

## 6 September 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), S Lancaster (EDC), M Walker, D Thornton, J Murray (W&F), P Dew (W&F/CCC/EDC/KSTC), G Wren, C Lynch & C Barnes (Clerk).  
Cllr. L Bateman (Parish Representative, Yorkshire Dales National Park)

No members of the public were present.

22/072 **Public Participation**

None.

22/073 **District & County Councillors Participation.**

**Cllr Lancaster (None)**

**Cllr Dew (EDC, CCC & W&FCC)**

Upper Eden Medical Practice. It was understood that the Upper Eden Medical Practice intended to hand back its NHS contract. It was understood that continuity of service would be maintained through Cumbria Health on Call Limited who ran Medical Centres in Alston and, Glenridding and Windermere in a process that would be supported by Eden Medical Practice Staff. UEMP Patients would be informed in due course and there would be no need to reregister with another practice.

Planning Capacity. Eden District Council had recently seen a reduction in its planning staff and councillors were concerned that remaining officers were overloaded. The capacity of the service was under stress.

Appleby Fair. Cllr Dew noted that he would be commenting on Appleby Fair in the main part of the agenda. He noted that some town centre businesses had chosen to remain open throughout. Including Halls Newsagents who he congratulated on winning the Farmers Weekly magazine, Best Independent Newsagent 2022, to be presented next month in London. They had maintained a positive and optimistic outlook and provide a community hub in Kirkby Stephen.

**Cllr Murray (W&FCC) Council Plan Consultation.**

Cllrs Dew and Murray mentioned the planned consultation 'A framework for our council plan' to be held at the Co-op (7<sup>th</sup> September 2022). Councillors were asked to drop in.

Cllr Murray noted that it was early days for the authority, emerging themes for the vision were: Sustainable Communities, Sustainable Economy, Sustainable Environment. 'A great place to live work and thrive – now and in the future' Responses were due by the 16<sup>th</sup> September it was AGREED that Cllr Murray would draft a letter to the newly appointed Chief Executive touching on Kirkby Stephen's need for continuity over services and facilities shared with the existing higher tier councils and over events in the county including the Appleby Horsefair.

- 22/074 **Parish Representative Yorkshire Dales National Park Participation.**  
Cllr Bateman thanked the council for its support for its support of her candidacy. She clarified that there were 4 Parish Representatives in the National Park, that it was the National Park's role to balance the duty to protect the special characteristics of the park with the role of promoting the enjoyment and understanding of the area. A particular concern for the park was the lack of tree cover noting that there were fewer trees by area in the National Park than there were in Central London. She anticipated that the part of Kirkby Stephen inside the National Park (South of Jubilee Park) would be earmarked for an increase in tree cover.  
Cllr Bateman AGREED to meet the clerk to discuss the potential for development at Jubilee Park and the management plan.
- 22/075 **Police Participation.**  
None
- 22/076 **Apologies and Welcomes.**  
Apologies were accepted from Cllr Birtles who was unable to attend for work reasons.
- 22/077 **Declarations of Pecuniary Interest.**  
None
- 22/078 **Minutes.**  
The minutes of the Ordinary Meeting held on the 5<sup>th</sup> July were approved as a true record. The minutes of the Parish Meeting held on the 26<sup>th</sup> July were AGREED to be a true record. There was discussion as to the veracity of claims made by members of the public speaking at the meetings and recorded in the minutes but it was confirmed that minutes were an accurate record of what was said at the meetings.
- 22/079 **Planning 22/0538. (EDC)**  
LAND OFF CROGLAM PARK, ROWGATE KIRKBY STEPHEN, CA17 4SF. Proposed additional dwelling and associated change of house type following planning consent 19/0913 for a residential development. Re-submission of 21/0952. The council supported the proposed development and sought the imposition of conditions as to solar panels and electric car charging
- 22/080 **Planning 22/0542. (EDC)**  
GREY GABLES, SOUTH ROAD KIRKBY STEPHEN, CA17 4SN.  
Works to trees. The application had been approved on the 30 August.
- 22/081 **Planning E/06/6. (YDNP)**  
Station Yard, Kirkby Stephen, CA17 4LA | Full planning permission for change of use of land to create additional vehicle parking. The application had been approved on the 30 August.
- 22/082 **Appleby Fair 2022**  
Replies to the council's correspondence (15 July 2022) had been received from The Police and Crime Commissioner and the Chief Constable. An acknowledgement seeking clarification had been received from Eden District Council.

Councillors agreed that the replies received from the Police and PCC relating to Policing matters could be supported and the arrangements for public complaints about Policing matters had been clarified. It was said that Police had followed up an allegation made during the meeting regarding a sexual assault.

Cllr Dew spoke to prepared notes appended (App.1) in summary his comments were:

1. Residents feedback [5th and 26th July, 2022]. Offences had been described to the meetings but not reported through proper channels meaning that they are potentially unrecorded by the appropriate authorities. Residents should be encouraged to engage directly with Police.
2. Cllr Dew clarified that Eden District Council's Licencing Officer had not forced or encouraged licensed premises to close before or during the Fair. Noting that some business' had chosen to close for the duration of the fair.
3. MASCg were about to commission expert advice regarding the organising of the fair and progress would be reported to the meeting of MASCg to be held on the 26<sup>th</sup> September, 2022.
4. Policing, during Phase 1 of the Fair in Kirkby Stephen there were two shifts on duty: an early shift [8am-6pm] comprising five officers and a sergeant and a back shift [4pm-2am] comprising seven officers and a sergeant. In addition, there was a mobile patrol covering the whole Upper Eden area. Two officers in a vehicle were permanently stationed on the A685 and remaining officers patrolled the town in pairs on foot. This was done discreetly following criticism in 2019 that the police presence was too conspicuous and therefore deterring visitors.
5. 'Policing has to be proportionate, consistent and sustainable. I agree [substantially] with the position taken by Cumbria Constabulary [re letter dated 29 July, 2022] and the PCC [re letter dated 3 August, 2022]. Some residents' expectations are unrealistic but they are free to make a formal complaint as suggested by the PCC'.
6. The riding of sulkies by children on the highway is going to be considered further and the legal constraints clarified.
7. Roadside Encampments [A685] Senior police officers felt they couldn't keep the whole verge clear in the build up to the fair so areas of high risk [junctions and bends] were designated as exclusion zones. These are regularly patrolled and the highway itself kept clear of obstruction. Police follow the Appleby Fair Encampment Protocol and the Encampment Assessment Guide to deal with temporary encampments. The default position is that encampments will be left in place unless they are considered to be a hazard.

It was AGREED to write to MASCg and Police with the record of the Town Meeting and noting the resolution passed by the meeting as follows:

"This Parish Meeting believes that the events that comprise the Appleby Fair would benefit from an organising authority."

**22/083 Evergreen Building & Kirkby Stephen Youth Centre.**

Cllr Dew reported that trustees had met on the 8<sup>th</sup> August.

There had been delays in setting up a bank account and it had been proposed as interim measure that capital works and the trusts accounts could in the first instance be held in a client account at GKM Solicitors.

Jason Winder had been engaged to start on Phase 1 works.

A worked up Inspire Eden bid had been submitted seeking funds to complete the project.

Councillors APPROVED the transfer of funds held on behalf of the Evergreen Community Trust and Kirkby Stephen Youth Centre to the Evergreen Community Trust Client Account at GKM Solicitors of £57,982.01 together with any subsequent receipts relating to fundraising for the project.

Councillors noted that the Charities Aid Foundation and Lloyds might be more responsive than Barclays to the opening of a charity account.

**22/084 Pavement Licences.**

Councillors APPROVED the principle that all pavement licences that are compliant with Eden District Council's policies on Pavement Licences should be approved and that the Clerk was authorised to respond accordingly on the Town Council's behalf.

**22/085 Short-Term Tourist Accommodation.**

A response was due on the 21<sup>st</sup> September It was AGREED that Councillors would send their thoughts to Cllr Walker who would compile a response on the council's behalf.

Details were available on gov.uk as follows:

<https://www.gov.uk/government/news/government-launches-review-into-short-term-tourist-accommodation>

&

<https://www.gov.uk/government/consultations/developing-a-tourist-accommodation-registration-scheme-in-england/developing-a-tourist-accommodation-registration-scheme-in-england-call-for-evidence#annexb>

**22/086 Parish Church Liaison Meeting.**

It was AGREED that the Clerk would liaise with a representative of the Church over arrangements for Remembrance Day and to respond to an offer of representation at the service by the lieutenancy.

**22/086 Christmas**

1. The Chairman announced that the Christmas lights would be switched on the 19 November 2022 at 6:00pm.
2. The Chairman confirmed that the Xmas Windows theme would be 'Family' and that electronic voting for the competition would continue.
3. Christmas Flags instead of trees would be offered to shops.
4. A schedule of projected costs/receipts associated with the Xmas Lights was presented and approved (Appendix 2).

**22/087 Transport Audit**

The findings of the transport audit had been circulated to councillors. Councillors AGREED that Cllr Walker would approach operators to discover whether the Town Council could 'in principle' subsidise a bus service for a short period to establish whether it could be sustainable in line with the recommendations arising from the audit. Cllr Walker would establish what level of service/subsidy would achieve in

terms of value for money, affordability and service provided ahead of budget setting discussions to be finalised in January. A figure of between £3k and £5k was discussed. Cllr Thornton suggested that perhaps all the Upper Eden Parishes should be approached to contribute.

**22/088 Noticeboard**

1. The Clerk was authorised to arrange the replacement of the noticeboard outside the Mango Tree.
2. The Council approved 'in principle' the relocation of the Town Council's official noticeboard to Local Links. The Clerk would investigate options for its mounting or replacement. Councillors noted that Rotary had offered to refurbish it.

**22/089 Flooding at Birkbeck Gardens**

After changes in Pennine Park it was not anticipated that sandbagging would be required to prevent flooding in Birkbeck Gardens. However, the expenditure was authorised 'in principle' and it was AGREED that the clerk would liaise with those involved and implement sandbagging if necessary.

**22/090 Brittleton Bursary**

The Brittleton Bursary had been expended. The council had been approached for support by the British Tug of War Team who would be competing in the World Championships in September. Three members of the team were from Kirkby Stephen and the council AGREED to fund the cost of their team shirts as a gesture of support/goodwill.

**22/091 Finance**

The bank reconciliation and list of payments and receipts for the months of July and August 2022 were received and APPROVED together with forward approval 'in principle' of regular/budgeted payments, Salaries, PAYE & NIC. Councillors noted a closing balance of £227,535.25  
Specific APPROVAL was given repair costs for Market Place Paving £1,250 on the basis that the materials involved were not being charged for and other competitive quotes could not be obtained. The works would be carried out by Cumbria County Council.

**22/092 External Auditor**

The external auditor's report was presented to the council as follows: 'On the basis of our review of Sections 1 and 2 of the Annual Governance and Accountability Return (AGAR), in our opinion the information in Sections 1 and 2 of the AGAR is in accordance with Proper Practices and no other matters have come to our attention giving cause for concern that relevant legislation and regulatory requirements have not been met.' There were no matters arising from the audit.

**22/093 1. Town Council Administration. (None)**

**2. Property.**

- a. Market Place Councillors noted closure for repairs 28 & 29 September
- b. Councillors had visited and examined the Visitor Centre Meeting (22 July 2022) a schedule of works for maintenance would be prepared and priced.
- c. The Deeds to Hills Bottom had been found an application for first registration of title at the Land Registry instructed on this basis.

**3. Open Spaces.**

- a. An Inspire Eden Bid had been submitted in respect of design and costing of works to the entrance to Jubilee Park. 16 August 2021.
- b. A private individual had arranged the replacement of the gate at Stenkrith. The Clerk would write to the individual with thanks.
- c. Costings amounting to £6k had been received in respect of works required to reinstate fences and boundaries at Stenkrith. The Clerk would arrange a meeting with the owners to discuss required improvements and the rental agreement.

**4. Community Planning. (None)**

**5. Community. (None)**

**6. Highways.**

- a. Highways had advised lining and improvements to Victoria Square Parking Bays designs for which had been supported and had agreed to refurbish the Furlong Sign.
- b. The Clerk had met with representatives of Cumbria County Council (Highways and Area Planning) to review Kirkby Stephen Signage arrangements good progress had been made and works identified in this year and the following year.
- c. Cllr Dew advised that a road closure on the A683 to Sedbergh would be in place for 4 weeks from Monday 19<sup>th</sup> for repairs and that the A685 would be closed at Tebay from 10 days from the 12<sup>th</sup> between 9:30 and 3:00. Cllr Dew advised that a light controlled crossing was being considered for the crossing by the Spar at High Street.
- d. Cllr Dew advised that a reconfiguration of Hartley Road End was being considered.
- e. Cllr Dew advised that the review of disabled access requirements for highways payments had been scaled back.
- f. Cllr Dew advised that an 'access only' sign had been requested for the area between Croglam Lane and Rowgate. Not all of this area was an adopted highway.

**7. Tourism & Events.**

Cllr Walker would attend the AGM of the Settle & Carlisle Development Company on the 29<sup>th</sup> September.

22/094 **Date of Next Meeting**  
4 October at Local Links

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**Chairman**

.....  
**Date**

.....  
*Chairman's Initials*

Appendix 1.

Phil Dew [September 2022] Regarding Appleby Horse Fair 2022.

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**Feedback from Residents [5th and 26th July, 2022]**

Several of the attendees confessed that during the period of the Fair ‘we shut our doors and didn’t come out’ – so, much of what was said was hearsay and not based on personal experience. Several offences were alluded to but not necessarily formally reported and therefore remain unrecorded which is unfortunate.

A ‘local licensee’ claimed that he ‘had been encouraged by the licensing officer at EDC not to open’ [Herald 9 July, 2022]. In reality the licensee decided to close of his own volition ‘at no point has [EDC] licensing either forced or encouraged licensed premises to close before or during the Fair’ [Steve Wilde EDC Licensing and Enforcement Officer]. In a similar way several other businesses chose to close for the duration of the Fair. No one was ‘forced to shut up shop’ [Herald 9 July, 2022].

**Managing the Fair**

There is a commonly held view that the Fair has grown too large and needs to be managed in some way. The Multi Agency Strategic Coordinating Group [MASCG] considered the possibility last year and concluded that it wasn’t a practical proposition [Evaluation Report 2021] - and Appleby Town Council declined to take responsibility for the Fair despite being approached by the Appleby Fair Communities Group. Since then, further evidence has come to light and the intention is to appoint consultants to explore the options in greater depth. The commissioning is about to take place and will be reported to the MASCG meeting on 26 September, 2022.

**Police**

Policing has significantly improved since 2018 and this year over two hundred officers were deployed each day under the overall command of Temporary Chief Superintendent Matt Kennerley. During Phase 1 of the Fair in Kirkby Stephen there were two shifts on duty: an early shift [8am-6pm] comprising five officers and a sergeant and a back shift [4pm-2am] comprising seven officers and a sergeant. In addition, there was a mobile patrol covering the whole Upper Eden area. Two officers in a vehicle were permanently stationed on the A685 and remaining officers patrolled the town in pairs on foot. This was done discreetly following criticism in 2019 that the police presence was too conspicuous and therefore deterring visitors. In every other respect policing was comparable to 2019 - contrary to comments made in the public meetings. I monitored the situation throughout and saw no reason to be critical.

Much has been said about the style of policing and whether it was sufficiently pro-active and officers have been accused of turning a blind eye to low level anti-social behaviour. The reality is that police powers and resources are quite limited and the key task is to keep the peace. Policing has to be proportionate, consistent and sustainable. I agree [substantially] with the position taken by Cumbria Constabulary [re letter dated 29 July, 2022] and the PCC [re letter dated 3 August, 2022]. I think the expectations of some residents are unrealistic but they are free to make a formal complaint as suggested by the PCC.

The issue of children riding sulkies on the highway is going to be considered further and the legal constraints clarified.

**Roadside Encampments [A685]**

Following the 2018 Fair the issue of encampments on the A685 was considered in depth. The possibility of ditching and bunding the verge to prevent access was explored but discounted because

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*Chairman’s Initials*

of underground utilities [water main] and cost [currently met out of the Highways Revenue budget]. A review of this policy is being considered. Posts are not designed to prevent access but are utilised as part of the Traffic Management Plan. Senior police officers felt they couldn't keep the whole verge clear so areas of high risk [junctions and bends] were designated as exclusion zones. These are regularly patrolled and the highway itself kept clear of obstruction.

During the period of the Fair police follow the Appleby Fair Encampment Protocol and the Encampment Assessment Guide to deal with temporary encampments. The default position is that encampments will be left in place unless they are considered to be a hazard.

People in the settled community are puzzled as to why Fair goers arrive early - despite being exhorted not to. The answer is that it's part of their tradition and culture. I have argued consistently that Eden District Council as the lead authority should take responsibility for providing more suitable sites for temporary encampments by purchasing or renting land in appropriate locations.- possibly using the Traveller Site Fund. On 27 June, 2022, the MASCG agreed, in principle, to appoint consultants with experience in the delivery of Gypsy and Traveller Accommodation Assessments to explore the issue in greater depth. There is a widely accepted view that authorities have a responsibility [under human rights legislation] to facilitate the traditional GRT way of life.

## Appendix 2

### Christmas Lights Report.

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The Chairman has been planning the improvement and renewal of the Xmas Lights for the Town Centre and fundraising.

The Council has received funding contributions as follows: £1,150 (Jubilee BBQ/Enhance Beauty), Permission has been given to expend the balance of the Calor Fund on Joan's Garden £1,195 and the Council expects to receive an estimated £400 from the sale of Xmas Flags (not Xmas Trees) and an Xmas Fayre. Making an estimated total of £2,745.00.

Expenses of £1,195 have been incurred on procuring lighting (white) for Joan's Garden in Silver Street.

Further expenses of £970 have been identified in connection with the High Street. This figure includes an estimate of £719.

The council is asked to approve further expenditure of up to £1,300 on lighting products/electricity supply for the main street with any surplus to be committed to a dedicated reserve for Xmas Lights.

<b>Receipts</b>		Tr.	£
Donation*	Enhance Beauty	104	£800.00
Jubilee Barbeque*	Jubilee Barbeque	64	£350.00
Calor Fund (restr.) *	Joan's Garden	N/A	£1,195.00
Estimate Sale of Xmas Flags	KSTC	Estimate	£200.00
Estimate Xmas Fayre	Masonic Hall	Estimate	<u>£200.00</u>
			£2,745.00
<b>Expenditure</b>			
<u>Joan's Garden</u>			
Light Strings*	Christmas Plus (4711)	125	£487.00
Snowfall Fittings*	Christmas Plus (4712)	127	£260.00
150 LED (White - BC)*	Christmas Plus (4713)	124	<u>£448.00</u>
			£1,195.00
<u>Main Street</u>			
Lamp Harness BC Fittings*	Christmas Plus (4710)	126	£250.00
100m Festoons	Connect Pro	Estimate	<u>£719.99</u>
			£969.99
		surp/def	£580.01

\* Paid/Received