

Minutes of the Meeting of St Ives Town Council held in The Council Chamber, The Guildhall, St Ives on Thursday 19 October 2017 at 7.00 pm

PRESENT

Chairman – Councillor S Tanner
Vice-Chairman – Councillor J Symons

COUNCILLORS

Andrewes T	Henry R
Chard C	Mitchell A
Garrod H	Nicholls C
Glanville R	Tanner J
Griffin J	Tulley R
Harris A	Williams T

OFFICERS

Town Clerk
Facilities Manager

58. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors K Hughes and R Lait.

59. REPORTS FROM COMMUNITY ORGANISATIONS

PC Saint attended to give an overview of policing matters in the parish and to highlight the benefits of town councillors continuing to communicate issues to the police and bringing forward any matters which need to be addressed. He cited work carried out in the town to curb antisocial behaviour and shoplifting, and urged councillors and their constituents to report such activities using the 101 system. When asked whether the police considered Palemon Best to be beyond their reach – PC Saint described the patrols being carried out in the park and insisted that Palemon Best is not ignored. He said that reported incidents in the park were down on last summer, and he and the Mayor noted the improvement work being carried out by the Facilities team.

60. REPORTS FROM CORNWALL COUNCILLORS AND THE COMMUNITY LINK OFFICER

The Community Link Officer had provided a written update on matters including the Coastal Communities workstation project, emergency planning, Porthmeor Beach, the community charter, the parking strategy and the boundary commission review.

Cornwall Councillors' written reports were circulated. C. Cllr Taylor's report covered Griggs Quay/Nut Lane, Trewartha Field, planning applications, the boundary review, community networks and housing. C. Cllr Mitchell had reported on his role on the Health & Adult Social Services Committee (including discussion on Edward Hain Hospital), the emerging parking strategy, traffic, parking schemes and funding from the Community Chest.

C. Cllr Robinson gave a verbal report on a variety of issues:

Station carpark – spaces cordoned off to keep people safe had cost the local authority more than £10,000, according to the parking team's estimates. The work had been delayed until winter to

reduce the financial loss, but putting passers-by and the St Ives Travel building at risk. Councillor Glanville noted that the 11week schedule for the stabilisation work, which commences at the end of November, includes the busy Christmas period.

Parking and congestions – Cllr Robinson has been working with the Traffic Forum and officers at Cornwall Council and is looking at a parking strategy across Cornwall and in the town. The approach is to consider what stakeholders want and address the finances as a second issue. A report is due in May.

Knotweed on Trenwith Terrace – Cllr Robinson and officers actively involved.

Parish Rooms – Cllr Robinson is working with the Land trust and is awaiting Cornwall Council's valuation on the building. He is also involved in a project to town the former St John's Ambulance building into a low-rent workspace.

Waste Collection – Cllr Robinson is working with officers and is convinced a one-fit approach will not work in St Ives.

St Ives Harbour – Cllr Robinson is working to improve the safety on slippery slipways.

Councillor Mitchell said that St Ives Town Council should be thankful that Cornwall Councillors Robinson and Taylor attend so regularly.

It was noted that the verbal and written notes were appreciated, and that the benefit of a written report, submitted in advance of the meeting, gave the best opportunity for full consideration. Cllr Robinson said he would endeavour to send written reports before the meeting.

61. **PUBLIC SPEAKING**

None.

63. **CHAIRMAN'S ANNOUNCEMENTS**

The Mayor has been busy with a number of engagements around the town and villages, including presenting Duke of Edinburgh awards at the community school.

63. **DECLARATIONS OF MEMBER/OFFICER INTERESTS**

None.

64. **REQUESTS FOR DISPENSATION**

None.

65. **MINUTES**

RESOLVED – that the Chairman signs as a true and correct record the Minutes of the Meeting of the Council held on 31 August 2017

66. **TOWN CLERK'S UPDATE REPORT**

Members considered the Clerk's update report. It was noted that no development had been started at Menhyr Park, as yet. The Clerk said that the matter, in as much as it affected the town council, is currently on hold.

RESOLVED – that the report be noted.

67. APPROVAL OF USE OF EARMARKED RESERVES FOR RESERVES FOR REFURBISHMENT WORKS ON PUBLIC CONVENIENCES

It was noted that this report had been withdrawn.

68. APPROVAL TO APPLY THE SEAL OF THE COUNCIL TO DOCUMENTS PERTAINING TO THE LEGAL TRANSFER OF THE ST IVES LIBRARY (BUILDING ANDS SERVICE) TO THE TOWN COUNCIL

Further to the report which set out the request for the town council to return a sealed agreement to the solicitors working on the legal documentation for the transfer of the library. It was noted that the two documents referred to each made reference to the Services Contract and so it was considered that it would be appropriate to approve the applying of the Seal to all documents when they can be approved in conjunction with each other.

Members noted that the town council was awaiting information relating to the condition of the building and remaining terms of the transfer, and this would also affect the timing of a final decision on approving the contract papers. In addition to clarification on the building works Cornwall Council may undertake on the library and a satisfactory resolution of the double taxation matter, the town council also needs to achieve the General Power of Competence before the transfer may be completed.

RESOLVED – that the use of the Seal of the Council be approved when all documents had been received and approved; when the terms of the transfer had been agreed (building repairs and addressing the issue of double taxation); and when the town council has achieved the General Power of Competence.

69. LOCAL BOUNDARY REVIEW – ELECTORAL COMMISSION CONSULTATION

Councillor Harris reported on the discussions held at a recent conference hosted by the Cornwall Association of Local Councils. The consultation focused on reviewing the boundaries of Cornwall Council wards to bring them as close as possible to populations of 5,163 electors. At the conference an interactive map provided by Cornwall Council was used to demonstrate the options available to achieve the boundaries proposed by Cornwall Council. Boundaries were being devised based on the community network areas, with the Hayle and St Ives Community Network area being pertinent to this council. Cornwall Council is holding a public meeting on 30 November, and Councillor Harris urged councillors to attend that meeting.

Councillor Mitchell described the proposal as an assault on democracy and on the communities, that are the bedrock of our society. He said the proposed boundaries do not recognise communities that have existed for centuries, and that the Local Area Networks should themselves be scrapped. He felt that the proposal is in the worst interest of St Ives and Hayle and advised that he felt that the parish boundaries would be next to be affected.

RESOLVED – that

- 1) the Boundary Review Working Group be tasked to meet and compile a draft consultation response, to be presented to the next scheduled meeting of the Council (meeting scheduled to be held on Wednesday 8 November at 3.00pm);
- 2) all interested Councillors are encouraged to join the Working Group;

- 3) the date of Cornwall Council's consultation date of 30 November 2017, at St John's Hall, Penzance, be noted; and
- 4) Councillor Harris be thanked for attending the CALC conference and for providing the update report set out above.

70. **COMMITTEE MEMBERSHIPS - APPOINTMENTS**

Councillor Tulley had indicated his willingness to be appointed to various committees which he already attended to help inform his role as Chairman of the Finance & General Purposes Committee.

RESOLVED – that Councillor Tulley be appointed to the Facilities Committee, Community & Environment Committee and the Devolution Panel.

71. **STATION CAR PARK PARTIAL CLOSURE – IMPACT ON BUSINESS (Councillor Nicholls)**

Councillor Nicholls recently raised this as an issue with the Chief Executive Cornwall Council, and is hopeful it will be resolved satisfactorily. He stated that the loss of 15 parking spaces for up to 12 weeks, and that businesses are already being affected by the smaller closure.

Cornwall Councillor Robinson's earlier report on this matter was noted, along with noting concern on the unsatisfactory situation and the risk to which people walking near the fenced-off area are exposed.

RESOLVED – that the update from Councillor Nicholls be noted.

72. **EDWARD HAIN HOSPITAL (Standing Item)**

Councillor J Tanner urged attendance at the awareness raising event to be held on Saturday 21 October in support of retaining Edward Hain Hospital for the benefit of the community.

Councillor Mitchell reported that he had attended the last meeting of the Health and Adult Social Care Committee and had urged that the Secretary of State for Health be called upon to intervene. The committee had not agreed this course of action at this point. There was a concern that in a list showing the maintenance and restorative work to be carried out in Cornish community hospitals, Edward Hain Hospital did not have a start date identified for works. Councillor Mitchell considered this a cause for grave concern. It was noted that Derek Thomas MP had been working on establishing the options that might be available to help save the hospital.

The Mayor expressed thanks to the Friends of Edward Hain for their efforts.

RESOLVED – that the update report be noted.

73. **COMMITTEE REPORTS**

To receive and consider the Committee Minutes as reports of the following committee and panel meetings:

- (1) Planning Committee – 17 August, 14 September & 11 October 2017

- (2) Community & Environment Committee – 31 August 2017
- (3) Facilities committee – 7 September 2017
- (4) Finance & General Purposes Committee – 28 September 2017
- (5) Committee Recommendations – set out in the Committee Minutes and in the Schedule attached.

Councillor Glanville asked whether the additional expenditure outlined in C&E.31 was funded or would be an overspend. The Clerk stated that it would be an authorised overspend from Reserves.

RESOLVED – that

- 1) the following amendments be made:
 - a. at the Planning Committee meetings held on 17 August, 14 September and 11 October the officer listing ‘Town Clerk’ be changed to ‘Support Services Manager’
 - b. Community & Environment Committee meeting – to amend Minute C&E.25, to start the second paragraph with ‘It was stated that’
 - c. Community & Environment Committee meeting – to amend Minute C&E.33 to delete the third resolution
 - d. Planning Committee – 14 September – planning application ref: 3062 – supported in line with planning officer’s comments.
- 2) the Minutes of the committee meetings set out above (and as amended at this meeting), be received and the recommendations and resolutions therein be approved.

74. **UPDATE FROM THE COASTAL COMMUNITIES TEAM**

Councillor Henry responded to a question, explaining that the Workstation was a complicated project with a number of people working to progress a range of issues which would all be drawn together as the process continues. The appointment of a key link officer at Cornwall Council was expected to enable works to proceed, against the background of the due diligence and groundwork which had already been carried out. There is no fixed date as yet for completion of the project.

It was noted that Cornwall Council had agreed to cashflow the project and that town councillors and Cornwall Councillors would welcome regular briefings on this significant project. Councillor Henry said that he would be happy to provide with such reports.

RESOLVED – that the report be noted.

75. **REPORTS FROM COUNCILLOR REPRESENTATIVES ON OUTSIDE BODIES**

Councillor S Tanner reported that efforts were being made to re-establish the Harbour Stakeholders Group to help further discussions on safety and other matters in the harbour area.

Councillors Mitchell and Williams had attended the latest meeting of the Youth Council, where there had been a lively discussion with the newly appointed youth council of the school year.

Councillor Nicholls reported on and welcomed the opening of the new gallery and the completion of the Tate Phase II project.

76. CORRESPONDENCE

None.

77. SCHEDULE OF ACCOUNTS

Councillor Glanville stated that he felt that the Council was being presented with a Schedule of Payments, rather than one of accounts, and suggested that it should be removed as a standing item from the agenda. It was noted that the separate committees closely scrutinise their finances and further scrutiny at council was unnecessary. The Clerk advised that it was a legal requirement for the council to receive the Schedule.

RESOLVED – that

- 1) payments made since the last meeting totalling £259,260.94 be approved;
- 2) credit card payments made since the last meeting totalling £2,836.34 be approved; and
- 3) the accounts listed totalling £13,352.41 be paid.

78. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED – “That in accordance with the Public Bodies (Admissions to Meeting) Act 1960 (as extended by s.100 of the Local Government Act 1972), the press and the public be excluded from the meeting during the consideration of the following matters on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Local Government Act 1972 by virtue of the paragraph specified against the item.”

79. REQUEST FROM THE APPOINTED CONTRACTORS IN RELATION TO THE PUBLIC CONVENIENCES CLEANING CONTRACT (Paragraph 3)

The Clerk reported that correspondence had been received from the incoming cleaning contractor shortly before the meeting in which it said that it requested that the Town Council take up all additional costs or it would have to withdraw from the contract. She said that the council had three options – to fully fund the additional costs; to refuse to do so; or to keep the existing contractor running the current contract while it and the new contractor resolved the TUPE and pension issues.

During discussion Councillors raised the following points:

- there was a legally binding agreement in place and so the contract should be fulfilled as originally agreed, with no further payment to be made
- concerns that the TUPE and pension liabilities should have been provided for as contingency in the tender submitted by the incoming contractor
- noted that the existing contractor was able to continue to offer the service past the current contract end date, should this prove necessary
- It was noted that the TUPE responsibilities lay with the existing and the incoming contractors as the employing bodies. The town council had no role in the TUPE transfer negotiations.

All councillors felt that it was important to ensure that the new contractor was given every reasonable opportunity to deliver the service that it had presented in the tender, but felt that giving additional money was unfair to the other companies that had tendered for the work. That the company had failed to make appropriate allowances for the likely pension and TUPE consequences of the contract was an issue that it alone should resolve. However, the Town Council had no

intention of renegeing on the agreement.

RESOLVED – that

- 1) the council should write to the new contractor, stating that the parties have signed a legally binding contract and that the tender document had made it clear that any TUPE liability was solely theirs;
- 2) in the event that the proposed contractor should elect not to take up the contract, the contractor with the next best tender should be asked to deliver the new service specification at the cost included in their tender;
- 3) that the Town Council should ensure that any substantial steps that it takes in the matter are made after consultation with its legal advisers.

80. FURTHER CONSIDERATION OF THE REQUEST FROM THE CRAZE HUNKIN TRUST FOR THE TOWN COUNCIL TO ACCEPT RESPONSIBILITY OF THE TRUST (Paragraph 3)

The Town Clerk’s report set out the agreement in principle of the town council to accept responsibility for the Craze Hunkin Trust and highlighted the next steps to be carried out in accordance with due diligence, and to seek advice on the best arrangement to adopt.

RESOLVED – that officers be authorised to commission specialist legal advice and building surveys, as set out in the report.

81. CONSIDERATION OF HR ADVICE IN RELATION TO THE DEVOLUTION OF THE ST IVES LIBRARY (Paragraph 3)

Councillors had made it clear that they felt strongly that the council should give staff reassurance about their future roles once the VIC and Library Information Services had merged, despite the HR advice that such reassurance is well-meaning and laudable but unwise. Councillor Andrewes said that, contrary to the report the council had received, the drafted letter had not previously been seen by the Finance and General Purposes Committee, and that the word “intention” is not a guarantee. Despite no members of staff seeing the Clerk or Facilities Manager to express their disquiet, one member of staff had cited uncertainty over their job in their [now withdrawn] letter of resignation.

The Clerk and Facilities Manager advised that the wording would be open to interpretation and that staff were seeking reassurance about pay, rather than roles, that the council could not give. It was noted that the legal interpretation of some well-meaning phrases might be very different from that intended by those who supported the letter, and that the clear advice that the words suggested at the Finance and General Purposes Committee should not be used in any communication with staff over the matter.

RESOLVED – that the Town Council should not send the staff involved a letter at this time.