

FALMOUTH TOWN COUNCIL

Minutes of a meeting of the Council held on Monday 11th December 2023 at 6.00pm held in the Council Chamber, Municipal Buildings, The Moor, Falmouth. TR11 3QA

Present: Councillors K J Edwards (Town Mayor), A Rowe (Deputy Mayor), D E Clegg, L D Coley, S D Eva, D V Evans BEM, A J Jewell CC (from point mentioned), J S Kirkham CC, J C Robinson, B M A Ross (from point mentioned), D W Saunby CC (from point mentioned) and E E Seiler.

In Attendance: A M Williams	(Town Clerk)
D C Shankland	(Communications Officer)
T Marie & E N A Murphy	(Environmental Education and Enforcement Officers)
SM M Addinall	(Falmouth Fire Station)
PCs M Cummins & J Stewart	(Devon & Cornwall Police)
P Fitzpatrick	(Fairtrade Falmouth)
L Hoban	(Falmouth Marine School)
D Jones & J Westlake	(A&P Falmouth)
M Carden	(Falmouth Harbour Commissioners)

In respect of the agenda the Mayor amended the order of reports to better facilitate the presentations.

C5798 APOLOGIES

Apologies for absence were received and approved from Councillors Chin-Quee BEM (ill), Spargo (ill) and Young (ill).

C5799 INTERESTS AND DISPENSATIONS

None received.

C5800 MINUTES

It was proposed by Councillor Edwards seconded by Councillor Coley and

RESOLVED that the Part I minutes of the meeting held on 18th September 2023 be confirmed as a correct record and signed by the Chair.

C5801 COMMUNITY SAFETY AND FIRE REPORT

The Fire Service Report was presented by the Falmouth Station Manager who responded to questions thereon, the report was noted and forms part of these minutes.

Councillor Jewell now entered the meeting.

C5802 TOWN MAYOR'S REPORT

The Town Mayor reported on a very busy civic diary, including festive events, and thanked the Deputy Mayor and Councillor Eva who had assisted her with attendances due to recent bereavement. She had met with Brigadier Fraser for South West Royal Naval Command. She was pleased that additional funding for the Dracaena Skatepark had been secured. She was also pleased to note the positive External Report regarding the 2023 Tallships event, that celebrated the successful event and the role of the Council in that success, she thanked the Town Team and all who had assisted its delivery. She had also hosted an event for the Cruise Ambassadors to thank them for their volunteering efforts.

She had attended the funeral of Freeman Terry Pond and recognised his long and dedicated service to the Council as macebearer. She had attended Pride shaping event and report on their activity this year, the Mayor had fed into shaping the next years activity. She had also attended Climate and Eco hub events, Parachute Regiment dinner and the local Remembrance events. She was developing links with the mayoralty in St Nazaire. Visited schools and ran a Christmas Card competition.

Further she was concerned about officer capacity and resilience and requested that councillors were more streamlined in their approach, initially submitting questions and queries to the appropriate Committee Chairs and to schedule emails so that they were received by officers during normal working hours.

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

RESOLVED that the report be received and

- i. that the Mayor write formally to the Falmouth Cruise Ship Ambassadors to thank them for their efforts, including recognising their assistance with town festive events.
- ii. that councillors' queries and questions for service managers and other staff be submitted to the relevant committee chairs and that councillors schedule their emails so that they were received during normal working hours.

C5803 DEPUTY MAYOR'S REPORT

The Deputy Mayor reflected upon an exciting and busy year for Falmouth and the proactive role of the Council including the staging of major events. He recognised the important and crucial role that volunteers had played in those. He thanked councillors for their foresight and bravery in rising to the challenge. He was honoured to represent the Council and updated upon his civic attendances and civic engagements.

C5804 PRESENTATIONS

1. Apprentice Programmes

Liam Hoban, Senior Apprenticeship Advisor at Cornwall College presented on 14–16 years-old programmes aimed at local schools, full time L2 and L3 programmes and L3 apprenticeships. Falmouth Marine School was part of the Cornwall College Group and specialised in marine programmes. He responded to questions and sought the support of the Council for a collaborative programme in developing a local two-year apprentice programme.

It was proposed by Councillor Edwards, seconded by Councillor Kirkham and

RESOLVED that the Council establishes a collaborative programme with Falmouth Marine School aiming to enhance the local community through various projects such as the 14-16 offshore wind/engineering program.

Councillors Ross and Saunby now entered the meeting.

2. Economic Impact of Cruise Ship Calls

Drystan Jones, Director of Port Development Falmouth for A&P, with Jess Westlake Cruise Consultant for A&P and Miles Carden, Chief Executive, of Falmouth Harbour Commissioners, who gave a background on their respective operations and updated on the plans for cruise calls and associated modernising development in 2024 and 2025. Cruise remained an important element of works beside the core ship repair and the Docks ran significant apprenticeship schemes. Developments would include floating offshore wind power generation, better and deeper berthing and environmental and sustainable measures, new pilot boat and better terminal facilities. They responded to questions.

It was proposed by Councillor Edwards, seconded by Councillor Rowe and

RESOLVED unanimously that the reports be noted,
and the Council supports the modernising works for
Falmouth Docks and cruise ship provision.

C5805 PUBLIC QUESTIONS

None received.

C5806 ENVIRONMENTAL EDUCATION AND ENFORCEMENT OFFICER (EEEE) UPDATES

The Council's EEEOs provided an update regarding service delivery and partnership working, including successful initiatives around the beaches, and tackling antisocial behaviour. Graffiti, vandalism, and street drinking were current issues. There was engagement with homelessness and environmental measures and compliance, including sewage and water quality and ongoing works addressing the presentation of refuse and recyclable collections. They worked closely with local youth services and the Police with the new reporting system. They responded to councillors' questions and the report was noted.

C5807 POLICE REPORT

PC Mat Cummins with PC Jonny Stewart reported on 2023 crime statistics and police involvement with the town's events. They had undertaken school visits and updated on town policing issues. Providing reportable outcomes from recent prosecutions. They responded to councillors' questions and the report was noted.

C5808 FAIRTRADE

Pat Fitzpatrick provided an update on Falmouth Fairtrade, including support for small scale farmers, Falmouth and Penryn Freshers Week attendance. She hoped that Fairtrade Falmouth could have a presence at town events in 2024 and that anniversary activity could happen in 2025. She responded to councillors' questions and the report was duly noted.

The Deputy Mayor took the Chair whilst Councillor Edwards left the meeting during the above report.

C5809 COMMUNITY NETWORK PANEL

The notes of the Panel meeting held on 31st October 2023 were received.

Councillor Edwards now returned to the Chair.

C5810 CORNWALL COUNCILLORS REPORTS

Trescobeas and Budock

Councillor Saunby reported various tree works and hit and run damage to the bus shelter in Boslowick Road that he hoped the Town Council would replace. The Persimmon Housing planning appeal outcome at Budock was awaited. He had requested that Cornwall Housing convert the unused shops at Hayman Way to residential use. He had discussed with Cormac funding restrictions in completing the cycle way at Bickland Water Road.

Boslowick

Councillor Jewell reported on his meetings with Cornwall Council and highway matters including the cycle way at Bickland Water Road. He served the Licensing Committee that had introduced new regulations regarding drinks spiking. There were issues with sewage overflowing at Maenporth. He responded to councillors' questions.

Penwerris

Councillor Kirkham reported on Cornwall Council funding and budgetary deficits. This was exacerbated by demand to meet the cost-of-living crisis and increasing costs around providing housing, homelessness, special educational needs, and school transport. Cornwall Council had taken up the Motion for the Ocean. An issue around moving parked vehicles to undertake planned resurfacing schemes she hoped would be addressed by new measures. She responded to councillors' questions.

Arwenack

No report.

C5811 COMMITTEE REPORTS

The Finance and General Purposes Committee Part I Report dated 25th September 2023 was presented by Councillor Robinson, Chair of the Committee.

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

RESOLVED that the Part I Report of the Committee dated 25th September 2023 be approved.

The Finance and General Purposes Committee Part I Report dated 30th October 2023 was presented by Councillor Robinson, Chair of the Committee.

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

RESOLVED that the Part I Report of the Committee dated 30th October 2023 be approved.

The Finance and General Purposes Committee Part I Report dated 27th November 2023 was presented by Councillor Robinson, Chair of the Committee.

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

RESOLVED that the Part I Report of the Committee dated 27th November 2023 be approved.

The Planning and Licensing Committee Report dated 25th September 2023 was presented by Councillor Eva, Chair of the Committee.

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

RESOLVED that the Report of the Committee dated 25th September 2023 be approved.

The Planning and Licensing Committee Report dated 16th October 2023 was presented by Councillor Eva, Chair of the Committee.

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

RESOLVED that the Report of the Committee dated 16th October 2023 be approved.

The Planning and Licensing Committee Report dated 6th November 2023 was presented by Councillor Eva, Chair of the Committee.

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

RESOLVED that the Report of the Committee dated 6th November 2023 be approved.

The Planning and Licensing Committee Report dated 27th November 2023 was presented by Councillor Eva, Chair of the Committee.

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

RESOLVED that the Report of the Committee dated 27th November 2023 be approved.

The Cultural Services and Leisure Committee Part I Report dated 11th September 2023 was presented Councillor Seiler, Chair of the Committee.

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

RESOLVED that the Part I Report of the Committee dated 11th September 2023 be approved.

The Cultural Services and Leisure Committee Part I Report dated 4th December 2023 was presented Councillor Seiler, Chair of the Committee.

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

RESOLVED that the Part I Report of the Committee dated 4th December 2023 be approved.

The Grounds, Facilities and Environmental Action Committee Report dated 18th September 2023 was presented by Councillor Clegg, Chair of the Committee.

It was proposed by Councillor Clegg, seconded by Councillor D V Evans and

RESOLVED that the Report of the Committee dated 18th September 2023 be approved.

The Grounds, Facilities and Environmental Action Committee Part I Report dated 13th November 2023 was presented by Councillor Clegg, Chair of the Committee.

It was proposed by Councillor Clegg, seconded by Councillor D V Evans and

RESOLVED that the Part I Report of the Committee dated 13th November 2023 be approved.

It was noted that Councillor D V Evans had attended this meeting.

C5812 WHITE RIBBON ACCREDITATION: MOTION BY COUNCILLOR EDWARDS

Councillor Edwards requested that the Council accredits and becomes a support organisation for the White Ribbon Initiative, seeking to raise awareness and prevent violence against women, whether it occurs in the workplace, or outside of an organisation.

It was proposed by Councillor Edwards, seconded by Councillor Robinson and

RESOLVED that the Council seeks accreditation to the White Ribbon Initiative and becomes a Supporter Organisation.

C5813 NHS DENTISTRY IN FALMOUTH: MOTION BY COUNCILLOR D V EVANS

Councillor D V Evans requested that the Council makes representations regarding the lack of NHS dentistry services.

It was proposed by Councillor D V Evans, seconded by Councillor Kirkham and

RESOLVED unanimously that.

- (i) the Council recognises the dire situation that exists due to lack of NHS dentistry treatment in Falmouth and calls upon the Cornwall and Isles of Scilly Integrated Care Board to take whatever action is needed to remedy the situation.
- (ii) the Town Clerk writes to Cherilyn Mackrory MP and John Govett, Chair of the Cornwall, and Isles of Scilly Integrated Care Board, to express the views of the Council over the urgent need for additional NHS dentists to serve the needs of our residents.

C5814 SCHEME OF DELEGATION

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

RESOLVED unanimously that the Council approves the updated Scheme of Delegations incorporating recent service, committee, and organisational changes.

C5815 REPRESENTATIVES ON OUTSIDE BODIES

It was proposed by Councillor Edwards, seconded by Councillor Rowe and

RESOLVED that.

- (i) Councillor D V Evans replaces Councillor Rowe as the representative for the Maritime Line Working Forum (Rail Branch Network) – Councillor Saunby remains as alternate.
- (ii) Councillor D V Evans be removed as an alternate representative to the Swanpool Forum – Councillor Clegg remain as representative and Councillor Young as alternate.

C5816 TOWN MANAGEMENT REPORT

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

C5817 TOWN CLERK'S REPORT – PART I

The Town Clerk presented his Part I Report that was duly noted and forms part of these minutes.

C5818 EXCLUSION OF THE PRESS AND PUBLIC

It was proposed by Councillor Edwards, seconded by Councillor D V Evans 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 MINUTES – PART II
11TH DECEMBER 2023

C5819 MINUTES- PART II

It was proposed by Councillor Edwards seconded by Councillor Ross and

RESOLVED that the Part II minutes of the meeting held on 18th September 2023 be confirmed as a correct record and signed by the Chair.

C5820 COMMITTEE REPORTS

The Part II Report of the Finance and General Purposes Committee dated 25th September 2023 was presented by Councillor Robinson, Chair of the Committee.

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

RESOLVED that the Part II Report of the Committee dated 25th September 2023 be approved.

The Part II Report of the Finance and General Purposes Committee dated 30th October 2023 was presented by Councillor Robinson, Chair of the Committee.

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

RESOLVED that the Part II Report of the Committee dated 30th October 2023 be approved.

The Part II Report of the Finance and General Purposes Committee dated 27th November 2023 was presented by Councillor Robinson, Chair of the Committee.

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

RESOLVED that the Part II Report of the Committee dated 27th November 2023 be approved.

The Part II Report of the Cultural Services and Leisure Committee dated 11th September 2023 was presented by Councillor Seiler, Chair of the Committee.

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

RESOLVED that the Part II Report of the Committee dated 11th September 2023 be approved.

The Part II Report of the Cultural Services and Leisure Committee dated 30th October 2023 was presented by Councillor Seiler, Chair of the Committee.

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

RESOLVED that the Part II Report of the Committee dated 30th October 2023 be approved.

The Part II Report of the Cultural Services and Leisure Committee dated 4th December 2023 was presented by Councillor Seiler, Chair of the Committee.

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

RESOLVED that the Part II Report of the Committee dated 4th December 2023 be approved.

The Part II Report of the Grounds, Facilities and Environmental Action Committee dated 13th November 2023 was presented by Councillor Clegg, Chair of the Committee.

It was proposed by Councillor Clegg, seconded by Councillor D V Evans and

RESOLVED that the Part II Report of the Committee dated 13th November 2023 be approved.

The Report of the Staffing Committee dated 2nd October 2023 was presented by Councillor Coley, Chair of the Committee.

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

RESOLVED that the Report of the Committee dated 2nd October 2023 be approved.

The Report of the Staffing Committee dated 4th December 2023 was presented by Councillor Coley, Chair of the Committee.

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

RESOLVED that the Report of the Committee dated 4th December 2023 be approved.

There being no further business to transact the Town Mayor declared the meeting closed at 8.25 pm.

Signed..... Date.....

Falmouth Town council briefing Dec 2023

Introduction

A brief overview of Falmouth Community Fire stations work within the community over the past few months and hope this will raise both awareness and assist with subjects for any questions.

As I am sure you are aware we the service is not just about the emergency calls and your firefighters spend a lot of times following different functions to keep Falmouth safe.

I ensure the station is focusing on working with Stakeholders Businesses and other public services and expect watches to continue develop a stronger collaborative connection to ensure you have a Fire Station that aims to support the Town Council Strategic plan.

I am really keen to open the doors to the station to showcase our work and this past three months has also seen an increase in charity events alongside this.

We have run two days of car washes with a further weekend imminent, also our Openday just there three events raised £3000 for The Fire Fighters charity and Firefighters in Ukraine.

Of course the firework display was another great success we have ringfenced the money to fund next years display which leaves us with over £6000 for local charities

As I speak the Falmouths drive through grotto is closing and santas two night visit has been another success.

I have included are a number of headings to include Response /Protection and Prevention.

Response

Response is about Fire, Road Traffic collisions, industrial accidents, Automatic Fire Calls etc. Most have one feature that stands out....the incursion of us, human beings. Even environmental situations can be linked to our own actions i.e. driving through flood water and becoming trapped. Although we are available to respond 24/7 we are committed to reducing our incidents through education and collaboration with partners and services.

Over Sept/Oct/Nov Falmouth station has attended 153 calls with support from the On-Call as a second pump or as cover at Falmouth station to maintain resilience in our town.

Some incidents of note breaking from the norm focusing on the challenges of change in a modern fire service

Most recently Flooding Lower Treluswell **1 person rescued**

Person rescue roof lost in storm Trelawney Hill/Waterloo road **over a period of 4 hours crews attended seven calls triaged as life risk due to the storm**

Lithium Ion battery fire Penryn school Students iPad ignited and started thermal runaway **Watches now undertaking immediate information message to all schools** (lithium is an emerging challenge with incidents of note becoming more common. Work is underway with stakeholders and transport leads to develop a plan for incidents. These do include sites within Falmouth)

Prevention

To Prevent is to reduce and educate. All watches in Falmouth are actively looking to develop initiatives within the area to support this.

- Both myself and watches integral in the Clear Hold Build initiative at premises throughout the town last month providing Safety advice to DCP officers
- 166 Home fire safety visits around Falmouth
- 16 SSRI forms developed
- Firework display comms with Uni and and Beach safe initiative support
- Café safe initiative **development following incident at Penryn Quay one watch now visiting all coffee trailers/small popups in area (40) to provide fire safety advice**
- Living aboard Safety initiative **working with partners to support those living aboard vessels to reduce potential incidents collaborating with Harbour master**
- HMS Mersey exercise planning **four-part collaboration with RN crews and A+P**
- Fire boat support for Port Health and response development to other ports on the south coast
- Specific risk visits to potential long stay refit ships within Falmouth docks
- Salvation Army Drop in

Protection

Although a dedicated Fire safety department is routinely auditing premises watches at Falmouth undertake a vital role in ensuring businesses comply with regulations and keep their customers and staff safe.

- 37 low risk visits to specific businesses with some enforcement action taken on poor fire safety.
- Operational Fire Safety Visits (OFSV) at commercial premises.
- Restriction notices served on a number of premises.

Training

Throughout this period the crews maintain their own competencies and fitness with training and simulation. The station continues to require upgrading works and I feel is in need of a bit of TLC to provide the best experience for public and crews on station. Post summer we have managed to undertake a comprehensive external appraisal resulting in forecourt replacement, garage roof replacement and external painting work.

Junior officers are continuing in a temporary role to support their development. Worth noting that the past three On call recruits have attained top student beating all other recruits in the County.

Also the Assets team (procurement etc) continue to use Falmouth as its working base crews are involved in testing new equipment for the whole service.

- Water rescue Training course for new staff
- HMS Scott exercise planning
- Coxswain training
- Standard drills Ladders, Pumps, Line rescue
- Core Code of Ethics training
- Pendennis exercise planning
- Falmouth A+P exercise planning
- Coastguard Collaboration training
- SWAST RTC drills
- RNLI towing Training

Safeguarding

Over the past three months Falmouth crews have identified 2 Safeguarding issues which have resulted in support.

Summary
<p>I hope this provides an overview of our work over the Autumn and again encourage any visits to meet with the watches and join us at work around the town.</p> <p>In the meantime if there are any questions about the role and duties of Falmouth Community Fire station please do not hesitate to contact me.</p> <p>Email: Martyn.addinall@fire.cornwall.gov.uk</p> <p>Phone: 07891728999</p>



Town Management Report to Falmouth Town Council 11/12/23

Christmas Lights

I wanted to mention Gwyn Richards and his team at Reach Access who I am sure you will all agree have done a wonderful job on implementing the Christmas Lights this year. It takes many many hours installing them in all weathers often when it is cold and wet and they give a real impact within the town.

Coming off the back of November it is clearly a positive and welcome addition.

Certainly, the lights switch-on nomination was very well received by the community and a big thank you to the Mayor for hosting the family during the evening.

Comms with businesses and also the Princess Pavilion

As is always the case in this role there are frequent comms with the community and businesses for a whole variety of topics/support/guidance. As well as this I am having regular catchups with Chas and the Management Team as the Pavilion develops.

Market Street is another focus for the New Year subject to approvals and many Cllrs know it can take a long time to get agreements on the various vacant site but we will certainly be trying to make improvements.

Roadworks

There has been a large volume of roadworks in various locations and more next month after the festive period. This is taking up an increasing amount of my time, but it is important to ensure where possible roadworks is causing the least impact. I am also dealing with roadworks such as Commercial Road in Penryn as clearly this affects the traffic approaching and leaving Falmouth.

Defibs

Over the last few months, we have checked all the defibrillators across the town and there have been various occasions where the defib has been removed from the cabinets when 999 has been called. I am pleased to say that although they were taken to an incident they have not as yet been actually used.

Covid Clinics

We have the final Covid Clinic for vaccinations Monday 11th Dec (today) in the Atherton Suite. This started up again with request from the NHS.

CiLCA

I am starting the CiLCA course (Certificate in Local Council Administration) this month to improve my skillset and knowledge.



FALMOUTH TOWN COUNCIL

11th DECEMBER 2023

TOWN CLERK'S REPORT PART I

1. CODE OF CONDUCT COMPLAINT OUTCOMES

1.1 CCN098, CCN099 & CCN 100

The Cornwall Council Monitoring Officer has rejected complaints from Councillors D V Evans, Jewell and Saunby in respect of Councillor Robinson. (Attached)

1.2 CCN079

The Cornwall Council Monitoring Officer has rejected a complaint from the Falmouth Bay Residents Association in respect of Councillor Young, as a breach of the Code was considered a minor one. (Attached).

2. CORNWALL 2024 OFF-STREET PARKING ORDER

Cornwall Council is proposing to make a new Off-Street Parking Order, and in doing so make some alterations to car park operations and charges. Attached is the formal notice which sets out the proposed changes, any consultation response should be made to Cornwall Council before 21st December 2023. (Attached).

Mark Williams Town Clerk

December 2023

CODE OF CONDUCT COMPLAINT

COMPLAINT REJECTED

Reference Number	CCN098, 99 & 100/23/24
Subject Member:	Cllr J Robinson, Falmouth Town Council
Complainants:	Cllrs A Jewell, Da Saunby and Evans
Person conducting the decision:	Simon Mansell – Group Manager (Assurance)
Date of Consideration:	17 November 2023

Summary of the allegations considered:

That due to comments made to another member at a Committee meeting of Falmouth Town Council the Complainants consider that the Subject Member has breached the Code of Conduct.

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 3.5 (vii)

'the Subject Member has remedied or made reasonable endeavours to remedy the issues to which the complaint relates and the complaint does not disclose sufficiently serious potential breaches of the Code of Conduct to merit further consideration'

And

3.5 (ix)

‘the complaint is from a councillor about another councillor of their council and the Monitoring Officer considers the allegations to be such that the issues between the councillors ought to be capable of resolution between them, whether with or without the assistance of their Clerk or some other person’

The Complaint

The complainants have set out their complaints slightly differently, but they all make the same allegation, and this is that; at a meeting of the Town Councils Finance and General Purposes the Subject Member, who was the Chair of the Committee, told another member, who is not a member of the Committee but was speaking, to ‘shut up’.

The Complainants have set out that they consider that the language used at the meeting by the Subject Member was inappropriate in the circumstances.

Consideration of the Facts

The ethical standards regime requires that all complaints are considered on the balance of probabilities which is, would a reasonable person in consideration of all of the facts be objectively of the opinion that the actions of the Subject Member amount to a breach of the Code of Conduct.

Therefore, as well as the complaints that are set out above, I have also taken into consideration the fact that the member who was speaking was not a member of the Committee, they were advised that the points they were seeking to make were not relevant for that Committee, but they continued to talk over the Subject Member who was the Chair of the Committee.

Additionally, I have noted that the Subject Member emailed members of the Committee on 1 November 2023 to apologise for her actions.

Findings

With regards to the actions of the Subject Member at the meeting, it is considered that the approach taken was the wrong one with regards preventing the member from further speaking.

In retrospect the Subject Member has noted that she should have stood as this should have prevented the member present from further speaking and telling her to 'shut up' was not the correct way to manage the situation, and this is agreed with.

However, having taken into account all of the facts it is disappointing that even after an apology was given, the complaints relating to the conduct of the Subject Member were made. The Code of Conduct has always accepted that decisions made in the heat of the moment may later be seen to be incorrect and therefore the option is given to members, who may have acted inappropriately to remedy the situation, which in this case the Subject Member has done.

I also note the complaints are made by members of the council and I do consider that, given the conciliatory approach taken by the Subject Member in her apology, the matter is one which could have been resolved locally, and have achieved a more lasting local result, than by way of the ethical standards regime.

Therefore, and whilst this finding should not be taken as an endorsement of the actions of the Subject Member, this complaint is rejected under paragraphs, 3.5 (vii) and (ix) of the procedures as adopted by Cornwall Council.

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. They will not investigate if the Code has been breached but will consider if you have suffered maladministration or injustice by the rejection of this complaint.

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.

CODE OF CONDUCT COMPLAINT

COMPLAINT REJECTED

Reference Number	CCN079/23/24
Subject Member:	Cllr Z Young, Falmouth Town Council
Complainant:	Falmouth Bay Residents Association
Person conducting the decision:	Simon Mansell – Group Manager (Assurance)
Date of Consideration:	10 October 2023

Summary of the allegations considered:

The Complainants consider that the Subject Member has breached the Code of Conduct due to a post made on social media, further details of which are set out below.

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 3.5 (v) as the complaint discloses such a minor technical breach of the Code of Conduct that it is not in the public interest to pursue.

The Complaint

The Complainants have set out that they consider that a post which appeared on the Subject Members social media page on 2 or 3 October 2023 has breached the Code of Conduct as it has failed to treat the Falmouth Bay Resident Association with respect. The post, a screen shot of which has been provided, sets out that;

'Maybe this could be used as a little extra info point and ticket office for the Princess Pavilion and also sell tickets for overnight seafront parking, plus access codes to use the public loos out of hours. Could also sell teas in winter & ice cream in summer. Good idea?

No real idea how we'd get from here to there given the levels of prejudice evident in the residents' association and local councils but hey, a councillor can dream... and make occasional suggestions'.

In summary the Complainants have stated that this is the latest in a series of social media comments which they consider undermines the integrity of the members of the residents Association, who it is stated are the Subject Members constituents, and they are of the opinion that this misrepresents their views and does unknown harm to their reputation in the community.

Consideration of the Facts

Whilst it is noted that the complainants have set out that the post is the latest in a series of social media comments, the complaint has to be considered as has been made, and this is with regards to the post which was made on 2 or 3 October 2023.

As with all ethical standards complaints this is assessed against the Code of Conduct and the procedures for assessing complaints adopted by Cornwall Council. The information provided is assessed on the balance of probabilities this 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 seeking to apply the Code of Conduct to the facts, the application of Article 10(1) of the European Convention on Human Rights (ECHR), needs to be considered as Article 10 can protect both the substance of what is said, and also the manner in which it is conveyed.

As a result of this Article 10 protects the right to express honestly held views in the political context, even if those views are incorrect. Further, statements which are described as "immoderate, offensive, shocking, disturbing, exaggerated, provocative, polemical, colourful, emotive, non-rational and aggressive", that would not be acceptable outside the political context are tolerated, unless it can be show that the statement is knowingly false.

Whilst the concerns of the concerns of the Complainants are noted about the comments, viewed objectively the comments do not directly reference the Complainants and the comments cannot be considered to be "immoderate, offensive, shocking, disturbing, exaggerated, provocative, polemical, colourful, emotive, non-rational and aggressive" which would breach the rights granted to the Subject Member under article 10(2).

However, the comments are on the cusp of what could be classed as acceptable , and I accept the fact that being referred to as 'prejudice' can be disconcerting, even though 'local councils' were classed as having similar views.

As a result, on the balance of probabilities this may fall into the more likely than not that a reasonable person would view the comments as breach, but, as is set out above, this is on the cusp of what may be acceptable and therefore if this was to be considered as a breach of the Code, it would be a minor one.

Therefore, the complaint is rejected under paragraph 3.5(v) as the complaint discloses such a minor technical breach of the Code of Conduct that it is not in the public interest to pursue, in this it should be noted that even if this were sent for a full assessment I do not consider, after reviewing the complaint as made, that this would result in a different outcome.

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. They will not investigate if the Code has been breached but will consider if you have suffered maladministration or injustice by the rejection of this complaint.

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.



Your ref: 2024 Off-street Parking Order

Date: 30th November 2023

Dear Local Council,

2024 Off-Street Parking Order

Cornwall Council is proposing to make a new Off-Street Parking Order, and in doing so make some alterations to car park operations and charges. Attached is the formal notice which sets out the proposed changes.

You can read more about the proposals on our website

www.cornwall.gov.uk/TrafficConsult

If you have any comments to make on the proposals, I would be grateful to receive them no later than:

21st December 2023

To respond to this proposal, you can either:

1. Visit our website - **www.cornwall.gov.uk/TrafficConsult** once registered you will be able to submit your response.
2. Email Parking Services on **parking@cornwall.gov.uk**, quoting the above title and indicating your support or objection to the proposals.
3. Respond in writing using the attached Response Form, indicating your support or objection to the proposals and return it to the address shown at the foot of the form.

If you wish to discuss any aspect of this, please contact me.

Yours faithfully

Zoe Hall

Strategic Parking Manager

Environment and Connectivity Service

Email: parking@cornwall.gov.uk

Cornwall Council | Konsel Kernow

PO Box 664, Truro, Cornwall, TR1 9DH

E: parking@cornwall.gov.uk | T: 0300 1234 100

www.cornwall.gov.uk





The Cornwall Council (Off Street Parking Places) Order 2024

Notice is hereby given that Cornwall Council proposes to make a new Order under Section 35(1) of the Road Traffic Regulation Act 1984, in accordance with Schedule 9 of the Act.

The proposed Order will revoke and replace The Cornwall Council (Off Street Parking Places) Order 2023 whilst also making the following amendments:

1. Amendments to the Multi-purchase Sessions
2. Extension of the maximum stay period in Old Bridge Street, Truro
3. The following car parks will be revoked from the Order:
 - The Sloop, St Ives
 - Grenfell Avenue, Saltash
 - Pentire Headland, Newquay
 - Poldhu Cove, Mullion
 - Chy An Gweal, Carbis Bay
4. The following car parks will be added to the Order:
 - Permarin, Penryn
 - Ponsharden, Falmouth
5. Introduction of the resident season ticket
6. Introduction of a self-contained motorhome tariff in The Crescent, Bude
7. Removal of 'Reserved Permit parking' from Church Street, Falmouth

This Notice is intended to provide an indication of the Order's provisions. A copy of the draft Order may be inspected at any Cornwall Council library (check locally for opening times) using the public access computers. Copies may also be viewed at – **www.cornwall.gov.uk/TrafficConsult**

Representations (objection or support) to the proposed Order should be in writing and received by **21st December 2023** - addressed to: **Parking Services, PO Box 664, Truro, Cornwall, TR1 9DH**, to **parking@cornwall.gov.uk** or via the above website.

Response Form

Scheme Name: 2024 Off-Street Parking Order

Start of Response Period: 30th November 2023

End of Response Period: 21st December 2023

Title: Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other ☐

Name:

Please print in block capitals

Organisation:

(if applicable)

Address:

Postcode:

E-mail:

Date:

..... / /
DD MM YYYY

1. What is your view on this scheme?
(please tick one)

Support ☐

Object ☐

2. Please use the box below to provide any comments you have with regards to these proposals. If you wish to object, you **must** state your reasons for doing so.

Please continue overleaf if necessary

Please return this form to: Parking Services, PO BOX 664, Truro, Cornwall, TR1 9DH

Data Protection and Freedom of Information Notice

Any information which you may provide in response to this proposal shall be processed by Cornwall Council in accordance with the Data Protection Act 1998 and GDPR 2018 for the purposes of processing this proposal.

Please note that it may be necessary for the Council to include any information you provide in publicly available documents or to disclose it to third parties under the Freedom of Information Act 2000 or the Environmental Information Regulations 2004. Please contact the above if you have any concerns or queries regarding the processing of your information.