KINGSTON ST MARY PARISH COUNCIL
MINUTES OF THE ORDINARY PARISH COUNCIL MEETING
HELD VIRTUALLY ON 7th DECEMBER 2020

Item No	Item	Action By
1.0	**Attendance -** In attendance: Cllr P Townsend (Chairman) Cllr S Hancock Cllr D Stripp Cllr D Taylor Cllr A Wilcox Mrs K Gibbins (Parish Clerk) Cllr R Williams (SCC) Cllr D Darch (SWT) Apologies: Cllr N Townsend 2 members of the public attended the meeting	
2.0	**Councillors' Declarations of Interest –** None	
3.0	**Approval of Minutes of Ordinary Meeting held on 9th November 2020 -** **Resolved:** The minutes were approved and will be signed as a true record at a future date.	
4.0	**Planning –** **a) Applications:** **Case Ref: 20/20/0030** – Extension to existing garage to form studio/ancillary bedroom at Camplins Orchard, Kingston St Mary The Council considered the above referenced planning application and had no objection.	
5.0	**Climate Positive Planning – Interim Policy** The Chair asked Cllr Wilcox who had reviewed the document on behalf of the Council for his comments. Cllr Wilcox advised the Council this was a draft interim policy statement by SW&T on planning for the climate emergency. Recently SW&T had agreed a Climate Emergency Strategy which was to get Somerset to carbon neutral by 2030. This draft outlines the role planning will play in this strategy. On skimming through the document Cllr Wilcox had 2 reservations. Firstly, these were only recommendations so would not override current criteria for determining applications but would be advisory and were aspirations. The reason for this was present planning criteria is well established and cannot be changed without further prolonged legislation. His second reservation was, as the Council is aware from previous meetings, there are imminent proposed changes to the planning system which could be quite drastic, although not confirmed, and therefore he wonders how relevant any draft interim policy will be. To sum up Cllr Wilcox said there was nothing in the draft he would disagree with and accordingly he would recommend the Council support it. The Chair said the consultation period closed on the 4th January 2021 and asked Cllr Wilcox if the Council should respond to the consultation. Cllr Wilcox felt a positive comment from the Council would be helpful and agreed to submit the Council's support of the draft proposal.	Cllr Wilcox
6.0	**Traffic Calming Measures –** The Chair referred to the e-mail received from SCC's Traffic Officer about reducing the speed limits in the Parish and asked Cllr Taylor to speak to the Council about the proposal. Cllr Taylor advised with the support of SC Cllr Williams the Council had achieved significant steps towards reducing the speed limits in the centre of the village, on the Kingston Road and on Parsonage Lane. He felt the Council should now agree to the proposals and then proceed with submitting a bid for the climate emergency fund. He was hopeful a successful bid would meet the cost of the project.	Cllr P Townsend/ Cllr D Taylor/SC Cllr R Williams and Cllr D Stripp

	SC Cllr Williams talked in a bit more detail about the plan and said additional speed data had been collected and was being analysed and may further support the need for a 40mph limit on the Kingston Road coming into the village. He talked about the type of signage that could be used and the overall cost of the project which would be between £12,000-£14,000 depending upon the options agreed. He said the target timeframe for completing the job was February 2021. The Chair confirmed the bid application for the Climate Emergency Fund needed to be in on the 12th January and the funding awards would be made on 11th March. It was agreed the Council needed to act promptly to take advantage of this opportunity. Cllr Stripp felt it would be advisable to update the JAC for the Quantock Hills AONB about the traffic calming measures being proposed. The Council resolved to proceed with options 1, 2 & 3 and for the Chair and Cllr Taylor in conjunction with SC Cllr Williams to submit the traffic calming measures bid to the Somerset Climate Emergency Fund and for Cllr Stripp to advise the JAC of the proposal.	
7.0	**Somerset Climate Emergency Funding Bid -** Please refer to Agenda item number 6.	
8.0	**Somerset Eco Centre's SAVE Climate Initiative -** The Chair advised the Council it had been approached by Somerset Eco Centre to put a joint bid into the Climate Emergency Fund together with other PCs to get funding for the Eco Centre's Somerset Villages and Parishes initiative. The Chair and others had a meeting with an Eco Centre representative who explained what they are proposing to do which was very ambitious and informative. The Centre is looking for a commitment of 5-10K from PCs on its behalf from the fund with no future commitment from the PC. With the funding, the Centre aims to support local groups with their sustainability strategies, establish an outreach programme using a van to visit the parishes and raise awareness of climate change and provide community advise on lifestyle changes as well as work with PCs on their climate change objectives. They also want to establish a sustainable enterprise hub as a centre for making sustainable products and services more accessible. Although their vision and ambitions are impressive, the Chair was not sure of the value to the local community. He also felt the Centre's resources were likely to be stretched very thinly across Somerset. Those who attended the meeting agreed and felt the benefits to the PC were quite limited when considering the level of investment required. The Chair questioned whether the Council had the expertise on its own to develop a climate strategy. It was brought to the attention of the Council that there is already a Climate Strategy for Somerset which will last well into the future and provides ample scope for the Parish to get involved. The Council resolved not to support the Eco Centre's bid and to work toward developing its own Climate Strategy for Kingston St Mary.	
9.0	**Climate and Ecological Emergency -** The Chair introduced the Council to a local member of the community who was present at the meeting. As a post graduate student studying sustainability, he had devised a questionnaire and written a carbon report for the local community to consider. He went on to give a summary of his report and said assumptions in his report were based on emissions data provided nationally. He said annually, as a community, KSM needed to reduce its carbon emissions by 500 tonnes per year to align with the 2030 target. This was a monumental reduction. He hoped his questionnaire would help better understand local peoples' knowledge and concerns with climate change in the community as well as collect positive ideas about what was already going on locally with a view to promoting successful ideas and creating a climate group possibly as part of the Kingston Community Partnership. The Councillors discussed the questionnaire and agreed the following matters required additional consideration. How the questionnaire would be distributed, when it should go out and GDPR compliance. The Chair agreed to cover the questionnaire in his Link Up contribution for January.	

	It was resolved the PC would support the questionnaire and the document would be considered again at the Council's January meeting. The Council also agreed to continue its discussions around the Climate Emergency before declaring a position on this.	
10.0	**Permissive footpath from Lodes Lane to the Church –** The Chair welcomed the SCC Public Rights of Way (PROW) Officer to the meeting and thanked him for attending to provide guidance on this agenda item. SC Cllr Williams took the opportunity to remind the Council he had been tasked at the November meeting to clarify the designation of the footpath and had found out the route was not currently recorded as a public right of way. Having discussed the matter with the PROW Officer and realising it was not straight forward he invited the PROW Officer to the Council's meeting. The PROW Officer said the best starting point for the Council would be to decide what the path's status was. He went on to say Public Rights of Way are recorded on the Definitive Map and Statement. This path is not recorded on the definitive map so as things stand it is not a recorded public right of way, i.e., there are no known public rights over it. If the Council wants to change this situation fundamentally it has 2 options, firstly the Council could demonstrate that although the path is not on the definitive map, public rights of way do already exist they just haven't been recorded. This process is an entirely evidential one and is not about whether it would be a good or bad thing it is simply about, is there enough evidence to show these rights already exist. This is typically documentary evidence from history or user evidence of the public having used the route. The second option is to accept the path is not a PROW yet, but it would be good to designate it as one. In these circumstances there are legal mechanisms for creating new rights that do not yet exist and this can be done without the Landowners consent. The County Council (CC) has the power to make a creation order over anybody's land if a right of way is needed. However, this option comes with the right of the landowner to seek compensation. The CC is not buying the land or taking ownership of it but is reducing the landowner's ability to use the land as they wish and so they have every right to seek compensation. Because of this, the CC rarely pursues a creation order against a landowners wishes as it is expensive, timing consuming and difficult to do. This option becomes a lot easier if the landowners give their consent. If they do, there are various mechanisms/powers that allow agreements to be entered into which create the public rights. The PROW Officer also talked about a third option, a permissive right of way. He said this is not something the Council records as it can be as simple as a landowner saying to a couple of people you can pass over my land right up to a fully legal agreement which has been read and approved by solicitors. This type of arrangement does not need the approval of the CC. It can be relatively unsecure as the landowner can grant permission or remove it as they wish and as such is not a route the CC use or record. The PROW Officer advised the Council its options were as follows, to pursue rights which already existing, create new rights or agree permissive rights with the landowner. He went on to say proving the path is already a PROW is a complicated matter but if the CC receives an application it is obliged to investigate, and this can be a lengthy process. If the CC finds there is a right the landowner can then object. Currently the CC has a large backlog so it would take several years for an application made now to be reviewed. On the plus side this process is free. Cllr Stripp asked what level of documentary evidence was required should the Council chose to pursue what appeared to be rights already existing. The short answer was the evidence needs to reasonably allege the Right of Way exists and on the bounds of probabilities is it more likely than not that it is a footpath. The PROW Officer went on to say if the path were a Church Path, an old type of easement allowing parishioners to get to the Church but not a path open to the public, the CC would not record it and his suspicion was if this was disputed it would become a civil matter. The PROW officer suggested if the Parish Council wants to prove the people of the Parish have the right to use the path, they should look at the evidence and see what it shows the status of the route to be. He went on to say the CC's website was very helpful and explained the process to follow when making an application, the documentation which is necessary and background information on collecting user evidence. He said the CC had their own user evidence	Cllr D Stripp

	forms which ask all the right questions, so the CC gets the information they need to analyse the data. After discussion, the Council resolved to start gathering evidence, inform the relevant landowners the Council was researching the history of the path and then revisit the matter at the January meeting. The PROW suggested if the Council were going to pursue making an application to add a route to the definitive map it would be sensible to nominate a Councillor to lead on this and they could then liaise with him on the best way forward regarding making an application. Cllr Stripp put himself forward to coordinate the Council's effort.	
11.0	**General Data Protection Regulation (GDPR) Compliance -** The Chair advised the PC it is legally obliged to comply with the General Data and Protection Regulations and needs to develop its own policy and privacy notices and make them publicly available. Based on advice from NALC the Chair drafted the following policies for the Council to adopt: Privacy Policy Subject Access Request Policy Data Breach Policy General Privacy Notice for Residents and Members of the Public Privacy Notice for Staff, Councillors and Role Holders The Chair proposed the policies be adopted and published and by doing so the Council would be agreeing to implement GDPR as it is legally obliged to do. The Chair advised the Council also needs to undertake a data audit documenting what personal data it holds, how long the data is kept for and why it is needed. The Council also needs a data impact assessment and a consent form which the Chair agreed to work on for consideration at the January meeting. The Council resolved to adopt the 5 policies above and the Chair will ask the webmaster to upload the documents to the KSM website with immediate effect.	Chair
12.0	**Budget 2021-22 –** The Chair proposed the Council agree and adopt the 2021-22 budget. The Council resolved to agree and adopt the 2021-22 budget.	
13.0	**Precept 2021-22 –** The Chair proposed the Council agree the 2021-22 precept. The Council resolved to agree the 2021-22 precept.	
14.0	**Financial Matters -** ❖ £77.90, Jean Alger-Green, litter picking equipment for village litter pick ❖ £51.65, David Stripp – additional materials for Millennium bench repair ❖ £220.32, SW&T, emptying of dog bin twice weekly for Qtr 2, Jul to Oct 2020 ❖ £114.77, Came & Company an Arthur J Gallagher Company, pro rata additional insurance premium to cover the BMX track liability **Resolved**: The Council agreed to make the above payments.	
15.0	**Items for Next Agenda –** GDPR, Climate Questionnaire, Housing Needs Survey, Traffic Calming Measures, Lodes Lane Footpath, Kingston St Mary Settlement Boundary	
16.0	**Items for Link Up and KSM Website -** Chair to do a write up for both	Chair

17.0	**Actions from March 2020 Meeting – Not discussed but to be carried forward to a future meeting** a) **Natural environment** – The Clerk advised that a meeting had been scheduled for 23 March with SWT. b) **Council Reserves** - i. Clearing of roadside verge on Kingston Road by the Grange and the Spinney **ii.** Furniture for the Playing Field Pavilion	Whole Council
18.0	**Date of Next Meeting – 11th January 2021** The meeting closed at 21.42	
Signed:	Dated:	