

FALMOUTH TOWN COUNCIL

Minutes of the Meeting of the Council held in the Council Chamber, Municipal Buildings, The Moor, Falmouth on Monday 9th September 2019 at 7.00pm.

Present: Councillors S D Eva (Town Mayor), P A Minson (Deputy Mayor), G G Chappel, L D Coley, G F Evans CC MBE, A Gillett, A J Jewell CC, M T McCarthy CC, M C Morgan, R J O'Shea, J C Robinson, B M A Ross, D W Saunby CC and J M Spargo.

In Attendance: A M Williams (Town Clerk)
Councillor J Kirkham (Cornwall Council – Smithick ED)
P Simmons, M Osmond and (Extinction Rebellion)
Z Young
Reverend C Blizzard (Mayor's Chaplain)

PRAYERS

Prior to the formal commencement of the meeting prayers were said by the Mayor's Chaplain Reverend Blizzard.

C5234 APOLOGIES

Apologies were received and approved from Councillor Bonney (holiday) and Councillor Parker (holiday).

C5235 INTERESTS

None received.

C5236 MINUTES

It was proposed by Councillor Evans, seconded by Councillor Ross and

RESOLVED that the minutes of the meeting held on 22nd July 2019 be confirmed as a correct record and signed by the Chairman.

C5237 TOWN MAYOR'S REPORT

The Town Mayor updated the Council on his civic attendances and representative duties. He thanked all those who assisted and attended his recent civic service. He congratulated Councillor Saunby on a successful Martin Jennings Run charity event which raised £5,800 for local charities.

C5238 DEPUTY MAYOR'S REPORT

The Deputy Mayor updated the Council on her civic attendances. They included the 150 years commemorative exhibition and concert for St Mary's Catholic Church, the naming ceremony for the RNLI new rib and the 50 years celebration for local company Watson Marlow.

C5239 PUBLIC QUESTIONS

None received.

C5240 EXTINCTION REBELLION

The Council were updated on the activities of the Extinction Rebellion creating partnerships to promote the truth about climate change and ecological emergencies, trying to work differently to reduce harm to the environment. They offered to deliver a talk for the Council and its partners and responded to Councillors questions.

The Town Mayor reiterated that the Council had declared a climate emergency and supported the principle of action but did not advocate nor endorse public disorder or illegal activities. The Town Clerk advised that the Council had amended its strategic plan to recognise local measures to assist sustainable practices.

It was agreed that Extinction Rebellion could use the Atherton Suite free of charge to present a talk to Councillors and the Council's partners. Further they could use the foyer of the Municipal Buildings for appropriate and approved messaging and awareness.

C5241 **VOICES**

This presentation was deferred due to illness.

C5242 **POLICE REPORT**

No report.

C5243 **COMMUNITY SAFETY AND FIRE RESCUE REPORT**

No report

C5244 **COMMUNITY NETWORK REPORT**

No report.

The Council noted the Review of Cornwall Council's Homelessness Strategy and in regard to the consultation on Seasonal Restrictions on Dogs on Beaches recommended that the status quo be retained in respect of Falmouth's beaches in accordance with the recommendation of the Falmouth Beaches Management Group.

C5245 **CORNWALL COUNCILLORS REPORTS**

Smithick

Councillor Kirkham updated on the Homelessness Action Group and the need for emergency housing in Falmouth. A night time venue for the advice hub had been sourced and a day time venue was still sought. Cornwall Council were looking for suitable sites in Falmouth for council housing. The Countywide waste contract would be further discussed by Cornwall Council. Cornwall Council were also undertaking a rental property enquiry regarding regulation of the private rental sector and would hopefully see the extension of houses in multiple occupation licensing requirements. Finally the 30mph signage was in place in Dracaena Avenue and the pedestrian refuge there was being redesigned.

Trescobeas

Councillor Saunby updated on highway proposals including the removal of yellow lines in Acacia Road. An exhibition would be in the foyer of the Municipal Buildings commemorating one hundred years since a tank was presented to the town in recognition of its contribution to the Great War.

Penwerris

Councillor McCarthy reported upon the opening of the Sowenna Mental Health facility and Cornwall Councils innovation regarding the treatment of young people.

Arwenack

Councillor Evans reported upon highway schemes including Pendennis Rise and the Divers Car Park. He updated on the Harbour Board changes. Also upon several planning matters including the former Sheldon House Nursing Home site and tennis courts at Gyllyngvase. He had also discussed the Tourism Protection Policy application in the emerging Falmouth Neighbourhood Plan. He updated on licensing matters and was concerned at the anti-social behaviour of rough sleepers at Castle Drive

Boslowick

Councillor Jewell reported upon several traffic schemes, licensing matters, the Boslowick Inn closure and temporary traffic lights in Bickland Water Road that were causing traffic disruption.

C5246 **COMMITTEE REPORTS**

The Finance and General Purposes Committee Part I Report dated 2nd September 2019 was presented by Councillor O'Shea, Chair of the Committee.

It was proposed by Councillor O'Shea, seconded by Councillor Ross and

RESOLVED that the Part I Report of the Committee dated 2nd September 2019 be approved.

The Planning Committee Report dated 22nd July 2019 was presented by Councillor Jewell, Chairman of the Committee.

It was proposed by Councillor Jewell, seconded by Councillor Spargo and

RESOLVED that the Report of the Committee dated 22nd July 2019 be approved.

The Planning Committee Report dated 12th August 2019 was presented by Councillor Jewell, Chairman of the Committee.

It was proposed by Councillor Jewell, seconded by Councillor Spargo and

RESOLVED that the Report of the Committee dated 12th August 2019 be approved.

The Cultural Services Committee Report dated 29th July 2019 was presented by Councillor Evans, who had chaired the meeting. He advised that the Committee had omitted to appoint its Chair and Vice-Chair formally.

It was proposed by Councillor Ross, seconded by Councillor Coley and

RESOLVED that

- (i) the Report of the Committee dated 29th July 2019 be approved subject to the inclusion of apologies for absence from Councillor Minson
- (ii) Councillor Evans be appointed Chair of the Cultural Services Committee for the 2019/20 municipal year
- (iii) Councillor Gillett be appointed Vice-Chair of the Cultural Services Committee for the 2019/20 municipal year.

The Licensing committee Report dated 22nd July 2019 was presented by Councillor Morgan, Chairman of the Committee.

It was proposed by Councillor Morgan, seconded by Councillor Saunby and

RESOLVED that the Report of the Committee dated 22nd July 2019 be approved.

C5247 FALMOUTH BEACHES MANAGEMENT GROUP

It was proposed by Councillor Eva, seconded by Councillor Minson and

RESOLVED that

- (i) the report of the Group held on 30th August 2019 be noted
- (ii) the Council endorses the response to the consultation on the Seasonal Restriction of Dogs on Beaches was that the current restrictions be retained.

C5248 FAIRTRADE

It was proposed by Councillor Minson, seconded by Councillor Ross and

RESOLVED that Councillor Saunby replaces Councillor Robinson as one of the Council's Falmouth Fairtrade representatives.

C5249 TOWN MANAGEMENT REPORT

The Town Clerk presented the Town Management Report that was duly noted and forms part of these minutes.

C5250 TOWN CLERK'S REPORT

The Town Clerk's Report was duly noted and forms part of these minutes.

C5251 EXCLUSION OF THE PRESS AND PUBLIC

It was proposed by Councillor Ross, seconded by Councillor Coley and

RESOLVED that in view of the confidential nature of contractual matters and personal information it is advisable in the public interest that the press and public be excluded from the meeting.

COUNCIL – PART II
9TH SEPTEMBER 2019

C5252 COMMITTEE REPORTS

The Finance and General Purposes Committee Part II Report dated 2nd September 2019 was presented by Councillor O'Shea, Chair of the Committee.

It was proposed by Councillor O'Shea, seconded by Councillor Eva and

RESOLVED that the Part II Report of the Committee held on 2nd September 2019 be approved.

The Staffing Committee Report dated 5th August 2019 was presented by Councillor Minson, Chair of the Committee.

It was proposed by Councillor Minson, seconded by Councillor O'Shea and

RESOLVED that the Report of the Committee dated 5th August 2019 be approved.

There being no further business to transact the Chairman declared the meeting closed at 8.10pm.

Signed: Date:



Town Management Report to Falmouth Town Council 09/09/19

Falmouth Week

I am sure it did not escape you that the weather of Falmouth Week for the whole ten days was extremely challenging. Having said that everyone pulled together and I must say a huge thank you to so many people who have pulled out all the stops to try and achieve considering the weather constraints.

The Pink Wig event went ahead through the town on the first Friday but with 48hrs notice the Events Square tent was not an option due to the very high wind speeds forecast so the parade finished at the Princess Pavilion. The Pink Wig team supported by others had to work hard to ensure it could still go ahead.

On the Saturday we also had to move the Comic & Movie Fest and this was located at the Stannary moved from Events Square. True Butterflies and FXPlus with plenty of support from South West Bars & Events all worked hard to ensure this event still took place.

For the family day on the Wednesday and the Air Show we managed to have the Strikemaster pair display. Up until the last few mins before they were due to get airborne the Wingwalkers were due to display, but such was the awful weather that came in it meant they could not take off from a nearby airport. Both of these displays teams travelled down the Tuesday not the original plan but to get ahead of the weather front in the morning. The Blades were unable to take off from their home location. The forecast on the day was accurate until approx. 2pm. After that it was due to be white cloud with no rain for the rest of the day with visibility good. This of course was not the case later in the afternoon/evening so very frustrating but again thank you to everyone including our Flight Display Director who tried as much as possible to facilitate the display/show. While all this was taking place, we were also being monitored on the ground by representatives from the Civil Aviation Authority.

The Action Sports Tour was able to take place on Church Street Car Park although we had to watch the weather very closely due to safety on the ramps for the jumps but it always draws a large crowd.

The majority of the sailing took place hosted by the various yacht clubs although there were some cancellations of races due to the weather.

Some items on the Moor particularly on the first weekend were not able to go ahead and safety is clearly the priority.

Apart from the Pink Wig all nights took place in the South West Bars and Events marquee including the Carnival through the town and free entry into the tent.

The fireworks were delayed from the Friday until the Saturday due to the visibility and rain. The leaseholder for the location pulled out all the stops to help the fireworks company gain access to the location because for this year it was exceptionally challenging.

There are a lot of points above linking with the weather and we have never known such varied conditions over the ten days. So many people worked tirelessly to ensure wherever possible as much was delivered.

For this year we have updated and dramatically improved the Falmouthweek.co.uk site which is what will happen in the future for the Sea Shanty and also Falmouth Town Council site. The Falmouth Week site performed very well during the week accruing 90,000 page views.

Homeless actions

This is ongoing and there have been improvements within the Quarry car park as well as the town centre although we are monitoring very closely for changes with this and feeding back to the appropriate contacts. There have been a number of successes with people being housed and this is very encouraging.

Events & Marketing Co-ordinator

Thank you to Naomi who has moved on to a new role. Naomi worked very hard as part of the team to implement lots of projects and ideas. Welcome to Emma who will be taking over in the Events & Marketing post.



FALMOUTH TOWN COUNCIL
9TH SEPTEMBER 2019
TOWN CLERK'S REPORT PART I

ITEM NO. 17

17.1 SUSTAINABLE COMMUNITIES ACT

Attached is confirmation from the Minister that the Council's request has fallen away as relevant legislation will be enacted. ()

17.2 CODE OF CONDUCT ASSESSMENT DECISION

Attached is the outcome assessment of a Code complaint against Councillor Bonney. ()

A breach of the Code was found and a sanction imposed. That is Councillor Bonney write a meaningful apology to the Clerk and acting Chair of the Planning Committee for the manner in which he conducted himself and ignoring advice.

17.3 NATIONAL ASSOCIATION OF LOCAL COUNCILS – NATIONAL CONFERENCES

The Council usually sends a representative to the above (formerly in conjunction with our Super Council's Representative attendance). The event is on 28th and 29th October 2019 in Milton Keynes.

17.4 GOVERNMENT VISIT

Further to the success of the Town Team at the ATCM National Awards Michelle Warbis from the MHCLG visited to see the Falmouth partnership model and how the Government could share that best practice.

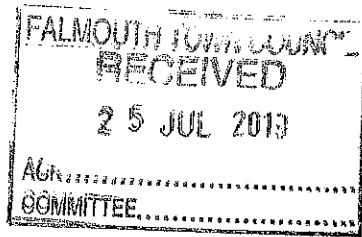
This further continues the excellent national profile that this Council and its way of working has.

Mark Williams FCIS FSLCC
Town Clerk
September 2019



**Ministry of Housing,
Communities &
Local Government**

Mark Williams
Falmouth Town Council
The Old Post Office
The Moor
Falmouth
TR11 3QA



Rishi Sunak MP
Minister for Local Government

**Ministry of Housing, Communities and Local
Government**
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London
SW1P 4DF

Tel: 0303 444 3460
Email: rishi.sunak@communities.gov.uk

www.gov.uk/mhcg

23 JUL 2019

Dear Mark

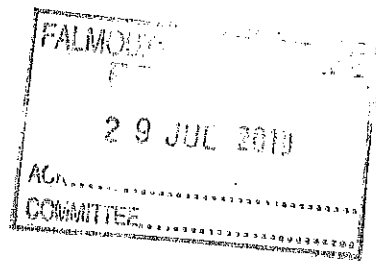
Thank you for your further submission under the Sustainable Communities Act about business rates and public toilets.

I recognise the vital role that public toilets play in our communities and I welcomed the announcement of a 100% business rate relief for public toilets made by the Chancellor at Budget 2018.

However, and as I am sure you are aware, the Non-Domestic (Public Lavatories) Bill has now been introduced into the House of Lords and has begun its passage through Parliament. Subject to the passage of the Bill it is expected that the relief will apply from the 1 April 2020.

I trust that you agree that the introduction of the legislation makes further action under the SCA unnecessary and note that this Bill goes further than the measure in the fallen Local Government Finance Bill, with authorities being fully compensated for lost income by the Government.

RISHI SUNAK MP



Mr M Williams
Falmouth Town Council
Council Offices
The Old Post Office
The Moor
Falmouth
TR11 3QA

Your ref:
My ref: 058887/CCN002/19/20
Date: 25 July, 2019

Dear Mr M Williams

Code of Conduct Assessment Decision – Breach of the Code of Conduct - Sanction

Further to the assessment of an allegation against Cllr R Bonney of Falmouth Town Council, I enclose a copy of the signed assessment decision notice. The outcome of the assessment was a breach of the Code has been found and a sanction is imposed. The sanction is –

The recommended action is that the Subject Member should write a meaningful apology, within 28 days of this Notice to the Clerk and acting Chair for the manner in which conducted himself during the course of the meeting and ignoring the advice of those present.

As the outcome of the assessment was that a breach of the Code has been found, Cllr R Bonney has a right to request a review of the decision. This has to be submitted by 9 August 2019.

If Cllr R Bonney requests a review he must provide substantive reasons to support the request which have not previously been provided, together with any supporting documents which are relevant but which, again, have not previously been provided. Simply expressing disagreement with the assessment decision without giving substantive reasons that have not previously been provides or repeating the original response to the complaint will result in the request for review being rejected.

Yours sincerely

Eleanor Garraway

Corporate Governance Officer

Assurance Service

Cornwall Council

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ASSESSMENT DECISION NOTICE

A BREACH OF THE CODE HAS BEEN FOUND

ACTION REQUIRED

Reference:	CCN002/19/20
Complainant:	Cllr Alan Jewell
Subject Member:	Cllr Roger Bonney, Falmouth Town Council
Person conducting the Assessment:	Eleanor Garraway, Corporate Governance Officer
Date of Assessment:	25 July 2019

Complaint

On 25 July 2019 the Monitoring Officer considered a complaint from complainant concerning the alleged conduct of Cllr Roger Bonney of Falmouth Town Council. A general summary of the complaint is set out below:

During the course of a Town Council planning meeting, the Subject Member objected to a Certificate of Lawfulness under discussion made by the Complainant. The Subject Member spoke with disrespect against the Complainant and brought up previous personal issues despite being told by the Vice Chair and Clerk to stop.

Decision and Action

For the reasons set out in this Notice, the Subject Member has breached the Code of Conduct for Falmouth Town Council.

- The recommended action is that the Subject Member should write a meaningful apology, within 28 days of this Notice to the Clerk and acting Chair for the manner in which conducted himself during the course of the meeting and ignoring the advice of those present.

Breaches of the Code Found

Para 2.1 You must treat others with respect

Para 2.10 You must not do anything that could reasonably be regarded as bringing your office or your authority into disrepute

Para 2.5 You must not conduct yourself in a manner which is contrary to the Council's duty to promote and maintain high standards of conduct by Members

Reasons

In assessing this complaint I have had regard to the following:

- The complaint received from the Complainant;
- A response received from the Subject Member and related documentation;
- The views of another Member present;
- The views of the Clerk;
- The view of the Independent Person assigned to this matter.

It should be noted that the case of *Heesom v Public Services Ombudsman for Wales* has been reference in this assessment.

The Complaint in summary is that a Certificate of Lawfulness application was under discussion at a meeting of the Town Council to which the applicant is the Complainant. The Complainant removed himself from the room when this matter was discussed. On his return to the room he had noticed that the Subject Member was no longer present.

The Complainant was advised that during discussions, the Subject Member objected to the application and raised concern. The Subject Member stated he had objections to the applications and referred to previous alterations to the land in question.

It should be noted that the Subject Member has, in the past, raised concerns about past activity on the Complainant's land.

Another Member present stated his knowledge of the site and that he was aware of the occupation of a family he knew of. The Subject Member interjected stated "*that was not the Council's problem*" and that the Complainant "*had been naughty in the past*"

When advised by the acting Chair that the application under discussion was to discuss the regulation of land use, the Subject Member continued to speak on past matters. The Subject Member in his response, is of the opinion that the Complainant is '*paving the way*' for future development.

Despite being advised by the acting Chair and the Clerk several times to stop speaking, the Subject Member continued to speak over them, raising his voice, in an agitated manner.

The Clerk had advised the acting Chair that the matter should be adjourned for the situation to settle down however the matter was moved to a vote to which the Town Council did not raise any representation to the application. The Subject Member was upset by this decision and '*angrily*' left the meeting stating that his name should be recorded as having voted against the decision.

The Subject Member has stated, in his response, that he is hard of hearing and consequently had to raise his voice.

Whilst the Complainant was not present for the incident which the complaint refers, I am satisfied, on the balance of probabilities that the incident occurred as stated by those witnesses contacted.

Application of the Code of Conduct

I am satisfied that for the purposes of this complaint that the Subject Member was acting in his official capacity at the time of the alleged conduct and was therefore bound by the Code of Conduct as adopted by Falmouth Town Council.

Finding of Fact

2.1 You must treat others with respect

For a breach of this part of the Code to be found it has to be shown that there has been a personal attack on a person by a Member. The Code does allow a Member to be critical of others but this must not be done in such a way that is not personal and therefore disrespectful.

When considering if there has been a breach of this, or any part of the Code, the matter is assessed on the balance of probabilities; is it more likely than not that a reasonable person would be of the opinion that the conduct of the Subject Member was such that it was a breach of the Code after they had viewed the facts objectively.

In viewing the evidence received from those witnesses present I have noted the comments made by the Subject Member and I have had consideration to the case of *Heesom v The Public Services Ombudsman for Wales* that;

.....politicians are subject to wider limits of acceptable criticism and are required to have thicker skins and to have more tolerance to comment than ordinary citizens.'

In dealing with any matters Councillors can be critical and can challenge, indeed this is intrinsic to the role of a Councillor. However, the operation of the Code draws a distinction between being critical and challenging to attacking anyone personally.

Heesom does mean should a personal attack be made on Councillor then there is a higher threshold that needs to be attained before a breach of the Code can be found. However on viewing the comments made, whilst the Subject Member clearly has a strong opinion regarding the application and the Complainant's land in question, I do not believe that it passes the threshold when considering this element of the Code against the Subject Member.

However I have had regard to whether the manner in which the Subject Member spoke on the subject and his conduct in speaking over those present and ignoring the advice of the Clerk and acting Chair would constitute as disrespectful against those present.

Whilst I note the Subject Member's comments that he is hard of hearing and therefore had to raise his voice, this does not excuse the fact that he spoke over the top of others present and ignored the advice of the Clerk and the acting Chair when asked to

stop speaking also whilst I have noted the comment that the subject Member may believe the Complainant is paving the way for future development, this does not justify acting in the manner alleged. I therefore consider that the threshold for disrespect is exceeded, as there were no grounds for treating an officer and a fellow Councillor in this manner.

For the reasons given above, I consider that the Subject Member has breached paragraph 2.1 of the Code of Conduct for Falmouth Town Council.

2.10 - You must not do anything that could reasonably be regarded as bringing your office or your authority into disrepute

For this part of the Code to be breached a reasonable person in possession of all the facts would need to be satisfied that the Subject Member's standing in the local community would be damaged by his actions.

In viewing the commentary received from the Subject Member, he has not disputed that he spoke over others present in an agitated manner and ignored the advice of the Clerk and acting Chair, he however does provide an explanation that he is hard of hearing. Whilst the comments and reasoning's are noted, it does not mean the Subject Member can do as he wishes and ignore the advice of those present.

In considering if this part of the Code has been breached the view at assessment was that the way in which the Subject Member acted during the course of the meeting is considered disrespectful. It would be considered that a reasonable person would consider that the Subject Member's standing could be damaged as no-one would like to be over spoken over and ignored when trying to control a meeting.

As a result I consider that the Subject Member has brought his office, but not his authority, into disrepute by acting as he did and therefore has breached paragraph 2.10 of the Code of Conduct.

Para 2.5 - You must not conduct yourself in a manner which is contrary to the Council's duty to promote and maintain high standards of conduct by Members

For the reasons set out above I consider the Subject Member to have failed to adhere to the general principles of public life underpinning the Code. As a consequence of that and having found a breach of paragraphs 2.1 and 2.10 of the Code it follows that the Subject Member has conducted herself in a manner contrary to the Council's statutory duty to promote and maintain high standards of conduct by members and the Subject Member has therefore breached paragraph 2.5 of the Code of Conduct.

Actions to remedy the Breaches found

Whilst the Subject Member has responded directly to this complaint I do not consider that the comments made outweigh the breaches found.

I have also noted the views of the Independent Person assigned to this matter with regards to the Subject Member's conduct.

In taking into account all of the above it is considered that, the Subject Member has breached the Code of Conduct for Falmouth Town Council for the reasons as is set out in this Notice.

As a result of these breaches of the Code of Conduct the recommended action is that the Subject Member writes a meaningful apology to the Clerk and the acting Chair for the manner in which he acted during the course of the meeting.

What happens now?

This decision notice is sent to the Complainant, the member against whom the allegation has been made and the Clerk to Falmouth Town Council

Right of review

At the written request of the Subject Member, the Monitoring Officer can review and is able to change a decision not to refer an allegation for investigation or other action. A different Officer to that involved in the original decision will undertake the review.

We must receive a written request from the subject member to review this decision within 15 days from the date of this notice, explaining in detail on what grounds the decision should be reviewed.

If we receive a request for a review, we will write to all the parties mentioned above, notifying them of the request to review the decision.

It should be noted reviews will not be conducted by the same person who did the initial assessment.

Additional help

If you have difficulty reading this notice we can make reasonable adjustments to assist you, in line with the requirements of the Equality Act 2010.

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



Eleanor Garraway
Corporate Governance Officer
On behalf of the Monitoring Officer
Date: 25 July 2019