

02 October 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
Starting at 18.45pm

Attending: Cllrs. J. Johnstone, P. Richardson, A. Birtles, D. Thornton, M. Walker, J. Sowerby. KSTC.

Cllr. P. Dew. CCC. Cllr. V. Kendall EDC and 11 members of the public.

Participation of Public

A member of the public commented that they had been unable to find a copy of the final local plan on Eden District council's website. It was understood that the local plan has not yet been ratified by the council and this was possibly an explanation.

A representative of the Stainmore Railway Company attended the meeting on behalf of the board and spoke to a prepared written statement (appended) objecting to the proposed development on the track bed at Waitby Crossing (E/16/8/PIP YDNP). The opinion of the Stainmore Railway Company Board was to oppose the development and the company sought the council's support in that stance.

App. 1

The benefits of the Stainmore Railway Project were said to be:

1. The protection of a heritage asset
2. Helping to bring people to the Dales and Upper Eden Valley
3. Providing a real visitor benefit
4. Helping to grow the local economy

Participation of District Councillor Valerie Kendall

Cllr Kendall expressed her concern about the proposed development at Whitby crossing.

Cllr Kendall was following with interest the consultation taking place about parking restrictions on South Road.

Cllr Kendall noted that a meeting of Eden District Council would take place on the 11th of October with the sole purpose of ratifying the local plan.

Cllr Kendall was engaged in a project that sought to examine why people don't stand for local councils. A specific problem was that many District councillors were being elected unopposed. With unfilled vacancies on the council it was important to understand why this was and to promote participation in local government by local people.

Participation of County Councillor Phil Dew

Cllr Dew spoke to a report (appended). Highways issues ranging from the delayed resurfacing schedule for Faraday Road, the cost to the County of the footpath linking 'Out of Eden' to the town, Midland Hill Bridge and A66 closures. Also adult care issues at Christian Head, Stobars Hall and Edenside. He also reported on the experience of people local to Cloverdale Wilderness Way where problems with supervision had been reported.

App. 2

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Cllr Dew requested and was given leave to participate in the Agenda Item on Appleby Horse Fair during the course of the meeting.

Participation of Police

The reports of PCSO Janet Allinson had been circulated with the minutes and the most recent one (September) was read out.

18/077 Apologies & DPI's.

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

18/078 Minutes.

The minutes of the Ordinary Meeting held on the 4th September 2018 were approved as a true record. The Chairman was authorised to sign the minutes.

18/079 Planning.

18/0737 UNIT 5/6 STATION YARD KIRKBY STEPHEN CA17 4LA

Description: General purpose storage building.

The development was considered to be an improvement to general amenity **SUPPORTED**

18/080 Planning

18/0709 1 CROGLAM PARK KIRKBY STEPHEN CA17 4SF

Single storey porch extension to the north gable wall to include extending the raised walkway by 1 metre.

It was noted that the application had been determined under delegated powers within 4 weeks of receipt without waiting for a response from the council as a statutory consultee. The application was not controversial and would have been **SUPPORTED**

18/081 Planning

YDNP Planning Application E/16/8/PIP. To consider and comment on the proposal for a residence on the dismantled railway track bed at Waitby Crossing.

It was agreed that the council would **OBJECT** on the basis of the representations made by the Stainmore Railway Company during public participation. It was noted that the application was at odds with planning policy in relation to transport. It was felt that all development on the former track bed should be embargoed. The council had raised concerns about the development following its last meeting with the YDNPA and wished to add this further objection to its previous response.

18/082 Appleby Horse Fair

The Clerk, the Chairman and Vice Chairman had met with Sgt, Andy Milburn, Licensing Officer Sarah Griffiths and PC Erich Theole together with Cllr. Phil Dew on the 24th September.

The meeting had been informal and had covered licensing issues in the town during the Horse Fair. Police proposed the provision of temporary enclosures to facilitate and manage a large gypsy and traveller presence trading horses in the town centre in future years comprising of a corral for horses and an outdoor enclosure for drinkers. The proposal was that the town council would pay for this together with the boarding of railings on Barclays Bank, Costa Coffee and a private house in order to discourage tethering of horses. Two options were proposed. 1. A drinkers' enclosure directly outside

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the Visitor Centre/Kings Arms with horse corral on the market place and 2. A drinkers' enclosure on the marketplace/horse corral in Stoneshott car park.

The Licensing Officer had asked for the Town Council's support in approaching licencees in the town with a voluntary licensing charter for the duration of the Appleby Fair the key elements of this were:

- the use of plastic glasses
- the provision of a managed area outside in the town centre where drinkers could stand and to where they could be directed on leaving pubs/clubs
- door staff whose cost would be subsidised by the police

Councillors were all opposed to the provision of any infrastructure to facilitate the trading of horses in the town centre and also to the provision of a designated space for outdoor drinking in the town centre.

The town council was reluctant to pay for railings on commercial premises owned by businesses and private individuals. It was also noted that Appleby who did operate a corral outside the Royal Oak in Appleby did not pay for the provision of this event infrastructure. These costs were instead borne by Eden District Council. Cllr Dew felt that the police attitude was that the town 'wasn't helping itself if it didn't do these things' and that it should consider cooperating with some of the police's request simply because of the sheer volume of numbers likely to be involved and the practical difficulties encountered by police in managing large numbers with limited resources. In his opinion the police were biased in favour of the gypsy and traveller community and not to the settled community who had funded, through their taxes, the £213,000 of expenditure made on policing and managing the event in 2018. Long-term, the answer was to reduce the numbers attending. Fewer people would mean less nuisance and disruption but it was important now to respond to the situation as it was and not as it might be.

Cllr Dew had seen online the 'accountability seminar' at Penrith Rugby Club on the 26th September and had seen the PowerPoint presentation given by the Chief Constable in response to the Police and Crime Commissioners request for a formal review of policing. In Cllr Dew's opinion this presentation was not a formal review. Key issues were that safety was a priority and the control of 'flashing' on the A685 was something which it was hoped could be designed out.

Councillors felt that it was their responsibility to consider local feeling and the impression made on visitors and tourists in the 3 weeks leading up to the fair. This year's 'Yomp' event had been disrupted by the chaos the town had experienced in the lead up to the fair.

It was noted that a representative of the town council was asked not to attend the meeting held with the licencees on the following Thursday. In principle, the council supported the use of plastic glasses through the voluntary charter and the use of trained door staff.

After discussion it was RESOLVED that the town council would not get directly involved in any discussion of licensing matters the Town Council would send a representative to a planned meeting with licencees in order to report back to the council. It was also RESOLVED that future meetings with the police and other authorities over Appleby Horse

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Fair issues would be structured formally with an agenda and any relevant material to inform decision making. A record of these meetings would be made.

It was RESOLVED to write again to MASCG, to Eden CEO and the PCC to express the council's disappointment that its request and the requests of the Upper Eden Parishes for member representation had been rejected by the group at its meeting on the 17th September. It was felt that the group had acted in a way that was contemptuous of members.

18/083 **Portfolios**

Town Council Administration. JJ.

- **All Weather Pitch Update.** The Chairman and Clerk along with two representatives of Kirkby Stephen Community Sports Club would attend a Meeting with Kate Giergel (EDC) to review the bid documents tomorrow at 1:00pm. The bid was close to being ready to submit.

Community Planning. AB.

- It was RESOLVED to nominate Eileen Simpson to represent the Town Council on the board of the Community Interest Company.

Community. PR.

- **Flood prevention.** It was RESOLVED to purchase of **sand and sandbags** for use at **Pennine View Caravan Park** to protect properties in **Quarry Close** and **Birkbeck Gardens**. MW to liaise with suppliers WPS.
- It was RESOLVED to write a letter of thanks to Paul Dobson for the use of his cherry picker to cable tie sagging cables connected to the town's CCTV.
- PR had attended mock interviews at the Grammar School and had been very impressed with the year 11 candidates.

Highways. JS.

- The clerk had not forwarded consultation papers regarding the proposed introduction of no waiting at any time restrictions: **South Road, Station Road Nateby Road** and **Faraday Road**. It was hoped to be able to circulate councillors in time for feedback to be incorporated in to the consultation response.
- The pelican crossing in the Market Place was not working properly and would be reported.

Responses
by 10 Oct.

Open Spaces. DT/JJ.

- **Grass Cutting** update. It was RESOLVED that the clerk would obtain costings prior to the budget meeting

Tourism & Events. MW.

- Town Council representation at **2018 Eden Tourism Summit: 'Tourism in Eden - Looking to the Future: Challenges and Opportunities'** RESOLVED that the council's brochure would be presented there on the 17 October. MW would attend
- **Market Charter** MW to invite Kenneth Morrison to read the Market Charter on Saturday 27 October
- **Buses** Rory Stewart MP had written acknowledging the response to the consultation on rural transport submitted by MW. It was RESOLVED to write to

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the Westmorland Dales to congratulate them on the excellent work they were doing maintaining a rural transport service. 32/34 people were regularly using the Kendal Service and 19/21 were using the Brough Service.

- **Easter Rally 2019** A draft press release was tabled amended and agreed. It was RESOLVED to put the call for volunteers on hold until Brough PC had also endorsed the release
- **Christmas Decorations.** It was RESOLVED to use the Church for the Xmas lights ceremony again and it was agreed to approach the Kirkby Stephen Community Sports Association fundraisers to act as judges for the Christmas window competition.

18/084 **Finance**

Payments were approved as follows:

01/10/2018, Harrison & Hetherington, 104935, V95, £990.00
01/10/2018, NW Arboricultural Servs, 104936, V96, £1,596.00
01/10/2018, Zurich Municipal, 104937, V97, £549.24
01/10/2018, JT Atkinson, 104938, V98, £102.85
01/10/2018, C Barnes - refund stamps, BACS, V99, £29.00
01/10/2018, System IT, DD, V100, £36.00
14/10/2018, Plusnet, DD, EST, £66.60
20/10/2018, EDC, DD, V101, £254.00
26/09/2018, Salaries, BACS, V89-V92, £3,249.54
26/09/2018, Nest, BACS, V93, £61.74
28/09/2018, HMRC - 3 months PAYE, BACS, V94, £2,950.70

18/085 **Finance**

The Bank Reconciliation was approved as follows:

Bank Reconciliation Kirkby Stephen Town Council at 30/09/18

Balance B/fwd	£74,115.55		
Receipts in	£228.10	Payments out	£7,333.66
		Balance C/fwd	£67,009.99
Totals	<u>£74,343.65</u>		<u>£74,343.65</u>

Diffce £0.00

Bank Balance C/fwd

Market	£8,776.07	
HICA	£53,532.54	
Current	<u>£4,701.38</u>	
		£67,009.99

Add o/s rec'ts £0.00

Less o/s chqs £0.00
£67,009.99

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18/086 **Clerk's Report/Updates**

- Referral to Eden District Council's Scrutiny Committee regarding a review of the MASCG group its constitution and terms of reference by Cllr Kendal (EDC).
- Permission was given to examine the options for an arboreal adviser regarding the council's trees. A hot dry summer followed by high winds had weakened many trees.
- The transfer of footway lights had been completed and the councils insurances extended to cover them. Costs of £549 to cover this were APPROVED.
- The notice of conclusion of audit had been published on the 19th September.
- The council's application to open a new bank account with the Cumberland Building Society had been approved.
- The Clerk and Chairman had met with the County Council regarding the area outside the visitor centre and the siting of the proposed Lady Ann Clifford Statue. It was possible that the area did not need to be transferred to the council and could continue to be owned by the County Council with the statue being sited on the basis of an agreement further reports would be given as necessary.
- Paula Smith, Conservation Officer at EDC, had proposed working with the council and the history society to prepare a conservation area management plan the clerk would respond.

18/087 **Date of Next Meeting** November 6th 6.45pm at Local Links. Please submit agenda items by the 29th October.

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Chairman

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Date

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Appendix #1

Stainmore Railway Company Objection to Planning Application E/16/8/PIP

Stainmore Railway Company Material Objection to proposed planning application E/16/8/PIP
'Starter home at Whitby crossing'.

Stainmore Railway Company at Kirkby Stephen East Station and Eden Valley Railway at Warcop have made considerable progress in recent years at developing two sections of the former Eden Valley Railway as Heritage sites attracting tourists and revenue to the area.

A realistic long-term vision is to connect these two sites via the remaining track bed, including that at Waitby. A feasibility study has been submitted to Eden District Council. Allowing residential development on this track bed will present a major obstacle to this plan.

Both National Planning Policy Framework of July 2018, and the Eden Core Strategy Development Plan Document of March 2010 require the planning authority to support a prosperous rural economy, and to preserve and protect cultural and heritage assets.

We believe that on this basis the above application should be refused and would value the support of the Town Council in the matter.

Alan Gunston, Director SRC on behalf of the board.

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Appendix #2

Report to Town Council meeting 2 October, 2018 – County Councillor, Phil Dew.

Highways

Faraday Road is to be resurfaced from 21 November, 2018, together with Westgarth Avenue and Brougham Lane. The work was rescheduled due to sales at the auction mart and will take up to ten days to complete.

A consultation exercise is currently taking place 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 met with Highways officers on 10 September, 2018, and we discussed South Road parking bays. The decision was to continue with the existing informal arrangements.

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. We await developments with interest.

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. The work went over budget due to unforeseen circumstances so CCC paid twenty per cent of the cost.

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.

I have had ongoing discussions with CCC Highways, Network Rail and Highways England regarding Midland Hill Bridge. Progress is slow but I am determined to see improvements made.

We have had four weeks of A66 closures with three more to go. CCC highways meet every Wednesday with Highways England and I am in regular contact with our officers. The arrangements have worked reasonably well and there have been no major concerns. Over weight vehicles have been recorded and companies will be penalised. Steve Mason of HE has 150 Traffic Management staff involved in keeping vehicles moving.

The permits for HGVs are going to be reviewed over the next few months. Only hauliers living in the area will be issued with permits all other vehicles over the weight limit will have to be in possession of a valid delivery note. Hopefully the ban will be enforced. The final decision will be taken by Eden Local Committee in 2019.

Miscellaneous

A meeting of the Upper Eden Railway Heritage Partnership, which I chair, was 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. We discussed the planning application for a starter home at Waitby Crossing which will be directly on the original track bed. Concern was expressed about a proposal by the Historical Railways Estate to infill two bridges on the KS/Waitby road which would effectively prevent access down both lines. A website is going to be set up with

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the help of a student from KSGS. A representative from Cumbria Wildlife Trust talked about the new car park which is going to developed at Smardale. Kirkby Stephen East is still looking for volunteers.

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 – though the CQC report on Stobars Hall makes for worrying reading. Hopefully improvements will be made as a matter of urgency. I met with Councillor Peter Thornton – the Cabinet Member for Health and Care Services – on Thursday, 27 September, 2018, to discuss Cumbria County Council policy. Peter repeated his assurance 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.

The residents of Smardale are concerned about a privately run children’s home called Cloverdale which has been opened in the village. It is run by a company called A Wilderness Way based in Carlisle. The young people who are sent there are not properly supervised and there have been a number of worrying incidents.

Appleby Horse Fair

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 to the best of my knowledge no decisions have been made. The Traffic Management Report will be presented to Eden Local Committee on 13 December, 2018.

I have continued to stress the importance of having elected member representation on the MASCG to match that of the gypsy/traveller community. The principle is one of parity and fairness. The MASCG met on Tuesday, 17 September, 2018, and as I understand it, decided to ignore the requests of parish and town councils and go ahead with a member forum that would be ‘consulted’ but have no decision making powers. This is a case of blatant discrimination against local residents who pay for the fair through their council tax.

I have complained that the minutes of the MASCG meetings are not made available on-line in a timely manner which means that elected members and residents have no idea what decisions have actually been made until long after the event. The minutes of the July meeting were posted on-line last week – two months after the MASCG met - but I have been assured that the September minutes will be posted shortly. Minutes can be seen on the Appleby Horse Fair website under MASCG Minutes and make for interesting reading.

No details are given of the correspondence received by Matthew Neal from members of the public or local councils. We discover why posts were removed [stolen]: because it wasn’t clear which ones were ‘official’. Members of the public are advised to provide the following information when reporting incidents: ‘what time, when and by whom’ [presumably name, address and date of birth]. The MASCG discussed abandoning the idea of post-fair public meetings and Matthew Neal criticised the chairing of the meeting held in Kirkby Stephen – mentioning me by name.

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An Evaluation Report has been posted on the Appleby Horse Fair website and I would encourage residents to read it. The total cost of the fair this year was £213,943. Apparently only a 'small minority of people' were involved in anti-social behaviour and criminal activity in Kirkby Stephen. In the future it may not be possible to deal with encampment issues on road verges because of a lack of resources. Matthew Neal writes 'I made a point of responding in person and individually to all correspondence' [though in reality every town/parish council received the same standard reply].

On Wednesday the Police and Crime Commissioner [PCC], Peter McCall, held a Public Accountability Conference at Penrith Rugby Club at which the 'Review of Policing Operation' at Appleby Horse Fair was presented by Temporary Assistant Chief Constable Andy Slattery. The review is available on the PCC website.

Several recommendations were made which are referred to in the review as 'Proposed Adjustments' and I'm sure that much greater efforts will be made to maintain public order in 2019.

In all these published documents the overall objective is repeated over and over again: safety. Andy Slattery himself said that 'objective number one for us is to keep everybody safe'. This is why we cannot have encampments along the A685 or sulkies being raced down Market Street.

I attended the meeting with Sergeant Andy Milburn and Sarah Griffiths on Monday, 24 September, 2018, and believe that we do have a responsibility to work with the police to minimise potential disruptive behaviour next year. The overall aim should be to limit the number of gypsy/travellers in and around KS by restricting encampments.

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