LUXULYAN PARISH COUNCIL

DRAFT Minutes of the Ordinary Meeting at the Luxulyan Memorial Institute, 6.00 pm,

THURSDAY 14 June 2018

PRESENT:

Cllr Michaela Linfoot (Chair), Cllr Keith Bilston (Vice-chair), Cllr Margaret Higman, Cllr Sarah Kemp, Cllr Francis Payne, Cllr Justine Rowe.

ALSO PRESENT:

Clerk to the Parish, Mrs Christine Wilson, Ward Member Cllr Sally-Anne Saunders, and 4 Members of the Public.

ABSENT:

Cllr Bob Hatton

Abbreviations: Councillors are abbreviated with their initials; Luxulyan Parish Council (LPC), Cornwall Council (CC), Footpath (FP), General Data Protection Regulations (GDPR), Local Maintenance Partnership (LMP), Community Land Trust (CLT), Friends of Luxulyan Valley (FOLV), General Data Protection Regulations (GDPR), Luxulyan Neighbourhood Plan (LNP). *** 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 6.05 PM and the Chair welcomed all.

18/28 Apologies

Apologies were received from BH.

18/29 Declarations of interest or requests for dispensation.

ML and SK declared an interest in Item 18/36.E.ii, planning application PA18/05419, because of family connections.

18/30 Public Session

ML and SK left the room because of their interest in the next topic. The Vice-chair KB took the chair.

A The agent for planning application PA18/05419 handed out drawings of the proposed extension and answered questions from the councillors.

The related item was brought forward for convenience. Only after the item was resolved did ML and SK return to the chamber. See the decision at Item 18/36.E.ii.

B The owner of the land for Item 18/36.E.ii (PA18/04942) spoke about his ambition to build this house and return to live in the parish after retirement. He explained that the land had never been used as agricultural land but used as a yard, a stand for caravans and as a rubbish dump, and this was confirmed by the council members who had grown up in the parish.

The related Item 18/36.E.i was brought forward for convenience. See the decision at that item. At the request of the chair, the landowner left the chamber for the vote on that item and after hearing the decision, thanked the council for its time and left the meeting.

18/31 Review of action points

- A The clerk reported, explained and answered queries about actions that were for the moment: un-actioned, on hold or in progress.
- B The clerk received the paperwork from SK to make her a bank signatory.

18/32 Meetings and governance

- A The council **RESOLVED** that the minutes, as read, of the annual and ordinary meetings held on 10 May 2018 were a true and correct record (proposed KB, 2nd FP) and they were duly signed.
- B There will be a by-election to fill all three vacancies on the parish council. If contested, the by-election will be held on July 19th. Information for candidates and electors is on the website and notice boards.
 - i. It was **RESOLVED** (proposed ML, 2nd SK) that Cornwall Council should issue poll cards for the election at an estimated cost of around £500.
 - ii. The clerk reported that the estimate for the 19 July election will be £258 if uncontested, and £4,108 if contested, plus the cost of the poll cards.
- C It was **RESOLVED** (proposed ML, 2nd KB) that the council in its role as data controller will delegate the clerk to be in charge of the day to day compliance with the General Data Protection Regulations (GDPR), and in particular for correspondence; for example, to give consent to receive emails, newsletters and advertisements. It was previously resolved that the clerk would be designated as the Data Protection Officer (Item 17/103); however, the government no longer requires local councils to appoint a DPO. The council will regularly review its role as data controller and its compliance with GDPR.
- D It was **AGREED** (proposed KB, 2nd JR) that there is no immediate need to replace a member of the Staffing Committee and that this could wait until after the by-election.
- E It was **RESOLVED** (proposed ML, 2nd FP) that Cllr Sarah Kemp would represent LPC on the Luxulyan Parish Community Fund Panel.
- F It is understood that LPC has one vote on the Luxulyan Valley Partnership. ML and BH may both represent LPC and may attend together; however, they both recognise that, in accordance with its terms of reference, there is only one vote for LPC. Either one of them may represent LPC in the absence of the other.

18/33 Finance

- A Clerk's reports Payments against Budget, Cash Flow, and Bank Rec were NOTED.
- B It was **RESOLVED** (proposed KB, 2nd ML) to approve the 1st April 2018 Reserves and Earmarked Funds of £71,370.31, including working capital, playing field renewal, toilets maintenance, cemetery, unilateral agreement (Bodwen Solar Park fund), LPC grant reserve, election reserve, and neighbourhood plan grant.
- C The council **AUTHORISED** payments for June 2018 totalling £2,757.31 (proposed FP, 2nd SK). The last column is recoverable VAT.

Clerk's salary and expenses	faster	£	1,071.18	15.00
Internal Audit	faster	£	125.00	
Knotweed Playing Field, 1st Treatment	faster	£	90.00	15.00
Playground inspections - 9 weeks	faster	£	103.50	
Office supplies, paper	faster	£	22.47	3.74
Granite Towers postage, Jun-Jul	faster	£	60.48	
LNP Broadband May18	DD	£	25.08	
printer ink	faster	£	62.39	10.40
Public Conveniences cleaning Apr/May	faster	£	707.54	117.92
CALC training sessions x2, mileage	faster	£	474.00	79.00
Public Conveniences, electricity	DD	£	15.67	0.74

D The clerk handed out her timesheet for May and it was **RESOLVED** (proposed KB, 2nd ML) to approve the Clerk's extra hours for May 2018, which will be authorised for payment at the next ordinary meeting.

18/34 Reports

A Chair's Report.

The Chair and Vice-chair will be carrying out regular tours of the parish. This week they found potholes and fly-tipping which they reported, spoke to parishioners when they met, visited Gunwen Chapel and lovely renovations there, reported on the Himalayan Balsam on Footpath 6 which the clerk has now reported (see Item 18/38D).

The chair spoke with the head teacher of the Luxulyan School about the streetlights on Footpath 15 which have been out since the school has some fence work done. They should be fixed soon. The school contractors also damaged previous plantings at the village bus shelter and the chair was about to speak to the school to have the damage rectified, but good citizens pre-empted this and prettied up the area very nicely. Thank you to Cath and Mike and those that donated to village fund in the Village Shop.

The Chair and Vice-chair took measurements for the proposed Skate Park and were very pleased to see so many children enjoying the play equipment and basketball court in such lovely weather. They were able to have a chat with the new Forest School teacher and saw the children enjoying the new Forest School very much.

The Chair, Vice-chair and clerk met with the grave digger to discuss improvements at the back of the cemetery to be done in conjunction with the re-tarmacking of the path.

B Crime & Prevention. It was NOTED that there has not been a Police Liaison meeting in the last 12 months. PCSO Jamie Ward, reported that because of changes to working practices, the parish council will no longer receive monthly police reports. It will receive an annual report of the number of Incidents and Crimes Recorded in the parish in time for the Annual Parish Council meeting each May. Also, he is no longer able to attend the weekly surgeries at the Memorial Institute and the clerk has put a notice on the website.

C Cornwall Councillor Sally-Anne Saunders:

19 Meetings attended. In addition, I have had several meetings with County Council Officers and others to discuss issues directly relevant to the ward, either effecting residents of Luxulyan Parish or Treverbyn and in some cases both. I have also met with a number of residents who for various reasons have sought my assistance. Most casework comes via email or a phone call, however sometimes it is necessary or even advantageous to visit with them and I am always happy to do that. My contact details can be found on the Luxulyan & Treverbyn Parish Council and the Cornwall Council websites

LUXULYAN PARISH - ROUND UP WITH THE CHAIR

Following a report from a resident, Cllr. Linfoot and I were able to pay a visit to a section of one of the local public footpaths, where the issue of cattle escaping their field and taking shelter within the confined space of the footpath was a cause for concern. I subsequently reported this matter to both the Cornwall Council Countryside Officer and the Environmental Protection Team who are now carrying out their enquiries.

ITEMS OF NOTE TO FOLLOW UP WITH LPC.

Community Chest

County Councillors are given a sum of money every year which they can distribute at their discretion in the form of grants to local groups. There is a process to follow and groups must meet certain criteria to qualify. I feel very strongly that I would like to see

this money benefit the residents of Bugle Division directly, so although I get requests from some National Charities whose work very likely does touch the lives of the Treverbyn & Luxulyan residents that I represent in one way or another, I feel more strongly inclined to favour local groups doing exciting meaningful things right here in Bugle Division. Hence I would welcome for consideration, requests from any groups that are perhaps struggling to fund a local initiative. Last year I was happy to Support Bugle Silver Band in the purchase of a Flugel Horn and The Hall, Treverbyn with a contribution towards the cost of a major project to make much needed improvements to their floor.

Local Government Boundary Review Division Proposals

The Commission have now published their proposals for division patterns for a Council size of 87 Members. (Reduced from 123) These as yet draft proposals largely follow the submission made by Cornwall Council following their extensive consultation with residents and Councillors across the County. Luxulyan Parish Council when considering their response, requested that the Southern half of the Parish, which abuts Lanlivery and shares a strong connection with the Luxulyan Valley should join the proposed Lostwithiel Division. The Northern half of the Parish it was felt, shared many more common concerns with its neighbouring Parish's, Treverbyn and Roche and it was put forward therefore that this part of Luxulyan Parish would be better served by being a part of the new Division (Goonbarrow), which would encompass Roche, parts of Whitemoor and the Bugle part of Treverbyn Parish. The Commission appear to have taken these comments on board and their proposal follows these lines exactly. Hence the two Polling Districts within the Parish formerly known as ELN1 and ELN 2 will now be Lockengate Ward and Luxulyan Ward. The net result of this change (assuming these proposals are passed) will mean that as of the next local elections in 2020, Luxulyan will have the benefit of two County Councillors to call upon. Since this is what the Parish Council requested I am hopeful that residents will be happy with this outcome. However, the process now enters another period of consultation, open until the 17 September. Members of the public are welcome to make further representations during that time. The details of exactly what the Commission's proposals look like can be found on the Cornwall Review page of the local Government Boundary Commission England website. lgbce.org.uk

GDPR

On 25th May EU legislation saw the introduction of these new Data Protection Regulations. It is perhaps still early days in terms of working out just what the impact on the way we work will be. However, two immediate repercussions are as follows.

- 1) Residents writing to me in order to request my assistance in resolving an issue they might have with Cornwall Council or anyone else for that matter, will have to explicitly give me their permission to pass their personal details on.
- 2) Cornwall Council Planning will no longer be making available information pertaining to Planning Enforcement cases, until such a time as the investigation has been concluded and then only if a breach of planning has been found and an Enforcement Notice served. I should also mention that only the complainant that raised the issue with Enforcement will be notified. Historically the Parish Council have always been kept informed of any Enforcement cases in their area, however this can no longer be the case.

CHANGE FROM HEALTH & ADULT SOCIAL CARE TO CUSTOMERS & SUPPORT SERVICES OSC

At the start of what is now the second year in my term as elected County Councillor for Bugle, I have decided to change one of the committees upon which I serve. This move will, I hope, give me a new insight into the workings of Cornwall Council, in particular where the money is spent and how it directly affects front line services.

The following excerpt from the County Council's website explains the objectives of the Customers & Support Services Overview and Scrutiny Committee. Its remit relates to the discharge of functions relating to the operation, planning and provision of a range

of issues including the Council Budget and Medium Term Financial Strategy; equality and diversity; effective use of resources and value for money; communications and resident engagement; property and asset management; information technology and digital services and risk management. My first Committee meeting will be in early July and I am looking forward to getting stuck in to examining the nitty gritty of how exactly Cornwall Council delivers (Or Not?) for its residents.

SAT NAV'S / EDEN

The issue of vehicles following their "sat navs" in search of The Eden Project and causing chaos around the narrow lanes between Lockengate and Luxulyan as a result, has been raised with me again in recent weeks. Last year when I was asked to raise this issue with Highways, I was told that they were reluctant to clutter the roadside verges with too much signage, so the idea put forward by residents to erect an "Ignore Your Sat Nav" sign at Lockengate in order to encourage drivers to remain on the A391 for Eden was unfortunately denied. By way of a compromise on Highways part, an existing Eden brown sign was relocated to the junction on the A391 at Lockengate instead. Highways initial response this year has not been any more encouraging I'm afraid. There is certainly much reluctance on Highways part, without our being able to present solid evidence to the contrary, to accept that the problem is-a) As disruptive to the local roads as to be a real and tangible problem & b) That this traffic is actually all destined for The Eden Project and not just holiday makers trying to find their B&B's, Holiday Lets and any number of other attractions in the local area.

D The Neighbourhood Plan has applied for a new grant for 2018-19. This will allow the Steering Group to make the necessary changes to the plan to line with advice from Cornwall Council, complete the consultation and bring the Plan to referendum.

E Skate Park.

- i. SK reported that the members of the Skate Park Working Party are in the process of opening a bank account (as a community group) so that the community group will be able to apply for grants unavailable to the parish council. It has decided to make an informal survey of parishioners and children to see what type of equipment they would like to see at the Skate Park. The clerk also explained that the council's Friendly Link Officer for planning reported that the Skate Park will need planning permission. It was **RESOLVED** (proposed SK, 2nd FP) that Catherine Grey would be a parish resident member of the council's Skate Park Working Party. If other residents are interested in being part of the Working Party, please contact the clerk.
- ii. It has been suggested that the basket swing could be moved to another place in the play area, making space for a Skate Park. KB and ML then measured the space between the basketball court, the fence and the other equipment, ensuring at least one metre of open space on all sides. Between the basketball court and the fence, the concrete slab could be 11 metres and along the fence side it would be 15 metres. The gate in the fence between the play area and the football pitch would have to be moved down and the gate should be rehung so that it opens into the football pitch.

18/35 Considerations

A Skate Park surface area. It was **RESOLVED** (proposed ML, 2nd SK) that the maximum area for the Skate Park would be 36 x 50 feet (11 x 15 metres) so that there is no need to move the fence and the clerk will get quotes based on that area.

ACTION: Clerk

B There was no proposal about a financial commitment to a Skate Park at this time. The council has promised to first consult with the parish via a questionnaire. LPC will then be in a better position to consider where to allocate funds for various projects.

C Grass verge maintenance.

i. It was **RESOLVED** (proposed ML, 2nd KB) that A&A would do the work now before Feast Week. ML will contact them.

ACTION: ML

ii. A number of other spaces for grass cutting were suggested, making the complete list as follows: 1) the topside of Rosevale; 2) around the village bus stop; 3) the Lockengate bus stop; 4) the Conce bus stop; 5) beside the Old Chapel; 6) by the telecom box; 7) entrance of St Julitta; 8) the hedge of the playing field and village hall; and 9) the verges at the junction going to the quarry. FP will send the grid references to the clerk. It was **RESOLVED** (proposed SK, 2nd FP) that the clerk will request an Agency Agreement between LPC and Cornwall Council for these areas, so that CC will contribute monetarily for these areas which the parish council will maintain.

ACTION: FP and Clerk

SK made her apologies and left the meeting. One member of the public also left the meeting

- D Community Network Highway Scheme. It was **RESOLVED** to advise the Scheme about the following four areas for consideration at the next Highway Scheme meeting:
 - 1) Safe walkway to the Village Shop from the School (proposed ML, 2nd FP)
 - 2) Sign at the Pre-school (at the village hall, PL30 5QA) to alert traffic to slow down (proposed ML; 2nd KB)
 - 3) Sharp Bend sign at Rosemelling (50.385358, -4.746859) so driver's don't go straight into Rosemelling, but carry on down the main road (proposed ML, 2nd KB)
 - 4) Signage for sharp bends at Croft Farm (PL30 5EH) (proposed ML, 2nd KB)

ACTION: Clerk

- E Forest School. It was **RESOLVED** (proposed ML, 2nd KB) to approve the use of the wooded area of the playing field as a Forest School area under the auspices of the Pre-school. Insurance documents of the relevant parties have been received by the clerk.
- F It was **RESOLVED** (proposed KB, 2nd MH) that the operational inspector for the play equipment should have an extra hour every three months to turn over the wood bark under the play equipment to keep it loose, soft and to clear it of encroaching grass. **ACTION: Clerk**
- G It was **RESOLVED** (proposed ML, 2nd MH) to support the bill in parliament concerning the Clean Air Strategy. The clerk will reply.

ACTION: Clerk

H A draft questionnaire was reviewed by the council. It would like to add 1) a rating 1-5 of support for a certain project 2) some way to identify the ages represented by the household. The clerk will see how it can be adjusted and submit a second draft for the next meeting.

- It was **RESOLVED** (proposed FP, 2nd KB) to adopt the *Electronic Communication and Social Media Policy* as distributed with the agenda.
- J It was **RESOLVED** (proposed KB, 2nd FP) to adopt the revised *Correspondence Policy* as distributed with the agenda.
- K It was **RESOLVED** (proposed KB, 2nd FP) to adopt the *Privacy Policy* as distributed with the agenda. The clerk will revise her email footer/signature to include mention of

the Privacy Policy and will post these three policies on the website.

ACTION: Clerk

The Chair moved the following two items to the end of the meeting so that the public could remain until the end. Near the end of the meeting, just before these items, Cllr Higman made her apologies and left the room.

L Previous Action Points.

It was **RESOLVED** (proposed JR, 2nd KB), in accordance with the Public Bodies (Admission to Meetings) Act 1960 because of the confidential nature of the subject to be discussed, that the meeting would be closed to the public for Items 18/35 L and M.

It was **RESOLVED** (proposed ML, 2nd KB) that for each ordinary meeting the clerk will update the council by presenting the list (a 'living document') of actions points placed in three categories: 'Un-actioned', 'On hold', 'In progress', with a short explanation where relevant. Between meetings the clerk will coordinate the Action List with the Chair.

ACTION: Clerk & ML

The clerk left the chamber for the duration of the following item M.

M Clerk's contract. Three options for the contract were advised by the previous chair of the Staffing Committee regarding the treatment of the clerk's training. At its meeting on 8 May, the Staffing Committee requested that full council decide this point. It was **RESOLVED** that Option 1 would be adopted; that is, no section about the repayment of training costs would be in the clerk's contract. This is in keeping with the model clerk's contract from CALC. The new contract differs from the original contract on two points: the calculation of the clerk's leave and the number of hours worked per month. A new contract with these changes will be signed by the clerk and chair at the next opportunity.

ACTION: Clerk

18/36 Planning

- A Planning correspondence.
 - i. Government consultation: Powers for dealing with unauthorised development and encampments. After considering a report from FP on input from the Planning Group, it was **RESOLVED** (proposed ML, 2nd KB) that the clerk would respond to the consultation by combining the responses of the Planning Group.

- ii. PA18/01393/PREAPP | Pre-application advice for construction of a single dwelling | Sunnyside Rosemelling Luxulyan Bodmin Cornwall PL30 5EQ. The council NOTED the pre-application.
- B Enforcements. Cornwall Council has advised that in future the only information it will share about enforcements is the decision only when a breach is found. The clerk reported that the Member of Parliament for St Austell & Newquay, Steve Double, has written to CC requesting it reconsider its decision because local councils and residents have right to know what is being investigated on their patch.
- C Planning decisions (see *Clerk's Notes* and the website).
- D Applications for consultee comments.
 - i. **PA18/04942** | The proposed erection of a new dwelling, a detached garage, the provision of a new vehicular access and the installation of a septic tank | Land To

The North Of Damareris Treskilling Luxulyan Cornwall

The council discussed the application and took the views of the Planning Group into consideration. It noted that the development was not in an area designated by the emerging Neighbourhood Development Plan; however, LPC **RESOLVED** (proposed SK, 2nd KB) to submit the following consultee comments:

*** Luxulyan Parish Council SUPPORTS this application (voting 6 in favour with 1 abstention) because it will improve land that has previously been used for caravans and that has recently been used as a rubbish dump, thus making it in effect development on a brownfield site. The council is also happy that its development will keep a local family in the parish. The council notes that there have been previous refusals for development between Treskilling and the nearby council houses which have been considered development in the open countryside, but the council notes that this site is not used for crops, is more like brownfield land, has easy access to the highway, and that it is very suitable for a house because of its previous history and current use.

ii. **PA18/05419** | Extension to property to create a garage with bedrooms above. | 11 St Julitta Luxulyan PL30 5ED.

The council discussed the application and **RESOLVED** (proposed FP, 2nd JR) to submit the following consultee comments:

*** Luxulyan Parish Council SUPPORTS this extension because it is in keeping and is not obtrusive.

18/37 Highways & Flooding

A JR reported on a large pothole near the allotments at least 20cm deep.

ACTION: FP & Clerk

B The council requested that the clerk ask Highways for an update on the work that has been promised on the road by the water treatment plant. The orange bollards have disappeared, and the road is collapsing into the river, near Grid Ref: SX 04597 58025. **ACTION: Clerk**

7.5 115111 51511

18/38 Assets – reports and maintenance

A Playing Field.

- i. Playing Field inspections for May were received and NOTED.
- ii. The clerk reported that there is a lot of rust on various areas of the play equipment. She is arranging a meeting with the weekly inspector and a contractor to discuss what needs to be done. Chair and/or Vice-chair to attend.

- iii. The knotweed has been sprayed and is beginning to yellow as it should. It will be treated again in September.
- B Cemetery. See Item 18/34.A. The clerk's requests for quotes on the work in the cemetery have been sent out.
- C Defibrillators. The two people who will be doing the defibrillator checks have been sent the forms to be returned to the clerk every 6 months.
- D Footpaths. It is **RESOLVED** (proposed KB, 2nd ML) that, if Cormac does not want to do anything about the Himalayan Balsam, the clerk will get A&A to strim it before it produces seed pods.
- E Luxulyan Memorial Institute. There will be an AGM on 26th June.

F Village Toilets.

i. It was **RESOLVED** (proposed KB, 2nd JR) that the electricity contract for the toilets will be: a lower standing charge of £0.2903 and slightly higher charge of £0.1489 per kilowatt hour, less a 7% discount for direct debit. All electricity supplied is from renewable energy sources.

ACTION: Clerk

ii. The clerk reported that she opened the cupboard two weeks ago so that a British Gas electrician could repair the electricity meter which had been reporting itself to B.Gas as faulty. The fault, whatever it was, is now fixed.

18/39 Parish Matters - reports

- A Community Networks: St Blazey; China Clay. The Chair and Vice-chair could not attend the China Clay CN meeting because they were at Chairmanship training. The next St Blazey CN meeting is on 16 July 2018 Annual General Meeting. Also: 15 October 2018; 28th January 2019; 29th April 2019. These meetings are open to all.
- B Luxulyan CLT. No meetings. Nothing to report.
- C Luxulyan Parish Community Fund. Nothing to report
- D Luxulyan Valley Partnership. Meeting this month, no date yet.
- E Village Hall Committee. The committee has advised the clerk that there is no hearing loop in the Village Hall.
- F Weed treatment Luxulyan Village. Pavements were sprayed on Monday, 11 June. It takes two weeks to die back completely. Nearby property owners are asked to kindly tidy them up after they dry out, thank you.
- G Overflowing bin. A resident sent the clerk photos of an overflowing bin. The clerk has reported this to CC and Biffa.

18/40 Correspondence & Invitations (complete list in *Clerk's Notes*)

- A The Tree Warden Scheme will be discussed at the next meeting.
- B The Clerk will register for the Online Mapping Scheme available to Local Councils from the Ordinance Survey.

ACTION: Clerk

C It was **RESOLVED** (proposed ML, 2nd KB) that the Clerk will reply to CALC's survey about its services to parish and town councils. The councillors may also reply as individual councillors if they wish.

- D The Chair of the Standards Committee at Cornwall Council requested his letter be read out. It was previously distributed by email to all councillors who said they had read it, and it was therefore not read out. It explained that Code of Conduct complaints in Cornwall had gone up significantly since last year and '... over 50% of all complaints against a local Councillor were rejected at stage one of the process.' It asked that 'Councillors think carefully before submitting a complaint against a fellow Councillor.'
- E In accordance with the council's Complaints Procedure, the letter from Cornwall Council was read out which explained that no breach was found in any matter against Cllr Linfoot after a Code of Conduct complaint consisting of nine points was received by Cornwall Council's Assurance Service.

F A letter from Mrs M Rowe was read out which dealt directly with allegations in the previous complaint.

18/41 Business for the next meeting

2nd bin for cemetery. Bin at Bus Stop. Tree Warden Scheme. New notice board at the Pub. Review of Complaints Procedure.

18/42 Dates of next meetings

- A Planning if needed 28 June 2018, 6.00 pm and the Ordinary Meeting 12 July 2018, 6.00pm, both at the Luxulyan Memorial Institute.
- B The Audit Panel will meet at 5.00 pm before the ordinary meeting on 12 July.

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

Mrs C Wilson ~ Parish Clerk ~ 27 June 2018