

APPLEBY-IN-WESTMORLAND TOWN COUNCIL

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APPLEBY TOWN COUNCIL MINUTES FOR THE MEETING HELD IN THE MOOT HALL ON WEDNESDAY JANUARY 14th 2009 at 7.00pm

Present : Mayor Cllr Mrs C Patterson
Councillors Mrs D Anderton
[in alphabetical order] A Connell
Mrs J Dempster
CK Duncan
GI Holloway
Miss S Knowles
Mrs E Langan
AK Morgan
J Pape
HR Potts
S Rooke
LH Thwaytes

Apologies : Deputy Mayor Cllr I Potts
Councillor PR Elliott

In an effort to save space, we abbreviate Appleby Town Council as "ATC", Eden District Council as "EDC", Cumbria County Council as "CCC", the Cumbria Association of Local Councils as "CALC" and the National Association of Local Councils as "NALC". We also abbreviate the Planning & General Purpose Committee as "PGP" and the Responsible Financial Officer as RFO. All other organisations are shown in full when first mentioned and any further abbreviations shown in brackets. The Council and Clerk welcome feedback regarding these minutes.

C1/01/09 APOLOGIES FOR ABSENCE

Apologies for absence were received by the Mayor on Council's behalf.

The Mayor announced the resignation of Cllr Philip Elliott. Cllr Elliott had emailed the Mayor and the Clerk to tender his resignation, saying the completion of the tree planting scheme on The Butts brought to an end the projects with which he had recently been mainly involved and provided an ideal time to move on. Cllr Elliott had wished the Mayor and the Council every success for the future.

The Clerk was asked to notify the District Authority of the vacancy.

The Mayor expressed thanks for all Cllr Elliott's work for the town since joining the Council in May 1999, thanks which were echoed by the Father of the Council, Cllr Morgan.

C2/01/09 PART ONE MINUTES OF ORDINARY COUNCIL MEETING ON DECEMBER 10th 2008

RESOLVED that the **Part One Minutes** of the ordinary meeting of the Council held on **December 10th 2008** be signed by the Mayor as a true and accurate record.

C3/01/09 DECLARATIONS OF INTEREST

Cllr Morgan, as a Member of EDC, declared a personal interest in Agenda item 7 (possible adoption from EDC of Shire Hall Public Toilets Lease), or any other matter involving EDC. Cllr Mrs Langan did the same. Cllr H Potts also declared a financial interest in that same Agenda item 7.

C4/01/09 POLICE REPORT

No member of the Police could be present this evening.

C5/01/09 COUNTY AND DISTRICT COUNCILLORS REPORTS

Cllr Mrs Langan reported that County Cllr Mrs Warburton was very pleased two salt bins which she had arranged had been provided in the centre of the town. Cllr Morgan reported that EDC's annual budgeting process was well under way.

C6/01/09 QUESTIONS FROM ELECTORS

No questions were asked this month.

ACTION

Clerk

Mayor

C7/01/09 POSSIBLE ADOPTION OF THE SHIRE HALL PUBLIC TOILETS

Cllr H Potts reminded Members of his prejudicial interest and left the room for this item.

The Mayor welcomed EDC's **Legal Services Manager** Mr Simon Young to the meeting in order that he could answer questions regarding the possible adoption by ATC of the Lease to the Shire Hall Public Toilets currently held by EDC.

Mr Young thanked Cllr Connell for circulating an email which helpfully summarised what decisions needed to be taken, saying that EDC were looking for a commitment in principle.

Cllr Connell raised the issue of whether the toilets should be opened temporarily for the Fair, as had happened in 2007 and 2008. Mr Young felt if there was insufficient toilet provision for the Fair EDC would look at ways to plug the gap, such as providing temporary toilets or reopening temporarily the Shire Hall toilets.

Cllr Connell queried a deadline set by EDC of February 12 for ATC's decision to be known. Mr Young confirmed EDC held a Lease for 25years from January 2008, with the ability to break the Lease with six months notice. It was necessary to ascertain ATC's position in order for EDC to decide when to give that notice to the owner and for EDC to have certainty as to when it would cease to have responsibility for the building.

Cllr Thwaytes queried the repair covenant relating to the surrender of the Lease. Mr Young confirmed that the Lease had only begun in January 2008 and he explained the differences relating to repairs as opposed to decoration.

Mr Young confirmed EDC's willingness to provide funds up to £50,000 to make refurbishments.

The Clerk asked that confirmation of the above be provided in writing to the Council and **Mr Young agreed to do so.**

SY

Cllr Holloway queried what conditions would be set in relation to the £50,000 refurbishment grant, something which Mr Young felt would be open to some degree of negotiation, once ATC had agreed in principle to go ahead, but to look at the terms in detail.

Cllr Mrs Patterson queried what opening hours would be required and Mr Young confirmed it was likely to be the same as the other two public toilets in the town (Broad Close and Market Arcade) operating by EDC.

Cllr Mrs Patterson queried the requirement for EDC to put the building back into the condition it was when first leased many years ago and Mr Young explained that due to local government reorganisation back in 1974 there had not been an official lease previously, just a letter from the County Council to say EDC could occupy the building.

In answer to a query by Cllr Connell, Mr Young explained he had been instructed that EDC was not prepared to organise the work and spend the funds as an alternative to providing the funds to ATC to organise the works, plans, builders etc. If ATC wished to formally explore that he would take that back for consideration.

Cllr Connell raised another scenario – that of EDC retaining the Lease and entering into partnership with ATC for the running of the toilets – say it would be a good example of councils working together and utilising our Charter. Mr Young explained the decision had been taken by EDC to rationalise its public toilets, so it wished to close and divest itself of the building, hence the offer of the terms for all responsibility to flow to ATC.

Cllr Holloway said in order for ATC to make an informed decision it needed to know what criteria EDC used to decide the toilets were not needed, whether it was based on population, or temporary population in June. Did Appleby already have adequate toilet provision? Mr Young did not have the full report with him of how the decision was reached to remove the Shire Hall toilets from EDC's public toilets provision. He assumed sufficient provision, but would let ATC know upon his return to his office.

Cllr Mrs Patterson asked for more time to make such a big decision and Mr Young agreed to take that back to EDC, saying it may be helpful for ATC to give EDC a realistic timescale. **Cllr Connell was asked to let Mr Young know what would be a realistic timescale**, once his Working Party had met to further consider this matter.

AC

Cllr Connell queried disabled provision and how mandatory that might be if refurbished, since to install such provision would significantly reduce available space. **Mr Young agreed to confirm in writing that this would not be necessary.**

SY

Mr Young confirmed that, should ATC decide to adopt the Lease and carry out the refurbishments using EDC's £50,000, it would be for ATC to decide what works were to be done (up to the £50,000). EDC would wish to ensure whatever work was done was carried out to an appropriate standard.

The Mayor and Cllr Connell thanked Mr Young for coming to meet with the Council and for such a valuable discussion. Council looked forward to receiving written confirmation of the points raised. The Public Toilets Working Party would meet to further consider this matter and bring back a recommendation to Council in due course.

PTWP

C8/01/09 ACTING DEPUTY MAYOR

RESOLVED not to elect an **Acting Deputy Mayor** to serve until Cllr Ian Potts returns to full health.

RESOLVED not to ask the Finance Committee to elect an **Acting Finance Committee Chairman** to serve until Cllr Ian Potts return to full health.

Council sent best wishes to Cllr Potts for a speedy recovery.

C9/01/09 MAYOR'S REPORT AND COUNCILLORS' QUESTIONS

The Mayor's report was received and noted, including :

- attendance at the Scouts' Christmas Concert
- Christmas visits to the residential homes in Appleby
- attendance at the Primary School's Key Stage 2 Carol Service
- hosting a Christmas drinks reception at the Moot Hall
- a request for help at the Mayor's Coffee Morning on the following Saturday
- a hospital update on Cllr Ian Potts' and Miss Wendy Barker's progress
- the Senior Citizens Luncheon on March 4th

The Mayor asked if Members had any questions on her report and Cllr Mrs Langan queried why in a recent set of Council minutes the Clerk had shown herself as an action point to notify the Tufton Arms Hotel that Members had voted for the annual Mayormaking Luncheon to be returned to a lunchtime function rather than an evening one, when the action point should have been the Mayor.

The Clerk and Cllr Morgan reminded Cllr Mrs Langan that it was customary for the Clerk to make a provisional booking at the Tufton Arms Hotel each year, once her draft **Calendar of Meetings** had been approved and the date confirmed. Once known in March, the **Mayor Elect** would then either confirm the booking and make all the arrangements, or cancel the booking if their preference was for another venue. *(The Mayor Elect decides where to hold this function, since it is funded entirely by the Mayor's own Allowance. Council decides only the timing, to coincide with its Annual Meeting).*

Following a question by Cllr Morgan, it was **AGREED** that an item should be placed onto the February 2nd Planning & General Purpose agenda to discuss whether to begin a Register of Council Resolutions for future reference.

Clerk

(Copies of the Mayor's report are readily available upon request from the Mayor or the Clerk).

C10/01/09 MINUTES OF THE FINANCE COMMITTEE MEETING HELD ON JANUARY 5th 2009

The Finance Committee Vice Chairman, Cllr Thwaytes, presented the minutes of this meeting - copies of which had previously been published with the agenda for this Council meeting.

Cllr Morgan reminded Members of his prejudicial interest in Minute 18 (New Fair Lease), stating that if this item was discussed he would leave the room. The Finance Committee's recommendation was accepted without the need for further discussion.

RESOLVED that these minutes (and the recommendations contained therein) be adopted.

C11/01/09 MINUTES OF THE PLANNING & GP COMMITTEE MEETING HELD ON JAN. 5th 2009

The Planning & General Purpose Committee Chair, Cllr Mrs Patterson, presented the minutes of this meeting - **copies of which had previously been published with the agenda for this Council meeting.**

It was **AGREED** that EDC's Sport and Active Recreation Strategy 2009 – 2014 Consultation would be NOTED.

Members considered when to write to EDC to offer to operate the **Shire Hall Public Toilets** for the duration of the Fair this year, as Council did in 2007 and 2008, but decided to wait until after the **Public Toilets Working Party** has met.

Standing Order 21 (concerning reports to Council) was discussed and it was **AGREED** to continue with the present procedures for the time being.

RESOLVED that these minutes (and the recommendations contained therein) be adopted.

C12/01/09 APPLEBY HERITAGE CENTRE

Cllr Mrs Patterson's report was received and noted.

C13/01/09 APPLEBY GRAMMAR SCHOOL FOUNDATION GOVERNORS

Cllr Connell's report was received and noted.

C14/01/09 APPLEBY CHAMBER OF TRADE & COMMUNITY ASSOCIATION

No report this month. The Clerk was asked to include an agenda item for the next Council meeting to nominate Cllrs Knowles and Dempster as additional ATC representatives at Chamber of Trade meetings.

Clerk

C15/01/09 HEART OF EDEN COMMUNITY PLAN

Cllr Morgan's report was received and noted, including a request for volunteers to help distribute and collect Questionnaires in a couple of months time.

All

C16/01/09 OTHER EXTERNAL MEETINGS ATTENDED BY MEMBERS ON BEHALF OF COUNCIL

Cllr Mrs Langan and Cllr Holloway updated Members on the Appleby Flood Team's progress to date.

C17/01/09 CUMBRIA HIGHWAYS LINK

Cllr Holloway's report was received and noted, including :

- grit bins and the Highways Authority's excellent response to requests for bins to be refilled
- a planned review of the whole area re. grit bins
- footpath refurbishment taking place in High Wiend
- problems at night with the new zebra crossing being looked into by Highways
- a request for a public meeting on highways issues

C18/01/09 BANK SIGNATORIES

RESOLVED that Cllr Mrs Anderton be added as a third signatory for the Dorothy Chapman Account at the Cumberland Building Society. The RFO was asked to contact the bank to initiate this change.

RFO

C19/01/09 VACANCY IN APPLEBY WARD

The Clerk had advertised locally that Council was seeking an interested party to Co-opt to the seat vacated by Cllr Harland and to ask that written applications be sent to the Clerk. Members had been asked to encourage nominations. It had been hoped names of interested parties would be brought to this meeting by Councillors and the Clerk, to enable a new Member to be Co-opted. Unfortunately no-one had yet expressed an interest. Members were asked to let the Clerk know if anyone did express an interest in joining the Council, so a future agenda item could be added.

All

In the light of Cllr Elliott's retirement and the Council now having a vacancy in Appleby Ward and Bongate Ward, the Clerk was asked to add an item to the February 2nd **Planning & General Purpose Committee** agenda to consider whether to recommend that ATC ask EDC to conduct a **Community Governance Review** into a possible reduction from 16 to 14 seats.

Clerk

C20/01/09 WORKING PARTY NOMINATION

RESOLVED that Cllr Miss Sandra Knowles join the **Public Hall Working Party** and the **Cemetery Chapel Working Party**. The Clerk was asked to update her Membership List.

Clerk

C21/01/09 FINANCIAL REPORT

The Acting Responsible Financial Officer's report (including this month's accounts) was received and noted. *(Copies of this report are readily available upon request from the Town Clerk or Acting RFO).*

Council **AGREED** that **Item Three** should be referred back to the **Finance Working Party** to make a recommendation to the **Finance Committee**.

Finance
W.P.

C22/01/09 CORRESPONDENCE RECEIVED AFTER AGENDA PUBLISHED (FOR INFORMATION ONLY)

None outstanding.

C23/01/09 TOWN CLERK'S REPORT

The Clerk's report was received and noted
(Copies of this report are readily available upon request from the Clerk).

C24/01/09 EFFECTIVE COUNCIL TRAINING

Members noted that Module One of CALC's Effective Council Training would be held on **Wednesday January 28th 2009** at **6pm** in the **Supper Room**.

C25/01/09 NEXT MEETING

Members noted that the next ordinary meeting of the Council would be held on **Wednesday February 11th 2009** at 7pm in the Moot Hall.

C26/01/09 MONTHLY ACCOUNTS

RESOLVED that the Mayor be authorised to sign the attached schedule for payment of the monthly accounts (bills & salaries) for **December**, totalling **£8,663.98**

Mayor

C27/01/09 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED that the Press and Public be excluded from the remainder of the meeting, in accordance with Section 1 (2) of the **Public Bodies (Admission to Meetings) Act 1960**, while the following business was transacted. Members of the press and public left the meeting at this point.

C28/01/09 BUILDING REPAIRS WORKING PARTY

Members discussed in detail the ongoing plans for building repairs. It was **RESOLVED** that the queries discussed would be resolved (including seeking further advice from EDC's Conservation Officer, Mrs Bridget Turnbull Brown) and that the Building Repairs Working Party be granted Delegated Authority to then make final decisions as per their report.

Members discussed movement of furniture and stock to accommodate tradesmen and the possible photographing of all portraits and nameplates on the Council Chamber walls as a record of these important historical record.

Members thanked Cllr Mrs Anderton for all her hard work in driving this project forward.

*Please see the attached listing showing **all Contracts awarded so far, to whom, their value and planned start date.***

The Clerk and the RFO left the meeting at 8.30pm and confidential minutes for the remainder of the meeting were prepared by Cllr Morgan.

C29/01/09 PART TWO MINUTES OF ORDINARY COUNCIL MEETING ON DECEMBER 10th 2008

Members considered confidential Part Two minutes of the ordinary Council Meeting on December 10th 2008, details of which are not for publication, in accordance with Section 1 (2) of the **Public Bodies (Admission to Meetings) Act 1960**.

C30/01/09 STAFFING COMMITTEE MINUTES

Members considered confidential Staffing Committee minutes, details of which are not for publication, in accordance with Section 1 (2) of the **Public Bodies (Admission to Meetings) Act 1960**.

There being no further business, **the meeting closed at 8.55 pm.**