

Dear Councillor

You are summoned to attend a **Meeting of St Austell Bay Parish Council** to be held on **Thursday 20 January 2022** at **6.00 pm** in **The Pattern Hall, Charlestown Road.**

Julie Larter

Julie Larter
Clerk
13 January 2022

07873 383400
enquiries@staustellbay-pc.gov.uk

Please note that under the Openness of Local Government Bodies Regulations 2014 this meeting may be recorded

AGENDA

1. Apologies for Absence

2. Minutes of a meeting of the Parish Council held on 18 November 2021

To resolve that the minutes of the above meeting be signed as a correct record of the meeting.

Pages 6-10

3. Matters to note

To receive a verbal update from the clerk on matters progressed since the last ordinary meeting

4. Declarations of Interest

(a) Pecuniary Interests

Declare those interests which have been declared on your Register of Financial Interests relevant to the agenda of the meeting. Whenever the item is being discussed, including public participation, you must leave the room and not take part in the discussion or decision.

(b) Non-registerable Interests

You must declare Non-registerable Interests at the start of the meeting or whenever the interest becomes apparent. Then when the matter is being discussed, even during public participation, you must leave the room and not take part in the discussion or decision.

(c) Dispensations

To consider any requests for dispensations relating to items on the agenda

(d) Gifts and Hospitality
To declare any gifts or hospitality

Please call the Clerk before the meeting if you have any queries about these matters.

5. Chairman's Announcements

To allow the Chairman to make any announcements.

6. Cornwall Councillor' Report

To receive a report from Cllr James Mustoe

7. Public Participation

The Chairman will invite Members of the public to address the meeting.

15 minutes will be allocated for public participation (this can be extended at the Chairman's discretion). Each person addressing the Council will be allocated a maximum of two minutes.

8. Planning Applications and Related Matters

(a) To consider a response to the following planning application any planning applications received after publication of this agenda:

PA21/12767 – The Battery, Charlestown: Felling and works to trees within a Conservation Area as detailed in application (*this application is for notification only*)

(b) To ratify comments made to Cornwall Council since the November Ordinary meeting on the following applications:

(i) PA21/09839 – The Old Orchard, Ropewalk Lane: Formation of a detached dwelling
(Comment: The parish council objects to this application. The design and appearance of the proposed dwelling are out of character for the area. The size and mass, in particular the roof height, is excessive and would be obtrusive creating serious overlooking. It would negatively impact upon the view up to the chimney of the former Lovering Clay Dry and as such it contravenes Design Policy 2 points 3, 5 and 6 of the St Austell Bay Neighbourhood Plan and also Historic Environment Policy 1, point 4. This excessive size and mass would have a detrimental impact on 33 – 35 Quay Road which are Grade 2 Listed properties).

(ii) PA21/11667 – Trevean, Porthpean Beach Road: Outline application for a single dwelling plus associated works
(Comment: The parish council objects to this application to sub divide the plot and create an additional dwelling. The proposal is contrary to the Local Landscape Character Assessment, forming part of the evidence base of the St Austell Bay Neighbourhood Plan, which acknowledges that one of the key characteristics of Lower Porthpean is of individual residential properties often within large gardens and it states that any development which through redevelopment or extension which significantly increases the footprint or volume of a property within a plot should be avoided, to

prevent the erosion of the landscape of Lower Porthpean. Whilst it is within the development boundary, it does not meet the criterion in H1 "preserve and enhance the identity of the parish". It also contravenes Policies D1 and D5. Furthermore there is no requirement for additional housing in this area as the housing target for the St Austell and Mevagissey Community Network Area has already been exceeded.

The council considers that considerable weight should be given to the Tree Officer's comments as the proposed development could have adverse implications for the adjacent trees).

(iii) PA21/11273 – Rockpools, Porthpean Beach Road: Demolish existing double garage and annex. Replace with one bedroom annex
(Comment: The parish council has no objections to the proposal provided that it is accompanied with a condition specifying that off road parking must be maintained)

(iv) PA21/12089 – Southwinds, Porthpean Beach Road: Construction of a single storey, combined use annexe holiday let with associated terrace within the north-west amenity
(Comment: The parish council objects to this application. It considers the proposed unit to be a separate dwelling, not an annexe as it is unconnected to the host building and does not fit the NPPF's definition of an annexe.

The proposal is contrary to the St Austell bay Neighbourhood Plan because the Local Landscape Character Assessment (part of the Evidence Base of the Plan) acknowledges that one of the key characteristics of Lower Porthpean is of individual residential properties often within large gardens and it states that any development which through redevelopment or extension which significantly increases the footprint or volume of a property within a plot should be avoided to prevent the erosion of the landscape of Lower Porthpean so this proposal contravenes policy H1 of the St Austell Bay Parish Neighbourhood Plan and policies D1 and D4. The council has concerns about the development of holiday lets within what is primarily a residential area, and the associated increase in traffic.

Finally, the council has concerns about the ecological impact of the proposal).

(v) PA20/09948 – The Retreat, Porthpean Beach Road: Detached dwelling with internal garage submission following outline approval PA19/08946 but with increased plot size
(Comment: The Parish Council objects to this application. The proposed dwelling is too large for the size of plot and is too close to the neighbouring property of Robin Hill, resulting in it being overbearing and an association loss of privacy and amenity. If permission for this amended plan is approved, a condition must be attached requiring a Traffic Management Plan).

To receive an update on the following planning applications:

(i) PA21/08772 – Land NE of St Levan's Church, Porthpean: Construction of a 3/4 bedroom house on domestic recreation land

(ii) PA20/09731 – 4 Garden Walk, Duporth: Construction of single

storey extension with new sun terrace above and alterations to existing property (*revised plans*)

(iii) PA21/07841: 179 Charlestown Road: Proposed summer house and decking

(iv) PA21/10601 – The Longstore, Charlestown Road: Retrospective permission for the retention of an existing gabion wall to include new stone cladding and raised planter

9. South West Coast Path Closure

To receive an update on the current situation

10. The Queen’s Platinum Jubilee

To discuss councillors’ proposals to commemorate the event

11. WW2 Lookout at Carrickowel Point

To consider future uses for the structure

12. Defibrillator for Porthpean Beach

To consider a request for a defibrillator to be situated at Porthpean Beach and if appropriate, to authorise expenditure

13. Charlestown Harbour: Historic England’s proposal to amend the Grade 2* Listing

To determine whether the council has any comments to add to Historic England’s initial assessment

Appendix (i)

14. Council Governance

(i) Emergency Scheme of Delegation

To review the council’s emergency scheme of delegation

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(ii) Personnel Committee

To consider setting up a personnel committee, adopt Terms of Reference and to appoint members

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(iii) Regatta Working Party

To resolve to set up a Regatta Playing Field Committee and dissolve the working party

15. Working Parties

(a) Traffic Working Party

To note the current situation

(b) Environment and Climate Crisis Working Party

To receive a report

(c) History Working Party

(i) To receive an update on the South Polmear Measured Survey

(ii) To receive an update on works at The Battery

(iii) To receive an update on projects being run by Charlestown History Group

To follow

16. Highways Matters

(a) Community Network Highways Scheme

To consider nominating schemes for inclusion in the Community Network Highways Scheme

(b) To note any concerns

17. Financial Matters

(i) To note that the Clerk used her delegated powers to authorise a replacement recorder for the CCTV camera outside Charlestown public toilets

(ii) To note the current financial position and authorise payments

2002Appendix (ii)

18. Meetings/Training Attended

To receive an update from meetings or training recently attended by members or the Clerk

19. Correspondence

To note correspondence received since the last meeting

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20. Dates for the Diary

To note any forthcoming dates for members' diaries

21. Dates of future Parish Council Meetings

10 February (change of date), 17 March, 21 April, 17 March, 21 April, 19 May, 16 June, 21 July, 15 September, 20 October, 17 November, 15 December

MINUTES of a MEETING of ST AUSTELL BAY PARISH COUNCIL held on THURSDAY 18 NOVEMBER 2021 at 6.00pm in The Pattern Hall

Present: Cllrs Bill Leach (Chairman), Sue Leach, Nick Foster, Nigel Chatterjee, Jackie Bull, Mike Norris, Sandie Bailey, Richard Hallows, Trudy Reynolds

In attendance: Cllr James Mustoe CC; Julie Larter (Clerk), 2 members of the public.

(21/102) Apologies for Absence

There were no apologies for absence.

(21/103) Minutes of a Meeting of the Parish Council held on 21 October 2021

It was **RESOLVED** that the minutes of a Meeting of the Parish Council held on 21 October 2021 be signed as an accurate record of the meeting, subject to p7(ii) being amended to read "Cllr Bull reported on a meeting of the working party on 12 October". It was noted that p7(b) regarding a contribution towards a survey of South Polmear Mine would appear on a future agenda.

(21/104) Matters to Note

The Clerk reported that the Post Office outreach in the hall would be changing from Tuesday and Thursday mornings to Tuesday afternoons, probably after Christmas because of lack of demand for the service.

The Clerk continues to chase up the Charlestown Conservation Area Character Appraisal and Management Plan.

The Clerk reported that the new toilet payment mechanisms have now been installed but because of the weak internet signal, payments are rather slow. Healthmatic will be returning to fit additional stainless steel plates to finish the project off.

Syd Allen has offered members the opportunity of a walking history tour of Charlestown and this has been arranged for 7 December at 10.20am - the Clerk asked members to let her know if they would like to participate.

Deborah Boden has now left the WHS team and her role is being filled in the short term by Sally Weston. The Chairman, Cllr Bull and the Clerk had a meeting yesterday with Sally and Ainsley Cocks by way of introduction.

(21/105) Declarations of Interest on Items on the Agenda

There were no declarations of interest.

(21/106) Chairman's Announcements

The Chairman had no announcements to make.

(21/107) Cornwall Councillor's Report

Cllr Mustoe said that he is pleased with the progress being made with the cliff stabilisation work in Charlestown. Cllr Mustoe has arranged for Cornwall Council to remove a number of obsolete signs at Porthpean beach and to tidy up council buildings. He would like to see better use made of an inaccessible amenity space at the back of the beach and met with the Clerk, Cllrs Reynolds and Norris and Martin Petherick earlier in the week – this matter is to be discussed later in the meeting. Cllr Mustoe was pleased to take part in the Battery Recharge on 7 November. Cllr Mustoe's full report is available on the parish council website.

(21/108) Public Participation

A member of the public stated his objections to planning application PA21/08772 – Land NE St Levan’s Church.

(21/109) Planning Applications and Related Matters

(i) PA21/08772 – Land NE of St Levan’s Church, Porthpean: Construction of a 3/4 bedroom house on domestic recreation land

It was **RESOLVED that the Clerk should respond to the Planning Authority (Cornwall Council) stating that the parish council objects to the application as it falls outside the development boundary and there is no community benefit. It is contrary to the St Austell Bay Neighbourhood Plan and the Cornwall Local Plan. Furthermore the previous application failed at Appeal. The parish council is concerned about the impact the development could have on St Levan’s Church, which is Grade 2 Listed.**

(ii) PA21/10976 – 5 Garden Walk: Cutting back of Horse Chestnut tree
This was deferred pending sight of the Tree Officer’s comments.

(iii) PA21/10601 – The Longstore, Charlestown Road: Retrospective permission for the retention of an existing gabion wall to include new stone cladding and raised planter.
Cllr Chatterjee took no part in the discussion.

It was **RESOLVED that the Clerk should respond to the Planning Authority (Cornwall Council) stating that the parish council objects to the proposal which does not resolve the criteria of the Enforcement Notice.**

(b) The situation regarding the following planning applications was noted:

(i) PA20/09731 – 4 Garden Walk, Duporth: Construction of single storey extension with new sun terrace above and alterations to existing property (*revised plans*)
No update was available.

(ii) PA21/07841: 179 Charlestown Road: Proposed summer house and decking
The Clerk reported that the planning officer had told her that this was unlikely to gain support.

(21/110) St Austell Bay Neighbourhood Plan

Cllr Sue Leach reported that the strategic group has now been dissolved. Cllr Leach went on to say that Cornwall Council’s Neighbourhood Planning Team has been disbanded and responsibility for neighbourhood planning has passed to the Planning Policy Team. Cllr Mustoe commented that this was regrettable. The SG’s neighbourhood plan website is to be closed down and documents will be transferred to the parish council’s website. It was **RESOLVED that each councillor should receive a hard copy of the Plan together with a copy of the Community Actions Appendix and the Clerk will arrange for 16 copies to be printed. The Appendix will be periodically reviewed and will appear on the agenda biannually for this purpose.**

(21/111) People’s Climate Festival

Cornwall Council has asked parish councils for a contribution towards the cost of the event which is being held on 27 November. It was **RESOLVED not to make a contribution.**

(21/112) South West Coast Path Closure

The Clerk reported that palisade fencing is to be erected at both ends of the closure next week and signage will be placed inside the closure. It was noted that cliff reparation work in Charlestown is incurring additional expenditure.

(21/113) Porthpean Beach

The Clerk, Cllrs Norris and Reynolds met with Cllr Mustoe and Martin Petherick on 16 November to look at an area behind Porthpean Beach. It is hoped that an overgrown amenity area can be re-opened to the public and possibly some benches could be placed on the area. In the first instance it will be necessary to clear away the brambles in order to see if this will be feasible and it was **RESOLVED to ask A & A Maintenance to cut back the brambles.**

(21/114) Queens Platinum Jubilee

It was agreed that the Jubilee should be commemorated in some way and councillors were asked to bring proposals to next month's meeting. Cllr Sue Leach offered to apply for Lottery funding if required.

(21/115) Defibrillator

In 2016 the parish council agreed to pay the annual maintenance charge for a defibrillator in Duporth, but no definite location had been identified - originally it was hoped to put it in the Extra Care facility and latterly in The Courtyard. The Duporth CIC would like to put the unit in one of the former chalets and it was **RESOLVED that the parish council would fund the annual maintenance charge for the unit together with a fee of £10 per month for a dongle as Cllr Foster explained that it was not possible to get a wi-fi signal in this location.** Cllr Foster was asked to find out whether a separate line could be installed instead of the dongle.

The Clerk was asked to check that the public access defibrillator in the Pier House is still accessible 24/7.

(21/116) Working Parties

(a) Traffic Working Party

The Chairman thanked Cllr Hallows for his work in preparing a report on some of the issues in Charlestown, Porthpean and on Duporth Road, which was considered initially in Autumn 2020 and by the Working Party on 4 November this year. The Chairman sought clarification on the number of permanent residents on Charlestown Road who have no parking as there appeared to be a disparity between the number identified in 2020 and the number of residents parking spaces currently being proposed. Cllr Hallows explained that he was more concerned by the principle and position than the number. Cllr Bull said that it was important to get the issues to Highways now and a discussion could take place at a later stage over the number of spaces required. It was **RESOLVED that the report should be sent to the Highways Manager now and the Working Party will work on identifying other issues in the parish. A parish-wide postal survey will be undertaken by the parish council.** A draft is to be brought to the next parish council meeting. Cllr Bull is to contact Church Hall trustees to see if they would be willing to let a small number of parking spaces to Charlestown or Church Road residents.

(b) Environment and Climate Crisis Working Party

(i) Climate Emergency Action Plan

Councillors reviewed the Climate Emergency Action Plan which had been previously circulated and accepted the amendments subject to 3.9 being amended to read "Seek to use suitable available green spaces for community growing projects."

(ii) Working Party Meeting 2 November

CLr Reynolds reported that there has been a good response to the Diggers and Doers flyers, and outlined recent group activities. A coffee morning is to be held on 14 December. CLr Reynolds reminded members about the People's Climate Festival on 27 November.

(c) Regatta Working Party

The Clerk gave a verbal report on a meeting held on 26 October. The Regatta Committee is to identify a suitable location in which to plant the Jubilee tree and a discussion also took place about replacing the existing Beech trees on Charlestown Road and planting a new hedge. A family has enquired about a memorial bench - the working party have agreed a location and the Clerk has sent the costings to the family and is awaiting a decision from them. There have been complaints about people exercising their dogs in the field and the inappropriate use of the play equipment. The Clerk also said that Cornwall Council is unlikely to do anything about the flooding issue until the new year as it is going through a "transformational change".

(13/117) Highways Matters

CLr Reynolds reported that storm drains in Higher Porthpean and on Porthpean Road need clearing and CLr Mustoe will report this to Highways.

It was **RESOLVED to ask A & A Maintenance to do a one-off strim at the junction of Porthpean Beach Road and Porthpean Road as there is a danger of weeds choking daffodils planted last year.**

(21/118) Financial Matters

(a) A draft budget and precept calculation had been circulated prior to the meeting. It was **RESOLVED to adopt the draft budget resulting in a precept requirement of £47,703.54. It was further agreed to vire between budget headings as per the Clerk's recommendation.**

(b) The current financial position was noted and the following payments were authorised:

01/11/2021	DD	Blenheims Estate & Asset Management	Foundry parc amenity charge	£	21.11
08/11/2021	DD	SWW	Water for hall	£	27.50
22/11/2021	DD	SWW	Water for toilets	£	103.50
11/11/2021	DD	Lloyds Bank	Credit card - see note	£	77.92
15/11/2021	DD	BT	Telephone and internet	£	83.28
27/11/2021	DD	BT	Monthly mobile phone charges	£	24.00
22/11/2021	DD	ITEC	Photocopy charges Oct-Nov	£	28.51
18/11/2021	BACS	Complete Weed Control	Pavement weedspraying - 2nd spray	£	252.00
18/11/2021	BACS	Cornwall ALC	Code of Conduct training, CLrs Bailey and Norris	£	48.00
18/11/2021	BACS	Cornwall Industrial Supplies	High viz vests for Diggers and Doers	£	103.32
18/11/2021	BACS	Argos Fire Protection	Fire extinguisher service (remainder of invoice)	£	12.36
18/11/2021	BACS	Cornwall Waste Solutions	Waste disposal	£	19.80
18/11/2021	BACS	Carlyon Parish Council	Re-charge for Porthpean wreath	£	17.00

18/11/2021	BACS	Cornwall Signs	Signs for the toilet (instructions for new entry system)	£	48.00
26/11/2021	BACS	Staff	Salaries and oncosts	£	2473.31

*It was noted that credit card receipts were checked by Cllr Chatterjee on 10 November.

(21/119) Meetings/Training Attended

26 October – Regatta Working Party

6 November – Traffic Working Party

8 November – Cllr Reynolds attended “Let’s Talk Climate Action, Cornwall and Isles of Scilly

11 November – Cllr Sue Leach laid a wreath on behalf of the parish council at the memorial in Higher Porthpean

16 November – Cllr Bailey attended Code of Conduct training

17 November – The Chairman, Cllr Bull and the Clerk met with Sally Weston and Ainsley Cocks from the WHS office

(21/120) Correspondence

A list of correspondence had been previously circulated and in addition the following correspondence was received after publication of the agenda:

- Notes from Cornwall Council’s Monitoring Officer’s meeting
- Wheal Martyn newsletter
- Invitation to attend a history tour of Charlestown

(21/121) Dates for the Diary

2 December – Traffic Working Party

7 December – Environment and Climate Crisis Working Party

7 December – History tour of Charlestown

9 December – St Austell and Mevagissey Community Network Panel Meeting

(rearranged) – The Chairman and Clerk to attend

14 December – Diggers and Doers Coffee morning

(21/122) Dates of future Parish Council Meetings

16 December 2021, 20 January, 17 February, 17 March, 21 April 2022

The meeting closed at 7.35 pm

Agenda Item 14 (i)
Council's Scheme of Delegation

The council delegates authority to the Clerk in consultation with the Chairman and Vice Chairman to take any actions necessary with associated expenditure to protect the interests of the community and ensure council business continuity during the period of pandemic Coronavirus, informed by consultation with members of the council.

Agenda Item 13 (ii)
Staffing Committee – Terms of Reference

- **General**
- Membership of the Staffing committee and its quorum will be determined by the council
- The committee will be mindful:
 - Of the legal framework for, and good practice in, employment matters
 - Of the confidential nature of employer-employee matters and that many of the items for consideration will require that the public and press be excluded by resolution of the Committee
 - Of the nationally negotiated model contract, benchmarking and terms and conditions for the employment of the Clerk to the Council
 - Of relevant council protocols and policies
- **Matters for recommendation to the Council**
 1. Staffing and office requirements including budget allocations
 2. All policy issues relating to staff

Matters for delegation to the Staffing Committee

The Committee will receive reports from the Clerk and will:

1. Be responsible for staff recruitment
2. Confirm individual Contracts of Employment and all terms and conditions
3. Make arrangements for regular objective review of the Clerk's performance by this Committee and take necessary action thereon
4. Decide upon annual salary awards
5. Appoint members of the Committee to seek advice from the Committee in the event of a dispute between the Council and the Clerk
6. Consider matters arising from the application of the Council's Disciplinary and Grievance Procedures and take all necessary action thereon
7. As and when required under the Council's Disciplinary and Grievance Procedures, appoint an Appeals Panel, whose members will not be members of the Staffing Committee, and appoint the Chairman of the Appeals Panel who will initiate an Appeals Panel Meeting
8. Consider recommendations from the Appeal Panel and take necessary actions thereon

Agenda Item 17 - Correspondence received since the last meeting

- National Tree Week: Details of events and a request to get involved
- Invitation to Councillors to attend training on personal safety when carrying out duties on behalf of the council
- Notification of the requirement for owners of poultry and captive birds indoors from 29 November
- Cornwall Council's Town and Parish Council newsletter
- Reminder from Cornwall Council about their consultation on the future of Adult Social Care
- Notification of an airborne geophysical survey to be undertaken of mid-Cornwall
- Request for information on how the parish council is implementing the Framework Convention for the Protection of National Minorities
- CALC newsletters plus details of training offered by CALC
- Invitation to comment on Cornwall Council's draft budget 2022/23
- Invitation to attend an event to meet the Headteacher of Sky Academy and Eden Project Nursery
- Citizens Advice Cornwall newsletter
- Duchy Defibrillators Annual Review
- Invitation to attend Cornwall Flood Forum's Flood Warden Training
- Details of leisure courses on offer at Cornwall College
- Empowering Communities – Local Councils and Nature Recovery survey
- Minutes of the St Austell and Mevagissey Community Network Panel Meeting held on 9 December