



**MINUTES OF THE LEISURE AND AMENITIES COMMITTEE MEETING** held in the St Piran's Room, the Penlee Centre, Penlee Park, Penzance on Monday 5 August 2024 at 7:00pm.

**PRESENT**

Councillors      N Broadhurst (Chair)

W Elliott  
B Jackson  
Z Lawlor

J Power  
SJ Reynolds  
P Young

Also present: Ben Brosgall (Leisure and Amenities Manager) and Elliot Ridington (Democratic Services Officer).

**12. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors How and Sorrell.

Councillors S Elliott and Marrington were absent without having provided apologies.

**13. TO RECEIVE DECLARATIONS OF INTEREST**

There were no declarations of interest.

**14. PUBLIC PARTICIPATION**

A member of the public was in attendance and advised that he had attended the meeting of this Committee held on 5 February 2024, where he had raised questions regarding footpath maintenance. At this meeting he was advised that an Open Spaces Strategy would be developed in the future, which would take into account footpaths in the area alongside Penzance Council's own open space responsibilities. He therefore asked what progress had been made in developing the proposed Open Spaces Strategy.

In response, he was advised that work on the Open Spaces Strategy was ongoing but did take into account a number of elements in addition to footpaths. Unfortunately, a number of unforeseen issues and projects had arisen in the intervening period since his last attendance at a meeting of this Committee and it had been necessary for these to take priority.

The Strategy would need to be considered by Members in advance of setting the Council's budget for 2025/26 in order to ensure that any costs could be met. However, no specific dates for the consideration of the document could be provided at this stage.

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

There were no confidential matter for consideration.



## **16. MINUTES OF THE MEETING HELD ON 10 JUNE 2024**

The Minutes having previously been circulated, it was

**RESOLVED** that the Minutes of the meeting held on 10 June 2024 be approved as a true and correct record and signed by the Chair.

(Proposed: Councillor Reynolds; seconded: Councillor Young)

Vote; Five in favour. Two abstentions.

## **17. REPORTS FOR DECISION**

### (a) Allotment Support and Compliance with the Equality Act 2010

Legal advice had been received regarding the need to review and make adjustments to the allotment policy to ensure compliance with the Equalities Act 2010. Under the Equalities Act, Penzance Council was obliged to make 'reasonable' adjustments to ensure that persons with disabilities were not put at a substantial disadvantage to those without disabilities.

Many factors had been taken into consideration by Penzance Council's legal advisors when reviewing what would be deemed to be a reasonable adjustment. A key element for consideration in terms of satisfying the test of "reasonableness" was the financial implication on the Council, both in terms of the Council's ability to continue to sustain the allotment service, and in relation to the comparatively low pricing of the Council's allotment plots.

In terms of ascertaining appropriate levels of support for allotment users, a figure of up to £100 per application had been deemed as appropriate by Penzance Council's legal advisors. Each tenant would need to submit a request in writing to the Council, alongside supporting documentation from a GP, and the request would need to detail the changes which the tenant wished to make to the allotment, which would then be reviewed and formally agreed by officers prior to the commencement of any works.

A further recommendation by Penzance Council's advisors was that the work was initially funded by the tenants themselves, with an amount up to £100 then being able to be reclaimed from the Council upon completion and sign off of the work.

During the debate, a Member suggested that the intention of the provision was supported but that further thought would need to be given to the supporting documentation to be provided by plot holders' GP's, as they would not necessarily be aware of the information required by Penzance Council, nor have the time available to provide such information. It was therefore suggested that a form be developed for completion by GP's, or other appropriate surgery staff, highlighting the information required by Penzance Council and making clear that plot holders ought to be paying for its completion.

Following consideration, it was therefore, unanimously



**RESOLVED** that the matter be deferred to allow for further development to be undertaken.

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

(b) Alexandra Play Park – External Area Survey

When the Alexandra Play Park and Tennis Courts were devolved from Cornwall Council, the raised external area of the site, including a low wall, two lion statues, planters and the footway were also devolved. At the time, a condition survey was completed by GPJ Consulting Engineers but it was subsequently decided that the recommended works were put on hold whilst the initial project was completed.

However, a number of failures to the low-level wall and further deterioration of the surface itself had now been experienced and it was therefore recommended that an updated survey was provided, including a review of the cost estimates.

Following consideration, it was unanimously

**RESOLVED** that, subject to the recommendation set out below, the contractor which provided the initial condition survey of the external areas of Alexandra Play Park and Tennis Courts be reengaged to undertake an updated review of the space(s) and provide updated cost estimates for the required work.

It was then further, unanimously

**RESOLVED TO RECOMMEND TO THE FINANCE AND GENERAL PURPOSES COMMITTEE** that the use of up to £5,000 of funding from the Devolution Reserve should be approved to meet the costs associated with the updated review and cost estimates.

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

(c) Heamoor Old School Field – Metal Detecting Request

A request had been received from a member of the public to undertake some metal detecting at the old school field in Heamoor and had confirmed that they would donate any finds of local historic relevance.

Should the Committee have resolved to permit metal detecting on the field, final approval would be dependent on no objections being received from the Heamoor Gardening Volunteers and the member of the public evidencing relevant insurances with the National Council for Metal Detecting.

The permission would also be subject to the ground being returned to its preexisting state at the conclusion of each session and, if this condition was not met, permission would be withdrawn immediately.

During the debate, Members raised concerns that, while the request from the individual concerned did not represent a problem, were the permission granted then there would likely be an increase in other, potentially less reputable, individuals metal detecting on



inappropriate Council owned sites throughout the parish without permission, while not necessarily returning the land to its preexisting state.

Following consideration, it was therefore

**RESOLVED** that the request from a member of the public to undertake some metal detecting at the Old School Field in Heamoor be declined.

(Proposed: Councillor Broadhurst; seconded Councillor Young)

Vote; Five in favour. Two abstentions.

(d) **Princess May Recreation Ground – Reserve Movements**

As a part of the scheduled devolution transfer of the Princess May Recreation Ground a number of operational contracts had been put into place. However, pricing for a number of the elements had only been made available relatively recently and a number of the budget lines, which had been estimated in December, would be overspent by small amounts.

The facility to utilise up to £5,000 of the reserve, if required, would enable officers to act swiftly if any unforeseen issues were experienced.

Following consideration, it was unanimously

**RESOLVED** that the use of up to £5,000 from the Princess May Recreation Ground Earmarked Reserve be approved in order to rebalance any overspends associated with the implementation of operational contracts for the Princess May Recreation Ground.

(Proposed: Councillor Broadhurst; seconded: Reynolds)

**18. REPORTS FOR INFORMATION**

The Committee received the following reports for information:-

- (a) Budget Comparison Report
- (b) Operational Performance Report

**19. MATTERS ARISING FOR REPORT AT THE NEXT MEETING**

Following its deferral earlier in the meeting, the 'Allotment Support and Compliance with the Equality Act 2010' item would be presented to the next meeting.

The meeting closed at 7:49 pm

Chair  
7 October 2024