








PENZANCE COUNCIL – 13 JANUARY 2025

REPORT FOR INFORMATION

COUNCILLORS' ATTENDANCE AT MEETINGS

Our Culture 	Our Decision Making 	Our Environment 	Our Money 	Our People 	Our Places 	Our Resilience & Wellbeing 
	✓				✓	

Background:

At its meeting held on 4 March 2024, Penzance Council resolved that the data relating to Councillors' attendance at meetings be presented to each Council meeting, for information.

The data relating to the attendance of Councillors at meetings, so far during this municipal year, is therefore set out at Appendix 1 to this report.

Appendix 1 – Councillor Attendance Data

Elliot Ridington
Democratic Services Officer

PENZANCE COUNCIL - RUNNING COUNCILLOR ATTENDANCE 2024-2025

COUNCILLOR	COMMITTEES	NO. OF MEETINGS HELD (incl. full Town Council)	NO. OF MEETINGS ATTENDED	%
Beveridge MJ	A&C + F&GPs + Personnel	14	13	92.86%
Bosworth, SJ	F&GPs + Planning	20	7	35.00%
Broadhurst, NC	F&GPs + L&A + Personnel	14	10	71.43%
Davis, NA	F&GPs + Planning	20	8	40.00%
Elliott S	F&GPs + L&A	13	4	30.77%
Elliott, W	DEPUTY MAYOR	28	18	64.29%
How, JM	A&C + L&A	13	10	76.92%
Jackson, B	L&A + Planning + Personnel	21	19	90.48%
Law PA	A&C + L&A	3	3	100.00%
Lawlor Z	F&GPs + L&A (From 15/07/24)	11	8	72.73%
Marrington TS	L&A	9	5	55.56%
McKenna, J	F&GPs + Personnel	10	8	80.00%
Osborne PI	F&GPs + L&A	6	6	100.00%
Pengelly, NG	F&GPs + Planning	20	20	100.00%
Power JS	L&A + Planning	20	9	45.00%
Reed SJ	A&C + L&A	6	5	83.33%
Reynolds SJ	MAYOR + Personnel	29	26	89.66%
Sorrell R	A&C + L&A	13	11	84.62%
Tonner N	A&C + F&GPs	13	8	61.54%
Young P	A&C + L&A + Personnel	14	13	92.86%









Town Mayor and Deputy Mayor attend every standing committee

Please note - some absences may be due to ill health

PENZANCE COUNCIL – 13 JANUARY 2025

REPORT FOR INFORMATION

OUTCOME OF CODE OF CONDUCT COMPLAINT RECEIVED

Our Culture	Our Decision Making	Our Environment	Our Money	Our People	Our Places	Our Resilience & Wellbeing
						
						

Background:

Penzance Council has been informed of a Code of Conduct complaint made against a Penzance Councillor. In line with Standing Order No. 16(a), the outcome of the investigation is being provided to this meeting, for information.

The Decision Notice is attached at Appendix 1 to this report.

This report accords with the Council’s Strategic Objective of ‘Our Decision Making’ as, in order to comply with Standing Orders, the outcome of any Code of Conduct complaint must be reported to Penzance Council.

Appendix 1 – Code of Conduct Decision Notice

Elliot Ridington
Democratic Services Officer



CODE OF CONDUCT COMPLAINT

COMPLAINT REJECTED

Reference Number	CCN073/24/25
Subject Member:	Councillor P Osborne – Penzance Town Council
Complainant	Mr M Thompson
Person making the decision:	Simon Mansell – Group Manager (Assurance)
Date of Consideration:	4 November 2024

Summary of the allegations considered:

The Complainant considers that, due to her ongoing involvement in matters relating to the Rosebud Memorial Gardens, the Subject Member has breached the Code of Conduct for Penzance Town Council.

Decision

Part 3 of Cornwall Council's procedures for the assessment and determination of breaches of the Code of Conduct provide for the application of a Public Interest Test against which complaints will be filtered, to determine whether the allegation should be rejected or proceed to formal assessment. The Public Interest Test criteria have been approved by the Standards Committee.

The complaint is rejected under paragraph 3.3(iii);

'A breach of the Code is not demonstrated'.

The Complaint

Within the complaint provides information which gives a background to the complaint and it is said that prior to her election, the Subject Member had consistently opposed the memorial project, filing what the Complainant considers were unfounded complaints about the work at the Rosebud Memorial Garden site. More recently, it is said that the Subject Member has begun promoting her own proposals for signage and information boards at the Rosebud PZ87 Memorial Gardens using her group-Newlyn Flora Group, for what the Complainant has described a 'cover'.

Because of this the Complainant is of the opinion that the Subject Member is misappropriating local heritage for her advantage while disregarding the local community's wishes especially as the Complainant has said there is no consultation with the people who matter.

The Complainant has further explained some of the differences which existed prior to the election of the Subject Member and has linked this to the fact that more recently the Subject Member launched a group called "Newlyn Matters" with an expatriate. Within this Group the Complainant has said he is referred to in disparaging terms and, as one of the group's three administrators, the Subject Member has failed to take any steps to moderate discussions or curb the dissemination of what the Complainant considers is false information.

The conclusion reached by the Complainant is that the Subject Members involvement with the gardens is driven by what the Complainant sees as a desire to exploit the Rosebud's heritage for personal gain, opposing the wishes of the crew's descendants.

In closing the Complainant has set out his own grounds for the resolution to the complaint and these are;

1) the Subject Member acknowledges publicly in writing that the organization (Rosebud Pz87 Memorial Project) is a part of her community, made up of community members within her own ward and are true descendants of the Rosebud crew, who have a legitimate interest in the affairs of Rosebud PZ87 Memorial Gardens.

2) that the Complainant is not the founder or sole member of the Memorial Project, as she has claimed on many occasions, together with other Penzance Councillors, who have aided her in the spreading of lies and misinformation, in order to undermine and sideline that actual Rosebud relatives in our committee.

3) that online attacks via the group "Newlyn Matters" are brought to an immediate halt, including indirect attacks that are made with by members and admins of the group.

Consideration of the Facts

In considering the complaint the starting point is, as with all ethical standards complaints, that it is assessed against the Code of Conduct and the procedures for assessing complaints adopted by Cornwall Council.

These procedures do not involve a subjective consideration of the complaint set against ultimations given by the Complainant, rather the information provided is assessed on the balance of probabilities which is, would a reasonable person objectively considering of all the facts be of the view it is more likely than not that the actions of the Subject Member amount to a breach of the Code of Conduct.

In undertaking this assessment, I have noted the background to the complaint, which is set out by the Complainant however, with regards to the complaint as made I can find no breach of the Code of Conduct. The reasons for this are;

- A large number of the actions which were in the complaint related to the actions of the Subject Member prior to her election and, even if the facts were proven the Subject Member was not bound by the Code before she was elected;
- A member can act for, act against, or abstain, on any matter they wish, there is nothing within the Code that can prevent this and many elected members involve themselves with local heritage, at times in conflict with local groups as the right to act it is not owned by any one person or body;
- There is nothing to suggest that as a moderator to 'Newlyn Matters' the Subject Member is acting in her official capacity and therefore any actions she may or may not take on this page are not caught by the Code.

Therefore, given the above, this complaint is rejected under paragraph 3.3(iii) as a breach of the Code is demonstrated in the complaint.

How to challenge this decision

As this is a rejection of a complaint, there is no right of review.

If you do not agree with the rejection of the complaint or the reasons for rejecting it, you should address these concerns to the Local Government and Social Care Ombudsman.

The LGSCO can be contacted at the following address:

The Local Government and Social Care Ombudsman
PO Box 4771
Coventry

CV4 0EH

The LGSCO can also be contacted online – <https://www.lgo.org.uk/>

Additional help

If you need additional support in relation to this or future contact with us, please let us know as soon as possible. If you have difficulty reading this notice we can make reasonable adjustments to assist you, in line with the requirements of the Disability Discrimination Act 2000.

We can also help if English is not your first language.

Note: This rejected complaint will be included in the ethical standards complaints report that is made to the Standards Committee and as such the outcome will be placed into the public domain.