

**BARNARD CASTLE TOWN COUNCIL
COUNCIL MEETING**

20TH APRIL, 2009

PRESENT:- Councillor Yarker (Town Mayor)(in the Chair); Councillors Mrs Bailes, Blissett (Minutes 212 to 232 inclusive), Cooke, Mrs Dixon, Mrs Hamilton, Harrison, Hinchcliffe (Minutes 212 to 218(5) inclusive and 222), Peat, Watson, Wheeler (Minutes 212 to 230 inclusive) and Wood (Minutes 212 to 218(5) inclusive and 222).

212. APOLOGIES:- None.

213. DECLARATIONS OF INTEREST

In accordance with standard local government procedures, 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.

214. COUNCIL MEETING – 2ND MARCH, 2009 – MINUTES

Specific references were made to Minute 197 (Security Badges) and the decision thereat not to proceed with the issue of security identification badges. It was confirmed that, with no advance notice given and in the absence of a recommendation from a Committee, Standing Order No. 35 prevented further discussion of this matter for a period of six months. However, to enable that further discussion to take place, it was

Resolved – That Standing Orders be temporarily suspended to allow for further discussion of the matter referred to at Minute 197 and a further vote to be taken, if appropriate.

Prior to that further discussion taking place, it was agreed that a subsequent agenda item (Access to Teesdale House and Revised Security Arrangements) was intrinsically linked with the badge issue and should be brought forward for discussion at this point. Because of the confidential nature of that item it was

Resolved – That, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the security badge and Teesdale House security issues on the grounds that they may involve the likely disclosure of exempt information as defined in part 7 of Schedule 12A of the said Act.

Discussion then took place on both issues and it was suggested that the original decision on security badges was flawed because of the ‘information/views’ on which a number of Members were perceived to have based their votes. References were also made to the daytime and evening security arrangements at Teesdale House, the allocation of visitors’ badges for Town Council usage of the building and the access arrangements once meetings had commenced.

Resolved – (a) That the Minutes of the Council meeting on 2nd March, 2009 be accepted as a true and accurate record.

(b)(i) That security identification badges be issued to all Town Council Members and staff, with the associated cost being met from Contingencies; and

(ii) That the resolution at Minute 197/Mar/09 be accordingly rescinded.

(c)(i) That the arrangements in respect of access to Teesdale House be noted; and

(ii) that Durham County Council be requested to install a doorbell at the main entrance to Teesdale House, primarily for latecomers to meetings.

215. SPECIAL COUNCIL MEETING – 12TH MARCH, 2009 – MINUTES

Resolved – That the Minutes be accepted as a true and accurate record.

216. 'EN BLOC' ITEMS

Submitted – In accordance with Minute 72/Aug/04, a further set of items with the accompanying recommendations to be moved 'en bloc'. The ten items considered at the meeting were as follows:-

(1) Planning Committee Meeting – 2nd March, 2009 – Minutes

Resolved – That the Minutes be received.

(2) Planning Committee Meeting – 16th March, 2009 – Minutes

Resolved – That the Minutes be received.

(3) Finance Committee Meeting – 16th March, 2009 – Minutes

Resolved – That the Minutes be received.

(4) Modernisation Committee Meeting – 23rd March, 2009 – Minutes

Resolved – That the Minutes be received.

(5) Christmas Festival Committee Meeting – 1st April, 2009 – Minutes

Resolved – That the Minutes be received.

(6) Planning Committee Meeting – 6th April, 2009 – Minutes

Resolved – That the Minutes be received.

(7) Administrative Support Committee Meeting – 8th April, 2009 – Minutes

Resolved – That the Minutes be received.

(8) Mayoral Activities

It was reported that, since the Council meeting on 2nd March, 2009, the Town Mayor had attended the following;

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| 6th March | (accompanied by Town Mayoress (Mrs Marie Yarker))
Barnard Castle Vision's official opening of the Box on Galgate. |
| 12th March | (accompanied by Town Mayoress)
1 st Barnard Castle Scout Group's Presentation Evening (Scout Headquarters). |
| 19th March | Mini Golf 'Photo Shoot' with Teesdale Mercury to launch the 2009 Mini Golf season. |
| 21st March | (accompanied by Town Mayoress)
Barney Guild's 'Barney Bag' Launch. |
| 7th April | (accompanied by Town Mayoress)
Teesdale Conservation Volunteers launch of new project Plotters Community Growing (Plot to Pot) at The Witham Hall. |
| 18th April | (accompanied by Town Mayoress)
Barnard Castle Meet's Carnival Queen Dance (Barnard Castle Cricket Club) |

Resolved – That the information be noted.

(9) ‘Seizing the Future’ Consultation Decision

Submitted – Pursuant to Minute 170/Jan/09, a letter from NHS County Durham confirming their decision following the ‘Seizing the Future’ consultation process.

Resolved – That the information be noted.

(10) Royal Garden Party 2009 – Result of Draw

Pursuant to Minute 195/Mar/09, it was reported that this Council had been unsuccessful in its nomination for the Royal Garden Party 2009.

Resolved – That the information be noted.

217. REFERRALS FROM COMMITTEES

(1) Financial Regulations

Reference was made to the recommendation of the Finance Committee, at Minute 45 of the set of Minutes at sub-section (3) of Minute 216 above, regarding the Council’s Financial Regulations. It was highlighted that it was the first such document produced by this Council and that it was also a requirement of the Quality Council scheme. Financial Regulations were also linked with the Council’s Standing Orders. It was also noted that the Regulations were required to be re-affirmed at the Annual Council meeting scheduled for 11th May, 2009 and at each Annual Council meeting thereafter. It was fully recognised that the Regulations, as submitted, highlighted the need to clarify and tighten up procedures within the Council.

Resolved – That the Financial Regulations, as now submitted, be approved.

(2) Training Programme 2009/10 etc

Reference was made to the recommendation of the Modernisation Committee, at Minute 43 of the set of Minutes at sub-section (4) of Minute 216 above, regarding a prospective Training Programme. It was stressed that a ‘Training Statement of Intent’ was one of the mandatory Tests in the Quality Council scheme. The main points emphasised were as follows:-

- (i) recognition that, ideally, a third of the budget should be retained for training opportunities which occurred during the year but that a totally flexible approach was paramount;
- (ii) in-house training was to be organised wherever possible (with staff in attendance);
- (iii) combined travelling arrangements should be a priority for Members and officers;
- (iv) the need for the adoption of a full team approach where practical; and
- (v) the essential deferment of some of the training requirements beyond 2009/10.

Resolved – That the Training Programme for 2009/10, the schedule of further training for inclusion in that programme and the training requirements for 2010/11 and beyond, as now submitted, be approved.

(3) General

(A) Finance Committee – Public Seats Project

Reference was made to the recommendation of the Finance Committee, at Minute 42(b) of the set of Minutes at sub-section (3) of Minute 216 above, that the public seats project (including determination of condition and ownership) should be undertaken as a matter of urgency, including full liaison with the Barnard Castle Vision team.

It was emphasised to Members that, whilst there was a deferred 2009/10 budgetary allocation of £1,000, there was no intention of carrying out the project until the end of the 2009 calendar

year at the earliest. If the project was brought forward, it would be at the expense of other projects.

Resolved – That the public seats project be carried out under its originally intended timescale.

(B) Modernisation Committee – Clerk’s Completion of CiLCA Portfolio

Reference was made to the recommendation of the Modernisation Committee, at Minute 42 of the set of Minutes at sub-section (4) of Minute 216 above, that the Clerk be authorised to take time off in lieu for any out-of-office hours accrued during the completion of the CiLCA portfolio. It was confirmed that it would be impossible to carry out the work involved, as previously agreed, during normal working hours.

Resolved – That the Clerk be authorised to take time off in lieu for any out-of-office hours accrued during the completion of the CiLCA portfolio.

(C) Christmas Festival Committee (Minute 37/Apr/09) – Backdated Electricity Payments.

Reference was made to the recommendation of the Christmas Festival Committee, at Minute 37 of the set of Minutes at sub-section (5) of Minute 216 above, that, subject to the Committee Chairman being satisfied with the breakdown of payment calculations from npower in respect of backdated Christmas lighting payments, the payments should be made. However, the Committee Chairman remained unsatisfied with the revised calculations and a further examination of the information provided was still outstanding.

Resolved – That no payment be made until the Committee Chairman is satisfied with npower’s figures and calculations.

218. REPRESENTATION ON OTHER BODIES

(1) South West Durham Heritage Line Working Group

Pursuant to Minute 193(3)/Mar/09, Councillor Cooke reported that the South West Durham Heritage Line Working Group had made further progress in respect of the Working Group’s plans, with the project now at Stage 2. The Working Group were currently in the process of obtaining agreements with those private land-owners whose land included the Heritage Line in order to continue with the project.

Resolved – That the information be noted.

(2) Teesdale Local Strategic Partnership – Continuation of Thematic Groups

Pursuant to Minute 193(3)/Mar/09, it was reported that the Thematic Groups, set up as part of the Teesdale Local Strategic Partnership structure, technically ceased on the winding-up of the Partnership. However, it appeared that two Thematic Groups were set to continue because of a number of ongoing projects and therefore Councillor Cooke’s representation on the Environment and Transport and Health Thematic Groups (appointed by the Partnership) needed to be in the form of direct Town Council representation. Discussion arose regarding the lack of correspondence to advise this Council of the exact situation.

Resolved – (a) That the Clerk seek clarification that the continuation of the two Thematic Groups is part of a formal arrangement with Durham County Council.

(b) That, subject to (a) above, Councillor Cooke be appointed as this Council’s representative on the Environment and Transport and Health Thematic Groups.

(3) Teesdale District Parish Forum – Representation on Replacement Teesdale Local Councils’ Forum

It was reported that it had been agreed by local councils in the Teesdale area that the Teesdale District Parish Forum should be replaced by a Teesdale Local Councils’ Forum under the

auspices of the County Durham Association of Local Councils. Consequently, this Council's two representatives on the new Forum needed to be determined so that arrangements could be made for the Annual General Meeting of the new Forum, provisionally scheduled for 18th May, 2009. Members were reminded that Councillors Watson and Wheeler had been this Council's representatives on the Parish Forum.

Resolved – That Councillors Watson and Wheeler be appointed as this Council's representatives on the Teesdale Local Councils' Forum.

(4) Teesdale Marketing Limited and Barnard Castle Vision – Revised Situation

It was confirmed that Teesdale Marketing Limited currently had funding difficulties and would not be operational as previously. Information was provided on the resultant revised arrangements and information was sought as to whether the revised situation continued to justify a Teesdale Marketing representative being a member of the Barnard Castle Vision's Board. The general membership arrangements of that Board were discussed.

Resolved – That the Clerk clarify with the Vision how appointments to the Board are determined.

(5) Teesdale Residents and Travellers Forum Meeting – 10th March, 2009

Councillor Cooke reported on the above Forum meeting, with particular reference to the support arrangements. Relevant officers at Durham County Council had been contacted in order to progress the matter but a response had yet to be received.

Resolved – That the information be noted.

NOTE - At this point, Councillor Wood requested that agenda item 222 concerning the Market Place public toilets be brought forward for consideration and this was agreed.

222. MARKET PLACE PUBLIC TOILETS – LETTER FROM TEESDALE DISTRICT COUNCIL

Councillor Wood reported that following a letter he sent as Chairman of Teesdale District Council's Overview and Scrutiny Committee to Durham County Council regarding the Market Place public toilets to Durham County Council, the County Council had indicated that the issue would be investigated. County Councillor Bell had requested that Councillor Wood help with the investigations.

Resolved – That Councillor Wood attend any relevant meetings with Durham County Council to progress the issue.

(6) Parking Working Group

It was reported that County Councillor Bell had set up a small Working Group to consider parking and traffic issues in Barnard Castle. In view of their previous relevant work as District Councillors, three Town Councillors (Cooke, Watson and Wood) were 'appointed' to the Working Group by Councillor Bell. A number of meetings had already taken place. Further information was being urgently sought as to the standing and operational arrangements of the Working Group as there had been no direct consultation so far with this Council.

During consideration of this item, it was suggested the agenda item 229 (Barnard Castle Traffic Management Order 2009 – Consultation) should be brought forward for consideration (in view of the Parking Working Group's involvement) and this was agreed. The consultation involved proposals to extend the double yellow lines at the junction of King Street/Galgate, introduce a daytime taxi-rank outside Morrisons, introduce a nighttime taxi rank in Market Place and delete a

small section of double yellow lines in Thorngate. Discussion ensued at the meeting on options for detailed consideration of the proposals.

Councillor Cooke also reported that the Barnard Castle Vision's Traffic Survey had been discussed at the Parking Working Group meetings.

Resolved – (a) That the Clerk seek confirmation that the Parking Working Group is an official Durham County Council Working Group.

(b) That, subject to (a) above being confirmed, Councillors Cooke, Watson and Wood be appointed to the Parking Working Group as representatives of this Council.

(c) That the Barnard Castle Traffic Management Order 2009 proposals be given further consideration at the Planning Committee meeting scheduled for 27th April, 2009, with the Committee to act under delegated powers and be advised by members of the Parking Working Group.

219. BARNARD CASTLE VISION

Submitted – Pursuant to Minute 187/Mar/09, a report and an Updated Note which was submitted, in the joint names of Ms A. Ward of the Vision team and the Clerk, to update Members on the Vision's projects and in order to improve the communication flow. The report also proposed Councillor links with various strands of the Vision process.

Resolved – (a) That Councillor Peat be appointed to the Barney Guild.

(b) That Councillor Watson be appointed to the Barnard Castle Retail Heart Group.

(c) That, in addition to the Clerk, Councillor Watson attend the landscaping presentation meeting on 24th April, 2009.

220. LOCAL GOVERNMENT RESTRUCTURING

The Clerk reported that the Teesdale Area Action Partnership launch event was to be held on 22nd April, 2009. It had been confirmed that the seven elected board members would consist of the 6 local County Councillors with the final place being allocated to an appointee from the Teesdale Local Councils' Forum who would represent the town and parish councils of the area.

Resolved – That the information be noted.

221. BOUNDARY COMMITTEE FOR ENGLAND - ELECTORAL REVIEW OF DURHAM COUNTY COUNCIL

Submitted – Pursuant to Minute 81/Sep/08, a report outlining The Boundary Committee for England's consultation which aimed to ensure that every Councillor in each division of Durham County Council represented the same number of electors, with a response to be submitted by 8th June, 2009. The consultation was the next part of the process following the review of the number of Unitary Councillors in County Durham which had been determined at being 126. The review would also take into account the identities and interests of local communities in the area and would recommend the numbers and boundaries of divisions and the names of divisions.

The Boundary Committee could also recommend changes to the electoral arrangements of parish and town councils, including the total number of councillors, the number, names and boundaries of parish wards and the number of councillors for each ward. However, a number of issues not for consideration as part of the review included the creation, abolition or renaming of parishes or the alteration of their external boundaries. If Councillors wished to recommend changes to external boundaries, this can be considered by Durham County Council under the provisions of the Local Government and Public Involvement in Health Act 2007.

Resolved – That consideration of this item be deferred to the Council meeting scheduled for 1st June, 2009.

222. MARKET PLACE PUBLIC TOILETS – LETTER FROM TEESDALE DISTRICT COUNCIL

NOTE - This item was discussed after Minute 218(5) above.

223. COUNTY DURHAM ASSOCIATION OF LOCAL COUNCILS/TEESDALE DISTRICT PARISH FORUM – SETTING-UP OF TEESDALE LOCAL COUNCILS' FORUM

Pursuant to Minute 189/Mar/09, the Clerk reported that at the Special meeting of the Teesdale District Parish Forum on 9th March, 2009, the creation of the Teesdale Local Councils' Forum had been approved and was to include members and non-members of the County Durham Association of Local Councils. The Forum's next meeting, which would be its Annual General Meeting, was scheduled for 18th May, 2009. At that meeting, appointments would be made to the Teesdale Area Action Partnership and the Association's Executive Committee.

Resolved – That the information be noted.

224. FUTURE ROLE OF TOWN COUNCIL – NEED FOR SPECIAL MEETING

The Clerk reported that, with local government restructuring a reality and in the light of the Council's impending Quality Status application, it was becoming imperative that the Town Council 'got its act together'. There were interlinking issues which needed to be addressed, not least the individual roles of Councillors, the need for a team effort, links with other 'competing' organisations, realistic project planning and the future role of the Town Council. It was recommended that a special meeting should be convened (involving all Town Councillors and the Clerk but not open to the press and public) as a matter of urgency.

Resolved – That a special meeting be convened as a matter of urgency.

225. DAWSON ROAD PLAYINGFIELD – UPDATE

Submitted – Pursuant to Minute 183/Mar/09, a report updating Members on the development project at Dawson Road playingfield which included details of the 'public consultation' event that the Community Group had held on 28th March, 2009. The Community Group had called themselves 'Dawson Play' and had held a raffle to raise funds at the event. A proposed layout of the playingfield, which included a Multi Use Games Area and conventional play equipment that was favoured at a previous consultation, was displayed at the event and during this consultation a request was made for an area where younger children could ride their bicycles. Subsequently, Groundwork West Durham and Darlington had designed a more detailed plan including the preferred equipment and Members were provided with copies of that design. The overall funding situation was also summarised.

Resolved – (a) That the design be agreed in principle.

(b) That further funding applications be made.

226. MINI GOLF – UPDATE

Pursuant to Minute 184/Mar/09, it was reported that the 2009 Mini Golf season had commenced on Saturday, 4th April, 2009 in line with school holidays and that, with the good weather over the Easter period, the Mini Golf season was in full swing and had put other years' takings in the shade.

Resolved – That the information be noted.

227. ALLOTMENTS – UPDATE

Submitted – A report updating Members on a number of allotment issues, including the tenancy payment situation, a Crook Lane site update and a vacated plot on The Demesnes. Specific reference was made to the request for an Allotment Association for The Demesnes tenants,

with the strength of feeling being assessed before further consideration could be given to its formation.

Resolved – That the information be noted.

228. FOULING OF LAND BY DOGS (COUNTY DURHAM) ORDER 2009 – CONSULTATION

Submitted – A report outlining a proposed Order to be made under the Clean Neighbourhoods and Environment Act 2005 which would replace, update and harmonise all existing dog-fouling controls across County Durham. It was highlighted to Members that the proposed Order offered additional enforcement.

Resolved – That Durham County Council be advised that this Council fully supports the Fouling of Land by Dogs (County Durham) Order 2009.

229. BARNARD CASTLE TRAFFIC MANAGEMENT ORDER 2009 – CONSULTATION

NOTE – This item was discussed at Minute 218(6) above.

230. FLORAL DISPLAYS

Submitted – A report updating Members on the first stages of the Town's floral display review. With reference to Teesdale Marketing Limited's revised situation, they had declined the request of a partnership arrangement but had offered this Council overall management of their flower tubs and the associated sponsorship arrangements. It was also reported that the Barney Guild had expressed an interest in a partnership arrangement for future floral displays.

Resolved – (a) That, subject to the correct insurance policy being in place, Teesdale Marketing Limited be advised that this Council will take over responsibility of their flower tubs.

(b) That the Barney Guild be contacted to explore a partnership arrangement further, with a report to be submitted to Council in due course

231. MARKET TOWN WELCOME WORKSHOP – 4TH MARCH, 2009

Pursuant to Minute 198/Mar/09, Councillor Mrs Dixon reported that the above Workshop had been co-ordinated by the County Durham Tourism Partnership and had suggested the formation of a 'Destination Development Plan'. However, it was unclear whether Durham County Council would be able to assist with the Plan and funding was also uncertain. It was therefore considered dubious as to whether the Market Town Welcome programme would progress.

Resolved – That the information be noted.

232. ANNUAL TOWN AND COUNCIL MEETINGS – 11TH MAY, 2009 – PROCEDURES

Submitted – A report on the formats of the Annual Town and Council meetings scheduled for 11th May, 2009, including a number of associated procedures. It was confirmed that short meetings of this Council's Committees would also take place and reference was made to the previous advertising of the main meetings in the Teesdale Mercury. Discussion ensued with regards to the current procedure of electing the Town Mayor and Deputy Town Mayor.

Resolved – (a) That the overall formats and procedures be approved.

(b) That the two Annual meetings be advertised in the Teesdale Mercury.

(c) That, prior to the Annual Council meeting in 2010, the procedure for the election of the Town Mayor and Deputy Town Mayor be replaced by advance notification of nominations.

233. EXCLUSION OF PRESS AND PUBLIC (in respect of Minutes 234 to 238 below)

Resolved – That, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the matters referred to at Minutes 234 to 238 below on the grounds that they may involve the likely disclosure of exempt information as defined in Parts 1 and 7 of Schedule 12A of the said Act.

234. TEN FIELDS – LEASE AND RENTAL ARRANGEMENTS (BARNARD CASTLE FOOTBALL CLUB)

Submitted - Pursuant to Minute 207/Mar/09, a report on the progress made in respect of the lease and rental arrangements for Ten Fields. Fields in Trust had only recently responded regarding the lease review and had made a specific recommendation for the lease to be arranged on a 'hold over' basis, with which the Football Club were in agreement.

Resolved - (a) That; notwithstanding the decision at Council Minute 207/Mar/09 and in the light of the further information received, continuation of the lease on a 'hold over' basis be approved. (b) That the 'hold over' situation be reviewed with Barnard Castle Football Club annually, with a view to it not extending beyond 2013/14.

235. FLORAL ARRANGEMENTS 2009 – TENDERING PROCESS

Submitted – Pursuant to Minute 201/Mar/09, a report on the receipt of quotations for the 2009 floral arrangements in the Town Centre and the associated watering arrangements. It was reported that three quotations had been received (from the six businesses invited to tender) for the supply of the contents and one quotation had been received from three invitees for the watering arrangements. Comparative quotation figures from previous years were supplied to aid Members' deliberations. In accordance with the previously approved method of consideration, details were supplied of the names of those submitting quotations.

Resolved – (a) That the quotation from Elm Ridge Gardens Limited, Darlington, in the sum of £690.00 (plus VAT of £103.50), be accepted for the collection, preparation and delivery of the hanging baskets, etc.

(b) That the quotation from Teesdale District Council, in the sum of £3334.12 (excluding VAT) plus £120.94 for added feed throughout the season, be accepted in respect of the associated watering arrangements.

236. GREEN LANE PLAY AREA

Submitted – Pursuant to Minutes 65/Aug/07, 72(2)/Sep/07 and 112/Oct/07, a report updating Members regarding the claim in respect of the accident at the Green Lane play area on 25th July, 2007.

Resolved – That the situation be noted.

237. ADMINISTRATIVE SUPPORT – ANNUAL LEAVE ARRANGEMENTS

Reference was made to the recommendations of the Administrative Support Committee at Minute 14 of the set of Minutes at sub-section (7) of Minute 216 above. A report outlining the discrepancy that had been recently discovered in respect of the general staff annual leave arrangements was submitted to Members to aid their deliberations.

Resolved – That the following recommendations of the Administrative Support Committee be approved:-

(a) that the previous annual leave arrangements for the two part-time Services Administrators be continued up to the end of the 2009/10 annual leave year;

- (b) that the revised arrangements for the two part-time Services Administrators be introduced from the start of the 2010/11 annual leave year;
- (c) that the Assistant Clerk receive a 20 per cent additional annual leave allocation for 2009/10 only;
- (d) that the Bank Holiday arrangements, as now agreed, be implemented with immediate effect; and
- (e) that 'flexitime' arrangements for the 'reimbursement' of additional hours worked be investigated.

238. AUDIT ARRANGEMENTS FOR 2009/10

Submitted – Pursuant to Minute 8(b)/May/08, a report on the receipt of quotations for this Council's Internal Audit arrangements for the financial years 2009/10, 2010/11 and 2011/12. It was reported that two quotations had been received, two companies did not feel they were able to provide a quotation at the present time and one company did not reply. Details were supplied of the names of those submitting quotations.

Resolved – That the quotation from Addison & Co, 91 Galgate, Barnard Castle be accepted.

239. ACCESS TO TEESDALE HOUSE AND REVISED SECURITY ARRANGEMENTS

NOTE - This item was discussed at Minute 214 above.