

## 04 September 2018, Kirkby Stephen Town Council

### Ordinary Meeting of the Town Council

Kirkby Stephen Town Council, Local Links, Vicarage Lane, Kirkby Stephen, Cumbria, CA17 4QX  
Tel. 017683 74854 | clerk@kirkby-stephen.com | [www.kirkbystephen.com](http://www.kirkbystephen.com)  
Starting at 18.45pm

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**Attending:** Cllrs. J. Johnstone, A. Birtles, D. Marsh, D. Gilmour, D. Thornton, M. Walker, KSTC.  
Cllr. P. Dew. CCC. Cllr. V. Kendall EDC and 9 members of the Public.

#### **Participation of Public**

A member of the public raised a query in connection with the Eden Local Plan (1996) in respect of land plots ks25 and ks24 and their designation in that plan as 'amenity land'. The member of the public opposed the principle of development in that area which would be permitted through the Emerging Local Plan. It was noted that that the plan to which she referred (1996) was 22 years old. 'The Neighbourhood Plan' has now been superseded by the 'Emerging Local Plan'. The member of the public had spoken to Kevin Hutchinson at Eden District Council who had had advised that a further (new) Neighbourhood Plan would supersede the Emerging Local Plan. Councillors agreed that this was unlikely in the available time frame and questions were raised as to the quality and purpose of the advice given to the member of the public.

A member of the public presented details of the sale of a package of land at South Road. This land has a planning consent for 60 houses and was being offered with an indicative plan showing 53 houses. When presented to the Town Council as a statutory consultee for outline consent the Council had said that it had felt that 40 houses would be appropriate in this location. Councillors were minded to oppose any development in excess of that amount.

A member of public raised questions about the use of land at Waitby Crossing. Two years ago this land had been passed for consent for composting. It was said that it was two years since any composting activity has taken place. A concrete slab had been laid recently and rubble and scrap deposited. It was noted that the area concerned fell within the remit of Waitby Meeting meeting but nonetheless it was **AGREED** that the council would write to the Yorkshire Dales National Park Authority to express its concerns.

#### **Participation of District Councillor Valerie Kendall**

Cllr Kendall had walked the Edensyde path to the Woodyard (T. N. Hodgeson and Sons) and noted that the path was now open after a prolonged closure. Residents should be aware that construction was likely to continue until at least mid-November

Cllr Kendall noted the concerns of Kirkby Stephen in respect of the Multi-agency strategic co-ordinating group (MASCg) she hoped to be invited to participate in a

Member Forum to be established to gather member input to the group and its strategy.

After discussion of the MASCG group it was **AGREED** to write to the members of MASCG expressing the concerns raised in correspondence with Chairman Matthew Neal and including new Chief Executive Rose Rouse. It was also **AGREED** to refer the MASCG group, its policy, membership, terms of reference and its performance to Eden District Council's scrutiny panel for review.

Cllr Kendall had continued her investigations over the Hobsons Lane recycling site and promoted the availability of recycling credits to the Town Council. The matter was discussed and it was **AGREED** that if the Town Council was to take it on, the value of recycling credits would not be of sufficient value to defray the costs of adopting the service and this matter was not to be taken forward.

Cllr Kendall noted that the Conservation Area Management Plan was under development involving the Upper Eden History Society.

**Participation of County Councillor Phil Dew**

Cllr Dew spoke to a report (Appendix 1).

It was **AGREED** to invite Cllr Dew to attend a meeting planned with the police for the 10:00am 24 September 2018 to discuss policing in the town during the build up to 2019 Appleby Horse Fair.

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**Participation of Police**

None, reports were tabled.

**18/056 Apologies & DPI's.**

Apologies were received from Cllr Sowerby, Cllr Richardson, Cllr Lumley and Cllr Ladhams (EDC). There were no Declarations of Pecuniary Interest.

**18/057 Minutes.**

The minutes of the Ordinary Meeting held on the 3rd July 2018 were approved as a true record. The minutes of the Annual Meeting held on the 8 May were approved as a true record. The Chairman was authorised to sign both sets of minutes.

It was **AGREED** that the minutes of the Annual Meeting would in future be approved at the following ordinary meeting.

**18/058 Planning.**

A matter had arisen in connection with the air conditioning unit installed at Royal Arcade (17/0676). The unit had been installed in a location that was said by an affected resident to impede access to the yard and displace rubbish bins. The application had been opposed by the town council on these grounds but nonetheless granted by Eden District Council. A question was asked whether the development had taken place on ground owned by the applicant and whether the installation could have been better implemented within the curtilage of the applicant's building. It was understood that the planning consent had been granted. It would be for the enquirer to determine whether there were grounds for civil action and to ascertain whether the development was lawful.

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18/059 **Planning** 18/0536 Withdrawn and substituted for 18/0674, 41 BIRKBECK GARDENS, KIRKBY STEPHEN, CA17 4TH. Ash tree (group 1): Crown raise and reduction work as shown in photograph provided to provide appropriate clearance to house and over public footpath; Work description and reasons confirmed with tree owner on site with Council Arboriculturist; Tree Preservation Order No 169, 2015, Birkbeck Gardens, Kirkby Stephen.

**THE TOWN COUNCIL SUPPORTED THE APPLICATION**

18/060 **Planning** 18/0529, MELLBECKS HOUSE, 6 MELLBECKS, KIRKBY STEPHEN CA17 4AB. Fell 1 x Scots Pine; Fell 1 x Rowan; Kirkby Stephen Conservation Area.

**IT WAS NOTED THAT THE APPLICATION HAD ALREADY BEEN DETERMINED / THE TOWN COUNCIL SUPPORTED THE APPLICATION**

18/061 **Planning** 18/0606, HSBC BANK, MARKET STREET KIRKBY STEPHEN CA17 4QN. Advertisement consent for 1no. Fascia sign and 1no. Projector sign.

**THE TOWN COUNCIL SUPPORTED THE APPLICATION**

18/062 **Planning** 18/0622, 37 NORTH ROAD, KIRKBY STEPHEN, CA17 4RE. Change of use from therapeutic centre to dwelling.

**THE TOWN COUNCIL SUPPORTED THE APPLICATION**

18/063 **Planning** 18/0660, THE CELLS THE OLD COURTHOUSE, HIGH STREET, KIRKBY STEPHEN, CA17 4SH. 1 X Willow: Reduce crown 25% to clear property and BT wire; Thin remainder 30%; Kirkby Stephen Conservation Area.

**THE TOWN COUNCIL SUPPORTED THE APPLICATION**

18/064 **Planning** 18/0676, 39 BIRKBECK GARDENS, KIRKBY STEPHEN, CA17 4TH. Sycamore (T4): Remove limb over adjacent property as shown in photograph provided; Tree Preservation Order 169, 2015, Birkbeck Gardens, Kirkby Stephen.

**THE TOWN COUNCIL SUPPORTED THE APPLICATION / IT WAS NOTED THAT THIS APPLICATION WAS LINKED TO 18/059 (18/0674)**

18/065 **Devolution of Services, Footway Lighting.**

It was **RESOLVED UNANIMOUSLY** to accept the transfer of footway lighting (51 columns) on the terms proposed in the deed of transfer and associated correspondence supplied by Eden District Council (1<sup>st</sup> MW: 2<sup>nd</sup> AB). The deed had been received yesterday to terms previously agreed and would be inspected by Alex Birtles of Hewitson and Harker within the next fortnight. Subject to any advice received on the agreement from Cllr Birtles the Chairman was authorised to sign the engrossment on the council's behalf. It was noted that the deadline for receipt of the signed documents by Eden District Council was the 30<sup>th</sup> September 2018.

18/066 **Land outside the Visitor Centre.**

It was resolved to authorise the clerk to write to the County Council asking for the transfer of land outside the visitor centre in anticipation of the siting of the proposed sculpture of Lady Anne Clifford. Correspondence on this matter had recently been received by the council.

18/067 **Correspondence.**

The clerk had established a correspondence file which was available for councillors to view.

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Correspondence exchanged with Matthew Neal acting as Chairman of the MASCG and the Police and Crime Commissioner regarding the disorder during the build up to the Appleby Horsefair was read out. The council's request that Councillor Dew be nominated as a representative of the Upper Eden Area on MASCG was being resisted. No assurances were given that the council would be able to sign off its approval of the strategy to which MASCG would work over the life of its next plan. Details of the proposed 'member forum' were not disclosed. It was **RESOLVED** to write to Sedbergh Town Council and Kirkby Lonsdale Town Council to examine whether we could act together with other affected towns to lobby for an improvement in co-ordinated agency response.

It was **RESOLVED** to write directly to the members of MASCG to share the concerns raised with Matthew Neal and it was resolved to publicise the council's concerns through the Westmorland Herald prior to the meeting of MASCG scheduled for the 17th September.

18/068 **Report of the External Auditor.**

The report of the External Auditor PKF has been received. Audit opinion was read out as follows:

'Except for the matters reported below\* on the basis of our review of sections 1 and 2 of the annual governance and accountability return (AGAR) in our opinion the information in sections 1 and 2 of the AGAR is in accordance with proper practices and no other matters have come to our attention giving cause for concern that relevant legislation and regulatory requirements have not been met

\*Section 2 box to the annual precept does not agree to the figure published by the precepting authority. The figures in boxes 2 and 3 should read £57,401 and £25,160 respectively. All grants including Council Tax Support Grant should be shown in box 3 as per the guidance notes on the AGAR please ensure that amendments are corrected in the prior year comparatives when completing next year's AGAR'

The clerk clarified that this qualification referred to the inclusion in error of the Council Tax Reduction Scheme (CTRS) Grant (an amount of £2,400 in the declared precept) when it should have been recorded as a grant.

The report was **NOTED** and the clerk authorised to publish the certificate of completion of Audit on the Website and Notice Board.

18/069 **GDPR.**

The clerk would deliver half an hour of GDPR training to councillors half an hour ahead of the October or November meeting.

18/070 **Asset Register.**

The clerk had been reviewing the council's documentation and wished to revise the presentation of the council's Asset Register. He had made enquiries with Jack Jones RFO of Penrith Town Council (a former accountant, district authority finance officer with seven years' experience of Audit work) as to whether he could assist the council in this review and make recommendations for improvements.

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The council was obliged in law to review its Asset Register once a year.

The Clerk had met Mr Jones yesterday and presented him with documentation and narrative explanations. Mr Jones had agreed to review this material and advise the council. A further report would be presented to the council in due course. The Clerk had advice of charges from Penrith Town Council for Mr Jones' time amounting to £300 which were **APPROVED**.

18/071 **Jubilee Park Charity.**

The Clerk had applied to the Charity Commission to be registered as the correspondent for the Jubilee Park Charity. It would be necessary to hold an AGM and approve financial statements as the basis of a return to the Charity Commission in due course. The Clerk was waiting for access to the Charity commission/gov.uk website before proceeding. The Charity's affairs were in order.

18/072 **Appointment of Cumberland Building Society as Bankers.**

Since being appointed the Clerk had not been successfully registered as a signatory with the HSBC as the bank had had difficulties producing the correct mandate. No reply to correspondence had been received and the last letter/mandate instruction sent 'signed for' on the 6<sup>th</sup> August and received on the 9<sup>th</sup> had not had a reply.

It was resolved to appoint the Cumberland Building Society as Bankers. JJ, PR, AB, MW would act as signatories. The Clerk would act as controlling signatory authorising online access as necessary.

It was agreed that councillors would agree to meet at the Appleby Branch to open the account and that rather than using an electronic switching service. The Council would open the Cumberland Account and close the HSBC Account.

18/073 **Portfolios**

1. Town Council Administration. JJ. **All Weather Pitch Update.** A meeting was to be held on Monday 10 September at 11:00 to review a draft of the Signature Fund Application Form with Kirkby Stephen Community Sports Association. Andrea Dixon and Claire Smithson to attend for KSCSA, JJ, CB, AB to attend for Kirkby Stephen Town Council, Doug Huggan / Roy Wilson for EDC. The Garfield Weston Trust had visited the site and it was believed that the project had presented its best case. The Chairman congratulated KSCSA on the progress they had made with a confirmed grant of £50k from the Hockey Foundation meaning that the project had funds of £85k+ in hand towards the project and could make the match required for the signature fund. **Benchmarking.** Undertaken by EDC this exercise had presented a positive picture of Kirkby Stephen. The town centre officer had been very complimentary about a good range of independent shops and the town had been nominated for a 'Best High Street' award. Signage had been highlighted as an area that required improvement.
2. Community Planning. AB. Funding for a second years work on the **Community Plan** had been secured from Eden District Council (Consultation officer support). Relations with the community team EDC were very good.

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3. Community. PR. A66 Closures Autumn 2018. Cllr Richardson was not present **A66 report deferred** to next meeting after the effect of weekend closures could be assessed.
4. Highways. JS. **Parking at the Crescent**. In JS' absence the clerk reported that the land holder was Cumbria County Council not Eden District Council. The surveyor had reported that no funds were available to support the reinforcement of the soft estate for parking and Cllr Sowerby had undertaken to investigate whether affected residents would be prepared to subscribe/contribute to the cost of reinforcement works. **Pavement Parking South Road**. Cllr Dew would be meeting with Highways Officers on Monday. Problems for Pedestrians/buggy users and mobility scooters were Kerb parking obstructions, Infrequent dropped kerbs, over growth of hedges. **Residents Parking request Manor Court (MW)**. This matter was discussed. Councillors could see both sides of the argument. One the one hand residents did not own the road outside their houses and could not lawfully prevent members of the public from parking their vehicles there. However, the need for people parking to show consideration was understood. There was nothing to prevent residents from placing signs on their property boundary requesting considerate parking. The situation was noted together with consideration of parking displaced from South Road.
5. Open Spaces. DT/JJ. Correspondence had been received regarding the Kissing gate at Gramsceugh. This gate was inaccessible to wheel chairs and buggy users and limited access to a popular walk. The council had received numerous complaints on the subject previously and it was believed that the land owner was resisting the installation of an accessible gate. It was noted that the gate sat within the area of Hartley Parish and it was agreed to liaise with Hartley/Landowner and Cumbria County Council to see if any improvement could be made.
6. Property. DM/DG. It was noted that the cast iron bench heads which DM had been storing had been given to the bowling club. DM proposed to undertake the replacement/refurbishment of the dilapidated seat alongside the A685. **AGREED**
7. Tourism & Events. MW. **Christmas Lights** (Switch on **AGREED** for the 30<sup>th</sup> November, Thomas Robinson had confirmed that the team would put them up) **Window Competition**. Theme 'Winter Wonderland' **AGREED**. Letters to be sent out to retailers in October. **Easter Commercial vehicle Rally**. There were concerns about the sustainability of this event. The minutes of the meeting held at Brough had yet to be circulated. Volunteers were needed to help with the event and it was **AGREED** to issue a press release. It was understood that according to AB Encounter Eden would continue to be involved. It was agreed that MW would respond to a consultation on Bus Market Decline on the council's behalf (request for evidence House of Commons select committee)

18/074 **Finance.**

Payments were approved and ratified July/August/September (Part) as follows:

- 15/08/18, 3WM Limited, 104925, V63, £61.56
- 15/08/18, Furniture@Work Ltd, 104926, V64, £48.00
- 15/08/18, NW Arboricultural Servs Ltd, 104927, V65, £970.00
- 15/08/18, Ibex Internet Ltd, 104928, V66, £15.00
- 15/08/18, Graham Clark Garden Maint, 104929, V67, £161.00

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**Chairman**

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**Appendix 1**

**Report to Town Council meeting 4 September, 2018 – County Councillor, Phil Dew.**

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Highways

Faraday Road is to be resurfaced during week beginning 1 October, 2018, together with Westgarth Avenue and Brougham Lane. A consultation exercise will take place shortly regarding additional road markings and parking restrictions at various locations in Kirkby Stephen including Market Street and South Road. The work will not be carried out until 2019/20.

I have made enquiries regarding the placing of Lady Anne Clifford's statue outside the Visitor Centre and a possible Community Asset Transfer of the land. Bob Dow has been in touch with Christian to arrange a site visit.

An additional footpath has been built linking Out of Eden with Kirkby Stephen. The work was carried out by CCC Highways but paid for by Out of Eden.

Bollam Lane – status unknown.

The scheduled cleaning of gullies will take place in Kirkby Stephen during November, 2018. In the meantime, please notify Highways, via the website, of any blocked gullies.

Midland Hill Bridge continues to cause concern for residents because of high-sided vehicles. Highways has changed the warning signs at either end of the A685 and discussed placing additional signs at Newbiggin-on-Lune and Ravenstonedale. I have also asked for the lay-by south/west of the bridge to be opened up so that lorries can turn around safely. In addition, I have contacted Network Rail about the possibility of installing lights and CCTV in the vicinity of the bridge but have been referred back to CCC. I will continue to press the point. I have reminded Highways England about the need for warning signs on the A66.

The A66 closure begins this weekend, at 10pm on Friday, 7 September, 2018, for seven consecutive weekends. Cameras located at Brough and Tebay will detect vehicles that are overweight [18 tonnes] or too high [14' 6"] and they will be stopped and turned around. There will be a twenty-four-hour police presence to deal with enforcement. 'No waiting' cones will be placed in Market Street, north/east of the traffic lights and also along parts of South Road to help facilitate the flow of traffic. Please contact me if there are any problems and I will do my best to resolve them. I will be discussing the outcome with CCC Highways on Monday morning. Officers are liaising with HE.

**Appleby Horse Fair**

Since the last Town Council meeting in July the MASCG Highways Working Group has met twice – on 11 July and 22 August, 2018 - to discuss the traffic management arrangements at Appleby Horse Fair. The meetings were attended by representatives from CCC Highways and Cumbria Constabulary. On both occasions I stressed: (1) the unsuitability of the A685 for encampments (2) the ineffectiveness of wooden posts (3) the need for additional police officers to enforce the TRO (4) the provision of additional stopping places to prevent displacement. Discussions are ongoing and no decisions have been made.

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I have continued to stress the importance of having elected member representation on the MASCG to match that of the gypsy/traveller community. Matthew Neal – the chair of MASCG - favours a member forum - which isn't sufficient. The next meeting of the MASCG is on Tuesday, 17 September, 2018. I await developments with interest!

I have discovered that, as of March, 2018, Cote Moor has internet reception so it should now be acceptable as a gypsy/traveller site. I have suggested that someone sets up a beer tent in the vicinity. They will make a lot of money!

The gypsy/traveller community has decided to organise its own cultural evening in Kirkby Stephen. I have been given no details of the time or place.

I met with Peter McCall on Tuesday, 10 July, 2018, to discuss the policing of the fair. The Chief Constable is carrying out a review and will publish a report this autumn.

### **Upper Eden Medical Practice**

Nothing more has been heard from Dr Galea since his letter expressing concern about the health of Kirkby Stephen residents, despite offers of help to set up a Healthy Town initiative in Kirkby Stephen. Dr Galea also cast doubt on the long term viability/sustainability of the Upper Eden Medical Practice but has made no attempt to address the concern of residents. In my opinion – speaking as a County Councillor and member of the Health Scrutiny Committee - Dr Galea has acted in a highly irresponsible manner and should be censured.

### **Kirkby Stephen Grammar School**

I visited the school on 19 July, 2018, and spent an hour discussing various matters with the Head Teacher Gary Hartley. The school is in good heart and the future looks positive. Having a secondary school with its own sixth form is a real benefit for the town and members of staff deserve our support and appreciation.

### **Miscellaneous**

The Kirkby Stephen Dementia Friendly initiative – supported financially by CCC Eden Local Committee - was launched, as planned, on 11 July, 2018, and a number of businesses have since signed up.

A meeting of the Upper Eden Railway Heritage Partnership, which I chair, is to be held on Monday, 1 October, 2018. The aims of the partnership are to facilitate the conservation, promotion and development of the areas shared railway heritage. The hope is that, in the fullness of time, the railway will become one of Upper Eden's premier tourist attractions.

Concern has been expressed about the lack of residential care places for the elderly in Eden. We are fortunate to have Christian Head and Stobars Hall located in the town, together with Mill Gardens. I am meeting Councillor Peter Thornton – the Cabinet Member for Health and Care Services – to discuss Cumbria County Council policy. In the meantime, I have been assured that there are no plans to close Christian Head. The future of Edenside is still under discussion with the Oakley Trust. There is an increasing emphasis on supporting the elderly in their own homes and providing extra care housing.

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*Chairman's Initials*