

2 November 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
At Upper Eden Rugby Club, Pennine Park, Westgarth Road, Kirkby Stephen at 6:45pm

Attending: Cllrs. P Richardson (Chairman), A Birtles (Vice Chairman), G Wren, S Lancaster (EDC), M Walker, D Thornton, John Murray, C Lynch, P Dew (CCC/EDC) C Barnes (Clerk),

Public Participation,

No members of the public were present.

Public Participation,

A member of the public had raised concerns with Cllr Lancaster about autumn leaves on Stoneshot/Faraday Road/Redmayne Road possibly freezing and presenting a slip hazard. It was agreed that the Street Cleaner would be asked to tidy them up (Clerk).

A member of the public had raised concerns with Cllr Lancaster that Footway Lamps were still not working in Mellbecks. The Clerk would raise the issue with the District Council over the as yet still un-connected devolved Lighting Columns again (Clerk).

Participation of District & County Councillors, Cllr. S Lancaster (EDC)

Cllr Lancaster had participated in a 'Task and Finish' Group regarding Devolution of Services. The Clerk would supply the correspondence regarding Devolution sent to Eden District Council on the 10 May 2021 outlining the council's position and the response received.

Cllr. P Dew (CCC/EDC)

The District Council had appointed a new Chief Executive on a salary of £253k. Over the remaining life of the authority this would amount to £350,550k. 'An outrageous decision'. Cumbria County Council were pursuing the option of a Judicial Review of Local Government Reorganisation may be in the region of £120k. Relative to the costs of the implementation of the combined authority (East West) this may not be a disproportionate spend.

Appleby Fair. It had been decided to move the date of the Appleby Fair to the 9th June in order to avoid the Queen's Platinum Jubilee. The consequence of this decision was that Fairgoers maybe be staying in the Upper Eden area during planned celebrations. The alternative (to hold the fair a week earlier) would have achieved the opposite effect. A local group had been formed who wished to explore the possibility of the fair becoming a managed and ticketed event.

Participation of the Police

None

21/064 **Welcome & Apologies.**
None.

21/065 **Declarations of Pecuniary Interest.**
None.

21/066 **Minutes.**

The Chairman was authorised to sign the draft minutes of the meeting held on the 14th September 2021 as a true record. Subject to an amendment submitted by email by Cllr Walker.

21/067 **Refugee Community Sponsorship Scheme.**

The council received a thought-provoking presentation from two community members about a project to resettle a single refugee family in the Kirkby Stephen Area.

The insecurity experienced by vulnerable people living in refugee camps was particularly emphasised.

It was RESOLVED that the council wholeheartedly supported the group's application to the Home Office as a Community Support Group to resettle a family with refugee status in Kirkby Stephen. The involvement of Caritas Salford in the role of lead sponsor was noted as was the fact that community members were confident of raising the £9k funds required to deliver the project.

Cllr Walker felt that it would be inappropriate for the council to use funds raised from tax payers to fund the project but felt that the council should put its full support to the project.

Cllr Murray recommended advocacy in a schools context feeling that it was important that an empathetic sense of injustice over the plight of refugees should be established in the community.

The Chairman would provide a letter of support.

21/068 **Planning**

21/0888: SANDWATH FARM, KIRKBY STEPHEN, CA17 4HE

Description: Proposed change of use of redundant steel portal kennel building to create a farm shop/cafe with external seating and play area.

The Council supported the application.

21/069 **Devolution of Services | Upper Eden Visitor Centre.**

The council was minded to accept the transfer of the Upper Eden Visitor Centre from Eden District Council subject to a further consideration of/rewording of the indemnity clause 6.4.2 (reciprocal indemnity), the carrying out of a local search/Town Council request for the completion of standard commercial property enquiries, and further negotiations seeking an amendment to the proposed restriction on future use specifically the broadening of the restrictive clause to allow the use of the building for community benefit in addition to its existing use as a visitor centre together with the introduction of a fixed term for which this covenant would apply.

Councillors agreed that a survey should be commissioned by Kirkby Stephen Town Council to establish the condition of the building and whether any major works were required together with an estimate of costs prior to the agreement being signed.
(Clerk to arrange)

If significant funding was required in respect of the transfer of the Visitor Centre following the findings of the survey. The Clerk was authorised to explore whether

Eden District Council had funds available which could be used for the maintenance of the building?

It was noted that clause 7 appeared to be missing.

21/070 Devolution of Services | Stoneshot.

The council was minded to accept the transfer of the Toilet Block and Carpark (given that the restrictive covenant as to future use 'in perpetuity' had been lifted) subject to a further proposed amendment (reciprocal indemnity) to the indemnity clause (6.4) and the carrying out of a local search (to be commissioned by Kirkby Stephen Town Council) and agreement with Eden District Council over the commission & delivery of works (Schedule 2 to the agreement) which had previously agreed in respect of the maintenance of the building prior to transfer.

21/071 Devolution of Services General

Following 'in principle' agreement to proceed in respect of 21/069 & 21/070 above. It was agreed that the Clerk would work with Cllrs Lancaster, Lynch and Birtles to inspect the Visitor Centre premises and meet (in person or virtually) with Eden District Council to negotiate and finalise these proposed amends to the agreements and report back to council.

(Clerk & Cllrs Lynch Birtles & Lancaster)

21/072 Finance

Receipts and payments up to and including the 30th September were APPROVED. Including forward approval 'in principle' payment of regular/budgeted payments, Salaries, PAYE & NIC. The bank reconciliation to the end of September was approved, with a closing balance of £155,734. <https://www.kirkby-stephen.com/app/uploads/20211102-September-Bank-Rec-and-Transactions.pdf>

21/073 Finance

The 2nd Quarter Budget monitor was APPROVED. <https://www.kirkby-stephen.com/app/uploads/20211102-Budget-Monitor.pdf> small reductions in the balance of restricted funds were noted together with the posting of the payments in respect of Jubilee Park to the Admin Budge. These payments would be balanced by the payment of a grant from the Westmorland Dales HLF project.

21/074 Review of Bank Mandates. (Including the Jubilee Park Trust).

The council's existing mandates were reviewed and it was AGREED to appoint Cllr Lynch as a signatory to replace the former Chairman. (Clerk to Action).

21/075 Portfolios.

A. Town Council Administration.

Cllrs Dew, Walker and Murray requested the addition of an Action Log to the minutes.

The Clerk circulated an update on Evergreen Building & Kirkby Stephen Youth Centre. Which had been sent to prospective trustees as a briefing note. The Town Council had applied to the Charity Commission to register the Evergreen Community Trust as a Charity with the Town Council as the sole (corporate) trustee with a view to accepting the transfer of the building.

The Charity Commission has:

1. Challenged proposed trusteeship proposal (Town Council as Sole Trustee),

and

2. Raised an issue about how the trust is regularly funded. (They want to see the Trust have secured income).

On the basis of this feedback the following individuals (in brackets) have been approached to establish their 'in principle commitment' to acting as trustees: It is intended that with the exception of Alex Birtles who is currently Vice Chairman of the Town Council that the trustee roles will be appointed for a fixed term by their nominating body.

1. Kirkby Stephen Grammar School (Head, Garry Hartley)
2. Eden Valley Sports Partnership (Leader, Oli Luke)
3. Kirkby Stephen Town Council (Chairman, Paul Richardson)
4. Cumbria County Council (or Successor) Representative of the Upper Eden Ward or equivalent (Phil Dew)
5. Alex Birtles, Solicitor

A first meeting of these individuals is planned for the 10th November 2021.

It would fall to the trustees to determine the manner of their incorporation and Cllr Birtles suggested that they should consider the advantages of constituting as a CIC or CIO rather than a charity which had been necessitated by the now rejected option of Sole Trusteeship.

Councillors SUPPORTED the position and would receive an update after the meeting.

B. Highways.

A66 Consultation. A letter had been received from a resident in connection with the consultation. The views expressed (calling for a bypass to Kirkby Stephen) were taken into account by councillors in framing their response.

Cllr Walker had prepared and circulated a draft response to the A66 consultation. Councillors gave feedback suggesting that additional emphasis be given to signage of Kirkby Stephen (equivalent or greater prominence than Brough) and that less prominence be given to the Warcop section. Subject to these changes Councillors APPROVED the submission. (Cllr Walker to Action).

Market Place Parking Spaces. Cllr Dew referred to a letter printed in the Westmorland Herald on the 2nd October in connection with parking spaces to the west of the A684 in the Market Place outside the Pennine Hotel which made incorrect references to legislation. For the record the position is as follows 'vehicle access is introduced under Section 184 of the Highways Act 1980. The bays are identified as publicly maintained highway and supported by a Traffic Regulation Order. They are accessed via a dropped kerb in line with the Act.'

General. Disabled Access had been reviewed by the Highways Authority with recommendations made regarding dropped kerbs etc. to be followed up. Improvements had been identified that were required to the Pedestrian Crossing outside the Spar at High Street. A speed survey at South Road had identified that the 85th percentile speed was 30.9mph with an average speed of 26.3mph. As a result, the Highways Authority will not be advancing traffic calming measures on this stretch of road. Cllr Walker noted that Police were seeking volunteers to support community speedwatch initiatives.

C. Open Spaces. The retrieved gate at Edensyde had been disposed of as it was rotten. It was agreed to cost the installation of two new gates establishing permissive access from the A685 for possible inclusion in the 2022 23 year. The possibility of engaging with the 'Queen's Green Canopy' Platinum Jubilee Project at Jubilee Park and engagement with the Scouts in Jubilee Park was also noted.

D. Property. The Clerk reminded councillors that many property assets remained unregistered and that this required progression. The formal appointment of a councillor to lead on the Property Portfolio was required. (Chairman/Clerk)

E. Tourism & Events. Councillors discussed various Xmas arrangements including the prospect of the participation of the High Sherrif. Details would be given in the forthcoming newsletter. (Chairman)

A meeting with the Community Rail Partnership led by Cllr Walker was planned for the 17th November.

- 21/076
1. 14 December 2021, Ordinary Meeting.
 2. 14 November 2021, Remembrance Day Service 10.15, Wreath Laying at the War Memorial 10.50

21/077 **Date of Next Meeting:** 14 December 2021.

Meeting ends <9.00pm>.

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Chairman

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Date

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Chairman's Initials