

## **BERWICK-UPON-TWEED TOWN COUNCIL**

### **Minutes of the Annual Town Council Meeting held on Monday 12 May 2014 at 6.00 pm in the Council Chamber, Town Hall, Marygate, Berwick-Upon-Tweed**

#### **PRESENT:**

Councillors: I Hunter (Town Mayor)  
J Beresford  
H Bettison  
I Dixon  
P Elliott  
T Forrester  
A Gibson  
G Hill (up to and including Item 4)  
G Jones  
J Lang  
J Robertson  
G Roughead  
C Seymour  
F Simpson  
J Stephenson  
A Turnbull

#### **IN ATTENDANCE:**

J Pibworth, as Clerk  
S Cozens, Assistant to the Clerk  
R Leetham, Finance Officer  
M Richardson, Sheriff  
W F Grant, Mayor's Consort  
J Benton, Sergeant-at-Mace  
Paul Morgan, Halberdier  
Inspector D Garrick, Northumbria Police  
Sergeant S Crane, Northumbria Police

Approximately 35 members of the public

The retiring Town Mayor, Councillor I Hunter, gave an address highlighting the most memorable moments from her term of office.

**C001/14            1. ELECTION OF TOWN MAYOR**

Councillor H Bettison proposed, and Councillor T Forrester seconded, the proposition that Councillor G Hill be elected Town Mayor for the year 2014/2015.

Councillor G Jones proposed, and Councillor P Elliott seconded, the proposition that Councillor I Hunter be elected Town Mayor for the year 2014/2015.

Following exchanges, including a statement by Councillor J Lang (set out in Appendix D attached to these minutes) Standing Orders were suspended to allow former Councillor Peter Herdman to speak

Standing Orders were suspended.

Peter Herdman said that, on a point of order, that nominations have been received and the correct procedure is to have a vote without a debate.

Standing Orders were reinstated.

Councillor G Roughead proposed and Councillor J Beresford seconded, the proposition that a closed ballot be carried out.

The result of the closed ballot was as follows: 8 votes in favour of the election of Councillor I Hunter as Town Mayor for the ensuing year, 7 in favour of Councillor G Hill, and 1 abstention. It was therefore

**RESOLVED: That Councillor I Hunter be appointed Town Mayor of Berwick-upon-Tweed for the year 2014/2015.**

The Town Mayor signed the Declaration of Acceptance of Office and took the

Chair for the remainder of the meeting.

**C002/14**

**2. ELECTION OF DEPUTY TOWN MAYOR**

Councillor H Bettison proposed, and Councillor J Beresford seconded, the proposition that Councillor I Dixon be elected Deputy Town Mayor of Berwick-upon-Tweed for the year 2014/2015.

Councillor J Robertson proposed, and Councillor P Elliott seconded, the proposition that Councillor J Stephenson be elected Deputy Town Mayor of Berwick-upon-Tweed for the year 2014/2015.

The result of the ballot was as follows: 8 votes in favour of the election of Councillor J Stephenson as Town Mayor for the ensuing year, 7 in favour of Councillor I Dixon, and 1 abstention. It was therefore

**RESOLVED: That Councillor J Stephenson be appointed Deputy Town Mayor of Berwick-upon-Tweed for the year 2014/2015.**

**C003/14**

**3. APPOINTMENT OF SHERIFF**

The Town Mayor announced her appointment of Mr Michael Richardson as Sheriff for the year 2014/2015, and of Mrs Kate Stephenson as Sheriff's Lady.

**C004/14**

**4. STATEMENTS BY THE PUBLIC**

Concern was expressed by a number of members of the public about the procedure which the Council has for electing the Town Mayor.

There were also questions about the recording of meetings, and future arrangements for this; the Town Mayor confirmed that this matter remained under consideration by the Council.

[NOTE: Councillor G Hill left the Council Chamber at this point and took no further part in the meeting.]

**C005/14**

**5. APOLOGIES FOR ABSENCE**

No apologies for absence had been received.

**C006/14**

**6. MINUTES**

The minutes of the meeting held on 24 March 2014 were agreed and signed as a correct record.

C007/14

**7. DISCLOSURE OF INTERESTS**

There was no disclosure of interests.

C008/14

**8. REQUEST FOR DISPENSATION**

There were no requests for dispensation.

C009/14

**9. APPOINTMENT OF STANDING COMMITTEES**

The membership of Standing Committees for 2014-2015 as circulated was agreed and is set out in Appendix A attached to these minutes.

C010/14

**10. REPORT OF MEMBER ACTIVITIES AND ATTENDANCE**

Members noted the reports from those councillors who had provided information about the bodies on which they represented the Town Council.

Members noted the record of Councillor attendance for the Year 2013/2014.

C011/14

**11. APPOINTMENTS TO OUTSIDE BODIES**

The appointment of Town Councillors to outside bodies as circulated in Appendix C was reviewed, amended and agreed.

The revised list is attached as Appendix C to these minutes.

C012/14

**12. STANDING ORDERS**

Councillor J Lang had distributed a proposed amendment to the Standing Orders with the agenda papers. He said this amendment built on Councillor G Hill's recent proposal. New laws would soon empower the Secretary of State to make regulations that require town and parish councils to permit such activity.

Councillor F Simpson had received a document from NALC giving its view. She would forward this to the Assistant to the Clerk for distribution.

**RESOLVED: (i) To consider the resolution, proposed by Councillor J Lang, that the following be incorporated into Standing Orders: 'That Berwick-upon-Tweed Town Council should make audio recordings of all meetings of the full Council and its Committees. The recording of each meeting should be made available to the public on the Town Council website within seven days of the meeting. Where the press and public are formally excluded from parts of a meeting on the grounds of genuine and legitimate confidentiality, those parts should be omitted from the recording posted on the website.'**, and in accordance with Standing Order 79 adjourn this item without discussion to the next ordinary meeting of Council; and (ii) That the following statement be

released to the local media: 'Berwick-upon-Tweed Town Council encourages public discussion and debate on its activities, and supports efforts to ensure that such discussion is well informed. The Government is currently preparing regulations on public filming, photography and recording of local council meetings, and on reporting those meetings online. We will of course comply with those regulations as soon as the details are published and come into force.'

**C013/14**

**13. REPORTS FROM WARD MEMBERS**

Councillor G Jones commented on Councillor T Forrester's report about the Planning Meeting where the change of use of the Chapel Street car park to a coach park was discussed. He had been told that two of the people who wished to speak were too late to speak and that Councillor T Forrester had not submitted his written request in time.

Councillor T Forrester said he would take the matter up with the appropriate people.

The reports received from Ward Councillors on what was happening in their wards were noted.

**C014/14**

**14. COUNTY COUNCILLOR REPORTS**

Reports were received from County Councillors I Hunter, G Jones and J Smith on their divisions and within the county as a whole.

[The reports are appended to these minutes].

**C015/14**

**15. PLANNING COMMITTEE**

**RESOLVED: To adopt the minutes of the Planning Committee meetings held on 25 February 2014 and 25 March 2014.**

**C016/14**

**16. EVENTS COMMITTEE**

**RESOLVED: To adopt the minutes of the Events Committee meeting held on 4 November 2013.**

**C017/14**

**17. FINANCE AND RESOURCES COMMITTEE**

**RESOLVED: To adopt the minutes of the Finance and Resources Committee meeting held on 17 March 2014.**

**C018/14**

**18. STAFFING COMMITTEE**

Councillor F Simpson reported that there was a drafting error with Minute Reference SO20/13 (iv) and this would be addressed at the next Staffing Committee Meeting.

**RESOLVED: To adopt the minutes of the Staffing Committee meeting held on 13 November 2013.**

**C019/14**

**19. STAFFING SUB-COMMITTEE**

**RESOLVED: To adopt the minutes of the Staffing Sub-Committee meeting held on 7 April 2014.**

Standing Orders were suspended.

Inspector D Garrick took questions and comments:

Councillor F Simpson raised the issue of youths on skateboards in the Buttermarket; the police would deal with this when aware.

On the issue of drinking in public places, Inspector Garrick said the police were actively monitoring the situation.

On the issue of boy racers in the mornings, Inspector Garrick said complaints would be followed up, with advice to start with.

Standing Orders were reinstated.

**C020/14**

**20. DATE OF NEXT MEETING**

The next meeting of the Council would be held on Monday 23 June 2014 at 6 pm.

## **STANDING COMMITTEES 2014-2015 (APPENDIX A)**

### **1. Finance and Resources Committee**

Councillor Phil Elliott  
Councillor Georgina Hill  
Councillor Gavin Jones  
Councillor John Robertson  
Councillor Gregah Roughead  
Councillor Catherine Seymour  
Town Mayor  
Deputy Town Mayor

### **2. Planning Committee**

Councillor Phil Elliott  
Councillor Thomas Forrester  
Councillor Alex Gibson  
Councillor Georgina Hill  
Councillor John Robertson  
Councillor Gregah Roughead  
Councillor Catherine Seymour  
Councillor Alan Turnbull  
Town Mayor  
Deputy Town Mayor

### **3. Events Committee**

Councillor Jeanette Beresford  
Councillor Hazel Bettison  
Councillor Ivor Dixon  
Councillor Phil Elliott  
Councillor Joe Lang  
Councillor John Robertson  
Councillor Gregah Roughead  
Councillor Flora Simpson  
Town Mayor

Deputy Town Mayor

**4. Environment and Regeneration Committee**

Councillor Ivor Dixon

Councillor Phil Elliott

Councillor Alex Gibson

Councillor Georgina Hill

Councillor John Robertson

Councillor Gregah Roughead

Councillor Flora Simpson

Councillor Alan Turnbull

Town Mayor

Deputy Town Mayor

**5. Staffing Committee**

Councillor Hazel Bettison

Councillor Phil Elliott

Councillor Gavin Jones

Councillor Joe Lang

Councillor Gregah Roughead

Councillor Catherine Seymour

Councillor Flora Simpson

Town Mayor

Deputy Town Mayor



## APPOINTMENTS TO OUTSIDE BODIES 2014-2015 (APPENDIX C)

Name of Organisation	Representative/s in 14-15	Term of Appointment
Berwick Community Trust	Councillor P Elliott	Annual
Berwick-upon-Tweed Corporation (Freemen) Trustees  From November 2014	Councillor H Bettison Councillor I Dixon Councillor C Seymour Councillor F Simpson Councillor J Stephenson	1 year until 30th November 2015
Cittaslow Working Group	Councillor F Simpson	Annual
Conservation Area Advisory Group	Councillor G Roughead	Annual
Local Multi-Agency Partnership (LMAP)	Councillor P Elliott Councillor J Robertson	Annual
Gateway Group	Councillor F Simpson	Annual
Berwick Events Group	Councillor T Forrester	Annual
Berwick Fair Trade	Councillor F Simpson	Annual
Berwick Youth Project	Deferred to the next meeting of Council.	Annual
HELM (Heritage Environment Local Management) Champion	Councillor G Roughead	Annual
Northumberland Association of Local Councils (NALC) – County Committee	Councillor F Simpson	Annual

Northumberland Town and Parish Council Charter Review Group	Councillor I Hunter	Annual
Tweedmouth Prior Park First School	Councillor J Beresford	
Berwick in Bloom	Councillor A Gibson	
Riding of the Bounds Association	Councillor H Bettison	
St Aidans	Deferred to the next meeting of Council.	
Berwick 900	Councillor H Bettison Councillor J Robertson	
Berwick Youth Council	Councillor A Gibson Councillor I Hunter Councillor G Roughead Councillor J Robertson Councillor A Turnbull	

## Councillor J Lang (APPENDIX D)

- Can I raise a question? Because I believe we're in danger of taking a big financial risk without assessing it properly.
- Two facts:
  1. One, the Mayor is in effect the line manager of the Town Clerk, and needs to have a close working relationship with her.
  2. Two, the Deputy Mayor has made it very clear that she wants to see the Town Clerk sacked. And she has been campaigning vigorously for this to happen for much of the past year.
- So what happens if we appoint the Deputy Mayor as the Town Clerk's line manager? If we say, "This person, who wants you fired, is now your boss"?
- If I was in the Town Clerk's shoes, I'd feel pretty threatened. And I'd think it looked pretty much like constructive dismissal. And for the Town Council, that means a Big Financial Risk. Because compensation for constructive dismissal can run into tens of thousands of pounds.
- So have we assessed this risk? No we haven't.
- If you're doing a risk assessment, you want to know two things:
  - What are the chances of it happening?
  - And what's the damage if it does?
- I don't know the answers to either of those questions, so last week I took them to a senior employment lawyer to get a professional opinion. In his assessment, the risk is high and the damage could be very substantial.
- So could the Clerk have a case?

Yes, he says. And I quote: "If the Mayor follows an unlawful course of action that fundamentally breaches [the Clerk's] contract of employment, the Clerk would be entitled to claim constructive dismissal. Harassment, unfounded allegations, discrimination etc. could all amount to breach and justify a claim. If the Council already knew about such unlawful action and then elected the [Deputy] Mayor into that position, that could justify a claim – with the Clerk claiming [it] was the last straw in a series of actions which taken together amount to a fundamental breach."

Well, we know that the Clerk has already made claims of harassment and unfounded allegations, so appointing the Deputy Mayor as Mayor simply provides that last straw.
- So what about the damage if an industrial tribunal found against us?

On the figures the lawyer gave me, we could be looking at a basic award and compensation totalling £35-40,000. Add-in legal fees and that's 20-25% of our entire annual income from council tax.
- On top of that, the lawyer suggests we should consider "the diversion from council business due to the legal dispute, brand and reputational damage, and possible governance and

misfeasance fallout if appropriate standards and conduct in public office have not been maintained”.

- So I'd suggest it's a pretty big gamble we'd be taking. And it's not our own money we'd be gambling with. That money would be paid by the people of Berwick – in higher council tax, or lost services, or both.
- Is that a risk we're comfortable with? Do we think it's a risk worth taking? Not this year, I would suggest. I don't think we have the right.
- This would not be a once and forever decision. It's something we can revisit in a year's time. At present we have investigations still incomplete, claims and counterclaims unresolved. In a year's time, things may be very different. I'm sure we all hope they will be. But for the time being, let's keep one thing simple and stick with the Mayor we've got.

## **COUNTY COUNCILLOR REPORTS**

### **Report received from County Councillor I Hunter.**

County Council Berwick Patient Care Task & Finish Group is about to be concluded and the last meeting will be at Berwick Hospital to allow the group to see what facilities we have here in Berwick.

The free parking in Berwick seems as if it may be working as there are more cars in the car parks but the proof of the pudding will be when we find out if the shops are receiving any benefits.

The Neighbourhood & Highway's Department are going through another restructure.

In the last few weeks more staff have left the authority, so at the minute the key contact is the Locality Officer which for this area is Kevin Bartlett.

The Planning Department have held the initial planning training session in Berwick since the elections last May and due to the good turnout of Parish / Tow Councillors there will be further sessions taking place in Berwick.

Northumberland County Council are proposing to lodge the Planning Application for Robert's Lodge this month.

## Report received from County Councillor G Jones.

1. **Morrisons** – has responded to my requests for reinstating screening by planting additional trees;
2. **Coach Parking** – a good balance has been struck that will deliver a much needed Coach Park for Berwick with neighbouring resident concerns taken into account; Councillor Robertson and myself, along with John Haswell, the Chair of the Chamber of Trade, spoke at the Planning and Environment Committee, which saw unanimous support for the Coach Park;
3. **Greenses Residents Parking** – has been secured with a compromise struck to respect resident concerns in Lord's Mount and additional yellow lines in Bell Tower Place;
4. **Parking at the Station** – additional parking is required at the station; this has been recognised by the County and is included in the County budget;
5. **Tweed Street** - budget priority for improvements in 2015; it is recognised that previous works were not a great success;
6. **Drinking in the parks, and New Road** – I have met with Kate and the Police and we have agreed increased police presence; the key to this one is both the increased policing and for residents and tourists to use the parks. Residents should be encouraged to report issues to police and we should take a positive view of the fact that the parks represent inward investment into our town!
7. **Planning** – I have asked Officers for an explanation as to why policies protecting landscape value from local plans are not “saved policies” following the North Planning Committee Meeting on 1 May; I am awaiting a report;
8. **Percy Terrace** – there remain issues with work done last March; I have had a site meeting with works officers and the Conservation Officer and have asked for a solution, which I will seek resident views on;
9. **Housing Need / Homelessness** – I facilitated a meeting between the CAB and Four Housing to investigate whether there are gaps in the way that we capture data;
10. **NHS** – as per last report, I am working with other local County Councillors on a Task and Finish Group to discuss service provision for the area - we're asking for issues such as transport, appointment coordination as well services to be addressed;
11. **Pier Road** – I requested officers do a speed check last summer, following reports of speeding down the hill from the Pier Field. The results suggest that this is not an issue that can warrant any investment in speed control; again, if issues are reported to the police, then will act as a deterrent.
12. **Signage** – I am working with The Chamber of Trade and County Officers to get additional signage promoting Berwick;
13. **Yellow Lines outside the Bowling Club** – this remains a priority for me; I am awaiting options;

Other priorities:

Community Centre in Newfields;  
Supporting Cllrs Elliott and Turnbull with respect to planting in the Three Fields;  
Neighbourhood Plan;  
Priority List for Berwick;  
Opportunities for young people;  
Warkworth Terrace – a few trees have been felled adjacent to the Railway line leaving a gap which requires re-planting.

## **Report received from County Councillor J Smith.**

On 28<sup>th</sup> April I attended the Dissemination Event on the Action for Market Towns Benchmarking held in Alnwick Council Chamber. Also in attendance from Berwick were Tim Kirton of NCC and Julian Lake of Berwick Development Trust together with councillors from Alnwick, Amble and Morpeth.

I found the two hour interactive session very useful with some interesting conclusions and guidelines. The usual topics were discussed, parking, empty shops, footfall, rents and rates, etc. and perception, the town of Devizes are now "... looking at focusing on particular areas of the town where the retailers seem disaffected to see if we can tease out what the real issues are (as opposed to the perceived!)"

This report is well worth a look and I think it ties in with the Buchanan Report and the Miller Report on the regeneration of the town centre giving good ideas for action and contacts with other market towns with similar problems and how they are tackling them. I'm sure the Portas Team would find it very useful.

On the Home Front I have finally had the order placed to erect the new swings at Spittal, funded through my county small schemes allowance.