

03 July 2018, Kirkby Stephen Town Council

Ordinary Meeting of the Town Council

Kirkby Stephen Town Council, Local Links, Vicarage Lane, Kirkby Stephen, Cumbria, CA17 4QX

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Starting at approximately 6.45pm at the Masonic Hall, North Road Kirkby Stephen after the conclusion of Eden District Council presentation on the Emerging Local Plan starting at 6:00pm.

Attending: Cllrs. J. Johnstone, A. Birtles, G. Lumley, P. Richardson, J. Sowerby, D. Gilmour, D. Thornton. KSTC.
Cllr. P. Dew. CCC. Cllr. T. Ladhams. EDC. Cllr. V. Kendal EDC and 4 members of the public.

Participation of Public

A member of the public made a verbal presentation to the council on the subject of the 'All Weather Pitch'

The 'All Weather Pitch' had been originally installed 20 years ago. It was widely used by the school, by local clubs including hockey, football and other external groups including Sunderland Football Club. The all-weather pitch had benefited from extremely good management which has extended its 15-year projected life to 20 years. However, it was now approaching the end of its life and needed to be renewed. The school had carried out a report and the pitch was starting to deteriorate. Costings had been obtained for replacement at £170,000 to £200,000. A further £60,000 would be required for lighting. The refurbishment group has identified a two-phase approach that reflected these costs. They have worked closely with Eden District Council Leisure Services, they have prepared a detailed business plan and they had £50,000 raised towards the cost of the project. Eden District Council had announced a £300,000 grant fund entitled the 'signature fund' to which Town and Parish councils could make bids for up to £100,000 there was a November deadline. The council was asked to make a bid to the signature fund to support the refurbishment.

A member of the public raised a question over the contribution made to the maintenance of the cemetery by Eden District Council. Kirkby Stephen Cemetery was the only cemetery in Eden not to benefit from District Council funding, historically this was because although the District Council had a statutory responsibility to fund the facility the burial committee burial board had held High reserves at one time and it was felt that these should be defrayed before the District Council made a further contribution. It was resolved that the time to reconsider this judgement had come and it was resolved that the Clerk would meet with Cllr Thornton and the Chairman of the Burial Board to establish the position before writing to Eden District Council on the matter.

Participation of District Councillors

Cllr Ladhams congratulated Cllr Dew on the conduct of the meeting at Kirkby Stephen Grammar School on the 26th June. He said it had been an important meeting, very well attended and had had some good outcomes. The matter was discussed briefly and it was noted that it was on the agenda for the full meeting. It was agreed that Cllr Dew would

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participate in that discussion. Cllr Kendall called for a representative of Kirkby Stephen Town Council to sit on the Multi Agency Strategic Command Group.

Participation of County Councillor

Cllr Dew spoke to a report given as Appendix 1. He touched on the following issues: Bollards in the town centre were now installed thanks to Cumbria County Council, Faraday Road was due to be resurfaced. Cllr Dew expressed the view that the Town Council needed a policy on the discussions taking place about a Kirkby Stephen bypass. A request for a C2C sign was noted. The launch of the Dementia Action Alliance on the 11 July at the Kings Head was announced and councillors encouraged to attend. Cllr Dew's correspondence with Upper Eden Medical Practice (Dr Galea) in response to a letter sent to the Town Council was discussed and it was noted that the letter sent by Councillor Dew to Dr Galea was not sent on behalf of the council and its tone was not endorsed by the council.

Participation of Police

A written report was read out detailing policing issues between 3 June and 3 July not connected to the Appleby Horse fair, A copy is available in Local Links.

18/043 Apologies.

Cllr D. Marsh (working)

18/044 Declarations of Pecuniary Interest.

None

18/045 Minutes.

The Chairman was authorised to sign the minutes of the Ordinary Meeting held on the 5 June as a true record.

18/046 All Weather Pitch.

it was agreed that following the presentation made during 'public participation' the pitch was a valued community asset, was well used, served a wider community in the upper Eden area and brought people to the County. It was well managed and had benefited from a close working relationship with Eden District Council.

Kirkby Stephen had a never been a recipient of a large capital grant from Eden District Council it was therefore thought appropriate to seek a capital grant to benefit this project specifically. A capital grant had been sought previously from leader of Eden District Council Kevin Beattie and although this have been met with warm words it had not been followed through. It was believed that the project could need up to £300,000

It was proposed with the unanimous support of the council that the Town Council make an application to the Signature Fund as accountable body to the benefit of this project for a maximum bid of value of £100,000.

18/047 Horse fair feedback.

Cllr Dew was congratulated on the meeting held at Kirkby Stephen Grammar School. There had been an amazing turnout with standing room only of 250 people. Cllr Johnstone stated clearly that something has to change going forward and that it was essential that MASCg should take the local areas input and incorporate it into their new strategy which should be more responsive to the community.

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It was noted that people attending the meeting had behaved well particularly over the contribution to the meeting made by representatives of the Gypsy and Traveller community. Minutes were being produced and will be ready tomorrow for distribution. They will be made available in the Local Links and online.

After the meeting Cllr Dew had met with a gypsy present in the audience from Leeds. She had proposed that the Gypsies hold and promote a 'cultural evening' in Kirkby Stephen to raise awareness and understanding of their community in Kirkby Stephen. It was AGREED that this should be pursued.

It had been proposed to create ditches in the verges of the A685 to make a future encampment of the kind that had caused such problems this year impossible. This would be looked into by Cumbria Highways in the immediate future.

To prevent the selling of horses on the street in Kirkby Stephen, police should stop people trading horses and demand to see passports and microchips and where these requirements were not met they should take action leading to prosecution.

Prior to the meeting The Clerk had circulated a paper on the issues prompted by the police and crime commissioners meeting on the 6th of June to councillors about issues relating to the inadequate policing of the town in the build up to the Appleby Horse Fair the Chairman picked up the following issues from it:

1. Temporary Kirkby Stephen telephone hotline support for residents in the weeks leading up to the fair.
2. Temporary Kirkby Stephen courts,
3. A685 can the verges Edensyde to Winton be reformed with ramped earth to design out roadside camping in risky areas?
4. Enforce use of designated sites when these are left vacant.
5. Police Presence in the lead up to the fair had been inadequate and intelligence had been poor.
6. The Landlords of four pubs in Kirkby Stephen attended and had raised concerns over their treatment by police over licencing matters. While everyone understands landlords' responsibilities it is essential that they are supported by police and not blamed when things get out of hand.
7. the strategy MASCG works to in future should be district focussed and not Appleby focussed. Appleby and fair hill is the travellers' destination and it should be open earlier. This element of the current strategy should be abandoned.
8. Any review of the fair should include an examination of how it can be constituted as an organisation and further to this that the ownership and leasing of fair hill should be scrutinised, audited and re-evaluated with a view to monetising the fair in such a way that the costs currently borne by tax payers are at least defrayed by the event itself. The new MASCG strategy needs to address this issue specifically.
9. Kirkby Stephen Town Council to have an opportunity to consider the new strategy at their meeting in January 2019 and prior to that to be specifically consulted on its drafting and the drafting of the operational plan. If the council does not support the strategy or the operational plan with which it is presented it should have the opportunity to say so.

Cllr Walker raised the issue as to uncertainty regarding arrestable and non-arrestable offences following legislation in 2006 and a suggestion that the police were afraid to tackle large groups of Gypsies

Cllr Birtles had overheard Mark Pannone of Cumbria police asking the Gypsy representatives present 'what they were going to do about policing the fair' he felt that this was symptomatic of an institutional reluctance within the police to address the problem. It was agreed that Cumbria Constabulary needs to change its approach away from a concern with safety towards a concern with Law and Order. Cllr Gilmour had visited the police station during the fair to ask what the police would do and had been told that there was nothing that they could do.

In the lead up to the fair in a meeting between Town Council representatives and representatives of MASCG. The town council had been told that 6 police constables, 2 sergeants and an inspector would maintain a presence in Kirkby Stephen prior to the fair. In the event this had not been observed although on the same day 30 police had been observed in a very quiet Appleby

After discussion it was AGREED to write to Mathew Neal Chairman of MASCG to require that the town council had input into and approval of the strategy to which they would work in the future.

In addition, it was AGREED with the unanimous support of the town council that Cllr Dew be given a seat on MASCG as a representative of the settled local community.

18/048 **Planning 18/0441**

48 SOUTH ROAD, KIRKBY STEPHEN, CA17 4SN.
Prior notification of proposed rear sun room.
SUPPORTED

18/049 **Planning 18/0463**

1 LEVENS HOUSE, NATEBY ROAD, KIRKBY STEPHEN, CA17 4AA Change of timber sliding sash windows to UPVC sliding sash windows.
supported

18/050 **Highways England Consultation A66.**

The Clerk and Cllr Richardson had attended a consultation with Highways England on the 19th of June.

Highways England were proposing to make a dual carriageway the entire length of the A66 from Scotch Corner to Junction 40 of the M6. The proposal was at notification stage. Highways England were seeking support from local towns and parishes and specifically feedback on the impact of safety issues as they affected local communities. The proposal had an estimated capital value of £2 billion of expenditure and would be linked politically to the Northern Powerhouse initiative. It was in competition with initiatives in the south of England for resources and the business case was not as strong. However, the need to rebalance the British economy in favour of the North and the issue of the many deaths arising on the road, and its current unsafe design were thought to sway the matter. The next phases of consultation would incorporate design work ahead of a more detailed proposals. In addition, the economic impact all of the capital spends and the changes to the road itself would form part of a future consultation. The realisation of the

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scheme if it were to proceed was approximately 10 years away and in the background is a sombre calculation regarding how many people will be killed on the road before then at a series of blackspots arising from the contraction of the road to a single carriageway at various points. When the A66 is closed following these events Kirkby Stephen experiences traffic chaos.

There was a particular problem at Kemplay Bank and Junction 40 where local traffic and through traffic crossed causing friction. Highways England were proposing an unspecified piece of traffic engineering to separate the two traffic streams, this was viewed as necessary because the current situation was untenable and 50% of Eden's housing allocation in the emerging local plan was to be delivered in Penrith alone. In addition, the Emergency Services operated out of the Kemplay Bank roundabout and could do so with more ease if there was less friction in the traffic flow at this point

Penrith town council and other local councils in that area had spoken in favour of a Kirkby Stephen bypass thinking that this was an alternative to the need for significant traffic management and new infrastructure in their area to resolve this issue. The pressure for a Kirkby Stephen bypass was being driven by the need to relieve this Kemplay Bank Junction 40 problem and not out of consideration for the needs of Kirkby Stephen or the economic impact of a bypass on the town.

18/051 Devolution of Services

The chair gave a brief verbal report on a meeting held with Jane Langston of Eden District Council over Devolution matters.

It was agreed that 'in principle' the lighting columns would be adopted with Amey as a principal contractor for the 30th of September deadline.

Cllr Birtles had provided a manuscript of two clauses which it was agreed would be added to the agreement and circulated to Eden for approval and incorporation it was not anticipated that these would cause any dispute. Costs after 2022 were uncertain and it was accepted that an element of risk was involved. The Clerk was instructed to write requiring the replacement of all poles with aluminium hinged poles and new LED lighting as a precondition of our acceptance.

There had been discussion of the transfer of the toilet block and car park at Stoneshot from Eden District Council to Kirkby Stephen Town Council it had been agreed with Jane Langston that the transfer would be of Title Absolute and freehold with no covenants or encumbrances she had agreed to look into the previously agreed schedule of repairs and report on progress.

After the meeting Jane Langston and the Clerk had visited the two play areas at Westgarth and the Primary School the original wording of previous Clerk, Jeanette Coopers report to the council dated the 27th of September 2017 made clear that the Council was minded to accept the transfer of the Westgarth play area but to reject the transfer of the Primary school play area.

The Primary School play area stood on a Cumbria County Council freehold with less than 25 years to run. The Clerk would need to establish how many years are left on the lease.

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The council's position was that it wanted to see a Children's play area available on either side of South Road so that children did not have to cross the road to get to a Recreation Ground. It was felt that rather than devolving this asset to the town council if the County Council could be persuaded to maintain it as a public play area on its own ground with access independent from the school then that would satisfy the council's aspirations for the site. Effectively this play area already stood within an area maintained by the County Council.

In addition to this the position of the Visitor Centre had also been discussed in relation to the CIC and its tenancy of the visitor centre. It had been proposed that the visitor centre would be transferred freehold to the Town Council and that the Town Council would then let it to the CIC on equivalent terms. It was AGREED that this prospect could be investigated further. Cllr Birtles undertook to establish the costs associated with the freehold were from previous negotiations.

The Town Council had also discussed with Jane Langston the issue of Eden District Councils statutory responsibility to maintain the burial ground and it had been agreed that this issue would be looked into further.

18/052 **Finance**

The following payments were approved

- 29/06/2018, Christian Barnes - refund Companies House filing fee, 104919, V50, £13.00
- 02/07/2018, Alan Simpson, 104920, V51, £141.00
- 02/07/2018, JT Atkinson, 104921, V52, £134.20
- 02/07/2018, Spoilt chq, 104922
- 02/07/2018, Richard Davis, 104923, V53, £650.00
- 02/07/2018, NW Arboricultural Servs Ltd, £104,924.00, V55, £1,014.00
- 01/07/2018, System IT, DD, V56, £36.00
- 14/07/2018, Plusnet – EST, DD, o/s, £65.00
- 20/07/2018, EDC, DD, V54, £254.00
- 25/06/2018, Salaries, BACS, V44-47, £3,396.14
- 25/06/2018, Nest, BACS, V48, £71.21
- 29/06/2018, PAYE, BACS, V49, £3,124.62

18/053 **Bank Reconciliation Kirkby Stephen Town Council at 30/06/18**

Balance B/fwd	£93,148.22		
Receipts in	£1,023.86	Payments out	£9,019.83
		Balance C/fwd	£85,152.25
Totals	<u>£94,172.08</u>		<u>£94,172.08</u>
			£0.00
Bank Balance C/fwd			
Market	£8,774.20		
HICA	£72,640.61		
Current	<u>£6,983.80</u>		

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		£88,398.61
<u>Add</u> o/s rec'ts		£50.00
<u>Less</u> o/s chqs		
Chq 104915	£10.50	
Chq 10417	£148.24	
BACS - re PAYE	£3,124.62	
Chq 104919	£13.00	
		-£3,296.36
		<u>£85,152.25</u>

18/054 **Future Banking Arrangements**

The HSBC bank was discussed. The bank no longer has premises in Kirkby Stephen and there had been difficulty in communicating. The had examined the options of moving to the Cumberland Building Society. The building society was a Cumbrian based mutual society that offered a full range of clearing and electronic banking services, crucially it maintained staffed local offices with named individuals with whom the council would be able to deal on matters of finance. There would be charges and the Clerk would assess which tariff would benefit the cancel most. Only four people could act as signatories whereas all the councillors currently acted as signatories to the HSBC account. This was AGREED in principle with the Clerk to investigate further and report back in September.

18/055 **Portfolio Reports.**

To receive updates and proposals from Councillors relating to:

1. Town Council Administration. JJ. None.
2. Community Planning. AB. Cllr Birtles introduced the 12-month lease for the Christian Head car park with a recommendation to sign. It was agreed that the CLERK would establish that the council's public liability insurance would meet the requirement to provide £5 million worth of Public Liability cover. The covenants were that we could not sublet, that we would keep the surface drained, free from weed, that we would keep the car park clean and tidy, that we would service all pipework and maintain it in good working order, that we would be responsible for waste or rubbish on the car park and that we would not permit any caravan, dwelling or hut. The charging points were not included in the agreement and were provided by Cumbria County Council it was resolved to accept tenancy as drafted and the clerk was authorised to sign the lease. The lease for local links was back with Cumbria County Council and further progress was awaited.
3. Community. PR Cllr Richardson had attended the launch all of the 'mini police' at the primary school with the Clerk. The event has been organised by PCSO Jeanette Alison and had been well received. The mini police was an initiative by the police to engage with young people in a positive way that was fully supported by the council.
4. Highways. JS. The matter of blocked Gully Pots and drains needing to be cleared ahead of Rain in order to avoid flooding was raised again clerk to pass on the concern as URGENT.

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5. Open Spaces. DT/JJ A bench and picnic table had been replaced at Christian Head Car Park, although it has been expensive the quality of the work was excellent and the street furniture involved had a life of 50 years. The Council noted with thanks the excellent craftsman input into the carrying out of the work.

6. Property. DM/DG, None.

7. Tourism & Events. MW. The new bus service launch had been a great success with good publicity in the Cumberland and Westmorland Herald. The service to Kendal had gone up from an average occupancy of 34 to 37 and the service to Brough has gone up from 13 to 21 these were excellent figures. Seven drivers from the Kirkby Stephen area were now helping to deliver the service.

'Westmorland Dales Day' a full-page article has appeared in Cumbria magazine and the Stainmore Railway had received new stock. Kirkby Stephen Community Arts was engaging with the schools over a project called 'Steps Up' for young people and the offer of the Parish Church for an Eden tourism networking event remained open.

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Appendix 1

County Councillor's report.

Report to Town Council meeting 3 July, 2018 – Phil Dew

Highways

I await confirmation from Phil Cueto of Highways England that signage is to be improved on the A66 to warn drivers of the height restriction on the A685.

Steve Mason of Highways England is holding a public meeting in Brough on Monday, 9 July, 2018, to discuss the implications of the A66 road closure which is taking place in September/October, 2018. I continue to stress the need to enforce the HGV ban. CCC Highways is backing me on this.

Some improvement work is due to take place on Faraday Road over the next few weeks but the road is going to be resurfaced ahead of schedule.

The bollards have been installed around the Visitor Centre.

I have yet to inspect the work on Bollam Lane.

The possibility of a Kirkby Stephen by-pass was discussed at a recent meeting of Penrith Town Council and reported in the CWH. The Town Council needs a policy on this issue.

I will mention the need to enforce the HGV restriction on the A685 when I meet with the PCC next week.

A request has been made for a 'coast to coast' sign outside the Visitor Centre.

Appleby Horse Fair

Following the fair, I asked Dan Evans, who is responsible for the Traffic Management Plan, to visit the A685 which he did on Friday, 15 June, 2018, in order to discuss lawful ways in which access to the verge could be restricted. We concluded that ditching is probably the most practical and cost-effective method. This has yet to be considered by MASCG. What is clear is that the A685 is not suitable for large scale encampments. A field needs to be found for the bow tops [redacted's field] and motorised vehicles sent on to Appleby. Withdrawing or restricting licensed sites in Appleby will simply exacerbate the problem.

A MASCG meeting took place in KS on 26 June, 2018 - at my insistence. It was attended by 250 people along with representatives from MASCG. Gypsy spokesmen – Bill Lloyd and Billy Welch - also came to the meeting and did speak - at length. Despite strong feelings people behaved in a respectful and considered manner and this has been commented on by officers who were present. Several ideas were put forward and detailed minutes of the meeting will be made available online and at the Local Links later this week.

Following the meeting I spoke to [redacted] from [redacted] - who is also a spokesperson for the gypsy/traveller community - and she suggested holding a cultural evening in KS where residents could find out more about both gypsy history and the gypsy way of life. It has become clear that Billy Welch and Bill Lloyd in effect only speak for the traditional gypsy/traveller community which is now in the minority. It is in all our interests to try and restrict the burgeoning group of new travellers.

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I have also spoken to [redacted] [KS Club] and [redacted] [Black Bull Hotel] and heard their views about licensing restrictions during the fair. These need to be fair and proportionate so as not to discriminate against law abiding customers.

Comment has been made about the cancellation of the H&H horse sale which was due to take place on Friday, 8 June, 2018, and whether this contributed to the disturbance in KS. On-street horse trading took place on Sunday, 3 June, 2018, but this was a continuation of the practice begun the previous year. Such trading is preferable to the dealers because they don't pay commission. This growing practice has to be quashed by effective zero-tolerance policing. All horses should have passports and microchips and if not immediate measures should be taken against owners.

I am meeting Peter McCall PCC next Tuesday in Penrith to discuss policing in KS. The police presence will have to increase and the force needs to be better prepared and informed so that the response is proactive not reactive.

I am confident that lessons will be learned and that changes to both the Appleby Fair Strategy and Encampment Policy will be made.

The gypsy/traveller community has representation on MASCG and so should the local community. I represent the whole division from Brough to Orton and I will be arguing for a seat at the table given that ours is the area most affected in Phase 1. That does not preclude KS Town Council from having an input into the discussions preceding a revised strategy.

The issue of finance has yet to be resolved. A few people are making a lot of money [car parks, camping fields, market stalls] and we continue to pay the huge associated costs.

Appleby Heritage Centre

The future of Appleby Heritage Centre has been secured for the next twelve months but further work needs to be done regarding a revised apprenticeship programme in the long run. This might require a change in government policy.

Extreme Weather

The meeting scheduled for 28 June, 2018, in Penrith, to discuss the lessons learned from the extreme weather event earlier in the year, didn't take place because the draft report hasn't been completed.

All Weather Pitch

EDC's Signature Fund criteria have now been published and hopefully a successful bid will be made. KSGS has yet to sell its land for residential development but the expectation is that, when it does, a significant grant will be made to the All Weather Pitch fund.

Premier Inn

The confusion about KS Town Council's policy regarding hotel development rumbles on. I have been encouraging concerned residents and business owners to attend one of the town council meetings in order to express their point of view. This is what the democratic process is all about and we shouldn't be afraid of open debate.

Dr Galea

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I wrote to Dr Galea following his letter to the Town Council and asked him to clarify the UEMP view on future capacity and offered to help initiate a bid for Health Town status [see my letter of 2 July, 2018].

Dementia Action Alliance

Jackie Dodd, Eden's Public Health Locality Manager, employed by CCC, is in the process of launching an initiative which will make KS Dementia Friendly. There will be an open meeting in the Kings Arms Hotel on Wednesday, 11 July, 2018, to publicise the programme.

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