

Luxulyan Parish Council **DRAFT** Minutes  
Ordinary Meeting, THURSDAY 14 MAY 2020  
6.00 pm, ONLINE via Zoom

**PRESENT:**

Cllr Michaela Linfoot (Chair), Cllr Keith Bilston (Vice-chair), Cllr Kay Baker, Cllr Michael Grindley, Cllr Bob Hatton, Cllr Margaret Higman, Cllr Sarah Kemp, Cllr Michele Latham, Cllr Francis Payne.

**ALSO PRESENT:**

Clerk to the Parish, Mrs Christine Wilson and 3 Members of the Public.

**ABSENT:**

Cllr Tina Windsor.

**NOTE ON JOINING THE MEETING AS MEMBERS OF THE PUBLIC:**

Members of the public must request online Meeting details in advance from the Clerk in order to join the meeting online. All participants that join the meeting start in the 'waiting room' and are admitted by the clerk as soon as possible.

**ABBREVIATIONS:**

Councillors are abbreviated with their initials; Luxulyan Parish Council (LPC), Cornwall Council (CC), Cornwall Assoc. of Local Councils (CALC), Footpath (FP), \*\*\* indicates the Consultee Comments submitted to the Planning Authority; the general points are proposed and decided by LPC; formal submission is delegated to the Clerk.

**MEETING:**

*The meeting began at 6.08 PM and the Chair welcomed all.*

20/1 Apologies

Apologies were received from TW, Ward Member Cllr Sally-Anne Saunders and Chris Austin who could not connect to the meeting.

20/2 Declarations of interest or requests for dispensation.

BH declared an interest in the planning application PA20/02942 (Item 20/8.C.i ) because he is a near neighbour.

20/3 Public Session

A As he was unable to attend because of technical issues, the clerk read an email from Chris Austin concerning the planning application at Beswetherick Field:

“The [Luxulyan] CLT has been frustrated at the lack of support in the past from Cornwall Council in relation to the Covenant, which was signed initially by both the Olivers and the developers. We were informed by Cornwall Council that the covenant could not be enforced due to the fact that no monies had changed hands on the initial transfer of land, therefore no section 106 payment could be withheld, which would have been used to ensure the developers carried out the instructions contained within the covenant and the planning consent.

“ Despite what we were told, It would now seem that the covenant is still in fact active. If this is the case then the original requirement in the Covenant for the developers to return ownership of the land to the Olivers, on failure to complete the development within 5 years of the original start date should be enforced.

“The fact that the developers have already deliberately reduced their profit on the scheme by selling the original 'plots' instead of building open market houses on them,

would certainly lead me to believe that the same thing would be very likely to happen again.

“If the Parish Council refuses to vote on this application, it may force the County Council to reinvestigate the legalities of this whole episode, thereby putting an end to this farce once and for all. We hopefully can then get these houses built and occupied by the local people they were originally intended for.”

- B Two residents of Beswetherick spoke. They explained that they were not against development of the plot but hoped that the original plan for three affordable homes would be fulfilled. They would like to see the site finished off as in the original plans. They are also very concerned about parking at the development. The parking problem would be very bad indeed if 5 new homes were built, probably increasing the need for parking by 10+ vehicles, without any parking facility.

20/4 Meetings and governance

A The council **RESOLVED** that the minutes, as read, of the ONLINE meeting on 16 April 2020 held via *Zoom* were a true and correct record (proposed BH, 2nd MG). The Chair’s signature will be obtained by post.

B The council **RESOLVED** that the minutes, as read, of the ONLINE meeting on 17 April 2020 held via *Zoom* were a true and correct record (proposed KBi, 2nd BH). The Chair’s signature will be obtained by post.

C The council **RESOLVED** (proposed SK, 2nd KBi) to approve the Online Meeting Procedures April 2020. The Clerk will post the procedure online and the Chair’s signature will be obtained by post .

*One Zoom meeting ended. 2 members of the public did not rejoin the meeting. The next Zoom meeting started at 6.32 pm when all members and the planning agent rejoined.*

*The Chair brought forward Item 20/8.C.i and BH left the meeting for the duration. The item was deferred & the agent for application left the meeting.*

20/5 Finance

A The financial documents *Budget Comparison, Cash Flow and Bank Reconciliation* will be prepared starting next month.

B The council **AUTHORISED** payments for May 2020 totalling £1,821.15 (proposed KBa, 2<sup>nd</sup> BH).

Description	Amount with VAT	VAT
Clerk's salary and expenses	878.22	
HMRC payment	35.34	
Clerk's Pension	27.00	
Playground inspections	23.00	
Public Conveniences, electricity	11.29	0.53
Annual play equip & field inspection	164.40	27.40
Clerk's training- accessible documents	36.00	6.00
Grass cutting	590.00	
Toilets water, estimated reading	55.70	

20/6 Reports

- A Report on Actions

i.	Grit Bins. The bin for under the Station sign (Minute 19/175.D) and grit will be ordered in the autumn so the grit can be fresh for use. SK and KBa will check the levels of the parish's grit bins to consolidate what is available now and to give a summary to the clerk so grit can be ordered for LPC's bins in the autumn. <b>ACTION: SK and KBa</b>
ii.	Leat meeting. CC sent a possible meeting date to discuss the leats and sluice gates (penstocks) for 1 <sup>st</sup> June but it has not been confirmed.
B	Chair's report. The Chair wished our Ward Member a happy birthday! She also reported that there seem to be occasional gatherings in the Valley and these are not legal.
C	Crime & Prevention. The police have been seen driving through the village. They have been very busy because of lockdown.
D	Cornwall Councillor Saunders' report to the Parish. Cllr Saunders wrote to say that there are no new issues to report to the council this month except to explain that the Highway workers staying near the Quarry will be working on Highways issues in the county as a team, seven days a week, utilising the good weather. They will not use the Village Shop and will keep social distance.

20/7 Considerations

A	The council considered the comments on its Facebook page requesting the Cemetery remain open; however, the council <b>RESOLVED</b> (proposed SK, 2nd KBa) that the closure of the Cemetery would remain in place until further notice to help prevent a second spike of coronavirus. A sign will be laminated and placed on the gate.
B	The council <b>RESOLVED</b> (proposed MLi, 2nd SK) that the weekly inspection of the playing field and equipment would continue during lockdown.
C	The council <b>DEFERRED</b> consideration of the Cornwall Council cleaning contract for Luxulyan's closed public toilets. The clerk will get advice from CALC and SLCC about the contract. <b>ACTION: Clerk</b>
D	Consideration of Garden Awards for Luxulyan was <b>DEFERRED</b> so BH and FP could bring a proposal to the council at its next meeting. <b>ACTION: BH and FP</b>
E	Weed treatment. The clerk reported that Cormac had not replied to her request for a quote. The council <b>RESOLVED</b> (proposed MLi, 2nd KBa) that the contractor from last year will be given the contract pending current certificates for training and spraying. <b>ACTION: Clerk</b>
F	Dog mess.
i.	The council <b>RESOLVED</b> (proposed SK, 2nd KBa) that the council will ask Lanlivery and St Blazey parish councils to share the cost of Dog Bins placed at Black Hill Car Park and Pontois Mill Car Park. <b>ACTION: Clerk</b>
ii.	The council <b>NOTED</b> that its councillors received training to report people who don't clean up after their dog by either using the 'stick and flick' method to move it into the underbrush or putting it in a plastic bag and taking it home. Councillors may report incidents of these criminal offences that take place in Luxulyan or anywhere in Cornwall directly to Cornwall Council. The INCIDENT REPORT

will result in a postal Fixed Penalty Notice being served on the offender in accordance with Criminal Procedure Rules r27.1(1); Criminal Justice Act 1967, s.9, Magistrates' Courts Act 980, s.5B

20/8 Planning

A Planning issues and correspondence. Planning decisions are reported in Clerk's Notes and on the website.

i. Tywardreath and Par Parish Council Neighbourhood Development Plan (NDP): pre-submission consultation neighbourhood planning regulations 2012. The end of the consultation period has now been extended to Monday 1st June 2020.

ii. A member of the public sent photos of what may be a breach of planning close to her house. FP will look into it.

**ACTION: FP**

B StARR project update. There is no news on this project this month.

C Applications for consultee comments.

i. **PA20/02942** | Application for a Certificate of Lawful Use in respect of an Existing use for part of workshop as residential dwelling (Class C3) | The Workshops Station Yard The Bridges Luxulyan PL30 5EF  
The council **DEFERRED** its consultee comments until its next meeting.

*The agent for this application left the meeting.*

ii. **PA20/03153** | Outline application with some matters reserved for the construction of 5 dwellings | Land Off Beswetherick Field Luxulyan  
The council heard from members of the public in the public session of this meeting, considered the original covenant and the often disappointing history of this site beginning with the failure to complete the original plan with associated works (C2/08/01791) and its impact on the quality of life and amenities of the parish in its unfinished state. The council then **RESOLVED** (proposed FP, 2nd MLI) to submit the following consultee comments:

\*\*\* Luxulyan Parish Council acts as a "Mandatory Statutory Authority", as do all councils. As this application does not show any evidence to the effect that the covenant registered with the Land Registry, and protected under the 1925 Law of Property Act, has been appealed successfully in the applicant's favour so as to allow the construction of open market dwellings on this plot, this council finds that it is unable to pass lawful comment on this application and strongly recommends that the application be withdrawn.

20/9 Highways & Flooding

Often the best results come from direct reporting on the REPORT A POTHOLE section of Cornwall Council website. Links are available from the Council's website at *Parish Highways*.

20/10 Assets – reports and maintenance

A Playing Field.

i. The last playing field inspection (before they were halted by the lockdown and the closure of the play equipment area on 25<sup>th</sup> March) was 17 March 2020. After consideration, the council saw the need for ongoing inspections, and they were

reinstated from 20 April 2020 (Item 19/213.A.iii). Two inspection reports for April were received and <b>NOTED</b> . (See Item 20/7.B above)
ii. It was <b>RESOLVED</b> (proposed MLI, 2 <sup>nd</sup> SK) that the picnic benches in the playing field should be placed with the play equipment because they cannot be cleaned by the council to avoid coronavirus contagion.
B Cemetery. Nothing to report.
C Footpaths. It was <b>RESOLVED</b> that the clerk would write to the owners of a camellia whose leaves and flowers are making the footpath steps slippery.
D Luxulyan Memorial Institute. The Institute is closed to the public. This is the perfect opportunity to clear the weeds and gutters. It was suggested that the wonky picnic bench could be removed and the notice board moved to a better spot. MLI will consult with the Institute committee and speak to A&A about the work.
E Village Toilets. The clerk reported that the energy plan has been renewed for three years with a fixed plan until 12 June 2023. The decision is <b>NOTED</b> as a delegated decision. All councillors were consulted by email.
F Website. The clerk reported that the website accessibility update will be made by the council's current website provider. The decision is <b>NOTED</b> as a delegated decision. All councillors were consulted via email with details of quotes.

20/11 Parish Matters – reports

A Luxulyan Valley Partnership. Nothing to report.
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20/12 Correspondence & Invitations (complete list in Clerk's Notes)

A The council <b>RESOLVED</b> (proposed MLI, 2 <sup>nd</sup> FP) that it would write a letter Shelley Murray MP – and send it to all parishes in Cornwall encouraging them to send it to their MP – to request a continuance lockdown and the enforcement of closed borders for Cornwall until well into June.
B The Chair stated that the schools should not be opened until all Members of Parliament can sit next to one another in the Commons Chamber.

20/13 Business for the next meeting

Review of the Internal Auditor's report. Report on the administration of common land.
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20/14 Second Public Session for feedback from the public

There were no members of the public for a second public session.
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20/15 Dates of next meetings.

A Ordinary Meeting 11 June 2020, 6.00 pm ONLINE via Zoom.
B An extraordinary meeting may be called by the Chair for Planning or other business if needed. An agenda would be posted 3 clear days before.

*The meeting closed at 19.48 pm and the Chair thanked everyone for attending.  
Mrs C Wilson ~ Parish Clerk ~ 14 May 2020*

**SIGNED:**

**THESE ARE DRAFT MINUTES.**

Chair of meeting: \_\_\_\_\_ Date: \_\_\_\_\_