

City of Durham Parish Council

Minutes of the Annual meeting of the City of Durham Parish Council held on Monday 17th May 2021 at 19:00 via Zoom.

Present: Councillors E Scott (Chair), A Doig, L Brown, R Ormerod, V Ashfield, R Friederichsen, C Lattin, G Holland, D Freeman, S Walker, G Nair, N Brown, E Ashby, H Weston, R Hanson.

Also present: Parish Clerk Adam Shanley and Assistant Parish Clerk Caroline Thompson.

1. ELECTION OF CHAIR

The former Chair of the Parish Council Councillor Elizabeth Scott opened the meeting, thanking all those former Members of the Council and all those Members returned for their hard work over the last three years since the creation of the Parish Council.

Councillor Scott asked if there were any nominations for the role of Chair of the Parish Council. Councillor Alan Doig was nominated by Councillor R Ormerod and seconded by Councillor D Freeman. All voted in favour.

Councillor A Doig welcomed all the newly elected Councillors and thanked all previous Councillors for their hard work and contribution in their last 3 years of service. He also welcomed the new assistant Clerk Caroline Thompson.

Councillor A Doig read out the acceptance of office of Chair declaration.

2. ELECTION OF VICE CHAIR

Cllr A Doig asked if there were any nominations for the role of Vice Chair of the Parish Council. Councillor Liz Brown was nominated by Councillor E Scott and seconded by D Freeman. All voted in favour.

3. APOLOGIES FOR ABSENCE FROM TODAY'S MEETING

None received.

4. DECLARATIONS OF INTEREST FROM MEMBERS

None received.

5. APPROVAL OF DRAFT MINUTES FROM THE COUNCIL MEETING HELD ON 22ND APRIL 2021

The minutes of the meeting held on 22nd April 2021 were unanimously agreed as a true and accurate record of proceedings.

6. PUBLIC PARTICIPATION

None received.

7. CONSIDERATION AND APPROVAL OF RECOMMENDATIONS FOR CHANGES TO THE FOLLOWING DOCUMENTS:

- Parish Council Standing Orders
- Parish Council Financial Regulations
- Terms of Reference for the following Parish Council Committees: Business, Environment, Finance, Licensing, Personnel and Planning.
- The following Parish Council policies: Communications policy, Environmental and sustainability policy, Equality and diversity policy, Grant Awards policy, Health and safety policy, policy on dealing with vexatious behaviour, Safeguarding policy and Social media policy.

All documents were **approved** by Members, subject to the following amendments:

- Parish Council Standing Orders

Standing Order Part 4C was amended to: *"Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors. **All decisions arising from such bodies are made by the Parish Council**"*

- Parish Council Financial Regulations

No amendments were made to the Parish Council's Financial Regulations.

- Terms of Reference for the following Parish Council Committees:

Business Committee Terms of Reference:

Councillor E Ashby asked for item k) to be amended to remove the reference to the production of the Neighbourhood Plan in the sentence: *"To assist in the production and implementation of the Neighbourhood Plan, in so far as it relates to business issues"*. The Neighbourhood Plan having already been produced and passed referendum stage. This was **approved** by Members.

Councillor E Ashby also asked for p) to be added to state: *"To work in partnership with other City stakeholders, including the BID, Durham University and Durham County Council, to promote Durham's leisure, business and tourism economies"*. This was **approved** by Members.

Planning Committee Terms of Reference:

The Parish Clerk asked that point 9 to added to the Terms of Reference as follows: *"To engage with a planning consultant on planning matters as and when required"*. This was **approved** by Members.

Licensing Committee Terms of Reference:

Including the reference to the Committee being able to consider all pavement licenses on behalf of Full Council. This was **approved** by Members.

Councillor R Ormerod requested that the number of Members on Committees be reduced as follows: the Planning Committee to be reduced to 6 Members, the Environment Committee to be reduced to 6 Members and the Personnel Committee be reduced to 3 Members. This was seconded by Cllr S Walker.

Councillor E Ashby asked whether this is a matter for this point in the Agenda. Councillor E Ashby advised that she anticipated, if there were to be any modifications to Committees, that they would come up under the Agenda item relating to Committee Membership. Councillor E Ashby also advised that, if this matter is to be addressed at this point in the Agenda, as it is such a critical matter to the operation of the Parish Council, she would have expected Members to have had some notice of this so that they had time to make considered comments.

Cllr L Brown advised that the reason this is to be considered at this point in the Agenda is due to certain Committees' Terms of Reference specifically defining a particular number of Members to sit on a Committee.

The Chair asked if there were any amendments to the proposal, there being none, the Chair asked Members to vote on the proposal. Members voted as follows on this proposal:

6 in favour - Councillors A Doig, R Ormerod, D Freeman, H Weston, S Walker and R Hanson.

3 against - Councillors V Ashfield, E Ashby and G Nair.

6 abstained - Councillors L Brown, E Scott, G Holland, R Friederichsen, C Lattin and N Brown.

The proposal was therefore **approved**.

8. ADOPTION OF PARISH COUNCIL GRIEVANCE AND DISCIPLINARY PROCEDURES

Members agreed to the following grievance and disciplinary procedures:

CITY OF DURHAM PARISH COUNCIL GRIEVANCE AND DISCIPLINARY PROCEDURES

The City of Durham Parish Council Grievance and Disciplinary Procedures are modified from the ACAS Code of Practice as set out in the various Employment Acts.

This procedure applies to all employees of the City of Durham Parish Council. This document describes the procedure which aims to facilitate a speedy, fair and consistent solution to an individual employee's employment grievance or disciplinary status.

Where appropriate, the opportunity for mediation will be put forward at any stage of a grievance or disciplinary procedure.

1. Grievance Procedures

1. Introduction

It is the Parish Council's policy to ensure that all employees with a grievance relating to their employment can use a procedure which can help to resolve grievances as quickly and as fairly as possible.

2. Informal discussions

If you have a grievance about your employment, you should communicate this either verbally or in writing to the Parish Council's Personnel Committee. We hope that the majority of concerns will be resolved at this stage.

3. Grievance procedure

If you feel that the matter has not been resolved through informal discussions, you may raise the matter formally with the Parish Council. You will be invited to attend a meeting to discuss the grievance and be notified in writing of the decision. You have the right to be accompanied by a friend or relative, a solicitor or trade union representative at all grievance meetings. You will be given the right to appeal against the decision.

4. Appeals

Any appeal will be considered by Members of the City of Durham Parish Council who were not involved in the original hearing and who will decide the case as impartially as possible.

2. Disciplinary Procedures

1. Purpose of the Procedure

The Parish Council's aim is to encourage improvement in individual conduct and performance. This procedure sets out the action which will be taken when the Council's rules or acceptable standards are breached.

2. The Principles

- This procedure is designed to establish the facts quickly and to deal consistently with disciplinary issues. No disciplinary action will be taken until the matter has been fully investigated.
- At every stage you will be advised of the nature of the complaint, be given the opportunity to state your case and be accompanied by a friend or relative, a solicitor or trade union representative.
- You will not be dismissed for a first breach of discipline, except in the case of gross misconduct, when the penalty will normally be dismissal without notice and without pay in lieu of notice.
- You have a right to appeal against any disciplinary action taken against you.
- The procedure may be implemented at any stage if your alleged misconduct warrants such action.

3. Informal discussions

Before taking formal disciplinary action, the Parish Council will make every effort to resolve the matter by informal discussions with you. Only where this fails to bring about the desired improvement will the formal disciplinary procedure be implemented.

4. First warning

If conduct or performance is unsatisfactory, you will be given a written warning or performance note. Such warnings will be recorded. You will also be informed that a final written warning may be considered if there is no sustained satisfactory improvement or change. (Where a matter is sufficiently serious – for example because it is having, or is likely to have, a serious harmful effect on the Council or other Council employees, it may be considered necessary to move directly to a final written warning.)

5. Final written warning

If the offence is serious, or there is no improvement in standards, or if a further offence of a similar kind occurs, a final written warning will be given which will include the reason for the warning and a note that if no improvement or change results within 12 months, you may be subject to dismissal. Unless dismissal involves gross misconduct, employees will receive a period of notice, or payment in lieu.

6. Discipline and dismissal procedure

If facing dismissal or action short of dismissal such as loss of pay or demotion – the following minimum statutory procedure will be followed:

- You will receive a written note setting out the allegation and the basis for it.
- A meeting will be held to consider and discuss the allegation.
- You will be given a right of appeal, including an appeal meeting.
- You will be reminded of your right to be accompanied at any meetings.

In serious cases, immediate suspension may take place whilst the full facts of the incident(s) are ascertained.

In all cases of disciplinary procedures, the Parish Council will have the support of an external Human Resources professional.

7. Gross misconduct

If after investigation, it is confirmed that you have committed an offence of the following nature (the list is not exhaustive) the normal consequence will be dismissal without notice or payment in lieu of notice – theft, damage to property, fraud, incapacity for work due to being under the influence of alcohol or illegal drugs, physical violence, bullying and gross insubordination. Whilst alleged gross misconduct is being investigated, you may be suspended, during which time you will be paid your normal rate of pay. Any decision to dismiss you will be taken by the Parish Council only after full investigation.

8. Appeals

If you wish to appeal against any disciplinary decision, you must appeal, in writing, within five working days of the decision being communicated to you by the Parish Council. Independent Members who were not involved in the original disciplinary action will hear the appeal and decide the case as impartially as possible.

End of policy and procedures.

9. TO DECIDE ON THE APPOINTMENT OF PARISH COUNCIL REPRESENTATIVES ON LOCAL ORGANISATIONS

The appointment of Parish Council representatives on local organisations was **agreed** as follows:

Local organisation/ body	City of Durham Parish Council representative
Community Engagement Task Force	Robert Hanson
Community Engagement Task Force sub group - Economic	None
Community Engagement Task Force sub group - Culture	None
Community Engagement Task Force sub group - Citizenship	Victoria Ashfield
Community Engagement Task Force sub group - Lived Environment	Referred to Planning Committee to decide
Community Engagement Task Force sub group - Durham for All	None
Durham University Covid-19 community engagement group	Esther Ashby and Liz Brown
PBSA Liaison Group	Adam to check if this Group is still active.
Durham Access Group	Liz Brown
CDALC Larger Councils Forum	Esther Ashby, Adam Shanley and Richard Ormerod
ASB sub-group task force	Adam Shanley
Durham AAP Board	Susan Walker

10. TO DECIDE ON PARISH COUNCIL COMMITTEE MEMBERS

The Parish Council's Committee Membership was **agreed** as follows:

Planning Committee (6 Members) - Meets once every two weeks on a Friday at 2pm. Richard Ormerod	Environment Committee (6 Members) - Meets once every four weeks, dates and times agreed at Committee level. Victoria Ashfield
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Victoria Ashfield Liz Brown Rupert Friederichsen Carole Lattin Grenville Holland	David Freeman Susan Walker Carole Lattin Robert Hanson Rupert Friederichsen
Personnel Committee (3 Members) – Meets as and when required, typically once per year. Elizabeth Scott Alan Doig Govind Nair	Business Committee (6 Members) – Meets once every two months, dates and times agreed at Committee level. Elizabeth Scott Richard Ormerod Nicola brown Grenville Holland Esther Ashby Govind Nair
Licensing Committee (6 Members) – Meets once every two weeks on a Friday at 2pm (the alternative Friday to the Planning Committee). Liz Brown Nicola Brown Susan Walker Esther Ashby Govind Nair Helen Weston	Finance Committee (5 Members) – meets once per quarter, dates and times agreed at Committee level. Alan Doig David Freeman Robert Hanson Victoria Ashfield Helen Weston

It was also **agreed** that Members of the Finance Committee should be on the bank mandate to approve all payments.

11. UPDATE ON THE DURHAM CITY NEIGHBOURHOOD PLAN

The Parish Clerk advised Members that the Neighbourhood Plan has now passed referendum stage, with 85.6% of those who had voted, voting in favour of the adoption of the Plan. The Clerk advised that he is awaiting confirmation of the formal date of adoption of the Neighbourhood Plan from the County Council, however the Plan may now carry full weight in the determination of new applications within the Neighbourhood Plan area.

The Chair advised that he would be writing out to all members of the former Neighbourhood Plan Working Party to thank them for their incredible work on the Plan over many years.

The Clerk advised that all new Councillors will receive their own copy of the Neighbourhood Plan in due course.

12. UPDATE ON THE PUBLIC INQUIRY INTO THE APPLICATION TO DE REGISTER THE SANDS AS COMMON LAND

The Clerk reminded Members that, in late 2019, the County Council submitted a Section 16 application under the Commons Act of 2006 to the Secretary of State to have the former coach park at the Sands de-registered as common land and to replace this with an area of land at Aykley Heads. This application is intended to support the creation of 60 new controlled car parking spaces to support the new County Council Headquarters building at the Sands.

The Clerk advised that the Planning Inspectorate had originally advised that they were satisfied to proceed to determine the application without the need for a public inquiry. However, following legal representation from the Durham City Freemen and the City of Durham Parish Council, the Planning Inspectorate last year decided that a public inquiry was necessary. The Clerk advised that the inquiry began on 27th April and to date 5 full days of sitting have taken place.

The Clerk advised that both applicant and objecting parties are represented by barristers and the first two full days of the inquiry began with senior county council officers giving evidence in support of the application, followed by cross-examination by both barristers. The County Council's argument is that there will be a substantial socio-economic cost to Durham if this application is not granted.

The Clerk advised Members that this argument is not accepted by objecting parties who are keen to ensure that the status of this land remains as is at present, the rights of common safeguarded and the common land is not taken away from the local community.

The Clerk advised that the remaining part of the inquiry is dedicated to objecting parties and closing submissions. Objectors including representatives from the Durham City Freemen, the City of Durham Trust, the Parish Council, the Durham Markets Company and local residents have all given evidence requesting that this application be refused; with the latter providing evidence on how they have used the land in the past and why it is important to retain the land as common going forward.

The Clerk advised that, at present, the only witness left to provide evidence is the former Chair of the Parish Council's Planning Committee Roger Cornwell. The Clerk advised that it is likely that there will be at least one further full day of sitting for this inquiry, for which there is a cost of £1,000 per day to the Parish Council for legal representation. The Clerk advised that ongoing legal support in the form of Nicola Allan is absolutely essential. To date no confirmed dates have been set for further sittings.

The Clerk advised that much had been made by the applicant's barrister regarding copies of minutes, authority to represent, the surfacing of the former coach park and crucially this question of "the neighbourhood".

Councillors unanimously **agreed** that the Parish Council as it is formed today remains opposed to this application.

Councillors unanimously **agreed** that the former Chair of the Parish Council planning committee Roger Cornwell has authority to represent the Parish Council at the inquiry.

Councillors unanimously **agreed** to the additional expenditure incurred for legal representation for the further sitting dates for the inquiry.

13. ADVICE ON THE ANNUAL MEETING OF ELECTORS

The Clerk presented the advice from NALC on the matter of the Parish Council hosting an annual meeting of electors. It was unanimously agreed that, given the ongoing Covid-19 restriction and the advice from NALC, that the annual meeting of electors should be delayed until later in the year.

14. CYCLE OF FULL COUNCIL MEETINGS

The cycle of Full Council meetings was provisionally **agreed** as follows:

2021

24 June

22 July

23 September

28 October

25 November

13 December

2022

27 January

24 February

24 March

28 April

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

Signed,



Chair of the City of Durham Parish Council
24th June 2021