

KENDAL TOWN COUNCIL

Management Committee : 20th April 2009 at 7.30 p.m. In The Mayor's Parlour, The Town Hall, Kendal

PRESENT Councillors T. Clare (in the Chair), J. Bateson (Deputy Mayor), P. Beavan, R. Boden, G. Cook, C. Feeney-Johnson (Town Mayor) and J. Veevers.

APOLOGIES Councillors A. Robinson (Chairman), P. Beavan, C. Hogg and K. Thompkins.

OFFICERS Liz Richardson (Town Clerk) and Margaret Graham (Secretary)
Also in attendance were David Sykes and Vicki Caldwell, South Lakeland District Council.

673/08/09 NEW ROAD

David Sykes and Vickie Caldwell of South Lakeland District Council were present to update Members on the New Road consultation process, following approval of the recommendations considered by the SLDC Cabinet in March 2009. Mr Sykes explained that Kendal Town Council had been asked to become a Member of the Working Group established to progress the consultation. Other members of the Working Group included Councillor Graham Vincent (SLDC Portfolio Holder), senior SLDC officers from Legal Services and Commercial & Technical Services, the Communications Officer and the Kendal Futures Regeneration Programme Manager.

There had been a meeting of the Working Group on Friday, 17th April which had been attended by Councillor John Bateson (deputising for Councillor Austen Robinson, the Town Council representative on the Group).

David Sykes was lead officer on the project, while Vickie Caldwell would carry out day-to-day management of the process. The consultation process was in preparation, sketching out the messages to be contained in the consultation document, presenting clearly and fairly the information based on advice received so that people could understand what can/cannot be done within the management scheme and by-laws, considering the format for a questionnaire, and how best to publicise the consultation. An exhibition was being planned for 6th – 24th July, and a meeting had been arranged with the company which were doing the market testing. It was hoped to take an update report to Cabinet in September, possibly October because there would be a lot of information to collate.

Comments made and queries raised by the Committee included (SLDC responses in brackets []):

- Would response forms be checked for any “cloning” – potential for pressure group responses to skew the results
- If the toilet block was retained, would it require deregulation? [The Secretary of State can give approval for certain works. It was proposed to remove the toilet block as the existing would not suit the

new arrangements. This will be included in the consultation questionnaire.]

- What about a “referendum” on this complex issue
- What is the response time to the consultation? [At least two weeks, but responses would be wanted while information was still fresh in the minds of responders]
- How does the Kendal Futures Board see the proposals for regeneration (Councillor Cook, KTC representative to report)
- What about publicising the Exhibition? Could Town Councillors be conducted round the exhibition? [Three occasions – two in Westmorland Shopping Centre, and one in Kendal Town Hall (open until 8.00 p.m.) Possibility of an Open Evening for Kendal Town Councillors before the full Council meeting in July]
- Replacement land / alternative sites
- Next meeting of Working Group [6th May – focussing on stages to go through / timetabling of projects to implementation stage]
- What about the Fair? [Taylors’ response had been quite constructive. More realistic information on the (re)location of the Fair should be available. SLDC would like to get more information on where people park (on-road / formal car-parking areas or elsewhere) when the Fair is in town.]
- Could the current potholes on the car park be made good in the interim? [This will be passed to David Conlin (Commercial and Technical Services) and/or NPS.]
- Publicity – get Westmorland Gazette involved? Possibility of a pull-out questionnaire section. How will they carry the story? [Editor to be invited to meeting]
- How do we demonstrate the consultation is valid? Additional statistics (e.g. from telephone poll?) [Focus groups. Sample of population to ensure statistically valid.]

In regard to a response on the consultation from the Town Council, Mr Sykes indicates that, in addition to the views of individual Members, it would be very helpful to have a “formal” response from the Council to add strength to the whole process.

Mr Sykes and Ms Caldwell were thanked for accepting the Committee’s invitation, and for the report on progress and clarification provided.

- RECOMMENDED** **that, at the appropriate time,**
- (1) Members be encouraged to attend the Exhibition and submit individual responses; and**
 - (2) Council respond formally to the consultation document.**

674/08/09 MINUTES OF 16TH MARCH 2009Minute 627/08/09 – Allocation of Land DPD

Councillor Clare confirmed that a further meeting had been held with Alastair McNeill, SLDC.

Minute 629/08/09 – Kendal Futures Board

It was confirmed that the Town Clerk had provided the Board with a list of relevant projects. There was some concern that the Board had asked the Town Council to become involved and did not appear to be taking any proposals/suggestions forward. Councillor Cook pointed out that the Board has its own current Work Programme, and suggested that it might take some time to incorporate any items suggested by the Town Council.

It was requested that declarations of interest were inserted after the item heading, and the Secretary undertook to ensure that this format was followed in future.

RESOLVED that the minutes of the meeting held on 16th March 2009 be accepted as a correct record.

675/08/09 APPLICATIONS FOR CO-OPTION AS COUNCILLOR FOR UNDERLEY WARD

The Town Clerk reported that she had received two applications for co-option as Ward Member for Underley, one from Anna Billson-Page (Independent) who was a friend and colleague of the late Councillor Charles Batteson and had acted as his election agent, and one from Marc Kelly (Liberal Democrat) who lives in the Underley Ward and works at Manna House.

Members agreed that they needed to discuss the situation and decide what to recommend to Council. Although guidance had been received from CALC on how to advertise the Co-option, there was no demonstrable procedure – and nothing within the experience of the Council – as to how to choose a candidate.

The Committee considered the potential for suggesting some criteria and/or guidelines to Council, or whether the candidates should be interviewed, or asked to give a short presentation to Council, possibly answering questions. Councillor Feeney-Johnson pointed out that none of the elected Councillors had undergone such a procedure. However, Members were anxious to establish that the candidates would play an active role in the Town Council and had a commitment to the residents of Underley Ward, inasmuch as it was hoped the chosen candidate would be prepared to stand for election in 2010 after expiry of the co-option period. It was recognised that there was no opportunity for residents to have a say in who was chosen as their Ward representative, as the co-option process had become necessary because the residents had not requested an election.

After a lengthy discussion, Members agreed that it would not be fair or reasonable for the candidates to be subject to a procedure which others, as elected Councillors, had not undergone.

It was felt that the most democratic way to proceed would be to place an item on the agenda for the next full Council meeting (11th May 2009), provide Councillors with copies of the applicants' letters, and put the matter to the vote. The Town Clerk was asked to give the applicants notice of the meeting.

RESOLVED that the Town Clerk be asked to place an item on the agenda for the next full Council meeting and provide copies of the applicants' letters to all Councillors; and

RECOMMENDED that Council consider the applications received and decide who is to be the co-opted Member for the Underley Ward.

676/08/09 LAND REGISTRY

Councillor Rob Boden reported that it would be a question of deciding how to put to full Council the recommendations made by CALC. He felt there were clear benefits to having a land/asset register and that it should be done as a single exercise rather than piece-meal as it would work out cheaper. The whole point is to establish what the Council owns (e.g. the Museum, the Allen Institute, allotments and other sites). Funding might be necessary to identify what we think we own, for example land searches.

The Town Clerk reminded the Committee that the Council could not just "lay claim to" land, evidence would be required. She felt that Members should be asked to identify any areas within their Wards which they thought belonged to the Town Council. Establishing the registry would be a two-stage process based on what we already know, and what can be identified.

RESOLVED that

- (1) Members be asked to identify any areas of land/assets which they think belong to the Town Council; and
- (2) a list of known assets/land be compiled, and land searches be carried out to establish any other areas where there is evidence that the Town Council may be the owner.

677/08/09 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.

STAFFING ISSUES

In accordance with Section 100(B)(2) of the Local Government Act 1972, the following reports were excluded from inspection by members of the public as they contain 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]*

678/08/09 Town Handyman / Supervisor Posts

The Town Clerk reported that she had received a total of twelve applications in response to job advertisements. She confirmed that there was sufficient funding in the budget to cover a handover period of, hopefully, two months. The Current postholder had confirmed that he did not want to stay on after the age of 65.

Interviewing of short-listed candidates would be undertaken by an Interview Panel from Members of the Management Committee, and herself. The Interviewing Panel would comprise Councillors C. Feeney-Johnson, J. Veevers and J. Bateson.

RESOLVED that the Town Clerk be authorised to arrange interviews for short-listed applicants with the Interview Panel.

679/08/09 Annual Pay Review

The Town Clerk reported that the recommended Government percentage pay award of 2.79% would increase the salary of the Town Handyman by £0.25 per hour.

RECOMMENDED that Council approve the increase of £0.25 per hour.

679/08/09 READMISSION OF PRESS AND PUBLIC

RESOLVED that the press and public be readmitted for the remainder of the meeting

ANY OTHER BUSINESS**680/08/09 New Road**

Councillor John Bateson said that the meeting of the Working Group had been very worthwhile, and indicated that he would provide a précis of the meeting (see Minute 673/08/09) to Members of the Management Committee. Councillor Tom Clare would be attending the next meeting of the Working Group in the absence of Councillor Austen Robinson.

681/08/09 Town Calendar

Councillor Bateson reported that progress was being made on the production of a Town Calendar for 2010.

682/08/09 Somervell Garden

The Town Clerk reported that there would be a formal opening ceremony of the completed Somervell Garden project on Monday, 11th May 2009 at 11.00 a.m. All Councillors would be invited.

683/08/09 “Mayor Making” – Order of Proceedings

Councillor Feeney-Johnson reported that a draft “Order of Proceedings” for the election of the Mayor and Deputy Mayor, and the Mayor-Making Ceremony, had been supplied by the Town Clerk. Minor amendments had been agreed, in accordance with the information provided by, and recommendations from, CALC.

684/08/09 Former Councillor Mrs Avril Dobson

Councillor Bateson reported that Mrs Avril Dobson, a former Member of the Town Council, was suffering from ill-health. He was asked to pass on to Mrs Dobson the best wishes of the Town Council for her recovery.

The meeting ended at 9.15 p.m.

Summary of Information, Resolutions and Recommendations to Council

| Minute | Subject | Information / Resolution / Recommendation to Council | |
|---------|-----------------------------------|--|---|
| 673 (1) | New Road | REC | Members to be encourage to attend Exhibition and submit individual responses |
| 673 (2) | New Road | REC | Council respond formally to the consultation document |
| 675 | Co-opted Member for Underley Ward | REC | Council consider the applications and decide (vote for) candidate of their choice |
| 678 | Town Handyman/ Supervisor Posts | Res | Town Clerk to arrange interviews for short-listed applicants |
| 679 | Annual Pay Review (Town Handyman) | REC | Council approve increase of £0.25 per hour |
| 682 | Somervell Garden | Info | Formal opening ceremony on Monday, 11th May. All Councillors invited. |