

DRAFT MINUTES

At a future meeting the council will consider the accuracy of these minutes, so they may be subject to change. Please check the minutes to that meeting to confirm whether or not they have been amended

MINUTES OF A MEETING OF FOWEY TOWN COUNCIL HELD ON WEDNESDAY 18th SEPTEMBER 2019 AT 7.00pm IN FOWEY TOWN HALL

19/71 Present The Mayor Cllr Mrs R Finlay,
The Deputy Mayor Cllr J Berryman
Councillors Mrs F Day, R Cooke, P Hughes, S Griffin, Mrs L Simms,

In Attendance The Town Clerk, Sally Vincent
Cornwall Cllr A Virr
10 members of the public

19/72 Apologies Cllr P Fassam, Cllr Mrs C Woodside

19/73 Declaration of Interests

- α. Pecuniary – None.
- β. Non Registerable – None.
- χ. Dispensations – The Town Clerk had extended a dispensation to Cllr Finlay to participate in any discussion pertaining to the Fowey allotments. The Town Clerk had extended a dispensation to Cllr Fassam to participate in any discussion pertaining to the Fowey allotments.

19/74 Public Participation & Questions

Members of the public noted that they were aware that there were a lot of representations being made in respect on an application for a modification to the Definitive Map to include a footpath between harbor Hotel Drive and the Esplanade The Town Clerk confirmed that FTC had been consulted and invited to submit evidence for or against the accrual of public rights and would include any evidence sent to her from the public if it was sent to her before 21st September.

A member of the public queried if FTC would be undertaking a parking review as she had concerns about parking, particularly on Polvillion Road as it was causing an obstruction. The Mayor confirmed that a signage review had been undertaken and the findings were due to be implemented. In respect of parking, the NDP included a policy that any new builds or redevelopment of sites must have on-site parking.

A member of the public raised concerns that people were sleeping in mobile homes in various locations in the town and noted that the sign prohibiting this at Main Car Park appeared to have been removed. Cllr Virr noted these concerns and undertook to keep the issue under review.

19/75 Minutes of the Extraordinary Meeting held on 14th August 2019

It was proposed by Cllr Berryman, seconded Cllr Griffin and RESOLVED that the minutes be confirmed and signed by the Chairman.

19/76 Matters Arising not on the Agenda (for report only)

None

19/77 To receive and note the minutes, if any, of FTC Committees

Planning – noted.

Town Hall – noted

Environment – no report

Finance – no report.

19/78 To receive Reports from Representatives on other bodies

No reports

19/79 To receive the Mayors Report

The Mayor gave the following report

- We have had a request for Defibrillator request SFCC - support in anyway either with guidance or donation Defibrillator request SFCC?
- We have received a Pre-submission request from Lanteglos by Fowey, from Lanteglos NDP steering group and I will reply by the date of 19th October.
- We have received a 25th Anniversary of HMS Montrose 1994-2019 Commemorative book.

9th September Extraordinary meeting of the Community Network to discuss the Highways scheme, as discussed by FTC in August to; 1) Vote on the purchase of a Mobile Speed Activation Signs (MSAS) which was dismissed by the panel and 2) To discuss dividing the allocated £50,000 equally between the five wards which was agreed by the panel.

FTC will need to submit application for this year's funding if we wish to be part of the funding for 2019-20 Highways Scheme. Improvements to New Road Hill (part of our last year's application) is 'very much still on the list,' we are told by Highways. At the moment there is a bit of a 'stalemate' with Highways wanting to do more to encourage pedestrians along the safer pathways that are already in situ and Fowey Town Council wanting to protect pedestrians insisting on using this route! Rachael Tatlow from Highways has discussed with the engineering design group and has provided costs for a feasibility study (£2 to £4k) which should result in drawings which could easily progress to consultation if the scheme were to go forward. This will be a CN Panel's decision and is on the agenda for 14th October.

10th September NHS Workshop; a rather frustrating meeting – this is part of a consultation exercise about the future of Fowey Hospital attended Cllr Peter Fassam and myself. A set of evaluation criteria has been created by a group of largely medical groups to evaluate the possible options on the future of Fowey Hospital including a nursing home. There were specialist presentations on the supply and demands on care homes in the locality and Embrace care which is looking at how medical staff care and support, the care for elderly people.

17th September I represented FTC at a reception of delegates who came from all over Europe looking at Cyber security. This was a fascinating meeting about a three year project involving academics and businesses working together to look at providing cyber security for municipal councils; with one year left of funding the project group hope they will have a system which can be bought with a proven track record. Chris Wills from Fowey is part of this high level project and hopes to be able to set up local businesses in Fowey and rest of Cornwall in similar cyber security schemes with links to Plymouth University.

23th September I will be attending a SFCC Directors meeting about the Library, together with CC Library and information Services. We agreed as a Council to a resolution in August to support the SFCC; 'that FTC should support the hosting of the micro library by SFCC in the short term if they were prepared to accept responsibility but with a view to working with them to identify an alternative solution in the future.'

26th September Littering Training in St Austell.

29th September Revd. Philip de Grey-Warter's last service – I have been asked to attend and speak.

19/80 To receive the Town Clerks report

The Town Clerk reported

- There had again been some vandalism at the TQ toilets but repairs had again been carried out.
- The new bench had been sited on the Town Quay in memory of a former Town Clerk and members of his family.
- Russell Maclaren had yellow hatched the entrances to the free parking area at Squires Field and this seemed to have successfully solved the problem of people parking and blocking them.
- Kier would be carrying out extensive cleaning works to the SW Water installations on the Town Quay. This would take approximately one week in November and hopefully alleviate the 'Fowey Pong.'
- S W Water had finally paid the overdue rental for the pump room under the Town Hall. She would update members on the transfer of the surface area of the outer quay later in the meeting.
- The Town Criers regalia was currently being made by Michaels of Bristol. The waistcoat would need to be ordered online as the council had opted for the cheaper option. Members asked the Town Clerk to obtain this.
- The 2018/2019 accounts had been signed off by the auditors and she had published the relevant notices. The External Auditor had found that the smaller authority had not addressed the 'except for' matter raised by the external auditor when qualifying the previous annual return. Box 8 for the previous year should have read £263,271.00. No other matters were drawn to the attention of the authority. However, the Town Clerk reminded members – and particularly Committees – of the importance of including proposals for expenditure on agendas and authorizing it by resolution in the minutes as this evidence could be called on as part of the audit process.

19/81 To receive the Cornwall Councillors report

Cllr Virr reported

Fowey Hospital. I am continuing to work with Fowey Town Council, NHS Kernow and Cornwall Partnership Foundation Trust (CPFT) to look to long term solution to the closed Fowey Hospital. One of the main challenges is to find a site that has space for sufficient number of beds to ensure a financially sustainable future. We are currently exploring alternative sites, including the site of the old Fowey Library, which may offer a larger plot for development.

Fowey Library. I have met with the Directors of the Community Centre to discuss the use of the Community Centre as a location for a micro-library in Fowey. I think this has the potential to be an excellent location and I will support the Community Centre if the Micro Library is given the go ahead.

Rubbish collection Webb Street. I have met with FTC Councillors and local traders to work to solutions to the problem of commercial waste in Webb Street car park.

Place Road. I was pleased to finally see the re-opening of Place Road just before Fowey Regatta. The quality of the workmanship looks excellent and I have written to Cormac to thank them for their efforts.

Regatta. Please can I pass on my public thanks to the Fowey Regatta Committee for another excellent Regatta. It was a fantastic week and brought out the best of Fowey.

Main Car Park. I have met with Cornwall Council officers to raise concerns about the difficulty of coaches accessing the car park. Officers agreed to move the barriers back one metre. I am pleased to report that this work has been carried out. I also met with the Council Officer responsible for the loos. I raised concerns regarding the cleanliness of the men's toilets. Since this meeting the air quality sensor has been replaced and the hand washer has been repaired. I have also been assured that the decoration will be updated in the autumn.

Electric cable Daglands Road. I have contacted the company who have installed the electric cable over the footpath on Daglands Road outside the Old School Studio. I have been informed that they plan to put these cables underground.

Planning App Polvillion Road. With regard to the planning application PA19/00915, I have objected to the plans and lodged my objections with the planning department.

19/82 Accounts for Approval

It was proposed by Cllr Cooke, seconded Cllr Griffin and RESOLVED that accounts to the value of £12,703.58 be approved.

19/83 Correspondence

Emails had been circulated and correspondence was left 'on the table' for Cllrs attention.

19/84 Resolutions from Councillors

Cllr Berryman tabled his resolution -.The FTC Financial Regulations be revised following the publication of a new NALC Model Document (details circulated prior to the meeting). This was seconded by Cllr Simms and RESOLVED

The Mayor tabled her resolution -. A Working Group be formed to investigate the future viability of the upper section of the Squires Field Playground and report back to full Council, including liaising with users/schools and investigating fundraising opportunities in respect of replacement or alternate facilities on the site. This was seconded by Cllr Cooke and RESOLVED. It was further proposed by the Mayor, seconded Cllr Cooke and RESOLVED that Cllrs Cooke, Finlay, Griffin and Simms would serve on the Working Group and other stakeholders would be co-opted as appropriate

19/85 Alleged Right of Way from Harbour Hotel to Esplanade

A member of the public had made an application for an Order under Section 53 of the Wildlife and Countryside Act 1981 to modify the Definitive Map and Statement of Public Rights of Way by the addition of an alleged Right of Way from Fowey Harbour Hotel to Esplanade. FTC had been consulted and asked to supply any evidence the council may have either for or against the accrual of public rights. Members were unaware of the existence of any evidence apart from the correspondence the Town Clerk had received over the past few days from members of the public claiming to have used the route and a letter to the Mayor written in 2016. As discussed in public questions it was proposed by Cllr Griffin, seconded Cllr Day and RESOLVED that the Town Clerk would submit these with her response to the consultation.

19/86 Town Quay

The Town Clerk reported that, together with the Mayor, she had attended a useful meeting with SW Water to discuss the proposed lease of the outer part of the quay. Ownership/control of the area was complicated with SW Water owning only part of the freehold but there was a great deal of goodwill on SW Water's part to finalise the lease. The delays appeared to have occurred because of frequent staff changes at SW Water, which had caused negotiations to stall but it had transpired that a draft lease had been drawn up as long ago as 2017. Subject to the approval of council it had been agreed that a meeting between SW Water, FTC, Captain Paul Thomas and the FTC solicitors would serve to expedite matters. The SW Water representative had indicated that he would be prepared to cover half of FTC solicitors' costs to finalise the lease. It was proposed by Cllr Hughes, seconded Cllr Day and RESOLVED that FTC should pay half of its own expenses in order to resolve the matter.

19/87 Co-option of Councillor

The Town Clerk reported that three applications had been received by the closing date. It was agreed that interviews should be set up before the Finance Meeting on the 27th September.

19/88 Webb Street Car Park

The Town Clerk reported

- All the bins in the car park were now licensed and located within the binstores apart from one, which members had decided not to authorize at the previous meeting.
- The car park area was being swept on a regular basis by Russell Maclaren. There had been some rather unpleasant misuse of the area during Regatta Week but things had now quietened down.
- Fitzroys had now put a lid on their large binstore as instructed
- A complaint had been received from a member of the public that adjacent businesses were using the car park as a smoking area and dropping cigarette butts on the floor. Cllr Berryman had arranged for some 'No Smoking' signage to be displayed.
- Following the assertion at the last meeting from an adjacent property owner that FTC was a 'duty body' and was required to comply with the requirements of the 'Code of Practice for Litter and Refuse' and were empowered to issue fines for misuse, she had checked her own understanding that this was not the case. Investigations had shown that Cornwall Council (The Unitary Authority) is the 'duty body' within the Terms of the Local Government Act 1972, unless the Secretary of State has used a power to designate another local authority as a litter authority, which has not been used. Town and Parish Councils do not fall under the definition of any of the prescribed bodies for the purpose of Section 89(1) and (2) and, therefore, have no duty under this section.

- Waste Collection Authorities (ie Cornwall Council but not Town or Parish Councils) also have powers under Section 47 of the EPA 1990. Where it appears that commercial (or industrial) waste is not stored in suitable receptacles/causes a nuisance/is detrimental to the amenities of the area the authority may serve a notice to require receptacles for the storage of such waste. Only if the notice is not complied with can the waste authority issue a FPN.
- Together with Cllr Berryman she had met with an Environmental Health officer on site to make sure that the provision of binstores for licensed users was acceptable. The officer had confirmed that there were no issues giving cause for concern. This view was also shared by another Environmental Health officer who had visited the site a few weeks previously following a complaint from a member of the public.
- The Mayor noted that a lot of hard work had gone into tidying up the car park and working with and supporting local businesses. The site was now much improved and monitoring would continue to ensure that it remained clean and tidy.

19/78 Questions/Reports from Members (taken at the discretion of the Mayor)

Cllr Cooke reported that she had just received this email from Colum Taylor regarding the CNA SOS scheme that FTC was accepted onto with regards to Squires Field Play Area. He had given her a date of Monday 30th September when he has got some volunteers available to come and paint benches, clean graffiti and, possibly, break out the eroded soil. Given the short timescales and that there would not be an Environment Meeting before then. Cllr Cooke queried if FTC was able to approve expenditure of £300.11 for materials. Cllr Simms confirmed that there were sufficient funds in the EC budget to cover this and she proposed, Cllr Berryman seconded and it was RESOLVED that the expenditure should be approved.

Meeting Closed 8.06pm

Date of Next Meeting

Planning – 16th October 2019

Council – 16th October 2019