

**BARNARD CASTLE TOWN COUNCIL
COUNCIL MEETING**

20TH JULY, 2009

(NOTE – Prior to the meeting, in accordance with the decision at Minute 186(2)/Mar/09 and for the second meeting in succession, a 15-minute slot was allocated for public participation. No questions had been raised in advance and, despite the attendance of one member of the public, no questions were raised at the meeting.)

PRESENT:- Councillor Yarker (Town Mayor)(in the Chair); Councillors Mrs Bailes, Cooke, Mrs Dixon, Mrs Hamilton, Harrison, Peat, Watson and Wood.

35. APOLOGIES:- Councillors Blissett, Hinchcliffe and Wheeler.

36. 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.

Councillor Mrs Dixon declared an interest in respect of the matter to be considered at Minute 47(1) below (Service and Project Updates - War Memorials) because of two Memorials being in the grounds of The Bowes Museum.

37. COUNCIL MEETING – 1ST JUNE, 2009 – MINUTES

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

38. SPECIAL COUNCIL MEETING – 15TH JUNE, 2009 – MINUTES

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

39. '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 eight items considered at the meeting were as follows:-

(1) Planning Committee Meeting – 1st June, 2009 – Minutes

Resolved – That the Minutes be received.

(2) Planning Committee Meeting – 15th June, 2009 – Minutes

Resolved – That the Minutes be received.

(3) Christmas Festival Committee Meeting – 17th June, 2009 – Minutes

Resolved – That the Minutes be received.

(4) Modernisation Committee Meeting – 22nd June, 2009 – Minutes

Resolved – That the Minutes be received.

(5) Planning Committee Meeting – 29th June, 2009 – Minutes

Resolved – That the Minutes be received.

(6) Finance Committee Meeting – 29th June, 2009 – Minutes

Resolved – That the Minutes be received.

(7) Mayoral Activities

It was reported that, since the Council meeting on 1st June, 2009, the Town Mayor, accompanied by the Town Mayoress (Mrs M. Yarker)), had attended the following:-

- 1st July** Aviation Day (HMYOI Deerbolt).
- 3rd July** Unveiling of Blue Plaque to commemorate Elijah Yeoman (Addisons, lower Galgate)(together with 3 other Town Councillors).
- 4th July** Barnard Castle School's Speech Day and Prize-giving.
- 8th July** Darlington Borough Council's Mayoress 'At Home' (Central Hall, Darlington).
- 9th July** The Castle Players' pre-show reception and performance of 'The Tempest' (The Bowes Museum).
- 13th July** Town Council's Garden Competition – accompanying judge on visits to Competition entries.
- 18th July** Town Council's Annual Floral Competition Event (Methodist Church Hall).

Resolved – That the information be noted.

(8) Groundwork West Durham and Darlington.

It was reported that Groundwork West Durham and Darlington (this Council's agents on a number of projects over many years) had amalgamated with other parts of the Groundwork organisation to form Groundwork North East. This would enable Groundwork to mirror the unitary council arrangements and to be more responsive to the needs of organisations at all levels. The change came into operation on 1st July, 2009, with Mr O. Graham remaining this Council's main contact officer.

Resolved – That the information be noted.

40. REFERRAL FROM FINANCE COMMITTEE – TRAVEL ALLOWANCE POLICY

Reference was made to the recommendation of the Finance Committee, at Minute 11 of the set of Minutes at sub-section (6) of Minute 39 above, in respect of a Travel Allowance Policy for Members and officers of this Council, in line with this Council's general review of procedural and policy documents and the introduction of the 2009/10 budgetary expenditure item of Travel Allowance. It was highlighted that travel costs associated with training arrangements for Members and officers would be charged against the Training budget, with travel costs for all other approved duties to be met from the Travel Allowance budget. However, the policy, as submitted, would cover all travel arrangements.

Resolved – That the Travel Allowance Policy, as now submitted, be approved.

41. REPRESENTATION ON OTHER BODIES

(1) Teesdale Residents and Travellers Forum Meeting – 23rd June, 2009

Councillor Cooke (the Chairman of the above Forum) reported on the Forum meeting on 23rd June, 2009, with particular references to the Shaw Bank and Broomielaw sites being used beyond the 'Appleby period' and the fact that Shaw Bank had been the subject of vandalism, in that fencing had been removed.

Resolved – That the information be noted.

(2) Barney Guild Meeting – 29th June, 2009

Councillor Peat (this Council's representative on the organisation) reported on the Barney Guild's prospective schedule of Christmas events which would commence on 20th November, 2009 and included a Dickensian weekend. Discussion arose regarding the Wednesday Market traders and their inclusion, wherever possible, within the proposed plans.

Resolved – That the information be noted.

(3) Teesdale Local Councils' Forum Meeting – 6th July, 2009

It was reported that, at the above Forum meeting, the Acting Co-ordinator for the Teesdale Action Partnership provided information on the Partnership arrangements as at that date (see also Minute 42 below). However, he confirmed that he would not be the permanent Co-ordinator for Teesdale.

Further issues discussed at the Forum meeting included the Chairman's attendance at an Executive Committee meeting of the County Durham Association of Local Councils on 3rd June, 2009, a number of matters arising from a meeting of the County Durham Clerks' Co-ordinating Group meeting on 29th June, 2009 and the difficulties for parishes in the upper dale in respect of Broadband, with the perceived need to make it a main Action Partnership issue. The level of attendances at Forum meetings was to be re-examined.

Resolved – That the information be noted.

42. DURHAM COUNTY COUNCIL/TEESDALE ACTION PARTNERSHIP ISSUES

Submitted – Pursuant to Minute 20/Jun/09, a report incorporating an update on Durham County Council issues and specifically referring to Area Action Partnerships, including membership details of the Teesdale Action Partnership (contained in an attached letter from the Acting Co-ordinator), and its meeting dates up to March 2010, highlighting a link problem with the Teesdale Local Councils' Forum.

It was also reported that the County Durham Clerks' Co-ordination Group meeting on 29th June, 2009 had primarily discussed planning and licensing issues and the current 'stalemate' on devolved services. In addition, the Charter arrangements between the County Council and local councils were highlighted and it was made clear that there would be a further delay before the Charter was signed and implemented. Following a request from the County Durham Association of Local Councils, the office had provided detailed cost information to enable the double taxation issue to be further discussed.

Resolved – That the information be noted.

43. BARNARD CASTLE VISION

Submitted – Pursuant to Minute 19/Jun/09, a report and third briefing note jointly written by Mrs A. Ward of the Barnard Castle Vision and the Clerk which provided an update on the Vision's ongoing projects, with particular reference to the Castle floodlights (see Minute 47(6) below) and the presentation on Town Council matters to be given at the next Members' briefing session scheduled for 17th September, 2009.

Discussion ensued on the 'involvement' of the Barney Guild in respect of the re-opening of the Market Place toilets and the lack of information regarding the prospective development of the Auction Mart site.

Resolved – (a) That it be recommended to the Barney Guild that they should work in conjunction with this Council and Durham County Council in respect of the re-opening of the Market Place toilets.

(b) That the Auction Mart directors be contacted to obtain an update in respect of any prospective development of the site.

44. FUTURE OF TOWN COUNCIL – PROPOSED REVIEW

Pursuant to Minutes 224/Apr/09 and 25/Jun/09, it was reported that the special meeting involving Councillors and the Clerk (but not open to the press and public) had duly taken place on 15th June, 2009. In accordance with the agreed arrangements, there were no Minutes arising from the meeting. However, it had generally been agreed at the meeting that the future role of the Council, and a number of associated matters, needed to be further investigated. Whilst it had been suggested that a Working Group should be constituted to carry out that exercise before reporting back to full Council, the Modernisation Committee had subsequently considered the proposal and were of the view that the exercise could and should be carried out by that Committee. At the meeting, the potential difficulties which would arise during such a review were discussed.

Resolved – (a) That the review of the future role of the Council, etc. be carried out by the Modernisation Committee.

(b) That the views of all Members will be taken into consideration as part of that review.

45. FLORAL COMPETITION 2009

It was reported that the Garden section entrants to the Annual Floral Competition were once again judged on 13th July, 2009 by Mr S. Robinson and he was accompanied by the Town Mayor and Mayoress (Mrs M. Yarker), together with Councillors Mrs Hamilton and Harrison. There were 30 entries, all of which were considered to be of a high standard. The winners were announced at the Annual Floral Competition Event on 18th July, 2009, which was well received by both regular and new entrants. Whilst the new categories (which were judged on the day of the Event) had few entries, it was considered that the Event had formed the basis for a regular and successful Event over many years.

Resolved – That the information be noted.

46. CHRISTMAS LIGHTING IMPROVEMENTS 2009 AND BEYOND

Submitted – Pursuant to Christmas Festival Committee Minute 9/Jun/09 (in the set of Minutes at sub-section (3) of Minute 39 above), a report summarising a potential Christmas lighting improvement option with associated costs. Discussion centred on the associated costs which were considered exorbitant. Whilst it had not proved possible for other lighting improvement options to be considered by the full Christmas Festival Committee due to time constraints, Members felt that further deliberations were required.

Resolved - That a meeting of the Christmas Festival Committee be convened, as a matter of urgency, to consider further Christmas lighting improvement options and their associated costs, with a view to a report being submitted to a meeting of the Finance Committee in respect of the potential impact on budgets from 2009/10 and beyond, with a final report to a full Special Council meeting to consider the deliberations of the two Committees.

47. SERVICE AND PROJECT UPDATES

Submitted – A report providing updates of some of this Council's services and current projects. The six items included in the report were as follows:-

(1) War Memorials

Pursuant to Minutes 31 and 33/Jun/09, the updated War Memorial project situation was reported. In order that all work could be completed prior to Remembrance Sunday 2009, the contractors, P. & S. Coverdale Masonry Contractors Ltd., had advised that they would commence work during the week commencing 10th August, 2009. It was also reported that a further grant application had been submitted to The War Memorials Trust in respect of works required to improve the Durham Light Infantry Memorial.

At a meeting with a representative of The Bowes Museum on 16th July, 2009, it had been agreed that the work to the surrounds to the main Memorial could be undertaken with some associated tree-pruning work and The Museum paying for some of the work to the surrounds.

Resolved – That the updated situation be noted.

(2) Dawson Road Playingfield

Pursuant to Minute 225/Apr/09, it was reported that Durham County Council had confirmed that the Dawson Road playingfield project was to receive £49,056 from the Playbuilder Programme and, in addition, Dawson Play (the local community group) had been continuing to organise their own fundraising events, with approximately £1,000 raised to date. With the help of Groundwork North East, the community group were applying for a grant from Community Spaces. Councillor Harrison (the Chairman of the Allotments and Play Areas Working Group) continued to play a key role.

The total amount of secured funding to date was confirmed as £85,000. However, the proposed layout would cost approximately £120,000. Groundwork North East were producing a final plan to enable ideas to be sought from play companies by the end of July 2009 and it was anticipated that a final community consultation exercise would be undertaken during August 2009, with details being submitted to the Council meeting scheduled for 7th September, 2009 for final approval. In the light of the funding shortfall, it was anticipated that the development would be undertaken in phases, with the first phase hopefully being carried out during the Autumn of 2009.

Resolved – That the information be noted.

(3) Crook Lane Allotment Site

It was reported that, pursuant to Minute 227/Apr/09, NEDL had completed construction of the new electricity substation and had removed the old substation at the Crook Lane site. In addition, NEDL had erected a new perimeter fence to replace the one removed from the old substation area, had removed the barbed wire that surrounded the site and would make good the public footpath again.

Therefore, it was considered that the site was ready to be professionally cleared and prepared to become allotment garden plots, with tenders for those works to be sought. It was confirmed that the associated expenditure would be met from the capital sum of £20,000 available for new allotments.

Resolved – That the Allotments and Play Areas Working Group be given delegated powers to carry out the tendering process to convert the Crook Lane site into allotment gardens.

(4) Floral Displays

Pursuant to Minutes 230 and 235/Apr/09, the overall floral displays situation was reported. References were made to this Council's arrangements, the fact that the Barney Guild had organised for up to 40 hanging baskets to be displayed by businesses throughout the Town (with the businesses paying for the baskets and their contents) and the fact that Durham County Council had provided a small number of floral displays which had been placed generally at locations throughout the Town but particularly in lower Galgate.

It was considered that a much improved overall display had resulted. However, concern was expressed that the process had not been as co-ordinated as it could have been. Therefore, the Clerk was to organise a meeting with the Guild's Chairman in early August 2009 to discuss a number of relevant issues well in advance of the detailed planning for 2010 and beyond. Subsequently, meetings with County Council representatives would take place to guarantee that there was a co-ordinated approach in respect of the Town's floral displays, thereby ensuring that this Council's role was not marginalised.

Resolved – That this Council makes every effort to take a lead role in planning and co-ordinating future floral displays in the Town.

(5) Newsletter

It was reported that the tenth edition of the Newsletter was due for publication in early September 2009 and an Editorial Board meeting would be required in early August 2009 so that a fully drafted Newsletter could be sent to the publisher by mid-August 2009. The timescale was extremely tight but still achievable if the office gave its usual full commitment to the whole process.

Advance views were requested as to the future of the Newsletter, particularly in respect of its size and the costs involved with its production, but no discussion ensued.

Resolved – That the situation be noted.

(6) Castle Floodlights

It was reported that preparations in respect of the new Castle floodlights were at an advanced stage. A final check with Durham County Council's ecology section was being undertaken to establish the effect of the floodlighting upon the bat population before the lighting was installed. The street lighting poles were on order and awaiting delivery. The associated footpath closure would only be instigated once the equipment had been delivered. A revised schedule was awaited for the footpath closure and works, with Members to be informed of dates as soon as they were known.

Resolved – That the information be noted.

48. BLUE PLAQUE SCHEME

It was reported that, following the unveiling ceremony of the blue plaque in respect of Elijah Yeoman which took place on 3rd July, 2009, ex-Councillor A. Wilkinson (who initiated the blue plaque scheme) had raised the following two associated matters:-

(1) The plaque on the King's Court Care Home, Market Place, in respect of a visit by Charles Dickens to the King's Head formerly on that site, referred to dates which were marginally incorrect. The dates should read '1st and 2nd February' instead of '2nd and 3rd February'. As the result of media interest in the subject, a replacement plaque was considered necessary.

(2) Mr Wilkinson was producing a draft leaflet for the Tourist Information Centre on the blue plaque scheme. However, no finance had been made available for the project. As the scheme was the responsibility of this Council, Mr Wilkinson had asked if this Council would allocate funding for the production of such a leaflet.

Resolved – That costs be investigated for both matters.

49. LEGISLATION – VARIOUS MATTERS

(A) Use of Casting Vote by Town Mayor

It was reported that, in respect of the voting procedure used in respect of the election of the 2009/10 Town Mayor at the Annual Council meeting on 11th May, 2009 (Minute 1/May/09 refers), the matter had been considered at the highest level within the National Association of Local Councils, with formal legal advice sought. Subsequently, the Association had confirmed that the proper procedure had been used and that the Chairman (the outgoing Town Mayor) could use his casting vote in his favour. Furthermore and despite the concerns raised, there was no intention to change the procedure or consider the matter again.

Resolved – That the information be noted.

(B) Co-opted Councillors

Pursuant to Minute 24/Jun/09, (where 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 a Vice-Chairman/Deputy Mayor) must be elected from amongst the elected members of parish and town councils), a further communication had been received from the National Association of Local Councils on the matter. The Association stated that the potential difficulties had been recognised and a deferment of the Section's introduction or specific transitional arrangements were being investigated.

Resolved – That the information be noted.

(C) Best Value

It was reported that it had recently been confirmed by the National Association of Local Councils that Section 136 of the Local Government and Public Involvement in Health Act 2007 amended Section 1 of the Local Government Act 1999 so that parish and town councils were not subject to the duties of best value. The change had taken effect from 1st April, 2008. Parish and town councils were not expected to ignore best value parameters but they did not directly have to work in accordance with best value principles, unlike Durham County Council and the former Teesdale District Council.

Resolved – That the information be noted.

50. CONSULTATIVE DOCUMENTS:-

(1) North East Ambulance Service – Foundation Trust Status

Submitted – A report outlining a prospective application from the North East Ambulance Service to become a Foundation Trust, with relevant pages of the consultative document attached for Members' information. The consultation period lasted from 5th June to 28th August, 2009 and Members were also informed of a public meeting on the consultation scheduled for 30th July, 2009.

Resolved – That this consultation document be given further consideration at the Special Council meeting to be scheduled during the first part of August 2009 (see Minute 46 above).

(2) Durham County Council – In-house Provided Mental Health Day Service

Submitted – A report outlining proposed improvements to Durham County Council's in-house Mental Health Day Service, with the document attached for Members' information. The closing date for replies was 24th July, 2009.

Resolved – That Durham County Council be informed of the following views of this Council:-

- (a) that it is generally supportive of the development of the Day Service into a Community Recovery Service;
- (b) that it is disappointed and concerned that there is no Service site in the former district of Teesdale, with Bishop Auckland being the nearest centre;
- (c) that it is considered that one-to-one work is generally more productive than group activities, although the latter is fully recognised as an acceptable alternative in relevant situations; and
- (d) that, although part of the consultation document conveys a 'tick-box' approach, it is generally felt that, if a more integrated approach is adopted (as referred to in Section 8) and the individuals affected benefit as a result, the proposals should prove to be worthwhile.

51. EXCLUSION OF PRESS AND PUBLIC (in respect of Minutes 52 and 53 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 52 and 53 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.

52. TOWN COUNCIL'S OFFICE – SECURITY

Submitted – A report referring to a recent incident involving an allotment-holder and this Council's officers and issues raised following the incident. It was also reported that the allotment-holder had sought to appeal against a recent decision made by this Council.

Resolved – (a) That security options for this Council's office be urgently investigated.
(b) That the allotment-holder be advised that this Council's decision is irrevocable and that there is no appeal procedure.

53. TOWN CLERK – ANNUAL LEAVE REQUEST

Submitted – A report summarising a request from the Clerk to be granted an extended period of annual leave due to a specific family commitment. The effect on the Council's meeting arrangements was referred to.

Resolved – That the Clerk's request for an extended period of annual leave be approved.