

CULGAITH PARISH COUNCIL

Clerk: John Fleming
Telephone 07768 468 634
E-mail: culgaithpc@yahoo.co.uk

Fell View
Blencarn, Penrith
Cumbria, CA10 1TX

Minute of the Meeting Held on Monday 4th September 2017 in Blencarn Village Hall, commencing at 7.30pm

Unapproved

70/17 Present

Cllrs: Caroline Richardson (Chair), Jill Hay, Marjorie Helm, Pauline Toppin, Pam Jago, Ken Philipson, County Councillor Claire Driver, PC Marion Jeffery (Community Police Officer) and John Fleming (Parish Clerk)
There were no members of the public present.

71/17 Apologies

Cllr. Philip Hemingway, Laura Wilson and David Witney,

72/17 Minutes

The Chair was authorized to sign the minutes of the meeting of the Parish Council held on Monday 3rd July 2017, as a true record.

73/17 Declaration of Interests

There were none

74/17 Public Participation

There was none

75/17 County and District Councillors Reports

A brief report was received from County Councillor, Claire Driver,

76/17 Finance (Incl.Vat)

76.1/17 To note the following balances as at:-

	3/9/2017
	£
HSBC Account	1547.38
NSI Account	5.45
Penrith Building Society	<u>12500.00</u>
Total assets	<u>14052.83</u>

76.2/17 A Set of Interim Accounts were tabled.

These were unanimously accepted by the meeting

76.3/17 The Following Accounts were Ratified

J Fleming Fee/PAYE July/August 2017. As per contract	
J Fleming Tel/ Broadband July/August 2017	30.00
Cartridge People – Toner	108.19
Play Inspection Company	180.00
Viking Office Supplies	29.32
gca – webdesign	91.24
Anne Pitts – Paint for war memorial seat	22.61

381

Information Commissioners Office (ICO)	
– Data Protection Fee (DD)	35.00
Alan Kitchen – Skirwith Bus Shelter Roof Repair	277.49
Logic Business Systems – E Mail Fault Repair	21.60
CALC Common Land and Village Green Course	75.00

76.4/17 The Following Accounts were Approved for Payment

J Fleming Expenses – July / August	38.44
Kirkland and Blencarn Recreation Room – Hire 4/9/17	10.00
J Fleming Heatons 3 x Archive boxes	7.47

76.5/17 To Report the Following Receipts

There were none.

76.6/17 The Following Transfer Was Reported

Penrith Building Society to Current Account	1500.00
---	---------

76.7/17 Transparency Fund Laptop computer Grant

Reported that a grant towards a new Laptop, with software, had been applied for from the NALC Transparency Fund. Agreed to proceed with purchase once confirmation that a grant had been awarded and .on the proviso that the cost was covered by the award.

77/17 Planning

17/0664 Outline application for residential development at Pea Foot , with approval sought for access.

The Council unanimously objected to the proposal detailed above, on the following grounds:-

- Increasing the size of the development from 2 to 5 houses will increase traffic on a dangerous bend and create a potential traffic hazard area.
- The site is at risk from flooding in extreme weather conditions, as has been experienced in recent years
- The development, on this side of the road, is outside the curtilage of the village.

17/0460 Hazel Dene. Redevelopment of garden centre/shop by erection of 13 houses, convenience store and café. -

Supported with proviso that the roof line be lowered on the three – story properties, as alongside the historic Carlisle/Settle, world famous, railway line.

185/2017 Tree Preservation Order - Horse Chestnut – Lane access
Pea Foot, adjacent to 'River Bend' - Served by EDC

17/0695 Full Application, Variations of conditions to
17/0053 Ivy Cottage, Culgaith - Supported

17/0684	Reinstatement of red brick chimney Gilderwath, Kirkland Road, Skirwith	- Supported
17/0632	Outline Planning - Additional Dwellings, Otters Holt, Culgaith.	- Supported
17/0698	Removal of 6 Cypress Trees Durbervilles, Skirwith	- Supported
17/0502	Land at Peafoot, Culgaith Outline planning for one dwelling	- Supported

78/17 Highways and Land Matters

78.1/17 The Replacement of the Footbridge – Mill, Blencarn – In hand

78.2/17 White Hall Corner Drainage, Blencarn – Work completed

78.3/17 Road Flooding Kirkland to Skirwith Road – In hand with Highways

78.4/17 Defibrillator Road Signs, Skirwith and Blencarn –

Grant Applied for.(Since awarded)

78.5/17 Drove Road Seat

Reported that a Parishioner had repaired this memorial seat and had trimmed the foliage around it and EDC had removed the rusting bin and rubbish alongside it.

Decision:- To include grass cutting around the immediate vicinity of the seat in the 2018/19 grass cutting contract. To request from EDC that a waste bin, (which is routinely emptied) be located on the corner by the seat.

78.6/17 Culgaith War Memorial Seat.

Reported that Mr and Mrs Anne Pitts had very kindly rubbed down and painted this seat, with the Council providing the paint. This community spirit was to be applauded and it was unanimously agreed that a letter of thanks be sent

78.7/17 Pinfold Plaque, Culgaith – Reported that this plaque was in need of cleaning. It was confirmed that Anne Pitts had offered to undertake the task. This offer was very gratefully received and accepted.

78.8/17 Playground Reports – The 2017 reports do not appear to been received, this was to be looked into.

79/17 Devolution and Transfer of Assets from District to Parish Councils

Correspondence had been received from Jane Langston, Deputy Director EDC Technical Services, outlining Eden Districts Councils reasons for their policy to devolve, non-statutory, District Council services to Parish Councils, **should a Parish Council agree to accept responsibility.**

Details were also provided on how EDC saw this financial changeover between 2018/19 and 2022/23, taking place.

The Council discussed this proposal in depth with the following points being raised:-

1. The initiative had initially been borne out of the Localism Act of 2011 which was both a European and UK Government initiative, with the objective '**To disperse power more widely in Britain today**'
2. There is no obvious statement within this Act that is to be used as a means by which a District Council could use the pretext of encouraging 'Localism' and the devolution of its powers, **as a means to reduced its expenditure.**
3. In an EDC document 'Local Delivery of Services Project', dated July 2015 a number of points were made:-
 - a. Implementation of the policy would be the subject of '**discussion and agreement**'
 - b. A Parish Council would need to have to have the **facilities and resources** to be able to undertake any activity. The majority of Parish Councils do not have the resources to take on Footway lighting.
 - c. Allow Councils and communities to know and feel it is **their** choice if and how they participate
 - d. With regard to Parish Precepts, a District Council should seek to avoid '**double taxation**'. As a consequence should a Parish Council have to increase its Precept to cover the cost of taking on an additional responsibility, such as Footway Lighting, then there **should be a commensurate reduction in the District Councils charge on a householders Council Tax.**
4. A number of Parish Councils will welcome the opportunity to take over certain responsibilities locally, such as sports grounds, swimming pools, parks and cemeteries, others such as Footway Lighting, would be less popular.
5. In the case of Culgaith Parish Council, Footway Lighting is the only obvious responsibility for the District Council to consider devolving.
6. Whilst a District Council does not have a statutory duty to provide this facility, **neither does a Parish Council.**
7. In the event of EDC relinquishing their responsibilities and a Parish Council **not** agreeing to take on the responsibility. It will be for Eden's Councillors to make the final decision. However the footway lights would continue to be Eden's responsibility (maintenance, electricity and Insurance etc.) **until they are all eventually removed.**
8. The Parish Council appears to being '**held over a barrel**'. It is not obliged to take on footway lighting in the Parish, but if it does not, then Parishioners will be thrust into darkness, when EDC ceases to maintain them, with all the associated implications such as **Health and Safety and security.**

9. Culgaith Parish currently has 27 'Approved' lights.
10. We are advised by CALC that the average maintenance cost per light, including electricity is approximately £100 per year. The cost of insuring 27 lights, valued at £3000 each, on an 'All Risks' policy is quoted as £300 per year. Thus the total cost to be loaded onto the Precept would be, in the region of £3000. In the case of Culgaith **this represents a 30% lift.**
11. If undertaken, a 'Parish Lighting Policy' would need to be drawn up.
12. The EDC devolution proposal is that the Parish Council would take over responsibility in April 2018/19 with EDC covering 100% of costs for that year.
Reducing as follows,
2019/20 – 75%, 2020/21 50%, 2021/22 25%,
In 2022/23 the Parish Council would bear the full cost.
13. There will be the opportunity for meetings to discuss issues, with the District Council working alongside CALC.

Conclusion to the Debate.

1. Culgaith Parish Council has no desire or wish to take on the responsibility of Footway Lighting in its Parish. It has no experience or knowledge to enable it to do so.
2. The Council currently has an unfilled Councillor vacancy. It is proving difficult to attract parishioners willing to join the Council. Taking on more Councillor responsibilities will make recruitment even more difficult, in the future.
3. The day to day responsibility of managing a project such as Footway lighting would fall heavily on the shoulders of a Parish Clerk and this would raise remuneration and training issues.
4. The turnover of Parish Clerks, within Eden is high, taking on more responsibilities, involving more time, will further exacerbate the problem.
5. It would appear illogical for the 50 Parish Councils, within Eden District, to have to organise their own, individual maintenance contracts, with a specialist contractor, who has access to a hydraulic lift platform, when there already is in place a, centrally administered, cost effective, contract, covering the whole of the District.
6. Culgaith does not wish to be a party to a creeping 'sleaze tax', being thrust on its Parishioners by default, as a consequence of EDC walking away from its responsibilities to the community, under the false premise of 'Localism'.
7. Culgaith Parish Councillors, being well aware that Eden District Council has assets in excess of £8m and that many thousands of pounds cost have been incurred on unsuccessful planning appeals.

8. If, however the Parish Council were to consider taking on the responsibility of Footway Lighting, before a decision could be made, the following matters would have to be addressed, by EDC and satisfactory answers received.

- To agree an audit of fully installed and functioning lights taken over on the 1st April 2018. All agreed 'active' lights would have to be installed and operational by the 1st April 2018
- For budgetary purposes, EDC would have to provide a full, itemised, costing for the operation and maintenance of 27 lights per annum. It would also need to confirm the actual value of the 100% grant provided for the year 2018/19. This information would be required by 15th October 2017, enable accurate Precept budgeting to be undertaken at the November 6th Parish Council meeting.
- To avoid any long term risk of 'Double Taxation', an assurance would need to be given on the **commensurate** level of District Council reduction to the Council Tax.
- Clarification would be sought on how EDC envisaged 50 Parish Councils would cost effectively arrange individual lighting maintenance contracts following the ending of the District Council's central contract with their specialist supplier. Would an opportunity be provided for Parish Councils to 'buy into' a centralised maintenance contract? If so who would administer this? Is this a role for CALC?
- A detailed legal contract would need to be drawn up and agreed between EDC and Culgaith Parish Council before take over on the 1st April 2018.
- EDC would be expected to provide the Parish Council with a 'day to day' operational manual to ensure that Health and Safety Executive requirements were adhered to at all times. This being particularly important when considering insurance responsibilities.
- Parish Councillors and Parish Clerks have no expertise in the managing and maintenance of footway lighting. What training will be provided prior to taking on this responsibility on the 1st April 2018? It would be assumed that Eden District Council would bear the full cost of this training programme.
- Other than lighting, are there any further responsibilities that EDC are expecting Culgaith Parish Council to take over?

80/17 Common Land Course. 18th July 2017.

A brief report was delivered by Cllr C Richardson. A document on the issues surrounding the management of Common Land are on file.

81/17 CALC. Housing / Neighbourhood Plan Meeting.

A brief report of the meeting was given by Cllr Jill Hay

386

82/17 Schedule of Correspondence, Notices and Publications

To note items of correspondence received since the last meeting.

82.1/17 Planning Design Guide Consultation Cumbria County Council.

A copy of this, revised document is on file. The Parish Council felt that they were not qualified to comment.

82.2/17 Police and Crime Commissioner, and Cumbria Annual Public Consultation Survey.

Being designed for personal completion, a copy was circulated to Councillors for completion, should they wish to do so.

82.3/17 St Lawrence Church, Kirkland.PCC.

A request for grant aid toward repair of church roof had been received. A response had explained that as a general rule Parish and Local Councils are not permitted to use public fund in support of a 'Religious Organisation', unless that organisation offers a community service which does not discriminate on grounds of belief. Detailed, helpful advice was given on where to apply for grant aid in support of the repair of a very old, historic, Grade 2 Listed building.

82.4/17 Modifications to Eden Local Plan

Further details on modification to the Eden Local Plan had been received, this were in line with what had already been agreed for the Parish.

83/17 Councillor Matters An opportunity for Councillors to raise issues on behalf of residents. *Note: no decisions can be made on these matters but they may be placed on a future agenda of the Council.*

83.1/17 Neighbourhood Watch

A parishioner query had been received enquiring of the current position regarding a Neighbourhood Watch Scheme in the Parish.

Decision:- Agreed to investigate. .

83.2/17 Cumbria Constabulary

The meeting was preceded by an introduction by PC Marion Jeffery, Community Police Officer.

Attention was drawn to the meeting of a 'Speed Watch' scheme' which was noted.

84/17 Dates and Venues of Future Meetings

Monday 6th November 2017 – Culgaith Victoria Institute.

Monday 8 January 2018 – Skirwith Village Hall

Monday 5 March 2018 - Kirkland and Blencarn Recreation Room

Monday 7th May 2018 Annual Parish Meeting, followed by AGM and May Council meeting - Culgaith Victoria Institute.

The meeting closed at 8.55pm.