



# St. Agnes Parish Council

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April 2016

32/16

Minutes of St. Agnes Parish Council meeting held in the Parish Rooms, 17 Vicarage Rd, St. Agnes, at 7.30 p.m. on Monday 18<sup>th</sup> April 2016. Minuted by C. Callaway.

**PRESENT:** Mrs Clark (Chair) S. Herman – Clerk to the Council  
Mrs Davies, Mrs Rodda, Mr Aston, Mr Bunt, Mr Drew, Mrs Andrew, Mr Child, Mr Brench, Mrs Doble, Mr Lovering, Mr Slater.  
**ABSENT:** Mrs Barrow (Vice – Chair), Mr Forbes, Mr Kent, Mr Johns.

### 157/16 DECLARATIONS OF INTEREST.

Cllr Brench – planning application PA16/02893.  
Cllrs Doble and Clark – planning application PA16/02860.  
Cllr Bunt – planning applications PA16/02222 and PA16/02792.

### 158/16 REQUESTS FOR DISPENSATION.

None received for items on this agenda.

### 159/16 PUBLIC PARTICIPATION.

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

### 160/16 APPROVAL OF THE MINUTES OF THE MEETING HELD ON 4<sup>th</sup> APRIL 2016.

Cllr Child wished to make the following amendment to minute number 153/16:  
...Cllr Child stated that if these other six Councils had acted in the same manner, with email voting, then they also had acted unlawfully. Cllr Child further reported that this Council had acted unlawfully to rescind a decision, taken in public, without a further meeting called for by nine Councillors, in writing, with a special reason why the decision should be changed.  
Amendment approved. Cllrs Child/Lovering.

Cllr Brench wished to make the following amendment to Parish Cllr's Reports, minute number 142/16:  
...Cllr Brench wished it noted that he had had to explain to Parishioners that Cwll Council had not accepted the decision of this Council and the subsequent email vote was unlawful. The Chair had replied that all the information was in the public domain, being in the minutes and on the Parish website. Cllr Brench considered this not to be true and it had misled Cllrs and the public. He requested that the decision was noted in these minutes.  
Amendment approved. Cllrs Brench/Andrew.  
Subject to these two amendments, the minutes were approved and signed as a correct record.  
Cllrs Aston/Slater.

### 161/16 MATTERS ARISING FROM THESE MINUTES NOT COVERED BY ITEMS ON THIS AGENDA.

As per Cllr Brench's request (above), the decision submitted to Cornwall Council regarding the planning application for St Agnes Academy was recorded as follows:

<u>Support the officer</u>	<u>Agree to disagree</u>	<u>Disagree/Committee</u>	<u>Abstention</u>
Cllr Davies	Cllr Aston	Cllr Child	Cllr Kent (no comment/ did not vote)
Cllr Barrow	Cllr Drew	Cllr Doble	
Cllr Bunt		Cllr Rodda	
Cllr Slater		Cllr Andrew	
Cllr Forbes		Cllr Lovering	
Cllr Johns		Cllr Brench	
Cllr Clark			

Signed by the Chair of the Council on the 9<sup>th</sup> May 2016.

The Chair read two letters aloud to members. The first was from local resident, Mr Wetherill, who wished to request an amendment to the minutes of the Public Meeting, held in February, in relation to a planning pre-application at Alma Close. The Chair explained that as these minutes could not be amended, the letter had been put on the Parish Council website.

The second letter was from local resident, Mr Noonan, who wished to inform current members that the Parish Council had noted 5 years ago that St Agnes School was over-subscribed.

### **162/16 CORNWALL COUNCILLORS REPORTS.**

Cornwall Councillor Pete Mitchell notified members of a closed road at Blowinghouse. Cornwall Highways had closed the road due to excess surface water on it from the ford.

Cwll Cllr Mitchell confirmed that Teagle Straight would be tarmacked in due course and 'patch-up' works had been undertaken in the meantime.

Cwll Cllr Mitchell had requested Viv Bidgood, of Cormac Solutions, liaise directly with Cllr Brench regarding the rubbish along one side of Rocky Lane.

Cwll Cllr Mitchell was pleased to report that 92% of children in Cornwall had received their first choice of school place and 97% had received choices 1, 2 or 3.

In Cornwall Councillor Joyce Duffin's absence, the Chair read a report from her to members, detailing:

- South West Water treatment works for Porthtowan/Mount Hawke, where rusted pipes were being replaced.
- Regarding bathing water quality and other related issues, The Beachwise infographic was the first communication produced collectively from SWW, Cwll Council and the Environment Agency, and would be launched at Porthtowan.
- Regarding walking routes to school, Cwll Cllr Duffin had attended the Young People PAC meeting and noted that the new review should mean more routes would be deemed unsuitable for walking and safety was of paramount importance.

### **163/16 PARISH COUNCILLORS REPORTS.**

Cllr Davies noted that she, and Cllr Barrow, had attended the Porthtowan Beach Management meeting. Cllr Davies informed members that there continued to be problems with sand blowing up onto the road/pavements now that the sand dunes had gone. Various ideas were being considered to prevent this happening. Cllr Davies noted that they were still waiting for the completion of the Environmental Study regarding sand dune recovery.

Cllrs Davies, Barrow and Bunt had cleaned the bus shelter and telephone box in Porthtowan. She also noted that there had been 2 temporary repairs to the broken bridge and Section 106 funding was now available to build a new bridge.

Cllr Davies also reported the problem of cars obstructing the bus turning area in Porthtowan.

Cllr Aston echoed the problem of cars parking in allocated bus areas in Mount Hawke and further noted that the buses were unable to stop beside the raised part of the kerb. Cwll Cllr Duffin to be notified.

Cllrs Rodda and Aston had joined the recent 'litter pick' in Mount Hawke, along with Cwll Cllr Duffin. Cllr Rodda informed members that 15 bags of rubbish were collected but was disappointed to note that numerous bags of dog poo had been thrown into the hedge. Cllr Rodda stated that despite being invited, the Dog Warden did not attend the event.

Cllrs Bunt and Drew had been approached by Parishioners regarding the regular obstructive parking on double yellow lines and directly on the junction at the top of British Road, outside the former Barclays Bank building. The Clerk and Cwll Cllr Mitchell to liaise with Cwll Council and the police and request this situation is monitored.

Cllr Bunt reported repeated dog fouling along Trevaunance Road.

Cllr Bunt also noted that there had been 5,195 visits to St Agnes Library during the first 3 months of this year.

Signed by the Chair of the Council on the 9<sup>th</sup> May 2016.



Cllr Child asked why it had taken 14 days for the Council to determine that email voting was unlawful and decisions could not be changed, when Cllr Andrew had legal judgement on this in 35 minutes. Further, Cllr Child asked who had agreed to inform Cwll Council that the Parish Council supported the Planning Officer,

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when 7 Cllrs supported this viewpoint (Option 1) and, in his opinion, 8 Cllrs disagreed with the Planning Officer (Options 2 & 3).

Cllr Brench noted that the Clerk was looking into an issue with rubbish at Rocky Lane.

Cllrs Slater and Forbes had attended the meeting of the North Coast Cluster Group. Cllr Slater informed the Council that Newquay Town Council had taken over their public toilets a year ago, charging 20p to users, and only 10% of their running costs had been covered.

Cllr Clark had attended the Community Network meeting.

Cllr Clark had joined the Mount Hawke 'litter pick' event, noting again, the excess of dog poo bags and alcohol bottles/ cans.

Cllr Clark also reminded members of the Annual Public Meeting to be held in Mount Hawke next Monday evening.

### **164/16 APOLOGIES FOR ABSENCE TO BE APPROVED BY THE COUNCIL.**

Apologies for absence were received and approved from Cllrs Barrow, Forbes, Kent and Johns.

Noted also received from Cwll Cllr Duffin.

### **165/16 ACCOUNTS.**

Accounts approved unanimously.

Cllrs Slater/Rodda.

Institute of

Cemetery	Attendance ICCM Compliance course on 20/4/16 in	103843	£156.00
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& Crem Mangmt	Saltash - C Callaway		
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ICCM	Corporate membership subscription 2016/17	103844	£90.00
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B White	Accounting tasks - March 2016	103845	£250.00
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J Barnes	Callout to hardwire projector in meeting room/ update virus checker/'clean up' PC	103846	£140.00
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S Herman	April 2016 salary	103847	
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A Tippet	April 2016 salary	103848	
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C Callaway	April 2016 salary	103849	
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HMRC	April 2016 payment	103850	
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Cwll Council -	April 2016 payment	103851	
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Pension Contribs.

EDF Energy	Unmetered supply to Churchtown P.C's Jan - Mch 16	103852	£79.81
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EDF Energy	Unmetered supply to Street Lighting Jan- March 16	103853	£282.18
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CALC	Annual membership subscription 2016/17	103854	£1,656.35
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Cwll Council	Half yearly rent for Beaconsfield Play Area	103855	£15.00
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Mark Ely	Repair/rebuild of damaged wall in Trelawney car pk	103856	£240.00
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Cory

Environmental	Emptying of dog bins - March 2016	103857	£83.40
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Duchy Cemeterys			
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Ltd	Interment of ashes at St Agnes Cemetery x 2 @ £65	103858	£130.00
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	Metered supply to Churchtown P.C's Dec 15 - April		
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EDF Energy	16	103859	£111.01
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Grant payment	St Agnes Junior Netball Club - approved 30/11/15	103860	£2,500.00
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Grant payment	Mt Hawke & Porthtowan Cricket Club -ap'd 30/11/15	103861	£1,200.00
Grant payment	Mt Hawke Millennium Green Trust - app'd 30/11/15	103862	£320.00
<b><u>RECEIPTS</u></b>			
Allotments	2nd instalment from allotment holders who chose to pay in two instalments - x 9 payments	£200.00	ALLOTMENTS
Car park donations	Porthtowan collection	£71.00	CAR PARKS
Car park donations	St Agnes collection x 4 honesty boxes	£434.55	CAR PARKS
Member of public	Burial search fee	£20.00	BURIALS
D Lovering	Burial	£500.00	BURIALS
M Carveth	Interment of ashes	£350.00	BURIALS
J Nicholls	Interment of ashes	£350.00	BURIALS
Member of public	Interment of ashes	£225.00	BURIALS
Co-op Funeral			
Servs	Inscription	£25.00	BURIALS
D Tresise & Sons	Plaque & vase, vase and plaque (x 3 memorials)	£140.00	BURIALS

**166/16 PLANNING on appendix.**

**167/16 SIGN – GOONOWN LANE.**

**CLLR LOVERING**

Cllr Slater stated that he had contacted the Tennis Club, who would be interested in assisting with the placement of a sign.

Cllrs Lovering, Slater and Child to collaborate on signage design and position, with a 6.6 width sign having been suggested. Once a mock-up of how the the sign would look, had been produced by Cllr Child, Cllr Slater would approach various home owners. Once design and location agreed, the Clerk to write formally to the property owners requesting their permission for signage to be erected on their land. Costings to be explored once all information had been gathered. Cllrs Slater/Lovering.

Cllr Davies stated that there must be numerous lanes around the Parish with similar problems to Goonown Lane and noted that if the Parish Council paid for width signs there, then this could set a precedent for other areas. Cllr Slater agreed with Cllr Davies that this could set a precedent.

**168/16 LIBRARY/TOILET SERVICES.**

**CLLRS BUNT/FORBES**

Notice of Extra Ordinary Meeting called for Wednesday 20<sup>th</sup> April at 7.00pm to discuss and make formal decision on recommendations put forward by the Working Party.

Read and noted. Cllrs Andrew, Aston, Clark and Barrow gave their apologies for absence at this meeting.

**169/16 DRIVE WAY ENTRANCE TO THE MUSEUM.**

**ADMIN/CLLR LOVERING.**

Awaiting costings form Cllr Lovering.

Held in abeyance.

**170/16 CHURCHTOWN TOILETS – CLEANING 2016/17.**

**ADMIN**

CORMAC 3 month contract concludes within 2 months and an alternative needs to be in place.

The Clerk noted that the vacancy for a toilet cleaner had been advertised but no interest had been received at the present time. Cllr Doble suggested increasing the advertising i.e. Bolster.

**171/16 SECTION 106 MONIES – BLACKWATER – DEVELOPMENT - LAND EAST OF GROVE FARM.**

Response from Mr Wallace (Open Spaces Officer) There are 3 strict tests on the inclusions in a Section 106 agreement:-

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- i. it must be necessary to make a development acceptable in planning terms – existing planning policy requires open space needs to be met. It does not include play co-ordinators, indoor facilities or equipment for use indoors, so these would not be eligible.
  - ii. directly related to the development – the allocation of the funds therefore must be spent in the vicinity of the development, where it would be reasonable to expect the new residents to make use of them. The latest accessibility standards establish what the maximum distances should be, and therefore funds should not be allocated to projects elsewhere. There are no maximum distances for outdoor sports space and allotments, as it is not unusual for people in rural areas to travel reasonable distances, for these. But the S106 allocation protocol requires local CC members and Parish Councils to be consulted on potential projects anyway, so this ensures that S106 contributions are spent in the local
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- iii. area. Sports money from Blackwater could be used at St Agnes or Mt Hawke, but under new CIL rules we have to specify this now. Hence my consultation.
  - iv. fairly & reasonably related in scale and kind to the development – the new local provision standards establishes the evidence to meet this requirement.

Cllr Doble informed the Council that she was in the process of forming a Working Party and had approached local Blackwater residents to join.

Cllr Doble requested confirmation that the Open Spaces Officer had accepted the Parish Council's recommendations. Clerk to action.

Remove item from agenda. Cllr Doble to raise under Parish Cllr's reports at future meetings.

#### **172/16 PLANNING POLICY – AMENDMENT.**

**CHAIRMAN/CLLR CHILD**

Consideration of Council Planning Policy in regard to “difference of opinion between the Planning Case Officer and St Agnes Parish Council”. In the response to the Agree/ Agree to Disagree/ Disagree email sent out on certain applications should provide a reason for their decision and copy in all members, so that each Councillor is aware of how others have decided.

The amended decision (if any) to be noted and recorded at the next available meeting.

Cllr Slater noted that this matter was raised at the recent North Coast Cluster Group meeting, where some suggestions were made.

The Clerk noted that correspondence from Mr Mansell (Corporate and Information Governance Manager) and Mrs Skeplorn (Corporate Governance Officer) stated that the Council members can, if they wish, respond by emails setting out that, had they been aware of the additional data at the time, then they may have voted differently, and these views can be forwarded to a Planning Officer but that the original decision of the Council still stands.

The matter of the Council's “unlawful voting by email” was referred to again.

The Clerk noted that the original decision of this Council, in relation to the St Agnes School application, had not been amended as could be seen on the Cornwall Council website and therefore, no email voting to change the decision had been made. However, confusion may have arisen as the Council had discussed this matter earlier in the year (January, prior to a formal application being submitted) and had responded with “members supported the expansion of the school in principle”. Both these responses showed on the CC Website.

*Comment Date: Fri 15 Apr 2016*

**15th March 2016**

*The Parish Council could not approve this planning application at the current time because the Parish Council have not had sufficient time for public consultation. The Council requests a year's delay to give the opportunity to work up alternatives. Infrastructure is already over stretched.*

*The Traffic Plan had not addressed the overwhelming concerns of the local residents and no guarantees had been given that the proposed solutions would be implemented.*

*Comment Date: Fri 15 Apr 2016*

**19th January 2016**

*Members supported the expansion of the school in principle, but expressed concern regarding the travel plan and wished to defer comment until alternative suggestions had been reviewed. stated that the Council*

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Following a lengthy debate, it was decided to form a Working Party to investigate and gather information regarding possible amendments to this Council's current planning policy, for when, Cornwall Council advise of the 5 day planning protocol.

Working Party members:

Cllrs Lovering, Child, Slater and Clark.

Cllrs Clark/Slater.

It was further resolved to suspend this Council's current planning policy, until such time as the Working Party came back to full Council with a recommendation.

The Chair advised that the planning officer for the 'Chandos', Porthtowan application (which the Parish Council objected to at the last meeting) had been in contact, requesting a 5 day response. As the Parish Council had agreed to suspend the current planning policy, it was decided to respond to this, and any future requests (while

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the Working Party were in deliberations), with the notification that this Council's original consultee decision remained unchanged. Cllrs Aston/Lovering.

Thanks were extended to Cllr Child for his hard work so far and also to Cllr Andrew for assisting.

It was agreed to extend the meeting to 9.45 p.m due to further business to be discussed. Cllrs Slater/Bunt.

**173/16 PUBLIC CONSULTATIVE MEETING.**

**CLLR SLATER**

To discuss the timing and venue of the next public consultative meeting.

It was decided that the next public open forum/consultative meeting would be held in St Agnes. Cllrs Lovering and Slater to arrange and report back to full Council.

**174/16 BOLSTER ITEMS.**

Toilet cleaner vacancy – prominent notice.

Mount Hawke 'Litter Pick' – noting poo bags and alcohol bottles.

NDP attendance at the public meeting.

**175/16 EXCLUSION OF PRESS AND PUBLIC.**

In accordance with Paragraph 1 (2) of The Public Bodies (Admission to Meetings) Act 1960, the Parish Council are invited 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 regarding staff.

Resolved. Cllrs Slater/Rodda.

**176/16 ATTENDANCE OF TRAINING.**

Following Mrs Tippett's request to attend the Burial training course in Saltash, some members wished to consider this request for her to attend along with Mrs Callaway. Cllr Doble stated that the Staffing Committee had already made their recommendation to full Council, full Council had voted on it, and the six month rule meant that this should not be re-visited at this time.

Due to time constraints this item of business did not find a final resolution.

Meeting closed at 9.45 p.m.

Signed by the Chair of the Council on the 9<sup>th</sup> May 2016.

