

**BARNARD CASTLE TOWN COUNCIL
COUNCIL MEETING**

7TH MARCH, 2011

(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 Cooke (Town Mayor)(in the Chair); Councillors Mrs Bailes, Blissett, Mrs Hamilton, Harrison, Hinchcliffe (Minutes 170 to part of 179 inclusive), Peat, Watson, Wood (Minutes 170 to part of 179 inclusive) and Yarker.

Also in attendance:- Ms D. Jenkins (Barnard Castle Vision Chairman)(Minute 172 only).

Officers:- Mr Bosworth (Town Clerk) and Mrs Plant (Assistant Clerk).

170. APOLOGIES:- Councillor Mrs Dixon.

171. DECLARATIONS OF INTEREST

In accordance with this Council's adopted Code of Conduct (Minute 20/Jun/07 refers), Members were asked whether they had any personal or prejudicial interests in any matter on the agenda and, if so, to declare those interests at this point of the meeting. Members were reminded that a declaration could be given later in the meeting if a need arose during discussion. There were no declarations of interest at this juncture.

172. BARNARD CASTLE VISION – ATTENDANCE OF CHAIRMAN, ETC.

Pursuant to Minute 160(b)/Jan/11, Ms D. Jenkins, Chairman of the Barnard Castle Vision, was in attendance and gave a short presentation, including an outline of the Vision's key objectives and updates on current projects, partly based on a briefing note (by Mrs A. Ward of the Vision and the Clerk) which was circulated at the meeting.

Reference was made to the recent public meeting that Mrs H. Goodman, M.P. had organised and a summary, by Councillor Watson, was attached to a submitted report which also covered the meeting arrangements between the Vision Chairman, the Town Mayor and the Clerk. Ms Jenkins confirmed that an invitation to the public meeting had not been extended to the Vision's Board.

After Ms Jenkins left the meeting, further discussion ensued in respect of the public meeting. Councillor Watson confirmed that Mrs Goodman had written to the Leader of Durham County Council (County Councillor S. Henig) to request that a review of the constitution of Barnard Castle Vision be undertaken, including a County Councillor from one of the Barnard Castle electoral divisions and a Town Councillor becoming a member of the Vision's Board.

Resolved – (a) That Ms Jenkins be thanked for her attendance.

(b) That a letter be sent to the Leader of Durham County Council expressing support for the written suggestions (including Board membership) of Mrs H. Goodman, M.P.

173. COUNCIL MEETING – 17TH JANUARY, 2011 – MINUTES

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

174. COUNCIL MEETING – 24TH JANUARY, 2011 – MINUTES

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

175. SPECIAL COUNCIL MEETING – 31ST JANUARY, 2011 – MINUTES

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

176. ‘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) Modernisation Committee Meeting – 19th January, 2011 – Minutes

Resolved – That the Minutes be received.

(2) Planning Committee Meeting – 31st January, 2011 – Minutes

Resolved – That the Minutes be received.

(3) Modernisation Committee Meeting – 7th February, 2011 – Minutes

Resolved – That the Minutes be received.

(4) Finance Committee Meeting – 14th February, 2011 – Minutes

Resolved – That the Minutes be received.

(5) Christmas Festival Committee Meeting – 14th February, 2011 – Note About Inquorate Meeting

Resolved – That the Note be received.

(6) Planning Committee Meeting – 21st February, 2011 – Minutes

Resolved – That the Minutes be received.

(7) Town Mayor’s Activities

It was reported that, since the Council meeting on 17th January, 2011, the Town Mayor had attended the following:-

20th February (accompanied by Town Mayoress (Miss R. Abrahams))
Barnard Castle Girl Guides’ Association’s ‘Thinking Day Service’, Barnard Castle Methodist Church.

Resolved – That the information be noted.

177. REFERRALS FROM MODERNISATION COMMITTEE

(A) Mayoral Term of Office

Reference was made to the recommendation of the Modernisation Committee, at Minute 44(2) of the set of Minutes at sub-section (3) of Minute 176 above, regarding a proposed extension of the Mayoral Term of Office from one to two years. Whilst it had been anticipated that the recommendation would be incorporated in the final review document of the Role of the Town Council, as subsequent delays with that document had occurred (sub-section (B) below refers), it was considered imperative that an early decision be made on the Mayoral term so that whatever arrangements were introduced in May 2011, they were the final arrangements, with enough notice given to those directly affected.

Attached to the submitted report was the previous Council report on the introduction of the seniority one-year term arrangement and the relevant section of the Committee report summarising the factors to be taken into account when considering the introduction of a two-year term. It was stressed at the meeting that, in accordance with Section 15(1) of the Local Government Act 1972 and as part of the detailed procedures, the elections of the Town Mayor and the Deputy Town Mayor would continue to take place each year, with the postholders being effectively elected for two consecutive periods each of one year.

It was also confirmed that the anticipated implementation of legislation stating that chairmen and vice-chairmen must be elected from amongst the elected (not co-opted) Councillors was unlikely to be introduced for some considerable time, if at all. Consequently, the three current co-opted Members on the Town Council were each eligible to be elected as Town Mayor or Deputy Town Mayor before the 2013 Elections.

Resolved – (a) That the terms of office of the Town Mayor and the Deputy Town Mayor be changed from one year to two years, i.e. two consecutive periods each of one year, based on the seniority system previously approved at Minute 174/Apr/10 and to be introduced with effect from the start of the 2011/12 Municipal Year.

(b) That, in accordance with Section 15(1) of the Local Government Act 1972, the elections of the Town Mayor and the Deputy Town Mayor continue to be carried out as the first and second agenda items at each Annual Council meeting.

(c) That the Town Mayor and the Deputy Town Mayor be automatically re-elected for a second year unless there are good reasons not to re-elect or the Councillors in question indicate that they do not wish to continue.

(d) That the current Town Mayor and Deputy Town Mayor be allowed to continue, with 2011/12 to be their second Municipal Year in those roles.

(e) That Town Councillors who have previously only been Town Mayor for one year be given the opportunity to be elected Town Mayor and Deputy Town Mayor for a second year in each case.

(B) Revision of Timescale for Review of Role of Town Council

Reference was made to the recommendation of the Modernisation Committee, at Minute 44(4) of the set of Minutes at sub-section (3) of Minute 176 above, regarding a further revised timescale for the implementation of the review of the role of the Town Council. Whilst it was acknowledged that the review had been ongoing for some time, postponements and cancellations of Modernisation Committee meetings had delayed the whole process. Consequently, the Committee confirmed that the previous implementation deadline had become totally impractical.

Resolved – That approval be given to the recommendation of the Modernisation Committee that the revised implementation of the review of the role of the Town Council be September 2011 and that the resolution at Minute 44/Jul/10 be rescinded accordingly.

178. REPRESENTATION ON OTHER BODIES

Submitted – A report providing updates on some of this Council's representation on other bodies. The four items included in the report were as follows:-

(1) Heart of Teesdale Landscape Partnership Steering Group

Submitted - Pursuant to Minute 122(1)/Dec/10, a summary of the Partnership's recent work, including the facts that nine community events throughout the area were taking place and the actual boundary of the Heart of Teesdale area had been extended, details of the Heritage Lottery funding schedule and the fact that the period for initial expressions of interest in respect of potential projects was imminent.

It was also reported that this Council's expressions of interest had been sent in following a recent Floral and Open Spaces Working Group meeting, with confirmation of those deliberations and the resultant submission to the Landscape Partnership sought at Minute 179 below.

An overview of the Partnership's objectives and plans was also provided.

Resolved – That the information be noted.

(2) Teesdale Residents and Travellers Forum – Meeting on 18th January, 2011

It was reported that, at the Forum's meeting on 18th January, 2011, Barnard Castle issues discussed centred on the entrances to The Demesnes and the known authorised key holders to the three barriers and the fact that the temporary traffic restrictions along Bridgegate would be in place again for the 2011 migration period. Discussion also ensued in respect of identifying suitable areas of land adjacent to the annual migration route that could be used as Temporary Areas of Acceptance for travellers or that were suitable for use by their horses. It was agreed that a press article would be submitted to encourage any such landowners to co-operate with the Forum.

Resolved – That the information be noted.

(3) Barney Guild – Meetings on 17th January and 28th February, 2011

It was reported that, at the Barney Guild meeting on 17th January, 2011, discussion centred on the future of the Guild and its self-management. A simple constitution was considered and appointments were made. Members of the Guild would now pay a subscription. Other matters discussed included arrangements for two celebration weekends, a local shopping campaign and the development of the Guild's website.

Matters discussed at the Guild meeting on 28th February, 2011 included further detailed arrangements in respect of the celebration weekends scheduled for 16th and 17th April and 16th and 17th July, 2011. The Guild's constitution was also determined.

It was confirmed that, whilst the Guild were making a concerted effort to be a self-managed organisation, a firm link remained with the Barnard Castle Vision as Mrs A. Ward was Honorary Treasurer and provided ongoing administrative support.

Resolved – That the information be noted.

(4) Teesdale Local Councils' Forum – Special Meeting on 17th February, 2011 and Ordinary Meeting on 28th February, 2011

It was reported that a Special meeting of the Forum took place on 17th February, 2011 arising from the fact that Durham County Council was insisting that all local councils in the Teesdale area should be allowed to vote on the appointment of the sector's representative on the Teesdale Action Partnership. The Special Forum meeting re-affirmed its previous decision that non-members of the Association would not be allowed to take part in the voting.

It was also reported that, at the ordinary Forum meeting on 28th February, 2011, the two Local Councils' Support Officers at Durham County Council were in attendance, as were the two officers from the Heart of Teesdale Landscape Partnership. A report on Teesdale Action Partnership activities was also provided and other issues discussed included Police representatives' attendances at Forum meetings, the Localism Bill, a co-operative purchasing option for heating oil, revised street cleaning funding arrangements and the Forum's finances.

Resolved – That the information be noted.

179. PROPOSED FLORAL DISPLAYS

Submitted – Following a meeting of the Floral and Open Spaces Working Group on 21st February, 2011, a report summarising the resultant views and recommended courses of action, including the submission of a number of expressions of interest for prospective projects to the Heart of Teesdale Landscape Partnership, the budgetary situation and the 2011 floral display approach in the Town.

Resolved – That the following floral and open spaces recommendations (largely emanating from the Floral and Open Spaces Working Group) be agreed:-

- (a) that the submission to the Heart of Teesdale Landscape Partnership of a number of expressions of interest, as now submitted, be confirmed;
- (b) that the 2011/12 budget of £9,311 (including the Double Taxation payment of £4,311) is to remain intact;
- (c) that the 2010/11 additional Double Taxation payment of £2,243 is to be donated to the Scar Top Mini Golf project, with the possible addition of a further donation at a later date;
- (d) that the prospective 2010/11 underspend be transferred into general reserves;
- (e) that every effort be made to ensure that the Mini Golf 'scheme within a scheme' is co-ordinated by this Council;
- (f) that it be re-iterated to the Landscape Partnership that this Council must have full involvement in the Scar Top play area proposals, notwithstanding the fact that it is expected that this Council's involvement in the overall Scar Top scheme will continue;
- (g) that the Garden of Remembrance details, as now submitted, be approved, with further details to be supplied in due course on specific issues such as the Memorial plaque;
- (h) that the Heritage Wheel project be referred for inclusion in the Landscape Partnership bid, thereby deferring its installation beyond the 2011 displays;
- (i) that it be confirmed that, whilst tubs/planters will be placed in other areas of the Town, this Council's main floral display for 2011 will be in the lower Galgate area;
- (j) that, if considered necessary, existing budgetary expenditure be incurred on the acquisition of expert support and advice for the lower Galgate display;
- (k) that the Landscape Partnership be informed that this Council wishes to carry out the Town Gardens project as a Town Council project;
- (l) that the issues referred to in the submitted report regarding The Demesnes be sorted out as a matter of urgency;
- (m) that additional staffing proposals be included in the detailed project submissions to the Partnership where considered necessary and appropriate; and
- (n) that the Floral and Open Spaces Working Group be authorised to progress all relevant issues once the main reply from the Partnership's Programme Development Manager has been received.

180. NORTH WARD VACANCY – UPDATE

Submitted - Pursuant to Minute 137(3)/Dec/10, a report summarising the North Ward vacancy situation, with the vacancy Notice having been advertised and, by the closing date, ten electors in the North Ward having submitted a request for an Election to fill the vacancy. It was confirmed in the report that the Notice of Election had been posted with a closing date for nominations of noon on 4th March, 2011. It was confirmed at the meeting that two nominations had been received. However, one of the nomination papers was spoilt and therefore had not been accepted. Consequently, there was only one accepted candidate and assuming that that candidate did not withdraw his/her nomination, he/she would automatically be elected.

It was also reported that Durham County Council's Electoral Manager for the area had sought a decision from this Council so that stationery, etc. could be ordered immediately if the Election was contested. The Finance Committee, at the meeting on 14th February, 2011 (Minute 46/Feb/11 refers), considered the potential election costs and acted on behalf of the Council in making the following decisions:-

'(a) That should an election take place:-

- (i) Durham County Council be asked to produce and arrange for the delivery of poll cards to all electors in the North Ward; and
- (ii) it be acknowledged that there will be an overspend in the 2010/11 Contingency budget.'

Whilst those decisions still required ratification, it was acknowledged that there would be no election costs to be met by this Council.

Resolved – (a) That the decisions of the Finance Committee at Minute 46(a)/Feb/11 be confirmed.

(b) That the overall situation be noted.

181. 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) Allotment Issues

It was reported that a meeting of the Allotments and Play Areas Working Group had taken place on 21st February, 2011 and the following allotment issues had been discussed:-

(i) Review of Tenancy Agreement and Rules

Submitted - Pursuant to Minute 157(2)/Mar/10, a revised Allotment Garden Tenancy Agreement and revised Allotment Rules arising from a review by the Working Group. The revisions were required for general administration purposes.

Resolved – That the revised Allotment Garden Tenancy Agreement and Rules, as now submitted, be approved for issue to all allotment tenants with their allotment rental requests for 2011/12.

(ii) Crook Lane

It was reported that, following a request from a tenant that soil suitability tests be carried out because of the removal of the old electricity sub-station, no levels of contaminants that could pose a risk to human health or that would affect any plant growth had been found.

Resolved – That the information be noted.

(2) Play Area Issues

At the meeting referred to in (1) above, the following Play Area issues were discussed:-

(i) Dawson Road Project – Phase 2

Pursuant to Minute 47(1)/Jul/10, it was reported that, in respect of Phase 2 of the Dawson Road project, the necessary planning application for the installation of a Multi Use Games Area (MUGA) had been submitted. Subsequent to the Working Group's meeting, it was confirmed that the planning application had been issued for consultation purposes.

It was also reported that, whilst a funding application request to Veolia Environmental Services had been refused, work on a funding application to Community Spaces was ongoing.

Resolved – That the information be noted.

(ii) Play Area Repair Works

It was reported that the majority of the maintenance works that were required, following the Annual Play Area Inspection reports, had been carried out.

Resolved – That the information be noted.

(3) Newsletter

Pursuant to Minute 137(3)/Dec/10, it was reported that this Council's publishers went out of business in January 2011, causing a slight delay to the production of Newsletter No. 14. It was recommended that the replacement publisher, chosen from a number of quotations received, be used for Newsletter No. 15, with that Newsletter to be issued during March 2011. However, it then would be necessary to seek quotations for the publication of future editions, based on the reduced arrangements previously agreed. It was also reported that at the Editorial Board meeting on 19th January, 2011, discussion regarding prospective articles for Newsletter No. 15 took place.

It was also confirmed that it had been agreed between the National Association of Local Councils and the Department of Communities and Local Government that, whilst all other councils would be restricted to publishing their magazines or newsletters on a quarterly basis, local councils would be able to publish their communications on a monthly basis, if they so wished.

Resolved – (a) That the overall information be noted.

(b) That the HPM Group of Newton Aycliffe be requested to carry out the publication work for Newsletter No. 15.

(c) That Newsletter No. 15 is to include a passing reference to the Standards Board Hearing in January 2011 and its associated implications but only as part of a more positive article.

(d) That the Editorial Board be given delegated powers to determine the Newsletter publication arrangements for 2011/12.

(4) Mini Golf

Pursuant to Minute 95(4)/Oct/10, details of the 2011 Mini Golf season were submitted, including the opening times and the fact that the Mini Golf Supervisor and the Attendant would be returning for a fourth and third year respectively. Press and radio coverage to promote the course was again planned, with the Town Mayor to 'tee off' the 2011 season. The essential repairs to the course and other minor repair work approved at the October Council meeting would be carried out during March 2011.

Reference was made to the redevelopment plans for the Scar Top area involving the Heart of Teesdale Landscape Partnership and, as this Council had had detailed involvement with this project from the outset, it had been requested that this Council remained fully involved and, in particular, led on the planning and redevelopment of the Mini Golf course (Minute 179 above refers).

Resolved – That the arrangements for the 2011 season be noted.

(5) Castle Floodlights

Pursuant to Minute 177(3)/Apr/10, a summary was provided of the floodlights' first year since being commissioned, including the facts that the set coloured sequence programmes had been used for the Halloween and Christmas periods and that the first annual invoice in the sum of £210 had been received which showed, as anticipated, a substantial saving on the electricity charges for the previous system, with no maintenance costs to date.

Resolved – That the information be noted.

182. DRAFT SEX ESTABLISHMENT/ENTERTAINMENT VENUE LICENSING POLICY CONSULTATION

Submitted – A report summarising Durham County Council's draft Sex Establishment/Entertainment Venue Licensing Policy and enclosing the Executive Summary of the draft policy. The policy would enable the County Council to license, monitor and inspect sex shops, sex cinemas and sexual entertainment venues in County Durham. The considerations that the County Council would have to make when developing the policy were outlined, as were the rules when considering a licence application. It was noted that local councils would not be statutory consultees. The deadline for responses was 11th March, 2011.

Resolved – That this Council agrees with the draft policy, subject to local councils becoming statutory consultees.

183. LOCALISM BILL

Submitted – A report outlining the current situation with the Localism Bill. A summary of the Bill was provided and its potential importance to the role of local councils was highlighted. It was hoped that it would become an Act of Parliament during the Autumn of 2011. It was acknowledged that much of the Bill was still in need of further detail and clarification.

Resolved – That this Council's views in respect of the Localism Bill be determined only when a formal consultation process has been commenced.

184. DURHAM COUNTY UNITARY COUNCIL'S REDUCTION OF RECURRENT EXPENDITURE

Submitted – A report by Councillor Watson outlining the impact of Durham County Council's potential reduction in services as a consequence of that Council's attempt to reduce its overall 2011/12 budget. He provided his summary on the background to the current National Debt situation.

In respect of Councillor Watson, recommendation's regarding the Town Council establishing a base within Woodleigh, it was emphasised that that recommendation accorded with the decision, at Minute 169(b)/Jan/11, to categorise Woodleigh as this Council's preferred long-term office accommodation solution.

Resolved – (a) That this Council recognises the prevailing national economic situation and its consequences.

(b) That this Council is to invoke the terms of the Charter to secure a meeting with the officers and Cabinet Member responsible for the services being subject to potential contraction in Barnard Castle.

(c) That Councillor Watson and the Clerk make further investigations in respect of this Council overseeing the operation of the Tourist Information Centre, including the necessary funding arrangements, the use of volunteer support and the potential of establishing a Town Council base within Woodleigh.

185. PUBLICISING EXPENDITURE ABOVE £500

It was reported that, following the Secretary of State for Communities and Local Government's request that all public bodies publish on their websites details of any payments made by them over £500, it had been confirmed that the request affected councils at all levels. The advice of the Society of Local Council Clerks was that councils should comply, if possible, without incurring too much time or expenditure. However, specific guidance had not yet been issued and implementation at local council level was therefore not yet reality.

Resolved – That, upon the receipt of the promised specific guidance, this Council publishes on its website details of all of its expenditure, subject to the deletion of detailed sensitive information.

186. SCHEDULING AND TIMES OF COUNCIL MEETINGS – MUNICIPAL YEAR 2011/12

Submitted – A report incorporating a recommended schedule of meetings for the 2011/12 Municipal Year, based on the standard six/seven-week cycle of meetings. A starting time of 7.00 p.m. was recommended for all meetings in the schedule, albeit with a 15-minute public participation ‘slot’ at 6.45 p.m. The venue, at least for the time being, would continue to be the Council Chamber at Teesdale House. The prospective attendances of representatives of Durham Constabulary and Barnard Castle Vision were also referred to.

It was reported that it was intended that the main four Committees of the Council would determine their 2011/12 meeting dates during the next Council cycle. The need for Committee and Working Group meetings (primarily to appoint Chairmen and Vice-Chairmen) immediately after the Annual Council meeting on 9th May, 2011 was also highlighted. The Administrative Support Committee and the various Working Groups would meet as and when required.

It was acknowledged that the results of the Modernisation Committee’s review of the role of the Town Council might affect subsidiary body arrangements later in the year but it was probable that Council meeting cycle arrangements would be unaltered.

Resolved – (a) That the following schedule of Council meetings during the Municipal Year 2011/12 be approved and that all meetings commence at 7.00p.m., with a Public Participation ‘slot’ 15 minutes before each ordinary meeting:-

2011

Monday, 9th May (Annual Meetings)
Monday, 6th June
Monday, 18th July
Monday, 5th September
Monday, 17th October
Monday, 5th December

2012

Monday, 16th January
Monday, 23rd January (Budget)
Monday, 5th March
Monday, 16th April
Monday, 14th May (Annual Meetings)

(b) That a representative from Durham Constabulary be invited to attend the Council meetings scheduled for 6th June and 5th December, 2011.

(c) That a representative from Barnard Castle Vision be invited to attend the Council meetings scheduled for 5th September, 2011 and 5th March, 2012.

(d) That the determination of the meeting arrangements for the Council’s Committees and Working Groups be noted.

(e) That all nine of the Council’s current Committees and Working Groups meet immediately after the Annual Council meeting on 9th May, 2011 to appoint Committee and Working Group Chairmen and Vice-Chairmen.

187. EXCLUSION OF PRESS AND PUBLIC (in respect of Minute 188 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 188 below on the grounds that it may involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the said Act.

188. GROUNDS MAINTENANCE CONTRACT 2011/12

Submitted – A report regarding the annual awarding of the contract for the Council’s grounds maintenance contract. It was confirmed that the Council’s Auditors were satisfied with this Council’s current arrangements as ‘best value’ was being obtained. Specific references were made to the current contractor’s excellent local support service and his extremely competitive rates (with his charge for grass-cutting of three of this Council’s five play areas to remain the same for the fifteenth year in succession).

Resolved – That Robson Horticulture Ltd. be appointed to provide the Council's grounds maintenance works for the period 1st April, 2011 to 31st March, 2012.