

## **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 16<sup>th</sup> SEPTEMBER 2015 AT FOWEY TOWN HALL**

#### **15/52 Present**

The Mayor, Cllr Mrs R Finlay  
The Deputy Mayor, Cllr J Berryman  
Councillors Mrs K Alexander, Mrs A Boosey, Mrs C Eardley, D Hughes,  
Mrs L McCartney, D Willmore

#### **In Attendance**

The Town Clerk, Sally Vincent  
PCSO Lloyd Paynter (part)  
1 member of the press  
7 members of public (part)

#### **15/53 Apologies**

Cllr T Delves (LOA).

#### **15/54 Declaration of Interests**

- α. Pecuniary – None
- β. Non Registerable – Cllr Willmore declared a non registerable interest in any matters concerning the new Wainhomes development at Hillhay
- χ. Dispensations – The Clerk had extended a dispensation to Cllr Delves to participate in any discussion pertaining to the Fowey Wainhomes development. The Clerk had extended a dispensation to both Cllr Finlay and Cllr Eardley to participate in any discussion pertaining to the Fowey allotments.

#### **15/55 Public Questions/Police Report**

##### **Public Questions**

**Jane Talbot** queried if FTC had plans to replace Mike Penprase as Town Crier following his retirement. The Mayor confirmed that this was in hand.

**Arthur Baker** questioned the FTC minute of 15<sup>th</sup> July recording that the Castle Lights would not operate without considerable investment. Mr Baker pointed out that the lights did successfully operate 4 years previously, although he accepted that what he considered was a wiring installation fault had developed and they had ceased to operate. He was unaware of any attempt to investigate this faulty wiring, which he could not understand as it was fundamental to the working of the system. Mr Baker questioned whether the person tasked by FTC to get the system up and running had the appropriate professional qualifications to do so and he suggested that the person in charge of the project should be named and that he should provide a clear written statement of the engineering situation. Cllr Berryman replied that since Mr Baker had worked on the project two turbines had been destroyed by wind and the advice from the company was to have two smaller turbines sited lower down on the pole. An application to English Heritage to reposition the lights to make them more effective had been refused so it had

been decided to revert to the original ground based scheme. However, new wiring would have to be installed as the original wiring had been destroyed by water ingress. Cllr Berryman assured Mr Baker that FTC was doing all it could to get the lights working but reiterated that the task was far from straightforward, particularly because of the attitude of English Heritage. The Mayor added that she was very conscious of the benefactors input and confirmed that she had been in touch with him in August to update him on the current situation.

**Annie Stuart**, representing the Bowling Club Steering Group, queried the current situation with the transfer to FTC from Cornwall Council. The Clerk confirmed that FTC had signed and returned all the relevant paperwork to complete the deal but that instructions were still awaited from Cornwall Council that they were ready to sign it off. The Clerk assured Mrs Stuart that she was doing everything possible to move things forward and that, in the meantime, it was hoped to set up a meeting with groups interested in leasing the Bowling Club and Pavilion. The current situation with the Bowling Club was that the current lease was due to expire on 25<sup>th</sup> September, when Cornwall Council would meet with the Trustees and carry out the usual inspection and read the meters etc. Cornwall Council would then insure the building until the transfer was completed.

**Police Report** – PCSO Lloyd Paynter had submitted a full report and advised that there had been 27 reported crimes in the parish between 8<sup>th</sup> July and 9<sup>th</sup> September – 3 x assault ABH, 3 x Theft/theft by finding, 3 x common assault, 1 x take a motor vehicle without consent, 3 x burglary, 4 x criminal damage, 2 x theft of conveyance other than a motor vehicle, 1 x theft from shop, 3 x drunk and disorderly in a public place, 2 x assault on a constable in execution of his duty, 1 x owner/ person in charge of a dog dangerously out of control, 1 x send communication/offensive message. Lloyd stated that what was particularly worrying was the attitude of young people during Regatta Week, with one hundred or so 14/15 year olds abusing alcohol and running amok. He considered that their attitude and lack of respect for the police had been appalling and confirmed that this would be one of the topics for discussion at a ‘Regatta Shakedown Meeting’ with stakeholders scheduled for 28<sup>th</sup> September.

#### **15/56 Minutes of the Meeting of 15<sup>th</sup> July 2015**

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

#### **15/57 Matters Arising not on the Agenda (for report only)**

Allotments – The Mayor reported

- I attended a meeting of the Readymoney Allotment Committee yesterday, 15<sup>th</sup> September and updated the Committee on a meeting I had been to in Plymouth for allotment officers when we had discussed tenancy agreements, non cultivation of plots, insurance etc. Two points in particular are worth clarifying to
- **Health and safety**  
Most councils have a system of regular checks on the health and safety of the allotments, this is necessary as the insurance company would want to know that this was being carried out. I have bought a book which will keep a simple record of our regular walks which we already do with the chair of the association, the secretary and myself. The Association will look into insurance for the allotment which will be a nominal amount per plot holder but will provide cover for the whole allotment.
- **Non cultivation of plots**  
Five letters were sent out in June to plot holders who had made no effort with a notice to improve. Two had made an effort and got on with their plots, while three others have still

not been in contact or done anything to their plots. These three will get a notice to leave as there is a waiting list. This is the usual practice with other councils and the recommendation is to send this letter by recorded delivery.

St Catherines Lights – Covered in Public Questions.

Wainhomes – A letter had been received from Wainhomes asking for FTC's approval of an amendment to the affordable housing provision in the Hillhay Close development. The company wanted to change the dwelling at plot 214, which was currently a 3 bedroom intermediate property to a 4 bedroom intermediate as they had received a sales inquiry from a family currently renting in Fowey looking to purchase a 4 bedroom property. The Clerk queried the status of the enforcement complaint submitted by FTC that Wainhomes had already converted at least one 3 bedroom property to a 4 bedroom without consent. Cllr Hughes confirmed that he had been advised that there was no evidence that any houses had been sold contrary to consent, although he pointed out that if somebody did buy a property that was in breach of planning the problem would manifest itself when they tried to sell it. Cllr Alexander stated that she considered that this was just a money making exercise by Wainhomes and she considered that FTC should not approve the amendment; the footprint of the house was too small to accommodate 4 bedrooms and such a scheme would result in tiny, pokey rooms, which were not fit for purpose. It was also noted that the garden of this property was particularly small and outside space would be minimal for a large family. Cllr Finlay proposed, Cllr Boosey seconded and it was RESOLVED that FTC should object to the amendment for the reasons voiced by Cllr Alexander. Cllr Hughes noted that, while he had given some general planning advice to the meeting he had not commented on the application and he wished to register his formal abstention from voting.

**15/58 To receive and note the minutes, if any, of FTC Committees**

**Planning** - none.

**Town Hall** – none.

**Environment** – none.

**Finance** – none.

**15/59 To receive and consider reports from representatives of the Town Council on other bodies**

None.

**15/60 To receive the Mayors Report**

The Mayor reported

- On behalf of the Town Council I sent a letter of congratulations to Commander Tony King on his award of the British Empire in the Queen's Birthday Honours list.
- I also wrote to Mike Penprase on his retirement as Fowey Town Crier after 37 years.
- I will be presenting prizes at the annual triathlon on Sunday.
- I have been invited to a meeting on October 7<sup>th</sup> organised by Rev Philip de Grey-Warter about the future of the Regatta. Lynn Goold, the Chairs of the Chamber, the Galleon Inn, Graham and Tracey Jane, Melissa Hartwell and Paul Staniland from the Festival will also attend.
- I attended a SW meeting of the allotment association August 12<sup>th</sup> in Plymouth for allotment officers.
- I contacted Toby Lowe, Cornwall Countryside team leader about his meeting with the farmer who owns the fields beside the Parade on the 19<sup>th</sup> August. The meeting went well and it was explained that CC have a "duty of care to their property" and that the farmer

had allowed a “potential common law nuisance” with a possible risk to the public by allowing his tenant to damage the surface of the Parade between the two fields. The farmer and CC have come to an agreement in that a concrete pad will be designed and installed by Cormac and the farmer has promised he will replace the two gaps with gates. CC will also be putting in signs to warn the public of the use of heavy machinery crossing between the fields. CC will issue a public statement when the work is completed

**15/61 To receive the Town Clerks Report**

The Town Clerk reported

- An Asset Bid letter had been received from Jamie Miller RN
- The Old Ferry Slip Group would be painting the seats and the shelter in the near future.
- A quote for refurbishing the memorial seat at Whitehouse was still awaited.

**15/62 Accounts for Approval**

It was proposed by Cllr Berryman, seconded Cllr Willmore and RESOLVED that accounts to the value of £11,395.88 be approved.

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

**15/63 Correspondence**

The correspondence file was left ‘on the table’ for Cllrs attention

**15/64 Resolutions from Councillors**

None.

**15/65 Neighbourhood Plan**

The Mayor reported that it was her great pleasure to announce that the Fowey Parish Neighbourhood Plan has received £10,000 funding from “Awards for All, Big Lottery”. This would enable the steering group to develop the Neighbourhood Plan onto the next stage, with our exhibition, questionnaire and also workshops planned for 2016. She had written the Questionnaire and this was discussed at a meeting of the steering group on 25<sup>th</sup> August. The draft was finalised and had been sent off to Pegasus Printers this week for posting the first week of October. The launch of the Questionnaire would be at the Primary school on Thursday 15<sup>th</sup> October where there would be a presentation of the ceramic art work completed by Year 6 children on the theme of “What makes Fowey special”. The Steering Group hope the exhibition will be well attended by the residents of Fowey who will be able to come along and have a piece of cake, a cup of tea and find out about the Neighbourhood Plan.

**15/66 Squires Field**

The status of the transfer had been covered in Public Questions. In respect of the application for parking provision for the Fowey Community Bus, members noted that the Committee would be in a position to build a garage from their own resources and had asked for a meeting to discuss possible options. However, Cllr Boosey considered that FTC could not progress the application until the transfer had been completed and it was agreed that the matter must be deferred until then.

**15/67 Fowey Public Conveniences**

The Clerk confirmed that both the TQ toilets and the Caffa Mill toilets were now in the ownership of FTC. There had been ongoing maintenance and minor vandalism issues at the TQ site but the Caffa Mill facilities were running fairly smoothly. It was hoped that the TQ issues were just teething problems. In response to a query from Cllr Alexander, the Clerk confirmed that the footfall at TQ was significantly higher than that at Caffa Mill. Cllr Willmore noted that some issues had been highlighted in the Legionella report undertaken by Cormac and it was agreed that these should be dealt with by the Finance Committee. Cllr Hughes asked that a formal vote of thanks be recorded particularly to the Town Clerk, but also to everyone else involved for the huge amount of work that had gone into finalising the transfers.

#### **15/68 Town Quay**

Christmas Market 2015. The Clerk confirmed that the Licence had now been issued to the Chamber and that she was in possession of the risk assessment and safety plan. Lynn Goold had confirmed a week or so earlier that all but three of the pitches had been sold..

General Update No update.

#### **15/69 Street Trading Review**

It was proposed by Cllr Boosey, seconded Cllr Eardley and RESOLVED that FTC endorse the responses given by Cllr Hughes.

*The Town Clerk left the room for the next agenda item and notes were taken by Cllr Eardley.*

#### **15/70 Polruan Ferry Company**

The Mayor made the following statement

As the freehold owner of the Town Quay, the Town Council is entitled to regulate all commercial users of the quay by way of a licence and risk assessments and also has the right to expect commercial users to contribute towards the costs inherent in doing so.

The Town Council is entitled to impose a traffic flow system to ensure that all users can safely and conveniently use the Town Quay.

The Council is entitled to impose reasonable restrictions on the use of the quay to properly and safely manage the quay in a way which ensures the appropriate and safe use of the quay by all users.

At the end of February 2014 there was a meeting between the Mayor, Town Clerk and Messrs. Toms, where it was explained that the Council expected all commercial users of the quay to have a current licence issued by Fowey Town Council as well as a Risk Assessment Policy. The PFC licence would contain a schedule of use which would be the same as appears on the company's website. The Council received a letter of reply from Polruan Ferry Company on 13<sup>th</sup> March 2014 asking to run a ferry continuously for 12 months of the year from the Town Quay. A licence was drawn up by Town Council's solicitors in June 2014 with a schedule of use in line with that on the Polruan Ferry Company's website and which has been their practice for many years, namely;

1<sup>st</sup> October - 30<sup>th</sup> April Town Quay continuously

1<sup>st</sup> May to 30<sup>th</sup> September Town Quay before 09:30hrs and between 17:30hrs and 23:00hrs.

However, for the years 2014 and 2015 the Polruan Ferry Company has not accepted the proposed licence from the Town Council.

The use of the Town Quay during May and September was unauthorised and created severe congestion on both the quay and the steps, which posed significant health and safety concerns.

In conclusion, it must be understood that, while this is a commercial enterprise for the PFC, it is a much wider issue for the Town Council; ignoring the schedule of use questions the right of the Town Council to make charges and regulations for all commercial Quay users.

This situation on the town quay is clearly unacceptable.

Cllr Berryman proposed, Cllr Willmore seconded and it was RESOLVED that the matter be referred back to Sproulls solicitors for resolution. There was no amendment to the proposal and it was, therefore, RESOLVED that this would be done.

*The Town Clerk returned to the meeting*

#### **15/71 Roles & Responsibilities of FTC Committees**

Deferred.

#### **15/72 Co-option of a Councillor**

Candidates had previously been interviewed in respect of the vacancy on FTC and members agreed that the standard of the applicants had been high. However, Cllr Boosey noted that one of the candidates, Giles Asker, had been attending FTC meetings over the past several months so he would already have gained useful knowledge of council procedures and he was also an active member of the NP Steering Group. On that basis she proposed, Cllr Hughes seconded and it was RESOLVED that Mr Asker should be invited to join the council as a co-opted member. Cllr Alexander abstained from voting as she had been unable to attend the interviews. Cllr Hughes noted that the Clerk had advised the candidates of the possibility of joining FTC Committees as non-Councillor members if their application for co-option was unsuccessful.

#### **15/73 FTC Website.**

Cllr Eardley explained that she would like to introduce a Mayors Page on the website, which could feature photographs, events attended by the Mayor, the text of the Mayors article in the Fowey News etc. The cost for the amendments to the website would be £75.00 and Cllr Eardley proposed, Cllr McCartney seconded and it was RESOLVED that this should be commissioned. The Clerk reported that she had received a letter from Arthur Baker pointing out that he had been unable to find certain financial information on the website and asking if it could be included, together with copies of the deeds of properties now in the ownership of FTC. The Clerk confirmed that she and Cllr Eardley were working towards providing a Finance section on the site and this would hopefully be in place fairly soon.

#### **15/74 Questions under Standing Order 21**

Cllr Willmore reported that he had contacted Rachael Tatlow as he had received a complaint about overhanging trees in Rawlings Lane damaging high sided vehicles. Rachael had agreed to send out somebody to inspect the area but she had advised that responsibility would rest with the landowner. Cllr Willmore had also checked the status of the promised maintenance and white lining work in Trafalgar Square/Webb Street and had been told that it should be completed within 6 months.

*It was proposed by Cllr Berryman, 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 Town Quay Leases & Licenses and Staffing*

**Date of Next Meetings**

Planning	21 <sup>st</sup> October 2015
Council	21 <sup>st</sup> October 2015