

**BARNARD CASTLE TOWN COUNCIL
RESOURCES COMMITTEE**

15 JUNE 2015

PRESENT: Councillor Cooke (in the Chair); Councillors Blissett, Harrison, Mrs Moorhouse, Kinch and Deacon

Officers: Mr King (Town Clerk) and Mrs Jane Woodward (Deputy Clerk).

In attendance: One member of the press.

3. ACCEPTANCE, OR OTHERWISE, OF APOLOGIES

Apologies were received from Councillor Robinson.

Resolved – That Councillor Robinson's apologies be accepted.

4. APPOINTMENT OF VICE CHAIR FOR MUNICIPAL YEAR 2015/16

Councillor Harrison was proposed and seconded.

Resolved – That Councillor Harrison be appointed Vice Chair of this Committee for the Municipal Year 2015/16.

5. DECLARATIONS OF INTEREST

In accordance with this Council's adopted Code of Conduct (Minute 72(a)/Sep/12 refers), Members were asked whether they had any personal or prejudicial interests in any matter on the agenda and, if so, to declare those interests at this point of the meeting. Members were reminded that a declaration could be given later in the meeting if a need arose during discussion. There were no declarations of interest at this juncture.

6. RESOURCES COMMITTEE MEETING – 27 APRIL 2015 – MINUTES

Resolved – That the Minutes be accepted as a correct record.

7. SPECIAL RESOURCES COMMITTEE MEETING – 11 MAY 2015 – MINUTES

Resolved – That the Minutes be accepted as a correct record.

8. BUDGET MONITORING REPORTS

Submitted – A report and associated appendices relating to payments and receipts for the period 1 April 2015 to 8 June 2015 and income & expenditure relating to the month end of May 2015 (Month 2).

Resolved – That the information be received and noted.

9. INTERNAL AUDIT – AUDIT PLAN 2015/16

Submitted – An Annual Audit Plan for 2015/16, outlining the scope of work to be undertaken at half-year and end-of-year stages of the internal audit process for the year ending 31 March 2016. It was noted that the Council's Internal Auditor's Annual Report for 2014/15 was scheduled for 29 June at full Council.

Resolved – That the Annual Audit Plan for 2015/16 be approved.

10. REVIEW OF FINANCIAL DONATIONS POLICY

Received – a report presenting the Town Council's draft Financial Donations Policy for adoption for the 2015-16 municipal year.

Resolved – (a) That paragraph (h) be omitted to allow flexibility on size of donations given to any organisation and;

(b) That the amended Financial Donations Policy be recommended for approval and adoption at the Council Meeting on 29 June 2015.

11. TEN FIELDS LEASE ARRANGEMENTS UPDATE

It was reported that a meeting had been held with Barnard Castle Football Club (BCFC) and that the Club was keen to explore a 7 year lease, to satisfy Fields in Trust (FIT) and the Charities Act 2011, on the basis of support from the Town Council to apply for funding. It was further reported that Castle Rangers Football Club was not interested in further discussions, as it was now operating from Glaxo as Glaxo Rangers.

Resolved – (a) That the information be noted and;

(b) That it be delegated to the Clerk to instruct solicitor to draw up a 7 year lease between FIT, the Town Council and BCFC.

12. BARNARD CASTLE METHODIST CHURCH SPIRE APPEAL

It was reported that, pursuant to Council (Minute 21(3)(a)/May/15 refers), it was determined that the Town Council was not able to support the Spire Appeal with £1,000 out of the town council's general reserves under s.137 of the Local Government Act 1972, due to restrictions still in force under the Local Government Act 1894, preventing town councils from contributing towards ecclesiastical buildings. Council resolved that Members of Resources Committee investigate further options. Councillor Kinch informed Committee Members of the Local Government (Religious etc. Observances) Act 2015 that came into force on 26 May 2015 and proposed that it be delegated to the Clerk to investigate whether this legislation could be used to support the Spire Appeal.

Resolved – (a) That it be delegated to the Clerk to investigate the powers available to the town council under the Local Government (Religious etc. Observances) Act 2015 to contribute to the Methodist Church in support of its Spire Appeal.

13. WOODLEIGH

It was reported that documents submitted by Durham County Council had, in part, satisfied the conditions outlined by the town council's solicitor in terms of concluding the lease. There were outstanding issues remaining. Safety certificates for gas, electricity and fire had lapsed during the period in which the building had been vacant. Legal advice had been received that the gas and electrical safety certificates should remain the responsibility of the landlord, certainly during the period in which there was no tenant. The solicitor's advice was to procure these in advance of signing a lease, in order to identify any potential issues. Councillor Cooke requested to be included as a member of the Woodleigh Working Group.

Resolved – (a) That the Clerk convenes the Woodleigh Working Group (as constituted) to pursue procurement of the fire, gas and electrical safety certificates and to programme hand-over and occupation of the building, under existing delegations, up to £2,000.

(b) That Councillor Cooke be a constituted member of the Woodleigh Working Group.

14. DEFIBRILLATOR

It was reported that progress was slow. The office was awaiting a detailed response from NEAS' Community Resuscitation Development Officer regarding suppliers and models of defibrillator which might be purchased to meet the approved type of unit, which was to be located in a coded box as a Community Public Access Defibrillator (CPAD).

Resolved – That the information be noted.

15. FLOODING OF GARDEN ON MARWOOD DRIVE

Submitted – a report informing Committee of the continued flooding to a rear garden adjacent to the Marwood Drive play area and seeking a decision to fund additional site works from the town council's general reserves, pursuant to Services Committee (Minute 9(iii)/June/15 refers).

It was reported that there had been flooding problems at the property since 1983 and that various works had been undertaken. In October 2014, following a CCTV survey, phase 1 works were carried out at a cost of £600. Phase 2 was to install a 30m French drain at a cost of £3,000. There was no absolute guarantee that works would alleviate the problem.

It was noted that the town council had limited funds and was faced with difficult choices in preparing a balanced budget for 2015/16. To date, the council had not been successful in identifying alternative funding sources for phase 2 works. It was established in law that the council was not liable for the natural flow of surface water. The excess water was deemed to be surface water. The council had so far made reasonable efforts, within its available funding, to address the concerns of neighbouring properties.

Members were informed that the town council's general reserves were at the lower limit of their prudent value and were reminded of the Council's resolution to increase general reserves to £70,000 (Minute 77/Dec/13 refers).

Councillor Cooke proposed that, as the play area land was owned by Fields in Trust and managed by the town council, that the Terms of Agreement be explored.

Councillor Kinch queried where the level of the water table lay and the need to get absolute clarity on whether the problem could be rectified from Northumbrian Water or independent hydrologist.

Resolved – (a) That the Terms of Agreements between FiT and the town council be confirmed and;

(b) That, subject to a positive response from Northumbrian Water or other hydrologist that the problem could be rectified, approval be given to funding £3,000 Phase 2 drainage works to the Marwood Drive Play Area from general reserves.

16. DEMESNES – CONSULTATION BY DURHAM COUNTY COUNCIL

Submitted – a report seeking the Committee's response to a consultation from Durham County Council on its proposal to renegotiate its lease of the grounds on the Demesnes currently occupied by Barnard Castle RUFC, to the club for a period of 35 years.

It was reported that the reason for the club's request for a formal lease was to allow it to access longer term funding streams from organisations, such as Sport England, that required evidence of a completed long term lease.

It was noted that The Demesnes were protected by a covenant imposed by Lord Barnard as a condition of the deed of sale to the former Urban District Council in 1948. Durham County Council and the Town Council (with respect to the allotments) were the successor bodies to the UDC in observation of the terms of the covenant.

Members were informed that a lease in excess of seven years was normally considered a disposal in law. Durham County Council had amended its Financial Regulations to declassify long-term leases for this purpose, specifically to enable it to support sports clubs in pursuit of funding applications. It was not clear whether that declassification, by itself, would satisfy the terms of the 1948 covenant.

Councillor Kinch expressed concern regarding a 35 year lease, which could indicate the intention of the club to explore funding to erect a formal structure on the Demesnes, which was not allowed under the terms of the covenant. A shorter lease was proposed.

Resolved – (a) That the town council was unable to make a decision in support of, or otherwise, of a 35 year lease for rugby pitches on the Demesnes for the following reasons:

- Lack of supporting evidence from Durham County Council that the terms of the covenant had been fully explored.
- The need for a statement of intention from the BCRUFC.

(b) That a much shorter lease was preferable.

17. ARMED FORCES DAY – FLY THE FLAG

It was reported that the Ministry of Defence was encouraging parish and town councils to participate in the seventh Armed Forces Day (27 June 2015) by flying the Armed Forces Day Flag from 22 June to 27 June inclusive. Members noted that it was resolved at Partnership Committee to support Armed Forces Day in June 2016 with a 1940s style event (Minute 69(iii)/Apr/15 refers).

Resolved - That the town council purchases an Armed Forces Day flag to fly from 22 June to 27 June inclusive and for subsequent years.