

**MINUTES** of the Meeting of **Bodmin Town Council** held on Thursday 19 January 2017 at 6.30 p.m. in the Shire House Suite, Shire House, Bodmin

**PRESENT:** The Mayor, Councillor L G J Kennedy, presiding, together with Councillors, P Cooper, A J Coppin, L Frost, J Gammon, J R Gibbs, P Hodges, S J Horne, A M Kerridge, S H Kinsman, G G C Minors, P L G Skea, R Solomons and K W Stubbs.

**IN ATTENDANCE:** Mr S Facer (Town Clerk), Mrs A Banks (Responsible Finance Officer) and Mr D Kinnair (Committee and Cemeteries Officer).

### **CHAIRMAN'S ANNOUNCEMENTS AND APOLOGIES:**

The Mayor announced that the BBC local news programme Spotlight were in attendance and would be filming and recording at least some of the Meeting.

Apologies had been received from Councillor C J M Wilkes.

C/2017/006

#### **Declarations of Interest**

Councillor P Cooper declared a Non-Registerable Interest in Item C/2017/007 due to his previous connection with the Public Rooms Trust.

Councillor R Solomons declared a Non-Registerable Interest in Items C/2017/018 and C/2017/022 as he is the Chairman of Bodmin Age Concern and the Subject Member respectively.

Councillor P Hodges declared a Non-Registerable Interest in Item C/2017/026 as he knows one of the companies that submitted a tender for the Council's new website.

C/2017/007

#### **Public representation session**

There were over 70 Members of the Public present.

Councillor P Cooper reiterated his Non-Registerable Interest in this item. He exercised his right to speak in the Public Representation section of the Meeting utilising Section 3.5a of the Code of Conduct 2012 and thereafter left the Meeting for the discussion and voting thereon.

Councillor Cooper commented that the sale of the Public Rooms is obviously a very emotive subject and there is a strong sense throughout the town that the towns folk have not been listened to or treated with the dignity and respect they both deserve and should expect.

At the very least, Councillor Cooper thought that Bodmin Town Council has to recognise that it has a communication and engagement problem.

The Council should recognise that there is every likelihood that the decision to sell the Public Rooms may be subject to a challenge.

Councillor Cooper confirmed that he has identified some of these areas of potential challenge to the Council previously and recommended to his colleagues that they start a thorough review of how the process has been handled, which is recognised best practice. Councillor Cooper further commented that he had suggested a clear strategic 1, 3 and 5 year plan, with aims and objectives for the Council be undertaken and that a review of assets be undertaken be fit for purpose, especially with regard to the disposal of historic properties.

Councillor Cooper requested that if such a challenge does materialise that due consideration is given to the impact on both the public purse and charitable trust's funds and that it be done in the most economically viable way without of course compromising the challenge.

The decision to sell to the Merlin Cinema chain however flawed the public may feel it, is not the fault of theirs and no blame should be attached to Merlin Cinemas. Councillor Cooper was sure that the public are all delighted that Bodmin presents a very attractive business proposition for them and thinks we can all agree that a cinema is something that Bodmin both wants and needs.

Obviously the emotive point is whether this is best use of the iconic and historic Public Rooms which was built for and donated to the people of Bodmin and provides best value as compared to the offer the Trust is seeking to provide. Councillor Cooper commented that he was not privileged to see the presentations or ask questions and was unable to comment on the merit of each but does know that both were considered strong bids. Whether proper process has been followed will emerge should a challenge arise.

Councillor Cooper stated that it was clear to him what the people of Bodmin wanted from their Councillors. Some 1300 people have signed a petition which was presented to Councillors at the last meeting (8<sup>th</sup> December) they have donated pledged and raised some £46,000 in some 4 months. Highly regarded and respected community groups and bodies such as Bodmin Rotary and Bodmin Lions have pledged significant sums. Bodmin Band and Loveny Choir with support from St Petroc's Church have had a fundraising concert. Numerous businesses and business people have donated and supported fundraising activities.

Councillor Cooper thanked the Chairman for allowing him to speak and for his fellow Councillors for listening to him and to all the members of the public for coming out tonight.

Former Mayor, Mr Charles Horton asked why Councillor Cooper had to leave the Meeting.

The Town Clerk responded to advise that advice had been sought by both the Council and Councillor Cooper regarding his position and interest in this Item with the Monitoring Officer at Cornwall Council and that Councillor Cooper had agreed to abide by the Monitoring Officer's advice. This view was reiterated by Councillor Cooper prior to him leaving the Meeting.

Cornwall Councillor Chris Batters, vociferously enquired with the Town Clerk as to if he had received a second letter from the Monitoring Officer giving advice regarding tonight's meeting and, if not, why Councillor Cooper was being ejected from this Meeting.

The Town Clerk responded to advise that Councillor Cooper was not being ejected but has made his own decision and chosen to follow the advice of the Monitoring Officer.

Ms Anne Spetch, Treasurer - Bodmin Public Rooms Trust enquired as to whether overages were being applied to Merlin Cinemas.

The RFO responded to advise that no overages were being applied to Merlin as they were the highest bidder and that consequently the price that they had offered was now considered to be the market value, so no overages would apply.

The RFO confirmed that the option for a flying freehold was removed in the Special Council Meeting held on 12 January 2017 (Item C/2017/004 refers) and that the rental for the Museum was still under negotiation with a price less than £5,000.00 per annum but not as yet agreed.

Mr Jeremy Cooper commented that he was very unhappy with the way the Mayor and Town Clerk have conducted this matter and called for a vote of no confidence in both the Mayor and Town Clerk.

The Mayor responded to advise that the public were at liberty to call a poll for a vote of no confidence and suggested that the Annual Town Meeting scheduled for 9 March 2017 was the most appropriate Meeting in which to do this.

The Town Clerk agreed to provide Mr Cooper with the appropriate information regarding Polls and Town/Parish Meetings.

Mr Marc Thorne – Secretary, Bodmin Public Rooms Trust enquired with the Mayor if he was going to discuss the use of the sale proceeds of the Public Rooms to build a brand new community hall, as he had stated in a local radio interview.

The Mayor responded to advise that this was purely a personal opinion that he had not discussed with any of his fellow Members but was happy to meet with Mr Thorne and discuss this idea and then present it to the appropriate Committee and Full Council.

Mr Jeremy Cooper enquired with Councillor A M Kerridge if she would retract the statement that she made in the Properties Committee Meeting held on 28 July 2016 in relation to the presentation from Twelve Architects regarding the plans for a car park on Hillside Park (Item PP/2016/65 refers) in which she stated that ‘both options of lease or sale should be considered and the best option for the long term prospects of the Council be decided upon.’ Mr Cooper considered that the only option was for the people of Bodmin to maintain that area as green space.

Councillor A M Kerridge responded to advise that this statement was made in accordance with the information that she had at the time and that when any further information is presented that she would not rule anything out in the future.

Mr Peter Old, Chairman – Bodmin Public Rooms Trust announced that the Public Rooms Trust were in the process of consulting lawyers in order to commence a judicial review on the decision by the Council to sell the Public Rooms to Merlin Cinemas at its meeting held on 12 January 2017.

Ms Karen Phillips, Trustee – Bodmin Public Rooms Trust enquired as to what public consultation was undertaken by the Council prior to the sale of the Public Rooms as, in her opinion, the majority of the people want the Public Rooms for the Trust, which has been borne out by the petition previously supplied to the Council.

The Mayor and Town Clerk advised that no official consultation was undertaken, but every Council Meeting has a Public Representation Session in which Members of the Public can make representation.

Other Members of the Public present felt that it was short sighted of the Council to sell to Merlin Cinemas as this would be only limited use of the building, whereas the Public Rooms Trust would have opened the building all day to various community groups.

Further, it was commented that it was a pity about the abstentions during the vote to sell as, if no abstentions, there would have given a clear decision either way without the need for the Mayor's Casting Vote.

Mr Martin Ellis enquired if the Council could withdraw from their decision. The Town Clerk advised of the six month rule with regard to Council resolutions and that if 9 Councillors were to submit a Motion to overturn the decision, it could be looked at and voted on again.

Ms Emma Mansfield requested with the Council to give the Public Rooms Trust a chance and review their decision.

The Mayor responded to advise that with the information given by Mr Old tonight regarding the Public Rooms Trust commencing a judicial review, this could act as a legal and binding review of the Council's decision.

Mr Charles Horton, Mr Jeremy Cooper and Mr Tony Randall all commented that the Council should do the right thing and listen to the public and consider the Public Room Trust bid again.

The Mayor thanked the Members of the Public for their attendance and representations.

Councillor Cooper requested that the Public Representation session be extended to let the public present have their say and also allow the other Members to provide their opinions to those present.

The Mayor commented that the Councillors were free to speak and say whatever they wanted within the confines of the Code of Conduct.

No further comments were made by the Members.

The Mayor closed the Public Representation session at 7.15 p.m.

C/2017/008

**To consider and, if approved, adopt the Minutes of the Full Council Meeting held on 17 November 2016.**

The minutes of the Full Council meeting held on 17 November 2016 were approved and passed for signing.

C/2017/009

**To consider and, if approved, adopt the Minutes of the Special Council Meeting held on 8 December 2016.**

The minutes of the Special Council meeting held on 8 December 2016 were approved and passed for signing.

As a matter of accuracy, Councillor S H Kinsman had requested that her comment relating to a scoring matrix to properly assess the potential bidders for the Public Rooms be added to the Minutes. The Town Clerk agreed to draft a suitable wording for this and add to the Minutes accordingly.

C/2017/010

**To consider and, if approved, adopt the Minutes of the Special Council Meeting held on 12 January 2017.**

The minutes of the Special Council meeting held on 12 January 2017 were approved and passed for signing.

C/2017/011

**To consider and, if approved, adopt the Minutes of the Planning Committee Meetings held on 7 December 2016, 4 January and 18 January 2017.**

**Minutes of the Planning Committee meeting held on 7 December 2016.**

The minutes of the Planning Committee meeting held on 7 December 2016 were approved and passed for signing.

**Minutes of the Planning Committee meeting held on 4 January 2017.**

The minutes of the Planning Committee meeting held on 4 January 2017 were approved and passed for signing.

**Matters Arising:-**

**Page 1 – Item P/2017/005-PA16/00768 – Land off Boundary Road, Bodmin – Mr David Skea.**

Councillor P L G Skea declared a Non-Registerable Interest in item C/2017/011 as the applicant is his father.

The Town Clerk reported that he had received an email from Customer Relations at Cornwall Council apologising and explaining that an explanation of the circumstances of a BTC representatives non-attendance at the East Sub-Area Strategic Planning Committee to discuss this application will be made by the Strategic Planning Manager at the Committee's next meeting.

The Town Clerk confirmed that steps have been taken to correct the error at Cornwall Council and Officers at BTC appear to now be receiving all communication from Cornwall Council's Planning Department.

**Minutes of the Planning Committee meeting held on 18 January 2017.**

The minutes of the Planning Committee meeting held on 18 January 2017 were approved and passed for signing.

**Matters Arising:-**

**Page 3 – Item P/2017020 – Letter from Montagu Evans LLP regarding a planning application for Bodmin Jail, Bodniel Road, Bodmin –** the Town Clerk reported that a Planning Application and Listed Building Consent Application has now been received by the Council and will be discussed at the next Planning Committee Meeting scheduled for 1 February 2017.

C/2017/012

**Correspondence:**

- a) **Letter from Scope regarding notification of house-to-house collection dates** – a copy of this Letter was circulated with the Agenda and was noted.
- b) **Letter from Bruno Peek LVO OBE OPR, Pageantmaster – Battle's Over, regarding A Nation's Tribute – 11 November 2018** – a copy of this Letter was circulated with the Agenda. The Town Clerk advised that the proposed event activities coincide with Remembrance Sunday 11 November 2018 and our resources are stretched with the organising of the civic elements for the event on behalf of the town.

Following discussion, it was **AGREED** to defer this item for consideration by the Promotions Committee at its next Meeting scheduled for 9 February 2017.

- c) **Email from Lynda Thomas, Community Fundraiser – Marie Curie – Bodmin Area regarding the search for a Chairperson and Treasurer for the Bodmin Fundraising Group** – this email was tabled at the Meeting.

Following discussion, it was **AGREED** to send this email to the Volunteer Cornwall website and Facebook page.

- d) **Local Government Boundary Review – Parish and Town Council Inquiry with deadline for responses by 23 January 2017** – a copy of this Boundary Review was tabled at the Meeting.

Councillor A M Kerridge informed the Members that this review supported an elected Member Chamber for Cornwall Council of 85-95, a reduction from 123, following an extremely strong debate. The Boundary Commission will have the final say, which will take effect from 2021.

Following discussion, it was **AGREED** to note this Review as there was insufficient time for a considered response. The Town Clerk reported that there would be further consultations with regard to this matter, which would be brought to Council for their consideration.

- e) **Any other important item of correspondence which the Mayor considers appropriate** – there were no items for consideration.

C/2017/013

**To consider and, if approved, adopt the Minutes of the Finance, Staffing and Performance Management Committee Meeting held on 8 December 2016 and the Finance, Staffing and Performance Management Committee (Budget) Meeting held on 5 January 2017**

**Minutes of the Finance, Staffing and Performance Management Committee Meeting held on 8 December 2016**

The minutes of the Finance, Staffing and Performance Management Committee meeting held on 8 December 2016 were approved and passed for signing.

**Minutes of the Finance, Staffing and Performance Management Committee (Budget) Meeting held on 5 January 2017**

The minutes of the Finance, Staffing and Performance Management Committee (Budget) meeting held on 5 January 2017 were approved and passed for signing.

C/2017/014

**Minutes of the Policy Committee Meeting held on 1 December 2016**

The minutes of the Policy Committee meeting held on 1 December 2016 were approved and passed for signing.

The Town Clerk reported that ratification of these Minutes will see the amendments to the following policies adopted and ratified by Council:

- Gifts & Hospitality Policy;
- Risk Management Policy;
- Risk Management Strategy;
- Complaints Procedure;
- Document Retention Policy;

- Data Protection Policy; and
- Community Engagement Strategy

C/2017/015

**To consider and, if approved, adopt the Minutes of the Promotions Committee Meeting held on 1 December 2016 and the Special Promotions Committee Meetings held on 9 January 2017 and 16 January 2017**

**Minutes of the Promotions Committee Meeting held on 1 December 2016.**

The minutes of the Promotions Committee meeting held on 1 December 2016 were approved and passed for signing.

**Minutes of the Special Promotions Committee Meeting held on 9 January 2017**

The minutes of the Special Promotions Committee meeting held on 9 January 2017 were approved and passed for signing.

**Minutes of the Special Promotions Committee Meeting held on 16 January 2017**

The minutes of the Special Promotions Committee meeting held on 16 January 2017 were approved and passed for signing.

C/2017/016

**Procurement of Parks Vehicles – RFO to report**

The Town Clerk reported that this item will be deferred to the Properties Committee Meeting scheduled for 26 January 2017.

C/2017/017

**Consultation from NHS Kernow Clinical Commissioning Group regarding Non-emergency patient transport with a consultation deadline of 6 March 2017.**

The Town Clerk reported that Pages 5 – 8 of the Consultation show the proposed changes where NHS Kernow is seeking views on proposals to:

- *stop subsidising voluntary car services journeys for patients attending NHS funded healthcare.*

*This means that patients using voluntary car services that do not meet the eligibility criteria for NHS funded non-emergency patient transport services or the Healthcare Travel Costs Scheme would be expected to meet the full cost of the transport to their NHS funded healthcare. Patients meeting the medical eligibility criteria for non-emergency patient transport or the Healthcare Travel Costs Scheme would continue to be able to access assistance through these routes*

Following discussion, it was **AGREED** to defer the discussion of this Item to a suitable Meeting prior to the Consultation deadline of 6 March 2017 and that the Committee and Cemeteries Officer is to dropbox the Consultation documents to Members not just the Consultation link.

C/2017/018

**Charges for Shire House, Shire House Suite, Shire Hall, Cemeteries and Fair Park – RFO to report**

The RFO reported that following on from the Motion from Councillor Solomons in the last financial year and the budget discussions on 5 January 2017, she would request that Council consider the charges for these venues for the coming

financial year.

The RFO suggested that as Members are unaware as to the direction of the Council with regard to some of the services that are currently provided, that the Council agrees to hold the same charges as last year and the year before. The RFO confirmed that this will not impact on the budget.

Councillor A M Kerridge believed that there should be a small proportionate increase this year as otherwise a large increase following any potential new Council decision could adversely affect some hirers, who were operating with tight budget constraints.

Following discussion, it was **AGREED** to levy a RPI increase to the hire charges and fees for the Shire Hall, Fair Park and Cemeteries with the hire charges for the Shire House Suite complex held to last year's charges until a review of the Council's land, buildings and services be undertaken following the elections in May 2017.

It was noted that Councillor's Gibbs and Skea voted against this decision and requested their votes be recorded.

It was further noted that Councillor's Cooper, Hodges and Kennedy abstained from this vote and requested that their abstentions be recorded.

C/2017/019

#### **Committee Membership Population – Town Clerk to report**

The Town Clerk reported that there exist vacancies on the following Committees:

- Planning – 1<sup>st</sup> and 3<sup>rd</sup> Wednesdays at 9.30 a.m.;
- Promotions – 10.00 a.m. on Thursday 9 February and 27 April 2017

and on the following outside bodies:

- Camel Trail Partnership – generally daytime meetings;

The Town Clerk was aware that Councillor Cooper has work commitments and may find attendance at the daytime meetings of the Planning and Promotions Committees difficult.

The Town Clerk commented that Members may feel that running on as we are this close to elections would seem sensible.

Following discussions, it was **AGREED** that Councillor K W Stubbs be elected onto the Planning and Promotions Committees with immediate effect.

C/2017/020

#### **Use of old Police Office in Shire House by Kernow Credit Union – Town Clerk to report**

The Town Clerk reported that Rev Sheila Bawden has enquired whether the Kernow Credit Union could use the old Police Office on the ground floor of the Shire House. They would require access on a weekly basis, working Saturdays between 10.00 a.m. and 12.30 p.m.

The Town Clerk confirmed that regular weekend opening has been discussed before and is not without its complications given the need to staff the venue to comply with insurance policies.

The Chairman and Councillor G G C Minors considered that the Credit Union did an incredible job and was a worthwhile organisation but were mindful of the costs to the Council of operating regularly on a Saturday.

Councillor J Gammon kindly agreed to contact Rev Bawden and offer the Credit Union the use of Berryfields Community Centre on a free of charge basis.

C/2017/021

**To consider and, if appropriate, pass for payment the Schedule of Accounts for January 2017**

With regard to Cheque Number 123878, the RFO confirmed that an insurance claim would be made by the Council for the vandalism to the Priory 2 Car Park Pay and Display Machine.

The Schedule of Accounts for January 2017 was approved and passed for signing from cheque numbers 123839 to 123911 in the sum of £90,670.73

C/2017/022

**Code of Conduct – Town Clerk to report**

**It was noted that following the Full Council Meeting held on 16 March 2017 (Item C/2017/040 refers) the validity of the Resolutions passed in this Item are under review.**

C/2017/023

**Questions to the Mayor**

There were no questions to the Mayor.

The Town Clerk responded to a question from Councillor J Gammon regarding Polls and explained the procedure if a Poll requesting a vote of no confidence in the Mayor and Town Clerk was called.

Councillor Gammon responded that she was not happy that Officers be included in any vote of this sort, as they are there to primarily advise on the legal aspects of any decision the Council makes. It is for the Members to decide on whether to follow that advice and for the Members to take responsibility for their actions and decisions.

Councillor S J Horne commented that she does not think the public know the difference between Members and Officers.

Councillor G G C Minors agreed and was embarrassed and ashamed of the public response to the vote regarding the Public Rooms being sold to Merlin Cinemas.

Councillor P Cooper stated that he believes the public feel disenfranchised and disconnected from the Council and so aim their anger at both Members and Officers alike and that as a Council we need to build the bridges with the public to engage them with our decision making process.

Due to the confidential nature of the next business it was **RESOLVED** to go into Committee. Please see separate page.

**MINUTES** of the Meeting of **Bodmin Town Council** held on Thursday 19 January 2017 –  
**Continuation Sheet**

C/2017/024

**Following consideration of the Confidential Minutes of the FS&PM (Budget) Meeting held on 5 January 2017 and the budget for 2017/18 to formally agree:**

- a) **Total expenditure to cover operation costs – recommendation to Council £1,433,890.00**
- b) **Transfers to and from Reserves (please see attached sheet); and**
- c) **The Precept for the coming financial year – including (i) to note that the Council Tax Support Grant is £92,608.62 which represents a reduction of £18,503.99 (16.65%) on 2016/17; (ii) to endorse the recommendation to Council that the Precept for 2017/18 be £1,214,950.00 representing an increase of 8.51% on a Band D property per annum.**

Councillor P Cooper commented that without proper and up to date aims, objectives and a cohesive strategy in place, it was very difficult to assign support to the Budget as set out.

Councillor Cooper believed that a cost benefit analysis needed to be assigned to various items of expenditure and that without this he could not support the Budget.

The Mayor commented that the Council had to set a budget and that it had been agreed to review the Council's strategy and its aims and objectives with the new Council following the election in May 2017.

Following discussion, it was **AGREED** to formally adopt the Budget for 2017/18 as set out.

It was noted that Councillor P Cooper voted against this decision and requested that his vote be recorded.

Councillors Minors and Stubbs left the Meeting at 9.20 p.m.