

MINUTES of the TOWN COUNCIL MEETING of ST JUST-IN-PENWITH TOWN COUNCIL held in the Council Chamber, Council Offices, 1 Chapel Street, St Just on Monday 22 February at 7.15 p.m.

PRESENT

Councillor M Nicholls - Mayor
Councillor M Thomas – Deputy Mayor

COUNCILLORS

B F Angwin	K McFadden
W F East	F Morris
Mrs S James	Mrs S Olds
C S McClary	D Stevens

TOWN CLERK

Elaine Baker

ALSO IN ATTENDANCE

Chris Goninan, Cornwall Councillor
Matt Carter, Area Manager, Natural England
Peter Bowden, Natural England
Andrew O'Brien – Affordable Homes Team Leader, Cornwall Council
Chris Burlton – Affordable Homes Team, Cornwall Council

FORMER TOWN COUNCILLOR H BENNETT

It was with great sadness that the Mayor reported the death of former Town Councillor Harry Bennett who had died suddenly on 20 February 2010. The Town Council observed a minutes silence as a mark of respect.

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Ms Angove and Councillor N McFadden.

TC.223 MINUTES

RESOLVED: - That the Minutes of the meeting of the Town Council held on 8 February 2010 be approved as an accurate record and signed by the Mayor.

TC.224 DECLARATIONS OF INTERESTS

Councillor Stevens declared a personal interest in planning application no. 10/0035/HP at minute no. TC.236 (a) as the applicant was known to him.

TC.225 REPORTS OF THE TOWN MAYOR, DEPUTY MAYOR AND TOWN COUNCILLORS

The Mayor reported that he had attended a meeting with Mawgan Lewis on 9 February regarding the next edition of the St Just Town Guide and a site meeting

with Councillor Goninan and Andy James, Regional Engineer for the Western Area, Cornwall Council on 12 February concerning Regent Terrace, St Just.

Councillor Angwin reported that he attended the Cornwall Association of Local Councils Annual Conference on 20 February.

Councillor Mrs James reported that she had attended the first meeting of the Community Land Trust Trustees and Steering Committee on 3 February 2010.

TC.226 REPORT OF THE CORNWALL COUNCILLOR

Councillor Goninan updated the Town Council on the following issues:-

The Health Adults Overview & Scrutiny Committee Single Issue Panel on Outpatients / Minor Procedures was now in the process of taking evidence. He urged the Town Councillors to encourage anyone who had previous experience to contact him.

Also the Secretary of State had asked the Independent Configuration Panel to carry out a full review on the transfer of Upper GI from Truro to Derriford Hospital. The report would be with the Secretary of State on 4 June 2010.

Geevor

The agreed documentation was holding up the lease for Jerry Harvey. A meeting had been arranged and hopefully everything was now in place for the beginning of April.

Boswedden Lane

The Landowner had now made contact with Cornwall Council and it was hoped that progress could now be made.

Balleswidden Chimney

A further site meeting was to be held on 8 March 2010 with the new officer from Natural England. Also investigations were ongoing to ensure that Mr Warren's land was on the Rural Land Registry.

Environmental Day in St Just

Councillor Goninan was working with Brian Keast, Cornwall Council about the possibility of a community awareness day to include litter, recycling, dog fouling etc together with community involvement. A meeting was being arranged with the Town Council with a view to the event being held on Saturday 29 May 2010.

Penwith Housing Association (PHA) Board member

Councillor Goninan had been appointed to represent Cornwall Council on the PHA Board.

Regent Terrace, St Just.

A meeting was held with Andy James, Regional Surveyor on Friday 12 February 2010 together with the Town Mayor. Sites visited included Bosworlas Valley with Mr Greenacre and also a drain at the back of Trelew and Regent Terrace.

In respect of Regent Terrace, Andy James felt that double yellow lines were required to alleviate the current problems but this would be a long process. It was also suggested that the double yellow lines should be extended to Bosorne Road at the same time. In the meantime it was suggested that all houses could be visited to see if residents would park on one side only suggesting that any additional cars could use the football parking area.

The site inspection also looked at water accumulation at the rear of Regent Terrace.

Council Budget Day

Councillor Goninan reported on an addition to the budget recommendations which would ensure that Independent Day Care Centres would get their Block Grant for 2010/11 and also that the portfolio holder for Adult Care & Support would form a review panel to ensure sustainability of these throughout Cornwall, particularly looking at funding for elders, how it could be improved and become more proactive in addressing the preventative agenda. He reported that independent Day Care Centres were finding it very difficult to continue at the present time.

WHS Signage

Deborah Boden, Cornwall Council been in contact with the Town Clerk to arrange a meeting.

TC.227 **REPORT OF THE POLICE OFFICER**

Dan Care presented the Police report for the period 26 January to 22 February 2010. During that period four crimes had been reported compared to six for the same period last year. These included one theft of heating oil from a residential supply tank, one case of liquor being purchased for a person under the age of 18 years (the male offender was given an £80 on the spot fine), one case of criminal damage to a motor vehicle and one arrest for a Section 5 Public Order Act.

He also reported that the Safer Parking Initiative would take place on 23 February 2010, involving the St Just Fire Brigade driving their Fire Engine around the streets of the St Just area and any vehicles that were causing an obstruction to the Fire Engine would be dealt with by either a warning or a fine of £30.

The next Police Authority Liaison Meeting for Penzance would be held at 7.30 p.m. on Wednesday 24 March 2010 at Cape Cornwall School, St Just.

In response to Councillor Stevens request for a speed visor between Truthwall and Botallack, Dan Care reported that Cornwall Council's Highways Team had inspected the site and confirmed that a pole needed to be installed to attach the speed visor. A request had been forwarded to Cormac on 2 February and it was hoped that the works would be completed within the next four weeks. Councillor

Stevens welcomed the progress which had been made.

TC.228 PENWITH MOORS

Matt Carter and Peter Bowden, Natural England (NE) attended the meeting to respond to Town Councillors questions regarding the Higher Level Stewardship Scheme (HLS), and in particular the issue of fencing and grazing of moorland in West Penwith with specific reference to Carnyorth Moor (minute no TC.161/09 refers).

Town Councillors had submitted a number of questions to Natural England in advance of the meeting as follows:

- Communication with local groups and Natural England had not always been good, was there any possibility that one or more individuals from NE could be available on short notice to help solve existing and any future problems that may occur throughout the length of the project?
- As there were a number of areas of concern that already existed within the project and needed amending were there any funds available to deal with them?
- How could people be informed about cows roaming on the moors?
- How was the funding for the Higher Level Stewardship Scheme raised and what conditions were attached to it?
- Please provide details of the aftercare and running of the project?
- How will the HLS scheme be operated?

Matt Carter opened his presentation by outlining the background to the different schemes currently operating and in particular commented on the Penwith Moors HLS Scheme which had ended in December 2008 which enabled moorland to be used for grazing cattle and was a European funded scheme. The management issues had been handled by Natural England (NE) but following the closure of the scheme these had been handed back to the landowners. He acknowledged that problems had occurred during the life of the scheme but assured the Town Council that NE had been proactive in trying to amend the problems.

He also acknowledged that there had been communication problems and that future communication was an issue. The Heathland Forum had enabled some consultation / discussion to take place throughout the life of the scheme but he was concerned that as the Environmentally Sensitive Schemes expired how future communication on HLS schemes would be taken forward as the forum was not, in his opinion, and which had been supported by the report produced by John Walden, operating effectively and tended to focus on minor issues. Improved dialogue was needed between the landowners, public and other agencies such as local town and parish councils and therefore the forum needed to adapt to meet these future challenges.

The cattle grid on Carnyorth Common was also discussed regarding problems with the size of the gate and the catch. Matt Carter reported that a meeting had been held with the British Horse Society on that day and he confirmed that NE

agreed to fund the required repairs. With regard to the problems associated with the cattle grid, he commented that a range of partner organisations had been involved in deciding on its location, including Cornwall Council but accepted that there had been some miscommunication which had led to it being sited on a public footpath which was currently being investigated by the Local Government Ombudsman. However, there were a number of possible options that could be considered to address the problem such as the landowner applying to Cornwall Council for a modification order to change the direction to the footpath, reposition the gate which would cost in the region of £5,000 or leave it as it was. Discussions were still continuing with Cornwall Council on this matter in an attempt to find a pragmatic solution.

In relation to the question regarding advising the general public when cattle were grazing, Peter Bowden commented that it was up to the discretion of the landowner and that NE could not force landowners to put up signs. However they did try to encourage landowners to put up signage which NE supplied.

Councillor McClary referred to NE's non attendance at Heathland Forum meetings which he suggested did not reflect well on the organisation. Matt Carter responded by commenting that Peter Bowden was their representative on the forum but due to the approach taken by some of the representatives on the forum NE had declined to attend the last meeting.

Councillor K McFadden commented that the main problem was that NE had not carried out constructive consultation at the beginning of the process and consequently public resentment to the scheme had developed. A major contributory factor was that problems were being identified but no action was being taken. He referred to the two cattle grids on the Galvas', the lack of cattle on the moors and sought confirmation on the rules of the scheme and the Lizard project which had used mechanical clearing. In response, Peter Bowden said that Carnyorth Moor was a multi-objective agreement which included an important archaeological element. The use of wheel tracked vehicles for vegetation clearance in this area could potentially result in damage to the historical archaeology. Each ten year plan was treated on an individual basis and the best tools were used to achieve the objectives within the agreement. He commented that Carnyorth Moor lended itself to grazing and that fire breaks were to be cut to give clearer visibility to the footpaths.

With regard to the gate at Devil's Lane, Carnyorth, the British Horse Society had accepted that it was not the responsibility of NE but NE had agreed to pay for a new latch which would be put on by the Horse Society. Rights existed to allow local people to graze on the common and a key feature of the plan was to ensure that the gates closed properly thereby ensuring that cattle did not stray onto the road.

Councillor Mrs James asked what measures were in place to monitor what was being paid for through the agreement was actually being delivered. Matt Carter stated that NE were only responsible for administering the agreements and that audits were carried out by the Rural Payments Agency who carried out visits on a bi-annual basis. NE also carried out adhoc visits to ensure compliance. If it was found that the agreement was not being delivered the agency was able to reclaim the monies.

Councillor Stevens commented that one element of the HLS scheme was to increase the diversity of the flora and fauna within the scheme area, and asked if any post agreement surveys had been undertaken to determine whether its objectives were being achieved. Peter Bowden confirmed that the RSPB would be carrying out surveys to see if there had been increase in the bird species following the introduction of cattle grazing. Other specialists would also be visiting the site although there was no intention at the present time to carry out additional surveys.

Councillor Mrs Olds asked what advice and control measures was being given to farmers about cattle grazing and public access, particularly during calving as farmers were legally liable in the event of any accidents etc. NE encouraged farmers to take preventative measures but most farmers were responsible and sought guidance from the NFU, the Country Landowners Association and the HSE.

The Town Council thanked NE for attending the meeting and listening and responding to the Town Council's questions.

TC.229 POTENTIAL AFFORDABLE HOUSING IN PENDEEN

Andrew O'Brien and Chris Burlton, Cornwall Council attended the meeting to inform the Town Council of proposals for a potential Affordable Housing Private Finance Initiative (PFI) at Moorland Close, Pendeen. The PFI was a Government scheme and Cornwall Council was one of ten other local authorities which had been invited to bid for funding under the PFI for new homes and extra care schemes in the county.

The scheme was dependent on the land being made available at no cost or on land which Cornwall Council owned, such as Moorland Close. Cornwall Council had been offered £150m of PFI credits which would enable 443 social rented homes, 197 shared ownership properties and 253 market homes to be delivered. 265 would be extra care dwellings for older people. The scheme would be delivered by a private partner who would design, build, fund and operate the scheme for 30 years. The partner's costs would be calculated for 30 years, paid each year for 30 years with the majority of the revenue coming from the Government as PFI credits each year.

The next step was for a business case to be submitted to the Government by April 2010, followed by selection of a partner with homes being delivered between 2013 – 2017. A Section 106 agreement would limit occupancy to local people in housing need.

A detailed brief would be produced for each site. A draft brief had already been produced in respect of Moorland Close which was for a small scale scheme of approximately six dwellings, together with amenity space.

Andy O'Brien explained that Cornwall Council needed to seek the Town Council's support in principle to the project at Moorland Close as part of its bid to the Government.

The Town Council welcomed the proposals provided that an assurance could be given that the homes would be for local people within St Just and Pendeen.

Following detailed consideration of the issues the Town Council

RESOLVED:-That

1. the Town Council supports in principle the development of affordable homes at Moorland Close, Pendeen subject to an approved letting scheme; and
2. a letter be sent to Cornwall Council confirming the Town Council's decision.

(Action by : Elaine Baker)

TC.230 ISLES OF SCILLY LINK

Councillor Goninan advised the Town Council that Cornwall Council's Strategic Planning Committee would be reconsidering the planning application in respect of Option A for the Isles of Scilly Link at its meeting on 8 March 2010.

At the previous meeting on 16 March 2009, Councillor Goninan had voted against the proposal for Option A and had received some public criticism for taking that decision.

The reason for bringing the item to the attention of the Town Council was to seek the Town Council's views on the proposal to enable him to truly reflect the opinions of St Just and Pendeen at the Strategic Planning Committee meeting.

Members of the Town Council expressed their own personal views on proposals for the Isles of Scilly Link but the Town Council felt that it was not in position to take a formal decision on the matter.

TC.231 SALTING / GRITTING

The Town Clerk reported that she had spoken to Sarah Mason, CALC's Executive officer regarding the legal position in respect of the Town Council's wish to undertake additional salting / gritting on the minor roads and pavements during icy periods.

Similar approaches had been made by other towns and parishes across Cornwall and discussions currently were taking place with Cornwall Council on how to take this forward. It was envisaged that maps would be circulated to all town & parish councils who would be asked to highlight the main routes into the local area and identify where additional gritting bins may be required.

Cornwall Council was also looking at the feasibility of training "volunteer" contractors to undertake work on its behalf. It was hoped that this work could be covered by a modular insurance and the implications of this were currently being investigated. However, CALC was not sure of the timescales involved and suggested that a sensible way forward would be to have the item placed on the next agenda of the Town and Parish Forum Meeting of the local Community Network thereby ensuring that all parishes were involved in the review.

RESOLVED: That Sally Newby, Community Network Manager be asked to have the matter placed on the next agenda of the Town & Parish Forum Meeting on 18 March 2010.

(Action by : Elaine Baker)

TC.232 PUBLIC PARTICIPATION AT COUNCIL MEETINGS

The Mayor asked the Town Council to consider the introduction of a period public participation in Town Council meetings. A number of town and parish councils already invited the public to attend meetings and to put questions to the town or parish council and the Mayor felt that it was an opportunity for the Town Council to improve local community involvement and engagement in the work of the Town Council.

Following detailed consideration of the issues the Town Council

RESOLVED: That the issue of public participation in Town Council meetings be referred to the meeting of the Working Party on 23 February 2010 and that it be asked to come forward with options for consideration by the Town Council at its next meeting on 8 March 2010.

(Action by : Elaine Baker)

TC.233 FEAST 2010

The Town Clerk reported that a letter of concern had been received regarding the lack of publicity in connection with St Just Feast and the reduction in the number of planned community events to mark the occasion.

Members of the Town Council acknowledged that the Town Council should be take a more proactive role in the publicising of feast, particularly as it had a small budget to help support local community events.

RESOLVED: That

1. the Town Council's Working Party be asked to come forward with proposals on how to improve publicity for the St Just Feast; and
2. the Deputy Mayor, in his capacity as Chairman of the St Just and District Chamber of Commerce, be asked to raise the matter at the next meeting of the Chamber.

(Action by Elaine Baker / Morley Thomas)

TC.234 USE OF PLEN-AN-GWARRY

RESOLVED: - That the application by the Cornwall Arts Centre Trust Ltd for the use of the Plen-an-Gwarry on Friday 13 August 2010 be approved.

TC.235 FINANCE

(a) Applications for Financial Assistance

The Town Council considered requests for financial assistance under S.137 of the Local Government Act 1972 in respect of Marie Curie Cancer Care, CHICKS – Country Holidays for Inner City Kids and West Cornwall Women's Aid.

RESOLVED: That

- (i) a S.137 donation of £250 be awarded to Marie Curie Cancer Care.
- (b) Accounts for Payment

RESOLVED: That the accounts to the value of £681.06 be approved for payment.

- (c) Letters of Thanks

The Town Clerk reported that a letter of thanks had been received from the Penzance, St Just, Bendigo and Nevada Twinning Association.

TC.236 PLANNING

- (a) Applications

10-0074-HP Construction of dormer window on rear elevation, cladding of end gable with slate hanging and installation of French doors at 6, Higher Bojewyan, Pendeen. Applicant Mr. & Mrs. L. Le Vasseur. **T CI no objection in principle to the planning application but was concerned about the design of the fenestration of the building using slate hanging and the use of plastic windows.**

10-0065-CAC Demolition of 3 No. Outbuildings at 1, Lower Trewellard, Pendeen. Applicant Mr. and Mrs. C. Hall – **Withdrawn by LPA—planning consent not required.**

10-0110-HP Construction of replacement outbuilding for use as additional living accommodation at 16, Penny Farthing Cottage, Lower Boscaswell, Pendeen. Applicant Mr. & Mrs. M. Prosper. **T CI no objection.**

10-0035-HP Refurbishment and conversion of garage outbuilding into office studio at Truthwall Barn, Botallack. Applicant Mrs. Sarah Tieken. Councillor Stevens declared a personal interest in the application as the applicant was known to him. **T CI no objection.**

10-0114-P Temporary installation of Transmit (TX Array, a Receive (RX) Antenna Array and a Laboratory Cabinet at Manor Farm, Pendeen. Applicant University of Plymouth. **T CI supported.**

- (b) Decisions

98-P-0713-F Conversion of Garage/Workshop to Self-Contained Annex at rear of 7, Cape Cornwall Street, St. Just. Applicant Mr. & Mrs. G. Scrase. **Withdrawn by LPA. (T. CI. Refusal)**

00-P-0978-F Construction of conservatory on rear of Penolva, Botallack, St. Just. Applicant Mr. Wortley. **Withdrawn by LPA. (T. CI. Approval).**

09-1265-CLOPUD Commencement of works approved under 05/P/0606 i.e. Conversion of Barn to Holiday Accommodation at The Manor, Bosavern, St. Just for Mr. J. Boldero. **Certificate of Lawfulness**

09-1357-P Construction of 4 No. Holiday Units at Trewellard Arms Hotel, Trewellard, Pendeen. Applicant Mr. & Mrs. Hutchins. **Approval (T. Cl. Support).**

TC.237 ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS TO BE OF URGENCY

None.

TC.238 EXCLUSION OF PRESS AND PUBLIC

RESOLVED - that in accordance with Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting during the consideration of the following matters on the grounds that they involve the likely disclosure of exempt information as defined in the identified paragraphs of Part I, Schedule 12A of the Act (as amended).

TC.239 INTERNAL AUDIT (EXEMPT PARAGRAPH 3)

The Town Council considered a quotation from Hudson Accounting in respect of carrying out the 2009 / 10 end of year accounts internal audit in accordance with the guidance issued by the National Association of Local Councils in its publication Governance & Accountability for Local Councils. The Town Council also considered a further quotation in respect of the financial year 2010 / 2011 from the same company.

RESOLVED: - That the quotations from Hudson Accounting in respect of the 2009 / 10 and 2010 / 2011 financial years for the carrying out of the Town Council's internal audit be accepted.

(Action by : Elaine Baker)

TC.240 COUNCILLOR REQUEST FOR ITEM TO BE PLACED ON THE AGENDA

Affordable Housing (Exempt paragraphs 1,2 & 3)

Councillor East asked the Town Council to consider his request that a letter be sent to Cornwall Council seeking further clarification as to why an earlier funding opportunity in respect of the delivery of affordable homes in St Just had been missed.

As Councillor East could not secure a seconder to his proposal no further action was taken.

Meeting closed at 9.25 p.m.

Town Mayor