support of the Council

In essence LPC agreed that it did support any work to achieve fast-fibre Broadband for the village. However, due to the stringent rules under which it operates it could not adopt the motion before it, as it was felt that this could severely limit the freedoms of any private initiative and potentially compromise the Council as it would not be in a position to sanction communications and control activities undertaken. In order to support the current private initiative organised by Mr Gurner and colleagues, however, it was agreed to write a letter of general support.

36/16 To consider the adoption of the new Automatic Enrolment Pension scheme

LPC needs to comply with the scheme above, which for now requires us to register the Council under the scheme by a specified date. Cllr. Sienkiewicz has undertaken to action this and to email Members with further details.

37/16 Other matters to note

April 8th, Marcus Fysh will be in Lopen for a Constituency tour and surgery which will be held in the School room.

There is to be a Street Party to celebrate the Queen's 90th Birthday, which is being organised by Carolyn White. The organising committee will need to talk with LPC if Public Liability insurance is required.

Litter - There is more and more being found in the village. Please can everyone pick up when they see it.

Online Banking - a form to sign has been passed to Cllr. Sienkiewicz, which as a first step would allow the bank account to be viewed online. The ability to undertake transactions was possible but before action is taken, further detail was required by Members for the next meeting.

Private Session

In line with standing order 1(c), to resolve to exclude the public and press (members and Clerk only to remain) to consider confidential matters relating to agenda item 24/16 and to agree to revise or uphold the provisional agreement. This is deemed necessary as confidential details of outside parties are to be discussed.

Proposed by Cllr, Crane and Seconded by Cllr, Davolls.

All details are confidential.

Discussions did not change the opinions or the agreement that was reached during the public session.

Meeting closed