

**Minutes of a meeting of Landulph Parish Council Meeting held on
Monday 20th January 2020 at 7.30pm in the
Landulph Memorial Hall, Landulph**

PRESENT: Councillors M. Worth (Chairman), P Braund, R. Cradick, M. Dennis, M. Holmes.
Also in attendance: K Williams – Clerk to the Council.

Public Forum

153-19 TO RECEIVE APOLOGIES FOR ABSENCE – Cllrs A Butcher, G Braund, and Cornwall Cllr J Foot.

154-19 DECLARATIONS OF INTEREST RELATING TO ITEMS ON THE AGENDA -
None.

155-19 TO CONFIRM THE MINUTES OF THE PREVIOUS MEETING (16.12.2019)

It was RESOLVED that the minutes of 16th December 2019 were agreed.

156-19 MATTERS ARISING FROM THE MINUTES

- a) With reference to minute no. 134-19 the Clerk has contacted Cornwall Council to advise that the Parish Council wishes to maintain this secondary road and received confirmation from Cormac that they will investigate.
- b) With reference to minute no.135-19a) Cllr Worth advised that he's received no further update from BT as yet; but also noted that, for businesses, there are funds available to increase broadband speed (via the superfast broadband site). There are issues with standard line phone calls. Cllr Worth encouraged individuals to report any faults.
- c) With reference to minute no. 135-19b), the Clerk reported that she has contacted the lady who provided the previous defibrillator training. and asked for dates in March/April – so that the date can be published in the newsletter.

157-19 PLANNING – TO CONSIDER PLANNING APPLICATIONS RECEIVED: none received.

- a. Meeting with planning officers with Parish Councillors to discuss and clarify what is permissible (or not permissible) for listed buildings, and for properties within a conservation area / Area of Outstanding Natural Beauty. This meeting is proposed for 6pm on 17th February, venue to be confirmed. The officers have asked that this is only with Parish Councillors, rather than a public meeting. **[ACTION: Clerk to confirm with Cornwall Council – do they want to meet with the Parish Council first, and then meet with the public. If not, can members of the public raise questions in advance – for Parish Councillors to raise on their behalf? The Clerk also to ask if they would be willing to attend the Annual Parish meeting in May.]**

158-19 NEIGHBOURHOOD PLANNING (STANDING ITEM)

Cllr Worth advised there are no further updates at this stage.

159-19 TREES (STANDING ITEM)

With reference to minute no. 138-19, Cllr Worth advised that this was followed up with some correspondence to show evidence that Cargreen Yacht Club had contacted the relevant authorities to get the work done. The Parish Council agreed not to take further action.

Cllr P Braund provided an update re the cricket club – he will contact them to enquire about their thoughts on the proposal. **[ACTION: Cllr P Braund]**.

160-19 EMERGENCY PLAN

Cllr Worth has updated the draft emergency plan, which has been circulated to those who asked to be involved. Currently short on doctors and vets – looking to the team to update. Retired doctors to be approached. The plan will be finalised and then back to Cornwall Council for comment.

The school has recently updated their plan, including their snow plan.

161-19 PENYOKE RECREATION GROUND REFURBISHMENT, ANNUAL INSPECTION REPORT, ROLLING PROGRAMME (STANDING ITEM)

Awaiting dates from the playground inspection company for an accompanied inspection in March.

Flooding has occurred recently. The Environmental Agency is waiting for flooding / rain to stop before they remove the fencing. Cllr P Braund has spoken with Ray Hall – who is waiting for this to happen, before cutting the bank.

162-19 BROADBAND FUNDING

The Clerk advised that paper bills have been cancelled. The Parish Council is waiting for confirmation from the Memorial Hall Committee on their discussion relating to paying the broadband provision at the hall in future. **[ACTION: February agenda]**.

163-19 FOOTPATHS

The Clerk confirmed that the following footpath issues have been reported to Cornwall Council on 10.01.2020, reference no. 201898277:

- Footpath 11 from road south of St Anne's to road east of Clampit - the top step on the stile between the fields from Grove Villa and Grove farm is rocking due to rotten uprights;
- Footpath 13 from Ellbridge to road north of Wayton - a tree has fallen and is resting on the stile post at the Wayton side of Sargents wood; a plank on the bridge over the stream passing through Sargents wood is broken;
- Footpath 2 which goes along the shoreline from Penyoke to join with footpath 3 near Neal Point south, which is a gold rated path. There are two large trees that have fallen from the bank onto the beach which are blocking the path. This has also been reported, reference no. SXE2CX46-101004759013.

There was also a discussion about a blocked footpath at the steps near the Coombe, however Cllr Cradick reported this is no longer blocked and the issue is resolved.

Cllr Worth stated that members of the public can also report any incidents relating to footpaths on the Cornwall Council website (link is available on the Parish Council website).

164-19 DISCUSSION ON PARISH COUNCIL POWERS, GRANTS AND SECTION 137 PAYMENTS

The Clerk circulated to all Parish Councillors a copy of the document called 'Parish Council Governance Toolkit version 3' which has been revised, updated and produced as a partnership between the National Association of Local Councils, the Society of Local Council Clerks, the Standards Board for England and the Association of Council Secretaries and Solicitors and is endorsed by the Local Government Association. This document states that a council must act within the law. It can only spend, raise or use money if it has a statutory power to do so, otherwise it acts *ultra vires* (beyond its powers). Parish councils have a wide range of powers under different acts of Parliament. Most of these powers are discretionary, ie a council *may* do something, rather than it must do something.

This document contains a (not exhaustive) list of Parish Council powers.

Section 137 of the Local Government Act 1972 empowers the Parish Council to spend some of its money, subject to limits, on purposes that it considers to be 'in the interests of, and will bring direct benefit to, their area, or any part of it, or all or some of its inhabitants'. The maximum allowed to be spent in the 2019-20 financial is £8.12 per elector (£3,524.08 for 2019-20 for Landulph).

Section 137 permits Councils in England which do not have the general power of competence to incur expenditure for purposes for which they do not have a specific power. Councils should first try to identify a specific power for expenditure (including grants): Section 137 is a 'power of last resort', and is only available to groups or organisations.

Landulph Parish Council has previously agreed to spend its maximum amount of Section 137 funding for 2019-20 on the Landulph Under Fives organisation. However, the Parish Council can spend its budget under other statutory powers. The Parish Council has no power (including Section 137) to spend on the church or churchyard, unless it is non-consecrated / non-denominational.

There was a discussion on the Parish Council paying for the new defibrillator case and it was noted, as an example of using a specific power, that the Parish Council could spend on Lifesaving Appliances, under the Public Health Act 1936 s234.

It was RESOLVED that the Clerk would draft a grants policy and application for discussion at the February meeting. **[ACTION: Clerk].**

165-19 GDPR DISCUSSION

Cllr Worth commented on a situation where a member of the public contacts the Parish Clerk, the Clerk then sends the information to Parish Councillors with the name/contact details redacted, unless the Clerk goes back to that individual to ask if they would give their permission to circulate their name etc to Parish Councillors. It was proposed that a disclaimer is added to the website. It was RESOLVED that the Clerk will ask individuals if they are happy for their information to be shared with Parish Councillors – but will continue to redact the information to Parish Councillors (and third parties) if the individual does not agree with their personal information to be shared.

166-19 PROCUREMENT – GRASS MAINTENANCE CONTRACT 2020 TO BE AGREED

It was RESOLVED that this is offered out to tender, but securing the contractor for 3 years. **[ACTION: Clerk to publish the documents on the website].**

167-19 DOG BIN PROVISION AT LANDULPH CHURCH UPDATE

It was discussed that members of the Church Council had written to Landulph Parish Council to confirm they are happy for the dog bin to be located in the church car park. The Clerk has written to Biffa, awaiting a response. **[ACTION: Cllr Worth / Clerk to check their email to ensure this has been received, otherwise a request to receive confirmation of this approval in writing].**

168-19 VANDALISED VAN AT THE COOMBE

Cllr Worth advised he has reported this via the Cornwall Council website. Cllr Dennis advised that, at the recent planning workshop, it stated that Cornwall Council has the powers to remove an eyesore in an AONB. Individuals were encouraged to report this directly to Cornwall Council, as well as being reported from Landulph Parish Council.

169-19 CORRESPONDENCE - none

170-19 ACCOUNTS FOR PAYMENT: Agreed.

PAYEE	CHEQUE	REASON	NET	VAT	GROSS
Google Ireland Ltd	DD	Direct debit for Google Cloud and G Suite 1.12-31.12.19	62.56	0.00	62.56
K J Williams	101248	Reimbursement for Internet Security	33.94	0.00	33.94
HMRC	101249	Income Tax January 2020	70.80	0.00	70.80
K J Williams	101250	Salary January 2020	283.12	0.00	283.12
K J Williams	101251	Office Expenses January 2020	28.81	0.00	28.81
Incoming payments					
Bank interest					18.44
Booklet sales					30.00

*£60 paid to Cornwall Council for Planning Conference attendance by 4 Parish Councillors **[ACTION: To be added to the February agenda]**.

171-19 CHAIRMAN'S URGENT BUSINESS - none

a) Street trading application – to be discussed under Part Two.

172-19 ANY OTHER BUSINESS

- a) The Parish Council has received a request on whether the Oral History Project can use the Parish Council's website. The Clerk advised that she has contacted Western Web, and is waiting for a response. **[ACTION: February agenda]**.
- b) Invite to Community Flood Forum Workshop (email cc'd to Cllrs): Tuesday 17th March – Gwinear Gwithian Parish Hall, Hayle; Saturday 21st March – Sticker Village Hall, Saint Austell; Thursday 26th March – Calstock Village Hall, Calstock. Cllr Worth advised that he and R.Pugh previously attended, as part of the Landulph Emergency Plan team.
- c) Village Hall photo competition (details cc'd to Cllrs). **[ACTION: Cllr P Braund to pass the details onto the Hall Committee for inclusion on the hall website, Cllr Worth to publish on Landulph Innit]**.
- d) Cornwall Council has published a new draft Cornwall Design Guide and a new draft Cornwall Streetscape Design Guide for a six-week consultation period from Monday 20th January to Monday 2nd March 2020. Both documents can be viewed alongside further information at www.cornwall.gov.uk/designguide. **[ACTION: Clerk to add details to the Parish Council website]**.
- e) Cllr P Braund reported that the Hall received a lot of damage – light fittings, sign smashed, and defibrillator case smashed. Cllr Braund ordered, today as a matter of urgency, a new case for the defibrillator at a cost of £195+VAT, and it was RESOLVED that Cllr Braund would be reimbursed by the Parish Council. Hopefully the Parish Council will be reimbursed from the Hall Committee, who will be reimbursed from the hirer who caused the damage. Cllr Cradick questioned whether the Hall takes a deposit to cover damage. **[ACTION: Cllr P Braund to inform the Hall Committee of the cost]**.
- f) Cllr P Braund recently attended a St Dominick Parish Council meeting and stated they discussed similar issues ie playground, defibrillator training, etc, but interestingly they've raised £17,000 for a village shop.
- g) Cllr Cradick advised that a parishioner has reported to her that they're unhappy with the 20mph signs that have been put up as they are too small; and another parishioner is unhappy with the amount of signs. Cllr Worth advised there was a 6-week public consultation – no comments were received during this consultation.

173-19 DATE OF NEXT MEETING: Monday 17th February 2020 at 7.30pm, Landulph Hall Annexe.
(proposal to arrange a meeting at 6pm with Planning Officers – to be confirmed)

Dates for 2020: 16th March, 20th April, 18th May, 15th June, 20th July, 21st September, 19th October, 16th November, 21st December.

10 minute Public Forum to follow the meeting.

Part Two: Under the Public Bodies (Admission to Meetings) Act 1960 the public (including the press) shall be excluded from the meeting at this point due to the confidential nature of the agenda items to be discussed.

174-19 STREET TRADING CONSENT APPLICATION: some concerns were expressed by Landulph Parish Councillors, and it was RESOLVED that the Parish Council would wait to see the advice given by Cornwall Council to Cllr Foot. It was RESOLVED that, once the advice is received, the Parish Council will decide via delegated authority by email before the deadline.

Meeting closed at 21.19Chairman