

CITY OF DURHAM PARISH COUNCIL

Minutes of the meeting of the City of Durham Full Parish Council held on Thursday 27th February 2020 at 19:00 in the Lantern Room, Durham Town Hall, Market Place, Durham, DH1 3NJ

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

Also present: Parish Clerk Adam Shanley and two members of the public.

The meeting began with all present observing a one minute silence in memory of the late Councillor Judith Atkinson.

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

Apologies were received from Cllr S Cahill.

2. TO RECEIVE ANY DECLARATIONS OF INTEREST FROM MEMBERS

None received.

3. PUBLIC PARTICIPATION

Mr Tony Cowan attended the meeting and requested that the Parish Council considers holding a public meeting on the issue of the new County Council Headquarters at the Sands and invites Cllr Simon Henig as Leader of the County Council to this meeting to receive comments and questions from members of the public. Councillors felt that such a meeting would not result in the halting of this scheme, planning permission for the new County Council Headquarters has now been granted and Councillors decided against holding such a meeting.

4. APPROVAL OF THE DRAFT MINUTES OF THE COUNCIL MEETING HELD ON 23rd JANUARY 2020

The Minutes of the meeting held on the 23rd January 2020 were unanimously agreed as a true and accurate record of proceedings, subject to the following amends:

Cllr R Ormerod asked that the reference to a 20p charge be removed from the Minutes from his comment regarding the public toilets in the new bus station as he did not specify this amount.

Cllr E Ashby asked that the line "Cllr E Ashby asked if all surrounding Parish Councils ought to be asked to make a contribution to the security after 10pm." be amended to say "Cllr E Ashby asked if all surrounding Parish Councils council **be invited** to make a contribution to the security after 10pm."

5. COMMITTEE UPDATES

Planning Committee

Cllr R Cornwell presented the minutes from meetings of the Planning Committee held on 10 January and 24 January. There being no queries from Members, Cllr R Cornwell moved on to Committee reports.

Neighbourhood Plan

Cllr R Cornwell advised that the Regulation 16 Consultation has closed but the Parish Council has not yet seen the representations that were made.

Cllr R Cornwell advised that the Parish Council had been given a choice of independent examiners. From a shortlist of three, the Planning Committee chose Tony Burton as the independent examiner, and the recommendation from the Parish Council was accepted by the County Council. Cllr R Cornwell advised that we have got a very high profile examiner named Tony founded Civic Voice in 2010 and prior to this was National Trust's Director of Strategy and External Affairs, Deputy Director at the Campaign to Protect Rural England and Director of Policy and Communications at the Design Council.

County Durham Plan

Cllr R Cornwell advised that although he reported last time that the Parish Council would not have a seat at the table, in fact John Ashby was able to take Jonathan Elmer's place at the resumed hearings on 6 February, in a discussion focussing on housing land supply. Cllr R Cornwell advised that we are now awaiting the Inspector's post hearings advice note setting out any further work and/or main modifications that are required in addition to those already set out.

Resisting conversions of family homes to student accommodation

Cllr R Cornwell advised that the Parish Council Planning Committee now believes that Mount Oswald, Sheraton Park, and possibly The Bowers may have estate covenants. Cllr R Cornwell advised that if that is the case then local residents on those estates (but not the Parish Council) could take enforcement action.

Cllr R Cornwell advised that the Planning Committee understands but cannot be certain that the County Council has agreed under delegated powers to extend the Article 4 to the rest of the Parish. Cllr R Cornwell advised that, if this is indeed the case, the Parish Council may need to encourage the County Council to progress its implementation. If not, Cllr R Cornwell advised that it may be that a planning consultant could prepare the necessary evidence base on behalf of the Parish Council. The Council agreed to devolve that decision to the Planning Committee as to the hiring of the planning consultant with quotes being received for this in line with the Parish Council's Standing Orders.

De-registration of Common Land

Members agreed to note the latest letter from the Parish Council's barrister to the Planning Inspectorate and also agreed to await a response from the Planning Inspectorate to this. Cllr R Cornwell also advised that, since the submission of the letter of the barrister acting on behalf of the Freeman and the Parish Council, the Planning Committee has been trying to find out whether there is more recent evidence about great crested newts than that associated with the building of the Police HQ, which is now around 10 years ago.

Amend terms of reference to deal with TROs

Cllr R Cornwell advised that The Parish Clerk has enquired whether the Planning Committee might assume responsibility for considering consultations on Traffic Regulation Orders (TROs), which do not currently fall under the remit of any Parish Council Committee. Cllr R Cornwell advised that the problem is at present that the Parish is consulted about Traffic Regulation Orders but there is no body other than this full Parish Council meeting that can respond. The Planning Committee is prepared to take this under its wing if you agree. Cllr R Cornwell advised that the Parish Council may judge whether it is working out when all committee terms of reference are reviewed in May. The Council agreed to devolve consideration of new Traffic Regulation Orders to the Parish Council Planning Committee. The Council also agreed that the Committee should represent the Parish Council at any hearings which take place at the County Council on new TROs and the Council also agreed to add the following sentence to the Planning Committee's Terms of Reference: "*The Planning Committee will consider all new Traffic Regulation Order consultations for sites in the City of Durham Parish and has delegated powers to make representations on them and represent the Parish Council at County Council Highways Committee Meetings.*"

Environment Committee

Cllr V Ashfield presented the minutes from the Environment Committee meetings held on 14 January and 28 January. There being no queries from Members, Cllr V Ashfield moved on the Committee reports.

Establishing a City-wide Youth Environment Working Group

Cllr V Ashfield presented a proposal for the establishment of a city-wide youth environment working group. Cllr V Ashfield advised that she and Cllr M Ross had been working with local schools and pupils were extremely keen to do what they could on environmental issues.

Councillors agreed to the establishment of a city-wide youth environment working group. This group would include representatives of schools in the City of Durham Parish area and will engage in relevant environmental activities as agreed at formal meetings of the Parish Council.

As part of this proposal, Councillors agreed the following Terms of Reference for the Working Group:

The Parish Council has created a Young People's Environment Working Group which will report to the Council's Environment Committee on all environmental issues affecting young people in the City of Durham Parish area. It will consist of two representatives of each of the schools and representatives of the Council's Environment Committee. The Working Group will meet five times a year, with the membership being reviewed in April of each year.

The Council has assigned to the Young People's Environment Working Group the following terms of reference: -

1. To hold meetings in May, October, December, February and April (second half of each half-term);
2. To discuss matters relating to the following:

Climate matters:

- To advise the Parish Council’s Environment Committee on issues relating to climate change and appropriate means of minimising human impact by residents of Durham City;
- To advise the Committee on ways to work pro-actively with all partners and other related agencies to improve climate matters locally and to encourage adequate regard to wider environment and climate issues;
- To make appropriate representation to the Committee regarding any incident, event or action which is deemed to be detrimental to the health of the community in its area, in particular with regard to traffic issues and air quality;
- To recommend to the Committee actions which schools and their personnel could take to reduce their carbon footprint;
- To encourage whatever action is within the powers of schools, collectively and individually, to minimise the impact or reduce the environmental factors harmful to our world;

Open spaces, woodland and commons:

- To consider the use of open spaces, woodlands, amenity areas (including children’s play parks), village greens and commons in the City of Durham Parish area and recommend appropriate improvements;

Streets, footways and passages

To consider and make recommendations to the Committee in relation to:

- lighting of and repair to footways, streets and bridleways;
- littering and general untidiness of the area;
- matters relating to traffic calming measures and other road safety matters including the provision of pedestrian and cycle paths, cycle racks and electric charging points;
- the provision and maintenance of bus shelters and the bus station.

Within the budget determined by the Parish Council, the Young People’s Environment Working Group may engage in relevant activities related to the above as agreed at formal meetings of the Parish Council.

The Council

refers to The City of Durham Parish Council

The Committee

refers to the Environment Committee of the Council

The Working Group

refers to the Young People’s Environment Working Group

As part of this proposal, Councillors also agreed the following safeguarding policy:

City of Durham Parish Council Safeguarding Policy

SECTION 1

Introduction

Everyone has a duty to safeguard children, young people and vulnerable adults. This policy promotes good practice in safeguarding for those using Parish Council facilities and those involved in any of the activities of the Parish Council.

Definitions

Children and young people: Anyone under the age of 18 years

Vulnerable Adult: Anyone over 18 who is:

- Unable to care for themselves
- Unable to protect themselves from significant harm or exploitation
- Or may be in need of community care services

To whom this policy applies

- This policy applies to anyone working for or on behalf of the City of Durham Parish Council whether in a paid, voluntary or commissioned capacity.
- This policy also applies to any individual using the Parish Council facilities for the purposes of delivering any service to children, young people or vulnerable adults.

SECTION 2

Promoting a safe environment

In order to promote a safe environment for children, young people and vulnerable adults, the Parish Council will:

- Provide safe facilities and do regular safety and risk assessments.
- Ensure that employees, councillors and leaders of activities of the City of Durham Parish Council are aware of the safeguarding expectations.
- Ensure that the policy for users of parish facilities includes a requirement that they are safe to work with children, young people and vulnerable adults. (e.g. any adults who have regular unsupervised contact with children, young people or vulnerable adults during the course of their duties should undergo appropriate Disclosure and Barring Service checks.)
- Ensure that attendees at functions or events organised by the City of Durham Parish Council are aware that parents are responsible for their children's safety and the location of a dedicated safe place for lost children is clear.
- Ensure that leaders of events/functions/meetings make their members aware of the Parish Council's safeguarding policy and ensure that it is followed throughout the event.
- Ensure all adults involved in events/functions/meetings have valid enhanced DBS checks as appropriate and know where the first aid box is.
- Do risk assessments for individual activities.

SECTION 3

Safe working practice

All those involved in City of Durham Parish Council activities must follow the safeguarding policy and procedures at all times. They must:

- Never leave children, young people or vulnerable adults unattended with adults who have not been subject to a Disclosure and Barring Service (DBS) check.
- Plan activities to involve more than one person being present or at least in sight or hearing of others. Alternatively, record, or inform others of their whereabouts and intended action.
- Where possible, have male and female leaders working with a mixed group.
- Ensure registers are complete and attendees are marked in and signed out (all children must be collected by a teacher/parent/carer/ guardian).

- Ensure that photos or videos of individuals are not taken without written permission from parents/ carers.
- Ensure all staff and volunteers have access to a first aid kit and telephone and know fire procedures. Ensure that where a child, young person or vulnerable adult needs assistance with toilet trips and when first aid is required, that this is carried out in pairs or in the latter case, that it is carried out where they can be seen.
- When working outside, ensure activities, breaks and clothing are suitable for the weather conditions and that shelter is available where possible.

Expectations of behaviour

All those involved in City of Durham Parish Council activities should:

- Ensure that communications, behaviour and interaction with users should be appropriate and professional.
- Treat each other with respect and show consideration for other groups using the facilities.
- Refrain from any behaviour that involves racism, sexism and bullying and in addition to report any instances of such behaviour to group leaders, parish councillors, the parish clerk or parents and carers, as appropriate.

SECTION 4

Allegations against staff and volunteers

- All staff and volunteers should take care not to place themselves in a vulnerable position with a child or vulnerable adult.
- If an allegation is made against a member of staff or volunteer, the person receiving the allegation will immediately inform the Chair of the Parish Council.
- All staff and volunteers should be aware of their duty to raise concerns about the attitude or actions of colleagues and appropriate advice should be sought from Durham County Council's Safeguarding Team.

What should be a cause for concern

Staff and volunteers should be concerned by any action or inaction, which significantly harms the physical and/or emotional development of a child or vulnerable adult. Abuse falls into four main categories:

1. Physical Abuse
2. Emotional Abuse
3. Sexual Abuse
4. Neglect

All staff and volunteers coming in to contact with children need to have an awareness of safeguarding. Training can be booked through contacting the Clerk of the Parish Council.

This policy will be reviewed annually at the Parish Council's Annual Meeting in May.

Ends.

The Clerk advised that he had sent a copy of the risk assessment and safeguarding policy to the Safeguarding team at Durham County Council to ask if they had any amends or additions to any of these.

Licensing Committee

Cllr L Brown presented the minutes from the Licensing Committee meeting held on 31 January. There were no queries from Members on these minutes.

6. CHAIR'S UPDATE

The Chair provided a verbal update on matters arising since the Full Parish Council meeting on 23 January 2020.

The Chair congratulated Cllr V Ashfield and the Environment Committee on a successful tree planting event on 14th February.

The Chair advised that the County Council has recently appointed two new Directors – a Director with responsibility for Climate Change and another Director with responsibility for Regeneration and Growth.

The Chair also advised that she was aware that Chronicle Live were looking to do some live streaming of public meetings and it may be the case that a future Parish Council meeting may be live streamed by the Chronicle.

In reference to the recent strike action being undertaken by University staff, the Chair advised that she had been made aware that Cllrs E Ashby and S Cahill had requested that the Parish Council considers writing to the Pro-Vice Chancellor and Warden of Durham University, calling on the University to use all means possible to seek a speedy resolution to the current pensions impasse involving its staff. The Chair asked Members for their views on the Parish Council doing this and the majority of Councillors agreed that the Parish Council should do this.

7. PARISH COUNCIL STRATEGY 2020/21

Councillors agreed the following five priorities for the Parish Council strategy for 2020-21:

- **Priority 1** – Being a voice for the city
- **Priority 2** – enhancing physical and mental wellbeing of our residents and addressing inequalities in our parish
- **Priority 3** – implementing the neighbourhood plan and rep on planning
- **Priority 4** – creating a positive environment for businesses and encouraging tourism to improve prosperity of parish
- **Priority 5** – taking action to combat climate damage

It was also agreed that Members should review the Looking Forwards document and feed back to the Clerk on any items they'd like to be included in the Strategy for 2020-21. It was agreed that this should also go to all Parish Council Committee and any additions be agreed at Committee level.

8. PROPOSAL TO ESTABLISH A PARISH COUNCIL STANDING WORKING GROUP OF COMMUNITY AND RESIDENTS' ASSOCIATIONS

Cllr A Doig presented a proposal to establish a Standing Working Group of Community and Residents' Association. Cllr A Doig advised that the City of Durham parish has a number of community and residents' associations. These residents' associations are a powerful means to achieving change and form a vital part of our community in giving local residents a collective voice on areas of concern. That being the case, Cllr A Doig advised that the various community and residents' associations do not meet as a group on a regular basis, even where items of interest are shared, to seek a common voice on specific issues across the whole of the parish.

Cllr A Doig advised that, given the role of the Parish Council in representing residents and the value in both establishing agendas reflecting residents' issues, as well as having an early insight into residents' views, the Parish Council may wish to open up communications through the establishment of a Parish Council community and residents' associations forum.

The Council agreed to the establishment of this Working Group and it was agreed that the Clerk should write out to all the local Residents' Groups about this.

9. REPORTS FROM REPRESENTATIVES ON LOCAL ORGANISATIONS:

Cllr E Ashby presented the following report to the Parish Council from the Durham University Community engagement task force – economic sub-group meeting of 17th January 2020:

Present: Tim Hammond (Chair) Andrea Cairns, Rebecca Morris, Helen Deacon, Esther Ashby, Hannah Shepherd, David Evans, Adam Deathe, Marek Tokarski, James Cook and Sarah Slaven.

Apologies: Andrew Jackson Malcolm Reed Colin Wilkes.

- 1 Introductions and apologies** TH welcomed Andrea, in attendance following discussion at the last meeting about representation on the Group from University Estates and Facilities.

2 Update on previous actions

- **Biggar report.** TH had shared MR's report and presentation with Group members.
- **Maximising spend in Durham City.** AD and CW had met with HS and DE and are researching what students need in starter kits and sourcing these from local suppliers. The BID loyalty card was proving very popular including those handed out free at Fresher's Fair by HS. EA sought to reassure members that the 'immense hostility to students from some residents' mentioned by AD was not at a personal level but an expression of despair at the rapid increase in their numbers due to the University's expansion plans.
- **Economic Impact and Communications.** TH circulated a document pulling together all the presentations from previous sub group meetings.
- **Memorandum of understanding.** Sarah Slavin present to share this document with members as BA not available.
- see 1 above.

3 Memorandum of Understanding for the Strategic Partnership between Durham University and Durham County Council. Sarah talked members through the 4 objectives in the MOU: Economic Development, Research, Culture and Heritage, Place and Communications. Discussion centred on the primacy of Economic Development e.g. the potential for Netpark work expanding to Durham City and developing a heat networks strategy. **There is a Cabinet meeting in February/ March on Climate issues focusing on opportunities as well as the 'stop doings'.** On Culture and Heritage EA stressed the need for both DCC and the University to take account earlier rather than later of the strength of attachment residents have to their local communities. Delay in engaging the public is more likely to be met with resistance no matter how worthwhile the proposal. She also wondered if U.E and F might in future be able to offer accommodation for the Parish Council. Use of the city centre BID totems to further promote University/DSU events is under consideration.

4 Forward Planning and next actions. Deferred due to lack of time.

10. PROCEDURES FOR CO-OPTION OF A COUNCILLOR

Councillors agreed the following procedures for co-option of a Councillor on to the Parish Council:

1. Introduction

This document sets out the procedure to ensure there is compliance with legislation and continuity of procedures in the co-option of Members to the City of Durham Parish Council. The co-option procedure is entirely managed by the Parish Council and this will ensure that a fair and equitable process is carried out.

2. Co-option

The Co-option of a Parish Councillor occurs when a casual vacancy has arisen on the Council and no poll (byelection) has been called. A casual vacancy occurs when:

- A councillor fails to make his declaration of acceptance of office at the proper time;
- A councillor resigns;
- A councillor dies;
- A councillor becomes disqualified; or
- A councillor fails for six (6) months to attend meetings of the full council committee or a committee or to attend as a representative of the Council a meeting of an outside body.

The City of Durham Parish Council has to notify the County Council of a Casual Vacancy and then advertise the vacancy and give electors the opportunity to request an election. This occurs when ten electors write to the County Council stating that an election is requested.

If a by-election is called, a polling station will be set up by the County Council and the people of the parish will be asked to go to the polls to vote for candidates who will have put themselves forward by way of a nomination paper. The City of Durham Parish Council will pay the costs of the election. The people of the parish have fourteen days (not including weekends, bank holidays and other notable days), to claim the by-election, but the electoral officer will advise the clerk of the closing date.

If more than one candidate is then nominated a by-election takes place but if only one candidate is put forward, they are duly elected without a ballot.

If ten residents do not request a ballot within fourteen days of the vacancy notice being posted, as advised by the County Council, the Parish Council is able to co-opt a Councillor.

3. Confirmation of co-option

On receipt, of written confirmation, from the Electoral Services Office from the County Council, the casual vacancy can be filled by means of Co-option, the Parish Clerk will:

- Advertise the vacancy for one week on the Council notice boards and website
 - Advise Parish Councillors that the co-option procedures have been instigated
- The Parish Council is not obliged to fill any vacancy. Even if the Council invites applications for co-option, it is not obliged to select anyone from the candidates who apply. However, it is not desirable that electors in a particular ward be left partially or full underrepresented for a significant length of time. Neither does it contribute to

effective and efficient working of the Council if there are insufficient councillors to share the workload equitably, to provide a broad cross-section of skills and interests or to achieve meeting quorums without difficulty.

Councillors elected by co-option are full Members of the City of Durham Parish Council.

4. Eligibility of Candidates

The Parish Council is able to consider any person to fill a vacancy provided that:

- He/she is an elector for the parish; or
- has resided in the parish for the past twelve months or rented/tenanted land or other premises in the parish; or
- had his/her principal place of work in the parish; or
- has lived within three miles (direct) of the parish.

There are certain disqualifications for election, of which the main are (see Local Government Act 1972):

- holding a paid office under the local authority;
- being the subject of a bankruptcy restrictions order or an interim bankruptcy restrictions order, or a debt relief restrictions order under schedule 4ZB of the Insolvency Act 1986;
- having been sentenced to a term of imprisonment (whether suspended or not) of not less than three months, without the option of a fine during the five years preceding the election; and
- being disqualified under any enactment relating to corrupt or illegal practices.

Candidates found to be offering inducements of any kind will be disqualified.

5. Applications

Members may point out the vacancies and the process to any qualifying candidate(s).

Although there is no Statutory Requirement to do so, candidates will be requested to:

- Submit information about themselves, by way of providing a short summary of their experience, both work experience and personal.
- Confirm their eligibility for the position of Councillor within the statutory rules.

Following receipt of applications, the next suitable council meeting will have an agenda item 'To receive written applications for the office of Parish councillor and to Co-opt a candidate to fill the existing vacancy'. Copies of each candidate's application will be circulated to all Councillors by the Clerk at least 3 clear days prior to the meeting of the full Council along with the Agenda, when the co-option will be considered. All such documents will be treated by the Clerk and all Councillors as strictly private and confidential.

Candidates will be sent a full agenda of the meeting at which they are to be considered for appointment, together with a copy of the Code of Conduct, Standing Orders and Financial Regulations of the City of Durham Parish Council. Candidates will also be informed that they will be invited to speak about their application at the meeting.

6. At the Co-option Meeting

At the co-option meeting, candidates will be given five minutes maximum to introduce themselves to Members, give information on their background and experience and explain why they wish to become a Member of the Parish Council. No questions will be taken from current Members of the Parish Council.

This part of the process may be prejudicial and the Council will therefore resolve to exclude the members of the press and public (including other candidates).

As soon as all candidates have finished giving their submissions, the council will proceed to a vote on the acceptability of each candidate, with each candidate being proposed and seconded by the councillors in attendance and a vote by secret ballot taking place. The vote will be recorded so as to show whether each Councillor present and voting gave his/her vote for or against that question.

In order for a candidate to be elected to the Parish Council, it will be necessary for them to obtain an absolute majority of votes cast. In the event that there are two candidates for one vacancy and there is an equality of votes, the Chair will have the casting vote. In the event that there are more than two candidates for one vacancy, the Council shall adopt a preferential voting system so as to allow one individual to gain an overall majority of votes.

After the voting has been concluded, the Chair will declare the successful candidate duly elected and after signing their declaration of acceptance of office, the new Councillor may take his/her seat immediately.

The Clerk will notify Electoral Services of the new Councillor appointment. The successful candidate(s) must complete the 'registration of interests' form. The form should be handed to the Clerk for forwarding to the Monitoring Officer at Durham County Council.

If insufficient candidates come forward for co-option, the process should continue, whereby the vacancies are again advertised.

7. Six month rule

In the event of a vacancy occurring within the six months preceding the regular parish council elections, the council shall not make a co-option and shall leave the seat vacant for the remainder of the council term.

11. MOTION BY CLLR R ORMEROD ON BUS SERVICES VIA WHINNEY HILL

The Council agreed the following motion by Cllr R Ormerod:

"The City of Durham Parish Council notes with regret the cancellation of the 58 bus service which long served the residents of the Whinney Hill area. Because of its detrimental impact on local people this Council calls on Durham County Council to re-examine its contracting of bus routes in order that it can facilitate a service via Whinney Hill to meet the needs of residents."

Proposer: Cllr R Ormerod

Seconded: Cllr V Ashfield

12. PROPOSALS TO COMMEMORATE COUNCILLOR JUDITH ATKINSON -

Councillors considered proposals for a project to commemorate Councillor Judith Atkinson. It was agreed that the Council should look to purchase a bench with a commemorative plaque included in memory of Councillor Atkinson and that this should be installed within the Elvet and Gilesgate division; the division which Councillor Atkinson represented on the Parish Council. The Clerk advised that he would write to Councillor Atkinson's family to ensure that they are happy with this proposal.

Due to the confidential nature of the following items, in accordance with Section 100(A)(4) of the Local Government Act 1972, the press and the public were excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the LGA 1972 Act and section 1(2) of the Public Bodies (Admission to Meetings) Act 1960. At this point in time the press and the public were asked to leave the room.

13. REPORT ON THE LATEST ASB-SUB GROUP MEETING

The Clerk presented a report of the latest ASB-sub group meeting, held in February and advised that work is ongoing to agree cross-organisation solutions to tackle anti-social behaviour.

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