

# CITY OF DURHAM PARISH COUNCIL

**Minutes of the Meeting of the City of Durham Full Parish Council held on Thursday 28<sup>th</sup> November 2019 at 19:00 in the Lantern Room, Durham Town Hall. Durham. DH1 3NJ**

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

**Also present:** Parish Clerk Adam Shanley.

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

Apologies were received from Cllrs V Ashfield and G Holland

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

Cllr L Brown declared an interest in item 9 on the Agenda and Cllrs A Doig, L Brown, R Cornwell and E Scott declared an interest in relation to consideration of the revised scheme submitted by OASES for consideration under item 5 (Finance Committee updates) on the Agenda.

## **3. PUBLIC PARTICIPATION**

None received.

## **4. APPROVAL OF THE DRAFT MINUTES OF THE COUNCIL MEETING HELD ON 24<sup>TH</sup> OCTOBER**

The Minutes of the meeting held on 24<sup>th</sup> October 2019 were unanimously agreed as a true and accurate record of proceedings.

## **5. COMMITTEE UPDATES**

### **• Planning Committee**

**Cllr R Cornwell presented the minutes from the planning committee meetings held on 10 October and 25 October. There being no queries from Members, Cllr R Cornwell moved on to the Committee reports.**

Cllr R Cornwell provided a verbal update on the County Durham Plan Examination in Public as follows:

**General remarks:** Developers there in profusion. Very little interest from anywhere outside Durham City (in the broader sense) but a lot of people from various Durham groups, and individuals.

**12 November:** Green Belt exclusions at Sniperley and Sherburn Road. Aykley Heads Business Park: questioning about broad range of ancillary uses. We made the case for more focussed, essential uses which we think found favour.

**13 November:** Northern and Western relief roads. Case for WRR undermined by County Durham Land (developers of Sniperley) who said it wasn't needed. Main case

for coalition made by City of Durham Trust, who had a traffic consultant who travelled down from Edinburgh for the day. Arguments from ourselves and CD Land that the saving in time from the relief road would be at best a minute or two, and was it worth spending £75m for that, seemed to find favour. NRR also criticised, if the congestion in the City was reduced more traffic would be likely to travel that way.

**14 November:** University day. University attended but said very little, and declined to give any estimates for the period between 2027 and 2035, despite a direct request from the Inspector. When HMOs were discussed University were asked for their comments and had none. However, we are not convinced Inspector realises how serious it is, and we may try to raise the issue again on the final day. One success: John Ashby referred so much to the City of Durham Neighbourhood Plan that the Inspector asked if he could have a copy. We were pleased to oblige!

**26 November:** Housing Land Supply. We would have liked a seat at the table but did not get one. A lot of developers there arguing that the Council was being over-optimistic in their estimates of the number of houses that would be built on the land that is allocated in the plan. If they succeed of course their clients are ready with land they think should be developed.

**27 November:** Morning: meeting specific housing needs. We did not have a seat but Lucy Szablewska and Dorothy Hamilton did, making the case for more whole life housing. Lucy has discovered that at the Mount Oswald development the specific housing promised at the outline planning stage is not being delivered.

**27 November:** Afternoon. Transport infrastructure. We did not have a seat but Matthew Phillips made some good points about the second-class citizen status afforded to cyclists and pedestrians. It then dealt with proposals away from Durham City.

**28 November:** Morning. Economic development. Sparsely attended by developers with interests in the various sites.

**28 November:** Afternoon. Town Centres, Main Town Centre Uses, and Hot Food Takeaways. As Jonathan Elmer otherwise engaged, we unexpectedly got a seat at the table. John Ashby to report.

Cllr J Elmer advised that he felt that there had been some excellent presentations made against the proposed relief roads. Cllr J Elmer also advised that he felt that the case had really been made that there needs to be really exceptional circumstances for any development on green belt land.

Cllr E Ashby advised that she felt that the Parish Council's Environment Committee ought to have made a case for the driving experience as a whole in Durham at the Examination in Public as a lot of what was discussed at the hearing on this sat within the Committee's remit.

Cllr J Ashby advised the shortfall in housing numbers could be made through intensification of existing or approved sites.

Cllr J Ashby also advised that Durham City was categorised as a sub-regional centre and the National Planning Policy Framework states that big shops (1,000m<sup>2</sup>) need to go into Town Centres. There is no need for yet more additional out-of-town retail centres.

Cllr R Cornwell advised that the Parish Council and the Freeman had needed to respond, as urgent action, to the latest response from Durham County Council in relation to the de-registration of the common land application. It was **agreed** to ratify the decision taken over correspondence as urgent action to fund the Barrister's time in responding to this and also to respond as follows to the latest response from Durham County Council to the Planning inspector:

### **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.

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 Freeman 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,

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<sup>1</sup> 1.2

<sup>2</sup> 4.1

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 Freeman 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

Cllr R Cornwell provided a report to Full Council on the loss of Council tax income due to class M and N properties within the City of Durham Parish area. Cllr R Cornwell advised that the Parish Council had been made aware that Durham lost in the region of £7 million in Council tax income due to class M and N (student accommodation) exemptions. Cllr R Cornwell advised that the Parish Council Planning Committee meeting had considered both sets of correspondence from the County Council and the Local Government Minister at its meeting on 8th November 2019 and had set out a number of key recommendations for Full Council consideration.

The following actions were **agreed** by Full Council on this matter:

- 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.

#### • **Environment Committee**

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<sup>3</sup> See Common Land Consents Policy November 2015 §5.5

In the absence of the Chair of the Environment Committee, the Clerk presented the minutes from Environment Committee meeting held on 15 October. There were no queries from Members.

### • **Licensing Committee**

Cllr L Brown presented the minutes from the Licensing Committee meetings held on 20 September and 18 October, there being no further queries, Cllr L Brown went on to the report on the Statement of Licensing Policy 2019-2024. Cllr L Brown advised that the County Council had now agreed its new licensing policy and the amends to the previous Licensing Policy could be summarised as follows:

- 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

#### • Finance Committee

Cllr A Doig presented the minutes from the Finance Committee meeting held on 13 June, there being no queries from Members, Cllr Doig advised that OASES had submitted an alternative project following approval of its grant of £1,700. As per Council policy, the new project would need to be reconsidered.

The Clerk advised that OASES had been unable to receive any match funding for the original project proposed and this was the reason for the amends.

Cllr E Scott advised that she would support OASES in applying for the £1,000 in section 106 funding for planting in the Neville's Cross division.

The Clerk advised that the new project proposed for funding by OASES is as follows:

#### 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 - class/focus group workshops - urban trees</b>	2	1	1	32	<b>64</b>
<b>Pupil workshop delivery - to explain the importance of urban trees, how to plant trees &amp; promote community Tree Planting event</b>	3	1	3	32	<b>288</b>
<b>Preparation for Community Tree Planting Event</b>	3	1	2	32	<b>192</b>
<b>Delivery of Community 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>

Ends

The Clerk advised that Members had one of a number of options they could take on this:

**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

Members **agreed** with option 2 and the sum of £1,000 was **agreed** to go to the new project by OASES.

Members also **agreed** that the sum of £700 should fall back into general reserves.

## • **Business Committee**

Cllr E Scott presented the minutes from the Business Committee meeting held on 27 August. Cllr E Scott advised that the Committee was working on hosting a business seminar and more updates would follow on this. There were no queries from Members on this report.

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

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

The Chair reminded Members that there would be a need for the Parish Council to agree its budget for the next financial year at the January Full Council meeting.

The Chair congratulated all those organisations involved in 2019's Durham in Bloom as Durham had won gold in the Champion of Champions category of Britain in Bloom and Durham City had also won gold in the small city category.

The Chair thanked all those involved in the organisation of the Remembrance Day parade. The Chair advised that the Parish Council had received correspondence from a number of members of the public and organisations involved who felt that the event was excellent this year.

The Chair advised that the Good Neighbour scheme being run by the Parish Council's Environment Committee along with Durham Student Union was creating a lot of positive discussion amongst residents' groups and encouraged Members with ideas on where would need to be an area of priority to get in touch with the Clerk with the details.

The Chair reminded Members that the Parish Council civic event was due to take place on 11<sup>th</sup> December starting at 6pm. The event would also include awards for the best Christmas Season business frontages.

The Chair also advised that neither she nor the Clerk were aware of any business for the December meeting of the Full Council and therefore there would be no Full Council meeting in December.

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

The Chair thanked those involved in the organisation of the ASB Conference on 31st October.

The Clerk advised that 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 Chair advised that the Conference had received substantial radio, TV, newspaper and online coverage.

The Chair reminded Members that 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 antisocial 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.

Ends

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

The Chair also advised that, 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.

The Chair advised that 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.

The Clerk advised that 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 Houlton – 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).

Members **agreed** to formally endorse the proposed solution which came out of the ASB Conference.

Members also **agreed** to the Clerk participating in the Officer Sub-group of the City Safety Group on behalf of the Parish Council.

## **8. REQUEST TO CONSIDER SUPPORTING 80<sup>TH</sup> ANNIVERSARY OF BATTLE OF BRITAIN IN SEPTEMBER 2020**

The Clerk reminded Councillors that September 2020 marks the 80th 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 Clerk advised that, to mark this important anniversary, a Service of Thanksgiving and Rededication on Battle of Britain Sunday (13th September 2020) is expected to take place in Durham Cathedral (organised by the Cathedral and the RAF) with a parade to follow this Service.

The Clerk also advised that correspondence had 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 advised that he had had a discussion with the Managing Director of the Durham Markets Company about the use of the marketplace on 13th September for the hiring of the Spitfire and he is agreeable to the proposal.

The Clerk advised that, 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.

Members **agreed** to fund the hiring of the Spitfire.

## **9. PROJECT TO PROMOTE THE WORK OF DR. FENWICK LAWSON**

The Clerk reminded Councillors that, at the September Full Council meeting, the Council had agreed to allocate £3,500 of the Environment Committee's heritage fund towards a project to promote the work of Dr Fenwick Lawson. 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 advised that he had 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

The Clerk advised that County Councillors had all agreed to fund £3,000 (in total) towards the project.

Cllr A Doig advised that he would be happy with the Parish Council funding the remainder, however the app should be a showcase of the Heritage of Durham as a whole and the work of Dr Lawson could be the first stage.

Members **agreed** to use the remaining fund from the Environment Committee Heritage budget towards this.

Members also **agreed** that Company A should be the supplier for this service.

Members also **agreed** in principle to the app being developed into a wider "heritage of Durham" app.

## **10. CITY OF DURHAM PARISH COUNCIL POLICY ON VEXATIOUS BEHAVIOUR**

Members **agreed** to adopt the following 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.

Ends

Members also **agreed** that the Vice-Chair of the Parish Council be appointed as the "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.

### **11. CITY OF DURHAM PARISH COUNCIL HEALTH AND SAFETY POLICY**

Members **agreed** to adopt the following 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.

Ends

## **12. REPORTS FROM REPRESENTATIVES ON LOCAL ORGANISATIONS**

Cllr J Ashby provided a report to Full Council following the meeting of the University's Community Engagement Task Force: Lived Environment Sub-group held on 30<sup>th</sup> October 2019:

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.

Ends

The Chair thanked Cllr J Ashby for this report. There were no queries from Members on this 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  
(23<sup>rd</sup> January 2020)**