

KENDAL TOWN COUNCIL

Management Committee

**Monday 23rd April 2018 at 7.30 pm
in The Mayor's Parlour, Town Hall, Kendal**

- PRESENT** Councillors Jonathan Brook (Chair), Austen Robinson (Vice Chair), Andy Blackman (Mayor), Graham Vincent, Jon Robinson, John Veevers and Geoff Cook
- APOLOGIES** Councillors Guy Tirvengadam (Deputy Mayor) and Clare Feeney-Johnson
- OFFICERS** Liz Richardson (Town Clerk), Nicky King (Council Secretary)
- 1144/17/18 PUBLIC PARTICIPATION**
- None
- 1145/17/18 DECLARATIONS OF INTEREST**
- Councillors Brook and Vincent declared an interest in item 10 on the Agenda (Progress Report on the Surrender of User Rights of Kendal Town Hall Rooms) as they are SLDC Cabinet Members.
- 1146/17/18 MINUTES OF THE MEETING HELD ON 19TH MARCH 2018**
- The Chairman presented the minutes of the meeting held on 19th March 2018, which had been approved by full Council on 9th April 2018. The minutes were accepted as a correct record of the meeting.
- RESOLVED** That the minutes of the meeting of the Committee held on 19th March 2018 be accepted as a correct record.
- 1147/17/18 MATTERS ARISING (Not on Agenda)**
- None.
- 1148/17/18 URGENT ITEMS OF BUSINESS**
- The Town Clerk advised Members that Councillor Tirvengadam wished to invite delegates from the Twin Towns of Rinteln and Killarney to attend the Unity Festival. He had also queried KTC's link with China and asked whether it would be appropriate to extend an invitation to them also. The idea of a dinner or reception evening had also been suggested. It was noted that if this was agreed it would be at additional expense.
- Members felt it would not be appropriate to invite Chinese delegates as there was no direct link and difficulties with visas etc. Councillor Veevers commented that the Unity Festival was not a civic event therefore in his opinion it did not warrant inviting the twin towns.
- Councillor Cook commented that the Town Council grant had already been increased. Whilst he agreed with Councillor Veevers' comment,

he understood that community diversity was something Councillor Tirvengadam was keen on for the forthcoming mayoral year, therefore he had some sympathy to his wishes.

Councillor Blackman said that during his recent trip to Killarney he was aware of their wish to strengthen links with Kendal. Killarney always extended hospitality and he was keen to return that hospitality should they accept an invitation to the Festival.

There was a discussion regarding the idea of a dinner or reception evening. The general consensus was that this should be a small dinner for 6 people (2 delegates from each of the twin towns, plus the Deputy Mayor and his partner).

The Chair proposed that an invitation be sent to the twin towns to attend the Unity Festival, including a hospitality meal, to be limited to 2 from each twin town. This was seconded by Councillor Vincent and carried with 1 against.

RESOLVED

That an invitation be sent to the twin towns to attend the Unity Festival, including a hospitality meal, to be limited to 2 from each twin town.

1149/17/18

REPORT ON WORK PROGRAMME

The Town Clerk presented her report on project progress for April 2018 and this was noted by Members. The following matters were highlighted:

- April CIL payment received which takes the total over the threshold of £5k for considering projects. A CIL working group will need to be established post elections.
- Remembrance Sunday/Freedom Parade is progressing. Councillor Cook mentioned that there was an RAF parade pending. This was an initiative of the BID and KTC were not involved.
- Councillor Veevers referred to the name change process in respect of the Mayor of Kendal's Fund for the Aged & Infirm. The Town Clerk replied that it was ongoing with the Charity Commission.
- Councillor J Robinson noted that the mapping exercise of allotment plots had been put on hold until later in 2018. He suggested that the recently purchased GPS could be utilised when the exercise proceeded.
- The format of the Christmas Lights switch on event still remained unclear following the takeover of Lakeland Radio. Further clarification was required from the new owners of the radio station as to what they could offer. Councillor Vincent said there was an opportunity to refocus the format of the event as a whole.

- Councillor Veevers asked whether a planting contractor had been appointed. The Town Clerk advised that the tender document had been drafted. Continental Landscapes would act as interim contractor until a contract was agreed.
- Councillor Veevers referred to the pollinator project and noted damage to the palisade fencing and information boards.
- Signage removals – CCC had agreed to pay for the final 8 redundant posts which had electrical connections.
- Kendal Promotion Leaflet Series – current budget will fund a reprint of 65,000 leaflets which is less than last year. The Culture leaflet had not been as popular as the Welcome to Kendal and Kendal Walking Trails leaflets therefore one option was to focus on these and remove the Culture leaflet from circulation.
- Kendal Castle Project – the LIP application to improve the approach signage had not been successful. Councillor Veevers commented that it was not well signed and he had needed to direct people to the Castle. Other Members had also noticed people getting lost trying to find their way to the Castle. It was agreed that feedback should be sought and a further LIP application should be submitted. The interpretation panels had now been installed. Uneven ground immediately in front of the panels needed filling paving to finish off the work.

1150/17/18**KENDAL FUTURES BOARD UPDATE**

The Town Clerk advised that the minutes of the KFB board meeting suggested the proposed reduction of hours had been agreed. The minutes had since been amended to reflect that approval from the funding partners was needed. She had held a subsequent meeting with Karen Johnson from CCC and Gareth Candlin from SLDC and it had been agreed to trial the reduced working hours for this financial year and then review. There was to be a meeting with KTC, CCC, SLDC and Paula Scott from KFB to set priorities. It was also agreed the KFB Action Plan needed reviewing and integrating with the forthcoming SLDC Masterplan. It was noted that a current underspending on KFB projects in the Development Fund would suggest projects were not getting completed. Councillor Veevers expressed his concern in this respect. The Town Clerk advised that KFB would be giving a presentation at the Full Council meeting in July. The Town Clerk's report was noted and accepted.

The Town Clerk thanked Councillor A Robinson for his work as KTC representative on KFB. A new representative would need to be appointed at the June Council meeting. Councillor A Robinson suggested that this be a single-hatted Councillor.

RESOLVED

That the KFB course of action be approved.

1151/17/18**MENTORS FOR NEW COUNCILLORS**

The Town Clerk suggested Councillors Brook, Blackman, Cook, Tirvengadam and Vincent act as mentors for new Councillors, subject to the result of the elections. She asked those present whether they would be happy to take on this role. It was agreed to add John Veevers as a mentor.

RESOLVED

That Councillors Brook, Blackman, Cook, Tirvengadam, Vincent and Veevers act as mentors for new Councillors, subject to the result of the elections.

1152/17/18**GENERAL DATA PROTECTION REGULATION (GDPR)**

The Town Clerk presented a paper which had been circulated prior to the meeting regarding GDPR. The Project Manager had attended a CALC GDPR training course and Council were required to action a number of matters to ensure compliance from May 2018.

Members were advised that the estimated cost of implementing the actions was £3,600. There was 2018/19 budget provision for both new IT equipment (new laptop) and GDPR support (network/security enhancements). Third party IT assistance would be required.

It was proposed that the Project Manager leads on the implementation and maintenance of the GDPR actions and be formally appointed as the Data Protection Officer (DPO) responsible for KTC's data protection compliance.

Committee were asked to consider the work programme along with estimated costs and also the appointment of the Project Manager as the DPO.

Councillor Veevers asked what would happen if the Project Manager was to leave. Councillor A Robinson pointed out that this would apply to any member of staff that was to leave and would have to be addressed should it occur. Councillor Veevers also stressed that there should be provision to change access codes to IT equipment when a member of staff left.

Councillor J Robinson commented that the cost of ensuring compliance was relatively small compared to the risk of not complying. He referred to the requirement to implement a shared filing system. From experience he said this was a challenging exercise and offered to assist. He stressed the importance of the new regulations and said that there was some catch-up work to be carried out by KTC.

Councillor Veevers remarked that a confidentiality agreement would be required if employing a third party. The Town Clerk would make enquiries in this respect.

Councillor A Robinson proposed that Committee approve the work programme along with estimated costs and that the Project Manager

be appointed as the DPO. This was seconded by Councillor Cook and carried unanimously.

RESOLVED

That Committee approve the work programme along with estimated costs and the Project Manager be appointed as the DPO.

1153/17/18

PROGRESS REPORT ON THE SURRENDER OF USER RIGHTS OF KENDAL TOWN HALL ROOMS

KTC have been in negotiation with SLDC and its property agents with a view to replacing the Town Council's existing User Rights Agreement and tenancy of the Town Hall by a 125 year lease (areas for exclusive use) and a licence (areas used occasionally).

The Town Clerk advised that progress had been slow but the majority of legal terms had now been drafted and agreed in principle. The exception was the charging mechanism, where clarity, certainty and sustainability of the arrangements was being sought. A charging mechanism for the draft lease and licence had now been agreed in principle and summarised as:

- A rental charge based on SLDC's capital charges for the building, (recalculated every three years). This was considered the best option as it limits fluctuation.
- A service charge based on the average of the latest three financial years' costs attributable to the building (recalculated every three years).
- An initial licence fee of £1,000 per annum, reviewed annually in line with inflation.

Existing and proposed annual charges showed an increase of almost £3,000. An increase in SLDC's capital expenses accounted for approximately £1,000 of this amount. A further amount was attributed to an increase in the proportion of service charge costs charged to KTC, based on the floor area which it occupies. The main reason for this was a redefinition of floor area. An explanation of the calculation had since been received which was in line with advice from the Royal Institute of Chartered Surveyors.

Councillor Veevers commented that KTC had options and asked whether alternative accommodation should be sought. The Town Clerk replied that this suggestion had been made previously and it had been agreed that the new Council should give the matter consideration. She added that it would be possible to give notice on the lease. There was a general discussion regarding the suggestion of relocating with differing opinions expressed.

Councillor J Robinson proposed that Committee note the current position on the negotiations and, having now received a satisfactory explanation regarding the floor area used by KTC, move forward to finalise the lease. This was seconded by Councillor A Robinson and carried with 2 abstentions.

RESOLVED

That KTC move forward to finalise the lease.

1154/17/18**PARISH POLLS CONTINGENCY PROVISION**

The Town Clerk confirmed that the second Parish Meeting had been held. Four questions had been put forward to the Monitoring Officer at SLDC. Confirmation was awaited as to whether these were legally acceptable questions.

The last meeting of the Committee requested the Treasurer to review the Council's reserves and provide Committee with a recommendation for a contingency provision for future elections/polls.

Members considered a paper which had been prepared by the Treasurer and circulated with the agenda. The Treasurer considered the Council's reserves to be appropriate and suggested it would be prudent to provide provision for 1 further poll within the General Fund working balance. His advice was to increase the target working balance by £10,000 to £40,000 to acknowledge that the public's awareness of the existence of Parish Polls could encourage electors to demand one.

Councillor Cook agreed that it would be sensible to make a reserve for 1 Parish Poll. He queried the requirements of a Parish Poll. The Town Clerk replied that there would be several locations manned from 4-9pm. She added that printing and staff costs were a big part of the overall estimated figure of £14,000 for a Parish Poll.

The paper suggested that Committee recommend to Council that:

- a) the current practice of accumulating resources in the Election Reserve, by means of annual contributions, provides adequate provision for election costs;
- b) it agrees the Treasurer's advice that the Council's Reserves Policy and the current level of its reserves are both appropriate;
- c) it increases its target General Fund working balance for 2018/19 be increased by £10,000 to £40,000 to provide extra resources against the risk of Parish polls; and
- d) it notes that the closing General Fund working balance at 31 March 2018 will provide £8,726 towards the target increase of £10,000 and that it reserves the full unallocated amount of £17,830 in the 2018/19 Budget for the expected forthcoming poll until the costs are known and the working balance achieves its target of £40,000, after which the use of any remainder can be considered.

Councillor A Robinson proposed that the Committee approved all four recommendations to Council. This was seconded by Councillor Veevers and carried unanimously.

RECOMMENDATION That Committee recommend to Council that:

- a) the current practice of accumulating resources in the Election Reserve, by means of annual contributions, provides adequate provision for election costs;

- b) it agrees the Treasurer's advice that the Council's Reserves Policy and the current level of its reserves are both appropriate;
- c) it increases its target General Fund working balance for 2018/19 by £10,000 to £40,000 to provide extra resources against the risk of Parish polls; and
- d) it notes that the closing General Fund working balance at 31 March 2018 will provide £8,726 towards the target increase of £10,000 and that it reserves the full unallocated amount of £17,830 in the 2018/19 Budget for the expected forthcoming poll until the costs are known and the working balance achieves its target of £40,000, after which the use of any remainder can be considered.

1155/17/18**REVIEW OF BUDGET PROCESS**

The Committee had been asked by the Treasurer to review the budget process and decide whether any changes should be considered for the 2019/20 Budget round. Previously the draft evaluation of proposals had been carried out by the Budget Working Party which was formed of Chairs of Committees. Members were also asked to review the role of the Budget Working Party.

A general discussion then followed. Councillor Blackman commented that few chairs had attended the Budget Working Party but it was important each Committee be represented. Councillor Brook proposed that an additional Management Committee meeting be held at the appropriate time to review budget proposals rather than the Budget Working Group. This was seconded by Councillor Veevers and carried unanimously.

RESOLVED

That an additional Management Committee meeting be held at the appropriate time to review budget proposals rather than the Budget Working Group.

1156/17/18**REVIEW OF SPEND AGAINST BUDGET 2017/18**

Members noted the Budgetary Control Statement to 31st March 2018 previously circulated with the agenda by the Treasurer.

1157/17/18**FLOODING DECEMBER 2015 - ISSUES RELATING TO RESPONSE TO THE FLOODING**

The Town Clerk advised that she had received a response from CCC and the Environment Agency acknowledging receipt of the letter sent to them from the Committee on flood planning and development in Kendal. They had also confirmed their attendance at the Full Council meeting in June. David Sykes from SLDC would also be attending. The Town Clerk observed that the normal 15 minutes for a presentation was not going to be sufficient and said that a longer session would be necessary.

Councillor Blackman reported back from the recent meeting he had attended with the Environment Agency, SLDC and CCC. It was intended to continue regular meetings between the three tiers and the Environment Agency, the next being scheduled for 12th June

2018. There had been recent public consultation with good attendance and strong support. A formal record of the feedback received would be produced and used in the next part of the appraisal in terms of wall heights, finishes and views etc. There was to be a workshop with SLDC, LDNPA and Natural England on 3rd May in terms of planning. The whole project would be on a design and build basis. Currently going through a modelling process in respect of line and height of defences etc and looking into the possibility of a glazed rather than solid wall. Exploratory work was ongoing. Implications of the Northern Development Route were also being looked into. A drop-in office space in the town centre had been talked about. With regard to funding it had been suggested that funding is purely for a functional scheme and additional funding might be necessary for a scheme appropriate for a tourist town.

Councillor Vincent referred to the design and build basis of the scheme and commented that it would be good to know what the standard design would look like, along with an idea of scale. Councillor Blackman said he had sensed a commitment to consult throughout the process.

Councillor J Robinson raised the point that Gooseholme Bridge would have to tie in with the Environment Agency's timescales and proposals. This could prove a challenge. No planning application has been submitted yet in this respect and no tender document produced. Councillor Cook replied that CCC had issued a press release. There had been a log jam due to finance but he understood this had now been resolved.

1158/17/18

ITEMS FOR THE NEWSLETTER

There were no items put forward.

1159/17/18

EXCLUSION OF PRESS AND PUBLIC

It was proposed by Councillor A Robinson and seconded by Councillor Vincent 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*]
- Information relating to the financial or business affairs of any particular person (including the authority holding that information) [*Paragraph 3*]

STAFFING MATTERS [Paragraph 1]**1160/17/18 Council Secretary Annual Appraisal**

The Town Clerk reported that the annual appraisal for the Council Secretary had been undertaken and informed members that, following satisfactory performance, she was entitled to move up one spinal point on the pay scale. Councillor J Robinson proposed that that the pay award be approved. This was seconded by Councillor Veevers and carried unanimously.

RECOMMENDATION That the Council Secretary move up one spinal point on the pay scale following a satisfactory annual appraisal.

1161/17/18 Changes to Role of Project Manager

The Town Clerk advised that there had been a number of changes to the Project Manager's role over the past year which needed to be reflected in the job description and pay scale of the post. These were expansions from the original remit of the Project Manager and included appointment as the Data Protection Officer. Committee were asked to consider approving the additions to the Project Officer role and subsequent reflection in the job description and pay for the role, the latter by increasing the scale range for the post by a spinal point and awarding a spinal point increase to the post holder effective 1st April 2018.

Councillor A Robinson proposed that Committee approve the changes. This was seconded by Councillor J Robinson and carried with 1 abstention.

RECOMMENDATION That the job description and pay for the Project Manager post reflect additional responsibilities including increasing the scale range for the post by a spinal point and awarding a spinal point increase to the post holder effective 1st April 2018.

1162/17/18 Admin Assistant Recruitment

The Town Clerk advised that she was in the final stages of putting together the advert for the Admin Assistant post. It would be placed next week with a deadline for applications of 21st May. Volunteers were requested for the sifting of applications and interviews. Councillors Brook and Blackman agreed to assist, subject to election results.

FINANCIAL OR BUSINESS AFFAIRS [Paragraph 3]**1163/17/18 Request for Funding for Information Hub**

A request had been received for financial support towards the establishment and ongoing operation of a new Local and Visitor Information Hub. The aim was to set up a new, improved and more inclusive Tourist Information Centre on Finkle Street that is accessible to all.

It was noted that the Town Council has funding allocated to assist the Tourist Information Centre in the Made in Cumbria operation provided by Cumbria Chamber of Commerce. This has not been called upon since April 2015. KTC were being asked to reallocate the funding to this new proposal for a 3 year period.

Members were asked to review the business plan received and consider the request for funding.

Councillor Vincent advised that he had been informed that the Chamber of Commerce had no plans to cease operating the current Made in Cumbria TIC facility. However they had no objection to the new proposals and viewed it as a promotional centre for Kendal. Following a general discussion Members agreed that there were a number of questions that required answers before a decision could be made and a meeting with all parties was required. It was agreed that the Town Clerk would forward these to the applicant.

RESOLVED That the Town Clerk forward the questions raised by the Committee to the applicant.

1164/17/18 READMISSION OF PRESS AND PUBLIC

It was proposed by Councillor J Robinson to re-admit the press and public. This was seconded by Councillor Veevers and carried unanimously.

RESOLVED that the press and public be re-admitted for the remainder of the meeting (none were present).

ANY OTHER BUSINESS

1165/17/18 Councillor Veevers thanked the Town Clerk for the letter she had written to United Utilities regarding improving the accessibility of the footpath next to the waste water treatment plant. A contractor had subsequently been employed.

1166/17/18 At the last meeting it had been noted that individuals were using the Kendal Town Crest in connection with Mint Bridge (Rugby Club) on Facebook. Councillor A Robinson informed members that one individual was still doing so, despite the matter having been raised with the Committee of Mint Bridge. It was agreed that the Town Clerk would write a letter.

RESOLVED That the Town Clerk write a letter to Mint Bridge (Rugby Club) regarding use of the Kendal Town Crest.

1167/17/18 The Town Clerk had received an email from Network Rail advising that personnel changes were causing difficulties in replying to our questions related to flooding issues. It was proposed by Councillor A Robinson that the Town Clerk reply to Network Rail requesting that they undertake to work closely on any future works to ensure no adverse impact. This was seconded by Councillor Cook and carried.

RESOLVED

That the Town Clerk reply to Network Rail requesting that they undertake to work closely on any future works to ensure no adverse impact.

1168/17/18

Councillor A Robinson advised that it appeared the previous Roundhills site had been purchased. No planning application had been submitted but a fence had been erected and a huge amount of stone had been left on site. It appeared the stone may be intended for the facing of houses. Some engineering works were taking place. It had not been possible to ascertain any further information from official channels. It was noted that storing stone on site for more than 28 days would require planning consent.

The matter had been discussed by the Planning Committee and Members had agreed that SLDC should be informed of the Committee's concern regarding the works taking place on site and the storing of stone and request an update.

1169/17/18

Councillor A Robinson expressed his concern regarding SLDC Councillors making declarations of interest at KTC meetings. He gave an example of the last Council meeting when several SLDC Councillors declared an interest in respect of the item relating to KTC considering asking SLDC to pay for the cost of the potential Parish Poll. He felt that on occasions there was no conflict of interest and therefore no need to declare an interest. He said that SLDC Members should remember that in the Council Chamber they are Town Councillors. Councillor Cook commented that it was down to the individual Councillor to decide.

The meeting closed at 10.30pm.

Summary of Information, Resolutions and Recommendations to Council

Min	Subject	Information/Resolution/Recommendation to Council	
1148	Urgent Items of Business – Unity Festival	RES	That an invitation be sent to the twin towns to attend the Unity Festival, including a hospitality meal, to be limited to 2 from each twin town.
1150	Kendal Futures Board Update	RES	That the KFB course of action be approved.
1151	Mentors for New Councillors	RES	That Councillors Brook, Blackman, Cook, Tirvengadam, Vincent and Veevers act as mentors for new Councillors, subject to the result of the elections.
1152	General Data Protection Regulations	RES	That Committee approve the work programme along with estimated costs and the Project Manager be appointed as the DPO.
1153	Surrender of User Rights of Kendal Town Hall Rooms	RES	That KTC move forward to finalise the lease.
1154	Parish Polls Contingency Provision	REC	<p>That Committee recommend to Council that:</p> <ul style="list-style-type: none"> (a) the current practice of accumulating resources in the Election Reserve, by means of annual contributions, provides adequate provision for election costs; (b) it agrees the Treasurer's advice that the Council's Reserves Policy and the current level of its reserves are both appropriate; (c) it increases its target General Fund working balance for 2018/19 by £10,000 to £40,000 to provide extra resources against the risk of Parish polls; and (d) it notes that the closing General Fund working balance at 31 March 2018 will provide £8,726 towards the target increase of £10,000 and that it reserves the full unallocated amount of £17,830 in the 2018/19 Budget for the expected forthcoming poll until the costs are known and the working balance achieves its target of £40,000, after which the use of any remainder can be considered.

1155	Review of Budget Process	RES	That an additional Management Committee meeting be held at the appropriate time to review budget proposals rather than the Budget Working Group.
1160	Staffing Matters	REC	That the Council Secretary move up one spinal point on the pay scale following a satisfactory annual appraisal.
1161	Staffing Matters	REC	That the job description and pay for the Project Manager post reflect additional responsibilities including increasing the scale range for the post by a spinal point and awarding a spinal point increase to the post holder effective 1 st April 2018.
1163	Request for Funding for Information Hub	RES	That the Town Clerk forward the questions raised by the Committee to the applicant.
1166	AOB – Kendal Town Crest	RES	That the Town Clerk write a letter to Mint Bridge (Rugby Club) regarding use of the Kendal Town Crest.
1167	AOB – Network Rail	RES	That the Town Clerk reply to Network Rail requesting that they undertake to work closely on any future works to ensure no adverse impact.