

FOWEY



*Its
Public
Property*

Prepared for Fowey Town Council
by
Fowey OneCornwall Advisory Committee

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FOREWORD

The Government has created initiatives to encourage community ownership of assets. The decision on the creation of the Unitary Authority has acted as a catalyst for communities like ours to think long and hard about the future management of our towns. The Government commissioned Quirk to produce a report “Making Assets Work” which concluded that “there are no substantive barriers to the transfer of public assets – what is needed is the political will, managerial imagination and a more business focused approach from the public and community sectors.”

Hazel Blears, Secretary of State for Communities and Local Government said at the LGA annual conference: "the best experts, advocates and leaders for local communities are local communities themselves. There isn't a single service or development in Britain which hasn't been improved by actively involving local people, and there's more common sense on the average street or estate than in all of the think tanks and seminars put together."

The will and imagination is here in the community of Fowey to take back control of the Town's assets and this document lists these assets and their history.

Some of the assets are revenue generating and with this revenue we believe the assets could be managed without any financial input from the Unitary Authority, thus relieving the Authority of both funding and managing local concerns which, as the Secretary of State has forcefully said, are better and more efficiently dealt with at a local level.

HISTORY

The history of Fowey is a long and illustrious one. Its first Charter was granted in 1150 by the Priory at Tywardreath and was given Royal confirmation in 1245. Henry VIII's dissolution of the Priory did not affect the ancient rights and privileges of the township and a Charter of Incorporation was created in the reign of James II in 1690.

For over a century this continued until the Municipal Corporations Act 1835 when Fowey ceased to be a Borough. The public properties – the Town Hall, Markets, Town Quay and other properties – which were in the ownership of the Borough passed by law to the custody of The Lord of the Manor, a member of the Treffry family. By further Government legislation in 1894 Fowey became a parish and was merged into the rural district of St Austell. Around 1907 a group of parishioners led by Sir Charles Hanson, soon to become Lord Mayor of London, presented a petition, drawn up by Sir Arthur Quiller-Couch which was successful in regaining the Borough status, the result being that in 1913 George V made a proclamation creating the Municipal Borough of Fowey. The Parish Council became Fowey Borough Council and the whole ceremony of the return of the Charter was celebrated with great style and majesty as befits a Royal gift.

Mr C E Treffry then presented all those properties, Town Hall, Markets, Town Quay etc, formerly in the ownership of the Corporation of Fowey but then in the care of the Lord of the Manor, to the new Borough Council with various stipulations in the Deeds that the properties were to be for the benefit of the Town and its inhabitants.

In 1967, by further legislation, Fowey was merged into the Borough of St Austell with Fowey, the Borough status being transferred. All that property formerly belonging to the Borough of Fowey and returned by the Lord of the Manor in 1913 but also including the 17th century maces, regalia, mayoral seat and other artefacts was transferred to the new body.

Yet more Government legislation in 1971 led to the creation of Restormel Borough Council, once again the Borough status being passed from one council to another with none of the public ceremony associated with the Royal Proclamation in Fowey in 1913. The property, including all the mayoral and Charter artefacts, was also transferred by law to Restormel Borough Council.

The properties concerned in this document were all either in local ownership for centuries or latterly were bought, gifted or created with purely local Town funds by the last Fowey Borough Council in their 50 or so years of existence. In July 2007 the Government announced that Cornwall was to be a Unitary Authority in May 2009 with the middle tier of District Councils being dissolved and with the Government's written declared intent, backed by Cornwall County Council's written declared intent, that government and assets should be devolved down to the local parishes.

The Quay and the Town Hall in particular are at the very heart of this historic Town and are an essential part of the heritage of the Town and its people.



1. Town Hall Town Quay Complex
2. St Catherine's Parade
3. Squires Field
4. Squires Field Car Park
5. Main Car Park
6. Caffa Mill
7. Readymoney Car Park
8. Alldays Fields
9. Whitehouse Complex

Miscellaneous Properties

- 10.1 Readymoney Lime Kiln
- 10.3 Rosehill Store
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- 10.6 Lostwithiel St Gardens
- 10.7 Parade Park & Allotments
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A Part of Town Quay returned to Fowey in 1913

Used as car park in winter

B Part of Town Quay created by Fowey Borough Council in 1932

C Created in 2000 by South West Water

D Webb St car spaces where buildings were demolished

E Market St car spaces

F Town Hall

G Butter Market under King of Prussia

FOWEY TOWN HALL AND TOWN QUAY

1. TOWN HALL AND TOWN QUAY COMPLEX

1.1 The Town Quay

The map opposite shows the Quay. For this paper the Quay can be considered in 4 parts.

Part A This is the main area of the Quay and was the subject of the transfer from Fowey Borough Council to the Lord of the Manor of Fowey in 1835, a Deed of Gift from him to Fowey Borough Council in 1913 and to Restormel Borough Council by Government Act in 1971. The Deed states that all dues, rents etc are “for the benefit of the inhabitants of the Parish of Fowey”. Restormel Borough Council said this clause is not binding on them and the dues go into general council funds.

Part B This is rather different. This piece of land was the subject of a Deed of Assignment of a leasehold in 1933 to Fowey Borough Council who agreed to demolish a building, build a new harbour wall and create an area that the Deed of Assignment states as “for the purpose of public walk pleasure ground and open space”. This they did and a brick, FBC, was inserted in the new wall and is still there. A letter from Restormel Borough Council’s Chief Executive says the freehold was purchased by the Council. Restormel Borough Council chose to ignore the terms of the Deed and in 2006 granted a substantial part of Part B for commercial use.

Part C This is again different. This is an extension created in 2000 by South West Water as part of their Operation Clean Sweep, and contains their equipment. The extension was built on fundus owned by Fowey Harbour Commissioners who therefore have responsibility for the area and its harbour wall. This is not a part of this document.

Part D This is an adjoining piece of property in Webb Street given by E Treffry to Fowey Borough Council in 1939 on condition that the Council demolish the buildings, which were condemned as unfit for habitation, and surface the area. This they duly did.

Town Tap Part of the gift in 1913 was the Town Tap dated 1787 and fixed to the Town Hall below the stone steps. It is still there.

The Quay is used as a car park in the winter months. South West Water have 2 spaces for emergency use. There are licences for events, boatmen’s advertising and the use of part of Part B of the Quay.

Webb Street is used for up to 12 rented car park spaces.

1.2 The Town Hall

This was the subject of a Deed of Gift from C E Treffry to Fowey Town Council in 1913. It is a complicated building and has several parts. The Deed of Gift names the following parts:-

All that building known as The Town Hall

Market House under

Steps from Market Street to the Hall.

Store under said steps

Right to use the Butter Market as a public market

The tenement and dwelling house under the Town Hall was excluded.

The main upstairs hall is leased to Fowey Town Council.

The former Mayoral Chambers are let to Fowey Museum Trust at no rent

Part of the former Market is on a 10 year lease to the Aquarium, recently renewed

Part of the former toilets is leased to South West Water to house their control gear

There are 2 public toilets under the hall.

There are 4 car park spaces in Market Street adjacent to the Town Hall rented out on an annual basis

1.3 Conclusion

From a study of the finances it is clear that the Town Hall on its own would be a financial burden on the Town Council leaving no opportunity for development or improvement. However if the Complex is taken as a whole then the scene changes to one where finance would become available for improvement of both the Hall and the Quay and also for the employment of sufficient part time staff to run the complex.

2. ST CATHERINE'S PARADE



2.1 History

The carriageway was created in the mid 19thC as private access from the main road to Point Neptune House. The house and Parade were bought by Hanson Estates and in 1949 leased to Fowey Borough Council for 50 years as a public walk. In 1970 that lease was mutually extinguished by a Deed of Gift to the Borough of St Austell with Fowey for perpetual use as a footpath by the public (conveyance 18284 dated 23rd April 1970). In 1974 ownership of the Parade passed to Restormel Borough Council and to CCC, in 1975. The Parade was classified as Public Footpath No20 and is now maintained by Fowey Town Council on an agency basis for CCC at an annual cost of £54.

2.2 Description

The Parade is 952m long and 4.5m wide. It originally had a footpath along one side but this has largely disappeared. It is accessed from the main road by a wooden pedestrian gate together with the original wrought iron gates inscribed Point Neptune. The drive bridges footpath 19 with a stone built bridge which was covered with railway lines by the US forces in the war for vehicle access. There is access to Parade Park and Readymoney car park. At both ends of the Parade are granite dedication stones (see photo above).

The path consists of compact earth and gravel and in parts is tarmaced. There are some old holm oaks at the seaward end and in parts there are banks and walls. The general condition of the banks, hedges and stone walls is poor and unkempt.

2.3 Ownership

The current owners contend that the 1970 Deed of Gift transferred only the footpath track leaving the boundaries unconveyed and remaining with Hanson Estates. The Hanson Estate are of the firm belief that the Deed transferred all the Parade in its entirety as supported by the dedication tablet together with Sir Rupert Hanson's letter of 14th January 2006.

The imprecise wording of the conveyance has allowed CCC to limit their stewardship to maintenance of the footpath only – hence the run down state of the Parade particularly its boundaries. It is unrealistic to expect the Hanson family to restore and maintain the boundaries after 38 years of neglect.

2.4 There is a financial cost in maintenance of the footpath at present £54pa. This is insufficient to maintain the path properly. There will be costs in clearing up the banks and boundaries as an initial cost and then as an annual cost.

2.5 Conclusions

Given the unresolved question of ownership of the boundaries and the desire of Fowey Town Council to improve the appearance of the Parade for the benefit of the people to whom it was given, the following actions are recommended

- (a) Ask CCC to survey the path boundaries and bridge to ensure current safety requirements are met.
- (b) Register the whole path with the Land Registry in the ownership of Fowey Town Council
- (c) FTC to set aside a sum to be agreed for the cost of this important path.

3. SQUIRES FIELD



3.1 Comprises the football pitch, children's play area, Bowling Green, 2 huts.

3.2 History

In 1925 Mr Treffry gave a field to the Fowey Borough Council for use as a recreational field. It became known as Squires Field. See plaque.

It has been used since before the war as the football pitch for Fowey Town and has housed over the years tennis courts, putting green and children's play things. It is currently a football pitch and pavilion, a bowling green and a modern children's play are. Funding is being sought to substantially improve the children's area.

The property is currently owned by Restormel Borough Council.

3.3 Financial Assessment

The outgoing costs are mostly in grass cutting, garden maintenance, children's area maintenance, seat maintenance and pavilion painting.

3.3 Conclusions

There are significant costs in maintenance and this property would have to be considered in conjunction with revenue generating properties or with attached finances from the Unitary Authority. It is an important property in the Town's life and its return should be sought.

4. SQUIRES FIELD CAR PARK



4.1 History

This is a small triangular piece of ground bought by Fowey Borough Council in 1936. It has been at one time used as allotments and then post-war as the site for the travelling fair which used to be on the Town Quay. It is now owned by Restormel Borough Council. It is currently used as a free car park although it has not been formally designated as a car park.

4.2 Financial assessment

This site has no income and little expenditure. It can therefore be considered financially neutral.

4.3 Conclusions

This is a useful parking area for people working in the Town. Fowey Town Council should seek its return at no charge on the Unitary Authority.

5. MAIN CAR PARK



5.1 History

1962 Conveyed to Fowey Borough Council for use as a car park. Minutes of Fowey Borough Council show that it was operated as a car park prior to 1968

1968 Became the property of St Austell with Fowey and then Restormel Borough Council

5.2 Financial assessment

Net Income is around £180000 (based on figures given by Restormel in January 2008)

5.3 Conclusion

This car park which was once in the ownership of and operated by Fowey Borough Council is a valuable revenue generating site. Its return needs to be discussed with the Unitary Authority in the context of Services devolution which could be of benefit to both the Town and the Authority.

6. CAFFA MILL



6.1 History

This comprises a car park, dinghy park and launching slip.

The construction of the Caffa Mill car park and the new Bodinnick ferry slip with its access road was started by Fowey Borough Council. The objective was to create a car park, boat storage area, launching slip and crane facilities for boats. The new ferry slip was needed because the traffic queuing for the ferry from Passage slip was causing obstructions in the Town. The slipway is part of the Public Highway, it being part of an ancient main route up country.

Fowey Borough Council took the opportunity to fill in the muddy inlet know as Caffa Mill Pill using material from the housing estate at Vicarage Meadow.

During the period of construction Fowey was merged in 1968 with St Austell Urban District Council and the work was completed under this new council. However the records show that Fowey Borough Council left sufficient funds to the new Council for this work to be completed. The work was therefore financed by the Borough of Fowey.

6.2 Financial Assessment

The figures obtained from Restormel Borough Council show this to be a significant revenue generating property with receipts in excess of £100000

It should be noted that there are some substantial refurbishment costs likely in the near future. The retaining wall on the old quay was a temporary structure and will need repair and the pier needs to be rebuilt as the current walls slope which means boats cannot come alongside. There is a section 106 in relation to nearby developments which is for rebuilding the slip.

6.4 Conclusions

The return of this property needs to be discussed with the Unitary Authority in the context of Services devolution and bearing in mind the substantial repair costs which will soon be necessary and for which some provision is supposed to have been made.

7. READYMONEY CAR PARK



6.1 History

1966 This area of land was bought by Fowey Borough Council and its development as a car park was started by them and was completed by Restormel Borough Council who now own it. A part is to be allocated to affordable housing which will reduce its income.

6.2 Financial summary

In 2005 there was a net operating profit.

6.3 Conclusions

This is a revenue generating property and its return should be discussed with the Unitary Authority in the context of the devolution of Services.

8. ALLDAYS FIELDS



8.1 History

1951. The fields, at one time a golf course, were “donated to the people of Fowey” as written on the donor’s plaque

1972. In the ownership of Restormel Borough Council

8.2 Financial summary

The fields are let for grazing to a local farmer, at a nominal rent, who is required to cut the grass and maintain fences.

There are 4 bench seats which require maintenance but the cost of purchase by people as memorials included maintenance costs for the life of the seats. There should be a notional sum for this passed to Fowey Town Council with the ownership.

8.3 Conclusions

Fowey Town Council should seek return of this property with no charge on the Unitary Authority. It is an important property in the eyes of the people of Fowey

9. WHITEHOUSE COMPLEX

9.1 Comprises

- (a) Shelter
- (b) Paddling Pool
- (c) Promenade



9.2 History

- (a) Shelter

This was built by the United States Navy in 1944 with a plaque bearing the following words.

Presented by the Officers and Men of the
US Navy attached to the US Naval
Advanced Amphibious Base at Fowey
during 1943-1944

- (b) Paddling Pool

Whitehouse beach is owned by Treffry Estate and leased to Restormel. The paddling pool was built by Fowey Borough Council, possibly on Treffry land, in the 1920's by cementing around rocks at Whitehouse foreshore. It is a sea water pool submerged at high tide. It provides a safe and much used pool. There are steel safety rails and it is accessed from the Promenade. It is chemically cleaned every 4 to 6 weeks from April to October and inspected for rubbish and general detritus by Fowey Harbour Commissioners under contract from Restormel Borough Council, the leaseholders. Public liability is covered by the owners. In 2005 the pool was assessed as "in a reasonable condition" by a qualified Health and Safety Officer.

- (c) Promenade

A pleasing harbourside walk, probably constructed during the latter part of the 19thC and refurbished in 1931 by Fowey Borough Council in memory of Dr Cann with a memorial plate which reads

Improvements to this foreshore were carried out
in memory of Ralph Thomas Cann, MD, for
many years Doctor in this Borough. Friend and
Benefactor to the sick and needy.
Died 1931 aged 68

The beach is owned by Treffry Estates and the ownership of the Shelter and Promenade is uncertain.

9.3 Financial summary

There is a cost associated with insurance and maintenance

9.4 Conclusions

The future of the lease and ownership of the Promenade and Shelter should be discussed with Restormel and the Unitary Authority in conjunction with some of the revenue generating properties.

10. MISCELLANEOUS SITES



10.1. READYMONEY LIME KILN AND GARDENS

10.1.1 History

Originally a lime kiln converted to shelter and toilets with gardens above donated in memory of Jesse Julian. It is now a Grade II listed building.

Owned by Fowey Borough Council and then Restormel Borough Council.

10.1.2 Financial summary

There is an income from the ice cream stand

There is expenditure for general garden maintenance, seat maintenance. The sea walls appear to be sound

The income is sufficient to cover maintenance costs

10.1.3 Conclusions

Fowey Town Council should seek the return of this property which, subject to closer scrutiny of the figures, should involve no charge on the Unitary Authority.

10.2 MISCELLANEOUS PUBLIC AND BUS SHELTERS

There are a number of public and bus shelters (4 or 5) around the Town and Parish in various ownerships, including the beautiful one at Lambs Barn.

Fowey Town Council should discuss take over all of these with consideration given to modest maintenance costs.

10.3 ROSEHILL STORE

10.3.1 History

This small property at the bottom of Rosehill was originally a house and then converted to a public toilet by Fowey Borough Council. Restormel Borough Council became the owners and converted it to a store for garden machinery and the like.



10.3.2 Financial summary

There are minor costs associated with general maintenance.

10.3.3 Conclusions

Fowey Town Council should discuss the return of this property bearing in mind the modest maintenance costs.

10.4 WINDMILL

10.4.1 History

A Grade II listed building, the site going back to 1290. It is now a folly and surrounded by grass.



10.4.2 Financial summary

The fabric is in good condition and the only maintenance is grass cutting.

10.4.3 Conclusions

Fowey Town Council should discuss return of this historic building bearing in mind the modest maintenance costs.

10.5 WINDMILL VERGES

10.5.1 History

These are 2 small verges at the entrance to Windmill estate, curiously the responsibility of Restormel Borough Council and not Cornwall County Council who are normally responsible for highway verges.

10.5.2 Financial summary

The only financial commitment is routine grass cutting at present done by Restormel Borough Council

10.5.2 Conclusions.

Ownership should be transferred to Unitary Authority and the grass cutting done by Fowey Town Council under licence as with all other verges.

10.6 LOSTWITHIEL STREET GARDENS

10.6.1 History

It is believed these gardens at the junction of Lostwithiel Street and Hanson Drive were created when Hanson Drive was created in the 1970's. They are owned by Restormel Borough Council

10.6.2 Financial summary

The only expense is garden maintenance and other miscellaneous maintenance.

10.6.3

Fowey Town Council should discuss take over of this property bearing in mind the costs of garden maintenance.

10.7. PARADE PARK AND ALLOTMENTS

9.1 History

1966 bought by Fowey Borough Council for £5800

1968 to 2008 owned by St Austell with Fowey and Restormel Borough Council

9.2 Financial Summary

There are modest outgoings and modest income.

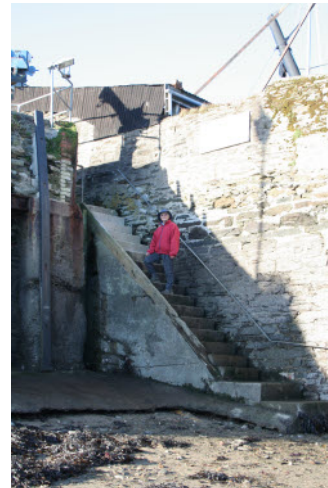
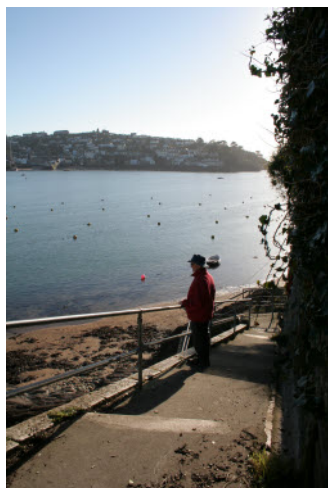
9.3 Conclusions

Fowey Town Council should discuss return of these properties bearing in mind the modest maintenance costs.



10.8 PUBLIC LANDING PLACES

10.8.1 Comprises Landing Places at North Street Landing, Step-Aside and Inches Quay



10.8.2 History

1960 5 Landing places and paths leading to them were conveyed from Treffry Estate to Fowey Borough Council. Now only the 3 listed above are relevant. Such maintenance as there is is done by Restormel Borough Council who presumably own them. The foreshore aspects are maintained by Fowey Harbour Commissioners (FHC). Lifebelts at these points are provided by FHC. The steps at Step-Aside have worn away and are dangerous.

10.8.2 Financial summary

The repair to the steps at Step-aside will have to be considered, otherwise the costs are limited to cleaning and washing algae from the pathway and steps.

10.8.3 Conclusions

Fowey Town Council should discuss return of these properties bearing in mind the modest maintenance costs and potential repair costs.

The situation regarding the deeds needs to be resolved.

10.9 CHURCHYARD

10.9.1 History

This churchyard is closed and maintenance is the responsibility of the local authority, currently Restormel Borough Council.

10.9.2 Financial summary

The costs of maintenance are not known to Fowey Town Council.

10.9.3 Conclusions

A decision on whether Fowey Town Council can take on this responsibility awaits discussions with One Cornwall on the financial aspects.

10.10 CEMETERY

10.10.1 History

This cemetery was created by Fowey Borough Council.

10.10.2 Financial summary

Fowey Town Council have no knowledge of the costs and responsibilities of this property.

10.10.3 Conclusions

A decision on whether Fowey Town Council can take on this responsibility awaits discussions with One Cornwall on the financial aspects and other responsibilities.

10.11 TOWN CLOCK

10.11.1 History

The present electrical clock was installed in St Fimbarrus church in the 19thC at the expense of Mr Treffry. It is maintained by Restormel Borough Council

10.11.2 Financial summary

Fowey Town Council do not know the maintenance costs of the clock but believe they are modest. Bi-annual adjustment and ad hoc maintenance is done voluntarily by local residents.

10.11.3 Conclusions

Fowey Town Council should take on responsibility for this clock at no charge to the Unitary Authority.

11. MISCELLANEOUS MAYORAL PARAPHERNALIA

11.1 History

At the time of the demise of Fowey Borough Council in 1968 there were a number of items which were removed from the Mayoral Chamber. These include, amongst others, the Mayoral Chair, another ceremonial chair, a horseshoe table, a Mayoral chain and Mayoral robes.

11.2 Financial summary

There are no financial concerns regarding this property except for insurance.

11.3 Conclusions

Fowey Town Council should, after due consideration of the insurance costs, take back this property.

CONCLUSIONS

All the property reviewed in this proposal was, 40 years ago, in the ownership of Fowey Borough Council and was successfully managed by them. Virtually nothing has been added by Restormel Borough Council, in fact they sold off a very valuable house right in the centre of the Town. This document shows that taken as a total package all this property could be managed by Fowey Council with no financial demands on the Unitary Authority. It is clear that some staff would be necessary to run the properties, a part time manager for the Town Hall, staff for the car parks, someone to attend the floral displays. It is envisaged that there will still be a parish precept to carry on the things which the Town Council currently does. The return of the major revenue generating properties needs to be discussed with the Unitary Authority in the context of devolution of Services.

There are aspects where the Town Council would no doubt have to ask the Unitary Authority for professional assistance. There may be a need for legal advice or help in resolving matters, an expertise which the Town would not have. Or the Town may require help with enforcement issues which are outside their experience or capability. These professional services would undoubtedly exist in the Unitary Authority and maybe the proposed “clusters” would be the point at which the Town could seek assistance.

Why should the Town want to take on this responsibility? Well first of all there is the civic pride in owning once again all those properties which the Town formerly owned, some of them for centuries. The heart of the Town is the Town Quay and Town Hall and there is a great sense of this being “our Quay” a meeting place for the community. Secondly there is the care of ownership. The people running the Town’s affairs will know what is wanted, will have respect for the views of the people, will know where to go to for resources to fix problems, will know what measures need to be taken to enhance the Town for both residents and visitors. According to figures published by CCC tourism is worth £10M a year to Fowey and some of this income should go to this enhancement. Thirdly it is economically more efficient to run affairs from a local base and this is the whole thrust of the government’s drive to devolution of assets and services.

Padstow is a town very similar to Fowey, same population, same mix of business, tourism, retired people. It runs its town very successfully and has run up a very healthy fund for contingencies and improvements. It hands out £30000 every year to local clubs and projects and employs 15 people. It makes no parish precept.

Looe is a similar town, slightly bigger, and runs its own properties and employs a number of people and also makes substantial donations to the town.

Fowey did it 40 years ago, it can do it again for the next 100 years.

THE FUTURE

Given the restitution of these Assets to the Fowey Community - a portfolio of land and buildings generously given to or otherwise bought by the People of Fowey in past years, it would be possible to re-invest in the Fowey environment, its people and its facilities.

With the run down of the china clay industry and its primary export through the Port of Fowey - up until recently Fowey's main source of income and employment - it is absolutely crucial to invest in and promote the other aspect of the Port's prosperity, the Tourism industry. Figures some years ago put out by Cornwall County Council put this as being worth £10M pa to Fowey. For this community to be vibrant and successful in the future, investment in leisure and tourism facilities is necessary, enhancing the environment of land water and assets.

These aims can best be achieved by local control, management and ownership of local assets and by investing in and enhancing those local facilities. The Town would then be able to claim some of the income that tourism brings. Other similar towns do it - Looe, Padstow for example - and Fowey can as well.

The income from Fowey's former assets should also enable the Town to undertake some of the more mundane tasks of running a town, the road sweeping, gulley cleaning, verge cutting and the like, thereby relieving the Unitary Authority of some of the tedious but necessary work which is far better managed at a local level without the bureaucracy that a large authority necessarily incurs.

This paper shows that the community of Fowey is desirous for the return of its previously owned assets and has the enthusiasm and commitment to manage them for the benefit, not only of the Community, but also of the new Authority.