

**CAMBORNE TOWN COUNCIL
FULL COUNCIL 1 DECEMBER 2016**

MINUTES of the meeting of Camborne Town Council held in Room GW03 (Ground Floor West 03), Cornwall Council One Stop Shop, Dolcoath Avenue, Camborne on Thursday 1 December 2016 at 6.30 pm.

PRESENT Councillor V Dalley Chairman
Councillor C Godolphin Vice Chairman
Councillor D Atherfold
Councillor M Brown
Councillor T Chalker
Councillor J Collins
Councillor T Dalley
Councillor Ms Z Fox
Councillor J E Gillingham
Councillor W Krey
Councillor Ms J Merrick
Councillor A Sanders
Councillor R Webber
Councillor G Winter

In Attendance: Amanda Mugford, Town Clerk; and Paul Rickard (Minute Taker).

The Chairman explained the safety procedures to all present.

C.3781 TO RECEIVE APOLOGIES FOR NON-ATTENDANCE

The Town Clerk reported that Councillor Teixeira had tendered his resignation as a Town Councillor. Cornwall Council's Electoral Services had advised that it would not be necessary to conduct an election at this time as it was within six months of the Council Elections to be held in May 2017. However, it would be for the Town Council to consider whether to appoint a co-opted member and that an appropriate item would be included on the next Full Council agenda.

C.3781.2 RESOLVED: that the apologies from Councillors Champion, Odgers and Ms Robinson for non-attendance at the meeting of the Full Council held on 1 December 2016 were received.

Proposed by Councillor Mrs Dalley
Seconded by Councillor Atherfold

On a vote being taken the matter, was approved unanimously.

C.3782 CHAIRMAN'S ANNOUNCEMENTS

The Mayor reported that she had amended the agenda order so that item 16 (Camborne Library) would follow item 12.

Events attended by the Mayor representing the Council were as follows:-

**CAMBORNE TOWN COUNCIL
FULL COUNCIL 1 DECEMBER 2016**

- 12 November 2016 – closing night of Camborne Music Festival.
- 13 November – led Remembrance Parade and laid wreath on behalf of the Council.
- 24 November – switch on of Christmas lights at Parish Church with lights loaned from the Town Council.
- 26 November – Beacon Village Advent Fair to raise money for a defibrillator.
- High Sheriff's Legal Service at Truro Cathedral.

The Deputy Mayor added that he had attended the Royal British Legion Old Comrades' Meeting and Remembrance Evening.

C.3783 MEMBERS TO DECLARE DISCLOSABLE PECUNIARY INTERESTS AND NON-REGISTERABLE INTERESTS (INCLUDING THE DETAILS THEREOF) IN RESPECT OF ANY ITEMS ON THIS AGENDA INCLUDING ANY GIFTS OR HOSPITALITY EXCEEDING £25

There were no declarations of interest.

C.3784 TO APPROVE WRITTEN REQUEST(S) FOR DISPENSATIONS

There were no written requests for dispensations.

C.3785 PUBLIC PARTICIPATION (SUBJECT TO STANDING ORDER 90 MEMBERS OF THE PUBLIC ARE PERMITTED TO MAKE REPRESENTATIONS, ANSWER QUESTIONS AND GIVE EVIDENCE IN RESPECT OF ANY ITEM OF BUSINESS INCLUDED IN THE AGENDA, UP TO A MAXIMUM OF FIFTEEN MINUTES)

There had been no requests received for public participation under Standing Order 90.

C.3786 TO RECEIVE AND APPROVE THE MINUTES OF THE MEETING OF THE FULL COUNCIL HELD ON THE 10 NOVEMBER 2016 AND THE CHAIRMAN TO SIGN THEM

- C.3786.2 RESOLVED:**
- that the minutes of the meeting of the Full Council held on the 10 November 2016 were received, approved and signed by the Chairman with the following amendments:-**
- (i) paragraph C.3773, first paragraph, second sentence: add "Councillors Brown and Robinson" to the list of those who attended;**
- (ii) paragraph C.3773, first paragraph, after second sentence add "Councillors Robinson and Webber also attended in their capacity of being a Member of both**

**CAMBORNE TOWN COUNCIL
FULL COUNCIL 1 DECEMBER 2016**

**Cornwall Council and Camborne Town
Council"**

**(iii) C.3780 be re-numbered as "C.
3780.2".**

Proposed by Councillor Mrs Dalley
Seconded by Councillor Godolphin

On a vote being taken, the matter was approved unanimously.

**C.3787 TO RECEIVE THE MINUTES OF THE FOLLOWING COMMITTEE
MEETINGS**

i) Planning & Development Committee 1 November 2016

**C.3787.2 RESOLVED: that the minutes of the meeting of the
Planning & Development Committee held
on the 1 November 2016 were received.**

Proposed by Councillor Collins
Seconded by Councillor Chalker

On a vote being taken, the matter was approved unanimously.

ii) Planning & Development Committee 22 November 2016

**C.3787.3 RESOLVED: that the minutes of the meeting of the
Planning & Development Committee held
on the 22 November 2016 were received.**

Proposed by Councillor Atherfold
Seconded by Councillor Chalker

On a vote being taken, the matter was approved unanimously.

iii) Staffing Committee 17 November 2016

**C.3787.4 RESOLVED: that the minutes of the meeting of the
Staffing Committee held on the 17
November 2016 were received.**

Proposed by Councillor Mrs Dalley
Seconded by Councillor Krey

On a vote being taken, the matter was approved unanimously.

iv) Public Estate and Devolution Working Group 21 November 2016

**C.3787.5 RESOLVED: that the minutes of the meeting of the
Public Estate and Devolution Working
Group 21 November 2016 were received**

**CAMBORNE TOWN COUNCIL
FULL COUNCIL 1 DECEMBER 2016**

Proposed by Councillor Webber
Seconded by Councillor Merrick

On a vote being taken the matter was approved unanimously.

C.3788 TO NOTE THE MINUTES OF

i) Camborne Regeneration Forum 7 November 2016

C.3788.2 RESOLVED: that the minutes of the meeting of the Camborne Regeneration Forum held on the 7 November 2016 were noted.

Proposed by Councillor Mrs Dalley
Seconded by Councillor Atherfold

On a vote being taken, the matter was approved unanimously.

C.3789 MATTERS ARISING, FOR INFORMATION ONLY, WHERE NOT INCLUDED BELOW

Minute C. 3771: In respect of CCTV and data protection, the Town Clerk had received independent legal advice which confirmed that previous advice from Cornwall Council officers that Town Councils must be the data controllers and Cornwall Council, the data processor, was correct. A Member advised, however, that Cornwall Council had been criticised in the Auditor's report. In response, the Town Clerk advised that she would obtain further legal advice in respect of the points raised in the Auditor's report.

Minute C. 3773: The Town Clerk reported that the Estate Services Manager (Cornwall Council) had advised that a collated set of information would be provided by the end of next week in respect of the devolution transfer of green spaces. A Member asked whether it would be desirable to convene an extraordinary meeting of the Public Estate and Devolution Working Party before Christmas as Cornwall Council would be setting its budget in January 2017. In response, the Town Clerk stated that it would be necessary to consider the financial implications when the information was received and that Members would be advised accordingly.

Minute C. 3774.4: The Town Clerk reported that Stuart Wallace (Public Space Officer, Cornwall Council) had thanked the Town Council for their positive response and thanks for his work with the Friends of Beacon Park. He had added that he was happy to provide assistance in future for this or other schemes as required.

C.3790 TO RECEIVE QUESTIONS FROM MEMBERS OF WHICH PRIOR NOTICE HAS BEEN GIVEN

There were no questions from Members.

**CAMBORNE TOWN COUNCIL
FULL COUNCIL 1 DECEMBER 2016**

C.3791 TO RECEIVE A REPORT FROM MS. C CALDWELL, COMMUNITY LINK OFFICER FOR CAMBORNE, POOL, ILLOGAN, REDRUTH AND THE MINING VILLAGES

Charlotte Caldwell (The Community Link Officer, Cornwall Council) presented her report in which she referred to the Community Network Debt Project which was now fully launched and called "Money Skills for Life" or MS4L. An appropriate flyer would be issued in the near future. Following successful funding applications to the Lottery and Ocean Housing, eight volunteer life coaches were currently being trained at Truro and Penwith College. In January 2017, they would be ready to take a caseload of 6 people from the community who were in debt and needed help. Members were asked to advise her if they knew of anyone who required such help.

The Community Link Officer, Cornwall Council added that there was still funding available in the Community Chest and that the deadline for applications was mid-February 2017.

C.3791.2 RESOLVED: that the report from the Community Link Officer be noted.

Proposed by Councillor Godolphin
Seconded by Councillor Webber

On a vote being taken, the matter was approved unanimously.

C.3792 TO RECEIVE A VERBAL REPORT FROM THE TOWN CLERK ON THE DEVOLUTION OF THE LIBRARY SERVICE IN CAMBORNE, APPROVE ANY ACTION AND AUTHORISE EXPENDITURE ACCORDINGLY

The Town Clerk gave a verbal report of a meeting held on 23 November 2016 regarding the devolution of Camborne Library and attended by representatives of Camborne Town Council, Cornwall Council and 3HW; a summary of the main points raised was as follows:-

- (i) it had been reported at the joint meeting that all the circuits in the node, together with indicative costs, had been identified and it had been agreed to remove it from the Library and transfer it to the One Stop Shop at Dolcoath Avenue. Following Cabinet approval in March 2017, an order would be placed with BT Openreach. There might be some circuits remaining post transfer as the estimated timescale of the works was 3 months from the date of order. However, it was anticipated that the majority of such works would not be intrusive as they would be external. The funding for the removal of the node would not impact on the funds earmarked by the Property department for the transfer of the library;
- (ii) Cornwall Council was currently unable to provide for that Council's capital funding; however, this sum would be included in a report scheduled for mid-January 2017. 3HW representatives confirmed that 70% of works had been completed and that the high-level inspection of the roof would be the next priority. A method statement would be

**CAMBORNE TOWN COUNCIL
FULL COUNCIL 1 DECEMBER 2016**

submitted to the Property Department. Cornwall Council would recognise backlog issues against compliance in regards to the capital funding available. Such works would have to be appropriate and necessary;

- (iii) the Town Clerk had requested the correct address and post code for the Library as it had not been recognised by the Valuation Office;
- (iv) in response to questions from the Town Clerk, the Cornwall Council representatives confirmed that they would provide "as much information as possible" in relation to the staff that would be transferred under TUPE. Although the costs quoted were a best estimate and would not be exceeded, the number of staff eligible for transfer was currently unknown due to changing factors, such as short term contracts.

Since receiving this information, the Town Clerk had discussed this issue with the Town Council's solicitors who advised that, as Cornwall Council had not yet formally committed to the transfer, it was not in a real TUPE situation and, therefore, was under no obligation to provide such information. However, once committed, Cornwall Council would have to provide this information. The Town Council's solicitors had advised that they would be prepared to give advice on the various procedural aspects of TUPE as such work was covered by the retainer paid by the Council.

C.3792.2 RESOLVED: that the report from the Town Clerk on the devolution of the library service in Camborne be noted.

Proposed by Councillor Mrs Dalley
Seconded by Councillor Webber

On a vote being taken the matter was approved unanimously.

C.3793 TO APPROVE THE RECOMMENDATIONS OF THE PUBLIC ESTATE AND DEVOLUTION WORKING PARTY FROM THE MEETING HELD ON 21 NOVEMBER 2016 AND AUTHORISE ASSOCIATED EXPENDITURE

C.3793.2 RESOLVED: that the Council request from Cornwall Council a full report on the Japanese Knotweed present at all green spaces locations in the devolution package and Cornwall Council's proposed solution for treatment of the Knotweed at these sites as the current landowner.

Proposed by Councillor Webber
Seconded by Councillor Chalker

On a vote being taken, the matter was approved unanimously.

**CAMBORNE TOWN COUNCIL
FULL COUNCIL 1 DECEMBER 2016**

- C.3793.3 RESOLVED:** **that the Council requests that Camborne RFC surrender the strip of land included in their current lease agreement which is part of the park section of Camborne Recreation Ground to Cornwall Council in order for it to be included in the freehold transfer of the park section of the Recreation Ground to Camborne Town Council.**

Proposed by Councillor Fox
Seconded by Councillor Webber

On a vote being taken, the matter was approved unanimously.

- C.3793.4 RESOLVED:** **that that the Council approves a new lease for Camborne RFC once responsibility for Camborne Recreation Ground had transferred from Cornwall Council; the lease to be for a term of 99 years, on a full repair, maintenance and insurance basis and at a peppercorn rent with advice from the Council's solicitors to be sought regarding the options for other details to be included in the lease.**

Proposed by Councillor Chalker
Seconded by Councillor Fox

On a vote being taken, the matter was approved unanimously.

- C.3793.5 RESOLVED:** **that that the Council approves the use of Tozers LLP for all legal work associated with the devolution of green spaces from Cornwall Council and authorises expenditure from the Devolved Services – Green Spaces budget accordingly.**

Proposed by Councillor Chalker
Seconded by Councillor Brown

On a vote being taken the matter was approved unanimously.

- C.3793.6 RESOLVED:** **that that the Council responds to the correspondence that it agrees with the opinions expressed by the Open Space Officer.**

Proposed by Councillor Chalker
Seconded by Councillor Merrick

**CAMBORNE TOWN COUNCIL
FULL COUNCIL 1 DECEMBER 2016**

On a vote being taken, the matter was approved unanimously.

- C.3793.7 RESOLVED:** **that the Council enters a contract for the provision of a library service at Camborne library for a fixed term of 25 years.**

Proposed by Councillor Webber
Seconded by Councillor Brown

On a vote being taken the matter was approved unanimously.

- C.3793.8 RESOLVED:** **that that the Council requests that the positive covenant be amended to 'use as a library and/or community facility.'**

Proposed by Councillor Merrick
Seconded by Councillor Brown

On a vote being taken, the matter was approved unanimously.

- C.3793.9 RESOLVED:** **that that the Council requests the period for transfer of the property back to Cornwall Council for £1 if (i) the positive covenant is breached or (ii) Camborne Town Council is in default under the contract of 25 years (as agreed with Penryn Town Council).**

Proposed by Councillor Mrs Dalley
Seconded by Councillor Webber

On a vote being taken, the matter was approved unanimously.

- C.3793.10 RESOLVED:** **that that clause 6 regarding the General Power of Competence be amended to satisfying the conditions when signing the contract or contract extension (but not continuously for the duration of the contract).**

Proposed by Councillor Webber
Seconded by Councillor Godolphin

On a vote being taken the matter was approved unanimously.

- C.3793.11 RESOLVED:** **that all references to the provision of Information Services/One Stop Shop**

**CAMBORNE TOWN COUNCIL
FULL COUNCIL 1 DECEMBER 2016**

services and associated clauses be removed from the contract.

Proposed by Councillor Chalker
Seconded by Councillor Merrick

On a vote being taken, the matter was approved unanimously.

C.3793.12 RESOLVED: **that that the Council requests Clause 46 regarding Publicity & Communications to be amended to 'The Provider will consult with the Council before making press announcements about the library service'. The Provider will acknowledge in written materials and public announcements that the Services are being delivered in partnership with the Council'. And that the last paragraph regarding name, logo and branding guidelines is deleted'**

Proposed by Councillor Chalker
Seconded by Councillor Merrick

On a vote being taken, the matter was approved unanimously.

C.3793.13 RESOLVED: **that that the Council requests that the last sentence of paragraph 2 of the Library Service Specification be amended to 'the pattern of opening hours to be reviewed annually by both parties in line with performance management data' and that the first sentence of paragraph 3 be amended to 'Advise the Council any changes to operating or opening hours'.**

Proposed by Councillor Godolphin
Seconded by Councillor Chalker

On a vote being taken, the matter was approved unanimously.

C.3793.14 RESOLVED: **that that all references to the provision of Information Services/One Stop Shop services and associated clauses be removed from the Library Service Specification.**

Proposed by Councillor Brown
Seconded by Councillor Merrick

On a vote being taken the matter was approved unanimously.

**CAMBORNE TOWN COUNCIL
FULL COUNCIL 1 DECEMBER 2016**

C.3793.15 RESOLVED: **that paragraph 31 of the Library Service Specification be shared with 3HW for consideration.**

Proposed by Councillor Chalker
Seconded by Councillor Merrick

On a vote being taken the matter was approved unanimously.

C.3793.16 RESOLVED: **that that the first sentence of paragraph 7 of the Library Service Specification be amended to 'Performance data will be produced by the Council and shared in full with the Provider'.**

Proposed by Councillor Godolphin
Seconded by Councillor T Dalley

On a vote being taken the matter was approved unanimously.

C.3793.17 RESOLVED: **that the Council requests that Safeguarding training is provided by Cornwall Council on or before transfer of the library service.**

Proposed by Councillor Godolphin
Seconded by Councillor Webber

On a vote being taken the matter was approved unanimously.

C.3793.18 RESOLVED: **that all comments made by the Council's solicitors on the Service Contract are referred to Cornwall Council.**

Proposed by Councillor Chalker
Seconded by Councillor Brown

On a vote being taken the matter was approved unanimously.

C.3793.19 It was moved by Councillor Mrs Dalley that the Council engages the Cornwall Association of Local Councils to conduct the work associated with TUPE for the devolution of the library service.

In the absence of a seconder, this motion subsequently FELL.

C.3794.20 RESOLVED: **that Tozers be consulted by the Town Council on all negotiations in respect of TUPE.**

Proposed by Councillor Mrs Dalley
Seconded by Councillor Godolphin

On a vote being taken the matter was approved unanimously

**CAMBORNE TOWN COUNCIL
FULL COUNCIL 1 DECEMBER 2016**

- C.3793.20 RESOLVED:** **that the Council approves the use of the original architect's drawings for the Schedule of Works and consents to the disbursement costs related to the hire of the cherry picker.**

Proposed by Councillor Godolphin
Seconded by Councillor Fox

On a vote being taken the matter was approved unanimously.

C.3794 TO APPROVE TOZERS' TERMS OF ENGAGEMENT AND AUTHORISE EXPENDITURE ACCORDINGLY

- C.3794.2 RESOLVED:** **that the terms of Tozers' terms of engagement be approved and the required expenditure was authorised from the Devolved Services Green Spaces budget**

Proposed by Councillor Mrs Dalley
Seconded by Councillor Brown

On a vote being taken the matter was approved unanimously.

C.3795 TO NOTE CORRESPONDENCE RECEIVED FROM MR E. WILLIAMS REGARDING CAMBORNE RECREATION GROUND

- C.3795.2 RESOLVED:** **that the correspondence received from Mr E Williams be noted and that he be thanked for his interest in this matter.**

Proposed by Councillor Mrs Dalley
Seconded by Councillor Chalker

On a vote being taken the matter was approved unanimously.

C.3796 TO RECEIVE CORRESPONDENCE FROM THE CAMBORNE PRODUCE ASSOCIATION AND APPROVE ACTION ACCORDINGLY

The Town Clerk referred to the letter received from the Secretary to the Camborne Produce Association who advised that at the Association's recent AGM, it was agreed that an Extraordinary General Meeting (EGM) should be held to discuss various amendments which they wished to make to the proposed new lease, including, primarily, the need to reflect their decision not to maintain the access lane which had become overgrown and subject to fly-tipping. It was also agreed that the Town Clerk should be invited to the EGM to explain the justification and need for a new lease.

**CAMBORNE TOWN COUNCIL
FULL COUNCIL 1 DECEMBER 2016**

The Town Clerk advised that the Land Registry had considered that the access lane should not be included in the land registration and that the Produce Association did not wish to maintain it, as previously reported. The Town Clerk suggested that, although there was no legal requirement to do so, the most appropriate way of resolving this situation would be for Camborne Town Council's Maintenance Team to cut this lane on a twice yearly basis.

- C.3796.2 RESOLVED: that (a) the Camborne Town Council's Maintenance Team should cut the access lane to the allotments on a twice yearly basis; and (b) the Town Clerk be appointed to attend the Produce Association's EGM.**

Proposed by Councillor Chalker
Seconded by Councillor Godolphin.

On a vote being taken, the matter was approved unanimously.

- C.3797 TO APPROVE THE HEALTH AND SAFETY POLICY STATEMENT AND AUTHORISE SIGNING BY THE MAYOR**

- C.3797.2 RESOLVED: that the Health and Safety Policy Statement be approved and signed by the Mayor.**

Proposed by Councillor Webber
Seconded by Councillor Godolphin

On a vote being taken the matter was approved unanimously.

- C.3798 TO APPROVE THE ENVIRONMENTAL POLICY STATEMENT AND AUTHORISE SIGNING BY THE MAYOR**

- C.3798.2 RESOLVED: that the Environmental Policy Statement be approved and signed by the Mayor.**

Proposed by Councillor Merrick
Seconded by Councillor Brown

On a vote being taken, the matter was approved unanimously.

- C.3799 TO RECEIVE CORRESPONDENCE FROM COUNCILLOR D POTTER, HELSTON TOWN COUNCIL, REGARDING THE TOUR OF BRITON AND APPROVE A RESPONSE**

- C.3799.2 RESOLVED: that Camborne Town Council supports in principle: (a) the Tour of Briton Cycling Race coming to Cornwall; and (b) the**

**CAMBORNE TOWN COUNCIL
FULL COUNCIL 1 DECEMBER 2016
Tour of Briton cycling race passing
through Camborne.**

Proposed by Councillor Godolphin
Seconded by Councillor Mrs Dalley

On a vote being taken, the matter was approved unanimously.

C.3800 TO APPROVE ATTENDANCE AT THE TOZERS' DISCRIMINATION SEMINAR ON 9 DECEMBER 2016 AND AUTHORISE EXPENDITURE ACCORDINGLY

C.3800.2 RESOLVED: that Councillor Odgers and the Town Clerk attend the Tozers' Discrimination Seminar on 9 December 2016 and the associated expenditure was authorised.

Proposed by Councillor Godolphin
Seconded by Councillor Krey

On a vote being taken, the matter was approved unanimously.

C.3801 TO NOTE CORRESPONDENCE RECEIVED FROM THE OFFICE OF THE POLICE AND CRIME COMMISSIONER AND CORNWALL COUNCIL

The Town Council also referred to correspondence (circulated at the meeting) received from George Eustice M.P.

C.3801.2 RESOLVED: that correspondence received from the Office of the Police and Crime Commissioner and Cornwall Council regarding concerns over continued poor performance of Devon and Cornwall Police 101 Call Centre, together with the action being taken to ensure that improvements are made, be noted.

Proposed by Councillor Godolphin
Seconded by Councillor Mrs Dalley

On a vote being taken, the matter was approved unanimously.

C.3802 TO NOTE CORRESPONDENCE RECEIVED FROM CROWAN PARISH COUNCIL REGARDING DEER ON LAND UNDER RESTRICTIONS FOR BOVINE TB IN CROWAN PARISH

The Town Clerk was asked to ensure that the Council was advised of any future progress in respect of this matter.

C.3802.2 RESOLVED: that correspondence received from Crowan Parish Council, suggesting that

**CAMBORNE TOWN COUNCIL
FULL COUNCIL 1 DECEMBER 2016**

**deer in Crowan Parish should be tested
for TB, be noted.**

Proposed by Councillor Merrick
Seconded by Councillor Webber

On a vote being taken, the matter was approved unanimously.

SIGNED BY THE CHAIRMAN.....

DATE