

Kendal Town Council

Town Hall, Highgate, Kendal LA9 4ED
www.kendaltowncouncil.gov.uk



Minutes of a meeting of Kendal Town Council held in the Town Hall, Highgate, Kendal, on Monday, 8 April 2024, at 7.30 p.m.

Councillors

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| G Archibald | Present | A Blackman | Present |
| S Blunden | Apologies | J Brook | Apologies |
| D Brown | Present | A Campbell | Apologies |
| S Coleman | Apologies | J Cornthwaite (Vice-Chair) | Present |
| J Dunlop (Chair) | Present | L Edwards | Present |
| R Edwards | Present | D Evans | Present |
| A Finch | Present | C Hardy | Apologies |
| M Helme | Present | L Hendry | Present |
| E Hennessy | Present | H Ladhams | Present |
| S Long | Present | D Miles | Present |
| D Rathbone | Present | C Russell | Present |
| M Severn | Apologies | K Simpson | Apologies |
| G Supka | Apologies | R Sutton | Present |
| P Thornton | Present | G Tirvengadam | Present |

In attendance: Chris Bagshaw (Town Clerk) and Inge Booth (Democratic Services Assistant), two members of the public and Isobel Stoddart and Sue Meyrick from the Clean River Kent Group.

Public Participation

No items were brought forward by the public.

Isobel Stoddart and Sue Meyrick of the **Clean River Kent Group** addressed Council with regard to the work of the Group.

Isobel Stoddart informed Members that the Clean River Kent Campaign, a coalition of communities along the length of the River Kent, including Kendal, was in its 3rd year. Its vision was to protect the River Kent for both wildlife and humans. The group had about 160 volunteers, a steering group and several working groups. The group was grateful for funding from Kendal Town Council to date in helping it to deliver its programme, including the Mayor's recent attendance at the group's Open Day. Ms Stoddart informed Council about the group's key achievements in 2023, including the Citizen Science Programme, campaigning, networking, events and information sharing. She further advised the Council of the group's priorities for 2024, including the continuation of the Citizen Science Programme, ensuring that the health of local rivers was addressed by Parliamentary candidates in the General Election, developing a new programme of engagement with the river (this would be a creative venture which would reflect both the emotional attachment which many people had to the river, and the benefits which a river could bring to both mental and physical health), press coverage, developing closer links with Natural Kendal, engagement with stakeholders, events, ongoing communications, fund raising and applying to DEFRA for bathing water status at Sandy Bottoms.

Sue Meyrick talked about the group's plans to apply to DEFRA for Bathing Water Status for the Sandy Bottoms area of the River Kent. If successful, this would oblige the Environment Agency to test the river at Sandy Bottoms for E. Coli and Enterococcus, both of which could be harmful bacteria if ingested. With help from both the Town Council and Westmorland and Furness Council, the group felt confident that all of DEFRA's criteria could be met. The Mintsfeet Nature Reserve at Sandy Bottoms, the group felt, would partner extremely well with the notion of open water swimming, an increasingly popular pastime and one which promoted the good health of both body and mind and was free to the user. Ms Meyrick stressed that the group was keen for the potential of adding Bathing Water Status to Kendal's initiative to promote the wonderful natural environment.

The representatives responded to questions raised by Members, who expressed support for the scheme. Cllrs G Archibald and J Cornthwaite suggested that the group may find it useful to contact them as they were both Members of both Kendal Town Council and Westmorland and Furness Council and had close connections with the Environment Agency. Cllr M Helme further suggested that the group may wish to engage with local vets within the area. Cllr C Russell, who was Chair of Natural Kendal, welcomed the work being carried out by the group and expressed a desire for involvement by Natural Kendal. The Mayor thanked the representatives for their contribution to the meeting, acknowledging the need for everyone to work together for the good of the River Kent.

79/2023 Apologies

Resolved: To receive and accept apologies for absence from Cllrs S Blunden, J Brook, A Campbell, S Coleman, C Hardy, M Severn, K Simpson and G Supka.

80/2023 Declarations of Interest

Cllr P Thornton declared an interest in Agenda Item No.11 (Wainwright Award 2023-24) as outlined at Minute No.89/2023 below.

81/2023 Exclusion of Press and Public (Public Bodies Admission to Meetings Act 1960)

It was raised that items relating to a confidential matter appeared later on the Agenda at Item No.7(b) (Internal and External Audit) and Item No.11 (Wainwright Award 2023-24), at which points votes would be taken to exclude the press and public from the meeting.

82/2023 Minutes of Last Meeting

Attention was drawn to the an typographical error under Public Participation, where Mary Biddle (Youth Presence) was incorrectly referred to as May Biddle.

Resolved: To receive the minutes of the meeting of the Council held on 5 February 2024 and to authorise the Chair to sign them as a true record.

83/2023 Minute Action Sheet

Members considered a report on actions taken by officers on resolutions or recommendations made at previous meetings of the Council. The Town Clerk referred to Items Refs. Nos.16, 17 and 18, informing Council that he had on the day following the meeting carried out the actions specified in relation to the motion, submission of the precept demand and inclusion of improved details within the Schedules of Payments.

Attention was drawn to the fact that the motion on the Divestment Policy of Cumbria Pension

Fund had been taken very seriously by the Fund Group, Kendal Town Council's comments having had a strong effect.

Resolved: To note the report.

84/2023 Mayor's Communications and Announcements

The agenda included a report from the Mayor on her recent activities. The Mayor drew particular attention to her successful trip to Kendal's twin town of Killarney. She explained that this relationship had lain dormant for a number of years, however, that it was now being revitalised. This year would see the 20th anniversary of this twinning and the plan was to mark the occasion in a similar manner to that of the 30th anniversary of Kendal's twinning with Rinteln. Representatives from Killarney were keen, subject to re-election, to visit Kendal.

The Mayor took the opportunity to draw attention to the fact that Cllr R Edwards had been voted Positive Young Person of the year at the Diverse Cumbria Awards in Carlisle last month. Council applauded Cllr R Edwards for her achievement.

Resolved: To note the report.

85/2023 Internal and External Audit

(a) Council was asked to consider the report from the External Auditor in relation to the Annual Governance and Accountability Return (AGAR) 2022-23, as attached to the agenda.

The Town Clerk explained that the report stated that, except for those matters detailed within the document, on the basis of External Audit's review of Sections 1 and 2 of the Annual Governance and Accountability Return, in their opinion the information in Sections 1 and 2 of the Annual Governance and Accountability Return (AGAR) was in accordance with the Proper Practices and no other matters had come to their attention giving cause for concern that relevant legislation and regulatory requirements had not been met.

Those matters referred to within the report related to the fact that the announcement of the Period for Public Rights had been made prior to the approval of Section 2 of the AGAR when the Regulations required that the Return should be approved prior to the Notice being published. In addition, the report referred to other matters not affecting External Audit's opinion. Firstly, the comparative column of the AGAR Section 2 Statement of Accounts did not arithmetically add down to Box 7 by £1 when summed. When rounding the number for the Return, care should be taken to ensure the Return summed correctly as well as ensuring that Box 7 of the comparative year equalled Box 1 of the current year. Incomplete information had been provided with the initial supporting data submitted for review with regard to significant variances, which had been later requested but had remained insufficient. Attention was drawn to the fact that the Council should, in future, ensure that all the necessary supporting information was provided. Also pointed out was the fact that the Internal Auditor had commented that they had been unable to confirm that the Council had met its annual publishing responsibilities. The Council had, however, been certain that it had met its responsibilities and had, therefore, responded in the affirmative to the relevant assertions. External Audit had been unable to independently confirm this, however, the Internal Auditor had indicated their intention to timetable this into their checks during 2023/24. The Internal Auditor had answered in the affirmative to question K on the Annual Internal Audit Report regarding authorities that were exempt in the current or prior year, however, this had been incorrect.

The letter from External Audit also referred to the fact that it had been noted that certain

internal review policies and procedures were out of date due to changes in systems. Explanations had, however, led External Audit to state that it was unlikely that any matters had been improperly concluded by the Council, although there may have been practical difficulties in the ease and speed of the Council's decision-making processes resulting from the need to use "hybrid" information. As a result, and so that they could be satisfied that the systems were now in place, they asked now to be provided with a copy of the updated policies and procedures in relation to financial management during the year and for internal controls to be provided with the 2024 AGAR, together with a copy of the minutes adopting those practices. They also wished to see confirmation from the Internal Auditor that they had reviewed these policies and were satisfied that they were being followed.

The Town Clerk provided an explanation in relation to the one exception raised by External Audit. He informed Members that, with regard to early publication of the Notice prior to approval of the Return, he had been due to be away on leave when this was due to be done, and so carried out this task in advance. The control for this was to timetable in future for the Notice to be published after the relevant Council meeting. He acknowledged the fact that the issues raised were technical in nature but that the Council should be getting them right. The Audit Committee would do its best to ensure that all was correct moving forward.

Resolved: To receive and note the report from the External Auditor in relation to the Annual Governance and Accountability Return 2022-23.

Part Two

The next item was considered following a resolution to exclude the Press and Public due to the confidential or commercial sensitivity of the report.

(b) Council was asked to consider the recommendation from the Audit Committee on the appointment of the Council's Internal Auditor (Minute A27/2023 of the Audit Committee meeting held on 22 March 2024 refers).

Cllr C Russell, Chair of the Audit Committee, referred to the special meeting of the Audit Committee which had been held to consider the appointment and to the need to select the right candidate with the relevant experience.

Whilst a Member raised concern in relation to the recruitment and selection process which had been followed, the majority of Members took assurance from the fact that the Members of the Audit Committee were sufficiently qualified and experienced in this type of business and that they had discussed the matter appropriately and at length.

Resolved: To approve the appointment of Julie Hartley as the Council's Internal Auditor, initially for a year, and then in three year blocks as required, subject to appropriate review.

Part One

The Press and Public were readmitted to the meeting following a resolution to move back into Part One.

86/2023 Reports and Minutes from Committees

The Council was presented with the following minutes from recent meetings of the Council's standing committees:-

(a) Allotments Committee on 26 February 2024

In presenting the minutes, Cllr A Finch drew attention to the fact that the title of “Chair” had been omitted from next to his name in the attendance list.

- (b) Audit Committee on 29 January and 22 March 2024
- (c) Culture and Communities Committee on 19 February 2024

In response to a query, Cllr H Ladhams and the Town Clerk provided explanations around the consideration of and awards of grants. Cllr Ladhams also explained how the Comic Arts Festival was no longer based within Kendal and that the Committee’s preference was to support Kendal-based organisations.

- (d) Environment Committee on 11 March 2024
- (e) Kendal in Bloom on 13 February and 19 March 2024
- (f) Management Committee on 4 March 2024
- (g) Planning Committee on 5 February, 19 February, 4 March and 18 March 2024.

The question of how Members who arrived at or left meetings part way through proceedings was recorded and the need for a consistent policy was, once again, raised. The Town Clerk undertook to bring the matter to a future meeting of the Management Committee for a recommendation to be made to Council.

Resolved: To include the title “Chair” next to Cllr A Finch’s name in the attendance list within the minutes of the meeting of the Allotments Committee held on 26 February 2024.

Resolved: To bring a report on a policy for the reporting of part attendance by Members at meetings to a future meeting of the Management Committee in order for a recommendation to be made to Full Council.

Resolved: To receive the minutes of recent meetings of the Council’s standing committees shown above.

87/2023 Reports from Representatives on Outside Bodies

The Council considered a report from its representative on the following outside organisation:

Integrated Care Community (ICC) Delivery Group Meeting (a written report from Cllr R Sutton).

Cllr J Cornthwaite, Chair of the Kendal Town Council Flood Relief Scheme Working Group, took the opportunity to raise the situation with regard to the Environment Agency’s new application in relation to the proposed wall on New Road.

Note – Cllr D Rathbone at this stage drew attention to the fact that he was Vice-Chair of the Westmorland and Furness Council South Lakes Area Planning Committee and took no further part in the discussion on the item.

Cllr H Ladhams, Vice-Chair of the Planning Committee, referred to a forthcoming meeting that she would be attending with Tim Farron MP and the Chief Executive Officer of the Environment Agency, at which the planning application was to be discussed. She further advised that consideration of the application by Westmorland and Furness Council’s South

Lakes Area Planning Committee had been put back to 15 April 2024 in order to allow for further representations to be made.

Resolved: To receive the reports from the representatives on the outside organisations shown above.

88/2023 Schedule of Payments

The Council was presented with the schedules of payments for January and February 2024. The Town Clerk provided clarification with regard to a number of queries raised by Members. The Town Clerk undertook to get back to Members to elaborate on the payment of £6,200 made to Westmorland and Furness Council in respect of Footpaths. In addition, he undertook to provide clarification on the two payments made on 22 February to North West Pest Control Service.

Resolved: The Town Clerk to provide clarification in relation to the payments referred to above.

Resolved: To receive the schedules of payments for January and February 2024.

Part Two

The next item was considered following a resolution to exclude the Press and Public due to the confidential or commercial sensitivity of the report.

89/2023 Wainwright Award 2023-24

Note – Cllr P Thornton declared an interest in this item by virtue of being related to an individual who had been nominated for the Wainwright Award. He left the Council Chamber for the remainder of the meeting, taking no part in the discussion or voting on the item.

Prior to consideration of the nominations, some discussion took place around the need for clarity around the criteria for nominations. The Town Clerk explained that the Deed of Covenant referred to both individuals and groups and pointed out that there had also originally been a requirement for a small group of Members, the Town Clerk and the Treasurer to consider the award. He pointed out that legal advice would be required on the matter.

All Members having received the relevant documentation, the Council considered nominations for the Wainwright Award 2023-24.

Following a secret ballot, it was

Resolved: To present the Wainwright Award 2023-24 to Nina Bale, Founder and Co-ordinator, Friends of Manna House.

The meeting closed at 9.00 p.m.