

## **FERRYHILL TOWN COUNCIL**

Minutes of the **ORDINARY MEETING** of the Council held in the Council Chamber, Town Hall, Ferryhill, on **WEDNESDAY, 18th APRIL 2018** at **7.00 p.m.**

**PRESENT:** *Councillor:* J Lindsay

*Councillors:* C. Atkinson, P. Atkinson, G. Barker, J. Cansella, K. Campbell, K Conroy, D Farry, K Graham, N Jones, J. Makepeace, Z. Roddam, M. Seymour, A. Smith, R. Smith, M Walton, C. Woods

**Officials:** D. Snowball, Town Clerk  
K. Younghusband, Grants & Projects Officer  
R. Seymour, Works Manager  
D. Shingleton, Accountant  
S. Hewitson, Committees & Civic Administrator

**173.17-18** **APOLOGIES FOR ABSENCE**

There were no apologies received.

**174.17-18** **MEMBERS DISPENSATION**

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

**175.17-18** **DECLARATIONS OF INTEREST**

There were no declarations of interest.

**176.17-18** **PUBLIC PARTICIPATION**

The Chair stated that he didn't want statements and the public could only ask questions. This assertion was refused by Mr G Atkinson who was then allowed to make his representation and thanks the Complaints Panel for their hard work and the outcome of the investigation.

Mr B. Lamb asked for clarification in relation to Item 12 on the agenda 'East End Allotments' – 'Is it legal to put names in the public domain without that persons permission?'

Mr B. Lamb also asked if any interests were declared at the meeting of the Complaints Panel?

It was agreed that the Clerk would send a written response in reply to these questions.

**177.17-18** **MINUTES**

To confirm as a correct record;

b) Ordinary meeting                      21<sup>st</sup> March 2018

**Moved by** Councillor K. Conroy to accept the minutes.

Councillor J. Cansella proposed that the following amendments be made before the minutes are agreed:

Minute No. 162.17-18 - The word '*heinously*' be changed to '*erroneously*' and the word '*in*' be changed to '*to*'.

Minute No. 168.17-18 – The following paragraphs be inserted:

*'Councillor K. Conroy and Councillor J. Lindsay objected to the Terms of Reference for the Corporate Governance Sub-Committee on the grounds of a procedural error and that it should have been presented on the agenda for the Finance, Planning and General Purpose Committee.'*

*Mr Shingleton explained that Terms of Reference for all Committees is agreed at the May meeting by full Council and there is no procedure by which any committee can agree the Terms of Reference it has to be agreed by full Council.'*

Also, any reference to members within the minutes to have the title Councillor.

Councillor R Smith stated, before the words... any reference to members within the minutes to have the title Councillor

#### **RESOLVED**

The minutes of the Council meeting held on 21<sup>st</sup> March 2018 be agreed as a true & accurate record subject to the above amendments are made.

#### **178.17-18 COMMITTEE MINUTES**

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

a) Finance, Planning & General Purpose                      21<sup>st</sup> March 2018

#### **RESOLVED**

The minutes of the Finance, Planning & General Purpose Committee held on 21<sup>st</sup> March 2018 be received and that the said minutes be approved and adopted.

#### **179.17-18 OTHER MINUTES FOR INFORMATION ONLY**

a)      Complaints Panel    10<sup>th</sup> January 2018  
b)      Complaints Pane    127<sup>th</sup> March 2018  
c)      2000 Committee    21<sup>st</sup> March 2018  
d)      Corporate Governance Sub Committee                      13<sup>th</sup> March 2018

Councillor J. Cansella asked why the confidential, draft, minutes from meetings of the Complaints Panel were being presented to Council before

being seen or signed off by the Panel and stressed the importance of presenting minutes in chronological order.

The Clerk stated, "It's just the way the system has worked and if members want to change that they are within their right to do that".

**RESOLVED**

That these be received.

**180.17-18 ANNOUNCEMENTS**

a) MAYOR'S REPORT

Councillor J. Lindsay informed the meeting he had attended 2 Civic Events in the last month, a Civic Dinner at Durham and a Fish & Chip Supper at Hartlepool.

b) MEMBER'S REPORTS

Councillor P. Atkinson advised Members he had attended the recent PACT meeting, he congratulated the Speed watch team which is made up of Volunteers, 21 drivers had been warned about speeding.

Priorities for this month is fly tipping and wheelie bins being left out in the Street.

Members were also advised that PC Chris Metcalfe will be retiring from the Police Force.

**RESOLVED**

That these reports be received.

**181.17-18 MOTIONS ON NOTICE**

**Motion 1**

**Moved by** Councillor D. Farry, **Seconded by** Councillor P. Atkinson that this Council applies the same peppercorn rent agreement to Ferryhill Bowls to run in line with FTB, FTY and MCC.

**RESOLVED**

That the same rent agreement be applied to Mainsforth Bowls Club to run in line with Ferryhill Town Band, Ferryhill Town Youth F.C & Mainsforth Cricket Club.

**Motion 2**

**Moved by** Councillor K. Graham, **Seconded by** Councillor D. Farry that this

Council agree to have an annual Veterans Day. This to be progressed with the Events Officer to establish the best venue and date for the event and report back to Council for the May 2018 meeting.

Councillor D. Farry explained that this motion was nothing to do with the one-off Veterans Day event, which had previously been planned by a member of the public.

Councillor j. Cansella reiterated this and also raised her concerns about Councillors giving members of the public the impression that they could hold events of this type, without the prior agreement of full Council.

Councillor j. Makepeace stated that the motion was for the Council to support holding an Annual Veterans' Day, in principle, at this stage.

Councillor D. Farry proposed the following amendment to the motion; leave in the words Grants Officer, leave in Events Officer, add Councillor K. Graham and Councillor D. Farry and add the words if feasible, he then read out the motion with the amendment.

'That this Council agree to have an annual Veterans Day. This to be progressed with the Grants Officer, Councillor D Farry and Councillor K Graham to establish the best venue and date for the event, if feasible, and report back to Council for the May 2018 meeting.'

The Clerk made the following comment: I think that it's absolutely disgraceful that they're trying to undermine the role of the correct officer who is dealing with events.

Councillor D. Farry requested that his substantive motion be read out, again, so the Clerk was clear on what is said. The Chair refused this request.

Councillor J. Makepeace tried to dispute the Clerk's comment. The Chair prevented this.

Councillor K. Conroy advised that she would support such an event, however, it was bad timing with the cancellation of the recent Veterans event and what the public would think.

Councillor D. Farry repeated his request for the substantive motion to be read out again, so that the Clerk and Councillor Conroy were clear on what had been said and that everyone knew what they were voting on. Councillor D. Farry read the substantive motion out again.

**Moved by** Councillor D. Farry **seconded by** Councillor J. Makepeace to amend the motion as follows, to which Councillor K. Graham agreed:

'That this Council agree to have an annual Veterans Day. This to be progressed with the Grants Officer, Events Officer, Councillor D. Farry and Councillor K. Graham to establish the best venue and date for the event, if feasible, and report back to Council for the May 2018 meeting.'

Members agreed unanimously.

**RESOLVED**

That Council agree to have an annual Veterans Day. This to be progressed with the Grants Officer, Events Officer, Councillor D. Farry and Councillor K. Graham to establish the best venue and date for the event, if feasible, and report back to Council for the May 2018 meeting.

**182.17-18**    **MOTION 3**

Members considered the report providing details in connection with the following motion which was read out at the March meeting by Councillor K. Conroy:

‘That Council consider looking into Ferryhill Railway Station with a view to re open it. There are various reasons why now would be a good time to look into this; government money is available and discussions have taken place regarding the possible re-opening of the Leamside railway line. I see this as a Council working together, not a political debate.’

**Moved by** Councillor K .Conroy, **Seconded by** Councillor P. Atkinson to amend the motion and add ‘that the 3 County Councillors meet with the Officer from Horden and a report be brought back to Council’.

**Moved by** Councillor D. Farry, **Seconded by** Councillor R. Smith to remove from the motion the wording ‘not a political debate’ and add ‘that a full costing report be brought back to the June Council meeting’.

<b>FOR</b>	<b>AGAINST</b>	<b>ABSTAIN</b>	<b>NOT PRESENT</b>
G. Barker	C. Atkinson		
J. Cansella	P. Atkinson		
D. Farry	K. Campbell		
K. Graham	K. Conroy		
N. Jones	J. Lindsay		
J. Makepeace	Z. Roddam		
M. Seymour	M. Walton		
A. Smith	C. Woods		
R. Smith			
<b>9</b>	<b>8</b>	<b>0</b>	<b>0</b>

**RESOLVED**

That Council consider looking into Ferryhill Railway Station with a view to re-open it. That the 3 County Councillors meet with the Officer from Horden and a full costing report be brought back to the June Council meeting.

**183.17-18**    **COMMUNITY BANK**

Councillor K. Conroy thanked Mr D. Shingleton for the report.

It would seem that the provision for residents of Ferryhill to save and borrow with a not-for-profit organisation offering community focussed banking services already exists. It may be that the Town Council can promote the

organisation through the website or with printed literature, however, the scope for being involved in our own community bank is limited.

Councillor K. Conroy withdrew the motion for the Community Bank.

### **RESOLVED**

That the motion be withdrawn.

### **184.17-18 EAST END ALLOTMENTS REPORT**

Members considered the report previously circulated.

Before giving either the Chair or the Officer of the Complaints panel the opportunity to present the report, the Chair invited Councillor K. Conroy to read out the following pre-prepared statement:

*We would like to raise our concerns regarding the investigation process and Terms of Reference, which were changed whilst the investigation was ongoing. We would further request that we seek urgent advice from the appropriate bodies and request that they confirm whether or not, in their opinion, the process was fair and would withstand external scrutiny. The Council and Councillors have a duty to ensure that our processes are in compliance with the current legislation and that we would be able to defend ourselves against potential allegations or claims, as we are an open and transparent Council we believe Members will agree that we have a responsibility to seek urgent advice on this matter, as it is imperative that we prevent the Council from being exposed in Court simply because we have not sought appropriate advice on the fairness of these actions and the process. We would also like to ask that the same bodies to look at the legal position and provide advice regarding the recording of confidential meetings and the distribution of those recordings to members of the public. Out of interest, I would also like to point out that the 5 members who are on the Corporate Governance who changed the Terms of Reference in the middle or changed the Terms of Reference in the middle, or changed the goal posts, in the middle of investigation are the same ones who are on the Complaints Panel, so they were aware of the follow up investigation and as for the recommendations the Appeals Panel cannot vote on this because an appeal might come in so we cannot commit ourselves to this vote.*

Councillor D. Farry requested that the Clerk go through the Councillor Conroys statement and explain it, in detail, to members. The Chair refused this request.

The Chair prompted Councillor M. Walton to ask her question to Mr D. Shingleton.

Councillor M. Walton asked for an explanation as to why the report from a confidential meeting of the Complaints Committee, held with the press and the public excluded, contained the names of all the people that were invited to the meeting, and whether the names should have been anonymised and under Data Protection Laws and could this mean any legal action against this Council.

Mr D. Shingleton stated that, in his opinion, the Complaints Panel had done nothing wrong and explained that the Complaints Panel met to consider a complaint against the Council, with invited parties. He went on to state that had the parties concerned been put into the report as “representatives from the East End Allotment Association”, it would not have been difficult to find out who they actually were, and that the other officer present was the Town Clerk, so there was no issue at all.

Whilst Mr D. Shingleton was talking the Chair, the Clerk and Councillor K. Conroy were conferring, Councillor Farry asked them to stop.

Councillor P Atkinson stated that he had concerns, which had been brought to his attention, that the recording was taken home by a Councillor.

The Chair then announced that he was going to stop all further conversation, as he had been informed that an appeal had been made against the decision of the Complaints Panel and therefore this item would be withdrawn from this meeting and would not be discussed any further.

Objections to this were raised by several Councillors.

Councillor J. Makepeace asked to make a statement, the Chair refused this request.

Councillor R. Smith asked for a vote on whether or not Councillor J. Makepeace should be allowed to make his statement. The Chair refused this too, stating that an appeal had been made and therefore there could be no vote.

Councillor D. Farry pointed out that the only person who can make an appeal against the decision is the complainant. The Chair continued to stifle further comments and discussion.

Councillor J. Makepeace stated that Mr D. Shingleton should be congratulated, as stated by the complainant, and said “I consider his findings to be sound, entirely feasible and unbiased I commend his findings to this Council and they should be upheld, and he should be thanked.”

The Chairman asked the two members of public to leave the meeting for commenting.

The Chair then asked the Clerk for any comments he'd like to make, stating; “I believe that we cannot hold a vote on this matter because there is an appeal against the decision of the Panel.”

The Clerk advised that Members could still discuss this item and vote even though an appeal is coming in, although at this stage no details or reasons have been given.

Mr D. Shingleton was then allowed to resume the presentation of his report and he began by correcting the unsubstantiated allegation made by Councillor Conroy and question from Councillor P. Atkinson, stating that “The recording

of the meetings had not been circulated to anybody, not another member of the Council nor a member of the public and that he had the only copy of the recording.” He went on to explain that, for security and with his agreement, the recording of the meeting had been taken for safe-keeping overnight and that it was returned directly to him the next morning.

He also pointed out that his report makes no reference to the issue that Councillor K. Conroy refers to in her statement , which is an issue directly related to the Town Clerk and explained that his report had been deliberately worded in such a way that, if there was an appeal against the decision of the Council, any members who might sit on the appeal panel would be not compromised. He confirmed that there had been an appeal from the allotment association, but no reasons or details for their appeal had been provided and pointed out that the decision of the Complaints Panel cannot be the final decision. The decision to take the management of East End Allotments back to the Council is a Council decision.

Councillor D. Farry was again prevented from speaking by the Chair.

Councillor K. Conroy was allowed to interject, again, stating, “I brought this investigation to this Council as a matter of courtesy, it will go ahead, there will be an investigation.”

Mr D. Shingleton advised members that it is for the Council to consider the decision about whether EEAA should retain self-management or be brought back under Council control. He recommended that if the Council agreed to bring it back under Council control, then a letter be written to EEAA explaining that their appeal must be against the decision of the Council and not the Complaints Panel and ask for the reasons for their appeal supported by additional information, not a duplication of what has already been said an provided.

Councillor D. Farry congratulated Mr D. Shingleton for a very independent, robust, thorough report, report and findings were based on fact, it was then **Moved by** Councillor D. Farry, **Seconded by** Councillor R. Smith to accept the recommendations of the report.

A named vote was requested:

<b>FOR</b>	<b>AGAINST</b>	<b>ABSTAIN</b>	<b>NOT PRESENT</b>
G. Barker	C. Atkinson		
J. Cansella	P. Atkinson		
D. Farry	K. Campbell		
K. Graham	K. Conroy		
N. Jones	J. Lindsay		
J. Makepeace	Z. Roddam		
M. Seymour	M. Walton		
A. Smith	C. Woods		
R. Smith			
<b>9</b>	<b>8</b>	<b>0</b>	<b>0</b>

**RESOLVED**

That the decisions made by the Complaints Panel be approved and the Allotment Association be asked to provide details of the reasons for their appeal against the decision.

**185.17-18 SENIOR CITIZENS TRIP 2018**

Members considered the report previously circulated.

Councillor M. Seymour asked if more members could try and attend the trip to help with the administration.

**RESOLVED**

That the Contract for the coaches to South Shields on Thursday 26<sup>th</sup> July 2018 be awarded to Griersons Coaches and the fees be as follows:

Child	£2.00
Senior Citizens	£3.00
Adult	£5.00

**186.17-18 SPRING AND SUMMER BEDDING**

Members considered the report previously circulated for information only. Councillor J. Cansella stated that at the Council meeting in February it was requested that the Clerk provides a copy of the Winter Maintenance Agreement to all Councillors.

**RESOLVED**

That this be received and the Clerk to provide a copy of the Winter Maintenance agreement to Members by no later than Wednesday 25<sup>th</sup> April 2018.

**187.17-18 MACHINERY REQUIREMENTS**

Members considered the report previously circulated regarding the replacement of the following machinery

The machines required to replace those currently under contract are as follows:

- 1 x Honda Pedestrian HRH536QX Roller Mower
- 4 x AS 470 Pedestrian Mower
- 1 x Allet C24 10 Blade Greens Machine
- 2 x Toro Timecutter HD XS4850 Ride on Mower

**Plus** the following machines, required to replace those owned by the Council, which are now beyond economical repair:

- 1 x Groundsman 345 HD Aerator
- 1 x Sisis Auto Rake MK5 Scarifier Machine
- 1 x Allet Buffalo 34 Groundsman Outfield Machine
- 1 x Honda Pedestrian HRH536QX Roller Mower

**Moved by** Councillor D. Farry, **Seconded by** Councillor J. Makepeace to accept the recommendations of the report.

For	16
Against	0
Abstain	1

**RESOLVED**

That the Council purchase the machines on a hire purchase option from Lloyds of West Auckland. At the end of the contract the machines then become the property of the Town Council and can be sold or continue to be used, if economically viable.

**188.17-18**     **NOMINATION FOR AREA ACTION PARTNERSHIP REPRESENTATIVE**

Members were asked for a nomination for the Four Together Area Action Partnership board. Nominations were requested from the Councils within the four together area for the one vacant position and all nominations will be placed into a draw.

Councillor G Barker nominated Councillor R. Smith, this was seconded by Councillor .J Makepeace.

**RESOLVED**

The Town Clerk to submit Councillor R. Smith's name to the AAP for Inclusion into the draw.

**189.17-18**     **NOTICEBOARDS**

Members considered the report previously circulated for information only.

**RESOLVED**

That this be received.

**190.17-18**     **MINERS BANNER REQUEST**

Members considered the report following a request from the Exhibitions Officer at Durham Cathedral for the loan of Dean & Chapter Miners Banner.

Councillor C. Woods advised Members that for information the date for the event at Beamish as mentioned in the report is Sunday 1<sup>st</sup> July 2018 and not 30<sup>th</sup> June.

Councillor D .Farry moved that the Council offer both banners for the display.

Members agreed unanimously.

**RESOLVED**

That the Dean & Chapter Miners banner is loaned to Durham Cathedral for the Miners: Pitmen, Pride and Prayer Exhibition and the Clerk contact the Cathedral to offer the use of the Mainsforth Banner as well.

**191.17-18 RE-SUBMITTED REVISED CEMETERY POLICY AND RESPONSES**

Members discussed the report previously circulated.

The Chair stated that he would like to go as quickly as possible to a vote on this item.

Councillor Woods informed the meeting that there were no dogs allowed, except for guide dogs but there is no notice about this at the entrance to the cemetery.

Councillor Cansella disputed the accuracy of the Clerk's report and reiterated the fact that two cemetery policies had been in place but that the C\_01 Cemetery Policy, which had been agreed by Council in January 2016 and was previously on the Councils website via the Duncombe Cemetery link but that this document had been altered in March 2018. The Chair interrupted stating that he was going to bring the Clerk in.

Councillor Conroy then exclaimed that she was baffled by some of the questions being raised.

The Chair refused to allow Councillor Cansella to finish asking her question on this agenda item or finish what she had to say on the matter.

**Moved by** Councillor K. Conroy, **Seconded by** Councillor P. Atkinson to accept the recommendations of the report with the addition of 'except for Guide and Assistance dogs'.

Members agreed unanimously.

**RESOLVED**

That the revised policy is adopted with the addition of 'except for Guide and Assistance dogs' to be added to the dogs and other animals section on page two.

**192.17-18 CLEVESFERYE HOUSE – expression of interest**

Mrs K. Younghusband was in attendance and summarised the report previously circulated to Members. Mrs Younghusband advised Members that the recent consultations had been poorly attended and the residents in attendance were keen to get their points across and express concerns.

Councillor P. Atkinson stated that from the people he has spoken to no-one who is in favour of this and he does not support an expression of interest.

Councillor J. Cansella queried if an expression of interest is submitted will the building come off the market, the Clerk advised that it would stay on the market.

Councillor K. Conroy stated that the local residents want the building demolished.

**Moved by** Councillor D Farry, **Seconded by** Councillor J Makepeace to submit an expression of interest and the following details be used to complete section four of the expression of interest form;

Currently Used for? Not in use.

Why Interested? Keep open an important facility for community use and Services.

What do you plan to do? Use if for services and resources for Community.

How will it be funded? From external sources and subject to survey.

Do what with? Skills / Training Centre, Youth Club, Days in/Days out for elderly, Arts & Music, Council Service Centre, Working partnership hub to include volunteers, local community groups and charities and a Community café.

A named vote was requested.

<b>FOR</b>	<b>AGAINST</b>	<b>ABSTAIN</b>	<b>NOT PRESENT</b>
G. Barker	C. Atkinson		
J. Cansella	P. Atkinson		
D. Farry	K. Campbell		
K. Graham	K. Conroy		
N. Jones	J. Lindsay		
J. Makepeace	Z. Roddam		
M. Seymour	M. Walton		
A. Smith	C. Woods		
R. Smith			
<b>9</b>	<b>8</b>	<b>0</b>	<b>0</b>

**RESOLVED**

That the Clerk submit an Expression of Interest to Durham County Council and the wording for Q4 read as follows:

Currently Used for? Not in use.

Why Interested? Keep open an important facility for community use and Services.

What do you plan to do? Use if for services and resources for Community.

How will it be funded? From external sources and subject to survey.

Do what with? Skills / Training Centre, Youth Club, Days in/Days out for elderly, Arts & Music, Council Service Centre, Working partnership hub to include volunteers, local community groups and charities and a Community café.

**193.17-18 PROJECT UPDATE REPORT**

Members considered the report previously circulated.

Mrs Younghusband explained that the pre-qualifying questionnaires had been received from 7 companies for the Surtees Doorstep Green project and tenders had been sent out with the deadline being 14<sup>th</sup> May. There would then be a period of consultation at the Station School on 23<sup>rd</sup> May and designs would be shown to the Friends group for comments and a meeting would be held on 24<sup>th</sup> May in the British Legion, all Councillors would be invited.

Due to timescales there may be a delay coming back to Council and an Extraordinary meeting may be required to discuss this.

**Moved by** Councillor K Conroy to accept the recommendations of the report.

**RESOLVED**

That Members note the contents of the report and agree that the potential projects detailed in this report be progressed.

And;

That members inform the Town Clerk and the Grants and Projects Officer of any potential project ideas that they are aware of.

**194.17-18 ANNUAL GOVERNANCE STATEMENT**

Members considered the report previously circulated.

**RESOLVED**

That Members agree the Annual Governance Statement in relation to the year ended 31 March 2018.

**195.17-18 RELEVANT CORRESPONDENCE (for information)**

1.	Durham County Council	Asset disposal for Clevesferye House, Ferryhill Asset Management
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**RESOLVED**

That this be received.

2.	Paxton Street Allotment Association	Thank you for rodent treatment of allotment plots.
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**RESOLVED**

That this be received.

- |    |                                      |                |
|----|--------------------------------------|----------------|
| 3. | Neighbourhood Plan<br>Steering group | Group concerns |
|----|--------------------------------------|----------------|

**RESOLVED**

That this be received.

There being no further business the meeting was closed at 8.40pm.

**CERTIFIED AS A TRUE RECORD**

**CHAIR**.....

**DATE**.....