

**BARNARD CASTLE TOWN COUNCIL
COUNCIL MEETING**

1ST JUNE, 2009

(NOTE – Prior to the meeting and in accordance with the decision at Minute 186(2)/Mar/09, a 15-minute slot was allocated for public participation. No questions had been raised in advance but two members of the public were in attendance. Issues raised at the meeting included the administrative support arrangements for the Teesdale Local Councils' Forum and the opportunities available for questions/issues to be referred to Teesdale Action Partnership meetings.)

PRESENT:- Councillor Yarker (Town Mayor)(in the Chair); Councillors Mrs Bailes, Cooke, Mrs Hamilton (Minutes 11 to 21 inclusive), Harrison, Watson and Wheeler.

Also in attendance:- Sergeant C. Knox (Barnard Castle Police)(for Minute 13 only).

11. APOLOGIES:- Councillors Blissett, Mrs Dixon, Hinchcliffe, Peat and Wood.

12. 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.

13. ATTENDANCE OF POLICE REPRESENTATIVE

In accordance with the arrangements agreed at Minute 176(b)/Mar/09, Sergeant C. Knox from Barnard Castle Police attended the meeting. Members were informed of current priorities which included the Police and Communities Together (PACT) priorities, Operation Flint, crime trends and policing during the Appleby Fair period. A 'question and answer' session ensued.

Resolved – That Sergeant Knox be thanked for his attendance.

14. COUNCIL MEETING – 20TH APRIL, 2009 – MINUTES

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

15. ANNUAL TOWN MEETING – 11TH MAY, 2009

(1) Minutes

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

(2) Confirmation of Courses of Action

Submitted – A report confirming that, as the Annual Town Meeting was technically not a decision-making meeting of the Council, formal confirmation was required in respect of the following courses of action agreed at that meeting:-

(A) **Closure of Public Footpaths:-** (a) Northumbrian Water Limited to be contacted to establish a re-opening date for the footbridge over the River Tees closed for essential maintenance work;

(b) Durham County Council to be contacted to establish a potential closure date of the footpath around the Castle walls in order to install the new floodlights; and
(c) attempts to be made to ensure that both footpaths were not closed at the same time.

(B) **Arriva bus services:-** Arriva to be issued with a letter of complaint in respect of their persistent breakdowns which resulted in loss of services, lack of disabled-friendly buses and bus drivers losing their way.

(C) **Town's bus shelters:-** (a) Durham County Council to be requested to repair all of their bus shelter seats within Barnard Castle; and
(b) quotations to be sought for the installation of a seat in this Council's Bede Road bus shelter.

Resolved – That the above courses of action agreed at the Annual Town Meeting be confirmed.

16. ANNUAL COUNCIL MEETING – 11TH MAY, 2009 – MINUTES

A Member referred to Minute 1 of the submitted set of Minutes and recommended that the first part of the preamble should be corrected to include reference to the main query raised on the voting procedure.

Resolved – That, subject to the following correction, the Minutes be accepted as a true and accurate record:-

in respect of Minute 1 (Election of Town Mayor for Municipal Year 2009/10), add the following to the first part of the preamble immediately after 'should the first vote result in a tie vote':-

'A Member sought further clarification on that specific procedural option and a debate ensued on the legality of the proposed course of action.'

17. '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 nine items considered at the meeting were as follows:-

(1) Planning Committee Meeting – 27th April, 2009 – Minutes

Resolved – That the Minutes be received.

(2) Finance Committee Meeting – 27th April, 2009 – Minutes

Resolved – That the Minutes be received.

(3) Administrative Support Committee Meeting – 11th May, 2009 – Minutes

Resolved – That the Minutes be received.

(4) Christmas Festival Committee Meeting – 11th May, 2009 – Minutes

Resolved – That the Minutes be received.

(5) Finance Committee Meeting – 11th May, 2009 – Minutes

Resolved – That the Minutes be received.

(6) Modernisation Committee Meeting – 11th May, 2009 – Minutes

Resolved – That the Minutes be received.

(7) Planning Committee Meeting – 11th May, 2009 – Minutes

Resolved – That the Minutes be received.

(8) Planning Committee Meeting – 18th May, 2009 – Minutes

Resolved – That the Minutes be received.

(9) Mayoral Activities.

It was reported that, since the Council meeting on 20th April, 2009, the Town Mayor had attended the following:-

- 19th May (accompanied by Town Mayoress (Mrs Marie Yarker))**
Barnard Castle 1st Scout Group's Annual Parents' Night and Prize-giving (Scout Headquarters).
- 20th May** Barnard Castle Meet Quiz Night.
- 23rd May (accompanied by Town Mayoress)**
Crowning of the Meet Queen.
- 23rd May (accompanied by Town Mayoress)**
'The Meet Through Time' Exhibition.
- 24th May (accompanied by Town Mayoress)**
The Meet's Pet Show.
- 24th May (accompanied by Town Mayoress)**
The Meet's 'Music Jam on the Mains'.
- 25th May (accompanied by Town Mayoress and Consort (Mrs Suzanne Thomas))**
The Meet's Grand Parade and other activities.

Resolved – That the information be noted.

**18. TEESDALE RESIDENTS AND TRAVELLERS FORUM MEETING –
28TH APRIL, 2009**

Councillor Cooke reported on the above Forum meeting, with particular reference to the support arrangements, and confirmed that there had been no communication from the relevant officers at Durham County Council regarding future meeting dates.

Resolved – That the information be noted.

19. BARNARD CASTLE VISION

Submitted – A report and briefing note jointly written by Mrs A. Ward of the Barnard Castle Vision and the Clerk and providing an update on the Vision's ongoing projects. Discussion ensued regarding the projects most likely to succeed and specific reference was made to the landscape appraisal. Members were reminded that the next scheduled briefing meeting was to be held on 11th June, 2009.

Resolved – That the information be received.

20. LOCAL GOVERNMENT RESTRUCTURING

Submitted – Pursuant to Minute 223/Apr/09, a report on the general lack of information emanating from the Unitary Authority at all levels. Specific references were made to the delay in the issue of the Charter agreed between Durham County Council and local councils, licensing and planning issues, the non-devolvement of services, Section 106 Agreements and the absence of contact information.

It was reported that the local Area Action Partnership launch event, which had taken place on 22nd April, 2009, determined that the name of the Partnership should be the Teesdale Action Partnership and the priority themes for 2009/10 were listed. Membership of the local Board was still to be determined but it was anticipated that all of the Partnership arrangements would be complete by the end of June 2009, with its first meeting to be held in July. The appointment of the Partnership Co-ordinators was essential within that timescale. Specific reference was made at the meeting to the frustrations caused by the delays. It was also confirmed that parish and town councils could not act as substitutes for County Council Members on the Partnership.

It was also reported that the Teesdale Local Councils' Forum had held its Annual General Meeting on 18th May, 2009 and had made a number of officer appointments. The Forum would attempt to meet in advance of each Partnership meeting.

Resolved – That the information be noted.

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

Submitted – Pursuant to Minute 221/Apr/09, a report outlining the Boundary Committee's parameter ensuring that every Durham County Councillor should represent the same number of electors. The latest consultative review would recommend the number and boundaries of divisions and the names of divisions. Specific changes to parish and town council arrangements were also included in the review.

It was highlighted that changes to external parish boundaries would not be considered in the review but could be considered by Durham County Council under the provisions of the Local Government and Public Involvement in Health Act 2007.

Resolved – (a) That the Boundary Committee for England be informed of the following views of this Council:-

- (i) there should be a separate County Council division of two County Councillors for Barnard Castle and part of its immediate surrounding area, with no East and West split as at present;
 - (ii) there should be no increase in the number of Town Councillors, i.e. the total to remain at 12; and
 - (iii) there should be a return to two Town Council Wards (East and West divided by the main road through the Town), with Barnard Castle North Ward resultantly being abolished.
- (b) That, at the appropriate time, Durham County Council be contacted, under the provisions of the Local Government and Public Involvement in Health Act 2007, to extend the external boundary of the Town Council's area to include Darlington Road, High Riggs and North Field, all currently in the Marwood Parish.

22. NEWSLETTER – UPDATE

It was reported that work had been ongoing in the office during the previous 4-5 weeks on the production of Newsletter No.9 (the Spring 2009 edition) and Members were issued with a copy at the meeting. At a meeting of the Editorial Board on 6th May, 2009, the overall contents of that edition and the distribution arrangements had been agreed. Reference was made at the meeting to the overall quality of the articles.

Resolved – That the situation be noted.

23. CHRISTMAS FESTIVAL BUDGETARY ISSUES

Submitted – A report summarising the effect on previously anticipated underspends within the Christmas Festival budget arising from the investigations made into the backdated electricity payments (with the original amount being £3,640.50 and the revised figure being £644.43) and the fact that no payment requests were being made by Durham County Council for street lighting column tests for the 2008/09 period. As a result of discussions at Christmas Festival Committee meetings, retrospective approval of the backdated electricity payments was required.

Councillor Cooke requested that the following statement, given verbally at the meeting, be minuted:-

'I wish this statement to be treated as a constructive criticism and it has no reflection on any individual Town Council Member.

I found it to be totally unconstitutional that this Town Council could vote on an issue which was currently going through committee investigation stages and at the time that the vote was taken to pay the bill, no report or recommendation had been tabled by the relevant Committee Chairman on the issue.

No decision should ever be moved or a vote be taken on an issue until the relevant committee report has been presented and recommendations have been made.

This premature act of the Town Council voting on an issue, without the support of a committee report or recommendation for guidance, could have resulted in this Town Council overpaying an electricity bill by £3,000 from public funds.'

Resolved – (a) That retrospective approval be given to the payment of the revised backdated electricity costs.

(b) That the revised underspend remain in the Christmas Festival budget and act as a contingency fund for any unexpected costs arising from the 2009/10 lighting display.

24. PROCEDURAL ISSUES

It was reported that Section 76 of the Local Government and Public Involvement in Health Act 2007 amended Section 15 of the Local Government Act 1972 to provide that a Chairman/Mayor (and Vice-Chairman/Deputy Mayor) must be elected from amongst the elected members of parish and town councils. The amendment had not yet come into force.

The amendment meant that no co-opted Councillor could stand for election for either of the two positions. Whilst the vast majority of existing Town Councillors had been elected, there were currently three co-opted Councillors who would remain so until the next scheduled Town Council elections in 2013. Consequently, there was a potential problem which might be exacerbated if further vacancies occurred in the next four years and they were filled by co-option.

This issue was one of a number of procedural issues which needed to be addressed in the next few months.

Resolved – That the Modernisation Committee be authorised to examine all relevant procedural matters and report back to full Council in due course.

25. SCHEDULING OF SPECIAL COUNCIL MEETING

It was reported that, in line with Government guidelines, the 2008/09 audit arrangements had been altered once again so that the final documentation had to be sent to the Council's external auditor by 26th June, 2009. With a number of detailed queries being raised by the Council's internal auditor, it had not proved possible to submit the relevant papers to this meeting. In addition, the quotations for the Council's War Memorials project were currently being assimilated and would be ready for urgent consideration by mid-June 2009.

Members were also reminded that it had been agreed at Minute 224/Apr/09 that a special meeting of all Councillors and the Clerk (but not open to the press and public) would be convened to discuss the future role of the Town Council and associated matters.

Resolved – (a) That a Special Council meeting and the special meeting of all Councillors and the Clerk be scheduled for Monday, 15th June, 2009, commencing at 7.00 p.m. and 7.30 p.m. respectively.

(b) That the Planning Committee meeting scheduled for 15th June take place as scheduled and that the Christmas Festival Committee meeting scheduled for that evening be rescheduled for the evening of Wednesday, 17th June, 2007.

26. EXCLUSION OF PRESS AND PUBLIC (in respect of Minute 27 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 matter referred to at Minute 27 below on the grounds that it may involve the likely disclosure of exempt information as defined in Part 7 of Schedule 12A of the said Act.

27. RISK ASSESSMENT AND FINANCIAL MANAGEMENT

Submitted – A report and associated Risk Assessment and Financial Management document which was based on a model document. The document would enable the Council to identify and assess potential risks and satisfy itself that it had taken practical and adequate steps to eliminate or minimise those risks. It would be submitted for review during the cycle prior to the formulation of the budget each year.

Resolved – That the Risk Assessment and Financial Management document, as submitted, be approved.