

19 January 2021, Kirkby Stephen Town Council

Ordinary Meeting

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

Tel. 017683 74854 | Clerk@kirkby-stephen.com | www.kirkbystephen.com

Via Zoom video conference at 6:45pm

Attending: Cllrs. P Richardson, A Birtles, M Walker, D Thornton, C Lynch, R Girvan (part), S Lancaster C Barnes (Clerk), Z Bromfield (Minutes Secretary)

Cllr P Dew (CCC/EDC), Inspector Peter Aiston, Cumbria Constabulary.

Public Participation,

A member of the public S Dargue was present to speak on Agenda Item 4 planning issue.

Participation of District Councillor S Lancaster. (EDC)

App. 1

Cllr Lancaster spoke to report given as Appendix 1.

She has begun collecting old laptops and tablets to those who need it for home schooling.

Cllr Lancaster has received several enquiries regarding food parcels from people who were new to requesting for help, and that she is concerned that this will only increase over the next few months. Eden Foodbank report that supplies are low. Cllr Lancaster was pleased to be able to report that the Accounts, Governance and Budget Planning Committee had recommended no increase in the precept this year, full council endorsement was required.

She had met recently with Mr Barr from Barnon, new owners of the Herald Newspaper. The business will stay in Eden. Positive news for local employment. EDC are hosting a series of Webinars to help businesses understand the new rules introduced after the UK left the EU. The Webinar for the Kirkby Stephen area will take place on Feb 11th at 10am, an alternative Webinar could be joined if necessary. YDNPA are leaving their public toilets open for local residents but are requesting visitors to stay away during lockdown.

Cllr Lancaster had just taken part in a 2.5 training session on Equality, Diversity and Inclusion. She found the course very informative, and had inspired some ideas on ways this could encourage people to the area. She will look into this further and report back to the Council.

Participation of Councillor P Dew. (CCC/EDC)

App. 2

Cllr Dew spoke to a report given as Appendix 2.

EDC – Cllr Dew had voted against an increase in the precept, and noted that this would be decided at the next meeting on 28 January 2021.

Coronavirus rates – There were significant concerns over Eden’s infection rates.

Vaccination – Cllr Dew is pushing for doctors’ surgeries to be recognised as vaccine distribution sites, and would like to see the over 70’s group be able to receive their vaccinations at their local doctors.

Schools – Food packages or vouchers for school meals have been provided to those who qualify for them who aren’t currently attending school. Laptops have been provided to those who need them. Grammar school pupils with no broadband are able to go into school.

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S6 Service by Westmorland Dales – this new service was due to start on Tuesday 6th January, the service will begin when it can.

Kirkby Stephen Library – the library will be running a click and collect service during this lockdown.

Traffic Management Team –the proposed Brough to Kirkby Stephen Cycleway is being planned in 4 stages at a cost of approx £250K for each section. Highways England need to recognise how important this is due to the A685 being an alternative route to the A66.

Pavement parking – leaflets stating falsely that the government intend banning pavement parking had been distributed.

Participation of Police

The meeting was attended by Inspector Peter Aiston who wished to report to the Council that the intention of the police is that Kirkby Stephen will receive the same police presence during the 2021 Appleby Fair as it received during the 2019 fair. Councillors supported this decision. Policing in 2019 had been appreciated by the residents of Kirkby Stephen. Inspector Aiston reported that as it is difficult to know what will happen due to the Covid-19 crisis, the police are preparing on the assumption that the fair will take place. He is hoping that by Easter they will be in a better position to know what restrictions will be in place due to coronavirus, and will know if the fair is to go ahead and what the travelling community will be planning.

The Town Clerk suggested the same presence for the RSPCA, as they had provided a valuable service in 2019.

20/098 **Apologies.** Cllr J Johnstone (Unwell) & Cllr G Wren (Work Commitments).

20/099 **Declarations of Pecuniary Interest.**

Cllr Lancaster declared a pecuniary interest Agenda Item 13.

Cllr Lancaster non pecuniary interest in Agenda Item 14.

20/100 **Vice Chairman**

In the Chairman's absence Cllr Richardson (Vice-Chair) asked for confirmation from councillors that they were willing for him to act as Chairman for meetings. AGREED.

20/100 **Minutes.**

The Chairman was authorised to sign the Minutes of the meeting held on 8 December as a true record.

20/101 **Planning.**

20/0937 SANDWATH FARM, KIRKBY STEPHEN, CA17 4HE Description: Change of use of agricultural land for the siting of 6 pods.

The applicant was present at the meeting to go through any issues which may be raised by councillors. All the Councillors agreed that this would encourage tourism to Kirkby Stephen and therefore this would be an asset for the area. It was recognised that the visual impact issues raised by EDC over a previous application for caravans had been addressed well and the application was FULLY SUPPORTED by all the Councillors. Cllr Lancaster confirmed that she would be willing to speak at the EDC planning meeting in support of the application if there was an officer recommendation against it.

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20/102 Cllr Girvan joined the meeting.

20/103 **Planning.**

21/0008 ORCHARD HOUSE, MELLBECKS KIRKBY STEPHEN, CA17 4AB Description: 8 conifers and 1 other tree to be removed, in Conservation Area – there were no objections to the trees chosen and this was SUPPORTED.

20/104 **Planning.**

20/0989 3 MARKET SQUARE, KIRKBY STEPHEN, CA17 4QT Description: Advertisement Consent for 2No flags. SUPPORTED

20/105 **Planning.**

20/0955, 20/0932, 20/0914. LAND OFF CHRISTIAN HEAD, KIRKBY STEPHEN, Description: Discharge of conditions. Following guidance from EDC regarding this the proposal was SUPPORTED.

20/106 **Finance**

Receipts and Payments up to the 31st December were approved including forward approval in principle of regular/budgeted payments, Salaries, PAYE & NIC. The bank reconciliation was presented and approved with a closing balance of £104,494.40. <https://www.kirkby-stephen.com/app/uploads/20210111-December-Bank-Rec-Payments-for-Approval.pdf>

The Town Clerk referred to the Equals account which showed a balance of £138.74. He explained that the account had been set up to support local residents who were self-isolating during the first lockdown but had seen little use. It was no longer required. It was agreed to reduce the account to a zero balance.

20/107 **Finance**

The third quarter 2020/21 budget monitor showed a significant reduction in the restricted reserves. Cllr Walker queried the higher than expected balance of the Calor Reserve. The Clerk reported that only one bench had been purchased. Cllr Walker would liaise with the Clerk over expenditure planned for the Calor Reserve. The budget monitor was APPROVED.

20/108 **Finance - budget & precept for the financial year 2021 2022.**

The Budget workbook was shared on screen and a narrative explanation for each budget head given by the presented by the Clerk/RFO. A Summary Table is given as Appendix 3.

Properties 2021/22. Footway lights – a final contribution was due from EDC of £1,600. It was noted that since the May survey finishing works had not been commissioned. Visitors Centre and Stoneshot toilets – the transfer of these assets had not yet taken place; The Clerk had relied on his own estimates of insurance cost for both assets. The estimated cleaning costs for the toilets are based on EDC's costs, and include water and sewerage charges. It was hoped that joint working with Appleby, Penrith and Alston Town Councils would lead to lower charges for Legionella testing.

Aministration 2021/22. Audit fees would be lowered as they had been inflated over a charging threshold in the previous year by the receipt/disbursement of funds (£75k) for the All-Weather Pitch. Provision for replacement IT equipment was included.

App 3.

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Open Spaces. Grass Cutting and Maintenance works had been placed into four schedules, which would allow different contractors to be approached for services in future.

Grants & Donations. 2021/22

Jubilee Park Consultant Maria Luczak had identified some costs totalling £2,600 in relation to Jubilee Park. It was AGREED to increase the grant to the Jubilee Park Charity. It was AGREED to commit £1,500 to support Youth Work/Evergreen Project. The grant for the Easter Rally was usually £1,000, however the Rally has already been cancelled for this year. It was AGREED to retain the £1,000 and mark it for general purposes, with the possibility supporting the youth work or Christmas lights. The other regular grants usually paid annually were APPROVED. The Burial Board grant was linked to an increase in the CPI.

Council & Community Centre. 2021/22

It is difficult to know how the Covid-19 crisis will affect the Centre this year and the council should be prepared for Covid Related issues to have an impact on reserves. £950 for replacement printing equipment had been included along with £300 for Good Neighbours expenses. EDC are expected to continue to support the Centre with an SLA of £4,540.

Street Cleaning 2021/22

EDC had maintained and index linked their support.

General Reserve 2021/22

A contribution of £5k would be maintained in line with the policy adopted 3 years ago.

Market. 2021/22

Estimated income was set at a notional £1000, however this again is hard to predict due to the Coronavirus crisis. The fees to the market holders had been stopped when they returned in June after the first lockdown and it is difficult to know when to re-introduce the charges.

Budget heads had been created for contributions to restricted and asset reserves.

The overall precept requirement was £86,743. Which represented a reduction of 7.5% on the previous year at £138.08 for a band D property (Down from £149.28 in 2020/21). Councillors welcomed the reduction and AGREED the Precept at 86,743.

- 20/109 **Local Plan Review (SHENA)** 3 Councillors have completed the Survey which will determine the corporate response to be submitted by KSTC. The Clerk requested the remaining Cllrs complete the survey before submission.
- 20/110 **Yorkshire Dales Local Plan Consultation** - It was noted that the YDNA had provided better tools which made it easier to respond to their survey. It was AGREED that councillors would make their individual responses online before the next meeting and agree a corporate response if any at the next meeting.
- 20/111 **Marketplace and Cloisters Consultation (First Registration)**
Cllr Lancaster had declared an interest and did not participate in the discussion. Cllr App. 4
Girvan who had not been present for the Declaration of Interests also declared an interest and withdrew from the meeting/discussion.
The Consultation and Report (Given at Appendix 4) was APPROVED the Clerk explained that the registration process could take 9.-11 months owing to delays at the Land Registry and Legal Services at Eden District Council had advised against delay.

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20/112 **Youth Charity / Evergreen** – It was agreed to establish a working group outside the council to plan the opening of a youth facility in Redmayne Road at the former Evergreen Building. The Clerk would Chair a series of 4 to 6 meetings. Members were AGREED as follows: C Barnes, Cllr S Lancaster, Cllr A Birtles, CCC Cllr P Dew, Chrissie Hadfield and Kellie Bradburn-Sims.

20/113 **Portfolios**

Administration

KSL – Staff have reviewed their working arrangements due to changes regarding the Coronavirus crisis. The library staff need to be present, as arranged, to provide their click and collect service. The clerk needs to be present in his office. Which satisfies the requirements of the lone working policy. It has therefore been agreed that the Customer Services and Administrative Assistant will work primarily from home, at least until the situation improves. The current arrangement ensures that the office is still providing a service in a safe way.

Jubilee Park – the Clerk will forward the draft bid regarding the Jubilee Park project to Cllrs in advance of the specially convened February meeting.

Stoneshot – Cllr Birtles explained that he had contacted EDC regarding the covenants which need to be removed from the latest agreement received the day after the previous meeting, as had been agreed, but had not received a reply. It was AGREED that the clerk should write to the new Chief Executive.

Community Planning – Xmas lights. Cllr Richardson would like to thank CBS for the power supply they provided. He also reported that there may be a need to purchase replacement lights. The weather can play a part on how will the lights stay on and it was agreed this should be considered when purchasing replacement lights, and perhaps another power supply purchased.

The Clerk reported that a visitor had a fall whilst Christmas shopping in the town, they had slipped on a slimy pavement and broken their ankle. The Clerk reported that we are not responsible for ‘cleaning’ the pavements which form part of the highway though we do litter pick them. We can call in an emergency clean from Eden District Council if we are made aware of a hazard. If a claim is made it will be passed to KSTC’s insurers explaining this although it was not understood how a liability could be established.

Community – Kirkby Stephen Community Support.

Cllr Lynch wished to thank all the 39 volunteers who had worked hard at the Christmas events which had been organised. £5.5K had been raised to cover their costs. Cllr Lynch is due to arrange a meeting shortly, and will invite Councillors to attend. The Group is volunteer led at the moment, looking forward the group needs to ensure that it can sustain its efforts.

Highways – Nomination to Community Liaison Group (A66 Trans Pennine Project) Cllrs Richardson and Walker both expressed an interest in representing KSTC, and it was AGREED that both should attend. The Clerk would send the nomination by Thursday so that they could both attend the meeting scheduled for 25 January.

Open Spaces - A fallen branch had been reported at Franks Bridge before Christmas and removed.

Edensyde – the saplings are at a point at which they need management. NW Arb has put white marks on the trees suggested for removal. Cllrs were requested to check the site so that it could be agreed at the next meeting. The land may soon be viable for grazing again.

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Property – none

Tourism & Events

Winter Wanderland – Due to the current lockdown, meaning people are being asked to stay at home, and schools are closed and therefore unable to join in with the project, Cllr Lynch has suggested postponing the festival until March. This would tie in with an event being planned by Highlights and Kirkby Stephen Community Arts. Cllr Lynch will present a briefing which will include a proposal to pay £500 to 2 local artists to help get the project moving. There is some unspent grant funding in the budget for this year. Cllr Walker will approach Eden Tourism for funding.

Settle to Carlisle Railway – Cllr Walker explained that the early morning 7 o'clock train, and the late train have currently been replaced by a bus service which leaves Carlisle CC around 6. Cllr Walker asked if anyone know if the service was used, as he would like to approach the Settle to Carlisle foundation to get the trains re-instated.

Support England Inequalities Fund – Cllr Lynch reported that Debbie North has informed him of a TV program she is due to be involved in, regarding accessible tourism in Upper Eden. It may then be rolled out as a National program. Cllr Lynch thought this could be good publicity for the area, and that he and Cllr Birtles should talk to her regarding involving the Visitors Centre.

20/114 **Date of Next Meeting** 2 February 2020 Ordinary Meeting, TBC Jubilee Park
Extraordinary Meeting.

<ends 9.30pm>

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Chairman

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Date

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Chairman's Initials

Appendix 1

Report to Kirkby Stephen Town Council, Cllr S Lancaster EDC. 19th Jan 2021

I've started a collection of spare old laptops and tablets to distribute to those who need them for home schooling in Kirkby. My son in law has been drafted in to wipe them clean and give them a health check before they are distributed.

I've been contacted by several members of the public in regards to food parcels again and was pleased to be able to collect much needed supplies for a couple of these from Church House last Thurs thanks to Conrad and his team. The people who contacted me were very upset about having to ask for help and this does worry me that there are many more who haven't plucked up the courage to reach out. I do fear this will only get worse as the lock down goes on again. I understand that Eden Foodbank are running short of supplies as well so I think more action may be needed to make sure this help gets to people who really need it.

EDC: I have attended the Accounts and Governance and Budget Planning Committee meetings in the last 2 weeks. I'm pleased to report that the Budget Planning committee voted not to raise our part of the council tax and will recommend to the Executive that this does not happen. This is despite the finance director's persuasive argument that it needs to be done. I am hoping that the view will be shared by full council at the next meeting.

I took part in a very informative virtual meeting with Andy Barr from Barrnon (the saviour of the Herald Newspaper) and other EDC councillors. He is a very inspirational business man and it was great to hear that he intends to keep his ever-expanding business in Eden and not go to the West coast. This can only be good for our area including Kirkby Stephen because of the knock-on effect of jobs he will be creating and people potentially moving to the area to take up some of the specialised jobs.

EDC are hosting a series of Webinars to help businesses understand the new rules now we have left the EU. Kirkby Stephen's is on Feb 11th at 10am

YDNPA: YDNPA are appealing for people not to visit the National Park during lockdown but toilets are remaining open for local people.

This afternoon I took part in a 2.5 hr training session with Taye Training on Equality, Diversity and Inclusion. This was very informative and there are some ideas which we may be able to utilise in Kirkby to attract people to the area. I will be looking into these further before I bring them to Council.

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Chairman's Initials

Appendix 1

Report to Kirkby Stephen Town Council, Cllr P Dew CCC. 19th Jan 2021

Covid-19 – the rate of Covid infections in Eden is still at a critical level [447] – so this is no time for complacency

Vaccinations – the vaccination programme is well under way in Eden and I'm in regular contact with the practice manager, Andrew Pearse, who is coordinating the KS roll-out. Most vaccinations have taken place at the Penrith Hub but the hope is that the Upper Eden Medical Practice will become a Satellite Vaccination Delivery Site as supplies of the Oxford vaccine become more widely available [which is what I've been fighting for] – those in Cohort 3 [75+] will receive their injection on Thursday, 21 January, 2021, together with the housebound

Schools – I'm in regular contact with our headteachers and schools are coping well - all FSM pupils are either receiving food parcels or £15 food vouchers and vouchers will be provided during half-term from the Government's Covid Winter Fund. Every family that has requested a laptop or tablet has received one and provision has been made at KSGS for pupils who have poor broadband reception

Eden Youth Council – members of EYC have been campaigning to have GCSE and A-Level exams replaced by teacher assessments in 2021 and that has now been agreed by the Secretary of State

Youth Provision – I support the suggestion of the Clerk for Corporate Trusteeship of the Evergreen Building but urge the Town Council to resolve this matter in a timely way. I also agree that a small task and finish group could help Chrissie Hadfield realise her vision for the building

Western Dales Bus – a decision has been taken to introduce a new S6 service which will provide three return trips from KS to Penrith every Tuesday. The drivers met on Monday, 18 January, 2021, and the hope is that all services will resume in March [spring], 2021

Library – the Local Links library has remained open on Mondays and Wednesdays for 'select and collect' which is a positive development

Brough to KS Cycleway – I met with the Traffic Management Team Leader in KS on 16 December, 2020, to discuss the cycleway. The scheme will be divided into four stand-alone sections – each costing approximately £250,000 - and listed in the Highway Transport Improvement Programme. We are meeting Highways England on Wednesday, 20 January, 2021, when I will highlight the fact that the A685 is the main diversion route for the A66. Other improvements need to be carried out including the parking bay outside McColls and the signage for Midland Hill Bridge.

MASCG – I met the new AHF Bronze Command, Inspector Peter Aiston, on 13, January, 2021, in order to begin discussing arrangements for the 2021 Fair.

Burial Board – I've encouraged the Chair of the Burial Board to apply for a CCC Community Grant to provide a series of information boards in the cemetery

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Pavement Parking – a national political party has been miss-informing residents in KS on the contentious issue of pavement parking. The facts are that the Government carried out a consultation on pavement parking between 31 August and 22 November, 2020, and asked respondents to consider three options: (a) improve the effectiveness of existing TROs (b) increase the enforcement powers of LAs (c) introduce a countrywide prohibition [though exceptions could still be made]. The results of the consultation haven't been published and no preferred position has been stated. This is a classic example of fake [deliberately false] news.

Local Government Reorganisation – the six Cumbrian MPs have apparently written to the minister responsible for LGR, Luke Hall, asking him to discard the single unitary option in favour of one of the [three] two unitary proposals. This has been done without any consultation and is complete folly.

EDC – the Executive will meet on Tuesday, 19 January, 2021, to consider raising Council Tax by 2% - even though the Budget Planning Committee [myself included] voted against the proposal. The final decision will be taken by the Council on Thursday, 28 January, 2021

Area Planning – the KS Area Working Group met on Monday, 18 January, 2021, and Jubilee Park, youth provision and the Brough to KS cycleway were all highlighted

A685 HGV Ban – I've asked CCC to carry out the long overdue review of permits – residents should report rogue vehicles via 101 online [marked 'FAO PC Gemma Threlkeld']

Broadband – ELC had a presentation from Catherine Weldon of Connecting Cumbria on 11 November, 2020, when she shared information about Digital Village Hubs [providing gigabit capable connections to village halls in areas with poor quality broadband]. B4RN is also active in the area.

Newton Rigg – the future of Newton Rigg looks increasingly tenuous which is a cause of great concern

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Chairman's Initials

Appendix 3

Summary Budget Tables 2021/22.

	A	B	C	D
	<i>Income (Other)</i>	<i>Precept</i>	<i>Expenditure</i>	<i>Surp/def B+C+D=</i>
1 Properties	£1,603	£26,790	£28,393	£0
2 Administration	£300	£24,585	£24,885	-£0
3 Open Spaces	£0	£10,580	£10,580	£0
4 Grants and Donations (137)	£0	£9,084	£9,084	£0
5 Council & Community Centre	£9,994	£6,890	£16,884	-£0
6 Street Cleaning	£7,303	£5,497	£12,800	£0
7 General Reserve		£5,000	£0	£5,000
8 Miscellaneous	£697	£404	£1,101	£0
9 Market	£1,000	£0	£0	£1,000
10 Members Allowances	£0	£0	£0	£0
11 Vat Estimate	£2,000	£0	£2,000	£0
12 Restricted Reserves				
13 Asset Reserve				
14 TOTALS	£22,898	£88,830	£105,726	£6,001
15 Less CTRS		-£2,087		
16 Income/Precept 21/22	£22,898	£86,743		

Band D Precept Monitor 2021/22

<i>Council Tax (Band D)</i>	<i>2021 2022</i>	<i>2020 2021</i>
Precept	£86,743.00	£94,046.00
Council Tax Base	£628.22	£630.00
Band D Precept KSTC	£138.08	£149.28
Percentage	-7.50%	14.33%
Weekly Increase/Decrease	(£0.22)	£0.36
Annual Increase/Decrease	(£11.20)	£18.71

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Chairman's Initials

Appendix 4

First time registration of Marketplace and Cloisters consultation, 13 January 2021

REPORT | First time registration of Marketplace and Cloisters consultation

Meeting 19 January 2021

Purpose

To agree the basis of consultation with property owners adjacent to the Marketplace & Cloisters regarding the Town Council making a first-time registration of the Marketplace and Cloisters at the Land Registry.

Background

The Town Council did not purchase the Market Place or the Cloisters and has no record of them being transferred to it. As a result, the Town Council holds no deeds in respect of either. Ownership to both is currently unregistered. Seeking to register ownership of these properties at the Land Registry on the basis of 'adverse possession' (meaning the council's continuous control) for a period exceeding 12 years is the responsible way to ensure that the Council's responsibility for the administration and management of the Marketplace and Cloisters is protected and clearly articulated in the future. Registration would discharge the council's duty of care to manage and control assets which are held for the public benefit and maintained at the public expense.

Kirkby Stephen Town Council has controlled the Market and Marketplace since the council was established. The Market Charter itself dates back to 1353 and can be read on a noticeboard in the Cloisters. The Council makes provision for the maintenance and upkeep of street-scape and buildings in the Marketplace and Cloisters and insures its liabilities as owner. The Town Council permits parking when the market is not being held and maintains the war memorial which it owns. It has in the recent past provided for the restoration of the Cloisters following a vehicle strike. It allowed exclusive occupation of the entire area of the Marketplace (including the area to the west of the A685 outside the Pennine Hotel) by Capita on the basis of its ownership in 2007 to allow the contractors delivering the implementation of a scheme of town centre enhancements to complete the scheme. This was the last time market trading was temporarily suspended.

Recommendation

1. That the consultation process and timeline as detailed is agreed
2. That the results of the consultation are considered along with feedback and advice from Eden District Council and the Highways Authority after the close of the consultation before a further report and any application for first registration is made at the Land Registry.

Proposed Timeline

Jan 21	Launch of Consultation with Local Property owners Letters hand delivered 20 Jan 2021
Jan 21	Consultation with Highways & Utilities. Highways Department CCC
March/April 2021	Review of Consultation Legal Services EDC, Clerk & Councillors

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May 2021	Council to make final decision on proposed registration area(s) and number of registrations. Properties Portfolio lead.
June 2021	Work with EDC to submit application for first title to the Land Registry.

List of Consultees

A list of 25 consultees from neighbouring properties had been drawn up for the issue of numbered questionnaires.

Implications

It is anticipated that consultation with the Highways Authority will require significant attention to detail in determining the final area to be registered. It is accepted that the area to be registered will exclude ‘in principle’ any part of the highway or pavements adopted by the County Council as Highways authority. Although the area itself forms a single area shared by pedestrians and vehicles. It is noted that a currently undetermined application for First Registration of Title under the number CU323470 was made for land directly in front of the Pennine Hotel on the 4th November 2020. The Land Registry advises that the processing of this application has not begun and that that there is currently a 9 to 11 month delay in determining applications for first registration.

Plan Area

An indicative map showing the proposed area to be registered ‘in principle’ is attached. A further plan will be produced at the end of the consultation which will form the basis of any registration(s)

Costs

Deminimis costs in respect of consultation materials and land registry fees are anticipated. Legal costs are not anticipated as Eden District Council Legal Services have agreed to assist the Town Council in making an application for first time registration to the Land Registry without charge.

Christian Barnes, Town Clerk.

13 January 2020

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