

Dawlish Town Council

Minutes of a Meeting of the
Town Council
held at The Manor House, Dawlish on
Wednesday, 7 November 2018

Present:

Councillors Mayne (Mayor), Foden (Deputy Mayor), Clemens, Goodman-Bradbury, A. Fenne, G. Fenne, Lowther, Nickless, Prowse, Robins, Tamlyn, and Taylor.

In attendance:

Andrew McKenzie – Town Clerk, Councillor John Clatworthy (Devon County Council) and 3 members of the public, none of whom wished to speak.

The following minutes will be considered for approval at the next meeting of the Town Council and may be subject to change until that time.

Prior to the commencement of the meeting, a resident and member of the WWI commemorations thanks the Town Council for its support during the past four years; many of the events would not have happened had the support not been forthcoming. Councillors thanked the volunteers for their tireless efforts in making the commemorative events the success they had been.

Part I

98 APOLOGIES

Apologies were received from Councillors Almond, Bloomfield, Mawhood and Wrigley.

Resolved that the apologies be noted.

99 AGREEMENT OF THE AGENDA BETWEEN PARTS I AND II

Members noted there was Part II business to be transacted.

100 DECLARATIONS OF INTEREST

There were no declarations of interest.

101 DISPENSATIONS

There were no dispensations.

102 DEVON & CORNWALL POLICE

During the month of October there have been 135 calls to the Police for Dawlish town, including domestic related (8) and missing person reports (7).

There have been 41 crimes recorded including:

- 8 Actual Bodily Harm
- 1 Affray
- 1 Arson
- 3 Assaults
- 1 Burglary
- 2 Common Assaults
- 5 Criminal Damage
- 1 False Imprisonment
- 1 Grievous Bodily Harm
- 3 Harassment
- 1 Make of without Payment
- 2 Possess a bladed article in a public place
- 1 Racial / Religious Harassment
- 2 Malicious Communications
- 2 Stalking
- 1 Take a Vehicle without consent
- 4 Thefts
- 1 Use of Threatening abusive language
- 1 Wounding with Intent

103 MINUTES

Members considered the minutes of the previous meeting.

Councillor Clemens reminded Members that District, and Town Councillor reports should consist of those meetings and/or events attended as an official representative of the District or Town Council.

Resolved that the minutes of the Town Council meeting held on 3 October be approved as a correct and accurate record subject to a grammatical error being rectified.

104 MINUTES OF COMMITTEES FOR ADOPTION

Resolved that the minutes set out below, approved by the relevant Committee and signed by the Chairman as a correct record of that meeting, be adopted:

- Civic Amenities Committee – 19 September 2018
- Events Committee – 13 June 2018 and 25 September 2018
- Finance & General Purposes Committee – 27 September 2018
- Planning Committee – 20 September and 11 October 2018

105 TOWN MAYOR'S ANNOUCEMENTS

5 October – presentation at Strand Centre by Dawlish Past and Present

14 October – Newton Abbot Civic Service

6 November – Presentation from WI to British Legion and RAFA – installation of poppy display at the Shaftesbury Theatre over the weekend

Regulatory & Appeals and Code of Conduct Training at Teignbridge District Council.

The Mayor's Children's Christmas Party will be held on 30 November immediately after the Christmas Light's switch on event. It will be held in the Strand Centre and tickets are £3 to include party tea, entertainment and a visit from Father Christmas and his special friend. Tickets available from the Manor House; limited spaces available.

106 COUNTY COUNCILLOR'S REPORT

Councillor Clatworthy

- he had met with the Neighbourhood Officer and been through Councillor Foden's issues;
- he wondered whether the Town Council could consider the issuing of Street Licences on the County Council's behalf. Teignmouth Town Council currently do so; it would be cheaper for the traders;
- he understood the Town Council was responsible for the street furniture along The Strand and would draw its attention to the seat outside Boots which requires maintenance;
- still waiting to hear when East Cliff Road would be partially resurfaced;
- junction work at Sea Lawn Terrace has now been completed
- street lighting in this area also will go to the Cabinet in December;
- project board has been established for the link road between the county council, district council and landowners and it was still expected to be completed in December 2020. A further meeting has taken place with South West Water talking about the strategic sewer; and
- attended a meeting with Councillor Hockin and Councillor Wrigley regards sewerage upgrades.

107 DISTRICT COUNCILLORS' REPORTS

Councillor Prowse

The Gambling Act 2005 had been reviewed by the Council and had been approved with the inclusion of safe guarding provisions.

Many Standards Committee meetings had taken place; last two days had involved training sessions on the Code of Conduct for Councillors. Any complaints made about town and parish councillors were dealt with by the District Council's Monitoring Officer and therefore it was suggested that such training be rolled out, either directly or via Town and Parish Clerks, to new and existing Councillors.

There had been a misunderstanding with the inclusion of Holcombe Beach and the Ness Beach being included in the Public Space Protection Order (PSPO) and it had been confirmed that they would not be.

Councillor Clemens

October 2018

8th Meeting with Dawlish Warren Traders regarding issues about Habitat Mitigation including parking charges, fencing, boardwalks and dog friendly areas.

9th An update from Planning Officers on the Jetty marsh Link road when the A382 realignment and widening is carried out.

15th. Leadership, including an update on Newton Abbot Town Centre redevelopments.

Full Council. Finance and ongoing maintenance arrangements were approved for the SANGS at the West Ex. development of over 2000 homes in the Teignbridge part of the development. This was done in Part 2.

O&S

16th An update with the officer dealing with the Dawlish Heritage Trail. I had a preview of what is being proposed to be delivered by the end of this year. I can show you an indicative copy of the leaflet to be produced and display boards strategically placed around the town. There will be a listing post at the Strand Centre.

She also updated me on the Green Infrastructure Strategy which included the coastal cycle route and that there is a Coastal Communities bid in for the Dawlish to Holcombe stretch. The proposals for extending the E-Bikes and eventually bringing E Cars to the area. They are already available in Exeter and she uses one herself where you hire them just as you would a bike.

Also, under Green infrastructure TDC officers are trying to incorporate solar panels and wild flower area such as Penn Inn roundabout into the GESP (Greater Exeter Strategic Plan) policies.

17th Meeting T DCC about the setting up of a Project Board for the early development of the Secmaton Link Road and Bridge.

23rd Planning. Just one Dawlish Application where approval was given for new access at The Cottage, Shutterton Lane.

30th Executive. Approval was given for the writing of the Public Spaces Protection Order for the Control of Dogs in Teignbridge. We have long awaited this id Dawlish following the death of numerous black swans. Unfortunately, the decision has been called in so will now be discussed at the next O&S on the 19th November.

November

1st Went on the new Habitats Mitigation Patrol boat out of Exmouth with the HM Officers and a film crew from ITV who will be using it for a news item this week.

6th Attended the Code of Conduct Training for Councillors

108 TOWN COUNCILLORS' REPORTS

Councillor Wrigley

Firstly, I am sorry not to be with you today, but I have a work commitment away from Dawlish today.

We have re-started the meetings of the Lawn Working Group and are moving towards getting all the permissions that we need to proceed. It is with regret that we have not been able to meet the timescale for the GWR funding, but I would like to remind the council that this is approximately 10% of the required total, and there is still funding allocated from section 106 and/ or CIL money. I personally think that the Lawn is vital to the Town and it is better that we get this right rather than rushed.

It has been a busy month of meetings at TDC, and one that stood out for me was a room full of licenced Taxi Drivers taking Safeguarding training. It is key that we, as a society, look out for the young and the vulnerable – and it is a shame that not more councillors attended.

The recent TDC Executive meeting considered the Dog Controls that Dawlish residents have been calling out for, to help us control loose dogs on the Lawn. Unfortunately, when this went through TDC Executive it contained a number of problems and has been called in for re-consideration. The inclusion of the Ness and Holcombe beaches being one issue, and the extension of the beach ban date to 1st

April being another. Concerns about how this PSPO will be enforced have yet to be answered also. After waiting for the best part of a year since this was first discussed, it looks like Dawlish residents concerned about the Black Swans must wait a little longer.

I have been meeting with SWW over the road-works on Exeter Road, and trying to get more information on the details and timing out to the residents and businesses. Whilst this £2million plan of works is very welcome, as it will hopefully stop the Secmaton Land flooding, it would be even better if local residents had been better informed ahead of time. While SWW did do a letter drop, it didn't appear to be enough to get the message across.

I attended the rail resilience exhibit at Open DAW, and there is clearly still a long way to go. Whilst the plans for Kings Walk are well advanced, and the inclusion of accessibility for the station is welcomed, there is still uncertainty over Holcombe Beach, and that section of the works. This is going to be a long running issue.

Finally, I have been helping the local Police and some of the support charities come closer to agreement over strategies to address the rough sleeping issues in the centre of town recently. It is clear that we need both sides to have a common agreed understanding and I will do everything I can to continue to work towards that.

109 NEIGHBOURHOOD PLAN

Members considered a report which requested the appointment of a consultant to work alongside the Neighbourhood Plan Steering Group to deliver a Neighbourhood Plan for the Parish of Dawlish.

Currently Towns and Parishes without a Neighbourhood Plan receive 15% of the Community Infrastructure Levy (CIL) from eligible developments; with a Neighbourhood Plan, Parishes would receive an additional 10% in conjunction with the Plan forming part of the statutory planning framework which developers would have to have regard to when submitting planning applications. That said, given the timescales involved, increased CIL monies would only be eligible after the Plan had been made and could not be applied to developments retrospectively.

The consultant had estimated there was approximately 18-24 months work left to do prior to completion and adoption of a Plan; much of the work achieved to date would now be considered by a Government Inspector to be out of date, therefore certain areas of evidence would need to be revisited.

Councillor Prowse proposed that the Clerk make enquiries of the community to see if there was an appetite for pursuing a Neighbourhood Plan prior to committing the Council to any funding implications. Councillor Tamlyn seconded the proposal.

Councillor Clemens suggested the way forward would be to have a public meeting, inviting the Neighbourhood Planning Officer from Teignbridge District Council to attend and explain the benefits of a Parish having a Neighbourhood Plan. From there, expressions of interest could be sought for individuals wishing to join the Steering Group to go forward and produce.

At this juncture, Councillor Prowse withdrew her proposal in favour of Councillor Clemens'. In considering timescales, Members felt the proximity of Christmas, potential inclement weather and the forthcoming Council elections in May and subsequent purdah period from late March would prevent such a meeting being called before the elections.

The Mayor proposed that the item be deferred until after the May 2019 elections.

Resolved that the appointment of a consultant to aid in the preparation of a Neighbourhood Plan for the Parish of Dawlish be deferred until after the May 2019 council elections.

110 CONCLUSION OF EXTERNAL AUDIT

The Clerk advised Members that the External Auditor had previously advised they had been unable to certify completion of the review but were not able to do so.

Accordingly, the External Auditor Certificate 2017/18 certified that the review of Sections 1 and 2 of the Annual Governance & Accountability Return was complete and they had discharged their responsibilities under the Local Audit and Accountability Act 2014, for the year ended 31 March 2018.

Resolved that the conclusion be noted.

111 LAND AT SPRINGFIELD GARDENS

Members considered a report detailing what action, if any, should be taken in respect of land at Springfield Gardens, Dawlish.

The Clerk reminded Members that this matter had gone before the Civic Amenities Committee previously where it had been previously thought that the grass verge area at Springfield Gardens had belonged to the Town Council and therefore it had conducted annual maintenance works to the area. Upon entering the role of Clerk, information was sought to confirm the ownership of the land. The title deed and plan obtained from the Land Registry made no reference to the Town Council; ownership therefore fell to the original developers of the land. It was further discovered that the developer's company had been dissolved in 2013 and therefore

its assets passed to the Crown; in respect of the land, it had become Bona Vacantia. The Crown has no compulsion to do anything with the land.

The Council's previous and current legal advisors confirmed the land was not in the Town Councils ownership and that no precedent had been set by undertaking works there previously.

Prior to the Council meeting the Clerk had spoken to a legal advisor within the Bona Vacantia department who advised that, once the land was brought to their attention, they would consider it to be of no benefit to them and would look to disclaim the land immediately. Asked whether the Council could undertake works to the land prior to this, the legal advisor would not offer an opinion which raised concerns to the Clerk. If it was disclaimed, it would mean the land would be subject to escheat. This would mean the land would fall to the Crown Estate which was managed by Burges Salmon LLP acting on behalf of them. Maintenance would fall to the Crown Estate until such time as they had disposed of the land, usually by way of individuals or groups of people purchasing the land.

Councillor Prowse proposed that the Clerk be instructed to refer the land to the Bona Vacantia to begin the process of disclaiming the land to enable interested persons or parties to purchase the land if they so wished.

Councillor Goodman-Bradbury referred to her previously circulated report and expressed concern as to the current state of the verge and its encroachment onto neighbouring properties.

Councillor Lowther seconded Councillor Prowse's proposal. He stated that previously he had supported the works to the verge but now that evidence was enough to demonstrate otherwise, he believed the land should be referred to the Treasury Solicitor.

In response to a suggestion, the Clerk advised that any intimation of removing the trees from the site would likely be met by Teignbridge District Council imposing Tree Preservation Orders on the individual trees, which would then require not only maintenance, but maintenance managed by the District Council, albeit that they would look sympathetically on applications to prune or crown the trees.

Resolved that the Town Clerk begin the process of referring the land at Springfield Gardens to the Treasury Solicitors department.

112 DAWLISH SEASIDE AWARD

Members considered whether the Town Council should apply for the Seaside Award for the third year running at a cost of £520+VAT with the District Council making the application on the Town's behalf.

Members proposed and seconded as set out in the agenda.

Resolved that Dawlish Town Council apply for the Seaside Award at a cost of £520+VAT with Teignbridge District Council making the application on the Town's behalf.

113 GENERAL POWER OF COMPETENCE (GPoC)

Members were informed that the Town Council now met the criteria for adopting the General Power of Competence following the Town Clerk's successful completion of the Certificate in Local Council Administration (CiLCA) qualification, and more than two thirds of the Council have been elected by direct elections. Members considered whether to adopt the GPoC.

The Mayor on behalf of the Council congratulated the Town Clerk on his achievement.

Resolved that Dawlish Town Council, meeting the criteria as set out in legislation, adopt the General Power of Competence.

Following a question, the Clerk advised that some of the new activities covered by this power enabled the Council to:

- run a community shop or post office;
- lend or invest money;
- establish a company or cooperative society to trade and engage in commercial activity;
- establish a company to provide services such as local transport; and
- provide grants to individuals.

114 GWR PLAYPARK FUNDING

Members were advised that due to the Playpark on The Lawn not likely to be completed by 31 March 2019, the funding was to be reallocated to other projects by GWR in accordance with their funding rules.

Resolved that the update be noted.

Part II

Items which may be taken in the absence of the Public and Press on the grounds that Exempt Information may be disclosed as defined in the Local Government Act 1972 and Public Bodies (Admission to Meetings) Act 1960.

115 STAFFING UPDATE

The Chairman of the Staffing Committee provided an update to Members, namely:

- pay awards in accordance with Council Policy had been implemented;
- the Council had appointed a new Waterfowl & Maintenance Warden; and
- the Clerk was investigating the removal of a partition wall in the town council office which currently served no purpose other than dividing the room. Its removal would enable a better and more efficient working environment and allow for the proper utilisation of space.

Resolved that the update be noted.

The Mayor declared the meeting closed at 8.32 p.m.

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Cllr Lisa Mayne
MAYOR OF DAWLISH