

**BARNARD CASTLE TOWN COUNCIL
COUNCIL MEETING**

19TH OCTOBER, 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 and no members of the public were present .)

PRESENT:- Councillor Yarker (Town Mayor)(in the Chair); Councillors Mrs Bailes, Cooke, Mrs Dixon, Mrs Hamilton, Harrison, Watson, Wheeler (Minutes 79 to 99 inclusive) and Wood (Minutes 79 to 87 inclusive).

Also in attendance:- County Councillor R. Bell and Mr O. Graham (Groundwork North East)(for Minute 82 only).

79. APOLOGIES:- Councillors Blissett and Hinchcliffe.

80. 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.

81. BOUNDARY COMMITTEE'S REVIEW CONSULTATION

Submitted – Pursuant to Minute 21/Jun/09, a report outlining the consultation arrangements for Stage Two of The Boundary Committee for England's review of electoral arrangements in County Durham. Comments had to be submitted by 7th December, 2009. To aid Members in their deliberations, the relevant sections of the consultation document were submitted, including the draft recommendations. Members were also reminded of their views determined at Stage One of the review. However, it was acknowledged that this Council's Stage One response letter never reached its destination and consequently this Council's response was not one of the 58 representations referred to in the consultation document. The views of this Council had therefore not been considered but there was the opportunity to 'get the message across' during Stage Two.

County Councillor Bell was in attendance at the meeting to present his case for supporting the Durham County Council option and he also submitted an associated paper. Maps of the various proposals were also on display at the meeting.

Resolved – (a) That it be re-iterated to The Boundary Committee for England that the views of this Council remain as follows:-

(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; and

(ii) 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 The Boundary Committee be advised that should this Council's recommendation (at (a)(i) above) not be considered favourably, the recommendation of Durham County Council, consisting of two two-Member wards (Barnard Castle East and Barnard Castle West) is accepted as a workable alternative option.

82. DAWSON ROAD PLAYINGFIELD – TENDERS

It was reported that, pursuant to Minute 71/Sep/09, Dawson Play's 'Barney's Biggest Tombola' event had taken place on 19th September, 2009 and had proved to be a great success by raising £365. The opportunity was taken at that event to carry out the final community consultation exercise, with those attending choosing their preferred items of equipment and those items with the most votes being included in the resultant tender document.

Consequently, on behalf of this Council, Groundwork North East produced a tender document which was submitted to five companies and, in accordance with this Council's approved tendering arrangements, the tenders were opened by the Chairman of the Allotments and Play Areas Working Group and the Clerk.

The resultant report from Groundwork that summarised the tenders received and recommended a preferred tender was submitted at the Council meeting. Mr O. Graham of Groundwork North East was in attendance to aid Members' deliberations and answered Members' questions.

Resolved – That the tender from Trevor Atkinson and Company Limited, Mickleton, in the sum of £107,605 be accepted.

83. COUNCIL MEETING – 7TH SEPTEMBER, 2009 – MINUTES

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

84. '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 seven items considered at the meeting were as follows:-

(1) Planning Committee Meeting – 7th September, 2009 – Minutes

Resolved – That the Minutes be received.

(2) Planning Committee Meeting – 21st September, 2009 – Minutes

Resolved – That the Minutes be received.

(3) Finance Committee Meeting – 21st September, 2009 – Minutes

Resolved – That the Minutes be received.

(4) Modernisation Committee Meeting – 28th September, 2009 – Minutes

Resolved – That the Minutes be received.

(5) Planning Committee Meeting – 5th October, 2009 – Minutes

Resolved – That the Minutes be received.

(6) Christmas Festival Committee Meeting – 5th October, 2009 - Minutes

Resolved – That the Minutes be received.

(7) Mayoral Activities

It was reported that, since the Council meeting on 7th September, 2009, the Town Mayor, accompanied by the Town Mayoress (Mrs Marie Yarker), had attended the following:-

29th September Slimming World's Ruby Anniversary Party (St Mary's Parish Hall, Newgate).

16th October Barnard Castle Vision's Place-making International Visit by French Consul (The Bowes Museum).

Resolved – That the information be noted.

85. REFERRAL FROM FINANCE COMMITTEE

Submitted – A report outlining the Finance Committee's initial considerations (at Minute 21 of the set of Finance Committee Minutes at sub-section (3) of Minute 84 above) of the Council's 2010/11 budget, including an overview of a number of parameters to be covered in the budgetary process which were as follows:-

- (i) the committed increase in the Christmas lighting budget;
- (ii) the revised Contingencies policy (approved at Council Minute 87/Sep/09);
- (iii) the largescale abandonment of the ringfencing option, primarily introduced for 2009/10;
- (iv) the need to build up the Council's overall reserves;
- (v) double taxation;
- (vi) the alternative use of the financial allocation for a new allotment site;
- (vii) the self-containment of the Allotments budget;
- (viii) the incorporation of salary costs in service provision costs;
- (ix) the need to prepare three-year budgets; and
- (x) general concerns about prospective largescale increases in budgets.

Members' views were sought on whether any additional parameters/restrictions should be imposed on the budgetary process so that unrealistic proposals were not considered.

Resolved – (a) That the parameters be noted.

(b) That a three-year budgetary approach should not be adopted for the 2010/11 exercise.

86. REPRESENTATION ON OTHER BODIES

(1) Barney Guild

Councillor Peat reported that, whilst he was unable to attend the Barney Guild meeting on 7th September, 2009, he had attended a Guild meeting on 13th October, 2009. He gave a brief summary of items discussed at that meeting, including a revised list of planned events for the Christmas period.

Discussion ensued in respect of the re-opening of the Market Place toilets and whether the matter had been specifically discussed at any previous Barney Guild meetings. It was considered that the support of the Barney Guild should be sought.

Resolved – That Councillor Peat raise the matter of the re-opening of the Market Place toilets at the next Barney Guild meeting with a view to seeking the Guild's support.

(2) Teesdale Local Councils' Forum – Update

The Clerk verbally reported that a recent Forum meeting had not been as well attended as had been hoped and, with competing Town Council workloads, it was becoming difficult to carry out the clerking duties of the Forum. The matter was therefore to be discussed at the next Forum meeting scheduled for 26th October, 2009. County Councillor Bell suggested that administration cover might be available via the Area Action Partnership administration team and he would undertake to investigate.

Resolved – That the information be noted.

87. DURHAM COUNTY COUNCIL/TEESDALE ACTION PARTNERSHIP ISSUES

(1) General

The Clerk reported verbally that the final figures in respect of Double Taxation payments were not now expected until December, 2009. County Councillor Bell informed Members that the re-opening of the Market Place toilets was a priority project for the Teesdale Action Partnership and would be discussed at the next scheduled meeting on 27th October, 2009. It was also confirmed that the public were permitted to attend any of the Area Action Partnership's Working Group meetings.

Resolved – That the information be noted.

(2) Charter Arrangements – Further Consultation

Submitted – Pursuant to Council Minute 167(1) /Jan/09, a report providing an update in respect of the Charter arrangements between Durham County Council and local councils, with a revision of the draft Charter provided for Members' consideration. Whilst it was acknowledged that the Charter was originally due to be introduced on 1st April, 2009, a number of factors had delayed the process. However, it was now considered that enough progress had been made and the introduction of the Charter was imminent.

Resolved – That the revised draft Charter be agreed.

88. BARNARD CASTLE VISION

(1) General

Submitted – Pursuant to Minute 73/Sep/09, a fifth 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. It was also reported that the Clerk was experiencing difficulties in attending the regular Sub-Group meetings due to competing workloads and Members' views were sought on the matter.

Resolved – That the Barnard Castle Vision be requested to issue copies of all Sub-Group and Board Meeting Minutes to Barnard Castle Town Councillors.

(2) Hole-in-the-Wall Car Park

Submitted - A report by Councillor Watson that highlighted the lack of scrutiny or consultation in respect of the Hole-in-the-Wall car park traffic management layout. He considered that had the previous Traffic Management Working Party still been in existence under the jurisdiction of Teesdale District Council, a more thorough consultation would have taken place.

It was also reported that the scheme had been modified (without notification) to a one-way entry from Newgate and an exit only to Queen Street.

Resolved – (a) That a copy of the car park layout and traffic management drawings together with the revised entry and exit arrangements, be obtained from the Barnard Castle Vision Team.

(b) That this Council arranges to meet with Durham County Council's Highways Department to request that the local Traffic Management Working Party is re-instated to consider all future traffic management work in Barnard Castle.

89. SERVICE AND PROJECT UPDATES

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

(1) War Memorials

It was reported that the work to the three War Memorials in Barnard Castle, carried out by P & S Coverdale Masonry Contractors Ltd, had recently been completed and that the work to the surrounds to the main Memorial in The Bowes Museum grounds would commence shortly. The work had obviously to be completed by Remembrance Sunday but as there appeared to be no problems regarding potential delays, the work would commence almost immediately.

The work would be carried out by P & S Coverdale and Robson Horticulture Ltd, with the cost of the ramp work being met by The Bowes Museum. Finally, some work to the surrounding trees would be carried out towards the end of October 2009.

Resolved – That the updated situation be noted.

(2) Castle Floodlights

It was reported that all the necessary services for the installation of the Castle floodlights had been procured but that Service Direct at Durham County Council were still awaiting delivery of the street-lighting poles and embellishment kits. It was anticipated that a new footpath closure notice would be issued, with the half-term week commencing 26th October, 2009 a possibility for the work. Urbis had been selected to supply the floodlights.

It was also reported that, whilst there were no guarantees, the launch and switch-on event was now being planned for the Town Council's Christmas Festival event evening on 27th November, 2009; Members would be informed of progress.

Resolved – That the situation be noted.

(3) Allotment Issues

It was reported that, pursuant to Minute 75(2)/Sep/09, work had commenced on the conversion of the Crook Lane site to allotment garden plots, including the installation of a water supply and the building renovated to become a usable store for the Crook Lane allotment tenants. However, the initial clearance of the site indicated that there was an insufficient top-soil level and therefore, on the recommendations of Trevor Atkinson & Co, 160 tonnes of top-soil had been added to the site.

It was also reported that, pursuant to Minute 34/Jun/09, the legal advisor employed by this Council to assist with the registering of all allotment land had completed the project. However, there were two issues that had arisen from the project that required Members' attention:-

(A) Whilst it was acknowledged that the Dog Training Area, adjacent to The Demesnes allotment site, had been used as allotment plots a number of years ago, the area had been registered by Teesdale District Council in 2000 and was confirmed as now registered under Durham County Council. Members' consideration was required as to this area being another item to be included in the asset transfer remit.

(B) Members were aware of longstanding issues regarding the garage and general access arrangements at the Town Head allotment site. References were made to the two access lanes belonging to this Council, the history of previous agreements, the 'holding over' of the lease agreement with the owner of 9 Bede Road and the lighting of bonfires.

Resolved – (a) That the 'Dog Training Area' on The Demesnes be included in the asset transfer remit.

(b) That the owner of 9 Bede Road be contacted with a view to him agreeing to the 'holding over' of the lease agreement and to cease lighting bonfires on the allotment site.

(4) Mini Golf – Review of Season

A report was submitted that summarised the 2009 Mini Golf season and the relevant income and expenditure figures. The Mini Golf Supervisor, as part of his duties, had submitted an 'end-of-term' report and inventory of equipment. The main issues raised were summarised. References were also made to the general situation on Scar Top and the need for the Council to be involved in future discussions.

Resolved – (a) That the essential repair work be authorised before the start of the 2010 season.

(b) That the Mini Golf hut situation, the general condition of the course and the Scar Top overview situation be noted.

(5) Floral Displays

It was reported that the 2009 street-lighting column structural tests that had to be carried out before the hanging baskets could be installed were not being charged for by Durham County Council, resulting in a potential underspend in the Floral Displays budget.

It was therefore suggested that, for the first time, this Council's tubs should be planted for the Winter/Spring period of 2009/10. Elm Ridge Gardens Limited, Darlington, the company who were chosen to supply the Summer hanging baskets and tubs, indicated that it would cost £500 to plant the tubs for the Winter/Spring period of 2009/10 and it was considered that there was no requirement to water the tubs during the Winter period.

Members were asked to note that the planting had only proved possible because of the budgetary underspend. No guarantees could be given in respect of future years' arrangements.

Resolved – That arrangements be made for this Council's tubs to be planted over the Winter/Spring period of 2009/10 by Elm Ridge Gardens Limited, Darlington.

90. EVENTS UPDATES

Submitted – A report providing updates of this Council's events. The two items included in the report were as follows:-

(1) Remembrance Sunday

It was reported that the Council's arrangements for Remembrance Sunday were well advanced. A number of changes to improve the event had been agreed following discussions with various individuals and organisations involved with the event and were summarised, including the Church Service starting time, the wreath arrangements, the format of the Church Service, the reprinting of the Order of Service, the distribution of service sheets for the Further Act of Remembrance, the use of the microphone system, the format of the second Service and the announcement of the wreath-bearers.

Resolved – (a) That the cost of the reprinting of the Order of Service be authorised.

(b) That the overall situation be noted.

(2) Christmas Festival Event

It was reported that, pursuant to Christmas Festival Committee Minutes 10/Jun/09 and 18/Oct/09, arrangements had commenced for this Council's Christmas Festival event which was due to start at 6.00 p.m. on Friday, 27th November, 2009. Radio Teesdale had provisionally succeeded in persuading the pantomime stars from the Sunderland Empire (including John Challis) to take part in the event. However, it was understood that they officially could only attend up to 6.00 p.m. Consequently, the Council had been asked to

start the event at 5.00 p.m. or, at the very latest, 5.30 p.m. Additionally, it was suggested that the whole event could take place on Scar Top but an event totally on Scar Top was considered to be a locational nightmare if the Christmas tree part of the event was to be retained. A further complication was that the Castle floodlights might be switched on at the event.

It was also reported that the Clerk had attended a meeting of the local Safety Advisory Group on 14th October, 2009 and the starting time of the Christmas Festival Event had been discussed. The Safety Advisory Group considered that, for a number of reasons, the event should not start before 6.00 p.m. However, as a detailed itinerary was not able to be submitted to that meeting, it was agreed that another Group meeting would be required.

Resolved – That this Council's Christmas Festival event should not commence before 6.00 p.m.

91. 2008/09 AUDIT SITUATION

It was reported that whilst this Council had submitted its 2008/09 Annual Return, to its main Auditors in Southampton by the required date, the Auditors had not been able to approve the Return by the statutory publication date of 30th September, 2009 due to an anomaly being found. In accordance with the relevant regulations, an Auditor's notice had been placed on the Council's noticeboard stating that no audit opinion had yet been issued.

Resolved – That the updated situation be noted.

92. LEGISLATION MATTERS

Submitted – A report providing details of a number of legislation matters. The three items included in the report were as follows:-

(A) Codes of Conduct for Members and Officers

It was reported that the Department for Communities and Local Government was currently reviewing the Members' Code of Conduct, with a view to issuing a revised Code in late Autumn 2009. Whilst there would not be many changes to the Code at that juncture, the main change would be to allow the Code to cover Members in their non-official capacity where their conduct might be a criminal offence.

It was generally considered that the introduction of a national Code of Conduct for officers was long overdue. However, it was understood that further consultation on its introduction was not likely to take place before 2010.

Resolved – That the information be noted.

(B) More Powers for Local Councils

(i) It was reported that the Sustainable Communities Act had recently become law following a five-year campaign run by the Local Works coalition, of which the National Association of Local Councils and the Society of Local Council Clerks were leading members. The Act had the potential to devolve powers down to local level, allow local people to have more say over how public money should be spent in their areas and could even change important legislation on issues such as planning.

However, in the final days of the Act being passed, local councils were omitted from the process by Whitehall officials. Therefore, Local Works were campaigning for an Amendment Bill to the original Act that would not only formally include local councils in the process but would also give them new powers within that process.

Local councils and individual parish and town councillors were being asked to write to their local Members of Parliament to ask them to sign the Early Day Motion No.1545 in support of the Amendment Bill.

Resolved - That a letter be sent to Helen Goodman, M.P. asking her to sign Early Day Motion No.1545 in support of the Sustainable Communities Act Amendment Bill.

(C) 'It takes all sorts'

Submitted - The National Association of Local Councils' booklet 'It takes all sorts – local councils: represent your community, make a difference' was provided for Members' information. The new booklet, developed by the Association with support from the Commission for Rural Communities, highlighted the diversity and experiences of councillors within the first tier of local government, showing the difference people made within the community and outlined the kind of activities that were being undertaken by local councils across the country.

Resolved – That the information be received.

93. REFORM OF BLUE BADGE SCHEME

In view of Councillor Wood's absence at this point of the meeting and his request for discussion of the reform of the Blue Badge scheme, it was suggested that consideration should be deferred.

Resolved – That consideration of this matter be deferred.

94. PROVISION OF BUS STOPS FOR HARMIRE ROAD

Submitted – A report by Councillor Watson in respect of the provision of additional bus stops midway along Harmire Road, emanating from a local resident's request. The distance between the existing bus stops on Harmire Road and the adjacent bus stops on Bede Road was considered excessive for certain passengers.

Resolved – That Durham County Council and relevant bus companies be contacted regarding the provision of additional bus stops on Harmire Road.

95. NEGLECTED LANDSCAPE – CO-OP PETROL STATION, PROSPECT PLACE

Submitted – A report by Councillor Watson highlighting the neglected state of the landscaped area at the front of the The Co-operative Group's petrol station at Prospect Place. It was confirmed that this Council had previously written to The Co-operative Group regarding the matter and whilst it was acknowledged that the Manager had attempted to rectify the matter, it was considered that those attempts were not entirely addressing the issue. It was also reported that the lack of clear signage for entry and exit arrangements was causing confusion which could lead to an accident.

Resolved – That this Council convenes a meeting with an appropriate representative from the Co-operative Group to discuss the re-instatement of the soft landscaping and future arrangements for maintenance and that forecourt road safety improvements (involving defined entry and exit arrangements with lane markings and parking management adjacent to the shop entrance) be considered.

96. THE UPPER DEMESNES – PROPOSED PROVISION OF HAY MEADOW

Councillor Peat reported on his investigations in respect of the possibility of the provision of a hay meadow/wild flower meadow on The Upper Demesnes. He had had a series of discussions on the subject and advised that there were other avenues of funding that could be explored.

Resolved – That the project be agreed in principle so that further investigations can be carried out.

97. 'BARNARD CASTLE' SIGNS

Submitted – Pursuant to Council Minute 196/Mar/09, a report updating Members on the efforts made to date in respect of the project to replace all 'Barnard Castle' entry signs. However, Durham County Council had put forward a number of restrictions which would make it difficult to move the matter forward.

Resolved - That the project continue to be investigated.

98. CHRISTMAS/NEW YEAR – OFFICE ARRANGEMENTS

A request was submitted for normal office hours (8.30 a.m. to 4.30 p.m.) to be maintained during the Christmas/New Year period but for the office to close early at 3.00 p.m. on the afternoon of Christmas Eve.

Resolved – That the working hours for this Council's office during the Christmas period be agreed, including an early close on Christmas Eve of 12.00 noon.

99. EXCLUSION OF PRESS AND PUBLIC (in respect of Minutes 100 to 103 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 100 to 103 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.

100. APPLICATION OF MEMBERS' CODE OF CONDUCT

Submitted – Pursuant to Minute 64/Sep/09, the Member referred to at that Minute requested that the matter be discussed again at this meeting as he considered that the matter had unresolved issues. Whilst there was further discussion, the absence from this part of the meeting of the Member in question made progress difficult.

Resolved – That it be agreed that this matter is now considered closed and should not be raised again at any future meeting.

101. THE DEMESNES ALLOTMENTS – CLEARANCE OF PLOT

Submitted – Pursuant to Council Minute 52/Jul/09, a report outlining a request for compensation from the same joint allotment-holders in respect of certain articles removed from the allotment gardens. It was highlighted to Members that the allotment-holders' plots had had to be professionally cleared due to the detrimental state following relinquishment.

Resolved – (a) That the allotment-holders be advised that no compensation is to be paid.
(b) That no further action needs to be taken by the Council in this matter.

102. NATIONAL SALARY AWARD 2009/10

Submitted – A report confirming an interim national salary award for 2009/10 which, in accordance with the Conditions of Service for Local Government Employees, was to be automatically applied to this Council's four office employees.

Resolved – That the information be received.

103. OVERALL WORKLOAD SITUATION

Members were made aware of the overall workload situation.

Resolved – That the situation be acknowledged.