

MINUTES OF A MEETING OF HELSTON TOWN COUNCIL
HELD IN THE GUILDHALL, HELSTON
ON THURSDAY 15TH DECEMBER 2011 AT 7.15 PM

Councillors: R J L Boase (Town Mayor) in the Chair

R Williams
Mrs S M E Swift
N J C Devenish

K Reynolds
D C Swift
Mrs F N E Boase

R R Pryor
M H Thomas
J P Radford-Gaby

Officers: Mr C Dawson (Town Clerk)
Miss P J Lavelle (Assistant to the Town Clerk)

447. Prayers

The Meeting opened with Prayers offered by the Mayor's Chaplain, Canon David Miller.

Councillor Thomas advised that he had received comments on how good the Christmas lights were in the town.

448. Declarations of Interest

The Mayor and Councillor Mrs Boase declared a prejudicial interest in the Town Twinning and Harvest Fair budget headings of the 2012/13 budget (Agenda item 17) as members of both organisations.

449. Police Matters

The Town Clerk advised that apologies had been received from the Devon & Cornwall Constabulary and read a report on their behalf which included recent crime figures and those for the corresponding period from the year previous.

450. Reports from Local Cornwall Councillors and the Community Network Manager

a) Local Cornwall Councillors

Cornwall Councillor Robertson echoed the comments regarding the Christmas Lights in Helston. He then gave a report during which he referred to his Cornwall Councillor's Highways budget advising that he was working on a scheme at Helston Community College to improve road safety and carrying out a parking survey at Water-ma-Trout. Councillor Robertson further advised that he had received requests for residential parking schemes from residents who were unable to park outside their properties. He confirmed that he was trying to establish the level of interest prior to holding a full consultation, as such schemes required overwhelming support from residents in the area. Councillor Robertson also confirmed that he had met with the Town Clerk and two Members of Helston Town Council regarding Flora Day issues confirming that he understood that the Highways Department had been in contact.

Councillor Williams advised that residents' parking was an issue of concern and he welcomed the consideration being given to the issue by Councillor Robertson.

Councillor Thomas thanked Councillor Robertson for investigating the issues at Water-ma-Trout and queried if a problem was found, whether the solution would be yellow lines or an

additional entrance into the estate. Councillor Robertson confirmed that it would be yellow lines as there was no funding available for a large capital investment such as a new entrance.

Cornwall Councillor Mrs Haycock advised that she was drawing up a list of changes to the Traffic Order which she would have sent to the Town Clerk prior to the formal consultation. Councillor Mrs Haycock further advised that a successful museum meeting had been held and a meeting of possible Trustees or Board Members would be held in the near future. Councillor Mrs Haycock also reiterated that she was willing to assist in the organisation of events for the Olympic Torch Relay and advised that she understood the Community Network Manager had sent an e-mail to confirm that all Local Cornwall Councillors wished to be involved. Councillor Mrs Haycock then confirmed that she was a Member of the Waste Development Advisory Panel advising that there would be a change to the recycling scheme offering to make a presentation to the February Full Council meeting to explain the changes. Councillor Robertson and Councillor Mrs Haycock then responded to Members' questions regarding changes to the recycling scheme.

The Town Clerk advised that Cornwall Councillor Wallis had submitted his apologies.

b) Community Network Manager

The Town Clerk advised that apologies had been received from Mrs Chadwick as she was attending another parish council meeting.

451. Public Participation

A member of the public made the following points:

- when a member of the public claimed that the Town Council did not own 3 Penrose Road all Members present and the Town Clerk had a corporate responsibility to refute the comment if they knew it to be inaccurate;
- The fact that Members failed to refute the comment placed them in the same position as the Mayor and he expressed the opinion that they should seek a vote of confidence from the electorate at the earliest opportunity;
- He believed the Motion was unconstitutional when the letting fee was reconsidered in November as it was broader than the original Motion made in October;
- A number of Councillors present did not declare an interest and voted when the letting fees were reconsidered despite being members of organisations that used the Guildhall for meetings, citing the Harvest Fair and the Downsland Trust as examples, and by doing so were guilty of the same offence as the Mayor, Councillor Mrs Boase and the former Councillor Mrs Matthew;
- The definition of an organisation was 'a body of administrative officials' which would include the Council and expressed the opinion that the Council should charge itself to hold meetings;
- Agenda item 14 on the November Agenda was not discussed as it was advised that it had been dealt with under Agenda item 13 but he expressed the opinion that the decision was erroneous and should be placed on a future Agenda.

Councillor Devenish advised that Members who discussed the letting fees did not have an interest because of the Downsland Trust as the vote did not give any financial benefit to the organisation and expressed the opinion that the comments may have resulted from ill-feeling from the Twinning Association.

The Town Clerk confirmed that the Town Council had a dispensation for the Downsland Trust as all Councillors were Trustees.

Mr Hannaford queried whether the Council would charge itself for use of the building. The Town Clerk expressed the opinion that this would be a waste of time and taxpayers money.

Mr Hannaford advised that he resented Councillor Devenish's remarks confirming that all his comments had been on protocol.

The Applicant spoke in support of Application PA11/05771 and made the following points:

- In response to objections to the initial application she had altered the plans;
- As the building was doubly insulated the walls were 400mm thick which together with the height meant it was not possible to overlook the neighbouring property from the south facing window of Bedroom 1;
- Even though they currently had a south facing roof light and gable end window which overlooked the garden of the neighbouring property, they had altered the proposed window for bedroom 4 to remove the overlooking issue;
- She had added wood cladding to the south and west sides of the rear bedrooms as requested by the neighbour to remove the overbearing feel of the property;
- She had left the centre section without cladding as the gable end was currently white render;
- With reference to the comment that the design was out of keeping, she advised that the design had been deemed acceptable by the 'Urban Designer' appointed by the Planning Office, and Senior Planning Officers she had spoken to welcomed the 'modernist' design;
- The proposed footprint only accounted for 38% of the plot size whilst other sites with a much higher percentage footprint had been approved by the Council;
- The new roof was not higher than the existing main roof;
- The front extension would cater for their son who was autistic and would allow him to be as independent as possible whilst remaining within the safety of the family environment;
- Properties of a similar design had been approved by Cornwall Council including a property in Penzance which was similar in every way to theirs including location;
- They were trying to build a property kind to the environment; and
- She had complied with the Planning Officer's suggestions prior to the application being submitted and had also endeavoured to rectify all the issues raised by the neighbouring residents.

A neighbouring resident spoke against Application PA11/05771 and made the following points:

- He understood, in principal, that people would want to modernise and extend their property but felt that certain aspects of the proposal would continue to have a detrimental effect on his property;
- He believed the proposed window of bedroom 1 would still look directly into the main garden area;
- He was of the opinion that the proposed extensions would have an overbearing effect on his property as Athenai was already at a higher elevation and with the extensions on all sides of the existing property would project closer towards him; and
- He was of the opinion that the proposal was not in keeping with the existing area as it did not reflect the characteristics of the immediate neighbourhood.

A member of the public asked Members to explain the Council's future role in Twinning visits. The Town Clerk advised that Helston Town Council had agreed to an Exchange Protocol presented by the Helston & District Town Twinning Association which he believed would continue. Councillor Reynolds expressed the opinion that the involvement would be up to the incumbent Mayor.

452. Minutes

Councillor Reynolds advised that his response ‘that an individual’s morals determined if a decision was wrong’ on page 4 of the Minutes should actually read ‘that an individual’s integrity determined if a decision was wrong’.

Councillor Mrs Boase advised that her comments during public participation on page 5 of the Minutes should read ‘... that Councillors should have integrity, honesty and be trustworthy ...’.

Councillor Mrs Boase further advised that for Min. No. 390/2011 she had also challenged the Town Clerk’s advice in addition to the Mayor and Councillor Thomas.

On the proposition of Councillor D C Swift, seconded by Councillor Mrs Boase, it was
RESOLVED – that the Minutes of the Town Council meeting held on the 17th November 2011, as amended, be approved and signed as a true record.

453. Minutes of the Policy, Finance & Resources Committee

On the proposition of Councillor Mrs Swift, seconded by Councillor Reynolds, it was unanimously

RESOLVED – that the Minutes of the Special Policy, Finance & Resources Committee meeting held on the 16th November 2011, be received.

454. Minutes of the Planning Committee

On the proposition of Councillor J P Radford-Gaby, seconded by Councillor Thomas, it was

RESOLVED – that the Minutes of the Planning Committee meetings held on the 17th November and 1st December 2011, be received.

455. Minutes of the Amenities Committee

On the proposition of Councillor Devenish, seconded by Councillor Pryor, it was unanimously

RESOLVED – that the Minutes of the Amenities Committee meeting held on the 24th November 2011, be received and the recommendation approved.

456. Announcements

The Town Clerk informed the meeting that Mr Jonathan Birkett had been appointed as Town Centre Manager and would commence his duties on 23rd January 2012.

457. Consideration of Application PA11/05771

**Planning Application PA11/05771
Construction of extensions & alterations to dwelling,
provision of solar panels & water harvester tank
Athenai, Hillcrest, Helston
For Mr & Mrs D Prior**

Councillor J P Radford-Gaby gave a presentation with the aid of photographs and outlined the reasons for his recommendation to the Planning Committee meeting on 1st December 2011 which had not been supported. Councillor Devenish then outlined the reasons for his proposal at the Planning Committee meeting on 1st December 2011. Following a detailed debate it was proposed by Councillor J P Radford-Gaby, seconded by Councillor Reynolds, that the Town Council recommended refusal of Planning Application PA11/05771 due to the overbearing nature of the flank wall which overlooked Marlborough.

An Amendment was proposed by Councillor Devenish, seconded by Councillor Pryor, that the Town Council recommended refusal of Application PA11/05771 as Members were of the opinion that the current design:

- a) was overbearing;
- b) was not in keeping with other properties in the surrounding area;
- c) was an overdevelopment of the site; and
- d) would have a significant impact on the street view.

The Amendment was carried and became the Substantive Motion and it was

RESOLVED – that the Town Council recommended refusal of Application PA11/05771 as Members were of the opinion that the current design:

- a) was overbearing;
- b) was not in keeping with other properties in the surrounding area;
- c) was an overdevelopment of the site; and
- d) would have a significant impact on the street view.

458. Grants (s137) Procedures

Councillor Reynolds advised that, in order to alleviate any perceived ill-feeling between the Town Council and the Helston & District Town Twinning Association, he suggested the Town Clerk contact all organisations that book the Guildhall to make them aware of the Council's grants system. Organisations could then apply to the Council for funding to cover the hire charges or any other expenses or projects. Following the discussion, it was proposed by Councillor Reynolds, seconded by Councillor J P Radford-Gaby, and unanimously

RESOLVED – that:

- (a) the Town Clerk be authorised to inform organisations that hire the Guildhall of the existence of the Town Council's grants; and
- (b) to further publicise the grants procedure and include details on the Council website at a maximum cost of £200.

459. Queen's Diamond Jubilee

Councillor Mrs Boase suggested that the Council might like to organise an event to celebrate the Queen's Diamond Jubilee. Councillor Pryor was of the opinion that it was a good idea in principle, but questioned how it would be funded.

Following the discussion, it was proposed by Councillor Mrs Boase, seconded by Councillor Williams, and

RESOLVED – that the Amenities Committee investigate the possibility of holding an event to celebrate the Queen's Diamond Jubilee.

460. Report of the Town Clerk

(1) Procedure for Nomination of Mayor-elect and Deputy Mayor-elect

Councillor Reynolds advised that he had consulted the Town Clerk prior to finalising his proposed procedure for the nomination of Mayor-elect and Deputy Mayor-elect. It was then proposed by Councillor Reynolds, seconded by Councillor Thomas, that

The procedure for the nomination of Mayor-elect & Deputy Mayor-elect for the forthcoming Civic Year and future Civic Years shall be as detailed below:-

- 1) A Special Full Council meeting is held on the fourth Thursday in February, with a single Agenda item "Nomination of Mayor-elect and Deputy Mayor-elect for the next civic year".
- 2) This Special Full Council meeting will be open to the public.
- 3) At this meeting, the Chairperson will ask any Councillor who wishes to be considered for either or both posts to state their candidature. The Chairperson then asks for a proposer and seconded in order, for each candidate for each post.
- 4) All validly nominated candidates will be invited to then make a short (maximum 1 minute) presentation to all present as to why they should be chosen for the post.
- 5) The public present will then be invited to ask all validly nominated candidates questions regarding the post for which they are standing. This public participation will be limited to 15 minutes maximum.
- 6) The Councillors present will then be invited to ask all validly nominated candidates questions.
- 7) At the conclusion of this question/answer session, each Councillor will then be asked to vote by show of hands only. A secret ballot will not be allowed. Voting will take place even in the event of only one candidate for either post.
- 8) At the completion of this voting, and being duly recorded, the Chairperson will then announce who has been chosen for the post of Mayor-elect & Deputy Mayor-elect for the next civic year.

The above procedure to be incorporated into Standing Orders.

As an Amendment it was proposed by Councillor Devenish, seconded by Councillor Pryor, that the proposed procedure be adopted with item 5 deleted. The Amendment was carried and became the Substantive Motion and it was

RESOLVED - that the procedure for the nomination of Mayor-elect & Deputy Mayor-elect for the forthcoming Civic Year and future Civic Years shall be as detailed below:-

- 1) A Special Full Council meeting is held on the fourth Thursday in February, with a single Agenda item "Nomination of Mayor-elect and Deputy Mayor-elect for the next civic year".
- 2) This Special Full Council meeting will be open to the public.
- 3) At this meeting, the Chairperson will ask any Councillor who wishes to be considered for either or both posts to state their candidature. The Chairperson then asks for a proposer and seconded in order, for each candidate for each post.
- 4) All validly nominated candidates will be invited to then make a short (maximum 1 minute) presentation to all present as to why they should be chosen for the post.
- 5) The Councillors present will then be invited to ask all validly nominated candidates questions.
- 6) At the conclusion of this question/answer session, each Councillor will then be asked to vote by show of hands only. A secret ballot will not be allowed. Voting will take place even in the event of only one candidate for either post.
- 7) At the completion of this voting, and being duly recorded, the Chairperson will then announce who has been chosen for the post of Mayor-elect & Deputy Mayor-elect for the next civic year.

The above procedure to be incorporated into Standing Orders.

(2) Casual Vacancies

The Town Clerk advised that he estimated the total cost of both by-elections to be £7,000 if polling cards were included. In response to a question he further advised that the current year budget for elections was £3,000 and the balance would be funded from General Reserves. A detailed debate ensued that included the merits of polling cards balanced against the resulting estimated turn-out and costs.

On the proposition of Councillor D C Swift, seconded by Councillor Pryor, it was

RESOLVED – that polling cards were not required for the North Ward and East Ward by-elections to be held on 26th January 2012.

The Town Clerk agreed to publicise the by-elections as widely as possible.

Councillor Thomas voted against the Motion.

(3) Cornwall Council (Off Street Parking Places) Order 2012

This item was noted.

(4) Conferences and Training

(i) SLCC Practitioners' Conference

On the proposition of Councillor Mrs Swift, seconded by the Mayor, it was unanimously

RESOLVED – that the Town Clerk attend the SLCC Practitioners' Conference.

(ii) ACAS Contracts of Employment – How to Get it Right

It was proposed by Councillor Mrs Swift, seconded by the Mayor, and unanimously

RESOLVED – that the Town Clerk attend the ACAS Contracts of Employment course.

(5) Town Plan Questionnaire

This item was noted.

(6) Furry Youth Café Steering Committee

It was proposed by Councillor J P Radford-Gaby, seconded by Councillor Williams, and

RESOLVED – that Councillor Thomas be elected as the Council's representative on the Furry Youth Café Steering Committee.

The Mayor and Councillor Mrs Boase left the meeting at 9.23pm.

461. 2012/13 Budget

The Council considered a report by the Town Clerk (previously circulated) that contained the final draft budget for the Financial Year ending 31st March 2013.

The Town Clerk informed the meeting that the first draft had been considered by the Policy, Finance and Resources Committee at its meeting held on 8th November 2011 and was recommended for approval as set out. He then invited questions.

Following a detailed debate it was proposed by Councillor J P Radford-Gaby, seconded by Councillor Reynolds, that

- a) the Civic Hospitality budget be further reduced by £500;
- b) the remainder of the draft budget be approved as set out; and
- c) the Precept for 2012/13 be set at £194,940.

As an Amendment, it was proposed by Councillor Williams, seconded by Councillor Pryor, that

- a) the Civic Hospitality budget be further reduced by £500;
- b) a new Active Partnering budget of £20,000 be introduced;
- c) the remainder of the draft budget be approved as set out; and
- d) the Precept for 2012/13 be set at £214,940.

The Amendment failed and a further Amendment was proposed by Councillor Mrs Swift, seconded by Councillor Williams, that

- a) the Civic Hospitality budget be further reduced by £500;
- b) a new Active Partnering budget of £30,000 be introduced;
- c) the remainder of the draft budget be approved as set out; and
- d) the Precept for 2012/13 be set at £224,940.

This Amendment was carried and became the Substantive Motion and it was

RESOLVED – that:

- a) the Civic Hospitality budget be further reduced by £500;
- b) a new Active Partnering budget of £30,000 be introduced;
- c) the remainder of the draft budget be approved as set out; and
- d) the Precept for 2012/13 be set at £224,940.

Councillor Devenish voted against the Motion.

During this item it was proposed by Councillor J P Radford-Gaby, seconded by Councillor Mrs Swift, and

RESOLVED – that Standing Order 1.27 be suspended to allow the meeting to continue beyond 10.15pm.

The Mayor and Councillor Mrs Boase returned to the meeting at 10.11pm. Councillor D C Swift left the meeting at 10.11pm and returned at 10.12pm.

Following a discussion regarding the draft 2012/13 Fees and Charges it was proposed by Councillor Mrs Swift, seconded by Councillor Thomas, and

RESOLVED – that the draft 2012/13 Schedule of Fees and Charges be further considered by the Policy, Finance & Resources Committee.

The Mayor declared an interest in the following item.

The Deputy Mayor took the Chair at 10.17pm.

462. Schedule of Accounts for Payment

The Town Clerk apologised to Members, advising that the wrong Schedule of Payments had been presented to them in November. He further advised that the November Schedule had been approved by the Chair and Vice-Chair of the Policy, Finance & Resources Committee as an urgent matter and the cheques signed by Councillors Williams and Mrs Swift. The Mayor declared an interest in Account No.s 347 and 348 on the November Schedule and Councillor Williams declared an interest in Account No. 368.

Members considered the December Schedule of Accounts and on the proposition of Councillor Thomas, seconded by Councillor Pryor, it was

RESOLVED – that Account Nos. 369-411 inclusive as listed and set out as an Appendix to these Minutes, be certified for payment in the total sum of £18,849.75

(The Mayor declared an interest in Account Nos. 375 and 392, Councillor Mrs Boase declared an interest in Account No. 375 and Councillor Williams declared an interest in Account No. 408)

It was agreed that the cheques would be signed by Councillor Williams and Councillor Reynolds the following day.

The Mayor resumed the Chair at 10.19pm.

463. Attendance at Meetings

On the proposition of Councillor Devenish, seconded by Councillor Mrs Boase, it was

RESOLVED – that the written report submitted by Councillor Mrs Swift be received.

464. Exclusion of the Press and Public

On the proposition of Councillor D C Swift, seconded by Councillor Pryor, it was

RESOLVED – that pursuant to the provision of the Public Bodies (Admissions to meetings) Act 1960, the press and public be excluded from the Meeting for the following item of business by reason of the confidential nature of the business to be transacted.

465. Confidential Report of the Town Clerk

(1) Staffing Matter

On the proposition of Councillor Devenish, seconded by Councillor D C Swift, it was unanimously

RESOLVED – that the matter be referred to the Policy, Finance & Resources Committee.

Meeting closed at 10.28pm

Confirmed

Town Mayor