

**Minutes of a meeting of Landulph Parish Council Meeting held on
Monday 21st June 2021 at 6.30pm**

PRESENT: Councillors M. Worth (Chairman), G. Braund, P. Braund, M. Dennis, L. Gawith.

Also present: Cllr Martin Worth – Cornwall Councillor, and Clerk to the Council.

Public Forum

21-21 TO RECEIVE APOLOGIES FOR ABSENCE – none..

22-21 DECLARATIONS OF INTEREST RELATING TO ITEMS ON THE AGENDA

“To receive disclosures of personal and prejudicial interests from Councillors on matters to be considered at the meeting. The disclosure must include the nature of the interest. If you become aware, during the course of a meeting, of an interest that has not been disclosed under this item you must immediately disclose it. You may remain in the meeting and take part fully in discussion and voting unless the interest is prejudicial. A personal interest is prejudicial if a member of the public with knowledge of the relevant facts would reasonably regard it as so significant that it is likely to prejudice your judgement of the public interest and it relates to a financial or regulatory matter.”

Cllr Worth declared an interest in item 14, as he has been asked to play in one of the bands used as the entertainment relating to the event discussed at item 14.

23-21 DISPENSATIONS RELATING TO ITEMS ON THE AGENDA – none received.

In certain circumstances Councillors may be granted a dispensation which enables them to take part in Council business where this would otherwise be prohibited because they have a Disclosable or Non Registerable Pecuniary Interest. Provided Councillors act within the terms of their dispensation there is deemed to be no breach of the Code of Conduct of the law.

Section 31(4) of the Localism Act 2011 states that dispensations may allow the Councillor:

- a. to participate, or participate further, in any discussion of the matter at the meeting(s); and/or
- b. to participate in any vote, or further vote, taken on the matter at the meeting(s).

If a dispensation is granted, the Councillor may remain in the room where the meeting considering the business is being held and if the dispensation allows may also vote.

24-21 TO CONFIRM THE MINUTES OF THE PREVIOUS MEETINGS: held on 23.04.21, the Extraordinary meeting held on 5.5.21, and the Annual meeting on 17.05.21.

At previous meeting there was a discussion on the accuracy of item 191-20f) in the minutes held on 23.04.21, which a member of the public had raised a question about during the Public Forum at the start of this meeting. It was RESOLVED that the Clerk would review the Zoom recording relating to this item. The Clerk confirmed the accuracy of the minutes, but noted that the points raised were discussed first, and then the decision. It was RESOLVED to note and approve this.

Also, Cllr Gawith proposed that the statement in minute no 196-20 relating to bait catching is inaccurately recorded, and suggested that the following is deleted from the minutes: “They suggested that if the Parish Council placed a skip in the area, they would throw away their plastic”. It was RESOLVED to note and approve this.

The Clerk requested Councillors to note the agenda for today’s meeting incorrectly states that it’s the Annual meeting.

25-21 MATTERS ARISING FROM THE MINUTES – none.

26-21 APPOINTMENTS TO TWO COUNCIL VACANCIES

The Clerk confirmed that one application had been received – from Clare Tagg, and confirmed that Clare met the criteria. Cllr Gawith proposed, Cllr Dennis seconded and it was RESOLVED to appoint Clare Tagg as a Parish Councillor. The ‘Acceptance of Appointment as Councillor’ declaration was signed by Clare and the Clerk.

27-21 APPOINTMENTS OF REPRESENTATIVES TO WORKING PARTIES / OUTSIDE BODIES FOR THE CIVIC YEAR 2021-22

Landulph Memorial Hall Committee: Cllr P Braund (Cllr Braund stated that he would resign from his current Committee Member role)

Saltash Area Road Safety Committee: Cllr M Worth

Landulph School Liaison Committee: Cllr G Braund

Local Footpath Group: Cllr C Tagg

Landulph Emergency Plan Working Group: Cllr M Dennis, Cllr L Gawith, Cllr M Worth, Cllr C Tagg

Climate Change Action Group: Cllr C Tagg, Cllr M Dennis, Cllr M Worth (also to be noted there are currently 2 parishioner vacancies)

Cornwall Gateway Network Panel: Cllr L Gawith

Penyoke Recreation Ground: Cllr M Dennis

Cllr Worth proposed, Cllr Dennis seconded, and it was RESOLVED to approve these appointments.

28-21 PLANNING – TO CONSIDER PLANNING APPLICATIONS - none.

There was a discussion on a complaint previously received about a planning application. Cllr Worth advised this is a particularly sensitive issue that has been passed to the Planning Enforcement Team to investigate, but assured Councillors that it was not related to the Parish Council.

29-21 PENYOKE RECREATION GROUND REFURBISHMENT, ANNUAL INSPECTION REPORT, ROLLING PROGRAMME / GRASS BANK (STANDING ITEM)

Cllr Dennis reported that the seesaw base plate has rotted and fallen off, and has spoken with Ray Hall to arrange to fix it as a matter of urgency. It was RESOLVED to action this as a matter of urgency.

Cllr Dennis also advised that we are still waiting for confirmation from the Play Inspection Company on the date of the accompanied inspection, and also reported that the Ash tree seems to have ‘come out’ now, but is still worth investigating for ash die-back.

30-21 FOOTPATHS UPDATE (STANDING ITEM)

Cllr Worth reported that he has received emails from a parishioner who is concerned about an ash tree near a footpath. If a member of the public has something to report – please go onto Cornwall Council’s Report It page [Forms \(cornwall.gov.uk\)](https://www.cornwall.gov.uk/forms)

Penyoke 10/4/1 the tenant farmer was contacted – the footpath is now clear of vegetation.

Gates have been placed on footpath 610/14/1 at The Quay. It was discussed that the correct position for the footpath is along the bottom of the pub wall in the car park. Land Owners have advised bollards will allow required wheelchair access. Cornwall Council’s interactive map is correct – the signpost is not clear and in the wrong position. Cllr Worth advised this will be passed to the Footpaths Officer, and that the Parish Council has already asked for the signs to be updated/replaced, but are waiting for an update from Cornwall Council.

31-21 VILLAGE PUMP

This is on the deeds of Roseland – the owners have donated the village pump to the village.

[ACTION: to be added to the Asset Register]. Location to be decided. Security issues as it contains a lot of lead, and needs to be refurbished. A parishioner (Nigel Cummings) has an old image from c1894. The timber case also needs to be refurbished. Peter Plume has offered to fix the inside. It was RESOLVED that the Parish Council would fund and refurbish the village pump, depending on the costs involved.

32-21 HEDGES

Cllr Worth read an email received on 21.6.21 from Sarah Mason at CALC:

The parish council is not able to undertake work on private land; the hedge and the fabric of the hedge belong to the landowners. Where the council believes that the hedge is a risk, it can petition the landowners to take action and if this fails to happen, undertake the work and invoice for the costs. It should also return the debris to the landowner as it legally belongs to them. In practice the council must be prepared to see the process through including recovery of the invoice.

Where the council undertakes the work, it also becomes the accountable body for the work and responsible for any liability. It is essential that the council checks that its own insurance policy will cover it for undertaking work on private property which goes on to the highway without the approval of Cornwall Council. Once you have done the work the council becomes responsible for anything which happens as a result of it. Cornwall Council will require any contractor working on the highway to have the appropriate certificates, insurances and qualifications to ensure that the work is carried out safely. If the council is instructing its local contractor you should also check that this is in place for insurance purposes.

I would recommend that the parish council tries to coordinate a meeting with the landowners, the divisional surveyor and the local divisional member to discuss the regular maintenance of the hedge in light of the recent accident. If this work is undertaken now, then there should be an agreement in place before the work needs repeating. I would also recommend asking Cornwall Council to pursue the landowners for the work to be done as it is their responsibility; it may be possible for the parish council to do the work on CCs behalf under an agency agreement.

I apologise if this advice feels negative as I appreciate the willingness of your members to solve a local hazard. However, the actions taken to date are outside of the council's powers and could be questioned at audit.

The Parish Council notes the email.

Cllr Worth advised that the Parish Council cut the hedges – it was a unanimous decision reached via email on the grounds of safety.

There was question on the progress on funding for the 'passing place' and whether the landowner's agreement has been granted. Cllr P Braund advised that the landowner is willing to let the Council have the land if Cornwall Council will arrange for Highways to tarmac the entrance to their farm, so there is no progress until the Parish Council speaks with Highways (Will Glassop).

[ACTION: Cllrs Worth and P Braund to liaise with the landowners and Cornwall Council Highways].

33-21 DONATION TO COMMUNITY DAY IN JULY

Discussion was held at the previous meeting, no further update to discuss.

34-21 TO CONSIDER AND AGREE THE AREAS FOR WEED SPRAYING IN THE PARISH

The Clerk advised that no update has yet been received from Cormac.

35-21 FINANCE UPDATE

It was RESOLVED to note the update.

Cllr Tagg advised that the Oral Tradition project is still in progress, was somewhat halted due to COVID, but is likely to morph into an electronic project. It was RESOLVED to retain this funding.

[ACTION: Clerk to publish the Finance Update with the minutes, and to update the S137 figures for this year].

36-21 ACCOUNTS FOR PAYMENT

It was RESOLVED to note the accounts.

| PAYEE | CHQ | REASON | NET | VAT | GROSS |
|------------------|--------|--|--------|-------|--------|
| Tamar Accounting | 101338 | Internal Audit | 75.00 | 15.00 | 90.00 |
| HMRC | 101339 | June income tax | 72.60 | 0.00 | 72.60 |
| K J Williams | 101340 | June salary | 290.84 | 0.00 | 290.84 |
| K J Williams | 101341 | Post, print, expenses, Zoom – June (and part of May) | 65.14 | 0.00 | 65.14 |

37-21 CHAIRMAN'S URGENT BUSINESS / ANY OTHER BUSINESS

- a) Cllr Worth suggested that the Councillor vacancy would be deferred to be discussed at the September meeting / advertised in the September newsletter / for a decision at the October meeting?
- b) Cllr Worth reminded parishioners to report any issues to Cornwall Council. Any reportees remain anonymous, including on Enforcement reports.
- c) Change of use at the Spaniards. There was a question on whether the Parish Council could respond to the person who wrote to Andrew Butcher (when he was a parish councillor). Councillor Worth asked what is the action here? Is it material planning consideration? Is it enforceable? Is it expedient? Cllr Worth advised this would be passed to the Enforcement Team to advise them of the change of use, as it's now being used as an Airbnb, and would respond to the parishioner.
- d) Cllr P Braund advised that he no longer receives reports from SWAST on the defibrillator service.
- e) It was reported that a tree had fallen down near the Yacht Club and was cut up, and contact made with Cornwall Council expressing concerns that this impacts an exit route from the village. **[ACTION: for July agenda].**
- f) Emergency Plan Group meeting to be rearranged in September.
- g) LPCAG questionnaire to be circulated, and published on the Council's website.
- h) Cllr Gawith reported that St Dominic Parish Shop is run by 40 volunteers doing 3 hour shifts and a Manager. This type of venture needs to be managed by someone who has a retail background.
- i) Amanda Pugh advised that she has undertaken training and can offer advice on ash die-back.

20-21 Date of Next Meeting: Monday 19th July, 6.30pm (Cargreen Yacht Club).

Dates for 2021: 20th September, 18th October, 15th November, 20th December

Public Forum

Meeting closed at 19.33.....Chairman