

LUXULYAN PARISH COUNCIL

Minutes of the Ordinary Meeting at the Luxulyan Memorial Institute, 6.30 pm,

THURSDAY 10 NOVEMBER 2016

PRESENT:

Cllr George Haywood (Chair), Cllr Michaela Linfoot (Vice-chair), Cllr Barbara Fahey, Cllr Roger Smith, Cllr Keith Bilston, Cllr Cath Grey.

ALSO PRESENT:

Clerk to the Parish, Mrs Christine Wilson and 1 Member of the Public.

ABSENT:

Cllr Jack Satterthwaite, Cllr Andy Cottrill, Cllr Ralph Keam, and Ward Member Cllr Simon Rix.

Abbreviations: Councillors are abbreviated with their initials; Luxulyan Parish Council (LPC), Cornwall Council (CC), Footpath (FP), Local Maintenance Partnership (LMP), Community Land Trust (CLT), Friends of Luxulyan Valley (FOLV), Neighbourhood Plan (NP). *** 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.

The meeting began at 6.55 PM after an informal session to discuss the Draft Budget, which began at 6.00 PM. The Chairman welcomed all.

16/139 Apologies

The council **APPROVED** the apology from JS because of illness. ML explained that she would leave the meeting early because of work commitments.

16/140 Declarations of interest or requests for dispensation.

A The Chairman read out a statement concerning the Code of Conduct and declarations of interest:

With respect to declaring an interest, I am reminding everyone that it is in the Code of Conduct that any member declaring an interest will not participate in any discussions of the matter at the meeting unless they have requested, and been granted, a dispensation to do so.

At last month's meeting a member declared an interest, no dispensation was sought, the member remained in the meeting when the matter was discussed and, although not asked to comment, engaged in the discussion.

This is a direct breach of the Code of Conduct and will not be repeated.

If a dispensation is requested and granted, the member with the interest will not speak unless asked to do so and, if it is at any time considered that their presence is prejudicial to open debate, any member may ask them to leave the meeting until the issue has been resolved.

I also remind everyone that the Code of Conduct states:

You will treat others with respect,

You will not discriminate against others,

You will not bully others,

You will not intimidate others,

You will conduct yourself in accordance with the Code of Conduct.

I have been advised that this was not the case when the matter in question was discussed.

This is also a direct breach of the Code of Conduct and will not be repeated.

It is to be expected that not all members will share the same views on all topics but we all need to be able to discuss issues openly without fear of personal verbal attacks, perceived or actual.

Should any member feel they are not able to contribute to the discussion in a

calm and rational manner, they should excuse themselves from the meeting until the issue has been resolved.

Should any member feel that they are being intimidated, bullied or subject to a personal attack, or that such behaviour is going on between other members, it should immediately be brought to the attention of the Chair.

All members need to be aware that it is not the sole responsibility of the Chair to ensure that the Code of Conduct is observed. Should any member feel that any other member or members are out of order they have the right, and duty, to speak up and, if necessary, ask the offending member or members to moderate their behaviour or remove themselves from the meeting for the duration of the discussion and the vote.

B BF declared an interest in Item 16/154 because she is a member of the club.

C There were no requests for dispensation.

16/141 Public Session

No member of the public wished to speak.

16/142 Review of action points from previous minutes and decide on any further action, if required.

D ML has received information about Legionnaires' Disease and will pass it to the clerk.
ACTION: ML

E Gunwen Chapel has shown interest in being the position for a second defibrillator.
ACTION: ML

F The list of councillors must be revised for the Notice Boards.
ACTION: Clerk

G Other previous items will be discussed under the topics below.

16/143 Meetings and governance

A The council **RESOLVED** that the minutes, as read, of the meeting held on 13 October were a true and correct record (proposed KB, 2nd RS) and they were duly signed.

B The Correspondence Policy was not printed for signature.

C Electoral Review. Nothing to report.

D Parliamentary Boundary Review 2018. JS will send his comments on the initial proposals and they will be sent to the other councillors. If possible he will attend one of the public enquiry events.

E It was **NOTED** that the Clerk has now achieved the Certificate in Local Council Administration (CiLCA) which will enable LPC to use the General Power of Competence (Localism Act 2011, Sections 1-8) after the next election. Two thirds of Luxulyan's parish councillors (seven) must be elected. The General Power of Competence will allow LPC to "do anything that individuals generally may do" rather than only being able to use the limited powers granted to local councils directly in legislation.

F Playing Field inspections for Nov/Dec were received and the following volunteers were enlisted for the next 4 weeks:
ACTION: BF, RS, GH, RS.

GP

G The clerk advised that she would be away from 16 November, but available by email until 4th December.

16/144 Finance

A The *Bank Rec* for October was **NOTED**. The Clerk's reports, *Payments against Budget* and *Cash Flow*, are interconnected with the Draft Budget spreadsheet and will remain at '6 months actual' until the 2017-18 Budget is finalised.

B The council **AUTHORISED** payments below for November (proposed ML, 2nd KB). The last column is recoverable VAT. NB: For ease of reporting, the cleaner's salary, authorised the previous month, will be reported with this month's payments. The Room Hire payments are estimated and must be confirmed by the clerk. The council **RESOLVED** to authorise the room hire payments in principle and payment may be made after the dates are confirmed by the clerk and checked by GH.

6 Nov 16	Public Conveniences, cleaner's salary	faster	£	226.64		
10 Nov 16	HMRC, cleaner's salary	faster	£	56.80		
10 Nov 16	Clerk's salary and expenses	faster	£	615.95		
10 Nov 16	Public Conveniences, electricity	DD	£	11.16		0.53
10 Nov 16	Water bill, toilets (estimated)	faster	£	91.03		
10 Nov 16	Parish Council Room Hire	faster	£	97.50		
10 Nov 16	Neighbourhood Plan Room Hire	faster	£	52.50		

See another payment authorised at Item 16/154.

C In order to pay wages on time, payments for December totalling £283.44 were **AUTHORISED** (proposed ML, 2nd KB).

6 Dec 15	Public Conveniences, cleaner's salary	faster	£	226.84		
8 Dec 16	HMRC, cleaner's salary	faster	£	56.60		

D Budget & Precept. Before the meeting the councillors went over the Budget line by line and some revisions were made. The decision on the revised Draft Budget with Precept proposal was **DEFERRED** until the next ordinary meeting and it will now be circulated to all councillors by the clerk.

ACTION: Clerk

E In accordance with her employment contract, it was **RESOLVED** (proposed ML, 2nd RS) that the clerk's salary will rise one spinal column point on the National Joint Council Pay Scale to SCP 21 from 1st November 2016 for achieving the Certificate in Local Council Administration (CiLCA) in October this year.

16/145 Crime & Prevention.

A The PCSO Report for October 2016 was **NOTED**. INCIDENTS RECORDED: 3 Anti-social behaviour; 1 Crime not recorded; 1 Crime recorded; 1 Public safety; 1 Transport. CRIMES RECORDED: 1 Other theft.

B Police Liaison Meeting. ML attended the first meeting for our area and found it very useful. St Austell Sector Inspector Ed Gard has posted a PCSO in Luxulyan whilst PCSO Merrikin is off active duty. He is PCSO Jamie Ward and he will hold weekly Police Surgeries at the Luxulyan Memorial Institute. Details about the surgeries will be posted in Granite Towers, on the notice boards and on the website.

ACTION: ML & Clerk

16/146 Cllr Rix's report to the Parish

Cllr Rix did not send a report.

SPH

16/147 Neighbourhood Plan steering group report

A number of people attended the meeting to on 8 November to form the Steering Group. Another meeting will be held on Monday, 14 November to begin to identify areas of concern.

16/148 Cemetery Policy

The Cemetery Policy was **APPROVED** as read (proposed ML, 2nd RS). The clerk will prepare a copy for signature at the next meeting.
ACTION: Clerk

16/149 Reciprocating Locum Clerks

The council **RESOLVED** in principle to a reciprocal Locum Clerking agreement between the Clerk of Roche PC and Lanivet PC (proposed KB, 2nd RS). The clerks will work out the details so that both may present the Agreement document to their respective councils in the near future.
ACTION: Clerk

16/150 Friends of Luxulyan Valley request

After consultation, the request has been withdrawn.

16/151 Bus Shelter Maintenance Audit by Cornwall Council

The council **RESOLVED** to respond to the audit stating that 4 bus shelters are the responsibility of LPC (proposed BF, 2nd ML): not only the 2 identified by CC; i.e., the bus shelters in the village and at Lockengate, but also the bus shelters at Conce Moor and at Bridges. RS will take pictures of each and identify them on a map of the parish.
ACTION: RS, Clerk

ML left the meeting.

16/152 Cornwall Minerals Safeguarding Development Plan Document (DPD) Pre-Submission Consultation (November 2016) (Regulation 19 Consultation)

RS had read the document with great interest and identified the mineral quarries within parish and their potential development/extraction. The sites include Luxulyan Quarry and Carne Cross. The council **RESOLVED** to respond indicating that the document was 'noted' (proposed RS, 2nd BF).
ACTION: Clerk

16/153 Maintenance of the closed churchyard at St Cyriacus & St Julitta Church

LPC consulted with the church warden who is happy with the current arrangement, especially since he was in dialogue with Cormac who now promise to do 3 cuts per year. Perhaps, however, additional arrangements may be made to provide a little further maintenance during the spring and summer months. LPC **RESOLVED** to respond indicating its satisfaction with the arrangement.
ACTION: Clerk

BF left the room for the duration of the discussion and decision for following Item.

16/154 Grant request from the Luxulyan Craft Club

The council **RESOLVED** to grant £180.00 toward Christmas lunch for the club (proposed KB, 2nd RS) from the Small Community Fund in accordance with Local Government Act 1972, Section 137. Usually the Small Fund grants are awarded in

GPW

October; however, an extension was granted because the leader was on holiday and could not make the deadline.

16/155 Planning

A Correspondence

- i. **PA16/07440** | Creation of a purpose built wedding venue | Corgee Farm Strawberry Lane Luxulyan Bodmin Cornwall PL30 5DS. Case Officer: Helen Blacklock. At the previous meeting LPC supported this application, and the case officer wrote to LPC indicating her intention to refuse it mainly because of its 'unsustainability' because of the lack of public transport, but also for Highways traffic issues. After discussion and debate LPC reluctantly agreed with the case officer's decision, **RESOLVED** (proposed KB, 2nd RS) to the following:
*** Luxulyan Parish Council agrees that the Highways issues have not been adequately addressed and therefore, only on this basis, will agree with the decision of the case officer. If access to the site could be improved, the council would happily support the application. Luxulyan does think that this is excellent farm diversification and that the development would enhance the rural economy in the parish and beyond. The 'out of the way' position of the development is in keeping with its purpose; and, therefore, the council considers that the label of 'unsustainability' is overly harsh for this project and should not weigh heavily against the project.
- ii. **PA16/09317** | Submission of details to discharge condition 4, 6, 7, 8 and 9 in respect of solar park approved on Appeal APP/D0840/A/14/2217727 (LPA Ref PA13/03710) at Bodwen, near Bugle | Land South Of A391 Near Bodwen Bugle Cornwall.
No consultee comments are requested for this application which deals with a Construction Traffic Management Plan and other conditions. A member of the public has complained about a large number of dumper lorries travelling through Bodwen, possibly used in the construction of this site. It was **AGREED** that the clerk would write to our BayWa contacts for this development so that they can ensure proper routes are followed.
ACTION: Clerk

B Enforcements – (others may be listed in *Clerk's Notes*)

- i. The enforcement issue at Rosemelling is still under investigation.

C Planning decisions. Nothing of note. (All are reported in *Clerk's Notes* and the website).

D Applications for consultee comments.

- i. **PA16/09020** | First floor timber framed extension for bathroom and dressing room | Ennisvath Savath Lane Lockengate Bugle St Austell Cornwall PL26 8SA. After a short discussion of the plans, LPC **RESOLVED** to send the following comments (proposed BF, 2nd RS):
*** Luxulyan Parish Council offers NO OBJECTION to this application which does not increase the footprint of the building.
- ii. **PA16/09961** | Outline application for the construction of a single storey dwelling and detached garage with formation of access with all other matters reserved | Land North Of Penhallow Bodwen Bugle Cornwall.
After examination of the plans, LPC **RESOLVED** to submit the following comments (proposed RS, 2nd KB):

GPH

*** Luxulyan Parish Council OBJECTS to this application on the grounds that it is outside the border of the development and is not infill, making the development 'straggle', contravening Objective 10 of the Cornwall Local Plan and CNA: Objective AU5 – Environment. The land is in a Site of Great Historic Value (Bodwen Area 14) and lies in a 'designated rural area', thus the house would contravene Housing Order 1981 and Policy 24 of the Restomel Local Plan, saved policies.

16/156 Highways & Flooding

A A30 to St Austell link road – Goonbarrow option. RS explained the route which would travel from Bilberry to the west of Bugle and Stenalees. It will be surveyed and considered, though he didn't believe it was a strong candidate. Other options are also being considered.

B White lines have been painted on the bridge to form the pedestrian 'virtual pavement'. Ward member Simon Rix supported our request and helped it move up the work schedule. The red area which still needs to be repainted is on another work schedule and will perhaps lack budgeted funds this fiscal year. It was **AGREED** that the clerk would write to Highways to request a quote for the cost of the job.

ACTION: Clerk

C A member of the public has requested LPC's regarding a narrow lane which is used by large lorries that are damaging the hedges. He has involved the PCSO, the ward member, and Highways. He has the names and addresses of the companies involved. The council **RESOLVED** (proposed BF, 2nd RS) for the clerk to write to the companies requesting that they take more care, and also to copy in Cllr Rix, the PCSO, and Highways.

ACTION: Clerk

16/157 Assets – reports and maintenance

A Cemetery. No progress has been made on the Cemetery fence.

ACTION: Clerk

B Footpaths.

- RS reported that the Countryside Manager from CC has taken an interest in the two problematic sites on Footpaths 6 & 8. Cormac will scrape out FP6 and resurface it. He is in conversation with the landowner at FP8 to see if it can be fenced so that the public can be protected from cattle, especially if they get stuck in the deep muddy lane. He is also looking at flood prevention for FP8.
- The clerk will fill in the questionnaire from CC about the Local Maintenance Partnership.

C Luxulyan Memorial Institute. Nothing to report.

D Playing Field.

- 6 keys for the rubbish bin have arrived and the Clerk gave one each to: RS, CG, BF, KB. GH already has one, as does the Clerk.
- KB has replaced the duct tape over the rust hole in the Junior Multi-play a number of times because people keep removing it. Repair is urgent, but meanwhile KB will make the hole slightly bigger so fingers can't get trapped so easily, remove as many rough edges as possible and cover it with duct tape again. The Clerk will ensure a repair is made urgently.

ACTION: KB, Clerk

SPH

- The gates to the playing field are left open quite a bit. It was **RESOLVED** to put spring hinges on the gates.
ACTION: Clerk

E Village Toilets.

- It's business rates have been re-evaluated and the clerk confirms she has spoken with CC. They say there is no need to re-apply for Small Business Rate Relief. It will be applied automatically.
- It was **AGREED** that the clerk would reply to the Lostwithiel questionnaire about public conveniences.
ACTION: Clerk

16/158 Parish Matters – reports

A Community Networks: St Blazey; China Clay. Regarding St Blazey, RS reported on the STARR Project, the St. Austell Bay Resilient Regeneration Project (StARR), a potential flood alleviation project that is being considered for the areas of St. Austell, Par and St. Blazey. LPC need not take any action, but the project would be of benefit to the parish. European Union money was hoped for, but now central government seems positive about funding it.

B Granite Towers. They have sent a letter of thanks for the grant received last month and also explained that they are reviewing the distribution list so that all households that want Granite Towers will receive it. For more information, contact Jim Cleare.

C Luxulyan CLT.

D Luxulyan Parish Community Fund. Nothing to report.

E Luxulyan Valley Partnership. The clerk will invite Christine Garwood to the next meeting so that she can report on the progress of their projects.

F School Management Committee. ML and the headteacher are discussing the possibility of a representative from LPC on this committee.

G Street Sweeping. The clerk will request that Biffa sends a street sweeper to the village.

H Village Hall Committee. GH reported that the committee is considering alternatives to an expensive replacement of the floor. The 2013 grant from LPC for the floor is still ringfenced for either a new or a refurbished floor. The clerk reported that the hedge next to the main road is not being cut, and that CC has said it is not their responsibility.

I LPC **NOTED** that, in Lanlivery parish, there is a scaffolding business operating from a site without planning permission. The clerk will enquire with the Lanlivery clerk.
ACTION: Clerk

J Bodiggo. There is a new gateway and very large shed without planning permission. GH will send the complete address to the clerk to submit a 'breach of planning control' report.
ACTION: GH and Clerk

K LPC **NOTED** that a caravan on a site near Conce Moor is gone and only the day room is being used for accommodation.

L LPC **NOTED** that near Tulip Foods more caravans have arrived behind a high fence.

SPA

M LPC requested that the clerk report a street lamp permanently on on Bridges hill.
ACTION: Clerk

16/159 Correspondence & Invitations (complete list in *Clerk's Notes*)

No other correspondence for report.

16/160 Business for the next meeting

Budget & Precept. Pre-application Protocol. Lockengate notice board.

16/161 Dates of next meetings

A Planning if needed 24 November, 6.30 pm, Luxulyan Memorial Institute.

B The Ordinary Meeting **8 December**, at **6.00pm** so Ms Garwood can speak on the Heritage Lottery Fund Project, both at the Luxulyan Memorial Institute.

C Monday 14 November. Neighbourhood Plan meeting, 6.30 pm, at the Institute.

The Chairman thanked everyone and the meeting closed at 9.50 pm.

Mrs C Wilson ~ Parish Clerk ~ 23 November 2016

GP Garwood.
8/12/16