

CROSTHWAITE AND LYTH PARISH COUNCIL

Minutes of the Ordinary Meeting of the Parish Council

held on Monday 11 December 2023 at 7.30 p.m. in the Parish Room, Crosthwaite

Present: Cllrs Angela Dobson, Matthew Dobson, M. Harkness, E. Sharp, R. Sykes, H. Young

In Attendance: Cllr. S. Bavin (Westmorland & Furness Co.), Martin Curry (Clerk), Malcolm Richardson (RFO).

The Chair welcomed all present and confirmed that this meeting was in place of the meeting previously scheduled for 04 December but postponed due to bad weather.

109/23 Apologies: No apologies had been tendered – all Councillors present.

110/23 Minutes of the meeting held on the 06 November 2023: It was noted that Item 105/23(c)(i) of the Minutes should read that the payment to Npower was for September 2023, subject to which it was **Resolved** that the Minutes be signed by the Chair as a true record.

111/23 Declarations of Interest: No Declarations of Interest had been submitted.

112/23 Requests for Dispensation: No Requests for Dispensation had been received.

113/23 Chair's Announcements: There were no announcements from the Chair.

114/23 Public Participation: No members of the public were present.

115/23 Reports: In a slight change to the Agenda order, matters relating to the Police were reported in advance of W&FC to allow Cllr. Bavin time to attend following a previous meeting.

a) Police: The Clerk reported that he had received editions of Focus Newsletter for Kendal and Kendal Rural and Lakes and Lakes Rural for other Parishes, but not for Crosthwaite and Lyth and will check the distribution list. He reported that there was nothing in either Newsletter of direct relevance to Crosthwaite and Lyth.

b) Westmorland & Furness Council (W&FC): Cllr. Bavin reported as follows:

- i) Winter road services: A Policy is in place and may be found at: <https://www.westmorlandandfurness.gov.uk/parking-streets-and-transport/streets-roads-and-pavements/road-maintenance-closures-and-improvements/winter-road-maintenance-and-gritting/priority-gritting-routes>. The recent heavy snowfall over the weekend of 02/03 December was discussed. Cllr Young raised the situation at Durham Bridge which is used by school traffic, but not gritted and asserted that all major school and bus routes should be treated. Cllr. Harkness asked if the Parish Council (PC) can employ its own contractor to grit untreated lanes. Cllr. Bavin said that there were simply not enough contractors available to widen the gritting programme and that W&FC had relaxed the framework within which local communities could engage their own contractors. The Clerk and RFO confirmed that they had attended a Teams meeting with Highways Officers on 14 November and the Clerk had circulated a note from that meeting. Highways had outlined the Policy based on Priority 1 and 2 routes and the criteria required for the commission of local contractors. A key requirement is for public liability insurance together with other documentation. Cllr Bavin agreed to let the PC have more details from the W&FC Policy including insurance and training requirements for operators. He asked if the concept of a 'Snow Champion' had been raised and the Clerk/RFO confirmed that it had not. In response to a query about who pays for the grit, the Clerk and RFO confirmed their understanding that this would have to be paid for locally as part of the contract with the contractor. This was not considered satisfactory, and Cllr Bavin undertook to explore this, and the question of gritting school routes. He confirmed that he had requested 2 additional grit bins for the locality.
- ii) Some temporary roadworks on potholes has been completed, particularly on the stretch to Underbarrow.
- iii) Mill Lane Bridge: This remains work in progress but the requirement for 'In-River Works' will mean delay until well into 2024.
- iv) A590: The recent meeting with National Highways (NH) had been disappointing in respect of improvement proposals for the Gilpin junction. NH do not consider the cost-benefits warrant priority for this part of the A590 improvement scheme, but nor do they understand the issues and dangers associated with the junction. Cllr Bavin has written to various Agencies for historical data as evidence of the number of incidents and when collated will present this to NH to prove the need for the proposed improvements.
- v) Lights at Oak Fold: Cllr Bavin has spoken with residents who will talk between themselves about reducing the lighting issue.
- vi) 20 m.p.h. – Cllr. Bavin noted that this was a separate item on the Agenda for discussion.

116/23 Planning

a) Applications received since the last meeting:

- i) 7/2023/5634: Land at Totter Bank Fields – Change of use from agricultural building to multi-purpose building for storage and livestock. **Agreed** to submit **No Objection**.

b) Applications received since publishing the Agenda:

- i) 7/2023/5552: Gilpin Farm, Levens, Kendal LA8 8EW: Refurbishment and extension of existing farmhouse. It was noted that this application had been withdrawn.
- ii) 7/2023/5683: The Lodge, Witherslack, LA11 6SL: Conversion of agricultural buildings into 4 local occupancy homes. It was **Agreed** that this development was worthy of support and that **No Objection** should be submitted.

c) Responses submitted to LDNPA following consideration by the Parish Council:

- i) 7/2023/5476: Gilpin Cottage, Lyth LA8 8DQ: Replacement agricultural building. **No Objection**. See (d)(i) below.

d) Decisions notified since the last meeting:

- i) 7/2023/5476: Gilpin Cottage, Lyth LA8 8DQ: Replacement agricultural building. **Approved with conditions 20/11/2023**.
- ii) 7/2023/5622: Acorn Cottage, LA8 8JL. Erection of enlarged garage. **Approved with conditions 20/11/2023**.

e) To note any other Planning Matters:

- i) Update on structures potentially without planning consent: The Clerk had circulated an updated schedule showing 10 developments that had been allocated Case Numbers by LDNPA Enforcement. Of these, the following were noted:
 - Shed in field at Starnthwaite: A summary of the Investigating Officer's Report is:
 - There is in-principle policy support for development that is necessary for / supports agricultural use. In this case the building is used to house a tractor.
 - The building conserves the character and quality of the local landscape.
 - There is no evidence that there was intent on the applicant's part to proceed in the knowledge that the development was unlawful.
 - **Conclusion:** The Case Officer's conclusion is: "Overall, the building is well screened, has limited visibility and where it is visible is seen mainly in the context of another large agricultural building and I consider that it would not be expedient to take enforcement action in this case.
 - Cllrs. expressed dissatisfaction with the lack of enforcement and the decision to allow the shed in Starnthwaite Field without planning permission. They noted that this could create a precedent for ignoring the need for planning consent. They noted that the appearance of a 'Shepherd's Hut' in the vicinity has been referred to LDNPA.
 - An Enforcement Notice (E/2022/0281) has been issued in relation to land on the north side of Hyning Brow, Crosthwaite where there is: "Without planning permission, operational development consisting of the erection of a building and the laying of an area of hardstanding." The Notice requires reinstatement of the land to its condition before the breach of planning within 3 months of 21 December 2023.
- ii) Correspondence in relation to land to the rear of Cross Howe, Totter Bank: Councillors noted a letter sent to LDNPA Planning by a local resident (circulated to Councillors on 24/11/23) expressing concern about the lack of progress with development on the site and its dangerous and unsightly state. Councillors **Agreed** with the concerns and to support the observation in a follow-up to LDNPA and to advise the Health and Safety Executive about the dangerous nature of the site.
- iii) Enforcement Notice E/2022/0281 – previously dealt with under 116/23(e)(i) above.
- iv) Councillors noted a press release issued by LDNPA on 22/11/2023 publicising a clampdown by their Enforcement Section on illegal developments.

117/23 Highways and Footpaths

a) **Highways matters:** There were no highways matters other than those dealt with under Cllr. Bavin's report.

b) **Footpaths / Tracks Matters:** There were no footpaths / tracks matters reported.

118/23 Trees, Woods, Hedges and Grass: The following matters were noted:

- i. Tree Health and Safety: The Clerk reported that he had contacted two tree health and safety surveyors in relation to trees at Mearsons and possibly Hubbersty Head and was preparing a brief of the work required. In the meantime, Councillors considered the situation at Mearsons to be a significantly important enough health and safety matter and **Agreed** to request James Park to deal with trees against the highway.
- ii. Oak tree and ivy: Councillors noted correspondence from a resident concerning ivy growth on a veteran oak tree which was creating a risk of branches falling on to the highway. It was **Agreed** to write to the owner of the land to request that the ivy be attended to.
- iii. The Clerk confirmed that he had written to residents in relation to the encroachment of a hedge onto the footpath in the vicinity of Oak Fold and was awaiting a response.

iv. A similar issue is apparent near Cannydale and it was **Agreed** to place the matter on HIAMS.

119/23 Parish Land

- a) **Letting of Vacant Parish Land:** Following contact with the Insurers, Councillors noted feedback from the RFO that the Council's insurance policy includes public liability on Council property (subject to maintaining the land in good condition). The Clerk confirmed that property leases (current and proposed revisions) contain a clause relating to tenants' obligations to maintain the land in good condition. He had advised a prospective tenant for Hubbersty Head and / or Cowmire Hall Quarry that as a tenant would not be required to take out his own insurance so long as he maintained the property in accordance with the terms in the lease.
- b) **Other Land Related Matters:** The Clerk reported that progress with revising Property Profiles and leases was continuing.

120/23 Neighbourhood Plan: The Clerk reported that LDNPA had now offered an informal meeting (preferably by Teams) to discuss the Parish Council queries on LDNPA comments on Draft 4. Louise Kirkup of Kirkwells had confirmed her willingness to attend, though she would prefer a face-to-face meeting. Councillors also confirmed their preference for the meeting to face-to-face and that they would be willing to travel to the LDNPA office to facilitate this. The Clerk was asked to coordinate a meeting towards mid/late January.

121/23 20-m.p.h. Speed Limit: The Clerk reported that W&FC had now published details of the process required for a 20-m.p.h. limit including guidance and the application form. Councillors noted the central role outlined for Parish Councils, including the need to provide evidence of substantial local support from within the community – possibly through a cross-Parish survey. It was also confirmed that costs would not be insignificant and that although W&FC would be able to provide some of the funding required it was likely that the Parish Council would have to contribute. It was **Agreed** to keep the scheme under review but not to open an application for the time being.

122/23 Membership of the Parish Council:

- a) **Councillor Vacancy:** The Clerk reported that the requisite period of notice has passed without a call for an election and that W&FC had confirmed that the Parish Council was now at liberty to co-opt a member. He proposed a possible timescale for a co-option process, though it was confirmed that whilst it might be good practice to fill the vacancy, there is no obligation to do so, so long as the Parish Council is properly able to fulfil its duties. It was **Agreed** to put a notice advertising the vacancy on the website and to review the situation at the next meeting on 05 February.
- b) **Parish Council Elections:** Councillors noted that elections for membership of the Parish Council will be held on 02 May 2024.

123/22 CLEAN: The CLEAN meeting on 09 November had reviewed progress with the initiative but there was no material report to be made. The item will be kept on the Agenda to accommodate future developments.

124/23 Finance: Councillors considered the following report submitted by the Responsible Finance Officer:

- a) **Pay Award:** Councillors noted that there has been a national salary award in the Clerk's and RFO's rate of pay of £1 per hour backdated to 1st April 2023, which is incorporated in the payments below.
- b) **Annual Appraisals:** Councillors noted that the Chair and Vice-Chair have carried out the Clerk's and RFO's annual appraisals and review of their hours. It was **Agreed** that the Clerk should be paid for up to 30 hours per month (including holidays) from 1 October 2023 and the RFO be paid for 10 hours per month (including holidays) backdated to 1 October 2022. These amendments have been incorporated in the payments below.
- c) **Receipts:** It was noted that there had been no receipts other than investment income since the last meeting (subject to (d) below).
- d) **Receipts since publishing the Agenda:** Councillors noted a receipt of £10.00 (land rent) from Mr. Clark, since publishing the Agenda
- e) The following payments were **Approved:**
 - i) Npower - Parish Room electricity October 2023 – £37.21
 - ii) M R Curry – salary, arrears and expenses November 2023 - £630.87
 - iii) M R Richardson salary arrears to September 2023 - £630.08
 - iv) HMRC - PAYE to November 2023 - £308.60
- f) **Payments due since publishing the Agenda:** There were no payments requiring authorisation since publishing the Agenda
- g) **Approval of the Draft Budget 2024/25:** Councillors received a draft budget presented by the RFO which included options for consideration. After discussion, the inclusion of a budget line for Parish Projects was omitted from the draft budget (to be addressed, if required, by an ear-marked sum of £2,000 from existing reserves which the RFO confirmed are sufficient to accommodate this). The revised outcome equates to an increase of 5.2% in the budget and with this amendment, the budget for 2024-25 was **Approved**.

- h) **Precept Demand:** Based on the approved budget, Councillors **Agreed** an overall Precept of £12,555.00 for 2024/25, being a Precept demand of £12,313.44 and Council Tax Support Grant of £238.56.
- i) **Internal Auditor for 2023/24:** Councillors **Agreed** to appoint Jean Airey as Internal Auditor for 2023/24.
- j) **Bank Balance:** Councillors noted the reconciled bank balance of £21,552.02 at 23 November 2023 and authorised the Chair to countersign the bank statement.

125/23 Correspondence:

- a) Updates from CALC and other Agencies: Councillors noted that these had been circulated as appropriate.
- b) Specific items of correspondence: The only item not dealt with as part of the Agenda was a note from Mr Matthew Jessop of Crosthwaite Church of England School on 08/11/2023 thanking the Parish Council for its grant of £500 towards the School's outdoor development programme.
- c) No further correspondence had been received since publishing the Agenda.

126/23 Items 'for Information': No items were submitted.

127/23 Councillors' Issues to be Raised

No additional items were noted for inclusion on the next Agenda:

Date of next meeting – The next full Parish Council meeting will be held on **Monday 05 February 2024**

The meeting finished at 9.04 p.m.

Signed as a correct record:

Date: