

ST MARTIN-BY-LOOE PARISH COUNCIL

MINUTES FOR THE ANNUAL PARISH COUNCIL MEETING HELD ON THURSDAY 5th MAY 2022 AT NO MAN'S LAND MEMORIAL HALL AT 7.15PM.

Attended by:

Parish Councillors: Robert Henly, Roberta Powley, Barbara Reynolds, Andrea Lankston, Simon Lawes, David Keeble, Nigel Cummings.
Mr. Charles Hyde, Clerk and Proper Officer of the Council.

Agenda Item 1: Apologies for Absence:

County Councillor Armand Toms.
PCSO Dave Billing.

Agenda Item 2: Declaration of Office Forms and Election of Officers to serve to May 2023:

Chairman: Councillor Henly relinquished the Chair to the Clerk who asked for nominations for Chairman.

Councillor Henly was nominated by Councillor Reynolds, seconded by Councillor Lankston, ALL AGREED.

Councillor Henly then took the Chair and thanked the Members for electing him.

Vice – Chairman: The Chairman asked for nominations for Vice-Chairman.
Councillor Powley was nominated by Councillor Keeble, seconded by Councillor Lawes.
ALL AGREED

Data Protection Officer: All agreed that Councillor Keeble be appointed to take a special interest in Data Protection.

Rights of Way: All agreed that Councillor Cummings be appointed to take a special interest in Rights of Way.

Transport Issues: All agreed that Councillor Reynolds be appointed to take a special interest in Transport Issues.

Election of Representatives to Outside Bodies to serve to May 2023:

Memorial Hall Committee: All agreed that Councillor Reynolds be appointed the Council's representative.

St Martin's School Trust: All agreed that Vice Chairman Powley be appointed the Council's representative.

Cornwall Assoc of Local Councils: All agreed that The Clerk be appointed the Council's representative.

The Clerk would advise the various Bodies of the Council's representatives for the ensuing year.

Agenda Item 3. Minutes of the Annual Parish Council Meeting held on 13th May 2021

Were approved at the meeting on the 10th June 2021.

Agenda Item 4: St Martin-By-Looe News:

4.1.1: Annual Report – After a difficult couple of years advertisers have started to return, all four issues were published on time. The magazine is published online on our Facebook page and also on our website, bringing additional readership, which can only boost its appeal to advertisers. Print

costs have remained the same, which are highly competitive and cannot be beaten by local printers.

Contributors have continued to support the editorial content which ensures a good interesting mix of articles. Local contribution from the residents of the parish is not forthcoming, despite many appeals for news, events, celebrations etc.

Within the next two years discussions need to take place as to the future of the magazine, currently it is compiled solely by The Clerk, who once retired will no longer be able to continue the roll of magazine editor.

Agenda Item 5: Standing Orders/Code of Conduct: Review.

Complaints procedure circulated before the meeting and it is recommended this is added to the standing orders.

Discussions ensued and it was proposed by Councillor Cummings, seconded by Councillor Reynolds that the Complaints Procedure be included in the Parish Council Standing Orders.

ALL AGREED.

Procurement, contracts and tenders procedure – The internal auditor has suggested the Parish Council should set a maximum figure for procurement, contracts and tenders that can be awarded without going to tender, this is common practice within local government and he suggests a figure between £500 - £1000, this would mean the Parish Council can agree to procurement of goods and to award contracts by agreement at Parish meetings.

Discussions ensued and it was proposed by Councillor Reynolds, seconded by Vice Chairman Powley that a £1000 limit be set by the council when deciding on contracts and tenders without going to tender. ALL ADREED.

Agenda Item 6: Matters requested to be included in Agenda:

Nothing raised.

There being no other business, the meeting closed at: 7.36pm.

St Martin – By - Looe Parish Council

MINUTES FOR THE PARISH COUNCIL MEETING AT 7.30PM, HELD ON THURSDAY 5th MAY 2022 AT NO MAN'S LAND MEMORIAL HALL.

Attended by:

Chairman: Robert Henly.

Vice-Chair: Roberta Powley.

Parish Councillors: Barbara Reynolds, Andrea Lankston

Simon Lawes, Nigel Cummings, David Keeble.

Mr Charles Hyde, Clerk and Proper Officer of the Council.

Public Question Time and Councillors Comments on Declared Interests:

Matt Way – General Manager Tregoad Holiday Park (by telephone)

Recent activity: Sponsorship of the Looe Island Swim. Sponsorship of 4 Defibrillators on Looe. Attending the Royal Cornwall Show with a Holiday Home to promote the park and holidays on Looe. Possible siting of a Holiday Home at the Millpool Car Park in Looe to promote the park and to act as a Tourist Information Centre when the TIC is closed.

Agenda Item 1: Declarations of Interest:

None declared.

Agenda Item 2: Apologies for absence:

County Councillor Armand Toms.

PCSO David Billing.

Agenda Item 3: Minutes of the Parish Council Meeting:

3.1.1: Minutes for the Annual Parish Meeting held on 7th April 2022. It was proposed by Councillor Reynolds, seconded by Vice Chairman Powley and agreed 5 votes to 0 (Councillors Keeble and Lankston did not attend the meetings), that they be taken as read and signed by the Chairman as a true and accurate record of the meeting.

3.1.2: Minutes for the Parish Council Meeting held on 7th April 2022. It was proposed by Councillor Lawes, seconded by Councillor Cummings and 5 votes to 0 (Councillors Keeble and Lankston did not attend the meetings), that they be taken as read and signed by the Chairman as a true and accurate record of the meeting.

Agenda Item 4: Planning Applications:

4.1.1: Application No: **PA22/03723.**

Proposal: **Proposed two storey house and garage.**

Location: **Kilmartin Road from The B3253 at Four Winds to Millendreath.**

Applicant: **Mr Chris Biswell.**

Grid Ref: **226906 / 54146.**

Parish Council's Decision: Approved.

Councillor Lawes has been to the site and talked at length to the applicant, he shared the conversation with all of the Parish Councillors. Following this, discussions ensued, and it was proposed by Councillor Reynolds, seconded by Councillor Cummings that the council approve this application, as there is no reason to reject it on planning grounds. ALL AGREED.

Agenda Item 5: Planning Decisions received by the date of the meeting:

None received.

Agenda Item 6: Planning Matters:

6.1.1: Reply to letter sent by the Clerk to CEO of Cornwall Council – Email replies received and circulated to all Parish Councillors. (See appendix 1 & 2 below)

The Chairman thanked the Clerk for getting the information on the covenants, however it was noted the reply from the Cornwall Council Planning Officer did not answer all of the questions. This matter however should now be closed and the information gained be held for future use.

6.2: Correspondence:

Forwarded by email where possible and in information pack.

Agenda Item 7: – Finance.

7.1.1: Summary of Accounts.

Reconciled balances date 27/04/2022

Opening Bank Balances 1 st April 2022	£24,467.15
Income to date	£6417.33
Expenditure to date	£983.45
Balance to date	£29,901.03

7.2: Accounts paid in April 2022.

Cheque No	Organisation	Amount
BACS	CF Hyde – Clerks March 2022 expenses.	50.00
BACS	Clerks Salary March 2022.	649.98
BACS	Nigel Cummings – Website Hosting and Maintenance, April 2022.	20.00
BACS	SJ Spree (Springfield Park Community Garden Planters) <i>Paid in March</i>	70.00
BACS	Chown China (Jubilee Mugs) <i>Paid in March</i>	418.80
BACS	Cornwall Council – Magazine Printing. <i>Paid in March</i>	42.08
BACS	CALC – Annual Subscription	242.33
BACS	CF Hyde – Adobe subscription	21.14
		1514.33

7.3: Income in April 2022.

11-Apr-22	Precept part one	£	6,262.36
11-Apr-22	Council Tax support grant Part one	£	94.89
11-Apr-22	Bank Interest	£	0.08
27-Apr-22	Glynn Valley Chefware AD REVENUE	£	60.00
		Total	£ 6,417.33

It was proposed by Councillor Reynolds, seconded by Councillor Lankston that Items 7.1, 7.2 and 7.3 are ratified. ALL AGREED.

7.4: Requests for Funding received by date of meeting. None received.

7.5: Receipts and letters of thanks received by the date of the meeting. None received.

7.6: Financial Business.

7.6.1: Annual Return (Audit) – Has now been completed by the Internal Auditor and submitted to PKF Littlejohn within the deadline. All documents uploaded onto our website in line with the Financial/Transparency Regulations.

The Auditor has told the Clerk this will be the last year, as he is retiring. The Clerk has contacted Sally Farrant a retired Tax Accountant who is qualified to carry out an internal audit for the Parish Council from 2023, an honorarium payment suggested at £100 needs to be agreed.

It was proposed by Councillor Keeble, seconded Councillor Lankston to agree to this appointment.

10.1.2: Other Authorities.

CPRE Countryside Voice - Spring 2022 edition.
Clerks & Councils Direct – May 2022 edition.

Agenda Item 11: New Business:

None received.

Agenda Item 12: Around the table:

Councillor Reynolds:

Buses Stopping out side Dovers holding up traffic and creating a traffic hazard – The Clerk will contact City Bus to ask for this to stop again this year as there is no stop on the Plymouth bound side of the highway.

Councillor Lankston:

Nothing raised.

Councillor Keeble:

Nothing raised.

Councillor Lawes:

The Willows, Planning Enforcement case – There is a second camping pod on the site, Councillor Lawes is not sure if this is being considered by the Enforcement Officer. The Clerk will make contact with Planning Enforcement.

Councillor Cummings:

Attended the Teams Meeting on 28th May held by Cornwall Council – Items discussed included the Council's restructure, staff cuts and IT Systems, Leadership changes.

Vice-Chairman:

Holland Road Community Garden – The community would like to plant spring bulbs and a tree on the opposite verge, where the Christmas tree is erected. This was discussed, however Councillor Reynolds informed members there are several power cables running under the verge so a tree is not possible. Bulbs however should be ok and or a planter.

The Chairman:

B3253 Pot Hole – Reported by County Councillor Armand Toms.

County Councillor Armand Toms: (by email)

Second Homes and Holiday Homes in the parish – which are high for such a small parish, also demand for houses is high. Councillor Toms asked if the Parish Council would be willing to attend a meeting to discuss these issues with Cornwall Council. The Parish Councillors are fully behind County Councillor Toms and would be happy to attend a meeting, however the location of the second/ holiday homes would be useful. The Clerk to make contact with Councillor Toms.

PCSO Dave Billing:

Date and Time of Next Meeting: 16th June 2022 at 7.30pm The **Parish Council Meeting** at the No Man's Land Memorial Hall.

There being no other business the meeting closed at 8.51pm

Appendix 1.

Email reply to letter sent to the CEO of Cornwall Council.

In respect of the enforcement case and the Certificate of Lawfulness regarding the existing outbuildings, the enforcement officer was aware of the use of the buildings and considered them to be permitted development. Subsequently, the certificate of lawfulness was granted confirming that the buildings were lawfully constructed under permitted development rights. I apologise if we did not specifically respond in respect of the fence, in planning terms I can confirm that the fence does not amount to a breach of planning control.

With respect to the covenant the Council published a relevant policy in 2019 to address concerns about the number of former properties being used as holiday accommodation and we also included other breaches alongside this issue including 'planning' related ones such as extensions, development in gardens etc which can be found here. Right to Buy Policy (cornwall.gov.uk).

The relevant section is as follows:

'8.4 Planning Related Breaches of Covenant

95. In those cases where there has been both a planning breach and a breach of covenant, planning enforcement will take the lead in deciding whether or not to pursue enforcement action against the planning breach.

96. There are time limits for taking planning enforcement action:

Four years after substantial completion in relation to the erection of buildings and change of use of existing buildings to residential use; and

Ten years for most changes of use of land or buildings and breach of condition.

97. If a decision is made not to pursue the planning breach the applicant will still be in breach of their covenant. In terms of the breach of the covenant the Council will use the same time limits used by planning in its considerations on how to deal with the identified breach.

98. All such owners of former RTB properties should apply to the Council to vary or release the relevant part of the covenant. The decision to not pursue the breach of planning through planning enforcement does not automatically mean that the breach of covenant will be varied or released and each case will be examined on its own merits.

99. Planning enforcement issues are usually capable of resolution without resorting to formal enforcement action or prosecution. However, if negotiation fails to resolve the problem, the enforcement team has a number of tools it can use to obtain information or remedy the breach if it deems it expedient to do so.

100. Prosecutions are normally brought in the Magistrates Court against the failure to comply with any of the notices issued and some serious cases may be referred to the Crown Court. Failure to respond or comply with the requirements of the notices above will result in prosecutions being brought if it meets the evidential tests and is deemed in the public interest to do so.

101. Owners of former RTB properties that are involved in formal enforcement actions or prosecutions will generally have to pay their own costs even if they are successful. If the application is unsuccessful, the Council will usually seek to recoup its costs from the applicant.'

Appendix 2.

Second email reply to letter sent to the CEO of Cornwall Council.

Dear Mr Hyde,

The issue of the covenant is separate to any planning determination and is not relevant to the determination of any application, and as such the information could not normally be asked for or provided. In terms of responsibility the monitoring function of the Council in a planning context is undertaken by development officers under the management and supervision of experienced group managers and ultimately under the direction of the relevant service director from time to time. Should an issue arise in relation to a covenant that considered sufficient to warrant further investigation a legal case would be opened. We are sorry that you feel that this particular concern is not being properly and fully addressed; we assure you, however, that the Council will and does take action in respect of serious breaches after proper balanced assessment of the particular merits and proportionality of an action as against the severity of a breach and any hardship that would be suffered by the party in breach.

Kind Regards,

Louise

Louise Wood | Service Director for Planning & Housing (Chief Planning Officer) | Cornwall Council