

**LANTEGLOS-BY-FOWEY PARISH COUNCIL**  
**NOTES FROM MEETING HELD WITH RESIDENTS OF FURZE**  
**PARK & OCEAN VIEW AT POLRUAN W.I. HALL**  
**MONDAY, 09<sup>th</sup> OCTOBER 2017 @ 7pm**

Present:	Cllr. Moore (Chairman) Cllr. T. Libby	Cllr. Adams Cllr. V. Libby	Cllr. Fisher Cllr. Talling
In attendance	11 Residents from Ocean View	2 General Public	Letters were also received from Mr Hudson and Mrs Ball, who had also been in touch with Cllr Hannaford

**NOTES – please refer to requested amendments added as a footnote**

Prior to the start of the meeting, Mr Waters (from Chapel Lane) handed members copies of correspondence from 1982 relating to the public using Furze park car park.

Chairman's Welcome – the Chairman opened the meeting and welcomed those present.

Mr Waters was thanked for the information he provided.

The Chairman explained that the Parish Council is responsible for the street lighting in Furze Park & Ocean View. The Parish Council has been in discussion with Cornwall Council with regards to the possibility of these streetlights being adopted by Cornwall Council. As it stands, Cornwall Council are unlikely to adopt street lights on private/un-adopted roads or cul-de-sacs, even if the Parish Council pay for these lights to be bought up to the adoptable standard.

The parish Council have sought legal advice prior to letters being sent to residents. The advice is clear - *"the Parish Council has a power to provide lighting but it has no duty to do so and therefore when it no longer wishes to exercise that power it must have the discretion to remove the existing lights"*. (legal. 52915)

The Chairman had met with Councillor Hannaford at Whitecross Market on Saturday, 09<sup>th</sup> October 2017 to discuss these matters. With regards to Furze Park it is unclear why the Parish Council should manage these lights as the entrance road is maintained by Highways and the car park belongs to Cornwall Housing. The situation with Ocean View is as above and it is unlikely to be adopted by Cornwall Council.

Those present were invited to speak:

Mr Bailey: With regards to Ocean View being classed as "un-adopted" it is a private road owned by the Duchy Of Cornwall. Residents do not pay towards the maintenance. Is there any reason why the road was never adopted?

Cllr Adams: Points out that the District Council failed in its duty to adopt the road.

Mr Trueman: Points out there are "adopted" street lights on private roads in Polruan i.e. Battery Park (lights A052 & A 053)

Cllr Adams: There are also examples in Looe that have recently been adopted.

Mr Bate: With regards to Ocean View being a "cul-da-sac", the whole of Polruan could be classed as such.

Cllr Adams: Read from his notes and said there is/was a maintenance agreement between the Parish Council and SWELEC/SWEB

Mr Trueman: The parish Council has paid for the repairs and previous upgrading of the lights. He felt as residents of Ocean View are higher banded Council Tax payers, His being over £2300 PA, its only fair the Parish pay for their street lighting.

Chairman: To ask the Clerk to draw up a spread sheet to show how much is/has been spent on street lighting. (Attached)

Mr Trueman: Read out information he had obtained relating to new lamp LED heads. These are £166 + VAT each. He felt the existing poles are in a good state of repair and these could be fitted in place of the existing heads. This solution could extend the life of the street lighting until 2025. (Information on the this type of LED head provided by Mr Trueman)

Cllr Talling: How much will the cost of replacing the lights be after 2025. The parish is Lanteglos By Fowey, not just Polruan

Mr Bate: If the lights are bought up to standard and Cornwall Council adopt them, then there's no problem. Currently, the Parish Council is paying a maintenance contract for these lights and the light outside of his house is still not working. This was brought to the Parish Councils attention back in February (and reported to SSE) (Since reported again by the Clerk). If the Parish Council is not getting the service it pays for from SSE then it should stop paying for it.

Mr Trueman: Read out the minute from the February meeting. (Minute 31/2017)

Mr Hill: Do the parish records only go back to 1993?

Cllr Adams: Older records are held in the Archive at Truro.

Mr Hill: There must be something in the minutes from 1970 onwards. WJB Hill & Son have been involved in the sales of properties in Ocean View and he will look through his record for any useful information. (Since supplied by Mr Hill and Mrs Thompson is now in contact with the Records Office)

Cllr Adams: Read out the timeline he has worked (copy to be supplied)

Mr Trueman: Read out a letter from SSE dated 08<sup>th</sup> May 2015 to the then Clerk Mr Charman informing the council that their fees would be increasing.

Mr Bate: Asked if the Parish Council pays for its legal advice?

Chairman: Yes

Mr Bate: The parish will need to factor in the cost of removing the street lights, including the costs of making good and also the possible costs of any legal challenge to the lights being removed.

Chairman: Acknowledged the points made. With regards to Furze Park, it is believed this will be more straightforward.

Mr Trueman: Referring back to the information of new LED heads he had researched, the cost would be reduced if more than 1 is purchased at the same time. (5 units @ £128 + VAT)

Mr Bailey: It's unlikely the Duchy Of Cornwall will want any involvement. Their involvement is only because the developer went bust and the land fell to them.

Mr Cook: There must be some legal basis as to why the Parish Council continued as the lighting authority?

Mr Bate: Although Ocean View may be classed as a cu-da-sac / does not lead anywhere, the Vicarage is at the top of Ocean View so the community so use the road.

Mr Bate: If the lighting was removed, the Parish would expect a reduction the Precept.

Mr Cook: Is there the serious proposal that the lights will be removed?

Chairman: Not at the moment.

Mrs Watts: Why has this come forward now? Previously, residents have paid £500 each to have the road adopted. The residents of Ocean View have paid for these lights.

Mr Bate: Do we have apologies from the Councillors who are not present?

Chairman: Yes

Mr Cook: Do the Parish Council pay the electric for the street lights?

Chairman: Yes

Mr Cook: Is there economy to be made such as switching the lights off late at night?

Mr Trueman: Can the Council provide the annual figures for the lights. (Attached)

Meeting Closed – 20.06

#### Requested Amendments

#### **REQUEST 1 – Mr Michael Bailey FCA, Chairman**

With respect, the first comment attributed to myself is inaccurate.

I did not refer to Ocean View as being classed as 'un-adopted' in the manner the note suggests but I did query why the PC is constantly referring to Ocean View as being a 'private road' and asked what they inferred by that as it is not the case that Ocean View is owned by the residents, nor are there any restrictions on public access; I then went on to suggest that it should be referred to as being 'un-adopted' rather than 'private' as the latter term could be, and is being, misconstrued.

Furthermore, I did not say the residents do not pay towards maintenance but did say that 'as they do not own it there is no separate agreement that requires them to pay for this privately but they do make a contribution, as do other residents of the Parish, through Council Tax in the normal way'.

As far as the second comment is concerned, the words I used were that 'the Duchy were not the original owners of the land and were not the party that sold it to the developer nor do they have any obligations under that sale agreement, so they are unlikely to agree there is any need or obligation for them to make a contribution' and I went on to explain that 'when the developer went into liquidation the land was officially disclaimed and, by law, automatically reverted to the Duchy, whereas elsewhere in the Country it would have reverted to the Crown.'

Finally, several of those present, both residents and councillors, commented that 'Cornwall CC were at fault as they should have required the developer to provide a streetworks bond to ensure the roads/lights were made up to an adoptable standard and whilst they may not have done so they (the County) were still under a moral obligation to adopt the roads and/or lights', however this does not seem to have been adequately recorded.

### **REQUEST 2 – Mr Brian Cook**

1. They miss the main point that Mr. Hill made. The reason that the Parish Council is providing lighting in Ocean View and Furze Park is that back in the 1960s/ 70s when Ocean View was developed it was the lighting authority for the whole village. Subsequently the County or then District Council chose which lights it would take over. (In doing this they seem to have unwittingly taken some on private roads and not others).
2. I reminded the meeting that most of the residents of Ocean View are OAPs and a number are disabled and that it would be cruel to remove the lighting. In response the chairperson gave an unqualified assurance that it is not the intention of the council to remove the lighting. She did not say 'Not at the moment'.
3. The notes seem to have missed the accusation from Mrs Watts and others that a particular councillor seems to be making the removal of lighting in Ocean View a personal mission ('vendetta' was mentioned). His responsibility for repeatedly bringing this matter forward was reluctantly acknowledged by him at the meeting.
4. A number of speakers made the point that all Polruan residents paid for lighting.... some paid the County for it and got it while others didn't. Others paid the Parish for it and got it from them while others didn't. All paid for lighting one way or another. An individual Council tax payer was unlikely to be concerned which Council provided the service.
5. The final point.... the advice on how houses are rated in lighted as opposed to unlighted areas is dubious. Rate bands are set on the basis of individual house values in April 1991. Was a house of higher value (i.e. Cost more) in a well lit street as opposed to the same house in a remote unlit one? .... probably... would need research though!

This whole divisive business shows the Council in a poor light. Surely it would be better devoting itself to other matters to the benefit of the whole community.

### **REQUEST 3 – Mr Victor Trueman**

May I point out several errors in the notes taken by councillor Fisher during the meeting regarding Ocean View streetlights on October 9<sup>th</sup> at the WI Hall in Polruan.

1. The Parish Council has paid for repairs in the past and my statement was that the taxband for Ocean View residents are quite substantially higher than elsewhere in the Parish. Mine being £2200.00 per annum.  
Mr. Fisher's notes state that it is only fair that the Parish pay for the streetlighting. This was never said by myself. Please amend this.
2. I also note councillor Moore was asked if the lighting in Ocean View was to be removed and councillor Moore gave an assurance that this was not the intention. Notes say "not at the moment".
3. The notes also missed Mrs. Watts's question " Whom had brought this subject up once again and that a particular councillor seemed to be making Ocean View lighting a personal vendetta". Councillor Moore did not answer these accusations but I did tell persons present that it was councillor Fisher whom had brought this up once again.
4. I also stated at the meeting that it seemed as though only one councillor, councillor Adams, had done any investigation to the past and present problems that had occurred.
5. There is no mention in your NOTES that councillor Moore, your chair person, made an unacceptable outburst at councillor Adams. This has been discussed between residents who were present at the meeting and we find it appropriate for councillor Moore to make a formal apology to councillor Adams.

I also wrote to you saying it would be advisable to have a competent person present to take notes. This doesn't seem the case.

P.S. In your reply to Mr. Cook's email it states final version will be circulated AFTER November meeting. Is this to avoid members present commenting.

Correspondence Referred to Above

**EMAIL from Mr Melvyn Hudson PERMISSION to publish not received**

**EMAIL from Ms Julia Ball PERMISSION to publish refused**

**EMAIL from Ms Linda Crapper PERMISSION to publish granted**

I refer to your letter of the 10<sup>th</sup> September. I understand the Council has always paid and maintained the lights on this private road and surely after 12 years this becomes statutory to continue this service.

I would comment that, virtually all the house owners on this road are retired/elderly which poses the question that they do require street lighting as accidents can happen.

Please advise me that if accidents happen due to no street lighting will the Council be liable? You could save money by putting up more energy efficient low cost fittings.

Further Information:

1. Copy of Parish Lighting Costs 2017

Date	Item	CHQ No.	CHECK	Parish Lighting - EDF	Parish Lighting - SSE	VAT
25-Oct-16	EDF Energy - parish lighting	DD	205.74	195.94		9.80
28-Nov-16	SSE Contracting Ltd - street lighting maintenance	100218	94.22		78.52	15.70
28-Feb-17	SSE Contracting Ltd - street lighting maintenance	100251	94.22		78.52	15.70
25-Jul-17	EDF Energy - Parish Lighting	DD	197.10	187.71		9.39
26-Sep-17	SSE Enterprise - parish lighting routine maintenance	100319	282.67		235.56	47.11
26-Sep-17	EDF Energy - Parish Lighting	DD	351.62	343.22		8.40
				<u>726.87</u>	<u>392.60</u>	<u>106.10</u>

2. Cllr Edwina Hannaford has since clarified that there is no difference between the rates paid on a property in Council Tax Band F, i.e., Band F in a street light area pays the same as Band F in a non-street light area. This is nationally, not just in Cornwall. There is no discount if there is no street lighting.