



Town Clerk: Miss Joy Norris MSc ACIS

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Minutes of a meeting of the Town Council held remotely on Tuesday 10 November 2020 commencing at 19:00 hrs

Present

Chair: Councillor L Knight

Councillors: E Andrews, J Buczkowski, M Dale, R Dietrich, K Haslett, J Johns M Rowe and M Smith.

In attendance

Officers: J Norris (Town Clerk) M Weston (Deputy Town Clerk)

2 members of the press attended the meeting

3 members of the public attended the meeting

137. Mayor's Announcements

The Mayor reminded people that the next day was Armistice Day and maroons would be let off to mark the start and conclusion of the 2 minute silence.

138. Apologies for Absence

An apologies for absence was received from Councillor Lockhead.

139. Declarations of Interests

No Declarations of Interest were made were made regarding any items on the Agenda.

140. Public Participation

This agenda item allows members of the public present at the meeting to raise matters which are relevant to Cullompton.

Speaker 1

The Speaker has seen a sign in a former restaurant and also posts on social media regarding a property in the Bullring– does this mean the Town Council are getting involved?

Chair's initials

The Mayor responded that to his knowledge there was no council involvement; Cllr Smith added that he knows what is happening but as a friend not as a Councillor

Speaker 2

Had no questions but is working for Nub News for Cullompton as part of a wider Nub news network. It is exciting times for Cullompton with a lot of positive things going on.

Speaker 3

1. Letter from a person from St Georges View in the Council papers about parking; one of the comments that stands out is that they are upset an email to the Town Council has not been responded to, this is not the first time such a comment has been made.

The Mayor asked the Town Clerk to remind the meeting about this matter and it was stated that the first email regarding parking in St George's View had been dealt with as a public participation item and that had resulted in a substantive agenda item being put on the agenda for the last Town Council meeting the member of the public has been sent a letter explaining what the Town Council has done.

2. The Speaker has recently contacted the Mayor by email and messenger with 2 complaints and has not received a response

The Mayor replied that the complaints have been passed to the Policy, Finance and Personnel Committee for them to deal with.

141. Minutes

To confirm the Minutes of the meeting held on 22 October 2020 as a correct record (Supporting Paper A to the Agenda)

RESOLVED that the Minutes of the meeting held on 22 October 2020 be confirmed as a correct record

142. Action List

The Action List relating to the Town Council was reviewed and noted. (Supporting Paper B to the Agenda)

143. Recommendations from the Town Centre & Economic Development Committee

Recommendations from the Town Centre & Economic Development Committee were considered. (Supporting Paper C to the Agenda)

RESOLVED that that the weekly market and the Farmers Market each have a representative on the Town Centre and Economic Development Committee and that those representatives may participate in a meeting as a Committee member but do not have any voting rights (as the Committee has delegated authority to deal with some financial matters).

144. Recommendations from the Policy, Finance and Personnel Committee

To consider the recommendations from the Policy Finance and Personnel Committee (Supporting Paper D to the Agenda)

Chair's initials

RESOLVED to grant £300.00 to the Culm Valley Car Scheme to help towards the general running expenses of the service for local residents who would find it very difficult to get to hospitals, doctors surgeries and other health & welfare visits by any other means

The second item from the committee was about unreasonable, persistent and vexatious complaints and the Committee Chair made personal statement

RESOLVED that the Criteria for determining unreasonable, persistent or vexatious complaints and action to be taken where a complainant, either individually or as part of a group, is considered to be making complaints that are unreasonable, persistent or vexatious are as set out in Appendix 1 to these minutes.

145. Annual Town Council Meeting

Consideration was given to whether or not to hold an Annual Town Council Meeting for the civic year 2020/2021
(Supporting Paper E to the Agenda)

RESOLVED to hold the Annual Meeting of the Town Council on 26 November 2020

146. Report from the Councillor Representatives to the Town Team

Consideration was given to an oral report from the Councillor representatives to the Town Team (Councillors Smith and Johns) on recent activities and the grant they have received for improving community safety. (Supporting Paper F to the Agenda had not been received by Councillors so would be re-emailed)

Councillor Smith said that the Town Team had been awarded a grant of £5,000 from the Safer Communities fund. The original ideas included a neighbourhood watch project but that had been taken on by the police and no expenditure was required. The remaining 2 suggestions were to extend the CCTV into in to Church Street and to provide a youth shelter at the skatepark. The Town Team was working with Steve Densham of Mid Devon District Council regarding the youth shelter and the various permissions required; it was intended that the Town Team would take on responsibility for future any repairs due to damage / vandalism.

147. Monitoring Officer Report

The advice of the Monitoring Officer regarding declarations of interest and No 19 High Street was received. (Supporting Paper G to the Agenda).

Councilors were reminded that the Monitoring Officer would be providing a training session on the Code of Conduct on 19 January 2021.

148. Cullompton Fibre Broadband

Communications from Openreach regarding the provision of full fibre broadband in Cullompton were considered. (Supporting Paper H to the Agenda)

RESOLVED to support and publicise **the voucher scheme.**

Chair's initials

Administrator's Note:

After the meeting it was confirmed that by "Pledging your voucher" is in fact an agreement to subscribe to a full fibre connection if and when it becomes available for a period of at least 12 months.

149. The Town Council's Response To The Covid-19 Pandemic

An update was received of the Town Council's response to the Covid-19 pandemic.
(Supporting Paper I to the Agenda)

150. Delegation Of Decision Making During The Covid-19 Pandemic

Consideration was given to the decisions made by the Town Clerk in accordance with the Council resolution of 21 April 2020 i.e. that the Town Clerk is given delegated authority, following consultation with the Mayor and the Chair of the Policy, Finance and Personnel Committee, to take any necessary steps to deal with the emerging coronavirus situation, recognising that the health and safety of staff, councillors and the public is the priority.
(Supporting Paper J to the Agenda)

RESOLVED to ratify the Town Clerk's decision that free parking is continued at St Andrews Car Park until 2 January 2021 but kept under review taking into consideration lockdown restrictions

151. Payments for Authorisation

The accounts due for payment were examined. (Supporting Paper K to the Agenda)

RESOLVED that the invoices for payment totalling £1,058.17 gross and the Direct Debits and Standing Authorisation items of £513.69 gross (as detailed on Supporting Paper K to the Agenda) be approved

152. Members Questions

There were no Members' questions.

153. Exclusion of the Press and Public

RESOLVED to exclude the press and public for the following items or parts thereof

- Agenda No 19 **Recommendation from the No 19 High Street Development Committee** on the grounds that publicity would be prejudicial to the public interest by reason of its confidential nature (commercially sensitive information and items subject to negotiation)
- Agenda No 20 **Recommendations from the Policy, Finance and Personnel Committee** on the grounds that publicity would be prejudicial to the public interest by reason of its confidential nature (personal information)

154 (20:13hrs) **RESOLVED** to adjourn the meeting for 5 minutes

155. Recommendation from the No 19 High Street Development Committee

Recommendations from the No 19 High Street Development Committee were considered regarding the submission of a revised offer to acquire the site of No 19 High Street, Cullompton
(Supporting Paper L to the Agenda + Draft Business Plan)

RESOLVED

- To make a best and final offer of £60,000 subject to survey and contract and
- As part of the offer 15% of the future rental received by the Town Council from the head lessee will be paid to Mid Devon District Council and
- As part of the offer 50% Overage generated from a permanent onward disposal happening within 10 years of the Town Council's acquisition of the site

Chair's initials

- (iv) The purchase expenditure to be funded £35,000 from the Town Hall Earmarked Reserve and £25,000 from general reserves

156 Recommendations from the Policy, Finance and Personnel Committee

Recommendations from the Policy Finance and Personnel Committee regarding the treatment of outstanding debts were considered. (Supporting Paper M)

RESOLVED that the following debts be written off:

- Invoice No AL10112, Duncan Mayse value £35.00
- Invoice No AL10139, Duncan Mayse Value £18.00
- Invoice HH10886 Goldie Carey Value £50.00

The meeting closed at 21: 18hrs

Chair's signature and date

Criteria for determining unreasonable, persistent or vexatious complaints

A complaint may be classed as unreasonable, persistent or vexatious if the complainant meets one or more of the following criteria:-

1. Persists in pursuing a complaint where the Council's complaint process has been fully and properly implemented and exhausted.
2. Persistently changes the substance of a complaint or continually raises new issues that prolong the contact and make it more difficult to respond effectively. It is important that any completely new issue is raised as a new complaint if appropriate.
3. Is repeatedly unwilling to accept documented evidence or deny receipt of an adequate response in spite of correspondence specifically answering their questions or do not accept that facts can sometimes be difficult to verify when a long period of time has elapsed.
4. Repeatedly make complaints but does not identify the precise issues which they wish investigated.
5. Regularly focuses on trivial matters to an extent which is out of proportion to its significance and continues to focus on this point. It is important to recognise that determining what is trivial can be subjective.
6. Have threatened or used physical violence towards employees at any time, this will mean that the complainant can only contact us in writing and staff will be informed what access to staff and buildings they are permitted to.
7. Have in the course of dealing with their complaint made an excessive number of contacts with the Council, placing unreasonable demands on employees. Contacts can be in person, phone, email, fax, letter or web-form. Judgement will be used to determine excessive contact, taking into account the specific circumstances of each individual case.
8. Have harassed or been verbally abusive on more than one occasion towards employees dealing with the complaint. Employees recognise that complainants may sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. The individual circumstances of each person need to be considered and treated sensitively.
9. Makes unreasonable demands on the Council and its employees and fail to accept that these may be unreasonable, for example, insist on responses to complaints or enquiries being provided more urgently than is reasonable or within the Council's complaints procedure or normal recognised practise.
10. Makes unreasonable complaints which impose a significant burden on the human resources of the Council and where the complaint:
 - a. does not have any serious purpose or value
 - b. is designed to cause disruption or annoyance
 - c. has effect of harassing the public authority
 - d. can otherwise fairly be characterised as obsessive or manifestly unreasonable
 - e. is using the Council as a means of causing harassment to another member of the public.
11. Makes repetitive complaints and allegations which ignore the replies which Council officers have supplied in previous correspondence.

Action to be taken where a complainant, either individually or as part of a group, is considered to be making complaints that are unreasonable, persistent or vexatious.

Officers and Members will endeavour to respond appropriately according to the individual complainant's needs, and in compliance with our complaints policy, but this direction is to cover occasions where nothing further can be reasonably done to assist or rectify a real or perceived problem.

An individual assessment will need to be made in each and every case to determine if the complaint is to be categorised as unreasonable, persistent or vexatious.

To assist with this, the committee will need to consider if there has been repeated and/or obsessive pursuit of:

Where a complaint continues and the committee have identified the complaint as unreasonable, persistent or vexatious, as set out in direction 1 the Town Clerk will notify the complainant in writing of the reason why the complaint has been classed as unreasonable,

Chair's initials

persistent or vexatious and of the actions to be taken, these could include (singularly or in combination, depending on the individual circumstances);

1. Send a letter to the complainant setting out responsibilities for the parties involved if the Council is to continue processing the complaint. If terms are contravened, consideration will then be given to implementing other action as indicated below.
2. Decline contact with the complainant, either in person, by telephone, by fax, by letter, by e-mail or any combination of these, provided that one form of contact is maintained. This may also mean that only one named officer will be nominated to maintain contact (and a named deputy in their absence). The complainant will be notified of this person.
3. Notify the complainant, in writing, that the Council has responded fully to the points raised and has tried to resolve the complaint and there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant will also be notified that the correspondence is at an end, because they have been classed as an unreasonable, persistent or vexatious and the Council does not intend to engage in further correspondence relating to the complaint.
4. Inform the complainant that in extreme circumstances the Council will seek legal advice and if appropriate commence court proceeding for an injunction.
5. Temporarily suspend all contact with the complainant, in connection with the issues relating to the complaint being considered as unreasonable, persistent or vexatious, while seeking advice or guidance from its solicitor or other relevant agency, such as the Local Government Ombudsman.

Chair's initials