

## **COUNTY COUNCIL LOCAL COMMITTEE FOR SOUTH LAKELAND**

Minutes of a Meeting of the County Council Local Committee for South Lakeland held on Monday, 28 February 2011 at 10.30 am at County Offices, Kendal

### **PRESENT:**

Mr GD Cook (Chair)

#### **County Councillors**

Mrs J Willis (Vice-Chair)  
Mr RK Bingham  
Mr T Clare  
Mr SB Collins  
Dr DH Earnshaw  
Mrs C Feeney-Johnson

Mrs BC Gray  
Mr P Hornby  
Mr KJ Lancaster  
Mr J Stephenson  
Mr I Stewart  
Mr R Wilson

#### **District Council**

Mr G Vincent

#### **Parish Councils**

Mr A Muirhead  
Mr R Shapland

### **PART 1 – ITEMS CONSIDERED IN THE PRESENCE OF THE PUBLIC AND PRESS**

#### **121. MATTER OF URGENCY**

In accordance with the Local Government Act 1972 the Chair had agreed that consideration be given to an additional report on the Highways Act 1980 s116/s117 – Request for Stopping Up of Highway at U5596 Mill Lane o/s No 1 Hillgarth Underbarrow in order to avoid any further delay in making an application to the Local Magistrates for a Stopping Up order (minute 129 refers).

He had also agreed that consideration be given to a report on South Lakeland District Council Off-Street Parking Places Order 2011 to allow the District Council implement its proposals on 1 April (minute 130 refers).

#### **122. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Mr J Airey, Mr J Bland, Mr B Jameson, Mrs C Salisbury and Mr W J Wearing.

### **123. EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED,** that the press and public be not excluded from the meeting for any items of business.

### **124. DISCLOSURES OF INTEREST**

Mr G D Cook declared a personal and prejudicial interest in respect of agenda item 7(c) in relation to an application for funding from the Lancaster Canal Restoration Partnership as he lived near the Kendal Canal Head project (minute refers). Mrs B Gray also declared a personal interest in this item of business as a representative on the South Lakeland District Council's Canal Steering Group (minute 128(2) refers).

During the course of discussion Mr T Clare declared a personal interest in respect of agenda item 7(1) as he had connections with the Friends of Vicarage Park School (minute 128(3) refers).

### **125. PUBLIC PARTICIPATION**

- (1) There were no public questions relating to any item on the agenda.
- (2) The Local Committee received a petition seeking a relaxation of parking restrictions on Sunday in parts of Grange to allow church goers to park more easily.

In discussion Members had no objections in principle to the request, however they were reminded by the Acting Area Engineer of the legal process for changes to the order and of the costs in changing the signs. This work would constitute a highways improvement scheme for which funding would need to be found,

**RESOLVED,** that the petition be received.

- (3) Mrs Anna Williams attended the meeting to present the case of residents in relation to the proposed Annual Package of Measures scheme for the construction of a new footway at Kendal Road Staveley (minute 128(1) (c) refers).

Before making her presentation Mrs Williams presented two petitions. The first asked for a reduction in the speed limit through the village of Staveley from 30mph to 20mph, and the second asked not to demolish the dry stone wall and to relocate the footpath to the opposite side of Kendal Road.

Mrs Williams advised that Staveley had been waiting 10 years for the planning condition attached to the Caldrigg Fold development to be enforced, which was to improve the existing footway along Kendal Road to the village centre. Instead a proposal had been presented to move the footway to the opposite

side of the road which eliminated two road crossings. Whilst this was a good idea in principle the implications had not been clearly thought through as it would create far more new and permanent problems to both traffic and pedestrians than it addressed.

This had arisen from the failure to carry out any studies as to the true nature and volume of pedestrians using the footway, nor parking and traffic issues that would be directly affected by the scheme. It would also affect village events and trade at the much valued local pub.

Mrs Williams made the point that it appeared the proposed scheme was not legal since there was a deed of gift from Mr Edwin Brockbank donating the land to Westmorland County Council for use as a footway. This was on condition that the Council maintained the path, wall and riverside fence forever. A response was still awaited from the County Council on this issue.

Three weeks after receiving the drawings from Cumbria Highways in January 2011 the Parish Council had voted the scheme through by 5 votes to 4. Had it not been for the pressure placed on councillors to secure the funding, which residents had been advised would evaporate if the scheme was not completed by the end of March 2011, it was clear that the proposal would not have been carried. Even some who spoke in favour of the scheme clearly did not understand it demonstrating that the consultation period was inadequate for the Parish Council, and even worse for the public, most of whom only saw the plans for the first time at the meeting.

The proposed scheme was deeply unpopular in the village with over 630 people signing a petition in 3 weeks in support of retaining the existing walled footpath and opposing the reduction in road width. The vast majority of signatories were from Staveley, the rest being mainly from neighbouring villages.

On a positive note residents of Kendal Road and Caldrigg Fold met with the local MP on 18 February and there was a clear consensus among all present that the following was required:-

- improvements and resurfacing to the existing walled footway;
- provision of new safe crossings at each end of Kendal Road;
- the introduction of a 20mph speed limit through the village. The speed limit issue was raised in the Parish Plan as far back as 2003. Over 100 people had signed a petition in just 3 days in support of this. Traffic speed was felt by residents to be a major safety issue on this road.

To summarise the Local Committee was asked to consider that:-

- this deeply unpopular, retrograde and poorly conceived proposal be scrapped;

- the long awaited funding be carried over to enable a properly researched alternative scheme to be prepared;
- the scheme be subject to proper public consultation.

The Local Committee also heard from Mr John Berry the Vice Chair of Staveley-with-Ings Parish Council. Mr Berry explained that this was not a new scheme as the Council had been considering the question of the footway on Kendal Road for a number of years. Firstly in connection with the Planning Approval for affordable housing which included a Section 106 Agreement to improve the footway, and secondly since the well publicised and attended Community Travel Plan was agreed in 2007 when this scheme was one of its highest priorities.

When the Parish Council had looked at the options put forward by the Council in August of last year it had considered the cost of upgrading the existing path as opposed to constructing a new one. Whatever option was decided upon the existing low wall would have to be demolished as there was insufficient width of highway land to accommodate both a widened footpath and a 6m carriageway. It was then suggested that materials from the wall could be recycled to assist in the construction of a new one as part of the National Park's Miles without Stiles' scheme.

At its meeting in October it had been recommended that options to relocate the footpath to the housing side be developed. These had been looked at by the Council's Parish Plan Working Group, and the chosen scheme endorsed by the full Council at its meeting on 5 January 2011. In making this decision the Councillors had taken note of the reduction in the need to cross the road twice. They had also noted that many residents currently chose to walk in the roadway along this route to avoid crossing the road. A further bonus was the provision of a raised pavement at the two bus stops

At its last Council meeting on 7 February 2011 petitions had been presented both for and against the proposal. A decision had been taken to continue to support the proposals as being the best and safest way to provide for these pedestrian movements. Mr Berry commented that whatever scheme was chosen the wall would have to be demolished and that a lot of people had signed the petition without being fully aware of all the facts.

The proposed scheme, as presented to the Highways and Transportation Working Group, was fully supported by the Parish Council.

After listening to both Mrs Williams and Mr Berry the Chair advised that this issue would be considered later in the meeting and he invited them to stay and listen to the debate (minute 128(1) (c) refers).

## **126. MINUTES**

The minutes of the meeting of the Local Committee held on 24 January 2011 were confirmed, as circulated, and thereupon signed by the Chair.

## **127. SOUTH LAKELAND LOCAL COMMITTEE DEVOLVED BUDGET**

### **(1) Communities Budget**

Consideration was given to a report by the Corporate Director – Resources presenting the actual expenditure and commitments recorded against the Local Committee’s Budget as at 31 January 2011.

**RESOLVED,** that the following be noted:-

- the budget allocations for 2010-11 and the commitments and expenditure recorded to date;
- the unallocated resources in the Communities Revenue budgets of £134,768;
- the unallocated resources in the Local member Capital budgets of £7,650.

### **(2) Highways Budget**

A report by the Corporate Director – Resources presented the actual expenditure and commitments recorded against the Local Committee’s Highways Revenue and Capital Budgets as at 31<sup>st</sup> January 2011.

At this stage there was no guarantee approval would be given to the carry forward of unallocated balances from 2010-11 to 2011-12.

In considering the report the Acting Area Engineer clarified the position in relation to the proposed construction of a new footway at Kendal Road, Staveley and the need to look into the implications of a covenant that existed which possibly placed obligations on the County Council.

**RESOLVED,** that the following be noted:-

- the budget allocations for 2010-11 and the expenditure recorded to date;
- the Revenue budget, including Highway Stewards and Members Works, currently has a projected underspend of £34,288;
- the Non Principal Road Network Structural Maintenance budget is showing a projected underspend of £21,293;

- the Annual Package of Measures budget is showing a projected underspend of £5,621.

## **128. WORKING GROUPS**

### **(1) Highways and Transportation Working Group**

Consideration was given to a report by the Corporate Director – Environment providing details of the meeting of the Highways and Transportation Working Group held on 8 February 2011. Appended to the report was a revised summary of the proposed devolved Highways Capital Programme 2011-12. It also presented additional public consultation responses in relation to the proposed Annual Package of Measures scheme for the construction of a new footway at Kendal Road, Staveley.

In discussion on the Better Highways report (minute 47 of the meeting of the Highways and Transportation Working Group on 8 February refers) the Local Committee was advised that a Better Highways information pack had recently been circulated to all Parish Councils in the area. A request was also made for the Parish Councils to be advised of the current position in relation to Better Highways and of future plans. In respect of questions raised in relation carriageway pothole defects and the use of cold/hot materials it was noted that a report would be presented to the Working Group on the strategy and specifications adopted to deliver first time permanent repairs.

#### **(a) Minutes**

**RESOLVED**, that the minutes of the meeting of the Highways and Transportation Working Group held on 8 February 2011 be received.

#### **(b) Timber Transport Maps**

**RESOLVED**, the work of the Cumbria Timber Transport Group in producing recommended routes for timber be endorsed, and the views of members sought on the proposed route maps before wider consultations were undertaken with stakeholders.

#### **(c) New Footway at Kendal Road Staveley**

The Local Committee had heard representations from Mrs A Williams and Mr J Berry earlier in the meeting in relation to the proposed new footway at Kendal Road Staveley (minute 125 refers). Since the Working Group meeting a number of other issues had arisen ie:-

- a legal matter relating to a Deed of Dedication;
- concerns by the Environment Agency who considered that the scheme had the potential to adversely impact on the river bank and required further engineering assessments and method statements;

- concerns by the Two Castles Housing Association about some comments made by objectors. A statement from the Association had been Emailed to members of the Local Committee.

Due to the need to resolve the legal matter relating to the Deed of Dedication and also the issues raised by the Environment Agency the Acting Area Engineer advised that it would not be possible to proceed with the scheme in the current financial year.

During the course of the discussion the majority of members present at the meeting asked that their support to the carrying forward of capital balances from 2010-11 to 2011-12 be communicated in discussions on the County Council's budget for the coming financial year.

Having taken into account the additional public consultation responses in relation to the APM scheme for construction of a new footway at Kendal Road, Staveley, as set out in Appendix A to the report by the Corporate Director – Environment, the representations made at the meeting and also the views of the local member, it was

**RESOLVED,** that in relation to the proposed footway improvement at Kendal Road Staveley the scheme as designed and consulted upon be approved, subject to further consultation and satisfactory resolution of the issues relating to the Deed of Dedication and Environment Agency consent.

**(d) Highways Devolved Capital Programme 2011/2012**

**RESOLVED,** that the devolved highways capital programme for 2011/2012 set out in the appendix 1 to the report to Working Group (as amended in Appendix C to the report before the Local Committee), with the inclusion of £200,000 for winter damage repairs and a redistribution of footway resurfacing allocations among LAP areas, be approved.

**(e) South Lakeland Speed Limit Review**

**RESOLVED,** that the recommendations contained in Paragraph 4.5 of the report for implementation in 2011/2012 via the Speed Monitoring and Management budget in the Local Committee's devolved highways capital programme, at an estimated cost of £23,400, be put on hold for a year and speed indication devices purchased instead and deployed at the sites identified in the report to Working Group, the situation to be monitored and reported on in due course.

**(f) Unsurfaced Unclassified County Roads -**

**RESOLVED,** that

- (i) the introduction of a code of practice and supporting traffic regulation order for a pilot project on the unsurfaced

unclassified county roads U5604 and U5213 in Colton Parish be approved in principle subject to the availability of funding;

- (ii) the local member be encouraged to contribute towards cost of bringing the roads up to a reasonable standard via works described in the surveys;
- (iii) consideration be given to circulating more widely the report by the Corporate Director – Environment detailing progress by a Task Group established to consider maintenance and management issues with “green roads” in Colton Parish.

## **(2) Children and Young People’s Working Group**

*At this point in the meeting Mr T Clare declared a personal interest in relation to Friends of Vicarage Park and withdrew from the meeting.*

The Local Committee had before it a report by the Corporate Director – Children’s Services providing details of the Children and Young People’s Working Group held on 1 February 2011.

In considering the report reference was made to the South Lakeland Youth Conference arranged and promoted by the Local Committee to be held on 31 March to which all Members of the Local Committee were urged to attend.

**RESOLVED,** that

- (a) the minutes of the meeting of the Children and Young People’s Working Group meeting held on 1 February 2011 be received;
- (b) £21,000 be awarded to the Speaking and Listening Project (35 resource boxes) from the £25,000 committed for improving attainment in South Lakeland;
- (c) £500 be vired from the Children’s Activities 6-12 budget to the Children’s and Young Peoples fund;
- (d) £4,480 be awarded to the Early Years and Childcare Team in partnership with Healthcare NHS in promoting the Nutrition Programme for children under 5 years;
- (e) £2,700 be awarded to Arnside Girl Guides;
- (f) £3,000 be awarded to Cumbrian Young Farmer’s, Southern District;
- (g) £2,421 be awarded to Coniston Childcare from the Grant Applications to the Early Years Budget;

- (h) £2,650 be awarded to Penny Bridge Nursery from the Grant Applications to the Early Years Budget;
- (i) £4,000 be awarded to Broughton Under Fives Nursery from the Grant Applications to the Early Years Budget;
- (j) £6,675 be awarded to Pennington Nursery from the Grant Applications to the Early Years Budget;
- (k) £2,219 be awarded to Church Walk Pre-school Nursery from the Grant Applications to the Early Years Budget;
- (l) £2,798 be awarded to Little Acorns Pre-school Nursery from the Grant Applications to the Early Years Budget;
- (m) £2,964 be awarded to Blossom Trees Nursery from the Grant Applications to the Early Years Budget;
- (n) £950 be awarded to St. Oswald's Accredited Pre-school from the Grant Applications to the Early Years Budget;
- (o) £6,500 be awarded to Friends of Vicarage Park on behalf of Little Vicarage from the Grant Applications to the Early Years Budget.

### (3) **Budget Working Group**

A report by the Chief Executive presented the minutes of a meeting of the Budget Working Group held on 8 February 2011.

Mr G D Cook withdrew from the meeting during consideration of an application from the Lancaster Canal Restoration Partnership for a contribution towards the cost of a planning application. Mrs J Willis took the Chair at that point.

**RESOLVED,** that

- (a) subject to the inclusion of Mr K Lancaster to the list of apologies, the minutes of a meeting of the Budget Working Group held on 8 February 2011 be received;
- (b) the £10k previously allocated for purchasing grit for distribution to parishes, be reallocated to fund additional days for the temporary patching gang;
- (c) the balance of £14,999 remaining in the Local Area Partnership projects commitment be returned to General Provision and then allocated to fund additional days for the temporary patching gang;

- (d) the underspend of £8,875 from the Neighbourhood Forum grants budget be returned to General Provision and allocated to fund additional days for the temporary patching gang;
- (e) any underspend from the School Crossing Patrols budget be vired to the Speed Monitoring Programme included within the Annual Package of Measures programme of work and used to purchase additional speed indicator devices;
- (f) £1,000 be awarded for General Provision to Annie Mawson's Sunbeams Music Trust for a project to work with people with dementia in two care homes in South Lakeland;
- (g) a decision on whether or not to agree a funding application from the Lancaster Canal Partnership towards the costs of applying for planning permission to preserve the route of the canal be deferred until the next meeting of the Budget Working Group; additional information to be presented to this meeting and the Chair of the Lancaster Canal Partnership invited to attend; and
- (h) the Chief Executive, in consultation with the Budget Working Group, be authorised to take a decision on behalf of the Local Committee in relation to the application from the Lancaster Canal Partnership (paragraph (g) above refers); if the application is not agreed the funding be allocated to support additional days for the temporary patching gang.

**129. HIGHWAYS ACT 1980 S116/S117 - REQUEST FOR STOPPING UP OF HIGHWAY AT U5596 MILL LANE O/S NO 1 HILLGARTH, UNDERBARROW**

Consideration was given to a report by the Corporate Director – Environment previously considered by the Local Committee at its meeting on 13 December 2010 (minute 96(a)(14) refers) making recommendations regarding a request from Mr J Sykes, the owner of No. 1 Hillgarth Underbarrow, that an area of highway forming part of the verge, measuring approximately 38m<sup>2</sup>, of the U5596 adjacent to No. 1 Hillgarth, Underbarrow be stopped up. The request to seek a magistrates Court Order under s116 of the Highways Act 1980 had been approved, however since that meeting the location plan for the highway verge to be stopped up had been amended.

**RESOLVED,** that the Assistant Director Legal and Democratic Services be authorised to make an application to the Local Magistrates under section 116 of the Highways Act 1980 for an Order to stop up as a highway a section of highway verge, measuring approximately 38 m<sup>2</sup>, adjacent to No. 1 Hillgarth, Underbarrow, as shown in Appendix

1a to the report by the Corporate Director – Environment, on the grounds that it is unnecessary, subject to all of the County Council's costs being met by Mr J Sykes whether the application is successful or not.

### **130. SOUTH LAKELAND DISTRICT COUNCIL (OFF STREET PARKING PLACES ) AMENDMENT ORDER 2011**

The Local Committee had before it a report by the Corporate Director – Environment seeking approval to a proposal by South Lakeland District Council to implement changes to off street parking places in Kendal, namely:-

- the introduction of regulation of car parking on the Kendal Bus Station so that it is used only for recognised buses and by taxis for the purpose of loading and unloading; and
- to bring into the remit of the off-street parking order the car park at Kendal Brewery Arts Centre.

In considering the report the Acting Area Engineer was asked to draw the District Council's attention to the fact that the car park at Kendal Brewery Arts Centre was also used by Kendal Squash Club and was not just for the sole use of Kendal Brewery Arts Centre.

**RESOLVED**, that consent be given to the changes to off-street parking arrangements proposed by South Lakeland District Council as set out in the appendix to the report by the Corporate Director – Environment.

### **131. LOCAL AREA PARTNERSHIPS**

A report by the Chief Executive brought forward funding recommendations from the Central Lakes Local Area Partnership and details of a referral from the High Furness Local Area Partnership

**RESOLVED**, that

- (a) the report be noted;
- (b) £1500 be awarded to the Grasmere Flood Group towards the cost of a secure grit and sand facility from the monies committed to Local Area Partnerships;
- (c) £2000 be awarded to the Lakes Parish Council towards the cost of a replacement bus shelter in Ambleside from the monies committed to Local Area Partnerships;
- (d) £750 be awarded to the Lakes Parish Council towards the cost of a course for young people from Lakes and

Windermere Parishes from the monies committed to Local Area Partnerships;

- (e) £2697 be awarded to Windermere Town Council for design, specification, quotations and contract preparation for an improvement scheme at Ellerthwaite Square in Windermere from the monies committed to Local Area Partnerships;
- (f) a request from the High Furness Local Area Partnership for grit bins to be numbered to improve identification and to simplify the reporting of issues be supported.

### **132. LOCAL CAPITAL SCHEMES (ELECTORAL DIVISIONS) REPORT**

Consideration was given to a report by the Chief Executive which sought to commit elements of the Local Capital Scheme budget, including Members' proposals that had been sufficiently worked up, to enable the Local Committee to consider spending decisions.

Appended to the report were the detailed scheme proposals, together with a progress list for all divisions.

**RESOLVED,** that the following be approved:-

- (a) a capital grant of £5,000 to undertake the work needed to carry out localised patch repairs on the Lakes School access road to enhance its life;
- (b) a capital grant of £2,500 towards a project cost of £10,200 for works on Queen's Park in Windermere.

### **133. NEIGHBOURHOOD FORUM REFERRALS**

There were no Neighbourhood Forum referrals to be considered at the meeting.

### **134. APPOINTMENT OF COUNTY COUNCIL GOVERNORS**

The Local Committee considered a schedule of recommendations for the appointment of County Council representatives on the Governing Bodies of County Nursery Primary and Secondary schools.

**RESOLVED,** that subject to her consent Mrs E Miller of Brookside, Woodland, Broughton-in-Furness, LA20 5DJ be appointed to the Governing Body of Broughton-in-Furness CE School.

### **135. STRONGER PERFORMANCE REPORT**

The Local Committee had before it a report by the Chief Executive addressing the outcomes under the County Council's "Better" Themes. The report contained community engagement performance information monitoring, specific issues raised, engagement activity and allocation of Forum Grants. Attached as an appendix to the report was a summary performance report for the Money Advice Service which was provided by the Citizens Advice Bureau and funded by the County Council.

The Local Committee was advised that a range of measures and actions to support the Area Plan were under development and performance against these would be analysed in a future report.

**RESOLVED,** that the report be noted.

### **136. EDEN AND SOUTH LAKELAND FORWARD**

A report by the Corporate Director – Environment provided a brief up-date on the priority projects contained within the Eden and South Lakeland Forward Delivery Plan. The up-date focused on projects within South Lakeland, but also provided information on projects in Eden.

The Local Committee was asked to note that the County Council would no longer be providing dedicated staff resource to servicing Eden and South Lakeland Forward. If a more informal partnership arrangement continued which focused on the delivery of economic development activities in Eden and South Lakeland, then the County Council would continue to provide support, but only on a project by project basis.

In considering the report members commented on their wish to remain involved and informed of economic development programmes in the area.

**RESOLVED,** that the report be noted, and a further update report be presented to the next meeting of the Local Committee.

### **137. OUTSIDE BODIES**

A member asked for the County Council's representation on the South Lakeland Strategic Partnership to be looked into.

The meeting ended at 12.20pm