

CITY OF DURHAM PARISH COUNCIL

Minutes of a meeting of the City of Durham Full Parish Council held on Thursday 28th February 2019 at 19:00 in the Lantern Room, Durham Town Hall, Market Place, Durham, DH1 3NJ.

Present:

Cllr E Scott in the Chair

Councillors E Ashby, J Ashby, V Ashfield, J Atkinson, E Brown, S Cahill, R Cornwell, R Ormerod, C Reeves, M Ross, G Holland, D Freeman and A Doig

1. Presentation from Stephen Reed, Planning Development Manager at Durham County Council on Section 106 funds.

The Chair welcomed Stephen Reed, Planning Development Manager at Durham County Council to the meeting to discuss Section 106 agreements. Mr Reed began his remarks by giving a brief description of what Section 106 agreements were, stating that they are a legally binding agreement that is required to be entered into as part of the granting of planning permission. This agreement places an obligation on a developer to do certain things as part of a development, to make a scheme comply with planning policy or be otherwise acceptable in planning terms.

Mr Reed advised that these agreements provide payment of money in lieu of on-site facilities, provide affordable housing and deliver key infrastructure required as part of a scheme.

Mr Reed advised that DCC apply a transparent approach with these agreements and details of the S106 Agreement proposed for each application will be referenced in a report to the Planning Committee. If Committee endorses recommendation and approves the agreement, this is then entered onto the Planning Register & Portal. Mr Reed advised that these agreements are pro-actively monitored by a dedicated team at DCC.

Mr Reed advised that, in cases where requires payment of money, registers are produced to show when monies are received and available for allocation, these are then circulated to local Councils as well as to DCC Members and the AAP.

Mr Reed advised that monies are normally allocated to the same Electoral Division to where development occurred

Mr Reed advised that DCC is happy to entertain applications to spend the money from any organisation that can deliver a relevant project and application forms are available for applicants.

Mr Reed advised that, once an application is received, community consultation is then undertaken, including with a local Council. The final decision is taken by either an

Officer or Member Group chaired by the Cabinet Member for Regeneration and Economic Development.

Mr Reed explained that a local Parish Council does have a role as a consultee and, when consulted on a planning application, they may wish to suggest a S106 Agreement if felt appropriate as part of planning consultation response. The Parish Council is also a consultee able to comment on S106 applications submitted by others. Mr Reed also advised that the Parish Council may also wish to develop or promote projects of their own to spend s106 money.

Cllr R Cornwell asked if a Section 106 agreement could be reached for a planning application that was decided as a devolved matter as well as those that went to committee. Mr Reed advised that this is indeed the case and usually a scheme involving the development of 10 or more units would be considered for a section 106 condition.

Cllr V Ashfield asked if there were ever an occasion where Section 106 monies had had to be refunded. Mr Reed advised that there had been one such occasion that he was aware of and that usually when Section 106 was paid, there was a period of 5 years whereby the monies had to be spent or else refunded to the developer.

Cllr E Ashby asked if Durham County Council ever made applications for Section 106 funding. Mr Reed confirmed this is the case and the Clerk confirmed that such an application was on the Agenda for this evening's meeting.

Cllr E Scott asked if retrospective applications for Section 106 funding were permissible. Mr Reed confirmed that they were.

Cllr E Ashby remarked that it was a pity that the public weren't more aware of this form of funding for various recent applications, most notably the proposed move of the County Hall.

Cllr R Ormerod asked whether it would be possible to object to a planning application but also state that any granting of a proposed development or scheme should carry a Section 106 condition. Mr Reed confirmed that this is permissible.

Cllr V Ashfield asked about Section 106 and affordable housing, asking who is coming forward to develop affordable housing and why there was a delay in certain monies being used as intended. Mr Reed advised that 30 out of 160 applications for Section 106 monies were made by local Parish Councils with one Council pro-actively acquiring over 90% of the Section 106 monies available for their area.

Cllr L Brown asked what the difference is between Section 106 and community infrastructure levy. Mr Reed responded that the position in Durham had not changed in so much that a community infrastructure levy is not applied; the feeling being that this would not be viable for Durham.

There being no further questions, the Chair thanked Mr Reed for his presentation and Mr Reed left the meeting.

2. Apologies for absence

Apologies for absence were received and approved by Council for Cllr J Elmer

3. Declarations of Interest

There were no declarations of interest submitted by Members.

4. Public participation

Ms Ann Evans attended the meeting to raise the issue of a lack of public conveniences within the City Centre of Durham.

Ms Evans advised that she felt that there were very few public toilets open to the public, particularly after 16:30pm and the issue was made worse by a lack of signposting for members of the public to the nearest conveniences.

Ms Evans did advise that she was aware that public toilets were proposed for the new bus station, however this would not be in place for another two to three years. She felt that this was something which the Parish Council ought to look into.

Cllr L Brown said that she full supported everything Ms Evans had to say on the issue.

Cllr R Cornwell added that in addition to the areas identified by Ms Evans, the leisure centre also provided free public conveniences to members of the public.

Cllr E Ashby advised that the first question asked of the Durham Pointers groups by members of the public was often "where are the nearest toilets?" Cllr E Ashby advised that this was something the Parish Council and the BID team ought to look at.

Cllr A Doig advised that he felt that the issue was a lack of any map or signposting for members of the public.

The Clerk updated Ms Evans and the Council on a recent meeting he and Cllr Doig had had with a representative of the Durham Hub of Citizens UK who were looking at the issue of accessibility in Durham City Centre and the lack of public conveniences. Through this meeting, they had also identified the need to create a map of the City of Durham to point to visitors where the nearest conveniences were.

The Chair thanked Ms Evans for bringing the issue to the Parish Council.

5. Approval of the draft Minutes of the Council meeting held on 24th January 2019 and of the Extraordinary Council meeting held on 4th February 2019.

The Minutes of the Council meeting held on 24th January 2019 and of the Extraordinary Council meeting held on 4th February 2019 were unanimously accepted as a true and accurate record of proceedings.

6. Committee updates

Updates were provided from the Environment, Finance, Licensing and Planning Committees as follows:

Planning Committee

Councillor R Cornwell provided an update on behalf of the Parish Council Planning Committee. Cllr Cornwell advised that the consultation on the Neighbourhood Plan Area was now complete and the designated area accepted with no objections.

Cllr E Scott also confirmed at this stage that she would speaking at the forthcoming County Planning Committee on the matter of the proposed move of Durham County Hall to the Sands. Her speech would be limited to 5 minutes and any longer would be at the discretion of the Chair of the Committee.

Cllr E Scott also confirmed that she and Cllr R. Cornwell would be having a meeting with the Trustees of the Freeman of Durham on Monday 4th February to discuss the application and what action they would be taking on this.

Cllr V Ashfield asked if it would be permissible for a Parish Councillor to speak at the Committee on behalf of another organisation. The Chair confirmed that this would be fine.

Cllr R Cornwell advised that he felt that the professional advice provided to the Parish Council by Richard Buxton Solicitors and Vectos transport planning specialists and passed on to the County Council in relation to the HQ move application had not been reflected well in the Officer's report on the application and their reports had been substantially condensed in the Officer's report. Cllr R Cornwell advised that it was important that all arguments made at the Committee on 5th of March must be on planning policy.

Cllr G Holland advised that there was a danger that speakers at the Committee could focus on the personal and emotional view of the application and not focus enough on planning policy. Cllr Holland felt that the latter needed to be the main focus of any arguments. Cllr E Scott advised that the Parish Council would continue its fight against the application should the Committee be minded to approve the application at its 5th March meeting.

Cllr E Scott advised Members that there is a demonstration planned for 2nd March in the Market Place and anyone wishing to attend this would be doing so as individuals rather than in an official capacity as Parish Councillors.

Cllr E Ashby felt that it would be a good idea to use a visual presentation during the speech and the Clerk confirmed that he would be setting up a PowerPoint slide presentation to go with the speech by Cllr E Scott on behalf of the Parish Council.

Cllr J Ashby advised that the new Business School of the University being built on the riverside similar to the proposed new HQ had had to keep the ground floor completely clear due its risk of flooding.

Cllr R Cornwell indicated that, in the event of the planning application being approved, he was minded to ask a question at the County Council Cabinet meeting on 13th March. This would be to query whether, despite it being technically possible to build the new County HQ on the Sands, the Cabinet would review their decision in the light of the serious flood risk, a matter that had only come to light in the course of determining the planning application. Council agreed to this question being put in the name of the Parish Council.

Environment Committee

Councillor V Ashfield provided an update on behalf of the Environment Committee to the Full Council.

Councillor V Ashfield advised that she had contacted the Clerk subsequent to the February Environment Committee meeting with a number of changes to the January Environment Committee Minutes to better reflect the proceedings of the meeting.

Finance Committee

Councillor A Doig provided an update to the Full Parish Council on behalf of the Finance Committee. Cllr Doig advised that at the 11th January meeting of the Committee, Committee Chairs had brought along information about provisional spending priorities for their Committees and this would be discussed further under Item 11 of the Agenda. Cllr A Doig also advised that a meeting of the Finance Committee had not taken place in February as there was nothing urgent to discuss for the Committee, however he would soon be arranging a meeting of this Committee to go over the procedure for grant applications with the grant awarding policy now in place.

Licensing Committee

Councillor L Brown provided an update on behalf of the Licensing Committee to the Full Parish Council.

Cllr L Brown advised that the Committee had objected to the Lebaneat license review application and the licenses for both premises had been removed. At present, no appeal had been submitted by the owners of Lebaneat.

Cllr L Brown also advised that there was a need for an additional Member to join the Licensing Committee owing to Cllr Cahill's resignation from the Committee.

Some concern was expressed at the use of the phrase "I am informed that Cllr A Doig is willing to be a part of this committee" on the Agenda, some Members expressed that this could have been done in a more transparent way.

The Clerk confirmed that the Full Council was the forum to elect new Members on to the Committee. Cllr C Reeves was proposed by Cllr V Ashfield and seconded by Cllr L Brown, Cllr A Doig was proposed by Cllr R Ormerod and Cllr E Ashby and both were unanimously elected on to the Licensing Committee.

7. Update from Chair.

The Chair provided an update on the Office situation for the Parish Council to state that at present she and the Clerk were still awaiting confirmation of the Office space from Durham County Council but that the Town Hall was definitely not going to be the Parish Council office. Some Members expressed concern at the delay and Cllr R Ormerod felt that Durham County Council ought to be pushing this forward more speedily and working closely with the Parish Council to do this. The Chair advised that she hoped the Council would have an office sorted by the time of the next Full Parish Council meeting in March.

The Chair also reported that she had asked for tea and coffee to be provided for the meetings of the Full Parish Council. This would be charged at £1 per head by the Town Hall, which Members expressed was very reasonable.

The Chair also advised that she was aware of some Councillors and a member of the public requesting a public meeting, however given that the Annual Parish meeting would be taking place in May, it wouldn't be practical to organise another public meeting before this date and the Parish Council should use the Annual meeting in May as this forum.

The Chair also reminded Councillors that all Press releases on behalf of the Parish Council needed to go through the Clerk as a matter of protocol and in accordance with the recently adopted Parish Council communications policy.

The Chair also advised the Council that she had requested that the Clerk put together a strategy document for the Council in time for the March meeting.

The Chair also advised that the April Full Council meeting would be welcoming both the police and the Sanctuary 21 team to discuss the issue of homelessness and begging in Durham City.

The Council also **resolved** to devolve powers to purchase office equipment and stationary to the Chair and to the Clerk.

8. HMO occupancy within the Parish

Cllr A Doig provided a verbal report to Full Council on the issue of HMOs within the City of Durham Parish. Cllr Doig felt that the Parish Council should look into gathering its own data on HMOs in the Parish by potentially employing someone for a period of between 6-12 months to carry out a professional review of the situation. The intention being to influence some of the key decision-making being taken by the County Council.

Cllr D Freeman felt that he did not foresee this data making a difference to County Council decisions.

Cllr L Brown supported the project and felt that this was very much needed.

Cllr G Holland advised that in order to be an authoritative voice for the City of Durham Parish, it was essential for the Parish Council to have all of the data.

It was **agreed** that the Cllr A Doig should produce a report to be considered at the next Full Council meeting on this matter.

9. Notice board in Market Place

Cllr A Doig provided a verbal report to the Full Council on the issue of a notice board in Market Place or in the Town Hall ground floor.

Cllr V Ashfield advised that she felt that a live screen would be even better than a notice board.

Cllr A Doig advised that the intention was to provide residents and visitors of the City with more information about what was happening in the Parish.

It was **agreed** that both the Clerk and Cllr A Doig ought to investigate this further and report back to Full Council.

10. Response to pre-submission draft of the County Durham Local plan.

Councillors considered the proposed response to the pre-submission draft of the County Durham Local plan, put together by Cllr J Ashby. The Clerk advised the Council that this report was the recommended response from the Parish Council Planning Committee.

It was **agreed** unanimously to accept the proposed response to the pre-submission draft and the Full Council commended Cllr J Ashby for his wonderful work on the response.

The Clerk reminded all Councillors that they could also respond to the pre-submission draft as local residents.

11. Durham County Council regeneration team section 106 application.

Councillors considered a request for Section 106 monies from the Durham County Council regeneration team. The sum of £31,000 was being requested as part of the application. It was noted that this was a retrospective application as the installation of the heron sculpture had already been carried out.

The Council felt that, though retrospective applications were permissible, the community had not been consulted on the merits of the project and its need to access Section 106 monies. It was felt that alternative community-led projects would be the preferred option.

Cllr D Freeman and Cllr R Ormerod advised that they had not been consulted on this application.

It was **agreed** to object to the application and the Clerk confirmed he would be writing a response to the application and would circulate this to Members for approval.

12. Environmental and Sustainability policy

The Clerk advised that at the last Environment Committee, it was agreed to put the proposed Environmental and Sustainability policy to the Full Council for formal adoption.

Cllr E Ashby felt that this policy ought to also be accompanied by a green accreditation to highlight the Council's commitment to the issue and this should also be included in official correspondence from the Council. The Clerk advised that he would be investigating this further. The Council unanimously **agreed** to accept the proposed policy.

Cllr A Doig advised that the Chairs of each Committee had attended the recent Finance Committee meeting on 11th January and had agreed the indicative spends as set out in the report.

13. Designing a Parish Council Logo

The Clerk reminded Members that at the Parish Council strategy meeting in October 2018, Councillors had discussed the creation of a logo for the Parish Council.

The Clerk advised that the Council's branding and in particular its logo are the central and most powerful elements of identifying ourselves and the work the Council does to our residents. Many local Parish and Town Councils have their own unique logos which help to identify themselves from other community groups and organisations.

The Clerk advised that a number of Parish Councillors have requested an ID badge and/or business cards to help identify themselves to members of the public. Furthermore, when sending official correspondence from the Parish Council, it is preferable that branded, letterheaded paper be used to do this. It is proposed that these all be arranged following the Council agreeing a logo and the new Parish Council office is set up.

The Clerk reported that there is a precedent for Parish and Town Councils using the official crest of their area as the official logo and he provided a copy of this for the City of Durham for Members to consider. The Clerk also advised that the Council may wish to carry out a competition amongst the schools within the Parish to design a new logo.

Cllr V Ashfield advised that she and Cllr M Ross had recently attended a meeting with one local school and there were a few questions about the work of the Parish Council and, as such, she felt it was too early to ask the schools to design the Parish Council logo.

Cllr D Freeman advised that he was in favour of the logo and proposed that the Parish Council adopt this as their official logo, this was seconded by Cllr R Ormerod.

Cllr C Reeves advised that she was not in favour of the Crest.

Cllr E Ashby proposed that the Council consult a respected local artist to design a logo for the Parish Council following her highly praised design for the Neighbourhood Planning Forum and that the Parish appropriately mark its inception as a new body by creating a new logo. This proposal was seconded by Cllr C Reeves.

Members were asked to vote on the first proposal of adopting the Crest as the official Parish Council logo, as proposed by Cllr D Freeman and seconded by Cllr R Ormerod. Members proceeded to a show of hands and Cllr Freeman's proposal was carried by the Chair's casting vote.

Cllr V Ashfield felt that the slogans on the crest did not match the priorities discussed at strategy meetings.

14. Allotments on Larches Road

The Clerk advised that he had recently had a meeting with Mark Farren, DCC Manager for Pest Control, Allotments and Civic Pride in relation to the Larches Road Allotments

within the Parish and advised that there was a statutory obligation for the Parish Council to take over the ownership of the site. The Clerk advised that the site itself is based in the housing estate opposite the current County Hall HQ building, near to the Flass Vale Nature Reserve. It is currently run by an Allotment Association on a self-management basis and under this arrangement DCC receive no income from the site.

All allotment tenants on the site must be members of the Association and as such currently hold a tenancy agreement between themselves individually and Durham County Council. They must also agree to the rules of the Association. The site has limited parking and buildings are not permitted. As a result, all allotment tenants need to carry their gardening tools to and from the site. DCC has advised that the majority of allotment tenants on the Larches Road allotments are residents living close by to the site and there is a general feeling that the site is extremely well-maintained and managed.

Cllr L Brown advised that she knew this site well and it was indeed a very well-maintained site.

The Council **resolved** to take over the ownership of the Allotment site. Two Councillors abstained from the vote on this matter.

The Council also **resolved** not to respond to the ongoing Allotments consultation being carried out by Durham County Council.

15. City of Durham Parish Council meritorious award.

Cllr A Doig firstly advised that he felt that the name of the award ought to be amended to the "Good Citizen Award" and this was **agreed** by the Council.

Cllr R Cornwell also made the point that he felt that any non-residents who had made a substantial positive impact to the Parish should also be considered for the award. This too was **agreed** by the Council.

The Clerk reported that this award would be used to recognise outstanding commitment to City of Durham life, and may be awarded for exceptional contributions to voluntary activities, for work carried out to support and help others, and in recognition of achievements which have benefited the community.

The Council agreed that the award(s) would not necessarily go to one individual but to a number of individuals depending on their contribution.

It was **agreed** that Councillors would submit their nominations to the Clerk ahead of the next Full Parish Council meeting in March, where this would be discussed and voted on in closed session. The awards would then be presented at the Annual Parish meeting by the Chair.

16. Date of next meeting

The Chair advised that the date of the next meeting would be on 28 March, to be held in the Main Hall of St. Leonard's Catholic School, North End, Durham. DH1 4NG.

There being on further business, the Chair thanked everyone for their attendance and closed the meeting.

Signed,

A handwritten signature in black ink, appearing to read 'G. Scott'. The signature is written in a cursive style with a long horizontal stroke at the end.

Chair of City of Durham Parish Council.
28 March 2019