

**BARNARD CASTLE TOWN COUNCIL
SERVICES COMMITTEE**

17 OCTOBER 2016

PRESENT: Councillors Peat (in the Chair), Harrison, Hinchcliffe and Yarker.

Also in attendance: Councillor Sutherland; One member of the press.

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

35. ACCEPTANCE, OR OTHERWISE, OF APOLOGIES

Apologies were received from Councillor Mrs Grady.

Resolved – That the apologies be accepted.

36. NORTHUMBRIAN WATER – RAINWISE – PRESENTATION

Christopher Bond, Project Manager, presented information about Northumbrian Water's new project, called Rainwise, working together with communities to manage surface water in the area and reduce the potential risk of flooding in the future. This Committee would be given regular updates regarding local initiatives.

Resolved – That the information be noted.

37. DECLARATIONS OF INTEREST

In accordance with this Council's adopted Code of Conduct (Minute 17(b)/May/16 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. Councillor Harrison declared an interest in respect of item 39.

38. SERVICES COMMITTEE MEETING – 25 JULY 2016 – MINUTES

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

39. ALLOTMENTS

(i) General update

It was reported that all allotment gardens had now been tenanted and there were no vacancies. The waiting list stood at thirteen with five new applications received since July.

Gardens 15A & 15B on The Demesnes had now been re-amalgamated to re-form Garden 15 following the departure of the tenant from 15B. There were currently 86 income receiving gardens.

A routine site inspection took place during September; there were no issues of concern to report.

Resolved – That the information be noted.

(ii) Allotments Improvement Action Plan – Path Improvements (CONFIDENTIAL)

Pursuant to Minute 22(iii)/July/16 quotations for allotment path improvements were submitted to this Committee Meeting, considered in exempt session under Item 51, below.

Resolved – That the information be noted.

(iii) Bee Keeping

Pursuant to Minute 22 (iv)/July/16, identification of appropriate Allotment Gardens for bee

keeping was deferred until a later meeting.

Resolved – That the information be noted.

(iv) Allotments 2017/18 Budgetary Bid

Received – a report considering an Allotments budgetary bid for inclusion in the overall Town Council budget for 2017/18. Members noted that the plot rental for 2017/18 had already been determined at £45 because 12 months' notice had to be given to tenants. It was reported that from 2017/18 there would be an additional income of £50 relating to the licence granted to the Dog Agility Group for access to the water supply to the Demesnes allotment.

It was anticipated that utility costs and grounds maintenance costs would continue to rise and that the rental should therefore increase to £47 for the 2018/19 season.

Resolved – (a) That the 2017/18 Allotments Expenditure be £4,070 (increase of £5) and Income be £4,070 (increase of £5); and
(b) That the allotment rental for 2018/19 increase by two pounds to £47.

40. PLAY AREAS

(i) Repairs and Maintenance

It was reported that monthly inspections of all five play areas managed by the town council were continuing and there were no issues to report. An update on the insurance claim at Green Lane play area was requested, pursuant to Minute 6(ii)(b)/Jun/16. There was no further action following the Council's insurer denying liability for the accident.

Resolved – That the information be noted.

(ii) Gate Licences

Pursuant to Minute 23(ii)/July/16, 15 out of 21 gate licences for 2016/17 had been returned. Reminder letters had been sent to those outstanding.

Resolved – That the information be noted.

(iii) Marwood Drive Flooding

It was reported that pursuant to Minute 56(ii)/Feb/16, drainage works had been carried out by AA Thrustboring in September to Marwood Drive Play Area, in an attempt to relieve surface water flooding.

Resolved – That the information be noted.

(iv) Play Area Safety Surfacing

It was reported that pursuant to Resources Minute 30/Sept/16, when quotations were considered, Abacus Playgrounds had carried out perimeter wetpour safety surface repairs to Marwood Drive, Green Lane and Bouch Way play areas on 5 and 6 October. The shrunken wet pour was cut back and 200mm black band repairs installed. The safety surfacing repairs were covered with a 5 year guarantee. Residents living in the vicinity of play areas were pleased.

Resolved – That the information be noted.

(v) Play Areas 2017/18 Budgetary Bid

Submitted – a report considering a budgetary bid for Play Areas 2017/18 for inclusion in

the overall Town Council budget for 2017/18. The Play Areas expenditure budget covered costs of annual general maintenance (grass cutting and litter picking), play area inspection fees and essential play area equipment repairs. Members were reminded that this was the second year of a rolling 'Play Areas Repairs and Future Provision Reserve Fund' with a minimum of £2,500 allocated from the 2015/16 budget and £2,500 in each year thereafter, along with any underspends.

Members noted that two play areas, Scar Top and Demesnes, currently managed by Durham County Council were potentially due for future transfer to the town council.

The costs of customary annual general maintenance (grass and hedge cutting, litter picking etc.) were anticipated to increase in 2017/18.

It was reported that Durham County Council currently carried out monthly play area inspections, however, inspection reports were sporadic and sparse. Pursuant to Minute 56(iv)/Feb/16, Members had resolved not to commission a yearly in depth play area inspection. It was suggested that Members might wish to review this arrangement in 2017/18.

Resolved – (a) That the Play Areas 2017/18 Expenditure budget be £11,500 (no change); (b) That the Play Areas 2017/18 Income budget be £121 (£4 increase from 2016/17); (c) That any Play Area budgetary underspends continue to be transferred into a Play Areas Future Provision and Repairs Reserve Fund; and (d) That Members review current arrangements for play area inspections for the 2017/18 financial year.

41. SCAR TOP PLAY AREA/ MINI GOLF FREEHOLD ASSET TRANSFER

There had been correspondence with the solicitor acting for the Big Lottery Fund relating to the expected terms of the novation of the grant conditions which were awaited from Durham County Council. It was currently unclear where these draft terms were. The town council's solicitor had been instructed to progress this matter.

Resolved – That the information be noted.

42. MINI GOLF – 2017/8 BUDGETARY BID

Received – a report considering a budgetary bid for the 2017/18 Mini Golf Service and Fees and Charges for inclusion in the overall Town Council's budget for 2017/18.

The town council's repurposed mini golf course had been in operation for four seasons since 2013. Next year's season would be the fifth and would need to make provision for resurfacing of the felt carpet to the holes at the end of this operational season but within the 2016/17 financial year.

The revised arrangements continued to work successfully and it was therefore expected that broadly the same arrangements would continue for the 2017 season.

Members were reminded that Mini Golf was a totally 'self-funding service' with no demand on the precept.

It was anticipated that investment in the region of £6,000+ would need to be made to the felting of the holes this year (16/17). It was suggested that, if approved, quotes would be sought from the designers of the course, 'Urban Crazy' and two alternative suppliers, with the decision referred to Council as the likely cost would exceed the committee's delegation.

At the levels of income now generated by mini golf, advice received indicated that the town council should register the service as a 'taxable supply' for VAT purposes, under s.42 of the VAT Act 1994. If VAT was applied at the existing scale of charges, the council would forfeit one sixth of the income generated by a £2 ticket – 31p. Once mini golf was identified as a taxable supply with HMRC, any VAT paid on expenditure of goods and services must be netted off the VAT collected on sales. Members noted that all other statutory income expenditure was not subject to VAT and VAT on such expenditure could continue to be reclaimed.

It was proposed that ticket prices, which had been static since 2013 should rise proportionally to reflect the re-felting of the course and the need to register for and collect VAT on ticket sales.

Resolved – (a) That the 2017/18 Mini Golf Income and Expenditure budget be £10,000 (no change);

(b) That the mini golf service be registered as a 'taxable supply' from the 2017/18 season;

(c) That three quotes for re-felting the course, prior to the start of the 2017/18 season, be obtained by the Clerk, with a decision on awarding a contract referred to full Council; and

(d) That the fees and charges as proposed below be recommended to the Resources Committee meeting scheduled for 31 October 2016:

- £3.00 per round for all users (£2.50+20% VAT);
- £9.00 group ticket (up to 4 players – saving £3.00) (£7.50+20% VAT);
- £15.00 loyalty ticket (7 rounds in advance – saving £6.00) (£12.00+20% VAT);
- £1.00 lost ball (83p+20% VAT); and
- £6.00 damaged club (£5.00+20% VAT).

43. WAR MEMORIALS

(i) Update

The annual War Memorial inspections were carried out by the Town Mayor and Services Officer on 17 August. Pursuant to Minute 45/Dec/15, Coverdale Masonry had almost completed repairs to the plinth of the Town Memorial within The Bowes Museum grounds and restored black lead lettering to the memorial.

Resolved – That the information be noted.

(ii) 2017/18 budgetary bid

During 2013/14, all the Memorials were professionally cleaned and during the 2013/14 budgetary process, it was agreed that a 3-yearly maintenance programme be put in place. To enable this, it was subsequently agreed that a further £710 would be required in each of the years 2014/15, 2015/16 and 2016/17. There was currently £2,540 in the Earmarked Reserve.

Repairs had been carried out to the Town Memorial during 2016 at a cost of £250, leaving £460 to be transferred to the Earmarked Reserve.

The Aviation Memorial was cleaned during its installation in March 2015.

Resolved – That a 2017/18 budgetary allocation of £710 (no change) be recommended to the Resources Committee meeting scheduled for 31 October 2016; and
(b) That up to date estimates be sought to clean the War Memorials, commencing in 2017/18.

44. CASTLE & MARKET CROSS FLOODLIGHTING 2017/18 BUDGETARY BID

This Council continued to be responsible for the electricity and maintenance costs of the castle floodlights and had an associated budgetary allocation. The electricity costs were recharged to this council by Durham County Council on an annual basis. From 2015, following installation of external floodlighting to the Market Cross, the revenue costs, including electricity, of this lighting scheme were now met by the town council on the same basis.

There had been no indication to date that the electricity recharge costs for 2017/18 would increase dramatically.

Resolved – That the 2017/18 budgetary allocation for Castle Floodlights remains at £400 (no change) and £300 for the Market Cross floodlights (£300 no change) resulting in a budget bid of £700 (no change).

45. PUBLIC SEATS

It was confirmed that the memorial bench scheme continued to progress and that, since the start of the 2016/17 financial year, one further donation had been received. There had been a new seat refurbished on The Demesnes.

Due to the success of the project, there remained only a few benches in need of refurbishment. However ongoing maintenance and repairs were still necessary to keep the benches in good condition.

Currently £677 remained in the Public Seats Earmarked Funds account to date. Therefore, at this time, a Public Seats 2017/18 budgetary allocation was not considered necessary.

Members were reminded that the Town Council would be taking on responsibility for benches in Flatts Woods and interpretation boards previously managed by Heart of Teesdale (Resources Minute 75/Mar/16 refers).

Resolved – That the information be noted.

46. DELIVERING DIFFERENTLY

There had been no developments since the last meeting. The Clerk had been called to a meeting with Durham County Council on 20 October to discuss the use of s.101 of the Local Government Act 1972 facilitating the transfer of service responsibilities as an alternative to other legal processes.

Resolved – That the information be noted.

47. WEDNESDAY MARKET

(i) Update

In the twelve weeks from 20 July to 5 October, total rental receipts were £2,115, an average of £176.25 per week. One new trader had joined the market. There continued to be one long-term absence due to illness and occasional poor trading days due to inclement weather.

It was reported that on 19 October, Durham County Council's Markets Supervisor would carry out an audit of the town council's market policies and procedures.

Resolved – That the information be noted

(ii) Signage

Those market traders who operated adjacent to the toilets had reported repeated confusion from members of the public due to the lack of clear signage. Members recalled that the town council covered a proportion of the operational costs of these toilets through arrangement with Durham County Council. A brief investigation revealed that solid plastic signage for male and female lavatories could be acquired for less than £10 per sign, including postage. It would be operationally advantageous to improve the signage in this area.

Resolved – That approval be given to purchase two clear signs for the market place toilets at a total cost not to exceed £20 to be funded from the Wednesday Market budget 2016/17.

(iii) Wednesday Market Budgetary Bid 2017/18

For the first year of operation, the anticipated income and expenditure for the Wednesday Market was set by council at £5,000. Based on figures to date, and allowing for reduced income over the Winter in line with the figures supplied by Durham County Council for 2015/16, the anticipated out-turn income was £8,000. Expenditure was similarly anticipated to be approximately £3,000, relating primarily to the costs associated with setting out and returning the market barriers. Thus the anticipated surplus in 2016/17 was £5,000, which would return to General Reserves. Members considered how this operational surplus might be utilized in connection with Item 49, below.

Currently the Clerk or Deputy Clerk worked for approximately two to three hours in setting up the market on a Wednesday, administration and collecting rents. It was suggested that the operational surplus might potentially be used, in part, to employ a part-time supervisor to undertake this role.

Resolved – That it be recommended to Resources Committee on 31 October that the Wednesday Market income and expenditure budget be £5,000 in 2017/18.

48. FLORAL AND OPEN SPACES

(i) Floral Displays 2016/17

It was reported that Elm Ridge Gardens would be carrying out winter planting on 18 and 19 October. There had been many positive comments about the summer planting.

Resolved – (a) That the information be noted; and
(b) That winter bedding plants be purchased for the gateway beds out of 2016/17 Floral Displays budget.

(ii) Upper Demesnes Haymeadow

Following cutting and hay baling, 90 bales of hay were sold at £3 per bale, net. The subsequent £270 profit would be invested back into floral and open spaces.

Resolved – That the information be noted.

(iii) Interpretation Board – Roman Way Picnic Site

Pursuant to Minute 30(ii)/July/16, the panel with approved design was currently being manufactured. Production time was 6 weeks. A press launch would be planned once installation was complete.

Resolved – That the information be noted.

(iv) Floral and Open Spaces 2017/18 Budgetary Bid

Received – a report considering a Floral and Open Spaces 2017/18 budgetary bid for inclusion in the overall Town Council budget for 2017/18.

Members noted that there was an anticipated underspend at the end of the 2016/17 financial year, which was resolved to be earmarked for 2017/18 floral displays (Services Minute 30(i)/July/16 and Council Minute 54(2)(i)/Sept/16 refers).

Members were reminded that in 2016/17, several areas of land were earmarked for potential Asset & Service Transfer to this town council from Durham County Council, including Lower & Upper Demesnes, Scar Top, Woodleigh Grounds and Galgate Greens. A growth bid of £3,000 was resolved as part of the 2016/17 budget. It was prudent that the budget remained at the current level, in case of conclusion of successful negotiations during 2017/18.

Since the Asset & Service Transfer would materially change the existing grounds maintenance contract, comparable quotations for the entire Grounds Maintenance Service had been sought and were presented for Members' consideration at Item 52.

It was recommended that Lowfield Gardens be requested to carry out the watering service again as the service provided 'good value for money.'

£103 remained in the Galgate Greens Improvement Project earmarked reserve fund following repair of bollards.

Resolved (a) That Members' views be requested on quotations relating to Grounds Maintenance Contract (considered at Item 52);

(b) That the earmarked reserves relating to the Galgate Greens Improvement Project remains;

(c) That the Floral and Open Spaces 2017/18 budget be £9,500 (no change); and

(d) That Lowfield Gardens be requested to carry out the 2017/18 floral displays watering service.

49. DOG FOULING

(i) Public Space Protection Order – Consultation

Pursuant to Council Minute 58(b)/Sept/16, it was resolved that Services Committee consider proposals from Durham County Council concerning the implementation of a countywide Public Space Protection Order (PSPO) for dog control. Any introduced PSPO would replace the existing countywide Dog Control Order and would enable additional enforcement powers to encourage responsible dog ownership.

The four elements to the Revised Order (which would replace the existing Dog Control Order) would be that, if agreed, it would be an offence to:-

- Allow a dog to foul without picking it up (this was already an offence under existing countywide Dog Control Order);
- Allow a dog to stray;
- Fail to put a dog on a lead when directed to do so by an authorised officer;
- Allow dogs in fenced play sites which were Durham County Council owned and managed. This could also be extended to Town Council play areas that were fenced.

The closing date for the consultation was 5 December 2016.

As a related issue, DCC officers had stressed that existing Wardens and PCOs could only act as a deterrent and their numbers were finite across County Durham, however they would try to assist in parish council controlled parks. Where parish and town councils had park staff or wardens they could be trained to the required standard and would be able to issue fixed penalty notices. This could be considered within the context of the dog fouling 2017/18 budget, below, if Members so wished.

Resolved – (a) That the information be noted;
(b) That Members were in favour of the proposals from Durham County Council regarding a Public Space Protection Order; and
(c) That it be requested that all town council fenced play areas be included within the PSPO.

(ii) 2017/18 Budgetary Bid

The 2016/17 dog fouling budget was £300, which was reduced from £500 in 2015/16. It was resolved that additional supplies of dog poop bags could be ordered as and when necessary, out of 2016/17 budget (Minute 33/July/16 refers).

Members recalled that it was resolved that 'smoke and dog free' play area signage be produced, using 'smoke-free play area' artwork provided at no cost by Durham County Council (Minute 74/Apr/15 and Minute 50/Dec/15 refers). There remained £338 in the Dog Fouling Earmarked Reserves for this purpose.

During the consideration of the Dog Fouling 2014/15 budget, investigations were made into the town council providing a dedicated Neighbourhood Warden for the town. However, at that time, the impact that costs of such an initiative would have had on this council's precept, and ultimately the town's residents, was considered unjustifiable so the budget remained at £500.

In light of the proposed PSPO, considered above, together with the anticipated operational surplus from the Wednesday Market, discussed under Item 47(iii), members considered employing, in principle, a part-time warden.

Resolved – (a) That it be recommended to Resources Committee on 31 October that the 2017/18 dog fouling budgetary bid be £300 (no change); and
(b) That £338 remain in the Dog Fouling Earmarked Reserves for replacement signage in 2017/18; and
(c) That Members register interest with DCC in the town council providing a part-time warden service, to be funded out of operational surplus from the Wednesday Market budget.

50. DEMESNES PUBLIC MEETING

Pursuant to Minute 34/July/16, a public meeting was held in Woodleigh on 7 September. Councillor Sutherland attended this Committee to feedback on the meeting and clarify issues.

The purpose of the meeting was to gather the views of residents on the use of the Demesnes; to gauge the extent to which there was considered to be anti-social behaviour associated with the area and to look at the threats and opportunities posed by the space and its management.

The meeting was chaired by the Town Mayor and attended by councillors Sutherland and Peat and by Sgt Simon Rogers, representing Durham Constabulary. Subsequent to the meeting, Sgt Rogers contacted a specialist in restorative justice who was willing to work with the various interest groups concerning vehicle usage on the Demesnes.

A number of actions were proposed for the town council. These were that the town council should:

- discuss maintenance issues with DCC;
- work with the Teesdale Mercury to help publicise the outcome of this meeting and ask for comments on the proposed solutions, or any alternative solutions.
- contact DCC Conservation to establish the legal status of the Demesnes.
- call another residents' meeting in about 2 months' time.

Resolved – (a) That the information be noted; and
(b) That the actions requested as a result of the meeting be approved.

51. EXCLUSION OF PRESS AND PUBLIC (IN RESPECT OF CONTINUATION OF ITEM 39 (II); ITEMS 52 AND 53, BELOW)

Resolved – That, under the provisions of the Public Bodies (Admission to Meetings) Act 1960 §1(2), the press and public be excluded from the meeting during consideration of the matters referred to at continuation of item 39(ii); items 52 and 53, below, due to the confidential nature of the business to be transacted.

39.(ii) Allotments Improvements Action Plan – Quotations for Path Improvements

Submitted – a report considering quotations for identified path work improvements on two allotment sites (Raby Avenue and The Demesnes) and seeking to determine which company should be appointed to undertake the work.

Resolved – That the path improvement works be awarded to 4 Nature at the gross sum of £1,388.

52. GROUNDS MAINTENANCE CONTRACT

Submitted – a report seeking to determine a recommendation from Services Committee as to which company should be awarded the town council's Grounds Maintenance Contract for the 2017/18 season at full Council on 14 November.

Resolved – (a) That the 2017/18 grounds maintenance contract be awarded at full Council on 14 November; and
(b) That it be recommended to Resources Committee on 31 October that the 2017/18 floral and open spaces budgetary bid include a growth bid of a further £4,400 (total

budget £13,900) to cover the grounds maintenance costs of additional open spaces transferred from DCC.

53. GREEN LANE TAP APPLICATION

Submitted – a report providing an update on the outcome of the TAP funding application for path works and associated development of the Green Lane play area and outlining potential alternative sources of funding for this work.

Pursuant to Minute 23(iii)/July/16, Teesdale Action Partnership Board met on 14 September and decided not to support the application for TAP funding, to provide a perimeter track, goal posts and associated equipment for the Green Lane Play Area. It was felt that the project did not have enough of an impact in the wider Teesdale area and that it was a project more suited to support from County Councillors via their Neighbourhood Budgets.

A meeting was held with the Community Development Project Officer for Durham County Council on 6 October to discuss funding opportunities. There were currently capital funds available within the County Members' Area Budget and Cllr Richardson had expressed interest in supporting the objectives of the Town Council's proposal from within his area budget.

The Clerk had been contacted by a representative of Barratt Homes to discuss drainage works which were proposed to link that firm's development off Green Lane to the main drain running North-South under Ten Fields and Kalafat. The company had originally been in contact with Fields in Trust, as registered owner of these areas. Fields in Trust had confirmed that the Town Council was its managing agent. Members noted that once a form of agreement was established between Fields in Trust and Barratt Homes, that agreement would be forwarded to the Town Council for appropriate signatures. Members also noted that, in the event that an agreement was not mutually assured, Northumbrian Water Ltd had powers to enforce an agreement to enable connection to drainage across a third party's land.

There was opportunity to explore ways in which Barratt Homes might be able to contribute to the development of play at Green Lane, over and above the commuted Section 106 Agreement which had been made between the company and Durham County Council.

The Town Council would need to involve the tenant of Ten Fields in discussion with Barratt Homes as to the timing and extent of any works necessary to connect the drains. On a related note, contact with the football club had been fitful. An email had also been received from the Business Manager of the GlaxoSmithKline Sports and Social Club advising that GSK Sports and Social Club would no longer support Glaxo Rangers Football Team and that they were disassociating themselves from the team.

Resolved – (a) That the information be noted;
(b) That members approve more detailed discussions with officers supporting TAP and Barratt Homes to identify an affordable scheme for developing the Green Lane play area for approval at a suitable forthcoming meeting; and
(c) That in the event of non-payment of the lease, the lease with the football club formerly known as Glaxo Rangers be terminated and that Bowes Football Club be approached as a potential tenant.