

BARTON - UPON - HUMBER TOWN COUNCIL
MINUTES of an ORDINARY MEETING HELD in the COUNCIL CHAMBER, BAYSGARTH
HOUSE, BARTON, on WEDNESDAY 3 AUGUST 2011 COMMENCING at 7.30 p.m.

Present: Councillor Mrs D Pearson (Chairman)

Councillors P Adams, Mrs D Adlard, T Chant, Mrs A Clark, F Coulsey, S Dear, Ms E Donaldson, J Evison, M Martin, M Osgerby, Mrs J Oxley, Mr J Oxley, A Searle and Mrs W Witter.

Also Present: Four members of the public, Captain N Cotterill and Ms S Richards (Town Clerk).

96. **Prayer**

Captain N Cotterill read the Town Prayer.

97. **Notice of Meeting**

It was noted that Notice of this Meeting had been given in accordance with Schedule 12 Paragraph 10(2) of the Local Government Act 1972.

98. **Apologies for Absence**

Councillors Ms C Sansam, P Shearer (family illness), N Turner (personal commitments), J P Vickers (work/family commitments) and K Vickers (on holiday).

99. **Declarations of Interest**

Planning Application 2011/0734 – Councillor P Adams (Personal interest)
 Barton Senior Alliance and Barton Town Football Club – Councillor T Chant (Personal interest)
 Barton Senior Alliance – Councillor Mrs A Clark (Personal interest)
 Barton Leisure Centre (Swimming) and Barton Town Band – Councillor J Evison (Personal interest)
 Barton Arts Week – Councillor M Martin (Prejudicial interest)
 Barton Senior Alliance – Councillor Mrs J Oxley (Personal interest)
 Barton Lions Club and Barton Senior Alliance – Councillor Mr J Oxley (Personal interest)
 Barton Senior Alliance – Councillor Mrs D Pearson (Personal interest)
 Independent Living and Voluntary Action North Lincolnshire – Councillor Mrs W Witter (Personal interest).

100. **Police and Neighbourhood Action Team**

Councillor J Evison reported parking issues concerning commercial vehicles in the town, causing nuisance. The surrounding residential area may be leafleted highlighting this issue. Also, some of the crimes recently committed in the town regarding damage to shops/cars has been caught on the town centre cctv system. The offenders have been identified and punished accordingly. One culprit was, at the time, out on licence, and has also been dealt with by Humberside Police having breached their conditions.

Resolved that this be noted.

101. **Minutes**

(a) **Ordinary Meeting of the Council – 13 July 2011**

Resolved that the previously circulated Minutes of the Ordinary Meeting of the Council held on 13

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July 2011, to be received, approved and confirmed as a correct record, and signed by the Chairman. Subject to amendment of minute reference 80(a)/31. "Councillor Mrs Witter" should be replaced by "Councillor P Shearer".

102. **Matters of Report Arising**

(a) **North Lincolnshire Local Development Framework** (Min Ref: 74(11)/28 - BTC 13/07/11)

Councillor Mrs Witter reported there appeared to be no provision in the core strategy development plan for additional cemetery provision in the town. However, she was currently looking into this matter for further report.

Resolved that this be noted.

(b) **Cultural Olympiad 2012** (Min Ref: 71(d)/26 – BTC 13/07/11)

Councillor Martin reported that the Barton Arts group will be involved in this next year and have been invited to attend a liaison committee meeting to discuss this matter.

Resolved that this be noted.

(c) **North Lincolnshire Council Winter Service Review 2011** (Min Ref: 75(2)(i)/28 – BTC 13/07/11)

Following Councillor Martin's attendance at the above consultation meeting, he had also recently attended a consultation day held at Waters' Edge on Sunday 24 July. The Environment Agency were in attendance, promoting information regarding flooding issues and the early warning system. Councillor Martin felt this should be discussed by the Environmental Regeneration Committee and the Emergency Plan Working Party, for consideration as part of the emergency plan.

Resolved that this be noted.

(d) **Planning Application 2011/0734 – RWE Npower Renewables Ltd** (Min Ref: 78/29 – BTC 13/07/11)

Councillor Adam's gave an up-dated report on this application. He explained 600 newsletters had been distributed to residents in the south-west sector of the town, to raise awareness of the current situation. Also, A4 information sheets had been distributed to the library, Waters' Edge Visitor Centre and local shops to also raise awareness. The date for submission of comments/objections to the planning department appeared to be constantly changing. This was currently 18 August 2011. However, National Power have lodged an appeal, which will be heard 6 December 2011 by public enquiry. Concerns were raised regarding the proposed location not being a designated industrial area, local single tracked roads being destroyed by contractors getting their equipment into the proposed location, the noise levels (particularly during nightfall), the massive height of the structures and the quality of life of local residents. Everyone was encouraged to object to the application personally, in writing, to North Lincolnshire Council Planning Department, even if they have already done so with the previous application 2009/0657. Councillor Adams also felt a town council notice board may be ideally located in the Market Place as a central point of communication in the town, which he felt would assist in instances like this. Councillor Mrs Clark felt that liaison with the local radio stations may also assist in highlighting this planning application, as it appeared many local residents were still unaware of the issues affecting them in the planning application proposals.

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Resolved

- (i) an agenda item be placed at the next meeting of the Environmental Regeneration Committee meeting to be held on 15 August, to consider locating a town council notice board in the Market Place for central information purposes.
- (ii) an agenda item to be placed on all future Planning Committee Meeting Agendas, until further notice, for "Update of Planning Application 2011/0734 – RWE Npower Renewables Ltd".

103. **Other Meeting Minutes**

(a) **Minutes of a Planning Committee Meeting**

1) **Correct Record**

Resolved that the previously circulated Minutes of a Planning Committee Meeting held on 13 July 2011, be approved as a correct record.

(b) **Minutes of a Planning Committee Meeting**

2) **Correct Record**

Resolved that the previously circulated Minutes of a Planning Committee Meeting held on 18 July 2011, be approved as a correct record.

(c) **Minutes of a Finance & General Purposes Committee Meeting**

3) **Correct Record**

Resolved that the previously circulated Minutes of the Finance & General Purposes Committee Meeting held on 18 July 2011, be approved as a correct record.

104. **Matters of Report Arising**

(a) **Bad Debtors** (Min Ref: 90/34 – F&GP 18/07/11).

The Chairman of the committee, Councillor Mrs Witter reported that the town council had sadly acquired a bad debtor. However, this was currently being investigated to recover the debt.

Resolved that this be noted.

105. **Correspondence**

1. Notice of VANL AGM to be held on Thursday 13 October 2011 at Westcliff Community Centre, Scunthorpe. Nominations for the vacancies on the Trustee Board for any member organisation or representative are required by Friday 2 September. *(Please note Councillor Mrs Witter's term of office on the Trustee Board expires this year, a member organisation nomination is requested, along with completion of application form).*
2. Notice of Adult Community Learning Programme for September from North Lincolnshire Council Adult Community Learning.
3. Circular from Andrew & Co. LLP Solicitors advising they can assist with Planning Enforcement and The Localism Bill.
4. Receipt of Neighbourhood Policing Community Issues June newsletter for Barton Ward. Copy

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available from the council office.

5. Notice of SLCC local branch meeting on Tuesday 6 September 2011, 9.30 am – 14.15 pm at The Ropewalk, for a training and networking day, at a cost of £10.00 per Clerk's attendance.
6. Letter of thanks from Barton resident who has been able to attend functions at the Assembly Rooms again after a number of year's absence, following installation of the lift and disabled toilet.
7. Notification from North Lincolnshire Council Highways Depot of surface dressing programme commencing 1 August 2011 and lasting approximately 2 weeks. This programme includes the A1077 section between Whitecross Street and Falklands Way scheduled for 7 August 2011.
8. To consider financial request received from the Duck Egg Youth Theatre, regarding their attendance and performance at the Edinburgh Fringe Festival August 2011.
9. Notification from Andrew & Co Solicitors, informing they have been unable to register the Lease and Leaseback at the Land Registry regarding the Assembly Rooms. They are requesting plans and stamp duty land tax to be submitted (*Please note Councillor N Turner has been notified of this*) – (*copy attached*).

Resolved that:

- (i) Councillor Mrs W Witter was proposed by Councillor M Martin and seconded by Councillor Mr J Oxley to remain as trustee on the board of Voluntary Action, after the present term of office expires on 13 October 2011. Voluntary Action to be notified accordingly (item 1);
- (ii) The Clerk to attend the SLCC local branch meeting for training and networking day at The Ropewalk, Barton, on 6 September 2011 (item 5);
- (iii) Copy of letter to be passed onto CHAMP Ltd for information purposes (item 6);
- (iv) It was agreed a £50 donation to be given to the Duck Egg Youth Theatre towards their youth performance at the Edinburgh Fringe Festival August 2011. Donation to be taken from the town council budget "Community Regeneration – Donations/Grants (empowered)" Local Government Act 1972 s.145 - provision of entertainment and support of the arts (item 8);
- (v) that the remaining correspondence be received and the contents noted.

106. **Correspondence Received Since issue of the Agenda**

1. Notification from North Lincolnshire Council that following the recent consultation meeting with regards to the Winter Service Review, they have sent a copy of the presentation via email to the council office. Additional information about the winter service can be found on <http://www.northlincs.gov.uk/NorthLincs/Transportandstreets/roads/Winterservice.htm> They also request feedback in the town council's ability to provide "self-help" during snow conditions and our view on Snow Warden provision including any local contact which could be nominated (Min Ref: 75(2)(i)/28 – BTC 13/07/11).
2. Receipt of Barton Tourism Partnership minutes and agenda for their September meeting.
3. Receipt of ERNLLCA training course dates during Autumn 2011 for "The Role of the Clerk"; "Looking after the Council's Finances – It's your responsibility"; "Councils are employers – What are the councillors responsibilities?"
4. Letter from CHAMP regarding HMRC payment relating to lease of Assembly Rooms (*copy enclosed*).
5. Notification from Barton Army Cadets that they are pulling out of the picnic in the park on Sunday, due to unforeseen reasons.

Resolved:

- (i) to be addressed by the Environmental Regeneration Committee/Emergency Planning Working Party, for review of the Community Emergency Plan (item 1);

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- (ii) the Clerk gave a progress report of the current position regarding the Assembly Rooms lease agreements, Andrew & Co. Solicitors, CHAMP Ltd and a demand for payment from HMRC for penalty for stamp duty land tax. Following correspondence received by the town council from Mr J Davidson of Andrew & Co Solicitors dated 8 April, it was stated "I write to confirm that the Lease and Underlease have at last been completed". It was assumed from this that the matter had been concluded. However, since Mr Davidson had left the practice and the matter taken on by several other members of their staff, demands to provide drawn to scale plans and a HMRC penalty demand for payment had been received by the town council. The requests for both were vague. It is not stated what plans are being requested. There had been no suggestion in any previous correspondence to the town council that either of these issues were outstanding, or indeed, to be addressed by the council. This information was passed onto CHAMP for their consideration. However, their correspondence dated 2 August to the town council states they have forwarded a copy of Andrew & Co's letter dated 18 July to their solicitor, who has queried this with Andrew & Co. To date, they had not responded. Mr Turner, Managing Director of CHAMP states in his correspondence to the council that "I remain of the opinion that CHAMP Ltd has met all of its liabilities in relation to the Assembly Rooms Lease". In light of this, the Clerk explained she had communicated with Andrew & Co, only to find different members of staff at the practice appear to have been passed this matter onto them, and do not seem to fully understand the situation. As such, the Clerk requested guidance from the town council how they wish to proceed as she had not been given instruction to progress with this from them. The town council did not have budget provision to finance what was being requested by Andrew & Co. It was also taking up administration time for the town council office in dealing with this matter. Councillor Martin offered to provide technical guidance on how the town council may address this, however, Councillor Mrs J Oxley felt as the town council had engaged a solicitor to deal with the issue, it was up to them to conclude the matter, on behalf of the town council. Following discussion, it was agreed that the Clerk be given authority to write to the Senior Partner at Andrew & Co Solicitors, sending copies of their previous correspondence to provide background information and to ask if what they are requesting relates to the Lease or Underlease of the Assembly Rooms. If it is the Underlease, they need to explain further what plans they are seeking to complete the transaction. If this is so, the Clerk be given authority to obtain drawn to scale plans for submission, either from North Lincolnshire Council or from a qualified architect. The cost of this and the HMRC penalty for stamp duty land tax to be taken from the town council reserves budget, if it is the town council's responsibility. The Clerk to provide the town council with a progress report at the next meeting of the town council (item 4);
- (iii) the Clerk reported that the Barton Army Cadets would not be attending the picnic in the park event next Sunday, due to unforeseen reasons. Unfortunately, the programmes for the day had been printed, detailing their attendance which is now incorrect. Councillor Mr J Oxley commented that the event had attracted two new sponsors this year, namely, the Co-Operative Store on Market Lane and the Barton Rotary Club. There were new attractions, two rounder's tournaments, an opportunity to try bowling, children's races and entertainment, together with the Barton Lion's Club catering and an ice cream vendor (item 5);
- (iv) that the remaining correspondence be received and the contents noted.

107. **Accounts for Payment**

Resolved:

- (i) that the Clerk be authorised to pay the accounts as listed in the sum of £2,877.24 (A/cs 81 to 94), and those presented at the meeting in the sum of £6,541.63 (A/cs 95 to 100) a grand total of £9,418.87.

Resolved that this be noted.

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108. **Planning Committee Report**

Councillor Mrs Witter, Chairman of the Planning Committee, gave an appraisal of the Planning Committee meeting held prior to this meeting, this evening.

Resolved that this be noted.

109. **Update of the Mayoral Boards in the Assembly Hall**

It had come to the attention of Councillor Mrs Witter that the Mayoral Boards in the Assembly Hall required updating. It was agreed and

Resolved that the Clerk obtain quotation prices from suitable contractors to undertake this work. To be addressed at the next available meeting when the prices were to hand for perusal.

110. **Live Music at The Assembly Rooms/Assembly Rooms Committee**

Councillor Martin explained he had contacted Mr N Turner at CHAMP Ltd to enquire about live music at The Assembly Rooms, but, to date, had not received a response. He was of the opinion that several local groups have been inhibited in using the Assembly Rooms for live music over the last few years. He explained he had received a number of comments from local musicians wishing to gig at The Assembly Rooms and thought that the possibility of sound proofing and/or a sound limiter being installed would curtail complaints received from a local neighbour regarding sound issues in the neighbouring residential area. He stated that he had discussed this matter informally with Councillor K Vickers and they both felt that if it was possible to exploit the advantages of the Assembly Rooms as a place of comprehensive entertainment and artistic presentation in the town, it should be pursued.

The Clerk explained whilst the Assembly Rooms was licensed premises for community use, it was also in a residential area. As such, a balance had to be met with what was suitable for the building event-wise and what was suitable for the surrounding residential area. Each booking taken was reviewed independently on its own merits, as to suitability. Whilst a ventilation system was operable in the Assembly Hall, it was not ideal. It was a heat exchanger that circulated warm air in the summer months and cold air in the winter months. Therefore it is common practice for the rear first floor external doors to be opened to circulate air into the Assembly Hall for events, which also lets out any sound/noise/music from the hall into the surrounding area. Complaints had not just been received from one local neighbour about noise/music emitted from the hall, but from several during the past few years. The Clerk read out extracts from the CHAMP Ltd terms and conditions of hire of the Assembly Rooms, whereby it was stated that consideration of events held there would be considerate of the surrounding residential area. The Clerk refused a booking only last week for a local rock group to practice at The Assembly Rooms in the daytime. By their own admission, it was stated they were very noisy and loud. In light of this, and in respect of other hirers having usage of the Assembly Rooms at the same time, respect of local residents and the town council office staff working there, it was deemed unsuitable. However, softer types of musical events may be viewed quite differently. The Clerk clarified there were two Assembly Rooms Committees. One was the town council's Assembly Rooms Management Committee. They met once a year to discuss leasing issues etc. The other committee was CHAMP led, consisting of a volunteers group to suggest fund raising issues to assist improvement works at The Assembly Rooms etc. Councillor Mrs Clark explained she sat on the latter of these committees and felt that numbers were sadly dwindling. However, she invited Councillor Martin to attend the next committee meeting and join the group. Councillor Martin accepted the offer.

Resolved that this be noted.

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111. **Reports from North Lincolnshire Council Representatives**

(a) **Ward Walks**

Councillor Evison reported the proposed ward walks had commenced with himself and also Councillors J P Vickers and K Vickers, in the Western Drive area of the town. Leaflets had been sent out to the relevant areas. Some of the issues raised were poor condition of pavement areas, lack of signage and dog excrement problems.

Resolved that this be noted.

(b) **Motorbikes**

Councillor Evison explained problems were being addressed with motorbike riders in Ferriby Cliffs.

Resolved that this be noted.

(c) **Lapwing Playground Area**

Councillor Evison reported the developer had let everyone down with the lack of progress regarding the playground area proposals, despite numerous attempts by himself and also Councillor Ms E Donaldson to address this matter. However, further progress was being investigated.

The Clerk explained that developers were not always complying with Section 106 in their respective development contracts. The developer of the Tofts Road development for instance, were constantly deferring their obligations for this, due to the site not developing as quickly as they thought. However, some developers are using this as a stalling technique, and once they are no longer on site, or indeed if they go out of business there is no recourse by the local authority to obtain payment of the Section 106 clause. However, following investigation, the Clerk had noted some other local authorities were addressing this problem by requesting stage payments from the developer at stages throughout the contract of the clause, to alleviate this issue. Councillor Evison commented that he would look into this.

Resolved that this be noted.

(d) **General Issues**

Councillor Evison commented that the surface dressing programme would commence next week on Whitecross Street to Falklands Way. Later in the month, High Street/Burgate would be resurfaced over several weekend periods.

North Lincolnshire Council had curtailed the use of consultants, thus reducing costs in the budget.

It had come to light that the free swimming sessions at the leisure centre had not included the fun splash. However, Councillor Evison had taken up this matter and now the fun splash was included.

Councillor Mrs Witter reported that construction vehicles of the development contractor were parking on Falkland Way. It was felt this should be discouraged. Also, where the road funnels at the top of Tofts Road, adjacent to the Fox's Fold development, the road surface was badly disintegrating and becoming rather unsafe.

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Councillor Evison respectfully reminded everyone if they had issues to address about any North Lincolnshire Council issue, could they please contact him, or Councillors J P Vickers and K Vickers when the matter arises, and not wait for the town council meetings to raise such issues.

Resolved that this be noted.

112. **Reports from Members on Outside Organisations**

(a) **Humber Playing Fields Association**

Councillor Osgerby reported he had recently attended a committee meeting on 14 July. The meeting had been interesting and issues surrounding the Queens Diamond Jubilee next year were discussed. It was felt prudent that new playing fields to be opened could be named after H M Queen Elizabeth. Funding issues were also investigated. There had been three losses of trustees and replacements were being sought at the AGM to be held on 13 October at Hessle Town Hall. Councillor A Bunyan of North Lincolnshire Council had been formerly part of the group. It was being investigated if he still wished to continue the role.

Resolved that this be noted.

(b) **Picnic in the Park – Sunday 7 August 2011**

Councillor Mr J Oxley reminded everyone of this event to be held on Sunday next. Programmes for the event were distributed to everyone at the meeting and volunteers were notified of their respective roles. Everyone was welcome to attend and anyone wishing to volunteer assistance on the day.

Resolved that this be noted.

The Chairman, Councillor Mrs D Pearson, closed the meeting at 9.00 p.m.

..... Chairman

7 September 2011