

City of Durham Parish Council

Dear Member of the Public,

In accordance with the Local Government Act 1972

I hereby give you notice that a **MEETING** of the **CITY OF DURHAM PARISH COUNCIL** will be held in the **LANTERN ROOM, DURHAM TOWN HALL, MARKET PLACE, DURHAM, DH1 3NJ** on **THURSDAY 22 NOVEMBER 2018 AT 19:00.**

You are welcome to attend this meeting and participate at agenda item 4 regarding any item shown on the agenda.

- 1. TO RECEIVE A PRESENTATION FROM JANE ROBINSON (DCC CORPORATE DIRECTOR ADULT AND HEALTH SERVICES) AND K LOUGH (DCC OCCUPATIONAL HEALTH AND SAFETY MANAGER) REGARDING THE DURHAM CITY SAFETY GROUP**
- 2. TO RECEIVE AND APPROVE (OR NOT) APOLOGIES OF ABSENCE FROM TODAY'S MEETING**
- 3. TO RECEIVE ANY DECLARATIONS OF INTEREST FROM MEMBERS.**
- 4. PUBLIC PARTICIPATION.**
- 5. APPROVAL OF THE DRAFT MINUTES OF THE COUNCIL MEETING HELD ON 25 OCTOBER 2018**
- 6. COMMITTEE UPDATES**
 - Planning Committee minutes from meetings held on the 19 October and 2 November.
 - Environment Committee minutes from meeting held on the 18 October.
- 7. UPDATE FROM CHAIR.**
- 8. PROPOSAL FROM PERSONNEL COMMITTEE TO INCREASE CLERKS WORKING HOURS FROM 20 TO 25 PER WEEK – verbal report**
- 9. DURHAM UNIVERSITY COMMUNITY ENGAGEMENT TASK FORCE MEETING HELD ON 5 NOVEMBER - see report from Cllr J Ashby attached.**
- 10. SMALLER AUTHORITY AUDIT APPOINTMENTS – See attached report.**
- 11. NEIGHBOURHOOD PLAN WORKING PARTY, CHANGES TO NEIGHBOURHOOD PLAN BOUNDARIES.**

Members should refer to the attached report containing a request to approve the membership of the Neighbourhood Plan Working Party and a motion suggesting changes to the boundary of the current Neighbourhood plan to make the boundaries co terminus with the parish councils area.

COUNCILLOR R CORNWELL HAS ALSO SUBMITTED THE FOLLOWING RELATED MOTION FOR APPROVAL OF THE COUNCIL.

"The remit of the Planning Committee shall be extended to include (a) oversight of the work of the Neighbourhood Plan Working Party and (b) the drawing up of this Council's response to the remaining stages of the County Durham Plan."

12. GENERAL DATA PROTECTION REGULATION REQUIREMENTS - See attached report

13. CYCLE OF FUTURE MEETINGS

2018 - 20 December in the Lantern Room Durham Town Hall, Durham DH1 3

2019 - 24 January, 28 February, 28 March all in the Lantern Room Durham Town Hall, Market Place Durham DH1 3

Due to the confidential nature of the following item, in accordance with section 1(2) of the Public Bodies (Admission to Meetings) Act 1960, the press and the public will be asked to leave the room at this point

14. INSURANCE ARRANGEMENTS – see attached report



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14 November 2018

CITY OF DURHAM PARISH COUNCIL

Minutes of a Meeting of the City of Durham Parish Council held on Thursday 25 October 2018 at 7.00 p.m. in the Lantern Room, Durham Town Hall, Durham.

Present:

Councillors E Ashby, J Ashby, V Ashfield, J Atkinson, L Brown, S Cahill, R Cornwell, J Elmer, D Freeman, R Ormerod, C Reeves, M Ross and E Scott.

Councillor E Scott in the Chair

1. Apologies for Absence

Apologies for absence were received and reasons approved for Cllr J G Holland.

2. Declarations of Interest

Cllr Cahill declared an interest in item 13.

3. City of Durham Youth Project Presentation

The Chair welcomed Debbie Jenkins to the meeting, who was in attendance to provide a short presentation which summarised the work of the Durham City Youth Project.

Ms Jenkins provided some examples of the recent work undertaken by the project with young people, which highlighted the need for detached youth work in Durham City to help those children in crisis and keep them out of danger

However, due to central government cuts and the impact that this had taken on local authorities, Durham County Council were no longer able to provide funding to the group which had impacted upon the service. As a result she noted that due to increasing rent costs in the City Centre, the project had been forced to move their base outside of the city centre to Framwellgate Moor.

She went on to advise that despite financial difficulties the service had now been registered as a CIO and were also a direct licence centre for the Duke of Edinburgh Awards scheme. Crucial funding had been secured from Comic Relief and the Police, Crime and Victim's Commissioner however, the service were still struggling to find the funding it required to maintain the Project Co-ordinator and Admin Officer PT posts. She therefore asked whether the Parish Council would be able to provide some financial support to the service.

Further discussion ensued regarding premises and Ms Jenkins noted that it was likely that the Methodist Church would be available for use for drop-in sessions however, alternatives were not suitable because of the disruptive nature of the sessions and young people using the service.

Councillor Cornwell asked what area was covered by the service and whether any request for funding had been made to other parish council's in that area. In

response, Ms Jenkins advised that the areas covered mainly focused around the City, Sherburn Road and Framwellgate Moor Front Street. She did however note that the sexual health work extended beyond to Seaham and Peterlee. Regarding the issue of funding, she advised that an approach had been made to Framwellgate Moor Parish Council.

Councillor Brown asked what ages the service worked with. Ms Jenkins advised that the age group was between 7-25 years, although many of the service users were around 19 years old.

Councillor Elmer noted the value of this service and that it was sad that the County Council had to reduce its funding as a result of wider government cuts.

Ms Jenkins advised that the service were looking at ways of bringing in funding and becoming self-sufficient and exploring outsourcing opportunities. She acknowledged that whilst there was a fight for funding, it had made the service review the ways it worked and make improvements. She went on to advise that the service were fully funded until April 2019, however a sustainable income was required to deal with management and administration costs as earlier discussed.

Councillor Doig suggested that it may be useful if a full breakdown of costs associated with the posts could be provided to the parish council.

The Chair thanked Ms Jenkins for her attendance.

4. Public Participation on Agenda Items

There were no members of the public wishing to speak at this point in the meeting.

5. Minutes

The minutes of the meeting of the parish held on 17 September and the council meeting held on 27 September were confirmed as a correct record and signed by the Chairman.

At this point the Chair invited Councillor J Ashby to provide an update on legal advice sought in relation to the County HQ proposals.

Councillor J Ashby advised that he had sought advice from a legal firm which had been recommended by the CPRE on whether the environmental impact assessments carried out by DCC were flawed and whether this could be challenged. He advised that initial costs would be approximately £2000 +VAT with potential for further costs should further evaluation of air pollution and traffic assessments be required. In addition, it was noted that should the advice suggest that there is cause for legal challenge there may be additional costs further down the line. However, options for funding that element could be determined at that time if necessary.

Discussion ensued and after some deliberation it was

Resolved:

That the parish council instruct the legal firm to start preliminary work regarding the environmental impact assessments at a cost of £2000 +VAT and that the Planning Committee be delegated authority, to review the information provided at their planning meeting on 2 November 2018, where it should also be known at this time whether the application would be considered by the County Planning Committee on 6 November 2018.

6. Committee Updates for Members Information

Planning Committee:

Councillor Cornwell advised in relation to DM/18/02931/FPA that DCC had advertised a traffic order, however the planning application had not yet been approved.

Further discussion ensued regarding Selective Landlord Licensing and it was suggested, that DCC's Principal Environmental Health and Consumer Protection Officer be invited to attend a future meeting to discuss this further.

Environment Committee:

Councillor Ashfield advised that two meetings had now taken place.

With regard to Item 8 of the minutes, Councillor Freeman added that the parish council should be mindful that any member of staff employed to undertake environmental works should not replicate any of the tasks, which should be carried out by DCC. It was further noted that only works to enhance the area would be undertaken.

7. Update from the Chair

The Chair introduced Adam Shanley to the council who had recently been appointed as the new Clerk. She went on to offer thanks to Stephen Ragg, CDALC who had since its inception acted as Interim Clerk to the Parish Council.

Moving on, Councillor Scott went to provide a summary of the response from the local MP in relation to concerns raised regarding the DCC HQ noting that she had broadly supported the points raised by the parish council, although the letter was considered to provide overall a neutral view. It was also noted that to date there had been over 500 objections to the application and it was noted that this had caused some problems as not all objector addresses were listed and in some cases where objectors had raised concerns regarding the contractor Kier, they had in fact been removed from the portal. It was therefore suggested, that anyone who referenced Kier in their submission should remove the reference and be resubmitted.

Further discussion ensued regarding the public meeting and how this had been well received by the public. In addition the Chair had been with the Women's Institute who had also shown their support of the parish council's views on the HQ.

The Chair further noted that the strategy event held on Monday evening of this week proved very useful and it was hoped that the strategy could be adopted by end of February 2019.

In concluding the Chair advised that unfortunately Councillor Holland was unwell and recovering at home. The Council wished him well and speedy recovery.

8. University's Community Engagement Task Force

Resolved: That the following members be nominated to sit on the sub groups of Durham University's Community Engagement Task Force as follows:

Economic – Councillor E Ashby
Culture – no nomination made
Citizenship – Councillor V Ashfield
Lived Environment – Councillor V Ashfield
Durham For All – no nomination made

9. Assembly Rooms Theatre

Resolved: That Councillor J Atkinson be nominated to sit on the University's Assembly Rooms Theatre working group.

10. Durham Relief Roads

The Chair advised that a coalition of local groups precipitated by Councillor Elmer had been formed to fight together Durham County Council's proposals for two "relief" roads around Durham. Facebook and website details were detailed on the agenda and anyone interested could find out further information via those channels.

11. Northern LGBT Transgender Remembrance Day 2018

The Chair advised that an invitation to attend the Transgender Remembrance Day 2018 to be held on 20th November 2018 and a further invitation for a council representative to attend a Partner meeting at 6.00 p.m. on 29 October at Alington House. Councillor L Brown agreed to attend on behalf of the Parish Council.

12. Proposal for skate park in Neville's Cross Area

Cllr Brown read the contents of a letter she had received asking for support in the creation of a skate park in the City of Durham Parish Council area.

Councillor Reeves asked whether there was a suggested location. In response the Chair advised that there was a site behind Laburnum Avenue identified as a possible location which would allow children from both the outskirts of the City and Neville's Cross area to use. It was noted that there had been complaints of ASB on this site previously and therefore the installation of a skate park could help alleviate some of these issues.

Councillor Ross suggested as there was still information required to help determine the matter that the issue be deferred to a future meeting to be discussed at that time in more detail. Councillor Ormerod seconded the proposal.

Further discussion took place regarding funding opportunities and ongoing costs for maintenance, insurance and adoption. It was also noted that safeguarding and CCTV may also need to be considered. Councillor Ashfield suggested that the Environment Committee could take this matter forward for discussion.

13. Motion by Councillor C Reeves

Councillor C Reeves moved that:

"Durham University have recently announced a further increase in college accommodation fees. Rising to £8,149 per year for catered en-suite, this means Durham will continue to have amongst the highest accommodation fees in the country outside of London.

Alongside the impact this has in terms of pricing out low income students and many of the local area who might otherwise aspire to attending the university, this increase will only further fuel the overheated market in HMOs, risking more houses on our residential streets converted for student occupancy. This both undermines the strength of the community in the City of Durham and makes it harder for young local residents to find housing within the City.

The City of Durham Parish Council condemns this increase and commits to write to Durham University to express our opposition to this rise and our belief that only a freeze in college accommodation fees can address the crisis in affordability for Durham students and the crisis in housing for local residents."

The motion was **Seconded** by Councillor J Elmer.

The Chair welcomed a number of students who were present to the meeting and offered them the opportunity to raise any relevant points.

The President of Durham University's Students Union highlighted many of the issues facing students due to increasing accommodation fees and noted that fees in London were in some cases not as expensive as those charged by Durham University. He noted that the Student Union were holding a protest regarding the increase in fees, at Palace Green and any support offered would be much appreciated.

It was also noted that students who were from single parent homes often were only able to attend the University due to scholarships which had been obtained.

Councillor Elmer noted that the student accommodation issue in the City had really skewed house prices and he found it extremely sad that students were being treated in some cases as commodities as opposed to residents. Members went on to note the high fees were often for sub-standard accommodation and were in support of the motion made.

Councillor Ashfield also pointed out that many students worked in the city's restaurants and cafes but because of high accommodation process were forced to live outside the city and travel to and from work at unsociable hours.

The Council agreed the motion unanimously.

14. Motion by Councillor J Elmer

Councillor J Elmer moved that:

A letter be sent to Roberta Blackman-Woods as follows

Local residents have brought to our attention the extensive clear felling of trees that form part of the East Coast Mainline corridor as it passes through Langley Moor, and Durham with particular impact within the Redhills cutting area. Complaints have been made by Cllrs Jonathan Elmer and Elizabeth Scott to Network Rail in relation to this matter pointing out that the scale of the work is utterly disproportionate to the need to ensure railway safety. In particular, until most recently, Network Rail would prune off dead branches and fell isolated trees identified as unstable and dangerous. Their new approach seems to involve the clear felling of extensive linear stretches of woodland then treating stumps with Glyphosate to prevent re-growth. It would appear that this has been going on across the Country as part of a wider National programme.

City of Durham Parish Council are concerned that this change in practice is primarily driven by the desire to reduce tree maintenance costs, and that health and safety forms a convenient vehicle to side-line opposition. Regardless of the Network Rails motivations, it's clear that the works will:

- Have a very serious and adverse impact on important wildlife habitats and corridors;
- Result in loss of privacy;
- Increase noise and light pollution;
- Have a very serious and adverse impact on the arrival at the World Heritage Site;
- Give children unsafe access to the railway corridor via new gaps in hedges made by forestry clearance vehicles

We feel that this matter is of national significance and that the Environment Minister and parliament should request a review into the extent to which these National works are required to provide for safety considerations, and to ascertain the extent to which the works are intended to reduce future tree maintenance costs.

Councillor R Ormerod **Seconded** the motion.

The Council agreed the motion unanimously.

15. Augmentation of the Planning Committee

Resolved: That Councillor V Ashfield and Councillor L Brown be appointed to the Council's Planning Committee.

16. Motion by Councillor J Ashby and Councillor R Cornwell

Councillors J Ashby and R Cornwell moved that:

The City of Durham Parish Council recognises that on 1st April 2018, the date it was created, it automatically acquired all the responsibilities of a qualifying body as set out in the Neighbourhood Planning Act 2017. Until that date the Durham City Neighbourhood Planning Forum had been the approved qualifying body. The Forum's Working Party, which includes two Parish Councillors and is chaired by the Chair of the Parish Planning Committee, has continued with the preparation of the Durham City Neighbourhood Plan and is about to complete a Draft Pre-Submission Plan.

The Parish Council hereby RESOLVES to (a) ratify the work undertaken to date by the Forum, and (b) appoint a Working Party to finalise the Draft Pre-Submission Plan for the Parish Council to undertake consultations and submit it to Durham County Council for Regulation 16 consultations, Examination, the holding of a Referendum, and final Adoption.

Councillor Cornwell provided the parish council with a short presentation on the transfer of the plan, process and timing. And further reported information which had only been obtained that day from Durham County Council, which advised that despite the Regulation 14 consultation being undertaken by the Neighbourhood Forum, this would need to be undertaken again by the parish council following its transfer.

It was noted that the costs of such consultation would fall to the parish council, however these were low. It was further acknowledged that the County Council were responsible for referendum costs.

Councillor Doig suggested that he would like to see continued input and engagements with the Forum members throughout the remainder of the process. It was further requested that the work of the Forum be recognised and the members thanked for their work.

The Council unanimously agreed the motion.

17. Notification of Agenda Items

The Chair asked that any items wishing to be discussed at the next meeting be brought to her attention as soon as possible.

18. Cycle of Future Meetings

2018

22 November Lantern Room, Town Hall Durham
20 December – Lantern Room Town Hall Durham

2019

24 January – Possibly Durham Johnston School if not Lantern Room Town Hall.
28 February – Lantern Room Town Hall Durham.

28 March – TBC

Councillor Doig asked that a date be finalised for the first meeting of the Finance Committee. The Interim Clerk agreed to email members once a date and venue had been confirmed.

Signed

Chair City of Durham Parish Council

**Planning Committee Meeting at 10.00am on Friday 19th October 2018
in Alington House**

MINUTES

1. Welcome and apologies:

Present: Cllrs R Cornwell (Chair), J Ashby, J Elmer, C Reeves.

Visitor Rob Richardson was also in attendance.

Apologies: Cllr G Holland. Cllrs E Ashby and L Brown who are frequently attenders had sent apologies.

2. Declarations of interest: none.

3. The minutes of the meeting on 5th October were received and agreed as a correct record.

4. Public participation comments on the following agenda items: Mr Rob Richardson commented on DM/18/02805/FPA when it was discussed.

5. Matters arising:

(a) The responses to the following applications were approved (for text of letters see parish web site):

DM/18/02632/AD: Erection of non illuminated fascia sign Rushford Court

DM/18/02709/FPA: 2.7m high fence, extensive alterations, Oaklea, The Avenue

DM/18/02734/FPA and **DM/18/02735/LB:** Moon Jewellery 12 Silver Street

DM/18/02931/FPA: Sculpture of illuminated heron, Freemans Place

(b) Review of applications previously considered:

DM/18/02614/FPA: Proposed Durham Distillery The Riverwalk Millburngate Durham DH1 4SL: additional information accepted.

DM/18/02369/FPA: New County HQ: noted that the Member of Parliament will be writing in support of the Parish Council's objection and request for the Secretary of State to call-in the application. Agreed that Cllr J Ashby should follow-up the request concerning possible legal advice. Also noted that there are now 290 objections; a market trader points that his van is too tall to access the proposed multi-storey car park that would replace the open-air car park.

6. Briefing for the Parish Council relating to the assumption of responsibility for the Durham City Neighbourhood Plan:

It was agreed that: (a) all City of Durham Parish Councillors be sent a note giving them the web-site reference for the Pre-Submission Draft of the Durham City Neighbourhood Plan so that they may read it and, if they wish, raise comments and any concerns prior to the meeting of the Parish Council on 25

October; and (b) Cllr Roger Cornwell will prepare a short Powerpoint presentation for that meeting.

7. Consideration of the following planning applications:

DM/18/02710/FPA: Construction of a coach park area: Belmont Park and Ride: it was agreed that Cllr J Ashby circulate a draft objection on the grounds of additional traffic and damage to tourism.

DM/18/02797/FPA: Change of use of an existing C4 HMO to a mixed use for a C3 (dwellinghouse) or C4 (HMO) over a 10 year period. 6 Wanless Terrace Durham DH1 1RU: agreed that Cllr J Ashby draft a response welcoming the return of the C4 property to C3 use.

DM/18/02805/FPA: Change of use of ground floor from general store to 2 residential flats (use class C3), Ash Villa Homer Terrace Nevilles Cross Bank Durham DH1 4JS: the applicant's son Mr Rob Richardson explained the background to the application. The Committee agreed to note the application.

DM/18/02847/FPA: Single storey rear kitchen extension, 3 Howlcroft Villas Crossgate Peth Durham DH1 4DU. Noted.

DM/18/02924/FPA: Erection of office block with flexible permission for shop, food and drink and assembly & leisure uses at ground floor level and associated public square and landscaping, Millburngate House Framwelgate Waterside Durham DH1 5TL: agreed that Cllr J Ashby circulate a draft objection on grounds of bulk, height, design, lack of visualisations and loss of residential provision.

DM/18/02983/FPA: Erection of a Two-Storey 8No Bedroom Extension and Single-Storey Extension Link (Resubmission 4/12/00444/FPA) - Farnley Tower Hotel The Avenue Durham DH1 4DX: agreed that it should be treated as a fresh application. Cllr Cornwell will draft an objection along the lines of the email previously circulated.

DM/18/03042/CPU: Certificate of Lawfulness for a Rear Dormer Window to C4 Dwelling | 18 Providence Row Durham DH1 1RS: Cllr Cornwell will write asking whether this is permitted development, a retrospective application, or an enforcement issue.

DM/18/02842/TPO: Felling of one tree (T1 on plan) and removal of excessive top soil from root protection areas of two trees (T2 and T3 on plan) protected by a conservation area (section 211 notice), land between Ferens Close and Wearside Drive Durham DH1 1JX: Cllr Cornwell will write pointing out that unauthorised destruction of a tree granted a Tree Protection Order is a criminal offence, that the piling work blamed for damaging tree T1 is the developer's fault, and that an independent Arboriculturist's assessment should be sought to determine whether it is possible to save the tree. In the event of the tree being removed, a replacement tree would be required. The removal of excessive top soil from the root protection areas of trees T2 and T3 must be carried out with care to avoid damage to these trees.

DM/18/03012/TPO: Felling and Removal of 1No Horse Chestnut Tree (T1) 25 Springwell Road, Durham DH1 4LR: noted.

DM/18/03020/FPA: Erection of single-storey extension to rear of dwelling and conversion of part of existing garage to habitable room, 9 St Johns Road, Nevilles Cross, Durham DH1 4NU: noted

8. Dates of future meetings:

2nd November – Mezzanine Room, Durham Town Hall

16th November – Room 2, Alington House.

There being no further business the meeting ended at 12.00 pm.

Signed

Roger Cornwell - Chair of City of Durham Planning Committee

2 November 2018

City of Durham Parish Council

MINUTES of PLANNING COMMITTEE MEETING at 10.00AM ON FRIDAY 2ND NOVEMBER 2018 IN DURHAM TOWN HALL

MINUTES

1. **Welcome and apologies:**

Present: Cllrs R Cornwell (Chair), J Ashby, J Elmer, C Reeves.

Apologies: Cllr G Holland. Cllrs V Ashfield and L Brown who have been added to membership of the Planning Committee had sent apologies as they cannot attend Friday morning meetings.

2. **Declarations of interest: none.**

3. **The minutes of the meeting on 19th October 2018 were received and agreed as a correct record.**

4. **Public participation comments on the following agenda items: no public in attendance.**

5. **Matters arising:**

(a) The responses to the following applications were approved (for text of letters see parish web site):

DM/18/02710/FPA Construction of a coach park area: Belmont Park and Ride: noted that in future draft representations circulated for comment should set a deadline for comments to be sent to Roger, usually of 48 hours.

DM/18/02797/FPA Change of use of an existing C4 HMO: 6 Wanless Terrace Durham DH1 1RU.

DM/18/02924/FPA Erection of office block etc: Millburngate House Framwelgate Waterside Durham DH1 5TL.

DM/18/02983/FPA Erection of a Two-Storey 8 Bedroom Extension: Farnley Tower Hotel The Avenue Durham DH1 4DX.

DM/18/03042/CPU Certificate of Lawfulness for a Rear Dormer Window to C4 Dwelling 18 Providence Row Durham DH1 1RS.

DM/18/02842/TPO Felling of one tree etc: land between Ferens Close and Wearside Drive Durham DH1 1JX: DCC Arboricultural advice is in line with the Parish submission: a Pull test on tree T1 and manually removing soil from around trees T2 and T3.

(b) Review of applications previously considered:

DM/18/02369/FPA New County HQ: noted that the Environment Agency comments have not yet appeared; this is thought to be due to problems with the modelling of flood resilience measures. On Terms of Reference for the legal advisor, Cllr J Ashby will redraft and circulate to the Committee and then Cllr Cornwell to forward to the Interim Clerk/Clerk for circulation to all Parish Councillors. It is hoped that agreement can be reached by email correspondence.

The question of the Parish Council's potential liabilities if a legal action is lost will be put by Cllr J Ashby to the legal advisor. Also he will be asked for the likely fees for expert advice on air pollution and on landscape and visual impact assessment. The exceptional volume of public comment on this application was noted, with the hope that significant weight is given by the County Planning Committee Members to this community strength of feeling.

DM/18/02710/FPA Construction of a coach park area: Belmont Park and Ride: good press coverage noted.

6. Consideration of the following planning applications:

DM/18/03152/CEU Certificate of existing use for a house in multiple occupation for 8 occupants: 53 Hawthorn Terrace Durham DH1 4EQ: Cllr Cornwell informed the Committee that this property had been an HMO since at least 2011. Noted.

DM/18/03156/FPA Two storey pitched roof side and rear extension: 19 The Grove North End Durham DH1 4LU: noted

DM/18/03119/FPA Installation of wood windows to front: 58 Albert Street Durham DH1 4RJ: commendation to be submitted by Cllr Cornwell.

DM/18/03115/FPA 4 two bedroom flats (conversion of existing dwelling at No. 36 into 2 dwellings and approved dwelling in garden altered to form 2 flats): 36 The Hallgarth Durham DH1 3BJ: noted.

DM/18/03125/FPA Erection of 2no. bay windows to front incorporating a pitched roof over. Erection of boundary wall to front and application of render to existing dwelling: Russet Grey Elvet Moor Merryoaks Durham DH1 3PR: noted.

DM/18/03085/LB Installation of boiler with flue to rear elevation: 214 Gilesgate Durham DH1 1QN: noted.

7. Dates of future meetings:

16 November - new times of 14.00 to 16.00 hrs - Clerk to book room. Agenda items to include (a) consideration of the Planning Committee's Terms of Reference and (b) the two TPO applications that Cllr Elmer wishes to raise.

23 November - 14.00 to 16.00 hrs - room to be booked

There being no further business the meeting ended at 11.40 am.

Signed

Roger Cornwell - Chair of City of Durham Planning Committee

16 November 2018

Minutes of the **City of Durham Parish Council's Environment Committee** held in **Room 2, Alington House, 4 North Bailey, Durham DH1 3ET** on **Thursday 18 October at 18.30.**

Present: Cllrs Ashfield (Chair), J Elmer, M Ross, S Cahill (Secretary)

1. Election of Vice Chair of Committee

Cllr Elmer was nominated by Cllr Ashfield and seconded by Cllr Ross. There being no further nominations, Cllr Elmer was duly elected Vice Chair of the Environment Committee for the ensuing year.

2. Receipt of apologies:

Apologies for absence were approved from Cllrs E Ashby, J Atkinson, R Ormerod

3. To receive any declarations of interest from members.

No declarations of interests were received.

4. To receive any public participation comments on the following agenda items.

P Hayes and V Standen from Friends of Flass Vale wished to comment on item 6b. They raised concerns of underage drinking within Flass Vale as well as a range of related antisocial behaviour including littering, disruptive noise as well as an incident of someone dancing on a garage roof on a residential street. P Hayes believed that a Public Space Protection Order (PSPO) might help address these issues. V Standen further suggested this might also help tackle concerns around intimidating dogs

Cllr J Elmer asked for clarification over who could designate a PSPO and what the implications of this order would mean.

P Hayes clarified that it would be the County Council who would need to implement and that guidance suggested Parish Councils must be consulted on this issue within their area. He further suggested that a Parish Council may be able to start this process. The resident relayed information received from either Cllr E Scott or Cllr L Brown that there are some within the County Council who oppose the introduction of further PSPOs.

Cllr J Elmer felt that it may be worth asking Cllr R Ormerod for clarification on the process for acquiring a PSPO.

Cllr M Ross asked if residents had been taking a log of these events, feeling this could better support efforts to see a PSPO introduced. Cllr V Ashfield concurred.

P Hayes stated this was a seasonal issue and, with the end of Summer, had largely resolved itself for the year. He elaborated, however, that these PSPOs can be restricted to a particular time of year. V Standen expressed concern that this antisocial behaviour had increased in disruptiveness over the past 2 years.

The Police later joined after the P Hayes and V Standen had left: Sgt Mark Mallatratt and a Community Safety officer. Cllr V Ashfield asked if they believed a PSPO would make it easier for them to address the incidents reported in Flass Vale.

The officers responded that, with the incidents of underage drinking, there are already laws in place so a PSPO is not needed. They noted that only 10 incidents had been reported in past year.

Cllr M Ross raised the residents' concerns about adult antisocial behaviour.

The police responded that they were aware of camping taking place within Flass Vale. Drinking would not be against the law unless it led to antisocial behaviour.

Cllr J Elmer asked which provisions the officers would find useful.

The Police responded that terms within a PSPO banning fires, overnight camping, drinking and littering would be useful to tackle the non-criminal, anti-social behaviour within Flass Vale.

They suggested that residents should be invited to call the local police number (101) as soon as such an antisocial event took place and police would attend.

5. To receive and approve the minutes of the previous meeting held on the 16 August 2018.

Cllr V Ashfield asked to delete the erroneous description of Cllr E Ashby as "Chair of Environment Committee". Cllr V Ashfield further decided to ask Cllr E Ashby to clarify any further changes she had identified in item 5.

Following these changes, the minutes were accepted as a true and accurate record.

6. Report back on any actions taken since the last meeting.

a) Update on A167 progress report from Cllr E Ashby and M Ross

The report was received. Cllr Ross's name should be added to those present at the meeting on 8th October. Cllr M Ross explained that Cllr L Brown had purchased planters to encourage traffic to slow down and had hoped that the Parish Council could pay the cost of maintaining these. Cllr M Ross also relayed that Cllr L Brown believed an expansion of the existing refuges could slow the traffic. Cllr V Ashfield agreed, pointing to the success of such measures in Continental Europe. Cllr J Elmer noted that reducing speed limits does not necessarily reduce traffic efficiency and suggested that commissioning an impact report on reducing the limit may be worthwhile if Cllr E Ashby is not already aware of existing modelling data. Cllr M Ross relayed her experience of school students in Sunderland successfully lobbying their council for a reduction in the speed limit.

The committee resolved for Cllr M Ross to explore with Cllr E Ashby the possibility of local schools running a campaign on the reduction of the speed limit. The committee further resolved for Cllr M Ross to explore the availability of transport consultants if Cllr E Ashby is not aware of existing traffic modelling data.

- a. Best Kept Business Frontage – Cllrs V Ashfield, J Atkinson and M Ross had not yet been able to meet with officers from Durham County Council's Green and Clean Team.
- b. Part-Time Staff Member – Cllr V Ashfield felt this request should be delayed as there is not yet a finance committee. Cllr M Ross explained that Cllr R Ormerod felt that hiring a member of staff would not be appropriate as this is County Council work and that our resources would be better used by lobbying

the County Council to undertake necessary work with which Cllr J Elmer concurred.

The committee resolved to collect evidence of littering in key pressure points with the aim of presenting this to the relevant officer at the County Council. Cllr M Ross felt that local schools could also be involved in this project.

- c. Reducing emissions from stationary commercial vehicles. Cllr V Ashfield suggested that support should be offered to help vehicles move towards electrical use rather than petrol or diesel. Cllr J Elmer explained that the County Council could apply for powers to force vehicles to stop stationary vehicles from leaving their engine running, but the Council had chosen not to adopt these powers.
- d. Inviting officers from County Council

The Committee resolved to identify key issues with highways, riverbanks, vennels and steps in preparation of inviting David Wafer, Strategic Traffic Manager at Durham County Council, to next meeting.

It was further raised by Cllr J Elmer that the committee should consider brokering relationships with Durham University and Durham Cathedral to improve cycling paths within the City of Durham.

7. To discuss newly arising issues

- a. Traffic on A181 not using advisory A690

The committee resolved for Cllr V Ashfield to contact the relevant authorities to ask for larger advisory notices to ensure large transporters use A690.

8. Public Space Protection Order (PSPO) for Flass Vale.

This was introduced under item 4.

It was agreed that Cllr V Ashfield would contact the residents to encourage the reporting of incidents as they occurred using the '101' number recommended by the police. It was further agreed to seek clarification from Cllr R Ormerod as to the process for receiving a PSPO.

9. Agreement of dates for next 6 months' meetings

It was agreed that the next 5 meetings should be held on: November 15th, December 13th, January 15th, February 19th, March 19th

Signed

Cllr V Ashfield - Chair of Environment Committee

AGENDA ITEM 9: DURHAM UNIVERSITY COMMUNITY ENGAGEMENT TASK FORCE MEETING HELD ON 5 NOVEMBER

Note of meeting of Durham University Community Engagement Task Force held on 5 November 2018 provided by Cllr J Ashby

I attended as a Parish Council representative; Cllr Alan Doig had given his apologies. Cllr David Freeman attended as Durham County Council representative.

Verbal reports were given for each of the five Sub-Groups: Economic, Culture, Citizenship, Lived Environment, and Durham for all. Progress seemed to be varied and lacking community input particularly in two of the Sub-Groups - Citizenship (neighbourliness, behaviour, discipline, expectations, personal safety) and Durham For All (open access to facilities, Colleges, events, activities etc).

My impression is that the perspective is very much from the University's interests and that the whole project continually needs to be brought back to its stated purpose of Community Engagement.

Accordingly, more community representatives should be encouraged to participate at Sub-Group level and Theme level (that is, specific task and finish groups such as Heritage or Accommodation). I attach the full list of Themes within each Sub-Group and ask colleagues to volunteer for a topic that they feel needs to be tackled from a community perspective even if that discomforts the University.

DECISION REQUIRED	For the information of members and to receive comments from members.
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AGENDA ITEM 10: SMALLER AUTHORITIES AUDIT APPOINTMENTS

As a new parish council which is a "smaller authority" that was established on or after 1st April 2018, the Council will not have been originally included in the central external auditor appointment regime for which Smaller Authorities Audit Appointments Ltd is responsible.

Smaller Authorities' Audit Appointments (SAAA) was formally appointed in January 2016 by the Minister for Local Government at the then Department of Communities and Local Government (DCLG) as "a person specified to appoint local auditors" under powers set out in Regulation 3 of the Local Audit (Smaller Authorities) Regulations 2015 to perform the functions set out in legislation for smaller authorities. It is the sector led body for smaller authorities (those under £6.5 million annual turnover) formed by the National Association of Local Councils, Society of Local Council Clerks, and Association of Drainage Authorities.

SAAA undertook a tender and evaluation process following which it appointed external auditors to all smaller authorities for the 5 year period commencing 1st

April 2017, with the audit fees fixed according to the attached published fee scales. Auditors are individually appointed for each authority based on contract areas that broadly equate to county areas. For County Durham the appointed auditors are Mazars

All parish councils were originally given the opportunity to opt-out of the central procurement and appointment regime (although none did), and SAAA is obliged to write to any new councils to provide the option to opt-out of the central appointment regime and to procure and appoint their own external auditors if they do not wish to be included in the central auditor appointments.

If a council decides to opt-out of the central regime they must follow the prescribed statutory procedures for appointing their own external auditor as set out in the Local Audit and Accountability Act 2014, Part 3. Only audit firms eligible for appointment as a statutory auditor under Part 2 of the Companies Act 2006 can be considered for appointment.

The council must appoint an audit panel/committee in line with CIPFA guidance on setting up an audit panel. This includes drawing up a specification, advertising, determining the appointment process and recommending to the full council who should be the councils "appointed auditor". In line with best practice, the audit committee/panel should determine what information is required from firms as part of the tendering process, such as financial standing, public audit experience, understanding of the 'limited assurance' regime, insurance cover and limits (professional indemnity, public liability, employee liability).

The council must inform SAAA if it decides to opt-out of the central regime by completing an Appointment of External Auditor Certificate. Opted out councils will be subject to review to ensure that they have complied with proper procedures with regard to opting out and the appointment of external auditors. If an council fails to comply with the set procedures, SAAA is obliged to notify the Ministry of Housing, Communities and Local Government and the Secretary of State will appoint an auditor on the council's behalf and an administration charge will be levied.

If SAAA does not hear from the council within 28 days that it wishes to opt-out then it will assume that you wish to be included in the central appointments regime and the external auditor for your county area will be appointed to the council. The council will then be sent by e-mail a formal 'notification of auditor appointment' letter.

DECISION REQUIRED	It is recommended that the City of Durham Parish Council resolves to accept the offer of using the SAAA appointed external auditor (Mazars) for their 2018/19 accounts and subsequent years.
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AGENDA ITEM 11: NEIGHBOURHOOD PLAN WORKING PARTY

Members will recall the discussions at the last meeting regarding the transfer of the Neighbourhood Plan to the Parish Council – see minute number 16 of the meeting held on the 25 October where you will see the council resolved to:-

- (a) ratify the work undertaken to date by the Forum, and
- (b) appoint a Working Party to finalise the Draft Pre-Submission Plan for the Parish Council to undertake consultations and submit it to Durham County Council for Regulation 16 consultations, Examination, the holding of a Referendum, and final Adoption.

With reference to (b) above membership of the Working Party is clearly a decision for the Parish Council. It is recommended that the working party consists of the people who have already been active in the creation of the Neighbourhood Plan so far, namely, Cllr John Ashby (Vice chair), Pippa Bell, Sue Childs, Cllr Roger Cornwell (Chair), Ann Evans, Peter Jackson, John Lowe, David Miller, John Pacey, Matthew Phillips and Angela Tracy. All have indicated their willingness to become members of the Working Party.

The working party already has two members of the parish council on it (Cllrs J Ashby and R Cornwell) however, they would be very happy to be joined by any other parish councillors who wish to become involved in this work.

The working party already has a repository of information on the Forum's website npf.durhamcity.org.uk and ask that this be allowed to continue. As this contains the Forum's working documents and evidence of consultations it is again recommended that the parish council retains this vital information.

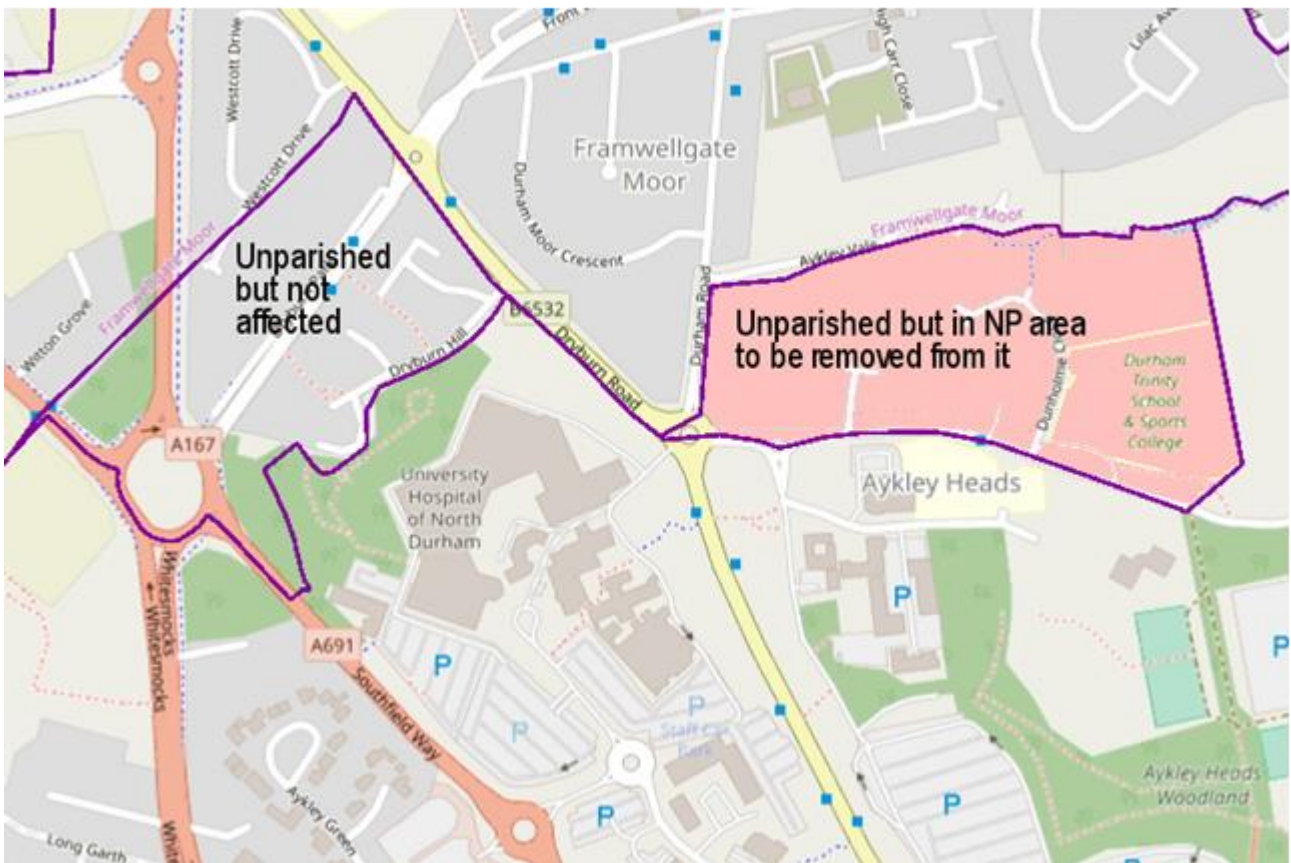
In addition to the above it is suggested that the area covered by the existing Neighbourhood Plan be re aligned to the area covered by the Parish Council. This would involve the tweaking of a couple of areas of the Neighbourhood Plan to become co – terminus with that of the parish council. Please see copies of maps to show affected areas.

Motion submitted by Cllr R Cornwell

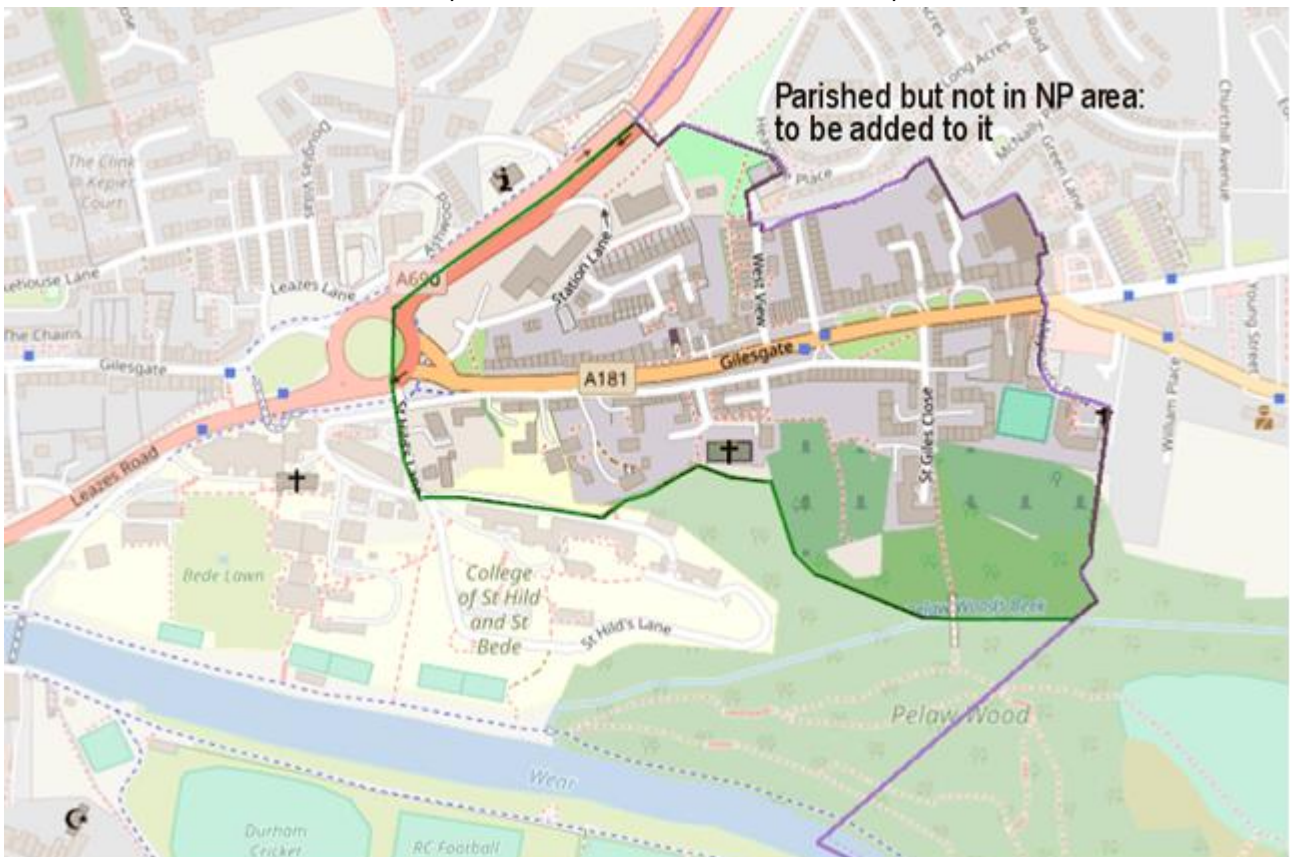
"This Parish Council, having assumed responsibility for producing a Neighbourhood Plan, wishes to amend its Designated Neighbourhood Area so that it is the same as that of the Parish, and resolves to write to the County Council to ask it to make this change in accordance with the appropriate regulations."

Explanatory note (not part of motion)

The Designated Neighbourhood Area was drawn up in the very early days of campaigning for a Neighbourhood Plan, and was aligned with the County Council electoral divisions as they were at the time. However the boundaries of these divisions were revised in 2013 but the Designated Area was left unamended. This proposal seeks to remedy this anomaly. There are two areas affected, as shown on the maps below:



This small area in the north which is unparished but was included in the Designated Neighbourhood Area because until the most recent boundary revisions was in the Nevilles Cross ward. This area, which has around 20 houses, is to be excluded.



This rather larger area in the east around Gilesgate Bank which used to be in Gilesgate Ward but is now in the new Elvet and Gilesgate Ward. This is to be added to the Neighbourhood Plan area.

DECISION REQUIRED	<p>It is recommended that the council resolves to</p> <p>Approve the members of the Working Party as identified above and, if there is any further interest, appoint additional parish councillors to the working party.</p> <p>Approve the boundary changes to the existing Neighbourhood Plan to become co terminus with the boundary of the parish council.</p>
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AGENDA ITEM 12: GENERAL DATA PROTECTION REGULATION (GDPR) REQUIREMENTS

GDPR became in May 2018 through government approval of the Data Protection Act 2018. This was introduced as part of an EU directive as digital technology has transformed almost every aspect of people’s lives in the twenty years since the last Data Protection Act was passed.

In general terms the Clerk should be the Data Controller for the Parish Council and the council will need to register with the [ICO as a Data Controller](#). There is a Registration fee of £40 payable to the Information Commissioners Office for this and it recommended that the council approves the payment of the appropriate fee.

In addition to this it is recommended that the council approves a series of Data Protection Privacy Notices etc and suggested copies of these are shown below.

It is also a legal requirement that the council produces a [Publication Scheme](#) which identifies what information the council will willingly make available to the general public. This will include for example, minutes and agendas, policies, council structures, names of councillors etc. This information is normally made available in the following ways

- Freely available on a website.
- Hard copies provided at a cost and
- By physical inspection of documents.

This will be provided for inspection and approval at a future meeting.

DECISION REQUIRED	<p>It is recommended that</p> <ul style="list-style-type: none"> • council approves the clerks to be the Data Controller for the council and approves payment of the appropriate fee to register the council as a Data Controller. • council approves and adopts the Data Protection notices shown in this report. • council notes the future production of a Publication Scheme for the Council.
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CITY OF DURHAM PARISH COUNCIL

CONSENT FORM

Your privacy is important to us and we would like to communicate with you about the council and its activities. To do so we need your consent. Please fill in your name and address and other contact information below and confirm your consent by ticking the boxes below.

		If you are aged 13 or under your parent or guardian should fill in their details below to confirm their consent
Name
Address

Signature
Date

Please confirm your consent below. You can grant consent to any or all of the purposes listed. You can find out more about how we use your data from our "Privacy Notice" which is available from our website <http://cityofdurham.parish.durham.gov.uk/>

You can withdraw or change your consent at any time by contacting the Parish Clerk.

- We may contact you to keep you informed about what is going on in the council's area or other local authority areas including news, events, meetings, clubs, groups and activities. These communications may also sometimes appear on our website, or in printed or electronic form (including social media).
- We may contact you about groups and activities you may be interested in participating in.
- We may use your name and photo on our website or our social media accounts (for example our Facebook page).
- [Optional Additional Activities for councils to add if not included above.]

Keeping in touch:

- Yes please, I would like to receive communications by email
- Yes please, I would like to receive communications by telephone
- Yes please, I would like to receive communications by post

CITY OF DURHAM PARISH COUNCIL

GENERAL PRIVACY NOTICE

Your personal data – what is it?

“Personal data” is any information about a living individual which allows them to be identified from that data (for example a name, photographs, videos, email address, or address). Identification can be directly using the data itself or by combining it with other information which helps to identify a living individual (e.g. a list of staff may contain personnel ID numbers rather than names but if you use a separate list of the ID numbers which give the corresponding names to identify the staff in the first list then the first list will also be treated as personal data). The processing of personal data is governed by legislation relating to personal data which applies in the United Kingdom including the General Data Protection Regulation (the “GDPR”) and other legislation relating to personal data and rights such as the Human Rights Act.

Who are we?

This Privacy Notice is provided to you by City of Durham Parish Council, which is the data controller for your data.

Other data controllers the council works with:

- [e.g. other data controllers, such as local authorities
- Community groups
- Charities
- Other not for profit entities
- Contractors

We may need to share your personal data we hold with them so that they can carry out their responsibilities to the council. If we and the other data controllers listed above are processing your data jointly for the same purposes, then the council and the other data controllers may be “joint data controllers” which mean we are all collectively responsible to you for your data. Where each of the parties listed above are processing your data for their own independent purposes then each of us will be independently responsible to you and if you have any questions, wish to exercise any of your rights (see below) or wish to raise a complaint, you should do so directly to the relevant data controller.

A description of what personal data the council processes and for what purposes is set out in this Privacy Notice.

The council will process some or all of the following personal data where necessary to perform its tasks:

- Names, titles, and aliases, photographs;
- Contact details such as telephone numbers, addresses, and email addresses;
- Where they are relevant to the services provided by a council, or where you provide them to us, we may process information such as gender, age, marital status, nationality, education/work history, academic/professional qualifications, hobbies, family composition, and dependants;
- Where you pay for activities such as use of a council hall, financial identifiers such as bank account numbers, payment card numbers, payment/transaction identifiers, policy numbers, and claim numbers;
- The personal data we process may include sensitive or other special categories of personal data such as racial or ethnic origin, political beliefs, trade union affiliation.

How we use sensitive personal data

- We may process sensitive personal data including, as appropriate:
 - your racial or ethnic origin or religious or similar information in order to monitor compliance with equal opportunities legislation;
 - in order to comply with legal requirements and obligations to third parties.
- These types of data are described in the GDPR as “Special categories of data” and require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal data.
- We may process special categories of personal data in the following circumstances:
 - In limited circumstances, with your explicit written consent.
 - Where we need to carry out our legal obligations.
 - Where it is needed in the public interest.
- Less commonly, we may process this type of personal data where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else’s interests) and you are not capable of giving your consent, or where you have already made the information public.

Do we need your consent to process your sensitive personal data?

- In limited circumstances, we may approach you for your written consent to allow us to process certain sensitive personal data. If we do so, we will provide you with full details of the personal data that we would like and the reason we need it, so that you can carefully consider whether you wish to consent.

The council will comply with data protection law. This says that the personal data we hold about you must be:

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
- Relevant to the purposes we have told you about and limited only to those purposes.
- Accurate and kept up to date.
- Kept only as long as necessary for the purposes we have told you about.
- Kept and destroyed securely including ensuring that appropriate technical and security measures are in place to protect your personal data to protect personal data from loss, misuse, unauthorised access and disclosure.

We use your personal data for some or all of the following purposes:

- To deliver public services including to understand your needs to provide the services that you request and to understand what we can do for you and inform you of other relevant services;
- To confirm your identity to provide some services;
- To contact you by post, email, telephone or using social media (e.g., Facebook, Twitter, WhatsApp);
- To help us to build up a picture of how we are performing;
- To prevent and detect fraud and corruption in the use of public funds and where necessary for the law enforcement functions;
- To enable us to meet all legal and statutory obligations and powers including any delegated functions;
- To carry out comprehensive safeguarding procedures (including due diligence and complaints handling) in accordance with best safeguarding practice from time to time with the aim of ensuring that all children and adults-at-risk are provided with safe environments and generally as necessary to protect individuals from harm or injury;
- To promote the interests of the council;
- To maintain our own accounts and records;
- To seek your views, opinions or comments;
- To notify you of changes to our facilities, services, events and staff, councillors and other role holders;
- To send you communications which you have requested and that may be of interest to you. These may include information about campaigns, appeals, other new projects or initiatives;
- To process relevant financial transactions including grants and payments for goods and services supplied to the council
- To allow the statistical analysis of data so we can plan the provision of services.

What is the legal basis for processing your personal data?

The council is a public authority and has certain powers and obligations. Most of your personal data is processed for compliance with a legal obligation which includes the discharge of the council's statutory functions and powers. Sometimes when exercising these powers or duties it is necessary to process personal data of residents or people using the council's services. We will always take into account your interests and rights. This Privacy Notice sets out your rights and the council's obligations to you.

We may process personal data if it is necessary for the performance of a contract with you, or to take steps to enter into a contract. An example of this would be processing your data in connection with the use of sports facilities, or the acceptance of an allotment garden tenancy

Sometimes the use of your personal data requires your consent. We will first obtain your consent to that use.

Sharing your personal data

This section provides information about the third parties with whom the council may share your personal data. These third parties have an obligation to put in place appropriate security measures and will be responsible to you directly for the manner in which they process and protect your personal data. It is likely that we will need to share your data with some or all of the following (but only where necessary):

- The data controllers listed above under the heading "Other data controllers the council works with";
- Our agents, suppliers and contractors. For example, we may ask a commercial provider to publish or distribute newsletters on our behalf, or to maintain our database software;
- On occasion, other local authorities or not for profit bodies with which we are carrying out joint ventures e.g. in relation to facilities or events for the community.

How long do we keep your personal data?

We will keep some records permanently if we are legally required to do so. We may keep some other records for an extended period of time. For example, it is currently best practice to keep financial records for a minimum period of 8 years to support HMRC audits or provide tax information. We may have legal obligations to retain some data in connection with our statutory obligations as a public authority. The council is permitted to retain data in order to defend or pursue claims. In some cases, the law imposes a time limit for such claims (for example 3 years for personal injury claims or 6 years for contract claims). We will retain some personal data for this purpose as long as we believe it is necessary to be able to defend or pursue a claim. In general, we will endeavour to keep data only for as long as we need it. This means that we will delete it when it is no longer needed.

Your rights and your personal data

You have the following rights with respect to your personal data:

When exercising any of the rights listed below, in order to process your request, we may need to verify your identity for your security. In such cases we will need you to respond with proof of your identity before you can exercise these rights.

- 1) The right to access personal data we hold on you**
 - At any point you can contact us to request the personal data we hold on you as well as why we have that personal data, who has access to the personal data and where we obtained the personal data from. Once we have received your request we will respond within one month.
 - There are no fees or charges for the first request but additional requests for the same personal data or requests which are manifestly unfounded or excessive may be subject to an administrative fee.
- 2) The right to correct and update the personal data we hold on you**
 - If the data we hold on you is out of date, incomplete or incorrect, you can inform us and your data will be updated.
- 3) The right to have your personal data erased**
 - If you feel that we should no longer be using your personal data or that we are unlawfully using your personal data, you can request that we erase the personal data we hold.
 - When we receive your request, we will confirm whether the personal data has been deleted or the reason why it cannot be deleted (for example because we need it for to comply with a legal obligation).
- 4) The right to object to processing of your personal data or to restrict it to certain purposes only**
 - You have the right to request that we stop processing your personal data or ask us to restrict processing. Upon receiving the request, we will contact you and let you know if we are able to comply or if we have a legal obligation to continue to process your data.
- 5) The right to data portability**
 - You have the right to request that we transfer some of your data to another controller. We will comply with your request, where it is feasible to do so, within one month of receiving your request.
- 6) The right to withdraw your consent to the processing at any time for any processing of data to which consent was obtained**
 - You can withdraw your consent easily by telephone, email, or by post (see Contact Details below).
- 7) The right to lodge a complaint with the Information Commissioner's Office.**
 - You can contact the Information Commissioners Office on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Transfer of Data Abroad

Any personal data transferred to countries or territories outside the European Economic Area ("EEA") will only be placed on systems complying with measures giving equivalent protection of personal rights either through international agreements or contracts approved by the European Union. [Our website is also accessible from overseas so on occasion some personal data (for example in a newsletter) may be accessed from overseas].

Further processing

If we wish to use your personal data for a new purpose, not covered by this Privacy Notice, then we will provide you with a new notice explaining this new use prior to commencing the processing and setting out the relevant purposes and processing conditions. Where and whenever necessary, we will seek your prior consent to the new processing.

Changes to this notice

We keep this Privacy Notice under regular review and we will place any updates on our website <http://cityofdurham.parish.durham.gov.uk/> This Notice was last updated in November 2018.

Contact Details

Please contact us if you have any questions about this Privacy Notice or the personal data we hold about you or to exercise all relevant rights, queries or complaints at:

The Data Controller, City of Durham Parish Council

Email: <http://cityofdurham.parish.durham.gov.uk/>

CITY OF DURHAM PARISH COUNCIL

PRIVACY NOTICE

For staff*, councillors and Role Holders**

*“Staff” means employees, workers, agency staff and those retained on a temporary or permanent basis

**Includes, volunteers, contractors, agents, and other role holders within the council including former staff* and former councillors. This also includes applicants or candidates for any of these roles.

Your personal data – what is it?

“Personal data” is any information about a living individual which allows them to be identified from that data (for example a name, photograph, video, email address, or address). Identification can be directly using the data itself or by combining it with other information which helps to identify a living individual (e.g. a list of staff may contain personnel ID numbers rather than names but if you use a separate list of the ID numbers which give the corresponding names to identify the staff in the first list then the first list will also be treated as personal data). The processing of personal data is governed by legislation relating to personal data which applies in the United Kingdom including the General Data Protection Regulation (the “GDPR”) and other legislation relating to personal data and rights such as the Human Rights Act.

Who are we?

This Privacy Notice is provided to you by City of Durham Parish Council which is the data controller for your data.

The council works together with:

- Other data controllers, such as local authorities, public authorities, central government and agencies such as HMRC and DVLA
- Staff pension providers
- Former and prospective employers
- DBS services suppliers
- Payroll services providers

We may need to share personal data we hold with them so that they can carry out their responsibilities to the council and our community. The organisations referred to above will sometimes be “joint data controllers”. This means we are all responsible to you for how we process your data where for example two or more data controllers are working together for a joint purpose. If there is no joint purpose or collaboration then the data controllers will be independent and will be individually responsible to you.

The council will comply with data protection law. This says that the personal data we hold about you must be:

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
- Relevant to the purposes we have told you about and limited only to those purposes.
- Accurate and kept up to date.
- Kept only as long as necessary for the purposes we have told you about.
- Kept and destroyed securely including ensuring that appropriate technical and security measures are in place to protect your personal data to protect personal data from loss, misuse, unauthorised access and disclosure.

What data do we process?

- Names, titles, and aliases, photographs.
- Start date / leaving date
- Contact details such as telephone numbers, addresses, and email addresses.
- Where they are relevant to our legal obligations, or where you provide them to us, we may process information such as gender, age, date of birth, marital status, nationality, education/work history, academic/professional qualifications, employment details, and dependants.
- Non-financial identifiers such as passport numbers, driving licence numbers, vehicle registration numbers, taxpayer identification numbers, staff identification numbers, tax reference codes, and national insurance numbers.
- Financial identifiers such as bank account numbers, payment card numbers, payment/transaction identifiers, policy numbers, and claim numbers.
- Financial information such as National Insurance number, pay and pay records, tax code, tax and benefits contributions, expenses claimed.

- Recruitment information (including copies of right to work documentation, references and other information included in a CV or cover letter or as part of the application process and referral source (e.g. agency, staff referral))
- Location of employment or workplace.

We use your personal data for some or all of the following purposes: -

Please note: We need all the categories of personal data in the list above primarily to allow us to perform our contract with you and to enable us to comply with legal obligations.

- Making a decision about your recruitment or appointment.
- Determining the terms on which you work for us.
- Checking you are legally entitled to work in the UK.
- Paying you and, if you are an employee, deducting tax and National Insurance contributions.
- Providing any contractual benefits to you
- Liaising with your pension provider.
- Administering the contract we have entered into with you.
- Management and planning, including accounting and auditing.
- Conducting performance reviews, managing performance and determining performance requirements.
- Making decisions about salary reviews and compensation.
- Assessing qualifications for a particular job or task, including decisions about promotions.
- Conducting grievance or disciplinary proceedings.
- Making decisions about your continued employment or engagement.
- Making arrangements for the termination of our working relationship.
- Education, training and development requirements.
- Dealing with legal disputes involving you, including accidents at work.
- Ascertaining your fitness to work.
- Managing sickness absence.
- Complying with health and safety obligations.
- To prevent fraud.
- To monitor your use of our information and communication systems to ensure compliance with our IT policies.
- To ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution.
- To conduct data analytics studies to review and better understand employee retention and attrition rates.
- Equal opportunities monitoring.
- To undertake activity consistent with our statutory functions and powers including any delegated functions.
- To maintain our own accounts and records;
- To seek your views or comments;
- To process a job application;
- To administer councillors' interests
- To provide a reference.

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal data.

We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

- Where we need to perform the contract, we have entered into with you.
- Where we need to comply with a legal obligation.

We may also use your personal data in the following situations, which are likely to be rare:

- Where we need to protect your interests (or someone else's interests).
- Where it is needed in the public interest [or for official purposes].

How we use sensitive personal data

- We may process sensitive personal data relating to staff, councillors and role holders including, as appropriate:
 - information about your physical or mental health or condition in order to monitor sick leave and take decisions on your fitness for work;
 - your racial or ethnic origin or religious or similar information in order to monitor compliance with equal opportunities legislation;
 - in order to comply with legal requirements and obligations to third parties.
- These types of data are described in the GDPR as "Special categories of data" and require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal data.
- We may process special categories of personal data in the following circumstances:

- In limited circumstances, with your explicit written consent.
 - Where we need to carry out our legal obligations.
 - Where it is needed in the public interest, such as for equal opportunities monitoring or in relation to our pension scheme.
 - Where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards.
- Less commonly, we may process this type of personal data where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

Do we need your consent to process your sensitive personal data?

- We do not need your consent if we use your sensitive personal data in accordance with our rights and obligations in the field of employment and social security law.
- In limited circumstances, we may approach you for your written consent to allow us to process certain sensitive personal data. If we do so, we will provide you with full details of the personal data that we would like and the reason we need it, so that you can carefully consider whether you wish to consent.
- You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us.

Information about criminal convictions

- We may only use personal data relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations and provided we do so in line with our data protection policy.
- Less commonly, we may use personal data relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.
- [We will only collect personal data about criminal convictions if it is appropriate given the nature of the role and where we are legally able to do so.] [Where appropriate, we will collect personal data about criminal convictions as part of the recruitment process or we may be notified of such personal data directly by you in the course of you working for us.]

What is the legal basis for processing your personal data?

Some of our processing is necessary for compliance with a legal obligation.

We may also process data if it is necessary for the performance of a contract with you, or to take steps to enter into a contract.

We will also process your data in order to assist you in fulfilling your role in the council including administrative support or if processing is necessary for compliance with a legal obligation.

Sharing your personal data

Your personal data will only be shared with third parties including other data controllers where it is necessary for the performance of the data controllers' tasks or where you first give us your prior consent. It is likely that we will need to share your data with:

- Our agents, suppliers and contractors. For example, we may ask a commercial provider to manage our HR/ payroll functions , or to maintain our database software;
- Other persons or organisations operating within the local community.
- Other data controllers, such as local authorities, public authorities, central government and agencies such as HMRC and DVLA
- Staff pension providers
- Former and prospective employers
- DBS services suppliers
- Payroll services providers
- Professional advisors
- Trade unions or employee representatives

How long do we keep your personal data?

We will keep some records permanently if we are legally required to do so. We may keep some other records for an extended period of time. For example, it is currently best practice to keep financial records for a minimum period of 8 years to support HMRC audits or provide tax information. We may have legal obligations to retain some data in connection with our statutory obligations as a public authority. The council is permitted to retain data in order to defend or pursue claims. In some cases the law imposes a time limit for such claims (for example 3 years for personal injury claims or 6 years for contract claims). We will retain some personal data for this purpose as long as

we believe it is necessary to be able to defend or pursue a claim. In general, we will endeavour to keep data only for as long as we need it. This means that we will delete it when it is no longer needed.

Your responsibilities

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your working relationship with us.

Your rights in connection with personal data

You have the following rights with respect to your personal data: -

When exercising any of the rights listed below, in order to process your request, we may need to verify your identity for your security. In such cases we will need you to respond with proof of your identity before you can exercise these rights.

1. The right to access personal data we hold on you

- At any point you can contact us to request the personal data we hold on you as well as why we have that personal data, who has access to the personal data and where we obtained the personal data from. Once we have received your request we will respond within one month.
- There are no fees or charges for the first request but additional requests for the same personal data or requests which are manifestly unfounded or excessive may be subject to an administrative fee.

2. The right to correct and update the personal data we hold on you

- If the data we hold on you is out of date, incomplete or incorrect, you can inform us and your data will be updated.

3. The right to have your personal data erased

- If you feel that we should no longer be using your personal data or that we are unlawfully using your personal data, you can request that we erase the personal data we hold.
- When we receive your request we will confirm whether the personal data has been deleted or the reason why it cannot be deleted (for example because we need it for to comply with a legal obligation).

4. The right to object to processing of your personal data or to restrict it to certain purposes only

- You have the right to request that we stop processing your personal data or ask us to restrict processing. Upon receiving the request we will contact you and let you know if we are able to comply or if we have a legal obligation to continue to process your data.

5. The right to data portability

- You have the right to request that we transfer some of your data to another controller. We will comply with your request, where it is feasible to do so, within one month of receiving your request.

6. The right to withdraw your consent to the processing at any time for any processing of data to which consent was obtained

- You can withdraw your consent easily by telephone, email, or by post (see Contact Details below).

7. The right to lodge a complaint with the Information Commissioner's Office.

- You can contact the Information Commissioners Office on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Transfer of Data Abroad

Any personal data transferred to countries or territories outside the European Economic Area ("EEA") will only be placed on systems complying with measures giving equivalent protection of personal rights either through international agreements or contracts approved by the European Union. [Our website is also accessible from overseas so on occasion some personal data (for example in a newsletter) may be accessed from overseas].

Further processing

If we wish to use your personal data for a new purpose, not covered by this Privacy Notice, then we will provide you with a new notice explaining this new use prior to commencing the processing and setting out the relevant purposes and processing conditions. Where and whenever necessary, we will seek your prior consent to the new processing, if we start to use your personal data for a purpose not mentioned in this notice.

Changes to this notice

We keep this Privacy Notice under regular review and we will place any updates on our web page <http://cityofdurham.parish.durham.gov.uk/> This Notice was last updated in April 2018.

Contact Details

Please contact us if you have any questions about this Privacy Notice or the personal data we hold about you or to exercise all relevant rights, queries or complaints at:

The Data Controller, City of Durham Parish Council

Email:

You can contact the Information Commissioners Office on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.