

## 6<sup>th</sup> December 2022, 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](http://www.kirkbystephen.com)  
starting at 6.45 pm at Local Links.

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**Attending.** Cllrs. P Richardson (Chairman), D Thornton. S Lancaster (EDC), M Walker, J Murray (W &F), P Dew (W&F/CCC/EDC/KSTC), G Wren & C Barnes (Clerk).

Three members of the public were present.

#### 22/125 **Public Participation**

A member of the public spoke in connection with their role at the Cumbria Community Foundation. Councillors were encouraged to think about projects people and facilities which might benefit from an award. It was noted that some awards were available to individuals and young people. The Cumbria Community Foundation was well organised with a portfolio of many funds, bequests, trusts etc. which the foundation managed. Grant Officers were knowledgeable and able to respond to enquiries.

#### 22/126 **Participation of Shadow, District and County Councillors.**

Cllr Murray (W&FC) Transition work was ongoing with training for councillors being implemented and a good deal of work to review the projected budget for the new unitary authority. There would be a meeting of the shadow council on the 19<sup>th</sup> December.

Cllr Dew (CCC/EDC/W&FC) Cllr Dew spoke to a report given as Appendix 1.

Appleby Horsefair. The consultant's report was delayed, so far only desk top research had taken place. An interim report was a possibility.

Progress was being made with Voreda House which would serve as an anchor for the New Unitary Authority. Capital costs were increased but longterm savings on running costs were expected to do more than merely offset the expenditure with millions of energy cost savings projected over the first decade of operation.

Upper Eden Medical Practice was currently managed by Cumbria Health On Call (CHOC). Recruitment was a national and local issue with many GP's wishing to work on a part time basis only.

Other report items would feed into the agenda.

A complaint was made about a campaign leaflet circulated by another councillor.

#### 22/127 **Participation of Police**

None

#### 22/128 **Apologies and Welcomes**

Apologies had been received from: A. Birtles (work), C. Lynch (work).

#### 22/129 **Declarations**

The Chairman declared a personal interest in the Grants Budget (Agenda Item 8 budget briefing) regarding the Easter Rally which he organised. The rally is a not

for profit with its own bank account and constitution a dispensation was granted by the proper officer. No budget decisions were anticipated during the meeting.

**22/130 Exclusion of Press and Public**

Press and Public would be excluded the grounds that publicity would prejudice the public interest by reason of the confidential nature of the business. Agenda items 18. Staff review, 19. NJC Pay Award and parts of 8. Budget Briefing. (22/144, 22/145, 22/146).

**22/131 Minutes**

The Chairman was AUTHORISED to sign the draft minutes of the meeting held on the 1<sup>st</sup> November 2022 as a true record subject to an amendment regarding Eden Hearing Services.

*[Note: 'Eden Hearing Services are ceasing their operation at the end of December 2022 not end of March 2023. It is the intention of Upper Eden Rotary Club to continue from that date, utilising the second Friday of the month, the first session is due on Friday 13th January 2023'.]*

**22/132 Planning**

22/0878 LAND AT KIRKBY STEPHEN BUSINESS PARK, ST LUKES ROAD KIRKBY STEPHEN, CA17 4HT. Description: Discharge of conditions 3 (landscaping) and 4 (revised site layout), attached to approval 22/0039. The council raised no objections. The Developer was congratulated on the quality of the development which was described as an asset to the town.

**22/133 Planning**

22/0847 SANDWATH FARM KIRKBY STEPHEN CA17 4HE. Description: Variation of condition 2 (plans compliance), to re-site a pod, attached to approval 20/0937. The council raised no objections

**22/134 Planning**

22/0836, 50 SOUTH ROAD, KIRKBY STEPHEN, CA17 4SN. Description: Creation of off-road parking area including relocation of existing stone built pier. The council supported the application.

**22/135 Budget Briefing**

A briefing document was tabled in print using the same template as last year summarising the draft spending budget under 8 headings (Properties £23,366, Town Council and Local Links £63,360, Open Spaces £16,835, Grants and Donations £13,065, Street Cleaning £15,506, Miscellaneous £1,181, Chairman's Allowance £0 and VAT estimate £2,000) a total of £135,313.

Three tables were included showing #1 a draft budget 2023 24, #2 an analysis of annual returns past & forecast 2018 24 and #3 a Band D precept monitor. Eden District Council had been unable to confirm the council tax base owing to Local Government Reorganisation however, it had been able to confirm an increase in the population of approx. 100 persons for the purposes of monitoring section 137 expenditure

In the draft budget:

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Chairman's Initials

1. A reduction in reserves of £14,000 was proposed linked to the reimbursement of rates backdated to 2017 on the Christian Head Carpark
2. Earned income of £25,186 was budgeted.
3. CTRS was estimated at £1,895 based on last year's figure.
4. Leaving an estimated precept requirement of £94,233.

Last year's estimate of inflation at 5% had not matched the actual rate of inflation in 2022 at 11%. The OBR forecast of 7.4% (November 2022) had been used in the preparation of the draft budget.

Cost estimates in relation to open spaces were not revised from last year's budget and a significant savings were anticipated. The Chairman was keen to support the direct employment of a grass cutter/operatives. Proposing to cease using contractors to carry out mowing and to employ a person directly providing the necessary equipment. A significant saving was anticipated.

Provision for a contested election had been included at £2,800.

Employment costs could be discussed in detail rather than summary in Part 2.

Councillors agreed that the precept requirement of £94,233 (an increase of £27.50 on a Band D house in the parish area) needed to be reduced by around £10K. Councillors were asked to consider the draft budget papers and contact the clerk with observations, suggestions and comments.

Councillors were specifically asked to consider whether a further reduction of reserves was appropriate?

Work had been done to develop and improve the council's system for managing and reporting restricted reserves. The Clerk suggested that holding restricted reserves in a separate account should be considered.

The forecast outturn not including the movement of restricted funds was £125,305 receipts, £101,961 expenditure. Movements in restricted reserves (mainly on behalf of the Evergreen Community Trust and Kirkby Stephen Youth Centre) and carried over the year end made this £149,305 and £163,476.

A second document was presented being the form in which the draft budget would be finalised and presented for approval in the council's next meeting showing in four columns for the purposes of comparison; Outturn 2021 22, Budget 2022 23, Forecast Outturn 2022 23 & Proposed Budget 2023 24. This analysis included existing and projected movements in restricted funds.

Councillors were welcome to have copies of the spreadsheet used to develop the draft budget on request. However the Clerk asked that amendments and suggestions be marked up in writing on the copies circulated at the meeting. The Budget setting meeting would be held on the 10<sup>th</sup> January and papers would go out on the 4<sup>th</sup>.

*[Councillors were asked to make any response by the 3<sup>rd</sup> January at the latest. With significant suggestions before Xmas]*

**22/136 Brittleton Bursary**

Councillors considered the basis on which the Brittleton Bursary could be continued. A question has been raised regarding the appropriateness of accounting for the Brittleton Bursary within the Section 137 allowance (Local Government Act 1972). The use of the word 'some' in that legislation is unclear, obviously the bursary is intended to benefit 'some' people (but one at a time). The National Association of Local Councils issued a Legal Topic Note 31 which includes the following guidance: "The use of "some" in relation to the inhabitants means that the council cannot use the power to benefit a single individual." The council's past support of individuals under the bursary is not a problem in practice as for audit purposes the error has been to include the bursary in the 137 calculation thus artificially inflating it. The allowance has demonstrably not been overspent. A guidance note written by Paul Claydon and published in 'Clerks and Councils Direct' in 2019 contains the following suggestion. "Help to a single individual could possibly be given from the town mayor's or chairman's allowance (if any), or by the council organising a collection from councillors and/or the public. It might also be possible for the council to give money to a charity or voluntary body to which the individual belongs, for example a local charity which provides sports facilities or supports individual sportsmen." It was noted that a private individual had in the past made a contribution to the support of the bursary.

Councillors AGREED to 'relocate' the bursary to the Chairman's allowance which the council has historically set at zero and to exclude it from the section 137 calculation going forward.

Councillors discussed policy for the bursary. That it should be used to benefit children & young people living in the Kirkby schools catchment area and that it should be disbursed on a termly basis. It was noted that the council will need to revise its small grants policy.

It was AGREED that the clerk would reply to a recent applicant selected to play for a National Team regarding support for participation in the 2023 24 year.

**22/137 Evergreen Community Trust**

Cllr Dew advised that Trustees had met on the 29 November to formally agree to the acceptance of a grant offer of £69,400 from Inspire Eden. Trustees had examined the schedules detailing payments and conditions some of which would be passed onto and delivered by the Kirkby Stephen Youth Centre. Trustees had taken out Trustees/Public Liability insurance with Zurich and were about to appoint a contractor. It was anticipated that works would begin in Jan 2023 and be completed by the year end. Price inflation in respect of materials was a specific concern that would require management. As Chair Cllr Dew was happy that the project was on track. He wished to thank the Clerk for assistance with fundraising and administration. The Kirkby Stephen Youth Centre had formally constituted and achieved charitable status. Cllr Lancaster was amongst the trustees.

**22/138 Evergreen Community Trust**

Councillors received and approved an interim financial statement for the Evergreen Community Trust and Kirkby Stephen Youth Centre dated 30 November 2022 showing a Zero balance. Councillors noted that the whole fund had been transferred to the Evergreen Community Trust as follows: £41,897.79 to the Evergreen Community Trust and an additional £16,000 to the benefit of the Kirkby Stephen Youth Centre. £57,897.79 in all on the 14<sup>th</sup> October 2022.

**22/139 Transport Audit.**

Cllr Walker updated on the Transport Audit. The report had been finalised and published on the council's website. The December timetable had been published after the correction of a late timetabling adjustment requiring a reprint. Distribution of 3000 copies would be organised along the same lines as previously. A letter had been sent out to three bus companies to which only one had responded positively. Cllrs Walker, Richardson and the Clerk had met with a representative of the interested company and a third party regarding the possibility of the council underwriting a Saturday bus service to Penrith. The bus companies overheads were lower than anticipated. The council would be billed for the balance of funds after fares and subsidised fares refunded from Cumbria County Council had been taken into account. It was agreed that if (after a trial period) the service was not economically sustainable without subsidy then funding would be reviewed. The principle of offering a subsidy would be to establish whether a service was economically viable without subsidy. Soundings had been taken from other parish councils including Appleby and a fuller development of the proposal would be brought back to the council for a decision. Councillor Walker would investigate the mechanisms used to support the 106 service and consider whether a similar approach should be adopted in relation to Kirkby Stephen. The route would need to be registered with Cumbria County Council The Community Rail Partnership had expressed an interest in financial support and financial support was also believed to be available through Northern Rail. Appleby Town Council were known to be including a provisional figure in their 2023 24 budget. The Bus Services Operator Grant had been drawn down and was not yet fully spent. It was noted that although the fund could not be used to subsidise the operation of the service it could be used to advertise it. Progress had been made with the other ideas raised through the transport audit more information had been included about local taxi firms in the reprinted combined timetables and the lift share initiative had been publicised. Some initial take up had been noted.

**22/140 Market**

1. Councillors were updated as to the dispute. Meetings had been held with both parties and the situation was better understood. It was noted that the complainant had not responded to the council's correspondence or returned to the market.
2. Councillors approved the introduction of new Market Rules and from January 2023 the introduction of a £10 a pitch charge
3. Councillors raised questions as to pitch size, demarcation, the space between pitches and the need for a risk assessment in relation to high wind. It was

noted that stall holders were directly responsible for the safety of their pitches and equipment and for maintaining unobstructed circulation.

22/141 **Walkers are Welcome**

The Walkers are Welcome annual report had been circulated with the papers for the meeting and was noted. Councillor Murray spoke to this item, noting that a weekly walk was held on a Thursday morning with a 2.5 hour walk on Friday. Day long walks could be introduced. All the walks on Westmorland Dales Day had been organised by Walkers are Welcome and the Dawdles group had been useful in building confidence amongst walkers and providing support. Such activities were of a type that might be linked to social prescribing.

22/142 **Finance.**

The bank reconciliation and list of payments and receipts for the months of October and November 2022 were received and APPROVED together with forward approval 'in principle' of regular/budgeted payments, Salaries, PAYE & NIC. Councillors noted a closing balance of £156,588.42. Councillors noted transaction 174 (£57,922.79) being the transfer of restricted funds to the Community Trust together with transaction charges of £25 and 194 being (£14,144.77) the reimbursement of business rates on the Christian Head Carpark back dated to 2017 following enquiries made by the Clerk of the ratings Office at Eden District Council.

22/142 **Internal Auditor**

Councillors noted the 6 month report of the Internal Auditor. No matters were arising from it.

22/143 **Portfolios.**

1. **Town Council Administration.** None
2. **Property.** None
3. **Open Spaces.** Eden District Council had withdrawn the service of collecting rubbish from the litter bins at Hills Bottom. The bins themselves were 40 years old & their liners were dilapidated and could not be replaced. Further wear and tear to door panels etc meant that they required replacement. The bins had therefore been removed and disposed of.  
Councillors AGREED that a single replacement bin would be provided at Hills Bottom and emptied by the Town Council and that Eden would be requested to place a new bin on the footpath in Hartley (accessible to the road). Eden would continue to empty the bin at Franks Bridge.
4. **Community Planning.** None
5. **Community.** None
6. **Highways.** Cllr Dew had met with the Network Manager and the Eden Traffic Management Officer in Kirkby Stephen on 30 November, 2022. Design works for the pedestrian crossing at the spa on the High Street had been costed at £10k and budget had been committed by Highways. The speed survey at the entrance to Manor court across High Street showed an insufficient average speed in relation to the standards used to justify any speed calming measures at a speed limit of 30mph. Highways would facilitate the production of signage at Croglam Lane to indicate that it was not a through route. The cost was estimated at £200

which councillors AGREED to fund. The sign was in production. Clerk to contact Eden Traffic Management Officer to confirm.

7. **Tourism and Events.** The Council recorded a vote of thanks to all traders who had made such a great effort with Xmas Windows. The Xmas Lights had been a success with a well-attended switch on the 19 November. Many residents and businesses had given positive feedback.

**PART 2**

- 22/144 **Confidential Minute**  
Staffing Review.
- 22/145 **Confidential Minute**  
NJC Pay Award.
- 22/146 **Confidential Minute.**  
Xmas Bonus.
  
- 22/147 **Date of Next Meeting.** 10 January 2023

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Date

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*Chairman's Initials*

## **Appendix 1**

### **Cllr Phil Dew. Report to Kirkby Stephen Town Council – 6 December, 2022**

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#### **Appleby Horse Fair**

The MASCG met on 5 December, 2022

- The consultant's report has been delayed and will not be published until 2023. Desktop research has been carried out. Conversations with stakeholders will take place in the New Year. The running of the 2023 Fair will be monitored.
- The Evaluation Report 2022 should be ready by 31 December, 2022
- Repeated FOI requests are causing capacity issues in several agencies

#### **Evergreen Community Trust**

The trustees met on 29 November, 2022

- The grant agreement from EDC was approved following an award of £69,400 from the Inspiring Eden fund. The refurbishment project is now fully funded. Work has to be completed by 31 March, 2023
- A quote from Zurich for public liability insurance was approved
- A meeting will take place with the building contractor shortly to finalise the work programme

#### **A66**

A meeting with Guy Kenyon [CCC] took place on 5 December, 2022

- The Local Impact Report is about to be submitted as part of the examination process
- The report highlights concerns about the diversion routes including the A685 in the vicinity of Kirkby Stephen with a request for mitigation measures to be carried out

#### **Transport Audit**

This has been successfully completed

- The audit was funded by the CCC Bus Service Operator's Grant
- Support was given by the local CCC Community Development Officer Kellie Bradburn-Sims

#### **Eden District Council**

The Finance Scrutiny Committee, which I chair, met on 16 November, 2022

- The main item of discussion was Voreda House
- The net cost is £4.56m but potential savings are estimated at £10.7m over 25 years given that the building will be carbon neutral and save on energy costs
- The project received the approval of Council members on 24 November, 2022

#### **Cumbria County Council Highways**

I met the Network Manager and the Eden Traffic Management Officer in Kirkby Stephen on 30 November, 2022

- A design is being completed for a controlled pedestrian crossing adjacent to the High Street Spar. This will then be added to the Minor Improvements list and hopefully installed in 2023/24
- A traffic count has been completed on High Street. The 85th percentile speed is 30mph out of a total of 47,000 vehicles

- Kirkby Stephen Town Council are invited to request an 'access only' sign at the entrance to Croglam Lane. This would be paid for by the Town Council [circa £200] and installed at no cost by Highways

### **Cumbria County Council Scrutiny Management Board**

The board met on 28 November, 2022

- The board, of which I'm a member, has carried out an investigation into ways of helping feed children in families struggling with the cost of living crisis. Several recommendations, including subsidising school meals and providing additional food vouchers, have been made to the CCC Cabinet for discussion on 15 December, 2022

### **Eden Local Committee**

The committee, which I chair, met on 15 November, 2022

- Grants of over £35,000 has been given to local food banks and charitable organisation –such as Christians Against Poverty and Cumbria Family Support – to help with the cost of living crisis through the provision of food, vouchers and cash payments
- A grant of £5,000 was recently given to support the work of the Eden Youth Hub which helps young people access employment and training. An Inspira youth worker has been active in Kirkby Stephen over the past year. I met the worker at Penrith Rural Foyer on 29 November, 2022

### **Upper Eden Medical Practice**

I had a discussion with the practice manager on 6 December, 2022

- I sit on the CCC Health Scrutiny Committee which oversees NHS provision in Cumbria. Staff recruitment and retention is a national issue and Cumbria is no exception
- Many GPs currently choose to work part time which is exacerbating the situation
- CHOC took responsibility for the UEMP in October, 2022, and the contract is initially for one year
- CHOC are keen to continue providing support in Kirkby Stephen going forward
- This arrangement should provide long term security, stability and continuity

### **Miscellaneous**

- Bins at Hills Bottom [Frank's Bridge]. The bins have been removed. A request should be made to EDC to place a bin at the Hartley end of the footpath. KSTC should consider providing an additional bin/bins at Frank's Bridge

### **Untrue Accusations**

A political flier was recently distributed around Kirkby Stephen containing the usual mix of misleading statements and exaggerated claims. One that I found particularly galling relates to the cost of living crisis and states 'at a recent council meeting every single Conservative councillor decided to walk out at the beginning of a discussion on tackling the cost of living crisis' – and concludes - 'Conservatives aren't living in the real world'. This is a defamatory and potentially libellous assertion which I find extremely offensive. They say anything goes in politics and that's clearly the case here in Kirkby Stephen.

The claims were first made in an article on the front page of the CWH back in October, 2022, to which I responded - in the letters page – as follows: 'I had to leave the chamber before the final debate because I was already late for another important meeting. This has been interpreted as indifference to the plight of our residents which couldn't be further from the truth'. I then listed

some of the work I've been involved with to alleviate the cost-of-living crisis. There is, therefore, no excuse or justification for repeating this malicious slur. I wish to record my extreme displeasure – especially at it involves a fellow councillor – from whom I would expect to receive a written apology.