

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 16th JANUARY 2013 AT FOWEY TOWN HALL

12/162 Present

The Mayor, Cllr John Berryman
The Deputy Mayor, Cllr Mrs A Boosey
Councillors Mrs K Alexander, Mrs S Gudmunsen (part),
N Mason, Mrs J Vincent, D Willmore

In Attendance

The Town Clerk, Sally Vincent
Cornwall Cllr Mrs S Bain (part)
PCSO Linda Thomas (part)
3 members of the public (part)

12/163 Apologies

Cllr Mrs R Finlay (work commitments), Cllr T Vincent (unwell)

12/164 Declaration of Interests

- a. Pecuniary - None
- b. Non Registerable - Cllr Mason declared a non registerable interest in any matters involving the Fowey Chamber of Commerce, in agenda item 16 (Neighbourhood Plan) and agenda item 17 (Wainhomes planning)
- c. Dispensations - None

12/165 Public Questions/Police Report/ Cllr Participation/ Police Report

Public Questions

Jenny Marchant queried minute 12/147 as she could not understand why Cllr Alexander had recorded her anger that new council tax arrangements would impact on low income families when what Cllr Bain had reported was that there would be no council tax discount on second homes. The Clerk apologised if the minutes were unclear but confirmed that the two issues were unrelated. Cllr Bain undertook to further clarify the situation in her report.

Arthur Baker queried

1. Where he could find the minute instructing the Town Clerk to apply for planning to regularise the use of the town quay.
2. Did the Deputy Mayor, with her vast experience, consider that the planning application submitted for the regularisation of the use of the town quay was valid.
3. Did the town council consider that planning consent had been granted for the car parking spaces between the restaurant and the harbour wall, which he considered was a pedestrianized area.

The Mayor responded

1. The Town Clerk was the authorised officer of FTC and had submitted the application at the request of, and with the full knowledge of, FTC. The application forms had been available to members prior to the submission of the application. It had been recognized several years

- previously that it would be necessary to legalise the historical situation and, once the property had been transferred to the ownership of FTC, it had been a priority.
2. The application had been submitted in the format requested by Cornwall Council and planning permission had subsequently been granted. It was not FTC's role to alter the planning process.
 3. Both the FTC solicitor, as a result of his searches, and Cornwall Council had advised that the town quay was public highway.

Mr Baker did not accept the Mayors response to his question asking the Deputy Mayor about the validity of the planning application and posed his question to Cllr Boosey. Cllr Boosey responded that she was in complete agreement with everything the Mayor had said on the subject.

Police Report

PCSO Thomas apologized for not attending recent meetings due to personal issues and supplied the crime figures for recent months. The December figures showed a total of 2 crimes, 1 x theft and 1 x assault, compared to 13 in December 2011. PCSO Thomas asked members to advise her when a decision had been made with regard to busking and advised them to consider particular zones, the length of time a busker could remain in one location (if any busking were to be allowed) and to consider producing a leaflet setting out the rules, which could be handed out by the police, FTC or local shopkeepers.

12/166 Minutes of Meeting of 12th December 2012.

12/147. Cllr Mason stated that he had reported that it was impossible to register as a 1st time buyer in Fowey on www.swhomes.com as there was not a drop down box for 'Fowey.' When he had tried to ring the Cornwall Council complaints telephone number it was not in use and also it was nearly impossible to contact Cornwall Councillors as their email addresses appeared to have been changed. With this amendment it was proposed by Cllr Boosey, seconded Cllr Mrs Vincent and RESOLVED that the minutes be confirmed and signed by the Chairman.

12/167 Matters Arising not on the Agenda (for report only)

None.

12/168 To receive and note the minutes, if any, of FTC Committees

Finance – no report.

Planning - minutes noted.

FAC – no report.

Town Hall – The Town Hall Chairman reported that she was unable to locate the minutes for 12th March 2010. Minutes for 27th November awaited.

Environment – no report.

12/169 To receive the Mayors Report

The Mayor made the following statement to the meeting

- *'I was disappointed to read Mr Bakers letter in the Fowey News criticising the town council and the town clerk for applying for planning permission to regularise the existing use of the town quay. When Mr Baker was on the council members will be aware that he always maintained that planning permission was required to legalise the position so I do not understand why he has now taken this stance. I would like to put on record that the town clerk acted with the full backing of Fowey Town Council in submitting the application and correctly supplied all the documentation requested by the planning authority, Cornwall Council.'* The Mayor confirmed that he had received two

letters from members of the public following the publication of Mr Bakers letter, which he had replied to explaining FTC's position.

The Mayor reported

- Confirmation of the proposed English Field Trip to Cornwall from the AICHI University in Japan had been received. The students would be arriving in Fowey on 1st September and leaving on 10th September. FTC had been asked to stage a mock council meeting as the visit would not coincide with an actual meeting. Homestay placements were being sought in the area for the students.

12/170 To receive the Report from the Cornwall Councillor

Cllr Bain reported

- The Cabinet recommendation to Council to include reducing Council Tax benefit from 100% to 75% had been rejected but an amendment to increase the Hardship Fund from £100,000 to £1,000,000 approved. There was no decision as yet in relation to charging second home owners more than 100%.
- The Council had approved the appointment internally of a Head of Paid Services, and also to set in motion the process of whether or not to seek a replacement Chief Executive. However, the final decision would be made by the incoming council after the elections.
- Earlier in the day the Cabinet approved a 1.97% increase in Council Tax (not unanimous). Implications of the budget would be scrutinised by committees the following week, before going to full Council for final ratification.
- Cornwall Council were aware that many roads were in a poor state following the recent bad weather but it would inevitably take some time to carry out repairs.
- Bollards would be erected along Park Road to make drivers slow down when mounting the pavement to pass.
- Cllr Alexander queried the position if full council did not vote to reduce the Council Tax benefit to 75%. Cllr Bain responded that, if that happened there would be a meeting the following week to look at alternatives.
- Cllr Mason noted that Cornwall was one of the poorest regions in the country so it must be a struggle for some people to find the cash for increased taxes.
- The Clerk reported that Mr Hicks had contacted her again about an overgrown boundary hedge at the bottom of his garden. Cllr Bain agreed to follow this up.

Cllr Bain left

12/171 To receive and consider reports from representatives of the Town Council on other bodies

Fowey Estuary Partnership – no report.

Forum – Cllr Boosey confirmed that the main topics at the last Forum meeting had been the Wainhomes planning application and the positioning of the Heritage Board on the quay. In future Chairmanship of the Forum would be on a rotating 2 month cycle, which was not a very satisfactory situation. Members of the Forum had also met with Teresa Frost (Highways) to discuss a list of signage requests, which would go out for consultation in due course. The Mayor noted that two of the more significant suggestions had been to change the name of the Main Car Park to Town Car Park and Readymoney Car Park to Beach Car Park.

Cllr Mason noted that when the Forum was first formed there had been an opportunity for them to secure funding to identify the GPS number for every house in Fowey, but this had not been taken up. He understood that the funding was still available and considered that this would be a

worthwhile project for the group as the information would be invaluable for the emergency services. Cllr Boosey undertook to advise the Forum accordingly.

Community Network Panel – no report.

Cornwall Towns Association – no report.

Chamber of Commerce – The Mayor reported that the Christmas Market had been discussed at the recent Chamber meeting.

12/172 To receive the Town Clerks Report

The Clerk reported that

- The Chamber of Commerce was hoping to hold another Musselfest between 21st until 24th June 2013 and had requested the use of the Town Quay. Cllrs voiced their support for the event and it was agreed that the Clerk should issue a Licence, subject to the usual conditions.
- A notice had been received from the Post Office advising of a proposal to move the Custom Hill Post Office to a new location at Fowey Mini Market, due to the current premises being scheduled for redevelopment. Most of the existing services would be available at the new site. There would now be a 6 week consultation period on the proposal, with consultation forms being available at the Post Office or online at consultation@postoffice.co.uk

12/173 Accounts for Approval

Cllr Mason proposed, Cllr Boosey seconded and it was RESOLVED that accounts to the value of £3254.69 be approved. It was agreed that the Clerk should include a cheque for Stephens & Scown, for approval in February.

Copies of the Budget Tracking Report and the Current Assets Report had been circulated before the meeting.

12/174 Correspondence

The correspondence file was left 'on the table' for Cllrs attention.

12/175 Resolutions from Councillors

Cllr Mason advised that he would not be proposing his resolution that Fowey should celebrate King Mark's Day at the current time because he considered it may not be appropriate as his research had shown that the Tristan Stone had been known as the Long Cross Stone in 1914 and was still called the Long Cross Stone in 1935. He would continue his investigations into the matter.

12/176 South West Coast Path

The Clerk advised that Cornwall Council had written to advise that the Coast Path could now be included in the LMP for 2013/2014, subject to FTC approval. After discussion it was proposed by Cllr Alexander, seconded Cllr Mrs Vincent and RESOLVED not to accept the offer at the current time, because of the lack of information available and that it could be too great a drain on FTC resources despite the enhanced grant rate.

12/177 Squires Field

The Clerk confirmed that she had officially confirmed FTC's interest in acquiring the asset and had requested any relevant financial information from Cornwall Council. Subject to members' approval she had emphasised that FTC would not be prepared to proceed with any transfer if Cornwall Council wanted to retain control of the car park. Members endorsed this proviso as it

was considered that the car park was an essential part of the complex and very important to Fowey residents. The Clerk advised, however, that the figures had not yet been supplied so further discussion on the matter was deferred until the February meeting. In the meantime the Mayor undertook to speak to the Football Club about their usage of the field.

12/178 Neighbourhood Plan

Cllr Willmore reported no further progress. Cllr Mason stated that new figures were needed for housing need in Fowey; people must register with www.swhomes.com or FTC would never know the true position. Cllr Mrs Vincent suggested that another survey could be carried out via the Fowey News to ascertain the numbers as the Cornwall Council figures were misleading because they did not differentiate between 1st, 2nd and 3rd preferences. Cllr Boosey added that people in private rented accommodation were discriminated against because they could not be classed as homeless so were not in the highest band of need. The Mayor voiced a word of caution in that while he fully supported the provision of homes, he did not want FTC to raise hopes when it was not in a position to provide housing in Fowey that local people could afford.

12/179 Wainhomes Planning, Hillhay

Cllr Boosey made the following statement

'Firstly, may I apologise for not reporting to the full council about the shambolic planning meeting at Cornwall Council about the Wainhomes development. I made a fairly brief report to the Planning Committee and omitted to repeat it.

You will all, I am sure, know the general outline of what happened, but briefly the vote to refuse the application was defeated 6 votes to 7. There was then an amended proposition to accept the officers report, this was also lost 6 votes to 7, with the chairman using his vote on both occasions. When the result of the second vote was announced the Chairman indicated that he had voted the wrong way, and meant to vote in favour of the officers report. Confusion then reigned, and one of the officers asked for an adjournment to consult with senior colleagues. That was one of the main complaints in the Town Councils letter to Mr. Pickles, as technically there was no motion on the table.

Both the Town Clerk and I spoke to Sarah Mason from CALC, and it was her strong belief that further action should be taken and the Mayor and I then asked the Town Clerk to draft a letter to Mr Pickles requesting that the application be called in. After some alteration the Mayor and I approved the letter and it was sent immediately because of time constraints.

The Mayor and I acted in the full knowledge that the Town Council had unanimously refused the Wainhomes application, on various grounds including the AONB, sewage, drainage and general infrastructure and that being the case there was no need to take this back to full council.

Both the Mayor and I are more than aware of the need for more rental accommodation in Fowey but certainly not 42 more 'affordable' houses, which aren't. I have a daughter who has had to rent privately and is therefore placed at the bottom of the housing list, a real catch-22 situation, so I have enormous sympathy for people wanting to rent in Fowey.

Sadly Mr Pickles has replied denying our request but I am very heartened by the fact that we were, and still are, supported by our M.P, our local Cornwall Councillor, Cllr Bain, and the Tywardreath Cornwall Councillor, Cllr Hughes.'

A reply to a letter sent to Richard Williams (Head of Legal Services, Cornwall Council) questioning the legality of the decision was still awaited.

12/180 Allotments

The Mayor confirmed that a complete application requesting the freehold transfer of the allotments and the Parade Gardens had been submitted to Cornwall Council. He also reported that he had found a FTC minute reporting that FTC had negotiated an early release from its 1984 7-year lease of the Parade Gardens from Restormel Borough Council.

12/181 Town Hall/Town Quay Complex

1. The Mayor reported that, together with the Deputy Mayor, Cllr Willmore and the Town Clerk, he had met with the Managing Director of A & S Parking Services, the firm which was currently carrying out parking enforcement for FHC at the Caffa Mill overspill car park. It had been a productive meeting; the firm was very professional and would supply a tariff board FOC as part of the contract. After discussion it was proposed by Cllr Boosey, seconded Cllr Wilmore and RESOLVED that the firm should be employed to carry out enforcement for the town quay pay and display spaces and the permit parking spaces from 1st February 2013, with a 5 minute 'grace period' in place at either end of the time allowed.
2. Cllr Boosey undertook to get full costings for carrying out legionella testing and training from the Port Health Authority before the February meeting.
3. Members considered the request that the Heritage Board be permitted to remain in its current position on the inner quay. Whilst members were fully supportive of the Heritage Trail initiative it was pointed out that John Vincent had a licence to trade on the quay in front of this position. However, provided that this was acceptable to the Heritage members it was proposed by Cllr Mason, seconded by Cllr Willmore and RESOLVED that a licence for the board should be issued on a similar basis to that of the other advertising boards on the quay. The Clerk reported that she had also received a request that an A Frame could be sited on the quay, advertising Heritage Walks. Again, whilst members were fully supportive of this initiative it was felt that an A Frame could pose a significant Health & Safety risk to members of the public using the quay unless it was placed in a location close to a building, possibly at the right hand side of the Legion steps close to the wall. It was agreed that the Mayor and Town Clerk should meet with Lynn Goold to try and identify a suitable position.
4. The Clerk reported that SW Water had advised that they were now ready to proceed with the transfer of the surface area of the outer part of the quay to FTC and to take out a lease on the control room in the Town Hall on the basis previously agreed.

Cllr Gudmunsen left

12/182 Busking in Fowey

Deferred.

12/183 St Catherines Castle Lights

Deferred.

12/184 Amendments to Standing Orders

It was proposed by Cllr Boosey, seconded Cllr Alexander that, in order to ensure compliance with the new Code of Conduct, Standing Orders should be revised in line with the draft document circulated to all members before the meeting.

12/185 Public Conveniences in Fowey

Deferred as information was still awaited from Cornwall Council.

12/186 Pornichet Yacht Race

The Mayor confirmed that he and the Mayoress would be attending the start of the race in Brittany in May at the invitation of the Mayor of Pornichet. They would return in time for the arrival of the yachts in Fowey.

12/187 Questions under Standing Order 21

None.

It was proposed by Cllr Boosey, seconded Cllr Willmore and RESOLVED that the Press & Public should be excluded under Section 1(2) of the Press & Public Bodies (Admission to Meetings) Act 1960 because of the confidential nature of the business to be conducted under the agenda item 'Renewal of the Food for Thought lease.'