

MINUTES OF THE COUNCIL MEETING HELD ON 15TH OCTOBER, 2019

Present: The Mayor, Councillor Miss L Willis (Presiding) and Councillors Mrs B E Allen, R Arthur, E Bell, Mrs J A Bell, Mrs G Bleasdale, Mrs K Brace, S P Colborn, S Cudlip, D Cummings, Mrs V Cummings, Mrs S Forster, G N Hepworth, D McKenna, T Shepherd, B Taylor, R Whitehead.

Apologies: Councillors Mrs L Kennedy, Mrs S Pratt

Officers: Mrs D Rickaby (Town Clerk)
Mr P Fletcher (Deputy Town Clerk)

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.

FC41/19 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. Such interests must be submitted to the Town Clerk prior to the meeting.

FC42/19 OPEN SESSION

In accordance with established policy the Council provided the opportunity at the beginning of the meeting for a 15 minute session.

A member of Fishbone Allotment Association addressed the Council asking why when it has been ratified at Full Council three times that full control is with associations why are we here discussing the same thing again?

The chair asked if this could be expanded upon.

The member of the Association stated, at three Full Council meetings ratification was held that full control of the running of the allotments was handed back to associations unanimously.

It was advised that this is a different motion which is being ratified at this meeting.

The member of the Association asked if Councillor Hepworth had an allotment. A Member stated he did but no longer does.

A member of Parkside Allotment Association addressed the Council stating, for the last four years we have been actively trying to engage with the Council to discuss any issues regarding allotments across the board. For the last four years I have been told consistently that there is no problem so can any Councillor tell me why we are being victimised by Seaham Community Party?

The Deputy Town Clerk advised that a long meeting was held on 30th April with both Allotment Associations present at which negotiations took place on what can be done on the land as the Council was trying to get some control back to stop certain things happening. At that meeting we discussed and negotiated with John and Jimmy various things about how you can still have animals on allotments but they would be controlled because this is what the Council does, we try and control things so that there are measures in place so people don't get hurt and all of you are welcome to ask the Council for a copy of the recording from that meeting and you will hear us negotiate from dogs to horses, as we do not want people to have to remove horses immediately as nobody wants that here. There are certain things we want to achieve and its just a bit of control. So if you want you can go back and find out how we tried to negotiate on the 30th April and then Jimmy and John came back to a meeting some months later and disagreed with the negotiations and refused to sign. So that's why we are in the position now.

The member of the association stated that there were things in the minutes which were never mentioned. The allotment association member felt these minutes mislead Councillors. The Deputy Town Clerk explained that it was agreed on the 30th April that existing plots with animals can continue to keep them but no new plots or persons to be allowed. John Pervis from Parkside Allotments disagreed that this was never mentioned in the meeting. The Deputy Town Clerk stated that commercial activities were given 3 years and John Pervis said it was never mentioned at the meeting. Two members stated that it was indeed mentioned. John Pervis said it was described in the meeting as unconventional use and the dispute continued until the Chair brought the meeting to order stating if any allegations are being made of inaccurate minutes this must be in writing to the Town Clerk with what is believed to be wrong and any evidence.

A Member stated if we are given a report we accept that as being true however if there is other evidence or other reasons why we should not accept that report then it needs an investigation as to why that is the case. The Chair advised we will listen to the transcript of the meeting to look into the matter. A Member requested all Councillors be invited to attend and be supplied with a copy of the minutes. A Member requested both the audio and written transcript be available so it can be compared. It was agreed that Councillors would meet with officers and go through the issues together to provide answers and allay any concerns.

A Member suggested minutes be checked page by page to avoid errors. It was advised minutes are received a week prior to the meeting. Another Member stated that is was decided at Full Council that minutes would be referred to but not page by page, this still stands.

A Member asked that it was mentioned a few years ago about an amnesty that allowed people to hold onto allotments.

The member of Fishbone responded stating Fishbone met with the Council many years ago to discuss commercial activities an amnesty was given to Fishbone for five commercial activities which were going on at that time with the inclusion that once stopped nobody could take over. It is estimated this

meeting took place 28-30 years ago. There is now only one part time the other four have gone.

A Member of the public asked regarding Deneside Allotments, following the recent evictions what are the plans for those plots? The member of the public said that the local residents had put up with fires and other problems for some time. It was advised the association will look to re-let the plots to suitable tenants and are looking to close off the rear entrance to the site. The Deputy Town Clerk said he was glad that the resident had brought this up as it was a prime example of where the Council had helped the association sort out problems and worked in the best interest of local residents to make it all good. The local resident said he and the rest of the local residents were pleased that something had finally been done to stop the problems affecting the local residents.

A Member of the public addressed the Council regarding the Westlea area. They felt they are receiving a lack of response from Believe Housing. The Chair advised we have reported this to the police previously. It was suggested the member of the public follow up Believe Housing as the Town Council has no authority over Believe regarding the points raised.

A County Councillor for the Westlea area advised they have been out to the area in question part is on a bridleway which does not prevent access to walk the other is residential and does not restrict access to the path. There is nothing further which can be done at the moment from this perspective.

A Member asked given the large attendance from allotment representatives could it be explained what the Council's intentions are with the allotments, how long is it going to be under control, is it to be put back as soon as an agreement can be made?

The Chair responded stating there is no process in place currently until the minutes are ratified. The idea would be looking at the allotments and want new leases signing which we are taking legal advice for. If there are any problem sites, then the Council want to work with those committees to rectify these problems then they will be handed back. We have no intention of taking the allotments away from people on a permanent basis this is a temporary measure to get any problems sorted. If the associations want to continue with their current committee or a new committee that is entirely up to them and we will work with them to hand them back.

FC43/19

TO CONSIDER THE MINUTES OF THE MEETING OF SEAHAM TOWN COUNCIL HELD ON 18th SEPTEMBER, 2019

RESOLVED the Minutes of this meeting, a copy of which had been previously printed and circulated to each Member, be approved, and they be signed as a correct record by the Mayor.

FC44/19 REPORTS OF SERVICE COMMITTEES

RESOLVED that the reports of the following Committees, copies of which had been previously printed and circulated to each Member, be approved:

- a) Report of the Parks and Events Committee held on 24th September, 2019.

A Member requested the minutes be gone through page by page. A Member raised a point of order stating we agreed Members would have an opportunity in the lead up to a Full Council meeting to read through the minutes and if they had any points of issue then to note them, the page number and reference to bring them up at the committee meeting.

A Member stated you can see Members which are using the iPads struggling to follow the meeting when it goes quickly.

The Chair noted the request.

- b) Report of the Finance and General Purposes Committee held on 1st October, 2019.

A member asked whether the results had come in for the person who was given a grant to help attend a competition and it was explained that he had not returned yet.

- c) Report of the Planning and Environmental Committee held on 1st October, 2019.

- d) Report of the Twinning Committee held on 1st October, 2019.

A member asked that the extra thing put forward at that meeting at the end would be brought back to the twinning Committee meeting.

- e) Report of the Establishment Sub-Committee held on 1st October, 2019.

A Member queried why the staffing review report was not circulated with the agenda it was advised this is a confidential staffing issue and the report is viewable in the Town Clerks office should Members wish to read it. A Member asked if it was available for scrutiny by any member by arrangement with the Town Clerk and it was confirmed it was. A member asked whether the seasonal workers on the next page over was also confidential. The Town Clerk explained that the whole meeting was confidential.

- f) Report of the Special Parks and Events Committee held on 1st October, 2019.

A Member asked what the commercially sensitive reasons were to exclude the press and public and the Deputy Town Clerk explained that the solicitor was present to talk about legal implications of different ways of managing the allotments.

A Member raised an amendment. On behalf of the ten members of the Labour group they wished to propose a motion that the full report of the Special Parks and Events Committee meeting is referred back for further and much more detailed scrutiny by Councillors because in their view there are many inaccuracies and mistakes made by the Council and Councillors in considering the allotment issues these included not waiting 6 months until Durham County Council published their new agreements, waiting for 4 weeks for another solicitors report and also stated that both Parkside and Londonderry have not had any issues with burning of toxic waste or criminal activities in the last 8 years but an incident did happen a while ago when two young people set up a furniture removal business and began burning this on land known locally as pigeon square and is not owned by the Council and is not the responsibility of the allotment association. The allegation that a horse was poisoned is not true. The member stated that there had been no mention of financial cost for collecting rents, switching water on and off, opening and closing gates and many more things. The Parks decision is against government policy which promotes devolving responsibility of local services to local groups and also against the Councils own policy statement to self-manage their sites. The Community Party Councillors in attendance at meetings with the solicitor was improper and could be seen as prejudicial, bias, discrimination, harassment and bullying of a sort and both associations have never breached the terms of their agreement and they have not been given any information in writing or verbally about alleged complaints and the recommendation is unlawful and unjust and none of the Councillors on the labour side have heard such a level of complaints that it warrants taking the action proposed .

The Member listed various points which they felt were inaccurate within the minutes. The Member also raised concerns with the accuracy of the wording of the recommendation with the use of the term cultivation. The Member stated it should be dealt with at the appropriate time once the solicitors came back with the additional advice concerning terms and conditions.

The Deputy Town Clerk confirmed that he had dealt with well documented illegal activities in the past at Parkside Allotments with the burning of tyres as he wrote out the eviction notice himself, he also dealt with illegal activities at Deneside that the local residents and allotment holders are very pleased about, and also the well documented puppy farm at Fishbone. Jim Smith of Fishbone Allotments said that the Deputy Town Clerk was telling lies about that but the Deputy Town Clerk explained that he did not contact the newspapers but the newspaper article is there for all the people to see.

The Town Clerk explained that she had invited the committee from Fishbone allotments to a meeting so she could discuss with them complaints raised by other allotment holders from the site and fishbone allotment committee refused to meet with the Town Clerk.

A Member referred back to what he explained was an extremely serious issue about the recommendation wording that it should not include returning the allotments back to cultivation.

It was suggested the Deputy Town Clerk listens to the recording of the meeting of the 1st October 2019 in the presence of the Member to clarify the accuracy of the recommendation. Members would be invited to attend the meeting in order to verify the items mentioned.

A Member stated that the legal responsibility for the accuracy of minutes was the responsibility of the Town Clerk, it is not the responsibility of Councillors. It has also been suggested that these are just drafts and it is for Councillors to come forward with any ideas of where mistakes or corrections are necessary, that's not legally correct either.

The Deputy Town Clerk asked that in order to cool things down that he would be allowed by Councillors to check the recording of the 1st Octobers recommendation with the member and if they are not then we would investigate it. It was discussed who had typed up the minutes and checked them, whether the minutes were in draft form and that they are not verbatim and have often been corrected at full Council. The Deputy Town Clerk said that if they wanted the word "cultivate" removed then they could do it now. Members further discussed the issue and some referred to Durham County Councils proposed new leases and waiting for further legal advice by the solicitor.

RESOLVED It was finally agreed that the minutes from the 1st October Special Parks and events meeting would not be agreed until they are checked by the Deputy Town Clerk at a meeting with other available members.