

ILLOGAN PARISH COUNCIL

Minutes of the Devolution Committee held at Penwartha Hall, Illogan on Monday 17<sup>th</sup> March 2014 at 7.00pm.

PRESENT: Councillors Ekinsmyth (Chairman), Mrs Ferrett, Ford (not a member of this committee), Holmes (from point mentioned), Mrs Loxton and Pavey.

ALSO PRESENT: Ms S Willsher, Clerk, Mr P Simons, Mr R Bowman (from point mentioned), Mr A Rowe, Mr D Rowe and one member of the public

The Chairman explained the safety procedures.

**DC14/03/1 TO RECEIVE APOLOGIES FOR ABSENCE**

There were no apologies received.

**DC14/03/2 MEMBERS TO DECLARE DISCLOSABLE PECUNIARY INTERESTS AND NON-REGISTERABLE INTERESTS (INCLUDING THE DETAILS THEREOF) IN RESPECT OF ANY ITEMS ON THE AGENDA AND ANY GIFTS OR HOSPITALITY OVER £25**

There were no interests declared.

**DC14/03/3 TO CONSIDER APPLICATIONS FROM MEMBERS FOR DISPENSATIONS**

There were no applications from members for dispensations.

**DC14/03/4 PUBLIC PARTICIPATION**

It was agreed to take public participation with the agenda items.

Cllr Holmes entered at 7.04pm.  
Mr Bowman entered at 7.05pm.

**DC14/03/5 TO RECEIVE AND APPROVE THE MINUTES OF THE MEETING HELD ON THE 16<sup>TH</sup> DECEMBER 2013 AND THE CHAIRMAN TO SIGN THEM**

It was proposed by Cllr Pavey, seconded by Cllr Mrs Loxton and:

**DC14/02/5.2 RESOLVED: that the minutes of the meeting of the Devolution Committee held on the 16<sup>th</sup> December 2013 are received and approved with the following amendments and signed by the Chairman:**

- **Page 15 – include after Cllr Fords name '(not a member of this committee)'**
- **Page 15 – Minute DC13/12/3 – amend to read 'There were no applications for dispensations'**
- **Page 19 – correct typo**

On a vote being taken the matter was approved unanimously.

**DC14/03/6 TO RECEIVE AND APPROVE THE MINUTES OF THE MEETING HELD ON THE 10<sup>TH</sup> FEBRUARY 2014 AND THE CHAIRMAN TO SIGN THEM**

It was proposed by Cllr Ekinsmyth, seconded by Cllr Pavey and:

**DC14/02/6.2 RESOLVED: that the minutes of the meeting of the Devolution Committee held on the 10<sup>th</sup> February 2014 are received and approved with the following amendments and signed by the Chairman:**

- **Page 23 – include after Cllr Fords name '(not a member of this committee)'**
- **Page 23 – Minute DC13/12/3 – amend to read 'There were no applications for dispensations'**

On a vote being taken the matter was approved unanimously.

**DC14/03/7 TO RECEIVE CORRESPONDENCE REGARDING THE DEVOLUTION OF ILLOGAN PARK, AGREE ANY FUTURE ACTIONS AND ANY ASSOCIATED EXPENDITURE**

All correspondence was circulated to members.

Members expressed their despair with Cornwall Council's response to the letter sent after the last meeting of this committee; they wondered whether Cornwall Council had actually read the information provided for example the comment regarding the contributions from the Football Club and Rugby Club.

Cllr Wilkins reported that he had had a long conversation with Mrs Theobald, Cornwall Council Finance Director. She advised

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Cllr Wilkins that Cornwall Council were minded to grant £25,000.00 to Illogan Parish Council from the devolution pot; this had been approved by the portfolio holder, Cllr Rowe. Mrs Theobald had also confirmed that the freehold of Illogan Park had been approved to be transferred to Illogan Parish Council. She had requested that Illogan Parish Council amended their business plan to reflect the reduction in the grant to £25,000.00 and that the amended business plan is submitted on Tuesday 18<sup>th</sup> March 2014. Once the amended business plan was received by Cornwall Council the Cornwall Councillor would have to sign a document to confirm that they support the transfer of Illogan Park to Illogan Parish Council.

Members raised concerns that Cornwall Council were not prepared to put in the writing the grant figure of £25,000.00 that they had verbally stated that they were minded to support.

It was felt that the business plan submitted by Illogan Parish Council was sufficient without giving away the Council's negotiating position.

The S106 funds would be applied for as soon as an application form was sent to Illogan Parish Council.

Members felt that it was unacceptable that Cornwall Council had not provided the reports requested and had once again ignored the query regarding TUPE. Cornwall Council must hold an asbestos register, if they did not they would be breaking criminal law. Illogan Parish Council needed to ensure that they had a copy of the asset register to ensure that they would not be aiding and abetting Cornwall Council and to ensure that Illogan Parish Council did not leave itself liable. Cllr Wilkins said that he would email Cornwall Council and ensure that the reports were sent to Illogan Parish Council. It was noted that the solicitor should request copies of certain reports i.e. asbestos, mining etc. Members discussed the potential additional cost implications of demolition if there was asbestos present depending on the type and quantity. A member who had experience of working in buildings owned by Cornwall Council said that they only had the basic asbestos surveys completed which only covered asbestos that could be seen and did not look into voids etc; they suggested that Illogan Parish Council could get a more detailed asbestos and demolition survey completed. Members asked the Clerk to obtain a quote for an asbestos survey.

It was confirmed by members that there would be no attempt to proceed or sign anything without all of the relevant requested

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information and reports – the asbestos register, electrical reports and answer to the question of whether TUPE applies.

Members confirmed that all correspondence and negotiations should be made through the Clerk to Council.

Members queried whether the freehold of Illogan Park would be sold to Illogan Parish Council under contract or whether the freehold would be transferred to the Council. It was suggested that a caveat regarding consequential costs should be considered.

Cllr Mrs Ferrett proposed that the business plan was re-submitted with the removal of the £50,000.00 for the skate park and the devolution grant from Cornwall Council being reduced to £25,000.00; that we write to Cornwall Council explaining that the Council would apply for the S106 monies as soon as an application form had been submitted; that it is reiterated that Illogan Parish Council are still awaiting all of the requested reports and information and that a response is requested within 14 days. There was no seconder.

It was proposed by Cllr Holmes, seconded by Cllr Mrs Loxton and:

**DC14/02/7.2 RESOLVED:** **to recommend to Full Council that Illogan Parish Council make a formal bid to Cornwall Council for the sale of the freehold of Illogan Park for £1 subject to contract; that the business plan is amended with the removal of the £50,000.00 for the skate park and the devolution grant from Cornwall Council being reduced to £25,000.00 and resubmitted to Cornwall Council; to formally request the asbestos reports, electrical reports, information on TUPE and all other relevant reports and to request a response in 14days.**

On a vote being taken on the matter there were 4 votes FOR and 1 vote AGAINST.

### **DC14/03/8 DATE AND TIME OF NEXT MEETING**

The next meeting would be held on a Monday when further information had been received.

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There being no further business the Chairman closed the meeting at 8.42pm.

Signed: ..... Chairman

Date: .....

DRAFT