

## 5 March 2019, 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

---

**Attending:** , A. Birtles, J. Sowerby, D. Marsh, D. Thornton, M Walker.  
Cllr. P. Dew, CCC, Cllr. V. Kendall.

9 members of the public were present.

#### **Nomination of Chairman**

The Chairman was not able to be present at the meeting for health reasons and the Vice Chair was also absent though holiday. It was unanimously resolved that Cllr Birtles would take the Chair.

#### **Participation of Public**

A member of the public spoke in connection with speeding vehicles on Faraday Road. He had recently visited Barnard Castle and observed a 20 mile per hour speed limit imposed throughout the town. He wondered if this would be possible for Kirkby Stephen. PD answered that Cumbria County Council would be unwilling to impose a restriction on a Trunk Road. CCC were reviewing painting on the tarmac and that the future discussion of speed bumps would be possible. MW suggested that the council advise the PCSO of the concerns raised noting that the problem appeared to have been increased in the last 3 to 5 months and was also associated with vehicle noise.

Karen McSkimming (an artist) spoke on behalf of herself and Margaret Shaw. They proposed an initiative 'Picturing Kirkby Stephen' based on a similar initiative undertaken by the Eden Valley artists network in Penrith. The proposal was that they would invite artists to come in and make pictures of Kirkby Stephen over the weekend of the 29th of June. They were asking businesses to help and had organised a two-week exhibition at the church. Participants would be charged a £15 administration fee and prizes have been negotiated as follows. First prize £350, judged prize. Second prize £250, third prize £150. Project sponsors to date included John Andrew, 'Out of Eden' The Co-op and Cerberus. She was interested to establish whether the town council could commit any further support in the form of prize money. Councillors felt that an initiative focused on encouraging the participation of students at Kirkby Stephen Grammar School would be deserving of support and a future agenda would consider it when the project could be more fully described.

A member of the public spoke in connection with the Eden District plan raising various complaints. It was noted that this was an item on the agenda.

A member of the public had reported a problem with litter at the new garage at the Spar Garage. The area behind the wall was an SSSI and this would require monitoring.

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

.....  
*Chairman's Initials*

Cllr Kendal undertook to investigate the reasons for the delay in signage connected to the public spaces' protection order and Eden District council's rebranding exercise.

She updated the council on reports from Eden District Council in connection with the devolution of public services and the progress being made. It was noted that Kirkby Stephen Town Council had had a meeting with Jane Langston and Neil Buck at which these matters had been discussed. At this meeting it had been stated that the Town Council was seeking the transfer of assets without any restrictive covenant attached to the title. In addition, given that a year has elapsed the Council was now seeking that the 100% tapered funding be applied over a 3-year rather than a 4-year term.

Eden District Council had proposed stopping the tapered relief at 50% in year 3 meaning that the Year 4 at 25% would not be paid.

Cllr Ladhams was in Lancaster Hospital and very unwell.

**Participation of County Councillor Phil Dew.**

Cllr Dew was due to meet traffic officers on the 27th of March regarding line marking on South Road. He had met with the PCC regarding calls to 101 for heavy goods vehicles. It was important that residents made calls to 101 to report offences.

Cllr Dew had attended a meeting with Chief Constable Michelle Skeer and noted that her police career had all been in the county of Cumbria of which she had a deep personal knowledge.

Concerns had been raised over the burial board which he hoped would come to a future agenda.

He had attended his first meeting of the Multi-Agency Strategic Command Group (Appleby Horse fair) at which a draught Appleby Fair Strategy 2019 22 had been tabled for approval. He was unimpressed with the fact that it has not been consulted upon and had insisted that consultation take place. He raised concerns over the decision-making process and the proposed establishment of subgroups taking decision-making responsibility away from the main group. He also noted that there was no governing structure, no terms of reference and no clear process for the participants involved.

Alternative encampment sites have been sought for travellers to Appleby fair with Cote moor residents raising concerns that the site may be 'reactivated' to relieve pressure on the A685.

Progress has been made with the cultural evening in Kirkby Stephen which was to be held on the 29th of April at the Kings Head following a meeting of the Multi-Agency Strategic Command Group

**Participation of Police**

Reports from PCSO Janet Allinson were noted.

**18/140 Apologies.**

Cllrs. J. Johnstone G Lumley P. Richardson

**18/141 Declarations of Pecuniary Interest**

Cllr Birtles declared an interest in Agenda Item 5. (18/143) Consultation in advance of application, Proposed Conversion of Garage Store into Dwelling at 5 North Road Kirkby

Stephen.

**18/142 Minutes**

To approve the minutes of the meetings held on the 5 February 2019 as a true record (attached). Amendments were required in respect of a reference to the Calor Fund (18/135) Substitute 'Town Forum Funds' for 'Calor Fund'.

**18/143 Planning**

Councillor Birtles left the room for the discussion of this item having declared a pecuniary interest.

Consultation in advance of application, Proposed Conversion of Garage Store into Dwelling at 5 North Road Kirkby Stephen. The scheme was supported in principle as proposed, the new design and access statement was noted. It was expected that the owners would make a planning application.

**18/144 Planning**

19/0086, Site address: REDMAYNE HOUSE, SILVER STREET, KIRKBY STEPHEN, CA17 4RB.

Description: Consent for replacement of existing greenhouse.

Supported

**18/145 Planning**

19/0116, Site address: TRAINRIGGS FARM

, APPLEBY ROAD, KIRKBY STEPHEN, CA17 4PG. Description: Proposed agricultural building.

Supported

**18/146 Asset Register**

The Asset Register was presented and approved. The Clerk was authorised to submit a restated asset valuation on the Annual Governance and Accountability Return based on the independent report of Penrith Town Council's RFO and the subsequently adopted Asset Valuation Policy (18/099, 18/100.)

The restated Asset Proxy Value was £10,280 against a previous value of £640,590.

In 2018 Insurances had been required at a total value of £1,119,000 after review this was to be reduced to £993,200.

The change in value was accounted for by the listing of community assets at a nominal value of £1 in line with the advice received, the adopted policy and the guidance given in 'Governance and Accountability for Local Councils'.

New Assets including footway lights devolved from Eden District Council were added to the register together with items listed on the council's insurance policy including schedules of, Built Structures, Historic Artefacts, Office Equipment, Open Spaces & Street Furniture.

It was noted that the changes were likely attract the attention of the external auditor and the Clerk was requested to produce a narrative account of the changes made for the record. The Asset Register was approved.

**18/147 Local Links**

Updates following a meeting with Cumbria County Council regarding the Licence to Occupy and a draft Service Level Agreement.

The Clerk, the Chairman, Cllr Richardson together with Cllr Dew had met with Cumbria County Council Libraries representatives Nick Wright and Kay Metcalfe on the 11<sup>th</sup> to discuss the terms of the council's occupation of Local Links from the 1<sup>st</sup> April 2019.

It had been agreed as follows:

The Licence to Occupy would be transacted as drafted to cover the period 1 April 2019 to 31 March 2021. It was agreed that an engrossment would be issued by County and signing authorised at the Council's Meeting on the 2 April. An undertaking had been that the papers would be with the clerk by the 27<sup>th</sup> March.

A draft Service Level Agreement regarding council staff assistance to libraries had been circulated with the council's papers and progress was noted. Kay Metcalfe had spoken to council staff and prepared an outline of roles/responsibilities. It was agreed at the meeting on the 11<sup>th</sup> that these would be formalised in time to be circulated to the council with its papers on the 27<sup>th</sup> March at the latest.

A joint statement regarding the provision of library services and the council's occupation of the building has been agreed and would be issued by the County Council.

The meeting had been positive and constructive. Noted.

18/148 **Brittleton Bursary**

Councillors were delighted with the response which had been better than in previous years. A fund of £700 was available an additional donation having been received. Feedback from Peter Brittleton was relayed to the council. It was RESOLVED that the application from the school for the subsidy of travel could be considered by the Town Council for direct grant with an application by letter but that the aims of the bursary were best served by making awards to young people applying on their own initiative. The awards were as follows:

Name/Project	Value of Project	Bursary Requested	Award
Abigail Marston, support for costs of participation in U15 Netball training and competition seeking to play at County Level, Summer 2019	£550	£200	£200
Kara Simpson, Walking Projects associated with Wainwrights Coast to Coast walk (7 Days) and Police Cadets, Summer 2019	£400	£100	£100
Emma Simpson, Participation on DofE Gold Expedition Kayaking on the Caledonian Canal and associated training. Summer 2019. An endorsement had been received independently from the D of E Coordinator detailing the support being provided	£1,700	£200	£200
Katy Modlin/Kirkby Stephen Grammar School. Costs of a 52 Seater bus associated with an Outward Bound Course being offered to KSGS students at £340.	£14,940 (estimated cost to participants)	£340	£0
Joe Bousfield, Contribution to the cost of safety equipment, essential bike maintenance and event entry fees in connection with the Ard Rock Mountain biking event, Summer 2019	£1,000	£480	£200

It was agreed that the clerk would write to the Grammar School/Katy Modlin to invite a separate application by letter for funds outside the Brittleton for the Outward-Bound Course.

18/149 **Election**

Elections would be held on the 2 May. Nomination forms were circulated and a briefing given. Councillors attention was drawn to the facility to withhold personal information (address).

Councillors were asked to ring the clerk with any queries. The clerk had attended a briefing with Electoral Services at Eden District Council who had a huge task in hand. The clerk had offered to collate nomination forms during the day on Wednesday the 27<sup>th</sup> March ending at 5:00pm. A member of staff (not the Clerk) would be available act as a witness. The Clerk would deliver the forms collected on the 27<sup>th</sup> by hand to Electoral Services on the 29<sup>th</sup> March prior to the deadline for nominations 4:00pm on the 3<sup>rd</sup> April. Forms were circulated to members of the public present who had expressed an interest in becoming a councillor.

The clerk would not offer assistance to candidates standing for election for a political party. Political candidates were asked to complete their nomination papers through their own agent who could properly authorise the use of Party Logos/Slogans. The Clerk was not authorised to facilitate this.

Councillors were notified that Purdah would begin on the 20<sup>th</sup> March.

Councillors were directed to the resources available at <https://www.electoralcommission.org.uk/i-am-a/candidate-or-agent/local-elections-in-england> and <https://www.eden.gov.uk/voting-and-elections/local-elections-may-2019/>

18/150 **Appleby Fair**

The Council had received correspondence received from MASCG inviting it to respond to an 'extended' consultation on their strategy for the years 2019 to 2022. The closing date for responses was the 19 March 2019. The invitation being received on the 26 February 2019 allowing the council just 9 working days for it to formulate and submit a response.

The council had written numerous letters regarding its desire to participate in the formulation of the strategy to be adopted by MASCG which had not received a substantive response and had made a total of 10 minuted resolutions relative to MASCG/Appleby Horse Fair which had also not been met with a substantive response from MASCG.

The council had asked for the strategy to be submitted for consultation and approval in January at its meeting in July as follows:

*'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 Dew clarified that the consultation had only come about because of his insistence that it be circulated to local councils. The strategy had been presented at the first meeting of MASCG he had attended on the 25<sup>th</sup> February for approval and it was claimed that the consultation had been 'advertised' in the Cumberland and Westmorland Herald. This had not been noticed by potential respondents.

Councillors felt that the strategy did not demonstrate that it was based on adequate consultation and research, and that it did not identify any external validation of its Vision, Objectives and Priorities. There was no list of those who had participated in its production other than its author.

It was agreed that the strategy adopted by the group following the 2009 Fair (at which a zero-

tolerance approach to policing had done much to raise tensions) had been very successful in reducing tensions in Appleby and in improving the experience of the fair in Appleby. However, the surrounding area had experienced more disruption as a consequence of the strategic decision to restrict early arrivals within a 1.5-mile exclusion zone of Appleby Town a key component of this first five-year strategy. It had been acknowledged by MASCG in 2018 prior to the commencement of the fair period that a new strategy was required.

Councillors agreed that the new strategy needed to focus less on Appleby itself and more on the routes taken by gypsies/travellers to the fair generally including outside Eden District, prioritising the discouragement of early arrivals and the establishment of large encampments outside Appleby such as that on the A685 in 2018. It was noted that the new strategy did approach this. However, it was felt that the document although of necessity 'strategic' was vague in places where it needed to be more specific and it was felt that the priority given to community liaison had not been demonstrated in the formulation of the strategy itself. In addition, it was felt that the implementation of an exclusion zone surrounding Appleby should be reviewed.

It was agreed that community involvement and consultation should have been better managed and promoted in the formulation of the strategy and that community input should not be restricted to 'operational planning'.

The concluding words of the strategy regarding the encouragement of '*local communities to find their own workable solutions wherever possible in light of the ever-reducing availability of public sector resources*' was noted with dismay.

It was agreed that councillors were 'struggling to have faith' in the consultation process and it was agreed that this had been a missed opportunity. It was RESOLVED that the strategy required further development, review and consultation before 2022.

It was RESOLVED that the council would write an open letter MASCG to express its disquiet about the consultation process and to share its view that the strategy should be more fully developed within the next year.

18/151 **Appleby Fair**

Correspondence had been received from the Police and Crime Commissioner regarding Appleby Fair. Councillors agreed that Police had taken seriously the debriefings on the 2018 event with the Police and Crime Commissioner providing an effective level of accountability. It was agreed to acknowledge the letter and reply showing appreciation for the tone struck. The clerk reported that following Chief Superintendent, Rob O'Connor's statements at the last meeting there had been a series of follow up visits from officers connected to plans to implement an improved level of CCTV coverage.

18/152 **Clerk's Report**

The clerk gave an update:

**Burial Board.** He had received a visit from the chairman of the burial board regarding the council's refusal to increase the amount donated to its upkeep. The chairman had been direct about what he saw as the board's needs. He had said that the board required £20k of funding, it received £18k from burials and £2k from KSTC with small donations from some surrounding parishes. The clerk had asked for the last three years of accounts and a schedule of current fees and charges. External advice had been given by Eden District Council that it had reviewed the burial boards affairs and had not chosen fund it. It was AGREED that after the elections and the

formation of a new council a meeting would be arranged to review the council's support for the burial board.

**Candle Factory Fire Commemorative events.** The clerk had received a visit from Richard Ellis Hawley the great great grandson of the owners of the former candle factor at Mill Beck. In 1884 (25 October) the factory was destroyed in a fire in which five members of Mr Ellis Hawley's family had died. The sole survivor fell through the upper floor into a vat of tallow. This year is the 135 anniversaries of the fire. Mr Ellis Hawley is concerned that the event is commemorated and remembered as an event in the life of the town and has approached the church regarding a memorial service on the 27<sup>th</sup> October. He has also approached the Town Band to play in the market place on the 26<sup>th</sup> which he would like to book.

It was proposed that he be placed in contact with the artists involved in 'picturing Kirkby Stephen' and others including the history society with a view to producing a pamphlet that could be distributed on this occasion and a small display in the library at local links. It was agreed that the town council would provide photocopying expenses in connection with this. The council's application to the **Pocket Parks** Initiative had been rejected. No feedback was available.

Thanks were due to Cllr Richardson who had personally mended **the bench at Christian Head carpark.**

**18/153 All Weather Pitch update**

To receive an update on the All-Weather Pitch, Signature Fund Application. A meeting had been set up for the 11<sup>th</sup> at 2:00pm for the school, Kirkby Stephen Sports Association, Eden District Council and Kirkby Stephen Town Council to discuss and progress the All-Weather Pitch Project. Eden District Council had made its Signature Fund Grant conditional upon a funding commitment from Kirkby Stephen Grammar School with a clawback arrangement in effect on the Town Council if this commitment was not honoured.

**18/154 Eden District Council Plan 2019-2023**

It was AGREED that the questionnaire would be circulated to individual councillors for a response.

**18/155 Financial Regulations**

Financial Regulations based on the NALC Model Financial Regulations provided by The National Association of Local Councils were approved. In order to avoid confusion standard term wording has been retained unedited with minor changes and values changed in draft after consideration by the Clerk/RFO. The value of standard term wording is taken to be that it is adopted and applied across all local councils and forms the basis of compliance with monitoring arrangements. However, It was noted that the model document has been predicated and drafted on the basis that the Clerk and RFO are not the same person (and are employed full time) in places minor changes have been made to reflect this.

**18/156 Standing Orders**

Standing Orders based on the Model Standing Orders provided by The National Association of Local Councils were approved. In order to avoid confusion standard term wording has been retained unedited with minor changes and values changed in draft after consideration by the Clerk/RFO. The value of standard term wording is taken to be that it is adopted and applied across all local councils and forms the basis of compliance with monitoring arrangements. However, It was noted that the model document has been predicated and drafted on the basis that the Clerk and RFO are not the same person (and are employed full time) in places minor changes have been made to reflect this.

18/157 **Risk Register**

The updated risk register was circulated and reviewed. Proposed actions were noted.

18/158 **Banking**

The council authorised the closure of the HSBC accounts in the name of the Town Council in line with the previous resolution. (18/098)

18/159 **Portfolios**

Town Council Administration. JJ. Absent

Community Planning. AB.

- 46 businesses had elected to have a Kirkby Stephen flag further progress to be advised. Funding would be committed from Town Forum Funds if necessary.

Community. PR. Absent

Highways. JS.

Open Spaces. DT/JJ.

Property. DM/DG.

- A glass notice board belonging to the Norther Viaduct Trust had been vandalised at Stenkrith.

Tourism & Events. MW.

- A decision to reappoint Mike Walker as the Town Council representative on the Walkers are Welcome group was deferred until after the elections.
- Easter rally 2019. Sponsorship responses had been poor, Volunteers were required for the marshalling point at the Settle Carlisle Railway on both days and the Co-op site on Sunday. The siting of banners on the scaffolds were approved. The council declined the use of the Christian Head Carpark having identified other sites which could replace the unavailable Mountain Rescue Centre.
- Market Place Booking 27 May (Bank Holiday) Plant Sale Gardeners in Eden. (Confirmed)
- Candle Factory Fire Commemoration Event 26 October 2019

18/160 **Finance**

Payments were ratified as follows:

- 06/03/2019, Halls Newsagents, V171, £10.35, £10.35
- 06/03/2019, Cerberus Printing, BACS, V172, £550.00, £550.00
- 06/03/2019, Cumbria Document Sols Ltd, BACS, V173, £54.22
- 01/03/2019, System IT, DD, V174, £36.00
- 14/03/2019, Plusnet, DD, EST, £66.91
- 25/02/2019, Salaries, BACS, V166-169, £3,259.54
- 27/02/2019, Nest, BACS, V170, £63.74

18/161 **Finance**

The bank reconciliation was approved as follows:

**Balances Remaining**

VAT to be reclaimed	-£5,548.41
Street Cleaning	£4,078.89
Open Spaces	£4,427.75
Grants	£2,697.88
Administration	£3,807.84
Community & Council Centre	£19,660.20
Miscellaneous	£8,297.93
Cloisters	£194.30



Market	£8,376.40
Allowances	£0.00
Calor Fund	<u>£1,937.44</u>
Total	<u><u>£47,930.22</u></u>

**Bank Reconciliation Kirkby Stephen Town Council at 31/01/19**

Balance B/fwd	£51,263.86		
Receipts in	£683.50	Payments out	£4,017.16
		Balance C/fwd	£47,930.20
Totals	<b><u>£51,947.36</u></b>		<b><u>£51,947.36</u></b>

Diffce £0.00

**Bank Balance C/fwd**

Market	£8,780.45	
HICA	£29,173.59	
Current	£4,375.58	
Cumberland	<u>£5,511.48</u>	
		£47,841.10
<u>Add o/s rec'ts</u>		£109.10
<u>Less o/s chqs</u>		-£20.00
		<u><u>£47,930.20</u></u>

18/162 **Date of Next Meeting 2 April 2019**

## **Appendix 1**

### **Report to Town Council meeting 5 March, 2019 – County Councillor, Phil Dew.**

---

#### **Highways**

The permits for HGVs are going to be reviewed over the next few months [2019/20] – but owing to staff pressures that has not yet taken place. The final decision will be taken by Eden Local Committee.

The issue of blocked drains [Mill Gardens and Brougham Lane] has been noted plus the [missing] salt bin at Christian Head car park.

A CCC Traffic Management officer will be visiting KS on Wednesday, 27 March, 2019, to discuss various outstanding issues. No date has been set for the recently agreed line marking – or the parking bays outside McColl's.

#### **Miscellaneous**

I am meeting the PCC, Peter McCall, in Penrith on Friday, 22 March, 2019, to discuss various outstanding policing matters including speeding and HGVs.

I attended a talk given by the Chief Constable, Michelle Skeer, at Penrith Library, on Wednesday, 5 March, 2019, in celebration of International Women's Day. Michelle was recently awarded the Queen's Policing Medal for her distinguished service to policing in Cumbria. CC Skeer came across as a very personable and committed officer who has spent her whole police career – twenty nine years - in Cumbria, so she knows the county and its people very well. She is doing her best with the resources available.

I met with Ian Hartley, who chairs the Burial Board, on Friday, 15 February, 2019. The Board maintains the graveyard, which is an invaluable local asset/amenity that should continue to be supported by the town and parish councils. The role/responsibility of EDC needs to be clarified. There is an issue with the approach road - which needs resurfacing.

#### **Appleby Horse Fair**

I attended my first meeting of the MASCG on Monday, 25 February, 2019, along with two other elected members – Karen Greenwood [EDC] and Ian Mitchell [SLDC]. The draft Appleby Fair Strategy 2019-2022 was on the agenda and I pointed out that very few people had seen it even though it had been out for consultation for some time. I suggested that the information should be sent directly to the clerks of relevant town and parish councils which has now been done – however late in the day! It is difficult to say how much notice will be taken of the responses. I also discovered that all the issues relating to the fair will be discussed in two groups from which elected members are specifically excluded: the Communications & Engagement Sub-Group and the Operational Sub-Group. I am not happy with that arrangement – and I said so! Recommendations will [in theory] be brought to the MASCG for ratification but there is no defined decision making process and the danger is that they will simply be nodded through without proper debate or scrutiny. It could mean that elected members have in effect no influence at all – and in my case even less than I do at present given that I currently sit on the MASCG Highways Working Group [disbanded]. It is an insult to suggest that elected members have nothing of value to contribute to the discussions that take place prior to the formal decision making process.

I met Temp Chief Superintendent Rob O'Connor [AHF Gold Command] in his office at Carleton Hall on Wednesday, 13 February, 2019. Rob has been open and honest and a perfect example of how to properly engage with the local community. I am confident that Rob will deliver the policing that was so obviously lacking last year.

The A685 encampment discussions are ongoing. There will be improvements but not as extensive as most residents would like. The issues revolve around finance & personnel & any response has to be proportionate. One outstanding matter is that of alternative camp sites – ideally a suitable field somewhere fairly local. The residents who live in the region of Cote Moor are understandably not happy at the prospect of a return to mass encampments. I would like to hear from anyone who can offer/suggest an acceptable solution.

Plans for the gypsy/traveller cultural evening are taking shape. It will be held in the function room of the King's Arms Hotel at 7:30pm on Monday, 29 April, 2019. Billy Welch and Bill Lloyd will be in attendance. I hope to visit Billy Welch prior to the meeting in order to engage directly with members of his community.

DRAFT