

MINUTES OF THE MEETING HELD ON MONDAY 13th AUGUST 2012 AT PORT ISAAC PRIMARY SCHOOL, PORT ISAAC AT 7:30PM

PRESENT Mr M Bell, Mr M Coles, Mr E Fletcher, Mr R Harris, Mr R Manders, Mr D Philp, Mrs J Townsend, Mr W Dawe

APOLOGIES FOR ABSENCE

Miss Anne Hallet, Mr D Phelps, Miss N Williams

A minutes silence was held in memory of Mr D Bolton who was on the Parish Council and Chairman between 1991-95.

54.DECLARATIONS OF INTEREST

Mr Martin Bell declared a pecuniary interest in Application PA12/05822 as he has done consultancy work for Mr Bishop.

Mr D Philp declared pecuniary interests in Application PA12/05822, PA12/05111, PA12/06329 as his daughters and he have worked for the applicants.

55APPROVAL OF MINUTES

To approve the minutes as a correct record of the meeting held on Monday 9th July 2012

Item 45 (5) was amended to state Cornwall Councillor Brian Gisbourne informed the council that he had spoken to Mr Mark Evans the case officer and he was just waiting on two more Parish Council replies, but Cornwall Council would be refusing the application.

Item 47 (Amenities Committee Report) was amended to state Playing Field.

It was proposed by Mr M Bell and seconded by Mrs J Townsend that the Minutes were approved and signed.

Mr E Fletcher raised concerns that items were being missed that had been agreed at Parish Council meetings as there was not an appropriate time to discuss the actions that had been taken.

Mrs Townsend proposed that the Parish Council add an item Matters arising to the agenda this was seconded by Mr E Fletcher and carried nem.con.

56.PUBLIC DISCUSSION

Mr Bishop informed the Parish Council that he was at the meeting to answer any questions regarding his Application PA12/05822. He was resubmitting his application following concerns raised on the initial application, he felt that it was a good economic development and would provide extra employment to the area and the units would blend into the existing gardens, he asked for the Parish Councils support.

Mr Dean Lanyon reported that there had been a few issues in the playing field, he had removed nails and replaced wood in the small play house. He asked the council for more bins and more collections.

Mr Lanyon reported that he had received a request for more play equipment including a zip wire, pirate ship, basket swings and roundabout. The cost would be approximately £20,000 but he could have full costs to the clerk within the next 10 days.

Mr Lanyon also asked for the Seesaw to be removed and replaced as it had failed to meet Rospa safety standards. The Parish Council agreed to ask Dave Dingle to remove the existing seesaw straight away and put an item on the next agenda to replace it

Mrs B Bell asked the Parish Council to support the Playfield Group and pledge Parish Council funds towards new equipment.

Mrs B Bell informed the Parish Council that she was concerned that there had been no publicity, Trio report or public meeting held regarding the Parish Council producing a Neighbourhood Plan. She felt that consultation was needed and vital at every stage, as many people in the Parish were not even aware of the Parish Council intentions or what a Neighbourhood Plan is.

Cllr Brian Gisbourne explained that consultation is carried out at every stage of developing a Neighbourhood Plan. Once the Plan is developed a Public Meeting is held with drawings and blank maps.

57. FINANCE

a) It was resolved that the financial statement be approved and cheques for payment were signed

b)The Clerk informed members of the Parish Council that the signatures on the bank mandate needed updating.

Councillors agreed to sign the mandate. Councillors will need to go to HSBC and show photo identification and a utility bill.

58. APPLICATIONS AND NOTICES

Application PA12/05981 Demolition of existing dwelling and erection of replacement dwelling together with the retention of land forming additional residential curtilage. Mr & Mrs M Parnall, Treswarrow Cottage, Trelights, Port Isaac.

It was proposed by Mr W Dawe that the Parish Council supports this application. This was seconded by Mr D Philp and carried nem.con

Application PA12/06329 Formation of new dormer and installation of Velux windows. Mr T Ashley, 100 Fore Street, Port Isaac.

It was proposed by Mr E Fletcher that the Parish Council supports this application. This was seconded by Mr W Dawe and carried nem.con

Application PA12/05111 Construction of extension/sunroom. Mr Jack Rowe, 51 Fore Street, Port Isaac, PL29 3RE

It was proposed by Mr J Townsend that the Parish Council supports this application. This was seconded by Mr W Dawe and carried nem.con

Application PA/12/00969 Listed Building Consent for the replacement of two uPVC windows with traditional softwood casement windows. Mr Nigel Sherratt, 9 Middle Street, Port Isaac, PL29 3RH

It was proposed by Mr M Bell that the Parish Council supports this application. This was seconded by Mrs J Townsend and carried nem.con

Application PA12/05822 Alterations to hotel garden providing 7 detached units of letting accommodation. (Re-submission of PA11/10422) Mr James Bishop, Long Cross Hotel, Trelights, Cornwall

It was proposed by Mr W Dawe that the Parish Council supports this application. This was seconded by Mr M Coles and carried nem.con

Application PA12/06726 Partial demolition and extension to outhouse and roof. Mr & Mrs S Dale, 69 Fore Street, Port Isaac, PL29 3RF

It was proposed by Mrs J Townsend that the Parish Council supports this application. This was seconded by Mr R Manders and carried nem.con

Approvals & Refusals

59.CORNWALL COUNCILLORS REPORT

Cllr B Gisbourne informed the Council that Mark Evans intended to refuse the Treswarrow Wind Turbine application without it even going to committee.

Cllr Gisbourne informed the Parish Council that the Cornwall Council Car Park had earned £121,000 in 2008, £138,000 in 2009, £148,000 in 2010 and £155,000 in 2011.

Cllr Gisbourne informed the council that the charges for the Port Isaac in 2011/12 are Up to 1 hour - £0.50, 1 to 2 hours - £1.90, 2 to 3 hours - £3.00, 3 to 4 hours - £4.00, 24 hours - £4.70, Weekly - £28.00.

Cllr Gisbourne informed the council that 3 weeks ago on a Sunday Cornwall Council issued 12 parking enforcement tickets at Rock bringing in fines of £840.

Cllr Gisbourne informed the Council that Cornwall Council are looking into sharing services with outside private companies, they had 5 offers, 3 from the far east, 1 from an American company and BT. They are still considering the American Company and BT.

60.CHAIRMANS REPORT

Mr Harris informed the council that PC Taylor had sent his apologies along with the crime figures for July 2012. There were 6 crimes recorded for that month, as follows. 4 x Criminal damage, 1 x Burglary & 1 x theft. This had doubled from last year where they only recorded just 3 crimes for the same month.

Mr Harris also reported that Dave Dingles wife had sadly passed away and that he had attended the funeral and the Clerk had sent a sympathy card.

61.COMMITTEE REPORTS

Amenities committee

Mr M Bell informed the Council that he had spoken to Edwards Sports regarding the goal posts which are only two years old and rusting out, he has asked them to replace them and they are going to come and inspect the goal posts. Mr Bell informed the Council that he had asked the Dawes from Pennant to cut the grass in the lower Playing field which they do for free.

Mr Fletcher informed the council that Western Power had replaced the telegraph poles in the playing field, but left the old ones and not tidied up.

Mr Bell informed the council he would ask the Dawes to take them away.

Footpath

Mr R Manders informed the Council that Mr R Ford was cutting the paths and had some postcards back.

Mr Manders handed out Postcards to Parish Councillors to walk and check the paths.

Mr Manders proposed that the Parish Council arrange for Robert Ford to cut The Main again as it was always done twice a year in the past. This was seconded by Mr M Coles and carried nem.con.

Mr Coles raised concerns regarding the condition of the stile and gate on the footpath at Port Gaverne on Mr B Cleaves land. The Clerk to inform Mr Woods in the Countryside section at Cornwall Council.

Climate Friendly

Mr Manders reported that he had received a Sustainable Energy Plan from Cornwall Council to comment on. Mr Manders reported that the document was 49 pages, very repetitive. He felt it should be produced in a much more Parish Council Friendly format. It was agreed that Mr Manders should write back asking for it to be presented in a simpler document.

Grass cutting

Mr Fletcher informed the council that The Terrace, Port Isaac should have been cut back last year but had been missed off. He agreed to Liaise with Steve Bailey at Cornwall Council and ask Cormac to cut it back.

NEIGHBOURHOOD PLAN

It was proposed by Mr M Coles that the Parish Council should decide on the appropriate way forward following the Neighbourhood Plan - Localism Working Group's Conclusion that there is a unique opportunity and benefit in shaping the future of the Parish by producing a plan.

This was seconded by D Philp.

Mr Coles informed the council that the working group was formed to see whether or not we should do a Neighbourhood Plan, the make recommendations to the Parish Council. They had now had two meetings, the second Sarah Simms from Cornwall Council had attended. The working group agreed that the Parish Council should create a Neighbourhood Plan, now the Parish Council needs to make a decision.

Mr M Bell read from the following statement;-

1. In principle I support the working group recommendation that the parish council proceed with making one.
2. I am concerned with the lack of 'transparency' leading up to the recommendation, the fact that working group meetings were held in private, were not advertised, were not publicly minuted and included one member of the public - Mrs Pomfret - who is a known objector to further development at Trelights and no other lay person with a contrary opinion. Unfortunately this creates the impression of bias.
3. Planning is one of the most litigated branches of local government. If we make a neighbourhood plan it must be robust, it must be able to withstand scrutiny by planning lawyers and planning inquiry inspectors otherwise it will be rather expensive, time consuming, and a waste of paper.
4. We must not get off on the wrong foot. The public needs to be aware of what our parish council intends to do before we start. It's called 'transparency' and we have an obligation to inform the public and invite their comments before we commit this council and the next one to making a plan.
5. Incidentally the government's Localism Act introduced neighbourhood plans to make development easier, not obstruct it. In the hands of the next parish council there could be a dramatic shift and those who currently see the plan as a welcome obstacle to development might find it paving the way instead.
6. I propose that the parish council takes note of the working group's recommendation and invites public comment via local newspapers and Trio, prior to taking a decision in September.

Mr R Manders informed the Council that he was strongly in favour of doing a Neighbourhood Plan however felt that the Parish Council should consult the population of the Parish at the earliest opportunity, before even the simplest of plans is produced.

Mr Philp felt that the Parish Council should agree to produce a Neighbourhood Plan then consult the public from then on.

Mrs Janet Townsend informed the council that she felt that the Council needed to do a Neighbourhood Plan but agreed with what had been said by Mr Manders and Mr Bell

Mr E Fletcher informed the council that everybody in the Neighbourhood Plan Working Party group is in favour of producing a Neighbourhood plan, he felt that it was the Parish Council's only chance to protect this village from undesirable development. He felt that the Parish Council should go with the recommendations of the Working Party and agreed at this meeting to create a Neighbourhood Plan, he felt that the Parish Council should then consult the Public from then on at every stage, he felt the Parish Council should not risk falling at the first hurdle.

Mrs J Townsend proposed that the Parish Council agreed in principle to create a Neighbourhood Plan but first consult with the Public writing articles for Trio and the Cornish Guardian, stating that it is the Parish Councils intention to do a Neighbourhood Plan, explain what it is and about the localism act. Then formalise the decision to create a Neighbourhood Plan at the September Meeting.

This was seconded by Mr M Bell and carried 4/3.

63.TRELIGHT VILLAGE GREEN

It was proposed by Mr E Fletcher that Mr D Philp is appointed as a Trelights Village Green representative in his place. This was seconded by Mr Martin Bell and carried nem.con.

64.ROSCARROCK HILL

Mr Philp informed the Council that he had asked for this item to be on the agenda, as he was concerned that fencing had been put up on one councillors say so, and not discussed around the table. The land is not owned by the Parish Council, it is owned by 5 joint owners. Mr Philp felt that the fence should not have been put up at Roscarrock Hill, he has been responsible for cutting the hedge back for 10 years and this has never been a problem, the hole in the wall has been there all of the time he has cut the hedge, 100s of people have walked up the Hill for generations and nobody

has ever fallen off. He informed the council that he has now cut back the hedge and does not see that it is a problem, he asked for the fence to be removed.

Mr Philp felt that the Code of Conduct needed to be followed and no individual councillor has the authority to take pre-emptive action of this nature, he felt that the item should have been agendaised for the next meeting where the whole council could have been consulted following legal and insurance advice in this instance several councillors do not agree on the action which has been taken and have not had the opportunity to air their views to the full council.

Mr Philp felt that when Parish Councillors were sending e-mails outside of a meeting then they should state 'that it is their view and not necessarily the view of the Parish Council'.

Mrs Townsend informed the council that she sees lots of people walking up Roscarrock Hill from her kitchen and cars have to go up the Hill at the same time, because people live and stay in properties on the hill.

Mr Mike Coles informed the council that he did not have a view but would not like someone putting a fence up on his land.

Mr M Bell read from the following statement

1. I was not party to the original decision by Cllr. Nicola Williams and our Clerk to erect orange plastic mesh temporary safety fencing across openings in the privately owned wall alongside Roscarrock Hill opposite 'Fern Cottage' - otherwise known as 'Doc Martin's surgery' - and next to the white boarded house known as Northcliffe. I understand that both recognised a present danger to visitors and believed that urgent action was required with the imminent start of the school holidays and I don't think their concern for public safety can be criticised. The roadside wall stands above a very steep - circa 50 degree - bracken covered slope falling sharply down to a perpendicular cliff onto the west side harbour rocks (show photo on Trio cover). In wet weather it is potentially a 'ski slope' familiar to hill walkers who lose their foothold. However, when our Clerk Elizabeth Uglow circulated an email reporting objections from two parish councillors to the action she had taken, conceding she had made an error and intended to remove the fencing, I asked her not to until Cornwall Council officials had inspected the location. Thereafter the matter became my responsibility, not our Clerks.

2. Most of you will have read the various emails but the heart of the matter is that this section of Roscarrock Hill is not CC maintained highway, it is instead a designated part of the South West Coast Path managed for DEFRA by Cornwall Council and the responsible CC officer is David Wood. He supervises a large stretch of the path from Bude to Newquay and frequently undertakes safety risk assessments. After he inspected the breaches in the Roscarrock Hill wall he informed me that he considered the opening opposite 'the surgery' to be a risk because of the hundreds of visitors - including children - who congregate there. Mr Wood regards it as a safety hazard because of the inexperience of the large number of day trippers who visit 'the surgery'. Mr. Wood increased the height of the temporary fence our Clerk erected.

3. From that point I considered Cornwall Council had taken over the matter from the parish council and Mr. Woods followed up his action by identifying the registered landowner next to Northcliffe and has written to them. He is in the process of identifying the unregistered owner of the land opposite 'the surgery' where an approximately 1.2 metre high Cornish hedge has been dismantled in recent years, I understand to create a base for a film camera tripod used for external filming of 'the surgery'. Cllr David Philp has informed me he cuts grass for one of the five co-owners and if he wished to do so he could assist Mr. Wood by putting the two in touch.

4. The obvious solution is for Cornwall Council to reach an agreement with the two landowners for a permanent fence either inside or outside the wall. Inside might be better because it would leave the camera tripod platform in place. The residents of Roscarrock Hill above Fern Cottage find filming there an intrusion because the crew block the road. If the camera is off the road standing in this makeshift hole in the wall the road can be quickly cleared. It is worth noting that CC recently erected a 1.5 metre chain link fence alongside the SW Coast Path between the Port Isaac New Road car park and Overcliff without obtaining landowner consent - except from myself and my wife.

5. Following a phone call from Cllr. Fletcher to Mr. Simon Mansell, a senior legal executive in Cornwall Council legal services, I received an email from Simon recommending that if our PC was unwilling to remove the temporary fence that we reach an agreement with the landowners for permanent fencing, notify our insurers - which our Clerk has done and we are covered - and seek independent legal advice, which our Clerk has also done. Mr Mansell of course is primarily concerned with the risk to Cornwall Council, not our parish council, arising from action taken by his officer Mr Wood whose account he hadn't yet received when Cllr Fletcher telephoned him and Mr. Mansell immediately emailed me.

6. To summarise. The course of action recommended by Cornwall Council Legal Services is being followed. Dave Wood is trying to obtain the agreement of both landowners to erecting a permanent fence and is liaising also with Buffalo Pictures. I don't want the Parish Council to do anything that obstructs his efforts to find an agreed long term solution. We should do nothing more and review the situation at September's meeting and I wish to propose that we do this Mr. Chairman, if someone else will second it. By then the matter may well have been resolved.

Mr E Fletcher felt that the Parish Council should not have got involved in this matter as it was nothing to do with the Parish Council and work should not have been carried out before discussing it around the table. He felt that the action that had been carried out was illegal and the items should have been put on the agenda for the next meeting.

Mr Bell informed the council that Mr Woods had inspected the wall and put up more fencing, Mr Woods is the Countryside Officer from Newquay to Bude and carries out risk assessments frequently, he would not have recommended leaving the fence and putting up more if he had not felt it was necessary. Mr Bell felt that the Parish Council had now handed this over to Dave Woods, who was speaking to one of the land owners.

Mr Philp agreed to let Mr Woods have details of the other land owners.

Mr Bell informed the council that he had spoken to Cornwall Council Solicitor Simon Mansell. The Clerk had checked our insurance position with AON.

Mr Fletcher asked Mr Bell to tell the truth, Mr Fletcher informed the council that he was concerned about work going ahead without full consultation of the Council, such as when Mr Dyer was awarded the contract for the grass cutting. Mr Bell informed the Council that he had consulted with Cormac on Mr Dyer's price for cutting grass in the Playing field, before the contract was awarded.

Mr Fletcher asked Mr Bell to tell the truth.

Mr Bell informed Mr Fletcher that if he accused him of lying again it would be a Standards Board Issue.

Mr Fletcher left the meeting.

It was agreed that the Parish Council would leave the situation in Mr Wood's hands and take no further action.

65.CAR PARK

Proposal from Mr M Bell that the Parish Council accepts the Loan Guarantee agreement from Cornwall Council. This proposal was withdrawn as our solicitors Sproulls are still working on the documents.

66.GRASS CUTTING

It was proposed by Mr R Manders that Cllr D Philp in replacement of Mr D Phelps be appointed as joint grass-cutting co-ordinator. This was seconded by Mrs J Townsend and carried nem.con.

67.CLERK'S CORRESPONDENCE

a) Mr Harris read out two e-mails from Barbara at Port Isaac Pottery regarding street bins. It was agreed that the Clerk should contact Environmental Health and ask for the bins to be emptied twice a day and for the gulguards to be put back on properly.

b)Councillors were informed that they needed to complete and return Register of Interest forms

c)Mr Harris informed the Council that Cornwall Council were carrying out a Review of Polling Districts and Polling places, ours would remain the same.

DATE OF NEXT MEETING

Monday 10th September 2012 at Port Isaac

The meeting closed 10.05pm