



**Marazion Town
Council Meeting
Tuesday 8th March
2022**

**Agenda and
Supporting
Documents**



MARAZION TOWN COUNCIL

**Meeting 21/21/22
TO ALL COUNCILLORS**

3rd March 2022

Dear Councillors

NOTICE IS HEREBY GIVEN that you are summoned to attend a meeting of the Town Council on **Tuesday 8th March 2022 7.30pm**, Marazion Town Hall (choir room).

The meeting will consider the agenda items as set out below.

Please note.

1. Recording.

Under the Openness of Local Government Bodies Regulation 2014, 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.

The Town Clerk will be recording the meeting for the purpose of minute taking. Written approved minutes are the true legal record of council meetings.

2. Public Participation.

The public are welcome at Marazion Town Council meetings. Members of the public are invited to ask questions or raise issues relevant to the work of the Town Council. 15 minutes is set aside for public participation and individual speakers are restricted to 3 minutes. Public participation is not part of the formal business of the Town Council however, a note will be made of matters raised and recorded within the minutes of the meeting.

Members of the public wishing to speak are requested to submit questions or statements in writing to the Town Clerk no less than 3 days before the date of the meeting.

3. Covid Safe Meetings

Please wear a mask (can be removed when speaking), hand sanitising prior to entering the meeting room, log in with Track and Trace and if prior to the meeting you or a family member are showing any Covid-19 symptoms then please send apologies and do not attend.

The Town Hall, Market Place, Marazion, Cornwall TR17 0AR

Tel: 01736 710234. E-mail: tracey.unstead@maraziontowncouncil.gov.uk

Clerk to the Council: Mrs Tracey Unstead

AGENDA

Part I

(Open to the public)

- 1 Address Canon Reverend Nigel Marns**
- 2 Apologies**
To receive, record and where requested approve, the reason for the apology of absence.
- 3 Public Participation**
- 4 Declarations of Interest**
To declare any disclosable interests relating to the items of business on the agenda.
- 5 Dispensations**
To receive and consider any requests for dispensation (if any)
- 6 Mayors Report/Matters of Urgency**
To consider items which, in the opinion of the Chairman of the Council should be considered by the meeting as matter of urgency (if any). Any items not listed on the agenda and decisions made may be open to legal challenge.
- 7 Clerks Report**
 - i ICCM Training update
 - ii 'Expression of Interest' application Gwallon Lane Road Crossing
- 8 Correspondence Received.**
- 9 Councillor Reports**
 - b) **Town Councillors**
To receive reports
- 10 Minutes of the Council meeting held on Tuesday 22nd February 2022.**
To consider, approve and sign the minutes of the Town Council Extraordinary Meeting held on Tuesday 22nd February 2022.
- 11 Purchase Hearing Loop -** to consider the purchase of a hearing loop for council meetings and authorise the Chairman and Town Clerk to procure a system which is suitable and fit for purpose.

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- 12 Accessible Toilet Folly Field** – to consider and authorise spend as presented using Earmarked Reserves.
- 13 Maypole Gardens Pond** – to receive a report and consider the recommendations made.
- 14 Playground Inspections Update** – to receive a report and consider who to appoint to carry out play area checks and inspections.
- 15 Review of Marazion Town Council Allotment Agreements** – to receive a report and consider approving the acceptance of the reviewed agreement.
- 16 Review of Marazion Town Council Allotment Fees** – to consider an increase in the fee charged for an allotment.
- 17 Results Feliskirk Lane BT Telephone Box ballot** – to receive the results and approve the use as per the ballot results.
- 18 Grass Cutting and Grounds Maintenance Tender 1st April 2022 – 31st March 2025** – to consider.
- 19 Meeting date setting to Folly Field Car Park Lease** – to consider and confirm a date for the Council to meet.
- 20 Matters Arising from previous Minutes.**
 - a Minute 094(Footpath 14) – to receive an update.
 - b Minute 184(Flooding Green Lane) – to receive an update.
 - c Minute 381(Footpath number 8) – note that the Town Clerk due to other priorities has yet to review the process and resources needed.
 - d Minute 694(Maypole Gardens repair works) to receive an update.
 - e Minute 827(v)(Wallgate repair and letter sent to Wallgate about equipment breakdowns) – to receive an update.
 - f Minute 853(Emergency Planning Working Group to visit St Michaels Mount) – to receive an update.
 - g Minute 861(Defibrillators) – to receive an update.
 - h Minute 911(Vandalised Light Bus Shelter) – to receive an update.
 - i Minute 991(iv)(loose handrail Beacon Brazier) – receive an update.

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j Minute 1033 (To consider what can be done to recognise 70 years' service – Mace Bearer) – to receive an update.

21 Any other matters arising from Minutes not covered by items above.

22 Finance – to resolve to approve: -

a) **Statement of Accounts – as per bank statements 3rd March 2022.**

Community	£43.90
Business Premium	£114,526.15
NS& I (Earmarked Reserves)	£151,054.19

b) **Accounts for Payments**

Stephen Scowns	£987.00
Cornwall Association Local Councils (training)	£36.00
*Chubb Security	£154.63
* Is this for MTC to pay or MTT?	

c) **Receipts**

Cornwall Council Cllr Grant	£648
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d) **Direct Debits**

Siemens printer insurance	£30.97
Siemens printer	£191.54
South West Water (e) Square Toilets	£1,963.55
South West Water((e) Maypole Gdns	£8.99
Alchemy IT	£71.88

e) **Pre-payments**

Philps Bakery (Saffron Buns St Pirans Day)	£56.10
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23 Planning

a) **Applications for Planning Permission**

i **Application PA22/01379**

Proposal Listed Building Consent to replace existing slate roof on front elevation with wet laid new slates and renewal of existing guttering

Location Coachmans Cottage Turnpike Hill Marazion Cornwall

Applicant Mr Francis Sedgman

Grid Ref 152289 / 30748

<http://planning.cornwall.gov.uk/online-applications>

ii **Enquiry reference PA22/01716**

Proposal Non-material amendment in relation to decision notice PA21/06622 dated 01/12/2021

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Reduction in width of the each dwelling by 200mm and reduction in width of each interim terrace by 250mm. Relocation of development away from western boundary by total reduction in development width and 500mm to the south.

Location The Mount Haven Hotel Turnpike Road Marazion Cornwall TR17 0DQ

Applicant Mr Treve Laity Toliman Developments

<http://planning.cornwall.gov.uk/online-applications>

iii **Application PA22/01503**

Proposal Dormers on front elevation and re-positioned rooflight.

Location 33 Godolphin Terrace Marazion Cornwall TR17 0EX

Applicant Mr & Mrs J Brind

Grid Ref 151736 / 30944

<http://planning.cornwall.gov.uk/online-applications>

b) **Applications Approved/Refused by Cornwall Council.**

None at the time of publishing

c) **Correspondence**

None at the time of publishing.

24 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.

25 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.

**26 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

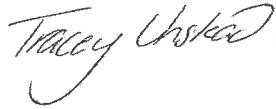
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business of the Council, it is in the public interest that they be temporarily excluded, and they are instructed to withdraw in accordance with Standing Order 3d

27 East End land dispute



Tracey Unstead
Town Clerk

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Date 8th March 2022
Report of Marazion Town Council Toilet Working Group
Town Clerk
Subject Refurbishment Accessible Toilet Folly Field

Part 1 (non-confidential)

The Town Council is recommended to resolve that Marazion Town Council: -

- a) Considers and approves the refurbishment works as presented.
- b) Approves the use of Earmarked Reserves to cover the cost of the works.
- c) Delegates authorities to the Marazion Town Council Toilet Working Group to procure and project manage the refurbishment of the Folly Field accessible toilet.

1 Introduction

In January 2022 (minute 929) Marazion Town Council received a report from Active8, a report commissioned to review what was needed to ensure that the accessible toilet at the Folly Field was compliant with the Disability Discrimination Act (DDA).

The report highlighted a few areas where improvements can be made and subsequently the Marazion Town Council Toilet Working Group started considering what needed to be done and the cost involved.

2 Costs

<u>Item</u>	<u>Consumables</u>	<u>Fitting Cost</u>	<u>Total</u>
Alarm System	£190	£120	£310
Toilet	More information is being sought from Wallgate		
Handwash	More information is being sought from Wallgate		
¹ Handrail	£249.99	Cllrs to fit nil cost	£249.99
² RoomMate®	£685	TBC	£685
Waterheater	£160	Included in the £160 cost	£160

Radar disabled door lock	£143.75	TBC	£143.75
Radar Keys key	£4.99 per key	N/A	£4.99 per key

A quote (appendix a) has been received from Wallgate of £4,617.86 for an accessible toilet however further clarification is being sought. This quote includes a ¹handrail however an alternative cost has been sought as listed above.

²RoomMate® provides (appendix b) audio description of publicly accessible toilets. This aids those with sight disabilities.

There are still prices to be confirmed however the Earmarked Reserve for refurbishing the accessible toilet is fifteen thousand pounds. Based upon the costs as tabled above plus the quote from Wallgate the total project cost is estimated to be delivered at less than ten thousand pounds.

3 Impact Assessment

Marazion Town Council has identified that the accessible toilet at the Folly Field is not compliant in respect of the Disability Discrimination Act and needs refurbishment. Marazion Town Council has Earmarked Reserves allocated for that purpose. Failure to make improvements means that the facility will not meet the needs of those who need such a facility.

Marazion Town Council Toilet Working Group
Cllrs Nicholas, Collins, Read, Laity
Town Clerk

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Date 8th March 2022
Report of Town Clerk
Subject Maypole Gardens Pond Feature.

Part 1 (non-confidential)

The Town Council is recommended to resolve that Marazion Town Council: -

- a) Considers what action is to be taken to improve the Maypole Gardens Pond feature.

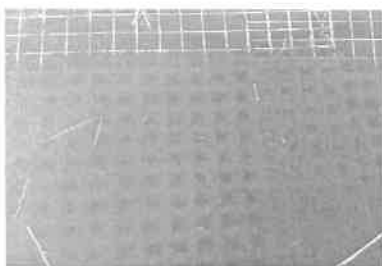
1 Introduction

The subject of the Maypole Garden Pond feature has been discussed on many occasions and the time has come to decide in respect of its future.

The pond as it is understood is emptied and filled once a year.

2 Health and Safety

As you can see by the photos inserted below, the state of Maypole Gardens Pond feature is poor.



The water is dirty and contaminated with debris and other non-visible contaminants all of which pose a health and safety risk which Marazion Town Council has a duty to mitigate (reasonable and practicable. Water levels vary depending upon rainfall, birds drinking and fouling contaminating the water, algae growth from stagnant water, litter, and the coping stone edging degrading in parts.

The Dolphin Fountains were turned off which mitigated the risk of contaminated waters being sprayed but a risk remains with the pond itself despite being drained once a year, cleaned (is that correct?) and refilled.

3 Way Forward.

Marazion Town Council has a duty to consider what is reasonable and practicable in respect of mitigating risk, the risks as highlighted in section 2 of this report.

4 Options for consideration

- a) Do nothing.
- b) Drain and clean more often.
- c) Drain and fill.

4 Recommendations

That Marazion Town Council does consider what action needs to be taken to improve the Maypole Gardens Pond feature.

Town Clerk

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Date 8th March 2022
Report of Marazion Town Council Allotment Working Group
Town Clerk
Subject Review of Marazion Town Council Allotment Tenancy Agreement.

Part 1 (non-confidential)

The Town Council is recommended to resolve that Marazion Town Council: -

- a) Approves the reviewed tenancy agreement as being proposed to be implemented with existing tenants 1st April 2023 and new tenants with immediate effect.
- b) Approves giving the legally required 12 months' notice to existing tenants by the 31st of March 2022.

1 Introduction

At the Full Council meeting held on the 8th of February 2022, Full Council resolved unanimously to approve in principle the presented reviewed tenancy agreements subject to legal advice being sought (minute 996)

That advice has now been sought from a legal advisor from the National Allotment Society of which Marazion Town Council is now a member of.

The advisor commented: -

"I can confirm that I have now been able to read through your proposed revised agreement and I am largely happy with the contents. The one change that I do think is necessary is that section 33 needs to be clear that if a plot is ended by forfeiture due to rent remaining unpaid or a breach of the rules, they will be given a 1 month notice to quit. this is required under the allotment legislation (and land law legislation) and the termination cannot be immediate.

You are correct that 12 months' notice must be given to the existing tenants prior to 6th April to change to this proposed tenancy. This is because it includes substantial changes from the current agreement so you must effectively end the current agreement to start the next with the 12 months' notice."

The agreement has been amended accordingly (section 33).

2 Reviewed Tenancy Agreement

Existing tenants must legally (Allotment Act 1950) be given 12 months' notice which must be on or before the 6th of April. Therefore, in accordance with the 1950 act existing tenants must be written to giving notice that their existing tenancy agreement will cease on the 31st of March 2023, the revised agreement starting on the 1st of April 2023. This does not apply to new tenants (a new tenant is someone on the waiting list who is offered a plot).

3 Impact Assessment

Existing tenants may be concerned about the changes to the allotment tenancy agreement and there may be some negative feedback and some tenants may be aggrieved once notice is given. To mitigate this impact a meeting with tenants can be considered and arranged.

4 Recommendations

That Marazion Town Council does consider and approve the proposed new allotment tenancy agreement that the legally required 12 months' notice is given to existing tenants by the 31st of March 2022.

Marazion Town Council Allotment Working Group
Cllrs Reynolds, Collins, and Nicholas
Town Clerk

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Date 8th March 2022
Report of Marazion Town Council Allotment Working Group
Town Clerk
Subject Review of Allotment Fees.

Part 1 (non-confidential)

The Town Council is recommended to resolve that Marazion Town Council: -

- a) Considers the fees proposed.

1 Introduction

At the Full Council meeting held on the 8th of February 2022, Full Council resolved unanimously to approve in principle and increase in fees upon legal advice being sought (minute 996)

That advice has now been sought from a legal advisor from the National Allotment Society of which Marazion Town Council is now a member of. The legal advisor has not given a view other than is the increase in line with other town council leisure activities which we do not have or in line with other allotments nearby.

2 Review of Allotment Fees

The fee of £15 per annum has been charged for many years and with the review of the tenancy agreement fees have also been reviewed.

The Town Clerk has researched neighbouring authorities, fees charged are: -

St Erth Parish Council

Large plots are £35 per year and are 167sq metres
Small plots are £17.50 per year and are half that size
Three medium plots at £25.

Ludgvan Parish Council

£36 per annum irrespective of size.
£50 deposit.

Penzance

The current annual cost is between £20 – £32 depending on the size of the plot.

Hayle Town Council

Various depending upon location but ranging from £82.50 per annum to £33 per annum.

Caveat – these are just fees. What is not known is water/access to water or any other services included in the fee.

3 Proposal

a) Island Field

Large plot £40 per annum

Small plot (half a large plot) £20 per annum.

b) Rosehill

£20 per annum

c) Green Lane

£20 per annum.

4 Impact Assessment

Existing tenants may be concerned about the changes to the fee charge and there may be some negative feedback and some tenants may be aggrieved once notice is given. To mitigate this impact a meeting with tenants can be considered and arranged.

4 Recommendations

That Marazion Town Council does consider the proposed new annual allotment fee and that the legally required 12 months' notice is given to existing tenants by the 31st of March 2022.

That new tenants will be charged at any approved new annual fee.

Marazion Town Council Allotment Working Group
Cllrs Reynolds, Collins, and Nicholas
Town Clerk

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Date 8th March 2022
Report of Town Clerk
Subject Tender Grass Cutting and Grounds Maintenance
2022-2025

Part 1 (non-confidential)

The Town Council is recommended to resolve that Marazion Town Council: -

- a) Considers and resolves to appoint a contractor.

1 Tenders

The opportunity to tender for grass cutting and grounds maintenance commencing on the 1st of April 2022 until the 31st of March 2022 was advertised on the Town Council's website and in the Cornishman (local paper).

Tenders had to be received by noon on Tuesday 1st March 2022.

The Town Clerk met with a prospective contractor on Monday 28th February and walked the areas as per the tender documents.

2 Tender Received.

One tender was received and an e-mail received from another who said that due to the timescale and only having just known about the opportunity to tender, they sadly would not be tendering this time, no other correspondence, tenders have been received.

The received tender was opened by the Town Clerk on Thursday 3rd March 2022.

Grass Cutting Cem	2023 £6360	2024 £6996	2025 £7560
Folly Field	2023 £564	2024 £620	2025 £680
Memorial Garden	2023 £1874	2024 £2024	2025 £2186

Fairfield Green	2023 £338	2024 £365	2025 £394
Stitch	2023 £156	2024 £168.48	2025 £182
School Lane	2023 £130	2024 £140.40	2025 £151.60
Weed Spraying	2023 £24 per hr	2024 £26.50 per hr	2025 £29 per hr
LMP & Coast Path	2023 £610	2024 £671	2025 £738
Extra	£17 per hr	£18.60 per hr	£21.50 per hr

3 Recommendation

Marazion Town Council needs to consider the appointment of contractor to carry out the works as required.

Town Clerk