

MINUTES OF EXTRAORDINARY PENZANCE TOWN COUNCIL MEETING held in
The Penlee Centre, Penlee Park, Penzance on Thursday 13 June 2019 at 7.00pm

PRESENT

Councillor N C Broadhurst (Town Mayor)
P Young (Deputy Mayor)

Councillors D J Axford
K M Baker
A L Bates
S J Bosworth
R B Cliffe
S M Cordel
N A Davis
J H Dixon
W Elliott (from 7.15pm)
T L Halliday
J M How
B Jackson
J S Lambourn
R A Mann
N G Pengelly
S J Reed
C A C White

Also present: Hester Hunt (Town Clerk), Teresa Fogarty (Senior Administration Officer), 1 member of the public.

24. APOLOGIES FOR ABSENCE

None.

Absent without apologies: Councillor N N Waller

25. DECLARATIONS OF INTEREST

None.

26. PUBLIC PARTICIPATION TIME

A member of the public explained that he lived in Medrose Terrace and that he was concerned about the amount of fly-tipping taking place on a piece of land next to the Catholic Church. Cllr Bates offered to contact Cornwall Council and Cllr White requested that the Cornwall Council 'report-it' contact details be published on the Town Council website.

27. TO RESOLVE TO EXCLUDE MEMBERS 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**

There were no confidential items to consider.

28. TO APPROVE WRITTEN REQUESTS FOR DISPENSATION

No requests had been submitted.

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

There were no matters to be dealt with.

30. TO RECEIVE QUESTIONS FROM MEMBERS OF WHICH PRIOR WRITTEN NOTICE HAD BEEN GIVEN, IN ACCORDANCE WITH SO NO. 15

None.

31. REPORTS FOR DECISION

(a) Terms of Reference for Personnel Committee

The Mayor commented that, following advice from CALC, the recommendation in the accompanying report should read “that the Town Council notes the current Terms of Reference ...” rather than “... accepts ...” as the Terms of Reference formed part of the Standing Orders that had been accepted and adopted on 20 May 2019. This proposal was seconded by the Deputy Mayor.

Members had been asked to consider if they felt changes should be made to the Terms of Reference for the Personnel Committee and to submit any proposals to the Town Clerk by 10.00am on Friday 31 May 2019. No proposals had been received by the deadline.

Cllr Davis proposed that a complete review of the Terms of Reference should be conducted by an independent body as he felt that the current system was failing and did not adequately address the Council’s duty of care to its employees. Cllr Reed mentioned that the Terms of Reference needed to balance fairness to the Council and to the staff and that he, as a Councillor and Chair of the former Personnel Committee, had always taken great interest in staff matters and the wellbeing of the staff.

[Cllr Elliott joined the meeting – 7.15pm]

Cllr Pengelly queried the ongoing grievance/disciplinary matters and made reference to the response he had received from Cllr Cliffe (as former Mayor) to the question he had raised at a previous Town Council meeting under S.O.15.

As this matter was deemed confidential, it was

RESOLVED – to exclude the press and public from the meeting.
(Proposed: Cllr Broadhurst; seconded: Cllr White.) 1 against.

The Mayor supported and seconded the proposal that the Terms of Reference should be reviewed by an independent organisation.

Cllr Davis also felt a review of the role of HR Manager for the Council should be included in the independent review.

Following further, robust discussion it was unanimously

RESOLVED – that

- (i) An independent review of the Terms of Reference for the Personnel Committee should be carried out; this review to include the potential for an HR Manager and the level of reporting required from the Personnel Committee back to the Town Council;
- (ii) Sufficient funds should be allocated to enable the review to take place.

(Proposed: Cllr Davis; seconded: Cllr White.)

(b) **Appointment to Personnel Committee**

Expressions of interest for serving on the Personnel Committee had been sought, with a deadline of 10.00am on Friday 31 May 2019 for submission to the Town Clerk.

Councillors Axford, Broadhurst, Cliffe, Dixon, Jackson, Lambourn, Mann, Reed and Young had submitted expressions of interest, however, it was noted that Councillor Cliffe's paper had been submitted after the deadline.

It was

RESOLVED – that inclusion of the expression of interest from Cllr Cliffe should be allowed.
(Proposed: Cllr Broadhurst; seconded: Cllr How.) 16 for; 2 against; 1 abstention.

It was noted that, of the nine expressions of interest, three were from female Councillors and it was

RESOLVED – to elect Cllrs Broadhurst, Jackson and Young to the Personnel Committee.
(Proposed: Cllr Broadhurst; seconded: Cllr Bates.) 16 for; 2 against; 1 abstention.

A paper ballot was requested to elect four further Councillors from the remaining six candidates. However, Cllrs Axford and Mann withdrew their expressions of interest and therefore Councillors Cliffe, Dixon, Lambourn and Reed were duly elected to the interim Personnel Committee that would serve under the existing Terms of Reference until such time as an independent review of the Terms of Reference was carried out.

The meeting closed at 7.56pm

Town Mayor
15 July 2019