

## 18 April 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.

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

3 members of the public were present.

22/206 **Public Participation.**

A member of the public and a prospective councillor asked how the public could put items on the council's agenda. Public Participation took place at any meeting where any elector could bring up any matter of concern to the Town/Parish Area without notice. If the council was required to make a formal decision on the item by resolution then the item must be on the agenda. The agenda is prepared by the Clerk and published four working days before the meeting. Councillors are asked to suggest agenda items before each meeting.

22/207 **Westmorland and Furness Councillors Participation.**

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

Cllr Murray thanked all retiring councillors on Cumbria & Eden Councils, especially Sandy Lancaster and Phil Dew. There had been a good turnout for the meeting with representatives of United Utilities (UU) on the 5<sup>th</sup> April. A pledge had been made (by UU) to work with the Eden Rivers Trust and the National Park. They had made a further pledge to deliver 'hard engineering' in Kirkby Stephen prioritising the elimination of dry weather spills from the combined sewer. The AGM of Westmorland & Furness Council would elect a new leader and Cllr Murray was looking forward to the first meeting of the Locality Board on the 9<sup>th</sup> May.

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

Cllr Dew reflected on the last meeting of Cumbria County Council on the 23<sup>rd</sup> March, noting that Leader Stuart Young had been absent. The last meeting of the local committee had taken place and had awarded a £750 grant to the toddler group run by Kirkby Stephen Community Arts. 16 councillors would serve on the new locality board. Regarding the meeting with UU Cllr Dew noted that they were the worst polluter in the country. Issues to address included increasing storage capacity at the sewerage works and balancing action on pollution with the disruption caused by engineering works.

Appleby Fair. The Multi Agency Strategic Co-ordinating Group (MASC) would meet on the 24<sup>th</sup> April. Steph Cordon (Thriving Communities) an Assistant Director at Westmorland and Furness Council would be its new Chairman. A meeting had been held on the 27<sup>th</sup> March, police were planning for the event with awareness of the local criticism of last year's policing.

Cllr Dew had taken on the role of Chairman of Governors at Kirkby Stephen Grammar School. Cllr Dew had been made aware of concerns expressed

regarding the possibility of movement of the sheep benches outside the visitor centre.

Cllr Dew congratulated the Chairman on the success of the Easter Rally.

**22/208 Participation of the Police**

None. The forthcoming retirement of a local PCSO was noted.

**22/209 Apologies & Welcomes**

The Chairman welcomed 3 members of the public to the meeting and all Councillors. This was the last meeting of Kirkby Stephen Town Council before the election on the 4<sup>th</sup> May when councillors and prospective candidates would be elected. Thanks were due to all councillors Kirkby Stephen, Town Council, Eden Council and Cumbria County Council. Council staff were thanked by name. The Covid pandemic had been a significant event in the life of the council and had claimed the life of longstanding councillor and council chairman Joan Johnstone. It had been an honour to serve the council as its Chairman and he looked forward to the 'makeover' of the Visitor Information Centre. The delivery of a Memorial Garden celebrating Joan Johnstone at Silver Street and to the opportunity to explore his aspiration to create a Civic Hall and of course, to more Christmas Lights!

Cllr Dew congratulated the Chairman on his stewardship of the council noting that the former chairman would have been proud of the way the council was being led and also on the success of the Easter Rally which had made a significant contribution to the local economy with so many visitors in attendance.

There were no apologies/absences.

**22/210 Declarations & Dispensations**

Declarations of Interest were made as follows:

Cllr Dew; Evergreen Community Trust, Burial Board. Agenda; 10, 20.2. 20.3

Cllr Birtles; Planning 20/0200, Evergreen Community Trust, Upper Eden CIC,.

Agenda; 6, 10, 20.3, 20.4, 23.2

Cllr Richardson; Evergreen Community Trust, Easter Rally. Agenda; 10, 20.3 20.4

There were no declarations of Pecuniary Interest, dispensations were granted for councillors to participate in discussion. It was agreed that Cllr Birtles would leave the room for discussion of item 6. Planning 20/0200.

**22/211 Exclusion of Press & 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 item 22, Staff Matters.

**22/213 Minutes**

The Chairman was authorised to sign the draft minutes of the Ordinary Meeting held on 7 March 2023 as a true record (Subject to a minor amend).

**22/214 Planning (W&F)**

23/0200. Site address: 22 NORTH ROAD, KIRKBY STEPHEN, CA17 4RH.

Description: Removal of 3no trees in conservation area. Cllr Birtles left the room for discussion of this item. There were no objections.

22/215 **Planning (W&F)**

23/0188. Site address: LAND OFF CROGLAM PARK, ROWGATE KIRKBY STEPHEN.  
Description: Variation of condition 2 (plans compliance) linked to application 19/0913 . There were no objections.

22/216 **Proposed Children's play area at Local Links**

The council had received a visit from Cumbria County Council's Early Years and Childcare Adviser (Senco) on the 22 March arranged through Cllr Birtles regarding Cumbria County Council's plans for a significant development of the former play area at Kirkby Stephen Local Links. They had briefed Cllrs Birtles and Richardson of the plans to which £47k had been allocated. It was suggested that an alternative and better site might be the Evergreen Building Grounds at Redmayne Road which was being refurbished as a youth centre and where safeguarding issues might be better managed. Councillors had been circulated with details of the proposals which had been presented at that meeting. It was expected that implementation would take place in June. The visit was advisory and not a consultation. Councillors were of a unanimous view that the implementation of the scheme should be reconsidered. No consultation had taken place with key parties and a better location existed at Kirkby Stephen Youth Centre. Cllrs Dew & Murray would liaise with W&F Council Staff as appropriate and report back. It was agreed that the scheme as proposed would limit the potential of the Local Links site for possible development and review. The Town Council favoured a more consultative approach that would look at options for the whole community for the area. It was agreed that the proposal as it stood contradicted the principle of locality working adopted by W&F Council.

22/217 **Grass Cutting**

The Clerk had circulated Councillors with a schedule detailing the grass cutting required by the council with details of the proposed Job & Advertisement on the 29<sup>th</sup> March. Councillors had given approval for the recruitment process and RATIFIED the action taken by email. The post had been advertised in the Cumberland and Westmorland Herald with a closing date of 17 April. Two applications had been received. Cllrs Richardson, Lancaster would see the applicants with the Street Cleaner and Clerk and make an appointment.

App.1

In relation to Grass Cutting councillors ratified approval of estimated expenditure as follows:

Equipment	£2,044
Labour	<u>£3,501</u>
Total	£5,545

The Council had set a budget for the maintenance of Open Spaces at its January Meeting & Grass Cutting had been estimated at £6,020.

Councillors approved the report and expenditure detailed in it.

22/218 **Evergreen Community Trust**

Cllr Dew reported on progress.

A significant amount of the phase 1 and 2 works had been completed. External insulating render was expected to be finished shortly.

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Additional Insulation had been fitted at significant cost and fundraising to cover that cost was in hand with applications due to be determined shortly.

Heads of Terms for the lease to Kirkby Stephen Youth Centre had been offered and accepted.

An annual return for the Charity Commission was due on the close of the last financial year.

During the refurbishment it had become clear that the structure was in very good standing and that the decision to refurbish rather replace the building had been the right one.

Cllr Dew looked forward to the opening of the Centre and congratulated Members and Staff of Eden District Council for their support of the project through the Inspiring Eden Fund. Especially Cllr Mary Robinson. It was a good legacy for the retiring council.

**22/219 Jubilee Park Charity**

A Deed of Variation in favour of Westmorland and Furness Council and extending the grant period to 30 September 2023 in respect of the Inspire Eden Funding of a feasibility study for entrance improvements had been circulated to councillors and was considered and unanimously approved for signature by the Chairman and Vice Chairman.

Thanks to volunteer led effort the Park was looking in very good shape.

**22/220 Transport Audit | Saturday Bus Service**

Cllr Walker reported on the information coming back from Stagecoach regarding the bus service. The service required £397 per day to break even. The first three weekends including the Easter Rally were showing were showing approximately 80 passengers a day yielding a farebox in re region of £300.

The data could inform marketing of the service using the Bus services Operators Grant (BSOG) funding. Cllr Walker would liaise with the clerk over its use.

Date	Passengers	Expected Credit
1/4/2023	84	324.08
8/4/2023	79	302.17
15/4/2023	76	304.56

Fare Types across first three weekends.

Child Single	13
Adult Single	104
ENTCS	122

**22/221 Stenkrith**

Cllrs Murray, Richardson and the Clerk had met with one of the owners of Stenkrith (13 April 2023). Visiting the park during the day and holding a discussion. The owners (the ownership is split between three siblings) were in possession of a rental agreement dating from 1962 and an agreement prior to that dated 1889. The council did not have copies of these agreements and it had been agreed to supply the council with good copies for review.

Rental costs for the park were £550 with the council insuring all liabilities.

It had been said that all liabilities for upkeep rested with the council.

The council had made provision in the 2022 year for repairs to the perimeter wall and bottom fence and culvert. However on visiting the site with the contractor the clerk had been unwilling to recommend the rather more substantial expenditure required without knowledge of an agreement as no agreement was known to him. The meeting had been arranged to discuss these issues.

Costs had been estimated as follows:

Replace Post and Wire fence to adjacent field £3,380 + vat.

Restore Culvert, Repair Wall to road and Gate Fence at the bottom of the park £2,920 + vat.

When the budget had been set in January it had been agreed not to precept for these items but following review fund the maintenance backlog in whole or part from reserves as a one off expenditure.

It was agreed that the clerk would reprice the works and seek the appropriate number of quotes.

Priority would be given to the repair of the collapsing culvert. Fencing repairs would be postponed until the agreement had been reviewed. The clerk would write to the owners.

**22/222 Finance**

The schedules of receipts and payments and bank reconciliation for the month of March 2023 were received and APPROVED together with forward approval 'in principle' of regular/budgeted payments, Salaries, PAYE & NIC.

The closing balance of £144,617.95 was noted.

Payment under the SLA with Eden District Council regarding Local Links of £5k (310) was noted.

**22/223 Finance**

The full year accounts (2022 2023) and bank reconciliation were received and approved, In summary:

£157,631.03	Opening Balance
£144,617.95	Closing Balance
£150,223.88	Receipts
£163,236.96	Expenditure

The clerk has prepared a statement of significant variances for the auditor which will be made available on the website under 'Annual Publications'. The impact of raising holding and disbursing restricted funds for the benefit of the Evergreen Community Trust had led to movements in funds that increased expenditure by £61,256. Taking this into account the underlying variance on the previous year's accounts is just -£259 on all payments other than employment costs. Following the regrading of pay and the application of back pay awards and an increase on the national minimum wage together with hours worked over contract an increase of £16,243 was recorded in staff costs.

**22/224 Finance**

The 4th Quarter Budget Monitor was approved. Reserves were noted to be higher than expected. However the unrestricted reserve was not sufficiently large to require formal explanation to the auditor being less than twice the precept. At the year end reserves were as follows:

Unrestricted Reserves	£124,681
Restricted Reserves	<u>£19,937</u>
Total	£144,618

**22/225 Annual Governance and Accountability Return (AGAR) Governance Statement.**

The Council approved the Annual Governance Statement.  
The Chairman and Clerk were authorised to add wet signatures.

**22/226 AGAR**

**Accounting Statement.**

The Council received and approved the Annual Accounting Statement and noted the signature of the RFO dated 3 April 2023.  
The Chairman was authorised to sign the Accounting Statements.

**22/227 Notice of Public Rights**

The Clerk was authorised to publish 'the Notice of Public Rights' on or before Sunday the 4 June 2023.

**22/228 Grant Payments 2023 24.**

In line with the budget set in January councillors authorised the payments of grant contributions to:

1. Jubilee Park Charity, £1,000 & £400.00, Grant from Westmorland Dales received by KSTC in error (244) and a Wayleave £15.16 (245).
2. Kirkby Stephen Joint Burial Committee, £2,330
3. Evergreen Community Trust, £1,500
4. Upper Eden Visitor Information Centre, £250. Held back pending the signature of the lease for the Visitor Centre and rent due for 2022/23.
5. Easter Vehicle Rally, £1,000
6. Defibrillator Batteries, £60
7. Contribution to Travel Costs Scout Jamboree, £150
8. Westmorland Dales Bus, £250

And movement of Funds as follows:

£3,500 to add to the Assets Reserve.

**22/229 Reserves.**

Councillors authorised the clerk to offer the Clock Fund comprising sufficient funds to provide for 10 years maintenance to the Church.

Councillors authorised the Clerk to establish a new restricted reserve with an opening balance of £8,512 to provide subsidy to the 563 Saturday bus service comprising financial support from other Parishes and £5k from KSTC.

22/230 **Portfolios.**

1. Town Council Administration. An election would be held on the 4<sup>th</sup> May, for the 9 seats on Kirkby Stephen Town Council. There are 11 Candidates. Electors can vote for up to - but no more than - 9 candidates. The candidates are: Alex Birtles, Phil Dew, Maurice Hall, Sandy Lancaster, John Murray, Paul Richardson, Dorothy Thornton, Christine Tinn, Adrian Waite, Mike Walker & Grace Wren. Electors should be aware that for the first time in the UK they will need to present photo ID when they vote in person. Electors using postal or proxy votes will not have to present photo ID.
2. Property. The Lease on the Upper Eden Visitor Centre was still unsigned and the rent due in 2022 23 unpaid at the year end. AB to expedite. It was noted that the grant agreed in 2022 23 to the Upper Eden CIC regarding the operation of the Visitor Centre was withheld pending completion of the agreement. Repairs had been carried out to the render where leaks had been found during adverse weather. The repairs had not had the effect of curing the problem but it was accepted that the work had been carried out and it was agreed to pay the invoice for the completed works as agreed and investigate/address the continuing problem. Correspondence had been received regarding the refurbishment of the exterior of the building and the creation of memorial garden celebrating Joan Johnstone at Silver Street. The suggested inclusion of the sheep seating currently situated outside the Visitor Information Centre in the memorial garden was opposed by correspondents. It was agreed that the correspondence was premature and that the proposals would be consulted on when finalised. Correspondents had received a reply advising them of the councils intention to consult on any proposals and asking them to keep an open mind on the subject. Buildings Insurance for Visitor Information Centre in the 23/24 year was £310 recoverable from the tenant.  
Update regarding Bus Shelters. Cllr Murray had not had the opportunity to discuss the issue with Walkers are welcome prior to the exchange of a volume of correspondence. Further discussion would be arranged to cover the term of the agreement, arrangements for replacement, issues regarding clear view/transparency and the use of the bus shelters for advertising purposes.
3. Open Spaces. Proposals for Silver Street Gardens were with Highways (W&F) who had made detailed observations about traffic movement and road access. The designer was looking again at the proposals in the light of their input and further design work was anticipated before the scheme could be consulted on.
4. Community Planning. Volunteers had met together for the first time in a while and had unfortunately succeeded in spreading Covid amongst themselves.
5. Community. An incident had occurred in Stenkrith where a young person had been aggressively approached by a member of the public regarding their riding of bikes and the use of an informal track. The council did not object to young people riding bikes/creative play.  
The Easter Rally had been a tremendous success with an estimated 11,000 attendees 350 exhibits and 3,500 visitors to Kirkby Stephen East. The Chairman was congratulated on his organisation and management of the event. Visitors had left virtually no litter and there had been good coverage of the event in the Cumberland and Westmorland Herald.
6. Highways. Westmorland and Furness were responsible for Highways and schemes advanced under the aegis of Cumbria County Council in respect of the Ped X at the Spar, Signage, the gate and fencing at Edensyde would be

completed. The yellow lines introduced at the crescent to promote the safety of children had caused unjustified complaints.

7. Tourism and Events. The Eden Tourism Network would meet on the 29 June. The Settle and Carlisle Community Rail Partnership would meet on the 11 May at 11:00. Cllr Walker would attend (if re-elected) – the current council favoured their proposal to alter their governance model. the Yomp would go ahead on the 4<sup>th</sup> June with a possible use of the Jubilee Park Layby as a staging point.

22/231 **Meetings/Diary**

16 May 2023 Annual Meeting. Other meetings to be advised pending outcome of Contested Election on 4 May 2023.

4 June 2023. Yomp.

5 June 2023 two representatives to forum meeting for the western parishes within the Yorkshire Dales National Park. 7pm, at Ravenstonedale Community and Heritage Centre were required.

22/232 **Staffing matters**

**Confidential Minute**

The following were approved.

Increments of pay under contract.

Cumbria County Council Pay Award and increase in Minimum Wage in 2023 24.

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**Chairman**

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**Date**

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*Chairman's Initials*



## Appendix 1

### Grass Cutting Report 29 March 2023

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#### Grass Cutting

The council agreed to examine a proposition for grass cutting based on a part time employee rather than a contractor. 22/027.4, 22/135

The council's outdoor maintenance schedule has been reconciled to a wild flower scheme proposed by two residents and agreed in principle by the council. The time required and resources required have been estimated using the attached spreadsheet and checked by comparison with the time taken to complete each cut by the contractor last year.

#### Equipment

A self-propelled mower and strimmer will be required together with work clothing & PPE. Costs for this are estimated at £1,372.

In addition, a ride on mower will be needed and could be hired (delivered to site) at a cost over the whole year of £672 per year. (£24 per hire)

#### Labour

The work is estimated at 22.5 hours per fortnight for a 7-month period.

On this basis 30 weeks at the living wage £10.42 x 11.25hrs for 30 weeks (03/04/23 to 27/10/2023) the position would cost £3,501 or 116.70 per week.

NB to qualify for NIC an employee needs to earn more than £175 per week. To qualify to make voluntary pension contributions the post would need to earn more than £120 per week<sup>1</sup>.

#### Costs

Year 1 (2023)

Equipment (Purchase and hire)	£2,044
Labour 30 weeks @ 11.25hrs	<u>£3,501</u>
Total	£5,545

#### Finance & Resources

The council has set a budget for 2023 24 as follows for the maintenance of open spaces

Maintenance Schedule 1 (Regular Grass Cutting)	£6,020
Maintenance Schedule 2 (Low Frequency/Occasional)	£2,510
Maintenance Schedule 3 (Hedges)	£490
Maintenance Schedule 4 (Trees)	£655

#### Other Considerations

Contractors will still be needed to carryout specialist work with specialist equipment. In terms of grass cutting this will be a cut of long grass/wildflowers and removal of arisings once a year using a scissor cut mower. It is proposed that this be added to Schedule 2 costs which would remain with the existing contractor (a meeting is arranged for the 30<sup>th</sup> March).

From schedules 2 & 3 (Low Frequency)/Occasional) of the existing maintenance schedule low frequency items should continue to be instructed to the contractor as follows:

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1. Edensyde Annual Spring cut of the meadow areas
2. Edensyde Spraying of creeping thistles (annual)
3. Edensyde Spraying of Nettles (annual)
4. Stenkrith Annual cutback and strimming of brambles
5. Christian Head Cut back shrubbery as instructed.

Schedule 3

1. Hills Bottom Hedge Trim November
2. Edensyde Hedge Trim in November

Schedule 4

In addition, Treework/surveys should be separately commissioned.

Subject to Councillors Agreement and confirmation it is proposed to advertise and promote a post of 'Outdoor maintenance operative' April to October as soon as reasonably possible.

Christian Barnes 22/3/2023.

DRAFT