

TINTAGEL PARISH COUNCIL



'Tintagel's Great Seal'

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9th June 2017

Minutes of the meeting of Tintagel Parish Council **Wednesday 7th June 2017**

Present: Cllrs. Hodge (Chairman), Brooks, Dale, Goward, Flower, Hart, Wickett. Dyer

Clerk: Carolyn Y. May

It was noted that Mr David Flower, a local photographer was present at the Meeting. The Chairman advised Mr Flower that he was not permitted to photograph Members of the Council during the Meeting. Mr Flower responded by advising the Chairman that he would only photograph members of the public as they spoke.

The Chairman read out the following statement:

***This meeting has been advertised as a public meeting and, as such, could be filmed or recorded by broadcasters, the media or members of the public.
Please be aware that, whilst every effort is taken to ensure that members of the public are not filmed, we cannot guarantee this, especially if you are speaking or taking an active role.***

Apologies: Cllr. Jordan (Cornwall Council)

Members of the Public – thirty-nine

Declarations of Interest made: None

Public Presentation

It was noted by the Chairman that a large number of Members of the Public were in attendance at the meeting. He explained that this part of the Parish Council Meeting was generally allocated a 10-minute slot but that rule would be re-considered, depending on how the public matter proceeded.

One female person in the public seating area was asked by the Chairman why she was filming the proceedings on a (pink) mobile telephone. The woman responded that she 'didn't have a very good memory'.

The Chairman asked that anybody who wished to address the Council should stand up and state their name and place of residence, before beginning to outline their issue.

The first speaker was Cheryl Donald from Condolden, Tintagel.

Ms. Donald began to read from a prepared statement. She wished to express the anger and dismay of those present at the recent closure of the Trebarwith Strand public lavatories by Cornwall Council. She added that, in response to the same, she had established an on-line petition which, at the time of the meeting, had a total of 1,859 signatories. Signatories were from Tintagel; neighbouring parishes; from across Cornwall; across the country and from abroad.

Ms Donald advised the gathering that Trebarwith Strand hosts many visitors, including surfers and walkers and provided a unique landscape. There are a number of local businesses at the site, including: a surf shop; a café; and a hotel, all of which are used by the visiting public.

At that juncture, the Chairman advised Ms. Donald that the Members knew all these things and that her points were 'not new'. He asked Ms. Donald to explain why she [and her supporters] were at the meeting and what it was that they expected the Parish Council to do about the situation at Trebarwith.

The Chairman explained that the local community was fully aware that the lavatories were closed by Cornwall Council in 2016. He added that the Parish Council had looked for support among the business owners at the time but had received none. In fact, Councillor Hart had tried hard to win the support of Trebarwith businesses but sadly to no avail. So, in April 2016, the Parish Council entered into a 'Tenancy at Will' agreement with Cornwall Council and took over the facilities to ensure that they were open for the peak tourist season.

Lorien Jolly, owner of the Strand Café at Trebarwith entered the discussion at that point by stating that she was unaware of the previous café owner's perspective on the matter (having taken over the business during the first week of Easter) but that she had personally received many complaints about the condition of the lavatories.

The Chairman read out the report that had been compiled by the Parish Council's Public Toilet Committee at the end of the 2016 Summer season. Within the same, the problems of

continuing with the arrangement between the Parish Council and Cornwall Council were outlined, along with the numerous difficulties encountered by the Parish Council (including vandalism, high maintenance costs and the practice of persons avoiding payments by wedging doors open). He also alluded to the erroneous content of articles in local papers, relating to the closure.

Mrs. Jolly continued by pointing out that, generally, those seeking lavatory facilities use the café as the 'first point of call'. She added that it was not possible for all of the visitors to use the café lavatory, due to its close proximity to the food preparation area. Mrs. Jolly had spoken with the Environmental Health Department (Cornwall Council) and that body had confirmed that it was not acceptable for numerous persons to use the café's facilities. She added that, although the café cannot allow use of its facilities on a grand scale, she was prepared to support any solution to the problem of lack of toilet facilities in the area.

The Chairman explained that the demands on TPC went far beyond the acquisition of the toilets, which occupy less than one third of the building. There were a number of issues relating to leases on other parts of the building. He stated that South West Water has a 99-year lease, purchased for £1 on 24th June 1985 from Cornwall Council, which has 68 years to go and does not expire until 2084. The Life Saving Club has a 25-year lease, which has 16 years to go and will not expire until 2032, for which the Club pays Cornwall Council the sum of £100 p.a (plus VAT) for use of water at the site.

It also became apparent that RNLI lifeguards, whose services are employed/financed by Cornwall Council and who are stationed at the site during the peak tourist periods, must have access to the toilets, showers and changing areas, as defined in their employment contract.

The arrangement, as it stood resulted in the Parish Council being required to police four organisations, whilst running, financing and maintaining the lavatories. TPC does not have the necessary qualifications, skills and expertise to undertake the role of Landlord which includes extensive financial liabilities and legal obligations as detailed in the Title Deed, Transfer Document and Leasing Agreements. The expertise that exists within CC legal department is best suited to continue managing the leasing arrangements with SWW and TLSC, plus the commercial/service based relationship with RNLI.

When assessing the viability of purchasing the lavatories at Trebarwith, the Parish Council commissioned RTP Surveyors to undertake a survey of the building. According to RTP, the level of investment required, to bring the building up to an acceptable standard was £75,000. This information resulted in the Parish Council withdrawing from any Freehold purchase agreement.

The coin machines on the doors of the lavatories cost £6,000 to install. It was hoped that the income from these would defray much of the maintenance costs of the facilities. However, due to the continuous vandalism and misuse of the facilities, income from the coin machines was deficient, much lower than the income from other toilet blocks in the Parish.

The Chairman pointed out that Cornwall Council owns the Pay & Display Car Park at

Trebarwith. This facility is thought to generate an income of more than £100,000 per annum for CC. It was, therefore, unreasonable for CC to expect the Parish Council to finance all of the expenses involved with running and maintaining the public lavatories. The Parish Council did, at that juncture, ask CC to contribute from the Car Park income. However, CC declined, stating that the car park income was earmarked for highway issues. The Chairman asked CC what highway issues affected Trebarwith. There was no response to that question.

It was acknowledged by the Chairman that there are some areas in the county where CC is continuing to finance, manage and maintain public lavatories. He added that Trebarwith is an area which fits the CC blueprint for such arrangements and, therefore, the lavatories should be financed and managed by that body. He added that the Parish Council did not have the expertise or skills to act as a landlord and that the expertise of CC was best suited to maintain the necessary relationships.

It was stressed that the Parish Council did not withdraw from the Tenancy at Will easily. The Chairman highlighted the fact that TPC had arranged several special meetings to discuss the issue but that there had been no support from the public. The stress of managing the facilities had been such that the Parish Council lost its' Clerk. He added that the running of public lavatories is not what the Parish Council was there to do.

One member of the public stated that, during a recent radio programme on Radio Cornwall, hosted by Laurence Reed, the CC representative had stated that there was no funding available for toilets and that the council would not back-track on their decision [to close the lavatories at Trebarwith]. She added that local businesses were prepared to take on the responsibility for the lavatories 'so as not to lose money and custom'. However, that would require a manager to run the toilets and would incur costs.

Mr. Matthew Jolley (café owner) asked why the Parish Council had not maintained the Tenancy at Will. The Chairman responded by stating that the Parish Council had taken on a Tenancy at Will rather than a lease as it was viewed as an opportunity to 'test the waters and determine the viability (of the undertaking) for both sides. He stated that, in addition to meeting all of the running costs, the Parish Council was obliged to meet the cost of all repairs to the building.

At that juncture, one member of the public asked what repairs had been carried out. The Clerk responded by stating that during the 'Tenancy at Will' period April to October 2016 repairs to vandalized doors; to the collection boxes and to the sanitary ware had cost the Parish Council around £7,000 last year.

Mr. Jolley demanded to know why the Parish Council could not lease only part of the building. The Chairman stated that all options had been explored by the Parish Council. When a public meeting had been arranged, only three people had turned up and none of the major businesses had responded to the Clerk's correspondence in relation to the same. He stated that CC had tried to let the lavatories in the hope that the building could be converted into a café with the lavatories attached, and managed, by the lease holder. Members of the Parish Council met with John James from Cornwall Council but no help was forthcoming.

Jo Slade from Treknow stated that she understood the Parish Council's frustration but added that it 'was time for the Parish Council to dip its toe in the water again'. She added that in 2016, people did not believe that CC would close the lavatories. Ms. Slade continued by stating that the Parish Council and the members of the public who were present were 'us', adding that they were offering 'whatever it takes'. She continued by stating that the opportunity to lease part of the building was 'the only way forward'.

Cllr Flower advised the attending public that the best way forward was to 'gang up on CC'. That there was opposition in the room to make that work. He asked how many of those present had written individual letters to CC. Only around 10 had done so. Cllr. Flower said that everyone signing one petition was not as effective as writing individual letters.

Ms. Slade did not agree with the recommendation and stated that 'There is an opportunity in this room to make this work'. She stated that Cllr. Flower's response was patronising.

Ms. Slade continued by stating that the Parish Council had a 'huge amount of history' in relation to the lavatories at Trebarwith adding that this would assist with the matter.

The Chairman reiterated Cllr Flower's comment. Cllr Flower added that all the Members of the Parish Council were volunteers, working for nothing. He added that the toilets belong to CC and that it was the decision of that body whether they remained open.

It was then suggested that the Parish Council should purchase the facilities.

It was pointed out again that the effort required to open and maintain the lavatories did not merely amount to cleaning.

Mr. Jamie Combo(?) alluded to the facilities at Crackington Haven (St Gennys). He stated that the sum of £20,000 had been quoted to keep them open but that this sum had been reduced to £7,500 now that they were being run by the community. He asked if there was any chance that the Parish Council could do something along those lines. The Chairman highlighted the fact that Trebarwith was different to Crackington Haven (St Gennys)

One member of the public stated that the 'community was asking for help', there is a 'need and will to do something and we need you to take over'.

The Chairman pointed out that there had been no provision for the Trebarwith Lavatories in the current Precept.

One member of the public alluded to the rise in precept for the financial year 2016/17, specifically for lavatories.

The Chairman reiterated the point that, in the current financial year, no provision had been made for Trebarwith because the Parish Council had withdrawn from the Tenancy at Will. He added that the facilities are owned by CC, which appeared to have done very little since October 2016, adding that the situation was causing difficulty for the Parish Council also.

Julie Keenan, an ex-TPC Councillor and owner of the Tintagel Spar shop, confirmed that TPC had worked hard to keep the toilets open during 2016. She addressed the meeting by advising that the Parish wanted the support of the Parish Council to try again (at running the lavatories) and that it was time for the Parish Council should 'dip its toe in the water again'. She added that she was aware that running the facility was 'hard work' but that those present, would support the same.

The Chairman advised that the group should come up with a plan to acquire and manage the lavatories, then approach CC and the Parish Council with that plan. It would then be up to the Members of the Parish Council to consider the proposal and to determine whether the Parish Council could support that plan. The Parish Council would look at the proposals and provide assistance and advice. He added that the Parish Council had done what it could last year with only those sitting round the table.

The Chairman advised that the request should be passed on to Cllr Jordan (CC), who had openly stated that the issue of the public toilets was at the top of his agenda.

Cllr. Hart entered the discussion by stating to the public that he had been prevented from speaking prior to that point because the matter had been listed on the agenda (Committee Section) for consideration. He alluded to his calculations which showed that the Parish Council had expended only £4,000 of Parish funds on the public lavatories and that there was a great deal of monies available for Trebarwith. This earned a round of applause.

He stated that 'We (the Parish Council) should take on responsibility for the toilets, meeting the costs of the lease, cleaning, insurance and required services. He added that 'That lot (the public present) should take on monitoring. Working hand in hand, with the Parish Council being responsible for the financing'.

He later added, addressing the public directly, 'we have a plan' and 'we have to open these by the 8th July'. He then alluded to discussions held at a meeting, organized by himself, at Trebarwith, earlier that month.

Cllr Wickett left his chair at the Council table and moved to stand at the public area, where he addressed the public stating; 'I have been a Parish Councillor for 15 years and we have never had a response like this. I sat on the Toilets Sub-Committee. The toilets are the responsibility of CC and (the Parish Council) taking them over amounts to double precepting. I do think that there is a time to revisit this. I don't know how and when. He stated there is a lot of work to be done'. He then offered his personal commitment and support to the public members, who applauded the statement.

Cllr Brooks alluded to the lavatories at Bude Beach, stating that these were run by CC and were Free of Charge.

The Chairman advised the meeting that the original 10 minutes public session was now extended to 50 mins. In closing this discussion, he thanked everyone for their comments and requested that the members of the public present should get together, formulate a plan and bring it back to the Parish Council for consideration. He added that on a positive note, there were two Members of the Parish Council who had given their personal

commitments as individuals to assist the group with their task (Cllrs. Hart and Wickett).

The public discussion was closed at 19:50 hrs. (50 minutes duration).

Prior to the opening of the formal TPC meeting, Cllr. Wickett addressed the Members of the Parish Council whilst some members of the public were filing out of the meeting hall.

Not being aware of the content of the said address, there was no public agenda item for the matter. The Chairman asked Cllr. Wickett to wait whilst people were leaving as the noise stopped him from being heard.

Cllr. Wickett began to address those left in the hall.

At that point in time, with the Public session having been being and the formal TPC meeting not yet declared open by the Chairman, the address is deemed to have been given in a public arena and the protection afforded to Members, by the 'fair comment' principle, is not considered to have been in effect.

The Chairman interrupted Cllr. Wickett and asked him if he was talking as a Councillor or as a member of the public. Cllr. Wickett stated that he was speaking as a member of the public, in open session. He alluded to the last meeting of the Parish Council, stating that it had been 'a little heated'. He added that the Chairman had accused him of telling his wife 'a pack of lies'. This related to a misunderstanding in January 2017.

Cllr Wickett had thereafter demanded an apology from the Chairman. The meeting in question was indeed very heated. The Chairman stated that, at the meeting in question, the conduct of the Members 'kicked off' because of the initial comments made by Cllr Wickett. The Chairman issued an apology to Cllr. Wickett and all the Council members by email. In his email, the Chairman asked Cllr. Wickett and Cllr Hart to offer their apologies to the Council for their unacceptable behaviour. Cllr. Hart issued a very acceptable apology to all members but to date Cllr. Wickett has not apologised.

The Chairman challenged Cllr. Wickett by asking him exactly what his objective was and pointed out that he was damaging the credibility of the Council.

Cllr. Wickett stated that he was now demanding 'a retraction in an open forum' in his (Cllr Wickett's) presence. Cllr. Wickett added that he would have accepted the initial apology but that the accompanying email was deemed to be insulting to Cllr. Wickett's wife. Cllr Wickett added that if the man (the Chairman) apologised, then he would shake his hand and the matter would be at an end.

Cllr. Wickett referred to the content of the email (inter alia: the comment made in the heat of the moment; the discussion about book keeping). He stated that he was struggling with the objective of the same.

He then accused the Chairman of being a "Liar" in the public forum. The Chairman stopped Cllr. Wickett and told him he has got his facts wrong and is totally out of order. Cllr. Wickett turned away, looked at his wife and stated that he will no doubt be threatened with legal

action now.

It was noted that Cllr Wickett had failed to read out the email from the Chairman, in its entirety.

Allegedly, the Chairman had intimated that there had been no proper handover of the TVC accounts. Cllr Wickett produced two letters from Mr. Nicholas Spurdens, in which the handover of accounts was addressed. He requested that the Clerk read them aloud.

It was noted by the Clerk that a member of the public, who was in attendance, was interrupting the Chairman as he attempted to address the claims. The Clerk advised this gentleman that he was not entitled to enter the discussion and that his comments were not helpful. This person appeared to be enjoying the situation and being mischievous. When asked by the Chairman how he knew the truth of the allegations, this person stated that he had been shown 'all of the emails'.

Cllr Wickett advised those present that he had asked the Chairman to meet him at the TVC on the Sunday of the Bank Holiday (28th May), at the end of his shift at 4.00pm. However, the Chairman had been obliged to cancel the meeting but had not contacted Cllr Wickett since. Cllr Wickett added that he (the Chairman) 'had not stepped through the door (of the TVC) to apologise'.

The Chairman responded by saying that he and his wife were enjoying a Sunday Bank holiday day out and he contacted Cllr. Wickett at about 3.30pm to say he would not be back in Tintagel in time to meet him. Cllr. Wickett said OK and did not request a further meeting at this time.

Cllr Wicket then approached each Member, and the Parish Clerk, individually and asked if they had been offended by his conduct. There were no answers in the affirmative for fear of further upset.

The Chairman stated that he did not believe that he needed to apologise again but, for the sake of 'peace and good will' he issued a further apology, after which the disruptive member of the public applauded, shouted and left the hall.

At this point, there was a very short, quiet, period during which Vice Chairman Councillor John Brooks left the room to get a glass of water for the Clerk. Councillors Flower and Hart also left the room.

After exchanging a few words with his wife Cllr. Wickett did not proffer the handshake as previously stated. Instead he engaged in further comments.

It was clear at that juncture that disruptions were likely to be on-going. The time was 20.30hrs and the formal TPC meeting had not begun. The Chairman took the decision to suspend the meeting on the grounds of persistent disorder. Councillors Brooks, Flower and Hart returned to the hall surprised that the disruption had persisted in their absence and that the meeting had been suspended.

Clerk's Note

Members will appreciate that the meeting of the 7th June 2017 was intense and extremely difficult. The Clerk has compiled these minutes from the extensive notes taken at the time and considers the same a true and accurate reflection of the events that took place. However, consideration should be given to the intensity of the discussions; the interruptions to process and the deviations from the agenda provided.

Following the meeting, the Clerk sought the advice of CALC and a report, in relation to that advice, will be issued in early course.