

MINUTES OF THE SPECIAL PARKS AND EVENTS COMMITTEE HELD ON 1st OCTOBER, 2019

Present: B Taylor (Chair), Mrs B E Allen, R Arthur, E Bell, Mrs J A Bell, Mrs G Bleasedale, Mrs K Brace, S P Colborn, Mrs S Forster, Ms R M Gratton, G N Hepworth, Mrs L Kennedy, K Shaw, T Shepherd, Miss L Willis.

Apologies: S Cudlip, D Cummings, Mrs V Cummings, D McKenna, S Pratt.

Officers: Mrs D Rickaby (Town Clerk)
Mr P Fletcher (Deputy Town Clerk)
Miss A Rountree (Minutes)

In Attendance: Mr A Simpson (Solicitor)

Prior to commencement of the meeting the Chair advised members of this Committee and members of the public that in line with the amendment to 'the public bodies (admission to meetings) act 1960', which came into force in August, 2014, parts of this meeting may be recorded by photographic, video and audio means.

PE53/19 DISCLOSURE OF INTERESTS

Members were reminded prior to the start of the meeting of the need to disclose any interests, prejudicial or personal, in accordance with the Code of Conduct.

PE54/19 RESOLUTION TO EXCLUDE THE PRESS AND PUBLIC

Due to the commercial sensitivity of the information being provided it was agreed that the press and public should be excluded from the meeting.

PE55/19 ALLOTMENT ISSUES

Mr Simpson, the Council's Solicitor stated that some issues had been highlighted to himself on how the allotments are being managed by the associations and he had looked at the current management agreements. He noted that the agreements are not clear who has responsibility for certain issues and felt that the current management agreements need to be updated as the default position would be that the Town Council would be held responsible for any incidents.

Mr Simpson suggested that the associations should be given a 6 month notice to terminate so this would give time to make the agreements more robust so that both the Town Council and the Associations know what they are both meant to be doing and responsible for.

Regarding fires on allotment sites Mr Simpson noted that under the Health & Safety at Work Act any repercussions would fall on the Town Council as landowners. A Member noted that associations were made aware of the fire and they did deal with the issue in the correct manner. Another Member noted that the materials on the site were hazardous and questioned how long they were on site and why was it not dealt with sooner.

A Member stated that there were a few sweeping statements within the advice given from the Solicitor and questioned whether these issues were regarding all allotment sites as the burning of waste is a fundamental part of the allotments. The Deputy Town Clerk stated that there was toxic waste brought on to Deneside Allotments. A Member also raised the issue of statements saying there was no water available on the sites for the Fire Service. He noted that the Fire Service would have access to hydrants so wouldn't need the water from the allotment sites. Members were alerted to the reduced times of when the water supply is made available which reduces the opportunity for allotment holders to put out any fires.

Another Member raised the issue of insurance. The Town Clerk stated that the Council's Policy recommends that all allotments have their own insurance and questioned whether the Council were at risk. The Solicitor stated that due to the current agreements not being clear the Town Council are at risk. A Member stated that she thought the associations had passed on copies of their insurance certificates to the Town Council.

A Member questioned whether it was a managerial failure if the Town Council had not ensured that associations were insured and requested copies of the association's insurance documents. Another Member stated that he didn't feel it was managements responsibility to chase up insurance documents from the associations and the onus should be on the associations to provide these documents.

A Member questioned whether the Town Council's own allotment sites have specific insurance cover under the Councils insurance. The Town Clerk stated that she had contacted the Council's insurance company regarding this and they had re-iterated that the Town Council are covered for Council run allotments. The Town Clerk stated that Officers have tried to get information from the associations, and they have not produced it. Meetings have been called and they will not attend, so Officers are unable to do their jobs if the associations won't comply.

A Member stated that Hall Street Allotments have Public Liability Insurance but this only covers for normal allotments and questioned whether allotments which have businesses on them would be covered under this policy if someone was to get hurt within the business setting. The Solicitor stated again that this would fall back onto the Council as the landowner. A Member stated that it had been agreed at a previous meeting that the businesses on allotment sites would be phased out. It was noted that the Town Council would still be responsible in the interim phasing out period.

The Town Clerk stated that it was important to highlight the complaints which had been received which included dogs barking on allotment sites, a Police raid on an allotment site whereby 6 people have been removed for illegal cannabis growing, commercial activities taking place and a dead horse. The Fire Service, RSPCA and Police Officers have huge concern that the associations are not running the sites legally. A Member questioned whether this was mainly down to one site to which the Town Clerk stated there were concerns on 3 sites. A Member questioned whether some associations are working correctly and the Town Clerk stated there are some but the ones that are not need to be eradicated. The Member questioned whether when Officers receive complaints that these are passed onto the associations to deal with. The Deputy Town Clerk stated that the complainants wanted to remain anonymous, but they have already reported their concerns to the associations, to no avail.

A Member stated that he would like to see the insurance documents for all sites so Members are aware of what is going on and for those who don't have insurance that this is brought to their attention to be covered forthwith as he doesn't want anyone suing the Town Council.

It was also noted that there was commercial activity at Ernest Field Allotment site and the dead horse was at Dawdon Hill Allotments.

A County Councillor stated that there is a consultation paper which has gone through a public consultation and is currently going through a transition period at Durham County Council. The Councillor stated that he felt the letter from the Solicitor was another means of undermining what has been previously been agreed by Members and questioned when the Town Council had requested guidance from the Town Council's Solicitor. Another Member stated that the Town Clerk has the authority to request information from the Solicitor to enable her to offer appropriate advice to Members. The Town Clerk also stated that she has the delegation of authority and the power to act immediately without waiting for endorsement by the Council.

Mr Simpson suggested that the Town Council could wait to see Durham County Council's paper when it is finalised to see if Seaham Town

Council could also adopt the same approach. He noted that the County's Solicitor is very thorough, and this may be of benefit to Seaham Town Council. He advised Members that they could inform the associations that they have got 6 months to phase out the current agreements and these will be replaced by Durham County Councils agreements if they are agreeable with Members.

A Member stated that on the Solicitors letter Action Point 4 the Solicitor recommends that the Council do not make any significant decision in respect of the management of the allotment sites at this stage.

A Member stated that he would be interested to see what the County Councils Solicitor proposes but, in the meantime, he felt that Seaham Town Council couldn't leave themselves open and stated he agreed with the Town Clerk for bringing the issues to this meeting.

A Member proposed that 3 sites should be handed back to the Town Council in the meantime until the agreements are sorted. Another Member suggested giving the associations a 6-month temporary agreement until the County Council paper is ready.

A Member stated that Deneside Allotments have already taken action and banned 6 people from the site. A further Member stated that if there is criminality on allotment sites then the Town Council have a responsibility to manage it.

A Member stated that to be an association they must have articles of association and questioned the Town Clerk as to whether the associations have these. The Town Clerk stated that the Town Council have not seen these and that two sites are not affiliated to any governing body.

A Member stated as the three sites are not complying then the Town Council should take them back under their own management. Another Member stated that there was a decision made last month not to take back the sites. A further Member stated that this would be going against the legal advice of the Town Council's Solicitor.

A Member then proposed that Parkside, Deneside and Fishbone Allotments come back under the management of the Town Council. This then went to a named vote.

For: Councillors B Taylor, S P Colborn, Mrs K Brace, Mrs B Allen, Miss L Willis, Ms R Gratton.

Against: Councillors K Shaw, Mrs L Kennedy, E Bell, Mrs J Bell, Mrs S Forster, T Shepherd.

Abstained: Councillors Mrs G Bleasdale, R Arthur, G N Hepworth.

As the vote was tied the Chair had the casting vote and it was agreed that Parkside, Fishbone and Deneside Allotments would be managed by Seaham Town Council.

RECOMMENDED that “take the sites back, sort them out, working with the associations to form new associations then when they are working properly hand them back, getting at least the first three sites sorted first” Those being Parkside, Fishbone and Deneside.