

MINUTES OF THE EXTRAORDINARY PENZANCE COUNCIL MEETING held in the St Piran's Room, the Penlee Centre, Penlee Park, Penzance on Wednesday 16 August 2023 at 7:00 pm

PRESENT

Councillors SJ Reynolds (Mayor)
W Elliott (Deputy Mayor)

Councillors	MJ Beveridge	Z Lawlor
	NC Broadhurst	J McKenna
	MJ Durrant	NG Pengelly (from 7.03 pm)
	S Elliott	R Sorrell
	JM How	P Young
	B Jackson	

Also present: James Hardy (Town Clerk), Sharron Goldingay (Corporate Services Manager) and Elliot Ridington (Democratic Services Officer).

44. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Marrington.

Councillors Axford, Bosworth, Crago, Davis and Power were absent without having provided apologies.

45. DECLARATIONS OF INTEREST

In accordance with the Council's Code of Conduct:-

Councillor McKenna declared a non-registerable interest in Agenda No. 7(d) 'Penzance Football Club Lease and Stand Roof' as a member of the Penzance AFC Committee and left the meeting for the duration of this item.

46. PUBLIC PARTICIPATION TIME

There was no public participation.

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

There were no confidential items for consideration.

48. TO APPROVE WRITTEN REQUESTS FOR DISPENSATION

No requests had been submitted.

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

There was no business to be transacted.

50. REPORTS FOR DECISION

a) Corporate Policy Review

A policy review was carried out in July 2023 and all Penzance Council policies relating to personnel matters were considered, consisting of thirty-one in total. The policies had been amended to comply with updated guidance and the proposed changes were set out in a table within the report.

The report and each of its appendices were reviewed in detail by the Personnel Committee at its meeting held on 2 August 2023, where it unanimously resolved to approve the recommendations as set out.

Following consideration, it was unanimously

RESOLVED that

1. The revisions to the Absence Management Policy, set out using tracked changes at Appendix 1 to the report, be approved and the document be adopted.
2. The existing Bullying and Harassment Policy, as set out at Appendix 2 to the report, be superseded by the proposed Dignity at Work Policy, as set out at Appendix 25 to the report.
3. The revisions to the CCTV Policy, set out using tracked changes at Appendix 3 to the report, be approved and the document be adopted.
4. The revisions to the Complaints Procedure, set out using tracked changes at Appendix 4 to the report, be approved and the document be adopted.
5. The revisions to the Data Protection Policy, set out using tracked changes at Appendix 5 to the report, be approved and the document be adopted.
6. The revisions to the Data Retention Policy, set out using tracked changes at Appendix 6 to the report, be approved and the document be adopted.
7. The revisions to the Employee Code of Conduct, set out using tracked changes at Appendix 7 to the report, be approved and the document be adopted.
8. The revisions to the Enhanced Employee Benefits Scheme, set out using tracked changes at Appendix 8 to the report, be approved and the document be adopted.
9. The revisions to the Equal Opportunities Policy, set out using tracked changes at Appendix 9 to the report, be approved and the document be adopted.
10. The revisions to the Flexible Working Policy, set out using tracked changes at Appendix 10 to the report, be approved and the document be adopted.



11. The revisions to the Freedom of Information Policy, set out using tracked changes at Appendix 11 to the report, be approved and the document be adopted.
12. The Health and Safety Policy Statement, as set out at Appendix 12 to the report, be approved and signed by the Town Clerk on behalf of Penzance Council.
13. The revisions to the Leave Policy, set out using tracked changes at Appendix 13 to the report, be approved and the document be adopted.
14. The revisions to the Maternity / Paternity / Adoption Policy, set out using tracked changes at Appendix 14 to the report, be approved and the document be adopted.
15. The revisions to the Mobile Phone Policy, set out using tracked changes at Appendix 15 to the report, be approved, its redesignation as the 'Mobile Phone and Laptop Policy' be approved, and the document be adopted.
16. The existing Overtime Policy, as set out at Appendix 16 to the report, be superseded by the proposed Overtime and TOIL Policy, as set out at Appendix 29 to the report, at such time that any affected staff have been consulted as necessary.
17. The revisions to the Safeguarding Policy, set out using tracked changes at Appendix 17 to the report, be approved and the document be adopted.
18. The revisions to the Scheme of Delegation – Officers, set out using tracked changes at Appendix 18 to the report, be approved and the document be adopted.
19. The existing TOIL Policy, as set out at Appendix 19 to the report, be superseded by the proposed Overtime and TOIL Policy, as set out at Appendix 29 to the report, at such time that any affected staff have been consulted as necessary.
20. The revisions to the Training and Development Policy, set out using tracked changes at Appendix 20 to the report, be approved and the document be adopted.
21. The revisions to the Whistleblowing Policy, set out using tracked changes at Appendix 21 to the report, be approved and the document be adopted.
22. The revisions to the Bereavement Policy, set out using tracked changes at Appendix 22 to the report, be approved and the document be adopted.
23. The revisions to the Capability Procedure, set out using tracked changes at Appendix 23 to the report, be approved and the document be adopted.
24. The revisions to the Covid and Respiratory Infection Policy, set out using tracked changes at Appendix 24 to the report, be approved, its redesignation as the 'Respiratory Infections (Including Covid 19) Policy' be approved, and the



document be adopted.

25. The proposed Dignity at Work Policy, as set out at Appendix 25 to the report, be approved and adopted.
26. The revisions to the Disciplinary Procedure, set out using tracked changes at Appendix 26 to the report, be approved and the document be adopted.
27. The revisions to the Grievance Policy, set out using tracked changes at Appendix 27 to the report, be approved and the document be adopted.
28. The revisions to the Lone Working Policy, set out using tracked changes at Appendix 28 of the report, be approved and the document be adopted.
29. The proposed Overtime and TOIL Policy, as set out at Appendix 29 to the report, be approved for staff consultation and implemented upon the expiry of said consultation period.
30. The revisions to the Protocol on Member/Officer Relations, set out using tracked changes at Appendix 30 to the report, be approved and adopted.
31. The revisions to the Recruitment and Selection Policy, set out using tracked changes at Appendix 31 to the report, be approved and adopted.
32. With reference to (1.) to (31.) above, authority be delegated to the Town Clerk to make any minor changes in order to address errors of a grammatical or typographical nature.

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

b) Declaration of Casual Vacancy

Under section 85 of the Local Government Act 1972, a Councillor ceased to be a Member of the Council if they had failed to attend any meetings for six consecutive months.

Former Councillor Michael Benjamin Thomas last attended a Penzance Council meeting on 16 January 2023 and, due to personal circumstances, did not attend any further meetings of Penzance Council between 17 January 2023 and 17 July 2023. He therefore ceased to be a Councillor on the latter date.

If a Councillor had not attended a meeting for six consecutive months, the Act required that the parish or town council declare a Councillor's seat vacant.

Following consideration, it was

RESOLVED that the seat of the former Councillor, Michael Benjamin Thomas, of Penzance East Ward, be declared vacant.

(Proposed: Councillor McKenna; seconded: Councillor Beveridge)

Vote; Twelve in favour. One against.

c) Civility and Respect Pledge

It was recommended that Penzance Council endorsed and adopted 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. Having adopted a Dignity at Work Policy, Penzance Council now met all of the obligations required in order to sign the Civility and Respect Pledge.

Following consideration, it was

RESOLVED that

1. The Civility and Respect Pledge be endorsed and adopted by Penzance Council.
2. Authority be delegated to the Town Clerk to sign the Civility and Respect Pledge on behalf of Penzance Council.

(Proposed: Councillor Reynolds; seconded: Councillor Durrant)

Vote; Twelve in favour. One abstention.

d) Penzance Football Club Lease and Stand Roof

Penzance Council had been in negotiation with Penzance AFC regarding its lease renewal for some time. Following these considerable negotiations and extensive legal advice, the revised lease was set out at Appendix 1 to the report and was now recommended for approval.

In addition, Penzance Council was in the process of procuring a contractor for the removal and disposal of the asbestos roofing of the football club grandstand and its subsequent replacement. It was recommended that authority was delegated to the Town Clerk to appoint the successful contractor.

During the debate, it was highlighted that the recommendation set out in the report referred to ‘Penzance AFG Commercial Ltd’ when it should in fact have referred to ‘Penzance AFC Commercial Ltd’.

Following consideration, it was unanimously

RESOLVED that

1. The lease between Penzance Council and Penzance AFC Commercial Ltd, as set out at Appendix 1 to the report, be approved.
2. Said lease be signed by the Mayor and Town Clerk on behalf of Penzance Council.
3. Subject to sufficient funds being available within the approved budget(s), authority be delegated to the Town Clerk, following consultation with the Chairs of the Finance and General Purposes and Leisure and Amenities Committees, to appoint a contractor to undertake the removal and disposal of the existing Penzance Football Club grandstand roof and its subsequent replacement.

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

(Councillor McKenna was not present for this item.)

51. MATTERS ARISING FOR REPORT AT THE NEXT MEETING

Reference was made to a number of instances of antisocial behaviour in Penzance town centre and it was requested that the Police Inspector for Penzance be invited to discuss the matter informally with Penzance Councillors prior to the next meeting of Penzance Council.

The meeting closed at 7:25 pm

Town Mayor

11 September 2023