

**BARNARD CASTLE TOWN COUNCIL
COUNCIL MEETING**

2 DECEMBER 2013

PRESENT: Councillor Harrison (Town Mayor) (in the Chair); Councillors Blissett, Deacon, Hinchcliffe (Minutes 69 to 82 inclusive), Mrs Moorhouse, Peat and Robinson.

Also in attendance: Mr R Hogg (Durham Police and Crime Commissioner) (Minutes 69 to 71 only); 3 members of the public (Minutes 69 to 82 inclusive); 5 members of the public (Minutes 71 to 82 inclusive).

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

NOTE – A written request to record the proceedings of this Town Council meeting had been received and the request was granted.

69. ACCEPTANCE, OR OTHERWISE OF APOLOGIES

Apologies had been received from Councillor's Cooke, Mrs Grady, Kinch, Watson and Yarker.

Resolved – That Councillors Cooke, Mrs Grady, Kinch, Watson and Yarker's apologies be accepted.

70. 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. There were no declarations of interest at this juncture.

71. ATTENDANCE OF DURHAM POLICE AND CRIME COMMISSIONER

Durham's Police and Crime Commissioner, Mr Ron Hogg, attended the meeting and provided Members with an outline of his role, including his manifesto commitments and priorities. A question and answer session ensued.

Resolved – That Mr Hogg be thanked for his attendance.

72. QUESTION FROM A MEMBER OF THE PUBLIC

In accordance with the Council's Public Participation Procedure, a member of the public had submitted a question in respect of the exterior festive lighting of the Market Cross.

However, as the matter was to be debated under item 75(1)(d), the Town Mayor stated that the question would be considered by members at that point.

73. COUNCIL MEETING – 7 OCTOBER 2013 – MINUTES

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

74. '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 nine items considered at the meeting were as follows:

(1) Planning Committee Meeting – 7 October 2013 – Minutes

Resolved - That the Minutes be received.

(2) Planning Committee Meeting – 21 October 2013 – Minutes

Resolved - That the Minutes be received.

(3) Partnership Committee Meeting – 21 October 2013 – Minutes

Resolved - That the Minutes be received.

(4) Planning Committee Meeting – 4 November 2013 – Minutes

Resolved - That the Minutes be received.

(5) Services Committee Meeting – 4 November 2013 – Minutes

Resolved - That the Minutes be received.

(6) Special Planning Committee Meeting – 11 November 2013 – Minutes

Resolved - That the Minutes be received.

(7) Resources Committee Meeting – 18 November 2013 – Minutes

Resolved - That the Minutes be received.

(8) 2013 Christmas Event Task and Finish Group Meeting – 27 November 2013 – Notes

Resolved - That the Notes be received.

(9) Town Mayor's Activities

It was reported that, since the Council meeting on 7 October 2013, the Town Mayor had attended the following:

10 October	World Sight Day (Teesdale & District Lions Club, Barnard Castle Town)
18 October	Mayoral Interview (Radionthon, Radio Teesdale, Harmire Enterprise Park)
7 November	(accompanied by the Town Mayoress (Mrs P. Harrison)) Mayor's Charity Evening (Bishop Auckland Town Council, Bishop Auckland, Golf Club)
9 November	(accompanied by the Town Mayoress) United Reform Church Coffee Morning (Hall Street)
10 November	(accompanied by the Town Mayoress) Remembrance Sunday
11 November	12 Days of Christmas Bauble Design Competition Judging (Bowes Museum)
15 November	(accompanied by the Town Mayoress) Mayor's Annual Civic Charity Ball (Sunderland City Council, Rainton Meadows Arena, Houghton le Spring)
29 November	(accompanied by the Town Mayoress) Friends of The Bowes Museum Carol Concert and Launch of Twelve Days of Christmas trail (The Bowes Museum)
30 November	(accompanied by the Town Mayoress) Mayor's Christmas Band Concert (Ferryhill Town Council, Mainsforth Community Centre, Ferryhill Station)

Resolved – That the information be noted.

75. UPDATES AND REFERRALS FROM COMMITTEES

(1) Partnership Committee

(a) Remembrance Sunday Event

It was reported that positive feedback had been received in respect to the arrangements for this year's Remembrance Sunday and that a letter had been sent to the press thanking all those organisations and individuals who had taken part.

Resolved – That this Council's thanks be extended to all those individuals and organisations involved on the day.

(b) Poppy Appeal

It was confirmed that, since the closure of the 2012 Poppy Appeal on 30 September 2013, the final total raised for this district was £10,670.10.

It was reported that the 2013 Local Appeal was launched on 26 October and that, to date, £9,273.88 had been raised. Thank You cards were in the process of being distributed to all those organisations and businesses who had taken part detailing the individual amounts raised. It was noted that, as the 2013 Appeal would not officially close until 30 September 2014, there were further opportunities for the overall total to increase.

Resolved – That this Council's thanks be extended to all those individuals, organisations and businesses involved in the successful co-ordination of the Appeal during the Remembrancetide period.

(c) 2013 Christmas Events

(i) 2013 Christmas Tree Lights Switch-on Event – 6 December 2013

It was confirmed that the arrangements for the above event were all in hand, including the fact that Santa's grotto would be located in the Methodist Church as it was in 2012.

(ii) 2013 Grand Christmas Fireworks Event & 12 Days of Christmas Trail – 13 December 2013

It was confirmed that the arrangements for the above event were also in hand, including the fact that 78 locations for the 12 Days of Christmas Trail baubles had been confirmed and that the trail was launched at the Friends of The Bowes Museum's lighting of the Christmas tree event on Friday 29 November.

Resolved – That the situations be noted.

(d) Christmas Lighting Display - Relocation of Curtain Lights

Reference was made to the decision of the Partnership Committee (under its delegated responsibility for the town's Christmas lighting display), in respect of the relocation of the curtain lights which previously lit the Market Cross, that it be recommended to the Resources Committee meeting on 18 November 2013 that the lights be donated to, and appropriately used by, the Barnard Castle Business Guild (Minute 36(a)/Oct/13 refers).

Consequently, reference was made to the subsequent decision of the Resources Committee (under its delegated responsibility to approve changes to the Council's Fixed Asset Register) that it be recommended to the Council meeting on 2 December 2013, that the curtain lights should not be disposed of and that the Partnership Committee should endeavour to relocate the lights at another suitable location (Minute 31/Nov/13 refers).

A summary of the lights' history was provided to aid Members in their deliberations and the Clerk made reference to a statement received from the Barnard Castle Business Guild stating that the Guild did not want ownership of the lights but that it did want to see the lights *in situ* again.

Discussion ensued, the question submitted by a member of the public (72, above) was noted and references were made to the high costs of installing the lights, the fact that other towns in County Durham had the installation/dismantling costs of their Christmas lighting paid for by Durham County Council and the fact that the building would benefit from a static lighting scheme that would present the building for the historic and iconic structure that it is.

NOTE – At this point, the member of the public who had submitted a question in respect of the curtain lights was invited to ask a supplementary question in respect of the matter.

Further discussion ensued.

Resolved – (a) That the town council retains ownership of the curtain lights.
(b) That, should a legitimate organisation be prepared to appropriately use the lights, the town council should loan the lights to that organisation.
(c) That endeavours be made with Durham County Council for the installation of a static lighting scheme to the Market Cross from 2014.

NOTE – Whilst the member of the public's question had not been directly answered, he was satisfied with the outcome of the debate on the matter.

(2) Planning Committee

It was reported that, at the Planning Committee meeting on 11 November 2013, Durham County Council's consultation in respect of proposed changes to its Statement of Licensing Act 2003 Policy was considered. The Policy's four licensing objectives were outlined, including the facts that, as part of the updated policy, DCC would introduce a new section about the approach the authority would take in relation to authorised licensing hours to apply to all applications for a new Premises Licence, a new Club Premises Certificate, reviews of Premises Licences or Club Premises Certificates and Provisional Statements. The types of premises affected by the proposed change in policy were noted, as was the fact that when considering appropriate times for licensing hours, DCC would take regards to concerns expressed by residents, the licensed trade and Durham Constabulary. It was noted that the deadline for comments was 2 January 2014.

Resolved - That the Town Council endorses the decision of the Planning Committee and that the proposed changes to Durham County Council's Statement of Licensing Act 2003 Policy be approved but that concerns be expressed that it is considered that there is an insufficient staffing level available to carry out an effective licensing enforcement service.

(3) Resources Committee

Christmas Lighting Display - Relocation of Curtain Lights

Referred to at 1 (d) above.

(4) Services Committee

It was reported that the following matters had all been considered at the Services Committee meeting on 4 November 2013:

(a) Play Areas

(i) Future Play Area Provision

It was reported that, during consideration of the Play Areas 2014/15 budgetary bid, Members suggestions for future play area provision were also considered. Members were reminded that Dawson Road, Green Lane, Kalafat, Marwood Drive play areas and Ten Fields were owned by Fields in Trust (FIT, formerly the National Playing Fields Association) with the town council being the Managing Trustee and therefore FIT must grant approval to any proposed changes to the sites. Drawbacks to some of the suggestions were outlined.

Resolved - (a) That a public consultation exercise be carried out during 2014/15 to ascertain if Kalafat play area, Tenfields and Green Lane Play area require further development and to ascertain preferred options.
(b) That a community walk between Green Lane, Ten Fields and Kalafat be created.

(ii) Ten Fields rental by Barnard Castle Football Club

It was reported that, also during discussion of the Play Areas 2014/15 budgetary bid, it was confirmed that a meeting had been held with the Chairman of Barnard Castle Football Club to review the 'hold-over' lease situation and that it had been subsequently confirmed that the Club's Committee were agreeable to a new 35-year lease being drawn up. The Committee acknowledged that the provision of a long term lease would be a benefit to the Club as certain grant funding applications required such a lease to be in place.

A member had suggested that the Club's hut should become a community sports pavilion, thereby allowing other sporting organisations the use of it. Whilst this would require a decision from the Club, it was acknowledged that the suggestion could potentially open up more funding opportunities so the Club should be encouraged to consider such an idea.

Resolved - That the town council endorses the decision of the Services Committee for a new 35 year lease to be prepared between this Council, Barnard Castle Football Club and Fields in Trust for the rental of Ten Fields, with the yearly rental for the first five years to be £100 and every five years thereafter an incremental increase of (at least) 5%, subject to review, be applied, with the costs of the preparation of the lease being met from the 2014/15 Play Areas budget.

(b) Floral and Open Spaces

(i) Castle Walls Bulb Planting Scheme

It was confirmed that the majority of the 10,000 daffodil bulbs had been planted in conjunction with the Heart of Teesdale Landscape Partnership's Volunteering Officer who sought bulb planting volunteers for two planting days and that Rotters had planted out some of the steeper slopes. The spare bulbs would be planted in 2014 to fill any gaps.

Resolved – That the information be noted.

(ii) Galgate Greens Improvement Project

It was reported that, during the deliberation of the Floral and Open Spaces 2014/15 budgetary bid, members considered how the unexpected underspend in respect of the 2013/14 budget should be spent. As a member had proposed that a sum of £6,000 should be included in the 2014/15 budget to enable the town council to carry out the Galgate Greens Improvement Project itself by directly funding the project, discussion ensued in respect of the matter and it was subsequently agreed:

(a) That the following be recommended to the Council meeting on 2 December 2013:

(i) that the Floral and Open Spaces 2013/14 underspend be transferred to the Galgate Greens Improvement Project;

(ii) that the remaining balance from the Garden of Remembrance Improvement Project be transferred to the Galgate Greens Improvement Project; and

(b) That the Galgate Greens Improvement project be directly funded by this Council and progressed in yearly phases to spread the cost of the works.

It was noted that point (a)(ii) above would be considered by the Council at Minute 77.

Resolved – That the Town Council endorses the decision of the Services Committee and that the Floral and Open Spaces 2013/14 underspend be transferred to the Galgate Greens Improvement Project.

(c) Public Seats

As a number of members had put forward suggestions in respect of the future of public seating in the town, the Committee considered a report in respect of a Public Seats 2014/15 budgetary bid. Reference was made to the Heart of Teesdale Landscape Partnership's Paths for all People Flatts Wood and Tees Bank restoration project and the fact that public seats were being revamped or renewed as part of that project, therefore negating a few of the suggestions. A budgetary bid was subsequently agreed and would be considered in the overall Town Council's budget for 2014/15 but discussion also ensued in respect of the future maintenance responsibility for specific seating.

Resolved – That the town council oversees the future maintenance of the public seats in Flatts Wood following the completion of the Heart of Teesdale Landscape Partnership's Paths for all People project.

(5) 2013 Christmas Events Task and Finish Group

At the Group's meeting on 27 November, it was confirmed that the arrangements for the event were all in place, including the fact that Durham County Council's Safety Advisory Group's requirements had been met. However, concerns were expressed at the fact that DCC had not fully clarified its landlord responsibility for controlling the sale of food on Scar Top/grounds of Woodleigh or identified a named officer with operational responsibility for the site.

Resolved – (a) That it be noted that both the site and technical risk assessments have been satisfactorily completed for the event.

(b) That it be agreed that, on the day of the event (13 December 2013), the Town Clerk, as overall event manager, takes all actions necessary to preserve site safety.

76. CONSULTATION ON THE PRE-SUBMISSION DRAFT LOCAL PLAN

Submitted – A report outlining the Planning Committee's recommendations in respect of Durham County Council's Pre-Submission Draft Local Plan consultation (Minute 61 of the set of Minutes at sub-section (7) of Minute 73 above) and summarised the core issues to be considered including new housing and employment allocations, whether there was sufficient provision for retail and other infrastructure services, including health and social care and whether Barnard Castle was duly acknowledged in terms of infrastructure, destination and services. It was noted that the deadline for comments was 6 December 2013.

Discussion ensued and specific references were made to affordable housing allocation levels and the inclusion of a relief road for the town.

Resolved – That this Council's response in respect of the Pre-Submission Draft Local Plan consultation, as now agreed, be submitted on-line to Durham County Council.

77. RESERVES REVIEW

Submitted – A report outlining the recommendations of the Partnership, Services and Resources Committee's following an in-depth review of the General and Earmarked Reserves situation. It was noted that the reserves position was examined with the Practitioner's Guide recommendation for general reserve levels being taken into account.

Resolved – That the recommendations of the Council's standing committees be agreed as follows:

- (i) That the target for this Council's overall General Reserve be increased to £70,000;
- (ii) That the Christmas Lighting Contingency Fund be renamed as the Christmas Lighting Support Fund and be used for emergency repairs/maintenance or to improve the existing display, should an opportunity arise;
- (iii) That the remaining balance from the Garden of Remembrance Improvement Project be transferred to the Galgate Greens Improvement Project;
- (iv) That the decision at Minute 47(1)(c)/Jul/10 be rescinded;
- (v) That the Dawson Road Improvement Project Earmarked Funds be used towards the purchase of a piece of play equipment suitable for children in wheelchairs;
- (vi) That the Earmarked Reserves covering Asset Transfers, Office Move, IT Work and Nameboards be discontinued; and
- (vii) That an amount of £5,000 from those discontinued Earmarked Reserves at (vi) above be transferred to a new Resources Contingencies Earmarked Reserve to be specifically used for capital issues within the remit of the Resources Committee, with the residual amount of £11,292 being returned to the General Reserve.

78. 2014/15 NEW BUDGETARY PROJECTS/ITEMS

Submitted – Pursuant to Resources Committee Minute 30(c)/Nov/13, a report outlining the Committee's recommendations following its consideration of the council's standing committees proposals in respect of new items for potential inclusion in the council's 2014/15 budget or omission. It was confirmed that, at this stage, the council was not making final decisions on the included budgetary items but any omitted item would not re-appear later in the budgetary process.

Resolved – (a) That the following list of potential new projects be included within the 2014/15 budget:

- (i) Creation of a Neighbourhood Plan - £7,500 (new item)(one off);
- (ii) Replacement IT & Software - £850 (new item) (with £850 in each of years 2015/16 and 2016/17); and
- (iii) Chains of Office – Additional Links (4 off) - £300 (new item)(one off).

(b) That consideration of the following expenditure item be omitted from the prospective 2014/15 budget:

- (i) Chains of Office – Velvet Collar – £500 (new item)(one off).

79. 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 Scar Top Play Area/Mini Golf Freehold Asset Transfer, Demesnes Asset Transfer, Castle Walls and Wednesday Market situations.

Resolved – That the information be noted.

80. 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 Meetings – 9 October and 13 November 2013

It was reported that, at the Guild meeting on 9 October, issues discussed included Christmas promotions, parking issues, Castle/Bowes Trail, Sunday opening and updates were provided in respect of the Bedroom Browser and Banner Festival.

At the Guild meeting on 13 November, issues discussed mainly centred on Christmas promotions, including the Guild's involvement in the Twelve Days of Christmas trail, the future of the Wednesday Market and the location of the 2014 Meet funfair.

Resolved – That the information be noted.

(2) Smaller Councils Forum Meeting – 15 November 2013

It was reported that, at the above Forum meeting, updates were provided in respect of the Local Councils Working Meeting Group, creation of new parish councils, NALC audit and committee on standards in public life and presentations were received from Durham County Council's Planning officers in respect of the County Durham Plan and Community Infrastructure Levy and Procurement officers in respect of procurement services for smaller local council.

Resolved – That the information be noted.

(3) Teesdale Local Councils' Forum Meeting – 12 November 2013

It was reported that, at the above Forum meeting, discussion centred on the implementation of Parish Plans and Neighbourhood Plans and a presentation was received from Durham Community Action (formerly Durham Rural Community Council) outlining the work the organisation carries out.

Resolved – That the information be noted.

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

It was reported that, at the above meeting, a new president was appointed and there were changes in the appointments of the three vice-presidents and presentations were received from the Churches Communities and Local Government, Durham County Council's Chief Executive in respect of that council's Medium Term Financial Plan and NALC's Chairman in respect of the national perspective of the localisation of council tax support and other NALC initiatives.

Resolved – That the information be noted.

81. 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, town centre vacancy rates and the Heart of Teesdale Landscape Partnership.

Resolved – That the information be noted.

82. CHRISTMAS/NEW YEAR – OFFICE ARRANGEMENTS

A request was submitted in respect of the town council's Christmas and New Year office arrangements for 2013.

Resolved – That the town council's Christmas and New Year office arrangements be agreed as follows:

Monday	23 December	Normal hours
Tuesday	24 December (Christmas Eve)	Early closure at 12.30pm
Wednesday	25 December (Christmas Day)	Closed (Bank Holiday)
Thursday	26 December (Boxing Day)	Closed (Bank Holiday)
Friday	27 December	Closed
Monday	30 December	10am until 3pm
Tuesday	31 December (New Years Eve)	10am until 3pm
Wednesday	1 January 2014 (New Years Day)	Closed (Bank Holiday)
Thursday	2 January	Normal hours

NOTE – At this point, a member challenged the exclusion recommendation in respect of the matters referred to at Minutes 84 to 86 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.

83. EXCLUSION OF PRESS AND PUBLIC (IN RESPECT OF MINUTES 84 TO 86 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 84 to 86 below, due to the confidential nature of the business to be transacted.

84. RISK ASSESSMENT AND FINANCIAL MANAGEMENT

Reference was made to the recommendation of the Resources Committee, at Minute 34 of the set of Minutes at sub-section (7) of Minute 73 above, following a review by that Committee of this Council's Risk Assessment and Financial Management document.

Resolved – That the Risk Assessment and Financial Management document, as now submitted, be approved.

85. ALLOTMENTS

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

Submitted – Pursuant to Minute 68(1)/Oct/13, a report providing an update on the proposal to sell land adjacent to the Town Head allotment site and sought approval to proceed with a formal valuation and consequential negotiation with the potential purchasers.

Resolved – That the Town Clerk be granted delegated authority to prepare a sale agreement, as now agreed, for the approval of the Town Council.

86. LETTER RECEIVED FROM QUALITYSOLICITORS BHP LAW

The Clerk read out a letter received from QualitySolicitors BHP Law.

Resolved – That the letter be received as read in.