

MINUTES EXTRAORDINARY PARISH COUNCIL MEETING HELD IN THE PARISH ROOMS
BREAGE ON MONDAY 7 MARCH 2016 AT 7.00 P.M.

Present: Cllr Mrs R Wyvern Batt (Chairman)

Cllr T Ackland

Cllr A Best

Cllr Mrs T Board

Cllr H Bradford

*Cllr S Caddick

Cllr T Coleman

Cllr Mrs P Darby

Cllr P Greenough

Cllr G Higginson

Cllr Mrs K La Borde

Cllr Ms C Rashleigh

Cornwall Cllr: J V Keeling MBE

Mrs C Macleod (Clerk)

The Chairman welcomed everyone and wished them a Good Evening, telling them that the meeting would be recorded.

1. FIRE EVACUATION PROCEDURE

The Clerk read out the Fire Evacuation Procedure.

2. APOLOGIES FOR ABSENCE

No apologies necessary as all Councillors present.

3. DECLARATIONS OF INTEREST

a) Cllr Mrs T Board's permanent declaration of interest in accordance with LGA 2000: My beneficial interest in Breage Parish Council owned land registered V.G.621 Praa Green, is that my adjoining property has gate access.

b) To note declarations of interest in accordance with LGA 2000 - Members and officers to declare non-registerable interests or disclosable pecuniary interests (including details thereof) in respect of any items on this agenda and unless you have the benefit of a current and relevant dispensation in relation to these items you must:

i) not participate, or participate further, in any discussions of these items at the meeting;

ii) not participate in any vote, or further vote, taken on these items at the meeting; and

iii) remove yourself from the meeting while any discussion or vote takes place on these items, to the extent that you are required to absent yourself in accordance with the Council's Standing Orders or other procedural rules.

Where a Member has a non-registerable interest in an item that does not benefit from a valid dispensation and that interest only arises from the Member's participation in or Membership of a body whose objects or purposes are charitable, philanthropic or otherwise for the benefit of the community the Member may, (with the permission of the Chairman of the meeting or until such time as the Chairman directs the Member to stop) address the meeting to provide such information as they reasonably consider might inform the debate and decision to be made before complying with b).

No declarations were made.

c) To take consideration of written requests for dispensations

There were none.

d) Members to give consideration as to whether their Register of Interest forms are fully up to date

Nothing was declared.

4. CHAIRMAN'S ANNOUNCEMENTS

There were none.

5. PUBLIC PARTICIPATION

a) Each member of the public is entitled to speak once only in respect of business itemised on the agenda or in respect of something they wish to bring to the Parish Council's attention for inclusion on a future agenda and may speak for a period of time which is at the Chairman's discretion

b) A question asked by a member of the public during this public participation session shall not require a response or debate

c) The Chairman may direct that a response to a question posed by a member of the public be referred to a Councillor for oral response or to the Clerk for a written or oral response

d) A record of the public participation session shall be included on a separate page in the minutes of the meeting

Public participation was held here from 7.02 to 7.05 p.m.

6. PRAA SANDS TOILETS

a) TO CONSIDER MATTERS REPORTED BY THE WORKING GROUP

i) The Tenancy at Will was discussed

A time limit could be set so that CC quickly resolves the issue of land ownership so a 99yr lease can be negotiated. The working party is very keen to improve the toilets to make certain savings and cannot do so without an assured lease. The Tenancy at Will does not allow for any alterations to be made to the building

The Parish Council has resolved that the Tenancy At Will Lease be signed and submitted

ii) CC should be asked to agree the defects list once a 99 year lease is available

Mike Mitchell has agreed to carry out all the work on the defects lists at no cost to the Parish Council and would like the go ahead to be agreed now as he has a firm allocated to do the work. He will meet Councillors as wished but he is very busy as he has to handle all the toilet changeovers.

Disabled toilet

1. Toilet seat broken.
2. Sink tap does not shut off. Replace.
3. Privacy lock does not locate in keep

Gents Toilet

1. Padlock is badly rusted due to the exposure to salt air, replace with mortice lock, remove hasp and staple and make good.
2. Replace tap to sink as it does not shut off.
3. 1 number Interior light does not work, replace.
4. Replace damaged makralon glazing to rear window.
5. Replace damaged rubbish bin.

Ladies

1. Padlock is badly rusted due to the exposure to salt air, replace with mortice lock, remove hasp and staple and make good.
2. Replace 3 number damaged bunny bins in stainless steel and refit to wall.
3. Replace damaged makralon glazing to front window.

External

1. Replace 5 broken roof slates to front elevation and 1 to rear elevation.
2. Replace damaged waste pipes to rear elevation.
3. Repairs renders to 2 walls at side elevations.

Other

1. The existing rainwater downpipes be diverted from going down into the septic tank and discharged onto the ground area.
2. The wall gates in use at present they want removing as they are old and constantly tripping out, which the cuts of the water supply to the toilets. Replace wall units with hand driers 2 number one in the gents, one in the ladies. This can be done by blank off the cut out of the wall gates and fixing the hand drier to it, and supplying and fitting 2 number soap dispensers.
3. The toilets to be replaced with ones with built in seats. 8 number in all 1 disabled, 2 gents, 5 ladies.
4. 2 number showers be installed externally.

The Clerk has contacted Councillors and has gained permission for the listed repairs to be carried out from 9 of the 12 Councillors. This needs to be confirmed by resolution

To confirm by resolution that 9 Councillors agreed that the list of repairs to Praa Sands toilets be carried out

AB asked about the list and TB expressed concern about the showers.

It was proposed by PG, seconded by GH and unanimously resolved to confirm that 9 Councillors agreed that the list of repairs to Praa Sands toilets be carried out.

To make any necessary further resolutions

TB expressed concern re. the water from the showers running onto the road causing puddling but no further resolutions were made.

iii)The Group has prepared all the documentation to establish a charity to raise funds for the improvement of the toilets. Trustees have been appointed

AB spoke about what would happen should the Charity dissolve, in that any monies raised for toilet improvements would go to another Charity.

PG – the money would go to a somewhere with similar/same aims. TA spoke about the Carleen Village Hall Trusteeship and how that works.

KLB – Spoke about being a Sub-Committee saying it would circumvent the concerns. The Clerk explained why Council had thought a Working Group would be more suitable.

The Clerk read out from the Charity Trust Deed:

1. "The Trustees may dissolve the charity if they decide it is necessary or desirable to do so. To be effective, a proposal to dissolve the charity must be passed at a special meeting by a two-thirds' majority of the trustees. Any assets of the charity that are left after the charity's debts have been paid ('the net assets') must be given:

(a) to another charity (or other charities) with objects that are the same or similar to the charity's own, for the general purposes of the recipient charity (or charities); or

(b) to any charity for use for particular purposes which fall within the charity's objects.

2. "The Commission must be notified promptly that the charity has been dissolved and, if the trustees were obliged to send the charity's accounts to the Commission for the accounting period which ended before its dissolution, they must send the Commission the charity's final accounts."

KLB - Charity status enables the group to apply for matched funding, if obtained the funds could be put into an account not affecting the PC. A new tank would cost £30 – 40,000 and matched funding would be needed.

AB once more expressed concern regarding a Charity Agreement, in that, should the Working Group be dissolved, remaining money would have to be donated to another charity or similar cause and would not go to Breage Parish Council. TA spoke about his experience as a Trustee of Carleen Village Hall. Much further discussion took place. KLB said that Council should find out about it and asked what the problem was if the money went to another Charity. AB –all the money raised for the toilets could be lost. GH asked if a clause could be put in so that the money comes back to the PC. He felt that the PC was working negatively and that it should stop trying to block things. KLB had previously suggested various ways CIC, sub-committee, Charitable Trust. She felt the problem to be that 6 Councillors wanted to take on the toilets and 6 did not but it was now necessary to work as a team and agree to go forward for a year. Democracy works in a certain way. Don't keep saying why we can't but why we can and see if it can be done for one year

PG – Perhaps any money raised over £1,000 could be put in a ring-fenced any account as a Charitable Trust proviso on the amount of money held. He too felt it to be the time to move forward. The toilets should not be made to fail. KLB asked why the Council does not the Council meet with the Working Group? AB was not willing to vote on something that may not be legal.

PG - This is time to move forward. PC needs to decide on the way to go forward and run the toilets as efficiently as possible and not keep splitting the vote because the toilets would fail because of the PC.

GH - Could the Working Group be asked to take on the raised concerns and come back with an option that is legal? KLB - Why does not the PC meet with the Working Group? **GH proposed that more information be found, AB seconded this.** PG felt this was too woolly as exactly what information is required should be specified,, i.e. what happens to any money on a Charity's demise, can it be passed to PC? GH withdrew his proposal. PG - Cannot see a problem with a Charity being set up.

CR - Lease was to be a year. PG – PC has only signed a TAW. CR Group need a phone number so Group can answer problems rather than the Clerk.

AB proposed that the Working Group does not enter into a Charity agreement until the answers to the questions raised are found. This was seconded by KLB. PG felt that that it would be wrong to ask the WG to prepare a statement as the answer needs to be clarified as a point of law.

He felt that the PC's Solicitor should be asked the PC's solicitor what would happen to remaining money in the event of a demise of a Charity that is a group attached to Council. Could provision be made for the funds to come to the PC?

PG proposed that JK be permitted to speak, this was seconded by RWB and unanimously resolved. JK added that funds would be private funds not public money and as such could be used as the Charity wished. He could see no problem with the Charity being set up. The PC could make donations to the Trustees

To make any necessary resolution

After discussion it was felt that more information as to what happens to the money in the event of demise? **It was proposed by PG, seconded by AB and unanimously resolved that BPC seek legal advice from their solicitor before they agree to the setting up of a charity to raise money for the improvement of the toilets.**

iv) A bank account is in the process of being opened

Further discussion ensued. TC suggested not opening a Bank Account at the moment and to leave it.

PG felt that the separate bank account would be acceptable.

To make any necessary resolution

It was proposed by PG, seconded by RWB and resolved by 7 votes to 5 that a separate bank account would be acceptable.

c) CONTRACTS

i) Quotes have been received for cleaning, tank emptying and maintenance. A suggested budget for next year is shown below along with the quotes we believe provide the best options. With a much more careful management of the tank emptying we can secure some promising savings

Projected Management and Maintenance Costs 2016/17

Business Rates	1153.00
Lease (approx)	0.00
Cleaning – Summer	4825.61 – Based on every day
Winter	1160.32 – Based on once a week
Emptying the holding tank	6240.00
Based on £195 per visit – 32 per year – 2 per week summer	
2 per month the rest of the year (could be less)	
Electric (approx)	151.00
Maintenance @ approx. 2 hours per week @ £25 ph	
+ parts at £500	3100.00
Water	900.00
Total Required for 2016/17	£ 17,529.93

The above budget is based upon previous figures supplied by Cornwall Council and quotes received from contractors over the last couple of months. It will be very difficult to budget accurately until the toilets have been managed for over a year. The working group suggests that any savings on the precept of £23,500 should be retained as a contingency for future years and for further improvements.

3 quotes for each contract must be considered. Any awarding would need to be done in closed session

Jon James wishes to know NOW whether Cormac is to be the contractor as he has to book them

To urgently resolve what should be done re. contracts These need to be agreed and be ready for offer now

3 quotes are needed if under £2,000 but tenders need to be invited if over £2,000

ii) Offers from sponsors have been received. Trevena Cross is prepared to supply flowers etc. to ensure the building looks more attractive, local decorators have offered their time to paint the building, some holiday cottage and B & Bs have offered donations. None of which can be accepted at the moment until the issue with the lease is resolved. Tender details could be discussed here if necessary, i.e. advertising, etc.

To make any necessary resolutions

Long discussion ensued. KLB had not understood the quote and tender procedure. She reminded Council that local cleaners do not have the necessary qualifications. The Clerk explained the tendering procedure and KLB realised that there is not time to advertise and get replies. It was understood that tenders need to be invited but it was generally felt that it would be impossible to organise for this year and as this is an emergency it could well be best for Cormac to carry on while the TAW is in place and this could continue on a monthly payment basis. Once the lease is resolved the Clerk could then invite tenders. Tenders would be needed for Cleaning/Waste disposal and Maintenance. TC – Why can't Cormac do it for the first year and the PC just pay them? KLB - What do we do from 1 April? KLB - Is there a way of allowing Cormac to continue as an emergency? TC - Can't CC tell Cormac to run it? PG felt that tender invites for tank emptying, cleaning and maintenance should be made now as the only cost would be advertising. Others felt that it would cause duplication of work because they would probably have to be sent out again.

After discussion **it was proposed by TC, seconded by RWB and resolved with 1 vote against that Jon James be replied to that Cormac be booked to do the cleaning and repairs for the toilets on a monthly basis until such time as the 99 year lease is sorted and the tank emptying to be done as and when needed and that tenders, as specified above be invited once a 99 year lease becomes available.**

c) HANDOVER DATE AND TIME

The handover date and time is Tuesday 29 March at 10.00 a.m. when the meters will be read and the keys handed over

The Clerk advised that the time has been changed to 11.30 a.m. It was asked to whom the keys would be handed over. It was to the Clerk at present. After discussion during which it was suggested that this event be advertised through a Press Release to the West Briton and Packet newspapers so that a photographer could be present. There was some opposition to this but it was felt that some people would not know why £23,500 would be taken from Breage Parishioners and their Council Tax payments would rise and this would be a way of informing them. They need to be aware that BPC is taking over the Praa Sands toilets. **It was proposed by PG, seconded by KLB and resolved by 8 votes to 4 that a Press Release re. the handing over of the Praa Sands toilets to BPC be sent to the West Briton and the Packet.**

7. TO RECEIVE ADVANCE NOTICE OF ITEMS FOR NEXT AGENDA

Ashton Motel update; Cornwall AONB form

8. TO CONFIRM THE DATE AND TIME OF NEXT MEETING

ORDINARY PARISH COUNCIL MEETING TUESDAY 5 APRIL 2016 AT 7.00 P.M. IN THE PARISH ROOM

This was confirmed

There being no further business, the meeting closed at 8.11 p.m.

BREAGE PARISH COUNCIL
MINUTES OF PUBLIC PARTICIPATION HELD DURING THE EXTRAORDINARY PARISH COUNCIL MEETING
IN THE PARISH ROOMS BREAGE ON MONDAY 7 MARCH 2016

At 7.02 p.m. the Chairman said that as there were no members of the public this would not be necessary but JK asked if he could apologise for not being able to attend the last meeting or the Working Group meeting.
Public participation ended at 7.05 p.m.