

09 July 2019, Kirkby Stephen Town Council

Ordinary Meeting

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

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Starting at 6.45 pm at Local Links

Attending: Cllrs J Johnstone, P Richardson, A Birtles, D Thornton, M Walker, G Wren, C Lynch, S Lancaster (EDC/KSTC). Cllr P Dew (CCC/EDC) and 4 members of the Public.

Public Participation.

An issue was raised in connection with the plans of the John Strutt Trustees for the industrial estate at Hartley Fold. It was said that conservation was an issue close to Sir John's heart in respect of the foundation that and that in choosing to develop the site as they were the trustees were unlikely to be acting in the spirit Sir John had intended.

It was agreed that councillors would comment as individuals if they wished but that the council would not make a formal comment on the application in planning terms as it fell within Hartley District.

Participation of District Councillors S Lancaster/P Dew.

SL 'Firstly, you may be aware of the sudden and very sad death of Cllr Paul Connor. He was an Independent councillor for Penrith, elected this last May. His funeral is next Wed and I'm assuming a bi-election will be in the next couple of months.

The Master plan for Penrith has been officially ditched and the new council will be putting forward a new plan upon which consultation will be sourced. It will then be reviewed and formulated to go out again for consultation at which point the parish councils will be asked to give their input.

A review of devolution of services will be carried out to parish councils to see if it's working or not! I have been asked to get your opinions and whether there is anything you would like to be left in EDC control.

The alliance is going to have an emphasis on trade and education within Eden and Councillor Robinson has already met with major businesses in the area for a way forward. A business seminar is expected in the future followed by a district public conference.

Rose Rouse the Chief Exec of EDC is planning to visit Kirkby Stephen Ward in the next couple of months, and Phil and I will be expected to show her around the ward and bring her attention to any issues which we have.'

Participation of County Councillor P Dew.

Cllr Dew commented on the ecological focus of EDC in declaring a climate emergency. He felt that the council should address other local issues as a priority and on which it could have an effect.

MASCG: feedback overwhelmingly positive regarding Phase 1 of the Appleby Fair. A new line 101 had had 400 calls during the build up to Appleby fair, these were answered on average, within 75 seconds. The cost of the policing of the fair had yet to be worked out. Lord Bourne regarded his visit has something of a highlight of the year and the prospect of additional external funding was quite real. The A685 and Watter Yat areas had been heavily used. The idea of

purchasing the Watter Yat site to safeguard its use for the Gypsy and Traveller community was being raised by Cllr Dew with EDC. The role of the RSPCA in Kirkby Stephen had been highlighted as a success. The town council's report to the police had been received and discussed at MASC. A written report is included as Appendix 1.

Ministers of the UK and Scottish Governments and the Leaders of the five councils of the Borderlands Partnership including Cumbria County Council have signed off the 'Heads of Terms' for the £394.5million Borderlands Inclusive Growth Deal. £350m from the UK and Scottish Governments and £44.5m from the local authorities. The Borderlands growth deal heads of terms have been agreed.

19/039 **Apologies**, None.

19/040 **Declarations of Pecuniary Interest**, None.

19/041 The **Minutes** of both meetings held on the 4th June 2019 were approved as a true record, Ordinary Council Meeting (minor amends) and Annual Meeting of the Jubilee Park Charity.

19/042 **Co-option** of Darren Marsh to the Town Council (Item deferred).

19/043 **Finance**.

The **June** Bank Reconciliation was approved with a closing balance of £119,674.06

A Schedule of payments were approved as listed at 28th June 2019

(<https://www.kirkby-stephen.com/app/uploads/20190703-Bank-Rec-Payments-for-Approval.pdf>)

The Clerk was authorised to set up other regular payments e.g. Salary/NIC/PAYE etc. and known planned expenditure listed.

Cllr Lynch would attend and check the reconciliations to bank statements and underlying paperwork.

15/7/2019

19/044 **Finance**.

The Clerk presented **the first quarter budget monitor** (<https://www.kirkby-stephen.com/app/uploads/20190703-1st-Qtr-Budget-Monitor.pdf>). The following were approved:

1. Revised description of restricted funds. (Lines 63 to 67)
2. The inclusion in the budget of the anticipated grant of £75k from Eden District Council's Signature Fund to the support of the All-Weather Pitch. (Lines 18/40)
3. The addition of a budget line for paid and recovered VAT. (Lines 15/37)
4. The likely financial position of the council at the year end. A general reserve of £39,511 and restricted reserves of £6,038.
6. The reprofiling of income/expenditure budgets for Open Spaces, Grants and Donations & Miscellaneous from that presented in September 2018 and January 2019. To reflect the revised description of restricted funds.

19/045 **Planning** 19/0419 Site address: THE GOSPEL HALL, MELLBECKS KIRKBY STEPHEN, CA17 4AB. Description: Change of use from place of worship to a single dwelling to include demolition works and extension. Supported

19/046 **Planning** 19/0379 Site address: TANGLES, 41 NORTH ROAD KIRKBY STEPHEN CA17 4RE. Description: Listed building consent for installation of 2 no. extraction fans. Supported

19/047 **Highways England consultation on dualling the final submission.** A draft prepared by Cllr Walker was tabled, part completed and approved. Cllr Walker undertook to submit it to the Highways Agency.

19/048 **Tour of Britain Cycle Event.** Councillor Lynch gave a verbal presentation regarding the plans for Kirkby Stephen to celebrate the Tour of Britain.

The celebration would aim to highlight the long-term benefit of promoting Kirkby Stephen as a destination for cyclists. The celebrations would be entitled 'SPOKE' and branding proposals had been prepared by Cactus creative which were circulated to approval.

'Spoke' will take place between Saturday the 7th and Tuesday the 10th of September and would include bike art in the public realm, a launch event to which the MP would be invited, a 'cycle disco' would be staged, a call out to all schools to participate would be issued, artwork would be displayed on the route and attendance by school children encouraged during the event itself in local towns. There had been an idea to reuse the panels recently installed on railings during the build up to Appleby fair for artwork.

The possibility was being explored of 'piggybacking' on the Lakes Alive Festival for a performance 'Bicycle Boy' to be held in Kirkby Stephen in addition to its proposed showing in Kendal.

Sunday was being styled as a family day and would involve approaches to Eden e-bikes, bike tours, a bike fashion show with support being sought from Regatta clothing.

The use of the Smardale Cycle track was being explored further.

Performance poet Katie Hale would be commissioned to create a work with the support of Westmorland Ltd. around the theme of nutrition.

A big screen installation was being researched for an evening 'picnic cinema' to feature the film 'BMX bandits'. It was proposed that there would be no charge for this event to drive participation.

A cycle repair cafe would be organised.

Kirkby Stephen Community Arts were preparing a bid to the Arts Council for funding to realise some or all of the above.

It was agreed that the town council would subscribe £500 to the support of this ambitious programme of events in the hope that this match fund could be useful in levering in an Arts Council Grant

The use of the Market Square and the parking areas in front of the Pennine Hotel were formally requested and agreed.

- 19/049 To receive an update from the meeting of the **Burial Board** held on the 3rd July 2019. Cllrs Dew/Thornton reported back from a meeting of the Burial Board 7pm - 3 July, 2019

General

1. **Railings** – being painted by Colin Marston with the support of Mike Hall
2. **Grass Cutting** – the purchase of a new ride-on lawnmower with grass collecting capability was discussed an extraordinary meeting held to make a speedy decision
3. **Greensike Lane** – Mike Hall and Thomas Robinson have been filling in the pot holes
4. **Upkeep of cemetery** – it is important to maintain the cemetery to a reasonable standard - which is expensive
5. **Boon Day** – to be held on Saturday, 28 September, 2019
6. **Cemetery sign** - will be obtained/erected
7. **Rabbits** – are a nuisance that cannot easily be resolved but at the very least they should be prevented from burrowing into the graves

Finance

1. **Reserves** to be reduced to approximately 50% of annual expenditure [£10,000] by purchase of lawnmower and other necessary equipment together with essential maintenance work
2. **Six parishes** [Kirkby Stephen, Nateby, Winton, Hartley, Kaber and Waitby] subsidise the cost of maintaining the cemetery and all pay a similar amount per elector
3. **Kirkby Stephen Town Council** wants to peg its contribution because of the increased cost of maintaining devolved services but it is important that parishes continue to support – as necessary - this vital local amenity
4. The **schedule of fees and charges** shows a reduced rate for all residents of Eden District – but it was agreed that only the residents of the contributing parishes should benefit
5. **Current fees** and charges are benchmarked against Eden District Council which heavily subsidises its cemeteries - so it was agreed to benchmark against South Lakes District Council - beginning in 2020/21
6. **Income and expenditure** will be closely monitored going forward.

- 19/050 Submission of the council's **scrutiny topics** to Eden District Council were confirmed as follows:

1. **Devolution of Services.** toilets street lights requires 360 analysis to include viewpoint of recipient local councils and a cost benefit analysis.
2. **Executive LED structure of Eden District Council.** review for effectiveness appropriateness and accountability.
3. **Economy Leisure.** review services re inbound domestic tourism and public transport infrastructure.
4. **Planning Services Review.** from perspective of Local Council statutory consultees. Impact of withdrawal of paper-based consultation in favour of online where costs fall to consultees and are not supported by applicants.
5. **MASCG Review.** Eden District Council role in MASCG for effectiveness and appropriateness review strategy to which MASCG works in terms of local accountability.
6. **Paper-based forms.** The last election involved councillors in completing clumsily designed nomination and election expenses forms, the process

generated much more friction than was necessary and lead to too many errors in submissions. Attention should be given to using streamline online forms and verification techniques with a single sheet of A4 for all signatures.

- 19/051 **Christian Head Car Park.** The Clerk had met with four representatives of KSGS regarding a Rabbit warren at Christian Head car park.

The school was concerned to work with the council, the Christian Head care home, the farmer to the west of the school grounds and with the auction (H&H) to control the population of rabbits and their access to the school. Of particular concern to the school was a proliferation of rabbit holes adjacent between the car parking spaces in Christian Head and the school grounds.

Rabbit scratchings in the school grounds presented a risk of twisted ankles and soft tissue injuries. This area was marked out for sports and the rabbits were particularly drawn to the areas in which grass had been killed or marked increasing the risk of injury at pitch edges.

Councillors noted that when the school had installed the fence around the school, they had missed an important opportunity to create a rabbit proof barrier by digging the mesh into the ground. In a number of places, the mesh was not fitted closely to the ground and allowed rabbits to enter and leave the site freely.

In previous years the school had made similar overtures to the council. However, the costs of treatment had been considered prohibitive relative to the benefit and in view of the adjacent properties holding a population of rabbits was also thought to be futile. Each year myxomatoses generally reduced the population of rabbits to a tolerable level.

Councillors questioned the effectiveness of the actions proposed by the school both on the grounds of cost and on the grounds of likely level of improvement when the rabbit population could easily relocate to Christian Head or other nearby landowners' properties. The probability of taking successful unilateral action was not thought to be high.

The clerk was instructed to liaise with County regarding the landowners/leaseholders responsibilities and establish who had powers to address the problem at both the Christian Head Carpark and Care home sites.

- 19/052 **Clerk's Report, updates & correspondence.**

Declarations of Pecuniary Interests (Forms had been returned by the Monitoring Officer in respect of Cllrs Thornton, Birtles and Lynch these would need to be resubmitted)

A dead tree had been reported at Jubilee Park. The clerk was authorised to arrange its felling on the grounds of safety.

KSGS pupil Shauna Thwaite had won the Kirkby Stephen sponsored art prize in Picturing Kirkby Stephen.

The council agreed to request the provision of a bin at Jubilee Park upper carpark.

The newly formed Eden District Council had ratified the award of the Signature Fund £75k to the support of the refurbishment of the All Weather Pitch confirmation of the Grammer School's funding was awaited.

The Clerk could enrol in the CILCA training in September at a cost of £500 (approved)

The Clerk would arrange for the updating of the town signs and Lighting column Labelling.

The reasons that the council's VAT reclaim had not been paid had been established (It didn't run to a month end) Recovery would be put in hand.

The Clerks letter of thanks/feedback to the Police had been circulated to councillors ahead of the meeting together with the business survey and its findings and it was anticipated that the Police would come to the September meeting to take feedback regarding Appleby Fair.

19/053 To receive reports if available:

1. **Town Council Administration.** (Service Level Agreement, Local Links) The clerk was authorised to discuss the index linking of this Service Level Agreement with Eden District Council's officer Doug Huggan with a view to determining if it would be possible to request that the SLA Be index linked going forward.

2. **Community Planning.** AB Deplored the cutting of the support given to Community Planning by EDC and the winding up and closure of the offices associated with this and with Business support in the Upper Eden Area. The work of Kellie Bradburn-Sims in advising local business and the value her work had delivered was acknowledged and a vote of thanks proposed. It was agreed that without this input the plan was left 'high and dry' and many local businesses would be less likely to plan for and secure prosperity. It was felt that the service had been withdrawn by Eden without an effective replacement in the Upper Eden Area. Eden was well resourced with its own economic development staff but these officers were not active in Upper Eden.

3. **Community.** PR had been involved in mock interviews at KSGS and had been very impressed with the standard of the candidates. He was continuing to research how Charging Points for Electric cars could be provided for the Town Centre to respond to a small increase in enquiries about charging infrastructure.

4. **Highways.** MW confirmed a gully cleaning programme was being executed. There had been concerns about the parking markings outside the butchers which he felt should be marked with additional signage.

5. **Open Spaces.** JJ reported that the bedding plants surrounding the war memorial had been replanted and were looking well. DT commented that Stenkirth was looking particularly good.

6. **Property.** JJ reported that replacement seats at Redmayne Road were in hand with funds from the Calor Fund.

7. **Tourism & Events.** A review of the Easter Rally was expected in September and a busy programme of town events was being delivered with the Westmorland Dales Day 28th July ahead, a very successful Gala and the exciting events planned in association with the Tour of Britain.

19/054 There will be no meeting in August and the Council will next meet on the 3rd September 2019.

Appendix 1.

County Councillor Phil Dew, Report Appleby Horse Fair 2019 – Kirkby Stephen Feedback

Survey

Following the Fair a survey was carried out of all the business in the town centre and along the A685. There were 56 responses. Over half were retail, 25% were professional or service and the remainder were licensed or catering.

Almost 80% remained open as normal and the remainder closed because of the trouble last year. The overwhelming majority said they would consider opening fully next year.

Business was down for some because local people avoided the town centre following last year's trouble and there were fewer tourists as a result of the poor weather. One or two businesses complained that the gypsy/travellers felt unwelcome and therefore didn't come into town.

90% experienced no trouble and over 75% were happy with the policing, though others felt that the police presence was overwhelming at times and could have been more discreet. Others made the point that police numbers should not have been cut so dramatically at the start of Phase 2 of the Fair. In general people felt far safer and were very appreciative of the police effort.

A similar number were happy with the way in which horses were discouraged from stopping in the town and appreciated the fact that there was far less mess and disruption. Some felt that the perceived ban was too strictly enforced and argued that bow tops should have been allowed to stop for rest and provisioning. A suggestion was made for a designated stopping area. The restrictions adversely affected some retail outlets, which reported reduced sales, and also impacted negatively on some licensed premises – but these were very few in number.

Lots of businesses commented on the improvements on the A685 and the fact that staff could travel to work safely. Others mentioned the positive benefits of an RSPCA presence and offered to have a collecting box on their premises to pay for the same cover next year. The Town Council has also offered financial support.

General Reflections

- Policing could have been slightly more discreet but in many ways the presence had to be visible in order to discourage unacceptable behaviour and the threatened horse sale. Police numbers should not be cut so dramatically at the beginning of Phase 2.
- Discouraging horses in the town was beneficial and it is difficult to make exceptions. A designated stopping area for bow tops could be set aside. The Kings Arms has offered use of its rear yard for tethering horses but that hasn't worked in the past. The boarding of railings appeared to be unnecessary.
- Encampments on the A685 were vastly improved and the situation is tolerable as long as the police presence is maintained. The grazing of horses in designated zones needs to be clarified. Over twenty horses were illegally grazed in a farmer's field which is unacceptable. Responsibility for clearing and disposing of rubbish in fields needs to be clarified.
- In general terms the licensed premises were happy with arrangements with the exception of the Kings Arms.
- CAG meetings weren't well attended but they provided an opportunity for local councillors to catch up with developments and give feed back.

- The RSPCA presence was very beneficial and the town is happy to facilitate a collection to ensure the same cover next year.
- There were very few caravans on Cote Moor but a large number at Watter Yat. This is an ideal site which may shortly come up for sale. EDC should consider purchasing the site along with others [Frank Allan's field] to ensure the availability of adequate temporary stopping places in the future. EDC has a moral responsibility – if not a legal one - to make some provision for this protected ethnic minority. The Church of England nationally has also talked about making its land available for encampments.
- An economic impact study should be commissioned – possibly through Lancaster/Cumbria universities - to ascertain the financial benefits of the Fair for the local economy.
- A sub-group should be set up to explore ways of producing an income stream to help meet the costs of the Fair and further efforts should be made to secure external funding.

Phil Dew July 2019.

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