

**BARNARD CASTLE TOWN COUNCIL
COUNCIL MEETING**

16TH APRIL, 2012

(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 Grady, Mrs Hamilton, Harrison, Hinchcliffe (Minutes 208 to 218 inclusive), Peat, Robinson, Watson, Wood and Yarker.

Officer:- Mrs Plant (Assistant Clerk).

208. APOLOGIES:- None.

209. WELCOME TO COUNCILLOR MRS GRADY

It was reported that, pursuant to Minute 197/Mar/12, two valid nominations had been received for the North Ward vacancy and neither candidate had withdrawn their nomination papers by the deadline of 7th March, 2012. Consequently, an Election had taken place on 29th March, 2012. Mrs Angela Grady had been duly elected and became a Councillor for the North Ward when she made her Declaration of Acceptance of Office on 2nd April, 2012. The Town Mayor welcomed Councillor Mrs Grady to her first meeting as a Councillor.

210. 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.

211. COUNCIL MEETING – 5TH MARCH, 2012 – MINUTES

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

212. '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 – 5th March, 2012 – Minutes

Resolved – That the Minutes be received.

(2) Finance Committee Meeting – 12th March, 2012 – Minutes

Resolved – That the Minutes be received.

(3) Modernisation Committee Meeting – 19th March, 2012 – Minutes

Resolved – That the Minutes be received.

(4) Planning Committee Meeting – 26th March, 2012 – Minutes

Resolved – That the Minutes be received.

(5) Christmas Festival Committee Meeting – 26th March, 2012 – Minutes

Resolved – That the Minutes be received.

(6) Town Mayor's Activities

It was reported that, since the Council meeting on 5th March, 2012, the Town Mayor had attended the following:-

16th March	Barnard Castle Rugby Club's Cheque Presentation Ceremony (Birch Road).
21st March	(accompanied by Councillors Blissett and Yarker) Publicity photo-shoot to 'tee-off' the 2012 Mini Golf season (Scar Top).
29 th March	YMCA Teesdale Name Change Launch (46 Galgate).
29 th March	Radio Teesdale's 5 th Birthday Celebration (Barnard Castle Cricket Club, Vere Road).
30th March	(accompanied by the Town Mayoress (Miss R. Abrahams)) Spennymoor Town Council's Charity Evening (Town Hall, Spennymoor).

Resolved – That the information be noted.

(7) Chairman's Medal – Results

It was reported that, pursuant to Minute 181/Jan/12, the nomination for the Chairman's Medal from the Teesdale Action Partnership area was David Hutchinson for his community work associated with the Teesdale Village Halls Consortium, Mickleton Village Hall and Mickleton Carnival. It was further reported that Mr Hutchinson was successful in winning one of the three Chairman's Medals, for the South West area of County Durham.

Resolved – That the information be noted.

213. REFERRALS FROM COMMITTEES

(A) Modernisation Committee – Review of the Role of Town Council - Deferment of Implementation Date

Reference was made to the recommendation of the Modernisation Committee, at Minute 35 of the set of Minutes at sub-section (3) of Minute 212 above, in respect of the previously approved 'start date' for the arrangements arising from the review of the role of the Town Council which were to be introduced with effect from the Annual Council meeting scheduled for 14th May, 2012. Members reconsidered the matter as the result of the Clerk's continuing absence.

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

- (i) that the implementation date for the arrangements arising from the review of the role of the Town Council be deferred; and
- (ii) that, subject to the Clerk being declared fit and able to return to work, the Clerk recommends to a future Council meeting a formula and timescale for producing the report so that a revised 'start date' for the arrangements referred to at (i) above can be implemented.

(B) Modernisation Committee – Review of Standing Orders

Reference was made to the recommendation of the Modernisation Committee, at Minute 36 of the set of Minutes at sub-section (3) of Minute 212 above, in respect of a perceived need to specifically review this Council's Standing Order No. 6 – Proper Officer. The relevant legal obligations of a local council had been outlined to the Committee. It had also been accepted that this Council's Standing Orders were to be revised. Consideration was given as to who the potential substitute to be nominated by the Council should be in the long-term absence of the Clerk and whether this Council had a suitable employee that could be nominated to fulfil the role of 'proper officer' or whether a Councillor should be nominated, e.g. the Town Mayor.

Resolved – That the recommendation of the Modernisation Committee, to amend this Council's Standing Order No. 6 – Proper Officer, based on the 2010 Model Standing Orders for Local Councils and as submitted, be approved.

(C) Christmas Festival Committee – Christmas Lighting Improvements

Reference was made to the recommendation of the Christmas Festival Committee, at Minute 43 of the set of Minutes at sub-section (5) of Minute 212 above, in respect of an estimate provided by Lamp-Lighter (this Council's Christmas lighting display contractor) to refurbish faulty motifs, including the fact that there were three repair options available. Costs to buy new motifs were provided as a comparison. A breakdown of the 2011/12 Christmas Festival budget was provided and it was stressed that it had been reported to the budgetary Council meeting on 23rd January, 2012 that the projected 2011/12 revenue underspend of approximately £2,500 would be transferred into the Council's general reserves (Minute 191/Jan/12 refers). However, Members acknowledged that 2011/12 was year three of the Christmas lighting improvement project, consisting of the existing motifs being thoroughly overhauled and vital repairs carried out, and that the faults had been identified in the 2011/12 financial year. It was noted that a balance remained in the Christmas Emergency Fund.

Resolved – That the following recommendations of the Christmas Festival Committee be approved:-

- (i) that the Christmas Festival projected 2011/12 revenue underspend be carried forward into the 2012/13 financial year and that it be specifically earmarked for the refurbishment of the faulty motifs only;
- (ii) that, should the projected 2011/12 revenue underspend not be enough to cover the costs of the refurbishment of the faulty motifs, the Christmas Emergency Fund also be used towards those costs; and
- (iii) that, should the costs of the refurbishment of the faulty motifs be less than the Christmas Festival projected 2011/12 revenue underspend, any surplus be transferred into the Council's general reserves.

214. APPOINTMENT OF PROPER OFFICER

Pursuant to the decision at Minute 213(B) above, in respect of the amendment to this Council's Standing Order No. 6 – Proper Officer, further consideration was given to the current situation.

Resolved – That, in accordance with the revised provisions of this Council's Standing Order No. 6, the Assistant Clerk be appointed to undertake the role of the Proper Officer during the Proper Officer's current absence.

215. COUNCIL'S COMMITTEES AND WORKING GROUPS - VACANCIES

Submitted – Pursuant to Minute 199/Mar/12 and following the resignation of Councillor Mrs Dixon, a report seeking the filling of vacancies on the Council's subsidiary bodies for the remainder of the Municipal Year 2011/12.

Resolved – (a) That Councillor Mrs Grady be appointed to fill the sixth place on the Finance Committee.

(b) That, in respect of the Planning Committee, Councillor Robinson be appointed to fill the fourth place and Councillor Mrs Grady be appointed as the substitute.

(c) That the Allotments and Play Areas Working Group membership be reduced to 5 seats.

216. REPRESENTATION ON OTHER BODIES

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

(1) Barney Guild – Meeting on 19th March, 2012

Submitted - The Minutes of the Barney Guild's meeting on 19th March, 2012. Reference was made to the Guild's decision to submit a bid to become a Portas Pilot and the fact that the Town Council, along with a number of other organisations, had been requested to provide a letter of support to accompany the funding application. As the application deadline had been the end of March 2012, it was noted that a very general letter of support had been provided in line with this Council's overall support towards any positive improvement to the Town that will benefit local retailers and the community. Whilst it was acknowledged that the application deadline had passed, Members were asked to consider whether a more detailed response of support should be submitted and details of the Guild's work on the submission to become a Portas Pilot were outlined.

Resolved – (a) That the Barney Guild be advised that this Council is in full support of the Guild's bid to become a Portas Pilot and the initiative to improve the Town.

(b) That, in the event of the Barney Guild becoming a Portas Pilot, Councillor Peat be nominated as this Council's representative on the Barnard Castle Town Team.

(2) Teesdale Local Councils' Forum – Meeting on 2nd April, 2012

It was reported that, at the Forum's meeting on 2nd April, 2012, matters discussed included updates on Teesdale Action Partnership, the County Durham Association of Local Councils' Executive Committee, wind turbines, Neighbourhood Plans, a venue for future meetings and the future provision of clerical support.

Resolved – That the information be noted.

(3) Teesdale Residents and Travellers Forum – Meeting on 6th March, 2012

It was reported that, at the Forum's meeting on 6th March, 2012, issues discussed in respect of Barnard Castle centred on the entrances to The Demesnes, including the fact that a letter to those affected residents regarding bollard security on The Demesnes would be again distributed. It was also confirmed that the temporary traffic restrictions along Bridgegate would be in place from 28th May until 18th June 2012. All Bridgegate residents would be kept informed of activities, including the alternative location where those residents affected could park during that period.

Resolved – That the information be noted.

217. SERVICE AND PROJECT UPDATES

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

(1) Heart of Teesdale Landscape Partnership

It was reported that, pursuant to Minute 157/Dec/11, a further explanation had been received from the Partnership in respect of this Council's concerns regarding the lack of local council representation on the Partnership's Advisory Group. Members were advised that the Group would not be making any changes to its membership at this time but it was happy to continue to update the Council direct on a regular basis. Discussion ensued and, whilst the further explanation was also considered inadequate, no further action would be taken.

Resolved – That the situation be noted.

(2) Market Place Public Toilets

It was reported that, pursuant to Minute 158(1)/Dec/11, Durham County Council had asked for this Council's capital contribution allocated specifically for the toilets refurbishments and also for a contribution towards the 2011/12 running costs to be paid from the earmarked reserved funds included in the 2010/11 budget specifically for the running costs of the toilets once they had been re-opened (Minute 128/Jan/10 refers). It was noted that this contribution was in accordance with the previously agreed 50/50 split between the County Council and this Council.

Resolved – That the situation be noted.

218. BARNARD CASTLE VISION

Submitted - A briefing note (written by Mrs A. Ward of the Barnard Castle Vision) providing an update on the Vision's ongoing projects, including The Witham Hall situation, NeST, the Shop Front scheme, the Market Cross situation, the Barney Guild and the Heart of Teesdale Landscape Partnership.

Resolved – That the information be noted.

219. LIBRARY CONSULTATION

Submitted – Pursuant to Minute 80/Sep/10, a report summarising phase 2 of Durham County Council's draft Library strategy consultation, including that Council's Library vision and what it proposed to do to support the strategy, including a reduction in the opening hours of Barnard Castle's Library. It was also reported that the County Council would also be considering proposals to move the Library service into a non-profit distributing organisation or charitable Trust. The library consultation questionnaire was also circulated. The deadline for comments was 4th May, 2012.

Councillor Watson had also submitted a report in respect of the matter and put forward a number of recommendations in response to specific questions in the consultation questionnaire.

Discussion ensued and, whilst it was acknowledged that Durham County Council was not currently proposing any library closures within the County, reference was made to a recent High Court decision that ruled proposed closures of libraries in Somerset and Gloucestershire as unlawful as the closures did not comply with 'public sector equality duties'.

Resolved – (a) That the recommendations submitted in Councillor Watson’s report in respect of Durham County Council’s Library consultation, as now amended, be approved.
(b) That Councillor Watson be nominated as this Council’s representative to meet the Chairman and representatives of the Friends of the Library to identify a process of co-operative working to safeguard the Library service to the Town and its catchment area.

220. PARTIAL COLLAPSE OF THE CASTLE OUTER WARD PERIMETER WALL - UPDATE

Submitted - Pursuant to Minute 77/Sep/10, a further update from the County Council’s Head of Planning and Assets, in respect of the repairs required to the Castle outer ward perimeter wall, which confirmed that efforts were continuing to be made to establish ownership of the Castle walls and the resultant liability for remedial works. It was noted that progress was being made in respect of the matter, albeit slowly.

Resolved - That the updated situation be noted.

221. CIVIL PARKING ENFORCEMENT CONSULTATION

Submitted – A report summarising Durham County Council’s strategy to introduce Civil Parking Enforcement (CPE), i.e. the act of transferring enforcement of non-endorseable parking contraventions from the Police to a local authority, in South Durham in line with the rest of the County. The report included background details and the benefits of CPE. The County Council sought the views and approval of affected areas before implementing CPE in South Durham, anticipated to be by the end of 2012.

Resolved – (a) That Durham County Council be advised that this Council supports in principle the introduction of Civil Parking Enforcement in South Durham.
(b) That Durham County Council be urged to work in conjunction with this Council in respect of future revised parking regulations in the Town.

222. ANNUAL TOWN AND COUNCIL MEETINGS – 14TH MAY, 2012 – PROCEDURES

Submitted – A report on the formats of the Annual Town and Council meetings scheduled for 14th May, 2012, including a number of associated procedures. Reference was made to the previous Council decision in respect of the elections of the Town Mayor and Deputy Town Mayor (Minute 177/Mar/11 refers) and specific discussion centered on whether the Town Mayor and the Deputy Town Mayor could legally be re-elected ‘automatically’. It was confirmed that short meetings of this Council’s Committees and Working Groups would also take place on the same evening and reference was also made to the advertising of the main meetings. Members were reminded that the Annual Town Meeting was not a meeting of the Town Council but a meeting of all of the electors from within the Town of Barnard Castle.

Resolved – (a) That, notwithstanding the previous decision, the resolution at Minute 177(c)/Mar/11 be reworded as follows:-

‘That the Town Mayor and the Deputy Town Mayor are to be 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.’

(b) That, with the exception of the change referred to at (a) above, the overall format and procedures be approved.

(c) That the Annual meetings be advertised in the Teesdale Mercury and via the internet.

223. EXCLUSION OF PRESS AND PUBLIC (in respect of Minute 224 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 Minute 224 below on the grounds that they may involve the likely disclosure of exempt information as defined in Parts 1, 3 and 4 of Schedule 12A of the said Act.

224. FLORAL ARRANGEMENTS 2012/13 – TENDERING ARRANGEMENTS

Submitted – Pursuant to Minute 207/Mar/12, a report on the receipt of quotations for the 2012/13 floral arrangements in the Town, including the fact that two of the businesses invited to tender had advised that they were not in a position to submit quotations as both companies' order books were full. In addition, one business did not submit a quotation. Comparative quotation figures from previous years were supplied to aid Members' deliberations. In accordance with the previously approved method of consideration, details were supplied of the business that had submitted a quotation.

Resolved – That the quotation from Elm Ridge Gardens Limited, Darlington, in the sum of £2,035.00 (+VAT), to provide the Council's 2012/13 floral displays, be accepted.