



## HAYLE TOWN COUNCIL

**COUNCIL MEETING**

**THURSDAY 5 JULY 2018**

Minutes of the Hayle Town Council Meeting held at the Hayle Community Centre, Hayle on Thursday 5 July 2018 commencing at 7.15pm with a **Public Participation Session**.

### **PRESENT**

Councillor C Polkinghorne (Mayor)  
Councillors S Benney, H Blakeley, B Capper, P Channon, G Coad, D Cocks, N Farrar,  
B Mims, P Nidds, J Pollard, A Rance, A Roden and B Wills

Clerk Eleanor Giggall

### **7.15PM PUBLIC PARTICIPATION SESSION**

No members of the public were present.

### **37 CHAIRMAN'S ANNOUNCEMENTS (FOR INFORMATION ONLY)**

There were no announcements.

### **38 TO RECEIVE APOLOGIES**

Apologies had been received from Councillor Andrewartha.

### **39 TO RECEIVE DECLARATIONS OF INTEREST AND REQUESTS FOR DISPENSATIONS**

There were none.

### **40 TO APPROVE THE MINUTES OF FULL COUNCIL MEETING 21 JUNE 2018**

**It was resolved** that the minutes of the full council meeting 21 June 2018 be taken as a true and accurate record, the mayor signing each page before placing them in the record book.

### **41 TO DISCUSS MATTERS RAISED DURING PUBLIC PARTICIPATION 21 JUNE 2018**

No members of the public had been present.

### **42 HAYLE EMERGENCY SERVICES COMMUNITY STATION REPORT**

a) To receive and note the report, if any

No representative was available to attend the meeting.

The clerk reported that PC Emily Distin had confirmed that the witness of the child committing the vandalism had withdrawn her testimony so the case was now closed.

[7.16pm Councillor Channon joined the meeting.]

Thanks were passed on from former PC John Fulker for the support he had received from the town council in the past.

Concern about the future of the fire service aspect of the tri-service station was expressed and it was suggested that the clerk request a report from them. It was noted that the town council had been advised by the police that they would not be able to send a representative to council meetings, but councillors wondered why the fire and ambulance services had not sent representatives in the recent past (the ambulance service had never sent a representative). It was also noted that anyone could access crime statistics for the town on the Devon & Cornwall Police website, but it was agreed that the dialogue between the town council and the services was as important as the statistics.

It was reported that the tri-service officer Andy Hichens had gone to be a tri-service instructor and currently there was no tri-service officer at the Hayle station, even though at county level the tri-service strategy was being promoted.

**It was resolved** to invite senior police, fire and ambulance service representatives to a future council meeting to inform the town council about funding, provision of service and so on.

**43 TO RECEIVE A PRESENTATION FROM MARTIN WRIGHT, COMMON LAND AND VILLAGE GREENS REGISTRATION OFFICER FOR CORNWALL COUNCIL, REGARDING VENTONLEAGUE GREEN AND TO DECIDE HOW TO MOVE FORWARD REGARDING ITS STATUS**

The mayor introduced Martin Wright and he gave his presentation (see Appendix A).

He gave a brief description and history of Ventonleague Green. It covered one third of a hectare, which approximated to three quarters of an acre and was registered as common land, not green. In 1967 the town council had not objected to the land being registered as common land when it had had the opportunity to register it as a green. No one had a direct interest in the land and there was no known owner. Local authorities (Hayle Town Council [HTC] and Cornwall Council [CC]) had the power, but not the duty, to protect the land and anyone had the right to access the land.

The hatched area on the map (in Appendix A) was within 20 metres of a building and therefore there was no right of access to this land, although there had been no known claims from any local building owner to restrict access to the land.

Ventonleague Green had the appearance of a town or village green, not common land which was usually on the edge of town/village.

If the land was registered as a green, no parking would be allowed and there would be no block to access on the land within 20 metres of a building. Residents had no rights to park opposite

the land they owned; their right came from it being common land and anyone local had the same right.

During a question and answer session the following information was given:

- It would be anomalous and not recommended to try to make the outer area of the land common land and the inner area green;
- Legislation allowing changes of status to such land would run out in 2020 so any changes needed to be made before then;
- There was no evidence that anyone had tried to claim the right to own the land and it would be unlikely anyone would as it would make selling an adjacent property more difficult because access to the land would still remain a right for the public, which mortgage lenders did not like;
- CC and HTC only had powers to protect the land from unlawful action on the land, it was not under their control;
- There would be no mileage in making the parking area highway as it would still remain common land and nothing should be done to change the surface of the land without the permission of the Secretary of State for DEFRA. Martin Wright's advice was to leave the land alone as the land with the highest protection in the country was common land (its current status) or village green;
- The town council could claim ownership of the land and have more control over it as it had maintained it by cutting grass and maintained the trees for several years;
- Residents would only have a private right of access if it was written into the deeds of their properties; they would not have the right to drive over the green unless it was also written into the deeds;
- If the travelling community decided to park on the land local authorities had the power under Part 3 of the Commons Act 2006 to protect it and therefore remove the vehicles;
- If the town council was granted ownership of the land it could grant the public rights to drive over the land;
- If the town council wanted to landscape the land it would need to register ownership first;
- If the town council owned the land it would have to deal with the annual bonfire held by local residents; risk assessments would be necessary; also, if it started to clear up after the bonfire (unfortunately the bonfire organisers had not cleared up in recent years) it would be accepting responsibility for it and insurers had been concerned about the bonfire and had strongly recommended stopping it when the clerk had investigated adding the green to the insurance schedule for the town's other open spaces. Martin Wright advised that the fact that it was common land did help and might lessen the town council's obligations to make it safe. He and the clerk both advised that it might be better to keep it as common land and not take ownership.

During the ensuing discussion it was agreed that the land should remain common land to ensure that parking could continue as there was no other area close by for parking and that the status quo should be maintained.

**It was resolved** to maintain the status quo of the land as common land with no owner.

**It was resolved** to thank Martin Wright for his expert contribution to the discussion.

The mayor thanked Martin Wright and he left the meeting.

#### **44 REPORTS OF OTHER COMMITTEES FOR APPROVAL**

There were none.

#### **45 REPORTS FROM OTHER BODIES/WORKING PARTIES/EVENTS**

It was noted that Councillor Andrewartha's minutes from the Plastic Free Hayle Steering Group and the letter from Plastic Free Rubbish/Roaming for Rubbish in Hayle June 2018 had been circulated by email and were available in the incidentals as he had hoped to report them personally but had had to give his apologies. Members were advised that there would be a litter pick on 12 July, meeting at the swimming pool.

It was announced that Save Our Sand were holding a litter pick on Sunday 8 July setting off from Beachside. The clerk advised that the town council helped many of the litter picks in the town by providing/loaning gloves, bags and grab sticks. The mayor had offered the town council's thanks to some of the recent litter pickers.

The clerk suggested that these groups could be nominated for a Groundwork Community Award.

Councillors Wills and Rance gave an update on the working party meeting regarding the proposed Lions equipment installation. The location for, detailed specifications and safety of the equipment had been discussed and the Lions were now waiting for permission from the town council to purchase the equipment. It looked as if close to the swimming pool was the preferred site and static equipment was recommended due to the salty air/proximity to the coast; the facilities manager was working with them to investigate the best way forward. It was agreed that the matter would go to the next meeting to discuss and confirm final arrangements.

Councillor Benney reported back from the Community Network Panel meeting earlier in the week. CC enforcement officers (parking and dog fouling) had given informative presentations and had offered to arrange a time to report to the town council. It was noted that some parishes paid CC for extra enforcement hours and the officers spent more time in those parishes. The parishes' own staff could be trained, if they were willing and had the capacity for carrying out enforcement. It was noted that a member of HTC staff had not wanted to do this when approached in the past. It was reported that 2000 penalty tickets had been issued in St Ives in the last year and only 200 in Hayle, but it was recognised that if the officers spent more time in St Ives it would follow that more tickets would be issued there. It was also noted that enforcement was often based on complaints from the public so it would be good to encourage the public in Hayle to complain to CC more frequently when they saw people offending.

**It was resolved** to invite Alan Hampshire, the senior responsible CC officer who lives in Hayle, and the enforcement officer to a future council meeting to talk about enforcement for Hayle.

#### **46 ACCOUNTS**

- a) To approve the Income and Expenditure of the Council 2018/2019 as listed on Appendix B

**It was resolved** to approve the Income and Expenditure of the Council 2018/19 as listed on Appendix B.

## 47 CONSULTATION – TO CONSIDER AND COMMENT UPON THE LOCAL GOVERNMENT BOUNDARY COMMISSION’S ELECTORAL REVIEW OF CORNWALL: DRAFT RECOMMENDATIONS

It was noted that the town council had made its position clear regarding the proposed boundary changes for Hayle and had relayed this position to CC’s Matt Stokes, who had agreed with it, although it had been rejected by CC in favour of the preferred option of Gwinear-Gwithian Parish Council, which had campaigned well and engaged Connor Downs residents to lobby for it. It was also noted that this was because the parish council had far fewer issues to work on than HTC. It was also pointed out that at the boundary changes presentation at County Hall, Hayle Town Councillors had been told that they would get the boundary changes according to HTC’s favoured option and for this reason the town council had not engaged more with the public.

It was agreed that the town council should continue to pursue its chosen option and that the residents of Hayle should be made aware of it and encouraged to write to CC and the Local Government Boundary Commission for England (LGBCE) in favour of it. Town councillors were asked to write individually, if they had not already done so.

Councillor Pollard said that he would speak at the debate and vote against CC’s recommendations at CC’s boundary review meeting on Tuesday the following week.

Councillors discussed how they could make Hayle residents aware of the issue and get their support. It was noted that the issue had been placed on the town council’s website and Facebook page during the last round of consultation. Councillor Roden offered to draft campaign material for publication on the town council’s Facebook and website.

It was also noted that these boundary changes proposed for CC could also be the forerunner of the future of the town and parish council boundaries.

**It was resolved** that Hayle Town Council continues to support the option it has already submitted to CC and LGBCE (on 16/2/18) as follows:

“Two divisions be created based on a north/south divide following the railway line until it crosses the A30 and then north along the bypass and then up the old A30, thus creating ‘Hayle North and Gwithian’, a division based on Gwithian with part of Hayle, and ‘Hayle South and Gwinear’, Gwinear plus part of Hayle. The anticipated electorates are 5580 for the Hayle North division and 5429 for the Hayle South division. This is based on the anticipated additional electorate in polling district CHS3 being included in the south division electorate and 154 electors from the CHS1 polling district being included in the north division.

The proposal reflects the existing position of Hayle North and Hayle South and the fact that Gwinear-Gwithian is already divided into two distinct (and in many ways functionally separate) wards. The town council proposes building upon that existing situation and utilising the geographic, physical and community divisions that already exist. By using the railway line (which already largely divides the two Hayle divisions) and the old A30, which largely divides the two parts of Gwinear-Gwithian, we can a) establish two fairly equal divisions; b) create two practical areas that a member can represent; c) sustain community cohesion; d) not require

the very large and impractical 'rural' division of the proposal which creates a large rural crescent surrounding a small urban centre; e) facilitate any future Governance review as the two existing parishes are maintained; and f) makes the split easy to deliver and easy to understand compared to the existing (as at 5/7/18) proposal from Cornwall Council officers.

Both Hayle Town and Gwinear-Gwithian Parish Council are already divided into wards on a North/South axis. By taking one half of Gwinear-Gwithian and one half of Hayle to create two divisions is logical with a fair mix of country and town and creates divisions of a size that makes representation easy. It is fair and equitable to both councils. This proposal maintains the integrity of Parish Boundaries and this will assist any future Governance review. There is no threat to either the Parish or the Town from this proposal. Using the Railway Line and the old A30 road as the divider makes it very clear who is where: it works extremely well in Hayle, where if you live on one side of the Railway Line you are in one division – the other side, the other. It is clear, practical and sensible and no one on either side doubts that they live in Hayle or are represented by Hayle Town Council.

Hayle Town Council's preferred names for these divisions are Hayle North and Gwithian and Hayle South and Gwinear.”

**It was resolved** to form a working party comprising Councillors Blakeley, Coad, Farrar, Polkinghorne, Pollard and Roden and anyone else who wanted to get involved.

**It was resolved** to carry out a concerted public campaign regarding the town council’s growing concern about the proposed boundary changes as follows:

- a) Councillor Roden to draft a press release for distribution to the local press, the Hayle Pump Newsletter and to the Hayle Business Breakfast Group;
- b) Councillor Coad, with the draft press release, to post the issue on social media such as Hayle-relevant Facebook pages;
- c) To take a stall at the Hayle Celebration Day event at the Recreation Ground on 22 July to publicise the issue; and
- d) To arrange a public meeting led by the mayor to explain to the public that Hayle Town Council is at risk and to ask the people of Hayle do something about it.

**It was also resolved** to write to the Local Government Boundary Commission for England to explain the town council’s concerns regarding the option that it proposes. (Councillor Pollard to work with the clerk to draft the correspondence.)

It was noted that there was a public meeting regarding the proposed boundary changes for all divisions in Cornwall at County Hall on 13 July.

#### **48 STANDING AGENDA ITEMS (FOR REPORTING ONLY)**

- a) Hayle Harbour Update

It was reported that the planning application regarding North Quay was live for viewing on CC’s website. Many comments had been posted on Facebook, but there was only one objection on CC’s website so far. Councillors were asked to look at the plans before the following week’s Harbour Committee meeting, which was an open meeting and therefore members of the public could attend, although members of the press and public could be excluded if necessary. It was suggested that the development needed to be industrial looking to reflect the area’s industrial

heritage in order to get WHS approval. It was noted that at the Strategic Planning Committee at which the application had been originally discussed, the view of the committee had been that the buildings needed to be lowered at the front of the quay, but the developers had not changed the plans to reflect this.

It was noted that the application was due to come before the town council at its meeting on 19 July 2018 and that councillors should be aware not to make any definitive comments at the Harbour Committee meeting so that they could remain undetermined.

It was noted that the town council should ask the developers how their plans were affected by the Marine Enterprise Zone.

The assistant clerk undertook to contact the CC planning officer Peter Bainbridge to ask if the application had to be considered on 19 July or if it could be deferred until a later date to allow perhaps for a separate meeting and to ask if the application would be going to CC's Strategic Planning Committee.

The clerk undertook to change the room of the Harbour Committee meeting to Room 7 instead of the Assembly Room.

It was agreed that the clerk would write to the harbour owners to express the town council's regret that they had allowed mobile traders to pitch on land near council tenants running similar catering businesses.

It was reported that the application for a small grant from the Coastal Communities Fund for the stable block project was being progressed.

It was also noted that the planning concerns regarding the Black Lobster were being dealt with by the enforcement team at CC. No further information would be available until the matter had been decided. Due to data protection rules councillors would no longer be informed of any enforcement cases until and if they were upheld.

#### b) Cornwall Council Update

Councillor Coad reported that Cormac had advised that they were giving three months' notice that they would stop maintaining Penpol Green as it was not in CC's ownership. He suggested that someone should apply to have the land listed as a preserved quay because of its old railway track. He added that Vanessa Luckwell was going to ask for six months' notice. The clerk clarified that Cormac was maintaining it on behalf of the harbour company, but Cormac's invoices to the harbour company had not been paid so the charge was ultimately being paid by CC, which now wanted to get rid of it formally. There had been many complaints from the public regarding overgrowth. It was suggested that HTC might take the area over as it was a prime site, but that this would mean a financial cost to the people of Hayle.

Councillor Wills thanked Councillors Coad and Pollard for the Community Chest funding for the new goalposts at Loggans playing fields.

Councillor Pollard reported that CC had found funding for the improvements to the pavement and parking area (creating 10 parking spaces) at the War Memorial; he had delivered letters to inform residents and those he had spoken to had received the news positively; he would be

meeting others the following day. The drain on the other side of the road was due to be tarmacked, but as it was in a conservation area and was of historic note, Historic England had got involved and it could no longer be tarmacked so improvement plans had been halted.

Councillor Pollard reported that he had received many complaints regarding the overgrown state of Phillack Churchyard. He agreed that it was a disgrace, but stated that CC had had to make savings and had decided that all graveyards would only get three cuts per year. He had tried to get the Phillack Churchyard cut before it had been visited by attendees at a war graveyards meeting, but Cormac had not been able/willing to fit it into their schedule. It was agreed that the proposal to add extra graveyard cuts to HTC's contract with Cormac from Spring 2019 onwards would be added to a future agenda, so that the issue could be decided by budget setting for the following financial year.

[9.00pm Councillor Coad left meeting.]

It was noted that the planning application for an extension at 7 Dracaena Avenue had been very ably managed by the planning officer, Kirsty Smith.

Councillor Pollard reported that Natural England had stopped the Green Infrastructure 4 Growth work at Loggans, which was HTC's favoured scheme, as in its opinion the land should be encouraged to return to dunes. The scheme would have improved the land and the town council noted that it had been pasture in the past, not dunes.

Councillor Pollard reported that he had received complaints regarding the new gate at the Recreation Ground. The clerk informed members that the office had received two complaints. The gate had been designed and purchased as a disabled access gate, like the one at the playground and others in the town; the railings had been problematic and had been removed shortly after installation. Then the slam plate had been removed so that the gate could open both inwards and outwards and the hydraulics adjusted to make it easier to open. The most vocal complainant had admitted that he could not use the gate because he did not have the strength to push it; he had no problem with the width of the gate, which was DDA compliant. He used that entrance as a short cut and there were alternative entrances; he was not willing to use the footpath on the other side of the Recreation Ground fence as it was too bumpy. The amenities manager had installed a bumper on the gate to try to help by allowing the gate to be bumped open by any chair user and he was due to meet Vaughan Temby of Disability England the following week to discuss the issue. It was noted that the gate was initially installed in an attempt to satisfy the parents who had led a campaign to increase safety for their children and that there was nothing more the town council could do other than remove the gate. A final decision would be made following the meeting with Mr Temby and councillors were happy that council staff had done everything they could to meet everybody's needs.

It was reported that the South West In Bloom judges would be visiting the town on 17, 24 and 26 July and would see the results of the GI4G scheme at Bay View.

c) Community Asset & Devolution of Services Update

Members were advised that the Library meeting had been postponed until 1.30pm on 18 July in the Assembly Room; all councillors were welcome to attend.

Councillor Pollard undertook to see if he could progress the clearing of the land slip onto King George V Memorial Walk, the completion of the site for transfer and an agreement regarding funding for benches.

- d) Boundary Review Update

See minute 47.

#### 49 CLERK’S REPORT/CORRESPONDENCE/MEETINGS/INCIDENTALS

- a) Correspondence
  - i) To note the correspondence from the Chairman – Cornwall Council Standards Committee regarding the increase in ethical standards complaints against town and parish councillors

**It was resolved** to note the correspondence.

- ii) To consider the correspondence requesting safety solutions for Churchtown Road

The issue of safety on Churchtown Road was discussed and it was suggested that the town council could try to seek funding should any opportunities arise and that it could possibly borrow a speed monitor from another council to record the actual situation, although it was reported that CC’s findings from earlier monitoring had shown that there were no significant problems in the area. It was also pointed out that highways issues were CC’s responsibility; some kerb installation was being discussed by CC but it could be 20 years for a scheme to be approved and carried out.

Councillor Pollard had directed the correspondent to the town council so that it could consider giving HTC’s support for any scheme he put forward.

**It was resolved** to support the correspondent’s request for installation of safety solutions for Churchtown Road.

- iii) To consider the correspondence regarding the request for an alternative name for the lane at the rear of Penpol Terrace

There was a very short discussion regarding suitable names.

**It was resolved** to suggest Penpol Sidings as an alternative name for the lane.

- b) Meetings

12/07/18	7.30pm	Hayle Harbour Committee	Assembly Room
18/07/18	10.00am	Towans Partnership Meeting	Assembly Room
18/07/18	1.30pm	Library Working Party Meeting	Assembly Room
19/07/18	7.15pm	Full Council	Assembly Room
22/07/18	1.00am – 4.00pm	Rotary Synergy Satellite Event Hayle Celebration Day	Hayle Recreation Ground
24/07/18	2.30pm	WCCCTV Meeting	Assembly Room

26/07/18	10.00am	CALC Larger Council's Meeting	St Austell
03-05/08/18		Harbour Fest Hayle	
16/08/18	7.15pm	Full Council (Planning only)	Assembly Room
26/07/18	7.30pm	Resource Committee	Assembly Room
04/08/18		Hayle Carnival	

Members were reminded that the town council was in recess in August, but that the full council meeting on the third Thursday would take place but the agenda would be restricted to planning applications.

c) Incidentals

The list of incidentals was tabled. Incidentals were available on request.

The meeting closed at 9.40pm.

Approved by the council as a true record, at its meeting 19 July 2018

**Town Mayor** .....

**Date** .....