

# KENDAL TOWN COUNCIL

## Management Committee : 22nd June 2009 at 7.30 p.m. In The Mayor's Parlour, The Town Hall, Kendal

PRESENT J. Bateson (The Mayor), P. Beavan, R. Boden, T. Clare, G. Cook,  
C. Feeney-Johnson, T. Rothwell, K. Thompkins and J. Veevers.

APOLOGIES Councillor A. Robinson (Chairman)

OFFICERS Liz Richardson (Town Clerk) and Margaret Graham (Secretary)  
Also in attendance were Councillors E. Farrell, C. Hogg and G. Vincent,  
observing.

### 061/09/10 ELECTION OF VICE CHAIRMAN

RESOLVED that Councillor Tom Clare be elected as Vice-Chairman of the  
Committee for 2009/10.

### 062/09/10 TERMS OF REFERENCE

The Town Clerk had prepared draft Terms of Reference for the  
Committee's consideration, based on those for 2008/09. The proposals  
by the Town Clerk, reflecting the changes to the composition of the  
Committee agreed by Council on 8th June 2009, were accepted. The  
following amendments were proposed:

#### **The Committee - Paragraph 3**

**Add** a sentence to indicate that *the Council's representative to the  
Kendal Futures Board is a Member of the Committee, if he/she is not  
already a Member in another capacity (e.g. a Committee Chairman)*

#### **The Chairman – Paragraph 2**

**Amend** Point 4 to read "that Councillors are clear about the reasons for  
a decision *and any recommendations*"

RESOLVED that, subject to the inclusion of the above amendments, the Terms of  
Reference, as presented, be approved.

### 063/09/10 MINUTES OF 18TH MAY 2009

Members discussed the minutes of the meeting of the Committee held  
on 18th May 2009, and matters arising from these and previous  
minutes.

#### Minute 749/ 08/09 and 673/08/09 – New Road

The Town Clerk confirmed that an Exhibition for Town Councillors was  
being held in the Town Hall on 30th June. She will e-mail a reminder to  
all Councillors.

Minute 74908/09 and 627/08/09 (16.3.2009) – Allocation of Land DPD

It was reported that the LDF Working Group (Councillors Clare, Beavan and Rothwell) had met with Alastair McNeill of SLDC on Thursday, 18th June 2009, to clarify – for consultation purposes - the area proposed by the Town Council for development, north of Morrisons, in preference to the 19 small parcels of land identified around the town. The Group's view had been that it would be preferable to develop a larger site within the valley rather than piecemeal development on smaller prominent sites around the town. The Planning Committee had subsequently endorsed and approved the Group's recommendation.

Councillor Clare reported that SLDC were undertaking a separate study on public open spaces, which the Town Council had not yet seen.

Minute 756/08/09 – Angel Yard

Councillor Austen Robinson had written to SLDC about the lack of consultation on the improvements to Angel Yard, and had received a letter of apology (tabled). He had been assured that the Town Council would be consulted on Phase 2 of the works.

Councillor Rothwell was concerned that the lack of consultation did not comply with the Parish Charter, to which SLDC had signed up.

RESOLVED that the minutes of the meeting held on 18th May 2009 be accepted as a correct record.

**064/09/10 MAYOR MAKING REVIEW**

The Town Clerk requested feedback on the event. Councillor Boden complained that he had not received a "summons", and had thought that Committee Chairmen would be elected at the Annual General Meeting. Councillor Feeney-Johnson pointed out that members of the public can now attend the (combined) Annual General Meeting and Mayor Making Ceremony. Because of this it was not appropriate to make the agenda (order of proceedings) too lengthy by including the election of Committee Chairmen or normal Council business, and Standing Orders state that Chairs will be appointed at the following Council meeting. It was pointed out that some local authorities appoint Committee Chairman at their Annual General Meeting, and it was agreed that this issue should be referred to the Mayoralty and Arts Committee for further discussion.

Councillor Rothwell felt that the proceedings had gone smoothly because, as a meeting of the Council, Members were talking to each other rather than having to address the total assembly and reiterate titles, Lord Lieutenant, etc, every time they spoke.

All agreed that the catering had been excellent.

RESOLVED that the Mayoralty and Arts Committee be asked to review the arrangements for the Annual General Meeting and Mayor Making.

**065/09/10 PRAYERS AT FULL COUNCIL**

Councillor Enda Farrell was in attendance and spoke regarding his proposal on prayers at full Council meetings.

He referred to a letter he had written to the Town Mayor in this regard, which had been mentioned at the meeting of full Council on 8th June 2009, a copy of which was tabled for Members' information and which is attached as an appendix to these minutes. It was Councillor Farrell's contention that public services serve everybody and are intended for the whole community. As such, they should be secular and non-discriminatory, in line with the Human Rights Act.

The Chairman made it clear that any discussion was not to be seen as an opportunity to debate how the issue should be addressed. Rather, the Committee should aim to ascertain how and where information could be obtained which would allow full Council to debate the issue and arrive at informed decisions. It was suggested that the National Association of Local Councils, through CALC, should be approached for information on any statutory requirements, legalities, how other authorities acted, and "best practice".

In discussion, Members expressed the following comments and views:

- no Member of the Council should feel impeded from standing for the office of Mayor because of his/her religious beliefs (or lack of)
- Councillor Feeney-Johnson said that during her recent mayoral year she had attended events organised by religious groups of many different faiths and denominations. We still live in a Christian Society, and the Town Council has a tradition of which it is rightly proud. Groups want the Mayor to be part of their community. She felt strongly that any Member who did not feel able to attend such events would be unable to fulfil the role of Mayor.
- continuing the custom of the Mayor having a "chaplain" of his/her choice concerned not only prayers at full Council but also the tradition of Mayor's Sunday (but not events held in a church which the Mayor and Councillors historically attend, but which are organised by others, e.g. Remembrance Sunday)
- Councillor Vincent pointed out that South Lakeland District had decided to hold prayers, in its Council Chamber, ten minutes before the Council meeting began so that Councillors who did not wish to participate in prayers did not have to do so.
- Some Members felt it would be possible to stay outside the meeting room (or leave the room after the Mayor had entered) if they did not wish to participate in prayers
- The Mayor said he had suggested previously that prayers could be held in a separate room (e.g. the Mayor's Parlour) for those who wished to participate
- Some Members expressed concern that the Town Council could potentially be turning its back on hundreds or years of tradition, for example the right to have a Town Mayor went back to the Charter of 1575.

After a very full discussion, it was

RESOLVED that the Town Clerk be asked to approach CALC for information on and guidance on the issue, so that this could be presented to full Council for its consideration.

**066/09/10 COMMITTEE STRUCTURE : ANALYSIS AND ISSUES**

Full Council had accepted the suggestions from the Management Committee (Minute 750/08/09), and Committee Memberships and Chairmen had been approved. The Town Clerk reported that Committee meetings were currently being arranged and it was suggested to defer this item until she could get some feedback.

RESOLVED to defer this item for feedback from Committee meetings.

**067/09/10 COAT OF ARMS**

Referring to the recent decision of full Council to allow the Kendal Arms Public House to use the Coat of Arms on its advertisement hoardings, it was pointed out that Councillor Jonathan Brook had asked the Committee to consider establishing criteria for the use of the Coat of Arms. Councillor Veevers said he had been very disappointed that the Coat of Arms had been allowed to be used on a commercial venture, the future of which appeared to be in some doubt. He had no objection to the Arms being used by organisations like the Kendal Town Band, which raise the profile of the town. It was pointed out that some tourist memorabilia items, such as spoons, carry the Arms.

Councillor Tony Rothwell felt sure that guidance on the use of the Arms already existed, and suggested that Mr Percy Duff be consulted. It was felt that the issue should be referred to the Mayoralty and Arts Committee, which would presumably welcome Members' views and any guidance available.

The Town Clerk was asked to clarify to the owner of the Kendal Arms that the Town Council's permission to use the Coat of Arms applied because of the name of the establishment, the decision would be reviewed in six months, and the permission would be withdrawn if the name of the premises was to change.

RESOLVED that

- (1) the issue be referred to the Mayoralty and Arts Committee for consideration; and
- (2) the Town Clerk be requested to clarify to the owner of the Kendal Arms the terms of the use of the Coat of Arms.

**068/09/10 KENDAL TOURIST INFORMATION CENTRE**

**Note:** *Councillor Geoff Cook declared a personal interest in the following item because he works in the tourist industry. Councillor Clare Feeney-Johnson declared a personal interest because she is a Member of South Lakeland District Council*

A decision had been made by South Lakeland District Council to reduce the opening hours at Kendal Tourist Information Centre. Members were concerned that SLDC had not complied with the Parish Charter in not consulting the Town Council on this issue, as tourism is one of the most important aspects of the town economy.

Councillor Graham Vincent, who is a Member of the SLDC Cabinet with the Portfolio for Economic Prosperity, explained that this was a necessary financial requirement to meet a budget decision on the operation of Tourist Information Centres in South Lakeland. He said there was evidence that Local Authority TICs were a declining part of tourism services, whereas private sector involvement provided better and more economic delivery of the service. It had never been the intention to ask Kendal Town Council for funding to support the retention of opening hours at Kendal TIC.

**RESOLVED** that concern be expressed to South Lakeland District Council over the reduced opening hours at Kendal Tourist Information Centre, whilst understanding that the District Council has plans to address the situation.

**069/09/10      SIGNAGE PROJECT**

The Town Clerk reported that a full-scale sign was available to view at Yard 96, Stricklandgate, and tabled a mock-up scale version. South Lakeland District Council has requested that Kendal Town Council wash the signs (around 18) once a year, and report any vandalism. Members felt that this could be incorporated into the existing arrangements for Kendal in Bloom.

**RECOMMENDED      that Council accede to the request from South Lakeland District Council.**

**070/09/10      BINDLOSS ROOM CHAIRS**

The Town Hall Manager had contacted the Town Clerk in respect of chairs formerly used in the Bindloss Room which were now deteriorating in storage in the Town Hall Basement. The use of these chairs, which were thought to have been commissioned as part of the original Town Hall/Bindloss Room furniture, had been abandoned in favour of the lighter, stackable chairs now used.

The Town Hall Manager had suggested that the chairs should be sent to auction and, due to the lack of any paperwork on ownership, that the proceeds be divided between Kendal Town Council and South Lakeland District Council. Members felt that the cost of restoring the chairs would be prohibitive, and they should now be sold. However, since they had originally belonged to the Town Council (or its predecessors) which had presumably paid for the chairs and any subsequent upkeep, the proceeds from any sale should accrue to the Town Council.

**RESOLVED** that the Town Clerk be asked to advise the Town Hall Manager of this decision, and to ascertain a potential value on the chairs before arranging for them to be sold at auction.

**RECOMMENDED      that, subject to the valuation of the chairs, they be sold at auction.**

**071/09/10 KIRKBARROW LANE WALL – REQUEST FOR FUNDING**

The Town Clerk presented a request from the owners of 1 Kirkbarrow Lane for financial assistance to repair/replace a retaining wall bordering their property which was considered to be leaning dangerously over a public footpath. SLDC had served notice on the owners and begun demolition of the wall, and the owners were unable to meet the cost of its reinstatement. The applicants had also written to Councillor Paul Beavan, as the Chairman of the Planning Committee.

Whilst Members were sympathetic to the situation that had arisen, through no fault of the owners, it was clear that this was not the Town Council's responsibility and it could not, therefore, commit to any financial support.

RESOLVED that the Town Clerk be requested to send a formal response to the owners.

**072/09/10 MEETING OF THE COMMITTEE IN AUGUST 2009**

RESOLVED that no meeting of the Management Committee be held in August 2009, unless there are urgent and pressing items arising.

**073/09/10 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.

**074/09/10 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]*

Further to Minute 754/08/09, the Town Clerk reported that the Town Supervisor had accepted and taken up the position on 8th June 2009, which would allow a hand-over period with the current Town Handyman who was retiring in August 2009. For specific reasons explained to the Committee, the Town Supervisor had been given a ten month probationary period, with performance objectives to be reviewed at three-monthly intervals.

RESOLVED that the situation be noted.

**075/09/10 READMISSION OF PRESS AND PUBLIC**

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

**ANY OTHER BUSINESS**

**076/09/10 Kendal in Bloom**

Councillor John Veevers raised a concern that planters around the town were not being watered properly. The Town Clerk was requested to ask the contractor to report back frequently (daily or weekly) on the watering situation, and to bring an update to full Council.

The meeting ended at 9.30 p.m.

**Summary of Information, Resolutions and Recommendations to Council**

Minute	Subject	Information / Resolution / Recommendation to Council	
061	Election of Vice-Chair	Info	Councillor Tom Clare is Vice-Chairman of Management Committee for 2009/10
062	Terms of Reference	Res	Terms of Reference accepted, subject to inclusion of agreed amendments
064	Mayor Making Review	Res	Mayoralty and Arts Committee asked to review arrangements for the Annual General Meeting and Mayor Making Ceremony
065	Prayers at full Council	Res	Town Clerk requested to seek information / guidance from CALC and report to Council
067	Coat of Arms	Res	Referred to Mayoralty and Arts for consideration (of criteria)  Town Clerk to clarify terms and use of Coat of Arms to the owner of the Kendal Arms Public House
068	Kendal Tourist Information Centre	Res	Town Clerk to write to SLDC expressing concern re reduced opening hours, recognising that SLDC had plans to address the situation
069	Signage Project	<b>REC</b>	That Council agree to take on responsibility for washing the signs once a year, and report any vandalism to SLDC
070	Bindloss Room Chairs	Res  <b>REC</b>	To advise Town Hall Manager that the Town Council considers any proceeds from the sale of the chairs should accrue to it; The chairs be sold at auction, subject to valuation
071	Kirkbarrow Lane Wall	Res	Town Clerk to formally respond to owners
076	Kendal in Bloom	Info	Town Clerk to ask contractor to report back on watering of plants, and report to Council