

KENDAL TOWN COUNCIL

**Minutes of the proceedings at a meeting of
Kendal Town Council
held on Monday, 4th September 2017 at 7.30 p.m.
in the SLDC Council Chamber, the Town Hall, Kendal**

PRESENT The Mayor (Councillor A Blackman) in the Chair;
Councillors A Robinson, G Vincent, G Cook, P Bramham, J Brook, C Feeney-Johnson, J Veevers, G Archibald, S Coleman, S Emmott, A Finch, G Tirvengadam, L Oldham, C Hardy, C Hogg, R Hogg, J Robinson, K Teasdale and J Owen.

APOLOGIES Councillors Clare, D Evans, S Evans, Sutton, Walker

OFFICERS Liz Richardson (Town Clerk), Jack Jones (Town Treasurer) and Hazel Belshaw (Temporary Council Secretary)

328/17/18 PUBLIC PARTICIPATION
None

329/17/18 DECLARATIONS OF INTEREST
Councillor C Hogg for item 7, Replacement Outside Bodies Representative for Lakes Alive.

Councillors Archibald, Vincent and Brook for item 8, New Road Common Land as Cabinet Members at SLDC will take part in the discussions but will take part in any voting.

Councillors Cook, Emmott and C Hogg for item 9, Consultation on Cumbria County Council Experimental Traffic Regulation Order, Market Place, Kendal.

330/17/18 MINUTES OF COUNCIL MEETING HELD ON 7TH AUGUST

Members considered the minutes of the meeting of full Council held on 7th August.

Councillor Coleman proposed that the minutes be approved as a correct record and signed by the Chair. This was seconded by Councillor Bramham and carried with five abstentions.

RESOLVED that the minutes of the Council meeting held on 7th August be approved as a correct record and signed by the Chairman.

331/17/18 MAYOR'S COMMUNICATIONS AND ANNOUNCEMENTS
The Mayor presented his engagements that had been previously circulated.

The following were highlighted:

Councillor Blackman had received wonderful hospitality recently at the

Rinteln Festival.

The Lakes Alive event is happening this weekend.

K Shoes Male Voice Choir with Rinteln Choir will be performing on Saturday night in the Town Hall.

Also on Saturday is the afternoon tea as part of the celebrations for 25 years of the Rinteln twinning.

Councillor C Hogg advised that as part of Organ Donor Week a stand will be at Westmorland General Hospital all week, manned by Councillor R Hogg.

332/17/18 AUDIT, GRANTS AND CHARITIES COMMITTEE

The minutes of the Audit, Grants and Charities Committee meeting held on 31st July were presented by Councillor R Hogg who proposed that they be approved as a correct record. This was seconded by Councillor Bramham and carried unanimously.

RESOLVED That the minutes of the Audit, Grants and Charities Committee meeting held on 31st July be approved as a correct record of the meeting.

333/17/18 Kirkbie Kendal School (ref minute 265/17/18)

Councillor A Robinson raised a concern around how we treat grant requests from schools. It had been the intent of this Council not to give money to schools and religious bodies.

Councillor Bramham agreed with Councillor A Robinson as he felt it might bring an influx of applications.

The Treasurer confirmed that the Council's grants criteria do not prevent the Council giving money to schools and it was up to the Audit, Grants & Charities Committee to consider and review those criteria at the start of each year.

Councillor Vincent highlighted that the facility in the application from Kirkbie Kendal School would be available for the community to use. The Treasurer confirmed this was discussed at the meeting.

Councillor Feeney-Johnson felt that this discussion happened each time a grant came in from a school and thought it had been decided that each application was considered on its own merits. She proposed that the Management Committee should create a clear guide for this Council on how to deal with grant applications from schools. This was seconded by Councillor Cook and carried unanimously.

RESOLVED That the Management Committee consider an approach to grant applications from schools and put together written guidance.

334/17/18 PLANNING COMMITTEE

The minutes of the Planning Committee meetings held on 7th & 21st August were presented by Councillor J Robinson who asked Council to receive these minutes.

RESOLVED That the minutes of the Planning Committee meetings held on 7th & 21st August be received.

335/17/18 Planning Appeal for the land to the south of Underbarrow Road (ref minute 275/17/18)

Councillor Cook asked if a date had been set for the planning appeal. Councillor J Robinson confirmed the dates as 16th, 17th, 18th and 19th (Tuesday to Friday) and Tuesday 23rd January.

336/17/18 REPLACEMENT OUTSIDE BODIES REPRESENTATIVE FOR LAKES ALIVE

The Town Clerk advised Council that Councillor C Hogg was stepping down from the Lakes Alive Committee due to a conflict of interest and is looking for a volunteer to take his place.

Councillor Feeney-Johnson suggested the decision for this be made by the Christmas Lights and Festivals Committee.

Councillor Blackman asked if an invitation for any of the performances at Lakes Alive had been received. Councillor Feeney-Johnson confirmed she had requested an itinerary for the event but nothing had been sent through although she had just received an invitation for an event on Friday evening.

RESOLVED That the replacement representative for Lakes Alive be added to the agenda for the next Christmas Lights and Festivals Committee.

337/17/18 NEW ROAD COMMON LAND, KENDAL – COUNCILLOR VEEVERS

Councillor Veevers advised Council that he had requested an agenda item for the New Road Common Land in Kendal although he feels it is now too late as the decision to close the area to car parking has been made. He went on to say that he was elected by the public to serve as a Town Councillor so he can represent the public. He felt the decision to close the car park on New Road had been made based on flimsy information, which was then manipulated into a so called crisis. He feels the car parking is an important asset to the town, especially for low paid workers. He questioned that if it was against the law to park on common land then why had SLDC allowed it to go on for 43 years. The area does not display signs for clamping and he felt that parking had even been encouraged over the years with the erection of a toilet block. He went on to say that the proposed spending of £435,000 on a park for the area is bonkers and questioned who wants to relax in an area next to a three lane road. He then went on to ask why Kendal Town Council had not been consulted as he felt the two Councils should work in partnership.

He proposed due to the lack of consultation that this Council does not endorse the decision of SLDC and asks them to re-consider.

Councillor Brook then spoke to say that he does recognise the concerns by made by Councillor Veevers and the public. He advised Council that

there was a cabinet meeting last week in which they were presented with a report from Officers with recommendations on what needed to happen to the land. Various proposals for the site had been talked about in the past but none had happened. The difference this time was they felt they were left with no alternative but to take the advice of the Officers that the area is unsafe and parking is unlawful. As a Council they would be uninsured should a claim come forward, which could also result in a fine after ignoring the advice. This had become a matter of safety which precluded consultation. He went on to say the future of the land will be open to comment by the public. The first of these consultations will be on the 6th September at 2pm and 7pm at the Town Hall. He added that a recommendation was being considered that the shopping centre car park can be opened longer and will be discussed at the next SLDC cabinet meeting.

Councillor A Robinson commented that once the report was submitted to SLDC then it should have been sent to all interested parties for their views to be noted. He went on to say that he had been on the Council for some considerable time and was only aware of the decision when he opened the Westmorland Gazette. He felt it was not just about free parking but the cost implications for council tax payers, car parking for visitors to the town and parking for people who live in the town centre. Finally he said he felt a serious lesson in communication and working together should be learnt from this.

Councillor Vincent commented that a lot of misinformation is floating around but confirmed the common land pre dates Parliament. For many years the Council have allowed parking on the land but SLDC were advised it is unlawful so there was no option. He went on to say there have been 8 recorded accidents in 5 years on the land, which for a small area is a high number of accidents. A lot of money will need to be spent to decontaminate the area.

Councillor J Robinson commented that New Road has a section 193 designation, meaning no one had any specific rights over it when it became common land therefore it has further protection to stop it being enclosed. He also said a substantial area is now in the river following flood defence work and that the bank was raised and re-surfacing work done without planning consent.

Councillor Bramham commented that he does not understand why it has suddenly become an issue.

Councillor Owen commented that he is broadly sympathetic with SLDC but also knows that a lot of town centre residents are worried about the loss of parking. He felt it would have been nice to have some dialogue earlier. He then made a counter proposal to welcome the opportunity to comment on what happens to the land.

Councillor Emmott highlighted that the incident which occurred at Station House Surgery where a lady was killed after being hit by a van in the car park resulted in a heavy fine for the car park owners. If SLDC have been advised that it is unlawful and unsafe to park there then they have no choice but to deal with it.

Councillor Archibald then spoke to say the very difficult decision to close

the road to parking was due to it being unsafe, unlawful and un-insurable. He advised that the Town Council has been invited to a meeting on Wednesday morning to discuss what will happen with the land. He went on to say that the reason it was happening now was because they had been faced with a recommendation from officers that it was unsafe. He highlighted Councillor Emmott's point with regards to the lady who had died at Station House. Her family said safety concerns at that car park had been ignored before her death and that her life was lost through negligence. With this in mind SLDC could not ignore the advice.

Councillor Veevers felt that SLDC had still not proved there is a valid safety issue. He then proposed that due to the lack of consultation and poor evidence this Council does not endorse the decision to close the car park and that they ask SLDC to reconsider as a matter of urgency. The proposal was seconded by Councillor Bramham.

The proposal then went to a vote:

For – 2

Against – 11

Abstentions - 4

Councillor Owen proposed that Kendal Town Council welcomes the opportunity to comment upon the proposed changes to New Road car park and the opportunity the public will have to comment on them at meetings on 6th September. In doing so, Council notes the legal/insurance position that SLDC is faced with and accepts that changes will have to be made. Council would welcome a park as an alternative and we would certainly support something that supports the town as a tourist destination, and as a place to live in, work in and to shop in. Town Council also recognises the important role the car park plays in overnight parking and asks, and will work with, SLDC to try and find an alternative site for free parking, drawing attention to the fact that some years ago part of the Canal Corridor was used for such purposes. The proposal was seconded by Councillor Teasdale

The proposal then went to a vote:

For – 11

Against - 1

Abstentions – 4

Councillor A Robinson proposed that Management Committee discuss how KTC and SLDC can effectively communicate over future decisions that involve Kendal. This was seconded by Councillor Veevers and passed.

RESOLVED

1. That KTC welcome the opportunity to comment upon proposed changes to New Road car park and in doing so accept that changes will have to be made. Also to work with SLDC on finding an alternative site for free parking.
2. That Management Committee discuss how KTC and SLDC can effectively communicate over future decisions involving Kendal.

338/17/18

CONSULTATION ON CUMBRIA COUNTY COUNCIL EXPERIMENTAL TRAFFIC REGULATION ORDER – MARKET PLACE, KENDAL

The Town Clerk presented a letter received from CCC which had been previously circulated. The deadline for initial comments on the proposed

experimental TRO to move the disabled parking and taxi rank from the Market Place is Friday 8th September.

Councillor Coleman commented that he is fully supportive of the changes and feels it enhances the work being done in the Market Place.

Councillor Feeney-Johnson commented that she is also fully supportive of the changes. However, it is important for residents unable to use the bus service to have access to a taxi rank at both ends of the town and suggested that CCC could look at taxi spaces in the library and Highgate area. She also commented that if disabled parking spaces were lost in the town it was worth noting that there are frequently empty disabled parking spaces in the SLDC car park.

Councillor Emmott advised that as Chair of the Market Place Board discussions had taken place on this proposed scheme and that the number of disabled parking spaces will increase. Another option for taxis was Woolpack Yard.

Councillor J Robinson highlighted that the disabled parking bays in the Market Place are slightly safer as occupants are not exiting into a traffic stream and would be worth taking into consideration.

RESOLVED That the Town Clerk respond to Cumbria County Council

FINANCIAL MATTERS

339/17/18 (a) Bank Payments Schedule: July 2017

The Town Treasurer presented the Bank Payments Schedule for July 2017.

He highlighted the following points:

A large amount of grants were paid in this month.
The invoices from Tech 4 are not all from July, just paid in this month.

Councillor Veevers queried the £100 trousers for the Town Crier. The Treasurer confirmed they are from a specialist supplier and needed to be made to measure.

It was proposed by Councillor Feeney-Johnson to accept the bank payments schedule for July 2017. This was seconded by Councillor R Hogg and carried unanimously.

RESOLVED That the Bank Payments Schedule for July 2017 be approved.

340/17/18 (b) Invoices over £3,000

The Treasurer reported that there is one invoice over £3,000 which required approval as follows:

South Lakeland District Council, for work completed by Continental Landscapes:

Birdcage	£3,970.00
Dowkers Lane	£7,660.00

Total £11,630.00

Councillor Emmott advised that there is a broken slab by the Rinteln sign at the Birdcage.

It was proposed by Councillor Owen that the 1 invoice be paid, once the broken slab had been checked. This was seconded by Councillor Coleman and carried 2 abstentions.

RESOLVED That payment of the invoice over £3,000 be approved once the broken slab has been checked.

341/17/18 INTERNAL AUDIT MANAGEMENT LETTER (REF MINUTE 262/17/18 AUDIT, GRANTS & CHARITIES COMMITTEE)

The Treasurer presented the letter from RfM Chartered Accountants that had been previously circulated. He advised that Council must consider the risk of investing with one organisation each year and that previously Council believed the risk to be justified.

There was some discussion by Members on the risks and it was suggested that the Treasurer keep the Council informed of any other viable options.

It was proposed by Councillor Veevers that the investment with the Cumberland Building Society is safe and that the Treasurer update the Council regularly of any other options. This was seconded by Councillor Cook and carried unanimously.

RESOLVED That Council accept the management letter and has considered the risks highlighted by RfM with regards to the investment with Cumberland Building Society and considers that the investment is safe and the Treasurer will update the Council regularly with other options.

342/17/18 EXCLUSION OF PRESS AND PUBLIC

It was proposed by Councillor Emmott and seconded by Councillor Owen to move to Part II, this was carried unanimously.

RESOLVED That the press and public be excluded for the following items of business.

Part II

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*]

343/17/18 STAFFING MATTERS [Paragraph 1]

The Town Clerk confirmed that the Admin Assistant has still been unable to return to work therefore she had approached a recruitment agency to provide temporary cover and Justine had started this morning.

07.09.2017

Council

344/17/18 READMISSION OF PRESS & PUBLIC

RESOLVED It was proposed by Councillor Emmott and seconded by Councillor Coleman that the press and public be re-admitted for the remainder of the meeting.

The meeting ended at 9.14 p.m.

Signature

Date