

PETERLEE TOWN COUNCIL

SHOTTON HALL PETERLEE COUNTY DURHAM SR8 2PH

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Your Ref:

Our Ref: 14th February 2017

Date:

In accordance with Paragraphs 7 & 10(2) (b) of Schedule 12A of the Local Government Act 1972 I hereby summon you to attend a Meeting of **PETERLEE TOWN COUNCIL** to be held in the Council Chamber, Shotton Hall, Peterlee, on **MONDAY 20TH FEBRUARY 2017 at 6.45pm**


..... Ian Morris M.C.I.H.
Town Clerk
(Proper Officer of the Council)

MEMBERS ARE REMINDED OF THE NEED TO DISCLOSE ANY INTEREST, PREJUDICIAL OR PERSONAL, IN ACCORDANCE WITH THE CODE OF CONDUCT.

The Chairman advised Members of the committee and the public that part of the meeting may be recorded by both audio and video, and it may be that photographs were taken.

BUSINESS TO BE TRANSACTED

1. APOLOGIES FOR ABSENCE

2. POLICE UPDATE

Presented by Inspector Lee Blakelock, Peterlee NPT, Durham Constabulary

A PACT Meeting shall be held at 6.00pm at Shotton Hall, prior to the Council Meeting for members of the public and Councillors to raise local Police related issues before the main meeting.

3. PUBLIC PARTICIPATION SESSION

Will be held to allow Members of the public an opportunity to put questions to the Council

4. TO APPROVE THE MINUTES OF THE COUNCIL MEETING OF THE 23RD JANUARY 2017 (Circulated)

5. THE MINUTES OF THE MAYOR'S COMMITTEE OF THE 23RD JANUARY 2017 (Circulated)

6. THE MINUTES OF THE SHOW WORKING PARTY OF THE 30TH JANUARY 2017 (Circulated)

7. THE MINUTES OF THE HEALTH & SAFETY CONSULTATIVE COMMITTEE OF THE 30TH JANUARY 2017 (Circulated)

8. THE MINUTES OF THE FINANCE & GENERAL PURPOSES COMMITTEE OF THE 6TH FEBRUARY 2017 (Circulated)

9. THE MINUTES OF THE PLANNING COMMITTEE OF THE 6TH FEBRUARY 2017 (Circulated)

10. THE MINUTES OF THE ESTABLISHMENT COMMITTEE OF THE 6TH FEBRUARY 2017 (Circulated)
11. THE MINUTES OF THE PARKS & CEMETERY MEETING OF THE 13TH FEBRUARY 2017 (Circulated)
12. PLANNING
Land at Peterlee Lodge Hotel, Bede Way, use of land as hand car wash
For consideration and comment
13. REMEMBRANCE DAY PARADE

To consider the Town Council taking on the organisation of this Event, item requested by the Mayor, Councillor Cartwright
14. CONSULTATION OF PROPOSAL TO REMOVE STREET LIGHTS

DCC consultation on the proposal to remove street lights in our locality at various locations in and around Shotton and the road from Shotton to Easington. Copies of the surveys carried out are available on request from the Office. (Circulated)
15. 2017/18 BUDGET

Finalised Budget Report (Circulated)

16. FREEDOM OF INFORMATION ACT – DECISION NOTICE
FROM THE INFORMATION COMMISSIONER’S OFFICE

Members are recommended to note the contents of the report and the outcome of the ICO’s decision notice which upholds the Council’s position on ensuring it complies with the Data Protection Act and Freedom of Information Act, (FOIA), requirements. (Circulated)

17. RESOLUTION TO EXCLUDE THE PRESS AND PUBLIC
IN VIEW OF THE CONFIDENTIAL NATURE OF THE
FOLLOWING ITEMS TO BE DISCUSSED, THE COMMITTEE IS
ASKED TO PASS THE FORMAL RESOLUTION TO EXCLUDE
THE PRESS AND PUBLIC FROM THE MEETING, PURSUANT
TO THE PUBLIC BODIES (ADMISSIONS TO MEETINGS)
ACT, 1960 & THE LOCAL GOVERNMENT (ACCESS TO
INFORMATION) ACT 1985.

18. CODE OF CONDUCT REPORT

Final report of DCC Monitoring Officer into Code of Conduct
Investigation (Circulated)

19. LETTER FROM THE TOWN CLERK

Report from the Mayor, Chair of the Council (Circulated)

20. SPOKESPERSON OF THE LABOUR POLITICAL PARTY’S
REPORT

21. SPOKESPERSON OF THE NEP MEMBER’S REPORT

MINUTES OF THE COUNCIL MEETING OF THE 23RD JANUARY 2017

PETERLEE TOWN COUNCIL

MINUTES OF THE MEETING OF THE TOWN COUNCIL

HELD IN THE COUNCIL CHAMBER, SHOTTON HALL, PETERLEE

ON MONDAY 23RD JANUARY 2017 at 6.45PM

PRESENT:- COUN M A CARTWRIGHT (CHAIR)

Mesdames:- K Liddell, S Simpson, S McDonnell, L M Wood & K Hawley

Messrs:- G L Carne, C J Metcalfe, L Cook, C Watkins, S Miles, W M Jeffrey, R Kyle & A Watson

115. APOLOGIES FOR ABSENCE

Apologies had been submitted from Councillor G Cowie, J Alvey, D Sillito, V Watson & H Bennett, MBE.

RESOLVED the Council approve the reasons submitted for the absences received on the grounds where given above, and the Councillor's apologies for absence be recorded.

116. POLICE UPDATE

Inspector Lee Blakelock Peterlee NPT, Durham Constabulary had attended the PACT Meeting and members of the public had been in attendance. Inspector Blakelock introduced himself to the meeting explaining he had now taken over the role from Steve Thubron and he gave an update on the issues that had been discussed at the PACT Meeting. He reported that a walkabout had been held with one of the County Councillors around the O'Neill Drive Community hospital site; the developer was looking into further parking spaces being provided and from the 1st April the parking charge was to be reduced to £1.00. There were other measures being pursued and all partners were working hard to try and improve the parking and

MINUTES OF THE COUNCIL MEETING OF THE 23RD JANUARY 2017

traffic issues at the site. A progress report was given on ASB issues in Peterlee Town Centre and how the Police were working with the various partners to tackle the issues.

Members gave reports including off road bikes in the Beverley Way area, vehicle tracks of cars coming out of the Pentland Close area into Old Shotton, parking across and over footpaths and school gate parking. There was also discussion on the parking charges applied in Peterlee Town Centre and it was asked that properly positioned and clear signs should be put in place so that motorists were in no doubt as to the restrictions in the various car parks.

RESOLVED the information given, be noted and Sarah Bromwich, Town Centre Manager, be invited to attend a future meeting

117. PUBLIC PARTICIPATION SESSION

A public participation session was held to allow Members of the public an opportunity to put questions to the Council. Mr Duffy was in attendance at the meeting and raised issues in relation to the allotment sites.

There was a lengthy discussion on issues that had been raised in the past. It was confirmed the shop had ceased operating.

RESOLVED the report of the Council's Internal Auditor be considered as agreed at the next meeting of the Finance & General Purposes Committee.

118. THE MINUTES OF THE COUNCIL MEETING OF THE 19TH DECEMBER 2016 a copy of which had been circulated to each Member, were approved.

Matters Arising

Minute Number 100 – Public Participation

A Local Member asked if it was necessary for members of the public to sign into the building if they were attending a council meeting.

RESOLVED the Town Clerk obtain advice on this matter.

119. THE MINUTES OF THE MAYOR'S COMMITTEE OF THE 19TH DECEMBER 2016 a copy of which had been circulated to each Member, were approved.

120. THE MINUTES OF THE FINANCE & GENERAL PURPOSES COMMITTEE OF THE 9TH JANUARY 2017 a copy of which had been circulated to each Member, were approved.

Matters Arising

Minute Number 93(c) Request for Concessionary use of Shotton Hall Banqueting Suites, Joan Bailey MBE

RESOLVED the Council adopt a policy of granting concessionary use of Shotton Hall banqueting Suites for the funeral wake of any Peterlee resident who has made a significant contribution to the local community for which they have received a recognized award of OBE, MBE etc.

121. THE MINUTES OF THE PLANNING COMMITTEE OF THE 9TH JANUARY 2017 a copy of which had been circulated to each Member, were approved.

Although not covered in the minutes two planning matters were raised at the meeting.

It was reported a public consultation meeting had been held by Keepmoat about a proposed housing development and members were disappointed that the Town Council had not been invited to go along.

RESOLVED the Town Clerk request that the Town Council be included in future consultation taking place in the Town by Keepmoat.

Another Local Member asked for details on a proposed car valeting service that he understood was to operate from the carpark at the Lodge, Peterlee and he was concerned at where the excess water would run to and would it adversely affect the Town Council's land in the Dene Parks.

RESOLVED the DCC Planning Department be contacted about this proposal.

122. THE MINUTES OF THE ESTABLISHMENT COMMITTEE OF THE 9TH JANUARY 2017 a copy of which had been circulated to each Member, were approved.

123. THE MINUTES OF THE PARKS & CEMETERY MEETING OF THE 16TH JANUARY 2017 a copy of which had been circulated to each Member, were approved.

Matters Arising

Minute Number 58 – Provision of Salt Bins

It was **RESOLVED** the minute be amended to include reference to a Local Member suggesting that in future the Member's Initiative Fund or s137 grant could be used to finance a request for a grit bin.

124. THE MINUTES OF THE SHOW WORKING PARTY OF THE 16TH JANUARY 2017 a copy of which had been circulated to each Member, were approved, subject to Councillor Jeffrey's apologies being recorded.

There was considerable discussion about suggestions made by the Working Party, including there not being a Horticulture Show this year. Councillor Metcalfe asked that it be recorded that he had concerns this Council was to cancel the Horticulture Show and the effect it would have on Peterlee, especially the younger people of Peterlee and surrounding areas. Another Local Member felt the Show was becoming more about bands and entertainment and he asked for the reasons why it had been suggested the Horticulture and Arts and Crafts were not to be held. A Local Member explained that interest in taking part in both of these elements of the Show had seemed to have dwindled to a point where the cost of them being retained, could not be justified.

Following discussion it was **RESOLVED** the Horticulture Show still be held however it be relocated to the main hall in the Pavilion and the remainder of the suggestions made at the

Working Party, be accepted.

125. PLANNING

(a) Application – Land to the East of 5 Durham Way, proposed dwelling and garage within the grounds of hot food takeaway, Mahil's

Members considered this application and had no comments to offer to DCC.

RESOLVED no comments be made.

(b) The development of a new cremation facility, Castle Eden Brewery, Castle Eden

Members were pleased to hear the result of the recent planning appeal and it was **RESOLVED it be noted this appeal had been allowed and planning permission had now been granted for this proposal.**

126. 2017/18 BUDGET

Members considered the report of the Town Clerk, a copy of which had been circulated to each Member. A local Member enquired about the option of 2% reduction in precept that had previously been discussed at the Finance & General Purposes meeting on 9th January 2017. The Clerk confirmed that the result of a 2% precept reduction would be a loss of income of just over £25,000 compared to the 0% increase precept option presented to Council in the report.

A local Member enquired about the possibility of delivering a 7.7% precept reduction. The Town Clerk reported that this would equate to a net loss of income of just under £99,000.

The Town Clerk advised Members that as per the budget presentation to Finance & General Purposes Committee, he had worked closely with the Council's Senior Management Team to identify substantial reductions in discretionary budgets (equivalent to reductions of c15% on discretionary spend), and had set ambitious targets for growth in income generation from events and other activities. As such any reduction in precept would have to be funded from general fund

reserves as there was no scope to sustainably reduce expenditure or increase income beyond the figures presented in the draft 2017/18 budget.

Following further discussion, the Council **RESOLVED** that the budget as circulated be agreed with the exception of the precept income figure which would be reduced to £1,256,977, representing a 2% reduction in precept payments for individual households in Peterlee, with the balance being taken from general fund reserves.

FURTHER RESOLVED that a number of individual detail budget cost centres be considered further at the next Finance & General Purposes Meeting

127. APPOINTMENT OF CONTRACTOR TO PROVIDE PLAY EQUIPMENT FOR HAMPSHIRE PLACE PLAY PARK

Members considered the report of the Town Clerk, a copy of which had been circulated to each Member.

RESOLVED approval be given to award a contract for the provision of new play equipment at Hampshire Place at a value of £24,906.50 + VAT to Kompan UK Ltd.

FURTHER RESOLVED that the Town Clerk be granted plenary powers to work with the contractor and local Ward Members to agree the final specification and layout of the play area.

128. THE PAVILION – USE OF BAR SPACE

Members considered a motion submitted by the Scrutiny Working Group and **RESOLVED** that “exclusive room hire by private, public or community groups for the Pavilion sports and community facility will be prioritised over an open public bar, other than when a clear commercial or community opportunity exists (such as sporting events, Peterlee Show, etc).

The Town Clerk and Facilities Manager to be granted plenary powers to discern between private and community use as

appropriate. A summary report on hire of the bar area to be presented to the Finance & General Purposes Committee on a quarterly basis as part of the quarterly budget outturn report for the Pavilion.”

129. SPOKESPERSON OF THE LABOUR POLITICAL PARTY’S REPORT

Councillor Jeffrey had nothing to report.

130. SPOKESPERSON OF THE NEP MEMBER’S REPORT

Councillor A Watson echoed concerns on school gate parking which was an issue throughout the Town and he asked if a request for attention be made via the Civil Parking officers.

RESOLVED such a request be made to DCC.

131. RESOLUTION TO EXCLUDE THE PRESS AND PUBLIC
IN VIEW OF THE CONFIDENTIAL NATURE OF THE FOLLOWING ITEMS TO BE DISCUSSED, THE COMMITTEE PASSED THE FORMAL RESOLUTION TO EXCLUDE THE PRESS AND PUBLIC FROM THE MEETING, PURSUANT TO THE PUBLIC BODIES (ADMISSIONS TO MEETINGS) ACT, 1960 & THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985.

132. TOWN CLERK SIX MONTH APPRAISAL AND SALARY REVIEW

Members considered the report of the Mayor, Councillor M A Cartwright, a copy of which had been circulated to each Member. A Local Member felt this was a very comprehensive review by the HR Panel and the Town Clerk had made lots of progress in difficult times and had more than demonstrated his capability.

MINUTES OF THE COUNCIL MEETING OF THE 23RD JANUARY 2017

RESOLVED Council agree:-

- (i) the Town Clerk had successfully completed his six month probation period;**
- (ii) to the regrading of the post to the 'above substantive' grade for LC4, as detailed in the report;**
- (iii) this regrading payment being backdated to the Town Clerk's start date.**

PETERLEE TOWN COUNCIL

THE MINUTES OF THE MAYOR'S COMMITTEE

HELD IN THE COUNCIL CHAMBER, SHOTTON HALL,
PETERLEE

ON MONDAY 23RD JANUARY 2017 AT 6.30PM

PRESENT: S MILES (CHAIR)

Mesdames:- L M Wood, K Liddell, S McDonnell, S
Simpson, M A Cartwright & K Hawley

Messrs:- A Watson, W M Jeffrey, C J Metcalfe, R
Kyle, C Watkins, G L Carne & L Cook

49. APOLOGIES FOR ABSENCE

Apologies had been submitted from Miss K Cartwright, Mr P
Cartwright, Councillors V Watson, G Cowie, J Alvey & D Sillito.

**RECOMMENDED the Council approve the absences received
and the apologies for absence be recorded.**

50. THE MINUTES OF THE LAST MEETING, a copy of which had
been circulated to each Member, were accepted.

51. DONATION MADE TO A VOLUNTEER DOING CHARITY
WORK FOR 'RESTLESS DEVELOPMENT' IN NEPAL

The Mayor asked for approval to make a donation of £100 to this
young person and she outlined what the Appeal was about. It was
anticipated an update would be given when the volunteer returned
from Nepal.

**RECOMMENDED the Committee support this donation from
the Mayors Charity Appeal Fund.**

52. MAYOR'S CHRISTMAS CAROL SERVICE –WEDNESDAY
14TH DECEMBER 2016

It was reported 50% of the Collection taken at the service in the sum of £37.75 was donated towards the Charity.

RECOMMENDED the information given, be noted.

53. CHARITY CHRISTMAS PARTY NIGHTS AT SHOTTON
HALL 2016 – BALANCE SHEETS
Saturday 10th December, Friday 16th December & Saturday 17th
December 2016

It was reported these events raised profits of £2,206.89; £560.15 and £2,226.64, (a total of £4,993.68), for the Charity Appeal Fund.

RECOMMENDED the information given, be noted.

54. NEW YEAR'S EVE GALA NIGHT 2016 – BALANCE SHEET

It was reported a profit of £2,993.84 had been raised for the Charity Appeal at this event.

A Local Member felt that there appeared to be a lot of money being awarded to the Mayor's Charity Appeal Fund and he felt it should be classed instead as income for Shotton Hall Banqueting Suites and charities should apply for funding via the Member's Initiative Fund. Another Member commented that no one disputed the raising monies for charity, however it was the cost involved in raising this money.

RECOMMENDED a further report be made to a future meeting.

55. SENIOR CITIZENS NEW YEAR PARTY – FRIDAY 6TH
JANUARY 2017- BALANCE SHEET

It was reported £183.10 had been raised at the raffle at this event and the Mayor thanked Councillor Cook for his support with the raffle. The balance sheet also showed an underspend of £979.00. This was partly due to 50% attendance. Members felt the attempt made to make the event a little more "open" to others and increase

attendance by offering tickets at £5.00 for those living outside the Town wishing to come along, had been an excellent initiative and one which they supported.

RECOMMENDED the information given, be noted.

56. CHARITY BURNS SUPPER NIGHT – SATURDAY 28TH JANUARY 2017 – SHOTTON HALL

It was reported 69 tickets had now been sold for this event.

RECOMMENDED the information given, be noted.

57. UP TO DATE BALANCE OF CHARITY APPEAL

It was reported the Charity Appeal stood at £10,500.00, this includes the £200.00 donation being made to Cash 4 Kids Christmas Appeal and £100.00 to Restless Development.

RECOMMENDED the information given, be noted.

PETERLEE TOWN COUNCIL

MINUTES OF A MEETING OF THE PETERLEE SHOW WORKING
PARTY

HELD IN THE COUNCIL CHAMBER, SHOTTON HALL,
PETERLEE

ON MONDAY 30TH JANUARY 2017 AT 10.00am

PRESENT: COUN S MILES (CHAIR)

Mesdame: S Simpson

Messrs: L Cook, W M Jeffrey, G L Carne & A Watson

**MEMBERS WERE REMINDED OF THE NEED TO DISCLOSE ANY
INTEREST PREJUDICIAL OR PERSONAL IN ACCORDANCE WITH
THE CODE OF CONDUCT.**

5. APOLOGIES FOR ABSENCE

Apologies had been submitted from Councillor K Liddell (work), A Watson, H Bennett, (MBE) and G Cowie.

**AGREED the Council approve the reasons submitted for absence
received and the apologies for absence be recorded.**

6. THE MINUTES OF THE LAST MEETING

It was noted that Councillor Jeffrey had offered his apologies for not being able to attend the meeting. At the Council Meeting held on 23 January 2017 it had been agreed the Horticulture Show would still be held, however not in a marquee but in the main hall in the Pavilion.

AGREED the information given be noted.

7. THE REPORT OF THE SHOW CO ORDINATOR

Members gave consideration of the report of the Show Co ordinator, a copy of which had been circulated to each Member.

(a) Main Arena

Members considered the options for main arena entertainment for the Saturday only of the 2017 Show and a suggested programme was given:-

11.30 – 12.00 – Inch Perfect Trials
12.05 – 12.45pm – Bread & Butter Theatre Duo
12.50 – 1.20pm – Inch Perfect Trials
1.30 – 1.55pm – H & M Dog Display
2.00 – 2.40pm - Bread & Butter Theatre Duo
2.40 – 3.20pm - Inch Perfect Trials
3.25 – 3.50pm - H & M Dog Display
3.55 – 4.25pm - Inch Perfect Trials
4.30 – 5.00pm - Bread & Butter Theatre Duo

As discussed in the working party meeting a maximum spend of £6,000.00 for arena entertainment. Including £250.00 for Steve's Animal Arc the total spend for the above is £4,080.00. I have spoken to the company who provide the motorbike display and had been informed that there will be minimal damage to the pitch.

On the Sunday it was suggested there be a the classic car display and also there could be a display of vehicles from the Parks Department - tractors, grass cutters etc and a staff member would be with the vehicles to talk to the public and inform them of what areas the Department look after in Peterlee. Children could also have photos taken sitting on the tractor. Members felt this was an excellent idea.

The Army and RAF were interested in coming along and there had also been an offer of an MX5 car display and this was to be discussed and arrangements finalised.

AGREED the Working Party recommend to Council the H & M Dog Display Team and The Bread and Butter Theatre be booked to provide main arena entertainment and agree the suggested times for the arena entertainment, at a total spend, including Steve's Animal Arc of £4,080.00.

(b) Festival Marquee

Quotes had been received for a festival marquee, stage, audio and lighting as follows:-

Traditional		Festival	
Marquee	N/A	Marquee	£11,000.00

Stage	£3,750.00	Stage	£1,000.00
Lighting & audio	£3,750.00	Lighting & audio	£4,000.00
Total cost	£7,500.00	Total cost	£16,000.00

To assist in considering this item members were circulated with a copy of the estimated income and expenditure for the Event. It was noted that the additional cost of such a marquee could not be found from the current budget and following consideration it was felt it did not represent good value for money. Members felt that even with the very wet weather at last years event, the Saturday evening was still surprisingly well attended and the extra cost for a festival type marquee was neither justified or required. **AGREED that the main stage set be as with previous events and Acts perform there and not in a festival marquee.**

(c) Horticulture Show

The current Organiser advised that, for a number of reasons, he was unable to organise this years event. Members, whilst disappointed, thanked Councillor Jeffrey for his hard work and efforts with the previous events. The Co ordinator had given points to consider in her report which would need to be considered when organising an event in the main room of the Pavilion.

AGREED a notice be placed at both allotment garden sites and the Town Council's web site asking for interest in organising a Horticulture Show and Members be kept advised.

8. DATE & TIME OF NEXT MEETING

It was AGREED the next meeting be held on Monday 13th March 2017 at 10.00am.

PETERLEE TOWN COUNCIL

THE MINUTES OF THE MEETING OF THE

HEALTH & SAFETY CONSULTATIVE COMMITTEE

HELD IN THE COUNCIL CHAMBER, SHOTTON HALL, PETERLEE

ON MONDAY 30TH JANUARY 2017 AT 6.30PM

PRESENT:- L COOK (CHAIR)

Mesdames:- L M Wood, M A Cartwright & K Hawley

Messrs:- W M Jeffrey, A Watson, D Sillito, L Cook & S Miles

Representatives:- Mrs J Hugill, Miss S Pounder, Mrs K McMenam, Mr J P Hunt & Mr B Arnell

8. APOLOGIES FOR ABSENCE

Apologies had been submitted and accepted from Councillors S McDonnell, L M Wood, K Liddell, C J Metcalfe, R Kyle and Mr Neil Lawson, (staff reps).

RECOMMENDED the Council approve the absences received and the apologies for absence be recorded.

9. THE MINUTES OF THE LAST MEETING held on 31st October 2016, a copy of which had been circulated, were approved.

Matters Arising

(i) Minute Number 2(ii) Use of Grounds & Facilities by outside groups for Barbeques – Food Hygiene & safety advice

The Facilities Manager gave an update on the advice he had received from DCC. A Local Member challenged the advice given and asked

the Town Clerk if he could look into this further and advise the Council.

RECOMMENDED further advice be awaited.

- (ii) Minute Number 3 (vi) Policy on the use of an automated external defibrillator

Members were circulated with a draft of this Policy prepared by the Town Clerk, in consultation with the Sports Development Officer following the incident reported to the last meeting.

RECOMMENDED this policy be submitted to the next meeting of the Finance & General Purposes Committee.

10. HEALTH & SAFETY REPORTS/INCIDENT REPORTS

The following accidents had been reported since the last meeting of this Committee:-

- (i) An attack by a school class member on his way to a Taekwondo class;
- (ii) Swelling and bruising to right hand, second finger gripped a barbell and nipped her finger during an exercise class;
- (iii) Pulled muscle in her shoulder whilst carrying the christmas tree and decorations upstairs to store, (member of staff);
- (iv) Sprained left ankle taking rubbish to the outside bin, (member of staff).

Members asked for further detail on some of the reports made and this was given by the relevant Managers.

RECOMMENDED the information given, be noted.

11. TRAILER TRAINING

This item had been referred from the Parks & Cemetery Meeting held on 12 December 2016. The Horticultural Supervisor confirmed that every 3 years there was refresher training for all Parks staff. He also advised that two members of staff that had requested this training

during a staff meeting, had now successfully passed and completed it. There was another member of staff to undertake the training shortly. A Local Member felt this training should be made available to all operatives; the Manager assured it had been.

The Town Clerk advised that the restructure would bring with it proper annual appraisals and annual appraisal development plans for every member of staff and Department.

RECOMMENDED the information given, be noted.

12. NO SMOKING POLICY – FOR FEEDBACK

A copy of the current policy and the policy currently in use at Durham County Council had been circulated prior to the meeting for feedback and discussion. The Town Clerk reported the Council were working hard to implement the current policy and action had been stepped up in enforcing the current policy and practice.

One Manager advised that the policy was now being enforced, he did comment that as a smoker himself it should not be forgotten that smoking was an addiction. A Local Member spoke about what was acceptable for a smoke break.

The Sports Development Officer gave details of the smoking cessation clinic being held at the Pavilion.

The Town Clerk spoke on the duty of care to protect staff and he asked elected Members to support the policy by smoking in the designated smoking shelter. It was felt the policy needed to be applied fairly and consistently although it was discussed that it may not be a “one size fits all” with different sites and activities, however a policy that would be applied across the council was required.

RECOMMENDED this policy be considered further by the next meeting of the SMT.

13. DATE & TIME OF NEXT MEETING

RECOMMENDED the next meeting be held on Monday 24th April 2017 at 6.30pm.

THE MINUTES OF THE MEETING OF THE
FINANCE AND GENERAL PURPOSES COMMITTEE
HELD IN THE COUNCIL CHAMBER, SHOTTON HALL, PETERLEE
ON MONDAY 6TH FEBRUARY 2017 AT 6.30PM

PRESENT: COUN K HAWLEY (CHAIR)

Mesdames:- K Liddell, M A Cartwright & S Simpson

Messrs:- G L Carne, S Miles, D Sillito, W M Jeffrey,
C Watkins, R Kyle, C Robbins, L Cook & A Watson

MEMBERS WERE REMINDED OF THE NEED TO DISCLOSE ANY INTEREST PREJUDICIAL OR PERSONAL IN ACCORDANCE WITH THE CODE OF CONDUCT.

The Chairman advised Members of the committee that part of the meeting may be recorded by both audio and video, and it may be that photographs were taken.

100. APOLOGIES FOR ABSENCE

Apologies had been submitted and accepted from Councillors S McDonnell (ill), J Alvey (ill), C J Metcalfe, H Bennett, (MBE) (ill) and G Cowie (ill).

RECOMMENDED the Council approve the reason submitted for absence received from the Councillors listed, on the grounds where given above, and their apologies for absence be recorded.

101. INTERNAL AUDIT PROGRESS REPORT

The Chair welcomed Paul Bradley, Chief Internal Auditor and Corporate Fraud Manager and Steve Carter, Audit Fraud Manager, Internal Audit, Risk and Fraud, DCC who advised Members on work undertaken by Internal Audit between 1 April 2016 and 31 March 2017. Mr Carter took Members through his report, a copy of which had been previously circulated. The Town Clerk thanked the DCC Internal Audit Service

Team for their exemplary service, operationally the Team had been well received and had provided a good quality service and provided positive challenge to the Council on its current operations.

RECOMMENDED Members note progress made to date on delivering the internal audit plan for 2016/17.

PRIOR TO CONSIDERATION OF THE FOLLOWING ITEM
COUNCILLOR W M JEFFREY DECLARED AN INTEREST AND
TOOK NO PART IN THE DISCUSSION WHICH ENSUED.

102. LEISURE GARDENS INTERNAL AUDIT FINDINGS & ACTION PLAN

The report of the Town Clerk provided a summary of the findings of the recent Internal Audit of the Council's Leisure Gardens Service which had concluded with a limited assurance. The report outlined a proposed action plan to address the weaknesses highlighted in the report, a copy of which had been circulated to each Member.

RECOMMENDED the contents of the report be noted and the actions, responsibilities and timescales as set out in the Action Plan, be agreed. FURTHER RECOMMENDED approval be given to the inclusion of a follow-up Audit of the Leisure Gardens Service as part of the 2017/18 Internal Audit Plan.

103. THE MINUTES OF THE LAST MEETING a copy of which had been previously circulated, were approved.

104. REPORT OF THE SCRUTINY MEETING of the 13th January 2017

The Minutes from this meeting had been circulated to each Member for their consideration and information.

RECOMMENDED the minutes be accepted.

105. PETERLEE TOWN COUNCIL DRAFT BUDGET 2017/18

Members feedback was sought on the detailed budget for 2017/18 prior to the final budget detail being presented to Council for approval in February 2017 and a copy of the report of the Town Clerk had been

circulated to each Member. It was reported at recent meetings several areas had been raised and questions asked about particular budget detail areas. This included Town Twinning where there was considerable discussion and it was agreed that the amount included in the budget be agreed, in principle, and if the Peterlee and Nordenham Friendship Association wished to apply for funding towards the visit form Nordenham in the Summer of 2017, they would need to come along to a future meeting and make their request to council in line with other s137 funding requests, (eg MIF applications).

There was discussion on the day of the fireworks event and it was agreed it be held on the Saturday 4th November 2017. The Town Clerk advised that at the recent Scrutiny Meeting it had been suggested an allocation be made in the budget for bi elections and Members agreed an additional £10,000 be allocated to the budget as provision for bi elections in 2017/18. It was agreed there be no change to the Mayor's personal allowance and civic duties budget, and an allocation of £2,000 be made for the potential costs of the Town Council organising the Remembrance Day Parade in 2017.

RECOMMENDED the final detail budget be presented to Council for approval in February 2017.

106. THE REPORT OF THE FINANCE SUB COMMITTEE MEETING OF THE 12TH JANUARY 2017 a copy of which had been circulated to each Member, was approved.
107. PUBLICATIONS, MINUTES, BULLETINS ETC
- (a) Super Councils' Network
 - (b) NALC – Benefits of membership - briefing note
 - (c) External Auditors & their reports -
 - (d) SAAA announcement of appointed auditors by county area 2017/18 – 2021/22
 - (d) NALC Direct Information Service Issue 899 & 900 – copies available
 - (e) Briefing Note to Members of Arrangements to count votes at the May 2017 Elections, Report of Head of Legal & Democratic Services
Members felt the votes should be counted immediately following the close of the poll, not two days later, and also asked could the count be held more locally.
 - (f) County Durham & Darlington Fire & Rescue Service public consultation

The majority of the information given had been received via CDALC. Members were requested to note the information listed and points of particular interest were given at the meeting.

RECOMMENDED the information contained in the bulletins and circulars be noted. FURTHER RECOMMENDED representations be made to DCC regarding the timing and location of the counting of votes.

Councillor S Simpson and S Miles left the meeting at approximately 7.45pm as they had a prior engagement.

108. THE FUTURE FOR LOCAL GOVERNMENT YOUTH SERVICES, 24TH – 26TH FEBRUARY 2017, SOUTHPORT

Members considered attendance by the Council at this conference and whilst youth services was a topic of interest, it was **RECOMMENDED that no places be reserved on the event.**

109. REQUESTS FOR A GRANT/CONCESSIONARY USE

(a) Event Fundraising in aid of Muscular Dystrophy UK & Merrington Twins Wish List, use of Shotton Hall Friday 22nd December 2017

RECOMMENDED this request for concessionary use be considered when further information on the event was known.

(b) Letters of thanks & appreciation, Great North Air Ambulance

Members were circulated with expressions of thanks and appreciation following the recent grant being awarded to this organisation.

RECOMMENDED the information given, be noted.

110. POLICIES

(i) Officers Code of Conduct

(ii) Mental Wellbeing in the Workplace

Members considered the policies, as considered by the Scrutiny Committee. There was an amendment made on p 3 of the Officers Code of Conduct, where it was agreed that in the line - You must not: be under

the influence of alcohol or unprescribed drugs, the ending “so as to adversely affect your work” be removed.

It was reported there would be training arranged for the Officers Code of Conduct for all members of staff, and the Mental Wellbeing in the workplace would be presented to SMT with training.

RECOMMENDED the policies, subject to the amendment given, be adopted by the Town Council and appropriate training be provided.

111. BREWERY TENDERS UPDATE

Members were requested to endorse the action taken on 20 January 2017 following interviews held, in scoring the five companies in terms of their presentations.

RECOMMENDED the action taken be endorsed and progress be awaited.

112. CLOSING OF THE ACCOUNTS

Members gave consideration to the report of the Deputy Town Clerk, a copy of which had been circulated to each Member.

RECOMMENDED approval be given for RBS Software to be commissioned to complete the year end accounts on the Town Council’s behalf and provide additional support at a cost of £1,735.00 as per s12.1.v of the Council’s Financial regulations. .

113. CASH COLLECTION ARRANGEMENTS

Members gave consideration to the report of the Deputy Town Clerk, a copy of which had been circulated to each Member.

RECOMMENDED approval be given to the continued use of Loomis for the provision of the banking pick up service for the Town Council.

114. RESOLUTION TO EXCLUDE THE PRESS AND PUBLIC

IN VIEW OF THE CONFIDENTIAL NATURE OF THE FOLLOWING ITEMS TO BE DISCUSSED, THE COMMITTEE PASSED THE FORMAL RESOLUTION TO EXCLUDE THE PRESS AND PUBLIC

FROM THE MEETING, PURSUANT TO THE PUBLIC BODIES (ADMISSIONS TO MEETINGS) ACT, 1960 & THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985.

115. PETERLEE SHOW 2017 - VARIOUS

Members considered the report of the Show Co Ordinator, a copy of which had been circulated to each Member.

RECOMMENDED plenary powers be granted for the Officer to action these recommendations immediately. **FURTHER RECOMMENDED** approval be given to accept the following tenders:-

1. SECURITY

RECOMMENDED that the quotation of Phoenix Eye Security of Newcastle in the sum of £5,742.50 excluding vat to be accepted.

2. MARQUEES

RECOMMENDED that the quotation of Jeff Dobson Marquee Hire of Bishop Auckland in the sum of £2,682.00 excluding vat to be accepted.

3. TOILETS

RECOMMENDED that the quotation of Teesdale Event & Site Services Ltd of Bishop Auckland in the sum of £1,720.00 excluding vat to be accepted.

4. FIRE EXTINGUISHERS

RECOMMENDED that the offer of Hutton Fire Protection from Hartlepool, be accepted.

5. SKIPS

RECOMMENDED that the quotations of Dents Skip Hire of Seaham for the sum of £600.00 excluding vat to be accepted.

6. TEMPORARY ACCOMODATION

RECOMMENDED that the quotation of A Plant of Stockton, in the sum of £425.00 excluding vat to be accepted.

7. STAGE, PA & LIGHTING, GENERATORS

RECOMMENDED that the quotation of SPL of Stockton, for the full package, in the sum of £11,000.00 excluding vat to be accepted.

8. TRAFFIC MANAGEMENT

RECOMMENDED that the quotation of Colas of Swalwell, Tyne & Wear in the sum of £394.08 excluding vat to be accepted.

9. FENCING

RECOMMENDED that the quotation of Beaver 84 of Gateshead in the sum of £1,020.00 excluding vat to be accepted.

10. ARENA ENTERTAINMENT

RECOMMENDED H&M Dog Display Team and the Bread & Butter Theatre, along with Steve's Animal Arc, be engaged to provide main arena entertainment at a cost of £4,080.00.

11. FESTIVAL MARQUEE

RECOMMENDED the traditional stage area be used for this year. **FURTHER RECOMMENDED** depending on the weather, the Town Council provide for sale, (at cost price), adult and children sized rain ponchos.

12. PANTOMIME PERFORMANCES 2018

RECOMMENDED approval be given to the engagement of M and M Productions for performances of Robin Hood for January 24th & 25th 2018 at a cost of £3,198.00. **FURTHER RECOMMENDED** these events be well publicised.

116. E MAIL CORRESPONDENCE TO THE MAYOR FROM A LOCAL MEMBER

The Mayor reported to Council that she had received several upsetting e mails from another Town Councillor. The Chairman asked for it to be recorded she felt this behaviour was a disgrace.

PETERLEE TOWN COUNCIL

MINUTES OF THE PLANNING COMMITTEE

HELD IN THE COUNCIL CHAMBER, SHOTTON HALL,
PETERLEE

ON MONDAY 6TH FEBRUARY 2017

PRESENT: COUN A WATSON (CHAIR)

Mesdames:- K Hawley, K Liddell, M A Cartwright
& S Simpson

Messrs:- G L Carne, S Miles, D Sillito, W M Jeffrey,
C Watkins, R Kyle, C Robbins & L Cook

**MEMBERS WERE REMINDED OF THE NEED TO DISCLOSE ANY
INTEREST PREJUDICIAL OR PERSONAL IN ACCORDANCE WITH
THE CODE OF CONDUCT.**

31. APOLOGIES FOR ABSENCE

Apologies had been submitted and accepted from Councillors S McDonnell (ill), J Alvey (ill), C J Metcalfe, H Bennett, (MBE) (ill) and G Cowie (ill).

**RECOMMENDED the Council approve the reason submitted for
absence received from the Councillors listed, on the grounds where
given above, and their apologies for absence be recorded.**

32. THE MINUTES OF THE LAST MEETING a copy of which had been
previously circulated, were approved.

33. PLANNING APPLICATIONS

Members were advised there had been no details of the planning applications submitted to Durham County Council since the last meeting of this Committee.

RECOMMENDED the information given be noted.

34. DELEGATED PLANNING DECISIONS

Members were advised of the following planning decision and were requested to note the details:-

- (i) Land to the front of 10 – 14 Burt Close, change of use of public open space to car parking spaces
- (ii) Asda, Surtees Road, retention of non illuminated signage
- (iii) 35 Eastfield, erection of detached 2 storey dwelling to the west of 35 Eastfield

RECOMMENDED that the information given, be noted.

35. PLANNING ITEMS RAISED AT THE COUNCIL MEETING

It was reported a public consultation meeting had been held by Keepmoat about a proposed housing development and members were disappointed that the Town Council had not been invited to go along.

It was **RESOLVED** the Town Clerk request that the Town Council be included in future consultation taking place in the Town by Keepmoat.

Another Local Member asked for details on a proposed car valeting service that he understood was to operate from the carpark at the Lodge, Peterlee and he was concerned at where the excess water would run to and would it adversely affect the Town Council's land in the Dene Parks.

It was **RESOLVED** the DCC Planning Department be contacted about this proposal.

PETERLEE TOWN COUNCIL

THE MINUTES OF THE ESTABLISHMENT COMMITTEE

HELD IN THE COUNCIL CHAMBER, SHOTTON HALL
PETERLEE

ON MONDAY 6TH FEBRUARY 2017

PRESENT: COUN L COOK (CHAIR)

Mesdames:- K Hawley, K Liddell, M A Cartwright
& S Simpson

Messrs:- G L Carne, S Miles, D Sillito, W M Jeffrey,
C Watkins, R Kyle, C Robbins & A Watson

**MEMBERS WERE REMINDED OF THE NEED TO DISCLOSE ANY
INTEREST PREJUDICIAL OR PERSONAL IN ACCORDANCE WITH
THE CODE OF CONDUCT.**

**The Chairman advised Members of the committee that part of the meeting
may be recorded by both audio and video, and it may be that photographs
were taken.**

58. APOLOGIES FOR ABSENCE

Apologies had been submitted and accepted from Councillors S
McDonnell (ill), J Alvey (ill), C J Metcalfe, H Bennett, (MBE) (ill) and G
Cowie (ill).

**RECOMMENDED the Council approve the reason submitted for
absence received from the Councillors listed, on the grounds where
given above, and their apologies for absence be recorded.**

59. THE MINUTES OF THE LAST MEETING a copy of which had been
previously circulated, were approved.

60. OVERTIME & ADDITIONAL COSTS REPORT

Members considered an overtime report and facilities staffing report.

RECOMMENDED the overtime report be accepted.

61. ABSENCE REPORT

The Sickness Absence Report, detailing sickness absence figures for the previous month, had been circulated to each Member for information. An initial analysis of the sickness absence figures was provided for Members and the Deputy Town Clerk assured this was a work in progress and further reports would be made.

RECOMMENDED the contents of the report be accepted.

62. LENGTH OF SERVICE AWARD

It was reported Mr Harriman, Cemetery records Officer, Parks & Cemetery Department, would complete his 25years service with the Town Council on 16th March, (he started in 1992 with the Town Council).

RECOMMENDED Mr Harriman be presented with an appropriate token to mark his 25 years service, in line with the Council's policy, along with a letter of commendation and appreciation.

PETERLEE TOWN COUNCIL

MINUTES OF THE MEETING OF THE PARKS &
CEMETERY COMMITTEE

HELD IN THE COUNCIL CHAMBER, SHOTTON HALL

ON MONDAY 13TH FEBRUARY 2017 AT 6.30PM

PRESENT: COUN M A CARTWRIGHT (CHAIR)

Mesdames: K Liddell, K Hawley & S Simpson

Messrs: G L Carne, C Watkins, S Miles, W M Jeffrey,
C Robbins, L Cook & A Watson

**MEMBERS WERE REMINDED OF THE NEED TO DISCLOSE
ANY INTEREST, PREJUDICAL OR PERSONAL, IN
ACCORDANCE WITH THE CODE OF CONDUCT.**

60. APOLOGIES FOR ABSENCE

Apologies had been submitted and accepted from Councillors L M Wood, S McDonnell, J Alvey, C J Metcalfe, G Cowie, H Bennett MBE & D Sillito.

**RECOMMENDED the Council approve the reasons submitted for
absence received from Councillors, and their apologies for absence
be recorded.**

61. THE MINUTES OF THE LAST MEETING a copy of which had been
circulated to each Member, were accepted.

Matters Arising

Minute Number 58 – Provision of Salt Bins

At the Council Meeting held on 23 January 2017, it was RESOLVED
the minute be amended to include reference to a Local Member
suggesting that in future the Member's Initiative Fund or s137 grant
could be used to finance a request for a grit bin. It was noted that the
bin had now been put in place and filled at Eastfield.

As agreed at the last meeting of this Committee a list of the grit bins in place both PTC and DCC bins was circulated for information.

RECOMMENDED the information given be noted.

62. PROCUREMENT OF STEEL HINGED RUGBY POSTS (11m)

Members gave consideration of the report of the Horticultural Supervisor in relation to the replacement of rugby posts on pitch 2 at Helford Road, a copy of which had been previously circulated.

RECOMMENDED to approve the award of the contract for a set of 11m high rugby posts for Pitch 2, Helford Road, at a cost of £975.00 plus vat from UKGS Ltd.

63. SUMMER ACTIVITIES FOR YOUNG PEOPLE

Councillor Carne reported he had been at a recent meeting where constituents had asked why there were no organised activities for young people held at Lowhills Road during the summer holidays. It had been asked why were the activities held at Woodhouse Park only. Several Members felt that Woodhouse Park was a central location and accessible to all of the residents in the Town. Members also felt that the Council should support health & wellbeing across all wards. The Town Clerk said he would be interested to hear what local residents wanted and this may not just be the Council organising events and activities, but the Council giving local groups permission to use our land and the Town Council financially supporting an activity arranged by a group. He also encouraged Members to take proposals from residents and groups and consider how they could be best actioned.

RECOMMENDED that Officers prepare a report on the feasibility of 3 additional summer events, with venues and costs, for consideration at a future meeting. FURTHER RECOMMENDED Councillor Carne and other Members speak to residents about what they wished to do in respect of summer events and feedback to Officers/a future meeting.

64. DRAFT LEISURE GARDENS POLICY

The Town Clerk gave a presentation to the meeting on the key principles for the draft Peterlee Leisure Gardens Policy. During the presentation Members gave feedback and comment on issues that they felt were important to be addressed in developing a policy for the operation of the Leisure Gardens. Following this meeting the Town Clerk intended meeting with representatives from both garden sites to seek their views and he would then produce a draft policy to be considered at the next meeting.

RECOMMENDED the draft Leisure Gardens Policy, be awaited.

Contact: Yvonne Edwards
Direct Tel: 03000 260559
Fax:
mail: Yvonne.edwards@durham.gov.uk



Your ref:
Our ref: SLERP82

Councillors Eunice Huntington, Alan Liversidge, Joan Maslin, Peter Brooks, Lucy Hovells, Maurice Nicholls, Mr Stuart Wardle, Mr I Morris, Ms Joanne Thompson

9th January 2017

Dear Members

Consultation on Proposal to Remove Street Lights

I am writing to consult you on the proposal to remove street lights in your locality.

Street Lighting Energy Reduction Project

The Street Lighting Energy Reduction Project was approved by Cabinet on 12 December 2012. This "invest to save" project involves retrofitting 41,000 street lights with new energy efficient LED street lights. It also involves the potential removal of 7,000 street lights which are not required by British Standards where it is safe to do so.

The project will achieve major savings in energy and maintenance costs that will help meet the unprecedented reductions in central government funding whilst renewing street lights. The project will also significantly reduce the Council's carbon emissions. Please see the following link for details of the report approved by Cabinet:

<http://democracy.durham.gov.uk/documents/s26556/StreetLightingEnergyReductionProject.pdf>

Street Lighting Policy

On 20 November 2012 Cabinet approved the Street Lighting Policy which facilitates the removal of street lights. The policy confirms that no street lights will be removed in residential areas. Street lights will only be removed where they are not required by British Standards and it is safe to do so based on a risk assessment of:

- Fear of crime; and
- Road safety.

Please see the following link for details of the report approved by Cabinet:

Neighbourhood Services

Durham County Council, County Hall, Durham DH1 5UQ
Main Tel 03000 260 000 Minicom (0191) 383 3802 Text 07786 026 956

<http://democracy.durham.gov.uk/ieListDocuments.aspx?CId=154&MId=7294&Ver=4>

Please note that the Street Lighting Policy was subject to public consultation which overall was supportive of the policy.

Proposed Locations

The proposed locations for removal of street lighting under this package of work are summarised as follows:

Road No	Location	Risk Assessment No's	No of lighting columns to be removed	Mitigation Measures/Comments
Shotton Lane, Shotton	From a point 43m northwest of the Whitehouse Way junction, heading in a north westerly direction for 345m.	RA 228	10	Install new road sign
Shotton Bank	From a point 4m south of the A19 trunk road exit slip road splitter island, in a south westerly direction for 157m.	RA 229A	5	Replace / rationalise road signs
Salters Lane, Easington / Shotton Colliery	From a point 19m north of the road leading to Edder Acres midpoint, in a northerly direction for 328m.	RA 319	6	Rationalise road signs, cut back vegetation
Shotton Road, Easington / Shotton Colliery	From a point 20m east of the terminal speed limit gateway, heading in an easterly direction for 164m.	RA 446	5	Rationalise road signs, renew road markings

Risk Assessments

The proposed locations for removal of street lights have been subjected to a rigorous risk assessment process taking into account

- Traffic flows
- Accident statistics
- Crime rates
- Cost effective mitigation measures such as traffic signs and road markings

Therefore, we believe that it is safe to remove street lights from these locations. Please find enclosed copies of all the risk assessments.

Consultation Feedback

The Street Lighting Energy Reduction Project has been approved by Cabinet.

The Street Lighting Policy has been approved by Cabinet and was subject to public consultation which overall was supportive of the policy. Therefore, we do not intend to consult on the project or the policy.

However, we would be grateful for any further information which may inform the risk assessments within the next 28 calendar days.

Please direct any feedback to the following e-mail address from where it will be logged and tracked :-

ns.supportservicesgeneral@durham.gov.uk

If you would like to discuss further please contact me on telephone number 03000 265280 or by email at yvonne.edwards@durham.gov.uk

Yours faithfully



Yvonne Edwards
Senior Programme Manager
Construction Programme and Project Management Unit
Technical Services
Neighbourhoods

Enc.
RSR Reports 228, 229A, 319, 446

Report to: Peterlee Town Council

Date: 20th February 2017

Report of: Ian Morris, Town Clerk

Subject: Peterlee Town Council final budget 2017/8

Report Purpose: To seek Members of the final budget for 2017/18.

Background: At the Full Council meeting on Monday 23rd January 2017 Members approved a total budget for 2017/18 and set the precept figure of £1,256,977 – representing a 2% reduction in individual taxpayer precept contributions compared to 2016/17.

At the Finance & General Purposes Committee meeting on 6th February 2017 members considered a number of detailed budget areas in the final draft budget. The Committee made the following recommendations:

Budget area	2016/17	2017/18	Comment
Town Twinning	£1,500	£5,500	Increase due to 2017 being a hosting year. However, Twinning Association must apply to Council for funding as per s137 members initiative fund bids.
Mayors Personal Allowance and Civic Duties	£1,500 + £5,000 = £6,500	£1,500 + £5,000 = £6,500	No increase for 2017/18 budget
Fireworks Display	£10,000	£10,000	Budget for 2017/8 frozen, fireworks display to be held on the Saturday to avoid additional costs of a Sunday show.
Remembrance Parade	Nil	£2,000	Provisional allocation pending details of 2017 remembrance day parade.

At the Parks & Cemetery Committee meeting on 13th February 2017 the Committee considered the issue of summer activities for children and young people. The Committee made the following recommendation:

Budget area	2016/17	2017/18	Comment
Summer Activities	£2,000	£5,000	Increase budget by £3,000 and investigate options for additional events throughout the Town.

Before resolving these recommendations Members were advised that as the precept figure was agreed by Council on 23rd January 2017 and had already been submitted to Durham County Council the additional costs for these budget areas would need to be met from reserves.

Council is now required to formally accept these recommendations and to set the final budget for 2017/18.

Headlines: Total projected expenditure 2017/8: £2,483,050

Total projected income (before precept): £1,226,073

Projected use of Reserves: £108,143

Precept demand: £1,256,977

Average Council Tax Band D cost: £289.00 (down 2% from £294.90 in 2016/17)

Commentary: The draft budgets provide for a total turnover (gross expenditure) of £2,483,050 for 2017/8, an increase of £217,473 from 2016/17.

A number of pressures including:

- reduction in revenue support grant (c£48,000);
- annual pay rises and increments (c£20,000);
- employers pension costs (c£3,000), and
- other inflation (c£51,000)

have been offset by:

- ambitious targets for increased income generation (c£122,000 (net));
- efficiencies identified by Managers from their discretionary budgets (c£59,000, representing 12% of discretionary budget spend);
- an increasing tax base (c£30,000), and
- use of reserves (c£108,000).

Members have agreed that the 2017/18 precept sum be set at £1,256,977 which will equate to a Council Tax band D payment of £289.00, representing a 2% reduction from £294.90 in 2016/17.

The detailed final budget for 2017/8 is attached.

Recommendation:

Members are recommended to note the contents of this report and to the final detail budget for 2017/18.

Appendix 1: final budget for 2017/18 (correct as at 15th February 2017)

Peterlee Town Council 2017/18
Forward Budget Detail - By Centre

Note :- (-) Net Expenditure means INCOME is greater than EXPENDITURE

		2016/7 Budget	2017/ 18 Budget		
101 Central & Civic HQ Costs				Variance %	
4000	Salaries, Wages, Superan, NI	197300	219747	22447	11%
4003	Overtime	1500	1575	75	5%
4010	Cleaning Wages	4040	5633	1593	39%
4011	Facilities Staff - Wages	10000	10000	0	0%
4099	Pension Cont - Former Staff	12000	4500	-7500	-63%
4100	Training & Development - Staff	12000	12000	0	0%
4175	Personnel Services	20000	20000	0	0%
4190	Wages Processing DCC	5000	5000	0	0%
4200	Electricity	3500	3675	175	5%
4201	Gas	4000	4200	200	5%
4202	Water	840	882	42	5%
4205	Rates	2875	3019	144	5%
4210	Alarm System & CCTV	300	300	0	0%
4211	Ins XS/Vandalism	250	250	0	0%
4220	Window Cleaning	400	400	0	0%
4225	Cleaning Materials	7000	7000	0	0%
4230	Furniture	250	250	0	0%
4240	MiscellaneousExpenditure	2000	1000	-1000	-50%
4250	Repairs & Decoration	2000	5000	3000	150%
4350	Small Plant & Tools	6000	1000	-5000	-83%
4400	Telephones	1150	1150	0	0%
4401	Mobile Phone	1950	2200	250	13%
4405	Postage	6000	4500	-1500	-25%
4406	Petty Cash	400	200	-200	-50%
4410	Office Machine Hire & Mtce	13000	13000	0	0%
4412	Stationery & New Office Equip	5000	10000	5000	100%
4420	Publicity/Council Publications	4000	2000	-2000	-50%
4425	Insurance	85000	90000	5000	6%
4498	Health & Safety	3750	3750	0	0%
4499	Occupational Health	3000	3000	0	0%
4500	Fuel & Oils	14500	15225	725	5%
4501	Road Fund Tax	650	650	0	0%
4502	Vehicle Maintenance/Spares	16000	16000	0	0%
4503	Motor Insurance XS	500	500	0	0%
Total Over Head Expenditure		446,155	467606	21451	5%
Total Income		0	0	0	0
Costs - Net Expenditure		446,155	467606	21451	5%

102 Democratic Costs					
4101	Training & Dev - Councillors	5000	7500	2500	50%
4125	Mayors Personal Allowance	1500	1500	0	0%
4126	Mayors Civic Duties	5000	5000	0	0%
4127	Participation Allowances	28000	28280	280	1%
4470	Civic Regalia	1000	1000	0	0%
4530	Twinning	1500	5500	4000	267%
Total Over Head Expenditure		42000	48780	6780	16%
Costs - Net Expenditure		42000	48780	6780	16%
103 Corporate Management					
4426	Subs to L.A. Bodies	3400	4000	600	18%
4430	Elections	6000	24000	18000	300%
4450	Audit Fees	6000	6900	900	15%
4455	Banking Pick Up Service	750	1000	250	33%
4458	Card Machine/Bank Fees	2500	5000	2500	100%
Total Over Head Expenditure		18650	40900	22250	119%
Management - Net Expenditure		18650	40900	22250	119%
105 Other Costs and income					
4460	General Fund	1000	500	-500	-50%
4461	Castle Eden Dene Centre	5000	5000	0	0%
Total Over Head Expenditure		6000	5500	-500	-8%
1045	Precept Received	1251968	1256977	5009	0%
1046	Precept Support Grant	288198	238870	-49328	-17%
1209	Bank Interest	8000	2000	-6000	-75%
Total Income		1548166	1497847	-50319	-3%
Income - Net Expenditure		-1542166	-1492347	49819	-3%

201 S/Hall Banqueting Suite

4000	Salaries, Wages, Superan, NI	99070	103350	4280	4%
4003	Overtime	8500	8925	425	5%
4006	Building Maint. Contracts	1000	1000	0	0%
4010	Cleaning Wages	7210	11266	4056	56%
4070	Wages - Shotton Hall Grounds	24900	25644	744	3%
4174	Clothing & Uniforms	500	500	0	0%
4200	Electricity	12000	12600	600	5%
4201	Gas	10000	10500	500	5%
4202	Water	2500	2625	125	5%
4205	Rates	9660	10143	483	5%
4208	Licences	3500	3500	0	0%
4209	Trade Refuse Costs	1200	1200	0	0%
4210	Alarm System & CCTV	1000	1000	0	0%
4211	Ins XS/Vandalism	250	250	0	0%
4213	Hygiene Services	2250	1125	-1125	-50%
4215	Refreshments	1300	1843	543	42%
4220	Window Cleaning	600	600	0	0%
4230	Furniture	5000	3000	-2000	-40%
4240	Miscellaneous Expenditure	3000	1000	-2000	-67%
4250	Repairs & Decoration	3500	2500	-1000	-29%
4400	Telephones	3850	0	-3850	-100%
4420	Publicity/Council Publications	2900	4110	1210	42%
4421	Shotton Hall Events	2000	2835	835	42%
4424	Bond	6000	0	-6000	-100%
Total Over Head Expenditure		211690	209516	-2174	-1%
1305	Electricity Refunds - Caterer	4500	4725	225	5%
1306	Gas Refunds - Caterer	1600	1600	0	0%
1312	Miscellaneous Income	500	0	-500	-100%
1319	Hire Income	68000	92000	24000	35%
1320	Refreshment Income	2000	2970	970	49%
1321	Hire of Equipment	1500	2228	728	49%
1322	Shotton Hall Events	5000	7425	2425	49%
1323	Hire Chair covers etc	0	3267	3267	#DIV/0!
1324	Hire disco lights etc	0	5495	5495	#DIV/0!
Total Income		83100	119710	36610	44%
Suite - Net Expenditure		128590	89806	-38784	-30%

221 The Pavilion (Inc Sports Fac)

4000	Salaries, Wages, Superan, NI	108740	123892	15152	14%
4003	Overtime	4000	4200	200	5%
4006	Building Maint. Contracts	3370	3400	30	1%
4009	Bistro Expenditure	11500	25600	14100	123%
4010	Cleaning Wages	18150	24222	6072	33%
4056	Wages-Helford Rd Cricket Fld	7225	7453	228	3%
4057	Wages-Helford Rd F/Fields	5395	5565	170	3%
4061	Wages-Helford Road MUGA	3400	3507	107	3%
4081	Wages-Helford Rd Grounds	8050	8304	254	3%
4174	Clothing & Uniforms	500	500	0	0%
4200	Electricity	15500	16275	775	5%
4201	Gas	8610	9041	431	5%
4202	Water	4000	4200	200	5%
4205	Rates	12130	12737	607	5%
4208	Licences	5000	500	-4500	-90%
4209	Trade Refuse Costs	1000	1000	0	0%
4210	Alarm System & CCTV	2400	2400	0	0%
4211	Ins XS/Vandalism	250	250	0	0%
4213	Hygiene Services	1050	525	-525	-50%
4216	Line Cleaning Costs	1300	0	-1300	-100%
4217	Lift Maintenance Costs	2000	2000	0	0%
4220	Window Cleaning	1000	1000	0	0%
4230	Furniture	1000	1000	0	0%
4240	MiscellaneousExpenditure	1000	1000	0	0%
4250	Repairs & Decoration	3500	2500	-1000	-29%
4400	Telephones	2940	2940	0	0%
4406	Petty Cash	200	100	-100	-50%
4410	Office Machine Hire & Mtce	1250	1250	0	0%
4412	Stationery & New Office Equip	750	750	0	0%
4420	Publicity/Council Publications	1500	1500	0	0%
4424	Bond	5000	0	-5000	-100%
4581	Poolé Table Costs	950	950	0	0%
4584	Sattelite TV Costs	3000	3000	0	0%
4585	Loan Repayment	50450	50450	0	0%
Total Over Head Expenditure		296110	322010	25900	9%
1312	Miscellaneous Income	1800	1500	-300	-17%
1314	Bistro Sales	13500	29700	16200	120%
1319	Hire Income	30000	44550	14550	49%
1320	Refreshment Income	500	743	243	49%
1321	Hire of Equipment	50	50	0	0%
1341	Pool Table Income	1000	500	-500	-50%
1507	Helford Road Cricket Facility	900	900	0	0%
1508	Helford Road Football Field	1700	1700	0	0%
1509	Helford Road MUGA	17760	18000	240	1%
Total Income		67210	97643	30433	45%

Expenditure		228900	224367	-4533	-2%
225 The Pavilion Bar					
4005	Bar Gas	550	780	230	42%
4030	Bar Wages - Casuals	21730	30802	9072	42%
4214	Stocktaking Fees	1000	1050	50	5%
4570	Bar Purchases	40000	56700	16700	42%
Total Over Head Expenditure		63280	89332	26052	41%
1315	Bar Income	83600	124146	40546	49%
Total Income		83600	124146	40546	49%
The Pavilion Bar - Net Expenditure		-20320	-34814	-14494	71%
241 Lowhills Road Community Fac					
4010	Cleaning Wages	2450	3380	930	38%
4055	Wages-lowhills Rd F/Fields	10350	5565	-4785	-46%
4079	Wages-L/Hill Rd Grounds	3130	3229	99	3%
4200	Electricity	5952	6250	298	5%
4202	Water	1995	2095	100	5%
4205	Rates	840	882	42	5%
4209	Trade Refuse Costs	250	250	0	0%
4210	Alarm System & CCTV	1014	1014	0	0%
4211	Ins XS/Vandalism	250	250	0	0%
4213	Hygiene Services	200	100	-100	-50%
4220	Window Cleaning	75	75	0	0%
4240	MiscellaneousExpenditure	500	500	0	0%
4250	Repairs & Decoration	3000	1500	-1500	-50%
4400	Telephones	250	250	0	0%
Total Over Head Expenditure		30256	25339	-4917	-16%
1307	Water Refunds - Surestart	500	525	25	5%
1308	Electricity Refund - Surestart	1400	1470	70	5%
1319	Hire Income	5500	5500	0	0%
1506	Lowhills Road Football Field	2000	2000	0	0%
Total Income		9400	9495	95	1%
Expenditure		20856	15844	-5012	-24%

242 Lowhills Road Bowling Club

4010	Cleaning Wages	566	563	-3	0%
4054	Wages-Lowhills Rd B/Green	5680	5859	179	3%
4200	Electricity	630	662	32	5%
4240	MiscellaneousExpenditure	250	0	-250	-100%
4250	Repairs & Decoration	300	6500	6200	2067%
Total Over Head Expenditure		7426	13584	6158	83%

1505	Lowhills Road Bowling Green	550	550	0	0%
Total Income		550	550	0	0%

Expenditure		6876	13034	6158	90%
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261 Eden Lane Community Fac

4010	Cleaning Wages	3580	0	-3580	-100%
4051	Wages-Eden Lane F/Fields	8080	8335	255	3%
4080	Wages-E/Lane Grounds Maint	18625	19212	587	3%
4200	Electricity	3000	0	-3000	-100%
4201	Gas	5500	0	-5500	-100%
4202	Water	2500	0	-2500	-100%
4205	Rates	1500	0	-1500	-100%
4208	Licences	500	0	-500	-100%
4210	Alarm System & CCTV	1030	0	-1030	-100%
4211	Ins XS/Vandalism	450	0	-450	-100%
4213	Hygiene Services	200	0	-200	-100%
4215	Refreshments	100	0	-100	-100%
4218	Sports Equipment	500	0	-500	-100%
4220	Window Cleaning	100	0	-100	-100%
4240	MiscellaneousExpenditure	150	0	-150	-100%
4250	Repairs & Decoration	4950	1000	-3950	-80%
4400	Telephones	200	0	-200	-100%
4406	Petty Cash	50	0	-50	-100%
4410	Office Machine Hire & Mtce	50	0	-50	-100%
4420	Publicity/Council Publications	1200	0	-1200	-100%
4475	Communication Mast Exp	2200	0	-2200	-100%
Total Over Head Expenditure		54465	28547	-25918	-48%

1210	Communication Mast Rental	7322	2400	-4922	-67%
1319	Hire Income	5200	1	-5199	-100%
1332	Activities (Classes etc)	2000	0	-2000	-100%
1502	Eden Lane Football Fields	1600	800	-800	-50%
Total Income		16122	3201	-12921	-80%

Expenditure		38343	25346	-12997	-34%
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262 Eden Lane Depot

4010	Cleaning Wages	4555	6196	1641	36%
4200	Electricity	5250	5513	263	5%
4202	Water	600	630	30	5%
4205	Rates	3780	3969	189	5%
4210	Alarm System & CCTV	1575	1575	0	0%
4211	Ins XS/Vandalism	250	250	0	0%
4230	Furniture	250	250	0	0%
4240	MiscellaneousExpenditure	750	500	-250	-33%
4250	Repairs & Decoration	2000	2000	0	0%
4400	Telephones	3000	1000	-2000	-67%
4410	Office Machine Hire & Mtce	3000	2000	-1000	-33%
4412	Stationery & New Office Equip	1000	2000	1000	100%
Total Over Head Expenditure		26010	25883	-127	0%

den Lane Depot - Net Expenditure **26010 25883 -127 0%**

263 Eden Lane Bowling Club

4010	Cleaning Wages	566	563	-3	0%
4050	Wages-Eden Lane B/Green	3880	4002	122	3%
4240	MiscellaneousExpenditure	250	0	-250	-100%
4250	Repairs & Decoration	500	1000	500	100%
Total Over Head Expenditure		5196	5566	370	7%

1501	Eden Lane Bowling Green	550	550	0	0%
Total Income		550	550	0	0

Club - Net Expenditure **4646 5016 370 8%**

280 Woodhouse Park

4010	Cleaning Wages	3330	4506	1176	35%
4078	Wages-Woodhouse Park	30960	31937	977	3%
4200	Electricity	4024	4225	201	5%
4202	Water	630	662	32	5%
4206	Rent	1500	1500	0	0%
4210	Alarm System & CCTV	750	750	0	0%
4211	Ins XS/Vandalism	250	250	0	0%
4240	MiscellaneousExpenditure	1050	500	-550	-52%
4250	Repairs & Decoration	3000	4000	1000	33%
4400	Telephones	250	250	0	0%
Total Over Head Expenditure		45744	48580	2836	6%

Woodhouse Park - Net Expenditure **45744 48580 2836 6%**

290 Sports Development

4062	Wages - Sport Development	56950	58649	1699	3%
4065	Marketing	500	500	0	0%
4067	Activities/Events	12000	15600	3600	30%
4068	Equipment	300	300	0	0%
4069	Training & Development	600	0	-600	-100%
4073	Licences, Membership Ins	250	300	50	20%
4174	Clothing & Uniforms	200	200	0	0%
4215	Refreshments	50	50	0	0%
4412	Stationery & New Office Equip	150	150	0	0%
Total Over Head Expenditure		71000	75749	4749	7%

1514	Coaches Forum income	0	2000	2000	
1510	Activities Ex Classes & Events	16000	20800	4800	30%
1513	Funding Grant	5000	1000	-4000	-80%
Total Income		21000	23800	2800	13%

ment - Net Expenditure		50000	51949	1949	4%
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301 Parks General

4000	Salaries, Wages, Superan, NI	60150	64645	4495	7%
4001	Sick Pay	12390	12781	391	3%
4002	Holiday Pay	50580	52175	1595	3%
4003	Overtime	12000	12600	600	5%
4071	Wages-Dene Parks	16665	17191	526	3%
4072	Wages-Parks Attendants	57720	59086	1366	2%
4074	Wages-Misc. None Site Duties	2495	2574	79	3%
4075	Wages-General Open Spaces	25805	26619	814	3%
4076	Wages-Play Areas	15480	15968	488	3%
4174	Clothing & Uniforms	3000	3000	0	0%
4202	Water	175	184	9	5%
4211	Ins XS/Vandalism	500	500	0	0%
4240	MiscellaneousExpenditure	250	250	0	0%
4300	Equipment & Supplies	7900	7900	0	0%
4305	Manures,Fertilizers & Seeds	10000	11000	1000	10%
4310	Bedding Plants,Shrubs & Bed	20000	18000	-2000	-10%
4360	Play Equipment-Repairs	5000	5000	0	0%
4370	Tree Maint, Surveys & Services	6500	8500	2000	31%
4371	Public Seats & Bins	1500	1500	0	0%
4373	Hire of Skips	3900	6000	2100	54%
TBC	Vehicle Leasing	0	13600	13600	#DIV/0!
Total Over Head Expenditure		312010	339073	27063	9%

Total Income		0	0	0	#DIV/0!
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Parks General - Net Expenditure		312010	339073	27063	9%
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325 Cemetery & Burials

4000	Salaries, Wages, Superan, NI	35815	36945	1130	3%
4200	Electricity	680	714	34	5%
4211	Ins XS/Vandalism	250	0	-250	-100%
4240	MiscellaneousExpenditure	200	1200	1000	500%
4300	Equipment & Supplies	900	1000	100	11%
4502	Vehicle Maintenance/Spares	1000	0	-1000	-100%
4701	Past Burials-Contrib to Hord	8700	4350	-4350	-50%
Total Over Head Expenditure		47545	44209	-3336	-7%

1702	Burials and Charges	12000	12000	0	0%
Total Income		12000	12000	0	0%

urials - Net Expenditure		35545	32209	-3336	-9%
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350 Allotments

4000	Salaries, Wages, Superan, NI	3250	3353	103	3%
4202	Water	1260	1323	63	5%
4211	Ins XS/Vandalism	250	250	0	0%
4240	MiscellaneousExpenditure	400	500	100	25%
4300	Equipment & Supplies	500	500	0	0%
4306	Allotment Access Paths	2500	2500	0	0%
Total Over Head Expenditure		8160	8426	266	3%

1754	Allotment Rents & Water	2040	2040	0	0%
Total Income		2040	2040	0	0%

Allotments - Net Expenditure		6120	6386	266	4%
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401 Town Centre Office

4200	Electricity	310	326	16	5%
4202	Water	325	341	16	5%
4205	Rates	5410	5681	271	5%
4206	Rent	12000	12000	0	0%
4207	Service Charges	3090	3090	0	0%
4210	Alarm System & CCTV	600	600	0	0%
Total Over Head Expenditure		21735	22037	302	1%

Total Income		0	0	0	#DIV/0!
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Office - Net Expenditure		21735	22037	302	1%
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410 Town Activities (S.137 Exp)					
4427	Donations	11000	11000	0	0%
4715	Clock Maintenance	515	515	0	0%
4720	Gritting Service & Bins	2000	2000	0	0%
4725	Dog Fouling Maint. & Bins	2250	2250	0	0%
TBC	Remembrance Parade	0	2000	2000	#DIV/0!
Total Over Head Expenditure		15765	17765	2000	13%
Expenditure		15765	17765	2000	13%
430 Town Events					
4730	Peterlee Show	50000	65000	15000	30%
4733	Garden Competition	1500	1500	0	0%
4740	Fireworks Display	10000	10000	0	0%
4742	Mayoress at Home/Carol	2000	2000	0	0%
4751	Senior Citizens	1800	1800	0	0%
4756	Summer Events	2000	5000	3000	150%
4757	Childrens Pantomine	2800	3500	700	25%
TBC	Fake Festival	0	25000	25000	#DIV/0!
Total Over Head Expenditure		70100	113800	43700	62%
Total Direct Expenditure		0	0	0	#DIV/0!
TBC	Fake Festival	0	30000	30000	
1851	Peterlee Show	11000	11000	0	0%
Total Income		11000	11000	30000	273%
Town Events - Net Expenditure		59100	102800	13700	23%
901 Capital Projects					
4912	New Vehicles	38500	26000	-12500	-32%
4913	Capitalised Maint - S/Hall	50000	50000	0	0%
4920	Consultants Fees	9000	9000	0	0%
4930	Eden Lane Works	50000	25000	-25000	-50%
4940	Helford Road MUGA Sinking	45000	54000	9000	20%
4954	Organisational Strategy Fund	25000	25000	0	0%
4955	Play Equipment	25000	25000	0	0%
Total Over Head Expenditure		242500	214000	-28500	-12%
Total Income		0	0	0	#DIV/0!
Capital Projects - Net Expenditure		242500	214000	-28500	-12%
Total Budget Expenditure :		2,265,577	2483050	217473	10%
Income :		2179738	2374907	195169	9%
Net Expenditure		85,839	108143	22304	26%

210 Shotton Hall Bar

4005	Bar Gas	450	638	188	42%
4030	Bar Wages - Casuals	29330	41533	12203	42%
4214	Stocktaking Fees	1000	1100	100	10%
4570	Bar Purchases	68000	96390	28390	42%
Total Over Head Expenditure		98780	139661	40881	41%
1315	Bar Income	175000	259875	84875	49%
Total Income		175000	259875	84875	49%
Shotton Hall Bar - Net Expenditure		-76220	-120214	-43994	58%

215 Shotton Hall Catering

4572	Catering Expenditure	125000	177188	52188	42%
Total Over Head Expenditure		125000	177188	52188	42%
1329	Catering Franchise	20000	20000	0	0%
1330	Catering Income	130000	193050	63050	49%
Total Income		150000	213050	63050	42%
Catering - Net Expenditure		-25000	-35862	-10862	43%

Report to: Peterlee Town Council

Date of Meeting: 20th February 2017

Subject: Freedom of Information Act – Decision notice from Information Commissioners Office 7th February 2017 (ref.FS50651244)

Report of: Ian Morris, Town Clerk

Report Purpose: To inform members of a recent Information Commissioners Office decision notice about the Town Council (reference FS50651244). The decision notice upholds the Council's decision to withhold information about a former employee's personal data under section 40(2) of the Freedom of Information Act.

Background: On 27th September 2016 a member of the public wrote to the Council with a freedom of information (FOI) request consisting of an eight-point list of questions relating to a former employee's sickness record, pay details, and the Council's policy(s) for sickness over the relevant time period.

The Town Clerk responded to the request on 3rd October 2016, providing some information relating to Council minutes and policies, and declining to provide other information on the basis that it constituted sensitive personal information about the former employee, and as such it was exempt under section 40(2) of the Freedom of Information Act.

The member of public contacted the Information Commissioners Office on 17th October 2016 to challenge the council's application of section 40(2) and also to allege that the Council had withheld information that should have been disclosed.

The Commissioner has considered whether the council applied section 40(2) correctly in respect of questions 1,2,4,5 and 6 of the original request, and the council's assertion that it does not hold any further information in respect of questions 3 and 8.

A copy of the ICO decision notice report is attached as Appendix 1. The name and address of the complainant has been redacted from this version of the report. The report is expected be published on the ICO website soon¹.

Summary findings: The Information Commissioner has upheld the Council's decision to withhold the sensitive personal data of the former employee. She has noted that *'...the consequent loss of privacy caused by disclosing the requested information to be distressing and unnecessarily intrusive and potentially professionally damaging'* (p7, para34). The Commissioner also notes that she *'...considers that the complainant is attempting to reopen matters which have been settled simply because she does not agree with the outcome.'* (p8, para 39)

The member of the public has also contested that the Council had deliberately withheld information as part of the FOI response. The Information Commissioner has found *'...that on the balance of probabilities, at the time of the request the council did not hold any further information which fell within*

¹ See ICO decision notices webpage: <https://search.ico.org.uk/ico/search/decisionnotice>

the scope of the request' (p13, para 61) and has also upheld the Council's position in this regard.

The Commissioner has concluded that she does not require the Council to take any steps.

Recommendation: Members are recommended to note the contents of this report and the outcome of the ICO decision notice which upholds the Council's position on ensuring that it complies with Data Protection Act and Freedom of Information Act (FOIA) requirements.

Members are also recommended to note that a similar request for information about the same former employee and the same timeframe in March 2016 (ref:FS50595064²) also upheld the Council's decision to withhold sensitive personal information under s40(2) of the FOIA.

² Available from the ICO website here: https://ico.org.uk/media/action-weve-taken/decision-notices/2016/1623746/fs_50595064.pdf

Reference: FS50651244

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 7 February 2017

Public Authority: Peterlee Town Council
Address: Shotton Hall
Peterlee
County Durham
SR8 2PH

Complainant:
Address:

Decision (including any steps ordered)

1. The complainant has requested information about the way in which Peterlee Town Council ("the council") administered a period of sickness absence taken by its former town clerk. The council disclosed some information but made redactions for personal data, citing the exemption at section 40(2) of the FOIA. The complainant challenged the application of the exemption and also believed that the council held further information which it had not disclosed.
2. The Commissioner's decision is that the council was entitled to rely on section 40(2) to redact personal data. She also determined that, on the balance of probabilities, the council did not hold further information which fell within the scope of the request.
3. The Commissioner does not require the council to take any steps.

Background

4. The matters which gave rise to the request were reported at the time in the local and national media. These reports are still available online.

5. The Commissioner has previously considered a complaint about rented matters under decision notice reference F550595064¹.

Request and response

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6. On 27 September 2016, the complainant wrote to the council and requested information in the following terms:

"I understand that the previous Town Clerk was paid in full while off sick.

- 1. Could you please advise in total how long the post holder was off sick,*
- 2. How long was full pay approved for and how long was half pay approved for, with dates for each?*
- 3. Please provide a copy of your sickness absence policy applicable during this period.*
- 4. National Guidelines and public sector policy is up to 4 weeks for phased return. Was a phased return applied? If so, how long for with dates? (and what percentage of salary was this paid at)*
- 5. Was there a referral made to Occupational Health for recommendations to support the post holders return to work?*
- 6. Were any such recommendations followed and if not, why?*
- 7. I have reason to believe that Peterlee Town Council has not followed standard public sector sickness absence guidelines. Please confirm why there was any deviation with electronic copies of minutes confirming any such decision.*
- 8. Please forward electronic copies of the minutes of any meetings when full pay was approved plus copies of meeting minutes where it was not; to include the minutes related to the agreed pay for the period of sickness 'within a year' of the first years sickness leave i.e. where there should have been no sick pay (Statutory Sick Pay only).*

Please provide all information electronically."

7. The council responded on 3 October 2016. It responded to the request as follows:

¹ FS50595064 https://ico.org.uk/media/action-weve-taken/decision-notices/2016/1623746/fs_50595064.pdf

- Questions 1 and 2 - it confirmed that it held information, but it was exempt from disclosure under section 40(2).
 - Question 3 - it disclosed a chronology of sickness policy information covering the period June 2006 to September 2016, via links to documents on its website. It also provided a copy of the sickness absence policy it adopted in November 2014.
 - Question 4 - it confirmed that phased return was applied but refused the remainder of the question under section 40(2).
 - Questions 5 and 6 - it confirmed that it held information, but that it was exempt from disclosure under section 40(2).
 - Question 7 - it considered this point to constitute an opinion rather than a request for recorded information and referred the complainant to information disclosed in response to question 3 and question 8.
 - Question 8 - It provided a series of links to minutes of meetings on the council website.
8. The complainant requested an internal review of the council's decision to withhold information on 3 October 2016, stating that disclosure of the withheld information was in the public interest. The council responded on 5 October 2016, stating that section 40(2) was an absolute exemption, and therefore that the requirement to consider the public interest in disclosure did not apply.

Scope of the case

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9. The complainant contacted the Commissioner on 17 October 2016 to complain about the way her request for information had been handled. She challenged the council's application of section 40(2). Where information had been disclosed in response to questions 3 and 8, she questioned whether it represented the totality of the information held by the council.
1. The Commissioner has therefore considered in this decision notice whether the council applied section 40(2) correctly in respect of questions 1, 2, 4, 5 and 6. She has also examined the council's assertion that it does not hold any further information in respect of questions 3 and 8.

Reasons for decision

Section 40 - personal data

11. Section 40(2) of the FOIA states that information is exempt from disclosure if it constitutes the personal data of a third party and its disclosure under the FOIA would breach any of the data protection principles or section 10 of the Data Protection Act 1998 ("the DPA").
12. In order to rely on the exemption provided by section 40(2), the requested information must constitute personal data as defined by the DPA. Section 1 of the DPA defines personal data as follows:

"'personal data' means data which relate to a living individual who can be identified -

(a) from those data, or

(b) from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller, and includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual."

13. The two main elements of personal data are that the information must 'relate' to a living person and that the person must be identifiable. Information will relate to a person if it is about them, linked to them, has some biographical significance for them, is used to inform decisions affecting them or has them as its main focus.

Is the information personal data?

14. The information requested here is detailed information about a former employee's sickness absence, including how it was administered by the council, and the remuneration the individual received while on sick leave. Although the individual is not named in the request, they are identifiable from their former job title and the information is clearly being sought in respect of a particular individual, whose identity is known to both the requester and the council. The Commissioner is therefore satisfied that the information constitutes personal data in accordance with section 1 of the DPA.

Is any of the information sensitive personal data?

15. Sensitive personal data is defined in section 2 of the DPA. It is personal data which falls into one of the categories set out in section 2 of the DPA. In this case, the Commissioner considers the relevant category is:

"(e) his physical or mental health or condition".

16. The Commissioner is satisfied that the information withheld under section 40(2) satisfies the definition of sensitive personal data under section 2(e). This is because it specifically relates to the health of the data subject.

17. Having accepted that the information constitutes the sensitive personal data of a living individual other than the applicant, the Commissioner must next consider whether disclosure would breach one of the data protection principles.

Would the disclosure of this personal data contravene any of the data protection principles?

18. The Commissioner notes in this case that the council said that disclosure would breach the first data protection principle. It has argued that disclosure of the requested information would be unfair.

19. The first data protection principle states:

*"Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless -
(c) at least one of the conditions in Schedule 2 is met, and
(d) in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met".*

20. In the case of a FOIA request, personal data is "processed" when it is disclosed in response to the request. This means that sensitive personal data may only be disclosed if to do so would be fair, lawful and would meet one of the DPA Schedule 2 conditions and one of the Schedule 3 conditions. If disclosure would fail to satisfy any one of these criteria, then the information is exempt from disclosure.

Would disclosure of the requested information be fair?

21. In deciding whether disclosure of this information would be fair, the Commissioner has taken into account her guidance on requests for personal data about employees², which states that there are a number of factors which may determine whether disclosure would be fair. These include the employee's reasonable expectations, the consequences for them of disclosure, and the balance between their rights and any legitimate public interest in disclosure.

² https://ico.org.uk/media/for-organisations/documents/1187/section_40_requests_for_personal_data_about_employees.pdf

Reasonable expectations of the data subject

22. A key issue to consider in assessing fairness is whether employees have a reasonable expectation that their information will not be disclosed. This will depend on a number of factors.

Whether the information relates to the employee in their professional role or to them as individuals

2. Information about an employee's actions or decisions in carrying out their job is still personal data about that employee, but given the need for public authorities to consider their accountability and transparency, there may be some expectation of disclosure. The complainant considered this to be the case here, as the requested information relates to the way in which the former employee's sickness absence was handled by the council.
3. The Commissioner notes that the requested information relates to the data subject's professional life, insofar as it is information about how their sickness absence from work was administered by the council. However, the information is also overwhelmingly 'personal' in nature; it relates to the data subject's private life by way of their health and their personal income. It is, essentially, detailed information about their personal circumstances.
4. Furthermore, the Commissioner understands that the information relates to events which caused the data subject to submit a grievance against the council, and to leave its employment.
5. The Commissioner considers that information about personal income and the arrangements made in respect of someone's employment, particularly when this relates to health matters, is information about their personal life and financial circumstances. She therefore considers that the requested information in this case relates significantly to the personal life of the data subject.

Seniority and whether the data subject had a public facing role

6. The data subject is a former town clerk to the council. The town clerk is responsible for the day-to-day management of the town council's services and facilities. The post involves representing council at meetings and to key stakeholders and the community. The salary scale for the post was advertised in 2016 as £51,062 - £57,569³. The

³ <https://www.northeastjobs.orcbukijob/Town Clerk/149853>

Commissioner considers the post to be a reasonably senior position within the council and that the role is public facing.

28. However, the Commissioner considers that while senior, public facing employees might expect certain information about their role and remuneration may need to be disclosed in the interests of transparency and accountability, the right to know about them is unlikely to extend to the disclosure of the sort of detailed information about their personal circumstances that has been requested here, without significant mitigating factors capable of rendering such a disclosure fair.
7. The complainant argued that mitigating factors could be found in what she considered to be the unusual way in which the data subject's sickness absence had been handled by the council, which she believed was not in accordance with its published policy or national guidelines.
8. On that point, the Commissioner noted in the decision notice referred to in paragraph 5, above, that she had seen nothing to cause her concern with regard to the way in which the situation had been dealt with by the council, and the Commissioner's position remains the same here.
9. Taking all the above into account, the Commissioner considers that the data subject would have a reasonable expectation that the requested information would not be disclosed by the council under the FOIA.

Consequences of disclosure

10. The council said that it had not asked the data subject for permission to disclose the requested information to the complainant. It said that the circumstances in which the data subject left the council were such that approaching them now to ask for consent would itself be likely to cause them some distress. It stated that the detail and sensitivity of the information requested, together with the wider background to the matter, meant that disclosure of the requested information would be unnecessarily intrusive and distressing for them.
11. The Commissioner has considered the council's submissions. She has also had regard to the fact that in April 2015 the council publicly offered the data subject its full and unreserved apologies for events that had compelled her to submit a grievance and for any distress or upset caused to her, and that the data subject subsequently received a pay settlement on leaving employment with the council, which related to the grievance.
12. Having had regard to the particular circumstances of the case, the Commissioner is satisfied that the data subject would find the consequent loss of privacy caused by disclosing the requested information to be distressing and unnecessarily intrusive and potentially professionally damaging.

Balancing rights and freedoms with legitimate interests

35. The Commissioner accepts that in considering 'legitimate interests', such interests can include broad general principles of accountability and transparency for its own sake, along with specific interests.
5. However, the interest in disclosure must be a public interest, not the private interests of the individual requester. The requester's interests are only relevant insofar as they may reflect a wider public interest. This is because, when information is disclosed under the FOIA, it is effectively disclosed to the world at large, and not merely to the requester.
6. The complainant has explained that, as a tax payer, she is concerned about the legality of the payments made to the former town clerk and suspects that senior council staff allowed the payments to be made, knowing that they were in contravention of national public sector guidelines on sickness absence. She believes that the integrity of the council has been called into question and that the public interest in public authorities being transparent and accountable would be served by the council disclosing the requested information.
7. The Commissioner acknowledges the legitimate expectations of tax payers that they will be fully informed of expenditure being incurred by the council and the reasons for it. However, she understands that the normal local government systems of accounting, auditing and reporting will provide the information needed to satisfy the reasonable expectations of tax payers in this matter without the need for further additional disclosures under the FOIA. She does not accept that disclosure of the withheld sensitive personal data is a legitimate or proportionate way of satisfying the reasonable public interest.
8. The Commissioner also accepts that, as a public authority, there is a legitimate interest in the council being transparent and accountable with regard to the equitable management of sickness absence management, particularly where this relates to senior employees. However, in this case she considers that this public interest has been served to a considerable degree by a police investigation which she understands examined the concerns the complainant has alluded to, and which did not result in any criminal charges being brought. Rather, and as noted in paragraph 33, the council went on to issue a public and unreserved apology to the data subject and she received a payment settlement. The Commissioner considers that the complainant is attempting to reopen matters which have been settled simply because she does not agree with the outcome.

40. Although the Commissioner can appreciate why the information might be of particular interest to the complainant, she is mindful of the fact that the FOIA is request and motive blind and has not seen any evidence to indicate that there is sufficient wider legitimate public interest in disclosure which would outweigh the rights and freedoms of the data subject in this case.
13. Taking into account the nature of the information and all the circumstances of the case, the Commissioner concludes that it would be unfair to the data subject to disclose the requested information, and would therefore breach the first data protection principle. She is satisfied that disclosure would not be within the data subject's reasonable expectations; that it would be a significant invasion of privacy and have detrimental consequences for the data subject; and that there are no wider legitimate interests to be served by disclosure which would be capable of outweighing the data subject's strong expectation of, and right to, privacy.
14. The Commissioner has therefore decided that the council was entitled to apply section 40(2) of the FOIA to withhold the requested information.

Section 1 - extent of information held

15. Section 1 of the FOIA states that any person making a request for information is entitled to be informed by the public authority whether it holds that information and if so, to have that information communicated to him/ her.
16. The complainant is concerned that the council may not have identified all the recorded information it holds which is relevant to questions 3 and 8 of her request. In cases where there is some dispute between the amount of information located by a public authority and the amount of information that a complainant believes might be held, the Commissioner - following the lead of a number of First-tier Tribunal decisions - applies the civil standard of the balance of probabilities. In essence, the Commissioner will determine whether it is likely or unlikely that the public authority holds information relevant to the complainant's request.
17. The Commissioner will consider the complainant's evidence and arguments. She will also consider the actions taken by the public authority to check whether the information was held and any other reasons offered by the public authority to explain why the information was not held. She will also consider any reason why it is inherently likely or unlikely that information was not held. For clarity, the Commissioner is not expected to prove categorically whether the information was held, she is only required to make a judgement on whether the information was held on the civil standard of the balance of probabilities.

The complainant's position

46. With regard to the information disclosed in respect of question 3, the council had disclosed a copy of Peterlee Town Council's Sickness Absence Management Policy, dated September 2014. The complainant said that she would have expected to have received a copy of Durham County Council's Sickness Absence Policy, which it was her understanding the council had adopted, prior to developing its own. She questioned why Durham County Council's policy had not been disclosed to her as well.
18. With reference to question 8, the complainant said that the disclosed information was not what she had asked for and she observed:

"There is no evidence to support full pay since Oct'13 when the 4 weeks 'phased return' should have ended. Well over a year is unaccounted for."

19. With this in mind, the Commissioner asked the council to explain its reasons for considering that it did not hold any further information in respect of those points. She asked a series of detailed questions aimed at establishing the likelihood of it holding any more information and any specific reasons that it had for believing that it did not hold more information, including the specific point about the sickness absence policy.

The council's position

20. The council maintained the position that it had disclosed to the complainant all the information it held which was described in her request, albeit with redactions. While it acknowledged that the complainant believed that it must hold more information, it said that this was not the case. It also noted that at the time she requested an internal review, the complainant had not indicated to it that she considered the initial response had been incomplete.
21. With regard to question 3 and the sickness absence policy, the complainant maintained that the council had adopted Durham County Council's policy and that this should have been disclosed to her.
22. The council pointed out that Durham County Council is a separate legal entity from the council. It noted that Durham County Council adopted its sickness absence policy in July 2013.
23. The council said that it could find no recorded information to substantiate the complainant's belief that the council had ever adopted Durham's policy. Instead, it had found circumstantial evidence which suggested precisely the opposite - that it had not adopted Durham's policy prior to it developing one of its own. It said:

"The minutes that I have already provided [complainant's name redacted] in the original response show that Peterlee Town Council's Establishment Committee recommended that the Council develop a sickness absence policy in February 2014: (<http://peterlee.parish.durham.gov.uk/wp-content/uploads/sites137/minutes-agendas-newsletters/MinutesE 2014-02-03.pdf>) and then in April 2014 the Committee recommended that Durham County Council be engaged to draft a sickness policy and provide training (<http://peterlee.parish.durham.gov.uk/wp-content/uploads/sites/37/minutes-agendas-newsletters/MinutesE 2014-04-01pdf>).

I have found no recorded decisions to adopt the July 2013 Durham County Council sickness policy in the interim period (6 months) between it being adopted by Durham County Council in July 2013 and this council agreeing to commission a sickness absence policy in February 2014. Neither the Establishment Committee nor full Council (the two committees which would have considered such a proposal) have any mention of the Durham policy over that period. Indeed, in the December 2013 Establishment Committee meeting the committee "...asked if sickness was monitored and what approaches were used in connection with the management of sickness absence. The Town Clerk advised that there was a process followed by Managers but this needed to be reviewed and updated..." (see item 47, p3: <http://peterlee.parish.durham.gov.uk/wp-content/uploads/sites/37/minutes-agendas-newsletters/IginutesE 2013-12-02.pdf>) - the committee would not have asked that question if it had only just adopted a comprehensive sickness policy from another Council as [complainant's name redacted] alleges was the case. That simply would not make any sense."

53. With regard to question 8, during the Commissioner's investigation the council identified one further item of information which it considered fell within the scope of the complainant's request, but which had not been disclosed. This was the minutes of the October 2013 Establishment Committee, which made an amendment to the September 2013 Establishment Committee minutes (which had been disclosed to the complainant as part of its original response). The council apologised for this oversight and disclosed a link to the minutes to the complainant. It commented that these minutes, were, in any event, already published on its website.
24. The council stated that it was satisfied that it had disclosed all the information it held which was relevant to the request. It pointed to the specific wording of the request, which was for meeting minutes. It explained that all council minutes are published on the council's website, in line with its obligations under the Local Government Act 1972.

55. It had therefore conducted searches of all relevant committee minutes for the periods referred to in the request. The current town clerk had personally read every committee minute for the period covered by the request to ensure that the search was as thorough as possible. The council was satisfied that these searches would reveal all information which was relevant to the request, as the Establishment Committee and council meetings are the only places where the decisions referred to in the request could have been made. This led the council to conclude that it had identified and disclosed all the relevant information it held.

Conclusion

25. When, as in this case, the Commissioner receives a complaint that a public authority has not disclosed some or all of the requested information that a complainant believes it holds, it is seldom possible to prove with absolute certainty that it holds no relevant information. However, as set out in paragraphs 44 and 45, above, the Commissioner is required to make a finding on the balance of probabilities.
26. The Commissioner finds the council's reasons for considering that it had not adopted Durham County Council's sickness absence policy (and therefore that it was not obliged to provide it in response to question 3) to be cogent and well evidenced. It seems unlikely that the council would have questioned whether a formal policy was in place and then authorised the creation of one of its own, if, in fact, it had recently adopted Durham's policy. At the very least, the Commissioner considers that the minutes would have reflected that the council needed to replace Durham's policy with one of its own, had that been the case.
27. Regarding the meeting minutes at which sickness pay was discussed, the council has disclosed to the complainant links to several sets of minutes, held on its website, but the complainant suspects that it held more because the minutes do not contain the information that she is interested in. The council says that they are a record of what was discussed and the decisions made by the council at minuted meetings. It says that the matters set out in the request, if they had occurred as the complainant described them, would only have been dealt with in Establishment Committee and council meetings, all the minutes for which have now been disclosed to the complainant.
28. The Commissioner is mindful that in cases where a complainant believes more information must be held, it is seldom possible to prove with absolute certainty that there is nothing further to add. However, while the complainant might consider that there *should* have been a minuted meeting at which a decision regarding the data subject's sickness absence pay was discussed, it is not the Commissioner's role to make a ruling on what information a public authority should or should not have created or retained. The complainant seems motivated by a

belief that some wrongdoing must have occurred which the council is attempting to conceal. Against this the Commissioner must bear in mind that a police investigation has already examined such concerns and no charges were brought.

60. The Commissioner is satisfied in this case that the council has demonstrated that it has reasonable grounds for considering that the searches it conducted would have revealed all relevant information, and that its belief that it does not hold any further information beyond what has already been disclosed is similarly reasonable.
9. Taking all the above into account the Commissioner is satisfied that that, on the balance of probabilities, at the time of the request the council did not hold any further information which fell within the scope of the request.

Right of appeal

62. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504

Fax: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

29. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
30. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed



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