



PENZANCE COUNCIL

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TOWN CLERK: JAMES HARDY

11 July 2023

To: All Penzance Councillors

You are hereby summoned to a meeting of Penzance Council to be held in the Main Hall of St John's Hall on Monday 17 July 2023 at 7.00 pm to discuss the business set out in the Agenda below.

James Hardy
Town Clerk

cc: Council's Chaplain, Cornwall Councillors (Penzance), The Press,

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. Please be aware that whilst every effort is taken to ensure that members of the public are not filmed, **we cannot guarantee this**, especially if you are speaking or taking an active role.

Prior to the commencement of the business to be transacted the following will take place:-

Prayers

General principles of public life

Selflessness – Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and integrity – Members should not place themselves in situations where their honesty and integrity may be questioned. The public nature of a Member's role means the distinction between acting in your official capacity and your private life may become blurred and a Member's honesty and integrity may therefore be questioned. As a result, a Member must ensure that, as far as possible, there is clear separation between what they do in their private life and in their capacity as a Member. This is especially the case when a Member's activity in their private life relates to the functions of the Council and/or their corporate responsibilities as a Member such that a reasonable member of the public may perceive that the conduct comes within the scope of this Code of Conduct.

Objectivity – Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability – Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness – Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Leadership – Members should promote and support these principles by leadership and, by example, and should act in a way that secures or preserves public confidence.

In line with the Cornwall Code of Conduct, Penzance Council has also adopted the following principles:

Duty to uphold the law – Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Personal judgement – Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them.

Respect for others – Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees.

Stewardship – Members should do whatever they are able to do to ensure that their authorities use their resources prudently, and in accordance with the law.

“We pledge to ensure that the decisions we take today will benefit future generations.”

AGENDA

1. Apologies for Absence
2. Declarations of Interest. Members to declare disclosable pecuniary interests and non-registerable interests (including the details thereof) in respect of any items on this agenda, including any gifts or hospitality exceeding £25. (Cornwall Code of Conduct 2021 as amended by Penzance Council 24 May 2021)
3. Public Participation Time (lasting up to 15 minutes in total)
4. Cornwall Councillors' Reports
5. Exclusion of the Press and Public. To agree any items to be dealt with after the public (including the press) have been excluded as publicity would prejudice the public interest by reason of the confidential nature of the business to be transacted. Public Bodies [Admission to Meetings] Act 1960.
6. To Approve Written Requests for Dispensation
7. To Confirm the Minutes of the Penzance Council Meeting of 22 May 2023
8. To Receive Questions from Members of which Prior written Notice has Been Given (SO No.17)
9. To Note the Minutes of the Following Committee Meetings
 - (a) Planning Committee – 17 May, 7 June and 28 June 2023
 - (b) Arts and Culture Committee – 5 June 2023
 - (c) Leisure and Amenities Committee – 12 June 2023
 - (d) Finance and General Purposes Committee – 26 June 2023
10. Reports from Other Committees for Decision

Arts and Culture Committee

 - (a) Memorandum of Understanding Between the Friends of Penlee House and Penzance Council

Finance and General Purposes Committee

 - (b) Penlee House Building Condition Actions
11. Reports for Decision
 - (a) Pengarth Day Centre – Service Level Agreement for the 2023-24 Financial Year
(to follow)
 - (b) Jubilee Pool Penzance Ltd (JPPL) – Service Level Agreement for the 2023-24 Financial Year
 - (c) Shares in Pennon Group

- (d) Investment in the Public Sector Deposit Fund
- (e) Reserve Movement – Catering Equipment Fund
- (f) Cornwall Council Parking Charges
- (g) West Cornwall Hospital Urgent Treatment Centre
- (h) Erosion of Face to Face Services – Penzance Railway Station Ticket Office and Post Office Outreach Services
- (i) Wellfields Car Park Wall Repair – Appointment of Contractor
- (j) Gwavas Play Area – Community Infrastructure Levy Application (*to follow*)

12. Reports for Information

None.

13. Reports from Outside Bodies - for Information

14. Confidential Reports for Decision

(a) Extension to Contract

15. Matters Arising for Report at Next Meeting

MINUTES OF PENZANCE COUNCIL MEETING held in the Alverne Room of St John's Hall on Monday 22 May 2023 at 7:00 pm.

PRESENT

Councillors SJ Reynolds (Mayor)

Councillors	DJ Axford	Z Lawlor
	MJ Beveridge	TS Marrington (until 7:31 pm & from 8:24 pm)
	NC Broadhurst	J McKenna
	MJ Durrant (from 7:20 pm)	NG Pengelly
	S Elliott	J Power
	JM How	P Young
	B Jackson	

Also present: James Hardy (Town Clerk), Cameron Sil (Responsible Finance Officer), Elliot Ridington (Democratic Services Officer), Pastor Charles Fleming (Council's Chaplain).

10. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bosworth, Crago, Davis, W Elliott, Sorrell and Thomas.

11. DECLARATIONS OF INTEREST

There were no declarations of interest.

12. PUBLIC PARTICIPATION TIME

There was no public participation.

13. CORNWALL COUNCILLORS' REPORTS**Councillor Dwelly**

Councillor Dwelly provided a verbal report to the Council which focussed on the following areas:-

- i) St John's Hall was shortly due to undergo building works and, as a part of this, Cornwall Council officers had informed the Golowan Festival CIC, with very little notice, that it would no longer be able to use the Main Hall of the building for the duration of the festival, despite having booked it months in advance. Discussions had been ongoing regarding this clearly unreasonable decision and an assurance had now been provided by a senior officer within the Property Service that the CIC would indeed be allowed continued use of the hall, as had been the case for the entire history of the festival. The technicalities of the use of the Main Hall during the works would continue to be discussed but the crisis



- had now been averted.
- ii) A Planning Application had recently been submitted for the development of the former Penwithian Cash and Carry site on Jelbert Way. The proposed development included the increase in height of the building to three storeys. Councillor Dwelly clarified that he would be 'calling-in' this matter to the West Sub-Area Planning Committee, if required. It was then further highlighted that the developer had now erected a fence, without planning permission, which obstructed the public right of way located in front of the property and a request had therefore been made to the Planning Enforcement Service that it be removed. There also now appeared to be the possibility of Jelbert Way being redesignated as a 'no waiting' road in future.
 - iii) Work on the Creative Hub at the top of Causewayhead was ongoing and a recruitment process was commencing to employ a manager for the space, with the requirement that applicants should hold experience within the creative sector. Town Deal funds had also been secured for works to the highway and public realm at the top of Causewayhead in order to make the space more fit for purpose for the future.

Councillor George

Councillor George provided a verbal report to the Council which focussed on the following areas:-

- i) Cornwall Council was no longer pursuing its former devolution deal which would have included the necessity for a directly elected Mayor for Cornwall, in light of the negative feedback received as a part of its consultation process. However, this did not mean that Cornwall Council should not seek the further devolution of powers in future, should a more appropriate proposal be drafted.
- ii) The overnight closure of the Urgent Treatment Centre at West Cornwall Hospital was continuing but, unfortunately, there had been no recent meeting of Cornwall Council's Health and Adult Social Care Overview and Scrutiny Committee in order to allow for the consideration of the matter. It was hoped that a formal inquiry would be established in due course to assess the impact of this closure on the wider health and social care sector.
- iii) The proposed planning development on the site at Trannack was being considered in two parts, with two separate planning applications, and an assurance had been received from the Planning Officers that these would be cross referenced when consideration took place. However, Councillor George continued to have deep concerns regarding the proposed access to the site which appeared to take very little account of the needs of pedestrians, cyclists, disabled people and so on. The developer had deemed that alternative access to the site would be too expensive to construct but, if this were indeed the case, it called into question why the site was originally allocated for housing. Meetings with officers from the Highways and Planning Services regarding this matter were ongoing.

Cllr Marrington

Councillor Marrington provided a verbal report to the Council which focussed on the

following areas:-

- i) The proposed affordable housing development for 29 dwellings on land off Chywoone Hill, Newlyn had recently been allowed by the Planning Inspector on appeal. As a part of the consideration of the application the Inspector awarded costs against Cornwall Council, in the region of £100,000, and this proved to be a real example of the necessity for planning committees to base their decisions on the available evidence rather than on hearsay, particularly through social media.
- ii) It was hoped that the deteriorating fence on the path on Cliff Road, Mousehole would soon be addressed and discussions with officers from the Highways Service were ongoing, with funding also available to make improvements to the shared walking and cycling path itself.
- iii) A Community Infrastructure Levy funding application had recently been submitted to make improvements to the playground at Gwavas and further information would hopefully be made available in due course.
- iv) Councillor Marrington continued to Chair a Working Group at Cornwall Council which focussed upon Violence Against Women and Girls and her work in this area was now focussing upon providing advice on healthy relationships to school children.
- v) She had recently attended a meeting where statistics were provided relating to the numbers of pupils excluded from schools in the area and these were of extreme concern. She was therefore assessing what action could be taken to address the issues which led to these exclusions.

Cllr McKenna

Councillor McKenna provided a verbal report to the Council which focussed on the following areas:-

- i) He had attended the consultation event regarding the proposed Coinagehall Street development which had been very well attended. Mixed views were expressed regarding the development itself but there was wide ranging support for the proposed planting scheme in the area. Further consultation events would take place in June prior to the submission of a detailed planning application.
- ii) Work was being undertaken with Cormac to develop planting schemes for both Penzance Boating Pool and Newlyn Green.
- iii) Livewest continued to seek to develop housing on the only area of green open space within Alverton, despite the land being protected, although it disputed this. Work was therefore ongoing, in partnership with Councillor Jackson, to attempt to prevent such a development from taking place.
- iv) Contact had recently been made with CornwallLive regarding a misleading article it had published which stipulated that the 'Penzance Quay' area was the most deprived in Cornwall. The figures on which it has based this article were five years out of date and a so a strong rebuttal was issued.

14. TO RESOLVE TO EXCLUDE MEMBERS OF THE PRESS AND PUBLIC

In respect of Agenda Item 18(a), 'Extension to Contract', it was unanimously

RESOLVED – that members of the press and public be excluded from that section of the meeting.

(Proposed Councillor S Elliott; seconded: Councillor Beveridge)

15. TO APPROVE WRITTEN REQUESTS FOR DISPENSATION

No requests had been submitted.

16. TO CONFIRM THE MINUTES OF THE PENZANCE COUNCIL MEETING HELD ON 6 MARCH 2023

Reference was made to the Town Mayor's Announcements within the Minutes as they included a 'Mayor and Chairs Meeting' which did not take place. However, it was clarified that, despite the meeting itself not having taken place, the document which was considered at the meeting did include this meeting and so the Minutes were therefore accurate in this regard.

Further reference was then made to a typographical error on Page 95 of the Minutes under point v) set out within Councillor McKenna's Cornwall Councillor Report, whereby the word 'guaranteed' should have read 'guarantee'.

Following consideration, it was unanimously

RESOLVED – that the Minutes of the Penzance Council meeting held on 6 March 2023 be approved as true and accurate record and signed by the Chair, subject to the following amendment:-

The word 'guaranteed' be replaced with 'guarantee' within point v) of Councillor McKenna's Cornwall Councillor Report on Page 95 of the document.

(Proposed: Councillor How; seconded: Councillor Axford)

17. TO CONFIRM THE MINUTES OF THE PENLEE HOUSE COMMITTEE MEETING HELD ON 20 MARCH 2023

The minutes of the meeting having been previously circulated, it was

RESOLVED – that the Minutes of the Penlee House Committee meeting held on 20 March 2023 be approved as true and accurate record and signed by the Chair.

(Proposed: Councillor Beveridge; seconded: Councillor Young)

Vote; Four in favour. Nine abstentions.

18. TO CONFIRM THE MINUTES OF THE ANNUAL PENZANCE COUNCIL MEETING HELD ON 9 MAY 2023

The minutes of the meeting having been previously circulated, it was unanimously

RESOLVED – that the Minutes of the Annual Penzance Council meeting held on 9 May 2023 be approved as true and accurate record and signed by the Chair.

(Proposed: Councillor Reynolds; seconded: Councillor How)

19. TO DEAL WITH BUSINESS EXPRESSLY REQUIRED BY STATUTE TO BE DONE

There was no business to be transacted.

20. TO RECEIVE QUESTIONS FROM MEMBERS OF WHICH PRIOR WRITTEN NOTICE HAD BEEN GIVEN, IN ACCORDANCE WITH STANDING ORDER NO. 17

No questions had been received.

21. TOWN MAYOR'S ANNOUNCEMENTS

The Mayor's Engagements from 6 March to 21 May 2023 were as follows:-

March	06	Penzance Council Meeting
	08	Community Energy event
	11	Penzance Police Enquiry Office – Re-opening Event (DTM)
	15	Meeting re. Mayor Choosing Invitations
	16	Mayors of Cornwall Meeting
	16	King's Coronation Task & Finish Group Meeting
	16	Penzance BID Meeting
	17	Stage-Struck Youth Theatre's Production of 'The Addams Family'
	18	Penzance Orchestral Society Concert (DTM)
	20	Meeting with Arts Council representative
	20	Penlee House Committee Meeting
	22	Climate Focus Event
	23	Informal Climate Emergency Subcommittee Meeting
	27	Penzance BID Annual General Meeting
	27	Leisure & Amenities Committee Meeting
	30	Penzance Business Breakfast Meeting
	30	Penzance Town Deal Board Extraordinary Meeting
	31	New Court Grand Opening – Penzance Tennis Club (Cllr Young - Civic Deputy)
April	04	Penzance BID Meeting
	05	Planning Committee Meeting
	11	Finance/General Purposes Committee Meeting
	14	Penzance Sustainable Transport Working Group
	15	Bowl First Wood at Penzance Bowling Club – Start of Bowling Season
	15	Event to Celebrate Celtic Culture
	16	Mayor of Penryn's Civic Service (DTM)
April	19	Community Housing Conversations event



	20	Mayors of Cornwall Meeting
	20	Informal Penzance Council Meeting
	21	Unite to Survive Earth Day Event (DTM)
	23	Falmouth Mayor's Civic Service (DTM)
	24	Annual Town Meeting
	26	Mayor Choosing Rehearsal
	27	Climate Focus event
	28	Young people from Concarneau at Penzance Fire Station
	29	Mayor of Camborne's Trevithick Day Civic Reception
May	03	Town Deal Penzance Regeneration Working Group
	03	Lamorna Colony Pioneers Exhibition event
	03	Kesoberi Housing presentation
	05	Helston Flora - Coffee
	05	Housing Crisis Working Group
	06	Penzance Rotary Club's President's Night
	07	Open King's Coronation Event and assist with Councillor Stall
	07	May Horns intervention at Lariggan River
	09	Penzance Mayor Choosing Ceremony
	10	Mounts Bay Academy Clean Air Pilot Project online meeting
	10	16 Days of Action planning meeting
	11	Penryn Mayor Choosing Ceremony (DTM)
	11	Hayle Mayor Choosing Ceremony
	12	Newlyn Art Gallery – Hodgson Collection Special Viewing
	13	Penzance Choral Society Concert
	15	St Ives Mayor Choosing Ceremony & Civic Evening
	15	Morrab Library Buffet Lunch (Civic Deputies)
	15	Truro Mayor-Making Ceremony (DTM)
	16	Beryl Bikes Launch Event, Jubilee Pool
	16	Penzance/Concarneau Twinning Association Meeting
	17	Penzance BID Monthly Meeting
	17	Planning Committee Meeting
	18	Town Deal Board Meeting
	18	Bodmin Mayor Choosing Ceremony (Cllr Young – Civic Deputy)

22. TO NOTE THE MINUTES OF THE FOLLOWING COMMITTEE MEETINGS

Members noted the Minutes of the following Committees:-

- (a) Planning Committee – 15 March, 5 April and 26 April 2023
- (b) Penlee House Committee – 20 March 2023
- (c) Leisure and Amenities Committee – 27 March 2023
- (d) Finance & General Purposes Committee – 11 April 2023

23. REPORTS FROM OTHER COMMITTEES FOR DECISION

Finance and General Purposes Committee**a) Leisure and Amenities 2022/23 Project Roll Forward - (min no. 73 (a))**

At the end of the financial year, the unspent expenditure from the Leisure and Amenities budget lines was transferred to the General Fund reserve. A number of projects were ongoing from the previous financial year and, as such, it was recommended that this amount be taken from the General Fund Reserve and reinstated into the appropriate budget line for the upcoming financial year.

This ongoing work centred on the Penlee Park Welfare Accommodation and Storage project, to produce a specification for the necessary work required. The specification for the work, set out at Appendix 1 to the report, had recently been produced and it was therefore recommended that the remaining funds from this budget line were transferred to the 2023/24 financial year in order source quotes for progressing the project.

Following consideration, it was unanimously

RESOLVED that the unspent expenditure from the Penlee Park Capital Projects budget line (1015/10) from 2022/23 (£39,059.15) be transferred from the General Fund Reserve back into said expenditure line for the 2023/24 financial year.

(Proposed: Councillor S Elliott; seconded: Councillor Broadhurst)

b) Wherrytown Water Fountain - (min no. 73(b))

Penzance Council had been approached regarding a proposal to install a water fountain, free of charge, at Wherrytown skatepark.

A number of steps would need to be implemented in order to effectively support the ongoing operational requirements of the installation and some of these requirements were set out in the report.

When this matter had been considered by the Finance and General Purposes Committee it had been suggested that the costs set out in the report seemed particularly high and that, despite being based on worst case scenarios, it was unlikely that this level of funding would be necessary. In response, it was advised that the necessary expenditure could be approved and then considered as a part of the six month budget review process. At that stage the levels of expenditure for operations and maintenance might be clearer and, if necessary, the respective budget(s) could be increased as required and met from the General Fund reserve.

Following consideration, it was unanimously

RESOLVED that

1. It be noted that, at its meeting held on 27 March 2023, the Leisure and Amenities Committee resolved that the installation of a water fountain at Wherrytown skatepark be supported in principle, subject to funds being identified to support



the ongoing operation and maintenance.

2. The unbudgeted expenditure to support the ongoing operation and maintenance of a water fountain at Wherrytown be approved and further considered during the six month budget review process.

(Proposed: Councillor Axford; seconded: Councillor Broadhurst)

c) Amendments to Standing Orders (Terms of Reference) (min no. 74(a))

At the meeting of Penzance Council held on 6 March 2023 it was resolved to redesignate Committees and, specifically, to establish an Arts and Culture Committee which would inherit a number of the duties of other Committees. At this meeting it was also resolved that revised Terms of Reference be drafted and presented to the next ordinary meeting of Penzance Council for its consideration.

The revised Terms of Reference were set out within Appendix 1 to the report and were presented for approval.

A minor change had also been made to Standing Order 22 'Handling staff matters' which reflected a proposed change to the Terms of Reference of the Personnel Committee.

Following consideration, it was

RESOLVED that the revised Standing Orders and Committee Terms of Reference, set out using tracked changes at Appendix 1 to the report, be approved and adopted.

(Proposed: Councillor Beveridge; seconded: Councillor S Elliott)

Vote; Twelve in favour. One abstention.

d) Revisions to Grants Policy (min no. 74(c))

The report made reference to a number of proposed amendments to the Penzance Council Grants Policy and the reasons why they were suggested.

Following consideration, it was unanimously

RESOLVED that the following changes be made to Penzance Council's Grants Policy:-

- (i) Section 3.0 'Application Process': 'applications of £3,000 or more that are supported by the appropriate committee, will be referred to Full Council for a final decision' be amended to read 'applications of over £3,000 that are supported by the appropriate committee, will be referred to Full Council for a final decision'.
- (ii) Section 4.3 'Applications which are not usually eligible': Under the listed organisations, an addition be included as follows:- 'Organisations which intend

to use the funding to provide grants to other organisations’.

- (iii) Section 4.5 ‘Banking Arrangements’: an addition be included as follows:- ‘and make payment instructions’ on the section where it refers to two authorised representatives being required to sign cheques.

(Proposed: Councillor Reynolds; seconded: Councillor Young)

e) Strategic Grants and Service Level Agreements 2023/24 (min no. 74 (e))

In previous Council and committee meetings Members had expressed the view that, in some circumstances, service level agreements with specific organisations in the parish which delivered services aligned with the Council’s strategic objectives would be more suitable than one-off grant towards projects, where financial contributions to their core delivery objectives were much more needed. It was subsequently resolved to create a new Strategic Grants Earmarked Reserve and that existing funds could be used to undertake a pilot scheme with one organisation during the ensuing financial year to ascertain whether the arrangement would work well, and this could then inform the budget setting process for the 2024/25 financial year to allow consideration of the level of funds budgeted for strategic grants.

It was proposed that authority be delegated to the Town Clerk to work with the Pengarth Day Care Centre, as a longstanding service provider and grant recipient, to develop a pilot strategic grant service level agreement for presentation to a future meeting of Penzance Council for consideration.

Following consideration, it was

RESOLVED that

1. Pengarth Day Centre be approved in principle as the recipient of a Strategic Grant from Penzance Council on a pilot basis for 2023/24.
2. Authority be delegated to the Town Clerk to develop a Service Level Agreement, including the proposed level of funding, with Pengarth Day Centre for 2023/24.
3. The proposed funding and Service Level Agreement, referred to in (2.) above, be presented to a future meeting of Penzance Council for approval.

(Proposed: Councillor S Elliott; seconded: Councillor Broadhurst)

Vote; Eleven in favour. Two abstentions.

24. REPORTS FOR DECISION

a) Penzance Council Risk Register

The annual review of Penzance Council’s Risk Register had been completed and was

attached at Appendix 1 to the report.

Each department of Penzance Council presented their respective sections of the risk register to the appropriate Committee prior to their recommendation to Penzance Council for adoption. Minor changes had been made to the Risk Register since it was last adopted in 2022.

The sections relating to Penlee House, Leisure and Amenities and Finance and General Purposes had been considered by their respective Committees at their most recent meetings. However, there were a number of matters which fell within the purview of Penzance Council as a whole and so the entire document was now therefore presented for adoption.

During the debate, Members raised a number of points including the following:-

- i) Point 9.14 of the document had been duplicated and the latter instance should have been replaced with Point 9.15.
- ii) All references to the Penlee House Committee would now need to be replaced with the Arts and Culture Committee.
- iii) Point 2.10 referenced Display Screen Assessment Risk Assessments and it was highlighted that these should have been undertaken for all new staff and, as a minimum, repeated every three years.
- iv) Reference should have been made to cyber security and the need for training for all Councillors and staff.
- v) The risk of negative or inappropriate social media posts made by Councillors should also have been included.
- vi) Point 3.10 should have included a further action for Content Management training to be provided.

Following consideration, it was unanimously

RESOLVED that the draft Risk Register, as set out at Appendix 1 to the report, be noted and adopted, subject to the following amendments:-

- i) The latter instance of Point 9.14 of the document be replaced with Point 9.15.
- ii) All references to the Penlee House Committee be replaced with the Arts and Culture Committee.
- iii) The addition of the requirement for Display Screen Equipment Risk Assessments to be undertaken for all new staff and repeated every three years.
- iv) The inclusion of cyber security training for all Councillors and staff.
- v) The inclusion of a risk relating to negative or inappropriate social media posts made by Councillors.
- vi) Point 3.10 be amended to include Content Management Training as a further action.

(Proposed: Councillor Young; seconded: Councillor How)

b) Internal Audit End of Year Report 2022/23

The Council was subject to an accounting and reporting regime of limited assurance as set out in the Accounts and Audit Regulations 2015. These regulations applied to every local authority in England with an annual turnover of up to £6.5 million.

The report contributed to the Annual Governance and Accountability Report which required the approval of Penzance Council prior to submission to its external Auditors, BDO LLP.

Following consideration, it was unanimously

RESOLVED that the Internal Audit Report for the financial year 2022/23, as set out at Appendix 1 to the report, be received and noted.

(Proposed: Councillor Reynolds; seconded: Councillor Broadhurst)

c) Annual Governance and Accounting Statement 2022/23

The Council was subject to an accounting and reporting regime of limited assurance as set out in the Accounts and Audit Regulations 2015. These regulations applied to every local authority in England with an annual turnover of up to £6.5 million.

The two sections referenced within the recommendations of the report contributed to the Annual Governance and Accountability Report which required the approval of Penzance Council prior to submission to its external Auditors, BDO LLP.

Following consideration, it was unanimously

RESOLVED that

1. The Annual Governance Statement for the financial year 2022/23, as set out at Appendix 1 to the report, be approved.

(Proposed: Councillor S Elliott; seconded: Councillor Reynolds)

2. The Accounting Statement for the financial year 2022/23, as set out at Appendix 2 to the report, be approved.

(Proposed: Councillor Beveridge; seconded: Councillor Young)

3. The Council's Reserve position on 31 March 2023, as set out at Appendix 3 to the report, be noted.

(Proposed: Councillor Lawlor; seconded: Councillor McKenna)

d) Investment Strategy Review

Last updated in 2022, it was necessary to adopt the Investment Strategy annually. The document provided an update of shares received from investments in the previous financial year.

An addition had been made to Section 3.6, the 'investment objectives', which stated that any future investments should meet the aims of the Council's Strategic Objectives.

The investment strategy for the coming year would continue to collect dividends from shares in Pennon Group and to accrue interest from reserves kept in a higher interest rate savings account.

Investigations would be undertaken to consider the Public Sector Deposit Fund which was an investment fund specifically for public sector organisations and was popular with other town and parish councils. The fund had a responsible investment policy which monitored their counterparties environmental, social and governance risk management on a regular basis, which would meet Penzance Council's Strategic Objectives. Any surplus in the Council's general reserve could be reviewed for future investment in this fund if it was deemed appropriate and worthwhile.

During the debate, Members raised a number of points including the following:-

- i) The document did not make reference to the Future Generations Pledge adopted by the Council and this should have been included within its Investment Priorities.
- ii) Reference was made to the Council's investments in Pennon Group, the owner of South West Water, and it was queried as to whether this was appropriate, both on the likely return on any investment and also on the basis of the Council's Strategic Objective to protect and enhance the environment in light of South West Water's poor record on pollution incidents and raw sewage discharges.

In response, it was advised that Point 3.6 of the document did reference the need for new investments to align with the Strategic Objectives of the Council. However, in terms of the latter point, an undertaking was provided to present a report to the next scheduled meeting of Penzance Council to review the Council's shares in Pennon Group and to further review the potential future use of the Public Sector Deposit Fund.

Following consideration, it was

RESOLVED that the Investment Strategy, as set out at Appendix 1 to the report, be adopted and the investment report of 2022/23, set out therein, be noted.

(Proposed: Councillor Broadhurst; seconded: Councillor Jackson)

Vote; Twelve in favour. One abstention.

e) Virement of Funds – Wellfields Car Park Wall

The total amount of the Wellfields Car Park - Extraordinary Maintenance budget line in 2022/23 was £64,000 and only £4,450 was spent, leaving a balance of £59,550 which was specifically budgeted for the repair of the wall.

Members had previously resolved to progress the rebuilding of a retaining wall between Wellfields Car Park and neighbouring properties. The wall was showing signs

of failure and needed to be demolished and rebuilt to the correct specification.

Work had been ongoing to produce and refine a specification for the wall rebuild project. Initial costs were significantly higher than anticipated and a significant amount of work had been completed to optimise the specification.

To reduce the interim risk of wall failure whilst the tender process was being progressed, the trees which were identified for removal were felled to between 4 and 6 ft above ground level which had taken a significant amount of weight and leverage away from the wall.

As unspent expenditure at the end of the financial year had been moved to the General Fund reserve, these funds now needed to be moved back into an expenditure line to progress both the contractor appointment and the completion of the project.

Following consideration, it was unanimously

RESOLVED that a virement of £59,550 be made from the General Fund reserve to the Wellfields Car Park – Extraordinary Maintenance budget line (1060/7).

(Proposed: Councillor Power; seconded: Councillor Broadhurst)

f) Conflicts of Interest – External Auditor

As a requirement of the external auditors, BDO LLP, it was necessary that each audited authority completed the conflict of interest form, set out at Appendix 1 to the report, to declare any Members who had a conflict of interest with the organisation.

If there were any persons with an interest, it was a requirement to write each person's name on the form and declare the nature of the interest.

During the debate, it was highlighted that all Members of the Council were not present at this meeting and so those who were absent would be contacted to ensure that they held no conflicts of interest.

Following consideration, it was unanimously

RESOLVED that it be confirmed that no Members of Penzance Council present at the meeting have any conflict of interest with the appointed external auditors, BDO LLP.

(Proposed: Councillor Reynolds; seconded: Councillor Beveridge)

g) Report of the Housing Crisis Working Group – Response to Government Consultations on Short-Term Holiday Lets

There were currently two live government consultations on short-term holiday lets: which were as follows-

- Setting up a registration scheme for Short-Term Holiday Lets; and

- Creating a second “use class” in the planning system for Short-Term Lets, so that they would require planning permission.

In the ‘Trapped’ report approved by Penzance Council on 7 March 2022, the Housing Crisis Working Group identified the proliferation of short-term holiday lets as a major factor in the housing crisis, due to its impact on the availability of long-term residential lettings for local families. For example, at one stage over four hundred whole-property short-term lets were advertised on holiday booking websites, versus only four residential lettings advertised on a rental website.

The ‘Trapped’ report therefore recommended the introduction of both the policy changes now being proposed by the government.

Given that the Council had already expressed support for these policy initiatives, the Housing Crisis Working Group felt it was important to respond formally to the current consultations. It therefore met on 21 April and 5 May 2023 to discuss detailed responses to the two consultations and these were set out at Appendices 1 and 2 to the report.

During the debate, a Member made reference to the resolutions relating to the Housing Crisis adopted by Penzance Council at its meeting held on 6 March 2023 and suggested that these be referenced within the consultation responses.

In response, it was advised that, should authority be delegated to the Town Clerk to make any necessary changes to the documents, these resolutions would be incorporated.

Following consideration, it was

RESOLVED that

1. The response drafted by the Housing Crisis Working Group to the Department of Culture, Media and Sport consultation on a registration scheme for short term lets in England, as set out at Appendix 1 to the report, be approved.
2. The response drafted by the Housing Crisis Working Group to the Department of Levelling up, Housing and Communities on the introduction of a use class for short term lets and associated permitted development rights, as set out at Appendix 2 to the report, be approved.
3. With reference to (1.) and (2.) set out above, authority be delegated to the Town Clerk, following consultation with the Mayor and Penzance Neighbourhood Plan Link Group, to make any final amendments to the responses that may be necessary.

(Proposed: Councillor Young; seconded: Councillor Broadhurst)

Votes; Thirteen in favour. One abstention.

h) Civility and Respect Pledge

It was recommended that Penzance Council sign up to the “Civility and Respect Pledge” developed by various bodies, including the National Association of Local Councils and the Society of Local Council Clerks, to promote civility and respect in public life, good governance and positive debate, and to support the wellbeing of Councillors and officers.

To date, a total of 1,181 councils had signed this Pledge, thereby demonstrating their commitment to treating Councillors, clerks, employees, members of the public, representatives of partner organisations and volunteers with civility and respect. In order to sign the pledge Councils were required to register and agree with a number of statements which were set out within the report. Two of the statements required further action by Penzance Council and these were reflected within the recommendations set out in the report.

Following consideration, it was unanimously

RESOLVED that

1. Authority be delegated to the Town Clerk, following consultation with the Personnel Committee, to finalise the amendments to Council policies and the associated Training Plan which are needed to support the requirements of the Civility and Respect Pledge.
2. The Civility and Respect Pledge be supported in principle, with a view to formal endorsement and registration once all the conditions have been met.

(Proposed: Councillor Broadhurst; seconded: Councillor Marrington)

i) Service Level Agreement with Jubilee Pool Penzance Ltd

This item had been withdrawn from the Agenda.

25. REPORTS FOR INFORMATION

There were no reports for information.

26. REPORTS FROM OUTSIDE BODIES

Verbal reports were received from the appointees to the following Outside Bodies:-

- i) Penzance Flora Group
- ii) Penzance Town Deal Board
- iii) Penzance Neighbourhood Plan Group
- iv) Penwith 50+ Forum

27. CONFIDENTIAL REPORTS FOR INFORMATION

Members noted the following confidential report for information:-



- a) Extension to Contract

28. MATTERS ARISING FOR REPORT AT THE NEXT MEETING

In light of the discussions which had taken place earlier in the meeting, a report would be presented to the next scheduled meeting of Penzance Council to consider the Council's shares in Pennon Group and the potential future use of the Public Sector Deposit Fund.

The meeting closed at 8:39 pm

Town Mayor

17 July 2023

DRAFT