

# SEATON PARISH COUNCIL

## MINUTES OF MEETING HELD ON 21 JULY 2014

### **Present:**

Councillor J M Ardron	Councillor C J Holding
Councillor P F Bateman	Councillor Mrs J King
Councillor Mrs K P Birkett (Chairman)	Councillor W McIntyre
Councillor M T Ditchburn	Councillor Mrs J Norman
Councillor Ms M M Gainford	Councillor J Sandwith
Councillor A Grey	Councillor Mrs C Tibble
Councillor Mrs L Harwood	Councillor C Woodman

**Clerk:** P Bramley

### **Minute No. 39**

#### **Apologies for Absence**

An apology for absence was received from Councillor J Musgrave.

### **Minute No. 40**

#### **Declarations of Interest**

None received.

### **Minute No. 41**

#### **Requests for Dispensations**

None received.

### **Minute No. 42**

#### **Minutes of Meeting held on 16 June 2014**

**Resolved** that the minutes of the Meeting held on 16 June 2014 be accepted and signed as a correct record.

### **Minute No. 43**

#### **Presentation by Stella Kent, Groundwork North East & Cumbria, on Brick Dubs**

Stella Kent, Senior Project Officer with Groundwork, attended to present options for environmental enhancements to the Brick Dubs area of common land at High Seaton for consideration by the Council. She commenced by explaining that Groundwork North East & Cumbria was a charitable organisation not connected to the former Groundwork West Cumbria organisation. It had been active in Cumbria for the previous three years, involved in land based interventions in green areas, nature reserves & play areas. Groundwork's ethos was to work with communities to develop projects that the community wanted.

Following a site visit with the Clerk, Groundwork presented a report suggesting two alternative options for improving the area & increasing public awareness & use of the area.

Option 1 was a phased approach to developing the site, involving a feasibility study, desktop research, establishment of community support, production of base plans, clarification of planning requirements & submission as necessary, funding identification & sourcing, tender arrangements, contractor management & project evaluation.

Option 2 was the development & facilitation of a volunteering programme, with Groundwork supervising volunteering sessions to enhance the site, based on an assessment by the organisation's landscape architect.

It was considered reasonable to assume that Secretary of State approval would be required for work to enhance or develop the common land, & advisable to commission an ecology study.

**Resolved** that Ms Kent be thanked for her report, that members give consideration to the proposals for the site, & that the matter be further discussed at the next meeting.

#### **Minute No.44**

##### **Progress Reports**

###### **1) Clerk**

**Resolved** that the progress report be noted.

###### **2) Village Hall**

Councillor M Ditchburn reported that arrangements were now in place for the work to treat the woodworm problem to be carried out.

**Resolved** that the progress report be noted.

#### **Minute No. 45**

##### **Allotments**

Members received an update on the position concerning the Council's provision of allotments. It was noted that the Council's solicitor had advised that letters had now gone out to the Council's former tenants at 1 March 2013, advising them of their position should they still be occupying the site, (Minute 151 2013/14 refers). A response to the Council's enquiries, (Minute 23 2014/15 refers), of Allerdale Borough Council Deputy Monitoring Officer had been received & copied to members.

**Resolved** that the position be noted, & that consideration of the response from Allerdale Borough Council's Deputy Monitoring Officer be held in the private part of the meeting.

#### **Minute No. 46**

##### **Public Questions**

- 1) Mr K Slone of the Seaton Allotment & Gardeners' Society asked whether the Council had received a response from Allerdale Borough Council to its bid for the Council's former allotment site at Lowca Lane to be registered as a community asset. He was advised that the receipt had been acknowledged but no further response had been received at the time of the meeting.

- 2) Mr Slone advised that, in response to a request made of Mr R McCracken, Secretary to the Seaton Allotment & Gardeners' Society, by the Council, for a meeting of the Allotment Working Party to be held that week, relevant members of the Society were not available to attend a meeting that week.

#### **Minute No. 47**

##### **County & District Councillors' Reports**

###### **1) Cumbria County Council**

Councillor Mrs C Tibble advised that she was still in discussion with Cumbria County Council officers concerning the speed limit changes proposed at High Seaton & on Lowca Lane. Councillor Tibble also advised that she had contacted Community Payback, but they were unable to carry out repairs to the Scar Bank footpath. She had made proposals to try to mitigate the impact of the reduced bus services for Seaton; she had asked if a 'last bus' service could be supported, following the cancellation of services after 7pm, but to no avail. Operators had not agreed to any alternative services, other than providing a Sunday service. It was noted that Cumbria County Council had subsidised bus services to a value of £1.70 per head.

**Resolved** that the report be noted.

#### **Minute No. 48**

##### **Seaton Scarecrow Festival 2014**

Councillor Mrs J Norman reported on the success of the 2014 Scarecrow Festival.

**Resolved** that the report be noted & Councillor Mrs J Norman commended for her efforts.

#### **Minute No. 49**

##### **Seaton Best Kept Garden Competition 2014**

**Resolved** that entries for the 2014 competition be noted & that the operation & format of the competition be considered at the next meeting.

#### **Minute No. 50**

##### **Risk Assessment & Management Review**

Members considered the 2014/15 Risk Assessment & Management Review, which detailed risks faced by the Council in its operations, together with how the risks were managed & kept under review.

**Resolved** that the review be agreed.

#### **Minute No. 51**

##### **Internal Audit Report 2013/14**

Members received a report from the Council's Internal Auditor, Wayne Johnston, following his audit of the 2013/14 accounts. The report covered the Size and Circumstances of the Council, Previous Recommendations and Subsequent Actions and Financial Procedures. Mr Johnston concluded that procedures being followed were effective & efficient. He suggested the addition to the Asset Register of a record of the method of valuation, but otherwise was satisfied.

**Resolved** that the report be accepted.

**Minute No. 52**

**Planning Issues**

**Resolved** that the following observations on planning applications be made:

Reference No: 2/2014/0360  
Applicant: Mr David Christian  
Proposal: Construction of dormer windows above garage  
Location: 72 Meadow Vale, Seaton  
**No Objections**

Reference No: 2/2014/0469  
Applicant: Mr John Caine  
Proposal: Single storey side extension  
Location: 27 Kelsick Park, Seaton  
**No Objections**

Reference No: 2/2014/0505  
Applicant: Mr & Mrs Sean Henstone  
Proposal: erection of two storey extension to side & rear & single storey extension rear  
Location: 5A Main Road, Seaton  
**No Objections**

**Resolved:** that the following planning application decisions made by Allerdale Borough Council be noted:

Reference No: WTPO/2014/0015  
Applicant: Mr A Watson, ISS  
Proposal: Tree works  
Location: 83 Whitestiles, Seaton  
**APPROVED**

Reference No: 2/2014/0321  
Applicant: Mr Lee Edmundson  
Proposal: Two storey side extension & single storey rear extension  
Location: 41 Milburn Croft, Seaton  
**APPROVED**

**Minute No. 53**

**Accounts – July 2014**

**Resolved** that the accounts listed in the schedule totalling £1,942.27 be agreed for payment.

#### **Minute No. 54**

##### **Finance Report**

Members received a report showing actual expenditure & income for the period 1 April to 30 June 2014, in comparison to budget.

**Resolved** that the report be agreed.

#### **Minute No. 55**

##### **Correspondence**

Correspondence received since the last meeting was noted.

**Resolved** that:

- 1) No Birthday Honours nominations be proposed from the Parish Council but it be noted that members could put forward personal nominations or make others aware of the ability to nominate.
- 2) The Council contact Cumbria County Council concerning the steps on the footpath leading from Coronation Avenue to Barepot, where the infill in the steps has sunk, creating a trip hazard, & handrails were required at the lower part of the steps.
- 3) The Council contact Home Housing concerning one of their vehicles being parked regularly & overnight in an unsuitable position on Derwent Avenue.
- 4) Members give consideration to the Allerdale Local Plan Part 2 Site Allocations & agree a response to Allerdale Borough Council at the next meeting.
- 5) The Council support proposals submitted by Cumbria County Council for 40 mph speed limit restrictions at High Seaton & on Lowca Lane.
- 6) Following a request from CALC, no Broadband Champion be nominated by the Council.

#### **Minute No. 56**

##### **Councillors' Reports**

- 1) Following concern reported about the knotweed at Brick Dubs, it was agreed to check that ISS was treating the growth as requested.
- 2) It was noted that the cycle path & footpath at the bottom of Calva Brow were overgrown; it was agreed to contact Workington Town Council.
- 3) It was reported that the overgrowth on the footpath between Yearl Rise & Calva Road obscured users from vehicles using the road, making it hazardous. It was agreed to report the matter to Cumbria County Council.
- 4) Following further complaints about children playing football in the vicinity of Firth House, it was noted that it was parents that were responsible for their children, not the Council, & that residents should contact the Police when the problem occurred.
- 5) It was noted that two streetlights on the Main Road which had not worked for a number of weeks had been identified for repair by Cumbria County Council, but that it was not a standard repair that was required.

- 6) It was reported that a notice had been placed in the Times & Star advising of a public meeting on 23 July at Seaton Village Hall concerning the proposed development of wind turbines near to Iggesund. The proposed turbines were reported to be larger than the standard size, with one site identified on the brow of the hill. The biomass plant was apparently producing excess power, & there was concern at the future of the Iggesund plant. A petition had been placed around the village opposing the development. Members agreed to attend the meeting together, that the matter would be discussed further at the next meeting & that a special meeting would be called if necessary.

**Minute No. 57**

**Next Meeting**

Members were advised that the next meeting would be held on 15 September 2014 at 7.00pm.

**Minute No. 58**

**Resolved** that an extension beyond 9.00pm be agreed to allow proper consideration of the following item of business.

**Minute No. 59**

**Resolved** that the public & press be excluded from the meeting for the following item of business, by reason of its confidential nature.

**Minute No.60**

Members considered a response received from Allerdale Borough Council Deputy Monitoring Officer Mr J Price Jones to its enquiries, (Minute 23 2014/15 refers). Mr Price Jones had advised that:

- 1) Having carefully considered the issues, he believed that the rules of professional conduct did not allow him to advise Seaton Parish Council on the strength of its case in the matter, specifically because:
  - a) Seaton Parish Council had already instructed a solicitor to act on its behalf and
  - b) even if Seaton Parish Council had not already instructed a solicitor:
    - I. The primary duty of Allerdale Borough Council's Legal Services Section was to represent and protect Allerdale Borough Council's interests; and
    - II. There was a risk of a conflict.
- 2) In order to progress the matter, the "further information" required by Allerdale Borough Council would need to include:
  - a) Confirmation that Seaton Parish Council had resolved to provide allotments;
  - b) Confirmation that Seaton Parish Council had resolved to request Allerdale Borough Council to exercise CPO powers on its behalf to acquire land for those allotments;

- c) A comprehensive 'Statement of Reasons' for making the CPO to acquire specific land for the allotments, which was stated to be a fundamental document on which the whole issue could turn. Accordingly, Mr Price Jones considered it should be prepared by (or on behalf of) Seaton Parish Council & not by Allerdale Borough Council; and
- d) Confirmation that Seaton Parish Council had the necessary financial resources to fully fund both:
  - I. the compensation payment (i.e. the cost of the land); and
  - II. all the CPO related costs (i.e. legal, valuation etc, including the costs of a potential public inquiry)

so that the whole CPO process could be carried out and concluded (successfully or otherwise) at nil cost to Allerdale Borough Council, as required by the legislation.

3) The financial costs involved were:

a) Compensation payment

- I. In relation to the compensation payment – it was known that on 3<sup>rd</sup> January 2012, when the land was acquired by the current owners (D.W. Hall & K. Walker), it was valued at £20,000.
- II. That figure at least provided a 'benchmark' for assessing the level of payment Seaton Parish Council was likely to have to make if a CPO was successful.

Estimate = £20,000 to £25,000.

b) CPO Costs

- I. When assessing the likely costs of the CPO, it was important that Seaton Parish Council did not assume that the work could be undertaken in-house by Allerdale Borough Council. Although Allerdale Borough Council's Legal Services Section provided a cost effective 'in-house' legal service at approximately 1/3 of the hourly rates of private practice, reduced resources could mean that the authority had to outsource the project. Accordingly, Seaton Parish Council needed to budget for legal (and other professional) costs at a rate of approximately £200/hour.

Estimate = £10,000 to £15,000 plus

4) In summary:

- a) Seaton Parish Council needed to clearly understand that the compulsory purchase of land was a potentially expensive and time consuming process and the legislation provided that the Parish Council was liable to pay all the expenses incurred.
- b) Allerdale Borough Council may agree to exercise CPO powers on behalf of Seaton Parish Council but needed to ensure that sufficient funds were available, and that they did not 'dry up' during the process.
- c) Although the legislation gave Allerdale Borough Council a discretionary power (as it "*... may on behalf of the parish council exercise the powers in relation to compulsory purchase...*"), provided Seaton Parish Council was able to:
  - I. Produce a sufficiently robust Statement of Reasons for making the CPO and
  - II. Fully fund all the CPO costs, so the whole matter was conducted and concluded at nil cost to Allerdale Borough Council and
  - III. Provide an advance payment of at least £35,000 (which would need to be topped-up, on demand, as the matter progressed to various stages)

The Deputy Monitoring Officer could see no reason, at that time, for Allerdale Borough Council to refuse to exercise CPO powers on behalf of the Parish Council.

Members discussed the options considered available in the light of the advice given. **Resolved** that no further action be taken at this stage & that the matter be given further consideration at the December meeting of the Council.

The meeting finished at 9.35 pm.

Signed .....

Chairman

Date .....