

RATTERY PARISH COUNCIL
Minutes of the Annual Parish Meeting
Held Tuesday 14th April 2009 @ Rattery Village Hall 7.30pm

Present - Cllr P Smerdon (Chairman), Cllr Mrs B Palk (Vice-Chair), Cllr S Levy, Cllr B Evans, Cllr J Hampton, Cllr M Daymond, Cllr A Coker, D Cllr C Jones, C Cllr T Pennington.

Attended by – 2 Members of the Public & Lady Jane Frere – Chairman of Bench – South Devon Magistrates.

Apologies – none received.

Chairmans welcome – Cllr P Smerdon – welcome to Lady Jane Frere – Magistrate and Chairman South Devon Bench for 21 years they cover the whole of the South Devon Area.

- 1) Lady J Frere – South Devon Magistrates - South Devon bench formed in 2000 it was a merger from Torbay, Teignbridge and South Hams, it covers a huge area - Plymouth border to Exeter border, the bench has 140 magistrates this varies by a few each year, they are unpaid, and work with professional people in the court service. Come from a variety of backgrounds, doctors, teachers, self employed are all represented on the bench. Not legally trained but trained on the law and sentencing and the background of the law, mostly sit in 3`s sometimes 2`s and sit with a trained legal advisor who advises on the law but does not influence them in the sentencing. A gender balance on the bench is always tried to be kept. Regular legal training is part of the conditions of service, to keep up to date and we are appraised every 3 years. Criminal cases covered and also families court and the youth panel in Newton Abbot which is very busy, also licensing appeals, 95% of all criminal cases start and finish in the Magistrates Court, serious offences will go on to be heard in the Crown Court, but minor offences dealt with - such as fishing offences, pollution and services fines, community orders are also dealt with and can impose up to 12 requirements - range from supervision order, curfew, unpaid work, drug and alcohol treatment and domestic violence and also a suspended prison sentence. Before making decision would ask for a report from a probation officer who would give the background on a person. Sentencing guidelines book which helps to determine the sentencing terms on the seriousness of the offence - this is countrywide and helps make it more consistent across the country. Fines set according to someones income - the idea is that a fine should be paid off within 12 months. Compensation for assault, criminal damage etc - is also set according to income. If someone appears in court for 1st time and pleads guilty a reduced sentence can be made, the idea is to encourage quicker flow through the courts. Sentencing should be used as a deterrent, protection of the public - prison is the last resort. Anyone can become a magistrate - minimum age 18 and retirement at 70 - would like to see younger people in 30`s and 40`s on the bench, required to do 26 half day sittings per year so its quite hard for people working but we are flexible and would welcome them. South Devon has plenty of people coming forward but they are mostly retired people, newly appointed magistrates must serve a minimum of 5 years.

- 2) Questions from Public and Councillors present.

Why 70 - always been 70 and for judges 75.

2 interviews and 6 sessions of about 4 hours each before you can sit, you then get sworn in and the training is ongoing as there is always something new to learn.

Do you know about any previous offences before the trial? - only after you have decided someone is guilty you then get to know previous and this would then determine the sentencing - if they had already been to prison they would then be set to the crown court for higher sentencing.

Licensing - Magistrates would have been in a better position to deal with this - why passed onto the District Council. The Magistrates Body fought tooth and nail to keep this but it seems to be a step backwards.

Which is preferable - Community Service or Suspended Sentencing - Community Service is by far the better option, it is quite strict and they work a 6 hour day. Skills can be learnt also like woodwork, clearing footpaths - mostly manual jobs like painting railings and cleaning pools.

If it was a paid job would it bring a more varied range of people - its only one day a fortnight. Ratio male and female about ½ and ½ at moment which is a good mix.

- 3) Chairmans Report – Cllr P Smerdon – Rattery Parish Council has had another successful year, one of the main changes we have seen is the formation of a small sub-committee to look after the childrens play area. This saw the appointment of Steve Levy and Mark Daymond as our representatives, the play area recently under went an inspection which flagged up some issues that need attention, which we will deal with in the coming year. We have had good attendance at monthly meetings, and the Council continues to have good relations with other organisations in the Village, particularly the Village Hall, which this year has seen the Post office move there one day per week, and I would like to thank the Village Hall Committee on behalf of the Parish for promoting it and making it so successful. We continue to support the Hall in its campaign to secure funding for Solar Panels for electricity generation. In a similar vein we have recently been approached by Sustainable South Brent who are keen to have their own Wind Turbine, the site that are looking at is very close to our Parish Boundary and we need to be kept informed. Anthony Coker has been to some of the meetings of Transition Town Totnes, so our green connections are bang up to date. Last years Housing Needs Survey highlighted a small but growing local need for Social Housing. As stated last year, we have two sites in the Village worthy of consideration, one of which is our preferred choice. We had lengthy discussions with Dartington Trust, and thought they were going to come forward with a proposal but as yet we have nothing concrete to show. We also had a chance for Parishioners to put their views across to John Halliday of DCC Highways, at a well attended meeting to discuss their concerns about the traffic speeds on the A385. This was in response to requests from people who live along that stretch of this busy road. I have attended several meetings on the Councils behalf to discuss the proposed single unitary for Devon, this has been a massive distraction throughout the year, with the goalposts constantly being moved, we hope the boundary commission will finally reach a conclusion some time this year. Later this year will also see the long awaited inquiry into the possible re-opening of Willing Lane, the Parish Council will be heavily involved in this. Finally we hope to involve the whole parish in the formation of a Parish Plan, in which ideas, concerns and thoughts are collected through community consultation into a questionnaire which goes to every household. Policies and actions which come from the questionnaire are then drawn together and put to the Parish. This will involve the formation of a Parish Plan steering group, formed from volunteers and a small number of Councillors. As usual I would like to thank the members of the Council for their hard work through the year, everyone pulls together well. Particularly I would like to thank our Clerk, Sharon for all the things she does on our behalf. Sharon does a lot behind the scenes to keep this Council (and others) running smoothly, she always has things done on times and we are very fortunate to have such an efficient clerk.
- 4) County Cllrs Report – C Cllr T Pennington – Schools in Devon - 146 out of 149 for funding. Travellers Committee which is sits on - trying to find sites which would be acceptable for them also on Schools admission forum and Schools Transport Committee.
Report of Boundary Committee – 2 Unitaries – 1 – Devon and 2 – Exeter and Exmouth. Representations can be made up to 15th May 2009 the Boundary Committee will answer them and report to the Secretary of State on the 15th July 2009. The Minister will make final recommendations in September 2009. Between July and September Public can make representation to the Secretary of State. 3 Appeal Court Judges in the case brought by East Devon DC ruled – a) The Boundary Committee did not consult the public widely enough. b) Did not give the public clear information on option of maintaining the status quo. c) Gave no proper summary of financial risks attached to the changes. The cost so far £376,000 (likely to rise further) of which £150,000 salaries £90,000 financial consultants, £88,000 legal advice. The transitional costs £74 million and the supposed savings £98 million. The costs so far have been – Salaries £148,853, Consultation £36,262, Financial Consultants £89,872, Legal Advice £88,047, Printing £9,379, Mapping £2,685, Couriers £321, Staff Training £1,130.

- 5) District Cllrs Report – D Cllr C Jones – It has been another busy year for South Hams District Council, with all the usual challenges of trying to do more with less money from central government, and to meet the ever increasing demands put upon us by new legislation and government controls. The Council continued to work ever more closely with its neighbours West Devon BC and Teignbridge DC - and with Devon County Council - to deliver services more efficiently and cost effectively, This successful programme of joint working and shared services has enabled SHDC to save six figure sums of money, and helped to give the Council the opportunity to freeze its Council Tax for this year at last year's level.
- But two very big issues - which were largely unforeseen in their consequences - have dominated the past year ... the sharp and serious economic downturn and the current review of local government in Devon. The former has made life more challenging for everyone - including the Council, which has lost income and returns on investment, at a time when there is increasing demand for services and benefits. The latter has proved to be a curious and seriously flawed process - thus far providing a totally unsatisfactory interim conclusion - that Devon (aside of Plymouth and Torbay) should be governed in future by a huge, single all-purpose unitary authority, and that all the existing district or borough councils such as South Hams should be abolished.
- The work of the Boundary Committee, which was asked by government to research options for unitary government in Devon, has been superficial and ignorant - especially of rural areas and of local democracy. Last summer, they came up with the idea (very poorly argued or justified) that Devon would be best served by this big all-Devon council, but with a second concept , which they said also 'might work', of two unitary authorities - one an 'Exeter and Exmouth' Council (which nobody had asked for) and another for the whole of the rest of Devon - which again nobody else was advocating. Despite much criticism, a distinct lack of public support for their draft proposals, and successful legal challenges to their flawed processes, particularly over their consultation methods, the Boundary Committee has recently come up with a revised draft recommendation, except it is not really revised ! It once again advocates a big Devon, but now gives equal weight to its second idea - the two unitary option including Exeter and Exmouth as a second unitary authority. The Boundary Committee once again ignores the option of maintaining the current county and district arrangements (the 'status quo') despite the government having to advise the Committee that the status quo was a relevant option to consider. All in all, a right mess - so much so that SHDC last month passed unanimously a vote of no confidence in the Boundary Committee - and pledged to fight to keep us all from the drastic consequences of a badly botched and wickedly wasteful reorganisation of local government !
- Whatever the Boundary Committee comes up with as its final recommendation - exected in July - it will be a government decision as to what actually happens. For that reason it is vital not only that individuals, groups and parish councils give their views to the Boundary Committe during its current consultation lasting to mid-May, but also that people get ready to lobby their MPs and the government directly if the Committee persists with its current recommendations. The support of this parish council and the residents of Buckfastleigh West will be important in getting a sensible outcome to this process.
- 6) Village Hall Report – Cllr B Evans - very successful year financially, one major income lost - 5 ribbons theatre group moved now to Dartington, used to pay about £2,000 per year. There is alot more potential for use, DCC used about a month ago - 80 people used and they commented very impressed with the hall and they will circulate the fact that the Hall is available for booking. Solar Panels - last week awaiting for 2 final grant applications - if they do not come a decision will have to be made on this by the end of April 2009 - whether to abandon or put up the extra money themselves.
- 7) Village Green Report – Cllr J Hampton - past 12 months - Landlord from the Pub is doing a really good job of tidying up the hedge etc - also Steve Levy keeping the Grass Club - all looking really quite tidy.
- 8) Badminton Club Report – Cllr S Levy - Monday night playing still going strong and new members always welcome.

- 9) Playing Field Report – Cllr S Levy - Looked at the field today - Goal Posts fine and need to be movable to cut the grass. Chains and Bolts on swings - one needs to be fastened. Gate and post needs to be replaced. Framework - needs to be painted – Funding from SHDC will be looked into.
- 10) Formation of a Parish/Community Plan - will be put into the Annual Parish Newsletter to see if there is any interest.
- 11) Annual Report to all Parishioners – this will be sent out in May 09.

There being no further business the meeting closed at 8.50pm to be followed by a Parish Council meeting.