

MINUTES OF THE PENZANCE COUNCIL MEETING held in the Alverne Room, St John's Hall, Alverton Street, Penzance on Monday 20 May 2024 at 7:00 pm.

PRESENT

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

MJ Beveridge
SJ Bosworth
NA Davis
MJ Durrant
JM How
B Jackson

TS Marrington (until 8.58 pm)
J McKenna
NG Pengelly
R Sorrell
P Young

Also present: James Hardy (Town Clerk), Cameron Sil (Responsible Finance Officer) and Elliot Ridington (Democratic Services Officer).

10. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Broadhurst, Crago, Lawlor and Power.

Councillors Axford, S Elliott and Tonner were absent without having provided apologies.

11. DECLARATIONS OF INTEREST

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

Councillor How declared a non-registerable interest in Agenda Item 11(b), 'Sustainable Penzance – Strategic Grant and Service Level Agreement', as a Director of Sustainable Penzance and left the meeting for the duration of that item.

12. TO APPROVE WRITTEN REQUESTS FOR DISPENSATION

No requests had been submitted.

13. PUBLIC PARTICIPATION TIME

Two members of the public were in attendance and raised concerns regarding caravans and campervans parked in Trewithen Road, Penzance.

Two members of the public were in attendance and answered questions from Members regarding Agenda Item 11(a), 'Application for Grant – Newlyn Regeneration Community Interest Company'.

A member of the public was in attendance and spoke in favour of Agenda Item 11(b),

'Sustainable Penzance – Strategic Grant and Service Level Agreement'.

14. CORNWALL COUNCILLORS' REPORTS

Councillor Dwelly

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

- i) He had undertaken research regarding the delivery of affordable housing within the Penzance parish. When he was first elected in 2013 there had been only fourteen affordable homes delivered within the preceding ten years. However, since he was elected, 125 affordable homes had been delivered, although, despite there being well in excess of another 300 affordable homes in development, this was still not good enough as Penzance had the greatest affordable housing need in Cornwall.
- ii) He wished to address some misinformation regarding the Creative Hub development at Causewayhead, Penzance. There were currently five operators bidding for the contract to operate the development and it was envisaged that there would be between 26 and 40 units available for lease, dependent upon the internal configuration. A number of individuals had already expressed an interest in obtaining one of the units and their details would be passed to the operator, when appointed. Unfortunately, the plans for the improvements to the public realm in the area had not yet been finalised, which was of concern, as it was now likely that the improvements would not begin until the Autumn when the hub itself had been in operation for some time. However, it was hoped that people would be able to enjoy all of the improvements to the area later in the year.
- iii) With reference to the Healthy Streets Initiative in Market Jew Street, for some time he had been requesting that Cornwall Council install Automatic Numberplate Recognition cameras to act as a further deterrent to motorists who continued to use the road between 11.00 am and 4.00 pm. Unfortunately, Cornwall Council had not sought to install these cameras in a timely manner and Central Government had now stated that no new permissions for cameras would be granted until after the general election later in the year. While remaining on the subject of Market Jew Street, a number of improvements were planned for later in the year, including improved seating, planting and changes to make the area more friendly for pedestrians.

Councillor George

Councillor George had provided his apologies for the meeting and so no update was provided.

Councillor Marrington

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



- i) Work was continuing on the new / repaired fence between Newlyn and Mousehole and shared cycle path signs and benches would be installed in the near future.
- ii) The feasibility schemes for traffic solutions in Mousehole and Newlyn were in the process of being finalised and a meeting regarding general transport issues had been held earlier that day to consider solutions to the issues experienced within the wider Penzance area.
- iii) The works to the Gwavas Play Park were continuing and significant landscaping works had been undertaken.

Councillor McKenna

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

- i) He had attended a number of Town Deal meetings and had recently attended the meeting of Cornwall Council's West Sub-Area Planning Committee to speak against the proposed Coinagehall development. At the meeting the application had been deferred and so he would be attending the next meeting to make representations, along with further representations in relation to the proposed demolition of the Waterside Meadery which was also scheduled for consideration at the meeting.
- ii) He was delighted that the sauna which had previously been located within St Anthony's Gardens had now been relocated to Newlyn Green, following the termination of the operator's previous lease. A licence had been granted by Cornwall Council for the use of the pitch on Newlyn Green and it was envisaged that the sauna would be operating again within the following two weeks.
- iii) He had visited the new Coastline Housing site at St Clare and had been very impressed with the sustainability measures which had been included within the development. All 77 dwellings would be affordable for local people.

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

In respect of Agenda Item 15(a), 'Result of the Penlee House Staffing Review and Next Steps', it was unanimously

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

(Proposed: Councillor Beveridge; seconded: Councillor Sorrell)

16. TO CONFIRM THE MINUTES OF THE PENZANCE COUNCIL MEETING HELD ON 4 MARCH 2024

Following consideration, it was

RESOLVED that the Minutes of the Penzance Council meeting held on 4 March 2024 be approved as true and accurate record and signed by the Chair.

(Proposed: Councillor Reynolds; seconded: Councillor Pengelly)

Vote; Ten in favour. Three abstentions.

17. TO CONFIRM THE MINUTES OF THE ANNUAL PENZANCE COUNCIL MEETING HELD ON 7 MAY 2024

Following consideration, it was

RESOLVED that the Minutes of the Annual Penzance Council meeting held on 7 May 2024 be approved as true and accurate record and signed by the Chair.

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

Vote; Eleven in favour. Two abstentions.

18. TO RECEIVE QUESTIONS FROM MEMBERS OF WHICH PRIOR WRITTEN NOTICE HAD BEEN GIVEN

No questions had been submitted.

19. TO NOTE THE MINUTES OF THE FOLLOWING COMMITTEE MEETINGS

Members noted the Minutes of the following Committees:-

- (a) Planning Committee – 13 March, 3 April and 24 April 2024
- (b) Arts and Culture Committee – 18 March 2024
- (c) Leisure and Amenities Committee – 25 March 2024
- (d) Finance & General Purposes Committee – 15 April 2024
- (e) Personnel Committee – 1 May 2024

20. REPORTS FROM OTHER COMMITTEES FOR DECISION

Finance and General Purposes Committee

- a) Application for Grant – Newlyn Regeneration Community Interest Company - (min no. 49 (a))

Information about the organisation's cause and the reason for the grant request was set out at Appendix 1 to the report - the grant application form.

This item had been deferred by Penzance Council at its meeting held on 4 March 2024 and the reasons for the deferral were set out in the Minutes of that meeting, with further information then set out in the report.

In accordance with Standing Order 4(p), Councillor Davis requested that the vote in relation to this item be recorded.

Following consideration, it was

RESOLVED that a grant of £10,000 be awarded from the General Grants Budget to Newlyn Regeneration CIC for the project: 'Survey and cost estimate options for Newlyn Coombe car park' on the following conditions:

- i. Confirmation the organisation's bank account has a two-to-sign payment rule in place.
- ii. Confirmation from Cornwall Council agreeing to allow a feasibility study into alternative use of their sites for a car park.
- iii. Should any car park subsequently be created and operated by Cornwall Council, a request be made to said Council that the funds associated with the initial survey be returned to Penzance Council.

(Proposed: Councillor Davis; seconded: Councillor Pengelly)

Vote; Councillors Bosworth, Davis, Durrant, W Elliott, Jackson, How, Marrington, McKenna, Pengelly, Reynolds, Sorrell and Young in favour. Councillor Beveridge abstained.

b) Sustainable Penzance – Strategic Grant and Service Level Agreement – (min no. 60(c))

In past 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 that met the Council's strategic objectives would be more suitable than one-off grants towards specific projects, where a financial contribution to their core delivery objectives was much more needed.

On 15 January 2024 Penzance Council subsequently resolved that:-

- '1. Sustainable Penzance be approved in principle as the recipient of a Strategic Grant from Penzance Council for 2024/25.*
- 2. Authority be delegated to the Town Clerk to develop a Service Level Agreement, including the proposed level of funding, with Sustainable Penzance for 2024/25.*
- 3. The proposed funding and Service Level Agreement, referred to in (2.) above, be presented to a future meeting of Penzance Council for approval.'*

The proposed Service Level Agreement, set out at Appendix 1 to the report, would enable Sustainable Penzance to further develop community, business, youth and school engagement activity through both enhanced digital and face to face services, targeting hard to reach communities of place and interest across the Parish. The work of Sustainable Penzance was closely aligned to the Council's Strategic Plan and contributed to the delivery of the Climate Emergency Action Plan.

It was recommended that a strategic grant of £20,000 be supported for the 2024/25 financial year to deliver the activity identified within the Service Level Agreement. At the 2023/24 financial year end, £29,513 remained in the overall Grants Budget and was now held in the General Reserve. It was therefore proposed that, subject to approval, a new budget line was created and a virement of £20,000 was made from the General Reserve to the new Budget line.

Following consideration, it was

RESOLVED that

1. Sustainable Penzance CIC be approved as the recipient of a strategic grant of £20,000 from Penzance Council for 2024/25 to deliver the activity detailed in the proposed Service Level Agreement set out at Appendix 1 to the report.
2. The proposed Service Level Agreement, as set out at Appendix 1 to the report, be approved.
3. The Sustainable Penzance CIC strategic grant be funded in the 2024/25 financial year from the 2023/24 Grants Budget(s) underspend at financial year end.
4. A new budget line, Sustainable Penzance (3140/5), be created and a virement of £20,000 be made from the General Reserve to meet the costs set out above.

(Proposed: Councillor Marrington; seconded: Councillor Beveridge)

Vote; Ten in favour. Two abstentions. Councillor How was not present for this item.

c) Amendments to Financial Regulations and Statement of Internal Control (min no. 60(a))

The report set out the proposed amendments to both Financial Regulations and the Statement of Internal Control and the reasons for them.

Following consideration, it was unanimously

RESOLVED that

1. The amendments to Financial Regulations, set out using tracked changes at Appendix 1 to the report, be approved.
2. The amendments to the Statement of Internal Control, set out using tracked changes at Appendix 2 to the report, be approved.

(Proposed: Councillor McKenna; seconded: Councillor Durrant)

Personnel Committee

d) **Corporate Policy Updates (min no. 22(a))**

On 6 April 2024 several changes to employment law were enacted in the UK resulting from the Employment Rights (Flexible Working) Act 2023, the Carer's Leave Act 2023 and the Paternity Leave Amendment Regulations 2024. Corporate policies had been reviewed in light of these changes and the proposed amendments were set out using tracked changes within the appendices to the report.

Following consideration, it was unanimously

RESOLVED that

1. The revisions to the Flexible Working Policy, set out using tracked changes at Appendix 1 to the report, be approved and the document be adopted.
2. The revisions to the Leave Policy, set out using tracked changes at Appendix 2 to the report, be approved and the document be adopted.
3. The revisions to the Maternity / Paternity / Adoption Policy, set out using tracked changes at Appendix 3 to the report, be approved and the document be adopted.

(Proposed: Councillor Durrant; seconded: Councillor Jackson)

21. REPORTS FOR DECISION

a) **Revised Standing Orders (Committee Terms of Reference)**

At the Annual Meeting of Penzance Council held on 7 May 2024, each of the Council's Committees were reappointed. However, as the number of Members on each Committee had changed it was necessary to approve their revised Terms of Reference, which were reflected using tracked changes within Appendix 1 to the report.

A minor change had also been made to Standing Order 21, 'Financial controls and procurement', to reflect the way in which invitations to tender were now advertised.

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 Young; seconded: Councillor Beveridge)

Vote; Twelve in favour. One abstention.

b) Internal Audit End of Year Report 2023/24

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 up to £6.5 million.

The section set out in report formed part of the Annual Governance and Accountability Report which had to be approved by Penzance Council prior to the submission to the external Auditors, BDO LLP.

The Council's Internal Auditor had concluded the final audit review of 2023/24 and the conclusions were set out at Appendix 1 to the report.

The statement of the Council's reserves under the 'Budgets' section stated that the general fund position was at £973,098, which was correct on 31 March 2024. However, following the approval of Agenda Item 11(b), 'Sustainable Penzance Strategic Grant and Service Level Agreement', earlier during this meeting, the balance of the general reserve had reduced to £953,098, which represented 34% of the annual expenditure for 2024/25.

The report also highlighted that the fidelity guarantee level of £3 million would, at points in the year, be inadequate due to receipt of the precept, and this would need to be considered when the Council's insurance policies were renewed.

Following consideration, it was unanimously

RESOLVED that the Internal Audit Report for the financial year 2023/24 be received and noted.

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

c) Annual Governance and Accounting Statement 2023/24

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 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 2023/24, as set

out at Appendix 1 to the report, be approved.

2. The Accounting Statement for the financial year 2023/24, as set out at Appendix 2 to the report, be approved.
3. The Council's Reserve position on 31 March 2024, as set out at Appendix 3 to the report, be noted.

(Proposed: Councillor Beveridge; seconded: Councillor McKenna)

d) Investment Strategy Review

Last updated in 2023, it was necessary to review the Investment Strategy annually.

The Investment Strategy for the coming year would allow the Council to continue to collect dividends from shares in Pennon Group and to accrue interest from reserves kept in a higher interest rate savings account and the Public Sector Deposit Fund.

Following consideration, it was

RESOLVED that the Investment Strategy for 2024/25, as set out at Appendix 1 to the report, be adopted and the investment report of 2023/24, set out therein, be noted.

(Proposed: Councillor Reynolds; seconded: Councillor Marrington)

Vote; Eleven in favour. Two abstentions.

e) Conflicts of Interest with the 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.

Following consideration, it was unanimously

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

(Proposed: Councillor Reynolds; seconded: Councillor Bosworth)

f) Penlee Park Food Festival

An approach to Penzance Council had been made by Penzance BID and the organisers of the Falmouth Food Festival to deliver a Penzance Food Festival in Penlee Park during the weekend of 13 to 15 September 2024.

The desire was to establish a Penzance Food Festival that was embraced and welcomed by businesses across Penzance and that provided an extension to the end of the summer season. The times of the festival had been designed to work with the town, handing over to the night-time economy, and the hope was that pubs, bars and restaurants would support live music across the festival period.

The event organisers had a successful track record of delivery in Falmouth and had evaluated a number of sites across Penzance, requesting Penlee Park as the preferred option, utilising a number of reliable companies and contractors for infrastructure, electricity, security, facilities, staff and insurance.

The festival itself would include:-

- Chef demonstrations, food demonstrations and craft demonstrations
- Food trading pitches
- Craft, producer and artist pitches
- A stage schedule to fill with local musicians and bands
- Sponsorship packages

The proposed festival would provide an opportunity to develop the ambition for wider community use of Penlee Park as an events space and provide further income generating opportunities for local businesses, the Council and Penlee House.

It was requested that authority be delegated to the Town Clerk, following consultation with the Leisure and Amenities Committee, to enter into discussions and negotiations on behalf of the Council, to support the development and delivery of a Penzance Food Festival in Penlee Park as detailed.

Although no direct financial contribution was required to support delivery of the proposed Festival, a virement of £5,000 was proposed from the Penlee Park Infrastructure Reserve (1995/11) to the Penlee Park Capital Projects Budget (1015/10) to deliver any identified infrastructure improvements, that would support wider use and the delivery of potential future events in Penlee Park.

Following consideration, it was

RESOLVED that

1. Authority be delegated to the Town Clerk, following consultation with the Leisure and Amenities Committee, to enter into discussions and negotiations on behalf of the Council, to support the development and delivery of a Penzance Food Festival in Penlee Park on Friday 13 to Sunday 15 September 2024.
2. A virement of £5,000 be made from the Penlee Park Infrastructure Reserve (1995/11) to the Penlee Park Capital Projects Budget (1015/10) to deliver infrastructure improvements for future events in Penlee Park.

(Proposed: Councillor Marrington; seconded: Councillor Beveridge)

Vote; Ten in favour. Two against. One abstention.

g) Flying a Progress Pride Flag Outside St John's Hall in Support of Penzance's LGBTQ Community During Pride and LGBT History Month

The first Pride flag was designed in 1979 and by 1994 had become established as a symbol of the LGBTQ community around the world, celebrating the rainbow diversity of communities. The UK Parliament first flew the Pride flag in 2016. Cornwall Pride was set up in 2008 and in recent years had carried a giant rainbow flag in numerous Pride marches in towns, including Penzance, across Cornwall.

For the Council to show its support for diversity and inclusion, specifically for its LGBTQ community, the flying of the Progress Pride flag during Pride month outside St John's Hall would be a strong first step towards greater recognition of the LGBTQ community in Penzance. February was LGBT History month and, again, it would support greater visibility for the Progress Pride flag to be flown outside St John's Hall.

St John's Hall was owned by Cornwall Council and it would therefore be necessary to request permission to fly a Progress Pride flag on its property. Cornwall Council had flown the Pride flag outside County Hall in previous years and worked with Cornwall Pride to promote inclusivity within Cornwall.

In accordance with Standing Order 4(p), Councillor Davis requested that the vote in relation to this item be recorded.

Following consideration, it was

RESOLVED that

1. Permission be sought from Cornwall Council to fly a Progress Pride flag outside St John's Hall.
2. Subject to permission being granted, a Progress Pride flag be purchased and raised outside St John's Hall during the month of Pride (June) and LGBT History month (February).

(Proposed: Councillor Beveridge; seconded: Councillor How)

Vote; Councillors Beveridge, How, Reynolds, Sorrell and Young in favour. Councillors Davis, Durrant and Jackson against. Councillors Bosworth, W Elliott, Marrington, McKenna and Pengelly abstained.

h) Finance Training for Councillors

The Local Government Association listed as desirable 'Councillor skills and behaviours that demonstrate a passion for personal growth, proactively seeking out opportunities

for personal learning and development’.

Also desirable, that Councillors ‘develop their ability to accurately identify, analyse and interpret complex information from a wide range of sources to understand problems, draw conclusions and deliver well-informed solutions’.

As Cornwall Council increasingly devolved powers and services to town and parish councils, there was a need for Councillors to expand their skills and knowledge base to meet the increasing challenges of local government.

Cornwall Association of Local Councils (CALC) ran regular Zoom training sessions on Finance for Councillors, designed to give Councillors a greater understanding of their duties with regard to the council's finances. Nowhere was this more applicable than to the Finance and General Purposes Committee, where Members needed to analyse and interpret financial information; as it related to Council's budgets, local grant applications and service level agreements.

In the interests of accountability to local constituents, information detailing the training undertaken by Councillors, alongside their attendance at meetings, should also have been made publicly available.

During the debate, an additional recommendation was suggested to stipulate that finance training be incorporated into the induction programme for Councillors in May 2025 and it was then requested that each of the recommendations in relation to this item be considered separately.

It was then also suggested that there could be no ‘mandatory’ training for Councillors as, even if a Councillor chose to undertake no training whatsoever, once elected they would remain as a Councillor until such time that they lost their office.

The votes for each recommendation were as follows:-

1. All Members of the Finance and General Purposes Committee undertake the Finance for Councillors training provided by the Cornwall Association of Local Councils within six months of being appointed to said Committee.

Vote; Six in favour. Three against. Three abstentions.

2. Any Member(s) who fail(s) to attend the training within six months of their appointment be removed from the membership of said Committee until such time that they have successfully completed the course.

Vote; Three in favour. Six against. Three abstentions.

3. All Councillors be encouraged to undertake the Finance for Councillors training as part of their ‘continuing development’ in performing their duties as Councillors.

Vote; Seven in favour. Four against. One abstention.

4. Councillors' attendance on training programmes be published at intervals to be determined.

Vote; One in favour. Five against. Six abstentions.

5. Finance training be incorporated into the induction programme for new Councillors in May 2025.

Vote; Nine in favour. Three against.

It was therefore

RESOLVED that

1. All Members of the Finance and General Purposes Committee undertake the Finance for Councillors training provided by the Cornwall Association of Local Councils within six months of being appointed to said Committee.
2. All Councillors be encouraged to undertake the Finance for Councillors training as part of their 'continuing development' in performing their duties as Councillors.
3. Finance training be incorporated into the induction programme for new Councillors in May 2025.

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

22. REPORTS FOR INFORMATION

There were no reports for information.

23. REPORTS FROM OUTSIDE BODIES

A written report was received from the appointee to the following outside body:-

- a) Penzance Community Flora Group

Oral reports were received from representatives to the following outside bodies:-

- a) Safer Penzance
- b) The Friends of Penlee House

24. CONFIDENTIAL REPORTS FROM COMMITTEES FOR DECISION

- a) Results of the Penlee House Staffing Review and Next Steps

The report made reference to the outcome of the recent staffing review which had taken place at Penlee House and set out a number of recommendations resulting from the exercise, along with the proposed next steps.

Following consideration, it was unanimously

RESOLVED that the recommendations, as set out in the report, be approved.

(Proposed: Councillor Durrant; seconded: Councillor Young)

25. MATTERS ARISING FOR REPORT AT THE NEXT MEETING

There were no matters arising for report at the next meeting.

The meeting closed at 9:23 pm

Town Mayor

15 July 2024