

MINUTES OF THE COUNCIL MEETING HELD ON 10TH DECEMBER, 2019

Present: The Mayor, Councillor Miss L Willis (Presiding) and Councillors R Arthur, E Bell, Mrs J Bell, Ms K Brace, S Cudlip, Mrs S Forster, R. Gratton, G N Hepworth, T Shepherd, B Taylor.

Apologies: Councillors Mrs B Allen, S P Colborn, D Cummings, Mrs V Cummings, Mrs L Kennedy, Mrs S Pratt, K Shaw,

Officers: Mrs D Rickaby (Town Clerk)
Ms A Rountree (Minute Taker)

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.

FC52/19 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.

FC53/19 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 asked Members to clarify whether Fishbone Association were still running the allotment site as he had received conflicting information from Officers and Councillors. It was noted that the association had been served with 6 months' notice which was agreed at a meeting in October, 2019, and there would be work needed to be carried out between the association and the Town Council in the interim period. The member of Fishbone Association stated that they had given notice to one of their members to quit and he had been informed by the Town Clerk that the notice to quit was illegal. The Town Clerk stated that the amount of days' notice that had been served on the allotment member was incorrect and they should have been given 30 days termination notice.

It was noted that the association will still be managing the allotment site up until the 11th May, 2020 which is the 6 months' notice period. The Town Clerk stated that the eviction notice is illegal as the Town Council have served a notice which stated that there will be no evictions of allotment tenants or new lets during the transition period. The member of Fishbone Allotments stated that this was not legal and questioned whether the

association changed the notice from 14 days to 30 days would the Town Council assist with the eviction. He reiterated that the association have given the notice to quit to one of their members for bad conduct which included several occasions of abuse which culminated in criminal damage. A Member stated that the Town Councils Solicitor had informed them that whilst the notice period is on place there can be no evictions or new lets. The member of the association stated that a Councillor had informed him that this was not the case. The Councillor stated he had informed the association that they were still running the site until the Town Council took it over and that the association cannot evict anyone or let anyone new on the site which the Solicitors letter states.

The member of the association stated that the Solicitors letter is not valid. The association member stated that the first letter they received had the wrong date on it. The letter stated that the termination was going to take place on 1st November, 2019 and when it was pointed out it was wrong, a second letter was received from the Solicitor which the association received on the 29th November, 2019. The association had already served notice to quit to their member prior to this date. A Member stated that in the letter it states that it was ratified by Council on the 12th November, 2019. The association member stated that they held a committee meeting on the 9th November and decided to give the notice of termination to their member then and it was issued to them on the 13th November, 2019.

The member of the association stated that he has video evidence showing the notice being served to their member.

A Member stated that there maybe other issues that the associations want to raise but if they were willing to be patient and hopefully put some confidence in the Council there may be something later in the meeting which would provide the associations with a degree of confidence and hopefully restore some of the good working relationships which should exist between the associations and the Council. The discussions may not satisfy everyone but may give some assurances that the associations are looking for.

The member of the association stated that the issue with their member who they have served notice on is a big issue with the members of Fishbone Allotments and the person has caused nothing but grief and abuse to other members of the association and the situation cannot be allowed to continue.

A Member noted that there is evidence that this person has been given notice to quit by the association with the times and dates and if the Council have made a mistake the Council have to accept this and the Council should abide by the decision made by the allotment association. A further Member stated that whatever the Council decide they must be fair to both the Council and the allotment holders.

A member of the public wished to address the proposed dog ban on the beaches. She stated that a Facebook page had been set up with over 1200 signatures and each Councillor had been emailed individually requesting information on how many complaints had been received by the Council for

dog mess on the beaches and to date she hadn't received any responses. The lady stated that the majority of complaints were about human waste such as nappies and other rubbish. She pointed out the effects the dog ban would have on local businesses especially at the Marina.

A Member stated that the motion was that Seaham Town Council would go to Durham County Council to ask for a public consultation so that everyone in Seaham would be consulted. Seaham Town Council cannot impose a ban without public consultation.

A Member stated that he did not receive the email but got a copy from another Councillor. He was then contacted by an Officer asking if he would meet with the group to which he replied he would and to get back with a date for the meeting but to date he has not heard anything further.

It was noted that the Marina had been in contact with the Town Clerk to discuss holding a meeting to discuss this matter further.

The member of the public stated that the group wanted proof of complaints received regarding dog mess.

A Member stated that once the Town Council receive word from Durham County Council that the public consultation has started the Town Council will advertise this in the Seaham Today magazine which is delivered to every household in Seaham and everyone in Seaham will have chance to voice their opinion.

A business owner from the Marina stated that a dog ban would affect his business as well as others. He was concerned as there are a lot of rumours and the business owners are not quite sure what is happening at the moment and wanted to know who he could address his concerns to. A Member stated that the point of making a complaint and making a person's views known is at the point of consultation. It was noted that the person to contact at Durham County Council would be Mr Ian Hoult.

FC54/19

TO CONSIDER THE MINUTES OF THE MEETING OF SEAHAM TOWN COUNCIL HELD ON 12TH NOVEMBER, 2019

A Member stated that this item has been discussed with the Town Clerk and another Member.

Regarding page 9968 this reverts back to the original decision on 1st October, 2019 involving the Special meeting of the Parks and Events Committee. The resolution which is actually quoted in item FC47/19 is in fact a complete replication of the original wording which was quoted in the October Full Council meeting when the Member proposed an amendment and the Council listening to a motion that the Council take back the sites and work alongside the associations to form new associations and then once they were working properly to hand them back to the associations of Parkside, Deneside and Fishbone.

The wording is incorrect and should be stricken from the record. The wording should be that the recommendation should be incorporated within the minutes of the Special Meeting of the Parks and Events Committee of the 1st October, 2019 as now amended. This has been agreed with the Town Clerk and Members.

The Member requested permission from the Council to discuss the allotments as he had referred to earlier in the meeting. Members agreed to discuss this.

The Council want to be seen to be working amicably and harmoniously with the associations and the Council have agreed this as part of this year's Corporate Plan. It was noted that the notice that has been served by Morton's Solicitors should be withdrawn with immediate effect. In turn a new notice will be served providing the appropriate 6 months' notice to expire in June next year which will be issued by the Town Clerk and it will use more conciliatory and proportionate language. There is only 1 item which the associations may wish to show concern about, and this is where the associations powers will be suspended with immediate effect in the notice. This will relate to the right to serve or enforce notices to quit. It will be for the association to provide proof to the Council that they have followed all of the proper procedures that the Town Clerk highlighted earlier as the notice to quit discussed earlier does not have the required days' notice in law. This would have to be served again and it could only happen if the Council agree to this and the association provide all of the necessary assurances to show that it was appropriate for that notice to be served and to be enforced. The Council would have to be asked to take the appropriate action on the association's behalf.

The Allotments Working Party are approximately a third of the way through settling the terms for a new lease to the associations. The Working Party will be working throughout January and February and hopefully by March the terms of the new lease will be settled and approved by the Council. At this point new leases could be offered to the associations. Hopefully this will provide some sense of reassurances to the associations as the Member stated it will take away some of the concerns from the current suspension. The associations will have the right to allocate new plots when they become available and to carry out the normal association duties apart from the right to evict as this has been suspended by the Council and the association would have to satisfy the Council who would exercise that right to evict if it was deemed necessary.

It was pointed out to Fishbone Association that the notice they served to their Member was invalid as they only gave 14 days' notice instead of the statutory 30 days and as from tonight it will be the Councils decision whether to evict or not. Fishbone Association then handed their evidence to the Town Clerk. A Member stated that the way forward would be for the representatives to meet with Council Officers and discuss this matter further.

A member of the public stated that to reiterate what the association are saying he is one of the families who have suffered abuse from the person who was served notice to quit. His family have received threats and his wife, children and grandchildren will no longer visit the site out of fear. It was noted that all of this information is available in the evidence presented.

A Member suggested that a small panel should be convened at the earliest opportunity to deal with this matter. It was suggested that the Members of the Allotments Party form the panel.

Also, regarding page 9968 a Member raised a further issue from the last meeting regarding the costs of conferences. It was noted that it is only the cost of the course which is given.

A Member also queried why she had not been informed that the Twinning Committee had been cancelled. The Town Clerk stated that any questions should be asked prior to the meeting as per Standing Order No. 9.

RECOMMENDED:

- (i) That the Town Clerk arranges a meeting of the Allotments Working Party to discuss the proposed eviction from Fishbone Allotments.
- (ii) The cost of the course to be provided to the Member.
- (iii) If Councillors have any questions prior to the meeting can they be raised to the Town Clerk.

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.

FC55/19 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 19th November, 2019.

Regarding item FE62/19 page 9970 Remembrance Sunday a Member had previously questioned whether everyone had been briefed about the implications of purdah at the Remembrance Day Parade. It appeared that some information had not been passed on as the Seaham Community Party laid a political wreath. A member of the Royal British Legion had previously stated that he had taken advice from their Chair and was told that there was no problem with that. The Town Clerk had sent information round stating that purdah does not affect Local Councils in a General Election it only affects Members of Parliament and possibly County Councillors. The Deputy Town Clerk was to contact the Royal British Legion for this information, and he will provide this information once received.

- b) Report of the Finance and General Purposes Committee held on 26th November, 2019 subject to Councillor R Arthurs apologies being noted.

Regarding item F95/19 page 9976 a Member stated he had previously questioned the bookings for November/December and was still awaiting a reply. He was also questioning whether the contract with Ramside Events was signed. The Town Clerk stated that meetings were being held between the Council Officers and Ramside Events Officers and Councillors on the Town Hall Working Party would be meeting tomorrow to look at the contract and if Councillors agreed the contract it would be going to Ramside Events. The Town Clerk stated that meetings had been held by herself and the Deputy Town Clerk throughout the year regarding issues the Council had with Ramside Events. The Member queried why there had been no Working Party meetings over the past year to inform Members of the issues. The Town Clerk stated that the issues are day to day management issues. It was noted that there are over 200 people attending on Friday night and over 180 on Saturday night this weekend for the Ramside Party Events.

- c) Report of the Planning and Environmental Committee held on 26th November, 2019 subject to Councillor R Arthurs apologies should be noted.

FC56/19

TOWN CLERK'S UPDATE

The Town Clerk stated that the next phase of the works at Dawdon Cricket Club should be starting in January and completed by the 1st April 2020.