

SITHNEY PARISH COUNCIL

Chairman: Philip Martin

Clerk to the Council
Mrs. Pauline Williams
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Briar Cottage,
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Helston TR13 0HU

42/12

MINUTES OF AN ORDINARY MEETING OF SITHNEY PARISH COUNCIL HELD AT SITHNEY SCHOOL ON TUESDAY 8th JANUARY 2013 AT 7.30PM

Present:-

Cllr. P. Martin - Chairman	Cllr. I Paterson – Vice Chairman
Cllr. R. Ashmore	Cllr. P. Bickford-Smith (left 8.30p.m.)
Cllr. B. Deacon	Cllr. T. Martin
Cllr. M. Morgans	Cllr. A. Pascoe
Cllr. E. Williams (arrived 7.33p.m.)	

Parish Clerk Mrs. Pauline Williams and 4 members of the public,

1. APOLOGIES FOR ABSENCE - Cornwall Councillor Loveday Jenkin and PCSO Ceri Sadler.

2. ACCEPTANCE OF MINUTES - The Minutes of the Parish Council Meeting held at Trannack School on 4th December, 2012 were proposed by Cllr. Morgans seconded by Cllr. Paterson 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.

Cllr. T. Martin declared a disclosable pecuniary interest in item 9 in respect of signage at Nantrysick

4. TO CONSIDER ANY APPLICATIONS FOR DISPENSATIONS UNDER SECTION 33 OF THE LOCALISM ACT 2011

5. MATTERS ARISING FROM PREVIOUS MINUTES

Overgrown trees at Trevarno Front Lodge – CC are in contact with the owner and a notice was served on 14th December.

Collapsed drain Tregathenan near turning to Truthall – The Clerk reported that the letter and photographs agreed by Council had been sent to Cllr. Biscoe and Dave Owens. To date there had been no response. The Clerk to chase the matter.

Speed Visor results – The Clerk reported that the long awaited report had been received. The speed visor was positioned on the south bound carriageway adjacent to the turning to Trannack. Speeds were monitored for 8 days 20th to 27th April. Mean speed was 40.4mph. 42.4% of motorists were travelling at or less than 40mph and 11.7% were travelling at over 50mph. The display phase covered 27 days between 27th April and 23rd May. Mean speed was 39.7mph. 41.3% were travelling at or under 40mph and 7.2% at over 50mph. This shows a reduction when motorists were reminded of the speed limit. However, even in the display phase 9.3% of vehicles were travelling at in excess of 50mph. (6.3% between 50 and 54mph, 2.1% between 55 and 59mph and 0.9% in excess of 60mph). The worst time of day was between midnight and one in the morning when a staggering 30.8% of motorists were travelling over 50mph! It was agreed to make this an Agenda item for February and meanwhile the Clerk said she would see if Cormac would supply a summary of the findings.

Update Pengoon Farm – Mandy Smith has met with Mr Roy Curnow who has been asked by Mr and Mrs East to act on their behalf. She is now awaiting confirmation that they intend to submit a certificate of lawfulness for the change of use. In the meantime she will discuss the matter with Hayley Jewels and consider the next course of action.

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 said he had spoken to Mr. T. Glaspers today and has arranged a meeting for next week. Cllr. Pascoe said that more damage had been caused recently by other machinery.

Trevarno Farm – alterations. - Nothing further to report

An Gwelvos – Report of Post Box Trevarno Estate – Nothing further to report

Trevarno Estate – A response had been received.

Flooding/Drainage problems @ An-Vownder-Goth. – Cllr. Williams said she had heard nothing and there was still a great deal of mud in the road.

Potholes at Prospidnick Livery – A pot hole had been repaired but the tarmac had come out again.

Flooding at Roseladden Farm – Cllr. P. Martin said he had heard nothing

Mud on road at Penpraze – Nothing to report

Dog Fouling Merther Close – Cllr. Deacon said CC Dog Warden had been in touch, and was now in touch with the dog owner.

Estimates 2013/14 - The Clerk reported that under the new formula to calculate the tax base set by the Government the just under 2% increase in Precept set by this Parish Council is in fact resulting in an increase over all tax bands of 7.06%, in real terms varying in cost of £2.34 for Band A property to £7.02 for a Band H property per annum. Band D properties increase is £3.51 per annum. The Clerk had run some scenarios in order to achieve the 2% increase but this would mean reducing the Precept to £14,875 which would result in a 1.99% increase and an increase of 66p on a Band A property, £1.98 on Band H and 99p on a Band D. The Clerk said as she understood the calculations rather than the amount of Council Tax that would be raised by all the properties in the Parish being used, it is what is actually raised, allowing for

persons on benefit who make reduced payments. The general consensus was that the letters and tables were too complex and the Clerk was asked to contact CALC and CC and ask for a simple clear letter of explanation. Concern was expressed that the public would think the increase was due to the Parish Council and not the Government new scheme. It was proposed by Cllr. T. Martin seconded by Cllr. Paterson that the PC estimates in the sum of £15,615.00 being just under 2% increase on the previous year be confirmed to CC.

6. PUBLIC PARTICIPATION – Mr. Mickler asked the Clerk to confirm the amount of increases on the Council Tax Bands which the Clerk did.

Mr. Chris Cartwright of 3 Chynhale Cottages, representing local residents, asked to speak re the planning application for the Old School at Chynhale. They stated that no notices had been placed at or near the property advising that there was an application, and they had less than 36 hours when they found out by chance to put in their observations. They stated that whilst he supported the preservation of the building, there were concerns about the proposed works in the Car Park due to ownership and access rights (the proposal for the garage had now been withdrawn), the removal of the chimney and the front wall. He said he had asked CC for the matter to go to Committee and not be delegated.

Cllr. Bickford-Smith said that a new application has now been made, excluding the Car Park. PAP had made observations on the original application, but bearing in mind the above, they would ask for the matter to go to Committee rather than be a delegated permission. The Clerk to raise the issue of the consultation period ending before the application has been advertised on site.

7. POLICE REPORT – PCSO Ceri Sadler had sent apologies. In a written report she advised that there had been one crime reported compared to two last year. This was an alleged burglary, and following enquiries it had been filed as undetected.

8. CHAIRMAN'S COMMENTS – Cllr. P. Martin said he had been unable to attend the concert by Sithney School held at Chynhale or the turning on of the lights in Sithney, but he understood that both had been well attended and successful.

9. COUNCILLORS' QUESTIONS AND COMMENTS – Cllr. Pascoe said the condition of the road past Trelin to Trannack leading to the B3297 Redruth Road, which is very well used, is very poor. In places the passing places have dropped away from the road and are dangerous.

Cllr. P. Martin said that Roseladden Lane was in an appalling state and had received no attention in years.

The Clerk was asked to find out what the budget is for road repairs, what the plan for repairs of potholes and damaged surfaces are and whether the PC can advise CC of the priority areas.

Cllr. Pascoe asked if the PC could have a copy of the policy document in respect of signage on roadside verges etc including brown tourist signs. Whilst she understood the need to advertise it was felt that the number of signs on the side of the roads were getting out of control. Cllr. T. Martin declared a disclosable pecuniary interest having signage on display at Nantrysick. He did not leave the meeting. The Clerk was asked to specifically mention the signage for the Helston railway and skincare places at Trevarno, which it was felt, did not comply with the legislation.

10. CORNWALL COUNCILLOR'S COMMENTS – Cllr. Loveday Jenkin had sent apologies. Her written report is as below:-

- Been involved in helping with training on the new Code of Conduct for Parish clerks, Parish members and Cornwall council members (including tonight).
- Attended a celebration of the end of current Citizenship for Life project – very inspiring
- Attended Standards Committee 10th December where further guidance on Investigation procedures has been approved.
- Attended Cornwall Council on the 11th December where the Cabinet system but with annual election of leader – an alternative model proposed by Mebyon Kernow Councillors for a Committee system was approved with a strategic board was lost. The Draft Local plan was referred back to the Planning Policy Panel and to Full Council next week where I hope common sense will prevail and a lower number than 49,000 houses will be agreed. Also at the meeting the Council tax discount for Second houses was reduced to 0% and an Empty Homes premium of 50% on vacant unfurnished property was carried giving 150% after the first month. How to register Second homes when individual Electoral registration is brought in is included in the motion. The Council also voted for some measure of privatisation of backroom services only to BT – I voted against this.
- Been involved in various community Christmas events.

Also the Youth Diamond bus visited Nancegollan and Breage on the 19th December and is due again at Nancegollan at 5pm and Breage at 7pm on the 9th January (tomorrow) with Praze and Leedstown the following week. A new timetable until the end of April has been produced which I have circulated to Clerks for notice boards.

11. PLANNING

Planning Applications To consider recommendations to planning applications received: -

PA12/10380 Change of use from school to dwelling and detached double garage and office. Demolition of existing toilet block and formation of new vehicular access. Chynhale School, Chynhale, Helston TR13 0RX.

PAP supported the conversion of the hall to a 3 bedroom dwelling. However, they felt that the construction of a double carport with office space above was unnecessary as there was adequate parking in front of the build (shown on plans). They felt that rearranging the internal space in the main building was preferable. It was felt another WC in the car park, when there are four proposed in the main building was unnecessary. There were concerns about the flood risk where the carport is proposed. PAP felt the elaborate profile of the garage to emulate the profile of the hall was unnecessary; a more simple construction with reduced height and a mono pitch roof seemed appropriate.

Concerns about the existing drainage show on the plan were raised as it was believed that drainage was shared in the adjacent field to the South, with a soak away constructed within the last 25 years. Concern was expressed about the use

of the sealed unit currently located in the car park which is small and shared by two other properties. There is no soak away attached to this unit, only land drains feeding into the river below.

Following the comments under Public Participation it was agreed to ask for the matter to be considered by committee at CC, and to wait until the new application is received before making official comment.

PA12/11808 Extension to existing dwelling to create an annexe, Treharris, Sithney, Helston TR13 0RN.

PAP supported this application.

It was proposed by Cllr. Bickford-Smith seconded by Cllr. T. Martin and carried that the recommendations of PAP be approved.

Decisions- Approved

PA12/09758 Erection of Conservatory, High Barn, Lowertown. Helston TR13 0BZ

OTHER PLANNING MATTERS: The Agenda for West sub-area Planning Committee for 7/1/2013 had been received.

Cllr. Paterson apologised to Council, because apparently the 28 day consultation period only applied to Cornwall Council. The Parish still have 21 days.

12. PUBLIC RIGHTS OF WAY – Cllr. Paterson reported that footpath 230/9/4 at Tregathenan Reservoir had been temporarily blocked by a landslip. The landowner had cleared this.

Cllr. Bickford-Smith stated that footpath 230/11/1 which runs from the Crown Inn to Moffits Corner has debris, a fallen tree and a hole, which whilst protected (probably old mine shaft) should be attended to. The Clerk to report to CC.

13. REGENERATION/BT PHONE BOXES – AON, the PC insurers had replied on 5th January stating that the additional cost for the 3 ex BT boxes to cover all risks would be £42.07 for the remainder of the year. It was proposed by Cllr. Pascoe, seconded by Cllr. T. Martin and carried that the boxes not be insured as the cost was felt to be too high.

It confirmed that the PL section of the policy would be extended to cover the telephone boxes.

No response had been received from Coreley Council re their ex BT boxes.

It was proposed by Cllr. T. Martin seconded by Cllr. Deacon and carried (AP abstained) that the invoice in the sum of £25.74 for purchasing paint for the ex BT boxes be reimbursed to Cllr. Ashmore.

Cllr. Paterson said that the Lowertown Library is nearing completion and that the PC would be invited to the opening.

14. LOCALISM – Details of a course had been received. The cost is £350 plus staying in London. It was agreed the cost was too high.

15. CODE OF CONDUCT– The Clerk and Cllr. Paterson are to attend a course being held at St. Ives on 15th January, 2013.

16. REPORT OF THE CLERK & CORRESPONDENCE

Rural Services on line 26/11/2012, 3/12/2012, 10/12, 17/12, 24/12, and 31/12.

Rural Opportunities Bulletin December, 2012

Eunomia Assessing Feasibility of an alternative plan for Waste Management in Cornwall.

Rural Services Network asking for evidence from organisations that have used Leader, the European Funding programme for rural communities

E mail from Rights of Way Officer, Caradon Ramblers re solar farms in Cornwall.

Julie Girling MEP November and December newsletter.

CALC The Week issue 30, 31

Signpost Winter newsletter

Information on the DEFRA Flood Resilience Community Pathfinder Scheme

List of consultations that PC may be interested in received from CC.

A list of amendments to Standing Orders had been received from CALC to reflect the changes in the Code of Conduct. However, when the Clerk tried to amend Standing Orders, last carried out in May 2011 by Lynn, she found that the PC version does not conform to the model Standing Orders produced by CALC even on the compulsory sections. The Clerk reported that she was in the process of compiling a new version to be considered by full Council when completed. However, it is a time consuming job.

17. EXPLANATION OF TYPES OF DECLARATIONS TO BE MADE UNDER CODE OF CONDUCT - Loveday Jenkin had send the Clerk some details which were read and are set out below:-

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

- Employment
- Sponsorship
- Contracts
- Land
- 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 inquorate)
- 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

Councillors felt they would very much appreciate Cornwall Councillor Loveday Jenkin going through these notes in detail at the next meeting so they can ask questions.

18. STANDING ORDER AMENDMENTS RE PLANNING ADVISORY PANEL – It was proposed by Cllr. Bickford-Smith seconded by Cllr. Paterson and carried that the following is now the revised SO 42:-

(h). Sections (a), (b), (d), (e) and (f) remain unchanged however (c) and (g) are amended and there is new section

(c) Members will convene on a Thursday or Friday prior to the next full meeting of the Council. (It was agreed at the full Council meeting held on 6th November, 2012 (min 10), and adjourned until the December 2012 Meeting when a decision was not made but it was deferred until the January 2013 meeting and received confirmation).

A notice as below will be fixed to all Parish Council Notice boards.

'Cornwall Council as the Planning Authority for the area has a duty to process applications in a timely manner typically within 21 days. Sithney Parish Council as a consultee on planning applications give their views on applications to Cornwall Council and generally meet once a month'.

To expedite planning applications received after the publication of the monthly meeting Agenda and to avoid delaying decisions on applications, Sithney Parish Council will amend their procedures, from January 2013, and consider applications received up to the 'time of the full Council meeting'. It is therefore possible, that applications will be considered that are not specifically listed on the Parish Council Notice Boards.

Anyone who wishes to know if a particular application is being considered at the Council meeting is invited to contact the Parish Clerk, Pauline Williams on 01209 831229, e mail sithneyparishcouncil@yahoo.co.uk on the first Monday of the month and she will be able to advise.'

(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 a majority of the full council. However, the Panel will be able to make a decision as per clause (h) below.

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

19. FINANCE

a) To consider the following accounts for payment:

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

		£
Mrs. Pauline Williams, Clerk (£530.07)	Salary	419.52
	Mileage	18.00
	Office Allowance	20.00
	Computer Depreciation	10.00
	Telephone Calls	2.90
	Petty Cash	59.65
Post Office (for HMRC)	Income Tax – Clerk	0.40
Mr. R. Sanders	Notice Board Maintenance	350.00
SLCC	Annual Subscription	100.00
Mr. Ray Ashmore	Reimbursement cost paint ex BT boxes	25.74

b) To consider the following applications for donations: Cornwall Air Ambulance as circulated. It was agreed that consideration of this application be deferred until the March PC meeting.

20. MR. PHILIPS SEAT AT COVERACK BRIDGES - A letter transferring ownership had been received. It was agreed that Cllr. Paterson proceed with obtaining timber to restore the seat.

Cllr. Bickford-Smith left the meeting at 8.30 before discussion of the next item.

21 UPDATE ON AFFORDABLE HOUSING IN CROWNTOWN – Nothing heard.

22. TIME AND DATE OF NEXT MEETING - Tuesday 5th February, 2013 at 7.30p.m. at Trannack School.