

ALSTON MOOR PARISH COUNCIL

Minutes of a meeting of Alston Moor Parish Council held on Monday 5th February 2018 at 7pm in Alston Town Hall annex.

Present: Cllrs: T. Haldon (Chair), D. Athey, B. Aves, J. Glendinning, P. Godwin A. Green, E. Grew, C. Harrison, H. Ho, A. Martin, R. Miller.

Apologies: Cllrs: D. Phillips

Absent: G. Wright

Declarations of interest: listed under specific agenda items.

Resignation letters have been received from Emma Stewart and Stan Hill, both on grounds of illness. It was agreed that Cllr TH will also write to thank them for their services, and wish them all the best for the future.

1. Minutes

Resolved that the minutes of the parish council meeting held on Monday 8th January be adopted as a correct record with the following amendment: 10a/JAN/18 take out the words in brackets (excluding precept meeting.) Proposed by Cllr BA and seconded by Cllr EG. (1 abs)

Resolved that the minutes of the precept meeting held on Monday 15th January be adopted as a correct record with the following amendments: the 1st page the allocation to Alston Town Hall should read £5,000 not £500 and the 4th paragraph on the second page '*The request from Alice Bondi (a director of Alston Moor Partnership) was for....*' Proposed by Cllr TH and seconded by Cllr PG. (5+ 4- 2 abs)

A discussion on protocol for standing orders on interests has been moved to agenda item 10d/FEB/18

2. Progress Reports

2a/FEB/18 Devolution meeting & footway lighting agreement

Re: 8/JAN/18 The clerk reported that the meeting due to be held this morning was cancelled, as CALC have contacted NALC to ask them to check the legal agreement parish councils are to be asked to sign. The meeting will be re-scheduled, and councils are advised not to sign anything in the meantime. The delay should give Eden time to respond to the questions asked by Cllr Haldon about taking on the public toilets in Alston.

2b/FEB/18 Catholic Trust land ownership in Garrigill

Re: 2a/JAN/18 The Catholic Trust have confirmed that the only land they own in Garrigill is the village green leased to the parish council.

3. Progress reports from working groups and council representatives

3a/FEB/18 Ashgill Force paths meeting

Re: 3a/JAN/18 TH reported no progress as yet. TH to re-arrange meeting.

3b/FEB/18 Traffic Management meeting

The notes from the meeting were circulated earlier. No comments were received other than a request to the next Traffic Management meeting for crash barriers at Fairhill Corner.

3c/FEB/18 Report from Alston Moor Care Alliance

Cllr EG reported that a meeting had been held in January and that the responses from people who attended the hospital open day had been added to the final document for approval, with thanks to everyone who contributed with stories and comments. The group and hospital staff identified points that were missing and have submitted additional comments. A new date for the final plan has been given for 4th April.

Cllr CD added that the delay could be an opportunity for the implementation review group to work up the plans in more detail, and to learn from the 'on the ground' experience of the community nurses. She is confident the document will be accepted by the CCG.

Cllr CH reported that he has noticed that the hospital looks to be closed at weekends, as without visitors to the surgery there are no cars in the car park. The suggestion is that staff park around the front of the building at weekends.

3d/FEB/18 Coal Board Consultation over mine treatment works

Cllr BA reported that around 40 people attended the open session, and he had a long discussion with representatives about ensuring there is some financial benefit for the community. The works will cause traffic disruption for 18 months, as well as the long term impact on the area. He was advised to submit a letter from the parish council.

Cllr AM reported that Rory Stewart, MP and Matthew Waning, the Front Street project officer, are both in conversation with the Coal Authority.

It was agreed that the parish council should write separately and include a list of potential projects including Nenthead Village Hall, the community shop and Front Street public realm works, and that Cllr BA would assist the clerk. **Action CI, BA.**

Noted that there is to be a site visit at Nentsberry with the Nentsberry community group to discuss the flooding issues near the old chapel.

4 County Councillor's Report.

Cllr Driver reported on the following:

Road closures – The A686 at Brewery Bridge and Meathaw Hill will be closed on 5th March for around 2 weeks for work by the gas board and highways re-surfacing. CD has worked hard to minimize the impact on the community, and details still have to be agreed. Northern Gas will be working both sides of the bridge during the day, but it will be open at night and to let the school buses through. There are discussions on a convoy access at Meathaw Hill during peak travel-to-work time, but the road will be closed overnight. The exact times are still under discussion, but will be confirmed as soon as possible.

She was asked to enquire if the road planings could be used for the potholes on Tyne Willows.

Adult Social Care and Health Advisory Scrutiny Group – CD has chaired this group for the past 12 months.

Front Street Steering group – will meet on the 14th February to discuss the tender process and to look for companies with the capacity and skill to do the work. Research on finding setts capable of standing up to the gradient and weather conditions are continuing.

Alston Primary School future – it is hoped the youth club and gym may become anchor tenants, and that the inclusion of some of the health and social care system will make the building more sustainable. It needs a tight working group to agree the organisational and management issues, and she would welcome a representative from the parish council, but needs to know within the next 48 hours.

District Councillor's Report

Cllrs LS and PG reported on the following:

Footway lights devolution – the deadline has been extended to March 2019 for footway lights for those councils that would prefer to delay. No mention was made about the public toilets.

St Paul's enforcement case – Eden District Council conducted a case review, as voluntary compliance had not been forthcoming, to address the works requested to make the building safe. The owners were given a final 21 days, and have had a planning contravention legal notice served upon them. It is hoped that the correspondence and legal notice will result in either the necessary works being done or the return of necessary information to enable the council to pursue the matter further with a formal Section 215 legal notice, which requires the owner to conduct the necessary work within a set deadline, or either enable the council to conduct the works and claim back costs, or prosecute for failure to comply.

EDC will progress the matter in March.

Dog fouling – continues to be an issue. The schoolchildren are making new posters to encourage people to pick up dog muck, and Eden has put stenciled signs on pavements; these are just chalk and will wash off, but the intent is to get the message noticed. Residents are asked to report dog-related offences on-line to Eden District Council, and it was pointed out that dogs are supposed to be kept on leads within the 30mph limit.

Appleby Fair sites – for a number of reasons, the site along the A686 will not be available to Appleby Fair travellers this year.

5. Public open session

None present wanted to speak.

6. Planning

6a/FEB/18 18/0030 Full application. Change of use of annex to form office accommodation. Alston Town Hall, Front Street, Alston CA9 3RF for Mr T. Haldon, Alston Moor Parish Council.
No comment made.

Cllr TH reported that a tenant had been found for the Town Hall annex and that a change of use application had to be submitted. This was discussed at the last Town Hall meeting. It is hoped the lease can be signed and the tenant take possession on 19th February.

Decision notices

i/FEB/18 17/0906 Outline application. Outline application for conversion of existing hotel, holiday let and owner's accommodation to provide 22 no holiday let units. 12 no new build holiday let units. Demolition of Collerton and replace with 4 no new build holiday let units. Total 38 no holiday let units. New build leisure and catering facilities and additional car parking with approval sought for access and layout. Estate of Lovelady Shield Country House Hotel, Lovelady Lane, Alston CA9 3LX for Mr P. Haynes. Permission granted with conditions.

ii/FEB/18 17/1004 Full application. Alterations to existing rear extension. School House, The Butts, Alston CA9 3JQ for Mr D. Hodgson. Permission granted with conditions.

iii/FEB/18 17/1041 Full application. Single storey extension. Kirkside, Park Lane, Alston for Mr & Mrs Raine. Permission granted with conditions.

iv/FEB/18 17/1054 Full application. Change of use of outdoor activity centre to family dwelling and holiday cottage High Plains, Alston. Resubmission of approval 17/0617 for Mr D. Walters. Permission granted with conditions.

7. Application from Alston Moor Historical Society to the Community Grant Scheme

An application was received from Alston Moor Historical Society for architectural conservation grade storage material costing £175. The total cost of the project is £1,741.16 and applications have been made to other funders for the remaining costs. Cllr PG stated that when applications are made to the Eden Community fund the district looks to see if they have support from the local parish council.

Resolved to support the application from Alston Moor Historical Society to the Community Fund with a grant of £175 subject to successful grants from other funders. Proposed by Cllr CH and seconded by Cllr EG. (5 + 3- 3 abs)

The clerk was asked to let EDC know. **Action Cl.**

8. Approval of risk assessment for Appleby Fair travellers use of Tyne Willows car park. Proposal that the parish council would not wish to take legal action over the requirement of s5.10 'no nuisance' in the lease with Alston Fitness Club. Insurance of pavilion building

The risk assessments for Tyne Willows car park and playing field were circulated earlier.

A letter was received from Alston Moor Fitness Club, but not discussed at the meeting, which stated that the gym directors were in principle prepared to consent to the site being listed on the Eden District Council website with the statement that the space is reserved for horse drawn bowtops, and that motor vehicles are not allowed.

The Fitness Club drew up a list of conditions to be agreed through a written protocol to address the following issues.

- *The details of local authority support for the site, including the number of toilets, regularity of site attendance, and extent of rubbish clearance.*
- *A decision on whether it is best to close the recycling facilities during the period.*
- *Provision of barriers around the gym to allow safe parking at no cost to the gym.*
- *Appropriate signage.*
- *Published limit to the safe number of bowtops permissible – estimated at 15 – 25.*
- *Best low-risk view of occupancy time restrictions.*
- *Adjustments to be made if Tyne Willows area is extended as recommended.*
- *Access arrangements for emergency service vehicles.*
- *Terms and conditions published.*
- *Contingency actions to be taken by the authorities if conditions are broken in significant ways.*
- *Assurance that plans have been made if the expected number of vehicles are more than the estimated total of 58 last year.*

- *Consultation with adjacent landholders on emerging risk management proposals.*

In addition the parish council were asked to reconsider their view that the playing field should not be opened up to the travellers, and suggested using temporary grass protection as an interim measure.

No action taken.

A number of other points were made including the following:

The parish council were asked to provide full indemnity in the event that a claim is made against the gym as a result of the event.

The clerk reported that she learnt from the risk assessment seminar attended last week that a court decision (between a private individual and London borough) has determined that council should not be held responsible for unfortunate accidents occurring on their land. Case law should now apply. This, in addition to the Glaiser case against Appleby Town Council, which determined that the council should not be held responsible for a horse kicking a visitor, should help reassure all concerned that there are limits to the extent they can be held liable for the actions of individuals.

Request relating to s5.10 of the lease.

Resolved that Alston Moor Parish Council will not take legal action of the requirement of s5.10 'no nuisance' in the lease with Alston Fitness Club. Proposed by Cllr TH and seconded by cllr CH. (8+ 4 abs)
Other comments referred to the risk assessment.

- *The Fitness Club consider the risk assessment inadequate as it does not acknowledge that the volume of traffic will probably be greater as other sites have closed.*
- *It is optimistic that signage will be obeyed.*
- *There is no evidence that closing the recycling facility will reduce rubbish problems.*
- *No assessment of whether reducing or extending the permitted usage will increase or reduce the risks.*
- *Risk assessment of the car park excludes assessment of opening up Tyne Willows playing field.*
- *No evidence that local residents have been consulted.*
- *No evidence of where most travellers can be accommodated.*

Noted that some of the points were beyond the scope of a risk assessment for Tyne Willows Car Park, and that the unavailability of the other site has only just been confirmed.

It was agreed to meet with the nominated representative from the gym and to ask for a representative from Eden District Council and the police.

Resolved that Cllrs TH, HH and AG would represent the parish council.

Insurance – Cllr Ho reported that she thought it wrong that the gym insure the pavilion and suggested that the parish council insure the building and ask the gym to re-imburse them.

The clerk reported that she contacted CALC who advised consulting the insurance company, who replied that the council should contact their solicitor.

Members agreed that it was usual practice for the owner to insure the building, however, the lease can only be changed if the tenant agrees, and the gym had previously indicated that they wished to continue to insure the building. Since there is a possibility the gym may move, in which case the insurance costs would fall upon the parish council, it was decided to hold over for the time being.

9. Consultations and Correspondence

9a/FEB/18 Traffic Regulation Orders

Notice was given that Northern Gas networks will carry out gas replacement works on the A686 at Brewery Bridge with the Order coming into effect on 5th March for a period of up to 18 months. The works are expected to take 14 days.

A second notice stated that Cumbria Highways will carry out resurfacing and associated works on a section of the A686 at Meathaw Hill, Hartside from the junction of the Leadgate road for approx. 5km to a point adjacent Hartside Café. The Order comes into effect on 5th March for a period of up to 18 months, but it is anticipated to take 8 days. The work needs to be done before the end of the financial year, and will run concurrently with the closure of Brewery Bridge to minimise the time the road is closed to reduce disruption to road users.

9b/FEB/18 Proposed introduction of a Public Spaces Protection Order

A letter was received from Eden District Council asking for views on the control of the consumption of

alcohol in public places within Eden. PSPOs were introduced under the Anti-Social Behaviour, Crime and Policing Act 2014 and were designed to allow councils to deal with nuisance or problem behavior in public spaces that is likely to be detrimental to the local communities quality of life. The existing Designated Public Place Order includes part of Alston and will expire in 2020. It is proposed that a new PSPO is put in place to replace the existing order in Alston and other communities.

A consultation period runs from 5th February to 16th March 2018 with a questionnaire on Survey Monkey.

9c/FEB/18 Notices of events/meetings

Rural Highlights show for Alston Town Hall – 25th February

Neighbourhood Planning meeting – 6th February

9d/FEB/18 Information received

CALC February newsletter

10. Administration

10a/FEB/18 Request to use cllrs private e-mail addresses on website

Cllr TH reported that the Town Hall manager used the e-mail addresses for cllrs on the parish council website, but most people do not use them. All members were asked to let the clerk know whether they would prefer to use their personal e-mail addresses on the website or have them linked to the e-mail addresses they regularly use. **Action ALL.**

10b/FEB/18 Appointment of internal auditor

The clerk reported that the internal auditor is moving next month, so the council will need to find a replacement before the audit, which may take place earlier than previous years as a new external auditor has been appointed.

It was agreed to advertise the vacancy and for the clerk to contact people who may be interested. **Action CI.**

10c/FEB/18 Protocol for parish representatives to outside organisations

A draft protocol was circulated for comment. It was agreed to hold over until a later meeting.

10d/FEB/18 Protocol for non-pecuniary interests

A letter of complaint from Cllr Green was read out stating that members had not observed the requirements in the standing orders adopted in August 2017 for members to leave the room if they had a prejudicial interest.

This was noted, as was the point that standing orders did not define a prejudicial interest and that it would be impossible to set the precept without some form of amendment, as all members had an interest in Alston Town Hall through the parish council's status as sole trustee.

The clerk reported that she had contacted CALC with this query and was awaiting a response.

Resolved to wait to hear from CALC and to consider at the next meeting as a matter of urgency. **Action CI.**

10e/FEB/18 Date for annual parish meeting

The Annual Parish Meeting will be held on Wednesday 18th April 2018.

11. Items for next month's agenda and urgent business

11a/FEB/18 Tyne Willows

It was reported that there are a number of scrap cars on the car park at Tyne Willows, and an unacceptable amount of dog muck around the recycling centre.

Moles have been active on the playing fields. It was suggested asking a local molecatcher, but confirmation of public liability insurance would be needed before he could be employed.

12. Finance

12a/FEB/18 Bank statements

The statements as of 5th February 2018 were as follows:-

Alston Moor Parish Council tr/ac	£24,479.85
Alston Moor Parish Council bus/ac	£12,681.59
Eden Credit Union	£7,008.58

12b/FEB/18 Accounts for Payment

The following accounts were for payment:-

<i>Summary of accounts for payment: -</i>	£666.86
<i>Summary of income received since last meeting: -</i>	£0.00
<i>Summary of accounts paid since last meeting: -</i>	£804.84

Resolved that sufficient funds are held in balances for the clerk to be authorised to settle all the accounts listed in appendix 1. Proposed by Cllr TH and seconded by Cllr PG. (nem con)

The meeting closed at 9.15pm

Signed:

Dated: