

SALTASH TOWN COUNCIL

Minutes of a Meeting of the Civic Amenities Committee held in The Guildhall on Wednesday 14th July 2010 at 7.00 pm

PRESENT: Councillor C Oakes (Chairman), A Killeya (left early), M Killeya (late arrival), R Bickford, P Clements, M Gee (late arrival), Mrs S Hooper, W Phillips, C Riches, P Stephens ISM

ALSO PRESENT: Mrs D Ashton (Temporary Town Clerk)
Two members of the public (Mr Lawson with regard to 57/10/11(a))
One member of the press

APOLOGIES: Councillors J Ellison, D Holley
Mrs F de Rijke-Winter

56/10/11 DECLARATIONS OF INTEREST

Councillor Stephens declared a personal interest in minute number 57/10/11(a) regarding Yellow Tor Lane as his son lives nearby.

Councillor A Killeya declared a prejudicial interest in minute 58/10/11 and did not take part in any of the consideration by members on this item by removing himself from the room after a short period of being available to the committee as a member of the public to answer any questions that members may have had.

Councillor Oakes declared a personal interest in minute 59/10/11(a) as he is acquainted with the member of the public who contacted the Town Council on this matter.

Councillor Mrs Hooper declared a personal interest in minute number 60/10/11(a).

Councillor Bickford declared a personal interest in minute number 61/10/11 regarding Elwell Woods.

57/10/11 FOOTPATHS

- (a) The Chair had agreed in advance of this meeting to a request from Mr Lawson to make a representation to this committee. Mr Lawson had provided details via the 'Public Participation in Meetings' form and was informed that each members of the public had up to 3 minutes to speak.

The Chair now invited Mr Lawson to address the committee. Mr Lawson said that he was here on behalf of his mother-in-law, Mrs Champion of Yellow Tor Bungalow, to bring to the committee's attention the reasons behind the recent erection of fencing and gate in Yellow Tor Lane.

Mr Lawson explained that the area of Yellow Tor Lane in question is part of property, Yellow Tor Villa, owned by Mrs Champion and her family for many

years. This ownership of the lane is shown on deeds in Mrs Champion's possession.

Mr Lawson said that several serious issues had led to this action being taken by the family:

- Paint being sprayed on the back of the properties on that land.
- Youngsters sticking objects and their hands through his mother-in-law's gate to provoke and intimidate her dog as they passed her property when using this lane as a shortcut. Not only distressing for the dog but someone could be bitten as a consequence of the dog defending itself.
- Users of bikes and other wheeled means riding down this lane at high speed. As this lane is the only access to her home at Yellow Tor Bungalow and is used frequently by her visitors in cars, his mother-in-law and the whole the family were very concerned an accident was going to happen.
- The actual time saved by members of the public using this lane as a shortcut was not very significant.

Mr Lawson said that his mother-in-law and her family had decided to exercise their right as owners of the land and property to close it off to public access as there was never a legal public right of way down that piece of the lane.

Mr Lawson said that he had with him deeds and plans to show that the lane is part of the Yellow Tor Villa property, and also a letter from Cornwall Council showing that the lane was not a legal public right of way.

Mr Lawson offered for members to inspect the documentation he had brought with him. Cllr Oakes asked if Mr Lawson would permit the Town Council to take copies of these. Mr Lawson was happy for this to happen. The response by members to Mr Lawson's representation was briefly postponed while copies were obtained.

Members thanked Mr Lawson for his representation and also for offering and supplying this information to the Town Council. Cllr Clements said that the information and plans relating to who owned the part of Yellow Tor Lane in question could not be found at Land Registry.

Members explained to Mr Lawson that he was incorrect in stating the letter from Cornwall Council confirmed that the lane was not a legal right of way. The letter only confirmed that it was not registered on the Definitive Map of Public Rights of Way which means it cannot be concluded that it isn't a public right of way.

Cllr Clements explained that if members of the public have been using this lane for 20 years or more, a public right of way can be presumed. He felt that the Town Council should apply to Cornwall Council have this added to the definitive map of public rights of way.

Mr Lawson stated that for this to happen, it needed to be continuous use which was not the case.

Cllr Clements disagreed with and felt that there was enough evidence to prove that there has been at least 20 years of continuous public use here.

Cllr A Killea asked what would happen to the barriers that Mr Lawson put in place while an application was being proceeded. Cllr Clements suggested it may be up to Cornwall Council to decide. Cllr Riches said that if it were Cornwall Council, it would take a fair time for them to initiate and undertake an assessment as to what action to take.

Cllr Clements said that there is no cost to the Town Council in undertaking this application. Members said that members of the public will have an opportunity to make further representations on this as Cornwall Council undertakes to contact all residents as part of the application process.

It was **RECOMMENDED** that the Town Council apply to Cornwall Council for a Modification Order to have the section of Yellow Tor in question added to the Definitive Map of Public Rights of Way with Cllr Clements taking the lead.

As Cllr A Killea, due to Mayoral commitments, was unable to stay for the duration of this meeting, members agreed for the remaining Footpaths items to be considered after the Festival Funding items.

58/10/11 FESTIVAL FUNDS

Although Cllr A Killea had declared a prejudicial interest and was required to leave the room whilst the committee considered and discussed this item, Cllr A Killea remained present for a short period as a member of the public to only answer questions the committee had. Cllr A Killea left the room once any questions had been answered so was not present during any discussion and the making of any recommendations.

‘Making Saltash Greener’ is two week festival from 11th until 26th September. Saltash Environment Action and Saltash in Transition, groups committed to tackling environmental issues, are planning this festival as a launch for the Transition movement as well as inviting the community to learn more about what they can do in their day-to-day-lives.

A comprehensive application had been submitted and circulated to members prior to this committee meeting.

Cllr Bickford supported funding for this festival as it has an ethos which he very much values. He also felt that perhaps this group could be used to review funding of town events in order to try and introduce elements of sustainability into them. Members thought this a good idea.

It was unanimously **RECOMMENDED** that the Town Council grant the £3250 funding applied for.

57/10/11 FOOTPATHS

- (b) Cllr Riches has been in touch with Rebecca Dickson (Cornwall Council) who is making further enquiries on this – still awaiting further information.

- (c) Cllr Clements said the gate is now unlocked and creates a second point of access for estate. Cllr Clements went on to say that he would like to see the gates removed completely as they are now superfluous. Cllr Riches said he would approach Rebecca Dickson on this and update members at the next committee meeting.
- (d) Cllrs Clements, Holley, Mrs Hooper, M Killeya and Oakes recently met with Linda Holloway (Cornwall Council). Cllrs had a long list of points which Mrs Holloway took away with her. The Town Council is awaiting a response. Cllrs agreed that this should remain as an agenda item.
- (e) Members discussed that there was no definitive walkway through from R&S to Spinnaker and is there potential for one to be created now. Members **AGREED** that Cllrs Clements, Phillips and Riches should view the site and report back to the Clerk, and if necessary, a letter sent to the owner of the land in question following that visit.
- (f) Cllr Oakes asked if Cllr Clements would undertake a monthly update report for the committee on the footpath agenda items for the Clerk to distribute along with the agenda. Members thought this a good idea.

59/10/11 BUS SHELTERS

- (a) Members discussed at length the bus shelter in Carkeel along the Callington Road following a letter of objection received from a resident.

Several members said that the public had shown where they would like this bus shelter situated following the public consultation. This letter was the only one received following a final consultation to over 70 houses in that area which indicated the public's favoured site.

Cllr Clements felt that the letter did make a good point in that just a few yards away was a wider piece of pavement where an old telephone box had been. A smaller bus shelter that requires no planning permission could be erected here and be entirely paid for, including maintenance, by advertising.

Cllr Mrs Hooper felt for both sides but made the point again that this site was chosen by the majority of the public consulted and that although moving it along would satisfy this current objection, it would probably raise a similar objection from someone else.

Cllr Stephens did feel that perhaps the wider site would be a better site. Cllr Bickford wondered if the bus shelter on the wider site may impact less on this other resident.

Cllr Riches made the point that regardless of where the bus shelter is, the official bus stop is still going to be located at the same place which is in front of the objector's property – buses will still be pulling in to the same place and people will still be there in order to catch the bus.

As members were split in their opinion, Cllr Mrs Hooper felt that professional advice should be sought to aid the Town Council's decision on this. Members **AGREED** that the Clerk contact Rebecca Dickson at Cornwall Council for her professional opinion.

- (b) Cllr Clements said that the draft contract from Fernbank looks good although some points do need clarifying.

Fernbank would take over all the bus shelter maintenance from Adshel, whose contract is due to end soon, and erect new ones at no cost to the Town Council:

- Callington Road opposite Lidl.
- Callington Road opposite St Annes Rest Home.
- Callington Road opposite football club.
- Callington Road opposite Fire Station.
- Carkeel inbound and outbound.

Cllr Clements said that the company was just waiting for the Town Council to go through the draft contract and the subsequent response.

Members **AGREED** that an official response should be sent to the new bus shelter company expressing that the Town Council is still interested but just need to resolve the Carkeel bus stop issue and clarify a few more points with regard to the draft contract. Cllr Clements to liaise with the Clerk on this.

- (c) No communication had yet been received from National Express or Western Greyhound on whether the bus stop on North Road could be relocated to where the bus shelter is. Members requested that the Clerk provide an update as soon as a communication is received.

Cllr Mrs Hooper also reported that there are loose slate tiles on this bus shelter and they could be dangerous. Members asked the Clerk to obtain a quote for repairs.

60/10/11 CHRISTMAS EVENT

- (a) Cllr Riches said that he had now found a suitable replacement for Mr Malcolm Down. Mr Peter Gunn was happy to MC at various events and does this for a living. Cllr Riches felt that as it is Mr Gunn's living, it is appropriate that he receive some form of payment. Cllr Mrs Hooper agreed and said the Town Council does pay performers and Mr Gunn can be classed as a performer.

It was **RECOMMENDED** that Mr Gunn be formally asked to MC the event and paid an appropriate fee.

- (b) Cllr Mrs Hooper felt that she had only become associated with the street collection as she was Acting Town Clerk for a period, and that it is traditionally the Town Clerk that undertakes obtaining permissions for this. Members agreed that the temporary Clerk should initiate the process with Cornwall Council's Planning and Licensing.

- (c) With regard to street closures, it was suggested that the Clerk liaise with Cllrs A Killea and Ellison.
- (d) Cllr Oakes spoke of what needs to be arranged. Some information is available from 2008 but a definitive list of tasks and actions from previous years is not available. Cllr Oakes stated that in previous years, Mrs Angear would have already started on tasks delegated by the previous Clerk.

In the current circumstances, it was unanimously **AGREED** that last year's participants, stall holders, entertainers etc. be contacted and booked with members suggesting Tim Smit and the new Plymouth Argyle Manager be contacted to ask if they would do the lights switch-on.

Cllrs Mrs Hooper and Riches would also pass on details on any entertainer contact they may have.

61/10/11 ELWELL WOODS

Cllr Ellison had requested that an invoice from Optima Projects (structural engineer for Celtic Cross) for £5000 + VAT be submitted to the committee for approval to pay.

As the finance aspect of Elwell Woods was not an agenda item, members **RECOMMENDED** that this invoice be referred to Full Council. It was suggested that for future agendas, this item should be 'Update on Elwell Woods and to consider any associated finance'.

Cllr Gee updated members that the Town Council has funds to pay this invoice and it is important that it should be paid and it may hold up the process if it is not. Cllr Gee said he is also currently trying to research previous minutes to obtain the full Town Council match funding agreement on this project.

62/10/11 GROUNDS MAINTENANCE

- (a) As there is a minimal budget for the watering of plants, members noted that the current rainfall is most welcome.
- (b) Cllr Oakes spoke of how the overgrown hedges on the lane leading up to the rear churchyard entrance were impacting on vehicles that passed along. Mr Bartlett had indicated that he was unable to do this himself. Quotes had been obtained from Hine Bros to the total sum of £410.

It was **RECOMMENDED** that Hine Bros be contacted to undertake these works.

- (c) Cllr Mrs Hooper with Cllr Clements had looked into this. They had spoken with Hine Bros and the company that had undertaken the stone walling and it was suggested that the necessary remedial works to make it safe would cost approx. £80 to £100. This amount was within the Clerk's emergency power to spend limit of £1000.

63/10/11 ALLOTMENTS

- (a) Cornwall Council undertook a consultation with residents who very much favoured having the land as allotments. Cornwall Council now requires confirmation that Town Council will take on this land.

The Town Council may be offered either a long peppercorn lease or notional cost land transfer but Cornwall Council has to decide upon this aspect yet.

A quote from Hine Bros to make the land 'allotment-ready' is still being awaited.

It was **RECOMMENDED** that The Town Council:

- (i) Agree to take on the land as either a land transfer or long lease.
 - (ii) Depending on how much the quote is for, agree to pay for clearance and preparation of site.
 - (iii) Delegate authority to the Clerk, in consultation with the Mayor and Chair of Civic Amenities, to finalise the details.
- (b) Following the submission of a planning application to Cornwall Council by WH Bond for change of use of agricultural land into allotments and provision of parking area (PA10/03391), there is nothing further to report.

64/10/11 STREET LIGHTING

- (a) Regarding the light on the footpath between Longmeadow Road and Hillside Road, no further update was available.
- (b) Councillor Riches reported that lighting has now been fully completed at Pillmere on the footpaths and cycle paths.

65/10/11 SEATS

- (a) Members asked to the Clerk to make further enquiries as to whether a response had been received from Mr Trevor Jones.
- (b) As no representative of the Burial Board was present at this meeting, no further update was available.
- (c) Cllr Oakes updated members that he will obtain the materials up to a value of £50 for the caretakers to revarnish Huntley Gardens seats (Full Council 1st July 2010 minute 93/10/11).

66/10/11 UPDATE ON PILLMERE ROUNDABOUT

With regard to Full Council 1st July 2010 minute 93/10/11, the Clerk informed members that Total Design had now been contacted and the offer of sponsorship accepted.

67/10/11 WEEDS AND GRASS CUTTING

Cllr Riches said that if Rebecca Dickson (highways) or Trevor Jones (amenities) are contacted regarding areas of greenery that need addressing, there should be a 10-day response time. Members asked the Clerk to pass this information to all members.

68/10/11 PARKS AT PILLMERE

Cllr Riches reported that he is in ongoing dialogue with Cornwall Council's legal dept with an expert in this field.

Cornwall Council's legal dept are suggesting that as the area is not covered by s106 funds, it is not adoptable by Cornwall Council. Cllr Riches felt that this hasn't been a problem for Cornwall Council in the past with other areas that were not in receipt of s106 funds.

Cllr Riches felt that there is not the support amongst the residents of this community to form a residents group which would progress and support play/open space facilities for their community.

Cllr Riches felt that the Town Council would need to provide a letter to Cornwall Council expressing their view that the higher authority should adopt these areas for the benefit of the community.

Members asked Cllr Riches to keep providing an update on this.

69/10/11 COMMUNITY TOILET SCHEME

Cllr Bickford updated members on the new ownership of the Brunel Inn. The new owners are very experienced and the pub is due to re-open shortly once a premises licence has been obtained. They are aiming for the pub to be a food and family-orientated business.

Mrs Debbie Barns would be pleased to stay within the scheme at £100 per quarter.

It was **RECOMMENDED** that £100 be paid every quarter to the Brunel Inn's current owners, Mrs and Mrs Barns, for the participation of the pub's facilities in the community toilet scheme.

70/10/11 HIGHWAYS AGENCY

- (a) Cllr Mrs Hooper updated members on a letter recently received from the Assistant Route Performance Manager of the Highways Agency regarding payments for work carried out in the past under a maintenance agreement.

The Highways Agency have discovered that they do not own and have never owned the land that the Town Council had an agreement with them to maintain and so cannot authorise any retrospective payments for work done previously or any future contributions negotiated for a new agreement.

They hope to issue a further explanatory letter on who actually has ownership shortly based upon information from the Highways Agency Lands Disposal team.

Members expressed great surprise and disappointment at this news. Members made the point that regardless of who owns the land, the agreement was with the Highways Agency. Members asked if the Clerk could try and establish who owns the land.

Members **AGREED** for a letter to be sent to the Assistant Route Performance Manager expressing their extreme surprise and disappointment at this outcome with a strong request that communication be maintained with the Town Council to try and establish what exactly is going on so that the Town Council can reach some form of resolution.

- (b) With regard to the A38 Saltash tunnel approaches, there was nothing further to report.

71/10/11 UPDATE ON NOTICEBOARDS

- (a) Waterside and Fairmead Road boards are currently undergoing repair by the caretakers and new locks are required at St Stephens and Callington Road.

The bushes around St Stephens noticeboard require cutting back.

The noticeboard at Yellow Tor Road needs to be completely replaced.

As it is fairly new, Fore Street requires no work.

It was **RECOMMENDED** that new locks be purchased for the noticeboards as necessary and a new noticeboard be purchased for Yellow Tor Road if budgeted funds are available.

- (b)(i) The best method of fixing of notices on boards is left to the discretion of the caretakers.
- (b)(ii) Members felt that the Town Council noticeboards should only have locally based community notices only and that it was inappropriate for commercial notices to be posted on them.

Cllr Mrs Hooper felt there was a policy already in place for this. Members **AGREED** that this policy should continue so that requests for only community notices are permitted. Members suggested that there should be guidance on how to keep the boards tidy and up to date too. Members **RECOMMENDED** the following to be included in any policy if they are not already:

- 1) PL12 notices only.
- 2) Non-commercial.
- 3) Date of removal from board on notice.
- 4) Regularly update notices.
- 5) Laminating for longevity.
- 6) All notices to be A5 except for Fore Street notices which are to be A4.

72/10/11

SWRA BOARD WALK

As Cllr Ellison was not present to report to members on this, Cllr Bickford updated members on his behalf.

SWRA has long term plans for a curved low level boardwalk between the two piers in front of the Union and Livewire complete with palm tree planters etc. General approval for this project has been shown by Ashtorre residents and also at a meeting of SWRA late last year. Discussions are ongoing on the design and where it should be placed. The approximate cost of the project is estimated to be between £35k to £45K. However, no funding is yet in place for or been applied for.

Cllr Bickford said that Cllr Ellison had wanted to open discussions with the Town Council on this matter. Cllr Gee said that not all residents in that area are in full agreement with this project.

Members agreed that discussion on this matter should be continued at the next Civic Amenities meeting where Cllr Ellison is present.

73/10/11

ONGOING REPORTS FOR NOTING

- (a) Blue Collar Worker.
There was nothing further to report.
- (b) Offer of seat.
There was nothing further to report.
- (c) Grounds Maintenance Phase V.
There was nothing further to report.
- (d) Dog fouling.
There was nothing further to report.
- (e) Blue Plaque Scheme
There was nothing further to report.

74/10/11

TOWN MESSENGER

The following items were suggested:

- Cllr A Killea – Message from the Mayor and an insert of ‘Making Saltash Greener’ festival timetable.
- Cllr Clements – an item on Saltash Heritage.
- Cllr Oakes – a polite notice to Saltash residents to cut back any plants overhanging pavements, footpaths and roads.
- Cllr Mrs Hooper – an item on the forthcoming Christmas event and on the Hatt allotments.
- Cllr Phillips – Brunel Inn joining the Community Toilet Scheme and the ‘Meet the People’ pilot at Waitrose.
- Cllr Gee – an item on ‘Saltfest’ (Cllr Holler has more details)

75/10/11 PRESS RELEASES

There were no press releases.

76/10/11 DATE OF NEXT MEETING

Wednesday 11th August 2010 7.00pm

Rising at 9.35pm

Signed: _____
Chairman

Dated: 5th August 2010