

Minutes of the Meeting of St Ives Town Council held in the Council Chamber, The Guildhall, St Ives on Thursday 11 March 2010 at 6.00 pm

PRESENT

Chairman – Councillor Mrs Y Watson (Town Mayor)

Vice-Chairman – Councillor Mrs J Tanner (Deputy Town Mayor)

COUNCILLORS

Andrewes T

Fry B

Mitchell A P (from 7.00 pm)

Nicholls C C

Richards P J

Sanger C E

Slack K

Symons J H (from 6.55 pm)

Tonkin G E T

Tulley R

Williams T M

OFFICERS

Town Clerk

Administrative Assistant

TRIBUTES

It is with sadness that we note the recent sad deaths of Councillor Mike Peters and Sgt. Paul Fox.

Councillor Peters had served on the Town Council for 6 years since he was first elected in 2004 and then again in 2007. A respected and loyal Councillor who always had the best interests of St Ives at heart, throughout his term of office he served on a number of committees, including the Planning Committee and Community and Amenities Committee, and always supported civic and town events. He died on Saturday 27 February, following a recent illness.

Sergeant Paul Fox was killed in Afghanistan on Friday 26 February, whilst carrying out his duties in 28 Engineer Regiment, attached to the Brigade Reconnaissance Force. By all accounts, Sgt Fox was a well respected serviceman. His Commanding Officer had said of him: "Sergeant Paul Fox was above all else a quite outstanding man. A tremendous soldier, impressive leader, fine engineer, good friend, cracking SNCO but principally just a great man".

Our thoughts are with the families and friends of Councillor Peters and Sergeant Fox, and so I ask that you stand to observe a minutes silence.

PRAYERS

In the absence of the Town Mayor's Chaplain, Rev. John Holland led the Council in Prayer

APOLOGIES FOR ABSENCE – were received from Councillor Isaacs H R G.

173. REPORTS FROM COMMUNITY ORGANISATIONS

The Leach Pottery Julia Twomlow reported that the Leach Pottery had been long-listed for the Art Fund Prize and set out the benefits of being long-listed and potential benefits to funding the development of the pottery if ultimately successful. Everyone was invited to take part in the public vote and forthcoming events.

The Tate St Ives – Mark Osterfield gave an update on progress with the works on the wall of the garden of the Barbara Hepworth Museum, stating that two-thirds of the work would be completed by 31 March, and that the remainder would be completed in the autumn. Agreements for Meadow Flats were being finalised for Phase II of the Tate project – further updates would be given in due course.

174. PUBLIC SPEAKING

A resident of Lelant spoke to raise their concerns at the dredging operations at Dynamite Quay and the proposed extension of the dredging zone and renewal of dredging licence, currently being consulted upon. Concerns at environmental impacts, transportation of material through a residential area, planning requirements and the independence of monitoring.

A local resident requested that the town council consider installing shelters along the harbour front so that people could sit and shelter from wind, rain and seagulls, whilst enjoying the view.

The Mayor suggested that this request be deferred to the Environment Committee for consideration.

175. CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised of the following:

1. On Friday 26 February, Louise Channon gave notice that she has resigned from her role as Town Councillor with immediate effect, in view of work, family and study commitments. Her resignation has been made with regret, but she wishes Town Councillors all the best for the future and thanks you all for the support and guidance during her time as a Town Councillor.
2. Regarding the agenda for this meeting, there are two additional reports:
 - Potential street trading licence application consultation – May Day (to be included in report number 7); and
 - Approval of travel expenses (Part B, report number 6)
3. Please note that should it be announced that the General Election will be held on 6 May, then the meeting of the Town Council scheduled to be held on that day will instead be held on Thursday 13 May.
4. Other alterations to our schedule of meetings are:

- The March meeting of the Community and Amenities Committee will be held on Tuesday 23 March at 7.00pm at the Chy An Gweal Chapel Hall in Carbis Bay (this is rescheduled from the original date of 18 March)
- The Annual Meeting of Electors meeting has moved forward a week and so will be held on Thursday 15 April.

5. And finally, the annual St Ives Fun Run from Lelant, through Carbis Bay and finishing at the Guildhall will be held on Saturday 15 May.

176. DECLARATIONS OF MEMBER / OFFICER INTERESTS

Councillor Andrewes declared a Prejudicial Interest in Minute 185 (Festival of Wishes grant application) as partner to a named referee for the FEAST grant application, and in Minute 191 (Ayr Field Day grant application) as a member of the Ayr Field Management Committee, and withdrew from the meeting during consideration of these items.

Councillor Fry declared a Prejudicial Interest in Minute 190 (Request from Jumbo Association), as a member of the Jumbo Association, and in Minute 185 (Porthminster Garden Project grant application) as a member of the Porthminster Garden Project Group and withdrew from the meeting during consideration of these items.

Councillor Mrs Symons declared a Prejudicial Interest in Minute 185 (May Day Celebration) as a member of the Lions Club of St Ives, and withdrew from the meeting during its consideration.

Councillor Tonkin declared a Prejudicial Interest in Minute 185 (Porthminster Garden Project grant application) as a friend of the landscape designer, and withdrew from the meeting during its consideration.

Councillor Mrs Watson declared a Prejudicial Interest in Minute 203 (Approval of Travel Expenses) as the recipient of the expenses payment, and withdrew from the meeting during consideration of this item.

Councillor Williams declared a Prejudicial Interest in Minute 185 (Festival of Wishes grant application) as a named referee on the FEAST grant application, and in Minute 191 (Ayr Field Day grant application) as a member of the Ayr Field Management Committee, and withdrew from the meeting during consideration of these items. Councillor Williams also declared a Personal Interest in Minute 191 (Committee recommendation – footpath maintenance), and Minute 193 (Local Maintenance Partnership), as the council's representative on PAROW, and in Minute 198 (Allotments), as a person who's name was on the allotments waiting list.

177. MINUTES

RESOLVED – that the Chairman signs as a true and correct record the Minutes of the meetings of the meeting of the Council held on 21 January 2010.

178. PRESENTATION – PLANNING ENFORCEMENT

Jon Drew (Planning Enforcement Officer, Cornwall Council) gave an informative presentation on planning enforcement, setting out the powers and actions that could be taken, the limitations of planning enforcement, and illustrating these with examples.

179. PRESENTATION – TRENWITH BURROWS

Nicola Stinson (Assistant Head of Planning – West) and Jon Drew (Planning Enforcement Officer) of Cornwall Council attended to give an update on progress on tackling land stability and parking issues at Trenwith Burrows, including the following points:

- Key issue to address being the concerns at land stability
- Enforcement actions and the prosecution and injunction already underway would continue to be pursued
- Other potential solutions were under consideration to achieve land stability as soon as possible, including direct action or issuing a new and more detailed enforcement notice
- Advice from the Health and Safety Executive had highlighted mining legislation which would potentially give a more effective means of taking action
- Engineers were working on options and proposed actions

The endorsement of the Town Council was sought for the proposed direct action approach to be taken.

Councillors Mitchell and Symons arrived at this point in the meeting.

Following the presentation, there was an opportunity for questions to be raised by Councillors – these led to discussion on the following points:

- the limitations on Health and Safety Executive enforcement as this was not classed as a construction site
- a call for this problem to be tackled as swiftly as possible, particularly in view of the time already taken and the potential threat to life
- the options to be pursued after the land stabilisation has been carried out
- a suggestion that the HMRC could review the declared income from the site
- it is not possible to fence off the site to prevent its use by the public

The Mayor thanked Nicola Stinson and Jon Drew for their attendance at the meeting, and for the full and frank advice given.

180. TRENWITH BURROWS

Following the presentation given as the previous item, it was

RESOLVED – that the Town Council:

- (1) supports the direct action proposed to be taken by Cornwall Council with respect to Trenwith Burrows, as part of a twin track approach which included pursuing court action as a matter of urgency;
- (2) continue to liaise with Cornwall Council officers and maintain a watching brief on the site;

- (3) write to Andrew George MP to state the town council's despair and disillusionment at the ineffectiveness of the law in not being able to remedy a situation such as this, and to request that he bring the matter to the attention of the Justice Secretary; and
- (4) considers that in the future the compulsory purchase of the site would be in order to justify the use of public money to stabilise the land.

181. DECLARATION OF CASUAL VACANCIES AND CONSIDERATION OF COMMITTEE APPOINTMENTS

The two casual vacancies in the St Ives North Ward were declared. The Clerk reported that the vacancies would be advertised in the near future.

With regard to the committee vacancies resulting from the Councillor vacancies, it was

RESOLVED – that the three resulting committee vacancies be filled at the Annual Town Council meeting.

182. FACILITIES FOR OLDER PEOPLE

Councillor Tulley stated that in view of a number of factors, it was an opportune time to consider the services for older people in the parish. Having attended a recent meeting of the 50+ Forum, it was clear that there was already good provision in many areas. He put forward the proposal that an open meeting be convened for all relevant organisations in order to gather information on what is already available in the area, and to identify any gaps in provision that could be filled.

RESOLVED – that the Town Council facilitate an open meeting for all relevant organisations to determine the facilities available for older people in the parish – the meeting to be held on Wednesday 14 April.

At this point in the meeting, the order of the agenda was altered in view of the number of members of the public attending for the Hayle Harbour consultation report.

183. HAYLE HARBOUR – MAINTENANCE DREDGING LICENCE APPLICATION: CONSULTATION

Members considered the report circulated prior to the meeting, comments made during the public speaking period, a report from Councillor Fry (representative on the Hayle Harbour Advisory Committee), and debated the matter.

Following consideration, it was

RESOLVED – that the Town Council does not support the renewal of the dredging licence for Hayle Harbour until terms have been renegotiated regarding the respective proportions of sale or re-use of sand, in view of concerns at the amount of sand proposed to be removed, with particular concern at the proposed dredging in Zone D (Dynamite Quay, Lelant) as no clear justification had been given for this work.

Councillor Mitchell requested that his name be recorded as voting against the resolution.

184. SHOPFRONT DESIGN GUIDE PROJECT

The Clerk provided an update on proposals to work with planning officers at Cornwall Council to produce a shop front design guide for St Ives. This had originally been raised as part of an application to pilot a Local Development Order project, and was now offered as a standalone project (not linked to an LDO). The Town Council was asked to commit resources including finance, staff time and Councillor input.

During consideration of this item, Members noted the fairly recent publication of a Shop Front Guide by the former Penwith District Council which was still considered to be useful, and the changed circumstances and workloads of the town council since the project was originated.

RESOLVED – that at this time, in view of changed priorities and commitments, the Shop Front Design Guide project would not be pursued, although this would be reconsidered in future if there was the option to link a design guide to a Local Development Order.

185. GRANT APPLICATIONS

Further to the grant recommendations of the Community and Amenities Committee, to be decided upon later in the meeting, Members considered the following grant applications which had been recently received and needed to be determined before the next meeting of the Council in view of the need for a response before that date.

Application: St Ives May Day Celebrations (Lions Club of St Ives)

Councillor Mrs Symons declared a Prejudicial Interest in this item as a member of the Lions Club of St Ives, and withdrew from the meeting during its consideration.

Consideration: Loss of grant funding from other sources in previous years, support for the continuation of the celebration. Note that in future without major grant funders the event will need to become more self-sufficient.

RESOLVED – that a grant of £300 be awarded to the St Ives May Day Celebrations, for use in accordance with the grant application.

Application: St Ia's Festival of Wishes

Councillor Andrewes declared a Prejudicial Interest in this item as the partner of a referee for the FEAST grant application, and withdrew from the meeting during its consideration.

Councillor Williams declared a Prejudicial Interest in this item as a referee for the FEAST grant application, and withdrew from the meeting during its consideration.

Consideration: Support for an ambitious arts project for the town.

RESOLVED – that a grant of £100 be awarded to St Ia's Festival of Wishes for use in accordance with the grant application, subject to confirmation that the rest of the funding is secured.

Application: St Ives Cricket Club

Consideration: Support for a club with a sporting and community value to the local area.

RESOLVED – that a grant of £350 be awarded to St Ives Cricket Club for use in accordance with the grant application.

Application: Porthminster Garden Project

Councillor Fry declared a Prejudicial Interest in this item as a member of the Porthminster Garden Project Group, and withdrew from the meeting during its consideration.

Councillor Tonkin declared a Prejudicial Interest in this item as a friend of the landscape designer, and withdrew from the meeting during its consideration.

Consideration: a beneficial project for the local area.

RESOLVED – that a grant of £200 be awarded to the Porthminster Garden Project for use in accordance with the grant application.

186. CONSULTATION ON STREET TRADING CONSENT APPLICATION – MR S BUSBY

After considering the application for the sale of punchball balloons, it was

RESOLVED – that the street trading application submitted by Mr Busby be opposed as it was not a suitable form of street trading and in view of concerns at potential harm to the marine environment.

It was also noted that a street trading application was due to be submitted for the May Day celebrations in the near future.

RESOLVED – that the consultation response to the May Day street trading application be delegated to the Planning Committee for decision.

187. INFORMAL MAYOR CHOOSING

The Clerk reported that following invitation of nominations for Mayor for the 2010 / 2011 council year, one nomination had been received: Councillor Mrs Watson had been validly nominated by Councillors Sanger and Tanner.

RESOLVED – that Councillor Mrs Watson be declared as having been selected at this meeting, and that her name be submitted to the Annual Council meeting on 17 May 2010 for election as Town Mayor for 2010/2011.

188. COMMUNITY NETWORK PANEL – APPOINTMENT OF A NAMED SUBSTITUTE

It was noted that Councillor Watson (as Town Mayor) was the Town Council's representative on the Community Network Panel. In accordance with the emerging constitution of the panel, appointment of a named substitute had been invited.

RESOLVED – that Councillor Tonkin be appointed as the named substitute for the Community Network Panel.

189. REQUEST FROM CORNWALL COUNCILLOR MARIO FONK FOR SUPPORT IN THE CAMPAIGN TO KEEP THE UPPER GI CANCER SERVICE IN CORNWALL PENDING RESULTS OF THE IRP REVIEW

Following consideration of the correspondence circulated prior to the meeting and an update provided by Councillor Mrs Symons, it was

RESOLVED – that in support of the campaign, a letter be sent to Steve Moore (Acting CEO of the PCT) and Andy Burnham (Secretary of State for Health), to demand that patients from Cornwall can again have the choice of having their Upper GI Cancer surgery at Treliske if they so wish, pending the outcome of the Independent Reconfiguration Panel's full review.

190. REQUEST FROM JOHNNY NANCE TO PUT UP A FRAME FOR PLAQUES FOR DONATIONS TO THE JUMBO ASSOCIATION

Councillor Fry declared a Prejudicial Interest in this item as a member of the Jumbo Association, and withdrew from the meeting during its consideration.

The Clerk reported that the Council had received a request for the Jumbo Association to hang a frame in St Leonards Chapel, to display plaques commemorating donations to the Jumbo project.

Following consideration of the work of the Jumbo Association and links with the fishing heritage of the Chapel, it was

RESOLVED – that permission be granted for the Jumbo Association to hang a frame for plaques in St Leonards Chapel.

191. COMMITTEE RECOMMENDATIONS

Councillor Williams declared a Personal Interest in the recommendation on footpath maintenance, as the council's representative on PAROW.

The recommendations of the following committees were considered:

- Community and Amenities Committee held on 28 January 2010
- Resources Committee held on 11 February 2010
- Environment Committee held on 18 February 2010
- Planning Committee held on 4 March 2010 (street naming)

As Councillors Andrewes and Williams each needed to declare a Prejudicial Interest in the Ayr Field grant application recommendation of the Community and Amenities Committee, this item was considered separately, with the vote on all other recommendations being taken *en bloc*.

RESOLVED – that the recommendations of the committees listed above (with the exception of the Ayr Field grant application, and two reports to be considered elsewhere on the agenda – Shop Front Design Guide and Traffic Control Officer) be approved.

Recommendation of the Community and Amenities Committee – Grant application – Ayr Field Day

Councillors Andrewes and Williams each declared a Prejudicial Interest in this item as members of the Ayr Field Management Committee, and withdrew from the meeting during its consideration.

The recommendation of the Committee was considered, following which it was

RESOLVED – that a grant of £100 be awarded to the Ayr Field Day 2010 for use in accordance with the grant application.

Councillor Mitchell requested that his name be recorded as having voted against the resolution.

192. COMMITTEE MINUTES

The Minutes of the following committee meetings had been circulated prior to the meeting:

Community and Amenities Committee – 28 January 2010
Planning Committee – 4 February 2010, 28 February and 4 March 2010
Resources Committee – 11 February 2010
Environment Committee – 18 February 2010

RESOLVED – that the Minutes referred to above be approved and adopted.

193. LOCAL MAINTENANCE PARTNERSHIP PPIP 2010/2011

Councillor Williams declared a Personal Interest in this item as the Council's representative on PAROW.

Members noted the Clerk's report that the draft list of footpaths to be maintained under the new PPIP regime had been considered by Councillors Andrewes and Williams, and that suggested additions had been notified to Cornwall Council. Members were invited to consult with the Town Clerk on the proposed cutting scheme, and advised that any further amendments could be suggested at this stage.

194. REPORTS FROM COUNCILLOR REPRESENTATIVES ON OUTSIDE BODIES

St Ives Food Festival – Councillor Mitchell's report had been circulated prior to the meeting and was noted.

195. CORRESPONDENCE

All correspondence circulated was received and noted.

196. SCHEDULE OF ACCOUNTS

The Schedule of Accounts was circulated and it was

RESOLVED – that

- (1) payments made since the last meeting totalling £14,659-69 be approved; and
- (2) the accounts listed totalling £1,231-34 be paid

197. EXCLUSION OF PRESS AND PUBLIC

RESOLVED – that in accordance with the Public Bodies (Admissions to Meetings) Act 1960 (as extended by s.100 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 Part 1 of Schedule 12A of the Local Government Act 1972 by virtue of the paragraph specified.

198. ALLOTMENTS – SITE PREPARATION AND APPROVAL OF AGREEMENTS (Paragraph 3)

Councillor Williams declared a Personal Interest in this item as a person whose name was on the allotments waiting list.

The Clerk reported that this item had been included on the agenda in order to make provision for the proposed allotment site to enable people to start using the site in the spring planting period. As responses were awaited from various parties before the project could proceed with certainty, it was not yet possible to make a decision on the key elements, but to defer until the next meeting of the Council would delay the project implementation and potentially affect the uptake of plots in the first year.

RESOLVED – that

- (1) decision on the approval of the tenancy agreement be delegated to the Community and Amenities Committee at its meeting on 23 March; and
- (2) decisions on implementing a formal lease agreement and appointment of contractors for site preparation works be delegated to the Town Clerk in consultation with the Mayor and the Chairman of the Community and Amenities Committee.

199. TRAFFIC CONTROL OFFICER – EMPLOYMENT OF, APPROVAL OF JOB DESCRIPTION & PERSON SPECIFICATION (Paragraph 3)

Members considered the report which set out the proposal to employ a Traffic Control Officer, including a job description and person specification.

RESOLVED – that the Town Council employ a part time seasonal Traffic Control Officer for the 2010 summer season, based on the report and supporting documents, with the expenditure to be incurred under section 137 of the Local Government Act 1972.

200. MARKET HOUSE – UPDATE (Paragraph 3)

An update was given on an ongoing tenant matter at Market House which had been subject to reports to Council over preceding months. Following consideration, it was

RESOLVED – that the commencement of legal action as set out in the report be approved.

201. REPAIR AND MAINTENANCE OF ROSE LODGE (Paragraph 3)

An update was given following an informal meeting held the day before, with members of the Rose Lodge (fishermens shelter).

RESOLVED – that immediate minor works on the Lodge by the Community Pride Officer be authorised by the Clerk in consultation with the Mayor and Deputy Mayor, and that a meeting be arranged with members of the Lodge to further discussions on the longer term issues raised.

202. FUTURE OF ST IVES DAY CENTRE (Paragraph 3)

Councillor Sanger reported that the Day Centre was due to close on 26 March. The decision to do so had not been taken lightly by the Trustees who had worked hard over recent months to increase publicity and awareness with the aim of increasing client numbers to make the service viable. He stated that unfortunately expenditure continued to exceed income and so the decision had been taken to close the Centre before it became bankrupt.

The report was noted.

203. REQUEST FOR APPROVAL OF TRAVEL EXPENSES (Paragraphs 1 & 3)

Councillor Mrs Watson declared a Prejudicial Interest in this item as the recipient of the expenses, and withdrew from the meeting during its consideration.

Members considered a report on travel expenses incurred by the Mayor when travelling to Wootton Bassett for the repatriation ceremony, and travel and accommodation expenses to be incurred when travelling to London to attend the Coast Magazine Awards, representing St Ives.

RESOLVED – that the travel expenses incurred by the Mayor and Consort in travelling to Wotton Bassett be reimbursed, and that the train and accommodation expenses to be incurred by the Mayor and Consort be met by the town council.