

MINUTES OF THE PARISH COUNCIL MEETING HELD ON THURSDAY 13TH APRIL 2023 AT 6.30PM AT BROADWAY HILL METHODIST CHURCH, HORTON.

Page 1267

PUBLIC FORUM One member of the public attended the meeting.

4006 ATTENDANCE Councillors Ann Winter – Chairperson, Barry Mosley – Vice-Chair, Mike Schmidt, Rob Hutchinson, Dave Johnson, Ray Buckler and Peter Babbington.

4007 APPROVAL OF APOLOGIES Cllrs Julie Layzell and Andy Johnson.

4008 DECLARATION OF INTEREST None.

4009 TO APPROVE THE MINUTES OF THE LAST MEETING (MARCH) The minutes of the meeting held in March, having previously been circulated, were approved, seconded, and unanimously agreed upon.

4010 20/03277/FUL – LAND NORTH OF BROADWAY HILL, HORTON – UPDATE Five residents on Forest Mill Lane received a letter from Gallion (the applicant) and were offered £1,000 plus legal fees each if they allowed Gallion to empty and remove a redundant septic tank that was once used by the five properties. The septic tank is currently in the location of one of the plots for housing. The parish council was informed that all residents are to decline the offer. Please refer to **Appendix 1** for a copy of the letter.

Concerning the application, Cllr Ray Buckler noted on Somerset Council's website that the latest entry uploaded is from Torbay and South Devon NHS Foundation Trust. Cllr Buckler will contact the writer to question why they are commenting on the application and to highlight the closure of the surgery in Chard and the influx of patients who will likely be signing up to Broadway Surgery, which has not been mentioned in the comments currently uploaded.

The Highways Consultant appointed by the Parish Council provided an update. The traffic survey to be undertaken will take place w/c 17th April. The Highways Consultant has been instructed to contact Somerset Council to request that the application is put on hold until the highway safety issues have been investigated further. Please refer to **Appendix 2** for a copy of the email send to Somerset Council.

Action: Cllr Buckler to contact the NHS consultee.

4011 A358 UPGRADE – UPDATE No further updates currently.

4012 PLAYING FIELD – GENERAL UPDATE Please refer to **Appendix 3** for an update on the playing field.

All the trees gifted to the Council have now been planted. Bench to be installed before the next meeting.

Action: See if Cllr Julie Layzell has access to any more trees.

- 4013 SPEED INDICATOR DEVICE – UPDATE** Cllrs Barry Mosley and Ray Bucker met with Somerset Council Highways to discuss potential locations for new posts/SID locations. Three sites were identified; please refer to **Appendix 4**. Several documents need to be signed and provided (Public Liability etc) to the Council, Cllr Barry Mosley will look into this and sign on behalf of the Parish Council.

The SID has been purchased and delivered and will be sited on an existing pole shortly.

Action: Cllr Mosley to return completed forms and other necessary documents. Cllr Mosley and Buckler to install SID ready for use.

- 4014 DEFIBRILLATOR – POWER SUPPLY – UPDATE** Southern Power was nominated for power supply, Cllr Dave Johnson and the Clerk have completed various forms required. It has been confirmed that a light cannot be installed because the eclectic supply is unmetered therefore, the Council will check if the current solar-powered light is still working/sufficient. supply. Cllr Barry Mosley was approached and offered training on using a defibrillator, Cllr Mosley is to find out a few dates and the Council will arrange a training session which members of the public will also be able to attend.

Action: Cllr Johnson to purchase a meter box. Clerk to purchase appropriate signage advising of the location of the defibrillator.

- 4015 MAINTENANCE OF VERGES AND HEDGEROWS – UPDATE** The working party are currently working their way back out to A358 and opening up the footpath. Cllr Rob Hutchinson followed up with the agricultural contractor who advised the grass would be cut by tractor using an agricultural grass cutter however this would mean the cut grass would remain and would rot the grass underneath. Cllr Hutchinson has since spoken with a horticultural contractor who has a ride-on mulching mower which is what is ideally needed as this would leave no debris/grass cuttings behind. Before issuing a contract and agreeing to fees, the Council have provisionally agreed to a fee of £150 per grass cut, when required.

Action: Cllr Hutchinson to meet with a horticultural contractor to discuss the works required in order for a quote to be provided.

- 4016 DOG WASTE BINS – UPDATE** Recent issues with the bins being emptied however this has now been resolved and bins will be emptied every week, usually on a Thursday. The relocated by the finger post sign still has a broken door however it is beyond repair. Bin is still usable and safe with the door being pinned shut currently.

Action: Cllr Peter Babbington to investigate if the door is repairable.

- 4017 GRATUITY PAYMENT FOR PREVIOUS CLERK** NALC advice received which has been identified by NALC as confidential. Please refer to **Appendix 5** for a copy of the email which is to be sent to the previous clerk advising of the outcome.

4018 FINANCE

- 13.1 To Approve Financial Statement 2022/23 – Unanimously Approved.
- 13.2 Financial Audit 2022/23 – Submission Deadline Monday 3 July 2023 – Noted.
- 13.3 To Appoint Internal Auditor – David Ireland - Unanimously Approved.
- 13.4 To approve payments for the following cheques:
 - 13.4.1 Mrs H Baker – The Queens Canopy Plaque - Cheque No. 000845 - £65.99- Unanimously Approved.
 - 13.4.2 C Duff – Expenses only - Cheque No. 000846 - £42.59 - Unanimously Approved.

4019 CLERK'S REPORT AND CORRESPONDENCE

- 14.1 Hastoe Housing - Pottery View, Shave Lane - 'A tenant is moving out of a 1 bedroom house at 11 Pottery View, Shave Lane, Horton, Ilminster, TA19 9QP during the next few weeks. If the Parish Council knows of any families who are in need of local rented accommodation I would be very grateful if you would refer them to the Housing Register at Somerset Council' - Noted.

4020 ANY OTHER URGENT MATTERS RAISED WITH THE PERMISSION OF THE CHAIRPERSON

15.1 Cllr Ray Buckler has proposed that a newsletter is written by the Parish Council advising of all the current projects and recent achievements. Clerk to list on May's agenda.

15.2 Hanning Road road works – Cllr Barry Mosley will speak with the contractors and request that they sweep up any excess stones.

4021 DATE OF NEXT MEETING: Thursday 18th May 2023 commencing at 6.30pm.

Action: Clerk to book the hall for the meeting.

Meeting closed: 19.56

Appendix 1 – Letter to residents on Forest Mill Lane/Pound Road

GALION

[REDACTED]
Horton
TA19 9QS

22 February 2023
[REDACTED]

Forrest Mill Lane/Pound Road, Horton

Whilst we appreciate our proposal for a housing scheme on the field behind your home is likely to cause considerable distress we wanted to reassure you that we will make every effort to be as considerate as possible. Should planning be granted, we will let you know the proposed construction start date (likely to be end of 2023), sequencing of work, what controls are in place to ensure a minimum of disturbance is caused and the proposed fencing details along our mutual boundary.

Whilst there will be a number of pre-construction conditions to resolve Galion would like to come to an agreement with you about the septic tank located in the field to the west of your property.

By way of background, a formal right was granted when your house was built in the 1960s allowing you to use the septic tank in the field and it also made provision for the sharing of any maintenance and serving costs. About 10 years ago the drains were diverted to the mains sewer and adopted by Wessex Water in accordance with the attached plan. Since the septic tank has now been abandoned we now have a mutual obligation to arrange for it to be emptied and either filled in or removed.

Proposal: Galion is happy to arrange for the septic tank to be emptied and for the structure to be removed but would also like to arrange for the historic drainage right to be formally amended accordingly by way of a Deed of Release. In consideration of this Galion would be prepared to make a one-off payment to you of £1k and of course cover your reasonable legal fees. We ideally will need all five neighbours to simultaneously agree to this.

Company Number: 06792909, VAT No: 973 0135 36.
Registered Office Address: Butleigh Hill, Butleigh, Glastonbury, Somerset, England BA6 8TW

I look forward to hearing if this is of interest and would be happy to arrange a time to come and discuss this with you further.

With kind regards

Yours Sincerely

James Fielder MRICS
jf@upminsterholdings.co.uk
07715122932

Appendix 2 – Highways Consultant’s email to Somerset Council

Dear Sirs,

I have been asked by Horton Parish Council to make a representation on their behalf regarding the above – I run a small planning consultancy based in Frome and have been asked to look at the transport and traffic matters relating to the proposal.

I realise it is late in the day but in accordance with my client’s wishes I reviewed the application and found that the applicant appeared to have submitted no information of traffic volume or speed to support the access arrangements proposed and, further to this, that the arrangements assume a maximum speed of 30mph along Broadway. If this assumption is incorrect then there are significant implications for highway safety, and it is this issue that the Parish Council have been trying to alert the planning committee to.

I have commissioned a traffic survey which will take place next week – the survey take place near the proposed access point and will collect traffic speed and volume data. I should have the results the following week (say – end of April, first week of May at the latest). Once I have the results we will know whether or not the Parish Council’s concerns have any foundation, if they do then a case will be made against the application.

I would be grateful if you would advise when this application is likely to go before the committee, and also if you would confirm that Somerset Council will accept a representation in about three weeks time once we have this data – whilst this data will be with you very late in the day it would be with you before a decision is made, and clearly speed on the highway where the access is proposed is a material consideration in the design of the access.

I look forward to your response

Best Regards

Patrick Moss
Director – Moss Naylor Young

Appendix 3 – Playing Field Report

Weather has limited the use of the field over the last month, not much attendance even during school holidays. The last Parish supplied football has now gone. I think enough time has elapsed for people to realise the playwall is active, so not proposing we supply any further footballs at this time.

I had a long conversation with Gary Barber regarding the report of the playfield which has been sent to GB Sports for a quote and action on the noted items. Gary did not feel any of the items were urgent and would assess on his next trip to the area. Not yet happened so will follow up to secure a date.

Only item of note with damage is the old Hags slide and play unit. Gary feels this may cost similar to repair the softened floor and side panels as consider a new unit. I have asked for details. Meantime, my second attempt to make this unit out of bounds has been removed – the “magic tape” was not enough of a deterrent. I will, with Parish permission, use screwed on boards to prevent use.

D Newman has dealt with the perimeter of the field since the last meeting, I have not seen Michelle for some time, or any invoices. However, the grass has been cut, but now needs a further cut as of mid-April.

AS approved in end of year Parish meeting, I have prepared updated (for the 2023 year) for both contractors and will get them to sign as soon as possible.

RTB/4.23 v1

Appendix 4 – SID Locations


Horton Parish SID locations

Site 01 - Broadway Hill
New road layout ahead sign to be removed and 30 repeater sign will be raised higher to allow room for SID placement

Site 02 - Hanning Road
Install new dedicated post on highway verge


Site 03 - Pottery Road
Utilise 30 repeater post

© Crown copyright and database rights 2017 OS 100038382EUL

 **Somerset Council**
Somerset Council
County Hall
Taunton
TA1 4DY Date produced:2023-03-27
0300 123 2224 11:53:48

Scale:1:5000
Centre:332148, 114669

© Crown copyright and database rights 2023 OS AC0000861332. You are granted a non-exclusive, royalty free, revocable licence solely to view the Licensed Data for non-commercial purposes for the period during which Somerset Council makes it available. You are not permitted to copy, sub-license, distribute, sell or otherwise make available the Licensed Data to third parties in any form. Third party rights to enforce the terms of this licence shall be reserved to OS.



Appendix 5 – Gratuity Payment

Dear Ms Horner

Following consultation with SALC and NALC, we have received advice from NALC's solicitor concerning the matter of a gratuity payment.

An executive summary of the conclusions is as follows:

*'1) Horton PC with its current Councillors were surprised by the application from Ms Horner, as no one in HPC including the current Clerk had any idea or knowledge of this matter, and there are no provisions for a payment in the Councils financial records as an ongoing and outstanding future commitment. [note: **As clerk at the time of the agreement, she should have referred to a named person (herself) and made a financial provision in the accounts for this to have more chance of being legal]***

2) The current Council have taken the request very seriously and has investigated the council records, plus taken advice from professional services, including legal.

3) The Councils conclusion from the data we have, plus the legal advice obtained is:

a) The limitation period for claims in respect of your gratuity began in 2008 after the contract ended, and therefore expired six years later.

b) The wording of the 20th March resolution states "It was proposed and seconded that this Council, in recognition of the service of the Clerk to date, formally resolves that it will pay the maximum lump sum of gratuity in lieu of pension allowed by regulation, at the time when the Clerk retires. The Clerk is authorized to inform HM Revenue & Customs of this decision by forwarding a copy of the relevant Minute." No person is named in the "retirement" clause, in our, and legal opinion this relates to retirement from the position of Clerk and not an individuals eventual retirement age.

c) Horton Parish Council is also subject to regulations issued since 2006 including the Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011, which replaced the previous gratuities regime. The 2011 Regulations does not allow a council to exercise discretion to pay a gratuity.'

Based on the above advice, Horton Parish Council are aware that we cannot pay any gratuity based on the 2006 minutes as the period to do this has expired by a number of years. There is no evidence in the Councils financial records of such a commitment to be carried forward. Add to this, the legal changes included in the Government regulations prohibit the current council to exercise discretion to pay a gratuity.

However, if you can find specific documentation that shows there was an agreement between the council in 2006 and yourself to defer payment of the gratuity until a later retirement date, it should be sent to us and the council will then be able to get updated legal advice to reconsider.

Regards

Horton Parish Council