

TINTAGEL PARISH COUNCIL



'Tintagel's Great Seal'

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11th March 2021

Minutes of the Virtual Meeting of Tintagel Parish Council

Wednesday 7th April 2021

Present: Cllr Flower (Chairman), Cllr Goward, Cllr Dale, Cllr Harper, Cllr Pearse, Cllr. Appleby-Tremain, Cllr Coshall and Cllr Callcut.

Apologies: Cllr Brooks

Members of the Public: 14

Prior to the commencement of the meeting, the Chairman read out the notice relating to the recording/ filming of the meeting and advised all participants that the meeting would be recorded by the Clerk. No other persons declared an intention to record the meeting.

Declarations of Interest: Cllr Goward (Parochial Church Council Grant Request)

Invitation to members of the public to speak prior to the meeting:

Mr Roger Wickett asked to address the meeting in relation to the parking issues throughout the Parish.

Mr Wickett articulated the view that the proposed car park at Trethevey was a good idea. However, he felt that there would be a requirement for a barrier to be placed at the roadside to prevent parking on the grass verge.

Mr Wickett advised the meeting that it was not appropriate only to consider the issues at Trethevey and Bossiney. He stated that it was necessary for both the Parish and County Councils to work together, to address the issues that exist at the Bossiney central junction, outside the Spar Shop and the Premier Store and at School Hill. Only by dealing with all these points, would the overall situation be remedied.

Mr Wickett also alluded to the release of the mobile telephone footage, shot by Cllr Brooks. At that juncture, Cllr Goward pointed out that the subject had been addressed at the meeting convened to deal with the parking difficulties.

Prior to discussing any further agenda matters, the Chairman requested that persons who were speaking, and disturbing the meeting, should desist from doing so. However, the interference continued. It was also noted that several Members of the public were not utilising their video facility and that noise was likely emanating from one of these unidentifiable persons. All attendees were asked to turn on their video facility. Nobody indicated an inability to do so. However, several persons declined to comply with the request and remained unidentifiable, and the Chairman requested that anybody not turning on their video facility should be removed from the meeting. The Clerk stated that she would only do this if there was a resolution by the Parish Council to do so.

Minute107 – 2020/21

It was **proposed** by Cllr Goward, **seconded** by Cllr Pearse and **RESOLVED** that any person who failed to comply with the request to turn on their video/ identify themselves, would be removed from the meeting. Five in agreement, two disagree and one abstention. **Carried.**

AGENDA

MINUTES

Minute 108 – 2020/21

The Minutes from the Parish Council Meeting, held on the 3rd March 2021 were considered by Members, on a page-by-page basis. No comments were raised in respect of the same.

It was **proposed** by Cllr Goward, **seconded** by Cllr Flower and **RESOLVED** that the Minutes for the meeting of the 3rd March 2021 would be signed as a true record of the meeting. Five in favour and three abstentions. **Carried.**

Minute109 – 2020/21

The Minutes from the last Extra Parish Council Meeting, held on the 25th March 2021, were considered by Members, on a page by page basis. No comments were raised in respect of the same.

It was **proposed** by Cllr Goward, **seconded** by Cllr Pearse and RESOLVED that the Minutes for the meeting of the 3rd March 2021 would be signed as a true record of the meeting. Five in favour and three abstentions. **Carried.**

CORNWALL COUNCIL REPRESENTATIVE

Cllr Mould – Cornwall Council

Cllr Mould was not in attendance at the meeting, nor had an apology been received. The Chairman stated that this conduct was not acceptable and, having been appointed by her party leader to undertake that duty, she had not done so. The Chairman asked the Clerk to make a complaint to Cornwall Council about the matter.

PLANNING APPLICATIONS - None

PLANNING DECISIONS - Noted

ACCOUNTS PAYABLE

Minute 110– 2020/21

Members considered the schedule of payments. The Clerk advised the meeting that there were several additional invoices to be considered (schedule forwarded to Members).

It was **proposed** by Cllr Goward, **seconded** by Cllr Pearse and RESOLVED that the Schedule of Payments would be approved and paid. Seven in favour and one abstention. **Carried.**

TCH FURNITURE ACQUISITION

The Clerk advised the Council that, in accordance with Minute 104 of 3rd March 2021, quotations had been obtained in relation to the cost of appropriate furniture for the TCH. Three companies had been considered. However, it was felt that Go-Pak offered the best quality furniture for the best sum. Alternative chairs had been sourced. However, previous experience in relation to quality resulted in those chairs being discounted.

The total cost for 20 chairs and 12 single (exam desk style) tables was £1,800 (including VAT which is recoverable) plus two trolleys. The choice of desk would enable appropriate COVID 19 regulations to be effected, easily. Furthermore, the establishment of a homework club for local children/ young people had been discussed previously. The selected tables could be utilised for that purpose and stored away on the purpose made trolley when not in use.

Cllr Callcut queried the need for the furniture. The Clerk advised that the requirement to prepare for a return to physical meetings had required the Parish Council to undertake this exercise. It was

suggested by Cllr Appleby-Tremain that the matter could be deferred for consideration by the new Parish Council.

Cllr Goward pointed out that the arrangements had to be in place for the May 2021 meetings.

Minute 111– 2020/21

It was **proposed** by Cllr Goward, **seconded** by Cllr Harper and RESOLVED that Clerk would place an order for the furniture and arrange for payment. Five in favour, three objections. **Carried.**

TCH HEATING

Cllr Harper advised the meeting that she was currently awaiting the attendance of the electrician at the TCH, as two cables had to be removed. She intended to ask the electrician to inspect the current heaters and to effect any necessary repairs.

RETURN TO PHYSICAL MEETINGS

The Clerk provided the meeting with a precis of the advice from CALC, in relation to the return to physical meetings. It was felt possible for Members to meet physically, whilst the public could be given access to the discussions by Zoom.

Cllr Harper stated that this would be possible from the TCH. Cllr Flower articulated his belief that such an arrangement was not possible. Cllr Appleby-Tremain asked why the previous arrangement (use of Social Hall) could not be adopted. Cllr Goward emphasised the need to resolve the matter.

It was **agreed** that the matter would be left for the consideration of the new Council.

TINTAGEL PAROCHIAL COUNCIL- Cllr Goward declared an interest in this matter.

The Clerk advised the Members that an application had been received from the Tintagel Parochial Council for the annual grant for maintenance of the Churchyard at St Materianna Parish Church. The sum requested was £2,790.

Minute 112– 2020/21

It was **proposed** by Cllr Pearse, **seconded** by Cllr Flower and RESOLVED that a payment in the sum of £2,790 would be made to the Parochial Council. Seven in favour. **Carried.**

ANTISOCIAL CONDUCT MATTERS

Social Conduct Complaint

The Clerk reported that a complaint had been received from a resident of the area adjacent to the Tintagel Community Hub building. It was stated that there had been several incidents where people had been publicly urinating at the rear of the Hub building.

The Clerk advised that she had responded to the Parishioner and that she had asked that the Handyman/ Cleaner undertake the disinfection of the area regularly. However, the action by the Clerk could not be viewed as a permanent solution to the problem.

Unfortunately, the way the lavatory ingress/egress at the location is set out does not enable the lavatories to be deemed COVID 19 compliant.

It was suggested that the layout of the access/ exit should be inspected and a report provided to the Parish Council at its next meeting.

GENERAL MATTERS – THE PARISH CLERK

In addition to the schedule of payments, published on the agenda, several invoices have been submitted for payment. Most of the invoices relate to the ongoing legal matters currently being addressed by the Parish Council's solicitors.

A substantial invoice has been received in respect to the spurious claims made in relation to the Parish Council's accounts – all of which were proven, through meticulous auditing, to have been false. This was an unnecessary expenditure, forced upon Parishioners by a person pursuing their own agenda. Sadly, the cost must be met by the Parishioners of Tintagel.

Yet, despite the extensive auditing of the accounts, the protagonist continues with spurious and unfounded comments.

Sadly, a small group of persons, intent on mischief have also chosen to resurrect the allegations already disproven. However, such is the vitriol of two persons, who vehemently maintain the fallacy of mis-handling of Parish Funds, the Clerk felt that she had been left with no other option than to ask the Members of Tintagel Parish Council to consider a complete review of all decisions made by that body, in respect of the purchase of goods and services for the past several years.

Because some of the most vociferous complainants were, previously, Councillors serving on Tintagel Parish Council, it was respectfully suggested that all decisions from 2011 should be examined, in order to ensure that decisions to which those ex-members contributed were legal and compliant with the legislation, which governs the administration of local councils.

It was also suggested that Members consider the potential prosecution of matters that are found not to have met legal requirements.

It is accepted that this will be an expensive exercise. However, it has been vaunted that several of those who seem intent on perpetuating the untruths and harassment, targeted at this Council during the past year, intended to present themselves for election to the next Parish Council.

The stated intentions of those seeking election have also articulated intended actions, which, if brought to fruition, will result in this council operating outside of the governing legislation.

Given the strident way these intentions have been publicised, it seems clear that previous Members may not possess the appropriate knowledge required to guide the body and, indeed, may have erred during previous tenure.

The conduct witnessed recently raises many concerns and having sought advice from Cornwall Council, ACAS, CALC and our own solicitors, the Parish Council must also now consider making the necessary provisions to meet its contractual obligations. The, well documented, actions of some Parishioners have caused personal injury to others. The conduct engaged in by a particular cohort breaches both criminal and civil law and the Parish Council must protect itself. Again, any costs for future action will fall on the ordinary, fair-minded, and law-abiding parishioners – in the first instance. It is however, suggested that the perpetrators of the conduct could be pursued through legal channels and that reimbursement of costs will form part of any claim. Discussions continue with our solicitor and all potential actions must be considered to meet the legal obligations of the current Parish Council.

Members discussed the statement of the Clerk. It was felt by Cllr Goward and Dale that there was indeed an absolute need for the Parish Council to protect itself from false claims and potential action for non-compliance with statutory obligations.

Cllr Calcutt articulated the view that the Parish Council should not spend any more money on solicitors' fees.

Minute 113– 2020/21

It was **proposed** by Cllr. Pearse, **seconded** by Cllr Goward and **RESOLVED** that the sum of £15,000 should be held on account by Messrs Stephens Scown, to address the current matters and consider any future liability. Five in favour, three against. **Carried.**

PARKING ISSUES (UPDATE)

It was reported that a well-attended meeting had been held, in relation to parking issues. A group has been formed and discussions in respect of the re-instatement of the TTPO at Trethevey are to commence.

TINTAGEL SOCIAL HALL

The Clerk advised Members that she had forwarded a letter, and attachments, from Mrs Irene Gledhill, which relate to the new shed at the Tintagel Social Hall.

Members felt that the obligation to obtain best value had to be observed.

Members discussed the matter. Cllr Appleby Tremain requested that the Parish Council consider the lowest possible price that could be accepted for the structure. The total cost of the same was alluded to, as were the running costs incurred by the Parish Council (in respect of the Social Hall) over many years.

The Parish Council, for many years, had stepped in to help in the belief that there were no funds being held by the Social Hall. However, that had not been the case. Cllr Appleby-Tremain stated that it was accepted that there had been historic errors but that a line should be drawn under these and that the parties should move forward.

The Clerk advised the meeting that the comment made by Cllr Appleby-Tremain had merit, in that monies expended in the past represented 'sunk costs' and should not be considered. In relation to the phrase 'best value' the Clerk suggested that the principle was rather vague (was it social, or financial?).

Members discussed the sum which would be acceptable. The Chairman suggested £3,250, however £3,000 was settled upon – prior to one Member alluding to the fact that Mrs Gledhill had previously offered £2,800 for the shed.

Minute 114– 2020/21

It was **proposed** by Cllr Pearce, **seconded** by Cllr Flower and **RESOLVED** that the shed would be offered to the Social Hall for the sum of £2,800, in the spirit of friendship and in full and final settlement of matters. Five in favour, three against. **Carried.**

UPDATES

Town Twinning– Cllr Harper advised that there was little to report, other than there had been another, regular meeting.

Traveller Site (Trevillet) – The Clerk reported that she had corresponded with the owner of the site, to ascertain if he was aware of the camp and, if he had given permission for the same. To date, she had received no response.

The Clerk had also reported the existence of the camp to Cornwall Council and D&C Police, the latter confirming that they were keeping a close eye on the situation.

At present, little can be done to address the situation, as the camp is on private land and any action would have to be taken by the landowner.

CORRESPONDENCE

Members considered an email from Mr Freke, in which a request for financial assistance for a CIC was made, in relation to the running of Trebarwith Strand Lavatories.

Members considered the request.

Cllr Goward pointed out that the building belongs to Cornwall Council and, therefore, to provide financial support would amount to paying for the maintenance of that body's property. Payment of a sum would amount to a double precept on Parishioners.

It was also highlighted that Cllr Jordan had explicitly stated that Cornwall Council were undertaking refurbishment of the building and providing some support.

Members alluded to the fact that Cornwall Council owns the car park adjacent to the lavatories and that this generates around £90,000 per annum for the County Council. No part of that income was ever made available to the Parish Council for the maintenance of the lavatories. Furthermore, business rates are charged and retained in full, by Cornwall Council. The Parish receives no benefit from these either.

Cllr Appleby Tremain highlighted the fact that she had attended a Localism Course and that she felt that the CIC should be supported under the Localism ethos.

Minute 115 – 2020/21

It was **proposed** by Cllr Goward, **seconded** by Cllr Pearse and RESOLVED that the Parish Council would not provide monies to the CIC. Five in favour, three against, **Carried**.

Minute 116 – 2020/21

It was **proposed** by Cllr Goward, **seconded** by Cllr Pearse and RESOLVED that, due to the confidential nature of the following business to be transacted, the public and press should leave the meeting and the Members should enter Committee. Unanimous. **Carried**.

PART II DELIBERATIONS

The statutory obligations of the Parish Council were discussed, considering recent actions. Cllr Goward highlighted that the actions discussed were legally binding upon the Parish Council (imposed by statute) and therefore could not be disregarded. There is a statutory obligation to deal with the same immediately.

Minute 117– 2020/21

It was **proposed** by Cllr Goward, **seconded** by Cllr Pearse and RESOLVED that the obligations placed upon the Parish Council under the relevant legislation would be observed and that appropriate means of addressing the liability would be set aside. Four in favour, four against. The Chairman was obliged to use his casting vote and voted in favour of the resolution. **Carried**

Minute 118– 2020/21

It was **proposed** by Cllr Goward, **seconded** by Cllr Flower and RESOLVED that the appropriate means of addressing the liability would be ringfenced to meet the said obligation. Four in favour, four against. The Chairman was obliged to use his casting vote and voted in favour of the resolution. **Carried**.

Members were reminded of the confidentiality of the discussions.

The meeting closed at 21.30 hrs.

DRAFT