

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 20th NOVEMBER 2013 AT FOWEY TOWN HALL

13/127 Present

The Mayor, Cllr John Berryman
The Deputy Mayor, Cllr Mrs A Boosey
Councillors Mrs K Alexander, T Delves, Mrs C Eardley, Cllr Mrs R
Finlay, D Willmore

In Attendance

The Town Clerk, Sally Vincent
I member of the press

13/128 Apologies

Cllr D Hughes (personal commitment)

13/129 Declaration of Interests

- a. Pecuniary - Cllr Delves registered a pecuniary interest in the Wainhomes agenda item
- b. Non Registerable – None
- c. Dispensations – None.

13/130 Public Questions/Police Report

Public Questions - None

Police Report - No report.

13/131 Minutes of Meetings of 16th October 2013.

It was proposed by Cllr Boosey, seconded Cllr Willmore and RESOLVED that the minutes be confirmed and signed by the Chairman. The Mayor abstained from voting.

13/132 Matters Arising not on the Agenda (for report only)

None.

13/133 To receive and note the minutes, if any, of FTC Committees

Planning - minutes noted.

Town Hall – no report.

Environment – the Mayor apologised that the minutes of the last meeting, which he had taken had yet to be published; this was due to his holiday and house move. He undertook to rectify the matter as soon as possible.

Finance – no report. It was noted that the Finance Committee was due to meet on 26th November to consider the budget for 2014/2015.

13/134 To receive the Mayors Report

The Mayor reported that

- He and his wife were settled in their new home in Lostwithiel, although he had maintained a business interest in Penhale Farm.
- He had attended the Lostwithiel Town Council meeting the previous evening as a member of the public; a prominent topic of discussion had been the town's public toilet block.
- He wished to formally record his congratulations to the Charter Pageant Committee; the evening had been a huge success and had been much appreciated by everybody.
- He reminded members that the Christmas lights would be switched on the following week before the Christmas Market weekend.

13/135 To receive the Report from the Cornwall Councillor

Cllr Hughes had submitted the following report, which was read to the meeting by the Town Clerk.

At the Cornwall Council meeting next week we will be asked to ratify the Cabinet's proposal to increase Council Tax by 1.97% next year. This is the highest increase that can be made without submitting the proposal to a referendum of all the voters in Cornwall, which would incur an estimated cost of up to £ one million. The actual cap is 2% but allowance has to be made for Parish Precepts and police budgets.

Because of the on-going savage cuts in Central Government funding to local government grants, this is going to mean significant reductions in "front-line" services such as adult social care, children's services, bus subsidies and road maintenance. It has been estimated that maintaining current service levels would require an increase of about 19%, roughly £4 per week for a Band D tax payer. Unfortunately, the burden of these cuts is likely to fall disproportionately on the elderly, infirm and most vulnerable in our community. I am not ashamed to say that I would have supported a tax increase significantly higher than that proposed, for that reason. However, I recognise that to achieve a "yes" vote in a referendum would call for a massive exercise in political unity and individual self-sacrifice which would be difficult to achieve, whilst failure would incur costs which the County cannot afford.

The draft Local Plan is still going through the bureaucratic procedures and no decision has yet been made about the target level of new homes to be built by 2030. Two figures are being mooted, 42,500 and 47,500, both below the figure in the now abandoned Regional Social Structure. Whilst emotionally there is a preference for the lower figure, to restrict urban sprawl, there is undoubtedly a serious housing need and that even the higher figure probably would not completely meet that demand. Officers have had informal discussions with Government inspectors, who have advised them that the lower figure would almost certainly not be accepted by the Inspectorate, essential before the Plan can be adopted.

Until we have an adopted Plan, it is effectively open season for developers, who will use Central Government guidelines to support their applications. These guidelines take very little notice of local needs or constraints. In my opinion, it is more important to have an adopted Local Plan which takes these factors into account and gives us some local control rather than delay things by fighting a "battle which we will almost inevitably lose. I shall therefore be supporting the higher figure.

I understand that Officers are minded to refuse permission for the Penhale wind turbine, principally on the grounds of unacceptable noise nuisance to very close residential properties. I am very conscious that this application is highly controversial and that any decision is going to be received with deep emotion by a significant body of people. I believe that supporters and

*objectors have had ample opportunity to put their case at the meeting of this Council and recognise that the decision of the Council was taken by a significant majority. Given the probable grounds for recommending refusal, I do not consider that I have sufficient arguments **on planning grounds** to request that this matter be brought to committee, against officer advice and the decision of the Town Council as I would not expect the Committee to take a contrary view.*

With respect to the Lankelly Lane Pre-Application, I do not consider it appropriate to make specific comments but would refer Councillors to the advice received from Cornwall Council, referred to in the minutes of the previous meeting and would suggest that Members should have an informal discussion to consolidate their response before bringing specific proposals to the next meeting of FTC.

13/136 To receive and consider reports from representatives of the Town Council on other bodies

Fowey Estuary Partnership – no report.

Forum – Cllr Boosey gave the following report

The most recent meeting had been remarkably short, less than an hour. The Chairman had reported on a meeting that had been held with the Chamber of Commerce Executive Committee, who seemed very well disposed to a join up process and would be consulting their members in the immediate future. There was a brief discussion over the naming of this 'new' entity and it was decided that this was for a future date. An open meeting was suggested for some time in January at the Town Hall when the whole thing could be discussed and all interested parties could attend.

The signage issue was discussed. There was a distinct lack of money and the scheme as suggested by Teresa was expensive, with no budget at her disposal. It was noted that the CIC had limited funds available which are earmarked for the benefit of Fowey, and it was agreed that an approach be made to them.

Community Network Panel – no report.

Chamber of Commerce – no report

Cllr Boosey reported that she had attended the Par/Fowey Imery's Liaison Group meeting and had raised the issue of large lorries using Passage Lane and not the haul road. It had transpired that this was because the lorries were too high-sided to go under the bridge on the haul road.

13/137 To receive the Town Clerks Report

The Clerk reported that

- She had met with Teresa Frost the previous day to discuss various highways issues. Teresa had advised that FTC held a licence for Hydreangea Row (signed by Arthur Baker on behalf of FTC) but could renounce this right at any time. Cllr Boosey proposed, Cllr Finlay seconded and it was RESOLVED that FTC should renounce this licence immediately as FTC could not accept responsibility for the huge, mature trees on the verge and it appeared that this would be the case if the licence was allowed to continue. Teresa had also advised that Fowey in Bloom held a licence for the verge on the opposite side of the road.
- Teresa would arrange remedial work on the two sunken drains on the left hand side of Polmear Hill before the Polkerris turning.
- The road to Polkerris was scheduled for extensive work as it had been concluded that the many springs affecting the road must be 'captured' and drained before surfacing could be successfully undertaken.

- She had met with a representative of Openreach as the company was installing superfast broadband in the town and needed permission to excavate a small area below the Town Hall steps in Webb Street, which was in the ownership of FTC. The Clerk had signed the consent form on behalf of FTC.

13/138 Accounts for Approval

Cllr Boosey proposed, Cllr Delves seconded and it was RESOLVED that accounts to the value of £3,090.70 be approved.

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

13/139 Correspondence

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

Item 1. Members noted a copy of a letter from Mr Stephens to Cornwall Council in respect of St Catherines Parade, including access rights and boundaries. Cllr Boosey undertook to investigate the situation.

13/140 Resolutions from Councillors

None.

13/141 Public Conveniences/Squires Field/Caffa Mill Car Park

The Mayor, Cllr Hughes and the Town Clerk had attended a very useful meeting at County Hall in respect of the possible devolution of the Fowey public conveniences, Squires Field and Caffa Mill Car Park. At the meeting the Cornwall Councillor with the portfolio for car parks, Cllr Biscoe, and the Cornwall Councillor with the portfolio for toilets, Cllr Hannaford, had supported FTC's request that Caffa Mill car park should be transferred to FTC to finance the running of the town's toilets and Squires Field. Cllr Delves and the Clerk had produced a spreadsheet and the figures had justified the transfers, although it was accepted that this contained some estimates due to the sparsity of financial information available from Cornwall Council. Due to the imminent budget setting exercise that FTC would need to undertake to set the precept for 2014/2015, Scott Sharples (CC officer) had agreed to produce some updated figures before the FTC meeting due to be held on 20th November as Cllr Biscoe had been keen for the transfers to be completed before the next financial year. Before leaving the meeting the FTC representatives had indicated that Fowey was not looking to make a profit on the deal but felt that the facilities could be run more efficiently and effectively at local level. If the revised figures that Scott produced showed an excess of income over expenditure FTC would be prepared to discuss taking over further services from Cornwall Council.

Unfortunately, just 3 hours before the 20th November meeting, the Clerk had received an email from Cornwall Council stating that Cornwall Council was not in a position to progress the transfer of Caffa Mill car park as preliminary figures were indicating a significant excess of income over expenditure, particularly as CC could only allow 26K for running the toilets as opposed to the actual running costs for previous years of over 60K. The Clerk had then contacted Cornwall Council by telephone to request sight of the figures to help FTC understand the situation but had been told that they were not currently available. The Clerk had queried how FTC could possibly budget for the return/management of assets without access to financial information and advised CC that the FTC 2014/2015 budget was due to be produced on 26th November. The officer had agreed to try to supply something before then and had asked the Clerk to contact him again on Thursday 21st November and advise him of FTC's reaction to his email.

Having discussed the situation, particularly in respect of the huge liability accepting the transfer of the toilets would mean, it was proposed by the Mayor, seconded Cllr Willmore and RESOLVED that the Clerk should advise Cornwall Council as follows

- FTC is committed to the devolution of services and considers that many local assets can be run more effectively and efficiently at local level.
- FTC cannot compile a budget to include the transfer of assets without full access to any financial information held by Cornwall Council. The FTC budget setting meeting is due to be held on 26th November for ratification at full council on 11th December.
- FTC cannot accept the transfer of high cost assets without some form of accompanying income stream. FTC is not looking to make a profit from any asset transfers and is prepared to discuss taking responsibility for additional services if required. In respect of public toilets, FTC considers that it is imperative that these are protected in Fowey, which is one of Cornwall's foremost tourist locations, but recognises that precepting for this, even at 26K pa, would place a huge burden on the 1786 local council tax payers.
- FTC very much wishes to work with Cornwall Council to protect local services but considers that any transfers should take place as a package to preserve transparency and to allow FTC to make sound financial decisions.

13/142 Allotments

The Clerk reported that the FTC solicitors were awaiting confirmation from Cornwall Council that they hold a signed Transfer document so that matters could be concluded.

Cllr Finlay reminded members of the allotment meeting scheduled to take place in the Town Hall on 5th December.

13/143 Town Hall/Town Quay Complex

The Clerk reported that

- The parking enforcement company had suggested that FTC may wish to look at the parking tariffs on the quay as the system for people using the facility before 9am was rather confusing. Cllr Willmore reported that the signage for similar parking tariffs in other, Cornwall Council run, car parks was easier to interpret and agreed to photograph one of the boards as FTC may be able to utilize the wording.
- She had noticed that some of the white lining on the quay was in need of attention and had raised the matter with Teresa Frost at the meeting the previous day as some of the lining delineated the boundary of the highway as well as the edge of the parking spaces. Teresa had confirmed that she could organise repainting if required at a price which recognized the joint responsibilities of CC and FTC.
- She suggested that Cllrs may wish to consider purchasing some large flower display tubs to site on the quay during the summer months; these would not only look attractive but would also effectively prevent parking in the area outside the British Legion if they were sited at the edge of the winter parking area.
- Coast to Coast had carried out temporary repairs to the steps to the beach and the Town Hall guttering. Permanent repairs to the steps would be carried out the following week and a price for supplying and fixing new guttering would be available shortly.

13/144 St Catherines Castle Lights

The lights were still not operational. Chris Biggs had advised that the drivers in the lights had blown and he was having great difficulty finding replacements as they were manufactured in Italy and the suppliers would only supply registered outlets. He had advised that he had

originally recommended LED lighting, rather than the units that had been installed and suggested that FTC might wish to replace the current system at an estimated cost in the region of £200.00.

The Mayor was due to meet with English Heritage at the castle on 27th November and would raise the matter then.

13/145 Neighbourhood Plan

Cllrs Alexander and Willmore endorsed the following report submitted by Cllr Hughes.

There will be a Neighbourhood Plan Group meeting at the New Inn, Tywardreath on Monday 25th November to discuss the structure and objectives of the Plan. Members of the Group are asked to invite any members of the community who are interested in getting involved to attend this meeting. It is essential that the Plan engages with all sectors of our population and I would urge you to recruit anyone who you think could make a contribution.

I have had an informal approach from a member of Lostwithiel Town Council enquiring whether they might join our Plan. I understand that their Council is to discuss this in the very near future. I understand that there are no technical reasons why they should not be involved and, personally, I consider that it would strengthen our plan, since there is a good geographical fit, our problems and challenges are largely common and, with their inclusion, the Plan would incorporate the whole Network Area, with the exception of St Blazey which has very different objectives. It would also share the costs incurred without significantly increasing them. I would welcome the support of FTC for this suggestion.

When considering the Budget, I would ask the Council to follow Tywardreath's example and include a capital provision of £5,000 for Neighbourhood Planning. This would not be seen as a "carte blanche" to spend this sum but would avoid a situation where the Plan would come to the Council for funding which would not have been provided for. It would also serve to remind those responsible for preparation of the Plan that it had to cut its cloth according to its needs. (I understand that Lostwithiel had been talking about reserving a much larger figure).

13/146 Wainhomes, Hillhay

The following was contained in Cllr Hughes's report

I covered most of the key areas concerning the Wainhomes development in my e-mail to Councillors of 9th November so I will not repeat it, although, should the Council so wish, I have no objections to that e-mail being attached as an annexe as a matter of public record. I can confirm that Cllr. Delves (as a representative of the residents of Hill Hay) and I will be meeting with Officers of Cornwall Council, including Nigel Doyle, Deputy Head of Planning, and a representative from Wainhomes on Friday 22nd November.

It was proposed by Cllr Alexander, seconded Cllr Boosey and RESOLVED that Cllr Hughes's email should be appended to the minutes as a matter of public record.

13/147 Questions under Standing Order 21

Cllr Willmore reported that, for various reasons, he had so far been unable to obtain a copy of 'The Good Councillors Guide' – he would continue his efforts.

Date of Next Meetings

Planning – 11th December 2013

Council – 11th December 2013

Meeting Closed 8.36pm

Appendix 1

Email from Cllr Hughes regarding Wainhomes, Hillhay – re 13/146

Dear All,

I am writing this as a brief resume of the current state of play as I see it.

On Wednesday night I e-mailed Phil Mason, Head of Planning, to make him aware of the level of dissatisfaction in Fowey regarding Wainhomes recent activities. I then sent my apologies for absence for a meeting which I was supposed to attend yesterday to discuss Cornwall Council Renewable Energy Policy because, even though I know that this is a subject on which my constituents hold very strong views, I considered that the priority was to see what could be done to curb Wainhomes cavalier actions.

I spent most of the day in conversations with Nigel Doyle, Assistant Head of Planning, Claire Broughton and Louise Whitby, who has recently taken over as Planning Enforcement Officer for our area. I have to say that there is considerable sympathy for our situation, particularly from Nigel. Both he and Louise also had discussions with Wainhomes. Nigel is calling a meeting of all the officers concerned to see what can be done.

Unfortunately, it would appear that, whilst Wainhomes have not operated in the spirit of the law, at first analysis, nothing which they have done so far would justify enforcement action which would stand up at Appeal, and on past experience an appeal would be inevitable. We have to recognise that Wainhomes do not care about their public image and have very deep pockets when it comes to litigation.

The Sales Suite

Since the site of the sales suite had not been transferred to the Council, under current National planning rules they are within their rights to erect a temporary facility on this land for the duration of the construction without planning permission, even though it was included as an informal play area in the original designs. However, such installations may only be temporary and the ground must be reinstated to its original state on termination. The only area where there is some doubt is about modification to the highway and vehicular access over the pavements. This is being investigated.

Notice-boards/Flags at Entrance

When they transferred the grass verges at the entrance to CCC on completion of the present estate, they cleverly retained ownership of the site of the notice-boards by a wiggle in the line on the documents, which was overlooked by officers. Since the signs and flags are on their land, highways regulations allow a notice-board and two flags during the construction of the site provided they do not represent a traffic hazard.

Starting work before all conditions have been signed-off

There were two outstanding conditions, one regarding drainage, required by the Environment Agency, and a landscaping condition. Only the former was a pre-condition. Wainhomes had submitted the necessary documentation for the former, which had been agreed by the EA and by CCs engineers. I had seen the proposals, as requested, and could see no arguments to reject the proposals, given that they had been endorsed by two sets of professionally qualified persons, and had verbally communicated this to Claire. Wainhomes were aware that their proposals had been accepted, even if the signed document had not changed hands. Although they were probably aware that to start without a signed document was out of order, they would have been advised that jumping the gun was unlikely to carry any significant sanction. The landscaping condition is not a pre-condition. There was not any opportunity for a meeting with the planning officer, as proposed by FTC which would have had any realistic possibility of changing the situation.

Access through the current estate

Although the "traffic plan" agreed by the Council establishes the principal access for the first two phases of the development as being through a new access, directly off the main road, it does also allow access through the cul-de-sac currently being used. For the third (eastern) phase, the sole access is through the estate. The traffic plan did not require any agreement from the local Member and was agreed some months ago (before I was

elected). I have made it very clear that I do not consider that this is acceptable as it represents a serious traffic hazard, especially as young children have been forced to play in the street as a result of the location of the sales suite on the only play area. This point appears to have been accepted by the officers, who are looking for an alternative solution.

In summary, it would appear that Wainhomes have out-manoeuvred us and the Council at this stage. I await Nigel's next response with interest and will inform you as soon as I have it but would not recommend over-optimism. In my opinion, the most powerful weapon in our armoury will be to marshal the undoubted local strength of opinion to work through the media, especially those with coverage outside Cornwall, to expose Wainhomes indifference to public opinion, and in particular to their existing customers.

I have tried in this resume to be open and honest and would ask that you do not "shoot the messenger". I am more than willing to support any legitimate initiatives which the residents may devise and would urge them to contact the media, especially regional to air their concerns.

David Hughes