

Minutes of the Meeting of St Ives Town Council held in the Council Chamber, The Guildhall, St Ives on Thursday 22 October 2009 at 7.00 pm

PRESENT

Chairman – Councillor Mrs Y Watson (Town Mayor)

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

COUNCILLORS

Andrewes T

Channon L (until 9.04pm)

Nicholls C C

Mitchell A P

Peters M

Sanger C E

Tonkin G E T

Tulley R

Williams T M

OFFICERS

Town Clerk

Administrative Assistant

APOLOGIES FOR ABSENCE – were received from Councillors Fry B, Isaacs H R G, Richards P J, Slack K and Symons J H.

PRAYERS

The Mayor introduced Rev. Andrew Gough – the new vicar at the Parish Church and her newly appointed Mayor's Chaplain.

Rev. Gough introduced himself and gave an overview of his past experience and his interests. He then led the Council in prayer.

88. POLICE LIAISON SESSION

Sgt Mike Friday circulated the police update report. He noted that the number of criminal damages cases had risen due to 13 offences being committed in one night at a holiday park. He reported that the current PACT (Partners and Community Together) priorities were speeding, parking and anti-social behaviour.

Sgt Friday reported on recent initiatives, with children from St Ia School questioning speeding motorists, and a freshers fair held at St Ives School to raise awareness of facilities for young people in St Ives. The boxing club continued to operate successfully, with facilities at the rugby club being refurbished and benefitting a number of clubs. Members of the neighbourhood police team continued to run tag rugby sessions at local schools

PCSO Terry Webb gave details of the freshers fair organised as part of the Every Child Matters in St Ives initiative. 23 clubs had turned up to the evening with displays and presentations and following the event awareness of facilities would continue to be raised. He thanked Nicole Broadhurst and the local schools for organising and holding the event.

The Mayor thanked Sgt Friday and PCSO Webb for their attendance at the meeting and for all the work carried out with youngsters in the town, particularly as much of this was in officers own time. Councillor Andrewes thanked PCSO Webb for his attendance at the recent public meeting in Lelant at which traffic issues were considered.

89. REPORTS FROM COMMUNITY ORGANISATIONS

Tate St Ives – update

Mark Osterfield reported that the repairs to the wall at the Barbara Hepworth Museum had been delayed as the road closure had not proved possible in the time allowed for, and so it was now expected that the works would commence by the end of January. A contractor had been appointed and the works would be carried out in the low season, within 10 – 12 weeks.

Community Network – update

The Community Network Manager reported that her role as a Cornwall Council officer was to work with the community towards provision of services that were needed. She reported that discussions between the traders, the Town Council and Cornwall Council had resulted in an extension of two months opening for the superloos – to include October 2009 and March 2010. She offered to meet with local traders to discuss further.

90. PUBLIC SPEAKING

Deborah Martin presented a petition protesting at the proposed winter closure of the superloos at the Sloop Car Park, calling for these public toilets to be open all year round.

Mark Noall spoke with concerns at the Dog Control Order implemented by Penwith District Council and now operated by Cornwall Council. He stated that there was no reason why there could not be a 24 hour ban on dogs on specific beaches, advising that there was provision for special cases such as St Ives in the Government's guidelines, to ensure dog free spaces for children. He also referred to the final report presented to the former district council's Social, Economic and Environment Committee which gave weight to the support of parish councils to the draft proposal without highlighting the changes made to the draft after the Town Council's support had been given.

91. SERGEANT AT MACE

The newly appointed Sergeant at Mace, Simon Major, swore the Sergeants Oath before being welcomed to the Town Council by the Mayor.

92. CHAIRMAN'S ANNOUNCEMENTS

There will be an additional six reports to be considered on the agenda for this meeting, each of which have been added in view of the urgent nature of the matter to be considered.

The reports are:

Report 10 – Trenoweth Bends, Carbis Bay – Local Safety Scheme

Report 11 – Arrangements for Christmas

Report 12 – Request to use the Palemon Best Recreation Ground for a 12 week StreetGames initiative

Report 13 – Remembrance Day Ceremony in Lelant

Report 14 – Consultation – application for street trading licence (Graham Barratt)

Report 15 – Consultation – application for street trading licence (Russell Osborne)

93. DECLARATIONS OF MEMBER / OFFICER INTERESTS

Councillor Williams declared a Personal Interest in agenda items 11(2), 11(4) and 18(2) as a person on the allotments waiting list. She also declared a Prejudicial Interest in the grant application for the Twinkle Twinkle Procession (Minute no. 111) as a friend of the applicant, and withdrew from the meeting during consideration of this item.

94. 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 10 September 2009.

95. ENFORCEMENT ACTION AT THE BURROWS, ST IVES

The Enforcement Group Leader (West) from Cornwall Council attended the meeting to update Councillors on the enforcement action being undertaken. With regard to the contentious section of land at the Burrows, currently being operated as a paying car park, the standard permission for the use of land in this way for a period of 28 days per annum had been exceeded in 2008, an enforcement notice had been issued and subsequently breached. Following the breach of the planning enforcement notice, evidence was gathered to support a prosecution case and this matter was now in the hands of the courts.

The breach of the planning permission in 2009 had resulted in action to achieve an injunction granted by the High Court. Since the injunction had been posted, evidence had been gathered of continuing actions breaching the injunction and passed to the legal team to bring to the High Court as the injunction had been issued by the High Court rather than Cornwall Council. The matter had been complicated by land ownership issues.

The Health and Safety Executive had also issued enforcement notices setting out restrictions (no parking within 5m of the edge of the site) and also setting out improvements required (to carry out a land survey and carry out any remedial works identified). The Health and Safety Executive notices had not been complied with and so the HSE would take action.

Regarding the area of Western Power land which had been unlawfully occupied, Western Power had received a court order to allow them to re-occupy the land, this was a matter for them to action.

The Council was assured that Cornwall Council continued to work with the HSE and Western Power, especially as the Health and Safety Executive notices carry substantial weight. It was reported that Cornwall Council had taken every possible action and continued to be flexible and keep options open. The matter now lay with the courts and Cornwall Council had no control.

During discussion on this matter the following issues were raised:

- The Health and Safety Executive had stated that they were unable to close the site
- Councillors raised the genuine concerns and fears of local residents at land stability
- Concern at the wider population and pedestrians safety for those using the pavements over which cars cross to access the site – especially with local schools in the area
- The concerns raised at land stability in the report commissioned by Penwith District Council
- How can this unlawful use of land continue despite the actions taken by Cornwall Council, the Health and Safety Executive and the High Court?

- It had been decided that there had been demonstrable harm in the land use and so an enforcement notice had been issued. It is not a criminal offence to breach planning control. The purpose of planning enforcement is not to punish but to remedy any harm caused in planning terms. It only becomes an offence when an enforcement notice is not complied with – this had happened and so evidence had been presented to the court and their judgement was awaited.
- Questioned what recourse the residents of the Stennack and Rosewall have
- Questioned why the High Court injunction has been posted on the site all summer and had still not been enforced

The Mayor thanked the Enforcement Officer for the update given.

RESOLVED – that Cornwall Council be called upon to take urgent action to implement the enforcement notices and injunctions on the site, with representation to be made to Westminster if necessary to expedite the closure of the site as a car park; with similar requests for enforcement action to be taken to be sent to the Health and Safety Executive, Western Power and the Member of Parliament.

96. NORWAY SQUARE

Councillor Andrewes stated that he had been approached by residents concerned that Norway Square should remain a public open space. The Archive Centre had carried out research on the area and confirmed that a public garden had been created in 1962 on land previously occupied by 3 cottages. The garden had been maintained by Penwith District Council and was now maintained by Cornwall Council. The garden was used by the community in a number of ways including art classes, poetry readings, the Queens Silver Jubilee, a stop on the town's ghost tour, part of the St Ives in Bloom programme and had been adopted this year by a volunteer gardener.

The square was used in such a number of ways that it was feared that it would be a loss to the town if it were not to be open to the public. Concerns had been raised at a proposal the previous year for part of it to become a private garden.

Although there were no current plans to change the nature of Norway Square, it was considered that a position statement by the Town Council would go some way to protect it for the future.

RESOLVED – that the Town Council adopt a position statement to express support for retention of Norway Square as a public open space.

97. YOUTH COUNCIL

A written report had been circulated by Councillor Fry, setting out a proposal for a Youth Council, building on the School Council's run by local schools and in line with the aims of Every Child Matters in St Ives.

It was proposed that a Youth Council would give an opportunity for two representatives of each of the participating schools to meet at the Council Chamber, debate matters and arrive at proposals that could be presented to the Town Council for consideration or reported for information. Feedback and updates could then be given to the Youth Council. Proposed schools to take part included: St Ives School, St Ives Infants, St Ives Juniors, St Uny, St Ia, St Erth and Nancledra.

There had also been suggestions that the Youth Council could be merged with a Youth PACT Panel that was also being established and following discussion it was considered that these had different aims and so it would be more beneficial to establish each separately.

Following discussion it was

RESOLVED – that the creation of a St Ives Schools Council be supported.

98. POLICE PATROLS

The report set out an offer for Town Councillors to join the police on insight patrols. Councillor Mrs Tanner reported that she had accompanied a patrol recently and had had an eventful evening, with a wide geographical area covered. She recommended to fellow Councillors to take up the opportunity to join a patrol.

The report was noted, with individual Councillors able to make arrangements to join a patrol on a convenient date and time.

99. ADOPTION OF COMPLAINTS PROCEDURE

The Clerk reported that it was standard good practice for local councils to adopt a complaints procedure in order that should a member of the public wish to lodge a complaint against the town council, there are clear processes already in place to guide those involved.

A draft complaints procedure had been circulated prior to the meeting.

RESOLVED – that the Complaints Procedure be approved and adopted.

100. COUNCIL APPOINTMENTS TO OUTSIDE BODIES

An updated list of appointments to outside bodies had been circulated prior to the meeting. Members were invited to appoint a trustee for the St Ives Museum to fill the existing vacancy.

RESOLVED – that Councillor Mrs Symons be appointed as a Trustee of St Ives Museum

101. COMMUNITY NETWORK PANELS: CALL FOR EVIDENCE

Cornwall Council was carrying out a review of the way in which Community Network Panels would operate. A call for evidence had been circulated to all town and parish councils and a response had been compiled at an informal meeting of the Hayle St Ives Community Network.

Members agreed that it was expected to be beneficial to work with neighbouring councils, whilst continuing to liaise directly with Cornwall Council when appropriate.

The legal standing of devolving powers and budgets to the network panel was questioned. It was also questioned why this review was being carried out as there seemed little difference in the current proposals compared to the original plans for the Community Networks.

The Community Network Manager advised that the devolved budgets would be an effective way of utilising budgets, and that active partnerships would be engaged through the network panels. The review was being carried out as the new administration wished to reassess the proposals for how Cornwall Council could best engage with Town and Parish Councils.

RESOLVED – that the joint response to the call for evidence be endorsed.

102. CHRISTMAS CLOSING DATES

The Clerk sought approval for the proposed dates on which the Town Council offices would be closed during the Christmas and New Year period.

RESOLVED – that the Town Council offices be closed for the Christmas / New Year period from Thursday 24 December 2009 until Friday 1 January 2010, inclusive.

103. NALC CONSULTATION – MARINE ACCESS BILL

A copy of the consultation document had been circulated prior to the meeting. It was noted that the Marine and Coastal Access Bill could have a significant impact on Cornwall's coastline.

RESOLVED – that individual Councillors submit their responses to the Clerk by Friday 20 November, to be collated and submitted to NALC.

104. TRENOWETH BENDS, CARBIS BAY – LOCAL SAFETY SCHEME

A copy of a consultation letter setting out proposed road safety improvements had been circulated.

RESOLVED – that the proposed safety improvements be supported and that it be requested that the works be carried out as soon as practicable.

105. ARRANGEMENTS FOR CHRISTMAS

Following a recent announcement by Cornwall Council that unlike the former Penwith District Council they would not finance the town Christmas Tree, this report had been included on the agenda to ensure that this and other Christmas matters were decided upon in a timely manner.

After consideration, it was

RESOLVED – that the following arrangements be made for Christmas

- (1) the purchase, if necessary, of Christmas Trees (sourced by Cornwall Council) for St Ives, Carbis Bay, Lelant and Halsetown;
- (2) the purchase of replacement Christmas Tree lights for the trees at St Ives and Carbis Bay

/contd.

- (3) the purchase of a festive silhouette light for the flat roof of the Guildhall entrance (budget permitting); and
- (4) a contribution of £200 to the Fishermen's Christmas Lights Fund, from St Leonard's Chapel donations.

106. PALEMON BEST RECREATION GROUND – STREETGAMES INITIATIVE

The Clerk reported that a request had been received to use the Recreation Ground for a StreetGames project.

RESOLVED – that permission be granted to Grace Richards to run a 12 week session of StreetGames at the Palemon Best Recreation Ground.

107. REMEMBRANCE DAY CEREMONY IN LELANT

The Clerk reported a request received that the Remembrance Ceremony in Lelant take place at 11.00 am, in order that those attending the War Memorial at Lelant may observe the two minute silence at 11.00 am as opposed to holding the Ceremony earlier in the day as in previous years.

Rev. Holland had confirmed that it would be possible for the Church to staff the service at Carbis Bay and have a reader at the War Memorial. The Church were in agreement with the proposal to hold the Lelant ceremony at 11.00 am.

RESOLVED – that the Town Council supports the proposal to hold the Lelant Remembrance Ceremony at 11.00 am on Remembrance Sunday.

108. CONSULTATION – APPLICATION FOR STREET TRADING LICENCE (GRAHAM BARRATT)

Members considered the application to sell house signs from a 2.5m gazebo at West Pier, St Ives on Mondays from April to December 2010 inclusive.

RESOLVED – that the Council lodge a strong objection to the application as it was considered inappropriate and would have an impact on the town's shopkeepers.

Councillor Channon left the meeting during consideration of the following item.

109. CONSULTATION – APPLICATION FOR STREET TRADING LICENCE (RUSSELL OSBORNE)

Members considered the application to sell burgers and sausages from the applicant's free range beef herd, also soft drinks, on New Years Eve 2010 at the Harbour Slipway, St Ives

RESOLVED – that the application be supported as a local business with local produce and sufficient opportunity for trade in St Ives on New Years Eve to not have an adverse effect on the town's shopkeepers.

110. COMMITTEE RECOMMENDATIONS

The recommendations of the Environment Committee held on 24 September 2009 were proposed by the Committee Chairman and seconded by the Committee Vice-Chairman.

The recommendations of the Community and Amenities Committee held on 1 October 2009 were proposed by the Committee Chairman and seconded by the Committee Vice-Chairman.

The recommendations of the Resources Committee held on 8 October 2009 were proposed by the Committee Chairman and seconded by the Committee Vice-Chairman.

(There were no recommendations to consider from the Planning Committee.)

RESOLVED – that the committee recommendations as set out in the committee minutes, with the exception of the Twinkle Twinkle Procession grant application, be approved.

111. TWINKLE TWINKLE PROJECT – GRANT APPLICATION

Councillor Williams declared a Prejudicial Interest in this item as a friend of the applicant and withdrew from the meeting during consideration of this item.

The Clerk reported on an update on the overall funding position received from the applicant – it was not certain whether the £1,000 FEAST funding would be approved in time and so the Town Council was requested to underwrite the sum of £425 to ensure that the procession could proceed even if FEAST funding was not granted, albeit on a smaller scale.

RESOLVED – that a grant of £100 be awarded to the Twinkle Twinkle Procession, without a requirement for full match funding, and that if FEAST funding was not available, the Town Council would underwrite the Twinkle Twinkle initiative up to a total of £425 to ensure that it proceeds.

112. COMMITTEE MINUTES

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

Planning Committee – 17 September and 15 October 2009
Environment Committee – 24 September 2009
Community and Amenities Committee – 1 October 2009
Resources Committee – 8 October 2009

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

113. REPORTS FROM COUNCILLOR REPRESENTATIVES ON OUTSIDE BODIES

Councillor Mitchell circulated a report on the recent meeting of the West Cornwall CCTV Interest Group. An invitation was extended to Members to visit the CCTV centre before the planned changes were implemented. It was noted that the service for St Ives would be improved as a land line would be used as opposed to the existing satellite connection.

114. CORRESPONDENCE

All correspondence circulated was received and noted.

115. SCHEDULE OF ACCOUNTS

The Schedule of Accounts was circulated and it was

RESOLVED – that

- (1) payments made since the last meeting totalling £7,445.55 be approved; and
- (2) the accounts listed totalling £619.70 be paid

116. 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.

117. MARKET HOUSE – POTENTIAL ASSIGNMENT OF LEASE (PARAGRAPH 3)

Councillor Nicholls stated that he would not take part in the debate on this item.
The Town Clerk reported that as the required information had not been received, this item would be deferred to the next scheduled meeting of the Council.

118. TRANSFER OF LAND AT VENTON VISION TO TOWN COUNCIL (PARAGRAPH 3)

The Clerk presented the written report previously circulated and Members took into account previous reports and the consideration of the matter by the Community and Amenities Committee and the Resources Committee.

RESOLVED – that the acceptance of the community transfer of land at Venton Vision, with covenants, from Cornwall Council to St Ives Town Council be approved.

119. CARE HOMES (PARAGRAPH 3)

A written report was circulated by Councillor Mrs Symons.
After discussion, it was

RESOLVED – that the report be noted.