

# City of Durham Parish Council

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Dear Councillor,

## **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 28 NOVEMBER 2019 AT 19:00** to transact the following business: -

- 1. TO RECEIVE AND APPROVE (OR NOT) APOLOGIES OF ABSENCE FROM TODAY'S MEETING**
- 2. TO RECEIVE ANY DECLARATIONS OF INTEREST FROM MEMBERS**
- 3. PUBLIC PARTICIPATION**
- 4. APPROVAL OF THE DRAFT MINUTES OF THE COUNCIL MEETING HELD ON 24<sup>TH</sup> OCTOBER**

### **5. COMMITTEE UPDATES**

- **Planning Committee minutes from meetings held on 10 October and 25 October**

- Update on the County Durham Plan Examination in Public (verbal report by Chair of Parish Council Planning Committee).
- Response to Durham County Council's response to objections in relation to the de-registration of the common land application.
- Report on the loss of Council tax income due to class M and N properties within the City of Durham Parish area.

- **Environment Committee minutes from meetings held on 15 October**

- **Licensing Committee minutes from meeting held on 20 September and 18 October**

- Statement of Licensing Policy 2019-2024 – summary of amends to previous Licensing Policy.

- **Finance Committee minutes from meeting held on 13 June**

- Update on grant funding provided to local community and voluntary groups

- **Business Committee minutes from meeting held on 27 August**

### **6. CHAIR'S UPDATE**

The Chair will provide a verbal update on matters arising since the Full Parish Council meeting on 24 October.

- 7. REPORT FOLLOWING THE PARISH COUNCIL'S ANTI-SOCIAL BEHAVIOUR CONFERENCE**
- 8. REQUEST TO CONSIDER SUPPORTING 80<sup>TH</sup> ANNIVERSARY OF BATTLE OF BRITAIN IN SEPTEMBER 2020**
- 9. PROJECT TO PROMOTE THE WORK OF DR FENWICK LAWSON**
- 10. CITY OF DURHAM PARISH COUNCIL POLICY ON DEALING WITH VEXATIOUS BEHAVIOUR**
- 11. CITY OF DURHAM PARISH COUNCIL HEALTH AND SAFETY POLICY**
- 12. REPORTS FROM REPRESENTATIVES ON LOCAL ORGANISATIONS**
  - Durham University Engagement Task Force Lived Environment Group.

**And** pursuant to the provisions of the above-named act, **I Hereby Summon You** to attend the said meeting.

**Adam Shanley**  
**Clerk to the City of Durham Parish Council**

# **CITY OF DURHAM PARISH COUNCIL**

**Minutes of the Meeting of the City of Durham Full Parish Council held on Thursday 24<sup>th</sup> October 2019 at 19:00 in the Ritson Hall of Alington House, 4 North Bailey. Durham. DH1 3ET**

**Present:** Councillors E Scott (Chair), E Ashby, J Ashby, V Ashfield, J Atkinson, L Brown, S Cahill, R Cornwell, A Doig, J Elmer, D Freeman, C Reeves and M Ross.

**Also present:** Parish Clerk Adam Shanley and one member of the public.

## **1. TO RECEIVE AND APPROVE (OR NOT) APOLOGIES OF ABSENCE FROM TODAY'S MEETING**

Apologies were received from Cllrs G Holland and R Ormerod

## **2. TO RECEIVE ANY DECLARATIONS OF INTEREST FROM MEMBERS**

Cllrs L Brown and A Doig declared an interest in item 10 as Trustees of the Neville's Cross Community Association.

## **3. PRESENTATION BY DR ROBERTA BLACKMAN-WOODS, MEMBER OF PARLIAMENT FOR DURHAM CITY**

The Chair advised that Dr Blackman-Woods MP was unfortunately unable to attend the meeting of the Parish Council due to urgent business in the House of Commons. Dr Blackman-Woods MP sent her apologies to the Parish Council.

## **4. PUBLIC PARTICIPATION**

Mr John Lowe advised that he was in attendance to hear discussions on item 10 of the Agenda.

## **5. APPROVAL OF THE DRAFT MINUTES OF THE COUNCIL MEETING HELD ON 26<sup>TH</sup> SEPTEMBER 2019**

The Minutes of the meeting held on 26<sup>th</sup> September 2019 were unanimously agreed as a true and accurate record of proceedings.

## **6. COMMITTEE UPDATES**

### **• Planning Committee**

Cllr R Cornwell presented the Minutes from the Planning Committee meetings held on the 13th September and the 27th September. There being no questions from Members, Cllr R Cornwell went on to the recommendations.

Members were asked to consider a proposal by the Parish Council Planning Committee to enter into a service level agreement with Durham County Council to provide an enhanced planning enforcement service for the City of Durham Parish area.

Cllr R Cornwell advised that it is hoped that by enhancing the service currently provided for planning enforcement, the Parish Council will not only support DCC in

clearing the backlog of enforcement issues but would also assist in tackling some of the long ongoing issues that residents raise with the Parish Council on a regular basis.

Cllr R Cornwell advised that he felt that the need for this service is a given, the City of Durham Parish area makes up 4% of the entire County in population terms, yet 1 in every 7 new planning applications across the whole County occurs in the City of Durham Parish area.

Cllr R Cornwell advised that these officers could look into tackling issues such as illegal "to let" boards, unregistered HMOs, investigating breaches in planning conditions, etc.

The Clerk advised that the proposed budget of £10,000 could fund 475 hours of officer time throughout the 12-month SLA. The Clerk also advised that the four County Councillors on the Parish Council had also offered to fund 50% of the cost of the SLA collectively through their Neighbourhood budgets. The Clerk advised that he was awaiting confirmation from the Director of Partnerships at DCC that County Councillors are able to fund this.

Members **agreed** to enter into the proposed service level agreement with the County Council. Members also **agreed** to fund the service level agreement for up to a maximum of £10,000.

Cllr R Cornwell also provided the Parish Council with an update on the County Durham Plan Examination in Public (EiP). Cllr R Cornwell advised that five members of the former Neighbourhood Plan Working Party were present to provide representations at the Examination in Public and a number of arguments on important strategic policies had been put forward.

Cllr R Cornwell advised that the issue of green belt had been discussed at today's (24<sup>th</sup> October) session and no convincing arguments had been put forward as to why development needed to take place on green belt land by the representative of the developers.

Cllr R Cornwell advised that Week 2 of the Examination in Public (EiP) would focus on Aykley Heads, Durham University and relief roads amongst other issues. Cllr R Cornwell advised that it was essential to put forward the arguments which were right for Durham.

Cllr J Elmer advised that he felt that there had been a number of strong arguments put forward at the EiP against development on green belt and developers needed to be aware that densification of other (brown field) sites was the alternative solution to meeting housing need for the county as well as having development which is sustainable.

Cllr J Ashby expressed concern that Durham City seemed to be the recipient of a lot of the proposed new housing; with 2,120 planned for Durham City alone. Cllr J Ashby stressed that the objective to the EiP is to have the best and most sustainable plan for Durham.

#### • **Environment Committee**

Cllr V Ashfield presented the Minutes from the meetings held on the 27th August and the 24th September. There being no questions from Members, Cllr V Ashfield went on to the recommendations.

Cllr V Ashfield presented the Environment Committee Programme of work for the current financial year and advised that the Committee was working well through its agreed priorities.

Cllr V Ashfield also presented the following Environmental Action Plan:

**Full Council level:**

- Encourage the county council to take a wider view of the local governance by:
  - revising the Climate Emergency targets in line with other councils –i.e. to be carbon neutral by 2030, including disinvestments from carbon fuel funds and from airport expansion and seeking for economic stability rather than economic growth;
  - supporting the proposed Durham Climate Change Alliance to have greater responsibility as a high-level decision maker.
- Press for the County plan to require:
  - a reduction of road building and support for low carbon transport infrastructure including improving communal transport;
  - regeneration across the county not just focused on the city;
  - new homes (and retro-fitting of existing) to be zero-carbon, fitted with renewable energy, nature friendly, and located close to public transport and amenities;
  - all new taxi licences in the county to be restricted to electric vehicles;
  - designated places for trees, creation of renewable energy, nature restoration and safe walking and cycle routes.

**Planning:**

**Actively support planning applications for new renewable energy in the area.**

- Place conditions on all new planning applications: require every decision to be well informed on its climate impact and demand that the planning authority provides you with the appropriate information;
- Influence decisions on infrastructure and transport projects made by local authorities;
- Encourage increase in the amount of renewable energy generated locally & encourage use of electronic display showing how much energy has been generated and how much money and CO2 emissions saved;
- Request street lighting which uses well-directed LED lighting;
- Encourage car-sharing schemes for commuting and non-commuting journeys.
- Press for differential car-parking charges for fully electric, hybrid and high carbon vehicles and provide dedicated spaces with electric charging points;
- ban the use of idling carbon-using vehicles (e.g. ice cream vans and promotion vehicles) in the Market Place, Millennium Place and other central urban spaces in the County.

**Finance**

**Ensure money is invested wisely.**

- ensure any council funds are invested safely in low-risk sustainable banks or investment funds.

**Business:**

**Provide a local guide that provides information on accredited local businesses including:**

- renewable energy installers for solar panels, batteries, EV charging points and heat pumps;
- eco-friendly retailers, green builders and landscape companies;

### **Buy green and support bulk purchases**

- reward businesses committed to a green future;
- encourage green electricity helps develop new renewable energy (e.g. Ecotricity, Good Energy and Octopus);
- buy green including any food provided at events, (mainly plant-based food and less but better meat and dairy);
- support local costs of installing solar PV & other renewable technologies such as heat pumps;
- bring together local homeowners and businesses to support lower costs if done in bulk, street by street, or area by area.

## **Environment**

### **Encourage the formation of Climate Action groups in schools**

- provide resources, training and advice to climate action groups;
- help them come together to demand national action;

### **Manage land for nature.**

- allotments, bridleways, burial grounds, commons and open spaces and village greens can be managed to enhance nature, particularly through changing mowing regimes.
- Encourage support for “Buglife’s B-lines project” aiming to support the development of a network of wildlife friendly corridors;
- help people green the streets where they live.
- reduce pesticide (e.g. glyphosate weed killer) use and other harmful activities including using signage on council-owned land where you use peat-free compost.

### **Increase tree cover.**

- Campaign to replace all trees that are lost and to double the city’s tree cover. (The Forestry Commission’s aim is for at least 20% tree cover) including encouraging and supporting landowners to take part in tree planting.

### **Use green transport.**

- Encourage employees and councillors to walk, cycle or use public transport or car-share;
- Encourage the county council to provide bikes or electric bikes for staff for any work-related trips including zero-interest loans for buying bikes;
- Refund travel costs only for electric vehicles.

### **Recycle fully and minimise waste going to landfill or incineration.**

- ensure all waste is recycled or composted;
- set-up community recycling facilities for hard-to-recycle items;
- set up a community composting scheme;
- Minimization of waste by reuse (e.g., reusable cups) & avoiding unnecessary purchases.

- Quick wins
  - add "plastics only" bins in urban areas to make recycling easier for the public and have occasional monitoring of the use, to remind the public how to use them;
  - encourage children (through school programmes) to "monitor and encourage" adults to respect the recycling policies;
  - provide a major advertising programme to encourage students, especially those unused to recycling, to respect our norms.

Members agreed that the action plan as set out in Cllr Ashfield's report should go to each of the Committees to agree.

The Clerk advised that he felt that it was right to have a cross-Council approach to look at what the Parish Council could do to tackle carbon emissions for the Parish.

### • **Licensing Committee**

Cllr L Brown presented the Minutes from the meeting held on the 16<sup>th</sup> August. No questions were raised from Members.

Cllr L Brown also thanked the Clerk for organising a successful licensing training event earlier in the month and for also gathering signatures for a letter in support of the introduction of a public access licensing portal to go to Durham County Council.

## **7. CHAIR'S UPDATE**

The Chair provided a verbal update on matters arising since the Full Parish Council meeting on 26 September.

The Chair reminded Members of the forthcoming anti-social behaviour conference, to be held on 31<sup>st</sup> October. The Chair advised that a number of senior figures from strategic partners would be in attendance as well as a number of members of the public and press.

The Chair also reminded Members about attendance at Remembrance Sunday and asked members to get back to the Clerk if they had not yet confirmed their attendance on the day.

The Chair asked Members to be mindful of dealings with outside partners and the need to have a good working relationship with partners such as Durham County Council Officers.

The Chair also asked that Members have all Agenda items and reports to the Clerk by no later than 10 working days before the Full Council meeting if they would like to have something on the Full Council Agenda.

The Chair also reminded Members that the Christmas Civic event was due to take place on 11<sup>th</sup> December between 8pm – 10pm; immediately after the December Full Council meeting which would start at the earlier time of 6pm.

The Chair also asked Committees to be mindful of the budget timeline the Clerk had circulated in consideration of precept requests for 2020-21.

## **8. DURHAM COUNTY COUNCIL CLIMATE EMERGENCY CONSULTATION**

Members **agreed** their response to Durham County Council's climate emergency consultation as follows:

**Question 1:** Please choose THREE of the following objectives which you feel should be prioritised across County Durham as a whole?

**Response:**

- Increase the use of County Durham's natural, renewable energy resources
- **Improve the energy efficiency of buildings**
- **Make walking, cycling and use of public transport part of the everyday travel culture**
- Ensure County Durham is ready for the switch to electric vehicles
- Improve our natural environment, through things such as woodland planting, peatland restoration or wildflowers
- Find ways to lower the impact of the food we produce and eat
- Reduce waste and increase re-use, recycling and composting
- **Increase awareness of what can all do to tackle climate change**
- Other

(Highlighted options illustrate the proposed responses to this question).

**Question 2:** Do you feel there is anything missing from the countywide actions to tackle the climate emergency and achieve our targets?

**Response:**

1. Revision of Climate Emergency Targets to bring them in line with the majority of other Councils' across the UK – i.e. carbon neutral by 2030
2. A commitment to reversing growth of carbon intensive transport networks (Road building) and transfer of funds to low carbon transport infrastructure.
3. Use of planning responsibilities to enable creation of solar fields and more wind energy.
4. Prioritization of regeneration into main towns and small towns rather than seeing Durham City the as the focus for economic growth. This would reduce the need for County residents to travel to work across the County to access Durham City.
5. A commitment to the retrofitting of existing homes with better thermal insulation.
6. A commitment to a new economic model that promotes economic stability rather than economic growth.
7. A commitment to pension divestments from carbon fuels.
8. A commitment to divest from airport expansion.
9. Quick win: add "plastics only" bins in urban areas to make recycling easier for the public and have occasional monitoring of the use, to remind the public how to use them. Encourage children (through school programmes) to "monitor and encourage" adults to respect the recycling policies. Provide a major advertising programme to encourage students, especially those unused to recycling, to respect our norms.

**Question 3:** Please choose THREE of the following objectives which you feel we, as a council, should be prioritising to reduce our emissions?

**Response:**

- **Heat: Upgrade the energy efficiency of our buildings**
- Heat: Upgrade our heating systems with low carbon alternatives
- Heat: Aim for new council buildings to be very low or zero carbon
- Transport: Reduce the need for our staff to travel
- **Transport: When required, encourage our staff to travel by walking, cycling, public transport, pool cars and car sharing**



- Transport: Increase our electric vehicle and equipment use
- Electricity: Monitor energy use and educate staff to lower demand
- **Electricity: Maximise the generation and storage of renewable electricity on council land and buildings**
- Policies and practices: Update our policies and practices to ensure they protect the climate
- Other

(Highlighted options illustrate the proposed responses to this question).

Further comments on Question 3:

- Use a differential pricing policy for council owned car parks so that fully electric vehicles pay least, hybrids pay an intermediate cost and fossil fuels pay a premium;
- Immediately ban the use of idling carbon-using vehicles (e.g. ice cream vans and promotion vehicles) in the Market Place, Millennium Place and other central urban spaces in the County)

**Question 4:** Do you feel there is anything missing from our actions to tackle the climate emergency and achieve our targets?

**Response:**

1. Have an increased differential for our household bins: e.g. plastics only, composting only; paper separate from paper, and a reduction in costs (free garden bins?) for those who fully respect this.
2. Only engaging with other agencies which reject fossil fuels
3. What seems to me to be the biggest weaknesses in the Climate Emergency relate to governance and leadership.
4. The document seems framed by the view that the Council can only have influence of Council services which account for 3% of total Countywide carbon emissions. This seems to misunderstand the role of a Councillor as a locally elected community representative. Councillors need show a great deal of leadership on this issue, working with all stake holders (residents, business, land owners primarily) to broker cross community agreements to deliver necessary carbon reduction actions. This area if work could then bite into the 97% emissions that do not stem from Council services.
5. With regards governance, it is currently proposed that the work is steered by Environment and Climate Change Partnership, who in turn report to Environment and Sustainable Communities Overview and Scrutiny Committee. This arrangement is not fit for purpose as it places a single organization (DCC) with sole responsibility for high level decision making. This will (and already has) acted to deter other organization from engagement. Why should a land owner, business etc be bound by Council decision making? What's needed is a stake holder climate partnership with decision making authority, and the ability to bind other organizations with its decisions. Otherwise it's simply a talking shop. The proposed Durham Climate Change Alliance seems to be a step in the right direction, but its authority as a high-level decision maker is not currently clear.
6. The County Durham Plan, with its aspirations to stimulate inward migration, proposals for major road building, green space development and Durham City centric model will dramatically increase overall County Wide carbon emissions. This document is the Council's principal lever for reducing carbon emissions and it simply doesn't address the matter. All the good work proposed in this

report will be more than cancelled out if the County Durham Plan goes forward as it is. Given that this Plan is driven by the same service area overseeing the Climate Emergency, it works to undermine perceptions of the Council's commitment to this issue.

7. The County Council should start immediately funding renewable programmes and investigate within the next 2 years bringing in limitations on fossil fuel vehicles.

## **9. CUMULATIVE IMPACT POLICY FOR DURHAM CITY CONSULTATION**

Members **agreed** their response to Durham County Council's cumulative impact policy consultation as follows:

### **RECOMMENDATION**

The City of Durham Parish Council believes the addition of a Cumulative Impact Policy (CIP) to the County Council's revised 2019 Licensing Policy will provide the basis for a coherent and planned approach to managing the significant and ongoing changes around the Night Time Economy (NTE) in the city centre.

### **CONTEXT**

Section 5 of the 2003 Licencing Act requires a licensing authority to publish a statement of its licensing policy at least every five years. A policy must take into account any CIP an authority has published under section 5a of the Act. The aim of a CIP is to limit the growth of licensed premises where the promotion of the licensing objectives is being compromised. The objectives are: the prevention of crime and disorder; public safety; the prevention of public nuisance; the protection of children from harm This allows a licensing authority, for example, to manage licence applications in ways that do not promote crime and disorder or public nuisance caused by large numbers of drinkers being concentrated in one area, including leaving premises at peak times or when queuing at fast food outlets or for public transport, increasing drug dealing and street crime, street fouling and litter, calls for police and ambulance services, etc. A licensing authority can publish a CIA to help limit the number or types of licence applications granted where there is evidence showing that the number or density of premises in an area is having a cumulative impact and leading to problems which are undermining the licensing objectives.

Consultation is both qualitative and quantitative; revised Guidance under Section 182 of the Licensing Act 2003 clearly states that the evidence base for a CIP should include not only quantitative data relating to, for example, crime and public health, but also evidence from a wide range of stakeholders including parish councils and residents' groups. The overall objective seeks both to achieve the objectives of the Act but also reduce alcohol related harms without negatively impacting on the overall NTE and the ability of alcohol retailers to operate if they meet the conditions required.

### **THE NEED FOR A POLICY**

#### **An Overall Shape to the City's Future Night-time Economy**

This latter point is important; a CIP is about the Act but it is also about shaping the type, variety and vibrancy of the NTE that fits with the specific context of the City; its market, its history and its balance. The Neighbourhood Plan makes this specific point:

## **Policy E4: Evening Economy**

*All development proposals, including those for a change of use, that would promote and/or support the early evening and night-time economy activity related to food and drink, arts and cultural issues, including later trading, will be supported provided that they contribute to the vitality and viability of the city centre and add to, and improve, the cultural and diversity offer. Proposals should include a strategy regarding public safety and prove that the development will have no significant adverse effect upon local amenity, including the amenity of local residents (p87).*

### **Then and Now**

The situation around the city centre has worsened noticeably since the CIP assessment carried out in 2008. Back then the consultants expressed disappointment at the lack of engagement in the process by residents' groups. The frequency and seriousness of complaints to the Parish Council, the County Council, community associations and the police suggest that would not now be the case.

The Parish Council through its councillors and its meetings is made aware on an almost daily basis of the extreme concern expressed about the impact of noise and disruptive behaviour on local streets between midnight and the early hours that is no longer focussed on weekends but is a daily occurrence.

### **Not a Single Cause**

The reason why this is happening is three-fold. First, the number of potential NTE customers living in the centre has risen dramatically - and will continue to rise. Part of this relates to the general image of the City as NTE attraction, helped by the relatively small centre with a number of alcohol-related outlets. Second, as the University advances its business plan for expansion in student and staff numbers so it is building - encouraging the private sector to build - large college-sized residential blocks that ring the centre. One consequence is the increasing numbers of student's events - such as Wednesdays - that extend NTE activity into weekdays and the growing number of Temporary Events Notices (TEN) that also allow late-night social activities. The other consequence, in a small city, is the limited number of routes for students to walk to their accommodation, thus increasing levels of 'passer-by disturbance' in residential streets. Third - and this is noticeable among young people in general - is the trend for pre-loading on cheap alcohol sold by super markets and other retail outlets.

### **CONSEQUENCES**

There are three consequences. First, the increasing levels of noise and disturbance have advanced ahead of the County Council's capacity to monitor the changes; it has not been possible for residents to secure objective evidence of noise levels by, for example the County Council's Noise Pollution Team or hired monitoring equipment.

Second, whether general pre-loading, or increased competition among the increasing number of licenced premises, or cheap prices in University bars, the NTE is increasingly demanding later closing hours to attract those seeking entry at 9 or 10pm.

Third, the recently launched Riverwalk and currently-under-construction Milburngate developments are adding a large number of new licensed businesses into a restricted geographic area already well-served by outlets for both 'on and off' alcohol and hot food sales. A significant number of both existing and proposed premises are primarily focussed on the sale of alcohol and do so within increasingly-extended opening hours.

## **RESPONSES**

There are a number of immediate practical steps that can be taken, such as addressing the collection of material evidence and levels of noise, but that is only addressing the consequences. The levels of concern and the continuing unplanned growth of licenced premises will continue to adversely affect the amenity of residents, place unacceptable demands on the police and ambulance services, and create the potential for serious levels of disturbance; the need for a coherent and planned approach to managing the significant and ongoing changes around the Night Time Economy (NTE) in the city centre is self-evident.

The Parish Council wishes to propose that a CIP is introduced as follows:

- A CIP area to include Walkergate, premises on both sides of Claypath, the Market Place and Silver Street to the start of Framwelgate Bridge together with Saddler Street to its junction with Owengate.
- A second CIP area to cover both sides of North Road from the viaduct roundabout to the start of Framwelgate Bridge, Crossgate to the junction with and including Neville Street; the Riverwalk development.
- A third CIP area to encompass the new Milburngate development and the riverbank as far as Crook Hall.

If a CIP is introduced it is important that all new applications are aware of its overall objectives that seek to address the adverse consequences but also work toward the balanced NTE envisaged by the Neighbourhood Plan. The conditions attached to any new approved application should address the causes of the adverse consequences, including:

- all new applications being required to produce a noise management plan;
- setting a maximum music/sound volume permitted inside premises;
- qualified staff with clear operating policies and training;
- longer period of sound reduction before closing time;
- higher charges for later entry to support the sustainability of well-run, often smaller premises;
- no special drinks offers - 2 for the price of one etc.
- stricter observance of the licensing hours as set out in the County Councils Licensing Policy, resisting requests for extended closing times;
- requiring the change of ownership of a business to apply for a new licence, not inherit the existing one; and
- pursuing minimum pricing for alcohol sales in retail outlets to counter pre-loading.

In terms of a wider strategic approach, the CIP may consider:

- A saturation zone policy - i.e., no more fast food or licences premises where there are already X premises within a given radius and/or supplemented by a capacity restriction in a given area to avoid an accumulation of customers (along the lines of the HMO policy);
- A blanket ban on drinking in public places and a discouragement of outside drinking within certain stated hours;
- A late-night levy under the 2011 Police Reform and Social Responsibility Act to raise a contribution from late-opening alcohol suppliers towards policing the NTE economy.

## **CONCLUSION**

The City of Durham Parish Council strongly supports the County Council's initiative in consulting on the possible introduction of a CIP as part of its Licensing Policy review. A CIP would assist the Police, Licensing Authority officers and other planning and health teams in their work. Adopting a Cumulative Impact Policy will deliver a strategic and proactive approach to satisfy the promoters, customers and neighbours of a flourishing NTE.

## **10. DURHAM CITY NEIGHBOURHOOD PLAN**

Cllr R Cornwell advised Members that there was a need for the Parish Council to agree the latest version of the Neighbourhood Plan to allow this to progress to the next stage of consultation.

Cllr R Cornwell reminded Councillors that the neighbourhood Plan recently underwent a Regulation 14 (public) consultation and the vast number of responses were positive and there were also a number of amends requested to the Plan. Cllr R Cornwell advised that the latest version of the Plan represented the culmination of amends to that feedback and it is now necessary for the Parish Council to approve this latest version of the Plan.

Cllr R Cornwell advised that the Parish Council Planning Committee considered the Plan at its meeting on 10<sup>th</sup> November and the Full Council were asked to consider any amends to the substance of the plan by 14<sup>th</sup> October. Hard copies were paid for and distributed to facilitate in this activity. The Clerk advised that no amends had been put forward by Parish Councillors, however the following amends have been proposed by representatives of the Neighbourhood Plan Working Party following a final proofread of the document:

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para 4.137 and Policy E1. Suggested change of title of policy as now only one site is included: Policy E1: Large Employment Site OR the Aykley Heads Business Park  
para 4.194 Updated to take account of the fact that the Article 7 Direction is being implemented this month

para. 4.208 A question whether the percentage of students is only 53%; in Our Neighbourhood it is more like 70%. The 53% figure comes from the 2011 census and this should be noted in the text. We would need an official source for the 70% figure to be able to use that and include a citation to this source.

para. 5.5 Deletion of indicator 15: Encouraging provision of public art as this aspect has been moved from Sustainability Policy S1 into Community Policy C1: Provision for Arts and Culture.

Appendix D updates, which will be made:

Empty Shop now in North Road  
Include 'Bridge Inn, North Road' in list of hotels

para. D12. Amended to read: "There is no provision for coach parking in Durham City following the recent development of the Sands for the new County Hall offices. Coaches now park adjacent to the Belmont Park and Ride car park which is out of Our Neighbourhood."

There are also a small number of typos, which will be corrected.

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Cllr A Doig, speaking as a Trustee of the Neville's Cross Community Association, wished to have it minuted that the Association still had some concerns in relation to the plan – specifically the sections which deal with St. John's Road and the former Shell garage and local green spaces. Cllr R Cornwell advised that the Regulation 16 consultation would be an appropriate forum for the Association to provide that feedback on the Plan.

Members **agreed** the latest version of the Neighbourhood Plan to go on to the next stage of consultation. The Chair thanked all Members of the Neighbourhood Plan Working Party for their many devoted years of hard work on the Plan.

It was **agreed** that the supporting documents which accompanied the Plan should be agreed in writing to the Clerk.

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## **11. BUSINESS COMMITTEE TERMS OF REFERENCE**

Members **agreed** the Terms of Reference of the Parish Council's Business Committee as follows:

### **Business Committee**

1. Council has created the Business Regeneration Committee, consisting of five members, and will appoint members of the Council to the Business Regeneration Committee at the Annual Meeting in May, or as it sees fit. A quorum for this Committee will be no less than three members. It has assigned to the Business Regeneration Committee the following terms of reference: -
2. To choose its Chair and Vice Chair from within the membership of the committee.
3. That meetings be held as and when required.

### **POWERS AND DUTIES**

- a) To consider and make recommendations to the Council in relation to any appropriate activities the Council may wish to undertake to market Durham as a place for businesses to trade.
- b) To work and liaise with key stakeholders to enhance the business offer within Durham, in particular promoting the daytime and early evening economy.
- c) To work with key stakeholders to identify opportunities to regenerate empty retail units or areas.
- d) To consider and make recommendations to the Council in relation to any matters which the business community feel adversely impact on their trading, e.g. law and order issues, drugs and alcohol, homelessness, etc.
- e) In so far as it impacts on business trading in the area, to consider and make recommendations to the Council in relation to all matters pertaining to vehicular parking.
- f) Where appropriate, to represent the interests of the business community, who form a vital part of the community of Durham.

- g) To advise and make recommendations to the Council and work with key stakeholders to ensure that all temporary events aimed at promoting Durham are also to the benefit of all local traders.
- h) To advise and make recommendations to the Council in relation to its own procurement practices, to ensure that goods and services required are sought locally wherever possible.
- i) To promote sustainable business in Durham, if necessary, to consider the appointment of external advisors to advise and support the Committee in its work.
- j) To develop and enable effective two-way communication between the business community and local residents.
- k) To assist in the production and implementation of the Neighbourhood Plan, in so far as it relates to business issues.
- l) To respond on all matters of general importance affecting the business community in its area and to consider and comment on any policies or procedures of any other agencies in relation to any issue of impact.
- m) To make appropriate representations to any relevant agency in relation to any incident, event or action which, in the opinion of the Council, is detrimental to the business community in its area.

Within the budget agreed from time to time by the Council to engage appropriately qualified individuals or bodies to assist the Committee in exercising the powers set out above.

## **Reference**

\*within the terms of reference 'business community' refers to all businesses, including the indoor and outdoor market traders as well as those businesses offering services and not just goods.

## **12. PROPOSAL TO INTRODUCE A PAY AND DISPLAY CAR PARK AT DURHAM SIXTH FORM CENTRE**

Councillors were asked to consider proposals to introduce a pay and display car park that will be operational between Mon-Fri 5pm-10pm and Sat-Sun 8am-10pm on Durham Sixth Form land. The Clerk advised that this had been requested by Durham Sixth Form Centre.

The Clerk also advised that the car park will be run and maintained by Durham Sixth Form Centre who will take all income from the car park.

Councillors considered the proposals and it was **agreed** to respond in support of the proposed scheme and to request that a) the pay and display car park include new electronic vehicle charging points to account for the loss of these at the Sands with the development of the new County Council Headquarters, b) the tariffs be broadly in line with the tariffs at the former Sands car park (i.e. £1.60 for the first 2 hours, then 80p per hour thereafter) and c) alternate charging be imposed so that higher tariffs are imposed on diesel and/or high carbon emission vehicles and electronic and hybrid vehicles have a much-reduced tariff.

## **13. UPDATE FOLLOWING A MEETING BETWEEN DURHAM COUNTY COUNCIL, KIER AND THE CITY OF DURHAM PARISH COUNCIL**

The Chair provided the following update following a meeting between the county council, the Parish Council and Kier:

The Chair and the Clerk of the Parish Council met with Paul Nixon and Neil Hosie from Kier and Andrew Megginson and Malcolm Churchill from DCC on 14<sup>th</sup> October 2019.

Both Kier and DCC expressed a desire to work with the Parish Council and also to meet regularly to discuss the development. Kier have also expressed a desire to set up stakeholder engagement meetings with the Parish Council and the local residents' group.

Kier advised that the coach park will become the main accommodation site for the workmen on site for the development from 21<sup>st</sup> October. This area would not be accessible to members of the public.

Kier have advised that they have 24 months to complete the development, anything over this timeframe would incur financial penalties so they are very keen to work to this schedule.

Kier update the Parish Council on the current construction programme advising that they would be digging up the Sands car park over the next four weeks, after which time they will be carrying out piling to the site for a period of 10 weeks, after which the foundation for the new Headquarters would be installed. The steel frame for the site is expected to be erected in March 2020. The roof is expected to be installed by the end of 2020.

Cllr Scott asked why the multi-storey car park (MSCP) was not being developed first. Kier advised that they needed the space for laying the materials for the development but that the MSCP would be developed in the second half of the overall development.

Cllr Scott expressed concern about the lack of parking as a result of the development. Andrew Megginson expressed a desire to work with Riverwalk which has a high level of capacity for parking to try and promote its usage to members of the public.

Kier have employed a community engagement officer named Claire Straughan who will be part of the stakeholder group when this is formed. Kier will continue to do a monthly newsletter updating local residents and key stakeholders of the development.

Cllr Scott raised the issue of disabled access and traffic movement by the site. DCC are going to look into this and further signage is going to be erected. Andrew Megginson will be the point of contact for members of the public on any DCC related issues.

Cllr Scott expressed real concern about the fencing off of the common land and advised that the Parish Council was opposed to this and had received legal advice that this was unlawful. DCC officers present advised that they had received different legal advice on this matter and the area would continue to be fenced off for the duration of the development.

Kier advised that they would like to get involved and support any local community project put forward by the parish Council and/or the local residents' groups and they would be seeking ideas for this.

The date of the next meeting with Kier and DCC is to be confirmed.

Councillors were asked to consider proposals on a project which Kier could support the local community with to feed these back to the Clerk.



## **14. CHARTER TRUSTEES**

Cllr A Doig presented a paper on the role of Charter Trustees. Cllr A Doig advised that Durham City is one of only 17 areas in England to still have Charter Trustees in existence. Cllr Doig advised that, in England and Wales, Charter Trustees are set up to maintain the continuity of a town charter or city charter after a district with the status of a borough or city has been abolished, until such time as a parish council is established. Cllr A Doig advised that much of the former City of Durham area is now parished and asked the Parish Council if they would be willing to write to the Secretary of State to now seek clarity on the Local Government Act pertaining to the continuing role of the Charter Trustees in Durham City.

Councillors **agreed** to write to the Secretary of State for Housing, Communities and Local Government to seek clarity on the application of the Local Government Act in relation to any actions or decisions of the Charter Trustees whose area now included a formal Parish.

There being no further business, the Chair thanked Members for their attendance and closed the meeting.

Signed,

**Chair of the City of Durham Parish Council  
(28<sup>th</sup> November 2019)**

# City of Durham Parish Council

**Minutes of Planning Committee meeting held at 14:00 pm on Thursday 10<sup>th</sup> October 2019 in Office 2, Clayport library building, 8 Millennium Pl, DH1 1WA.**

**Present:** Cllr R Cornwell (in the Chair), Cllr V Ashfield, Cllr L Brown and Cllr C Reeves

**Also present:** Parish Clerk Adam Shanley, Mr John Lowe (Secretary of the Neighbourhood Plan Working Party) and Mr Peter Allan (DCC Officer).

## **1. Welcome and apologies**

Apologies were received from Cllrs J Ashby, J Elmer and G Holland

## **2. To receive any declarations of interest from members**

Cllrs R Cornwell, V Ashfield and C Reeves declared an interest in planning application DM/19/02853/FPA. Cllr L Brown declared an interest in Item 6 on the Agenda and also in application DM/19/03032/FPA. Cllr R Cornwell also declared an interest in application DM/19/03018/VOC.

## **3. To receive and approve as a correct record the minutes of the meeting on 27 September 2019**

The Minutes of the meeting held on 27<sup>th</sup> September 2019 were unanimously agreed as a true and accurate record of proceedings.

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

Mr Peter Allan (DCC Officer) attended the meeting to present the plans for the new interpretation board for the statue by Dr Fenwick Lawson, known as the Journey. Mr Allan advised that this would soon be submitted as a planning application. Mr Allan advised that the board had been produced in conjunction with the Fenwick family who were very happy with this. Mr Allan advised that the original proposal to have an illuminated sign had been scrapped and this board was its proposed alternative. Mr Allan advised that he hope the Parish Council would support this as and when it came forward for planning consideration.

Cllr V Ashfield asked how the Journey is expected to be illuminated. Mr Allan advised that this wouldn't be via underfloor lighting as previously believed to be but would be done sympathetically with the surroundings and would be lit via a light attached to a nearby post.

The Chair thanked Mr Allan for presenting the proposals. Mr Allan left the meeting.

## **5. Matters arising:**

to approve the following responses (for text of letter see Parish web site):

The Clerk advised that he had not received the responses to these applications in advance of the meeting and therefore, at the timing of the meeting, these were not on the Parish Council website. The Chair advised that he would send these on to the Clerk.

**DM/19/02459/FPA** | Change of use from 4-bedroom C4 HMO to 7-bedroom *Sui Generis* HMO| 13 Mowbray Street Durham DH1 4BH. The response to this

application was unanimously **agreed** by the Committee.

**DM/19/02853/FPA** | The change of use from a dwelling (Use Class C3) to a small HMO (Use Class C4). | 27 May Street Durham DH1 4EN. The response to this application was unanimously **agreed** by the Committee.

**DM/19/02862/FPA** | Change of use from 6 bedroom HMO to 7 bedrooms (C4 to Sui Generis) and Loft conversion | 35 Elvet Crescent Durham DH1 3AP. The response to this application was unanimously **agreed** by the Committee.

**DM/19/02864/FPA** | Change of use: 5 bedroom HMO to 7 bedrooms (C4 to Sui Generis) and two storey side extension | 1 Elvet Crescent Durham DH1 3AP. The response to this application was unanimously **agreed** by the Committee.

**DM/19/02945/LB** | Internal alterations | 45 Claypath Durham DH1 1QS. The response to this application was unanimously **agreed** by the Committee.

**DM/19/03006/FPA** | Single storey rear extension to allow the creation of a 6th bedroom to an existing C4 HMO | 63 Gilesgate Durham DH1 1HY. The response to this application was unanimously **agreed** by the Committee.

## **6. Update on Service Level Agreement for enhanced Planning Enforcement Officer service with DCC following meeting with DCC Officers.**

The Chair reported that he and the Clerk had attended a very productive meeting with DCC Officers to put together an SLA for an enhanced planning enforcement service for the City of Durham Parish area. The Chair advised that the proposed SLA would cover 475 hours for a duration of 12 months and the work would be undertaken by two planning officers (with knowledge of enforcement). It is expected that the SLA would begin in January 2020 and the officers would focus on dealing with "to let" signs, unregistered HMOs and other matters.

The Clerk advised that he had approached the Director of Partnerships at DCC as the four County Councillors on the Parish Council had offered to fund 50% of the SLA costs as part of their County Council budget. The Clerk advised that he was awaiting a response on this.

## **7. Neighbourhood Plan:** To consider any amends from Members to date on the latest version of the Neighbourhood Plan.

John Lowe advised that he had proofread the latest version of the Neighbourhood Plan and a number of amends had been proposed as follows:

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There are a small number of typos, which will be corrected

### *Other amendments*

- para 4.137 and Policy E1. Suggested change of title of policy as now only one site is included: Policy E1: Large Employment Site OR The Aykley Heads Business Park
- para 4.194 Updated to take account of the fact that the Article 7 Direction is being implemented this month
- para. 4.208 A question whether the percentage of students is only 53%; in Our Neighbourhood it is more like 70%. The 53% figure comes from the 2011 census and this should be noted in the text. We would need an official source for the 70% figure to be able to use that and include a citation to this source.

- para. 5.5 Deletion of indicator 15: Encouraging provision of public art as this aspect has been moved from Sustainability Policy S1 into Community Policy C1: Provision for Arts and Culture.
  - Appendix D updates, which will be made:
    - Empty Shop now in North Road
    - Include 'Bridge Inn, North Road' in list of hotels
    - para. D12. Amended to read: "There is no provision for coach parking in Durham City following the recent development of the Sands for the new County Hall offices. Coaches now park adjacent to the Belmont Park and Ride car park which is out of Our Neighbourhood."
- 

Members agreed to put the current version of the Neighbourhood Plan to Full Council in October with a recommendation to accept this version of the Plan with the amends as outlined above.

## **8. County Durham Plan**

- a. Members unanimously **agreed** the replies to the Inspector's Questions on Matters 1-7.
- b. The Chair reported that the draft replies on Matters 8-14 would soon be circulated for consideration.
- c. The Chair advised that the most recent information provided to the Inspector by DCC, in considering up to what percentage level of HMOs within a 100-metre radius of any new C4/ sui generis HMO application they would challenge, were proposing a level of 90%. This was broadly welcomed by the Parish Council Planning Committee.

The Chair and Mr Lowe also expressed concern at the new information which had been provided by DCC to the Inspector as to the justification of a new Northern Relief Road. The Chair advised that the new information was a very significant amount of new information and it was felt that there would be insufficient time for proper consideration of the new information based on the current timescales to respond. The Chair advised that the City of Durham Trust (on behalf of the Durham Coalition) would be submitting a letter to the Programme Officer expressing concern about this and asking if the Inspector will accept this new information at this late stage and, if so, whether there would be a further opportunity to respond to this.

## **9. Proposed new County HQ on the Sands (planning reference DM/18/02369/FPA):**

- a. The Chair reported that he had attended a meeting with Jean Crowden (member of the public) who advised him that she is pursuing the matter of the fencing off of the common land with the County Council. The Chair reminded Members that the coach park remained Common land and the fencing off of this land is considered to be unlawful.
- b. The Clerk reminded Members that a meeting was due to take place between DCC, Kier and the Parish Council and an update following this meeting would be included in the Full Council Agenda in October.

**10. Planning applications:** To consider making representations on the following (the date in parenthesis is the deadline to call the application to committee):

- a. All for Half Moon Hotel 86 New Elvet Durham DH1 3AQ:
  - DM/19/02871/AD** | Erection and Display of Replacement Signage consisting of 1No Illuminated Hanging Sign, 1No Illuminated Fascia Sign, 1No Non-Illuminated Hanging Sign, 1No Non-Illuminated Fascia Sign, 2No Non-Illuminated Wall Mounted Painted Signs. It was **agreed** to note this application.
  - DM/19/02874/LB** | External Re-decoration. It was **agreed** to note this application.
  - DM/19/02966/FPA** | Internal Alterations, Refurbishment of External Customer Area comprising Conversion of Outbuilding to Bottle Bar, Creation of Bin Store, Erection of Glazed Canopy and External Lighting. It was **agreed** to note this application.
  - DM/19/02967/LB** | Internal Alterations, Refurbishment of External Customer Area comprising Conversion of Outbuilding to Bottle Bar, Creation of Bin Store, Erection of Glazed Canopy and External Lighting. It was **agreed** to note this application.
- b. Other planning applications
  - DM/19/02976/FPA** | Change of use from Gym (Class D2) to dental practice (Class D1) | 1A Hawthorn Terrace Durham DH1 4EL. It was **agreed** to note this application.
  - DM/19/02988/FPA** | Single storey extension to rear and internal alterations to create 2no additional bedrooms within C4 property (6 bedrooms altogether) | 11 Juniper Way Durham DH1 4GZ. It was **agreed** to object to this application. Cllr R Cornwell **agreed** to draft the response to this application.
  - DM/19/03001/CPO** | Internal changes to increase the number of bedrooms from 4 to 6 in existing C4 HMO property | 1 Juniper Way Durham DH1 4GZ. It was **agreed** to note this application.
  - DM/19/03007/FPA** | 4 bedroom C4 HMO to 6 bedroom C4 HMO. Proposed front and rear dormers, internal alterations | 30 May Street Durham DH1 4EN. It was **agreed** to object to this application. Cllr L Brown **agreed** to draft the response to this application.
  - DM/19/03018/VOC** | Variation of Condition no. 2 (Approved Plans) and removal of Condition No's. 3,4,5,7,8,9 and 10 pursuant to approved planning permission DM/17/00011/FPA, to allow minor material alterations to the layout and external design of the proposals. 24 The Avenue Durham DH1 4ED. It was **agreed** to object to this application. Cllr R Cornwell **agreed** to draft the response to this application.
  - DM/19/03021/TPO** | Fell 1no. Ash (T1), reduce branches away from house to give 2m clearance of 1no. Laurel (T2), 1no. Ash (T3), 1no. Holly (T6), reduce branches away from house to give 2.5m clearance of 1 no. Norway Maple (T5) and 1no. Holly (T4) | 25 Dalton Crescent Nevilles Cross Durham DH1 4FB. It was **agreed** to note this application.
  - DM/19/03026/FPA** | Single-Storey Side and Rear Extensions. | 12 Percy Terrace Durham DH1 4DY. It was **agreed** to note this application.
  - DM/19/03032/FPA** | Installation of goal posts and short access footpath

to community field | Sheraton Park North Of Kirkwood Drive Nevilles Cross DH1 4FF. It was **agreed** to note this application.

**DM/19/03033/FPA** | Retention of Timber Cladding and Render to Existing Single-Storey Side Extension and Installation of Rear Door to West Facing Rear Elevation. | Old Coach House 2 Percy Terrace Durham DH1 4DY. It was **agreed** to object to this application. Cllr L Brown **agreed** to draft the response to this application, however the objection would be signed on behalf of the Parish Council Planning Committee.

**DM/19/03112/AD** | 1no. Illuminated fascia sign and 1no. Illuminated projecting sign | 34 High Street Durham DH1 3UL. It was **agreed** to note this application.

**DM/19/03120/VOC** | Variation of condition 2 (approved plans) to amend the shop front design relating to planning approval DM/19/01935/FPA for change of use to ground floor pub and upper floor sui generis 7 bed HMO, including alterations and installation of new shop front. | 34 - 35 Saddler Street Durham DH1 3NU. It was **agreed** to note this application.

## **11. Dates of future meetings**

25 October 2019 - 14.00 to 16.00 hrs – Office 2, Clayport Library Building.

8 November 2019 - 14.00 to 16.00 hrs – Office 2, Clayport Library Building.

There being no further business, the Chair thanked Members for their attendance and closed the meeting.

**Signed**

**Chair of the City of Durham Parish Council Planning Committee**

# City of Durham Parish Council

**Minutes of Planning Committee meeting held at 14:00 pm on Friday 25<sup>th</sup> October 2019 in Office 2, Clayport library building, 8 Millennium PI, DH1 1WA.**

**Present:** Cllr R Cornwell (in the Chair), Cllr J Ashby, Cllr V Ashfield, Cllr L Brown and Cllr C Reeves

**Also present:** Parish Clerk Adam Shanley, Cllr Esther Ashby, Paul Dobson and Dave Thornton (CAMRA Durham Chair and Pubs Officer respectively).

## **1. Welcome and apologies**

Apologies received from Cllrs J Elmer and G Holland

## **2. To receive any declarations of interest from members**

Cllr J Ashby declared an interest in planning applications DM/19/03330/FPA and DM/19/03332/LB

## **3. To receive and approve as a correct record the minutes of the meeting on 10 October 2019**

The Minutes of the meeting held on 10<sup>th</sup> October were unanimously **agreed** as a true and accurate record of proceedings.

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

Cllr Esther Ashby advised that she was attending to discuss application DM/19/02640/AD.

Paul Dobson and Dave Thornton advised that they were attending to discuss applications **DM/19/02871/AD** (Replacement Signage), **DM/19/02874/LB** (External Re-decoration), **DM/19/02966/FPA** and **DM/19/02967/LB** (both Internal Alterations and Refurbishment of External Customer Area). However, at this stage at the meeting, both advised that they were aware of the Parish Council's application to have the Woodman Inn pub registered as an Asset of Community Value. Dave advised that this is something which CAMRA would be looking to support.

Concern was expressed at the meeting about the pub's future use potentially being another PBSA (Purpose-Built Student Accommodation). Cllr J Ashby advised that the future use of the Woodman Inn pub must meet the needs of the community. Cllr V Ashfield advised that she was aware of a number of local groups who used to meet at the Woodman Inn pub who are now unable to do so due to its current closure.

## **5. Matters arising:**

- a. Reconsideration of decision to note planning applications **DM/19/02871/AD** (Replacement Signage), **DM/19/02874/LB** (External Re-decoration), **DM/19/02966/FPA** and **DM/19/02967/LB** (both Internal Alterations and Refurbishment of External Customer Area) all at the Half Moon Hotel 86 New Elvet Durham DH1 3AQ.

Paul Dobson and Dave Thornton expressed a number of concerns in relation to these applications and felt that the Parish Council ought to be aware of this.



Paul advised that The Half Moon is a traditional public house in the city and though the current Half Moon emblem is of no great age, it has become a landmark feature in the city which would be a great shame to lose. Dave advised that he was concerned at the proposal to adorn the current blank front wall with a painted sign for no particular reason, as the Half Moon sign could instead hang here or at the same level as the new sign.

Dave advised that the painted sign appears to be in no way authentic or representative of the Half Moon's history. Dave advised that the company's own heritage statement on the application confirms it was not converted from a private house into a public house or inn until the late 19<sup>th</sup> century though it claims to be 'established in 17<sup>th</sup> century. It also goes on to mention 'Bed for the night', 'good food' and 'stabling for horses'. Dave advised that there is no evidence that these were ever offered and they certainly are not now.

It was **agreed** that the Parish Council should respond with a letter of support to CAMRA's representation on these applications. Cllr R Cornwell **agreed** to draft the response.

- b. to approve the following responses (for text of letter see Parish web site):  
**DM/19/02988/FPA** | 11 Juniper Way Durham DH1 4GZ. The text for this response was **agreed** by the Committee.  
**DM/19/03007/FPA** | 30 May Street Durham DH1 4EN. The text for this response was **agreed** by the Committee.  
**DM/19/03018/VOC** | 24 The Avenue Durham DH1 4ED. The text for this response was **agreed** by the Committee.  
**DM/19/03033/FPA** | Old Coach House 2 Percy Terrace Durham DH1 4DY. The Clerk advised that he had not yet received a copy of the proposed response to this application. The Chair **agreed** to send this to the Clerk.

## **6. Neighbourhood Plan**

The Chair reminded Councillors that the latest version of the Neighbourhood Plan was **agreed** at yesterday's Full Parish Council meeting (24<sup>th</sup> October 2019) and that the supporting documentation would be **agreed** in writing as per the Council's decision.

Cllr J Ashby advised that the Parish Council may wish to consider options for printing the latest version of Plan and supporting documentation to ensure the public and the Examiner had the latest version of each document.

## **7. County Durham Plan**

- a. Members **agreed** to note the replies to Inspector's Supplementary Questions on Matters 1-4
- b. Consideration of draft replies to Inspector's Supplementary Questions on Matters 5-7. Cllr J Ashby advised that the City of Durham Trust would be responding to these on behalf of the coalition and the Parish Council would simply need to approve/ support these responses.
- c. Verbal report on week 1 of the Examination in Public (Matters 1-4). The Chair advised that he had no further updates following that which was provided at the Parish Council's Full Council meeting yesterday (24<sup>th</sup> October



2019). However, the Chair did stress that Matter 7 would relate to the University and it is important that representation on this Matter is provided.

- d. Verbal report on the County Durham Vision 2035. The Chair provided a verbal update following the Partnership meeting where the County Durham Vision 2035 was presented. The Chair advised that he felt that the meeting was more about the past as opposed to actually looking forward. The Chair also remarked that the Vision provided no measurables upon which to decide how the Vision 2035 was being achieved. This latter point was seconded by Cllr V Ashfield who felt a number of key performance indicators should be attributed to the Vision 2035.

#### **8. Proposed new County HQ on the Sands (planning reference DM/18/02369/FPA): Any relevant developments**

The Chair advised that the Parish Council is still waiting to hear back from its objection to the de-registration of the Common Land. The Clerk advised that he would update Councillors once he had heard back from the Planning Inspector.

#### **9. Proposed amendment to the definitive map of public rights of way at Baxter Wood, Durham**

The Clerk advised that he had received correspondence from the County Council in relation to a statutory consultation (under the Wildlife and Countryside Act 1981) for a proposed amendment to the Definitive Map of Public Rights of Way at Baxter Wood Durham City. The County Council had advised that the initial application was for Restricted Byway status. However, after consultation with the applicant, the County Council has decided to proceed with the application as a Bridleway.

The Committee considered the consultation and **agreed** to support the application as a Bridleway, with the caveat that additional signage be provided that horses riders were often present in the area and drivers should take caution.

**10. Planning applications:** To consider making representations on the following (the date in parenthesis is the deadline to call the application to committee):  
**DM/19/02640/AD** | Display of bronze plaque to display information related to St. Cuthbert and The Journey Statue. | Clayport Library 8 Millennium Place Durham DH1 1WA (8 November). It was **agreed** to defer consideration of this application until further information be made available, Cllr J Ashby **agreed** to draft a response for Committee approval should further information be made available on this application ahead of the next Committee meeting.

**DM/19/02996/LB** | Various restoration and repair works to Listed Building (including roof coverings, rain water goods, external staircase, windows to front, re-pointing, rendering, replacement of boundary wall and bird netting) | 6 - 7 Market Place Durham DH1 3HL (8 November). It was **agreed** to note this application.

**DM/19/03030/AD** | Dibond Sign mounted to the front of the shop Height 80 cm x 490 cm length with the white background to match the style of the shop front sounding and orange text to match company colours. | 9 Silver Street Durham DH1 3RB (1 November). It was **agreed** to write to DCC to ask for this application to be reconsulted on as no heritage statement had been provided as part of the application. The Clerk **agreed** to write to DCC.

**DM/19/03139/FPA** | Construction of extension, new bin store and associated works. | Crematorium South Road Durham DH1 3TQ (28 October). It was **agreed** to object to this application. The Clerk **agreed** to draft the reply to this application.

**DM/19/03143/LB** | To retain the timber clad fridge storage structure (retrospective) and to raise the existing masonry walls to north and east elevations to a height of 2.46m to form masonry screen to rear yard area of 44 Saddler Street, Durham | Basement 41 - 42 Saddler Street Durham DH1 3NU (7 November). It was **agreed** to object to this application. Cllr J Ashby **agreed** to draft the reply to this application.

**DM/19/03170/CEU** | Certificate of lawful use application for the change of use of C3 Dwellinghouse to C4 HMO prior to the Article 4 Direction coming into force | 11 Mayorswell Close Durham DH1 1JU (6 November). It was **agreed** to object to this application. Cllr R Cornwell **agreed** to draft the reply to this application.

**DM/19/03173/LB** | Repairs to the existing timbers within the shopfront. Amendments to the shopfront design to allow for retention of the existing timbers. Replacement of the timber landings, goings, risers and stringers to the stair with new softwood to match the configuration of the existing. | 34 - 35 Saddler Street Durham DH1 3NU (7 November). It was **agreed** to note this application.

**DM/19/03176/FPA** | Change of use of the dwelling (use Class C3) to a small House in Multiple Occupation (use Class C4) | 18 Mavin Street Durham DH1 3AU (7 November). It was **agreed** to object to this application. Cllr L Brown **agreed** to draft the reply to this application.

**DM/19/03177/FPA** | Change of use of the dwelling (C3) to a small House in Multiple Occupation (C4) | 13 Mavin Street Durham DH1 3AU (14 November). It was **agreed** to object to this application. Cllr L Brown **agreed** to draft the reply to this application.

**DM/19/03188/FPA** | Two-Storey Front, Side and Rear Extensions (Re-submission DM/19/01612/FPA) | Fourstones Newcastle Road Crossgate Moor Durham DH1 4HX (1 November). It was **agreed** to note this application.

**DM/19/03200/FPA** | Detached shed | 9 St Giles Close Gilesgate Durham DH1 1XH (5 November). It was **agreed** to note this application.

**DM/19/03229/FPA** | Erection of two storey pitched roof extension to side of existing dwelling | 4 Whitesmocks Durham DH1 4HW (5 November). It was **agreed** to note this application.

**DM/19/03257/FPA** | Change of use from small HMO (Use class C4) to 9 bed large HMO (Use Class *Sui Generis*) including erection of part two-storey/part single-storey extension to rear and pitched roof over existing flat roof at side. | 32 Whinney Hill Durham DH1 3BE (11 November). It was **agreed** to object to this application. Cllr L Brown **agreed** to draft the reply to this application and request this be called to Committee if minded to approve.

**DM/19/03281/FPA** | Single storey rear extension, construction of garden room and WC above existing garage, replacement basement window and door and roof to the existing rear offshoot and rendering of walls, steel steps to the front, simplifying the soil stack arrangement to the front elevation. | 14 Albert Street Durham DH1 4RL (11 November). It was **agreed** to note this application.

**DM/19/03285/FPA** | Proposed Rear Porch | Rosslyn The Avenue Durham DH1 4DX (8 November). It was **agreed** to note this application.

**DM/19/03297/TPO** | Fell 2no. Lime trees (T1 + T2) and 2no. Sycamore trees (T3

+ T4), crown reduce and reshape by 3-4m to 2no. Sycamore trees (T5) also remove epicormic growth from main stem (T6) and remove epicormic growth from main stem to 1no. Oak tree | 5 Bishops Gate Durham DH1 4JU (7 November). It was **agreed** to note this application.

**DM/19/03311/TPO** | Reduce height by 2.5m and prune sides to balance/shape of two Birch trees and reduce height by 3m and prune top to shape of one Cedar tree in rear garden area (protected by a tree preservation order). | 7 Almoners Barn Durham DH1 3TZ (11 November). It was **agreed** to note this application.

**DM/19/03317/CPO** | Certificate of lawfulness for a proposed use to replace the existing timber windows with upvc and replace front door. | 6 Mitchell Street Durham DH1 4DQ (Not available). It was **agreed** to object to this application. Cllr L Brown **agreed** to draft the reply to this application.

**DM/19/03330/FPA** and **DM/19/03332/LB** | Change of use of ground floor of small C4 HMO to podiatry clinic (D1 use) | 45 Claypath Durham DH1 1QS (11 November). It was **agreed** to note this application.

## **11. Dates of future meetings**

8 November 2019 - 14.00 to 16.00 hrs – Office 2, Clayport Library Building.

22 November 2019 - 14.00 to 16.00 hrs – Office 2, Clayport Library Building.

There being no further business, the Chair thanked Members for their attendance and closed the meeting.

**Signed**

**Chair of the City of Durham Parish Council Planning Committee**

**Item 5: Response to Durham County Council's response to objections in relation to the de-registration of the common land application.**

As Councillors are aware, Durham County Council has applied to the Secretary of State for the Environment, Food and Rural Affairs under section 16 of the Commons Act 2006 to have the coach park at the Sands de-registered as common land and replaced by land east of Rivergreen Centre, Aykley Heads, Durham City.

Upon notification of the application, the City of Durham Parish Council and the Freeman for Durham City jointly agreed to commission the services of a barrister to submit an objection to this application.

The Parish Council and other objectors to the proposal received a rebuttal from the County Council on 29<sup>th</sup> October and Councillors agreed to submit a response to this rebuttal.

Representatives of both the City of Durham Parish Council and the Freeman met with the barrister on 5<sup>th</sup> November to discuss submitting a joint response. At this meeting, the Freeman advised the Parish Council that they would again be willing to split the costs on an equal basis to have the same barrister submit this response. Following this meeting and due to the urgency to respond, Parish Councillors were contacted in writing and agreed to suspend Standing Orders to allow the same barrister to formulate a response to the County Council's rebuttal. The deadline for responding pre-dated the 28<sup>th</sup> November Full Council meeting.

A copy of the full response to the County Council's rebuttal is set out below:

**RE: APPLICATION UNDER S.16 COMMONS ACT 2006 – THE SANDS, DURHAM**

I am instructed under Public Access jointly by the Freeman of the City of Durham ("the Freeman") and the City of Durham Parish Council to object to the application to de-register Common Land at The Sands Durham ("the Application"). This letter is in rebuttal to the Council's (undated) statement under reference NC/14195.

The Freeman and Parish Council would wish to reiterate their grave concerns that not only is the Release Land enclosed by fencing, the Council has now permitted the contractors Keir (not a statutory undertaker) to use the Land as a Site Compound. This displays a blatant disregard for the Commons legislation and the rights of the Freeman and public to use this land

The Council's continual and blatant disregard of the public and quasi-public rights over the Common Land make its assertion at paragraph 2.11 that it has no intention of eroding the balance of The Sands Common (whatever that means) wholly unreliable. Put simply the Council cannot be trusted to act in the interests of the public with regard to the Common Land.

In rebuttal to the Council's statement, its paragraph numbering is adopted.

As to paragraph 2.1 the basis of the objection made by the Freeman and PC is to safeguard common rights on the Land. The suggestion of a "central theme" of opposition to the HQ Project is fantasy. There is no mention of the merits of the HQ in the objection and to characterise it as such is deliberately misleading. Paragraph 2.17 should be amended to accurately reflect the position and objector 9 removed from this list.

Further the Freeman and PC as custodians of the commoners and public interest are actively engaged with Andrew Megginson (Stakeholder Engagement Leader) to mitigate any impact on public rights during the construction period.

The Objectors welcome the Council's confirmation and acceptance that the Coach Park is an unauthorised use and the Replacement Land is uphill and less accessible to residents of Durham City.

It is important to properly grasp the history and context of the common land at The Sands. The Freeman status dates back to the 11<sup>th</sup> century and has been exercised continually since then. The Freeman have during this period elected not to exercise herbage rights and made decisions to permit temporary uses, including the Ordnance Depot and Coach Park, on their merits at that point in time. These are decisions for the Freeman as custodians of the land and it is not for the Council to comment upon them in pejorative terms. In the context of rights going back at least 900 years, if not to time immemorial, such uses for say 80 years are temporary and reversible.

As to paragraph 2.2 the Freeman do assert these rights which are reflected in the Indenture of 18 September 1850 in the following terms –

*WHEREAS the said Mayor Aldermen and Citizens are under and by virtue of the said recited Indenture of lease seised of the soil and freehold of the said several tracts plots pieces or parcels of ground but the Freeman of the City of Durham are entitled to rights of common thereon for all commonable cattle as the said persons parties hereto do hereby acknowledge and declare.*

On that basis a proportion of the rents and profits of buildings on the common land and compensation for injury to the herbage caused by public fairs were paid to the Freeman. This position is also reflected in the letter of 18 March 1968 from the Clerk to the Freeman whereby it was recognised that the herbage rights "are completely unrestricted" and the Freeman "are not limited as to numbers".

As to paragraph 2.3 – in discussions with the City Council the Freeman requested the Royal Ordnance site and the adjoining ancillary car parking land to be returned to grass. This request was overtaken by events at that time and a lease granted for the Coach Park. The remaining section was returned to grassland as requested. The Freeman will give evidence to this effect to the Secretary of State.

As to paragraph 2.5 the Council are required to prove that the exchange is in the public interest. It is the Council which constantly and repeatedly seeks to rely on the purported benefits of the new HQ to outweigh the admitted harm from loss of the Release Land. It is plain that the purpose of the application is to free up the release land for redevelopment<sup>1</sup> and the Council assert that the benefits of the new HQ are so significant as to outweigh the (now admitted) harm to the common rights<sup>2</sup>. These are material matters before the Secretary of State as decision maker and should be explored by way of a public inquiry.

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<sup>1</sup> 1.2

<sup>2</sup> 4.1

As to paragraph 2.6 the letter of 18 March 1968 clearly states the buildings are temporary and the rights of herbage will revive in the future. This is still the stated position of the Freemen some 50 years later.

As to paragraph 2.8 the functional use of the car park in the present and the return of the land to herbage in the future are not exclusive. As a matter of fact, the Lumiere event is not wholly funded by the Council, it has other private sponsors. The relevance of this point is not understood in any event. The fresh assertion that the car park will not be private but rather open to the public on evenings and weekends is not borne out by the evidence submitted with the planning application. In any event this Council regularly changes its position, and ignores commons legislation, and the application should proceed on the basis that this will be a private car park, absent any legally binding position to the contrary.

As to paragraph 2.10 the Council admits at paragraph 2.13 that the Replacement Land is less accessible to residents of Durham. In any event there is no parking at Aykley Heads and the whole access road from the roundabout to the land, approximately 800m, has double yellow lines on it. This cannot possibly be described as an accessible location.

As to paragraph 2.11 the assertion that international visitors to Durham will walk away from the historic core and views of the Cathedral and Castle, up the hill to the Replacement Land is fallacious.

As to paragraph 2.14 the Council is correct in that there is a road adjacent to the Replacement Land. However, this has double yellow lines for 800m and no space for the safe and commodious unloading of stock. Further the land is a nature reserve for ground nesting birds and used by Great Crested Newts. In practice it would not be available for grazing at all and this is admitted by the Council in paragraph 4.5.2 of the Application statement. This is a highly material consideration under s.16.

Paragraph 2.15 asserts that more than one access to the land will be made. This directly contradicts the Council's claim that the nature conservation interest of the Replacement Land will be ensured by "provision of a single access point".

As to paragraph 2.19, this touches on the PC objection. The fact that the remainder of the common land is available for recreation carries no weight. The County Council has shown scant disregard for the public interest throughout this process and cannot be relied upon to understand or articulate what impact this application will have on the local residents, visitors and commoners' rights.

As to paragraph 2.21 and 2.22 this exemplifies the Council's untenable position. It finds the "requirement" for this land for parking as paramount and disregards the public interest as being satisfied by the remainder of the common land. The Council's Open Space Needs Assessment (OSNA) shows a lack of open space in the Durham city area. Notwithstanding the Replacement Land is already identified as Accessible Natural Green Space in the OSNA. If the land is already publicly accessible then it cannot qualify as Replacement Land. It should be noted that there are clearly worn paths crossing the land which are indicative of public access. The Police at Aykley Heads have noted that this land is in public use and this should be clarified. The objectors will rely on the OSNA, correspondence and photographs in evidence.

The assertion at paragraph 2.20 that the Council has an intention to “affect an appropriation in order to align the Replacement Land with its new Common Land status” is not understood. The council is asked to explain this statement.

It should be noted that the Council has comprehensively failed to address the major tenet of this objection that the Release land is not necessary for the HQ project and the spurious public benefits claimed by the Council are not relevant to this Application. In fact, the loss of amenity already arising from the HQ development and the felling of 150 trees is such that the Parish Council is seeking agreement from the Freemen for significant re-planting on The Sands to mitigate this loss.

There is a general point to be made at this stage. The Council’s statements of case are riddled with inconsistencies, lack of evidence and unfounded assertions. The only way in which this Application can be properly decided is by way of a public inquiry where evidence can be heard and tested.

It should be noted the Council agree that the Coach Park is an unlawful use (absent any consent under s.194) and therefore the Secretary of State should disregard this use when assessing the merits of the proposed exchange. The Application will be considered on the basis that the Release Land is part of the common and properly available for public use<sup>3</sup>. Therefore, the Council’s case for example at paragraphs 2.19 is wrong in law and no weight should be attached to the Coach Park use.

On a proper understanding of the evidence and relevant law the Council’s case is unarguable. The Freemen and the PC therefore invite the Council to withdraw the Application and not waste public resources in pursuing it in the face of overwhelming objection from those with common rights.

If the Application is not withdrawn and the Council persist, then the outstanding objections of the Commoners and other with rights (including the neighbourhood and members of the public generally) should properly be considered by an Independent Inspector at a public inquiry.

Ends

The cost to the Parish Council for the barrister’s services are £640 (includes VAT).

<b>DECISION REQUIRED</b>	Members are asked to ratify the decision taken as urgent action over correspondence to commission the services of this Barrister to respond to the County Council’s rebuttal to objections on the de-registration of the common land application.
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<sup>3</sup> See Common Land Consents Policy November 2015 §5.5

## **ITEM 5: Report on the loss of Council tax income due to class M and N properties within the City of Durham Parish Area**

The Parish Council recently submitted a Freedom of Information request to the County Council requesting the value of Council tax income lost due to student exemptions (Class M and Class N) in this financial year.

The Parish Council received the following response from the County Council:

*"Purpose Built Student Accommodation (PBSA), which is classed as 'Halls of Residence', is exempt from Council Tax under Class M. Any other properties solely occupied by full time students are exempt from Council Tax under Class N.*

*Both class M and N exemptions are statutory national discount schemes and, therefore, the Council has no discretion over applying them.*

*The value of student exemptions (Class M and Class N) in respect of 2019/20, currently amounts to:*

*Class M = £0.625m*

*Class N = £6.804m*

*This compares with the value of all exemptions, including Class M & N, which amounts to £12.578m.*

*In addition to these exemptions, it should also be noted that full time students are disregarded when calculating the number of people living in a property for Council Tax discount purposes. The value of these disregards currently amounts to £363,399.04.*

*The Council receives funding from Government to help fund its services. General funding is provided through core grants ' the Revenue Support Grant and the Business Rates 'Top Up' Grant, with this funding being supplemented by other specific grants for specific circumstances and local taxation ' Council Tax, the retained element of Business Rates income (49%), plus fees and charges it raises.*

*Revenue Support Grant has been subject to significant reductions since the Government's austerity programme was implemented in 2010. The mechanism by which allocations are calculated has largely been fixed for a number of years now and has not been updated for the impacts of increases or decreases in student accommodation and the tax raising capacity of individual areas for many years now and, therefore, there is no direct correlation between the level of student accommodation and the level of Government grant / support it receives to compensate them for the lack of Council Tax yield.*

*The Government is currently undertaking a 'Fair Funding Review', with a view to a new funding system being in place from 2021, which is when they intend to allow local authorities to retain a greater proportion of their business rates (75%), but at the same time withdraw a number of specific grants and / or transfer additional duties and responsibilities to local government".*

In addition to this, the Parish Council also wrote to the Local Government Minister, requesting that further central Government funding be made available to local authorities whose area included communities with a high student population, in order to offset the loss in Council tax income to fund services.

The Parish Council received the following response:



*"The Government recognises concerns that student exemptions might be seen to create a shortfall in income for local authorities. The Local Government Finance Settlement – the annual determination of how much funding will be available to principal authorities – takes into account the impact of student exemptions on authorities' income based on the amount of student accommodation in their area. Where functions are devolved to parishes, the Government expects principal authorities and parish councils to engage in constructive and collaborative dialogue to agree an appropriate level of funding to be transferred.*

*You may be interested to know that the Government is currently undertaking a review of local authorities' relative needs and resources to address concerns about the fairness of current funding distributions. The Government is working closely with local government representatives to consider the drivers of local authority costs, the resources available to fund services, and how to account for these in a way that draws a more transparent and understandable link between local circumstances and local authority funding. We are aiming to implement this review in 2021/22."*

The Parish Council Planning Committee meeting considered both sets of correspondence at its meeting on 8<sup>th</sup> November 2019 and it was agreed to put the following recommendations to Full Council:

- 1) That the Parish Council requests a breakdown of the formula from Government on the amount relating to student council tax exemptions paid to DCC as part of the Local Government Finance Settlement.**
- 2) That the Parish Council writes to DCC requesting that a percentage of the funds paid as part of the Settlement to DCC by central Government be passed on to the Parish Council (as per the Minister's response).**
- 3) That the Parish Council writes to Durham University formally requesting that they increase their contribution to local services spending in light of the loss of council tax.**
- 4) That the Parish Council writes to the Head of Planning at DCC requesting that any section 106 monies arising from permitted development as part of the University's Masterplan be used for local services which combat any negative impact on the locality and not on other priorities e.g. public art.**

<b>DECISION REQUIRED</b>	Councillors are asked to agree to each of the recommendations as set out in the above report from the Planning Committee.
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# **CITY OF DURHAM PARISH COUNCIL**

**Minutes of a meeting of the Environment Committee held on 15<sup>th</sup> October 2019 at 17:15 in Office 2, Clayport Library Building, Durham. DH1 1WA.**

Present: Councillors V Ashfield (in the Chair), J Atkinson, E Ashby, S Cahill and M Ross.

Also present: Parish Clerk A Shanley and Mr Ged Lawson (DCC Officer)

## **1. APOLOGIES FOR ABSENCE**

Apologies were received from Cllrs J Elmer and D Freeman

## **2. TO RECEIVE ANY DECLARATIONS OF INTEREST FROM MEMBERS**

None received

## **3. DISCUSSION WITH GED LAWSON, DURHAM COUNTY COUNCIL OFFICER ON TREE PLANTING PROPOSALS**

The Chair welcomed Ged Lawson to the meeting who was attending to discuss future tree planting in the City of Durham Parish area.

Ged started by advising the Committee that the County Council had recently been awarded £490,000 of central Government funding for the purposes of planting new trees as part of the Government's Urban Challenge scheme. Ged advised that none of this at present would be directed to the City of Durham Parish and would be directed more at open spaces with low tree cover where it is felt that additional tree planting could benefit the area. Ged advised the Committee to continue to monitor how this scheme is rolled out as it may be that proposed area for additional tree planting drop out of the scheme and the City of Durham Parish could apply for trees. Ged advised that the County Council were working with Karbon Homes to assist in delivery of the scheme.

Ged shared the plans for the replanting scheme DCC was proposing for the Sands area following the felling of a number of trees at the area to facilitate construction of the new County Headquarters. Ged advised that the line of trees between the coach park and the grass land of the Sands will potentially be retained.

The Chair thanked Ged for his presentation to the Committee and advised Ged of the scheme the Parish Council is hoping to soon be commencing to plant trees at the Sands area immediately east to the line of trees at the edge of the coach park.

Ged advised that purple willow, crack willow, aspen, small leaf lime and black poplars would be a good species to consider planting in the area. Ged advised against planting any ash trees in the area as this seemed to be dying out across the County.

Ged advised that whips would be best to plant in the area and he could look at some of the County's regional nurseries to provide these at a cost to the Parish Council if the Committee so wished.

On the security of the proposed trees by the Parish Council, Ged advised that it was often best not to overthink this as additional security had been known to attract vandalism to the trees. Ged agreed to work with the Parish Council on the delivery of their proposed tree planting scheme at the Sands. The Clerk advised that this would all be subject to the Freeman agreeing to the scheme.

Cllr E Ashby asked what had happened to the trees inside the Gala theatre which had disappeared. The Clerk advised that he would look into this and report back.

The Chair thanked Ged for his attendance at the meeting. Ged left the meeting at this point.

#### **4. TO APPROVE THE MINUTES OF THE PREVIOUS MEETING HELD ON 24<sup>th</sup> SEPTEMBER 2019**

The Minutes of the meeting held on 24<sup>th</sup> September were agreed as a true and accurate record of proceedings.

#### **5. MATTERS ARISING**

None received.

#### **6. PUBLIC PARTICIPATION**

None received.

#### **7. CLIMATE CHANGE CONSULTATION**

The Chair presented the proposed response to Durham County Council's Climate Change consultation which the Chair and Cllr J Elmer had put together on behalf of the Committee. The Clerk advised that this would need to be agreed by the Committee to go forward to the Full Parish Council meeting in October as the recommended response to the consultation. The Chair asked all Members to provide the Clerk with any amends no later than tomorrow (16<sup>th</sup> October) at 17:00pm so that this could be included in the Full Council agenda.

#### **8. DISCUSSION OF ENVIRONMENT COMMITTEE PRIORITIES,**

##### **i) Update on Good Neighbour scheme**

Cllr E Ashby reported that she had attended Freshers' Fair this year and Jess, the Opportunities Officer at the Students Union had a fantastic recruiting campaign for the Good Neighbour scheme and now has a number of students on board for the project. Cllr E Ashby advised that she hoped to have a meeting with Jess and the Clerk as soon as possible to discuss how to take the project forward.

##### **ii) Update on Clean and Green tasks**

The Chair presented a report on actions taken thus far on projects and to be taken in the near future.

The Chair asked about the bike racks project. The Clerk reported that he and Cllr E Ashby would be going to the Wood Pile to take a look at what could be offered. Cllr E Ashby also advised that she would soon be meeting with the Indoor Market Manager to discuss the proposal.

On the project for the designated quiet zone. The Clerk reported that he had requested a quotation from a local security firm to provide two quiet zone officers. The Clerk advised that he was still awaiting a reply to this. The Clerk did advise that he had received a commitment from the County Councillors on the Parish Council that they would fund the signage and the noise monitoring equipment for this project. The Clerk had contacted DCC officers to see what would be possible.

The Clerk highlighted that the clean and green budget was already slightly over committed with projected spend taking the budget over the agreed £30,000. It was **agreed** that £2,500 should be moved from the A167 project and allocated to the funding of the Quiet Zone Officers for a trial period of approximately two months. It

was also **agreed** that the designated quiet zone should be from North Road roundabout to Gilesgate roundabout.

The Clerk reported that the project for the Fenwick Lawson app was still in construction phase but reminded Members that £2,000 was still remaining for the Heritage Signage project.

**iii) Involving young people – Terracycle project and UN Climate Change teaching training**

The Clerk reported that he had written to all schools and, as Members are aware, the funding for both the Terracycle scheme and the teacher training had now been approved by the Full Parish Council. The Clerk advised that he had only heard from a small number of schools however. The Chair and Cllr L Brown advised that they would chase the schools up on this.

**iv) A167 – Working Group update**

Cllr L Brown advised that there was a meeting planned with DCC Highways officers to take this proposal forward. The meeting would involve the Clerk, Cllr E Ashby and Cllr L Brown.

**11. AOB**

The Clerk reported that he had contacted the four stakeholders (AAP, Durham BID, Indoor Market Company and the City Centre Manager) agreed at the last Environment Committee meeting who had all agreed to take part in what they felt was a fantastic scheme in the best Christmas business frontage awards. The Clerk advised that he would be putting together some information on the scheme and would be meeting with Cllrs E Ashby and J Atkinson to take the project forward.

**12. DATES OF FUTURE MEETINGS.**

The Chair advised that a proposed date would be circulated to Members in due course.

There being no further business, the Chair thanked Members for their attendance and closed the meeting.

Signed,

**Chair of the City of Durham Parish Council Environment Committee**

# **CITY OF DURHAM PARISH COUNCIL**

**Minutes of a meeting of the Licensing Committee held on Friday 20<sup>th</sup> September 2019 at 14:00 in Office 2, Clayport library building, 8 Millennium Pl, DH1 1WA.**

Present: Councillors L Brown, E Ashby, R Cornwell, D Freeman and C Reeves

Also present: A Shanley (Clerk)

**Cllr L Brown** in the Chair

## **1. TO RECEIVE ANY APOLOGIES FOR ABSENCE**

Apologies were received from Cllr A Doig.

## **2. TO RECEIVE ANY DECLARATIONS OF INTEREST FROM MEMBERS**

None received.

## **3. PUBLIC PARTICIPATION**

None received.

## **4. TO APPROVE THE MINUTES OF THE LAST LICENSING COMMITTEE, HELD ON 16<sup>th</sup> AUGUST 2019**

The Minutes of the meeting held on the 16th August were unanimously agreed as a true and accurate record of proceedings.

## **5. UPDATE ON RECENT LICENSING APPLICATIONS**

No updates to report. The Clerk did note that he did not receive notifications on the outcome of any consultations regarding minor variation applications for premises. The Chair reported that she believed this to be standard practise.

## **6. PROGRESSING THE PARISH COUNCIL LICENSING TRAINING EVENT**

The Clerk reported that the Police had now confirmed their attendance at the event and approximately 15 members of the public were expected.

The Clerk reported that he had asked for the room to be switched to the Lantern Room for the event.

Cllr R Cornwell advised that he felt the training material provided by the training provider was excellent. The Clerk agreed with this.

The Chair asked whether any catering would be provided at the event. The Clerk reported that this could be a possibility if Members were in agreement on this. It was agreed that the Clerk should investigate purchasing cakes for attendees of the event to go with tea and coffee provided by Durham Town Hall.

The Chair asked when the training provider would be arriving at Durham train station so she could greet him.

The Clerk advised that he would be providing an Agenda for the event to the Chair in due course.

Cllr R Cornwell asked if the Member of Parliament would be attending. The Clerk advised that he had chased a response from her office and it was looking unlikely. It was agreed that a representative from Roberta's office should be invited to attend the event on her behalf.

## **7. CUMULATIVE IMPACT ASSESSMENT CONSULTATION**

The Chair reported that, following the recent consultation of DCC's licensing policy and in response to some concerns regards the density of licensed premises in Durham City potentially increasing crime and nuisance levels, the County Council is now exploring if there is a need to introduce a Cumulative Licensing Policy. The Chair advised that she was delighted to see the County Council doing this as the Parish Council had been pushing for a specific licensing policy for Durham City.

Cllr E Ashby advised that she had a copy of queries and recommendations when the cumulative impact policy was last considered. The Clerk agreed to circulate this to all Members for their consideration.

The Clerk advised that there was an item on this matter on the forthcoming September Full Council Agenda with a recommendation for Council to note the consultation and expect a recommended response from the Licensing Committee at the October Full Council meeting.

Cllr R Cornwell advised that comments could be submitted to this consultation in addition to the box ticking element of the consultation. Cllr E Ashby **agreed** to draft the response on behalf of the Committee.

## **8. TO CONSIDER THE FOLLOWING LICENSING APPLICATION:**

**Durham University - The Graham Sports Centre, Maiden Castle – Minor variation application.**

It was **agreed** to note this application.

**Milburn NE Limited - Delaneys Donkey, The Riverwalk, Unit 17. Milburngate - New premises licence application**

Cllr R Cornwell advised that he felt it was unfortunate that the new premises at Riverwalk had no connection in name or branding with the local area.

Cllr E Ashby raised the security issue of nearby premises such as Cosy Club. Cllr E Ashby pointed out that Cosy Club's licensing operating schedule specified on which days during the week security would be present at their premises, whereas Delaneys Donkey only mentioned "on peak days".

It was **agreed** to seek further clarification on the arrangements for security at this premises and to object to this should the applicant not specify the specific days during the week where security would be present.

There being no further business, the Chair thanked members for their attendance and closed the meeting.

Signed,

**Chair of the City of Durham Parish Council Licensing Committee**

# **CITY OF DURHAM PARISH COUNCIL**

**Minutes of a meeting of the Licensing Committee held on Friday 18<sup>th</sup> October 2019 at 14:00 in Office 2, Clayport library building, 8 Millennium Pl, DH1 1WA.**

Present: Councillors L Brown, E Ashby, R Cornwell, D Freeman and C Reeves

Also present: A Shanley (Clerk)

**Cllr L Brown** in the Chair

## **1. TO RECEIVE ANY APOLOGIES FOR ABSENCE**

Apologies were received from Cllr A Doig.

## **2. TO RECEIVE ANY DECLARATIONS OF INTEREST FROM MEMBERS**

None received.

## **3. DISCUSSION WITH ALAN DAY, RIVERWALK CENTRE MANAGER ON CURRENT AND UPCOMING RIVERWALK LICENSING APPLICATIONS**

The Clerk reported that Alan Day had submitted his apologies ahead of the meeting and he hoped to be able to attend a future meeting of the Parish Council Licensing Committee.

## **4. PUBLIC PARTICIPATION**

None received.

## **5. TO APPROVE THE MINUTES OF THE LAST LICENSING COMMITTEE, HELD ON 20TH SEPTEMBER 2019**

The Minutes of the meeting held on 20<sup>th</sup> September 2019 were **agreed** as a true and accurate record of proceedings.

## **6. UPDATE ON RECENT LICENSING APPLICATIONS**

The Clerk reported that he had not yet received notification of an outcome to the licensing applications from The Graham Sports Centre nor from Delaney's Donkey. The Clerk advised that he would update the Committee as soon as he received notification from DCC's Licensing team.

## **7. FEEDBACK ON THE LICENSING TRAINING EVENT, HELD ON 30TH SEPTEMBER**

The Chair advised that she felt that the training event had gone very well. The Chair did say that there was an issue of timing and perhaps more time should have been dedicated to the training provider. The Clerk reported that the feedback from participants of the event reflected this feedback. The Clerk advised that the training provider had been very well received at the event and has expressed a willingness to attend another event next year. The Clerk also advised that he has circulated the notes from the training provider to all participants so that they could benefit from the content of these notes from the training day. Cllr R Cornwell advised that he felt that the Parish Council ought to purchase a number of copies of the Licensing Review Handbook

(authored by the training provider) for all Parish Council Licensing Committee Members. It was **agreed** that copies of the book should be purchased.

Cllr E Ashby expressed her thanks to the Clerk for gaining the agreement of stakeholder participants at the event to co-sign a letter to Durham County Council requesting that they set up a public access licensing portal.

## **8. CUMULATIVE IMPACT ASSESSMENT CONSULTATION**

Cllr E Ashby advised that she was in the process of drafting the response to this consultation and a copy of this response would be circulated to Committee Members for comment ahead of the next Full Parish Council meeting, where the response to the consultation would need to be formally agreed.

The Chair thanked Cllr E Ashby for drafting the response on behalf of the Licensing Committee.

The Clerk also proposed that Cllrs E Ashby and L Brown take part in a video by the Parish Council to try and promote members of the public responding to this consultation.

The Clerk also advised that he would write to the Police to request a copy of their response to this consultation.

## **9. GOVERNMENT GUIDANCE ON THE ROLE OF PUBLIC HEALTH IN LICENSING**

Members considered the report included in the Agenda on the role of public health in licensing and the guidance from Government on this. It was **agreed** that the Clerk should write to the University Hospital of North Durham to see if they had any statistics on admissions as a result of alcohol consumption to support the response on the cumulative impact consultation.

Cllr E Ashby asked for this report to be an Agenda item for a forthcoming meeting of the Parish Council Licensing Committee.

## **10. TO CONSIDER THE FOLLOWING LICENSING APPLICATION:**

### **El Pincho Ltd – New premises license application – El Pincho Unit 16, The Riverwalk.**

It was **agreed** to object to this application on the following grounds:

The prevention of crime and disorder – Members felt that it was necessary that the premises have door staff on at all days of operation, especially Wednesday evenings as this is traditionally student night in Durham.

Public safety – Members expressed concern at the proposed seating outside the premises blocking an area used by members of the public as a walk through.

The prevention of public nuisance – Members felt that seating outside should only be permitted up until 9pm to avoid any outside noise caused by drinking off premises causing a nuisance to nearby residential properties. Members also felt that the tipping of glass bottles should not take place after 9pm either.

### **Food Pit Durham Ltd – New premises license application – The Food Pit Unit 19, The Riverwalk.**

The Committee **agreed** that the ethos behind the business was a good one, however wished to stress that a condition ought to be applied that the license for the premises not be allowed to automatically pass to any future tenant of the premises.



The Committee also requested that the Clerk write to the Riverwalk Centre Manager to ask how the area is proposed to be kept clean and tidy.

### **11. TABLES & CHAIRS CONSULTATION FOR CROISSANTERIE LTD**

It was **agreed** to object to this application. It was noted that nearby premises on the other side of the public highway already had outdoor seating and Members expressed concern at the size of the public highway being blocked as a result should this application be accepted.

There being no further business, the Chair thanked members for their attendance and closed the meeting.

Signed,

**Chair of the City of Durham Parish Council Licensing Committee**

## **ITEM 5: Statement of Licensing Policy 2019-24 – summary of amends to previous Licensing policy.**

Councillors will recall that the County Council recently carried out a consultation on its previous licensing policy. This consultation took place between Monday 11th February and Friday 3rd May 2019 and in total the County Council received 28 separate responses; including that submitted by the City of Durham Parish Council.

The Licensing Act 2003 requires licensing authorities to prepare and publish a statement of their licensing policy at least every five years. The policy must be kept under review and the licensing authority may make such revisions to it as it considers appropriate. The need to revise the previous policy stemmed from the statutory timetable set in legislation.

The Statement of Licensing Policy fulfils two principal purposes; firstly, it provides advice to businesses and the public on the Council's overall position concerning the Licensing Act 2003. Secondly, it provides a decision-making framework for the Council via its Licensing Committee to exercise its functions under the Act. As such the policy must balance the legitimate needs of businesses and demand for leisure and cultural activities alongside the need to protect those adversely affected by activities.

The amended licensing policy, following consultation, was approved by the Full County Council on 23<sup>rd</sup> October 2019. To create the revised policy, all recorded responses were considered and the merits of each were judged against the legislation and statutory guidance.

Of the responses that were deemed relevant, those that provided tangible, identifiable suggestions or specific issues for consideration were grouped under the following headings:

- **The advertising and publication of licensing applications** – responses commenting on current arrangements and calling for improved methods of alerting the public to applications under the Act. (Mostly in relation to Durham City licensed premises)
- **Licensing hours** – responses about current policy and the existing 'framework hours' and calling for a less permissive, more restrictive approach, shorter licensing hours, a stricter implementation of framework hours and efforts to reign-in existing terminal hours. (Mostly in relation to Durham City licensed premises)
- **Controls over the number of licensed premises in Durham City** – responses on current policy and highlighting the number of licensed premises, the number of applications and the effects of both on the promotion of the licensing objectives in Durham City. Calls for a Cumulative Impact Policy (CIP) or special policy and a late-night levy (LNL) to deter late opening; that respondents believed would address several problems they identified as being associated with too many licensed premises.

The main changes to the licensing policy are summarised below:

- During the consultation phase leading up to the revised statement of policy there were calls from the Durham City MP and from the City of Durham Parish Council for a special policy or CIP for Durham City. To find out whether a CIP is necessary the council are carrying out a cumulative impact assessment (CIA). That process will take several months to complete.

- As a result, this (possibly interim) revised policy statement will have to be reported to Council in time for adoption by the end of October. However, alongside this reporting process a CIA is being undertaken. It is not possible to complete the CIA in time to inform the revised policy by October 2019. If the result of the CIA is that a CIP is needed for Durham City, we will then modify this revised version of the policy and take it back to Council to incorporate a CIP.
- Irrespective of whether the need for a CIP is identified by the CIA, it is anticipated that the CIA will assist the council and others by highlighting any problems and issues of concern within the City, thereby aiding the identification of possible solutions or remedial steps that could be applied.
- Before turning to those matters that have been included in the revised statement of policy, in addition to the CIP, the situation regarding the framework hours must also be subject to further consideration before any recommendations may be made to GLRC and Council.
- Although criticisms about the current framework hours were received, few respondents provided any alternative suggestions. The proposals on terminal hours for licensed premises that were received varied
- Of the responses that were received from responsible authorities, the subject of terminal trading hours for licensed premises was not raised.
- In the absence of any comments from those officers and organisations that have responsibilities and influence in connection with the investigation and control of public nuisance and crime and disorder, it is difficult to make a case for changes to the current framework hours.
- Members of the General Licensing Committee were asked to consider the existing framework hours. They found them to be appropriate and made no changes to them.

**The following revisions have been included in the updated policy document:**

- Changes to layout, format, syntax – to improve the look and structure of the policy for clarity and readability purposes
- Information concerning possible future changes resulting from the CIA
- Addition of a version history table
- Expanded content table and guide
- Expanded introductions to and explanations of the Licensing Act 2003 and the council's role within that legislative framework. Increased prominence of the four licensing objectives which form the bedrock of the licensing function, our main aims and enhanced description of the County of Durham in context.
- Greater explanation in connection with the way in which we implement licensing policy in the County, providing important information about the context in which the policy sits and how it is used for the administration of the licensing function and its relationship to other strategic, policy and regulatory regimes.
- Clearer descriptions of the application of the licensing policy highlighting several licensing principles, practices and processes that support and underpin the licensing function of the council.
- Guidance on the application and operation of the policy in practice detailing the types and use of licensing conditions that may be attached to licences to control

the use of premises where licensable activities take place, thereby safeguarding and promoting the licensing objectives.

- Increased clarity on the means used by the council to promote the four licensing objectives with some reference to specific circumstances and situations such as licensed premises operating in and close to sensitive areas.
- Improved information about the practical application of licensing looking at the methods and standards of operating licensed premises that may be used to promote the objectives and to encourage excellent standards of management by licence and certificate holders.
- Greater focus on each of the licensing objectives in turn, detailing with the use of examples how applicants and licence holders may practically demonstrate their understanding of and commitment to the promotion of the objectives at their premises.
- Clear descriptions and explanations of what the council expects, recommends, requires, considers and encourages and why.
- Enhanced information on the purpose and use of the policy including detailed explanations of the use and purpose of operating schedules, licence conditions, GDPR, self-assessment activities and risk assessments, enforcement and monitoring activities and compliance
- New information and guidance on the licensing of large-scale events, single-use plastics at licensed premises, counter terrorism complaints and appeals
- Updated information concerning responsible authorities contact details
- More background information and data on public health matters associated with alcohol consumption in the County
- Updated guidance on children in licensed premises
- Enhanced glossary information
- More information for residents and other persons explaining how residents and businesses can have their say in respect of licence applications and the operation of licensed premises in their area
- New appendix with suggestions, recommendations and practical examples of what may be included in applications and operating schedules to ensure that the licensing objectives are promoted
- Greater clarity in connection with planning and development control issues and the links between planning and licensing regimes.
- New appendix showing links to other important and relevant strategies and policies that may be of help/interest and contain further details of schemes available in Durham which applicants and licensees can participate in to assist in carrying out the objectives
- Policy to refuse to grant licenses to sell alcohol for late-night takeaway premises

<b>DECISION REQUIRED</b>	Members are asked to note the above report.
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# CITY OF DURHAM PARISH COUNCIL

**Minutes of a meeting of the Finance Committee held on Thursday 13<sup>th</sup> June at 11:00am in Room 1, Alington House, 4 North Bailey, Durham, DH1 3ET**

Present: Councillors A Doig, J Ashby, E Ashby, V Ashfield & E Scott

Also present: Parish Clerk A Shanley

## **1. ELECTION OF CHAIR**

The Clerk asked if there were any nominations for the role of Chair. Cllr E Scott nominated Cllr A Doig for the position of Chair, this was seconded by Cllr J Ashby and unanimously agreed by Members.

## **2. ELECTION OF VICE-CHAIR**

The Chair asked if there were any nominations for the role of Vice-Chair. Cllr E Scott nominated Cllr J Ashby for the position of Vice-Chair, this was seconded by Cllr V Ashfield and unanimously agreed by Members.

## **3. TO RECEIVE ANY APOLOGIES FOR ABSENCE**

Apologies were received from Cllr R Ormerod.

## **4. TO RECEIVE ANY DECLARATIONS OF INTEREST FROM MEMBERS**

Cllrs A Doig and E Scott declared an interest in the grant application from OASES.

## **5. PUBLIC PARTICIPATION**

None received.

## **6. TO APPROVE THE MINUTES OF THE LAST LICENSING COMMITTEE, HELD ON 23<sup>RD</sup> APRIL 2019**

The Minutes of the meeting held on the 23rd April were agreed as a true and accurate record of proceedings.

## **7. CONSIDERATION OF GRANT APPLICATIONS FOR 2019/20**

Members considered each grant application individually on its own merit and in accordance with the agreed policy adopted by Full Council. The following amounts for each application were agreed to go forward as a recommendation to the June Full Parish Council meeting:

WRRAG application - £0. The Committee felt that the purposes of the grant would be a political one and therefore felt that this could not be supported, though Members agreed with the cause.

St Cuthbert's Hospice application - £1,500.

Durham Samaritans application - £1,500.

Durham Hospital Radio application - £2,000.

OASES application - £1,700 – the Committee agreed that this be on the condition that, prior to any transfer of funds, the 3 local residents' associations within the target area for the activity provide written confirmation as to the types and location of the works being carried out.

Friends of St Margaret application - £170. The Committee felt that this amount could be used towards the payment of bird boxes as stated in the application form. The committee would welcome any further application next year which sought funding for recurrent or on-going activities

Fybro Haven application – £0. The Committee felt that not all of the requested funds would go towards the Parish area. The committee would welcome any further application next year which sought funding for activities for residents of the parish or undertaken within the location of the Parish.

Durham Youth project application - £1,200.

Alington House application - £690.

Great North East Air Ambulance application - £0. The Committee felt that this application was contrary to the grant policy which states that medical research, treatment or equipment would not be funded. The Committee would welcome any further application next year which sought funding for activities that clearly fell within the guidelines laid out in the policy.

Durham City of Sanctuary application - £500.

Sanctuary 21 application - £3,500.

Gilesgate Scouts group application - £1,610.

Blind Life in Durham application - £630.

## **8. COMMITTEE BUDGET UPDATES**

The Clerk provided a report to Members to indicate current spending Commitments to date.

The Clerk advised that there is a need to reallocate some spending from the Environment Committee budget in particular to accommodate the previously unallocated project of the HMO investigation of a maximum of £8,700.

Cllr V Ashfield advised that she was happy that the figure of £5,000 allocated to heritage signage as part of the Environment Committee budget be moved to fund part of this priority. Cllr V Ashfield also advised that the amount previously earmarked for additional grass cutting be reduced from £5,000 to £3,500 and the difference also be put to the HMO investigation.

The Committee agreed that any further deliberation around reallocation of budgets should first be discussed at Committee level then brought to the Finance Committee.

The Clerk also reported that a report on contracted hours for the Clerk would also be coming forward to the June Full Council to recommend a change in the contracted hours from the current 25 hours per week to a full-time contract.

The Clerk also reported that the newly formed Business Committee of the Parish Council currently has no budget allocated to it. Cllr E Scott advised that she felt that the Committee ought to meet to decide on its priorities before allocating a specific budget.

The Clerk also reported that the proposal of having a training budget had been discussed and a figure of £5,000 towards this to support both the Clerk and Councillors is proposed. The Committee endorsed the proposal of having a training budget.

## **9. PAYMENTS SINCE THE LAST FINANCE COMMITTEE MEETING**

The Clerk reported the payments which had been made since the last meeting of the Parish Council Finance Committee. Members noted the information in the report.

There being no further business, the Chair thanked Members for their attendance and closed the meeting.

Signed

**Chair of the City of Durham Parish Council Finance Committee**

## **ITEM 5: Update on grant funding provided to local community and voluntary groups.**

Earlier this year, Councillors approved the allocation of £15,000 of grants to local voluntary and community organisations.

Since approving these grants, £13,300 of this fund has been provided to the local organisations agreed by Full Council. A report on the impact of this funding is expected to come to Full Council in March 2020.

Councillors will recall that a condition of the £1,700 fund allocated to OASES (Outdoor and Sustainability Education Specialists), was that all local residents' groups in the target areas write a letter of support for the proposed project. None of the local residents' groups have written to the Clerk to advise this, though the Clerk has been informed verbally that the Neville's Cross Community Association supported the plans at a recent meeting.

A representative of OASES has recently contacted the Clerk to advise that they have been unable to obtain funding from a key funding provider for the project and, as a result, will now have to scale down the project originally agreed by Full Council to fund. An alternative proposal is set out by OASES below:

### Alternative proposal - tree planting in Neville's Cross

Unfortunately, we have been unsuccessful in securing the total funding needed to deliver the Planting Up Neville's Cross Project. We had hoped to have included tree planting, bulb planting and wildflower planting, with associated school workshops, assemblies and community plantings, together with a business planting competition (the total cost of which was £5230). I am writing to ask whether the Parish Council would be happy with us delivering a slimmed down version of the original full proposal – using the £1700 to deliver on the tree planting.

All 3 schools in Neville's Cross have expressed an interest in being involved in the project: Durham Johnson, Neville's Cross Primary and St Margaret's Primary. With the £1700 we are proposing to deliver school tree workshops and a public tree planting event in Neville's Cross. We would still like to find some match for this funding, to allow us to plant more trees than would otherwise be possible. I have made enquiries to DCC's Tree Planting week fund to see if each school could apply for £150 for trees, which would increase the number of trees we could plant.

We have the (verbal) support of Neville's Cross Residents Association, Lowes Barn Community Centre Project and Sheraton Park Residents Association, despite them having not written this in a letter/email. Together with the above groups, along with local residents (through the Cross Quarterly which is sent to all households in NX) we have identified sites on grass verges along the A167 and A690 at Neville's Cross where trees could potentially go. I have asked for a meeting with the council for them to check they are happy with these plans.

In the workshops, the school children will learn about why street trees are important and how to grow their own trees. This will be followed by a community tree planting event. As before, OASES is providing match in the form of equipment, as we have all the spades and gloves needed.

OASES base all our work on the cost of £32/hour. As all our core costs have to be covered by funding, this rate includes costs for public liability insurance, rent, mileage and other overheads. A proposal for the £1700 is set out below.

<b>Trees for Neville's Cross</b>					
<b>Activity</b>	<b>Hours</b>	<b>Staff</b>	<b>Number</b>	<b>Rate</b>	<b>Cost (£)</b>
<b>Preparation</b> - class/focus group <b>workshops</b> - urban trees	2	1	1	32	<b>64</b>
<b>Pupil workshop delivery</b> - to explain the importance of urban trees, how to plant trees & promote community Tree Planting event	3	1	3	32	<b>288</b>
<b>Preparation</b> for Community Tree Planting Event	3	1	2	32	<b>192</b>
Delivery of Community <b>Tree Planting event</b>	4	2	2	32	<b>512</b>
Promotion of tree planting events	3	1	1	32	<b>96</b>
Admin/Management/printing	2	1	1	32	<b>64</b>
Securing land owner permissions.	4	1	1	32	<b>128</b>
Trees, mulch, ties, stakes, guards					<b>356</b>
					<b>1700</b>

Councillors are reminded of the following condition in the Parish Council's agreed Grants Award Policy:

***"The grant can only be used for the purpose stated in the application and the Council reserves the right to reclaim any grant not being used for the specified purpose of the application. However, if a group wishes to change the purpose of the grant, they must seek approval by writing to the Council who will consider whether or not to approve the change."***

And

***"Small grants must be spent within 1 year of award. Any unspent monies left after this time must be returned."***

The Parish Council has three options:

**Option 1** - That funding not be provided for this alternative proposal

**Option 2** - That funding be provided but reduced in accordance with the revised scale of the alternative proposal

**Option 3** - All of the funding agreed earlier this year still be provided

Please note: The provision of any funding, as set out in both options 2 and 3, will still be dependent on the local residents' groups writing to confirm their approval of the alternative proposal.

<b>DECISION REQUIRED</b>	Councillors are asked to agree one of the three funding options as set out in the above report.
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# **CITY OF DURHAM PARISH COUNCIL**

**Minutes of a meeting of the Business Committee held on Tuesday 27<sup>th</sup> August 2019 at 11:00 in Room 2, Alington House. 4 North Bailey, Durham DH1 3ET**

**Present:** Councillors V Ashfield, G Holland, R Ormerod and E Scott

**Also present:** A Shanley (Clerk)

## **1. ELECTION OF CHAIR**

The Clerk opened the meeting by asking Members if there were any nominations for the position of Chair. Cllr G Holland proposed Cllr E Scott, this was seconded by Cllr R Ormerod. Cllr E Scott assumed the Chair.

## **2. ELECTION OF VICE-CHAIR**

Cllr E Scott asked Members if there were any nominations for the position of Vice Chair. Cllr G Holland proposed Cllr R Ormerod, this was seconded by Cllr E Scott.

## **3. APOLOGIES FOR ABSENCE**

None received.

## **4. TO RECEIVE ANY DECLARATIONS OF INTEREST FROM MEMBERS**

None received.

## **5. PUBLIC PARTICIPATION**

None received.

## **6. DECIDING ON TERMS OF REFERENCE AND NAME OF THE NEW COMMITTEE**

Members discussed the name of the newly formed Committee. It was felt that "Business Regeneration" implied a previous failure and a need to regenerate and was therefore unsuitable. Cllr G Holland proposed the "Business and Community Committee". Cllr E Scott felt that the word community was slightly vague and overused. Members agreed that "Business Committee" encompassed everything the new Committee ought to be about. This was proposed by Cllr R Ormerod, seconded by Cllr G Holland and unanimously agreed.

Members also considered the draft Terms of Reference for the Committee and agreed to put the following amended Terms of Reference forward for Full Council approval in September:

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### **Business Committee**

Council has created the Business Regeneration Committee, consisting of five members, and will appoint members of the Council to the Business Regeneration Committee at the Annual Meeting in May, or as it sees fit. A quorum for this Committee

will be no less than three members. It has assigned to the Business Regeneration Committee the following terms of reference: -

To choose its Chair and Vice Chair from within the membership of the committee.

That meetings be held as and when required.

## **POWERS AND DUTIES**

- a) To consider and make recommendations to the Council in relation to any appropriate activities the Council may wish to undertake to market Durham as a place for businesses to trade.
- b) To work and liaise with key stakeholders to enhance the business offer within Durham, in particular promoting the daytime and early evening economy.
- c) To work with key stakeholders to identify opportunities to regenerate empty retail units or areas.
- d) To consider and make recommendations to the Council in relation to any matters which the business community feel adversely impact on their trading, e.g. law and order issues, drugs and alcohol, homelessness, etc.
- e) In so far as it impacts on business trading in the area, to consider and make recommendations to the Council in relation to all matters pertaining to vehicular parking.
- f) Where appropriate, to represent the interests of the business community, who form a vital part of the community of Durham.
- g) To advise and make recommendations to the Council and work with key stakeholders to ensure that all temporary events aimed at promoting Durham are also to the benefit of all local traders.
- h) To advise and make recommendations to the Council in relation to its own procurement practices, to ensure that goods and services required are sought locally wherever possible.
- i) To promote sustainable business in Durham, if necessary, to consider the appointment of external advisors to advise and support the Committee in its work.
- j) To develop and enable effective two-way communication between the business community and local residents.
- k) To assist in the production and implementation of the Neighbourhood Plan, in so far as it relates to business issues.
- l) To respond on all matters of general importance affecting the business community in its area and to consider and comment on any policies or procedures of any other agencies in relation to any issue of impact.
- m) To make appropriate representations to any relevant agency in relation to any incident, event or action which, in the opinion of the Council, is detrimental to the business community in its area.

Within the budget agreed from time to time by the Council to engage appropriately qualified individuals or bodies to assist the Committee in exercising the powers set out above.

## **Reference**

\*within the terms of reference 'business community' refers to all businesses, including the indoor and outdoor market traders as well as those businesses offering services and not just wholesale goods.

## **7. IDENTIFYING THE PRIORITIES OF THE NEW COMMITTEE**

Members agreed the following as the priorities for the Business Committee:

- 1) Forging positive links with businesses throughout the city of Durham.
- 2) Influencing relevant strategies and policies which impact on businesses in the city of Durham.
- 3) Supporting the positive use of empty units in the city centre.

## **8. BUDGETARY CONSIDERATIONS FOR THE NEW COMMITTEE**

The Clerk reported that there was just over £2,000 remaining in addition to agreed spend from other Committees. It may be the case however that further funds would be available depending on how the priorities of another Committee developed.

The Chair advised that budget should be considered once an action plan was in place following consultation with key stakeholders.

## **9. DISCUSSION ON IDENTIFYING AND MANAGING RELATIONS WITH KEY STAKEHOLDERS IN THE CITY.**

The Committee considered ways in which to engage with key stakeholders for business in the city. It was **agreed** that the Committee should organise a Business Engagement Seminar on Tuesday 15<sup>th</sup> October at 09:30am – 12:30pm. This would be an opportunity for key stakeholders to give an overview of the work that they are doing and to also identify any gaps in Durham city, where the Business Committee may be able to influence positive change. It was **agreed** that the Clerk and Cllr G Holland should approach Indigo Hotel to discuss them hosting such a Seminar.

## **10. CONSIDERATION OF STRATEGIC DOCUMENTATION RELATING TO ECONOMIC DEVELOPMENT OF DURHAM**

Members considered the County Council's Regeneration Statement 2012-2022. The Chair advised that she felt that it would be a good idea to have a member of DCC's team to come along and speak about progress on this. It was noted that a whole chapter of this Statement focused on the role of Durham City.

The Clerk advised that future DCC consultations on any matters which sat within the remit of this Committee would, like other Committees, first be considered at Committee-level with a recommended response to any such consultations going forward to Full Council for approval.

## **11. DATES OF FUTURE MEETINGS.**

It was agreed that the next meeting should take place at 1:15pm on Tuesday 15<sup>th</sup> October, just after the Business Engagement Seminar.

There being no further business, the Chair thanked members for their attendance and closed the meeting.

Signed,

**Chair of the City of Durham Parish Council Business Committee**

## **ITEM 7: REPORT FOLLOWING THE PARISH COUNCIL'S ANTI-SOCIAL BEHAVIOUR CONFERENCE**

On 31<sup>st</sup> October, the Parish Council hosted an anti-social behaviour conference in order to address the growing concern being expressed to the Parish Council regarding a perceived increase in anti-social behaviour.

The behaviour being reported includes but is not limited to: drunken behaviour, shoplifting, urinating in the streets, begging, excessive late-night noise, etc. Concern regarding such incidents were echoed at the conference.

The meeting was well attended with over 50 members of the public in attendance and consisted a panel including the Head of Community Protection at DCC, DCC's Stakeholder Engagement Lead, the Deputy Chief Constable of Durham Police, the President of the Students Union, the lead volunteer at Sanctuary 21 and a representative of the local MP.

The feedback received was positive; particularly in relation to the public Q and A session and the solutions which came out of the meeting. Some negative feedback as received about the venue; particularly the heat and the sound quality.

The Conference has received substantial radio, TV, newspaper and online coverage.

The agreed proposed solutions which came out of the meeting are as follows:

### **PROPOSED SOLUTIONS**

1. More community police officers for Durham City with a greater visible presence.
2. More control over access to alcohol.
3. A late night "bobby on the beat" to knock on doors in the event of loud house parties etc. Issuing a community protection notice where applicable.
4. Amended contract for Neighbourhood Wardens to allow for working after 10pm to tackle issues such as transient noise and/or noise from households.
5. A digital information campaign across Full University campus and in Durham City.
6. Introduction of a late-night levy on all premises in Durham City open after a particular time.
7. Volunteer late-night student wardens (Angels scheme).
8. An easier tool to report incidents of anti-social behaviour and receiving feedback from this. (DCC's do it online portal very unpopular with residents due to issues with ease of use and reporting back). **Should be coupled with a public information campaign on what to do and how to use.**
9. University to provide a lot more funding towards community initiatives which help tackle anti-social behaviour. (Reference made to £7million loss in Council tax due to class M and N exemptions for Durham City).
10. Speedier response time from 101 service.

11. Formation of a unified residents group working party to report and tackle anti-social behaviour.
12. Formation of a multi-agency task force to tackle anti-social behaviour in Durham City – to include most senior reps from the City of Durham Parish Council, Durham County Council, Durham Police and Durham University.
13. Lobbying Government on a minimum unit price for alcohol.
14. Introduction of a Public Space Protection Order for Durham City to tackle rough sleeping, begging and anti-social noise.
15. Restriction on chuggers and street sales people.

The Parish Council has sought a meeting with all panel members from the Conference to move forward with these proposals.

Since the Conference, the Parish Council has also received correspondence from the Chair of the City Safety Group to advise that the Group has established an Officer Sub-Group to look specifically at ASB issues and problem solving with a remit for the City Centre of Durham. This group will be chaired by Andrew Megginson and the Parish Clerk has been invited to represent the Parish Council on this group so that all partners are around the same table discussing the issues, possible solutions and future actions.

It is envisaged that this Sub-Group will be a time limited action focused group. The Sub-Group will report into the City Safety Group. The Sub-Group contains operational Council Officers and doesn't include any elected members.

The Sub-Group Membership currently includes; Andrea Arthur – Neighbourhood Inspector, Ian Hault – Neighbourhood Protection Manager, Marie Smith - Housing Solutions Manager, Owen Cleugh – Consumer Protection / Licensing Manager, Carol Feenan - Town Centre Manager, Kevin Lough – Occupational Health & Safety Manager, Joanne Waller – Head of Community Protection, and Julie Barnfather – DCC Communications Team.

Additional invites for sub-group membership have also been extended to Durham University and Durham Business Improvement District (BID).

<b>DECISIONS REQUIRED</b>	<ol style="list-style-type: none"> <li>1) Councillors are asked to formally endorse the agreed proposed solutions which came out of the anti-social behaviour conference and seek to progress each of these proposals.</li> <li>2) Councillors are asked to agree to the Clerk participating in the Officer Sub-Group of the City Safety Group on behalf of the Parish Council.</li> </ol>
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## **ITEM 8: REQUEST TO CONSIDER SUPPORTING THE 80<sup>TH</sup> ANNIVERSARY OF BATTLE OF BRITAIN IN DURHAM CITY (SEPTEMBER 2020)**

As Councillors will be aware, September 2020 marks the 80<sup>th</sup> Anniversary of the Battle of Britain.

The Battle of Britain Day (15 September 1940) was a pivotal and historic battle that changed the course of the War. The German Luftwaffe embarked on their largest bombing attack yet, forcing the engagement of the entirety of the Royal Air Force (RAF) in defence of London and the South East, which resulted in a decisive British victory that proved to mark a turning point in Britain's favour. Earlier in the battle, on the 15 August 1940, the Luftwaffe attacked the North East of England, including County Durham, from their bases in Denmark and Norway. On this occasion they were repelled by the RAF from airfields near Edinburgh, in Northumberland, from RAF Usworth, which is now the Nissan car factory, and in North Yorkshire. The fighter squadron at Usworth was No 607 (County of Durham) Squadron, Royal Auxiliary Air Force which was reformed in 2015 and then, on the occasion of the 100th Anniversary of the formation of the Royal Air Force in 2018, it was awarded the Freedom of the City of Durham in a service which took place in Durham Cathedral.

To mark this important anniversary, a Service of Thanksgiving and Rededication on Battle of Britain Sunday (13<sup>th</sup> September 2020) is expected to take place in Durham Cathedral (organised by the Cathedral and the RAF) with a parade to follow this Service. No 607 (County Durham) Squadron, RAuxAF will take part in the anniversary Service and parade.

Correspondence has been received by a local resident and a former Squadron Leader of the Royal Air Force (Ret'd), requesting that the Parish Council funds the hiring of a Spitfire MK805 on the same day as this event to help mark the anniversary.

The Spitfire MK805 was showcased in Durham marketplace in 2018 and proved popular with visitors and local residents (image included in report) and a request has been made to the same company to provide the Spitfire again in 2020.

The Clerk has had a discussion with the Managing Director of the Durham Markets Company about the use of the marketplace on 13<sup>th</sup> September for the hiring of the Spitfire and he is agreeable to the proposal.

Should Councillors approve the proposal to fund the hiring of the Spitfire, the total cost would be £2,350 (no VAT) for the hiring, transportation, installation and security of the Spitfire; including a display of RAF information boards and story boards telling the history of the original Spitfire MK805. Councillors are reminded that there was a significant underspend in the budget for this year's Remembrance Day parade and it is envisaged that this could be used to fund the Spitfire in 2020.

The area required for the Spitfire display is 50ft x 45ft and it takes approximately 2 hours to unload and have the aircraft ready for display. The Clerk has also arranged for fencing to be provided at no charge to the Parish Council.

Representatives from the company would stay with the Spitfire all day for security and also to talk to the public and answer any questions. The company also allows the public the opportunity to view the cockpit of the Spitfire from the outside steps. All of which is included in the £2,350 charge.

It is not envisaged that the Parish Council would be involved in the organisation of the parade, however the Clerk would need to carry out a risk assessment for the display

of the Spitfire. The display would also be covered by the Parish Council's Public Liability Insurance.



The Spitfire MK805 in Durham marketplace in 2018.

<b>DECISION REQUIRED</b>	Councillors are asked to consider funding of the Spitfire MK805 in Durham marketplace for the 80 <sup>th</sup> Anniversary of the Battle of Britain in September 2020.
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## **ITEM 9: PROJECT TO PROMOTE THE WORK OF DR FENWICK LAWSON**

Councillors will recall that, at the September Full Council meeting, it was agreed to develop an app to promote the work of Dr Fenwick Lawson.

This app will use geo-fencing technology which can identify the user's precise location. It is envisaged that the app will allow the user to log in and a trail will be formed which the user can then follow. Upon arriving with 2-3 metres of each sculpture, the app will provide the possibility to hear from Dr Fenwick Lawson himself about the process he went through in creating each sculpture, what inspired him to do each sculpture and the background to all his work.

Durham Hospital Radio is carrying out the recording with Dr Fenwick Lawson in its own professional recording studio free of charge to the Parish Council and to the Lawson family.

The app will also hopefully include subtitles so that those with hearing difficulties can also enjoy the app. It is also envisaged that the app will include pictures and videos of the sculptures in creation.

This project aligns with the Parish Council Environment Committee priority of promoting the heritage of Durham City and the app's development will also time nicely with the Year of the Pilgrimage taking place next year (2020).

At the September Full Council meeting, Councillors agreed to allocate £3,500 of the Environment Committee's heritage fund towards this project. At the time, the Clerk advised that he would seek both three quotations from app development companies (in accordance with Standing Orders) and also seek external funding to supplement that provided by the Parish Council. The Clerk contacted ten local app development companies and the following quotes have been received by the Parish Council:

**Company A - £8,000 + £720 (ex VAT) ongoing running costs**

**Company B - £11,898 + £2,499 (ex VAT) ongoing running costs**

There is currently £1,500 remaining in the Environment budget towards heritage, the County Councillors on the Parish Council have offered to fund the total of 50% of the development costs for the app and Dr Lawson himself has offered £500 of his own money to fund the development costs of the app.

There is also a project under consideration from the Parish Council Environment Committee to develop this app into a wider Heritage of Durham app, which the Lawson family is happy with.

Should the Parish Council approve the funds for this app, it is envisaged that the app would be ready to deploy in March 2020.

<b>DECISIONS REQUIRED</b>	<ol style="list-style-type: none"><li>1) Councillors are asked to select a supplier for the development of this app.</li><li>2) Councillors are asked to allocate an additional appropriate level of funding towards the development and ongoing costs of the app.</li><li>3) Councillors are asked to agree in principle to the app being developed into a wider "heritage of Durham" app.</li></ol>
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## **ITEM 10: CITY OF DURHAM PARISH COUNCIL POLICY ON DEALING WITH VEXATIOUS BEHAVIOUR**

Councillors are asked to consider adopting a policy on dealing with vexatious behaviour. The Parish Council should always seek to deal with complainants in ways that are open, fair and proportionate. A considered, policy-led approach is deemed important in order to assist both staff and Councillors to understand clearly what is expected of them, what options for action are available, and who can authorise these actions. A policy that can be shared with complainants if they start to behave unreasonably can help in managing their expectations and their behaviour, as far as possible, while the substance of their complaint is addressed.

The proposal to adopt such a policy does not relate to any one particular issue or individual and is purely intended to support the Parish Council in the discharge of its duties.

### **Guidance note for the Policy on dealing with vexatious behaviour**

1. Great care should be taken before implementation of this policy to make sure that the action is appropriate and proportionate to the vexatious behaviour as defined in the Policy and not merely annoying behaviour.

2. Examples are given below of vexatious behaviour which may occur solely or with other examples. These examples are not to be considered as exclusive.

- Manner of communication
- Frequency of communication
- Communications are for annoyance
- Refuse to specify the grounds for the communication
- Refuse to accept that the matter is outwith the Council's control
- Insist on it being dealt with not in accordance with the Council's policy or good practice
- Make groundless complaints about staff or Councillors
- Make persistent and unreasonable demands on staff or Councillors
- Harass, abuse or try to intimidate staff or Councillors
- Use foul, offensive or racist language
- Raise subsidiary matters whilst another matter is being investigated
- Introduce trivial matters while another matter is being investigated
- Change the substance of a particular matter while it is being investigated
- Deny previous statements
- Electronically record conversations without prior agreement
- Involve other third parties unreasonably in the process
- Refuse to accept the resolution of a particular matter
- Attempt to raise a matter under the guise of a new communication
- Persistently raise an issue with different means of communication
- Persistently seek an outcome which is unrealistic
- Refuse to accept documented evidence as factual
- Refuse to accept an outcome based on a historic and irreversible decision or incident

3. Restrictions may be as follows

- Banning an individual from entering the office
- Permitting them to enter the office for a pre-arranged appointment with a named person only

- Permitting telephone, e-mail communication or letter only
- Banning them from telephone communication
- Banning them from telephone and e-mail communication
- Banning them from telephone, e-mail or letter communication
- Permitting communication from an approved third party by letter only
- Permitting communication from an approved third party by letter and e-mail only
- Permitting communication from an approved third party by letter, e-mail and telephone only
- Permitting communication from an approved third party by letter, e-mail, telephone and appointment to see a named individual only.

4. The period of restriction shall be not less than 3 months nor longer than 12 months and shall be reviewed every 3 months by the Clerk in consultation with the Chair of the Council or a designated Councillor.

## **POLICY ON DEALING WITH VEXATIOUS BEHAVIOUR**

### **1 Definitions**

“Vexatious Behaviour” means unreasonable behaviour of anyone making a request or complaint in an abusive, threatening or offensive manner or unreasonably persistent manner by the frequency of requests and complaints.

“Council” means the City of Durham Parish Council

“Clerk” means the Parish Clerk of the City of Durham Parish Council

“Chair” means the Chair of the City of Durham Parish Council

“Designated Councillor” means the councillor who has been appointed by the Council to act for the Chair in respect of this policy if the Chair is absent or if the Chair considers it to be inappropriate to act in respect of the discharge of this policy.

“Panel” means the panel of 3 councillors excluding the Chair or designated Councillor appointed by the Council to consider any appeal against the imposition of restrictions in accordance with this policy.

“Order” means the letter issued by the Clerk setting out the details of restrictions imposed on the Person in communicating with the Council.

“Person” means any member of the public, organisation or any person or organisation acting on behalf of a member of the public including solicitors, Councillors from another authority, Councillors of the Council, Members of Parliament making a request for information or complaint about the Council or a Councillor of the Council

“Warning” means a letter informing a Person of their vexatious behaviour

and the details thereof and that an Order shall be issued if they do not desist from such behaviour.

### **2 Aim of this policy**

This policy is to assist in the efficient operation of our policies of dealing with requests for information or complaints in a timely, reasonable and consistent manner. The policy sets out the procedure for determining whether vexatious behaviour has

occurred and for imposition of restrictions on the Person making the request or complaint; should be read in conjunction with other appropriate policies of the Council. This policy is for the guidance of staff, Councillors and a Person making a request or complaint.

### **3 Procedure**

Prior to issue of warnings or restrictions, the Clerk shall ascertain that the request or complaint has been dealt with or is being dealt with in accordance with the appropriate policy unless the vexatious behaviour is hindering or preventing the use of the appropriate policies

If the Clerk considers that vexatious behaviour has occurred, and after consultation with the Chair or designated Councillor, shall issue in writing a Warning letter to the person making the request or complaint.

If the vexatious behaviour continues, the Clerk, after consultation with the Chair or designated Councillor, shall issue in writing an Order and the period for which such Order shall apply. The period shall be reviewed every 3 months by the Clerk and Chair and may be reduced, left unaltered or extended.

If the vexatious behaviour continues the period of the Order or the terms or both may be amended in writing by the Clerk after consultation with the Chair or designated Councillor.

If the Person considers the Order to be unreasonable a written appeal setting out the grounds for the appeal may be submitted to the Panel. The Panel may permit the Person to speak to the Panel prior to them making a decision. Their decision which shall be communicated in writing by the Clerk to the Person shall be final.

If the Person who has received an Order submits a new communication by letter unrelated to the previous request or complaint, the Clerk after consultation with the Chair or designated Councillor may agree to deal with the new communication in accordance with the appropriate policies of the Council.

### **4 Records**

When an Order or amendment thereto is issued, the Clerk shall report to the Council that such an action has been taken as soon as practicable. If the Council wish to be informed as to the detail of the Order, the information shall be reported in closed session to the Council.

The Clerk shall maintain in a suitable format detail of Warning and Order letters and submit a summary report to the annual meeting of the Council.

<b>DECISIONS REQUIRED</b>	<ol style="list-style-type: none"><li>1) Councillors are asked to formally agree to and adopt the Policy on dealing with vexatious behaviour for the City of Durham Parish Council as set out above.</li><li>2) Councillors are asked to appoint a "Designated Councillor" to act for the Chair in respect of this policy if the Chair is absent or if the Chair considers it to be inappropriate to act in respect of the discharge of this policy.</li></ol>
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	3) Councillors are asked to agree the membership of the "Panel" to consider any appeal against the imposition of restrictions in accordance with this policy.
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## **ITEM 11: CITY OF DURHAM PARISH COUNCIL HEALTH AND SAFETY POLICY**

### **Introduction**

This policy sets out the general principles and approach that the City of Durham Parish Council will follow in respect of Health and Safety legislation for premises and activities for which the Council is responsible.

It is the responsibility of all Councillors' and employees of the council to be aware of the following policy statements on Health and Safety and of the organisational arrangements made to implement these policies.

This policy shall be reviewed annually along with all other Parish Council policies.

### **THE CITY OF DURHAM PARISH COUNCIL'S HEALTH AND SAFETY POLICY**

1. The City of Durham Parish Council, in accordance with the requirements of *The Health and Safety at Work Act (1974)*, and *The Management of Health and Safety at Work Regulations (1998)*, accepts its duty to provide and maintain safe and healthy working conditions for all its employees and Parish Councillors. It also accepts its duty of care to other persons such as volunteers and contractors who work on behalf of the Council.

2. The Parish Council will take all reasonable steps to ensure that it complies with the law on Health, Safety and Welfare and any relevant Regulations, Approved Codes of Practice and Guidance. It will provide the resources to ensure the safety of its employees and others affected by its work.

3. The Parish Council will take all reasonable steps to ensure:

3.1 That information, instruction, training, supervision, equipment and facilities necessary to achieve a safe working environment for employees, members of the public, contractors and volunteers are provided.

3.2 That its work, in all its forms, is done in ways so that members of the public are not put at risk.

3.3 That arrangements are in place for the safe use, handling, storage and disposal of all substances and equipment that may endanger health or welfare.

3.4 That this policy is brought to the attention of all employees, members of the public, contractors, volunteers and Councillors and is reviewed annually.

3.5 That when necessary, there is consultation and negotiation with employees and/or their representatives on health, safety and welfare at work to ensure continuing improvement.

4. The Parish Council is responsible for managing safety, based on the council's safety policy.

5. The Clerk shall keep copies of all risk assessments, method statements and Health and Safety documents, in labelled Health and Safety files.

6. All Councillors, employees/contractors and volunteers have a duty to take reasonable care for their own health and safety and that of any persons who may be affected by their acts or omissions.

7. Day to day matters of Health and Safety are dealt with by the Clerk acting on behalf of the Council.

## 8. Risk Assessments

8.1 The Parish Council will carry out risk assessment of its activities as and when necessary and review these annually.

8.2 The Parish Council will set up and monitor policies and procedures to reduce any risks that are identified.

8.3 The Parish Council requires contractors to supply Risk Assessments, written Method Statements and Safe Systems of Work prior to starting any major works on behalf of the council.

<b>DECISION REQUIRED</b>	Councillors are asked to formally agree to and adopt the Health and Safety Policy for the City of Durham Parish Council as set out above.
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**ITEM 12: REPORT ON THE UNIVERSITY COMMUNITY ENGAGEMENT TASK FORCE: LIVED ENVIRONMENT SUB-GROUP MEETING HELD ON 30 OCTOBER 2019 BY CLLR JOHN ASHBY**

1. I attended the Lived Environment Sub-Group meeting held on 30 October 2019 as a representative of the Parish Council. Most of the other attendees were from Durham University but there was a Residents Groups' person, a DSU rep and two officer invitees from Durham County Council.
2. The University's Senate has approved a report recommending that the Engagement Task Force and the various Sub-Groups continue their work.
3. The two officers from Durham County Council had been invited to present the current position on HMO licensing.
  - There are 780 licensed HMOs in Durham City at present. The national new mandatory licensing policy came into force in October 2018 and applies to HMOs that are occupied by five or more people, comprising individuals living in two or more separate households, and regardless now of the number of storeys.
  - The current Assured Licensing Scheme contains only 330 properties - the University pulled out in 2014, and some landlords are not keen to be inspected.
  - The County Council is consulting on a County-wide Selective Licensing scheme; where selective licensing applies, all houses within the private rented sector for that area must be licensed. This would be a huge improvement for tenants and the local environment. However, it is estimated that some 60,000 properties would need to be inspected, and the hope is that Durham City is dealt with first because of the particular circumstances here. DSU were advised that any complaint would trigger an inspection.
4. Priorities for 2019.20 for the Sub-Group are:
  - DSU - landlord rating scheme
  - Licensing/night-time economy/safeguarding
  - HMOs/private rented sector (note DURF progresses the issue of counting HMO and PBSA properties for operating the planning policies on these uses)
5. The Engagement Task Force will be looking at its December meeting at the issues around cars, parking and sustainable travel. The University will be updating its Travel Plan during the summer and there will be public engagement.

John Ashby