

## HELINGTON PARISH COUNCIL

### Minutes of the meeting held on Wednesday 4 July at 7.30pm in the Helsington and Brigsteer Village Hall

**Present:** Cllrs K Ritchie (acting Chairman), A Davies, M Cheesbrough, R Caddick and E Templeton.

Also present were Ms J Saunders (Clerk), Cllr J Bland, Cllr K Holmes (late arrival) and 5 members of the public.

#### 25/18 Apologies

Newly co-opted member Eve Templeton and recently co-opted member Rob Caddick were welcomed.

Apologies with reasons were received and accepted from Cllrs S Carman and S Savasi.

District Cllr K Holmes had advised he would be representing all district councillors for the ward at Helsington Parish Council meetings, but that he was attending another meeting and would be arriving late, possibly not until after 8.30pm.

#### 26/18 Declarations of Interest / Dispensation Requests

None

#### 27/18 Minutes

To approve the minutes of the Annual Meeting held on Wednesday 2 May 2018, with the substitution of the word 'amend' for 'amendment' in 23/18ii.

#### 28/18 Public Participation

It was suggested that there should be white centre lines on the full length of Brigsteer Road to Kendal. Cllr J Bland advised that no lines are marked on roads of less than a certain width and that he would seek clarification on this from Cumbria Highways.

Problems with vehicles travelling in the middle of the road, especially on bends, were noted. Cllr Bland advised he was working on improvements to the junction with the lane to the Church, but it was noted that there is also a safety issue with the sharp left hand bend 120m further along the road beyond the parking area. It was agreed that these issues would be addressed under the Road Safety theme of the CLP.

An inquiry was made regarding HCLT's planning application. It was noted that the Parish Council had received a report from HCLT at its May meeting but that although a report had been requested for the July meeting nothing further had been received. It was further noted that the CLP Housing Group had invited HCLT representatives to its meetings and asked HCLT to engage with the community. Cllr J Bland advised that HCLT's AGM would take place the following week.

#### 29/18 Planning

The following decisions were noted:

##### **Lake District National Park Authority**

(view applications, responses and decisions online at

<http://www.lakedistrict.gov.uk/swiftlg/apas/run/wphappcriteria.display> ):

- i. 7/2018/5112 - Sizergh Castle, Sizergh, Kendal - Car park ticket machine and information sign. **Decision - Approved with conditions.**
- ii. 7/2018/5184 - 4 Low Chambers, Brigsteer, Kendal - Alteration to rear elevation to combine existing window and door openings to form single larger opening with sliding/folding glazed doors to garden. **Decision - Approved with conditions.**

- iii. 7/2018/5234 - Land opposite Lane House, Low Lane, Brigsteer - Extension of farm building to provide a covered muck midden. **Decision - Prior Approval Not Required.**

### **30/18 Lake District National Park Local Plan Review Consultation**

The completion of the Lake District Local Plan Review Consultation was noted. It was reported that the CLP Working Group had met to discuss a response but that ultimately it had been agreed that councillors would respond to the consultation as individuals. Three of the councillors present confirmed that they had submitted a response.

### **31/18 Community Led Plan**

To receive a progress report on Actions:

Theme 1 - Housing. Cllr S Savasi had advised that no meetings had taken place since the last Council meeting, but a meeting was to be arranged to put together a brief for making initial contact with employers/stakeholders in the parish while awaiting the outcome of SLDC's rural area needs model commission. Cllr M Cheesbrough confirmed that Helsington could be a pilot area for the model.

Theme 2 - Road Safety. It was noted that the pole for the SID had still not been supplied; Cllr J Bland advised he had instructed this and would chase it. Cllr R Caddick noted the pothole repairs on Brigsteer Brow but stated they were already breaking up.

Theme 3 - Sustainable Environment

Cllr A Davies reported on his meeting with Marian Jones, Area Ranger LDNPA South East area. LDNPA has only recently taken over responsibility from Cumbria County Council for Public Rights of Way in the extension areas. LDNPA's aspiration to improve footpath access in Lyth valley (draft Local Plan) was noted. On behalf of CLP Working Group, Cllr Davies had written to Crosthwaite, Levens and Underbarrow Parish Councils to ascertain their views on improving footpath access in the Lyth Valley and he advised he would report back when responses had been received.

Theme 4 - Vibrant Communities. No report.

### **32/18 Highways**

Information from Cumbria County Council on the parish use of a lengthsman was received and considered. Peter Hosking, CCC South Lakes Highway Network Manager, had advised that: "Currently Cumbria County Council is undertaking a review of "Working Together Agreements" whereby 3<sup>rd</sup> parties, such as Parish Councils, undertake works on the highway. This review was prompted by requests for lengthsman agreements from Parishes. In considering the particular request at that time it became apparent that there were various historical agreements in place which needed to be refreshed to reflect the changes in legislation and road use that have occurred over the years. Colleagues are currently working on model agreements and I will send your expression of interest to them so that they may contact you in this regard. I do expect that the proposed model agreements will need to be approved by the County Council's cabinet before officers can engage with Parishes."

It was noted that funding would be an issue, and that parishes are being asked to do more. It was further noted that residents are concerned about this issue and that road safety is a CLP priority, so it needs consideration. It was resolved that parish use of a lengthsman should be a future agenda item and that Peter Hosking should be invited to a future meeting so that options and costs could be understood and to allow the Parish Council the possibility of some input into proposed model agreements.

### **33/18 Reports**

To receive the following reports:

a) Meetings and events attended;

Cllr E Templeton had attended the CALC District Association meeting in June which had included presentations from SLDC, most interestingly on community-led housing, and a discussion about the parish use of lengthsman.

Cllr K Ritchie had attended an event about Supporting Vulnerable People During Emergencies, which had involved representatives from various agencies and had considered the nature of risks and the need for risk assessments, the identification of vulnerable people and the gathering and sharing of data and the role of parish councils in the co-ordination of a response. It was noted that the development of a Community Emergency Plan was a CLP action.

b) Helsington Community Land Trust Ltd; no report.

c) Helsington & Brigsteer Village Hall; B-fest event on 21 July is going ahead and there will be a meeting for all helpers to finalise arrangements on Thursday at 7pm at the Wheatsheaf. Also the stone sign for the Village Hall has been built into the wall and it seems to work well visibly for those coming down the hill and comments to date have all been positive.

d) Local Police Team; no report.

e) District Cllr K Holmes; deferred until his late arrival.

f) County Cllr J Bland; expressed a wish for First Responders in Brigsteer. Cllr A Davies offered to circulate any information provided by the Group to residents. Cllr M Cheesbrough agreed to discuss First Responders with VETS organisers as this is a parallel scheme and it was noted that VETS volunteers have received Heartstart training. It was agreed that this would be a future agenda item.

Cllr J Bland also reported that the Toll Road was being resurfaced at both ends and that he would be attending a meeting the following day re the proposed Water Level Management Board, currently on hold.

### **34/18 Clerk's Report and Correspondence**

The Clerk, reported on various items of correspondence received:

In May SLDC had asked parish councillors to review their Declaration of Interest forms and councillors were reminded that 'Failure to declare a disclosable pecuniary interest is a criminal offence'. Clerk had been asked to confirm to SLDC that all members have reviewed their forms but had been unable to do so as responses had not been received from all councillors. It was noted that SLDC's annual review of the Parish Registers of Disclosable Pecuniary and Other Interests is due to be presented to the Standards Committee in September 2018, but also that SLDC had still not uploaded forms from new members and updated forms to its website.

It was noted that Cllr Mark Kidd from Staveley with Ings PC had been elected to LDNPA as parish member for Central and South East Distinctive area.

LDNPA Planning practice updates had recently been received: these would be circulated by email and were available on the LDNPA website. Notification had been received from SLDC that it was moving to paperless planning applications with effect from May 2018.

CALC Planning Training events in September. It was agreed that Cllrs R Caddick and E Templeton would attend the new member event and that Cllr S Savasi would attend the experienced member event.

### **35/18 General Data Protection Regulation 2018**

It was noted that the GDPR came into effect on 25 May 2018 and included the amendment to exempt parish councils from the requirement to appoint a Data

Protection Officer (DPO). A revised draft Data Protection Policy (with the final paragraph re a DPO deleted) was considered and approved.

It was noted that although Parish Councils were exempt from appointing DPO, CALC had advised that 'the information audit and registers have to be set up, privacy notices updated, any unnecessary data deleted, files archived etc. Clerks need to be clear to the council about the requirements and the hours that it will entail.' It was noted that this work would be time consuming. Issues regarding the collection, storage and retention of data by current and former councillors were discussed. It was agreed that the Data Protection Policy would provide a guide to managing issues in a sensible, practical and proportionate way.

### **36/18 Standing Orders**

Revised draft Standing Orders were considered, approved and adopted.

### **37/18 Parish Land**

The following correspondence and updates were received and considered:

- a) Changes had been made to the addresses for service re all registered parish land;
- b) The Crooked Gate land adverse possession application has been submitted. The application relates to all the land as the owner of the neighbouring property had removed his fencing and was no longer encroaching on parish land;
- c) The agreed concreting of the Parish Road; Correspondence from a Parish Road resident requesting that the Council makes up a shortfall of £314 + VAT in the cost of concreting the road and collects the householders' contributions and is invoiced for the works on completion was received. It was understood that the shortfall arises due to one of the four households involved not being prepared to pay its share in full. It was suggested that the wayleave/easement holders have an obligation to contribute proportionally to the cost, but that this principle was not being honoured. The resident's letter suggested that as the Council would also benefit from the concreting of the lane it should make up the shortfall. However, it was also suggested that the people benefitting from the concreting of the road are the four households, and that part of the Road owned by the Council is not to be included in the works.

Clerk referred to minutes of 1 November 2017 re Council's previous decision following consideration of residents' views and also to a document circulated to Parish Road residents in 2014 which attempted to clarify the Council's position regarding its responsibilities. One resident disputed the Council's position with regard to maintaining the road in reasonable condition; Clerk advised that 'reasonable condition' was open to interpretation and that legal advice received in the past was that from a public liability insurance perspective the road should be maintained in a safe condition for users but that the Council 'had no responsibility to car users or others with regard to maintaining the land in a roadworthy condition.' Clerk also advised that residents should be responsible for managing the work and financial arrangements.

It was resolved to write to the four households explaining the current position regarding the cost of the concreting and their obligation to contribute proportionally to the cost. Clarification would be sought regarding each household's willingness or otherwise to pay their full share and, in the case of the latter, the reasons for the unwillingness. A deadline of 10 days for responses would be set and responses received would be circulated to members. In the event of there still being a shortfall, the Council would need to convene an extraordinary meeting to consider whether it

would make up the shortfall. It was agreed that it would be important to establish a clear audit trail in respect of any Council decision on this matter.

It was further suggested that the Council should not in any case accept any liability for future maintenance costs and would also not be prepared to manage the finances in respect of the works. It was noted that delay to the works is increasing the costs, but also that the Council would incur additional costs in convening an extraordinary meeting.

d) A proposed application for a right of access by prescription over the lane to parish land at Dobdale Hill Quarry at a cost of £40 was approved.

e) Japanese knotweed on parish land adjacent to the Toll Road had been treated and there was no sign of regrowth. Professional advice had confirmed that the action taken should contain the problem. Local resident was thanked for his action and monitoring of the issue.

### **38/18 Annual Governance and Accountability Return 2017/18**

Clerk confirmed that the Certificate of Exemption has been submitted to the external auditor. It was further noted that the Annual Governance and Accountability Return 2017/18 and required information had been published on the noticeboard and website and that the period for the exercise of public rights was 4 June - 13 July 2018.

### **39/18 Finance**

a) The application to the Lake District Communities Fund for Community Orchard Access Equipment made on behalf of the Community Orchard Group and the subsequent award of £125.00 (to be match funded by the National Trust) was noted;

b) The Bank Mandate Variation request from had been completed but signatures were required from existing and new signatories before the form could be submitted;

c) The following payments were authorised:

|  |         |
|--|---------|
| i. Jane Saunders (Clerk's expenses, April - June 2018) | £108.76 |
| ii. F Wright (refund of online payment made in error)  | £54.00  |

### **40/18 Future meetings**

It was confirmed that the next ordinary meeting would take place on Wednesday 5 September 2018. Apologies re this meeting were given by Cllrs K Ritchie and M Cheesbrough.

Cllr K Holmes conveyed his apologies for his late arrival at the meeting. He reported that SLDC, South Lakes Housing and Eden Housing Association did not now support HCLT's proposed development on the site in Brigsteer. He advised that Cllr J Holmes would be attending the HCLT AGM.

The meeting closed at 09.33 pm.

Signed: .....  
(Chairman)

Date: 5 September 2018