

## 7<sup>th</sup> February 2023, 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.

---

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

Two members of the public were present.

#### 22/169 **Public Participation.**

A member of the public spoke in connection with the operation/management of Kirkby Stephen Sports and Social Club.

The club would be operating under a premises licence (pub licence not a club licence) for the sale of alcoholic drinks going forward. Efforts were being made to make the club more open and accessible to the community for more varied uses and groups. There had been some discussion of renaming the club. A view was expressed that no change to the name was needed.

Cllr Dew noted that the licensing officer had expressed support for these changes at a recent meeting of MASCG.

A member of the public read out a written statement regarding 'Encounter Eden' which is appended. New board members were required to replace retirees. There was conversation regarding the relevance of locality boards being established by Westmorland and Furness Council and possible engagement with Local Authority and Economic Development Officers and links with the establishing business network being led by Cllr Lancaster. App.1

#### 22/170 **District and County Councillors Participation.**

##### **Cllr Murray W&F, KSTC.**

W&F had agreed a constitution incorporating locality boards comprised of councillors local to each area. Membership would be cross party as would membership of planning committees.

A consultation 'Funding our future' would close on the 13 February 2023.

Key issues were:

An overall increase of 4.99% overall in the council tax was proposed (based on the combined County and District Band D values averaged across the whole Council Area) However, the harmonisation of council tax across the former districts was also proposed resulting in increases specific to each former district areas as follows: Barrow, 2.84%; Eden, 5.95%; South Lakeland, 5.51%.

The consultation sought responses regarding a proposal (subject to enabling legislation) to introduce a 100% council tax premium on the Westmorland and Furness area's 5440 second homes and raising £9.6m for Westmorland and Furness Council.

Westmorland and Furness Council would set its budget at its meeting on the 7<sup>th</sup> March when this consultation could be considered.

**Cllr Dew W&F. CCC, EDC, KSTC.**

Cllr Dew encouraged residents to engage with the consultation and expressed concern that the Council Tax rise was predicated on the government's enabling of a rise of 4.99% rather than detailed costings.

Cllr Dew expressed concern about the impact of separation on Children's Services and Adult Social Care.

Appleby Fair: MASCG had met and it had emerged that the consultants engaged to develop a report on the organisation of the fair had not started work. This meant that no findings or conclusions would be available prior to this year's fair.

A specific concern about roadside camping on the A685 between Kirkby and Brough could not therefore be addressed this year because the consultants would not have made any recommendation or progress with the identification of alternative stopping places.

There would be further consultation (16 Feb 2023) regarding the A66.

The clerk was asked to recirculate a briefing note on footway lighting to councillors.

There had been a revision of the regulations and rules for the burial board on which Cllr Thornton also sat. The board had been doing an excellent job.

**Cllr Lancaster, EDC**

None.

22/171 **Participation of the Police**

None.

22/172 **Apologies & Welcomes**

3 members of the public were welcomed to the meeting. Apologies were received and accepted as follows:

1. Cllr Lynch (Working away).
2. Cllr Birtles (Work commitments).

22/173 **Declarations & Dispensations**

There were no declarations

22/174 **Exclusion of Press & Public**

It was agreed that there was a requirement for the press and public to be excluded from the meeting in respect of the 13.1 (TC Administration, part) and 14 Staff appraisal).

22/175 **Minutes.**

1. The Chairman was authorised to sign the draft minutes of the Ordinary Meeting held on 10 January 2023 as a true record.
2. The Chairman was authorised to sign the draft minutes of the meeting of the Jubilee Park Charity 19<sup>th</sup> January 2023 as a true record.

**22/176 Planning**

20/0665 – Land adjacent to West View, Fletcher Hill. Kirkby Stephen. The Council had considered and supported this application at a meeting three years ago as follows: ‘It was felt that the inclusion of parking spaces in the plans were to welcomed. Councillors weighed the issue of the loss of a four bedroomed house against the affordable units proposed and SUPPORTED the application’. Eden planners had however felt that the original 3-house development could not be supported for design (overdevelopment) and impact reasons in relation to the conservation area frontage and adjacent listed buildings.

The amended plans showed two houses, better concealed parking and improved street scene. Subject to the resolution of outstanding drainage concerns councillors SUPPORTED the application.

**22/178 Upper Eden Visitor Information Centre**

1. A meeting of the Upper Eden Community Interest Company held at the beginning of February had confirmed agreement to proposed ‘Heads of Terms’ as follows:
  1. Lease to be granted by reference the previous lease dated 27 January 2016 and made between 1) Eden District Council and 2) Upper Eden Community Interest Company.
  2. Lease to be contracted out of the security of tenure provisions of the Landlord and Tenant Act 1954.
  3. The rent will be £2,500 pa.
  4. The rent will be reviewed on a biannual upwards only indexed linked basis.
  5. The term will be 6 years with a mutual break clause at year 3.Councillors accepted that the centre was not let at a commercial rent and that parts of the building could be sublet to the benefit of the Upper Eden CIC. It was hoped that these arrangements would allow the centre to continue to provide a service. Heads of Terms were AGREED, funds received in rent would in the first instance be committed to the Assets Reserve. Cllrs Richardson and Murray would sign the lease for the council witnessed by the Clerk.
2. Once signed it was AGREED to raise an invoice for the rent due in 2022 23 in line with the council’s budget.
3. The Upper Eden CIC had raised concerns following leaks to the building arising from recent rain. Failures in the render, movement of stone stairs, pointing and inward flow of water at the stair to the Upper Floor had been identified. An estimate for repairs had been received at £740. Councillors AGREED that the quote represented good value for money and waived the provision for three quotes in order that repairs could be made quickly.
  - 11.1. d. by a local contractor.

It was noted that the tenant of the upstairs part would need to be notified of any interruption to their access.

**22/179 Finance**

The schedules of receipts and payments and bank reconciliation for the month of

January 2023 were received and APPROVED together with forward approval 'in principle' of regular/budgeted payments, Salaries, PAYE & NIC.

A receipt of £150 (264) was noted. This was a private donation towards the council's costs in relation to the area known as Hills Bottom by a local resident. It was agreed that the council would write a letter of thanks.

Councillors noted a closing balance of £147,902.76.

**22/180 Play Area Provision**

It was agreed that Cllr Murray would lead on the review of play area provision including exploring the option for a new play area adjacent to Hills Bottom. The area was in Hartley Parish and in the possession of the cricket club. A restrictive covenant on the use of the land would need to be lifted/waived by the estate of John Strutt.

It was noted that the existing play areas (especially Westgarth) had benefitted from recent or planned refurbishment.

Cllr Dew was opposed to the idea of a play area at Hills Bottom.

**22/181 Transport Audit**

Cllr Walker reported that contingent on Stagecoach retaining the school bus contract with Cumbria County Council they had proposed a 16 week trial starting on 1 April 2023 with a guaranteed payment per day (up to £397) discounted by the fares received by Stagecoach directly and through ENCTS, made by KS Town Council on a monthly basis and paid from a restricted fund provided by KS Town Council and other contributing councils.

Councillors confirmed AGREEMENT that the council would guarantee the operating costs to the budget set at the January meeting of £5,000. The clerk would write to Stagecoach setting out the council's offer of the guarantee. Support had been sought from other councils, Appleby, Penrith, Brough and Warcop. Cllr Walker would write to them to confirm their funding. Funds would be held in a restricted fund and disbursed to the support of the service pro rata. Any unspent funds would be returned to the donors on a pro rata basis. Stagecoach would invoice Kirkby Stephen Town Council for the cost of the service on a monthly basis after the deduction of the fares. The council would review uptake/effectiveness at future meetings.

**22/182 Jubilee Park**

1. Work on the Tree Survey by 'Treescapes/Luke Steer' set out in the management plan was expected to be completed in the next few weeks with a report to follow.
2. Councillors AGREED on the basis of advice from GKM solicitors that the application to the Land Registry for first registration of title to the park/layby should be submitted seeking an early determination in relation to the title to provide security in relation to planned investment on the refurbishment of the area.
3. The Clerk had met with and discussed the entrance refurbishment project with Crosby Granger Architects. They felt that the project sat better with a landscape designer as lead and had provided an introduction which the Clerk would follow up.

4. Feedback on developments had been given to the Inspire Eden Team and Project lead and it had been confirmed that the whole amount of funding could be paid to the benefit of the Jubilee Park Trust prior to the appointment of a designer.
5. On this basis councillors agreed that the revised agreement could be signed by the Chairman and Vice Chairman and witnessed by the Clerk.
6. The Westmorland Dales, love your landscape project had agreed a grant and made a payment of £500 to fund the bulk purchase of wild daffodils for the park as recommended by the working group as a supply of blue bells had been identified which could be transplanted. Both would be planted after flowering this year. A letter of thanks would be sent.

22/183 **Market Trader Feedback**

The market had completed its first month of operation with new fees (£10) applied. Two of four traders had fed back on the new rules specifically raising concerns about rule 6 (first come first served). It had been pointed out that where traders travelled some distance, security about the availability of their pitch would be helpful to them. Councillors were asked to reconsider and revise this provision. Councillors felt that this was not currently an issue but that if the market were to become busy enough to justify a revision of the rules they would be willing to make changes.

Rule 10. Concerns had been expressed about the duplication of products. Councillors did not feel that duplication was an issue that required attention at this time.

Rule 14. Councillors noted that the rules regarding the playing of media was supported by those responding.

Rule 16. Regarding the area of a pitch 5 x 4 was also raised in respect of vehicles. Councillors confirmed that this provision would stand on the basis that the rule would only be implemented if the market was congested.

Rule 21. Payment. The option to pay on the day or weekly was requested and the council was asked to consider making a low and high season charge. Councillors did not feel that it was appropriate to vary the charge on a seasonal basis.

Making a cash payment on the day would be made possible and the clerk would write to traders with instructions for doing so.

In addition an enquiry had been made regarding the availability of electricity. The Clerk would investigate the options/capacity and liaise with traders. The supply would be subject to a daily charge.

22/184 **Standing Orders | Financial Regulations | Asset Valuation Policy**

As no amendments of changes were advised or recommended the following policies were READOPTED without revision. Councillors noted that the Standing Orders provided for the readoption of these policies at the May meeting of the council when further revisions could be incorporated if advised.

1. Standing Orders
2. Financial Regulations
3. Asset Valuation Policy

22/185 **Risk Register**

Councillors AGREED the readoption of the risk register subject to being updated with current insurance policy references.

22/186 **Asset Register**

Amendments were AGREED as follows:

Land and Property

Line 3: Update of notes re registration of title.

Line 6: Upper Eden Visitor Centre added to the register in line with the Asset Valuation Policy.

Line 7: Silver Street Gardens added to the register in line with the Asset Valuation Policy.

Line 10: Stenkrith (rented) added to the register in line with the Asset Valuation Policy.

Artworks & Historic Artefacts

Line 3 & 4: relocated from front page. Values unchanged.

Office Equipment

Line 10: Projection Screen (New addition)

Open Spaces

Line 2: Glasdon Grit Spreader (scrapped unrepairable)

Street Furniture

Line 2: Gates Fences and walls. Measured schedule to be prepared in 2023/24

Line 3: Footway Lights. The 2018 agreement with Eden District Council had never been honoured/delivered in full and maintenance charges on the uncompleted lamps had not been levied. It was proposed to reduce the number of lights to those transferred in operational condition. The clerk would write to Eden District council setting out the council's position and the fact that it would not be adopting or accepting the transfer of the unfinished works.

Planters

A planter had been removed after collapsing.

AGREED The clerk would apply these changes and recalculate the proxy value for the AGAR in May.

22/187 **Portfolios.**

**1. Town Council Administration.**

Councillors had set a precept requirement at their last meeting before the council tax base had been calculated using last years council tax base) the final figures were:

Council Tax Year	2023/24
Precept	£80,225
Council Tax Base	662.74
Band D Precept	£121.05
Percentage reduced	-0.10%
Weekly Increase/Decrease	-£0.00
Annual Increase/Decrease	-£0.12

Council Offices break in, Councillors would receive a briefing in Part 2.

**2. Property.**

Stenkrith A meeting with the owners to discuss the Condition of boundaries, Condition and management of Trees especially relating to Ash Die back, Safety on site, The council's tenancy had been scheduled for the 13 April the Clerk, Chairman and Cllr Murray would attend.

Concerns raised by a member of the public over the physical impact of children's play in an area where wild garlic was established in Stenkrith were felt to be overstated. It was felt that the area would quickly recover. It was agreed to remove bike jumps and other material once it was clear that they had been abandoned. Councillors encouraged the use of the park for informal, imaginative and adventure play by children and young people.

### **3. Open Spaces.**

Silver Street Gardens Joan Johnstone memorial. A draft concept prepared by Stephen McCauley of Yam Architects had been circulated to councillors for discussion. Positive feedback from Joan's relatives had been given and feedback would be sought from the Highways Authority before further action was taken. Councillors were supportive in principle of the proposed scheme.

A litter bin had been installed at Hills Bottom.

There was no progress with the re-organisation of the grass cutting arrangements and it was hoped to provide an update at the next meeting.

### **4. Community Planning.**

None.

### **5. Community.**

It was agreed to write to the Kirkby Stephen Grammar School congratulating the under 16s Ladies Hockey Team on their success in the Tier Three National Championships.

### **6. Highways.**

Line painting had been carried out. Questions were raised in connection with the proposed Victoria Square one way system. The Chairman would raise his concerns with Highways. Cllr Dew noted that the TRO in respect of Nateby Junction was currently suspended but had been prepared. Works at the Crescent, and Zebra Crossing at High Street were ongoing and new signage was subject to a works order. The Clerk was asked to enquire again with Police over the extension of CCTV to Victoria Square.

### **7. Tourism and Events.**

Planning for the Easter Rally was underway with good participation expected. It was agreed to explore the potential for town centre events to celebrate the coronation.

## **PART 2.**

### **22/188 Staff Matters.**

An appraisal had been completed with actions for the clerk regarding the updating of a Job Description and Contract of Employment required. These would be presented to a future meeting.

22/189 **Break in.**

Council Offices in Local Links had been broken into on the 1st of February. CCTV had been saved and was awaiting collection by the Police. The matter was the subject of an active Police investigation.

<meeting ends 10:00pm>

.....  
**Chairman**

.....  
**Date**

.....  
*Chairman's Initials*



**Appendix 1**  
**ENCOUNTER EDEN 2023**  
**Maurice Hall**

---

‘For those who may have forgotten Encounter Eden as an entity, it is a not-for-profit social enterprise set up in 2017 when three discerning people realised that the economy of Upper Eden was stalling and in need of a boost. One initiator was your vice-chair and local legal professional. I was invited to join the board in 2018, following my retirement from Newton Rigg College and from my Stainmore farm - bringing the number of directors to four.

A clear plan was in place; third-party market research had been carried out and the potential for the area made public. I empathised with the conclusion that there exists scope for sympathetic visitor growth based around the natural assets of the area, its strategic position as a junction of major roads, its rail links, its proximity to nearby National Parks, Areas of Outstanding Natural Beauty, and local Nature Reserves and the fells and dales on our doorstep. There is an abundance of heritage and historical wealth and, if we add to that the innate welcoming nature of the local people and the raw materials for success are all there. I agreed with the vision – one that remains strong, robust, and valid today.

The missing ingredients are infrastructure (community hub) and investment.

My purpose this evening is to bring you up to date. Nanette Rigg, the prime mover within EE, has decided to stand down as a director as she needs more time for her paid employment. She remains a Trustee with the Northern Viaducts Trust – a body we at EE have worked with and supported in its efforts to sustain and develop Smardale, Podgill and Merrygill viaducts and the associated track-bed. We have a working partnership agreement in place and are working towards joint funding bids. (HLF)

I would like to invite you, as local people, to consider joining us in giving a little of your time, as a supporter, a volunteer (champion) or as a board member. Skills which would be particularly useful are those concerning digital technology, social media, local knowledge, fund raising and communicating. (There are already good working relationships with local history groups, farmers, businesses, and walking enthusiasts, and we have garnered support from local councils, National Parks Authorities, conservation bodies and local businesses.) The time is right for you, the people of Kirkby Stephen to get involved and to help us create a better future for the next generation of residents. For me, it is vital that the drive for progress should come from the grass roots just as happened a few years ago when our schools needed to provide an additional classroom and a new all-weather surface sports area.

The likely candidates for providing this assistance might be (1) teachers, or ex-teachers, (2) business owners, sole traders or SME managers, (3) innovators and technically gifted younger people, (4) artists and craftspeople, (5) health and social care workers, (6) parents (7) local government ‘experts’, (8) fundraisers & (9) a co-ordinator (who will be paid, subject to successful funding bids).

Consider making it known that you as a council have supported and continue to support this project. Ask directly, “would you be prepared to help?” just as I am asking you the same question.

THESE ARE LIKELY TO BE ‘BUSY’ PEOPLE, the one’s who will probably say “I don’t have the time” - because they are ‘busy’ for a reason!

.....  
*Chairman’s Initials*

ADDENDUM:

I am aware of the upcoming changes to local government structure – and suspect that town and parish councils are going to be under even greater pressure from their constituents. Remoteness from the unitary authority could well have a negative impact on local delivery – even on precept levels. With direct representation on the new council being drastically reduced, volunteer councillors are likely to be asked to give more of their time and tackle more local issues.

Is this an opportunity for local people to take more control?

It is time for us to decide which direction we want to take our community – either to a thriving, economically viable area where our children have opportunities to develop; our working population enjoys a comfortable living standard; and our retirees can feel safe and cared for. Or do we sleepwalk our way into becoming a dormitory town from which the income earners and spenders, the so-called economically active, commute to and from the bigger centres of Kendal, Lancaster, Penrith, Carlisle, etc.?

Maurice Hall ([m.hall01@btinternet.com](mailto:m.hall01@btinternet.com))

## **Appendix 2**

### **Report of Cllr Dew**

---

#### **Evergreen Community Trust**

The refurbishment project is making steady progress

- I met with the contractor on 26 January, 2023. The roof panels have now arrived and the work is due to start in week beginning 13 February, 2023.
- There has been some positive progress on opening a bank account
- An inception meeting with EDC was held on 18 January, 2023. The intention is to pay the grant of £69,400 upfront.

#### **A66**

The Examination [similar to a public enquiry] began on 29 November

- A number of changes to the dualling scheme have been proposed by the Lead Inspector to National Highways. A Proposed Changes Consultation is currently taking place. Representations have to be made by 27 February, 2023.
- Local councillors are meeting with National Highways for a briefing on 15 February, 2023.

#### **Public Transport**

Western Dales Bus [WDB] is currently reviewing its time table and proposing the following amendments

- Cancel the S4 service to Dent
- Run the S6 service to Penrith on Tuesday and Thursday
- Move the S5 service to Kendal from Thursday to Wednesday

#### **Highways**

Work is proceeding as planned

- A design is still 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. There is no intention to move the crossing from its current location but pedestrian access will be improved.
- An 'access only' sign is being prepared for Croglam Lane which will be paid for by the Town Council.
- Questions have been asked about grit bins. I have requested that all the bins in the town are topped up. Salt is only meant to be used on the highway and not on private land. Salt is not generally provided for use on pavements: this would have to be purchased, stored and spread by the Town Council.
- Road markings in Kirkby Stephen town centre have been refreshed. I've asked for the 'No Entry' markings adjacent to Hall's Newsagents to be included.
- The works order for improvements to the signage has been produced
- The parking restrictions in the vicinity of the primary school will be installed during Spring half term
- The Hartley Road junction is due to re-aligned before 31 March, 2023.

#### **Cumbria County Council**

Due to changes in legislation the local Household Waste Recycling Centre in Kirkby Stephen will no longer be able to accept waste upholstered domestic seating

### **Burial Board**

The Rules and Regulations for the cemetery have been revised and amended. They are available from the Clerk, Hazel McWhirter

### **Westmorland and Furness Shadow Authority**

Various meetings have taken place

- The Council met on 23 January, 2023, when the main item of business was the draft Constitution which is over 260 pages long [plus appendices]. Local Area Planning Committees are outlined on pages 51-53 and Locality Boards on pages 88-92.
- The Overview and Scrutiny Committee met on 6 February, 2023, to discuss the Council Tax Consultation. The intention of the Council is to raise council Tax by 4.99% - which is the maximum allowed without a referendum - and harmonise the rates across the three existing Districts which means that Eden residents will actually face an increase of 5.95%. The finance team hasn't justified this increase because the budget is still being formulated. The consultation ends on 13 February, 2023. The Council will meet on 7 March, 2023, in order to ratify the budget.

### **Footway Lights**

Complaints continue to be made about the lack of footway lighting including accusations that the location of lights favours local councillors

- EDC should be pressed to complete the agreed programme of renewals and asked to explain its current approach to non-devolved footway lights
- Residents should be reminded about the limits of the Town Council's responsibility and the criteria by which footway lights were adopted
- The Town Council should consider the possibility of asking the Westmorland and Furness Council to review the policy on footway lighting from 1 April, 2023

### **Appleby Horse Fair**

The MASCG met on 24 January, 2023.

- Preparations are being made for the 2023 Fair
- The Evaluation Report for the 2022 Fair will be published shortly
- I meet with the consultant, Steve Jarman, on 16 February, 2023, to discuss possible improvements to the Fair