

Kendal Town Council

Town Hall, Highgate, Kendal LA9 4ED
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Minutes of a meeting of the Management Committee held on Monday, 4 September 2023, at 7.37 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	Present	Cllr D Rathbone (Vice-Chair)	Present
Cllr A Finch	Apologies	Cllr C Russell	Apologies
Cllr E Hennessy	Present		

Also present: Cllr G Archibald as substitute for Cllr A Finch. Cllr S Blunden was also in attendance at the meeting, however, whilst taking part in debate, did not vote on any of the items, as not a Member of the Committee. In addition, two members of the public, Debbie Binch and Anne-Marie Williams, from Cumbria Divest, were present at the meeting.

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

Public Participation

Anne-Marie Williams, representing Cumbria Divest, addressed the Committee on the subject of Divestment. Ms Williams pointed out that Kendal Town Council was a key employer member of the Cumbria Local Government Pension Scheme (CLGPS). She further drew attention to the Council's commitment to taking action to support its declaration on climate emergency. Ms Williams provided a brief outline of what divestment was. She went on to provide details of the problems around pension funds engaging with fossil fuel companies, the financial case for divestment from fossil fuels and on the growing support for divestment. Cumbria Divest was asking the Council to write to Westmorland and Furness Council asking it to divest the CLGPS from fossil fuels. Although small in terms of staff numbers, Kendal Town Council, it was felt, could make a big impact by agreeing to add its voice on this matter. Ms Williams explained how Cumbria Divest could support the Council through the provision of a template letter to Westmorland and Furness Council, a session on divestment for staff, contact details for councillors to provide to residents seeking information on divestment (cumbriadivest@gmail.com or facebook: 'Cumbria Divest') and sources of advice/support for the pension fund manager about divestment.

Ms Williams answered a number of questions raised by Members. It was suggested that it would be of help for Cumbria Divest to provide more substantiation on engagement and, furthermore, that the organisation might discuss the matter with the Cumbria Pensions Committee. The need for additional examples of other councils and Local Government pension committees who had voted for divestment was also raised.

The Chair thanked Ms Williams for her presentation and for the provision of contact details.

M25/2023 Apologies

Apologies for absence were received and accepted from Cllrs A Blackman, A Finch and C Russell.

M26/2023 Declarations of Interest

Cllr G Archibald declared an interest in Agenda Item No.8 (Investment and Climate Change), Minutes No.M30/2023 below, by virtue of the fact that he was Vice-Chair of the Cumbria Pensions Committee. Cllr D Rathbone declared the same interest by virtue of being Chair of that Committee. Whilst they would take part in the discussion on the item, they would take no part in the voting thereon. Those other Westmorland and Furness councillors present at the meeting, Cllrs E Hennessy and H Ladhams, also declared an interest in the same item by virtue of membership of that Council. Whilst they would take part in the discussion on the item, they would take no part in the voting thereon.

Cllrs G Archibald, E Hennessy, H Ladhams and D Rathbone, declared interests in Agenda Item No.9 (Community Governance Review), Minute No.M33/2023 below, by virtue of the fact that they were Members of Westmorland and Furness Council.

M27/2023 Exclusion of Press and Public (Public Bodies Admission to Meetings Act 1960)

The Town Clerk explained that his verbal update in relation to Agenda Item No.12b related to confidential matters and asked the Committee to consider whether to exclude the press and the public during discussion on that item.

Resolved: To vote on moving into Part Two for consideration of Agenda Item No.12b (Employment and Staffing Matters).

M28/2023 Minutes of the Previous Meeting

Resolved: To receive the minutes of the previous meeting of the Management Committee held on 3 July 2023 and to authorise the Chairman to sign them as a true record.

M29/2023 Minute Action Sheet

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

- *Ref. No.1* – The Town Clerk reported that he had discussed the Town Council's representation on Brewery Arts with the organisation and advised that he would shortly be bringing a paper to Full Council on both this and on the Council's representation on other outside bodies.
- *Ref. No.2* – The Town Clerk explained that the only outstanding action in relation to the land at Mintsfeet Riverside was with regard to a press release which he had yet to organise.
- *Ref. No.4* – With regard to telephony, the Town Clerk reported that he had spoken with a supplier with experience in the Town Council's sector and who could provide both telephones and software. He was pursuing the matter.
- *Ref.No.5* – The need to ensure that all committees gave consideration to their budget wishes at their meetings in September was raised, this in order for the information to be fed to the Management Committee in October. Also raised was the need for the establishment of a sub-group of Members of the Management Committee to develop a draft budget for consideration by the Management Committee at its meeting in October.

Resolved: Cllrs G Archibald, H Ladhams and C Russell to form a Sub-Group of the Management Committee to develop a draft budget for consideration by the Management Committee at its meeting in October, with meetings of the sub-group to be arranged by the Town Clerk in due course.

- *Ref. No.10* – The Town Clerk reported that, with regard to property, accommodation and building use, he and Cllr C Russell had walked through the building with the relevant officer from Westmorland and Furness Council, and that the officer would be coming back to the Town Council with a revised, reduced rent.
- *Ref. Nos.12 and 13* – The Town Clerk reported that the Plan for Kendal had gone out with the recently-published Newsletter and that it should, by now, have been published on the Council's Website. Attention was drawn to the fact that some people did not receive a copy of the Newsletter and the Town Clerk asked those individuals concerned to let him know so that he could look into the matter.

Resolved: Those Members who do not receive a copy of the Council's Newsletter to let the Town Clerk know so that he can pursue the matter.

- *Ref. No.22* – The Town Clerk explained that the review of outside bodies related to Ref. No.1 above, reiterating the fact that this work had commenced. The importance of receiving information from other outside bodies was stressed, it being pointed out that this would lead to making Council representation on outside bodies more effective.

Resolved: To note the report.

Note - Cllr G Archibald declared an interest in the following item of business by virtue of the fact that he was Vice-Chair of the Cumbria Pensions Committee. Cllr D Rathbone declared the same interest by virtue of being Chair of the same Committee. Whilst they took part in the discussion on the item, they took no part in the voting thereon. Those other Westmorland and Furness councillors present at the meeting, Cllrs E Hennessy and H Ladhams, also declared an interest in the same item by virtue of membership of that Council. Whilst they took part in the discussion on the item, they took no part in the voting thereon.

M30/2023 Investment and Climate Change

Cllr E Hennessy, Chair of the Environment and Highways Committee, reported that at the last meeting, Members had considered a proposal from Divest Cumbria that it would be in keeping with the Council's position on the Climate Emergency to look at the investment arrangements of its leading financial institutions and to support their campaign for 'divestment', i.e. to withdraw investment capital from projects which were clearly not conducive to dealing with the Climate Emergency. The Committee had noted that, whilst it was the allocated body for the Council's Climate Change policies, the Management Committee was the appropriate vehicle for dealing with a wider, cross-cutting issue like pension arrangements (Minute No.E27/2023 refers).

The report presented to that meeting had informed Members that Divest UK was a national grass root organisation which was calling on public and private institutions to support divestment from fossil fuels and take action to secure a safe and healthy planet for future generations.

A Divest Cumbria group had been set up and was in the process of contacting town and parish councils regarding the Cumbria Group Pension fund and its credentials.

A number of local authorities had divested their investments in accordance with their declarations on climate change and included Waltham Forest, Southward, Islington, Lambeth and Cardiff. The Committee was being asked to consider support for Divest Cumbria.

The report further explained that Barclays Bank was widely acknowledged as one of the twelve global banks which continued to invest in fossil fuel extraction, including via the Tar Sands Pipeline Project.

The Town Council currently held one of its accounts with Barclays and, in accordance with its Climate Emergency declaration, could choose to switch to an alternative ethical banking provider.

Whilst Members of the Environment and Highways Committee had, on the whole, expressed support for the principle of switching to an alternative banking provider, the need to maintain value for money for Council Tax payers had been acknowledged. In addition, strong concerns had been raised with regard to making changes that could put risk to other people's pension funds.

The Management Committee's view was now, therefore, being sought on whether such a policy was appropriate and how one might be effectively enacted.

A lengthy discussion ensued. Members of the Management Committee expressed some concern, pointing out the complex issues in relation to the pension fund, the fact that they did not have the correct skillset or information with which to make a decision and also that they were not the recipients of the pensions involved. It was felt that if the Council was going to move forward on this, it needed to be made clear that this was partly due to its position on Climate Change and in order to set an example to others.

With regard to the issue of banking, it was felt that the Town Council should look to seek an alternative, not only due to the issue of fossil fuel but also with the aim of making banking more workable. The Town Clerk explained that both he and the Finance and Administration Officer had been looking at alternative banking arrangements and would shortly be coming forward with a proposal.

During conversation, Debbie Binch from Cumbria Divest took the opportunity to emphasise the fact that the organisation offered sessions for staff on divestment. She further pointed out that Keswick Town Council had recently changed banks.

In conclusion, the Committee felt that would be appropriate to instruct the Town Clerk to write to Westmorland and Furness Council's Pensions Committee to ask for their opinion on how they might incorporate a strategy that took them away from involvement in fossil fuel. The matter could then be brought forward for consideration by Full Council.

Resolved: To write to Westmorland and Furness Council Pensions Committee seeking its opinion on how they might incorporate a strategy that takes them away from involvement in fossil fuel for less focus on fossil fuel and, following this, to report further to a future meeting of Full Council.

At this point, concern was raised as to how this item had been included within the agenda for the meeting of the Environment and Highways Committee in the first place. Attention was drawn to the fact that committee chairs and vice-chairs were not always being consulted on the contents of agendas and it was suggested that lead officer should be reminded of this need.

Resolved: Lead officers to be reminded of the need to consult committee chairs and vice-chairs on the content of agendas prior to despatch and publication.

M31/2023 Council Activity Report

The Town Clerk presented a report on progress made across the various actions the Council was involved in, explaining that much of the content had been alluded to during conversation on the Minute Action Sheet (Minute No.M29/2023 above refers). He drew attention to the fact that good progress was being made with Meraki HR and that this would be touched on under Agenda Item No.12b (Employment and Staffing Matters) (Minute No.M36 below). The Town Clerk further wished to point out a risk in relation to Asset Management Reviews and the need for Council to formally resolved that both the Finance and Administration Officer and himself become signatories on the Council's accounts so that they could talk and engage with the banks.

Resolved: To authorise both the Town Clerk and the Finance and Administration Officer to become signatories on the Council's bank accounts.

The Town Clerk, in response to a query, explained that the Planning Committee would, at its first meeting in October, be considering the Department for Levelling Up, Housing and Communities' consultation which sought views on proposals to implement the parts of the Levelling Up and Regeneration Bill which related to plan-making, to make plans simpler, faster to prepare and more accessible. He advised that the whole Council would have an opportunity to provide input. This, he said, raised the question of trying to find a suitable date for a briefing to Council on Kendal Futures, which he hoped shortly to arrange.

Members welcomed the Action Plan and were keen, now that it was in the public domain, for it to be made easily available to all on the Council's Website. It was also suggested that the document might be shared with Members through other means rather than via the Website. The Town Clerk felt that publication of the document on the Website was a good idea and reported that he was currently looking into moving away from WordPress to a different and more user-friendly publishing platform. Members were keen for improvements to be made and acknowledged the need for inclusion of funding within the next Budget.

Resolved: To consider funding for a new website platform within the 2024/25 Budget.

Resolved: To note the report.

M32/2023 Budget 2023-24

The Committee reviewed the expenditure against budget in the current year. The Town Clerk drew particular attention to the inclusion within the report of the reserve statements which showed a breakdown of the Council's earmarked reserves. The Chair thanked the Town Clerk for the work which had been carried out in this regard which provided clarification and helped Members to understand how money was allocated. The Town Clerk explained the reason for the need for a reserve titled "Cllr Contributions" which was in relation to the total amount contributed by Members over the last three years for the Cycling and Walking Project and was purely to demonstrate that this particular earmarked reserve had not been lost in the system.

Resolved: To note the report.

Note - Cllrs G Archibald, E Hennessy, H Ladhams and D Rathbone, declared interests in the following item of business by virtue of the fact that they were Members of Westmorland and Furness Council.

M33/2023 Community Governance Review

The Town Clerk reported that, in the run up to Local Government Reorganisation (LGR), it had been noted that the Town Council's electoral cycle would become out of sync with that of the principal authority. Town Councillors had been elected for four years in May 2022. In an election held on the same day, Westmorland and Furness Councillors had been elected for a five-year term, the first of which would see them acting in a shadow role. Kendal Town Council's next scheduled election was due to take place in May 2026, whereas the principal authority's was not until 2027.

The savings made by sharing an election day were obvious, when considering the budget allocation made for the new Barrow in Furness Town Council in 2023, in excess of £100,000. Kendal Town Council had been charged around £33,000 for the cost of a shared election in 2022.

In the Council's feedback to the consultation on LGR in 2021, it had been noted that the Council would seek a review of its election dates through a Community Governance Review (CGR) as soon as practicable, once the new unitary authority had been created.

The Town Clerk explained that the Council could seek a CGR on this narrow criterion, or propose to extend the review to cover any boundary or other issues it may have.

The Town Clerk's report provided details on previous reviews. In 2018-19, South Lakeland District Council (SLDC) had conducted a formal CGR for parish boundaries and electoral arrangements. Kendal's southern boundary had been supposed to be aligned with that of the new developments in Oxenholme, pending approval by the Local Government Boundary Commission for England. To date, this change did not appear to have been effected. In 2014 there had been a proposal for a CGR to move the boundary north of Hallgarth to accommodate future development sites within Kendal. This had been countered by a proposal from Burneside Parish Council that all of Hallgarth be incorporated instead into one of their constituent parishes (Burneside was a joint Parish Council for the civil parishes of Strickland Roger and Strickland Ketel). This request for a CGR had been turned down by SLDC on the basis that there had been a general CGR in the previous year in which this issue had not arisen.

The Local Government and Public Involvement in Health Act, 2007, which created the process for Community Governance Reviews, recommended that principal authorities kept their community governance arrangements under review, and empowered them to hold a review at any time, though there were grounds on which they could refuse to carry out a review. The development of new estates on the edge of a parish was cited as a good reason to hold a CGR.

Any proposal to alter the boundaries of the civil parish of Kendal would probably require a demonstration of support from the communities involved, through a petition, for instance.

It was recommended that the Council seek a CGR from Westmorland and Furness Council to alter its electoral cycle so that it was in sync with that of the principal council.

Discussion raised reference to the potential increase in size of Kendal should land allocation go through for housing and the potential, for example, for the doubling of the size of Natland Parish. This, it was felt, should be looked at at the same time. Members supported the recommendation for a request for a CGR for the alteration of the electoral cycle, however, further proposed the need to seek a review of boundaries in order to address new housing development.

Resolved: To seek a CGR from Westmorland and Furness Council to alter the Town Council's electoral cycle so that it is in sync with that of the principal council and, in addition, to seek a review of boundaries in order to address new housing developments.

M34/2023 Council Open Space Land Acquisitions

The Town Clerk reported that the Council now owned two public open spaces, at Vicarage Drive, and at Mintsfeet. The purpose of these strategic acquisitions was to assist in the promotion of connectivity – between Kirkbarrow and the educational establishments around Vicarage Drive (for the Vicarage Drive land), and for the river corridor (for the Mintsfeet land). Both sites contained mature trees, which required their own management arrangements. Subsequently, both sites presented opportunities for biodiversity planting, for improvements to footpaths and signage, and for seating.

It was recommended, therefore, that the Management Committee allocate £4,000 drawn from the General Reserve, for the completion of tree surveys and a general management plan for biodiversity. (current costings for tree surveys were within the range of £1,400 to £5,400). In addition, it was recommended that the oversight of these sites passed to the new Environment Committee, for the development of appropriate management plans.

Cllr E Hennessy, Chair of the Environment and Highways Committee, took the opportunity to inform Members that Natural Kendal had recently indicated that, with regard to the land at Vicarage Drive, a representative of the organisation would be addressing the next meeting of the Environment and Highways Committee with an offer for that organisation to take on stewardship for that piece of land for educational and biodiversity purposes. The Town Clerk explained, however, that the Council would still have to carry out tree surveys for insurance purposes. In response to a query, he believed that it may be possible for this money to be drawn down from CIL.

Resolved: To allocate £4,000 from CIL for the completion of tree surveys and a general management plan for biodiversity in relation to open spaces at Vicarage Drive and Mintsfeet, with the oversight of these sites to pass to the new Environment Committee for the development of appropriate management plans.

M35/2023 CIL Allocations 2023-24

The Committee considered a report which explained that Kendal Town Council received Community Infrastructure Levy (CIL) payments from the local Planning Authority (now Westmorland and Furness Council). The original South Lakeland District Council advice note at Appendix 1 to the report explained where the money came from and what it might be spent on. Appendix 2 to the report provided the Criteria which had been set by Kendal Town Council in 2017 for considering CIL allocations.

When the Council had set its precept and budget in February 2023, it had also agreed reserve allocations from the CIL, to support its ongoing priorities.

CIL funding required a reporting schedule, both for the public, and the collecting authority, and this had also to be agreed by the Council.

Details relating to the current CIL receipts and expenditure were provided, the total remaining figure being £167,118.66. In addition, details of the CIL allocation spend to date were included within the report.

Subsequent CIL spending was to be assessed by the Management Committee at its meetings in September (for 2023-24) and November (for 24-25). Proposals for expenditure from Committees were to be prepared in advance of those meetings.

Proposals for 2023-24 had been received as follows:-

Proposer	Project	Costs
Environment and Highways (Cllr G Archibald)	Replacement handrail alongside Fellside Methodist Church (£3750) Strengthen and pain Undercliff handrail (£988)	£4,738
Environment and Highways (Cllr G Archibald)	New bench at Windermere Road bus stop	£750 (approx)
Environment and Highways (Cllr S Blunden)	Community Water Fountain Options include renovating the existing Brewery Arts fountain or installing a new (internal or external) one in the Town Centre	£5,000 (approx)
Environment and Highways (Cllr S Blunden)	New access ramp at 'The Eddington'	£10,000
Environment and Highways (Cllr E Hennessy)	20mph contribution	£11,600
Christmas Lights and Festivals (Cllr M Helme)	Ice Rink Infrastructure – installing three phase external power and weight bearing survey for former bowling green area to inform feasibility of installing ice rink structure	£15,000 approx
Christmas Lights and Festivals (Cllr H Ladhams)	Kendal Christmas Lights Upgrade. To improve the Christmas Lights an enter a rental contract with an Xmas Light specialist to enable modern and different displays each year	£30,000 approx
Environment and Highways (Cllr E Hennessy)	Several Kendal Yards are in need of repair. This funding would contribute to a Kendal Futures initiative to improve a number of Yards via the required preparatory works and artist murals	£10,000
Total of Proposals		£87,088

Other considerations contained within the report were as follows:-

Allotments - The Council had spent money (£30,000) from its Allotments Reserve to improve and expand provision of Allotments at Canal Head. Provision of allotments was a statutory duty imposed on the Town Council. Demand for allotments was a direct consequence of development. CIL could be used to replace the allotment reserve, to enable the Council to seek further new allotment sites.

Green Space Improvements - The Council had acquired two green spaces in its own right, which require investment to bring them to a standard commensurate with the Council's aspirations for their use. Other green spaces in the town had been identified as requiring investment (Bowling Fell, Heron Hill OS, etc). The CIL could be used to improve signage, lighting, planting, play facilities, paths and access, etc.

Bus Shelters - The Council currently managed around half the total bus shelters in the town. It could set aside funds to improve and expand this provision, in order to promote the use of buses as a part of the shift from individual cars.

River Corridor Route - The Council had identified the River Corridor as requiring investment to improve its attractiveness as a travel route. Outside the areas being affected by the EA, there were route sections at Wattsfield and Mintsfeet (among others) requiring considerable investment to bring them to an acceptable standard.

Town Centre Improvements - As well as improving the Christmas Lighting, the Kendal in Bloom Committee was looking at ways that the floral display infrastructure could be strategically modernised to reflect the challenges of a changing climate and reductions in maintenance.

Sports and Nature Hub - The Council had already set aside a small sum (£7,500) to support the development of a Sports and Nature Hub on the former Highways Depot in Mintsfeet. Further CIL allocations could be earmarked for this project.

The Chair thanked the Town Clerk and officers for their work on this matter.

A lengthy discussion ensued. Stressed was the need for CIL funding to be used to the benefit of all of Kendal's residents rather than being specifically ward-focussed. The Town Clerk, however, pointed out the need to have regard to those wards which had been affected by development. He also drew attention to the fact that the total sum of CIL was now far in excess of the £86,000 originally budgeted for and to the need now to move forward on allocating and using the money.

The Committee discussed each proposal in detail.

Resolved: To allocate funding to the following projects:-

- replacement handrail along Fellside Methodist Church (£3,750) and strengthen and paint Undercliff handrail (£988);
- community water fountain (£5,000 approx.);
- 20mph contribution (£11,600);
- Kendal Yards (£10,000);

Resolved: To defer consideration of funding of the following projects pending receipt of further information:-

- new bench at Windermere Road (to be considered alongside the bus shelter scheme);
- new access ramp at "The Eddington";
- ice rink infrastructure;
- Kendal Christmas lights upgrade (ensure any future bid links to CIL requirements);

Resolved: To allocating funding of £25,000 towards Allotments.

Resolved: To defer consideration of the following:-

- green space improvements;
- bus shelters;
- river corridor route;
- Town Centre improvements; and
- Sports and Nature Hub.

During consideration of the item, it was noted that the Town Council received only 15% of the total of CIL receipts. Raised therefore was the need to ask the Unitary Authority how its portion of CIL money was being used within the Town in order that the Town Council might be able to assess where the gaps were and to ensure that work was not being duplicated. The Town Clerk suggested that the

Committee instructed him to write to Westmorland and Furness Council to enquire what had been spent, what their plans were and to ask them to involve the Town Council.

Resolved: To write to Westmorland and Furness Council seeking information on how its portion of CIL money was being spent, what its plans are and to ask them to involve the Town Council moving forward.

M36/2023 Employment and Staffing Matters

(a) The Committee was requested to appoint Members to its Staffing Sub-Committee.

Resolved: To appoint Cllrs S Coleman, J Dunlop and D Rathbone to the Staffing Sub-Committee.

Part Two

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

(b) The Town Clerk provided a verbal update on long term sickness absence and other staffing matters. He drew attention to the helpful support being provided by Meraki HR.

Resolved: To note the verbal update.

Part One

Members voted to move back into Part 1 for the remainder of the meeting.

M37/2023 Newsletter and Publicity

Raised was the need for more staff resilience around publicity, as well as the production of a suitable spreadsheet in relation to press releases. The latest Newsletter had just been published, with the next due to be out just before Christmas. In response to a query, the Town Clerk explained that there was a standard format for the Town Council's press releases and that it took around 1.5 hours to prepare one. This was not always easy due to limited staffing resources. A query was raised as to how this could be more easily dealt with. The need for inclusion of an article on Cumbria Plan B Bee Houses within the next Newsletter was raised.

Resolved: To produce a suitable spreadsheet in relation to press releases.

Resolved: To include an article on Cumbria Plan B Bee Houses within the next edition of the Newsletter.

Resolved: To note the verbal update.

The meeting closed at 9.37 p.m.