



**MINUTES OF THE MARAZION TOWN COUNCIL TUESDAY 4th OF MAY 2021, 7.30PM.
EXTRAORDINARY MEETING HELD VIRTUALLY (ZOOM).**

MEETING NUMBER 31/20

Present: Cllr D Laity Chairman, Cllr W Collins Deputy Chairman, Cllr Mrs G Reynolds Cllr P Hoskings (arrived at 7.45pm), Cllr S Trudgen, Cllr D Walsh, Cllr M Britten, Cllr J Nicholas.

In attendance:

Mrs T Unstead Town Clerk

564 Apologies

Cllr Trudgen

565 Public Participation

None received.

566 Declarations of Interest

Cllr Read agenda item 11(i)

Cllr Laity agenda item 11(i)

567 Dispensations

None

568 Mayors Report – Matters of Urgency

No reports.

569 Clerks Report

No reports

570 Correspondence Received.

None

571 Councillor Reports

No reports

572 Minutes of the Council meeting held on Tuesday 27th of April 2021.

RESOLVED – to defer approval of until Tuesday 18th May 2021.

573 Lease Folly Field.

Cllr Read raised concerns about access to the Folly Field and queried if there is a contravention of the terms of the lease with restricting of access. Not only the town council but others with interests in the Folly Field for example the Mounts Bay Sailing Club. What are their rights?

Cllr Read stated that he had heard albeit via 'hearsay' that there is a limitation on the period of use stated in the 'Head Lease'. Concern is, if there is a defined period of operation is there another contravention of the terms and conditions of the lease with the offering of all year-round parking at the Folly Field.

Cllr Read expressed his concern about the long-term future of the lease and the implications in respect of the town council, Cllr Read also expressed his concerns about revised parking arrangements and the impact on residents.

Cllr Read suggested that a letter is sent to the Chief Executive Officer expressing the town councils concerns about the operation of the car park, the long-term future of the lease and that Marazion Town Council is going to be seeking professional advice.

Cllr Britten concurred with Cllr Read also adding that the understood limitations of operation on the 'Tea Hut' under the 'Head Lease' means that it could be difficult for another operator to be able to make a living running the facility.

Cllr Collins expressed his concerns about the lost freedoms of the town council and town council contractors being able to freely access the Folly Field. Now, anyone accessing the Folly Field must give their registration number plate to St Aubyn Estates which is restrictive.

Cllr Reynolds reminded the council that she had asked a while ago for a that professional to look at the lease on behalf of the council. There has been a lack of consultation between St Aubyn Estates and the council. Cameras in the car park, restrictive access has resulted in growing concerns locally.

Cllr Laity advised councilors that the 'Head Lease' is in the office for councilors to view if they want. The 'Head Lease' does require updating as it is outdated.

Cllr Laity stated that in his opinion that there are three issues.

1 Access for the Mounts Bay Sailing Club

Cllr Laity advised that the town council cannot grant permissions to the sailing club to access the dinghy pen via the slipway car park. The town council only rents the dinghy pen to the sailing club.

The right of way and access is with St Aubyn Estates. The access stopped during the filming. Access to the dinghy pen was via the beach which not all members wanted to do. Cllr Laity stated that the problems encountered by the sailing gaining access to the dinghy pen across the slipway car park or having a right if access is for the sailing club to seek professional advice about the access. Public monies cannot be justified seeking legal advice on behalf of the sailing club.

Cllr Read confirmed that most of the complaints received have been from the sailing club although there are residents and one specifically that Cllr Read is aware of in respect of residents parking being located further away from the town and personal safety especially in the winter months when dark.

2 Access for the town council – Folly Field car park

Cllr Read expressed his concerns that the town council needs to establish exactly what the town councils right of accesses are to the land that the town council leases, and this includes

the Folly Field car park. The town council needs to establish the rights over the slipway car park for itself and others.

Cllr Laity stated that the access to the Folly Field is a matter for the town council.

Cllr Collins concurred with concerns raised about the 'Head Lease'. Cllr Collins expressed his worries about the future of the lease (Folly Field car park and Tea Hut) and the partnership with St Aubyn Estate (lessee) as the town council does get an income from the car park and the Tea Hut.

Cllr Laity described the changes in practice in respect of access to the Folly Field (town council and town council contractors). Prior to 2021, a key to the gate would have to have been picked up from the car park attendant or from the town hall, then returned. Now an authorised (town council, town council contractor) vehicle registration number must be provided to St Aubyn Estates to permit free access.

c) Rental potential of the car park.

Cllr Laity confirmed that the town council is in receipt of an income of £59,500.00 in from the car park and Tea Hut plus the cost of cleaning of the Folly Field toilets is borne by St Aubyn Estates.

Rent is based upon visitor numbers which with the new model of operation (pre-booked tickets to visit (St Michaels Mount) may be affected and the town council does need to engage with a professional to start the process of renegotiating the lease which is due to expire in 2023.

Cllr Read stated that the town council does need to have a good working relationship with St Aubyn Estates, but the position of the town council does need to be protected and a professional to review the lease will be able to advise the town council about all the issues raised.

Cllr Read reminded everyone that as a councillors and councillors are elected to represent everyone in the community and members of the sailing club are members of the community.

Cllr Read asked if the sailing club can see the 'Head Lease' as he does not personally have issue with such a request.

RESOLVED: - Marazion Town Council did resolve: -

- a) not to engage the services of a solicitor whose brief will be to advise the council as to the council's legal rights and position to the undisturbed and unfettered access to and from the Folly Field.
- b) to approve the engagement of Mr Peter Heather from Miller Commercial of Truro to commence a review of the lease in preparation for the expiration of the lease in 2023. This to also include the question about sharing the 'Head Lease' with the Mounts Bay Sailing Club.
- c) to approve an initial budget of £5,000. Monies made available from general reserves.

574 Planning

i Enquiry Reference PA21/03760

Rose Cottage Green Lane West Marazion TR17 0HH

Non-material amendment in relation to Decision Notice PA20/06010 dated 01.02.2021

RESOLVED - no objection.

575 The Freedom of Information Act 2000

Deems that all information held by this Council should be freely available to the public unless it falls under one of 23 exemptions.

576 Data Protection Act 2018

Precludes this authority from publishing the names, addresses or other private information of individuals unless written permission is given by the individual for such details to be made public.

Therefore, where necessary, personal details have been removed from the papers attached to ensure that information held is available, but individuals are protected.

577 Part II

(Private)

Items which may be taken in the absence of the public and press on grounds that Exempt information may be disclosed as defined in the Local Government Act 1972 and Public Bodies (admissions) Act 1960.

To move that in the view of the confidential nature of the business to be transacted viz; information where public disclosure at this time may be prejudicial to the good business of the Council, it is in the public interest that they be temporarily excluded, and they are instructed to withdraw in accordance with Standing Order 3d

Meeting Closed 20.30pm

Signed



Cllr Derek Laity
Town Mayor