



St. Agnes Parish Council

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99/16

November 2016

Minutes of St. Agnes Parish Council meeting held in the Parish Rooms, 17 Vicarage Rd, St. Agnes, at 7.30 p.m. on Monday 7th November 2016. Minuted by C. Callaway.

PRESENT: Cllr Clark (Chair) S. Herman – Clerk to the Council.
Cllr Barrow, Cllr Brown, Cllr Davies, Cllr Rodda, Cllr Aston, Cllr Bunt, Cllr Johns, Cllr Child, Cllr Doble, Cllr Ripper, Cllr Slater, Cllr Drew, Cllr Andrew.

ABSENT: Cllrs Forbes and Lovering.

436/16 WELCOME NEW COUNCILLORS AND SIGNING OF ACCEPTANCE OF OFFICE.

The Chair welcomed Cllrs Ripper and Brown to the table and informed members that their acceptance of office documentation had been duly completed.

437/16 DECLARATIONS OF INTEREST.

Cllr Brown – planning application PA16/09021(178/16).

Cllr Doble – planning application PA16/09513 (182/16).

438/16 REQUESTS FOR DISPENSATION.

None received for items on this agenda.

439/16 LAND TO THE EAST OF PENWINNICK RD.

Ms Angela Warwick from Situ8 Ltd, Planning Consultants, attended the meeting to gather the Parish Council's opinions regarding a possible planning pre-application at a site in St Agnes, between Morgans' Barns and the Taylor Wimpey housing estate. Ms Warwick explained that the site could hold up to 130 dwellings, comprising of bungalows, flats and two bedroom properties with a minimum of 50% affordable element. Members expressed great concern at the potential size of the development and Cllr Doble emphasised that an affordable price for the dwellings was of key importance. Cllr Drew noted that St Agnes village was already very close to the new housing total which had been specified. Cllr Davies also raised the need for affordable rental properties to be considered in the possible development.

Cwll Cllr Mitchell noted that the government's 5 year land plan could have an implication on a pre-planning development proposal such as this.

440/16 PUBLIC PARTICIPATION.

There were no members of the public who wished to speak at this point of the meeting.

441/16 PLANNING on appendix.

Cllr Doble left the meeting at 8.30 p.m.

442/16 APPROVAL OF THE MINUTES OF THE MEETING HELD ON 17th October 2016.

The minutes were approved and signed as a correct record.

Cllrs Bunt/Barrow.

443/16 MATTERS ARISING FROM THESE MINUTES NOT COVERED BY ITEMS ON THIS AGENDA.

None raised.

444/16 CORNWALL COUNCILLORS REPORTS.

Cwll Cllr Mitchell attended the meeting and noted apologies sent from Cwll Cllr Duffin.

Cwll Cllr Mitchell advised the following:

Signed by the Chair of the Council on the 21st November 2016.

- A 24 hour, covert speed monitoring camera had been sited at Barkla Shop for 4 days. Report to be circulated on findings.

100/16

- He had been in discussion with Planning Officer, Glenn Lowe, who had explained that the planning department would encourage Parish Councils to prepare a 'Transport Delivery Plan' for planning applications where access to the site was limited/narrow roads etc (suggest planning conditions). Mr Lowe had offered to come and discuss this further with the Parish Council.
- He had attended a meeting with Viv Bidgood (Cornwall Highways), the police, local stakeholders and Cllr Bunt to address the issue of large vehicles becoming stuck in the road, particularly beside St Agnes Bakery and informed members of some suggested solutions for the future. Cllr Johns noted 2 further lorries becoming trapped in the village only today.
- Following a number of complaints from a cottage owner at Beacon Road where vehicles had become stuck and parked cars had been causing obstructions, Viv Bidgood had now visited the site on 3 occasions and signage was planned to minimise these issues. Cwll Cllr Mitchell had liaised with Cllr Lovering, who had confirmed that appropriate signage in this area was acceptable.
- He was meeting with Bert Biscoe (Portfolio Holder for Transport) to discuss a new footpath from the Sevenmilestone garage to the Chiverton Arms.
- He had met with the Head Teacher of St Agnes School, who stated that the new 'walking bus' was a success and there was funding available for a crossing warden. Cwll Cllr Mitchell and Cllr Slater were hoping to meet with Sustrans in due course as well organising a meeting to discuss the progress on the school Travel Plan.

445/16 PARISH COUNCILLORS REPORTS.

Cllr Barrow, along with Cllr Davies, had attended the recent Porthtowan Beach Management Group meeting, with Cwll Cllr Duffin, and Jon James of Cwll Council, where sand on the road, the disabled ramp, netting and planting on the dunes was discussed.

Cllr Davies had attended various HR and PM Committee meetings and noted that the previous evening's firework display, organised by the Blue Bar, was magnificent.

Cllr Davies had received some information regarding the 'pop up sites' initiative, which would offer trade concessions on Porthtowan beach, and informed members that vehicles would be permitted on the beach but no equipment would be left there overnight. Noted still no definitive response regarding the selling of hot food. Cllr Davies further explained that Cwll Cllr Duffin and Toby Lowe had confirmed that concessions would not be supported for trade in competition with the present shops/food outlets.

Cllr Rodda expressed her thanks to the Clerk for organising the vandalism signage, which Cllrs could place in public spaces.

Cllr Aston had attended the 'poppy launch' on behalf of the Royal British Legion. The Lord Lieutenant of Cornwall was also in attendance and had praised St Agnes, following his visit to the village in July.

Cllr Aston noted the abundance of paint on the yellow lines on the road at Langarth.

Cllr Bunt had attended various HR and PM Committee meetings and also advised members that he had replaced the cardboard in the car park Honesty Boxes with durable plastic to prevent theft.

Cllr Bunt had attended the meeting with Viv Bidgood, as noted by Cwll Cllr Mitchell.

Cllr Andrew was welcomed back to the table, following her recent operation. Cllr Andrew had been telephoned by a member of the public who was interested in purchasing a property in Mithian and had enquired as to whether the area was on mains drainage. Cllr Andrew noted that most properties had septic tanks.

Cllr Child explained that his wife had attended the recent Chamber of Commerce meeting in his absence and advised that the Driftwood were looking for a possible donation from the Parish Council for Christmas lights. Cllrs Slater and Johns had carried out a structural survey of Flat 17B above the Parish Rooms. Full report to PM Committee.

Cllr Clark had been in conversation with St Agnes Library Manager, Andrew Ley, regarding the lack of available car parking spaces in Trelawney car park (i.e for library users). Cllr Clark raised the possibility of a height restriction barrier being erected in the future to prevent camper vans staying in the car park overnight.

Signed by the Chair of the Council on the 21st November 2016.



446/16 APOLOGIES FOR ABSENCE TO BE APPROVED BY THE COUNCIL.

Apologies for absence were received and approved from Cllrs Forbes and Lovering.

447/16 ACCOUNTS.

101/16

Accounts approved. Cllrs Barrow/Davies.

Kernowek			
Gardeners	Cutting of Open Spaces as per contract - x 3 cuts in August @ £630 and x 2 cuts in September @ £420	104015	£1,050.00
EDF Energy Plc	Metered supply to Churchtown PCs, June - Oct 2016	104016	£146.08
Royal Mail Group	Response Plus Service for NDP questionnaire	104017	£172.03
			NDP BUDGET
Duchy Cemetery's Ltd	Interment at Mount Hawke Cemetery (re-open)	104018	£390.00
Mrs D Wetherill	Reimbursement for refreshments purchased on behalf of NDP for 'Road Shows'	104019	£18.60
			NDP BUDGET
Creative View	A4 aluminium vandalism posters x 30	104020	£378.72
Cwll Council	Legal fees - September 2016 - advice/research on potential CUD claim and email response	104021	£177.85
	Clerk's job advert - West Briton & other publications	104022	£386.88
Duchy Cemetery's Ltd	Interment at St Agnes Cemetery (New double grave)	104023	£390.00
M Herman	Replacement cheque 103973 - lost by bank	104024	£450.00
M Herman	Cutting of Footpaths as agreed - Part 2	104025	£850.00
M Herman	Various cutting/strimming e.g allotments & Gover sites	104026	£210.00
RBL Poppy Appeal	x 4 wreathes @ £18.50 for Remembrance Day	104027	£74.00
B E White	Accounting tasks for October 2016	104028	£275.00

RECEIPTS

Car park donations	St Agnes collection - x 4 honesty boxes	£206.07	CAR PARKS
Car park fees	Reppers Coombe collections		enquire at Parish Office
R Pascoe & Sons	Inscription	£25.00	BURIALS
Co-op Funerals Simmons	Headstone	£70.00	BURIALS
Memorials	Headstone	£70.00	BURIALS
RGR Memorials	Headstone	£70.00	BURIALS
M Carveth	Burial (re-open)	£1,500.00	BURIALS
M Carveth	Ashes	£525.00	BURIALS
Car park donations	Porthtowan collection	£72.00	CAR PARKS
Car park donations	St Agnes collection - x 4 honesty boxes	£168.40	CAR PARKS
Car park donations	St Agnes collection - x 4 honesty boxes	£199.14	CAR PARKS

448/16 PROPERTY MANAGEMENT COMMITTEE.

Report from the Chairman of the Property Management Committee.

Request consideration of provision of residents' permits for Reppers Coombe.

Proposal by PM Committee that the fee of £30 (winter only) be approved by the Council.

Signed by the Chair of the Council on the 21st November 2016.

Cllr Bunt stated that he and Cllr Slater would be meeting CORMAC on Friday to discuss cleaning issues at Trevaunance Cove and Porthtowan toilets.

Cllr Bunt informed members that Cllrs Johns and Slater had inspected the Flat above the Parish Rooms and produced a comprehensive report on maintenance and safety issues. This report would be considered at the next PM Committee meeting. An urgent safety concern had been noted and passed to the Clerk for prompt action. An inspection of the Parish Rooms would be carried out in due course.

102/16

The PM Committee had decided to keep the unisex/disabled toilet at Trevaunance Cove open, seven days per week on a trial basis. A similar arrangement for the Porthtowan disabled toilet would be considered at the next PM Committee meeting, as raised by Cllr Davies.

The resolution of the PM Committee, to introduce a winter (1st Nov – Easter) resident's parking permit at Reppers Coombe at a cost of £30, was ratified by the full Council. Cllrs Bunt/Clark.

449/16 LAND TO EAST OF THE OLD SCHOOL, MT. HAWKE.

Awaiting information from Cornwall Council.

Matter ongoing. Clerk to follow up response.

450/16 ST AGNES LIC.

Purchasing new metal gates for the Garden of Rest.

Noted that the LIC were asked to produce additional quotes, before the Council would agree to the purchase. Cllrs Bunt and Ripper had photographed the gates and it was suggested that the costly quotation already submitted was not justified.

Further, the Clerk advised members that there had been a change in the Parish Council's VAT status and therefore the Council could now be liable for VAT. Clerk to write to Mr Greenslade of the St Agnes L.I.C to clarify. Remove item from the agenda.

451/16 LEASE OF BLACKWATER PLAYING FIELD.

Notification that Davies Partnership has received confirmation from the Solicitors acting on behalf of Blackwater Village Trust that they are willing to drop the requirement that the Council provides an indemnity policy, but remain adamant that the following amendment is required to the Lease :-

"That the tenant is in substantial breach of any of its major obligations in this Lease".

This wording is only relevant to the issue of whether the Council will be entitled to forfeit the Lease as a result of the tenant's breach of covenants contained in the Lease. The wording does not exonerate the tenant from liability for any breach of any of the covenants contained in the Lease.

The tenant's concern, is that without the word "substantial" it would technically be open to the Council to seek to forfeit the Lease as a result of some minor infraction of the terms of the Lease by the tenant.

The solicitor proposed that a possible alternative to "substantial" would be "material" which would perhaps set the bar somewhere between a minor infraction and a "substantial" infraction.

Resolved to accept the Solicitor's recommendation and replace the word "substantial" with "material".

Cllrs Slater/Barrow.

452/16 OSOCOZY, WHEAL KITTY.

CLLR CHILD

Consideration of the report by Cllr Child to be given to the Planning Inspector by the 10th November, when the application is being discussed. Circulated to members by Cllr Child.

The Chair thanked Cllr Child for his work in the production of this report.

Cllr Barrow noted that it was pleasing to see that statistics from the St Agnes NDP were used in the report.

Cllr Bunt requested that only those members (10 members, all in favour) who had read Cllr Child's report to vote to approve and support it. Cllrs Davies/Aston.

453/16 PLANNING POLICY REVIEW.

As previously agreed the Council to review the current planning policy in relation to the 5 day protocol.

It was agreed to continue with the existing policy with the request that all Cllrs were copied into the reply to the Planning Officer in response to their 5 day protocol email, noting in the reply whether the Parish Council 'Do' or 'Do Not' wish to take the application to the Planning Committee. Cllrs Davies/Barrow.

Signed by the Chair of the Council on the 21st November 2016.

454/16 DRAFT MINUTES.

Notification of legislation regarding publication of public meeting minutes and ensuring Council compliance. After a lengthy debate, it was agreed to place this item on the next full Council meeting agenda, with a proposal to either circulate draft minutes to the public, prior to them being signed as a correct record, or not.

Cllr Andrew left the meeting at 9.30 p.m.

103/16

Due to business still to be discussed, it was decided to extend the meeting to 10 p.m. Cllrs Slater/Bunt.

455/16 EMPLOYERS DISCRETIONS POLICY.

Under the LG Pension Scheme (LGPS) Regulations, each Scheme employer (St Agnes PC) must create, publish and keep under review a discretions policy outlining certain pension discretions they can exercise in relation to their employees.

Recommendation by the HR Committee that the Council adopts the Employers Discretions Policy circulated to members 1st November 2016.

Cllr Clark explained that information was still being gathered with regard to this policy. Held in abeyance.

456/16 PUBLIC NOTIFICATION OF THE OUTCOME OF A COMPLAINT BY CLLR CHILD AGAINST THE CLERK, MRS HERMAN.

The Chair read a statement regarding the complaint by Cllr Child against the Clerk. The complaint and its 67 pages of evidence were considered at a HR Committee meeting. After examination of the facts, the HR Committee considered that although errors might have occurred, in its view they were not of a substantial nature to warrant any disciplinary action, or any further investigation of the complaint. The Committee therefore rejected Cllr Child's complaint.

The HR Committee findings were ratified by the Full Council at the meeting on 17th October 435/16.

457/16 REVIEW OF CONTRACT S.

Notification that the current contracts have completed the initial 3 year period and the Council can now approve 1 + 1 year extensions.

Review of Open Spaces, Public Rights of Way and Sexton contracts.

Agreed to discuss this item in 'closed session'. Cllrs Slater/Rodda.

458/16 WREATHS.

Notification of details for Remembrance Sunday and the laying of wreaths.

Cllr Doble – Blackwater.

Cllr Andrew – Mithian.

Cllr Rodda – Mount Hawke.

Cllr Clark – St Agnes.

459/16 APPEAL.

Report on appeals held on 3rd November.

Agreed to discuss this item in 'closed session'. Cllrs Clark/Bunt.

460/16 NDP UPDATE.

No further update at the present time.

Next NDP meeting scheduled for Wednesday 9th November in Mount Hawke.

461/16 CALENDAR 2017

Proposed calendar of meeting dates for 2017. Please note that the proposed Precept meeting for 14th November 2016 has been moved to 16th January 2017 due to insufficient information received to date from Cornwall Council. Read and noted

462/16 BOLSTER ITEMS.

Signed by the Chair of the Council on the 21st November 2016.



Updated list of Parish Councillors.

463/16 EXCLUSION OF PRESS AND PUBLIC.

In accordance with Paragraph 1 (2) of The Public Bodies (Admission to Meetings) Act 1960, the Parish Council has the power to RESOLVE that the press and public be excluded from the meeting during consideration of the following item owing to the confidential nature of the business to be transacted and the public interest would not be served in disclosing that information.

Reason – Discussion involving staff and contractors.

Resolved. Cllrs Slater/Rodda.

104/16

464/16 REVIEW OF CONTRACT S.

Notification that the current contracts have completed the initial 3 year period and the Council can now approve 1 + 1 year extensions.

Review of Open Spaces, Public Rights of Way and Sexton contracts.

Open Spaces:

Resolved to approve extension of Mr Dalby's contract for 12 months. Cllrs Rodda/Aston.

PROW:

Resolved to approve extension of Mr Herman's contract for 12 months. Cllrs Slater/Bunt.

Sexton:

The Chair explained that a report had been compiled by Mrs Tippett detailing a number of concerns regarding the work of the current Sexton during his contracted term. Agreed to circulate the report and approve a course of action at the next full Council meeting.

465/16 POST OF CLERK/RFO.

Progress report from the HR Committee Chairman.

The Chair informed members that 3 interviews were taking place tomorrow (8th November) for the role of Clerk/RFO, with the current Clerk in attendance at the interviews.

The Chair stated that Sarah Mason of CALC had recommended that the full Council give the HR Committee the delegated power to appoint a candidate following the interview process, due to the time sensitive nature of the appointment. Resolved Cllrs Aston/Rodda. 10 in favour, 1 against and 1 abstention.

The Chair also requested that up to one further hour's work by Nalders Solicitors be approved regarding the current Clerk's resignation. Resolved Cllrs Bunt/Rodda.

The Chair advised that Ms Loretta Pascoe had been appointed to the role of Cleaner of the Parish Rooms.

Next HR Committee meeting on Friday 11th November at 9.30 a.m.

The Clerk left the meeting at 9.45 p.m.

466/16 APPEAL.

Report on appeals held on 3rd November.

Copies of the confidential Independent Appeal Panel Hearing reports were handed out to members to read and collected at the end of the meeting to ensure confidentiality.

Cllr Barrow left the meeting at 9.50 p.m, noting that such important documents should have been circulated far earlier and that she was not prepared to stay at the meeting so late.

The Chair read aloud the 'Required Actions' contained in both Mrs Herman's and Mrs Tippett's appeal reports, as well as the 'Other Recommendations' contained in both reports.

Mrs Herman's Appeal Hearing Report:

Signed by the Chair of the Council on the 21st November 2016.

It was proposed by Cllr Slater, seconded by Cllr Rodda. Resolved to receive the minutes of the HR Committee meeting, held on Friday 4th November 2016, and adopt the recommendations therein.
10 in favour, with one abstention.

Mrs Tippett's Appeal Hearing Report:

It was proposed by Cllr Brown, seconded by Cllr Bunt. Resolved to receive the minutes of the HR Committee meeting, held on Friday 4th November 2016, and adopt the recommendations therein.
10 in favour, with one abstention.

There being no further business the meeting closed at 9.59 p.m.

Signed by the Chair of the Council on the 21st November 2016.

A handwritten signature in pink ink, appearing to be 'RCS', is located at the bottom right of the page.