

# SITHNEY PARISH COUNCIL

Chairman: Philip Martin

Clerk to the Council  
Mrs. Pauline Williams  
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37/12

## MINUTES OF AN ORDINARY MEETING OF SITHNEY PARISH COUNCIL HELD AT TRANNACK SCHOOL ON TUESDAY 4<sup>th</sup> DECEMBER 2012 AT 7.30PM

### Present:-

Cllr. P. Martin - Chairman	Cllr. I Paterson – Vice Chairman
Cllr. R. Ashmore	Cllr. P. Bickford-Smith – left 9.00p.m. Before item 21
Cllr. B. Deacon	Cllr. T. Martin
Cllr. M. Morgans	Cllr. A. Pascoe
Cllr. E. Williams	

Cornwall Councillor Loveday Jenkin, PCSO Ceri Sadler, Parish Clerk Mrs. Pauline Williams and 3 members of the public,

**1. APOLOGIES FOR ABSENCE** - None

**2. ACCEPTANCE OF MINUTES** - The Minutes of the Parish Council Meeting held at Sithney School on 6<sup>th</sup> November, 2012 were proposed by Cllr. Paterson seconded by Cllr. Morgans and unanimously approved

**3. DECLARATIONS OF INTEREST FOR ITEMS ON THIS AGENDA** - - Cllr. Bickford-Smith declared a disclosable registerable pecuniary interest in item 23 housing as a landowner involved in the scheme, and left the meeting prior to discussion.

Cllr. P. Martin declared a disclosable registerable interest in item 23 as a landlord.

**4. TO CONSIDER ANY APPLICATIONS FOR DISPENSATIONS UNDER SECTION 33 OF THE**

**LOCALISM ACT 2011** - Cllr. Bickford-Smith asked that the Clerk circulate clear instructions on when applications need to be made.

**5. MATTERS ARISING FROM PREVIOUS MINUTES**

**Problems raised by resident at Spring Cottage, re lane between Sithney Green and B3302**

The Clerk reported that CC had advised that all the works are completed including ditching work requested.

**Overgrown trees at Trevarno Front Lodge** – The Clerk reported that CC cannot identify the owner at present, but when they do notice will be served.

**Collapsed drain Tregathenan near turning to Truthall** – The Clerk reported that the Environment Agency had taken a sample of the water and the O2 reading was 90% which shows that there are no dangerous chemicals/effluent in the discharge. Cllr. Pascoe reported that during the abnormally heavy rain on 24<sup>th</sup> November there was no water coming out of the newly installed pipe. A local resident had removed a piece of turf to find the drain which allowed water into it. He had also cut back the bank to allow the surface water to flow into the stream at the end of the pipe. She reported that there was a lot of mud on the carriageway along with a lot of water running onto the Truthall Road. This has been made worse by the drainage ditch being completely overgrown and the bottom of the hedges allowed to grow into the road above Tregathenan. Remedial action was again taken. Cllr. Pascoe showed photographs to the Council and the Clerk read a draft letter which she asked to be sent. With two minor alterations it was proposed by Cllr. Bickford-Smith, seconded by Cllr. Paterson and carried that the letter (on Cornwall Councillor Loveday Jenkins advice) be sent to Cllr. Biscoe and Dave Owens (drainage).

**Crowtown to Sithney School** – The Clerk reported that the path cutting had been completed.

**Speed Visor results** – Cllr. Loveday Jenkin reported that she had not yet received the results, but that a scheme was being put together to amend the road lines which it was hoped would help the situation.

**Update Pengoon Farm** – The Clerk reported that Mandy Smith, CC, stated that she had met with the owners Mr. and Mrs. East in the CC Offices. They were advised that an application (CLUED) would have to be submitted proving residential use had taken place for at least 10 years. To date the information was not acceptable and a further meeting with CC will take place on 3<sup>rd</sup> December to produce more evidence. If this is not satisfactory they will have to revert back to the terms of the original permission for 25 units for all round holiday occupancy or submit an application for residential use (which is unlikely to be granted)

**Update Wheal Bramble, Gansey Farm** – The Clerk reported that a recent visit had showed that work was still progressing. Mandy Smith said she would continue to visit when she is in the area and carry out a full review in July 2013 when a decision will have to be made as to the course of action to be taken.

**Damage to Cornish Hedge between Truthall Manor and grass triangle at bottom beyond the bridge**

Cllr. Pascoe said no repairs had been carried out. Cllr. Bickford-Smith said he had not had the opportunity to visit the site and discuss repairs but would do as soon as he was able.

**Trevarno (previously called Gansey) Farm – alterations following closure of Trevarno Estate** – The Clerk reported that Lee Viner, CC, had visited but at that point only some pipes had been installed and no one was on site. He will visit again at the end of this week as it is envisaged that persons will be on site preparing for the

Santa special weekend to be held from 14 – 17 December. Cllr. Pascoe said she had visited the site. There is parking opposite the containers. The soap is being manufactured in the containers and the shed used as a shop.

**An Gwelvos – Report of Post Box Trevarno Estate** – Lee Viner, CC, has visited twice but despite his best efforts has got stuck in mud. He has tried to walk from the car with no success. He will try again shortly.

**Trevarno Estate** – The Clerk reported that the letter asking for confirmation of ownership of the parcels of land to be confirmed, for use in emergency, had been sent and a reply is awaited.

Cllr. Bickford-Smith declared a disclosable pecuniary interest and said that Andrew Harvey was now the person to contact re ownership and he would let the Clerk have his contact details.

#### **6. PUBLIC PARTICIPATION – None**

**7 POLICE REPORT** – PCSO Ceri Sadler reported that there had been no crimes reported in November. This compared to three last year. She said that the services of Boat watch, Horse watch and Farm watch are available to all and the public should contact her for details.

**8. CHAIRMAN'S COMMENTS** – The Chairman reported that the turnout for the Remembrance Day Service was the biggest and best ever.

The Chairman said he had been contacted by Trannack School asking if a Councillor would stand as a School Governor. They meet twice a term plus training days. Cllr. Mrs. Pascoe kindly agreed to stand. The Clerk to notify the school.

#### **9. COUNCILLORS' QUESTIONS AND COMMENTS –**

**Flooding/Drainage problems at An-Vownder-Goth.** - Cllr. Williams reported that during the recent heavy rain the road at An-Vownder-Goth had flooded and was now very muddy. She stated that she was concerned that her water supply, a well, may become contaminated by run off/flooding. She had contacted Cornwall Council who had advised her to contact the Environment Agency but when contacted she was advised to contact the Council. Cornwall Cllr. Loveday Jenkin advised that she contact the public health department concerning the safety of her water supply. Cllr. Williams said she had attempted to unblock the drain outside Bargus Mill & Veau but it had not been very effective and the water was running down either side of these properties and flooding another property further down.

Cllr. Bickford-Smith stated that the drain pipe was blocked behind his business premises and had been for a long time. CC had failed to clear it despite previous requests. He reported that under the railway arch at Penpraze there is a hole (cavern) created by CC to take away surface water, but this was also blocked. Cornwall Councillor Loveday Jenkin said she would set up a meeting to try and resolve the matter.

**Flooding Roseladden Farm** - Cllr. P. Martin stated that the property came close to flooding. He had contacted CC but had not received a response. He stated that a van had gone over the edge of Stopgate (junction to Porthleven on A394) and into the river. He had notified CC.

**Mud on road at Penpraze** - Cllr. Bickford-Smith said he had spoken to the owners of the field concerning a channel to take the water away. Cornwall Cllr. Loveday Jenkin said that CC has now taken over some to the Environment Agency work re water courses, but no additional funding had been received.

**Potholes at Prospidnick Livery.** - Cllr. Paterson said that the owner of the Livery is waiting to carry out repairs to his entrance, but as the Council road is full of potholes is waiting for these to be repaired first. The Clerk to contact CC.

**Dog Fouling** - Cllr. Deacon said he had received complaints about dog fouling in Merther Close. The Clerk asked if they knew the culprit or when the problem was occurring. It appears to be happening either last thing at night or early in the morning. The Clerk to report to CC.

#### **10. CORNWALL COUNCILLOR'S COMMENTS –** Cllr. Loveday Jenkin reported that she had:-

- Attended Cabinet on the 7<sup>th</sup> November where the Local Plan was recommended to full Council with an unamended figure of 48500 new houses over the plan period. The recommendation from the Cabinet advisory panel for a lower figure of around 38,000 was ignored. However it is ultimately a decision for full Council. Also new procedures for transfer of assets and management under the Localism Agenda were agreed and the revised project plan for the incinerator was passed despite the production by Cornwall Waste forum of a report analysing alternatives which could save the Council considerable amounts of money.
- Attended a presentation and meeting on the proposals for the New Archive Centre for Cornwall which will be based on Redruth Brewery site if the funding applications are successful.
- Laid a wreath at Crowan Remembrance ceremony.
- Attended the Health and Adults Overview and Scrutiny Committee on the 13<sup>th</sup> November which included a report on Community Hospitals and the number of beds closed. The current closure of Polfair hospital in Penzance has led to transfer of staff to other sites including Helston. There will be a further update on bed closures in January. Another concern is the creation of the SW terms and conditions consortium which is seeking to renegotiate health staff terms and conditions on a regional basis.
- Attended a useful briefing on Winter Wellbeing. Leaflets are available.
- Attended a meeting of SACRE which consider the RE curriculum in Cornish schools. The annual report suggests that boys' attainment was below girls and the gap widens as they progress to Level 6. Also the Curriculum Kernewek is being used in schools and resources are being developed.
- Attended a Member briefing on 19<sup>th</sup> November on changes to the Welfare system which will have significant impacts on those receiving benefits in Cornwall and Cornwall Council's budget for supporting those in need.

- Attended the Cabinet on the 21<sup>st</sup> November which recommended to full Council that houses left empty for more than two years should be charged 150% and that only the first two months should receive a 100% discount. A draft policy to investigate floods (a new duty) was also adopted. There was concern that the Government had not committed to future funding for these responsibilities.
- Attended Strategic planning on 22<sup>nd</sup> November. Consideration of an application for the top of Arch Hill in Truro was deferred as the MP had produced evidence from the minister suggesting that the framework plan process should carry weight even though the plan is not yet completed.
- Attended member briefings on the Alternatives options to a Strategic Partnership and the Local Plan (Core Strategy)
- Attended an Extraordinary Corporate Resources Committee on 28<sup>th</sup> November where the issue of devolution of Crisis payments to the Local Council from the DWP and the localisation of Council tax support both with a decrease in money from Central Government was considered. The current schemes cannot be maintained on a reduced budget.
- Been involved in helping with training on the new Code of Conduct for Parish Clerks, members and Cornwall council members.

The Youth Diamond bus was due to visit Nancegollan on the 21st November but the bus has been out of action (again) due to a problem with its brakes. She had attended the playing field with the Youth workers in case anyone turned up. It is due again tomorrow and she had not heard that it is not available. A new timetable has been produced which John Keeling is due to circulate for notice boards.

Cornwall Councillor Loveday Jenkin reported that the friendly Planning Officer for Sithney is Matt Doble to be contacted if the PC has any difficulties obtaining advice or information.

## 11. PLANNING

**Planning Applications** To consider recommendations to planning applications received: - None

### **OTHER PLANNING MATTERS:**

Agenda received for West sub area Planning Committee on 21<sup>st</sup> November and 3<sup>rd</sup> December 2012.

PA12/05955 Bracken, Poldown, Breage TR13 9NN. Submission of details of discharge of condition 3 in respect of decision notice. (Surface water drainage Sithney Parish Council not a consultee)

PA12/10550 Lifting of condition. Listed building consent for conversion of garden store into granny annexe, Trannack House, Lowertown, Helston TR13 0DA. (Not a consultee)

### **Decisions**

PA12/05621 Conversion of barns to form 6 dwellings and garages. Home Farm, Trevarno, Sithney. Approved with conditions.

PA12/06863 Tuckingmill Farm, Tuckingmill, Helston TR13 0DB. Listed building consent for restoring window openings on North and East elevations of main house, replacement of roof tiles and installation of angle ridge on detached barn, installation of roof on hen house incorporating slate hanging tiles to walls and rebuilt of collapsed stone retaining wall and steps. Approved with conditions.

PA12/08731 Nanskerris. Retention and Completion of three single storey purpose built units. Approved with conditions.

**Report by Cllr. I Paterson on Planning Forum he attended at Pool.** – The significant points are

- CC have extended the target response period for Planning Applications from 21 to 28 days which should ease most of the recent problems with turn round times
- Pushing a disputed application to Planning Committee costs £1,700 - £1,800. An application dealt with under delegated powers cost around £90 to process.

**The role of PAP (A. Pascoe)** – Cllr. Mrs. Pascoe said that PAP was a small panel who view plans before full Council and make a recommendation. The purpose of this meeting is to allow proper time to consider applications properly, and to reduce the time spent at full Council discussing applications. In the instance of the Nanskerris application PAP made a decision which it is not permitted to do under Standing Orders. Whilst an e mail was sent by Cllr. Bickford-Smith to all members of PAP, she felt they were still straying from the original intent. In future it was felt that the Chairman of the Parish Council should be contacted in the first instance before any action is taken. If the Chairman agrees then other Councillors should be informed. Cllr. Pascoe felt that the huddle at the back of the Church following the Remembrance Service was wholly inappropriate and she had distanced herself from it.

**Additional suggested amendment to Standing Orders from Cllr. Bickford-Smith**

### **Revision to 42 (g)**

(g) the recommendations made by the panel will have no authority as such and shall be placed before the full Council for approval or amendment as agreed by the majority of the full Council. However, the panel will be able to make a decision as per clause (h) below.

### **New Standing Order**

(h) In the event of the Planning Office or Officer questioning, advising or commenting on the decision of the ordinary Council, and requesting a response prior to the next Ordinary Council Meeting the Chairman of PAP will call a meeting of the PAP, to discuss Cornwall Council's concerns. The Chairman will give at least 72 hours notice of such a meeting and also advise all Sithney Parish Councilors that they may attend the meeting if they so wish.

(This is actually covered by STO 46)

A record of the meeting will be made by either the Chairman of PAP or the Planning Officer and circulated to all Councillors with a deadline of response time if one has been set.

If the Panel are unable to agree a majority vote, the matter will be referred back to the full Council for a decision.

Cllr. Pascoe presented members with the following amendment to the amendments sent by Cllr. Bickford-Smith

**Suggested further amendments by Cllr. Pascoe**

To be added to clause a)

The role of the Planning Advisory Panel is to view and discuss submitted planning applications prior to the regular monthly meeting of the council. Comments will be submitted from the planning advisory panel to this regular full meeting of the council and any decisions will be made by the full council.

To be added to clause g):

In the event of new information or concerns arising between regular full council meetings, which require a prompt response, the Chairman of SPC will be consulted before any action is taken. The panel will be able to make a decision only under these circumstances.

All Councillors should be informed if the PAP is to take decisions on behalf of SPC and should have the opportunity to be part of the decision making process.

It was agreed to move a decision to the next meeting of the Parish Council and delay any further action at item 17. Meanwhile the Clerk to send out details of original SO42; Peter's and Ann's amendment with the Agenda.

**Pre Application Requests made to CC**

PA12/03200 Construction of one affordable dwelling, Merther Farm, Merther Lane Sithney TR13 0RP. Status pending.

**12. PUBLIC RIGHTS OF WAY** – Cllr. Paterson said it is the SW Coast Path Association 40<sup>th</sup> Anniversary in spring 2013. To celebrate a series of sponsored walks will take place to walk the entire 630 miles. There are no implications to Sithney Parish.

The Clerk reported receipt of LMP grant in the sum of £1,175

**13. REGENERATION/BT PHONE BOXES** - The Clerk reported that despite chasing the PC insurers no response had been forthcoming. No response had been received from Coreley Council either re their ex BT boxes.

Cllr. Ashmore said the launch of Lowertown Library will take place shortly. The volunteers had run short of paint, and whilst Lowertown had kindly purchased some themselves, some more paint will be required. It was proposed by Cllr. Bickford-Smith, seconded by Cllr. T. Martin and carried unanimously that Cllr. Ashmore purchase some more and present the invoice to Council for reimbursement.

**14. LOCALISM** – Nothing to report.

**15. CODE OF CONDUCT**– The Clerk reported that the Parish Council Model Code of Conduct had been sent to all Councillors.

**16. REPORT OF THE CLERK & CORRESPONDENCE**

E mail from CWFSDB re incinerator and increased recycling.

Rural Opportunities Bulletin November, 2012

E mail re community development

Details of courses for carers – displayed on PC notice boards

Rural Services on line 5/11, 12/11, 19/11,

CC – invitation to 20mph speed limits talk.

Social Enterprise Day 16/11/2012

Letter of Apology from Barclays Bank for it taking from 4/7 to 5/11 to get a numbered bank paying in book.

Revised post re Youth Diamond Project incorporating new times.

Julie Girling, MEP, re Broadband in rural areas

Cornwall AONB newsletter

The Clerk had received a letter from Dr. Matthews, Churchwarden of St. Sithney Parish Church advising that the annual service will be held on Wednesday 19<sup>th</sup> December at 7.00pm with 9 lessons and carols followed by the switching on of the lights. She extended an invitation to all Councillors and the Chairman. She also asked if someone could read the second lesson. Cllr. A. Pascoe volunteered and the Clerk passed her the reading.

**17. CONFIRMATION OF AMENDMENT TO STANDING ORDER 42(C) ADJOURNED LAST MEETING IN ACCORDANCE WITH SO 68** – Further consideration has been suspended until the next meeting see (11) above.

**18. FINANCE**

**a) To consider the following accounts for payment:**

It was proposed by Cllr. Morgans, seconded by Cllr. T. Martin and carried unanimously that the following accounts be paid:-

	£
Mrs. Pauline Williams, Clerk (£492.12)	419.92
Salary	28.50
Mileage	20.00
Office Allowance	10.00
Computer Depreciation	

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	Telephone Calls	2.90
	Petty Cash	11.40
Post Office (for HMRC)	Income Tax – Clerk	0.60

**b) To consider the following applications for donations: None Received**

**19. Audit carried out on 20/11/2012** – Cllr. Bickford-Smith said everything was in order. The Clerk stated that she had sought opinions from CALC and David Gallie on whether it was in compliance with the Audit Regulations for one Councillor to carry out the Audit in case of complicity. After discussion Council felt the risk was acceptable.

**20. Set Parish Precept for 2013/2014** – The Clerk reported that S137 was £6.80 per elector. CC had confirmed the elector's no. as 675 at 29/11/2012 thus calculation is £4,590. This was noted.

Cllr. Bickford-Smith thanked the Clerk for all her work on the estimates and congratulated her on them. He suggested the Council adopt the figures as per the estimates circulated which represent just under a 2% increase. However, if following the decision of the Government on the Council tax base, this would result in a referendum then the Council would review them. It was proposed by Cllr. Bickford-Smith, seconded by Cllr. Pascoe and carried unanimously that the Precept for 2013/14 would be £15,615.

Cllr. Bickford-Smith left at 9.00p.m. after item 20.

**21. Revised means of dealing with list of payments from 1/4/2013 to comply with new HMRC scheme**

The Clerk reported that HM Revenue and Customs are introducing a new scheme call 'Real Time Information' for PAYE from April 2013. This will involve the automatic transmission of records on a monthly basis, instead of annual basis and payments to be made at that time. It will therefore, no longer be possible to enter payroll figures on agendas, as HMRC will require payment at that time, i.e. a week before the cheque would be signed. The Clerk proposed that a list of all payments, which is all Standing Orders require in any event, is given to all Councillors at the beginning of each meeting for approval under the relevant item in the meeting. It was proposed by Cllr. T. Martin, seconded by Cllr. Williams and carried unanimously that this was agreeable.

**22. Consideration of price of timber (Mr. Philips seat) at Coverack Bridges by the Notice Board** - The Clerk reported that the only way that the PC can spend Council money on this bench is if the family hand over ownership to the PC. Then it can be funded, as a Council asset under Parish Council's Act 1957 S1 (1) Schedule 5 which covers the provision of seating.

Mrs. Mickler was asked to contact the relatives and see if they were willing to send the PC a letter gifting the bench and responsibility for its future maintenance.

**23. Update on proposed affordable housing in Crowtown** – The Clerk reported that the letter that the Council approved had been sent. To date their was no response.

**24. TIME AND DATE OF NEXT MEETING** - Tuesday 8<sup>th</sup> (NB) January, 2013 at 7.30p.m. at Sithney School