

SITHNEY PARISH COUNCIL

Chairman: Philip Martin

Clerk to the Council
Mrs. Pauline Williams
01209 831229

Briar Cottage,
Burras, Wendron
Helston TR13 0HU

47/12

MINUTES OF AN ORDINARY MEETING OF SITHNEY PARISH COUNCIL HELD AT TRANNACK SCHOOL ON TUESDAY 5th FEBRUARY 2013 AT 7.30PM

Present:-

Cllr. P. Martin - Chairman	Cllr. I Paterson – Vice Chairman
Cllr. R. Ashmore	Cllr. P. Bickford-Smith (left 9.20p.m.)
Cllr. B. Deacon	Cllr. T. Martin
Cllr. M. Morgans	Cllr. A. Pascoe

Parish Clerk Mrs. Pauline Williams, Cornwall Councillor Loveday Jenkin, and 6 members of the public,

1. APOLOGIES FOR ABSENCE – Police and Cllr. E. Williams (standby)

2. ACCEPTANCE OF MINUTES - The Minutes of the Parish Council Meeting held at Sithney School on 8th January, 2013 were proposed by Cllr. Paterson seconded by Cllr. Morgans and unanimously approved

3. DECLARATIONS OF INTEREST FOR ITEMS ON THIS AGENDA – were received from Cllr Bickford-Smith a disclosable pecuniary interest in Affordable Housing item 21.

Cllr. P. Martin declared a non registerable interest in Affordable Housing Item 21 and a disclosable pecuniary interest in Matters Arising – Flooding Roseladden Farm.

4. TO CONSIDER ANY APPLICATIONS FOR DISPENSATIONS UNDER SECTION 33 OF THE LOCALISM ACT 2011- none

5. MATTERS ARISING FROM PREVIOUS MINUTES

Overgrown trees at Trevarno Front Lodge – Cllr. Bickford-Smith reported that the area from the Front Lodge to Mill House had been cut but from the Mill House to The Quarry remained. He agreed to monitor the situation.

Collapsed drain Tregathenan near turning to Truthall – CC had indicated that this would be looked at. Cornwall Councillor Loveday Jenkin said she had no further information.

Update Pengoon Farm – The Clerk reported that Mandy Smith CC reported that she was waiting for a Certificate of Lawfulness application. This was supposed to be submitted by the end of January, which it had not, and she has chased the agent.

Update Wheal Bramble, Gansey Farm – Nothing further to report.

Damage to Cornish Hedge between Truthall Manor and grass triangle at bottom beyond the bridge – Cllr. Bickford-Smith stated that no works had been carried out. It was agreed that the Clerk write a formal letter to Trevarno asking for the repairs to be carried out (send to Thane Osborne) with a copy to New Generation.

Trevarno Farm – alterations. – The Clerk had chased Lee Viner for an update.

An Gwelvos – Report of Post Box Trevarno Estate – The Clerk had chased Lee Viner for an update

Flooding/Drainage problems at An-Vownder-Goth. – The Clerk reported that the drain had been dug out at the top, but it is uncertain whether any investigations have taken place re any further blockages under the Industrial estate. Cornwall Councillor Loveday Jenkin had chased David Vincent, Cormac and Dave Owens, CC, to see whether any further works are planned and to see if there are any changes in management of the drainage structures planned but it was reported that nothing further had been heard.

Potholes at Prospidnick Livery – Cllr. Paterson reported that this had been refilled.

Flooding at Roseladden Farm – The Clerk reported that Cormac were going to carry out some work to alleviate the flooding problem, however the main issue appears to relate to the flow capacity of the bridge under severe weather conditions. This has been referred to CC for any further action.

Mud on road at Penpraze – No progress

Dog Fouling Merther Close – Cllr. Deacon reported that the matter had been resolved.

Condition of road between Top Lodge and Trannack leading to B3297 Helston/Redruth Road. Road at Roseladden – The Clerk stated that Cormac said that they have put the road on the list for surface treatment, but it is a long list.

Policy re signage including brown tourist signs – The Clerk reported that a copy of the policy document had been received

Budget for road repairs and plans for repairs – The Clerk reported that a copy of the policy had been received.

6. PUBLIC PARTICIPATION – Mr. Chris Cartwright of 3 Chynhale Cottages attended in respect of the plans for the Old School with Mr. Richard Goedegebuur. He said he was pleased to see the amendments to the original plan but was still concerned about the drainage. Cllr. Bickford-Smith confirmed that according to the plans received only today drainage was to a soak away within the curtilage of the property.

Sue Walters of situ 8, agent for the owners of the barn at Mellangoose, Mr. Ben Hobbs and partner, spoke concerning a proposed planning application in respect of the property. She stated that Mr. Hobbs had purchased the barn in 2012 with planning permission. She stated that the bathroom was too small for a bath, and the bedroom would not allow for normal furniture. Her client wished to make the rooms larger in order to accommodate normal furniture and have an additional bedroom. The extension would be an additional 38 sq.metres and encompass a double and single bedroom, lounge, kitchen and bathroom. Mr. Hobbs said he planned to use the stone on site from the derelict property within the grounds

for the front of the alterations and timber for the back which would be less visible. Ms Walters asked Council if they needed to submit a pre app or go for planning permission. The Chairman stated that he could not predict the outcome of an application but asked Councillors if they had any views. None were forthcoming. Ms Walters thanked Council for their time.

7. POLICE REPORT – The Clerk stated that PCSO Ceri Sadler has resigned and not been replaced. A report and apologies had been sent by PCSO Julia Berry who said that there were no crimes reported to the Police during January 2013. This compared with two crimes reported during the same period last year.

8. CHAIRMAN'S COMMENTS – The Chairman reported that the meal at The New Inn was lovely. He thanked Cllr. Paterson for organising it and asked that thanks be conveyed to the New Inn. He said he had been unable to attend the senior citizen annual party but understood it had gone very well. Thanks were conveyed to all the organisers.

9. COUNCILLORS' QUESTIONS AND COMMENTS – Cllr. Mrs. Pascoe said that she had received a number of reports:-

- a) Pot holes near the bend at Gwavas and near the bottom of Lonon Hill
- b) Ditches needing clearing on the road from Trannack School going towards Lowertown and Gwavas, including Lonon Hill and all the hills. Water was cascading down the roads and causing further damage to the roads.
- c) People had reported smoke from the chimneys of caravans parked behind the stables in New Road on the Nancegollan to Moffits Corner Road- it was felt that people were living in them.

Cllr. Morgans reported further flooding problems at the Old Piggery. He said some time ago new drains were installed. During bad weather these become blocked with debris by flood water running off the hill, down the road, into his drive, flooding the garden. Cornwall Councillor Loveday Jenkin said she was imminently having a meeting with Martin Clemo and would discuss this with him. Cllrs Morgans and Bickford-Smith said they would like to attend the meeting.

Cllr. Bickford-Smith said that the hedge from Chynhale to Crowntown (runs down the side of Trelin) needs cutting back.

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

- Dealt with a number of highways and planning issues within the parish.
- Helped with a number of Standards training sessions across Cornwall
- Attended meeting of Communities Overview and Scrutiny Committee 10th Jan where issues related to changing the registration service hours, report from Carrick Leisure Services, increase in Council Housing rents, alternative ways of advertising Homechoice and the future of the land at Carn Brea leisure centre were discussed.
- Attended Full Council 15th January where House building Targets, Council tax support and the Local plan were discussed and deferred to future meetings.
- Attended Cabinet 16th Jan and 23rd Jan; - the main issues discussed included the localised Council Tax support which was further discussed at Corporate Resources on 25th January and then Cabinet on the 23rd followed by Full council on 29th January – a loss of 25% of the support for the most vulnerable households was carried at the Full Council – which she voted against.
- Attended several Budget Scrutiny meetings including corporate resources on 25th Jan and Health and Adult Care on the 22nd January. There are serious issues because of cuts in funding from central government which are creating between £4m and £10m black hole in the budget depending on the Council tax agreement which will be discussed at Full council on the 15th.
- Run a Volunteers session for Helston Museum on Saturday 19th Jan
- Visited the Youth Bus at Nancegollan – some young people came on the 9th to see it but none on the 23rd. Next visit is 5pm tomorrow.

She said that she and her husband greatly enjoyed the Parish meal at The New Inn in Wendron – good food and great company, thank you all very much for inviting us. She said she would miss coming to the meetings after the boundaries change.

11. PLANNING

Planning Applications To consider recommendations to planning applications received: -

PA12/10380 Amended Plans. Change of use from school to dwelling and formation of new vehicular access. Chynhale School, Chynhale, Helston TR13 0RX.

PAP welcomed the revised plans which now incorporate their previous recommendations and supported the application. It was proposed by Cllr. Paterson, seconded by Cllr. Bickford-Smith that Standing Orders be lifted (8.25) to enable members of the public to speak again on this application.

Mr. Cartwright said that he had been contacted by Mr. Cooper who said he was purchasing the Old School and that change of use from community use to residential had not been applied for or granted. The Chairman reiterated that only applications before the Council could be considered. Standing Orders were reinstated at 8.45.

Cllr. Ashmore expressed concern, which others agreed with, that the PC in allowing a community building to be changed to residential use gave the impression that community facilities were not wanted. He felt it could impact on any grants that the PC may request in future for community projects. Cllr. Bickford-Smith said that he had the records of the use of the Old School Rooms. He said that many attempts had been made between 1975 and 1995 (when the property was sold to Sagin & Helsby), to run the Hall as a community project. Since 1995 it had not been offered for use by the community.

It was proposed by Cllr. Bickford-Smith, seconded by Cllr. Pascoe and carried, without amendment, on a 6 for with 1 abstention (TM) that the PC support the application as it stands.

PA12/11816 Proposed rear extension with the installation of two dormers, two roof lights at Trannack Cottage, Lowertown, Helston TR13 0DA

PAP supported this application.

It was proposed by Cllr. Paterson seconded by Cllr. Morgans and carried that the recommendations of PAP be approved.

Decisions - Approved

Discharge Condition 3 (appertaining to drainage) in respect of decision notice PA12/05955 Bracken Farm, Poldown, Breage TR13 9NN

OTHER PLANNING MATTERS: - The Clerk reported receipt of the Agenda for West sub-area Planning Committee for 4th February, 2013

Pre applications – The first request had been received to consider an application prior to submission of a pre app. PAP sought guidance from Andy England on procedure. They proposed that a meeting should be arranged with Andy England and should not necessarily be part of the ordinary Full Council meeting, but that all members should be invited to attend. This was agreed. The Clerk was asked to arrange. Cllr. Bickford-Smith kindly agreed that the Council could use Trelin for the meeting.

12. PUBLIC RIGHTS OF WAY – Colin Bayes and Dan Senior, CC, had been advised of the problems regarding footpath 230/11/1 which runs from the Crown Inn to Moffits Corner and has debris, a fallen tree and a hole, which whilst protected (probably old mine shaft) need attention.

13. REGENERATION/BT PHONE BOXES – Nothing to report.

14. LOCALISM – Cllr. Ashmore stated that he was still in negotiations with Charlotte Chadwick re funding for community halls.

15. CODE OF CONDUCT– see item 17.

16. REPORT OF THE CLERK & CORRESPONDENCE

Rural Services on line 7/1, 14/1, 21/1, 28/1.

Rural Opportunities Bulletin. January, 2013

Rural Services on line 15th January – MP's rally for fairer rural funding

Town and Parish Council Newsletter no. 11

Emergency Road Closure A394 at Little Antron (between Sithney and Breage)

Water Future – Document from South West Water '25year future outlook' and newsletter January 2013

CC Budget Proposals 2013/14

Cornwall AONB forum 16th March 10 – 3 at Truro College

Julie Girling MEP January newsletter and press statement re EU reform

E mail report from St. Dennis Waste Forum

E mail invitation to Community Resilience and Working together event from CC 13/2 10 – 2pm Eden

South West Internal Audit offering Audit services (two and a half times current price)

CALC The Week Issue 1

An e mail had been received from Ms Stacey a journalist at BBC radio Cornwall who is information regarding any issues following the sale of the Trevarno Estate and wished to speak on the telephone to a local Councillor. The Chairman felt this should be discussed at full Council. It was confirmed no complaints had been received and the Chairman of the Council was authorised to speak to BBC Radio Cornwall and confirm this.

17. EXPLANATION OF TYPES OF DECLARATIONS TO BE MADE UNDER CODE OF CONDUCT – The Clerk reported that she had e mailed all Councillors following the course she and Cllr. Paterson had attended with the following information:-

- Councillors must declare the type of interest. Either a Disclosable Pecuniary Interest which should be interests declared on the Declaration of Interest Form OR a Non registerable interest.
- Councillors must specify why they have an interest. For instance if they own a shop and there are no parking signs being proposed outside they must say they own the shop where the no parking signs are being proposed. Councillors would declare a Disclosable Pecuniary interest because of the property ownership and leave the room
- Councillors MUST leave the room once an interest is declared, unless the Chairman allows them to speak on a matter, which no one else can do, for instance in support of an application for funding for a group they belong to, once they have spoken they still have to leave the room.
- Interests on the Declaration of Interests form must be specific. It is not enough to say I own property in the Parish or land in the Parish, Councillors must list each property or parcel of land. This also applies to interests held by a partner or spouse. Although these do not have to be declared separately anymore just under the declaration, for which there is a new form, which was offered to Cllrs some months ago.
- It is the Councillors responsibility to fully declare interests. Failure to do so could lead to sanctions.
- It is the Councillors responsibility to leave the room Failure to do so must be minuted.

Cornwall Councillor Loveday Jenkin explained that:-

1. Disclosable pecuniary interests: These interests, as set in the 2012 Regulations, are:

- Employment
- Sponsorship
- Contracts
- Land – must specify which land and property is owned.
- Licences

- Corporate Tenancies
- Securities

(These are what you register on your interest form (including spouse) and you need to leave the meeting and not take any part in the debate if these come up – it is good practice to explain the nature of your interest before you leave the meeting even though it is already on the register)

2. Non-registerable interests: Found at paragraph 5B of the Code

- Covers anything that may affect the well being or financial position of a family member or someone with whom the subject member has a close association, or a body or group of which they are a member
- The interest has to be so significant it could be perceived as affecting the member's judgement

(These you should declare at the start of the meeting and leave the meeting for the vote – you may speak on behalf of a group that you are involved with at the Chairman's discretion ref para. 3.5A but not vote unless you have a dispensation (see below))

Exceptions to 5B

- 5 exceptions to this set of interests at paragraph 5B(i) – (v)
- These are:
- School meals/transport
- Sick Pay

- Payments to members
- Ceremonial Honours
- Setting of Council Tax

3. Dispensations

- Under Statute, a dispensation can only be granted in relation to a disclosable pecuniary interest, not in relation to a non-registerable interest
- It is recommended that, notwithstanding the operation of para 3.5(A), Councils **have in place a procedure for granting dispensations for non-registerable interests**
- Requests for dispensations must be made **in writing** prior to the discussion of the matter in question
- They should be made to the Council; however, some Councils have delegated the decision making to their Clerk (in the case of Cornwall Council, the decision has been delegated to the Monitoring Officer)

Dispensations may only be granted where the authority considers that:

- without the dispensation the number of persons prohibited from taking part, by way of their disclosable pecuniary interest, would be so great a proportion of the body transacting the business as to impede the transaction of the business (i.e. the meeting would be inoperative)
- granting the dispensation is in the interests of persons living in the authority's area, (i.e. you are a council rep or the only councillor with the knowledge of a body or group or body)
- It is otherwise appropriate to grant a dispensation (You are not advised to use this one as it could be open to challenge)

Dispensations must specify the period for which they are granted – this may not exceed four years

A précis of any dispensation granted should be provided to Cornwall Council for their records

Cornwall Councillor Loveday Jenkin answered specific questions.

Cllr. Bickford-Smith left after this item at 9.20p.m.

18. FINANCE

a) To consider the following accounts for payment:

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

		£
Mrs. Pauline Williams, Clerk (£480.73)	Salary	419.32
	Mileage	18.50
	Office Allowance	20.00
	Computer Depreciation	10.00
	Telephone Calls	2.90
	Petty Cash	10.01
Post Office (for HMRC)	Income Tax – Clerk	0.60

b) To consider the following applications for donations:

Helston and the Lizard Community Halls Network. It was agreed to leave this application until the March 2013 meeting when all requests for financial assistance are discussed.

19. MR. PHILIPS SEAT AT COVERACK BRIDGES – Cllr. Pascoe reported that a piece of Sweet Chestnut wood had been sourced to replace the seat. As her husband was involved she declared a Disclosable Pecuniary Interest, and left the room.

The Clerk asked if she should obtain two quotes. It was decided that as the work was of a specific nature a single quote would be satisfactory.

Cllr. Paterson said it was proposed to fix the piece of Chestnut to 2 pieces of granite. It was proposed by Cllr. Paterson, seconded by Cllr. Morgans and carried that Mr. Pascoe be asked to carry out the work at a maximum cost of £150. The

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cost to be met from the Parish Council's Act 1957 S1 (1) Schedule 5 which covers the provision of seating owned by the PC.

20. SPEED VISOR RESULTS – Cllr. Loveday Jenkin stated that Cormac did not have the staff qualified to interpret the results.

21. CONSIDERATION OF REDUCING PARISH PRECEPT IN LIGHT OF GOVERNMENT COUNCIL TAX SUPPORT GRANT. – The grant being offered by the Government, to be paid by CC, is £935.56. If this is deducted from the current Precept requested of £15,615 the amended amount to be requested would be £14,679.44. This will result in an increase to a Band D property of 9p or 0.18%. It was proposed by Cllr. Paterson seconded by Cllr. Morgans and carried that the Precept request be revised to reflect this grant and be in the sum of £14,679.44.

22. REVISION OF STANDING ORDERS – In Accordance with Standing Orders this matter is noted, and referred to the next full Council meeting without discussion. Meanwhile the new Standing Orders are being proof read. This revision is necessary as they have not been updated properly for many years to reflect legislation such as Data Protection Act 1998 and Freedom of Information Act 2000.

23. ELECTION 2013 – Cllr. Paterson explained that if Councillors did not put their names forward for election, regardless of whether one is held, it restricted powers that could be used under the Localism Act.

24 UPDATE ON AFFORDABLE HOUSING IN CROWNTOWN – The Clerk reported a response had been received from Care and Co. A meeting will be held on Thursday 7th February at 10am between Care and Co, Will Morris, Huw Gibbon, Development Officer (Highways) , CC and Parish Councillors.

25. TIME AND DATE OF NEXT MEETING - Tuesday 5th March, 2013 at 7.30p.m. at Sithney School