

**BARNARD CASTLE TOWN COUNCIL
COUNCIL MEETING****7 OCTOBER 2013**

PRESENT:- Councillor Harrison (Town Mayor)(in the Chair); Councillors Blissett, Cooke (Minutes 57 to 68 inclusive), Deacon, Mrs Grady, Hinchcliffe (Minutes 50 to 67 inclusive), Kinch, Mrs Moorhouse, Peat, Robinson, Watson and Yarker.

Also in attendance:- Sgt Rogers (Minutes 50 to 52 only); 1 member of the public (Minutes 50 to 65 inclusive).

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

50. ACCEPTANCE, OR OTHERWISE OF APOLOGIES

Councillor Cooke had submitted apologies as he would be arriving late to the meeting.

Resolved – That Councillor Cooke's apologies be accepted.

51. DECLARATIONS OF INTEREST

In accordance with this Council's adopted Code of Conduct (Minute 72(a)/Sep/12 refers), Members were asked whether they had any personal, pecuniary 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. Councillors Deacon, Mrs Grady and Robinson declared a non-pecuniary interest in Minute 58 and left the meeting during the decisive vote on the matter.

52. ATTENDANCE OF POLICE REPRESENTATIVE

In accordance with the arrangements agreed at Minute 43(b)/Jul/13, Sgt Rogers of Durham Constabulary attended the meeting. Members were informed of current priorities, including current crime rate figures, Farmwatch, the traveller migration period and the fact that the local PCSOs were working with Teesdale YMCA.

Resolved – That Sgt Rogers be thanked for his attendance.

53. COUNCIL MEETING – 8 JULY 2013 – MINUTES

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

In respect of Minute 43 (Police Attendance at Meetings), the second sentence in the second paragraph be amended as follows:-

'Sgt Rogers and PCSO Richardson attended this meeting to reiterate that invitation, especially in the light of potential anti social behaviour that might take place on the newly revamped Scar Top performance area, play area and the Mini Golf course and encouraged all Members to attend the next PACT meeting to raise their concerns.'

54. OUTCOME OF MEETING OF COMPLAINTS SUB COMMITTEE – 25 JULY 2013

Reference was made to Minute 5 at sub section 4 of Minute 56 and the Clerk reported that the matter, considered on an informal mechanism falling outside the statutory provisions of §28(4) of the Localism Act 2011, had been resolved.

Resolved – That the information be noted.

55. SPECIAL COUNCIL MEETING – 9 SEPTEMBER 2013 – MINUTES

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

56. 'EN BLOC' ITEMS

Submitted – In accordance with Minute 72/Aug/04, a set of items with the accompanying recommendations to be moved 'en bloc'. The fifteen items considered at the meeting were as follows:-

1. Planning Committee Meeting – 8 July 2013 – Minutes

Resolved - That the Minutes be received.

2. Planning Committee Meeting – 22 July 2013 – Minutes

Resolved - That the Minutes be received.

3. Partnership Committee Meeting – 22 July 2013 – Minutes

Resolved - That the Minutes be received.

4. Complaints Sub Committee Meeting – 25 July 2013 – Minutes

Resolved – That the Minutes be received.

5. 2013 Christmas Event Task and Finish Group Meeting – 14 August 2013 – Notes

Resolved - That the Notes be received.

6. Planning Committee Meeting – 19 August 2013 – Minutes

Resolved - That the Minutes be received.

7. 2013 Christmas Event Task and Finish Group Meeting – 4 September 2013 – Notes

Resolved - That the Notes be received.

8. Planning Committee Meeting – 9 September 2013 – Minutes

Resolved - That the Minutes be received.

9. Services Committee Meeting – 9 September 2013 – Minutes

Resolved - That the Minutes be received.

10. Planning Committee Meeting – 23 September 2013 – Minutes

Resolved - That the Minutes be received.

11. Special Partnership Committee Meeting – 23 September 2013 – Minutes

Resolved - That the Minutes be received.

12. Resources Committee Meeting – 23 September 2013 – Minutes

Resolved - That the Minutes be received.

13. 2013 Christmas Event Task and Finish Group Meeting – 26 September 2013 – Notes

Resolved - That the Notes be received.

14. 2013 Christmas Event Task and Finish Group Meeting – 30 September 2013 – Notes

Resolved - That the Notes be received.

15. Town Mayor's Activities

It was reported that, since the Council meeting on 8 July 2013, the Town Mayor had attended the following:-

- 18 July **(accompanied by the Town Mayoress (Mrs P. Harrison))**
Prize-giving Evening (Teesdale School, Prospect Place).
- 19 July **(accompanied by the Town Mayoress)**
The Royal British Legion Freedom Ceremony and Parade (Richmond Town Council, Market Place).
- 20 July **(accompanied by the Town Mayoress)**
Mini Golf 'Grand Opening' (Town Council, Scar Top).
- 25 July **(accompanied by the Town Mayoress)**
Installation/unveiling of the new Witham Hall blue plaque (The Witham Hall, Horsemarket).
- 26 July **(accompanied by the Town Mayoress)**
Mayor's Charity Evening (Shildon Town Council, Civic Hall, Shildon).
- 31 July Annual General Meeting (Teesdale YMCA, Galgate).
- 1 August **(accompanied by the Town Mayoress)**
The Remembrance Garden Project Completion (Town Council, Galgate)
- 6 September **(accompanied by the Town Mayoress)**
Mayor's Charity Night (Chilton Town Council, Chilton Workingmen's Club)
- 7 September **(accompanied by the Town Mayoress)**
Opening of the Friends of the Richardson Hospital Summer Fair
- 8 September **(accompanied by the Town Mayoress)**
Mayor's Civic Sunday Service (Richmond Town Council, Town Hall, Richmond)
- 9 September Photo shoot to launch the Poop Scoop Swoop campaign (Town Council, Scar Top)
- 10 September North Pennine Dales Leader Celebratory Event (Mickleton Village Hall)
- 15 September **(accompanied by the Town Mayoress)**
Civic Sunday Service (Spennymoor Town Council, St David's Church, Tudhoe Village).
- 18 September Chairman's Medal Nomination 2013 Small Awards Ceremony (Teesdale Action Partnership, Eggleston Village Hall)
- 20 September **(accompanied by the Town Mayoress)**
Mayor's Drinks & Canapés Reception & Choral Evening (Darlington Borough Council, St Cuthbert's Church, Darlington).

A member made reference to certain decisions taken at recent Planning Committee meetings being perceived as unduly objectionable resulting in letters of complaints from residents being printed in the local press. Discussion ensued and it was suggested that Durham County Council's Head of Planning be asked to attend a future Council meeting to explain the planning process and the Town Council's role in that process. It was also suggested that DCC be requested to provide a presentation on the latest draft of the County Durham Plan at the next Council meeting.

Resolved – (a) That the information be noted.

(b) That Durham County Council's Head of Planning be asked to attend a future Council to explain the planning process and the Town Council's role in that process and to provide a presentation on the latest draft of the County Durham Plan.

57. UPDATES AND REFERRALS FROM COMMITTEES

(1) Partnership Committee

It was confirmed that pursuant to the decision to organise a programme of Summer Scar Top Concerts, a Buskers' Day, Brass Band Concert, Medieval Day and Teddy Bears' Picnic duly took place, all of which were well received.

The Streets of Durham Festival took place on August Bank Holiday and was considered to be a great success.

Resolved – That the information be noted.

(2) Resources Committee

The Resources Committee, at its meeting on 23 September 2013, considered a review of this Council's position on the payment of subsistence allowances (Minute 12b/June/13 at sub section 4 of Minute 56 refers). The various rates of payment were outlined and it was noted that there was no evidence to suggest that any member (or officer) of this council had been dissuaded or prevented from attending a business meeting or training session in pursuit of town council duties as a result of there currently being no arrangements for the payment of subsistence allowances. The potential cost implications to the Council should an allowance be introduced was also outlined.

Resolved – That the Town Council endorses the decision of the Resources Committee and that the Town Council maintains its current policy and does not make subsistence payments to either members or staff.

(3) Services Committee

(i) Dog Fouling

It was confirmed that the 'Eyes' signs had been installed at three locations in the town and associated press articles to launch the 'Poop Scoop Swoop' project had been published. It was also confirmed that a new dog waste bin was on order.

(ii) Castle Walls Bulb Planting Scheme

It was confirmed that the daffodil bulbs had been received and a relevant press release would be imminently issued by the Heart of Teesdale Landscape Partnership's Volunteering Officer to seek bulb planting volunteers. The community bulb planting days were scheduled to take place on 9 and 13 November. All members were invited to take part.

Resolved – That the information be noted.

58. BARNARD CASTLE MEET – COMMUNITY EVENTS DONATION REQUEST

Submitted – A report outlining a request received from the Barnard Castle Meet for sponsorship of £1,500 from the Town Council's Community Events budget towards The Meet's firework display on 1 November 2013. It was noted there was no set procedure for evaluating requests for support from the Community Events budget, other than to consider the extent to which the request was consistent with the policy and the current state of the community events budget, which was summarised. It was also noted that, under normal circumstances, such a request would be considered by the Partnership

Committee. However, as a significant number of the members of that Committee had to declare an interest in this item, through their involvement with The Meet, it was prudent for the request to be considered by full Council.

The Councillors who were also members of The Meet Committee answered questions to aid the deliberations before leaving the room for a decision to be made, in accordance with Standing Orders 7c & 7d. Discussion ensued. A member proposed to approve the request, which was seconded. An amendment was made to request that The Meet Committee submit relevant financial information etc., prior to any decision. The amendment was voted upon and dismissed. The substantive motion was then put to a vote.

Resolved – That sponsorship of £1,500 be made to the Barnard Castle Meet from the Town Council's Community Events budget towards The Meet's firework display on 1 November 2013.

59. CLERK'S UPDATE

Submitted – A report outlining recent activities undertaken by the Clerk and staff, summarised the Clerk's forthcoming leave and provided updates in respect of the Town Council's request for a community governance review of the parish boundary and the proposed asset transfers affecting Scar Top and the Demesnes, both of which were being progressed by Durham County Council officers.

Resolved – That the information be noted.

60. 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) Barnard Castle Business Guild Meeting – 11 September 2013

It was reported that, at the Guild meeting on 11 September, issues discussed included the Guild's involvement in the Town Council's Christmas events, finances and policing in the town.

Resolved – That the information be noted.

(2) Teesdale Local Councils' Forum Meeting – 15 July and 10 September 2013

It was reported that, at the Forum meeting on 15 July, Ron Hogg, Durham's Police and Crime Commissioner gave a presentation and an update on the Teesdale Action Partnership was provided.

At the Forum meeting on 10 September, it was reported that issues discussed included Parish Plans, travellers, a potential memorial to commemorate the fallen of the First World War and the Forum's finances.

Resolved – That the information be noted.

(3) Smaller Councils Forum Meeting – 16 August 2013

Submitted – A report by Cllr Kinch summarising the matters discussed at the above Forum meeting, including the introduction of a second state pension leading to an increase in employee and employer national insurance contributions from 2016, local councillors and data protection registration fees, localisation of council tax support and the creation of a combined north east authority.

Resolved – That the information be noted.

(4) County Durham Association of Local Councils – AGM – 26 October 2013

As the issue of the removal of Durham County Council's support for the Association and the associated implications was an important agenda item to be discussed at the above meeting, Councillor Kinch had suggested that, as he was intending to attend the meeting, he be nominated as this Council's representative to allow this Council a vote on the matter.

Resolved – That Councillor Kinch be nominated to represent the Town Council at the County Durham Association of Local Councils Annual General Meeting on 26 October 2013.

61. AUDIT OF ACCOUNTS 2012/13 – FINAL REPORT

Submitted – Pursuant to Minute 27/Jun/13 and following completion of the 2012/13 Audit by this Council's External Auditor, a report seeking approval of this Council's 2012/13 Annual Return. The External Auditor had raised no issues.

Resolved – (a) That the 2012/13 Annual Return be approved and accepted.
(b) That the Council's thanks be conveyed to the office staff, in particular Mrs J. Smith, Services Administrator, for the efficiency displayed in the matter.

62. 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, NeST, the Barnard Castle Business Guild and the Heart of Teesdale Landscape Partnership.

Resolved – (a) That the information be noted.
(b) That Councillor Harrison (Town Mayor) be nominated as this Council's representative to attend the Heart of Teesdale Landscape Partnership's Annual Forum on 27 November 2013.

63. CASTLE WALLS UPDATE

Submitted – A report providing an update on the project jointly run by Durham County Council, English Heritage and Raby Estates to survey the condition of the walls and cliff facing Bridgegate and to provide options for their preservation, including the fact that the three parties had declined an invitation to attend this Council meeting to provide members with an update, as a specialist engineering survey was to be imminently procured to evaluate the walls and the three parties would attend a future public meeting to present the findings and their conclusions after the survey had been carried out.

Resolved - That the position be noted.

64. MARKETS UPDATE

It was reported that a meeting between the Town Clerk and senior DCC officers had taken place on 17 September in respect of the Markets tendering exercise. The Town Council's resolved position and the rationale behind its decision not to bid to operate the town's Wednesday market was outlined at the meeting. It was confirmed that an update was still awaited from DCC on the outcome of the tendering exercise.

It was also confirmed that progress was being made in respect of locating a copy of the Royal Charter of 1603 conferring the right to the Barnard Castle's Wednesday market, albeit slowly.

Resolved – That the information be noted.

65. REVIEW OF GARDEN WASTE COLLECTIONS – CONSULTATION

Submitted – A report summarising Durham County Council's consultation in respect of proposed changes to its garden waste collection service to aid a savings requirement in line with DCC's overall medium term financial plan, including the fact that the proposed provision was to provide an 'opt in' chargeable garden waste collection service and that the service for Teesdale would involve the charge being paid direct to Teesdale Conservation Volunteers (trading as Rotters). The deadline for comments was 28 October 2013.

Discussion ensued and, whilst it was recognised that DCC were consulting on the proposed changes, members considered that DCC had already determined to introduce an 'opt in' chargeable garden waste collection service even if the consultation outcome was against the proposal.

Resolved – That Durham County Council be informed that this Council considers the Review of Garden Waste Collections Consultation a futile exercise as it is known that the County Council intends to introduce the scheme regardless.

NOTE – At this point, a member challenged the exclusion recommendation in respect of the matters referred to at Minutes 67 and 68 below. Discussion ensued and the Clerk strongly recommended that, in accordance with the Public Bodies (Admission to Meetings) Act 1960 §1(2) protocol and in the best interests of this Council, discussion of the items should take place whilst the press and public were excluded from the meeting and this was agreed.

66. EXCLUSION OF PRESS AND PUBLIC (IN RESPECT OF MINUTES 67 AND 68 BELOW)

Resolved – That, under the provisions of the Public Bodies (Admission to Meetings) Act 1960 §1(2), the press and public be excluded from the meeting during consideration of the matter referred to at Minutes 67 and 68 below, due to the confidential nature of the business to be transacted.

67. OFFICE ACCOMMODATION

Pursuant to Minute 29/Jun/13, it was reported that the negotiation for the lease of Tower View, Scar Top as office accommodation had failed and the reasons were outlined.

Resolved – That the situation be noted.

68. ALLOTMENTS

(1) Town Head Allotment

Note: Councillor Harrison (Town Mayor) declared a non-pecuniary interest (as an allotment tenant) and did not take part in the vote hereon.

Submitted – Pursuant to Services Committee Minute 31/Sep/13, a report providing an update on correspondence to resolve complaints about access to the Town Head allotment and about a subsequent offer to purchase land behind 9 Bede Road. A

summary of the ownership of and access rights to land to the side of 11 Bede Road and to the rear of 9 and 11 Bede Road was also provided.

Resolved – That, in respect of the offer to purchase land behind 9 Bede Road, the matter be deferred until the property owner of 11 Bede Road is invited and a response is received to be also included in the discussions on the matter.

(2) Taylor Wimpey Ltd – Darlington Road Development

Pursuant to Minute 202(vii)/Mar/12, when it was determined that this Council should express an interest in becoming the future owners of the land designated as allotment space in the proposed development, by way of a Section 106 Agreement, as the proposed provision would contribute to the reduction of this Council's allotment waiting list, a more detailed landscape plan of the garden, received from Taylor Wimpey Ltd, was submitted for members consideration.

Discussion ensued and, whilst it was acknowledged that Marwood Parish Council would be given first refusal to manage the garden, it was now considered that, mainly because of the small size of the garden, the site would not alleviate this Council's allotment waiting list and would therefore be more suited to a community organisation, such as 'Veg Out in Barney'.

Resolved – (a) That the decision at Minute 202(vii)/Mar/12 be rescinded.

(b) That Taylor Wimpey Ltd be advised that this Council no longer expresses an interest in becoming the future owners of the community allotment garden and that it be alternatively offered to an appropriate community organisation.