

MINUTES OF THE MEETING OF ST IVES TOWN COUNCIL HELD IN THE GUILDHALL, ST IVES ON THURSDAY 13 JUNE 2019 AT 7.00 PM

PRESENT

Chairman – Councillor T Harris (Mayor)
Vice-Chairman – Councillor K Arthur (Deputy Mayor)

COUNCILLORS

Andrewes T	Griffin J	Mitchell A
Burton P	Henry R	Nicholls C
Glanville R	Lait R	Tulley R
	Messenger K	Williams T

OFFICERS

Town Clerk
Support Services Manager

APOLOGIES FOR ABSENCE – Councillors J Symons, J Tanner, S Tanner.

15 PUBLIC SPEAKING

A member of the public advised that he had submitted a complaint to the Council on 22 March and that the complaint included alleged shortcomings in governance arrangements. He wished to bring this to the attention of all councillors as it could be relevant to be aware of the complaint when deciding how to vote on the annual governance report.

16 CHAIRMAN'S ANNOUNCEMENTS

The Mayor announced that the Town Council's garden competition was being launched and encouraged Councillors to either enter, nominate others or help get the word out about a good community event.

17 DECLARATION OF MEMBER/OFFICER INTERESTS

None

18 REQUESTS FOR DISPENSATION

None

19 MINUTES

Councillor Lait requested that the minutes of the annual council meeting on the 20th of May be amended to record her attendance.

RESOLVED – that, subject to the above amendment, the Chairman signs as a true and correct record the Minutes of the Meeting of the Council held on the 2 May, and Annual Council held on 20 May and 22 May 2019.

PRESENTATION AND DISCUSSION FROM NHS KERNOW

The Council received a presentation from NHS Kernow about their integrated community services review. Representatives commented that, although the town council was especially concerned about the future of Edward Hain hospital, this couldn't be looked at in isolation - the review was far wider, into the way community services worked in the future. It was not about buildings but the principle that care should be person centred and provided close to people's homes. Evidence and data had been collected on the way the service worked and outcomes. In general, it was found that the care given was good but was not joined up and lacked co-ordination.

In the 12 months following closure of Edward Hain, 65 more Penwith residents were treated in community hospitals outside the area than when it was open including Bodmin, Falmouth, Helston and Hayle and even Treliiske. People who went away had spent far longer from home and this is not good practice. The continued closure related to the assessment of fire risk. In April 2016 a new provider took over the running of the service (The Cornwall Partnership Foundation Trust) and undertook a fire safety assessment in July 2016. They concluded that they were not comfortable with the level of risk associated with evacuation. Remedial works were estimated to cost approximately £800,000. In response it was decided that Edward Hain would not be reviewed in isolation from rest of community bed stock and services. Instead, a locality led model of care, would be developed, supported through the Penwith Integrated Care Forum, Edward Hain project group, GP localities-workshops and meetings. A feasibility study into a 15 bed unit on the Edward Hain site had been commissioned in July 2018. It concluded that this was not feasible because of site constraints – sloping site, lack of parking etc.

The NHS Kernow-led community service review was initiated with partner support in November 2018. The review is very positive because it is the first time that there has been comprehensive buy from key partners: commissioners, the Council, public health and a commitment to pooling resources. There has been external scrutiny of the review process by NHS England.

The review is developing a long list of options for service delivery. These will be evaluated with the aim of producing a shortlist to include impact assessments and options appraisals by November of this year.

Councillors asked a number of questions and the following points were made:

- There was a concern that offers from the Friends of Edward Hain to fund a significant element of the remedial works had not been taken up. Costs had escalated in the 40 months since closure but this increase in the required level of investment didn't seem credible. All community hospitals were in same predicament in terms of short comings in design.
- In response to comments that the review should go out to wider community consultation as soon as possible, the speakers confirmed that there was an ambition to start wider consultation with the public this year. However, the timetable was flexible. The review was not bound by timescales but focused on arriving at the right decision rather than a quick one. They may have a long list of options ready for the Autumn period. The timescale will also be determined by the degree of consensus around the options.

- In response to concerns about the expiry of the lease and the role of NHS property services who may wish to dispose of a valuable commercial asset, it was confirmed that there had been assurances from NHS property services that the needs of the services would determine the outcome of the site and not financial or commercial considerations.

The speakers were thanked for their attendance.

21. TOWN CLERK'S UPDATE REPORT

Minute 160. It was noted that although marked as complete, discussions were due to take place between local businesses and the traffic commissioner so the issue of buses in Royal Square was on-going.

Minute 45. It was proposed and seconded that this item be marked as complete as it would be reflected in future work programmes.

RESOLVED – that subject to the above amendments, the report be noted.

22. FORMAL RESPONSE TO THE NHS KERNOW COMMUNITY SERVICES REVIEW

Councillors debated the presentation. They welcomed the NHS's attendance at the meeting and the positive approach to the review which ought to be reflected in the Council's response. It was recognised that the review should be evidence based and understood the need to gather evidence and data etc. But there had been considerable delay and it was important that they understood the scale of concern from the Council and community. The data presented made the case that there was a need for an in-patient facility in the town. The review had involved local groups in the stakeholder project group and it would be useful to have an update from their perspective. The message that the review would be based on evidence of need and this would drive the solutions rather than just looking at resources and funding but it was felt that the Council should urge the review to go out to wider public consultation on the options as soon as possible.

RESOLVED – that a response be drafted and sent to the review reflecting the concerns and comments made.

23. CORNWALL PRIDE EVENT

Councillor Arthur provided a verbal report to the Council. She explained that the Council had received correspondence from Cornwall pride. They're planning a pop up pride, walking from the Tate onto harbour beach on the 21st of June at 1.55pm for 40 minutes. They are travelling to 10 towns in one day to celebrate 50 years of Stonewall. Councillor Arthur and officers have tried to contact organisers for more details but without success. Given that there is no further information, the Council can simply give in principle support to the event.

RESOLVED – that the Council give in-principle support to the event but ask that the organisers ensure that they have taken practical steps for the event in terms of parking etc.

24. RESPONSE TO THE CORNWALL COUNCIL CONSULTATION: PUBLIC SPACES PROTECTION ORDERS: RENEWAL OF EXISTING DOGS ON BEACHES RESTRICTIONS TO COME INTO EFFECT FROM APRIL 2020

Councillor Williams introduced the report as it had been debated at length at the most recent Community and Environment Committee. The Committee was of the view that it wished the orders to remain in place and it was particularly important that the bathing beaches continued to be protected. In general it was felt that the orders were working well. There were specific issues which could be looked at again. The RNLI had made representations about the conflicts with dogs on the harbour, not that they were proposing to widen the ban just for dogs to be under better control. The other issue was access to dog friendly beaches and it was proposed that access via the slipway could be considered and also whether rocks could be moved annually along Lambeth Walk.

The Council debated the issue and the proposed contents of the draft letter. During the discussion, a number of different views were expressed and the following points were made:

- Harbour beach was a working harbour and it was important to listen to the views of the RNLI and beach operators and working harbour.
- The letter should be supported as it used the phrase minded to support the existing orders. It didn't bind the Council at this early stage.
- The consultation would be carried out by Cornwall Council and it was Cornwall Council's decision
- There was a need to take evidence into account and how could this be done without further consultation with the community. Five years had elapsed since the orders were brought in and it was incumbent on the Council to take account of how they had worked. One important area was to look at the hours of the restrictions and the beginning and end times of the order each year.
- Dog numbers appeared to be rising in the town and so there was no evidence it was preventing tourism. Some dog owners were coming in the winter months and stimulating the economy.
- There was an obligation on the Council to represent the views of the whole community, including dog owners. Evidence from other towns showed that problems of mixing bathing beaches with dogs could be overcome.

Councillors accepted that it would not be possible to debate the issue in full at this stage. The report sought views about the merits of submitting a response and comments on the draft.

RESOLVED – that the letter, as drafted be sent to Cornwall Council.

25. UPDATE ON THE RECRUITMENT OF A CIVIL ENFORCEMENT OFFICER

The Support Services Manager introduced the report. She referred Councillors to paragraph 2.2 which summarised the draft terms of the jointly funded post which had been received from Cornwall Council and reported to the Community & Environment Committee. Since then there had been on-going dialogue with Cornwall Council and changes had been proposed. On balance the proposed changes were positive but given the lateness of time, it had not been possible to

draft up a draft Service Level Agreement to reflect them. Changes to the terms were as follows:

- The post would include parking enforcement duties but this would not exceed more than 30-40% of the hours and to reflect this, the Council's contribution would be reduced by £1,000 to £4,000.
- The proposed officer would be locally based, therefore reducing the need for travel and wasted hours.
- Some bylaws could be enforced with fixed penalty notices. Others might be enforced using community protection notices.

Councillors expressed concerns about the efficacy of the service given that some bylaws could only be enforced through the magistrates court and this would not be undertaken. They were concerned about the responses to civil enforcement officers seeking to offer an advisory only role.

Cornwall Council's Community & Civil Parking Enforcement Manager answered questions. She introduced the proposed enforcement officer and emphasised that they aimed as far as possible to integrate into the community. She offered reassurance that littering, dog fouling, busking and leafleting could be tackled and reporting other infringements over the summer would assist in collecting evidence. The officer was highly experienced and used to issuing fixed penalty notices.

Councillors also debated the necessity of employing a seasonal officer to direct traffic. One view expressed was that, should this be done they should be generally located at the top of Tregenna Hill preventing traffic down into town, rather than library corner.

RESOLVED – that

- i) Delegation be granted to officers in consultation with the Chairman and Vice Chairman of Finance & General Purposes Committee to enter into a service level agreement with Cornwall Council to fund and deliver a civil enforcement officer post for the Summer season, in accordance with the terms set out and;
- ii) The efficacy of the service be reviewed at the end of the three month term
- iii) The previous Council decision (162) be varied to appoint a single seasonal traffic officer in accordance with the decision of the Community & Environment Committee (C&E9).

26. APPROVAL OF THE ANNUAL GOVERNANCE STATEMENT

Item 2 approval of the annual governance statement was taken later in the agenda to allow for additional documents to be printed.

The Town Clerk introduced the report. She explained that the Council has received a complaint, as advised by the public speaker earlier this evening. The complaint was being dealt with under the Council's complaints process. The first stage of the process was to seek to resolve matters informally if possible, and that was the purpose of that afternoon's meeting.

It had not proved possible to resolve the complaint and so it would be referred to the Finance & General Purposes Committee to be considered and resolved. It is when complaints were referred to Committee that they were notified to all councillors and

so due process was being followed.

Within the complaint there was a question about governance, with the complainant raising concerns that the General Power of Competence was not adopted before plans for the transfer of the library to the Town Council started to be developed, and was adopted after the precept was set, which include precepting for the library service.

It was not necessary for the Town Council to have adopted the General Power of Competence before doing either of these things and so the complaint does not affect the ability of the Council to sign off the governance statement – section 3. In dealing with the transfer of the library, The Council took all reasonable steps to assure ourselves that there were no matters of actual or potential non-compliance with laws, regulations and proper practices that could have a significant financial effect on the ability of this authority to conduct its business or manage its finances. It has only done what it has the legal power to do and has complied with proper practices in doing so.

It can be noted that when preparations were being made to take on the library, conflicting advice was received. The General Power of Competence was originally thought to be essential to enable local councils to run libraries, and then as the devolution process evolved, the Cornwall Association of Local Councils and the National Association of Local Councils advised that :

Parish councils are not library authorities and have no power to run libraries. The Public Libraries and Museums Act 1964 (“the 1964 Act”) which defines library authorities, does not apply to town and parish councils (see section 206). And they cannot acquire such powers with the GPOC. Section 2(2)(a) of the Localism Act 2011 Act prevents them from using the GPOC to exercise powers which are statutorily prohibited and which pre-commenced the GPOC.

Accordingly, the activity of running a library is not something a parish council can do unless it is under delegated powers. A library authority can delegate its functions to a town or parish council in accordance with section 101 of the Local Government Act 1972 Act (“the 1972 Act”).

A debate followed on the approval of the annual return and whether receipt of a complaint in relation to Governance necessitated the delay of this decision. Under item 3, the Town Clerk confirmed that the Council could opt to respond “no”, given that the issue of the de-minimus VAT position had yet to be resolved. It was pointed out that the Council’s reserves would ensure that, should a payment be due, this would not have a financial effect on the Council’s ability to carry out its affairs. It was observed that it was not reasonable for the Council to suspend its business and processes, every time there was a complaint.

RESOLVED – that the Annual Governance Statement be approved by the Council and signed by the Town Mayor

27. APPROVAL OF THE ANNUAL RETURN

RESOLVED – that the Annual Return be approved

28. **URGENT ITEM: LOAN OF THE SILVER BALL**

The Mayor accepted an additional item on the grounds of urgency. The Town Clerk introduced the report and summarised the request from Tate St Ives.

RESOLVED – that the Council agree to loan a silver ball to Tate St Ives upon confirmation of appropriate security and insurances being in place.

29. **COMMITTEE REPORTS**

RESOLVED – that the minutes of the committee meetings set out be received and the recommendations and resolutions therein be approved subject to the following amendments:

Planning Committee 23rd May 2019

3593 should be amended to read: “*Councillor Glanville left the meeting after the vote was taken*”.

Councillor Burton was present

Community & Environment Committee 30th May 2019

C&E.8 under the fourth bullet point, insert the word “Council” after Town Councillor Burton was present

The following decisions were made, in response to recommendations from committees:

Community & Environment Committee

C&E.11 **RESOLVED** that the Council fund the purchase of two steel noticeboards with a maximum cost of £4,000 to be funded from reserves and that the chosen design be finalised in consultation with the local Councillors.

C&E.12 **RESOLVED** that the Council finance the purchase of five replacement water tanks for Trowan allotments at a cost of £1,000 to be funded from reserves.

30. **SCHEDULE OF ACCOUNTS**

RESOLVED – that the report be noted

31. **REPORTS FROM CORNWALL COUNCILLORS**

Although not on the agenda, Cornwall Councillor Mitchell requested that Councillors be given the opportunity to raise any questions regarding his report which was circulated at the meeting. Councillors congratulated Councillor Mitchell for his prompt intervention in relation to works at Burthallan Lane. He commented that the matter was far from concluded but enforcement were now involved.

32. **LOCATION OF ARTWORK IN THE LIBRARY**

It was moved and seconded that, as the report no longer included information relating to valuation and insurance details, the report could be taken in open session. In relation to recommendation 2, Councillors asked whether a method statement and details of any cleaning proposed, could be submitted to the Council for approval.

RESOLVED – that

- 1) The Barbara Hepworth sculpture, Rock Form, be returned to its position in the foyer of the library on public display, provided this is acceptable to the Council's insurers; and
- 2) The Friends of St Ives Library are given permission to investigate the cost of having it professionally cleaned with a view to paying for its cleaning.

Meeting closed at 9.22 pm

Chairman