

TENBY TOWN COUNCIL
MINUTES OF THE TENBY TOWN COUNCIL MEETING HELD
27th NOVEMBER 2018

PRESENT: Councillor Mrs S Lane
Councillor P Rapi
Councillor L Blackhall
Councillor Mrs T Rossiter
Councillor T Brown
Councillor Mrs S Skyrme-Blackhall
Councillor Mrs T Evans
Councillor Mrs S Williams
Councillor T Hallett

IN ATTENDANCE: Mr A Davies Clerk to the Council/Financial Officer
Mrs S Thompson Assistant to the Clerk

271. TO RECEIVE APOLOGIES

Apologies received from Cllr Mrs C Brown and Cllr Mrs C Thomas.

272. TO DISCLOSE ANY PERSONAL INTERESTS IN ITEMS OF BUSINESS LISTED BELOW

None declared.

273. TO AGREE ITEMS OF CORRESPONDENCE AND COMMITTEE MINUTES OTHER THAN THOSE MARKED NOT FOR PUBLICATION BEING GIVEN TO MEMBERS OF THE PRESS PRESENT

Proposed by Cllr Blackhall and seconded by Cllr Rapi.

RESOLVED

That items of Correspondence and Committee Minutes other than those items marked Not for Publication be given to members of the Press present.

274. CONFIRMATION OF MINUTES

Resolved that the Minutes of the Tenby Town Council meeting held 13th November 2018 be confirmed and signed as accurate.

275. MATTERS ARISING FROM THE MINUTES FOR INFORMATION ONLY

258. Closure of Tenby Tourist Information Centre

The Clerk had spoken with Paul Ashley-Jones regarding the potential cut of service and their prioritisation. There had been a member's seminar yesterday at PCC regarding the budget and proposed service reductions. This will feed through to Cabinet and there will be final recommendations going forward. Mr. Ashley-Jones indicated that he had inputted into the seminar that Tenby Town Council would like to see the TIC continue to operate in Tenby under PCC funding but would be prepared to enter into further discussions. The Mayor hoped that this wasn't taken the wrong way by PCC and that TTC would fund it if they could not.

259. Mr Darren Thomas, PCC – 20 mph speed limit

The Clerk told Councillors that Tenby Town Council had been copied in on a letter sent to Pembrokeshire Council from a resident of St John's Hill bemoaning the fact that the 20 mph speed limit is not being enforced. Councillors noted the correspondence. Cllr. Mrs. Rossiter also handed the Clerk a press cutting from a national newspaper which claimed that 20 mph speed limits across the country had proved ineffectual without the introduction of additional traffic calming measures.

The Mayor asked if there were any further updates on the South Parade and the Clerk told Councillors that Ms Henehan had been disappointed by what she had read in the press from the last council meeting. Ms Henehan had met with Mr Darren Thomas to see what may be done but it was felt that, notwithstanding any other issues like town walls maintenance and the public realm, the lighting of the town walls was an idea of Tenby Town Council's and it is the job of Tenby Town Council to push this forward. They will help with preparation of the tender document.

Councillors felt that the state of the walls is also an issue. The Clerk pointed out that there had been a recent walkabout with PCC and their feeling was that there is not really an issue, saying there were no areas of structural concern.

269. The Condition of the Area at the Top of South Beach Bar Grill/Water's Edge

Cllr Rapi asked if a site meeting could take place before next Council meeting. The Clerk is to organise this for some time next week.

276. TO RECEIVE THE NOTES OF THE CHRISTMAS FESTIVITIES MEETING HELD ON 13TH NOVEMBER 2018

The Mayor told Councillors that the event is this Saturday, 1st December and asked if anyone could help it would be greatly appreciated as it is quite a task setting everything up. Cllr Blackhall offered his assistance. At 11.30 the traffic management team will commence the road closure and the Rotary Club have now confirmed that there will be a Bull Run. Peppa Pig and George will be here and a number of small rides are a possibility. There is a meeting tomorrow between the Showman's Guild, PCC and the Clerk in Tudor Square to confirm what rides would be suitable for the space.

277. TO CONSIDER THE FOLLOWING PLANNING APPLICATIONS AND TO AGREE ACTION IN RESPONSE TO PROPOSALS:

- a. NP/18/0664/TPO – TPO76 T1 Beech – Reduce overhanging limbs to rear garden on 3 St David’s Close. Work to BS3993 reducing back to suitable growth points

Cllr Hallett proposed accepting the proposal and Cllr Blackhall seconded.

RECOMMEND

Approval. Considered against all the relevant policies within the LDP members consider this proposal to be essential in the interests of public health and safety.

- b. NP/18/0667/FUL – Replacement single storey side extension and front porch – 45 The Glebe, Tenby

Cllr Mrs Rossiter proposed accepting the proposal and Cllr Mrs Skyrme-Blackhall seconded.

RECOMMEND

Approval. Considered against all the relevant policies within the LDP members have no objections to this proposal.

278. TO DISCUSS THE FOLLOWING ITEMS OF PLANNING CORRESPONDENCE AND AGREE ACTION IN RESPONSE TO PROPOSALS:

- a. Asbriplanning – Statutory pre-application consultation – demolition of former Reeves Calendars and Five Arches Press offices and the redevelopment of the site for 29 residential dwellings and associated landscape and infrastructure works

Cllr Brown, who lives in the area nearby, told Councillors that he is all in favour of new residential dwellings but has major concerns over access to the site. Cars attempting to pass are already restricted by vehicles parked on either side of the road on the Knowling Mead estate and he feels that the road is too small for the volume of existing traffics let alone the introduction of 29 new dwellings which could potentially introduce another 58 cards to use the narrow road.

Surely this is a child safety issue and way too dangerous he said.

Cllr Hallett also voiced his grave concern over the single access road. Modern households tend to have at least 2 cars.

Cllr Blackhall reminded Councillors that this is a pre-application and it is at this stage that such issues can be raised with the developers. Also the matter of S106 and affordable housing provision can be considered.

The Mayor also voiced her concern over the access as cars passing along this area of Knowling Mead are already an issue. Really it is only a single lane road as there are always cars parked on both sides of the road.

Members agreed to write to Asbriplanning stating that although not opposed to the new site, they have grave concerns over access.

279. TO DISCUSS THE FOLLOWING ITEMS OF CORRESPONDENCE AND AGREE ACTION IN RESPONSE TO PROPOSALS:

a. PCC – Pembrokeshire Bus Service Consultation Questionnaire

Councillors are asked to individually submit a completed questionnaire and to make the public aware of this consultation as it will help shape bus services in the face of further funding cuts. Cllr Hallett is concerned that this is a loaded way to get rid of buses. This will affect many people in different ways and the questionnaire may not be a true representation. The Mayor urged all to complete and return to PCC.

280. TO RECEIVE REPORTS BY COUNCILLORS ON OUTSIDE BODIES

No reports for Councillors at this time.

281. TO CONSIDER ANY MEDIA ITEMS RELATING TO TENBY TOWN COUNCIL OR TENBY AND AGREE ACTION IN RESPONSE

Cllr Rapi reminded all that this coming Saturday is an important day for the Tenby community. Festivities start from 1pm so please come to the Square and join in the fun.

282. TO RECEIVE UPDATES AS TO THE SALE OF LAND AT BRYNHIR (IF ANY)

The Clerk had asked Cllr. Mrs. Pat Davies for a meeting who had confirmed that an informal meeting would be arranged for the New Year as PCC would be in a better position as they would be closer to outline planning. Cllr Blackhall asked that we request a date for a meeting to take place within the first two weeks of January 2019. The Save Brynhir group had a meeting planned for 12th December to which PCC and NPCPA had been invited.

283. TO RECEIVE UPDATES ON SOUTH PARADE (IF ANY)

This had been covered earlier in the meeting.

284. UPDATE ON PLASTIC FREE TENBY INITIATIVES

Nothing to report at this time.

285. TO CONSIDER ANY FINANCIAL OFFICER/CLERK'S ITEMS AND TO AGREE ACTION IN RESPONSE TO PROPOSALS

a. Council Committee and Outside Bodies Vacancies

The Clerk told Councillors that since the resignation of Cllr Rees there is a vacancy on the Cemetery Management Sub-Committee. Cllr Mrs Skyme-Blackhall was nominated to fill this role. At this point Cllr Rapi resigned his position on the Cemetery Management Sub-Committee due to work load and proposed that Cllr Mrs Evans take the role and Cllr Hallett seconded the proposal.

Resolved

That Cllr. Mrs. Skyrme Blackhall and Cllr. Mrs. Evans be appointed to the Cemetery Management Committee.

Both Councillors were delighted to be serving on this Sub-Committee.

With regard to the position on the De Valence Pavilion Trust, Cllr Blackhall proposed leaving the post vacant for the time being.

Resolved

That the council vacancy on the Trust remain vacant at this time.

Cllr Rapi asked if his dispensation to speak on De Valence items was still valid and he was informed that it had expired. It was agreed that those councillors seeking dispensation to speak on the De Valence should liaise with The Clerk.

b. Street Trading and Service Providers

The Clerk had been invited to a meeting between county councillors, members of the Chamber of Trade and Mr. Marc Owen, PCC last month regarding the on-going situation relating to Street Trader/Service Providers in the town.

The Clerk said Mr. Owen had listened to the concerns and, as agreed, had now fed back his thoughts as follows:

As discussed Street Traders are covered under our current powers, however, service providers are not.

If "traders" are selling or offering for sale goods or articles then they should either fall within our street trading consent system or they are pedlars – and therefore the Police's problem. Pedlars ought to move around and take their wares to their customers, not set up a pitch.

Hair braiders and Henna tattooists: As they don't 'sell' anything (they offer a 'service'), they don't appear to fall within the definition of 'street trading' for the

purposes of the Local Government (Miscellaneous Provisions) Act 1982 – which means that they don't fall within the current Authorisation scheme.

Prior to 2009 they would have been Pedlars and therefore an issue for the Police to deal with.

Following the EU Services Directive and with the implementation of the Provision of Services Regulations, the Pedlar's Act was amended to delete 'or selling or offering for sale his skill in handicraft' – thereby removing traders who are performing a service from the definition of Pedlar. Apparently in 2009, when selling wasn't considered to fall within the remit of the EU services directive it was felt that the Pedlars Act was in contravention of the directive and so they deleted that part.

In 2010 Member States then agreed that the retail sale of goods is generally a service activity within the scope of the directive. However, very little appears to have yet been done to sort out the myriad legislation which appears could be contrary to the directive/regulations and they didn't change the definition of pedlar back or repeal the Pedlars Act entirely.

Therefore we have this situation where there is no authorisation scheme or obvious means of controlling 'service providers' on the streets.

The Provision of Services Regulations say of Authorisation schemes that:

14.—(1) *A competent authority must not make access to, or the exercise of, a service activity subject to an authorisation scheme unless the following conditions are satisfied.*

(2) The conditions are that—

(a) the authorisation scheme does not discriminate against a provider of the service,

*(b) the need for an authorisation scheme is justified **by an overriding reason relating to the public interest**, and*

*(c) **the objective pursued cannot be attained by means of a less restrictive measure**, in particular because inspection after commencement of the service activity would take place too late to be genuinely effective.*

The public interest could be public security, public health, consumer protection, protection of the environment and road safety but definitely cannot involve an assessment of the current or potential economic effects of the activity. (Reg 21)

A byelaw under s. 2 of the Local Govt Byelaws (Wales) Act 2012 is a possibility but bringing it in and whatever consent scheme is behind it would have to comply with the regs.

If anybody is genuinely interested in looking at the confines we're working within, they only need to have a look through the Provision of Services Regulations.

*The government consultation on Street Trading and Pedlar laws in 2011 came to the conclusion that pedlars in general should not be regulated at all— that the grounds for justifying the existence of an authorisation scheme are more limited for temporary traders than for established traders; that adequate justification would need to be made out under the Provision of services regs and **in their view that could only be made out on genuine public safety grounds where a local authority is able to show evidence for this justification.***

Basically we cannot ban these 'service providers' on economic grounds. Possibly we cannot ban them at all. We need to explore the problems they raise and whether on those grounds we can justify any kind of interference.

If we can, we need to consider what the objective is and what minimum interference could attain that objective.

Therefore to conclude, we are requesting that you submit evidence to me so the authority can review, please be mindful of the above and The Public Interest conditions.

I would note that that this is just the beginning of the process I.e. this is merely about obtaining sufficient evidence to be able to highlight a problem to which there may be potential solutions.

I request that all evidence is submitted to streetcare@pembrokeshire.gov.uk by no later than the 14th December 2018.

Cllr Blackhall said that nobody had talked about 'economic restrictions', this was about the integrity and look of our town. It was how it was presented to our visitors. In the summer it appeared as if a free market or circus had hit the town. The traders blocked footpaths and made access for emergency vehicles difficult. They were clearly a public nuisance with people unable to sit on benches, access shops or even walk on pavements and he urged all those effected to write to PCC with a copy to Tenby Town Council.

This would allow a meeting to be set up with a clear objective to put together a timeline for tackling this issue. If members of the public have been unable to access shops, if pavements have been used to sell wares and are blocked, if getting through the Five Arches is restricted then we needed evidence of it, the more the better, he commented.

Cllr Mrs Rossiter asked if the henna and tattoo artists are DBS checked and also questioned if HMRC were reported to as all exchanges seem to be cash in hand. Are the Inland Revenue aware of the sales she wondered?

The Mayor added that business people in Tenby pay huge amounts of business tax, Tenby traders are missing out and we have got to do something to support them.

Cllr Blackhall commented that this is sadly not an economic issue and we had to focus on the fact that these people were a public nuisance. He reminded Councillors that closing date for the submission of letters is 14th December 2018.

286. DATE AND TIME OF NEXT MEETING

Resolved that the next meeting which will be the annual budget meeting will take place on Tuesday 4th December 2018 at 7.30pm. The next full meeting will take place on Tuesday 11th December 2018.

The Mayor gave her apologies for the meeting to be held on 11th December 2018.

287. TO PROPOSE ANY ITEMS FOR THE NEXT AGENDA

None proposed.

288. TO RESOLVE TO EXCLUDE THE PUBLIC FROM THE MEETING DURING CONSIDERATION OF THE FOLLOWING ITEM(S) OF BUSINESS UNDER THE “PUBLIC BODIES (ADMISSION TO MEETINGS) ACT OF 1960”