

KENDAL TOWN COUNCIL

Council : 2nd February 2009 at 7.30 p.m. in the Town Council Chamber, Town Hall, Kendal

PRESENT The Town Mayor (Councillor C. Feeney-Johnson) in the Chair;
Councillors A. Robinson, C. Mayho, M. Simpson, T. Clare, T. Rothwell,
G. Vincent, G. Murfin, G. Cook, G. Raymond, J. Bateson, P. Beavan, R. Boden,
J. Brook, C. Hogg, K. Thompkins, J. Veevers and A. Kaye.

APOLOGIES Councillors R. Yates, M. Radice, K. Bracey, P. Bramham, E. Farrell and
B. Jameson.

OFFICERS Liz Richardson (Town Clerk), John Hutchinson (Town Treasurer), Margaret
Graham (Secretary).

Also in attendance were Alastair McNeill and Lorraine Woodend, South Lakeland
District Council.

526/08/09 TRIBUTES TO THE LATE COUNCILLOR CHARLES BATTESON PhD

Those assembled paid silent tribute to the memory of the late Councillor Charles
Batteson.

In a brief eulogy, Councillor Tony Rothwell spoke of Dr Batteson's brilliant mind
and knowledge of politics, and his avid love of sports - especially cricket; he said
how much he would miss his friend Charlie, and sent heartfelt sympathy to his
family. Councillor John Bateson said he had shared a love of "all things railway"
with Charles Batteson. He would always remember the image of a quintessential
Englishman – his intelligence, his integrity and his humanity.

The Mayor said that the Councillors would miss Councillor Batteson's exciting
debates, and expressed the sincere condolences of the Town Council to his
family.

527/08/09 LOCAL DEVELOPMENT FRAMEWORK

A presentation on the Local Development Framework (Allocations of Land) was
given by Alastair McNeill, Senior Development Plans Officer, SLDC. Mr McNeill
apologised for the fact that, because of the inclement weather, Steve Ottewell,
the Interim Development Plans Manager, was unable to attend the meeting. He
referred to the current Allocations of Land document which was out for
consultation. He confirmed that SLDC needed feedback.

A briefing session for Parish/Town Councillors had been held on 21st January
2009. This had been attended by Councillors Beavan, Clare and Robinson. As
a result, Members had received a briefing note for the meeting. Councillors had
previously been supplied with maps showing proposed development sites within
their Wards. Mr McNeill agreed that the maps produced contained what SLDC
hoped were every area of land that was not yet developed, but said that the
majority of these would not be developed for various reasons. However, he felt
that a few sites might come forward which were not included in the maps, and
suggested that Councillors should check the SLDC website for up-to-date
information.

Mr McNeill explained that the Local Development Framework would replace the former Development/Structure Plans and the Local Plan, and would cover the 15 years from 2010 to 2025. The Framework comprised of a series of documents covering the South Lakeland area outside the National Parks – which were also undertaking consultations on future development within the same time-scale. Two main documents were the Core Strategy, on which consultation had already taken place, and the Allocations of Land document. Each “area” Framework would need to be taken into account within the wider context of both Regional and National development, and to conform to regional and national policies.

Mr McNeill stressed that the current aim was to raise awareness and interest in the process, and gathering information, and that NO decisions had been made. He urged Members to look at the discussion paper, be selective and focus on items of interest, and respond to the consultation – both as individuals and formally as a local authority consultee.

Mr McNeill responded to questions from Members, reflecting the contents of the briefing note which had raised concerns in respect of certain areas of proposed development, and suggestions as to how the available land could be put to the best development use:-

- The criteria used in assessment – the need to ensure that these were applied consistently
- Demand – to reflect changing circumstances of economy – whether short-term or strategic
- Other schemes (e.g. the Canal Restoration, Sports Village). Are their special requirements included in the Framework Document?
- How valuable is the landscape setting/rural fringe of the town?
- Out of town development and its impact on town centre businesses, land conservation, and increased carbon footprint
- Housing/office accommodation to be built over existing car parks, to conserve land

Specific areas of concern included

- The “green belt” at the Oxenholme Road triangle
- The area opposite the Beck Community Centre
- “important open spaces” at Vicarage Park
- Castle Road – proposals to build on “prominent” land

Councillor Beavan, Chairman of the Planning Committee, felt that Kendal might have to take the brunt of the proposed development growth, and asked what percentage of growth was envisaged for Kendal. Mr McNeill said that most communities felt they were getting too high a share of proposed development. He assured the Council that its earlier comments on the Core strategy would be taken into account, and that SLDC would welcome alternative, constructive proposals from Parish/Town Councils. He confirmed that the results from the Core Strategy consultation gave a 43% share of new development for Kendal (including Oxenholme, Burneside and Natland), but he would expect this to take a notable drop.

He stressed that that there was a strong emphasis on delivering affordable housing sites, but the assessment process would rule out sites needed for amenity purposes and public open spaces, and some sites which had been included by mistake. Account would have to be taken of availability (e.g. of larger sites) but the District Council would be consulting further on “preferred sites” when the results of the consultation and assessment process were known. Members felt that there were key issues about the type of housing, which was needed – particularly in more rural areas; and the danger of rejecting very suitable sites because owners did not want to sell. Mr McNeill felt that the local authority might need to over-allocate to some degree to allow for sites not delivered.

Mr McNeill thanked the Council for the opportunity to put SLDC’s case and said he looked forward to receiving feedback on the consultation documents.

528/08/09 MINUTES – 5TH JANUARY 2009

Councillor Chris Mayho pointed out that his attendance at the meeting had not been recorded.

RESOLVED that, subject to the above amendment, the minutes of the meeting of Council held on 5th January 2009, having been circulated to the Council, be approved as a correct record and signed by the Chairman.

529/08/09 MAYOR’S COMMUNICATION AND ANNOUNCEMENTS

Lists of engagements undertaken by the Mayor and Deputy Mayor were circulated.

The Mayor drew attention to the following:-

- A copy of Standing Orders had been issued to each Member with the Council agenda; Councillors were asked to pay particular attention to the Annex containing the Code of Conduct for Members.
- Summaries for the Annual Report, to be written by Committee Chairmen, should be submitted to the Town Clerk by 6 February.
- RED NOSE DAY (Friday, 13th March 2009) – the Mayor and the Town Crier would be collecting for Comic Relief in Kendal Town Centre
- The new picture on exhibit in the Council Chamber was one of three panels prepared by pupils of Queen Katherine School on the theme of “What Kendal means to me”
- Mayor’s Sunday (5th July 2009) – Members were asked to provide information to the Administrative Assistant on any groups/organisations operating within the Town/Members’ Wards who would be interested in taking part in the Mayor’s Sunday parade/celebration.
- The Mayor’s Ball – in aid of the Mayor’s Charities – would be held in the Assembly Room at the Town Hall on the evening of Friday, 15th May (N.B. this has since been amended to **8th May**) at a cost of £30 per ticket.

530/08/09 NOMINATIONS FOR MAYOR / DEPUTY MAYOR

The Town Clerk invited nominations (with seconders) for the offices of Mayor and Deputy Mayor in 2009/2010. Nominations were required by the end of February, and would be reported to Council at its meeting on 2nd March 2009.

531/08/09 COMMITTEE STRUTURE AND ATTENDANCE

Councillor Austen Robinson explained that the issue had been raised at Management Committee because of concerns over lack of Member attendance at meetings.

Questions had been raised as to whether Members were being overstretched because of the number of Committees, and if the numbers of Members on committees were unrealistic. A separate but related issue was the requirement to publish a table of member attendance at Council meetings in the Annual Report. Management Committee had agreed that the Town Clerk should be asked to record information on attendance at Council and Committee meetings, for publication in the Annual Report from next year (ie attendance during the 2009/2010 year).

Councillor Gwen Murfin pointed out the difficulty of attending evening meetings because of lack of public transport, and the cost of taxis.

Councillor Robinson referred to suggestions to merge Committees or revise Committee functions, as discussed at the Management Committee meeting on 19 January 2009 (Minute 484/08/09 refers). Specifically, it was proposed to

- merge the Mayoralty Committee with the Arts and Heritage Committee, and
- transfer the Festivals function from the Arts and Heritage Committee to the Christmas Lights Committee.

Councillor Robinson urged Members to attend meetings as well as they could. Councillor Chris Hogg proposed that the merging of Committees be approved.

RESOLVED that

- (1) the merging of the Mayoralty Committee with the Arts and Heritage Committee be approved;
- (2) the transfer of the Festival function from the Arts and Heritage Committee to the Christmas Lights Committee be approved; and
- (3) the requirement to publish a table of Member attendance at Council and Committee meetings be noted,

532/08/09 OUTSIDE BODIES

The Town Clerk provided a list of Outside Bodies, indicating which Councillors were the representatives for 2008/09 and where reports should be presented (either to full Council or to a Committee, as appropriate).

RESOLVED that the information be noted.

533/08/09 PAYMENT SCHEDULES – DECEMBER 2008

The Town Treasurer presented a schedule of payments made by the Council in December 2008 and responded to Members' queries on individual entries.

RESOLVED that the Payment Schedule for December 2008 be approved.

534/08/09 ANNUAL TOWN ASSEMBLY

The Town Clerk confirmed that the Annual Town Assembly would be held on Monday, 23rd March 2009 and would be open to the public. She stressed that it would NOT be a normal Town Council meeting. She invited suggestions for external speaks to provide interest, and it was agreed not to overload the agenda but to confine invited speakers to one. It was agreed that the Fire Service should be invited to speak.

RESOLVED that the date of the Annual Town Assembly be noted, and the Town Clerk be requested to invite the Fire Service to speak at the meeting.

535/08/09 WAINWRIGHT STATUE

The Mayor brought Councillors up to date on progress. She explained that the Kendal Futures Board was taking a lead on the project in partnership with South Lakeland District Council, and with input from Joanne Golton, Kendal Regeneration Manager. The statue, which was to be designed by the celebrated sculptor Graham Ibbesen, would cost in the region of £80,000. It would be paid for through public and corporate fundraising by Cornerstone Marketing, the company which had raised the funds for the Eric Morecambe statue in Morecambe and the Laurel and Hardy statues for Ulverston.

Although the project was at a very early stage, the Mayor felt that the Wainwright statue would bring people into Kendal to see it, and said that discussions were being held to find an appropriate site.

The Town Council was asked if it would be prepared to accept ownership of the statue, and cover the annual maintenance and insurance costs. After some discussion on the merits of having such a sculpture for the town, and the annual costs, it was

RESOLVED that the Town Council accept ownership of the statue, and meet the annual maintenance and insurance costs.

536/08/09 LANCASTER CANAL

Councillor Chris Mayho reported that he had attended a meeting of the Steering Group during the previous week. It had become apparent that additional funding was required to meet the cost of the imminent Planning Application, and partners were being asked to contribute. As the local planning authority, SLDC was not allowed to waive the planning application fee.

Reflecting Members' concerns about cost implications, the Town Treasurer was asked to clarify exactly how much the Town Council had contributed to the project. Councillor Mayho explained that monies contributed were held by the "Waterways Trust" Charity.

The Town Council had already contributed to the costs of meetings, actual projects (within Kendal), and feasibility studies and reports. The Treasurer reported that the financial situation was as follows:

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Contribution approved by Council

2003/04	£ 10,000	
2004/05	7,300	
2004/05	7,700	25,000
2006/07	5,000 (untouched)	

Spending

Corporate Fund Management Fee	£ 1,500	
Canal Master Plan	10,000	
Environment Engineering	5,000	
Kendal Civic Society (Natland Mill Beck Steps)	2,000	
		<u>- 18,500</u>
Balance Remaining		<u>6,500</u>

Accounted for in earlier years' accounts		£ 25,000
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Councillor Tom Clare suggested that the Trust should be asked to identify the shortfall, after receiving replies from other stakeholders, so that the Council could consider the extent of its contribution. Councillor Mayho proposed that £5,000 be offered. Councillor John Veevers asked that the full planning application be presented to the Council.

RESOLVED that £5,000 be donated towards the cost of the planning application.

Note: *In accordance with Paragraph 10 of the Council's Standing Orders*

- (1) *Councillor John Veevers requested that his vote against the proposal be recorded; and*
- (2) *Councillors Paul Beavan and Rob Boden requested that their abstentions from the vote be recorded.*

537/08/09 KENDAL MUSEUM

A summary of a proposed arrangement, between South Lakeland District Council and Kendal College, for the day-to-day management of the Museum, was presented by Councillor Tom Clare. The principal elements were:

- SLDC would pay an annual grant to the College to run the Museum. SLDC would retain responsibility for the buildings, maintenance and insurance. The College would take on the Museum staff (under TUPE regulations) and manage the museum service.

- The Museum would continue to operate under its accreditation by Museums, Libraries and Archives (MLA) and would be open to the public for 15 hours per week. The collections would remain housed within the Museum buildings.
- An Advisory Board of representatives from SLDC, the College, the Town Council and Museum staff would oversee the running of the Museum and the Management Agreement. (Councillor Clare is currently the Town Council representative on the Board).

Councillor Clare felt that, as Trustees of the Museum buildings, Town Councillors might want to comment on the proposed management agreement, particularly since the Town Council had not been party to the discussions. He also suggested that, if the College wished to vary any practices or conditions in the future, these should be presented to the Town Council as well as to SLDC.

He felt it would be useful for the Trustees to receive an Annual Report from SLDC.

It was noted that there was to be a meeting of Town Council Members, in their role as Trustees of the Allen Institute and Kendal Museum Charity, immediately following the Council meeting.

RESOLVED that the situation be noted.

538/08/09 PLANNING COMMITTEE

The Chairman of the Planning Committee, Councillor P. Beavan, presented the minutes of the meetings held on 5th and 19th January 2009.

RESOLVED that the minutes of the Planning Committee meetings held on 5th January and 19th January 2009 be received.

539/08/09 ENVIRONMENT COMMITTEE

The Chairman of the Environment Committee, Councillor Tom Clare, presented the minutes of the meeting held on 12 January 2009. Members were updated on the following items.

Minute 454/08/09- Somervell Garden

The Town Clerk had produced a mock-up of the proposed plaque for the site, publicising the Town Council's involvement in the project. The Town Clerk sought clarification as to whether the project was to be known as "Somervell Garden" or "Somervell Steps". It was agreed that the original project was called "Somervell Garden" and had never been formally changed by Council to Somervell Steps.

In response to a query from Councillor Jonathan Brook, the Town Clerk reported that the delay on the project because of bad weather had no cost implications and that an official opening ceremony would be held in the Spring.

Minute 456/08/09 – Parks and Bio-diversity

It was reported that the Fellside Forum was keen to work with the Town Council on improvements at Serpentine Woods.

The interpretation panels alongside the river were being designed by a local artist, Christine Sherwood, linked to work being undertaken by the Kendal Futures Board through Joanne Golton, Kendal Regeneration Manager. Ms Golton had suggested that all interpretation panels should be in the same “house style”.

Note: *Councillor Chris Hogg declared a personal interest in the Greenside Lime Kiln because he is a Member of South Lakeland District Council.*

Minute 458/08/09 – Greenside Lime Kiln

Members discussed the request from South Lakeland District Council for funding towards the cost of additional, unforeseen work at the site of the Lime Kiln. After some deliberation, it was agreed to offer £500 from the Development Fund for 2009/2010.

Minute 459/08/09 – Recycling – Booths Supermarket Ltd

Members agreed to approve the cost of supplying recycling bins outside Booths Supermarket.

Minute 460/08/09 – Nether Bridge Coping Stones

The Town Clerk reported that she had written to the Director of Highways at Cumbria County Council. A response had been received which confirmed that lime mortar had been used in re-fixing the stonework, although some of the damaged coping stones had had to be replaced. The Town Clerk was asked to circulate the letter to Members.

Minute 461/08/09 – Transition South Lakes

Councillor Rob Boden was nominated as the Council’s representative to Transition South Lakes, in addition to his existing representation on South Lakeland Action for Climate Change.

RESOLVED that

(1) the minutes of the Environment Committee held on 12th January 2009 be approved;

(2) the specific recommendations at the following minutes be approved –

Minute 454/08/09 – Somervell Garden

The mock-up of the proposed plaque be approved, and the project be named as “Somervell Garden”.

Minute 458 – Greenside Lime Kiln

A donation of £500, from the Development Fund for 2009/2010, towards the additional works be approved

Minute 459 – Recycling at Booth's Supermarket

The cost of applying recycling bins outside Booth's Supermarket, at an estimated cost of £420, be approved;

- (3) Councillor Rob Boden be nominated to represent the Council on Transition South Lakes, and the Town Clerk be asked to write to the organisation indicate the Town Council's support for the initiative; and
- (4) the Town Clerk be asked to circulate to Members the response from the Cumbria County Council Director of Highways in respect of coping stones at Nether Bridge.

540/08/09 CHRISTMAS LIGHTS COMMITTEE

In the absence of the Committee Chairman, Councillor Rob Boden presented the minutes of the meeting of the Christmas Lights Committee held on 15 January 2009.

RESOLVED that

- (1) the minutes of the meeting of the Christmas Lights Committee held on 15 January 2009 be received; and
- (2) the specific recommendations at the following minutes be approved –

Minute 465/08/09 – Display 2008

The re-allocation of funds of £5,000 not taken up for the 2008 display

Minute 466/08/09 – Switch-on Arrangements 2009

The switch-on event for 2009 be held on Saturday, 21st November.

541/08/09 MANAGEMENT COMMITTEE

The Chairman of the Management Committee, Councillor A. Robinson, presented the minutes of the meeting held on 19th January 2009, and drew Members' attention to particular items of information, resolutions of the Committee, and recommendations which required the approval of Council in order that progress could be made on the issues.

RESOLVED

- (1) that the minutes of the Management Committee meeting held on 19 January 2009 be approved, and the actions taken be endorsed;
- (2) the approvals given in Minute 531/08/09 in respect of changes to Committees be endorsed; and
- (3) the specific *recommendations* at the following minutes be approved:-

Minute 485/08/09 - Consultation Document – Code of Recommended Practice on Local Authority Publicity

The Council does not need to respond to the consultation document, but will take on the recommendations of larger local authorities.

Minute 495/08/09 – Code of Conduct

Members' attention to be drawn to Annex 1 of Council's Standing Orders – Code of Conduct for Members;

- (4) the Town Clerk be requested to ascertain if NHS SOS wish to have formal Town Council representation on that Group.

542/08/09 EXCLUSION OF PRESS AND PUBLIC

RESOLVED that, in accordance with Section 100(B)(2) of the Local Government Act 1972, the press and public be excluded from the following item of business as it contains exempt information as described in Schedule 12A of the Act.

543/08/09 WAINWRIGHT AWARD

In accordance with Section 100(B)(2) of the Local Government Act 1972, the following report was excluded from inspection by members of the public as it contains exempt information as described in Schedule 12A of the Act, as amended by the Local Government (Access to Information) (Variation) Order 2006, as follows:-

- *Information relating to any individual [Paragraph 1]*

The Town Treasurer reported that a Public Notice in respect of the Award had been placed in the Westmorland Gazette on two occasions in January. The closing date for applications was 31 January 2009.

Members considered three applications for the Wainwright Award.

Clarification was sought on the criteria for groups or individuals promoting Kendal. The Town Treasurer reported that the criteria were "persons who had promoted the prestige of Kendal" and/or "contributed significantly to the betterment of its residents".

RESOLVED unanimously, that the Wainwright Award for 2009 be made to Mrs Wyn Newman in recognition of her work for the Senior Citizens Treat Committee, including the Annual Tea Party.

The meeting ended at 10.10 p.m.