

St Martin – By - Looe Parish Council

Friday, 29th April 2022

WORKING AGENDA, FOR THE ANNUAL PARISH COUNCIL MEETING AT 7.15PM, FOLLOWED BY THE PARISH COUNCIL MEETING AT 7.30PM, TO BE HELD ON THURSDAY 5th MAY 2022 AT NO MAN'S LAND MEMORIAL HALL.

THE ANNUAL PARISH COUNCIL MEETING

1. Apologies for Absence.
2. Signing of Acceptance of Office forms and Election of Officers to serve to May 2023.
3. Minutes of the Annual Parish Council Meeting held on 13th May 2021 - Approved on 10th June 2021.
4. St Martin By Looe News – Annual return and report.
5. Standing Orders – Review.
6. Matters requested to be included in Agenda

The Parish Council Meeting.

Public Question Time. **IMPORTANT PLEASE READ NOTE BELOW.**

Agenda Item 1: Declarations of Interest.

Agenda Item 2: Apologies for absence.

Agenda Item 3: Minutes of the Annual Parish Meeting and The Parish Council Meeting held on the 7th April 2022.

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.

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

Agenda Item 6: Planning Matters.

Agenda Item 7: Finance.

Agenda Item 8: Reports on Matters arising from the Minutes.

Agenda Item 9: Business received after publication of agenda.

Agenda Item 10: Information received from CC and other Authorities.

Agenda Item 11: New Business.

Agenda Item 12: Around the Table.

Important - please note:

All requests from members of the public to speak at the meeting should be submitted in writing to the Clerk at the address below, at least 48 hours before the meeting.

This will enable the Parish Council to consider the request and respond accordingly. Failure to contact The Clerk may well result in the request to speak being refused.

Charles Hyde (Mr) Clerk to the Council, 8 Trelawny Road, Menheniot, Liskeard. PL14 3TS, 01579 340905
stmartinpc1@btinternet.com www.stmartinbylooe.org.uk

Please note that this Council executes its duty in considering the following matters in the exercise of any of its functions: Equal Opportunities (race, gender, sexual orientation, marital status and any disability), Crime and Disorder, Health and Safety and Human Rights.

ST MARTIN- BY- LOOE PARISH COUNCIL

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

Attended by:

Chair: Robert Henly, Vice-Chair Roberta Powley
Parish Councillors: Barbara Reynolds, Andrea Lankston, Simon Lawes, David Keeble, Nigel Cummings.
Mr. Charles Hyde, Clerk and Proper Officer of the Council.
County Councillor Armand Toms.
PCSO Dave Billing.

Agenda Item1: Apologies for Absence:

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.....as nominated by Councillor....., seconded by Councillor, agreed.....

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

Vice – Chairman: The Chairman asked for nominations for Vice-Chairman.

Councillor.....was nominated by Councillor....., seconded by Councillor.....agreed.....

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

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

Transport Issues: All agreed that Councillor.....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..... be appointed the Council's representative.

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

Cornwall Assoc of Local Councils: All agreed that.....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.

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.

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

There being no other business, the meeting closed at:

St Martin – By - Looe Parish Council

To All Members of the Parish Council.

WORKING AGENDA, FOR THE PARISH COUNCIL MEETING AT 7.30PM, TO BE HELD ON THURSDAY 5th MAY 2022 AT NO MAN’S LAND MEMORIAL HALL.

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.

County Councillor Armand Toms.

PCSO David Billing.

Public Question Time and Councillors Comments on Declared Interests:

Agenda Item 1: Declarations of Interest:

Agenda Item 2: Apologies for absence:

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 _____ seconded by _____ and agreed unanimously 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 _____ seconded by _____ and agreed unanimously 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.**

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)

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 _____ and seconded by _____ that Items 7.1, 7.2 and 7.3 are ratified.

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 _____ and seconded _____ to agree to this appointment.

7.6.2: Annual Insurance – Came and Company have changed the way the insurance is administered and now use a Broker called Arthur J Gallagher Insurance Brokers Ltd, as result a £50 administration fee has been added to the premium which if we agree to a three-year term is and will remain at £480.48.

Alternative quotes have been requested by the Clerk from other companies, they will be presented at the June meeting for a decision.

7.6.3: Parish Reserves - £10,000 has been transferred to a 32 day savings account with Lloyds Bank, with a current interest rate of 0.05%, this however could rise as interest rates increase due to the current economic crisis. The Clerk considered this account to be the only suitable account with the access to the reserves.

7.6.4: The Turnpike Trust (Charity) – The internal auditor recommends this be removed from the responsibility of the Parish Council and is run as a stand-alone charity, this would remove any complication from the annual audit. The Clerk and Chairman can still be trustees but independent of the PC. An alternative suggestion is the charity is passed to another Parish Trust, EG: The St Martins Village Hall Trust who can administer the charity and distribute the funds accordingly.

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