



**Lostwithiel Town Council
Tuesday 09 June 2020**

Cornwall Councillor Report

Cornwall Councillor Martin began his report with a massive thank you to everyone for looking after one another in such a difficult time. He felt the speed at which the community came together was 'spot on'. Cornwall Council has worked hard to provide a lot of extra services and at the same time has kept core services operational i.e. bin collection.

Cornwall Councillor Martin also explained that in the light of resident feedback last year the grass cutting regimes on the grass road verges have been changed. So far only the junctions have been cut, over the next two-week period the first cut will be undertaken. If any junctions have been missed, please do let CC Martin know.

Cornwall Council Social Care department is working incredibly hard to look after the most vulnerable in Cornwall. There have been 56 Covid 19 outbreaks in care homes in Cornwall with over 200 staff members affected. Last week saw 3 new Covid 19 cases in Cornwall, this week the figure is 5.

Cornwall Councillor Martin also advised that Cornwall Council has been efficiently forwarding Covid 19 emergency funding to Cornish businesses. Any enquiries regarding funding should be directed to Cornwall & Isles of Scilly Growth hub. Cornwall Council is offering a one stop phone line for anyone in need of mental health support.

Finally, Cornwall Councillor Martin advised that he has received confirmation that the total funding package is now in place for the Lostwithiel Railway Footbridge.

Meeting Minutes

A virtual meeting of the Town Council was held on Tuesday 09 June 2020 at 7pm.

Councillors Present

Mayor Hughes, Deputy Mayor Ross,
Councillor Anders, Councillor Clarke,
Councillor Guiterman, Councillor Hatton,
Councillor Henderson, Councillor Mrs Jarrett,
Councillor Jarrett, Councillor Lindley,
Councillor Morgan & Councillor Sweeney

In attendance

Three members of the public were in attendance.

Town Clerk Mrs Harris & Administration Assistant Mrs Doyle were both in attendance.

001/20 Virtual Meetings

It was noted by Council that that The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 gives automatic authority to hold remote meetings and amend standing orders as required.

002/20 Virtual Meetings – Supplementary Standing Orders

It was **resolved** to adopt the following supplementary Standing Orders to meet the statutory requirements for the holding of remote

meetings, until 7 May 2021 or the repeal of legislation whichever is the earlier.

General

This Protocol and Procedures should be read in conjunction with the Council's standing orders.

The Regulations made under s78 of Coronavirus Act 2020 apply and where there is a conflict between these and any other adopted standing orders or legislation, these Remote Meetings Procedures take precedence in relation to any remote meeting.

1) Annual Meeting

- a) The requirement to hold an Annual Meeting of the Council is to be disregarded and prior to May 7th, 2021 may only take place
 - i) where called by the Chair or
 - ii) following a resolution calling for an annual meeting being passed at an ordinary or extraordinary meeting of the Council.

2) Access to Information

- a) Where a document is required to be 'open to inspection' this shall include published on the website of the council.
- b) Where a document is required to be published and made available at the council's offices, this shall include published on the website of the council.
- c) Where there is a requirement to publish information including public notices, agendas, minutes, background papers and written reports, this shall include published on the website of the council.

3) Remote Access to Meetings

- a) The definition of meeting within the Council's standing orders is amended so that

- i) 'place' includes where a meeting is held, or to be held in more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers
 - ii) 'open to the public' includes access to the meeting by remote means including video conferencing, live webcasting and interactive streaming
 - iii) where a meeting is accessible to the public through remote means, the meeting is open to the public whether or not members of the public are able to attend the meeting in person.
- b) If the Council becomes aware that its technology has failed, and the meeting is no longer accessible to the public, the meeting shall be adjourned.
 - c) If public access cannot be restored within a reasonable period, the remaining business shall be deferred to a future meeting.

4) Councillors in Remote Attendance

- a) A councillor in remote attendance is present and counted for the purposes of the quorum when they can:
 - i) hear and where practicable see other members of the council
 - ii) hear and where practicable see members of the public wishing to participate during the public session of the meeting or as invited by the Chairman
- b) A councillor in remote attendance will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for remote attendance at 4 a) are not met.
- c) Subject to 4 b) the Chairman may if appropriate
 - i) adjourn the meeting to permit conditions for remote attendance to be re-established

- ii) count the number of councillors in attendance for the purpose of the quorum

5) Remote attendance by members of the public

- a) A member of the public is in remote attendance when they can:
 - i) hear and where practicable see and so be heard and where practicable seen by members of the council at the meeting
 - ii) hear and where practicable see and so be heard and where practicable seen by other members of the public attending the meeting including those wishing to speak during the public session or as invited by the Chairman
- b) A member of the public in remote attendance will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for remote attendance at 5 a) are not met.
- c) Subject to 5 b) the Chairman may if appropriate
 - i) adjourn the meeting to permit conditions for remote attendance to be re-established
 - ii) vary the order of the agenda or complete the remaining business of the meeting in the absence of the member of the public in remote attendance.
- d) Public session – the Council will vary the current standing orders until physical meetings can be re-established and ask Members of the Public to submit any questions in writing at least 24 hours before the meeting.

6) Remote Voting

Unless a recorded vote is demanded, the Chair will take the vote by a roll call and the number of votes for or against the motion or amendment or abstaining will be recorded.

7) Code of Conduct – councillors excluded from the meeting

Where a councillor is required to leave the room as a requirement of the Council's code of conduct, the means of remote attendance

and access will be severed whilst any discussion or vote take place.

8) Exclusion of the press and public

Where the council has resolved to exclude the press and public from any part of the meeting, due to the confidentiality of the business to be discussed then:

- a) The means of remote attendance and access to the meeting by members of the press and public will be severed
- b) Each councillor present shall declare that there are no other persons present who are not entitled to be (hearing or seeing), and/or recording the meeting.

Vote: - 10 votes in favour, Councillor Lindley didn't vote due to technical issues.

Councillor Hatton requested that holding an Annual Meeting is an agenda item for the next Council meeting.

003/20 Virtual Meetings – Annual Meetings & 6-month rule

Council noted the following guidance received from Cornwall Association of Local Councils pertaining to the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulation 2020 specifically relating to Annual Meetings & Councillor 6-month rule.

Annual Meeting – There is no need to hold an annual meeting until May 2021. A council may at a meeting decide to set a date for an annual council meeting before this date. -A council cannot change the membership of committees or outside bodies without holding an annual council meeting. Committee members can only be removed from a committee as a recommendation from the Monitoring Officer on a code of conduct decision and CALC believe that this also applies to membership of outside bodies.

Local Councillors 6-month rule – None of the regulations published regarding local council meetings in March and April affected the six-month rule and period of absence.

The six- month period begins with the date of last meeting attended by a member. There is no way to vary the legislation and the six-month rule therefore applies across council meetings regardless of their format.

Where a council does not meet regardless of format, the six-month rule continues to apply. Should the council not meet within six months of its last meeting, all members of the council will be subject to the six-month rule which may affect their seat on the council.

004/20 Apologies of Absence.

Apologies for absence were received and accepted from the following Councillors: Councillor Duffin.

005/20 Declarations of Interest

Mayor Hughes declared a non-registerable interest in agenda item 20 Accounts & Finance.

006/20 Public Participation

None.

007/20 Minutes 17 March 2020

It was **resolved** that the minutes dated 17 March 2020 are accepted, approved and duly signed by Mayor Hughes.

Vote: - 6 votes in favour, 5 abstentions.

008/20 Decision making during Coronavirus pandemic

It was **resolved** to ratify the decision taken via email to take a sensible and pragmatic approach to decision making, during the Coronavirus pandemic. Namely to delegate authority to the Clerk in

consultation with the Mayor and Deputy Mayor to take any actions necessary with associated expenditure to protect the interests of the community and ensure council business continuity during the period of the Coronavirus pandemic informed by consultation with Members of the Council via email. It was further **resolved** to allow this delegation to continue (until the end of the pandemic or until this decision is revoked by Council whichever is the sooner) when there are exceptional circumstances and a decision needs to be taken immediately and cannot be deferred to allow for the statutory meeting notice period.

Vote: - 10 votes in favour, 1 against

09/20 Financial Matters

It was noted by Council that for the duration of the Coronavirus pandemic whilst the following payments can be made without the need for approval at a meeting of the Council or a Committee, Council Members are still responsible for the management of the Council's finances in accordance with Financial Regulations.

- i. Any payment which part of an agreed contractual obligation i.e. (salary and on costs, contractors, and suppliers). This is because failure to pay would be a breach of contract or the individual payment is part of budgeted expense.
- ii. Any other budgeted item including approved grants, approved purchases (playground equipment, computer, other assets) insurance and any other expenditure previously agreed by the council. There is an audit trail that the council has already considered and approved the payment.
- iii. Any amount authorised by the Clerk which within the limits set by the Council's financial regulations.
- iv. Any other payment authorised under the Emergency Scheme of Delegation.

010/20 Financial Regulations

It was **resolved** to ratify the decision taken to increase the amount delegated to the clerk for the duration of the Coronavirus pandemic namely: -

Financial Regulation 4.1 the Clerk for minor repairs/variations to Council agreed contracts subject to maximum value of £2,500- the Clerk to spend up to £250 monthly on stationery, stamps and general office costs without the prior approval of Council.

Financial Regulation 4.6 In cases of extreme risk to the delivery of council services, the clerk may authorise revenue expenditure on behalf of the council which in the clerk's judgement it is necessary to carry out. Such expenditure includes repair, replacement or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of £5000. The Clerk shall report such action to the chairman as soon as possible and to the council as soon as practicable thereafter.

and to sanction the continuation of these limits for the duration of the pandemic.

Vote: - 8 votes in favour, 3 against

011/20 Planning

Council **resolved** to ratify the decision taken to consult all Councillors via email regarding planning applications received from the planning authority and to now resume consideration of Planning applications at Council meetings.

Vote: - 11 votes in favour

012/20 Castle Hill Cemetery

It was **resolved** to ratify the purchase order to prepare a further two Gardens of Remembrance.

Vote: - 11 votes in favour

013/20 Planning Applications

a) It was **resolved** to ratify the following responses made to Cornwall Council's Planning Department between 24 March and 01 June 2020 which were collated by contacting members of Lostwithiel Town Council by email. Responses as follows: -

PA20/01621

10 Fowey River Retreat Cott Road
Lostwithiel

Construction of a double garage with store to serve 10 River Fowey Retreat.

Comment submitted

Lostwithiel Town Council, due to the restrictions placed on the Council as a result of the Coronavirus pandemic, has consulted all Town Council Members via email on this planning application. The Town Council is unable to comment on this application having received an insufficient number of responses from Councillors to achieve a majority decision.

PA20/02777

14 Brunel Quays Great Western Village
Lostwithiel

Various works to trees

Comment submitted

Thank you for notification of this planning application and for the advice that it will be decided under delegated authority.

Lostwithiel Town Councillors wish to make the following observations -

(i) These trees are in a very prominent town centre location. Having looked at the application on CC's website it does not appear that CC Tree Officer has been

asked to comment. Lostwithiel Town Councillors would prefer that the views of CC's Tree Officer are sought prior to a decision on this application.

(ii) It is very difficult to see from the photos submitted, the full height of the trees. It is therefore also difficult to accurately judge the proposed percentage reductions.

PA20/02656

Copse Edge Barn Millham Farm
Lostwithiel
Change of use of existing annexe/holiday let to fully residential.

Comment submitted

This application has the support of Lostwithiel Town Council.

PA20/02623

The Brambles Bodmin Hill Lostwithiel
Outline planning permission for five affordable residential units.

Comment submitted

Lostwithiel Town Council does not support this application. Council Members wish to oppose on the following basis: -

- a) The proposed development site is outside the Lostwithiel Neighbourhood Plan Development Boundary.
- b) The proposed housing is not in accordance with Neighbourhood Plan Policy HH2e) which reads as follows:- 'All affordable housing to be delivered in the neighbourhood area should be visually indistinguishable from the full market priced housing and of a type, size and

tenure that meets the local housing needs of the neighbourhood area.'

c) The proposed site and immediate environs have insufficient highways capacity to accommodate the increase in the number of vehicles needed to serve these properties. Additional vehicles will exacerbate traffic and parking problems and potentially restrict access for emergency vehicles.

PA20/02901

Land to The West Of 12A Cott Road Mill Hill Lostwithiel PL22 0HB

Reserved matters application for appearance, landscaping, layout and scale following outline approval PA16/05930 dated 01.09.16 for construction of dwelling (resubmission of PA19/04759).

Comment submitted

Lostwithiel Town Council is currently consulting Members via email regarding all planning applications received from the Local Planning Authority. The majority of Town Council Members who responded supported this application.

PA20/03031

Talbot House Restormel Road Lostwithiel Cornwall Construction of a conservatory.

Comment submitted

This application has the support of members of Lostwithiel Town Council.

PA20/03565

1 Wesley Villas, Restormel Road, Lostwithiel.

Conversion and extension of outbuilding to residential annexe.

Comment submitted

Lostwithiel Town Council is currently consulting Members via email regarding all planning applications received from the Local Planning Authority. Seven Lostwithiel Town Councillors responded to the request for comment on this application. Three of the seven declared an interest and the remaining four were not in support of the application.

The observations put forward by Council Members were as follows:-

- a) the design and choice of materials is out of keeping with the area
- b) the applicant should provide more detailed information regarding the ability to maintain existing cob walls in close proximity to the proposed structure.
- c) a professional report should be obtained which confirms that the integrity of the existing cob structure would not be compromised by the proposed structure.

PA20/03567

1 Wesley Villas, Restormel Road, Lostwithiel.

Listed Building Consent for the Conversion and extension of outbuilding to residential annexe.

Comment submitted

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- b) the applicant should provide more detailed information regarding the ability to maintain existing cob walls in close proximity to the proposed structure.
- c) a professional report should be obtained which confirms that the integrity of the existing cob structure would not be compromised by the proposed structure.

Vote: - 10 votes in favour, 1 Councillor did not vote.

- b) **PA20/02785** Plot adjacent to No4 Quay Street
Demolition of existing outbuildings and the erection of a Café (use Class A3)
It was **resolved** to support this application subject to Cornwall Council Planning receiving a favourable report from the Environment Agency.

Vote: - 8 votes in favour, 2 against, 1 Councillor did not vote.

- PA20/04157** Land west of 14 Victoria, Victoria,
Proposed construction of two semi-detached dwellings and the formation of a vehicular access.
It was **resolved** to support this application

Vote: -11 votes in favour

c) Delancey House Bodmin Hill Lostwithiel

Mayor Hughes reminded Members of the following: -

Whilst Members may express an opinion for or against the proposed development plans at this meeting Members minds are not closed and they will only come to a conclusion on whether they should support the scheme or offer an objection after they have listened to the full debate.'

Council agreed to make the following observation, Lostwithiel Town Council looks favourably on this proposal to develop a small campsite in the grounds of Delancey House, it does have some reservations about whether in terms of traffic it is as sustainable as is suggested by the applicant.

d) None

014/20 Annual Risk Management Review

It was **resolved** to approve the revised document as drafted.

Vote: -11 votes in favour

015/20 Internal Audit year end 31 March 2020

It was **resolved** to note the recommendations of the Internal Audit report.

Vote: -11 votes in favour

016/20 Local Councils, Internal Drainage Boards and other Smaller Authorities in England Annual Governance and Accountability Return 2019/20 Part 3 – to approve and authorise the signature of Section 1 Annual Governance Statement 2019/20.

It was **resolved** that the answer to each assertion should be as follows:

Question 1 Yes

Question 2 Yes

Question 3 Yes

Question 4 Yes

Question 5 No

Question 6 Yes

Question 7 Yes

Question 8 Yes

Question 9 Not applicable.

It was **resolved** that the assertions in Section 1 of the AGAR are completed as agreed and that the Mayor and the Clerk are authorised to sign the Annual Governance Statement in the 2019/20 Annual Return.

Vote: -11 votes in favour

017/20 Joint Panel on Accountability & Governance – Governance & Accountability for Smaller Authorities in England – Section 1.6 – Assertion explanation

It was **resolved** to publish the explanation as drafted.

Vote: -11 votes in favour

018/20 Local Councils, Internal Drainage Boards and other Smaller Authorities in England Annual Governance and Accountability Return 2019/20 Part 3 – to approve and authorise the signature of Section 2 Accounting statements 2019/20.

It was **resolved** to approve the accounting statement in Section 2 of the Annual Return for 2019/20; and to authorise the Mayor to sign the Accounting Statement on the 2019.20 Annual Return on behalf of the Town Council. (Statement already signed by RFO prior to the meeting.)

Vote: -11 votes in favour

019/20 Delegation to the Town Clerk

It was **resolved** to note the following actions taken by the Town Clerk under delegated powers and under the Emergency Scheme of Delegation as a result of the Coronavirus Bill 2020 and associated Government restrictions.

May-20	£4.00	Land Registry search fees
		Cornwall Council enquiry - Do I
May-20	£150.00	need planning permission

Apr-20	£152.00	New post box supply & fit, 4 padlocks to close play areas, repair to filing cabinet
Apr-20	£321.00	Royal Mail - mail redirected to Town Clerk
May-20	£423.60	Rospa - annual play area inspections
May-20	£41.98	Heavy chains to close Second Island walkway
May-20	£49.35	Paint for benches
May-20	£15.99	Hand sanitiser & antiseptic wipes for library
May-20	£1076.71	Digging of two stock graves
May 20	£1000.00	Replacement of wire netting on Second Island walkway

Vote: -11 votes in favour

020/20 Accounts and Finance

Mayor Hughes having previously declared a non-registerable interest left the meeting.

- a) It was **resolved** to ratify payments made between 30 March 2020 – 31 May 2020 (payments list previously circulated to all Council Members by email)

Date paid	Payee Name	Cheque ref	Amount Paid	Transaction detail
30/3/2020	P Jarrett	101455	£23.98	Replacement cheque for 528 & 538
30/3/2020	Lostwithiel Community Centre	101456	£27.00	Replacement cheque for 496
07/04/20	Zurich Municipal	101420	£4,423.14	Annual insurance premium
07/04/20	HMRC	101421	£647.55	Replacement cheque for

				101417
07/04/20	Biffa	101422	£548.74	Cemetery bin & annual fee skatepark & Rosehill bins
07/04/20	British Gas	101423	£75.15	Electricity
07/04/20	Clarity Copiers	101424	£57.17	Copy charges
07/04/20	Cormac Solutions Ltd	101425	£1,825.85	Toilet cleaning, door repair & repair to hanging rings KG5
07/04/20	Cornwall Council	101426	£13,321.05	Rates & DBS checks
07/04/20	DCS Pest Control Ltd	101427	£240.00	Pest control
07/04/20	EDF	101428	£53.27	Electricity
07/04/20	Penhaligons	101429	£22.40	Library newspapers
07/04/20	Phoneta	101430	£12.60	Lone worker service
07/04/20	Restormel Property Services Ltd	101431	£152.00	New post box, 4 x padlocks & repair to filing cabinet
07/04/20	Royal Mail	101432	£321.00	Mail redirection to TC (6months)
07/04/20	Westernweb	101433	£109.20	Renewal of domain and webspace lostwithielplan
07/04/20	Salary related expenses	101434-438 & 2 bank transfers	£4,686.67	Salary related expenses & replacement cheque for

				101418
01/05/20	Land Registry	101439	£4.00	Search fees
01/05/20	Cornwall Council	101440	£150.00	Do I need planning enquiry
05/05/20	Biffa	101441	£40.80	Cemetery bin
05/05/20	Cornwall ALC Ltd	101442	£936.38	Annual membership
05/05/20	Phoneta	101443	£12.00	Lone worker service
05/05/20	Rospa play safety	101444	£423.60	Annual play area inspections
05/05/20	South West Councils	101445	£513.60	Annual Associate membership
05/05/20	Cormac	101446	£461.89	Play area hanging rings - 2 nd invoice
05/05/20	Salary related expenses	101447-449 & 2 bank transfers	£3,409.46	Salary related expenses
05/05/20	Restormel Property Services	101450	£41.98	Heavy chains for Second Island walkway
05/05/20	Karen Ross	101451	£15.99	Hand sanitiser & antiseptic wipes
05/05/20	Pam Jarrett	101452	£49.35	Paint for benches
05/05/20	S Harris	101453	£73.95	Stamps £70 & bucket, soap tree plant
05/05/20	Cormac	101454	£416.70	Cleaning
		Total	£33,096.47	

Vote: -9 votes in favour, Councillor Mrs Jarrett did not vote as the list for ratification included a cheque payable to Mrs Jarrett.

b) It was **resolved** that cheques 101457-101470 and two salary bank transfers totalling £8,227.05 are authorised for payment.

Cheque Ref	Payee Name		Amount Paid
101457	Allium Environmental Ltd	Legionella testing Public toilet	£126.00
101458	Biffa	Castle Hill Cemetery bin	£51.00
101459	Cormac	Cemetery	£1,615.07
101460	DCS Pest Control (Cornwall) Limited	Pest control	£60.00
101461	EDF Energy	Car park electric	£150.75
101462	EDF Energy	Electric	£104.80
101463	Premier Forest Products	Marking out pegs	£9.60
101464	Phoneta	Lone worker service	£12.00
101465	Restormel Property Services	Dismantle and remove broken dog mess bin Coulson Park	£40.00
101466	South Western Tarmac	Cattle market pothole repairs	£1,800.00
101467	South West Water	Edgcumbe House	£58.05
101468	Tobin Thayre	Second Island walkway repair	£1000.00
101469 & 470 & 2 Bank transfer payments	Salary related expenses	Salary related expenses	£3199.78
		Total	£8,227.05

Vote: -10 votes in favour

Mayor Hughes re-joined the meeting and resumed as Chair.

021/20 Cornwall Council – Removal of Cott Road car park glass recycling bank –

It was **resolved** that the Town Council does not wish to take over the responsibility for the provision of this facility, that Cornwall Council should be asked to ensure that when they remove the bank the area is left clean and tidy, signage is erected to ask former users not to leave bottles, highlighting the kerbside collection facility and the location of the nearest glass recycling facility.

Vote: -11 votes in favour

022/20 Procurement Policy Note PPN02/20 – Supplier relief due to COVID-19 – Cormac

It was **resolved** that the Town Council does not agree with Cormac's understanding of PPN02/20 and Lostwithiel Town Council is prepared to pay 50% costs for both the toilet and library cleaning.

Vote: -11 votes in favour.

023/20 Re-opening Town Centres & Social distancing

It was **resolved** that the Town clerk contacts the Business Group and asks if the Business Group would like to lead the Lostwithiel bid and that the Town Council would like to have one or more Councillors as representatives on that group.

Vote: -11 votes in favour

024/20 GoToWebinar

It was **resolved** to approve GoToWebinar as the Council's virtual meeting platform at an annual cost of £660 plus Vat to be paid by Bank Direct Debit.

Vote: -11 votes in favour

025/20 Lostwithiel Skatepark & MUGA – adverse social media comments

It was **resolved** to go ahead with the purchase and installation of the Outdoor Gym as previously agreed and not to allow the adverse social media comments regarding the Covid 19 enforced closure of the skatepark and MUGA impact on this decision.

Vote: -11 votes in favour

The meeting closed at 9.20pm.

Chairman

Date