

## 14<sup>th</sup> December 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

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Attending: Cllrs. P Richardson (Chairman), S Lancaster (EDC), M Walker, D Thornton, C Lynch, P Dew (CCC/EDC/KSTC), C Barnes (Clerk),  
Three members of the public were present.

#### **Public Participation.**

A member of the public raised concerns about the discharge of sewage into the Eden in the Kirkby Stephen Area. Correspondence had been received earlier in the day in connection with this. It was agreed to circulate this to councillors and to discuss it at a future meeting.

App.1

Fallen leaves at Stoneshot and Mellbecks were noted. It was agreed to report the accumulation to the Highways Authority and ask the street cleaner to check and remove any excess if he discovered it.

#### **Participation of District & County Councillors,**

##### **Cllr. S Lancaster (EDC):**

1. EDC is offering free parking on a Saturday in all of its council owned car parks, charges start again on the 8 January.
2. The Eden District Council Chairman's Carol Service will be held this coming Monday 20th Dec at St Andrew's Church at 6.30pm, all are welcome.
3. Householders stand to benefit from Phase 2 of the Eden Green Homes Grant with free energy saving measures such as solar panels, air source heat pumps and insulation available. Eden District Council has £750k available through the scheme which finishes in March 2022.  
[www.eonenergy.com/homeheating/green-homes-grant](http://www.eonenergy.com/homeheating/green-homes-grant)
4. Eden District Council have launched its new COP26 Community fund and parish councils and community groups are encouraged to get in touch to find out more. The fund looks to support projects that make a positive difference to biodiversity, energy and carbon reduction. [zero.carbon@eden.uk](mailto:zero.carbon@eden.uk)
5. For the period 2021 22 Eden District Councillor's allowances have been frozen.
6. A capital budget of 980k for Eden District Council's Voreda House, was approved
7. The 'task and finish' group for the devolution of assets to towns and parishes continues tomorrow night and will look at the responses from the questionnaire sent to all Eden's Local Councils.

Cllr Lancaster's report is appended.

App.2

##### **Cllr. P Dew (CCC/EDC):**

1. Cllr Dew felt that Eden District Council should have responded to the challenge of Local Government Reorganisation (LGR) with equivalent enthusiasm to that demonstrated regarding the Climate Emergency. A Teams meeting had been arranged by CALC on 2 December, 2021, to update town

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Chairman's Initials

and parish councillors on LGR. The Chief Executives of Barrow and SLDC were present but the CE of EDC, Ian Frost, was notable by his absence. There is some justification in feeling that EDC has been under-represented in the LGR process. EDC has set aside £1.6 million towards the cost of implementing LGR. He expressed concern about the lack of consultation on Local Government Reorganisation overall. Cumbria County Council's position on a possible Judicial Review remained a prospect and further developments were awaited.

2. Cllr Dew responded to Cllr Lancaster's remarks on Eden District Councils Devolution of Assets initiative describing the position as 'a shambles'.
3. Supported bus scheme. Money has been set aside from the Supported Bus Services grant to fund a trial bus service between the [Settle-Carlisle] station and Kirkby Stephen [town centre] and Brough. This service had been due to start in Autumn, 2021, but has been deferred to the new year because of staffing issues.
4. Cllr Dew supported the Town Council's engagement with the Community Rail Partnership.

#### **Police**

Police had sent apologies.

The Clerk reported on meeting held with Police regarding current drugs use in the area, an initiative targeting young people in the Grammar School was proposed in the New Year. Councillors would be given an update when it was available.

A Police report had been received and was tabled.

#### 21/078 **Welcome & Apologies.**

Apologies were accepted from

- A Birtles (Vice Chairman), Self Isolating
- G Wren, Self Isolating
- John Murray, Prior Engagement

#### 21/079 **Declarations of Pecuniary Interest.**

None.

#### 21/080 **Minutes.**

The Chairman was authorised to sign the draft minutes of the meeting held on the 2nd November 2021 as a true record subject to the correction of factual information as follows:

1. 21/075/B to read as follows: *'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'*.
2. Minute numbers referenced in 21/071 would be corrected to 21/069 and 21/070.

#### 21/081 **South Road Traffic and Parking Concerns.**

A member of the Public who had written into the council spoke in connection with concerns arising from a recent incident (24th of November) occurring on South Road in which their vehicle had been damaged and written off.

They said that in the recent past there been three write-offs of parked vehicles and difficulties had been experienced with coaches.

Speaking on behalf of other residents they called for:

- The use of Speed Indicating Devices (SIDS)
- Traffic calming measures
- Active policing of speeding traffic on South Road and Police action on HGV use
- A 20 mph limit
- Community Speed Watch re-engagement.
- Signs asking people 'to drive safely in Kirkby Stephen'.

They expressed their view that:

- There was a need for a bypass (noting that the construction of bypasses at Appleby and at Staveley had 'allowed these towns to flourish'.
- South Road residents agreed that the average speed was too high.
- Disappointment that there were no funds available from Highways England to mitigate the anticipated impact of dualling the A66 in the construction phase.
- A population increase in Kirkby Stephen arising from recent developments would increase traffic.

They intended to write to MP Neil Hudson calling for action.

CLr Dew responded:

- That if a driver collided with a stationary or parked vehicle they were directly responsible for their own negligence.
- That where householders had access to off road parking they could reduce congestion by choosing to use it.
- That Highways Officers are looking into the feasibility of providing off-road parking in the vicinity of South Road.
- Police were looking again at heavy goods vehicles. Police were looking again at HGV's using the Road illegally. Residents could and should report incidents on the 101 online email address with evidence if available. Evidence was essential to building a case for action.
- Highways Officers intend to review HGV permits as time and other commitments allow.
- The issue of a bypass for Kirkby Stephen was not a realistic prospect in the short term and could not be co-ordinated with the planned start of the A66 dualling project. A Highways Officer has responded to a correspondent who had written to the council calling for the dualling project to be conditional on the construction of a bypass.
- The CRASH group does not recommend the use of SIDS because over time they are ineffective.

A recent story in the Cumberland and Westmorland Herald regarding the use of speed sensitive camera equipment in Clifton procured at low cost was discussed and CLr Lancaster undertook to contact the councillor involved for further information. The Clerk would identify any Town Council lampposts that could be used to mount an SID.

The matter would be brought back to the Town Council for discussion at a future meeting.

21/082 **Planning 21/0984.**

Site address: 3 NEW FOUNTAIN INN YARD, FARADAY ROAD KIRKBY STEPHEN, CA17 4QS. Description: Listed Building Consent for the replacement of 7 sliding sash single

glazed windows to ground and first floors of the North elevation with sliding sash double glazed windows.

The council supported the application.

**21/083 Planning 21/0956.**

Site address: LAND OFF CROGLAM PARK, ROWGATE KIRKBY STEPHEN, CA17 4SF.  
Description: Variation of condition 2 (plans compliance) for design amendments to units 1-3, 14, 15 and 17-21, attached to approval 19/0913.

The council supported the application.

**21/084 Planning 21/0952.**

Site address: LAND OFF CROGLAM PARK, ROWGATE KIRKBY STEPHEN, CA17 4PJ.  
Description: Proposed additional dwelling and associated change of house type following planning consent 19/0913 for a residential development.

The council supported the application.

**21/085 Planning 21/0938.**

Site address: FARADAY HOUSE, ROYAL ARCADE MARKET STREET KIRKBY STEPHEN, CA17 4QP. Description: Fell 2x Sycamore.

The council supported the application.

**21/086 Finance (Receipts and Payments)**

Receipts and payments up to and including the 31 October and the 30 November were APPROVED. Including forward approval 'in principle' payment of regular/budgeted payments, Salaries, PAYE & NIC. The bank reconciliations to the end of November were approved with a closing balance of £ 148,009.13.

**21/087 Budget Briefing.**

The key issue on which the council's guidance was sought was the issue of the expense to precept payers of proceeding with the adoption of the Stoneshot Toilets and Carpark. The impact of proceeding with the adoption would be the addition of £17,893 overhead cost to the precept requirement.

The Clerk circulated two budget papers following the format of previous years. Inflation had been estimated at 5%. Applying this uplift and paring back expenditure the underlying position was a precept requirement of £76,688 against the current year precept of £86,743. This would represent a cut overall to services and low or standstill investment in the council's initiatives at Jubilee Park and elsewhere. If the council were to proceed with the devolution of Stoneshot Toilets and Carpark from this base the precept requirement would need to be raised to £94,581. This would represent an increase in the Parishes part of the Council Tax on a band D property to £150.13 from £137.69 a 9.4% increase overall while at the same time effectively reducing the council's budget by £10,000.

The Clerk had informed councillors by email (1 December 2021) that he intended to recommend that on the grounds of cost and affordability the proposed transfer of Stoneshot toilets/carpark should not be progressed.

Councillors RESOLVED that the budget and precept requirement should be prepared on the basis that the devolution of Stoneshot Toilets would not proceed.

21/088 **Devolution of Services.**

**1. Eden District Council Scrutiny Process. (Update)**

Eden District Council (Scrutiny/Task and Finish) had written to Local Councils in the district on the 23<sup>rd</sup> November requiring a response to a questionnaire regarding devolution of services by the 3<sup>rd</sup> December. The Clerk had responded to Eden District Council on the 1<sup>st</sup> December (shared with councillors).

Eden's Town Clerks had exchanged on the matter and had shared concerns as follows:

- There had been significant delays and inconsistency in the approach taken to devolution between councils.
- It was not possible for Local Councils to make a corporate response to the questionnaire in the time available.
- The scrutiny/task and finish process and wording of the questionnaire indicated a lack of understanding of Local Councils/Devolution.
- The timetable of Local Government Reorganisation (and the creation of shadow authorities in April 2022) introduced subsequently to the Devolution Initiative meant that Eden's ability to transact/complete the devolution of assets could no longer be prioritised and that the process could be continued after local government reorganisation at the discretion of the new authorities after 'vesting day' in 2023.

Cllr Dew suggested that the Clerk write to EDC to clarify whether EDC will be able to continue devolving services once the Shadow Authority has been elected in May, 2022.

Cllr Lancaster would be attending the Scrutiny Committee and would feedback.

**2. Upper Eden Visitor Centre Transfer. (Update & recommendation to proceed.)**

Councillors had been circulated with a quinquennial survey of the Visitor Centre prepared by Lewis Surveyors at the last meeting. The survey indicated likely expenditure on upkeep and repairs in 5 yearly cycles and would be useful in budget planning. The most significant item of remedial expenditure related to the condition of a window frame at street level being assessed as requiring replacement.

Cllr Dew suggested that the Clerk write to Eden District Council (Les Clark) with a copy of the survey to establish whether a contribution to these works might be available.

On transfer the council would lease the building to the CIC to maintain it as a visitor centre. The revenue costs of the building would be covered by a lease/rental agreement with a small surplus being dedicated to an assets reserve established by the council and used to fund works to the building.

The survey did not indicate that the building had any serious defect that should prevent to the council from proceeding. A further report with recommendations would be made to council in the new year prior to a decision.

Councillors AGREED that the council was minded to proceed with the transfer.

**3. Stoneshot Toilets and Carpark. (Update & recommendation to withdraw.)**

The Clerk recommended that on the grounds of affordability the council did not proceed with the proposed transfer of Stoneshot toilets/carpark.

The council is 'in principle' now happy with the proposed agreement in respect of the removal of a restrictive covenant controlling the Town Council's future use of the site but does not agree that arrangements can be completed before preparations for the transfer of assets to the shadow authority are put in hand.

The Town Council wishes to see the provision of toilets maintained but needs a package of tapered financial assistance to achieve it as originally proposed by Eden District Council together with a detailed business case that will help it defray its costs in maintaining the service. The cost per house hold in Kirkby Stephen would be approximately £13.

The council AGREED that the best way forward is for it to discuss devolution of this service with Westmorland and Furness County Council after its establishment if it too wishes to pursue the devolution of this service.

**21/089 Settle and Carlisle Community Rail Partnership.**

Cllr Walker spoke to this item and had previously circulated notes amongst Councillors. It was noted that the current constitution made members liable for the amount of £100 in the event of the partnership being wound up. It was AGREED that the council would join the CRP. (1<sup>st</sup> PR, 2<sup>nd</sup> PD). Cllr Walker would respond to the CRP on the councils behalf.

**21/090 Portfolios**

**1. Town Council Administration.**

- A councillor had expressed concern that they had missed meetings owing to rescheduling and cancellations (Covid). It was agreed to keep to the advertised schedule and the principle (as far as possible) of meeting on the first Tuesday of each month to allow councillors the opportunity to plan other commitments. It was noted that in the absence of the Chairman the Vice Chair or a councillor elected to the chair for single meeting could preside.
- The Clerk gave a brief update on the Evergreen Building. It was proposed to convene a meeting of the prospective trustees in January when they would decide on incorporation, a draft constitution (CIO) had been prepared, the necessary works had been structured into phases and an application for funding had been made to COMF to support Phase 1. This would be matched with applications to Eden Community Fund/COP26 Fund and The Community Foundation in the new year.
- The Chairman noted the large quantity of incoming email/correspondence not all of which concerned matters that were within the Town Council's remit or control and suggested that a standard response to correspondents be devised that allowed the council to make a general response/acknowledgement prioritising items with which it was directly concerned.

**2. Community Planning.**

(None)

### 3. Community.

- The Christmas Tree and Christmas Lights switch on had gone well despite bad weather and had been very well attended. The Chairman & Council specifically wished to thank Ian and Rachael Gowing of Pennine Park for generously providing the tree and all the volunteers who had assisted in putting up Christmas lights, Jasper and Amber who had switched them on and Keith Beckwith and Jonny Sayer for all their work setting the lights out. It was AGREED that there had been a very positive impact on the vitality and appearance of the Town Centre.
- The Xmas Shop Window Competition on the Theme of 'Nature' had been very well supported by retailers. Previously the competition had been judged by an invited individual. This year at the Chairman's suggestion, the winner had been decided by public vote. Public response had been far greater than anticipated. Congratulations to Silver Sweets who won the Christmas Shop Windows Competition with 33% of the 229 votes cast!

### 4. Highways.

- Highways Officers visited Kirkby Stephen on 17 November, 2021, to discuss work that could be carried out on the A685 prior to the construction phase of the A66 NTP dualling project to improve the flow of traffic and help prevent congestion.
- A safety audit has been completed on the zebra crossing in High Street and improvements will be made in 2022 following a public consultation.
- Two parking bays will be constructed in Market Street adjacent to the traffic lights in order to improve the flow of traffic travelling south through the town.
- An audit has been carried out in Kirkby Stephen to improve disabled access on the footway

### 5. Open Spaces. (Queen's Green Canopy)

Opportunities to participate in the Queen's Green Canopy initiative at Jubilee Park were noted.

### 6. Property.

A Portfolio Holder was required.

### 7. Tourism & Events.

- Town Council Nominee to 'Walkers are Welcome' Committee John Murray APPROVED.
- The Access Exchange Conference was noted to be seeking between £500 and £1,000 funding from the council with a £4,000 overall cost.
- Cllr Lynch proposed that the Town Council establish a grants policy and apply it to future subscriptions, donations and grants.
- The date of the Westmorland Dales Day 31 July 2022 was noted Councillors were pleased to see it reinstated.

21/091 **11 January 2021**, Ordinary Meeting

21/092 **Exclusion of the Press and Public**

It was RESOLVED to exclude the press and public by a resolution of the council on the grounds that publicity would prejudice the public interest by reason of the confidential nature of the business in respect of the following agenda item.

21/093 **Staffing Matters**

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Confidential Minute

**Appendix 1.**  
**Resident's Question.**

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United Utilities

Question to the Kirkby Stephen Town Council

'Are the council considering discussing and investigating spilled raw sewage into the River Eden (SSSI) by United Utilities at Kirkby Stephen waterworks for 4,063 hours? I remember a time when United Utilities regularly pumped out from Melbecks with a tanker but promised improvements in Kirkby Stephen along with increased housing. There are of course, very many houses nearing completion in the town but I am unaware of any United Utilities improvements. Do we assume that the spillage has been during heavy rainfall? Very worrying and particularly for wildlife in the Eden.'

Sent to Paul Richardson, Chairman and copied to the Clerk. This has not been put on the agenda but Councillor Mike Walker says he will add to public participation.

The Cumberland and Westmorland Herald reported: 'A spokesman for United Utilities said: "During storm conditions, when sewers and treatment plants are operating at full capacity, we are permitted to spill excess storm water from combined sewer overflows (CSOs) to help prevent the flooding of streets, homes and businesses.' – They are wanting to increase bills to pay for improvements.

They dumped raw sewage into rivers in 2020 113,940 times in 2020 (other nearest was Yorkshire with 65,083). They discharged raw sewage for 726,450 hours 2020. 6,400 spillages of untreated effluent across Eden in 2020.

Kirkby Stephen waterworks discharged untreated effluent into the River Eden 4,063 hours in 2020 which equates to over 169 days 24/7. Revised figures 209 times totalling 4,064 hours plus Winton 198 times 2,576 hours and Frank's Bridge 81 times 412 hours (should there be a warning at Frank's Bridge considering how many children play there?) See <https://experience.arcgis.com/experience/e834e261b53740eba2fe6736e37bbc7b/page/Map/>

In 2020 there were an average of 170.5 days in which 1 mm or more of rain fell over the whole of the UK. That would mean that they have discharged even when there has been no rainfall. This is not storm overflows but using the system because of a lack of investment or even taking on more customers without improvements. What works have been done to accommodate recent housing developments and those currently being built which was promised for the Eden Local Plan?

UU leaks 439.2 million litres through broken pipes per day, again the highest in the UK.

United Utilities made £1.2 billion profit 2013-2017, highest in the UK. They are increasing dividends year on year at 43.24p per share in 2021- Profits £1.2 billion 2013-2017. Chief Executive salary for 2017 was £2,310,000 - Steve Mogford £2 million in 2019 (£14m in 6 years).

Statement from Eden Rivers Trust:

To put KS in context of all England

There are 14,000+ outlets in the analysis on that map (above).

In terms of greatest frequency of discharge or greatest number number of spills (not amount) the Eden catchment has 9 waste water treatment works. Within in the 100 leakiest outflows in the country.

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Kirkby Stephen was 11th worst in Eden in terms of the number of spills and 168th in the country (Ravenstonedale was 12th in the Eden, Winton PS was 13th in the Eden).

Kirkby Stephen total duration of all spills was 4,063 hours which is a lot only 4 outlets in Eden spilled for a longer period. So yes, Kirkby Stephen is very very leaky.

This means continual (even if low level) pollution in the beck and the river, reducing oxygen levels, killing invertebrates and fish, increased sewage fungus growth in the water , smothering of river bed with fungus and sediment and all the other nasty detritus that go down the toilet.

Many old, combined sewage systems (and dirty water mixed) means we do need some storm overflow but this is more than that, the systems are outdated and need upgrading, utilising all methods including nature based solutions such a creating wetlands where water can be filtered before returning to the river. It doesn't all need to be expensive hard engineering solutions.

Local people who have septic tanks also need to be held to account to make sure they are cleaning them out regularly.

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14.12.2021

## **Appendix 2**

### **Kirkby Stephen Town Council Report to Council, 14th Dec 2021, Cllr S Lancaster.**

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Eden District Council held its last meeting of 2021 on Thurs 25th Nov.

The Chairman reported that the council is offering free parking on a Saturday in all of its council owned carparks in the run up to Christmas. Charges will resume on Jan 8th.

The Chairman's Carol Service will be held this coming Monday 20th Dec at St Andrew's Church at 6.30pm, all are welcome.

After the success of phase 1, Phase 2 of the Eden Green Homes Grant Local Authority Delivery scheme administered by EDC means households could benefit from free energy saving measures to their homes. Cumbria has been allocated £5.07m with Eden's share being £750k. The scheme includes solar panels, air source heat pumps and external wall insulation. Phase 2 has a completion date of March 2022 (Visit [www.eonenergy.com/homeheating/green-homes-grant](http://www.eonenergy.com/homeheating/green-homes-grant))

EDC have launched its new COP26 Community fund and parish councils and community groups are encouraged to get in touch to find out more. The fund looks to support projects that make a positive difference to biodiversity, energy and carbon reduction. ([zero.carbon@eden.uk](mailto:zero.carbon@eden.uk))

The council voted to freeze councillors allowances for the 2021 -22 period after a emotive presentation by the resources portfolio holder, mentioning Eden's financially hard hit residents, it's a pity the same rhetoric wasn't applied when the administration voted to raise council tax last year, but maybe there is hope for this next year?

Also voted through was an approval of an additional capital budget expenditure of 980k for Voreda House, I think I'd be safe in saying this is turning in to an expensive marmite project! You either love it or hate it!

The task and finish group for the devolution of assets to towns and parishes continues tomorrow night where I'm assuming the responses from the questionnaire sent to all councils will be discussed.