

Kendal Town Council

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



Minutes of the meeting of the Management Committee held on Monday, 3 July 2023, at 7.35 p.m., in the Council Chamber at the Town Hall, Highgate, Kendal.

| | | | |
|------------------------|-----------|------------------------------|---------|
| Cllr A Blackman | Apologies | Cllr H Ladhams | Present |
| Cllr S Coleman (Chair) | Present | Cllr S Long | Present |
| Cllr J Dunlop | Apologies | Cllr D Rathbone (Vice-Chair) | Present |
| Cllr A Finch | Apologies | Cllr C Russell | Present |
| Cllr E Hennessy | Present | | |

Also present: Cllr J Cornthwaite acting as substitute for Cllr J Dunlop. Cllr L Hendry was also in attendance and whilst taking part in debate, did not vote on any of the items, as not a Member of the Committee.

In attendance: Chris Bagshaw (Town Clerk) and Inge Booth (Democratic Services Assistant).

M13/2023 Apologies

Apologies for absence were received and accepted from Cllrs A Blackman, J Dunlop and A Finch.

M14/2023 Declarations of Interest

No declarations of interest were raised.

M15/2023 Exclusion of Press and Public (Public Bodies Admission to Meetings Act 1960)

No items were to be considered for exclusion.

M16/2023 Minutes of the Previous Meeting

Resolved: To receive the minutes of the previous meeting of the Management Committee held on 30 May 2023 and to authorise the Chairman to sign them as a true record.

M17/2023 Minute Action Sheet

Members considered a report on actions taken by officers on resolutions or recommendations made at previous meetings.

MA43/2022 (Report on the Work Programme) – The Committee asked for the matter of seeking clarification on the Town Council's representation on Brewery Arts to be addressed.

Resolved: To address the matter of seeking clarification on the Town Council's representation on Brewery Arts.

MA46/2022 (Land at Mintsfeet and Vicarage Drive) – The Town Clerk reported that the horse had now been removed from the land at Mintsfeet and that he would be inspecting the site together with the former licensee with regard to any outstanding items. In addition, the Town Clerk advised that he had found out that the land just beyond the railway bridge and the big wall belonged to Westmorland and Furness Council. Only the area below the bridge belonged to Network Rail. He further reported that he was due to contact the solicitors once more in relation to Vicarage Drive. With regard to the bench due to be installed on the site, he awaited instructions from the former landowner's solicitors. The Town Council had, however, done what had been undertaken.

MA60/2022 (Council Activity Report) – It was remarked that neither the Committee Membership nor the Outside Body pages of the Website had yet been updated following the start of the new Council year.

Resolved: To update the Committee Membership and Outside Body pages of the Council's Website.

M77/2022 (Budget Processes) – With regard to the establishment of a sub group of Members of the Audit, Grants and Charities Committee to look at the issue of risk management, as well as health and safety aspects, the Town Clerk advised that some of these issues were due to be considered at the next meeting of that Committee.

M6/2023 (Council Activity Report) – In response to a query in relation to arrangements for a briefing session for Members on Kendal Futures, the Town Clerk advised that the officer meeting had already taken place, however, that a date or format for a member briefing had not yet been agreed. He stressed the importance of the need for a mutual understanding as to what was being discussed.

M9/2023 (Employment Support) – The Town Clerk reported that the contract with Meraki had commenced on 1 July 2023 and advised on the initial work to be carried out. In response to query, he advised that he believed that the implication of the budget of £3,600 was that this was an annual fee, the Town Council having signed up to the Company's silver standard.

M10/2023 (Property, Accommodation and Building Use) – The Town Clerk reported that this remained ongoing.

Resolved: To note the report.

M18/2023 Council Activity Report

The Town Clerk presented a report on progress made across the various actions the Council was involved in.

In response to a query, the Town Clerk advised that, in the absence of Cllr A Blackman, Cllr L Hendry was supporting the Council Services Officer in relation to Bloom matters. The Britain in Bloom portfolio and the staff throne had been completed. Attention was drawn to the fact that a Miss Kendal costume had been produced for Torchlight, that it incorporated all the key symbols of Kendal and may be of use moving forward for Bloom and other events in Kendal.

Reference was made to 20mph and the fact that an update was due to be presented to the Environment and Highways Committee on 17 July. The need for a suitable method of communication to Members in relation to 20mph was raised, and the Chair of the Environment and Highways Committee undertook to take notes at the meeting and to circulate to Members.

Resolved: The Chair of the Environment and Highways Committee to take notes in relation 20mph at the meeting of that Committee on 17 July and circulate to Members.

Attention was drawn to a typographical error within the report under Street Furniture and the need to refer to Windermere Road railings. In response to a query on this item, the Town Clerk undertook to find out when the next meeting was due to be held and to inform Members. The Chair of the Environment and Highways Committee explained that there was an outstanding question as to the need for the Windermere Road railings in relation to 20mph.

Resolved: The Town Clerk to find out when the next meeting regarding Windermere Road railings is due to be held and to inform Members accordingly.

Resolved: To note the report.

M19/2023 Budget 2023-24

The Committee reviewed the expenditure against budget in the current year. The Town Clerk referred to the fact that the Reserve Levels had not been included within the agenda paper and undertook to ensure that these were, instead, presented to the Audit, Grants and Charities Committee at its meeting on 10 July 2023. He pointed out that the budget before Members related to the end of the first quarter of 2023-24 and that he currently had no particular concerns. He drew attention, however, to the lack of a specific budget line with regard to councillor training, and undertook to make a proposal on this to the Audit, Grants and Charities Committee at its forthcoming meeting. This raised a comment on the importance for Members on the new committees to be fully confident in performing their roles as councillors. The Town Clerk explained that the CALC finance training due to be carried out by Steve Parkinson, who was a national expert in finance matters, would be aimed at a high level.

Resolved: To note the report.

M20/2023 Committee Terms of Reference

Following the last meeting of the Management Committee, a Task and Finish Group had been established to consolidate the work already carried out on the Council's Committee Structure. The proposals, which were a second draft of Committee Terms of Reference, were attached to the report, were the result of that Group's deliberations.

It was proposed that the Management Committee review the second draft and, subject to whatever changes suggested, submit the Terms of Reference to the next meeting of Full Council for adoption. The provisional timetable required that the Council appointed members to the new committees, where required, in time for the second half of the financial year, i.e. with effect from 1 October 2023.

Attention was drawn to the need to ensure that the sub-committees and working groups, currently the Employment Sub-Committee and the Flood Relief Scheme Working Group, were shown as reporting to their parent committees. It was pointed out that there was a superficial line relating to the Citizens' Jury under the Environment Committee at the seventh bullet point and that this was already covered under the first bullet point. In addition, concern was raised that there was no reference to plastic reduction and, to this end, it was proposed that an additional bullet point be added to the list, "To oversee waste reduction, with particular focus on plastics and recycling." Whilst some concern was raised that the name of the Environment Committee did not clearly indicate its full remit, Members, on the whole, felt content that the term "Environment" encapsulated all of the work involved. The Town Clerk drew attention to the line in brackets below Management Committee and to the need to remove, "This may be seen as an Audit function." A change to the third bullet point under the Employment Sub-Committee was suggested, removing, "as line management for the Clerk" and replacing with, "and including overseeing staff welfare, wellbeing and appraisals." An additional bullet point, "To act as line manager for the Clerk" was proposed. It was noted that the membership of the Flood Relief

Scheme Working Group was stated as 12 and it was suggested that this should instead say, "To appoint such Members as are required."

The need to adopt the Terms of Reference and to elect people to the committees in a timely manner was raised, this to ensure that Members were able to gain an understanding of the work of the committees prior to the 2024/25 budget being considered, was stressed. It was suggested, therefore, that this should be addressed by Full Council at its July meeting. The Town Clerk explained that this was possible.

Resolved: Subject to the inclusion of the amendments raised at the meeting and outlined above, the draft Terms of Reference, attached to the report, be recommended to Full Council for adoption and implementation.

M21/2023 Representatives on Outside Bodies

The Town Clerk reported that the Council appointed a number of members to 'Outside Bodies', a catch-all that covered everything from local government bodies and partnerships to community groups. Sometimes the member might be on a governing body, at other times they would attend on a report-back-to-council basis. For some organisations on the list, it was not immediately clear what the role of the councillor was intended to be. A full list of the appointments from the Council's Annual Meeting was attached to the report. Some of the bodies listed appeared to meet sporadically, if at all. Some of the members appointed attended diligently and reported back to Council frequently, others were less assiduous.

Presence on an Outside Body could be a very immediate way of the Council exerting influence over the activities of the Body. Occasionally it could lead to confusion and potential conflicts of interest, as a member might be uncertain what their brief was on the Outside Body, and to what extent they were merely a conduit for communication between the body and the Council.

Some members attended Outside Body meetings in a role which was not appointed (or delegated) by the Council. Some Outside Body meetings were attended by officers.

The Town Clerk was, therefore, proposing that the Council initiated a review of the Outside Bodies it appointed members to attend, with a view to ensuring that the Council derived the maximum benefit from the process. The Committee might identify Outside Bodies it wished to be represented on and it might identify Outside Bodies on which members or officers already attended. The aim would be to report back to Full Council with a list of Outside Bodies, with agreed frameworks of reference for members, and agreed reporting back, schedule, and notes on dealing with Conflicts of Interest as they might arise.

Although there was no immediate financial implication for this, officer time would need to be made available over the next six months to ensure that a report was made to Council in the Spring of 2024, prior to the Council's Annual Meeting in May.

During consideration of the item, it was raised that Cllr H Ladhams was the Town Council's representative on Kendal Bid, and not Cllr J Dunlop as shown. In addition, former Cllr K Blamire's name required removing from the Kendal Lads and Girls Club, and Cllr P Thornton instead of Cllr A Blackman on Lancaster Canal (Northern Reaches). The existence of Air Quality Working Group (SLDC) was questioned and that of the Kendal Bus User Group. Also questioned was the potential for a representative in relation to Kendal Museum and Cllr C Russell's position as a representative on Brewery Arts. The Town Clerk referred to a potential political role on the Cumbria Association of Local Councils which, he suggested, could provide for a direct link to the National Association of Local Councils. The fact that a number of the outside bodies had two representatives was remarked on, and it was suggested that this provided resilience where one member was unable to attend.

Discussed was the need to consider dual-hatted representation on outside bodies, which, it was felt, created confusion. Also of importance, it was felt, was the production of guidance for members appointed to serve on outside bodies.

Members welcomed the review, and the Town Clerk undertook to bring forward the information required within the next three to four months. He further undertook to update the Website in relation to the discrepancies raised.

Resolved: To update the List of Appointments to Outside Bodies, as raised at the meeting and outlined above, including the information shown on the Council's Website.

Resolved: To undertake a review in relation to the Town Council's representation on outside bodies, as discussed at the meeting and outlined above, prior to the Council's Annual Meeting in May 2024.

M22/2023 Protocol for Officers being considered at Council Meetings

At the last meeting of the Management Committee, a query had been raised about the protocols in place for the occasions when a committee considered the behaviour, actions, appraisal or performance of an individual officer who was otherwise attending the meeting in their supporting role.

The Town Clerk presented a draft protocol, as follows.

"Occasionally, the Council, or one of its Committees, will have cause to consider aspects of an officer's role, behaviour, actions or appraisal. Such consideration should usually be held following a resolution by the Council or Committee to exclude the Press and Public under the terms of the Public Bodies Admission to Meetings Act 1960. This is because a Council meeting is a public meeting, but it is considered a breach of the council's duty of confidentiality under Data Protection regulations, to discuss matters relating to an individual that the individual might reasonably consider to be of a confidential nature.

The Council's current review of its Committee structure recommends that employment matters are delegated to a Sub-Committee in line with best practice. The Sub-Committee must report to its parent committee, but can do so in such a way as to not conflict with the need for confidentiality. However, occasionally there may be instances when the Council needs to consider issues relating to officers who would normally be present at the meeting. On these occasions it is considered good practice to ensure at least one officer remains present to advise the Council and take such minutes as are required to ensure the public record is maintained. Issues of this nature must be clearly identifiable from the agenda. Councillors should resist the temptation to drop into debate, issues that might reasonably be considered to be confidential, if members and the public (including officers) have not been given proper notice in advance that such consideration might arise.

Note: A member, who is not a member of a committee, but is attending a committee meeting in their role as a councillor, must consider information received during confidential sessions, as confidential."

Members welcomed the protocol.

Resolved: To recommend to Council for adoption and implementation the draft protocol for Officers being considered at Council Meetings.

M23/2023 Employment and Staffing Matters

The Town Clerk had nothing to report under this item. He referred to his recent appraisal carried out by the Chair of the Management Committee and the Mayor and to proposals for a Staffing Sub-Committee.

The Chair drew attention to the fact that the new Terms of Reference would provide for a regular update by the Staffing Sub-Committee to the Management Committee. He added that the Town Clerk's appraisal, which had been well overdue, had gone well and been useful.

Resolved: To note the verbal update.

M24/2023 Newsletter and Publicity

The Town Clerk reported that the deadline for items for inclusion in the next Newsletter was close and that the Management Committee had already given instructions in relation to insertion of the Council Plan. In response to a comment suggestion that the Newsletter could simply refer readers to view the Plan on the Council's Website, the Town Clerk explained that digital exclusion would be of concern. In response to a query, he undertook to ensure that the Plan had been published on the Website.

Some concern was raised with regard to the Newsletter becoming lost in junk mail and to cases where individuals had opted not to receive junk mail would not receive the document. It was suggested that Members could make enquiries as to whether people were receiving the document when visiting residents.

Resolved: To ensure that the Council Plan had been published on the Council's Website.

Resolved: To note the verbal update.

The meeting closed at 9.00 p.m.