

SALTASH TOWN COUNCIL

Minutes of a Meeting of Saltash Town Council held in The Guildhall on Thursday 5th July 2018 at 7:00 p.m.

PRESENT: Councillors: R Bickford, J Brady - Chairman, G Challen – Vice Chairman, J Dent, S Lennox-Boyd, S Miller, W Phillips, A Pinckney, P Samuels, G Taylor, S Thorn, D Yates.

ALSO PRESENT: 7 Members of the Public, 1 Member of the Press, P Thistlethwaite - Community Enterprises PL12, S Tamlin – Cornwall Councillor, R Lane - Town Clerk, S Burrows – Office Manager, A Chick – Administration Officer.

APOLOGIES: Councillors: M Parker, J Rance, C Warrington.

HEALTH AND SAFETY ANNOUNCEMENTS

The Chairman informed those present of the actions required in the event of a fire or emergency.

161/18/19 **RECORDING OF MEETINGS – PLEASE NOTIFY THE CHAIRMAN IF YOU ARE INTENDING TO RECORD THIS MEETING**

Mr N Challen declared that the meeting would be recorded.

PRAYERS

Councillor Yates led the prayers.

162/18/19 **DECLARATIONS OF INTEREST**

- a. Declarations from Members of any registerable (5A of the Code of Conduct) and/or non-registerable (5B) interests in matters to be considered at this meeting.
- b. Declarations from Members of Matters of Public Interest regarding matters to be considered at this meeting:

Councillor	Agenda Item	Pecuniary/Non-Pecuniary	Reason
Challen	11	Non-Pecuniary	Ongoing situation with another STC
Pinckney	11		Not voted in at the time.
Samuels	11	Non-Pecuniary	Discussion of letter from a Mr Coot threatening to report all Council Members to Standards
Taylor	11	Non-Pecuniary	Unknown implication

c. To consider dispensations required: None.

d. To Approve dispensations:

163/18/19 To note an ongoing dispensation for Councillor Rance to act as Chair of the Saltash Team for Youth and commissioning of Youth Work to the end of the municipal year 2018/19.

It was **RESOLVED** to note.

164/18/19 To note an ongoing dispensation for Councillors Challen and Miller for Full Council and all associated Committees in relation to their roles as representatives of Saltash Town Council on the Chamber of Commerce to the end of the municipal year 2018/19.

It was **RESOLVED** to note.

165/18/19 **CHAIRMAN'S REPORT**

It was **RESOLVED** to note.

166/18/19 **MONTHLY CRIME FIGURES**

No Report.

167/18/19 TO RECEIVE A PRESENTATION FROM HELEN TOMS CORNWALL COUNCIL ANTI-SOCIAL BEHAVIOUR OFFICER

Helen Toms Cornwall Council Anti-Social Behaviour Officer informed Members of her role as the Anti-Social Behaviour Officer for East Cornwall and asked that her contact details be provided to members.

It was **RESOLVED** to note.

168/18/19 REPORT BY COMMUNITY ENTERPRISES PL12

It was **RESOLVED** to note.

169/18/19 CORNWALL GATEWAY COMMUNITY NETWORK AREA

It was **RESOLVED** to note.

170/18/19 QUESTIONS FROM THE PUBLIC

The following questions were received in writing 24 hours before the meeting

Mr A Sharpe asked the Councillors if they are fully aware of the potential for significant negative impact on local jobs and the local economy (China Fleet) should the proposed amendments to the DPD be accepted in regard to development at Pill?

It was **RESOLVED** that this item be considered under agenda item 14a.

Councillors Challen, Pinckney, Samuels and Taylor declared an interest in the next public question and left the meeting.

Mr M Coot asked the Councillors to consider an issue that has been going on for almost a year.

I was wronged by a member of the council, the investigations that took place agreed that I had been wronged, and sanctions were recommended. The councillor in question has ignored and then used delaying tactics to try to stop the correct procedure to take place and for justice to be done. I would like the questions, within the email, to be discussed and answered during the public meeting.

Secondly, I have copied in members of the press to ensure that this story gets out there and to guarantee that I won't be ignored. To those members of the press, I will gladly discuss this issue further, although you might find it easier to read the articles on my website ([link below](http://rallidaeproductions.co.uk)).
rallidaeproductions.co.uk

Letter received from Mr M Coot:

Dear Councillors,

I am writing to you with absolute disgust with what seems to be a disregard for following the code of conduct, a unwillingness to follow sanctions set forth by the Standards Committee, and a disrespect towards members of the public. Due to the subject matter of this letter, and due to not receiving any proper outcome when I asked the last time (see below), I request that this letter be forwarded to all of the town council, and to be made available to the press, at the meeting of the council to be taking place tomorrow evening (5th July 2018). I will not accept the letter being 'swept under the carpet' with a reply hidden away on email. This is being sent ahead of the 24-hour cut-off time for questions.

On 16th August 2017, decision notice CCN002/17/18 was issued with regards to a breach of the code of conduct committed by Councillor John Brady. The decision notice gave the sanction that Cllr Brady must apologise in writing within 28 days. He did not apologise. He ignored this decision notice and refused to apologise. On 20th April 2017, decision notice CCN046/17 was issued with regards to a breach of the code of conduct committed by Councillor John Brady. The complaint was in relation to the first decision notice and that Councillor John Brady had not apologised. This refusal to follow the sanction of the first decision notice meant that Councillor Brady had, again, breached the code of conduct, specifically:

2.1 - You must treat others with respect;
2.10 - You must not do anything that could reasonably be regarded as bringing your office or your authority into disrepute;
2.5 - You must not conduct yourself in a manner which is contrary to the Council's duty to promote and maintain high standards of conduct by Members.

The recommended action from this decision notice, in other words the sanction for committing a breach of the code of conduct, is for the subject member (Councillor John Brady) to be censured by Saltash Town Council. After the arrival of this decision notice, I was made aware that Councillor John Brady had, within his rights, requested a review of the decision notice (CCN046/17). I had to wait for the conclusion of this appeal. On 29th May 2018, over a month ago, I received a letter with the response of this review. Within the letter, it was stated that the governance officer was upholding the decision and that the "sanctions

imposed are adequate for the breaches found". The letter also gave me hope that this would be the end of the process as it was stated "I can advise that this is now the end of the process as there is no further right of appeal to the Council against this decision and therefore we now consider the matter closed". To me, the victim, I felt that at last this matter will be dealt with and that the perpetrator, who had made me feel so small and so hurt, can now be sanctioned properly. Following this letter, I asked the council two questions: "Will Saltash Town Council be upholding the sanction of censure against Councillor John Brady as the Cornwall Council Standards Committee recommended in Decision Notice CCN046/17 after he was found to have breached the Code of Conduct? As the Mayor has been found to be in breach of the Code of Conduct, will members of the Council be calling for him to resign from his role as they previously requested the former Mayor to do the same?" These questions were referred to the Policy and Resources Committee on 19th June 2018. The response received has frustrated me. The minutes for the meeting of the Policy and Resources Committee state that a reply had been sent from the chairman of the committee. This is true. However, it is the subject matter of the email that I have a problem with. It states that: "In response to your questions regarding Councillor Brady I can confirm that Councillor Brady has referred Decision Notice CCN046/17/18 to the Ombudsman."

It has been almost a year since I submitted the original complaint. I am the victim in this process and Councillor John Brady is the perpetrator. Councillor John Brady has been found to have been in breach of the code of conduct in two separate decision notices. An appeal was made and was found to be unfounded. So why, after all of this, when the questions are regarding what the council are going to do about this matter, is the response what Councillor John Brady is doing to delay matters further? Further to that, why was Councillor John Brady allowed to stay in the room during the discussion of the matter during the meeting? With regards to referring matters to the Local Government and Social Work Ombudsman, as the reply stated, this has confused me. As a council within the local government framework, it would make sense for you to have knowledge that the ombudsman cannot deal with this matter. Since 2012, and the closure of Standards for England, all matters such as these are dealt with by local authorities. In fact, on the website for the Local Government and Social Work Ombudsman, it states: "We usually can't investigate complaints about the conduct of councillors, unless the issue is in relation to the councillor carrying out an administrative function of the council that has caused the person complaining an injustice" and "We are not an appeals body or regulator for councils and care providers". It also states that they cannot investigate issues that "have, or had, a right to appeal". So why has Councillor Brady gone to the ombudsman with this matter and why have you, as a council, decided that this can delay any action you will take? Despite having these ongoing issues, Councillor Brady was elected by the council members to become your mayor. What kind of image is this giving? You gave a member, who has been found to be in breach of the

code of conduct *twice* within the last year, the highest position on the council. To me, this shows a complete lack of respect towards those who have been affected by Councillor Brady's actions. To me, it is a complete lack of respect towards myself. I am a victim and you put the person who made me a victim into the position of mayor. It also makes a mockery of the whole system and the code of conduct. The decision notice, and the response to the appeal, is clear: the council should censure Councillor John Brady for his breaches of the code of conduct. Censure is an act of the group to condemn the actions of the individual. This leads me to wonder, how can such a person – whose actions are condemned - remain in the position of mayor? I would like to ask each member of the council the following questions. I would like for their answers to be noted by the town clerk. I would also like an answer, of the whole council decision, to be written to me.

1. Will Saltash Town Council follow the sanctions set out by the standards committee and censure Councillor John Brady?

2. Will members of Saltash Town Council be making a vote of no confidence in Councillor John Brady as mayor of the town due to his failure to follow the code of conduct and failure to follow sanctions set out by the standards committee?

3. Will members of Saltash Town Council be seeking for Councillor John Brady to resign as mayor, as this is pressure was put on the previous mayor (despite her following the recommended sanction)?

I would like to make it clear that any failure to follow the sanctions set out by the standards committee will result in a new complaint being made against the entire council. This is because it will be felt to be in contradiction to the code of conduct.

Yours sincerely,
Matthew Coot

A response was provided in writing

Dear Mr Coot

As a result of this Breach of the code of conduct the recommended action is that the Subject Member be censured by Saltash Town Council as set out in Code of Conduct Decision Notice CCN045/17/18.

Therefore Councillor Brady has exercised his right to contact the Local Government Ombudsman for them to look at how the Monitoring Officer arrived at their decision and sanction.

As there is no time limit imposed, Saltash Town Council have a duty to await the Local Government Ombudsman decision. You will be informed when the process has been completed.

It was **RESOLVED** to note.

Councillors Challen, Pinckney, Samuels and Taylor were invited and returned to the meeting.

Catherine Noakes asked would the Council be prepared to accept responsibility for the safety of both pedestrians and vehicles requiring access to these planned dwellings?

In light of the Cornwall Site Allocations document :Response to Inspectors' Note INSP.S14 In relation to Saltash, and the comment included under 1.5 Transport considerations as below:

These conclusions were reaffirmed by the Councils Transport Officers. Furthermore Council Transport Officers indicated that the local road network in the North Pill site area would likely be able to accommodate the level of traffic generated by 85 dwellings.

It is noted that the above comment merely relates to the local road network in the North Pill site area and does not refer to the junction (Cutlers Corner) with North Rd and Old Ferry Rd. This junction is difficult to manoeuvre and accidents have occurred in this area such as the incident several weeks ago when a vehicle "landed" on top of the junction Keep Left sign.

Further to this Old Ferry Rd is the only access to Saltash Waterside for vehicles of any size and proportion. When the town holds functions such as the regatta and sailing competitions then all this traffic requires to use this junction. Should any of these coincide with a tournament at Salt Mill or a function at the China Fleet Club the traffic volume would increase and could easily lead to further accidents.

The response also refers to the walking distance to Saltash town centre but there is little or no provision for pedestrians in this area. Having raised 3 children in North Pill I have always been concerned when they have walked from home up to the main road. With no footpaths and two "pinch" areas on the lane it is amazing that no serious accident has occurred.

It was **RESOLVED** that this item be considered under agenda item 14a.

Mr M Hocking asked on behalf of the North and Middle Pill Neighbourhood Association (NMPNA), if given the well-known access constraints to the Pill peninsula and the pinch points at Cutler's Corner, the corner at the bottom of Granville Terrace and at Shute Corner, NMPNA notes with disappointment the recommendation from Cornwall Council, following representation to the Planning Inspector by landowners, that an additional housing site be allocated through the DPD process for 85 homes at North Pill.

We believe that the more measured response from Cornwall should be to identify North Pill as a reserve site now rather than an allocated site and only bring it forward for development if and when, through monitoring of the housing delivery at Broadmoor by Cornwall, it can be demonstrated that there is sufficient slippage to warrant it.

Does the Town Council agree and support this proposal in order to preserve the green space at North Pill until such time as it is proven necessary to bring the land forward?

Kind regards
Mike Hocking
On behalf of NMPNA

It was **RESOLVED** that this item be considered under agenda item 14a.

Sarah Martin asked the Council three questions:

Question 1:

Can you please explain why it was necessary to spend £457 of public money on Executive chairs for committee meetings for the three chairs at the front, if that is the case? And which pot of money this came out of.

Question 2:

Can you please advise whether the £180 for Geoff Peggs Associates for the removal of the play equipment at Pilmere was A) for the main play area in the centre of the development, and B) for its actual removal or just a consultation about it. What plans are there now for that area?

Question 3:

In the minutes it says that it was 'resolved to approve and adopt the Freedom of Information policy'. Can you please advise if this is a new policy, and where this can be found on the website.

A response was provided in writing

Dear Sarah

Question 1:

The decision to purchase the 3 chairs was made to bring a more formal and business-like approach to Council meetings.

Previous Mayors, such as Mr Oakes and Cornwall Councillor Holley, were disappointed the old Mayoral chairs were taken out of use (they need costly refurbishment).

At the same time, it was recognised the layout of the Council Chamber needed a different look. It now looks more professional and in keeping with a forward-looking Council.

The funds for purchase of the chairs were allocated to the P&R Office Budget, Code 6302, Office and IT Equipment.

Question2:

Following a meeting with the Pillmere Residents Association it has been agreed to return the large play park to meadowland. This is also to be considered at the next Services meeting held on the 11th July.

Mr G Peggs is the Councils Consultant on property maintenance and land issues. He is a Member of the Institute of Chartered Surveyors (MRICS) and provides a valuable service to the Town Council. He is paid for his professional advice and to attend Committee meetings as and when the Council require, and on this occasion, he was instructed to manage works taking place at Pillmere.

Question 3:

The Freedom of Information policy is an updated policy and will be published on the Website in due course.

It was **RESOLVED** to note.

171/18/19 MINUTES

Please see a copy of the minutes on STC website or request to see a copy at the Guildhall.

The Minutes of the Full Town Council Meetings held on Thursday 7th June 2018 and Tuesday 19th June 2018 were confirmed and signed as a correct record.

It was **RESOLVED** to note.

172/18/19 FINANCE

- a. To advise receipts and payments in May 2018.

It was **RESOLVED** to note.

- b. Urgent and essential works actioned by the Clerk under Financial Regulation 3.4 of the Town Council's Standing Orders.

None.

- c. To note that bank reconciliations up to 31st May 2018 were reviewed as correct by the Chairman of the Policy & Resources Committee and the Town Clerk.

It was **RESOLVED** to note.

- d. To note that an audit on recent supplier payments was conducted by the Chairman of Policy & Resources in line with the Councils Financial Regulations. It was noted that there are no discrepancies to report.

It was **RESOLVED** to note.

173/18/19 **CORRESPONDENCE**

- a. Cornwall Council – Amendment to the Development Plan Document.

Members considered the three public questions in relation to this item and Councillor Yates updated Members with the recently submitted proposals.

It was **RESOLVED** to note and that:

1. The Amendment to the Development Plan Document be referred to FTC Planning Committee to be held on Tuesday 17th July at 6:15 p.m. for further consideration.
2. This item be considered at the next Neighbourhood Plan meeting to be held on Wednesday 18th July 2018 at 6 p.m.

174/18/19 **TO APPROVE THE MINUTES OF THE FOLLOWING COMMITTEES**

Please see a copy of the minutes on STC website or request to see a copy at the Guildhall.

The minutes of the meetings of the Policy and Resources held on 19th June 2018 were confirmed and signed as a correct record.

It was **RESOLVED** to note.

175/18/19 **TO CONSIDER RECOMMENDATIONS AND MATTERS ARISING FROM THE MINUTES**

It was **RESOLVED** that there were no recommendations to be considered.

176/18/19 TO APPROVE THE MINUTES OF THE FOLLOWING SUB-COMMITTEES

Please see a copy of the minutes on STC website or request to see a copy at the Guildhall.

The minutes of the meetings of the Station Property held on the 21st June 2018 were confirmed and signed as a correct record.

It was **RESOLVED** to note.

177/18/19 TO CONSIDER RECOMMENDATIONS AND MATTERS ARISING FROM THE MINUTES

It was **RESOLVED** that there were no recommendations to be considered.

Councillor Bickford informed Members that further details had been received from Bailey Partnership as Principal Designer for the Station project confirming the appointment of Jenkins and Potter relating to minute number 12/18/19:

The separate appointment of Jenkins & Potter, in the specialist Network Rail role of 'Contractors Engineering Manager' (CEM) as required under the Network Rail 'Basic Asset Protection Agreement' (BAPA), is required to be put in place so that the design team can proceed with design development and undertake the necessary liaison and consultation with Network Rail. As Principal Designers, we will work closely with the CEM to understand and highlight these in the pre-construction information and tender documents.

Once a suitably experienced 'Principal Contractor' has been appointed, the site manager will normally also take on the Network Rail role of 'Contractors Responsible Engineer' (CER). The 'Principal Contractor' will take over responsibility for Health & Safety/CDM aspects for site mobilisation, temporary works design (scaffolding, site hoarding etc that will require network rail approvals), demolition stage plan and construction works, and on completion provide an Operation & Maintenance Manual/Training and assist us with the provision of information for the Health & Safety File which we will co-ordinate and compile and hand over to you at the end of the project.

It was unanimously **RESOLVED** that for clarification an addendum to the Station Property minutes be attached.

178/18/19 TO ESTABLISH THE LIBRARY WORKING PARTY AS A SUB COMMITTEE

Councillor Dent updated members on the progress of the Library Transformation Programme and the time constraints to allow a smooth transition to STC.

It was unanimously **RESOLVED** to approve:

1. The establishment of the Library Working Party to a Sub Committee reporting to Full Council.
2. The Sub Committee delegated authority up to £5,000 on any separate occasion within the budget.
3. The appointment of Councillors Dent, Lennox-Boyd, Phillips, Taylor and Yates to the Library Sub Committee.

179/18/19 TO NOTE A MEETING WITH CABINET MEMBERS TO BE HELD ON THE 1ST AUGUST 2018

The Chairman informed members that the Chairman and Town Clerk will attend a meeting with Cornwall Council Cabinet Members and Senior Officers at Truro on the 1st August 2018 to consider Cornwall Council environment services in Saltash.

It was **RESOLVED** to note and that Ward members submit any environmental concerns to the Town Clerk by the 30th July for consideration.

180/18/19 TO RECEIVE THE TERMS AND CONDITIONS OF KERNOW GATE LAND AND PLAY AREA

The Chairman informed members of the terms and conditions of Kernow Gate and STC solicitor's comments.

It was **RESOLVED** to approve the transfer of Public Open Spaces at Grassmere Way and Honeysuckle Close subject to confirmation from STC Solicitors that all matters have been satisfied.

181/18/19 TO NOTE THE DISPLAY OF THE MAYORESSE'S CHAIN

The Chairman informed members that item 22 is removed from the agenda.

It was **RESOLVED** that the display of the Mayoresses' Chain be considered at a meeting of the P&R Committee.

182/18/19 **S106 APPLICATIONS**

None.

183/18/19 **PLANNING**

- a. Applications for consideration: None.
- b. Tree applications/notifications: None.
- c. Decisions taken by Cornwall Council where the decisions reached were contrary to the recommendations made at the Town Council meeting or a poll taken: None.

184/18/19 **CONSIDERATION OF LICENSE APPLICATIONS**

None.

185/18/19 **MEET YOUR COUNCILLORS:**

- a. Arrangements for future meetings.

It was **RESOLVED** that Councillors Brady, Dent, Lennox and Samuels will attend the next meeting in Fore Street to be held on Saturday 7th July 2018.

186/18/19 **PUBLIC BODIES (ADMISSION TO MEETINGS) ACT 1960**

Pursuant to Section 1(2) of the Public Bodies (Admissions to Meetings) Act 1960, it was **RESOLVED** that the public and press leave the meeting because of the confidential nature of the business to be transacted.

187/18/19 **CONSIDER ANY ITEMS REFERRED FROM THE MAIN PART OF THE AGENDA**

None.

188/18/19 **PUBLIC BODIES (ADMISSION TO MEETINGS) ACT 1960**

It was **RESOLVED** that the public and press be re-admitted to the Meeting.

