

## **CHARTER TRUST FOR THE CITY OF DURHAM**

At the **Meeting** of the **Charter Trust for the City of Durham** held in the Committee Room 2 - County Hall, Durham, on Tuesday 19 July 2011 at 4.00 pm

**Present:** The Right Worshipful the Mayor of Durham, Councillor Les Thomson (in the Chair) and Councillors J Chaplow, D Freeman, G Holland, K Holroyd, A Hopgood, N Martin, E Mavin, M Simmons, P Taylor, J Turnbull, M Wilkes, J Wilkinson and C Woods

### **1 Apologies for Absence.**

Apologies for absence were received from Councillors Blakey, Cordon, Crooks, Morgan, B Myers, Plews, Southwell and M Wood.

### **2 Minutes of the Meeting held on 28 June 2011.**

The Minutes of the Meeting held on 28 June 2011 were confirmed as a correct record and signed by the Mayor.

### **3 Travelling Expenses.**

The Clerk to the Charter Trustees submitted a comprehensive report asking Trustees to consider the introduction of a scheme for the payment of travelling expenses and reimbursement of car parking fees.

The Clerk advised the Trust that no budget provision had been identified for the payment of travelling expenses but £1,000 could be made available.

Councillor Wilkes indicated that the scheme was unacceptable as it would cost more to administer. He suggested that the Trust revisit it again in 5 years.

Councillor Martin agreed with Councillor Wilkes, but asked that the Mayor be allowed expenses if representing the Trust outside the area.

The Clerk advised the Trust that these situations would be reported to the Trust and that there was a travelling allowance available for the Mayor and Deputy Mayor.

Councillor Holland suggested that Trustees be reimbursed for expenses if they were representing the Trust on business with the exception of day to day expenses.

Councillor Woods agreed with Councillor Martin that the Trust should look at each claim on an individual basis if the Mayor and Deputy Mayor were covered in their role.

Councillor Hopgood suggested that the issue be revisited in 2013. She also indicated that parking was free at County Hall, the only payment for parking was on Mayor Making but Trustees were provided with lunch on this day.

Councillor Taylor agreed with Councillors Wilkes and Hopgood.

Councillor Turnbull suggested that a scheme be put in place for the Mayor and Deputy Mayor, Councillor Holland agreed.

**Resolved:** (i) That no scheme be put in place for Trustees but individual applications be considered by the Charter Trust.

(ii) That a scheme be put in place for the Mayor and Deputy Mayor.

(iii) That the Charter Trust revisit the introduction of a scheme in 2013.

#### **4 Historic and Ceremonial Regalia.**

The Clerk to the Charter Trustees submitted a comprehensive report to advise Trustees of the steps taken so far to deal with the contents of the Town Hall in Durham in negotiations between representatives of the Council and the Charter Trustees.

Trustees were asked if they accepted the decision of Durham County Council to retain ownership of the property but with an agreement that it retain in the Town Hall, Durham, or whether they required a further meeting with the Council's Legal Representative.

Trustees instructions were also sought with regard to the transfer of items from Durham County Council to the Charter Trust which were shown in blue on the circulated schedule, which would result in an increase in the insurance premium.

Councillor Hopgood moved the first recommendation that items shown in blue be transferred to the Charter Trust.

Councillor Holland raised concern that a Memorandum of Understanding was not in place and that an agreement was not a binding contract. He was not comfortable that Durham County Council had claimed ownership of the Historic and Ceremonial Regalia. He also referred to a new white paper which he had not received a copy of yet but his understanding was that this type of arrangement would not be permitted under this new legislation.

In the absence of a Town Council he felt uncomfortable handing over the assets and that the new legislation needed to be looked at before he could comment.

Councillor Woods agreed with Councillor Holland that the assets should be in the Town Hall and as there was no legal agreement they should not proceed.

Councillor Turnbull indicated that he was unhappy and that everything should remain in the Town Hall and that negotiations should be with the Town Council and not the Charter Trust.

Councillor Martin suggested that the Charter Trust take ownership of the blue items and that there was still a legal process for disputes of ownership which could still be activated. If the White Paper was going to affect their ability for ownership then they

should accept the blue items now and still dispute the remaining items. In his opinion he did not think that the Trust could afford to take ownership of all the items but he had no problem with those listed in blue.

Councillor Holland indicated that taking ownership of partial items was not appropriate.

Councillor Wilkinson agreed with Councillor Turnbull in that the Charter Trust should not do anything, it was the decision of the Town Council when created.

Councillor Woods moved that the Charter Trust should go back to Durham County Council and ask that all assets be transferred to the Town Council when it was set up.

Councillor Freeman indicated that this was an issue for the Town Council to decide not the Charter Trust. Councillor Holland agreed.

Councillor Wilkes asked that the cost of additional insurance for the blue items be established before they agree to take ownership of these items, although he did agree that they were mayoralty items.

Councillor Hopgood suggested that consideration of the item be deferred until the Trust had sight of the new legislation and the cost implications.

Councillor Woods indicated that it would be a year before the new legislation was actionable. Councillor Holland indicated that the details of the legislation would be available.

Members discussed whether the item should be deferred for 12 months or until the creation of a Town Council.

Councillor Woods suggested that the Trust write to Durham County Council giving their views that they should be prepared to hand the items over to the Town Council. Councillor Freeman seconded.

Councillor Holland indicated that Durham County Council could not just take ownership of the Historic and Ceremonial Regalia it had to be by joint agreement and if this could not be reached then an independent arbiter would make the decision. The Charter Trust for Durham was different to others as it was only intended to be in place until the introduction of a Town Council who should seek agreement and the new legislation deals with these situations.

**Resolved:** That the Charter Trust write to Durham County Council to indicate that they be amenable to transfer all items to the Town Council when established.

## **5 Updates.**

The Clerk to the Charter Trustees submitted a comprehensive report to provide Trustees with progress updates in respect of the Civic Transport, Pant Master and Mayor's Appeal Fund.

## **Civic Transport**

Councillor Holland advised the Trust that he had not been contacted by the Head of Transport so he was unable to report on progress.

Councillor Hopgood referred to an e-mail which she had received from Councillor Williams indicating that the decision was for the Charter Trust and not Durham County Council.

The Clerk advised the Trust that the Department of Transport had prepared the documentation but the decision would be made by the Charter Trust.

Councillor Holland advised the Trust that the last tender did not ask the right questions and they did not understand the formula used, which is why the decision was made not to award the contract.

Councillor Wilkes sought clarification on whether the three appointed Trustees would make the decision or if it would be brought back to a meeting of the Trust for approval.

Discussions took place on whether the three members could use their delegated powers to make the decision or whether it should be brought back to a meeting of the Trust. Members were happy for the three members to use their delegated powers, but they were not comfortable with the Head of Transport making the decision.

## **Pant Master**

The Clerk advised the Trust that she was waiting for a response from a Senior Officer.

## **Mayor's Appeal Fund**

Councillor Hopgood indicated that meetings of the Mayor's Appeal Fund were open meetings which could be attended by anyone and the books were also available. She also indicated that the Mayor's Appeal had no connection with the Charter Trust or Durham County Council.

Councillor Woods agreed with Councillor Hopgood that the Mayor's Appeal had nothing to do with Durham County Council.

Councillor Wilkes raised concerns that everything was done correctly so that there would be no repercussions on the Charter Trust.

Councillor Martin indicated that he had concerns that cheques for Mayor's Appeal events were made payable to individuals and he was unhappy paying money to a third party.

Councillor Hopgood advised the Trust that this was addressed at the Mayor's Appeal meeting some time ago and they now had two separate bank accounts set up one for the current Mayor and one for the Outgoing Mayor, which were ran totally separate. She also advised the Trust that the Mayor's Appeal does not have to have Trustees as part of the membership and that only three Trustees were currently members.

**Councillor Hopgood left the Meeting at 4.55 pm.**

Councillor Wilkes asked that the Charter Trust have a recorded minute to confirm that they were not accountable for the Mayor's Appeal. Councillor Wilkinson seconded.

**Resolved:** (i) That the report be noted.

(ii) That the three members use their delegated powers to make the decision for the transport contract but justify their decision to the Charter Trust.

(iii) That it be recorded that the Charter Trust are not accountable for the Mayor's Appeal.

(iv) That Trustees be kept informed of the progress.

**6 Revenue Outturn for the Quarter ended 30 June 2011 and Projected Outturn to 31 March 2012.**

The Treasurer to the Charter Trust submitted a comprehensive report to provide information on the actual outturn compared with the profiled budget for the period ending 30 June 2011 and the projected outturn to 31 March 2012.

Beverley White, Finance Manager, presented the report to members.

Councillor Holland asked if the Council had reserves to pay for any overspends. The Officer advised that £25,000 was in reserves.

Councillor Wilkes sought clarification on items purchased under General Office Expenses as it had a large overspend, was the budget not enough or had items been allocated incorrectly.

He also raised concerns with the overspend on Transport which was not a large amount but over the course of the year would amount to 10%, which needed to be closely monitored. He also asked for a full breakdown of premises costs and how often the Charter Trust used the rooms in the Town Hall.

The Finance Officer advised the Trust that General Office Expenses could include printing costs which were associated with Hospitality.

The Mayor's Secretary advised the Trust that the Supplies and Services related to catering, flowers, photographs etc which were not all hospitality, which is why they needed this area to broken down further.

The Clerk suggested that the Mayor's Hospitality be broken down further.

Councillor Woods suggested that the area be split into fixed and variable costs so they could look at which categories items needed to be allocated.

Members discussed whether they needed to look at the Revenue Outturn on a monthly basis. Members were happy for Officers to monitor the Revenue Outturn and report any concerns to the Charter Trust.

Councillor Holroyd sought clarification on the budget profile which was provided by the Finance Officer.

**Resolved:** (i) That the outturn position for the quarter ended 30 June 2011 be noted.

(ii) That the projected outturn to 31 March 2012 be noted.

(iii) That the proposed supplies services budget revision be approved.

(iv) That the Mayor's Hospitality budget be broken down further.

Meeting Terminated at 5.05 pm