

**(Draft) Minutes of the Meeting of Kirkby Stephen Town Council held in the Local Links Centre
on Tuesday 10th April 2018 at 6.45pm**

Present: Cllr. J Johnstone Chair (JJ), Cllrs Mr. A Birtles (AB), Mr. D Gilmour (DG), Cllr D Marsh Mr. P Richardson (PR), Mrs. J Sowerby (JS), Mrs. D Thornton (DT) 7.00pm and

Also in attendance: Clerk, Herald Reporter, Cllr V Kendall (EDC/YDNP), Cllr P Dew (CCC) and 5 members of the public.

Public Participation

District & County Councillors

Cllr V Kendall (EDC/YDNP)

Cllr P Dew (CCC) Report appended. App. 3.

Community Police

The Community Police were not in attendance there were no matters raised.

A report was submitted which is available for inspection in Local Links

- 832 **Apologies for absence**
Mrs. G Lumley (GL) illness, Mr. M Walker (MW) planned holiday. Cllr T Ladhams (EDC)
- 833 **Minutes of previous meeting**
RESOLVED that the minutes of Kirkby Stephen Town Council held on 6 March 2018 (pages 18197-18201) be confirmed as a true record and signed by the Chairman.
- 834 **Declarations of Interest** – AB (Prejudicial Interest Planning Applications Item 4, 18/0243, 180142(43), 18/0028) DT (DPI Planning Application 180142(43)) Councillors left the room for discussion of these items.
- 835 **Planning**
18/0243(44)
Site address: MITRE HOUSE MARKET SQUARE KIRKBY STEPHEN CA17 4QT
Description: Listed building consent for single storey rear extension.
THE TOWN COUNCIL SUPPORTS THE APPLICATION
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- 18/0205
Site address: WHITEHOUSE FARM HIGH STREET KIRKBY STEPHEN CA17 4SH
Description: Removal of condition 3 (affordable housing) attached to approval 13/0737.
THE TOWN COUNCIL OBJECTS TO THE APPLICATION
The Town Council is supportive of the principle of providing affordable housing on this site and had previously supported development on this site subject to that principle. It was agreed that there should be some element of affordable housing on the site. The Town Council would defer to planners on the relevance of provisions within the emerging local plan but on the basis of the application before it objects.
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- 18/0194
Site address: EDENSIDE GARAGE NORTH ROAD KIRKBY STEPHEN CA17 4RP
Description: Non-material amendment comprising of substitution of material to low plinth, attached to approval 16/0606.
THE TOWN COUNCIL SUPPORTS THE APPLICATION
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- 18/0154
Site address: 18 - 20 MARKET STREET KIRKBY STEPHEN CA17 4QS
Description: Listed Building consent to enable Change of Use from Class A1 (shops) to mixed use of Class A1 (shops) and Class A3 (restaurants and cafes).
THE TOWN COUNCIL SUPPORTS THE APPLICATION
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- 18/0142(43)
Site address: 1 CROFT STREET KIRKBY STEPHEN CA17 4QJ
Description: Change of Use from sandwich shop / takeaway to micro pub serving food, including internal alterations.
THE TOWN COUNCIL SUPPORTS THE APPLICATION
The Town Council had received a letter of objection which was read out at the meeting. The objector felt that the pavement conditions outside the premises were unsafe in relation to the serving of alcohol. It was agreed that this was a licencing matter and not a planning matter. The Town Council disagreed with

the basis of the objection and fully supports the application which brings a commercial building back into use.

18/0028

Site address: LAND OFF CHRISTIAN HEAD KIRKBY STEPHEN

Description: Variation of S.106 under approval 17/0073.

Received date: 15/01/2018

THE TOWN COUNCIL SUPPORTS THE APPLICATION

17/0676 (resubmitted)

Site address: BRYSONS BAKERY 37 MARKET STREET KIRKBY STEPHEN CA17 4QN

Description: Repositioning/lowering of existing air conditioning unit and installation of wooden screen/cover.

THE TOWN COUNCIL OBJECTS TO THE APPLICATION

It was agreed that the air-conditioning unit was an alien intrusion into the environment and that the plans as proposed would introduce additional clutter and displace the refuse bins further disrupting the common area and neighbour's amenity. It was felt that options to recess the unit in the roof void or within the wall itself could have been explored. The Town Council was sympathetic to the needs of the business owner but felt that a better solution could have been offered that would have been less intrusive.

836

Devolution of Services

Following the last meeting the Clerk had discussed the approach taken by Penrith Town Council with their Clerk and Assets Transfer Officer (David Rawsthorn). They had forwarded a 'Devolution Plan and Protocol', 'Assets and Services Devolution Plan 2016-21' and 'Assets and Services Devolution Protocol.' The documents and the discussion were of interest in formulating our own approach and it was agreed that the Clerk would forward the documents to AB for review ahead of further discussion. The Clerk anticipated that a similar approach would benefit the residents and Town Council of Kirkby Stephen. It was resolved that The Clerk would seek to arrange an introductory meeting with Neil Buck of Eden District Council to discuss the current standing of the proposals.

An email received from Samantha Bagshaw at CALC was read out. (Appendix 1) Eden District Council's outgoing CEO Robin Hooper had agreed an extension of time to the 31st March deadline for commitment regarding footway lighting. reads:

The Clerk noted that in practical terms in order to meet that deadline the council would need to have a 'decision ready' motion at its meeting on the 8th May. In view of the advice given in CALC's email, the lack of progress regarding Eden's technical survey and the wording of any agreement it was agreed by councillors that the prospect of Eden being able to achieve an agreement that was 'decision ready' by the 8 May was not credible.

It was **RESOLVED** that the matter of devolution of services should be referred to Eden District Council's Scrutiny Committee with the scope of that enquiry being to examine the principle of devolving services as well as the manner in which the 'negotiations' had been progressed.

837

Appleby Horse Fair

Emma Brass (EDC) and Sgt. Andy Millburn had offered to attend the Council's evening meeting on the 8th May they anticipated that they would need 45 minutes of the Council's time. Emma Brass had confirmed that the Multi Agency Strategic Command Group (MASCg) was chaired by Eden Deputy CEO Matthew Neal and would meet next on the 23 April. Input and queries to this group would be through her.

It was **RESOLVED** that Emma Brass and Sgt. Milburn would not be invited to the 8th May meeting as this was the Elector's meeting and there was too much business scheduled to allow the time required. They would instead be asked to an earlier meeting that day between the Chairman, Deputy Chairman and Clerk which the Clerk would contact them to convene.

The Chairman reported on the progress made with the meeting convened by the Police regarding the Horse Sale planned for the 8th June (20 March). It had not been possible to broker the provision of any relief parking additional to that already negotiated by the auction (H&H) other than the Land at Christian Head which was earmarked for development meaning that the problem would become worse in future years. A note of the meeting is appended to these minutes. (Appendix 2.) It was **RESOLVED** that the Clerk would refer the issues raised regarding the horse auction planned in Kirkby Stephen for the 8th June to MASCG through Emma Brass for the MASCG meeting on the 23rd.

838 **General Data Protection Regulation**

The Clerk and Centre Manager Wendy Hamilton had attended a training day on GDPR and the Data Protection Act. The bill was currently in its second reading but GDPR would come into effect on the 25th May. The legislation established more than one lawful basis for processing information other than the 'consent' of the individual concerned. The council would be able to rely on the basis of 'Public Duty' for most of its processed information. Changes to current practice would be required and a briefing would be prepared and given to councillors ahead of a future meeting in the Summer. The Clerk was confident that the Council could comply using the tools provided as it was compliant with the 1998 Data Protection Act.

839 **Grass Cutting**

Garry Simpson was unable to continue with the offered contract. The underbidder on the original tender had been contacted and had confirmed that they were available to carry out the contract. It was resolved that he would be invited to meet with the Chairman, Deputy Chairman and Clerk with those present on behalf of the council authorised to negotiate directly, appoint if thought fit under delegated powers and report back to the council.

840 **Accounts for Payment**

It was RESOLVED to approve Payments as follows:

- 9 April 2018, Cheque, 10894, Halls Newsagents. £37.08.
- 9 April 2018, Cheque, 104895, Kirkby Stephen Burial Joint Committee. £2,012.00.
- 9 April 2018, Cheque, 104896, Water Plus Ltd. £135.53.
- 9 April 2018, Cheque, 104897, Eon. £156.61.
- 18 April 2018, D/D, Eden District Council, Christian Head Car Park, £258.00.
- 1 May 2018, D/D, CF Corporate Finance (Copier), £175.86
- 5 May 2018, Bacs, HMRC Cumbernauld, Employers PAYE/NIC, (To be calculated)

03/01/18	System IT	DD	£36.00
03/02/18	ICO - data protection reg'n	DD	£35.00
14/03/18	Plusnet - FOR9685976-1	DD	£67.73
20/03/18	Eden District Council re car park	DD	£274.00
26/03/18	Salaries	BACS	£4,025.32
26/03/18	Nest	BACS	£32.22
28/03/18	HMRC PAYE 3 mth conts	BACS	£2,690.40
28/03/18	EFS - Street cleaning supplies	BACS	£12.48
28/03/18	CALC - 2 x Data Protection	BACS	£140.00
28/03/18	JT Atkinson - road salt & shovel	104893	£45.55

Balances Remaining

Street Cleaning	£2,895.25
Open Spaces	£2,234.03
Grants	£2,229.88
Administration	£1,178.78
Community & Council Centre	£20,198.37
Miscellaneous	£3,914.33
Cloisters	£449.79

Market	£8,173.62
Allowances	£0.00
Calor Fund	<u>£1,937.44</u>
Total	<u><u>£43,211.49</u></u>

Bank Reconciliation Kirkby Stephen Town Council

Balance B/fwd	£47,578.00		
Receipts in	£552.09	Payments out	£7,358.70
		Balance C/fwd	£40,771.39
Total	<u>£48,130.09</u>	Total	<u>£48,130.09</u>
Bal c/fwd	£40,771.39		
less o/s	£45.55		
Add o/s chqs	-£54.50		
Total	<u>£40,762.44</u>		

841

Correspondence

- 8/3/2018 | Parish of Kirkby Stephen with Mallerstang, Crosby Garret and Soulby. Some funds would be returned to the Town Council in relation to the appeal for the Church Clock which would be used to fund its future maintenance. **NOTED**
- 3/4/2018 | Resident. Notice regarding access to the Primary School Play area and maintenance costs associated with it. **NOTED**
- 05/04/2018 | Resident. Litter in the Christian Head Car Park. **NOTED**
- 9/4/2018 | Yorkshire Dales National Park, member vacancy notice. **NOTED**
- 9/4/2018 | Yorkshire Dales National Park, Parish Forum Meeting 16 April 7.00pm, Westmorland Hotel Tebay. **NOTED**
- 4/4/2018 | Eden District Council training session offered re Eden Local Plan 2014-2032. **RESOLVED** to opt for a dedicated session rather than adding it onto a future meeting agenda.
- 6/4/2018 | Resident of Kaber, emergency routing of traffic concerns. **NOTED**
- 5/4/2018 | Eden District Council, notice of planning committee 17/1078 Land adjacent to West View, Fletcher Hill. 19 April 2018 at 9.30 am. **NOTED**
- 19/3/2018 | Emma Brass (EDC), MASCG and Horsefair matters. **NOTED (837)**
- 9/4/2018 | Cumbria Association of Local Councils, Devolution of Local Services. **NOTED (836)**
- 5/4/2018 | North Pennines AONB, notice of Annual Forum 24 May 2-5). **NOTED**
- 10/4/2018 | Westmorland Dales Landscape Partnership Forum, Notice of Forum meeting, 21 April (Orton). **NOTED**

842

Portfolio Reports

- Town Council Administration |JJ| Attending meeting regarding Community Centre on Monday 16th.
- Community Planning |AB| Community Planning Consultation to conclude on the 5th.
- Community |PR| Parking position at Market Square being monitored, Charity Box prepared for installation.
- Highways |JS| Condition of Faraday road
- Open Spaces |DT| Nothing to report
- Property |DG| Letter from Tom Woof - His proposed affordable housing scheme had not received funding.

AB

843

Date of Next Meeting

8th May 2018.

The Meeting closed at 8.50pm

**Chair:.....
Date: 8th May 2018**

Appendix 1

Text of Email Cumbria Association of Local Councils re Devolution of Services transmitted 9 April 12:17

Dear Colleague,

Re: Transfer of Footway Lighting to parish and town councils and parish meetings in Eden.

I wrote to you in February promising to keep you up to date with progress in negotiations with Eden District Council regarding the transfer of footway lighting.

The Chairman of CALC, Rick Petecki, and I met with the Eden DC Chief Executive Robin Hooper, Jane Langston and solicitor Lisa Tremble on Tuesday 27th March. We discussed a range of issues including the deadline of 31st March for signing the legal agreement and therefore being added to the list of lights to be upgraded to comply with the new EU Regulations.

Robin Hooper decided that the deadline can be moved to the 31st May 2018 with the same provisos – if the agreement is signed by this date, then the lights will be upgraded and 100% of Eden's current costs will be passed to the parish council as originally agreed. Their aim is to get a clear number of lights so they can write a tender for the contractor for replacing the lights and to get a price. If your council signs the agreement after this date, EDC will add these lights to a second tender document and they hope (but don't know yet) that they will be able to cover the costs of this second round.

The ability to sign the document does depend on both parties agreeing a workable agreement. There was some progress made relating to the acknowledgement of the fact that EDC have not yet carried out a technical survey of the lights in terms of their suitability for upgrading – therefore if the contractor arrives and finds that the 'agreed light' cannot be physically replaced, it was agreed that it will immediately cease to be the responsibility of the parish council.

However, there is further work to be done on the wording of the agreement. CALC has instructed our solicitor to continue to work with EDC's legal team to agree changes as we want to move forward as quickly as possible.

I expressed my concerns about the lack of clarity on the actual costs facing Eden's local councils and the difficulty this presents to parishes in, amongst other things, setting a precept. EDC could not give any clarity on this issue, other than giving the costs they currently incur, which are figures based on a maintenance and electricity contract for around 1500 lights. They confirmed that EDC would not be procuring either electricity or maintenance contracts on behalf of the parish councils beyond 2022. CALC is continuing to look at other options (including talking to the County Council highways authority) to ensure that councils will have information on actual costs before agreeing to take on the lights.

To sum up, out of the 1500 or so current footway lights in Eden District, Eden District Council are removing 750 due to being 'unsuitable' for upgrading to LED (or being otherwise unapproved). The remaining 750 lights have been offered to 60 parish councils/meetings. If they do not wish to take them on they will also be removed.

So far 25 parish councils out of 60 have agreed to take on around 330 lights (some of which may not be suitable for replacement), therefore approximately 1,170 footway lights will be removed from the district when they fail.

I will let you know when the negotiations have been concluded with EDC over the footway lighting contract, until that time our advice is still not to sign the contract that has been sent out by EDC.

Kind regards,

Samantha

Samantha Bagshaw
Chief Officer
Cumbria Association of Local Councils (CALC)

Appendix 2

File note | Meeting re Horse Auction at H&H Borderway Kirkby Stephen. 20/03/2018. 11:00am.

Attending | Christian Barnes (Clerk, KSTC), Cllr Paul Richardson (KSTC), Cllr Glenys Lumley (KSTC), Daniel Evans (CCC Traffic Management Officer), David Pitchard (Operations Director H&H), Mark Richardson (Resident Auctioneer H&H), Janet Allison (PCSO), Erich Theole (Police Problem Solver)

Purpose of Meeting. To discuss parking and traffic problems likely to arise as a consequence of the planned horse sale on the 8th June. The sale was timed to coincide with the New Fair at Appleby which presented a good market opportunity but had in previous years exacerbated traffic problems associated with the New Fair generally when Fair Hill opened at Appleby on the Thursday.

Agreed. CB to write to Cricket Club, Rugby Club, Len Bousfield and Allan Eubank on behalf of all present to request 'in principle terms' for the use of fields/hardstanding in KS for relief parking on the day of the sale.

Agreed. DP to consider whether the timing of the sale could be varied to relief the issue of congestion caused by fair visitors departing for the New Fair on the same day at the same time as the sale and report back.

Agreed. We would hold another meeting on the 9th April if progress made to discuss further

Noted. It was too late to apply for a Traffic Regulation Order (TRO) eg to create a one-way system (cost £500-£600 +£2,000)/scheme of signage etc. for this year. Lead time required 4 months.

Noted. A permanent TRO could be created at a similar cost meaning that specific sales could be dealt with in a similar way without needing to reapply for a term of 12 Years +.

Noted. CCC could prepare a traffic scheme but would require funding to do so. Traffic Management company could also prepare a scheme.

Noted. Westgarth Residents likely to react against traffic directed to the Rugby Club.

Noted. Rugby club = best hardstanding.

Noted. Road stewards could not be volunteers e.g. Rotary but would require 'Chapter 8 Competencies' CCC advised the following companies as approved suitable in the local area, CTM, Carlisle Traffic Management and A Plant (preferred).

Noted. County did not wish to direct/provide traffic wardens to attend because of the risks associated with confrontation. Police were not available to manage traffic.

Noted. The lack of parking space for the auction was something that H&H had not been able to resolve and was an issue in respect of this and other sales a permanent TRO and 'in principle' agreement over relief parking would be of benefit. They had had no success in negotiating directly with Mr Bousfield.

Noted. Clerk + Chairman KSTC to meet with Emma Brass Eden District Council re New Fair Multi-Agency Task Group and feed in from this meeting.

Noted, H&H had obtained permission to use Dargue's field for relief parking on the day of the sale but would welcome progress with other sites.

Appendix 3.

Report of County Councillor P Dew.

Report to Town Council meeting 10 April, 2018 – Phil Dew

Highways

The bollards will be installed outside the Visitor Centre/Kings Arms in June, 2018.

I requested the sweeping of Faraday Road which was carried out on 10 April, 2018.

I have asked for urgent remedial work to be carried out on Faraday Road.

I have requested 'Give Way' markings for the junction of Fletcher Hill Park and Faraday Road.

I have asked for an urgent review of the height restriction signage following complications at the Midland Hill Bridge during the recent diversions.

An additional £600,000 of Government money will help with the pot hole repair bill.

Additional funds have been allocated for gully cleaning in 2018/19 following persistent pressure from councillors.

Appleby Horse Fair

The funding of the Fair was discussed at a recent meeting of Eden Local Committee and it was decided to ask CCC for financial help.

Western Dales Bus

Recent publicity has resulted in more volunteer drivers coming forward. I have begun discussions to extend the service. It would be good to link up with the 563 Appleby/Penrith bus.

DRAFT