

Jubilee Park Charity (Reg. No. 504940) Sole Trustee, Kirkby Stephen Town Council,
Local Links, Vicarage Lane, Kirkby Stephen, Cumbria, CA17 4QX
Tel. 017683 74854 | clerk@kirkby-stephen.com | www.kirkbystephen.com.
Starting at 6.45 pm at Local Links.

19th January 2023, Meeting of the Jubilee Park Charity

Time: Jan 19, 2023 07:30 PM via Microsoft Teams

MINUTES

Attending: Cllrs P Richardson (Chairman) A Birtles (Vice Chairman), J Murray, D Thornton (Part), S Lancaster, G Wren, M Walker. Clerk C Barnes

JPC22/008 **Apologies**

Cllr P Dew, (Prior commitment)

JPC22/009 **Minutes**

The minutes of the AGM held on the 6th of December were noted. The Draft Minutes of the Town Council Meeting held on the 10th January were noted.

JPC22/010 **Landscape Architect**

The Landscape Architect had written to the Chairman (Date) withdrawing their interest in the Jubilee Park Entrance redesign project.

JPC22/011 **Inspire Eden**

AB discussed the Inspire Eden Agreement issued before Xmas. If signed now the agreement would have a short term (2 Months). Schedule 1 to the agreement details outcomes as follows; 1. Feasibility/Design of the Jubilee Park entrance commissioned and 2. Feasibility/Design of the Jubilee Park entrance completed. These had been achievable at the time of the application but were not both achievable now. It was however possible to complete the first of these in the time available by appointing and briefing an architect/landscape designer. As it stood the agreement would mean that the council would be giving an undertaking to deliver both outcomes and funding was conditional upon completion by the 31st March 2023. It was acknowledged that there was a desire on behalf of the District Council to disburse the funding and discussions at officer level did not reflect the precise wording of the agreement which was based on the original application and its proposed earlier timescale. Eden District Council was constrained over the duration of any agreement it could issue which could not exceed the period during which the council existed. It could not enter into an agreement beyond that term or bind Westmorland and Furness Council. There was under this agreement no certainty that an interim invoice for works up to the 31st March would be funded and the agreement as it stands does not make provision for an interim payment. It was acknowledged that there was officer and political goodwill but not necessarily legal goodwill! There was therefore an element of financial risk to entering into the agreement relating to Local Government reorganisation which the council as trustee would have to accept. However, there had been a positive experience of liaison with the Inspire Eden Team over Kirkby Stephen Youth Centre Project which they had also funded and the agreement represented 'a foot in the door' for the Jubilee Park project.

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Chairman's Initials

The clerk directed councillors' attention to Clauses 19.1, 19.2 regarding the extension of the fulfilment of obligations beyond 31 March and 21 regarding the Structural Changes Cumbria Order. 'a transfer of this agreement by virtue of law to a successor council is acceptable to the parties.' It was noted that this did not create any commitment in respect of Westmorland and Furness. The Inspire Eden Team had developed the funding for the project within Our Shared Prosperity with the intention that the first phases would be delivered with funding delivered through Eden District Council creating a pipeline to the Second phase which would be delivered with funding from Westmorland and Furness.

JM accepted that there were risks with proceeding but felt that not proceeding would potentially be a much bigger risk with the whole project coming to nothing. He noted that the officer responsible for the Our Shared Prosperity funding stream at Eden would be responsible for the Our Shared Prosperity funding at Westmorland and Furness. The project could expect support from Westmorland and Furness Councillors.

JPC22/012 **Constraints / Issues**

MW enquired as to the date from which purdah would have a bearing on the council's ability to sign the agreement. He felt that if the funding was not made available from Inspire Eden that the council had other resources to fall back on and could potentially secure other funding for the project.

It was noted that the agreement had been issued in the name of Kirkby Stephen Town Council. However, the application had been lodged in the name of the Jubilee Park Charity of which the Town Council was the sole/corporate trustee. The charity was unable to recover VAT and as a consequence VAT had been included as a cost element in the bid. It would need to be clarified that the agreement was with the Town Council as Trustee of the Jubilee Park Charity. Funds received in respect of this bid as submitted would be handled by the charity and would not form part of the Town Council's Accounts, Annual Governance and Accountability Return or be subject to the Town Council's Financial Regulations and Standing Orders. The council acting as trustee would have to come to a decision as to whether it should to mirror the council's regulations.

In either case an appointment for specialist services could be made directly.

JPC22/013 **The way forward**

It would be necessary to establish/clarify with Eden District Council that the grant was for the benefit of the Jubilee Park Charity and that another specialist appointment could be issued in relation to the project given that the bid had named a specific designer.

The Clerk would research a second specialist appointment.

Subject to being able to complete this rapidly decisions could be presented to the meeting on the 7th February.

There was consensus that every effort should be made to secure finance for the project and its delivery.

Ends 8.30

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Chairman

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Date

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Chairman's Initials

Appendix 1

Email from Cllr Dew. (19 Jan 2023)

“I’m sorry that I will be unable to attend the Jubilee Park Trust meeting later today due to other commitments. Please give my apologies.

In my absence I would like you to inform trustees of my support for the project – in principle – and hope that the agreement with the funders will be signed without delay.

Given the prominent position of the park it’s important that the work is carried out to a high standard. I think that the services of a suitably qualified and competent architect/designer with a proven track record should be engaged to take the project forward.”

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Chairman’s Initials