

12 November 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, D Thornton, S Lancaster, M Walker, G Wren, C, Lynch, A Birtles and 4 members of the Public.

Public Participation.

Participation of District Cllrs S Lancaster (CCC).

Participation of Cllr Lancaster: "Last Thursday at full council the proposed new Council Plan was formally passed and so I look forward with interest to see how the new objectives will be implemented. I did ask how Kirkby would be included in some of the points specifically 'support the market towns in the delivery of plans for their future' and I was assured that this included us so I'll keep an eye on that. I will also be pushing for Kirkby to be central in the arts and crafts ideas 'by 2023 we will have established Eden as a place for artists craftspeople and digital innovators and in 2019/20 Develop an Arts and Culture Strategy'.

Some comments were made about the perceived lack of response but when it is compared to the number of responses received in the last Council plan 4 years ago which I'm led to believe was around 35, it seems this one was a lot better. I'm still very sceptical about the whole 'green agenda' and will be following closely to see how the carbon neutral target for one is pushed forward and how much this will affect the budget next year.

I have had a chat with Oliver Shimell with regards to the business training funding coming to an end and I have attached our correspondence with regards to this matter for your attention. It looks like there will in the future be funding available again but it looks unlikely that we will get the level at which we did before.

I have twice had to contact Eden District Council in regards to non-collection of green bins at the Crescent. This matter should now be resolved using them changing their collection time, as I suggested, to not coinciding with school drop off time.

I understand and that the lamp post decommissioned at Mellbecks has now been donated to the householder."

Participation of Cllr Dew (EDC/CCC).

Cllr Dew spoke to a written report given as Appendix 1. He announced the Conservative Candidate for Penrith and the Border in the forthcoming general election as Dr Neil Hudson a Vet based in Edinburgh. Reported the need for Smardale Viaduct to be fitted with a stainless steel mesh at a cost upwards of £50,000. Boon day at the Cemetery 6 October had been a success. Cllr Dew gave particular emphasis to his report on the activities of MASCg noting that his request for an economic impact study, the purchase of land for temporary stopping places and the establishment of a group to research income streams that could offset public (taxpayer) expenditure on Appleby Horsefair had been ignored. He noted that Police were in agreement with his position.

He also spoke at length regarding Eden District Councils decision reject Kirkby Stephen as its nominee for the Borderlands Growth Deal which he firmly opposed. It was agreed that the council would pick this up under Town Council Administration where the council's response to the visit of the Leader and Chief Executive would be discussed.

Participation of Police

A report from PCSO Janet Allinson was circulated.

19/081 **Apologies, Cllr C Lynch (Late Train), Diane Lawrenson**

19/082 **Declarations of Pecuniary Interest.** Cllr Birtles Declared a Pecuniary Interest in Agenda Item 4 (19/072) Planning 19/0598 and signed the register accordingly.

19/083 The **Minutes** of the meeting held on the 1 October 2019 were approved as a true record subject to minor amends.

19/084 **Planning**

19/0696 Site address: LAND AT CHRISTIAN HEAD, CA17 4HA. Description: Reserved Matters for access, appearance, landscaping, layout and scale attached to approval 17/0922

Councillors unanimously OBJECTED to the application on the grounds of Road Safety. It is considered that the proposed Soulby Lane entrance is very dangerous and that the entrance to the site should not be positioned in the proposed location. Further development is anticipated at Dargue's Field and future development of adjacent sites should be considered. As this area serves as the drop off point for coaches at Kirkby Stephen Grammar School the council believes that road traffic engineers should ultimately redesign the layout of the junctions in this area. The road survey did not take place during a period when auction traffic was using the road and a false picture of the extent of congestion/hazard has been obtained. It is considered that a site visit is essential.

19/085 **Planning**

19/0666 Site address: LAND ADJACENT TO & INCLUDING WHITE HOUSE FARM, CA17 4SH. Description: Variation of condition 2 (plans compliance) to include alterations to plots 1 - 9 attached to appeal approval APP/H0928/A/14/2220094.

The application was SUPPORTED. It was noted that roof lights/Velux should not overlook other properties.

19/086 **Pad 9 proposal**

The Council received a brief presentation by Rachael Milburn regarding her proposal to operate a youth group from Pad9 accessing support from the Oaklea Trust which was noted. Councillors agreed to put their thanks on record to Ann Sandell and Jackie Scarr who had successfully run a youth group out of the premises for many years. Cllr Birtles had established that the trustees were in a legal position to transfer the Evergreen Building to the Town Council and this had been discussed by the trustees. Councillors were minded to consider/accept a transfer should such an offer be made. It was agreed that this should be the subject of a report to come to a future meeting.

19/087 **Lady Anne's Way by Diane Lawrenson**

A report prepared by the clerk was noted. Funds in slightly in excess of the amount required to cast the sculpture in Bronze had been received as donations towards the commission of the work, it was RESOLVED to receive these gifts and to hold these funds in

a dedicated reserve restricted to the sole purpose of commissioning the sculpture and related expenses associated with it, being the purpose for which they were donated. Subject to the necessary consents being granted it is RESOLVED that the sculpture is commissioned by the council and that ownership be clarified/evidenced by an exchange of letters and payment of foundry invoices rather than a formal contract. On delivery The Town Council will have full possession of and title to the sculpture and plinth with copyright remaining with the artist. The moral right of the artist to be identified as the creator of the work will be acknowledged.

On delivery it was RESOLVED that the sculpture should be added to the Council's Asset Register and insured on the basis of its direct costs.

The council RESOLVED to waive Financial Regulations (10 and specifically, 11.1d) on the grounds that the work commissioned from the bronze foundry is a specialist service by a contractor, Powderhall Bronze, known to the artist and is essential to the delivery of the project in the delivery of the artists creative vision. The contractor is appointed on the advice of the artist.

19/088 Finance

Receipts and payments were approved and ratified including approval in principle of Salaries, PAYE & NIC as follows:

October Schedule <https://www.kirkby-stephen.com/app/uploads/20191104-Bank-Rec-Payments-for-Approval.pdf>

The bank reconciliation for the month of October was approved with a closing balance of £111,712.80.

19/089 Finance 2nd Quarter Budget Monitor

The Clerk presented the second quarter budget monitor (<https://www.kirkby-stephen.com/app/uploads/20190930-rev-20191111.pdf>). The following were approved:

1. The reprofiling of the budget to that listed in column D of the Budget Monitor to take account of:
 1. Revised description of restricted funds. (Lines 63 to 67)
 2. Treatment of recently donated funds restricted to the purpose of commissioning 'Lady Anne's Way by Diane Lawrenson (Line 67)
 3. The likely budget position of the council at the year end. A general reserve of £39,511 £56,011 less £16,500 (line 20) and restricted reserves of £6,038 to which £16,500 would now be added in line with resolution at 19/087.

The closing balance at the end of the second quarter September (19/076) was £96,045.29

A second updated monitor up to the end of October was presented.

The clerk noted variances to budget in respect of VAT recovery (Line 15, claim covering two years now concluded), expenditure on Administration (Line 32, Pay award after budget setting/Payment & PAYE/NIC due on the previous financial year and paid in 2019/20) and Council and Community Centre receipts, line 11 up significantly on budget.

19/090 Public Transport

A discussion paper prepared by Cllr Walker had been circulated with the agenda. It touched on the decline of bus services, noted that connecting services do not in fact connect, that weekend services were non-existent and that Cumbria County Council had returned a significant sum unspent from the Bus Operator Support Grant to Government because it had prioritised community transport solutions over bus service subsidy to which it was said to have an ideological objection.

It was RESOLVED that Cllr Walker would represent the council's interest and concern in this matter and would liaise with other parties to improve public transport provision in the upper Eden area including representations to encourage Cumbria CC to utilise the Bus Operators Support Grant to give Kirkby Stephen an appropriate bus service suitable for work, education and tourism.

19/091 **Portfolios.**

To receive reports if available:

1. Town Council Administration. The Chairman debriefed on the councils meeting with the Leader and Chief Executive of Eden District Council. The draft text of a letter touching on Borderlands Growth Deal. LEP funding. Devolution Public Toilets Carpark Playgrounds. Tourist Information Centre. Transport. Appleby Horsefair/Watter Yat. Consultation processes / working together proposal for a biannual meeting.
2. Community Planning. Subject to the provision of a chairman's foreword the community plan was ready to go to print.
3. Community. Cllr Richardson noted that the celebration of the Lottery being 25 years old included a programme of small grants which he felt we should apply for.
4. Highways.
5. Open Spaces. The Chairman, Clerk & Cllr Richardson had met and reviewed issues relating to open spaces. Recommendations and a report would come to a future meeting for decision/approval. Enquiries had been received regarding tree planting opportunities (cubs) and 'living urns'. Councillors AGREED that 'living urns' were to be discouraged on Council owned and controlled land and that the council did have land available for tree planting. It was hoped that the cubs could engage with the adventure play developments proposed at Jubilee Park.
6. Property. The provision of Sandbags in anticipation of flooding at Pennine View was agreed for the current year.
7. Tourism & Events. Cllr Lynch had been delayed on a late train and had wished to report on his attendance at the Tourism Summit this would be circulated and deferred to a future meeting, No progress had been made with the Easter Rally which was not likely to take place. Cllr Lancaster was researching VE day celebrations. Christmas tree package take up had been poor. Cllr Lancaster would liaise with the Clerk as to encouraging trader's participation.

19/092 **Date of next meeting** 3 December 2019

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Chairman

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Date

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Chairman's Initials

Appendix 1
Report of County Cllr Phil Dew November 2019

Highways

Work is ongoing. Please inform me if grit bins need replacing/filling.

Appleby Horse Fair

The MASCG meets again on Monday, 25 November, 2019. In the meantime I have received no response to my request for: (1) an economic impact study (2) the purchase of land for temporary stopping places (3) a group to investigate the development of income streams to offset the costs associated with the fair. That is despite representations to the Leader of the Council, Virginia Taylor; the Chief Executive, Rose Rouse; and the Director of Corporate Services, Matthew Neal. I had a meeting with Peter McCall, the PCC, on Friday, 18 October, 2019, and with Chief Superintendent Rob O'Connor, on Thursday, 31 October, 2019, and both are supportive of my position. EDC officers are displaying their usual intransigence and ignoring the responsibility they have to make proper and timely provision for the Fair.

Borderlands Inclusive Growth Deal

I had hoped that Kirkby Stephen would be the market town nominated by Eden Local Committee for the Borderlands Place Programme with its potential funding of £3m - given that it was meant to be used to regenerate 'small market towns'. Unfortunately the word 'small' was left undefined so it has been stretched to include Penrith [population 15,000] and even Dumfries [population 31,000]. It is important to note that Kirkby Stephen was not disqualified by virtue of its small size – contrary to the view expressed by the Chief Executive of Eden District Council during her recent visit. The final decision on which towns go forward in each of the Cumbria Districts will be taken on Friday, 15 November, 2019, at the Local Committee Chairs and Leadership meeting in Kendal. The fact that Penrith has been chosen as Eden District's nomination is a classic example of throwing good money after bad - rewarding failure and incompetence, as illustrated by Penrith's so called Master Plan and the New Squares development, and discriminating against resourcefulness and success. Borderlands funding could have been truly transformational for Kirkby Stephen and made the town an exemplar of good practice and sound administration.

Burial Board

The boon day was held on Sunday, 6 October, 2019. Thanks to the new Clerk, Hazel McWhirter, fifteen people turned up and worked hard trimming hedges, cutting down trees and sweeping up leaves. Hazel is currently drawing up a plan of the new cemetery so that a comprehensive and definitive record exists which shows the location of each grave.

Council Plan 2019-2023

EDC met on Thursday, 7 November, 2019, and voted to adopt the Council Plan 2019-2023. A consultation exercise had been carried out but only 149 responses were received from a total population of 53,000. Some minor amendments have been made but the Plan was largely unchanged. Respondents criticised the lack of detail in the Plan but the Leader of the Council, Virginia Taylor, dismissed them by claiming that the Plan would **'provide the framework for the further development of the detailed delivery plans which support it'**. The problem is that there are no detailed delivery plans and the 39 key actions for 2019/20 are – at this point in time - purely aspirational. The meeting also discussed the One Eden programme which recognises the need for financial sustainability given that there is currently a serious structural overspend amounting to approximately £2m. Council tax and fees/charges are inevitably going to rise and the workforce will

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Chairman's Initials

have to be reduced in order to cut costs at a time when the workload is likely to massively increase thanks to the overarching objective of 'net zero carbon by 2030'.

Upper Eden Railway Heritage Partnership [UERHP]

The UERHP met on Monday, 28 October, 2019. The meeting received a report from the Northern Viaduct Trust on Smardale Gill Viaduct. The viaduct is currently closed because the railings have been deemed to be unsafe. The intention is to infill them with stainless steel mesh which is likely to cost in excess of £50,000. Funds will have to be raised to pay for the work.

Conservative Candidate for Penrith & the Border Constituency

The Penrith & the Border Conservative Association met in Penrith on Saturday, 9 November, 2019, to select a candidate to replace Rory Stewart. This will be Dr Neil Hudson, an Edinburgh vet.