

ALLITHWAITE AND CARTMEL PARISH COUNCIL

MINUTES OF ALLITHWAITE AND CARTMEL PARISH COUNCIL MEETING HELD AT CARTMEL VILLAGE HALL ON THURSDAY 11th APRIL 2024 at 7.00pm.

Present: Cllrs Lamb (Chair), Dean, Donally, Huggett, Johnson, and Simpson. The Clerk Christine Downey. Sean Hall (Principal Specialist, Health & Environment) Westmorland and Furness Council. Cllr Jenny Boak.

- 248 **Apologies** from members unable to attend:-
- 248.1 To note apologies for absence given in advance of the meeting.
Cllrs Barret and Sim.
- Also apologies received from Lucy Cheetham of Southlake’s Housing, and Rachel Gill.**
- 248.2 To consider acceptance of reasons for absence – if consideration of reason requested.
Not requested.
- 249 **Declaration of interest:-**
- 249.1 To note declarations of interest not already declared under members Code of Conduct or members register of Discretionary Pecuniary Interests.
None.
- 249.2 To approve dispensation requests – if dispensation request received.
None.
- 250 **Public Participation:**
- 250.1 **To receive comments & Concerns:** To hear matters raised by members of the public or Cllrs with an interest (that are allowed to speak) either on agenda items or for future consideration.
(NB: for non-agenda items Members of the Council are not permitted to respond, except to ask questions for the purpose of clarification: A member of the public shall not speak for more than 3 minutes)
None.
- 250.2 **Unity Council update:-**
Dealt with after item 251.
- 251 To discuss the Statement of Licensing Policy 2024 to 2029 with Sean Hall (Principal Specialist, Health & Environment) of Westmorland and Furness Council. (Paper 2024/54)
- Sean Hall gave an overview of the Statement of Licensing Policy 2024 to 2029, which has been adopted by W&FC.
- It provides an overarching framework detailing how licensing will be managed and is taken from statutory guidance. Alterations to fit local circumstances can be included, but certain aspects of the statutory guidance must be adhered to.
 - A subcommittee look at contentious applications at an internal hearing. They are presented by a case officer and a decision is taken. It can be appealed, and occasionally it is.
- There followed a general discussion of the main problem areas in Cartmel. The main points were:-
- Amplification of music can be heard right across the village which some councillors felt is not acceptable.
 - There are times when three different establishments are all playing amplified music at the same time, not counting the race course.

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- Neither local residents nor the Parish Council are anti-business, but some residents have reported that the situation in the summertime is often intolerable.
- Everybody wants to encourage tourism, but residents also deserve consideration.
- Not all properties are effected, and some properties are empty.
- No amplification at all would almost certainly detrimentally affect local businesses.
- The races are not every weekend, but the noise from the other establishments can go on for five months of the year.

Specific questions put to him were:-

- Is it possible to apply specific covenants to individual establishments; for example, that no external amplification is allowed?
- Some residents reported that it is a very severe nuisance being exceptionally loud on lots of occasions. What can be done?
- Amplifiers have the ability to limit the level of sound. Is this controlled by the establishment or the musicians?
- Can the sound systems be set at a particular level?
- Please can he come back to the council with recommendations?

Responses from Sean: Hall-

- Each and every premises that serve alcohol and/or play music, has a premises licence with specific conditions laid down. They are in the public record and can be viewed.
- The 2003 Licensing Act imposes a general obligation on the licensee to prevent public nuisance.
- It is possible to put additional conditions on premises licenses.
- He checked before attending tonight's meeting and found that there have only been six complaints from Cartmel about noise in the last three years.
- It may be that residents are just putting up with the problem and not submitting complaints but this is counterproductive.
- Residents who complain to councillors should submit complaints to W&FC when they experience this problem. He will provide details of how to do so, for circulation.
- One complaint can trigger an investigation. The initial part of an investigation is confidential. Those investigating collect evidence of the effect of the noise and they collect witness statements.
- In 2015 the Live Music Act 2012 was deregulated. No longer applies in respect of music for an audience of up to 500, inside and outside, unless after 11pm or before 8am. Therefore, powers under Environmental Health laws may be used to impose licensing conditions, such as music limiters.

CONCLUSIONS:-

- Sean Hall will forward details of how to submit complaint to the clerk for circulation and inclusion with the minutes.
- Support individuals to complain from the affected properties.
- Details of how to complain will be included in the Newsletter. Sean will provide suitable wording, and Cllr Dean will write the article.
- will report back to the Council with recommendations.
- PC to capture information from the community: Request feedback, asks residents to contact Parish Council with concerns.

The link to W&FC nuisance web page is

<https://www.westmorlandandfurness.gov.uk/your-environment/nuisance>

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This then asks which former area you are in (Barrow/Eden/South Lakeland) and redirects you to a page where you can report the issue electronically. The page also includes a telephone number, address, and email, however using the electronic version is the easiest.

Cllr Jenny Boak joined the meeting at this point and business returned to item 250.2 of the agenda:-

250.2 Unity Council update:-

Cllr Boak reported that:-

- Cartmel Toilets: Communities department of W&FC will be in touch with the PC shortly.
- Potholes have been reported.
- Speed coming into the Narrows outside Cark needs to be reduced to 20 mph limit. Can A&CPC apply for a speed reduction there? It was thought not because outside of the PC's area.

252 To consider written **applications for the office of parish councillor** and to fill vacant seats by co-option. (Paper 2024/65)

RESOLVED: That Rachel Gill is co-opted onto the Council.

253 To Confirm the **Minutes** of the previous meeting on 14th March 2024. (Paper 2024/55)

RESOLVED: That the minutes of the meeting of 14th March 2024 are agreed and signed.

254 To receive the **Clerks Report** (for information only). (Paper 2024/56)

Received.

255 Highway Matters:-

255.1 To receive an update on the situation re parking permits.

Cllr Donally has requested a meeting with Sean Green and a reply is awaited.

255.2 To consider and note Highway Matters for information. (Councillors can comment on any minor highways issues currently causing concern)

From Cllr Dean: As circulated prior to meeting.

Clerk to request an update on the TRO Review recommendations.

256 **To consider the following Planning Application:** 2024/0488/FPA: Fairfield Lodge, Priest Lane, Cartmel, Grange-over-Sands, LA11 6PY. Variation of condition 2 (approved plans) attached to planning permission SL/2020/0337 (Demolition of parts of the building and replacement extensions. New private driveway leading to parking area and new double garage and carport)

It was decided that the fact that the driveway should be permeable and not tarmac needs to be brought to the attention of Highways. This is not an objection in principle to the application, but the planners should be asked to look at the various difficulties that would be created by a none-permeable driveway, as highlighted by Cllr Dean. Although the deadline for submission of the PC's response is 15th April 2024, the planning officer has confirmed to Cllr Dean that a late submission will be accepted.

RESOLVED: Cllr Dean will provide the written submission to the clerk by Thursday 18th April, for submission to the planning department at W&FC.

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257

To agree the **Accounts for Payment**. (Papers 2024/57 and 58)

| | | |
|------------------------------|---|-----------------|
| Staples | Stationery | 50.66 |
| Waterplus | Water at Cartmel Toilets | 15.01 |
| GrangeNow | Newsletter | 369.88 |
| Dobsons | Storage for PC archive | 24.00 |
| Staples | Stationery | 18.70 |
| CALC | Annual subscription | 398.39 |
| CALC | Clerk training | 30.00 |
| Allithwaite Community Centre | Room hire | 90.00 |
| Cartmel Village Society | Evaluation costs | 635.40 |
| Cartmel Village Hall | Room Hire | 15.00 |
| C Downey | Clerk Salary and home working allowance | 1,064.91 |
| HMRC | PAYE | 77.92 |
| Npower | Electricity bill Cartmel toilets | 45.96 |
| Cumbria Waste Recycling | Waste collection | <u>31.20</u> |
| TOTAL | | 2,867.03 |

RESOLVED: That the payments above are approved.

RESOLVED: That the payments will be authorised by Cllr Lamb.

258

To agree the terms and conditions for the 2023/24 Internal Audit\Services from Lakes Auditing Services. (Paper 2024/59)

RESOLVED: Agreed, subject to the total cost being £200.00.

259

To consider the draft Procurement Policy. (Paper 2024/66)

It was reported that there is a possible conflict between the instructions at section 2 and those at section 3. Which section takes precedence?

RESOLVED: Carry forward to next agenda.

260

To review the lengthsman's contract and agree a way forward. (Paper 2024/60)

It was reported that the contract needs to be thoroughly reviewed and updated, particularly in respect of the following items:-

- Cllrs Donally and Sim should be named in the contract as being nominated to give instructions to the lengthsman on behalf of the PC.
- The list of duties performed by the lengthsman should be very carefully reviewed and amended and/or expanded as necessary.

RESOLVED: Cllrs Dean and Sim to review the contract.

RESOLVED: Carry forward to next meeting.

261

To consider proposals for funding of D-Day Commemoration activities.

RESOLVED: That an award of £500 is made in principle to the Priory, with full details of what the expenditure will be for being provided to the next council meeting.

262

To receive an update regarding quote and/or arrangements for providing councillors with professional computer equipment.

RESOLVED: Carry forward to next meeting.

263

To review the situation regarding the condition of the following assets and to agree a way forward:-

There was a thorough discussion of the situation regarding Charitable Village Halls and the Parish Council as the Custodian Trustee of the same. The main points were:-

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- General Principles for a charity:-
 - There are ALWAYS two entirely separate roles/functions at a Charity.
 - One: Those that run the organisation. Changes over time, often a lot. These are the Managing Trustees. But they cannot register land.
 - Two: Those that Register the Land on behalf of the Charity. This usually stays the same over time, and is either:-
 - An Individual = Holding Trustee, or
 - A Corporate Body (such as PC) = Custodian Trustee.
 - The Holding Trustee or Custodian Trustee (those that merely register the title to the assets) must take instructions from the Managing Trustees (those that actually run the charity and do the day-to-day work).
 - Trustee meetings are NOT public meetings.
 - There is no requirement for the Trustees to publish policies.
 - **VAT rules for charities are different from those for PC's.**
 - **PC's must take care NOT to reclaim VAT for a charity.**
 - Charities cannot trade.
 - Renting out rooms etc is not trading for a charity if it is part of their charitable purpose/object.
 - Managing Trustees (e.g. Village Hall Committee) MIGHT report back to PC. But there is no legal obligation for the Charity to report to outside bodies.

- If PC are Custodian Trustee:-
 - PC is holding the land title in capacity of Custodian Trustee and does not own the land outright. Think of the PC as a safety deposit box for the land title documents, nothing more.
 - PC is NOT registered with Charity Commission.
 - PC is registered with Land Registry as holder of land title.
 - PC has no right to minutes of the Charity.
 - PC does not have to hold meetings as Custodian Trustee unless asked or instructed to do something by Managing Trustees.

- Insurance:-
 - The Charity needs separate insurance. For property and public liability.
 - The PC can pay the premium as a grant – but the Charity must take out the insurance.
 - Local Councils have no insurable interest in a property that a charity own.

- In summary:-
 - The Parish Council does not own Allithwaite Community Centre and Playing Field, or Cartmel Village Hall.
 - Both are owned by separate charities and the assets are theirs.
 - Both are shown on the PC asset register for a cost/vale of £1 but should in fact be show as nil in view of the fact that the PC is the Custodian Trustee.

RESOLVED: That the clerk will write a report setting out the PC understanding of the position, for review by Cllr Donally in the first instance, and subsequently for review by CALC.

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RESOLVED: That APFCC should be advised urgently that A&CPC does not hold any monies, grants or awards on their behalf.

263.1 Allithwaite Community Centre

No further action at this time.

263.2 Cartmel Village Hall

No further action at this time.

264 **Neighbourhood Plan and Design Code:-**

264.1 Proposal to ratify the amendments to the Neighbourhood Plan 2022-2032 previously circulated.

RESOLVED: That the amendments to the Neighbourhood Plan 2022-2032 are ratified.

264.2 Proposal to ratify the amendments to the Design Code 2022-2032 previously circulated.

RESOLVED: That the amendments to the Design Code 2022-2032 are ratified.

265 **Fish Slabs and Pinnacle Project:-**

265.1 To receive an update on the project, including the siting of the pinnacle, and agree any necessary actions.

Cllr Dean reported that:-

The main project has been completed and signed off following the retention period. The necessity to relocate the original pinnacle or obelisk is ongoing but not without difficulty. However, steps over the past weeks have confirmed that the Primary School are content for it to be placed on a prepared area in front of the dining hall and the Lottery have recently confirmed funding support. Walkers have given a quote to undertake the work but due to delay with delivery of matching paving from the quarry were intending to commence at the summer half term. Unfortunately, that clashes with the races and they will therefore commence the five day programme on Thurs the 30th of May. All the work will be covered by the Lottery Grant.

There is one issue which requires Councils approval. JCA were approached to quote for the minor brief of 'contract administrator' especially as the work is within school grounds. They have refused on the basis their position is that the pinnacle had to be located indoors despite it being shown that was not possible. As there could also be a conflict of interest with the school's architect COW Architecture a quote was requested David Coward to undertake the brief. It is considered that this additional work should be professionally managed.

RESOLVED: That the expenditure of £490 + vat is approved.

265.2 To consider submitting the evaluation report to NALC to be recognised as a project of significant achievement. (Papers 2024/61 and 62)

RESOLVED: That the evaluation report will be used to support an application for a Star Council Award 2024, in due course.

RESOLVED: Clerk to research whether the PC has the power to pay a professional company to write a Star Council Award or not.

266 To receive an update regarding the **Cartmel Riverside Toilets** and agree a way forward.
Item 250.2 refers.

267 To receive an update regarding the **Cartmel Electricity Sub-station Supply** and agree a way forward.
Reply still awaited by Cllr Johnson, carry forward to next agenda.

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- 268 To consider how information is best circulated and/or made available to parishioners and agree a way forward.
Carry forward to next agenda.
- 269 To consider a **Publicity Campaign**, to raise awareness of all that the council does, and to encourage new councillors to come forward.
Carry forward to next agenda.
- 270 To consider the following correspondence and to agree a way forward and/or a response:-
- 270.1 Email regarding the **Lake Annecy Project**. (Paper 2024/63)
It was reported that the press release from Windermere PC is not accurate, particularly in relation to costs mentioned which are very much over stated. Also, the time scale for this project will be long, probably ten to fifteen years, and it is very much in the early stages right now. It looks as though it is currently only at the feasibility stage.
RESOLVED: No further action at this time.
RESOLVED: Cllr Donally will keep a watching brief on this project going forward.
- 270.2 Email regarding the **Wild Goat Festival 2024** – Holker Hall. (Paper 2024/64)
It was reported that:-
- There is confusion regarding the actual dates of the events and that these are not clear on the official website.
 - Certain running events do not come near Cartmel, but that the cycle routes on the Bank Holiday do.
 - Cartmel is so busy on a Bank Holiday already that a cycle event through the village will be dangerous.
 - Cyclists will have to dismount and walk through the village.
 - There will need to be only one entry point for the cyclists, and only one exit point.
- RESOLVED: Clerk to draft a suitable response to the event organisers , for checking by Cllr Johnson before sending.**
- 271 To receive **reports from councillors** who represent the Council on other bodies (for information only) – if any.
None.
- 272 **Minor items for information only, and items for next agenda.**
- Minor items:-
 - Apologies were received from Cllr Lamb for the May meeting.
 - Cllr Lamb will not be coming forward for the Chairman position in the upcoming new council year.
 - Cllr Johnson will not be coming forward for the Vice-Chair position in the new council year.
 - Next Agenda:-
 - To consider Cllr Dean’s suggestions re A&CPC, “The Future – A Way Forward”.
- 273 **Date of next meeting: 9th May 2024, at Cartmel Village Hall at 7.00 pm.**
- 274 To resolve that in accordance with Section 1(2) of the Public Bodies (Admission to Meetings) Act 1960, and by reason of the confidential nature of the remainder of the business, that the **public and press be excluded from** the meeting, whilst item 275 is considered:-

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RESOLVED: That the public and press be excluded from the meeting whilst item 275 is considered.

275

To consider the potential sale price of the **Parish Cottage** and agree a way forward.

RESOLVED: That the asking price suggested by the estate agent is agreed.

RESOLVED: Cllr Barrett to instruct the estate agents to give the current tenant first refusal and to ask for a response from the tenant within 28 days.

As there was no further business the meeting closed and the Finance Committee meeting was held.

| PAYMENTS | | 2023/24 | 2024/25 | Total |
|------------------------------|---|----------------|----------------|--------------|
| Staples | Stationery | 50.66 | | 50.66 |
| Waterplus | Water at Cartmel Toilets | 15.01 | | 15.01 |
| GrangeNow | Newsletter | 369.88 | | 369.88 |
| Dobsons | Storage for PC archive | 24.00 | | 24.00 |
| Staples | Stationery | <u>18.70</u> | | 18.70 |
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| C Downey | Clerk Salary and home working allowance | | 1064.91 | 1,064.91 |
| HMRC | PAYE | | 77.92 | 77.92 |
| Npower | Electricity bill Cartmel toilets | | 45.96 | 45.96 |
| Cumbria Waste Recycling | Waste collection | | <u>31.20</u> | <u>31.20</u> |
| TOTAL | | 478.25 | 2,388.78 | 2,867.03 |