

## 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 20<sup>th</sup> FEBRUARY 2013 AT FOWEY TOWN HALL

#### **12/188 Present**

The Mayor, Cllr John Berryman  
The Deputy Mayor, Cllr Mrs A Boosey  
Councillors Mrs K Alexander, Mrs R Finlay, Mrs S Gudmunson,  
N Mason, Mrs J Vincent, T Vincent, D Willmore

#### **In Attendance**

The Town Clerk, Sally Vincent  
17 members of the public (13 part)

#### **12/189 Apologies**

Cornwall Cllr Mrs S Bain

#### **12/190 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.
- c. Dispensations - None

#### **12/191 Public Questions/Police Report**

The Mayor stated that before inviting public questions and because of the rather unpleasant allegations that had been made in the press and the Fowey News and verbally by a member of the public he was going to make a brief statement on behalf of FTC, which he had asked the Town Clerk to minute in full.

##### **Mayor's Statement**

*Fowey Town Council properly acquired the freehold ownership of the Town Hall and the Town Quay 8 months ago and since then we have been getting to grips with the many different aspects associated with owning and running the properties. We, as a council, are proud to have assumed ownership on behalf of the community and we are committed to investing in both the hall and the quay. In due course we will obviously need to consult with the public about the future of both facilities but, for the moment the best we can do is preserve the status quo. We are experiencing big changes in local government, which will impact on us all and you will learn later in the meeting of some more reasons why we will need input from the public before making other important decisions for all of us who live and work in Fowey.*

*In respect of Arthur Baker's comments about the legality of the Town Clerk signing the conveyance for the property I would point out that he voted at full council in August 2009 for solicitors to be instructed to proceed with the transfer of the TH/TQ complex - minute 09/63. This was at an Extraordinary Meeting called to consider the Business Case and a possible resolution to proceed with the transfer. He was also present at the following meeting and he voted that the minutes were a true and correct record and should be signed as such. There was never a further resolution to alter the original one in any way whatsoever and following such a*

*resolution the RFO is legally the correct person to sign (seal) any related documentation on behalf of FTC. I would add, however, that she did this with the full knowledge and support of all the Councillors, as did I as Mayor.*

*In respect of the planning application submitted by the Town Clerk, as I have said before this was done on the instruction of FTC to 'legalise' the historic situation on the quay, which we inherited from the previous owners. The application was properly lodged with Cornwall Council and the Clerk provided all the supporting documentation requested by the planning authority. That documentation was obviously available to us as Councillors and to members of the public via the Cornwall Council planning portal. Cornwall Council then dealt with the application in exactly the same way as they would any other one. To suggest that FTC acted in any way incorrectly or in an underhand manner in this matter is simply unfounded. I understand that Mr Baker has also written to the CC Head of Planning & Regeneration and has been told that Cornwall Council acted entirely within its protocol in dealing with the application, including publicly displaying notices on site and advising neighbours of the proposal.*

*We have taken advice from CALC, our solicitor and a legal representative of the Standards Board and I am assured that FTC has acted entirely appropriately and legally. However, I do not consider it would be helpful to engage in a public debate via the media in spite of Mr Baker's defamatory comments and so I have chosen to make this statement. We do, of course, welcome members of the public to council meetings to listen to proceedings and to ask questions, which we will answer to the best of our ability.*

The Town Clerk stated that she had also intended to make a statement on the subject in her report and queried if she should do so at this point instead. Members agreed that this would be preferable.

#### **Town Clerks Statement**

*I understand that Mr Baker has made public allegations that I failed to provide him with information about the planning application for the quay and I would like to assure you that the allegation is completely untrue.*

*Mr Baker rang me to say that he considered that, based on the information posted on the Cornwall Council planning portal, there was insufficient documentation to justify the application. He then asked me to supply him with any additional paperwork I had submitted. I told him that there was no additional information as everything was displayed on the website. I know this to be the case as I had previously checked the site myself and I did so again following Mr Bakers query.*

*Mr Baker would not accept that the application was valid and said there should be more information available and that he had objected to the proposal on that basis. I advised Mr Baker that it was up to the planning authority to decide what information it required, not Fowey Town Council, and I had supplied everything that had been requested.*

#### Public Questions

**Robin Murtagh** explained that he was speaking on behalf of the large number of people gathered on the quay protesting about the pre planning application for a supermarket at Lawhyre, as well as on his own behalf. He was amazed that anybody would consider entering into discussions with Cornwall Council about any development on such a sensitive site within the AONB and in one of the most beautiful areas of Fowey. Mr Murtagh asked FTC to bear in mind that so many people were opposed to the scheme and he queried if there could be a formal public consultation if a planning application was lodged.

The Mayor responded that FTC was not in a position to comment until an application was lodged and the final details known but he gave an assurance that when that time came FTC would consult with the people of Fowey; if the developers did not stage a public consultation themselves then FTC would call a public meeting and invite the developers to attend.

**Sarah Matthews** stated that she was happy that FTC had shown that it was prepared to listen to the community and represent their views as had been proved with the Wainhomes application.

**James Earee and Fiona Carlyon** queried the progress of the Neighbourhood Plan, stating how important it was to get this document in place to give some measure of protection to Fowey.

The Mayor responded that it was moving forwards, but that it was unfortunately a lengthy process. The Town Clerk clarified that the Plan was registered as the Castledore Neighbourhood Plan and involved the parishes of Fowey, Tywardreath & Par, Lanlivery and St Sampson. The draft Project Plan was in place and she was currently working on the Neighbourhood Area application. Fowey would be the lead council and the FTC representatives were Cllr Alexander and Cllr Willmore. The stage would soon be reached when members of the public would be asked to get involved.

**Jenny Marchant** added that between 100/150 people had gathered on the quay to demonstrate their objection to the supermarket proposal, which she considered would have a huge negative impact on the town.

#### Police Report

No report

#### **12/192 Minutes of Meeting of 12<sup>th</sup> December 2012.**

12/169. Cllr Boosey pointed out a typo.

12/170. Cllr Mason stated that he had said 'regions in the EU' and not 'regions in the country.'

With these amendments it was proposed by Cllr Boosey, seconded Cllr Mrs Vincent and RESOLVED that the minutes be confirmed and signed by the Chairman.

#### **12/193 Matters Arising not on the Agenda (for report only)**

None.

#### **12/194 To receive and note the minutes, if any, of FTC Committees**

**Finance** – no report.

**Planning** - minutes noted.

**FAC** – no report.

**Town Hall** – minutes for 27<sup>th</sup> November noted.

**Environment** – no report.

#### **12/195 To receive the Mayors Report**

The Mayor reported

- Two households had so far offered Homestay placements for the Japanese students from AICHI University during their proposed English Field Trip to Cornwall. He asked members to do their best to encourage more people to come forward.

#### **12/196 To receive the Report from the Cornwall Councillor**

The Clerk read the following report on behalf of Cllr Bain

Local Plan – Planning Advisory Panel recommended to Council 38,000 houses over the next 20 years, but Council agreed 42,250, as Bodmin and Falmouth TC's reported that they would need

more than their allocation at 38,000. Officers had recommended to Council 45,500, but this was not acceptable to Members. There was also an amendment for 29,000 but this was lost. Eco Town – standalone. i.e. not included in final total.

Wind Turbines – Planning Ad Panel recommended AONB should be classified as open landscape and this was agreed by Council on 12<sup>th</sup> February. The Planning Committee, with full knowledge that this was going to be the case, approved on 11<sup>th</sup> February the turbine application at Trevenning Farm, and this despite plenty of objections.

Council Tax – Cabinet recommended to Council 1.97% increase. to be debated at mtg on Tuesday 26<sup>th</sup> February. I shall be away. Con Group has proposed a nil increase.

Council Tax Benefit – At its extraordinary mtg the Council approved those currently on 100% benefit to pay 25%. Also agreed Hardship fund of £1,000,000.

& Funding to CAB to be increased by £150,000.

Council has allocated £3.5m for road repairs and flood protection. Realistic cost could be £8.5m.

Appointment of Acting Chief Exec John Masters, Cornishman and currently Deputy Ch Ex confirmed.

### **12/197 To receive and consider reports from representatives of the Town Council on other bodies**

**Fowey Estuary Partnership** – no report.

**Forum** – Cllr Boosey reported that the Forum had discussed the placement of the Heritage Board but that she would report on it under the agenda item later in the meeting.

**Community Network Panel** – no report.

**Cornwall Towns Association** – no report.

**Chamber of Commerce** – no report.

### **12/198 To receive the Town Clerks Report**

The Clerk reported that

- She had been asked to minute the location of any documents relating to the transfer of the Town Hall and Town Quay and to list them for the benefit of the public. She confirmed that she had acquired the Schedule of Documents from Stephens & Scown St Austell, where the documents were currently lodged, and read it to the meeting.
1. 03 05 2012 Completion of Registration – CL245540
  2. 03 05 2012 Completion of Registration – CL244784
  3. 03 05 2012 Completion of Registration – CL244394
  4. 03 05 2012 Completion of Registration – CL240046
  5. 30 03 2012 TR1. Parties The Cornwall Council (1) – Fowey Town Council (2)
  6. 30 03 2012 Pre-emption Agreement – re. Fowey Town Hall and Quay. CC(1) FTC(2)
  7. 30 03 2012 Counterpart Lease re public conveniences forming part of Fowey Town Hall plus certified true copy. CC(1) FTC(2)
  8. 30 02 2012 Counterpart Underlease re public conveniences off Market Street, Fowey CC(1) FTC(2)
- She had attended a SLCC training course on VAT the previous Wednesday, which had proved to be extremely useful in clarifying FTC's position with regard to 'opting to tax.'
  - She had forwarded on emails to members in the usual way but Mr Baker had asked for some of his communications to be read aloud to the meeting. She asked for guidance from members as to whether they wished for these emails to be read. Members considered that it would be inappropriate to do so; they were aware of the content of all the emails and the Mayor had already made a full statement in response.

### **12/199 Accounts for Approval**

Cllr Mason proposed, Cllr Gudmunsen seconded and it was RESOLVED that accounts to the value of £2517.84 be approved.

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

It was proposed by Cllr Mason, seconded Cllr Willmore and RESOLVED that the Clerk should confirm to Lawrence Graham LLL confirming that FTC had no objection in principle to the winding up of the Beale Trust

### **12/200 Correspondence**

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

### **12/201 Resolutions from Councillors**

Cllr Mason requested that a resolution be placed on the March agenda that FTC create a small bursary to Fowey Primary School for the children to investigate aspects of Fowey history.

Cllr Mrs Vincent requested a resolution be placed on the March agenda that FTC form an Estates Committee to manage any assets transferred from CC. Cllr Mrs Vincent agreed to provide some suggested Terms of Reference for circulation before the meeting.

### **12/202 Public Conveniences in Fowey**

The Clerk read a letter recently received from Cornwall Council offering the freehold transfer to FTC of all the public conveniences in the parish, with the exception of Whitehouse. CC would ensure that they were all in good condition including, if desired, the provision of a means of charging for their use. They would be surveyed and a scheme of works (including, where possible, measures to reduce running costs) agreed that CC would carry out as soon as possible. In some cases bridging grants would be offered where budgets had been set. The letter stated that it was imperative that FTC notify CC by 25<sup>th</sup> February if it wished to accept the offer. Cllr Boosey noted that Fowey had a disproportionate number of toilets in relation to the population and she was extremely concerned about the cost of taking over the facilities. However, members considered that the toilets must be retained and, given the extremely short timescales allowed by CC, FTC had no option but to indicate its acceptance of the offer. Cllr Mason then proposed, Cllr Alexander seconded and it was RESOLVED that the Town Clerk should notify Cornwall Council accordingly.

### **12/203 Squires Field**

The Clerk reported that Cornwall Council had confirmed the previous day that it was prepared to offer the freehold transfer of Squires Field and Squires Field car park to FTC and had prepared a draft transfer paper. Members considered that this property was a key asset for the Fowey community and assuming ownership would safeguard it for the future. However, they also recognized that ownership would be a big responsibility for FTC; it would be necessary to prepare a business plan and to consult with the residents before any final decision could be taken but for the moment Cllr Alexander proposed, Cllr Willmore seconded and it was RESOLVED that the Clerk should indicate FTC's approval in principle of the draft transfer paper.

### **12/204 Allotments**

The Clerk reported that Cornwall Council had confirmed the previous day that it was prepared to offer the freehold transfer of the allotments and the One Acre Meadow to FTC. Cllr

Alexander proposed, Cllr Willmore seconded and it was RESOLVED that the Clerk should indicate FTC's approval in principle of the draft transfer paper.

The Mayor asked members how they wished to progress matters now that these freehold transfers had been offered, particularly given the financial implications. It was agreed that

- FAC would prepare a business case for Squires Field and update the allotments business plan
- The Finance Committee would manage the Town Hall and Town Quay in the short term but if more property was transferred to FTC it might prove necessary to consider a separate Estates Committee
- It would be essential to consult with the public as a matter of urgency in respect of the public conveniences and Squires Field. After discussion it was decided that the best way forward would be by means of a questionnaire in the Fowey News, possibly followed by a Public Meeting. Members agreed to consider salient questions and forward them to the Town Clerk as soon as possible

#### **12/205 Neighbourhood Plan**

Covered earlier in the meeting.

#### **12/206 Correspondence and Email Communications**

Cllr Boosey proposed, Cllr Willmore seconded and it was RESOLVED that the draft policy document previously circulated to all members should be adopted without amendment.

#### **12/207 Town Hall/Town Quay Complex**

1. It was proposed by Cllr Mrs Vincent, seconded Cllr Willmore and RESOLVED that the Town Clerk should sign the contract with A S Parking Services for enforcement on the quay.
2. Cllr Boosey had obtained a favourable quote from an officer at the Port Heath Authority for legionella testing in the hall and she reported that the Town Hall Caretaker and Cllr Willmore had agreed to undertake training and carry out the monthly testing. Cllr Boosey then proposed, Cllr Mrs Vincent seconded and it was RESOLVED that FTC should enter into a contract with the Port Health Authority for carrying out legionella testing and training.
3. It was proposed by Cllr Mason, seconded Cllr Mrs Vincent and RESOLVED that the Town Clerk should renew the existing leases and licences on the quay. In respect of the Food for Thought/Boathouse lease the Mayor confirmed that he and the Town Clerk had met with the owner and his agent to discuss the renewal. A request had been made for FTC to consider extending the leased area, remove the seating in front of the Boathouse, allow a vending station in front of the Boathouse, extend the term of the Boathouse lease and allow additional items to be sited within the Food for Thought leased area. .
4. It was proposed by the Mayor, seconded Cllr Alexander and RESOLVED that the Heritage Board should be allowed to remain in its current position but incur the standard rental charge as the other advertising boards on the quay. The setting up fee would be waived. Cllr Mason voted against the proposal.
5. It was agreed that the Town Clerk should arrange the replacement of the missing fenders on the slipway and for the painting of the railings.
6. It was proposed by Cllr Boosey, seconded Cllr Mrs Vincent and RESOLVED that FTC should accept the donation offered for the installation of an additional public seat in the area between Food for Thought and the outer quay.

7. It was proposed by Cllr Mason, seconded Cllr Vincent and RESOLVED to proceed with the transfer of the outer part of the quay to FTC.

**12/208 Busking in Fowey**

Deferred.

**12/209 St Catherines Castle Lights**

The Mayor reported that English Heritage was becoming very insistent that FTC resolve the issue of the flagpole; he would visit the site himself to see if he could identify a solution to the problem as otherwise English Heritage would insist on it being moved back to its original position. The new lighting system was still not working but the people who had worked on the project were reluctant to get involved again. It was agreed that the Mayor should contact some professional organisations for advice and prices.

**12/210 Amendments to Standing Orders**

It was proposed by Cllr Boosey, seconded Cllr Finlay and RESOLVED 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.

**12/211 Unreasonably Persistent and Vexatious Complainants**

Cllr Boosey proposed, Cllr Alexander seconded and it was RESOLVED that the draft policy document previously circulated to all members should be adopted without amendment.

**12/212 Pornichet Yacht Race**

The Mayor reported that a meeting to confirm the final details was scheduled for 25<sup>th</sup> February.

**12/213 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 items 'Renewal of the Food for Thought lease' and 'S W Water lease'*