

FERRYHILL TOWN COUNCIL

Minutes of the **ORDINARY MEETING** of the Council held in the Council Chamber, Town Hall, Ferryhill, on **WEDNESDAY, 13th DECEMBER 2017** at **7.00 p.m.**

PRESENT: **Councillor:** J Lindsay (Chair)

Councillors: K Campbell, M Walton, R Smith, J Cansella,
C Atkinson, J Makepeace, K Conroy,
P Atkinson, G Barker, L Smith, R Shepperd,
M Seymour, N Jones, D Farry, Z Roddam

OFFICIALS: Mr D. Snowball, Town Clerk

IN ATTENDANCE: R Seymour, Works Manager
K Younghusband, Grants & Projects Officer
S Hewitson, Committees & Civic Administrator
D Shingleton, Consultant Accountant

102.17-18 APOLOGIES FOR ABSENCE

Apologies were received from Councillor M Brown these were approved by resolution of the Council.

103.17-18 DECLARATIONS OF INTEREST

There were no declarations of interest in relation to any item of business on the agenda.

104.17-18 MEMBERS DISPENSATION

There were no members dispensations in relation to any item of business on the agenda.

105.17-18 PUBLIC PARTICIPATION

Mr Kevin Newell of Silver Cabs and Mr Mark O'Neil of Kwik Cabs were in attendance and spoke in relation to Agenda Item No. 9 motion a. Mr Newell informed the meeting that he had heard Councillors had been talking about the relocation of the taxi rank, he stated that the taxis have always operated from the current location and he would like to think the 4 local taxi firms would be invited to any meeting to discuss any issues and work out a way forward.

Mr O'Neil advised members that the taxis are always getting the blame for double parking when this is not the case, 90% of taxi's would move for delivery trucks, it is in fact the cars and wagons that are double parked when the drivers leave the cars to run in the shops, he had only just found out about tonight's meeting otherwise he could have brought photos. He felt that moving the taxi rank from its current location would take customers away from the village.

A named vote was requested.

| FOR | AGAINST | ABSTAIN | NOT PRESENT |
|-------------|----------------|----------------|--------------------|
| K. Campbell | J. Cansella | | M. Brown |
| M. Walton | G. Barker | | |
| K. Conroy | D. Farry | | |
| C. Atkinson | A. Smith | | |
| P. Atkinson | N. Jones | | |
| J. Lindsay | R. Smith | | |
| Z. Roddam | J. Makepeace | | |
| | M. Seymour | | |
| 7 | 8 | 0 | 1 |

Councillor R. Shepperd did not vote as he was not present at the November meeting.

This motion was not agreed.

Moved by Councillor K Campbell, **Seconded by** Councillor K Conroy to approve the November minutes.

A named vote was requested:

| FOR | AGAINST | ABSTAIN | NOT PRESENT |
|------------|----------------|----------------|--------------------|
| K Campbell | J. Cansella | | M Brown |
| M. Walton | G. Barker | | |
| K. Conroy | D. Farry | | |
| C Atkinson | A. Smith | | |
| P Atkinson | N. Jones | | |
| J Lindsay | R. Smith | | |
| Z. Roddam | J. Makepeace | | |
| | M. Seymour | | |
| 7 | 8 | 0 | 1 |

Councillor R. Shepperd did not vote as he was not present at the November meeting.

RESOLVED

That the minutes of the Council meeting held on 15th November 2017 not be accepted. The Chair advised he will sign the minutes as a true record, however it will be noted the minutes were not accepted.

108.17-18 COMMITTEE MINUTES

To confirm for approval and adoption the reports and recommendations of the undermentioned Committees:-

- a) Finance, Planning & General Purpose - 15th November 2017

Moved by Councillor P Atkinson, **Seconded by** Councillor K Conroy to approve the minutes.

A named vote was requested:

| FOR | AGAINST | ABSTAIN | NOT PRESENT |
|-------------|----------------|----------------|--------------------|
| J. Lindsay | G. Barker | J. Cansella | M Brown |
| Z. Roddam | M. Seymour | | |
| K. Campbell | D. Farry | | |
| M. Walton | A. Smith | | |
| K. Conroy | N. Jones | | |
| C. Atkinson | R. Smith | | |
| P. Atkinson | J. Makepeace | | |
| 7 | 7 | 1 | 1 |

Councillor R. Shepperd did not vote as he was not present at the November meeting.

The Mayor used his casting vote to agree the minutes as a true record.

b) Appeals Sub Committee - 20th November 2017

Moved by Councillor K Conroy, **Seconded by** Councillor M Walton to approve the minutes, all members agreed.

RESOLVED

The minutes of the Finance, Planning and General Purpose meeting held on 15th November 2017 and the Appeals Sub Committee held on 20th November be received and that the said minutes be approved and adopted.

109.17-18 OTHER MINUTES FOR INFORMATION ONLY

a) Friends of Dean Bank Park - 10th November 2017

Item 10 regarding the dog walking area, Councillor Farry queried that it states Ferryhill Town Council would be applying for the fenced off pitches to be included under the Public Space Protection Order which bans dogs from entering the fenced off areas, he would like to think that will come back to full Council for a decision rather than that sub committee. The Works Manager advised that this can only be applied for once every 3 years, and this has already been done, Councillor Farry thought this should have been a decision made by full Council and if this was the case he couldn't find it in any previous minutes. Mrs Younghusband advised that this had previously been agreed when it was discussed to erect the fence, she would check the minutes and report back.

- b) Friends of SDG & Mainsforth Sports Complex - 14th November 2017

RESOLVED

That the minutes of the Friends Groups be received and Mrs Younghusband check previous minutes regarding the Public Space Protection Order and report back to Council.

110.17-18 MEMBERS REPORTS

Councillor Z Roddam attended the recent PACT meeting, there were 15 people in attendance and the new PCSO Laura was introduced to the group.

Issues discussed included lorry access to Dean & Chapter Industrial Estate and the proposal to add yellow lines, sale of alcohol checks, cyclists with no lights on pavements, fires in empty properties at Dean Bank, antisocial behaviour, graffiti, litter & drinking at Ferryhill Sports & Education Centre.

Priorities for this month are cyclists, antisocial behaviour and speed watch.

Councillor J Lindsay reported on the recent CDALC meeting he had attended, data protection and allotments were discussed. Councillor Lindsay had also attended a large number of Civic Events.

Councillor Z Roddam also reported that she had received a letter from Jeff Dunn, Quarry Manager at Tarmac following the recent public exhibition , they were pleased with attendance, number of concerns were raised they have been taken on board, plans have been drawn up and there will be feedback, further details can be obtained from Tarmac on 654461.

RESOLVED

That the reports be received.

111.17-18 MOTIONS ON NOTICE

- a) **That full Council debate the taxi parking in Ferryhill Village in light of public discontent with current arrangements and ultimately recommend alternative provision**

The purpose of the motion was to debate the issue, complaints, concerns and to make appropriate recommendation. Concerns had been expressed by members of the public and businesses and there was evidence of delay caused to public transport impeding delivery of business supplies. Councillor Makepeace asked that Council fully debate the issues with a view to a change of parking area for the taxis, better policing system by Durham County Council or Ferryhill Town Council and address concerns through consultation.

Councillor D Farry added an amendment – list who to consult, Taxis, Businesses, Arriva, Durham County Council Licencing, Durham County Council Highways, Ferryhill Town Council Ward Members, Chamber of Trade, Scarlet Band, Dean Bank Residents Association, Police, Ferryhill Community Action Group, Club.

Councillor J. Lindsay added an amendment – add all residents of Ferryhill for full public consultation.

Following debate and amendments to the motion the agreed substantive motion proposed by councillor J. Makepeace and Seconded by Councillor D. Farry was;

Consultation is carried out with all parties including Taxis, Businesses, Arriva, Durham County Council Licencing, Durham County Council Highways, Ferryhill Town Council Ward Members, Chamber of Trade, Scarlet Band, Dean Bank Residents Association, Police, Ferryhill Community Action Group, Club.

The Clerk to notify the above and arrange a meeting date sometime in January and report back to Council in February.

Members agreed unanimously.

RESOLVED

That:

a) Consultation is carried out with all parties including Taxis, Businesses, Arriva, Durham County Council Licencing, Durham County Council Highways, Ferryhill Town Council Ward Members, Chamber of Trade, Scarlet Band, Dean Bank Residents Association, Police, Ferryhill Community Action Group, Club.

and

b) Public consultation is carried out with all residents of Ferryhill

and

c) The Clerk notifies the organisations and arranges a meeting sometime in January and report back to council in February with the findings.

b) This Council considers its rental agreement fees with Ferryhill Town Youth and Mainsforth Cricket Club

The purpose of the motion submitted by Councillor D Farry, seconded by Councillor N Jones that the Council considers its rental agreements/fees with Ferryhill Town Youth and Mainsforth Cricket Club.

Members discussed the rental agreement fees in great detail. It was queried whether the Clubs had approached Councillor Farry, it was suggested that if

the Clubs were struggling then statements could be provided by each Club to see what they are paying out, it was pointed out that the Clubs could end up paying more fees if they were to come in line with market value.

Councillor Conroy advised members that when the rents were set it was felt that the Market Value was too high for these groups to pay and the Council wanted to help them as much as they could as youths were included in the groups. It was suggested that this item be deferred until the relevant information regarding the market value was available.

The Chair suggested that the Clerk be asked to investigate the Market Value of such facilities.

Moved by Councillor D Farry, **Seconded by** Councillor N Jones that an amendment be made to the motion that Ferryhill Town Council recognise the great volunteering work done by both groups and to help them continue this in the future have them pay the same peppercorn rent for the building they use as Ferryhill Town Band and this cost be absorbed by the underspend in this years budget for the next 3 years and this be reviewed in year 2.

The Clerk advised he had concerns, it clearly states in the motion that Council look at bringing these facilities in line with market value, which would mean the Clerk look into the Market Value and come back to Council, this could mean the Clubs could end up paying between £8,000 - £10,000.

Councillor Farry stated that this motion was brought to the meeting for Members to debate, he has moved an amendment to the recommendation and he would like to move to the vote.

Councillor Conroy advised that it was agreed with Ferryhill Town Youth on 17 April 2013 and it was in the agreement that Ferryhill Town Youth would provide the Council with a copy of the accounts by 1st July each year and the Council never received a copy of the accounts, the Town Youth wrote and said they would supply the accounts so the Council never knew how things were standing, the Council needed to know if they were struggling then Council could help them. Councillor Smith asked if the Club are registered as a Charity and if they were Council could check how much they have, Members weren't sure.

Councillor P Atkinson thought this should be brought in for next years budget.

Councillor Cansella asked Derek Shingleton for his advice, Mr Shingleton advised members that if the effect of what is being proposed is that the income will fall from whatever source as a result of the motion then all that would be required would be the budget would be reduced to implement that change, it is not a major issue from the budget point of view.

A named vote was requested on the amended motion.

| FOR | AGAINST | ABSTAIN | NOT PRESENT |
|--------------|----------------|----------------|--------------------|
| J. Lindsay | | | M Brown |
| Z. Roddam | | | |
| K. Campbell | | | |
| M. Walton | | | |
| K. Conroy | | | |
| C. Atkinson | | | |
| P. Atkinson | | | |
| G. Barker | | | |
| M. Seymour | | | |
| D. Farry | | | |
| A. Smith | | | |
| N. Jones | | | |
| R. Smith | | | |
| J. Makepeace | | | |
| J. Cansella | | | |
| R. Shepperd | | | |
| 16 | 0 | 0 | 1 |

RESOLVED

That Council decide the best way forward and agree any changes to the agreement with Ferryhill Town Youth and Mainsforth Cricket Club, Ferryhill Town Council recognises the great volunteering work done by both groups and to help them continue this in the future have them pay the same peppercorn rent for the building they use as Ferryhill Town Band and this cost be absorbed by the underspend in this years budget for the next 3 years and this be reviewed in year 2.

c) That this Council considers its Motions Policy M_04

The motion submitted by Councillor D Farry, seconded by Councillor N Jones is that Ferryhill Town Councils Motions policy is outdated and undemocratic and Council should decide to review/amend its motion policy M-04.

Councillor Conroy advised that in January 2014 Council reviewed standing orders, standing orders were approved from 30 January 2014, Council have been going by NALC Standing Orders and were not aware of any motions policy.

Councillor Cansella stated that what was concerning is that not only Councillors hadn't realised the motions policy was still in place but that the Clerk has been carrying out putting motions on the agenda in line with the Motions policy, its not the Clerks duty to do policies, it's the Councillors duty to review policies and take them out, unless it was taken out the Clerk is going to use it.

It was proposed that with immediate effect Ferryhill Town Council's Motions Policy M_04 is cancelled and replaced with NALC's model on: 9. Motions for a meeting that require written notice to be given to the Proper Officer with the following amendments highlighted in red.

a) **Motions may be submitted to the Clerk in writing (including via email) and should include a brief explanation of their purpose.** All motions shall relate to the responsibilities of the meeting which ~~it is~~ **they are** tabled for and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the council's area or its residents. **The appropriate officer to prepare a report for Council in support of each Motion.**

b) no motion, **unless of an emergency nature**, may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least 7 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.

c) The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9(b) above, correct obvious grammatical or typographical errors in the wording of the motion.

d) If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer so that it can be understood at least 7 clear days before the meeting.

e) If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chairman of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.

f) **Subject to standing order 9 (e) above**, the decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.

g) Motions received shall be recorded in a book for that purpose and numbered in the order that they are received.

h) Motions rejected shall be recorded in a book for that purpose with ~~an~~ **a clear and valid explanation** by the Proper Officer for their rejection **and brought to the next full Council meeting together with the explanation for the rejection.**

The amendments should take place immediately, and, the wording to be reviewed by the Corporate Governance sub-committee and any proposed changes to this to be brought back to full Council by no later than the February meeting.

The Clerk advised the meeting that he has serious concerns about the amendments, regarding the statement that the appropriate officer to prepare a report for Council in support of each motion, what if the motion is not supported.

Councillor Conroy proposed a further amendment, to accept what Councillors Farry, Cansella and Makepeace wanted originally to accept NALC Standing orders and they be accepted, Councillor P Atkinson seconded.

Councillor Walton asked how she could agree the amendments when it is hard to understand with Members are talking over each other, Councillor C Atkinson agreed that more time was needed to read to proposed amendments on such a big decision.

The Chair made a statement 'the appropriate officer is to prepare a report for Council in support of each motion', the appropriate officer can only prepare a report in evidence not in support so that amendment can not be accepted. The Chair advised he was going to suspend the meeting immediately as this motion can not go forward.

Councillor Farry advised that an amendment had been moved to a motion and a vote should take place.

Councillor R Smith stated that there was an important issue on the agenda that needs discussing as Council only have until 21st December to make a report back, Councillor Smith moved that the meeting continue, Councillor D Farry seconded.

The meeting was suspended whilst the Clerk and Chair had a discussion.

At this point 8.50pm Members agreed that the meeting should go on until all items on the agenda are discussed.

The meeting continued. The Chair requested that this motion be brought back with all amendments as it is not an urgent issue and the cancel the motions policy and continue with the Standing orders until all Councillors receive a copy of amendments, Councillor K Conroy seconded.

It was proposed to vote on the amendments.

A named vote was requested:

| FOR | AGAINST | ABSTAIN | NOT PRESENT |
|--------------|----------------|----------------|--------------------|
| G. Barker | J. Lindsay | | M Brown |
| M. Seymour | Z. Roddam | | |
| D. Farry | K. Campbell | | |
| A. Smith | M. Walton | | |
| N. Jones | K. Conroy | | |
| R. Smith | C. Atkinson | | |
| J. Makepeace | P. Atkinson | | |
| J. Cansella | | | |
| R. Shepperd | | | |
| 9 | 7 | 0 | 1 |

RESOLVED

That the Motions policy M_04 be removed and Members accept the NALC standing orders as Ferryhill Town Council's Standing Order no. 9 with the amendments as stated above, the above wording is to be reviewed by the Corporate Governance sub-committee and any proposed changes to this to be brought back to full Council by no later than the February meeting.

112.17-18 SPRING AND SUMMER BEDDING PLANTS AND HANGING BASKETS CONTRACT 2018 TO 2020

Members discussed the report previously circulated and considered the 3 quotes provided. It was suggested that rather than take out a 3 year contract, the contract be awarded to the lowest tender for a 1 year contract and this be reviewed after a year. Also, the Clean & Green Team at Durham County Council be contacted to ascertain if they can help with the Spring and Summer Bedding.

RESOLVED

That a one year contract be offered to Thinford Nurseries and this be reviewed annually. The Works Manager contact the Durham County Council Clean & Green Team to request a meeting to discuss future contacts.

113.17-18 DEAN BANK PARK REGENERATION PROJECT WORKING GROUP – Terms of Reference

Mrs Karen Younghusband was in attendance and Members considered the report previously circulated. A detailed discussion took place.

Proposed by Councillor D Farry, **Seconded by** Councillor J Makepeace to accept the Terms of Reference with the following amendments:

The Membership from the History Society and Town Band be increased to 3 Members each and also that the group reserve the right to invite representation from additional groups in the future, as required.

Close links be developed with all schools in Ferryhill where possible, and also with schools in surrounding villages such as Kirk Merrington and Bishop Middleham.

The Grants & Projects Officer is given a budget of £10,000 with expenditure being monitored by the Clerk. That Mrs K Younghusband draw up the delegated powers section and bring it back to the next meeting. Councillor Makepeace, Chair of the Dean Bank Park Regeneration Working Group would meet early in the New Year with the Grants & Projects Officer to help develop this section.

RESOLVED

That members agree and formally adopt the draft Terms of Reference for the Dean Bank Park Regeneration Working Group with the inclusion of:

- Membership from the History Society and Town Band is increased from 2 Members each to 3 Members each

- The following wording is added to the Membership section: 'The group reserves the right to invite representation from additional groups in the future, as required.'
- The following wording be added to the Principles Section: 'Develop close links with all schools in Ferryhill where possible, and also with schools in surrounding villages such as Kirk Merrington and Bishop Middleham.'
- The inclusion of a Delegated Powers Section, with a budget of £10,000 being monitored by the Town Clerk. It was agreed that Councillor Makepeace, Chair of the Dean Bank Park Regeneration Working Group meet early in the New Year with the Grants & Projects Officer to develop this section, and that this be brought back to the next Council meeting.

114.17-18 ROYAL GARDEN PARTY BUCKINGHAM PALACE 2018

Members were asked for nominations to attend the Royal Garden Party to be included in the selection process by CDALC.

Moved by Councillor J Makepeace, **Seconded by** Councillor D Farry to nominate Councillors Richard and Lauraine Smith.

Moved by Councillor K Conroy, **Seconded by** Councillor Z Roddam to nominate Councillors Peter and Carole Atkinson.

| | |
|-----------------------------------|---|
| In favour of Councillors Smith | 7 |
| In favour of Councillors Atkinson | 9 |

RESOLVED

Councillors Peter and Carole Atkinson's names be submitted to Steve Ragg by email to be entered into the random draw for the Royal Garden Party.

115.17-18 DURHAM COUNTY COUNCIL ASSET DISPOSAL – Clevesferye House, Ferryhill

The Clerk informed the meeting of the request from Durham County Council Assets for comments that Ferryhill Town Council wish to make on the asset disposal, Clevesferye House, by no later than 21st December 2017.

Proposed by Councillor D Farry and **Seconded by** Councillor R Smith that Ferryhill Town Council have no comments to make but wish to inform Durham County Council that the Council wish to put in an Expression of Interest in Clevesferye House, thus giving Ferryhill Town Council time to explore any opportunity to take over this building and its possible uses, for example Henderson House, The Ladder Centre and No 66 have all been very successful in our area

A consultation should take place with local community groups and organisations to see if they are interested in taking on the responsibility of

this building, with the Clerk reporting back to Council in January for it to consider all possibilities.

A named vote was requested:

| FOR | AGAINST | ABSTAIN | NOT PRESENT |
|--------------|----------------|----------------|--------------------|
| R. Smith | J. Lindsay | | M Brown |
| J. Cansella | Z. Roddam | | |
| J. Makepeace | K. Campbell | | |
| G. Barker | M. Walton | | |
| R. Shepperd | K. Conroy | | |
| A. Smith | C. Atkinson | | |
| M. Seymour | P. Atkinson | | |
| N. Jones | | | |
| D. Farry | | | |
| 9 | 7 | 0 | 1 |

RESOLVED

That;

- a) Ferryhill Town Council have no comment to make in response to the request from Durham County Council

And

- b) Ferryhill Town Council submit an expression of interest to Durham County Council for Clevesferye House, thus giving Ferryhill Town Council time to explore any opportunity to take over this building and its possible uses.

And

- c) The Town Clerk to carry out a consultation with local community groups and voluntary/organisations who may show an interest on taking on this asset with the Clerk reporting back to Council at the January meeting.

116.17-18 MEMBERS GIFTS AND HOSPITALITY M-01

Councillor Makepeace explained the reasoning for raising this issue and the Clerk explained that the information provided was in response to the decision made on this item. To save having to prepare a separate policy the current policy has been amended in red, attached to the report, for consideration.

Moved by Councillor K Conroy, **Seconded by** Councillor C Atkinson to accept the recommendations.

| | |
|---------|---|
| For | 7 |
| Against | 8 |
| Abstain | 1 |
| Absent | 0 |

RESOLVED

That the amended policy is not agreed.

117.17-18 BUDGET 2018/2019

Members considered the report previously circulated and Mr Derek Shingleton went through the report with members in great detail.

Mr Shingleton was thanked for his excellent detailed report.

Moved by Councillor K Campbell, **Seconded by** Councillor C Atkinson to accept the recommendations of the report.

RESOLVED

That:

- a) Following the December meeting, Members consider whether any significant changes to the budget need to be proposed, in accordance with Financial Regulation 3.2 and, if any are received, agree that a special meeting be held in early January 2018 to consider them.

And

- b) The final Budget and Precept be agreed at the Council meeting on 24 January 2018.

118.17-18 AMENDMENT TO TERMS OF REFERENCE FOR THE COMPLAINTS PANEL

Members considered the report previously circulated and the revised Terms of Reference for the Complaints Panel.

Moved by Councillor J Cansella, **Seconded by** Councillor D Farry to amend delegated power number 12 with immediate effect: To consider and determine all complaints referred to the Panel including but not limited to allotments, managed and self managed and tenants of all Council owned/leased/rented properties and to be reviewed by the Corporate Governance Sub-Committee at their next meeting.

| | |
|---------|----|
| For | 10 |
| Against | 3 |
| Abstain | 3 |
| Absent | 1 |

RESOLVED

That delegated power number 12 of the Terms of Reference for the Complaints Panel be amended to read: To consider and determine all complaints referred to the Panel including but not limited to allotments, managed and self managed and tenants of all Council owned/leased/rent

properties and to be reviewed by the Corporate Governance Sub-Committee at their next meeting.

There being no further business the meeting was closed at 10.20pm

CERTIFIED AS A TRUE RECORD

CHAIR.....

DATE.....