

SEATON PARISH COUNCIL

MINUTES OF MEETING HELD ON 19 MAY 2014

Present:

Councillor P F Bateman

Councillor Mrs K P Birkett (Chairman)

Councillor Mrs L Harwood

Councillor Mrs J King

Councillor J Musgrave

Councillor Mrs J Norman

Councillor J Sandwith

Councillor Mrs C Tibble

Councillor C Woodman

Clerk: P Bramley

Minute No. 1

Election of Chairman for Council Year 2014/15

Resolved that Councillor Mrs K P Birkett be elected as Chairman of the Council for the Council Year 2014/15.

Minute No. 2

Declaration of Acceptance of Office

Resolved that the Chairman's signature to the Declaration of Acceptance of office be noted.

Minute No. 3

Appointment of Vice Chairman

Resolved that Councillor Mrs J Norman be elected as Vice Chairman of the Council for the Council Year 2014/15.

Minute No. 4

Apologies for Absence

Apologies for absence were received from Councillors M Ditchburn, Ms M M Gainford, A Grey, C J Holding & W McIntyre.

Minute No. 5

Declarations of Interest

None received. Councillor Mrs C Tibble advised that she was no longer a member of Allerdale Borough Council Development Panel.

Minute No. 6

Requests for Dispensations

None received.

Minute No. 7

Minutes of Meeting held on 22 April 2014

Resolved that the minutes of the Meeting held on 22 April 2014 be accepted and signed as a correct record.

Minute No. 8

Representatives on Outside Bodies

Resolved that representatives on the Village Hall Committee be Councillors M T Ditchburn, Mrs K P Birkett & Mrs J King & that the Council's representative on the Iggesund Community Liaison Group be Councillor Mrs K P Birkett, with Councillor Mrs L Harwood as deputy.

Minute No. 9

Progress Reports

1) Clerk

Resolved that the progress report be noted & that:

- a) Cumbria County Council be informed that some buses were continuing to fail to stop at Hunters Drive Bus Shelter.
- b) Derwent & Solway Housing Association be approached concerning the possibility of a security camera being installed at Firth House.

2) Village Hall

Councillor M Ditchburn submitted a report stating that the Village Hall Committee was seeking quotes for addressing a woodworm problem which had been identified at the Village Hall.

Resolved that the progress report be noted.

Minute No. 10

Allotments

Members received an update on the position concerning the Council's provision of allotments. It was noted that:

- 1) Members had given consideration to the comments made by Allerdale Borough Council Monitoring Officer & the Clerk, in respect of correspondence distributed to Council members on 17 March & 25 March, 2014, by Mr R McCracken, Secretary of Seaton Allotment & Gardeners' Association, at the previous meeting.
- 2) A meeting of the Allotments Working Party had taken place on 12 May 2014, at which a number of issues had been discussed covering:
 - a) Re-consideration of the proposed allotment sites previously dismissed by the Council.
 - b) Progression of compulsory acquisition of the Lowca Lane site.
 - c) Review of alternative sites.
 - d) Community Asset Transfer.
 - e) Previous Council meeting & latest information.
- 3) An apparently unused piece of land had been identified in Seaton which may support a small number of allotments, if available.

Resolved that the current position be noted & that:

1) In respect of the correspondence from Mr R McCracken, Secretary of Seaton Allotment & Gardeners' Association, distributed on 17 March, the following comments be agreed in respect of the specified issues raised:

a) 'Mr Jones was sympathetic to the allotment holders' (page 1).

There was no evidence of this.

b) '[Mr Price Jones] was of the opinion that up to that date, [1st November 2013], the parish council has not took [sic] an aggressive enough stance with the land holders', (page 1/2).

There was no evidence to support this opinion having been expressed.

c) 'Council meetings have always been quoted as the maximum cost of £40k, not the probable cost', (page 2).

There was insufficient information available at this stage to either determine the maximum cost or the probable cost.

d) 'especially given no minutes were recorded during the meeting with Mr Jones [Price Jones] to accurately record the discussions', (page 2).

Notes were taken at the meeting & the Council informed of the relevant issues at its November meeting. Ironic that this comment has been made, given the statements made at (a) & (b), where the lack of minutes does not appear to have impacted on the 'accuracy' of statements attributed to Mr Price Jones.

e) 'Costs associated with any compulsory purchase orders are difficult to finalise', (page 2).

It would be impossible to finalise costs, even if the CPO process had started, due to the uncertainties intrinsic to the process.

f) 'Nowhere near as onerous as some would led [sic] to believe', (page 2).

The Council had received advice from Allerdale acting Monitoring Officer Mr J Price Jones indicating the complexity & time consuming nature of the process.

g) 'We can at the moment only speculate on the assumed value of the land at Lowca Lane at circa £15k to £20k', (page 2).

Mr Price Jones advised at the 1 November meeting that the value of the Lowca Lane land would not be less than its purchase price, (ie £20,000).

h) 'It is fair to assume the value of the site to still be circa £15 to £20k', (page 2).

See (g) above.

i) 'With regard to opposition, we believe there would be little if none [sic], (page 2).

The Council is aware of its need to take account of all of its parishioners.

j) 'The only likely opposition is to be [sic] from the landowners themselves, (page 2).

As (i) above.

- k) 'The simple fact the parish council have [has] tried to negotiate a sale with the owners prior to progressing a compulsory purchase order is no doubt enough to counteract any claims they may have', (page 2).
Speculative comment not based on a legal understanding.
- l) 'I have previously handed you a petition with in excess of 1,000 names, this alone is evidence of the overwhelming support we have, (page 2).
Members have noted the widespread source of people putting their names to the petition referred to.
- m) 'How do you expect public perception of the council to be [sic] when such significant costs can be incurred by villagers for a building that is occupied only several hours a week by a handful of people', (page 2).
Statement indicates misunderstanding of the background & aims of the redevelopment of the Parish Rooms.
- n) 'I have stated that the allotment holders can contribute to the purchase price of the land but you have failed to explore this further with me', (page 3).
The Council has asked Seaton Allotment & Gardeners' Society members on a number of occasions how much money had been raised by the society & how much could be contributed to the potential site acquisition & from which sources.
- o) 'I have also supplied you with various articles on funding routes available to you to help secure the site, have any of these been explored yet?', (page 3).
Mr McCracken has been asked to provide further information on his findings in this respect, (Minute 172), (email 4 February 2014).
- p) 'I even supplied you with a draft business plan which with a little work can [sic] prove the allotments can provide an income to the parish council', (page 3).
The figures presented are an indicative position which could be further explored at a more suitable stage.
- q) 'If the parish council is not serious about saving this site it must provide an alternative solution. To date this has not been explored with any true vigour'.
This is a matter of interpretation. The Council has advertised seeking land, with no success. It investigated two pieces of land offered by Cumbria County Council. It has sought availability of land owned by Allerdale Borough Council with no success.
- r) 'Several members of the parish council are land owners themselves'.
Whether Council members own land or not is an irrelevance; they are under no obligation to make land available for allotments, if this is what is being suggested.

- s) 'the parish council lists some park & land as assets, have these been considered?'

The Council's land assets are Jackson Street Playing Field, Meadow Vale Playing Fields & Brick Dubbs. When consideration was given to these, the Council considered that the playing fields should remain as such & Brick Dubbs is intended to be developed as a nature site.

- t) 'The welfare fields remain as a viable option has this been explored further'.

The welfare fields are in the trusteeship of the Village Hall Committee. When the committee sought the views of its parent organisation, it was advised that interest expressed by a football club in using the land as a football pitch should take precedence over its use as allotments.

- u) 'The little exploration work I have done has shown all of these options to be viable' (ie land owned by Council members, land owned by the Council & land under the trusteeship of the Village Hall Committee).

Viability is a matter of interpretation. The Council has previously considered the latter two options to be not suitable. The former is not a matter for the Council.

- 2) In respect of the correspondence from Mr R McCracken, Secretary of Seaton Allotment & Gardeners' Association, distributed on 25 March, the following comments be agreed in respect of the specified issues raised:

- a) 'Since the September Seaton Parish Council Meeting when you say is the date we stated to have around £4000, we too have incurred significant costs with regards to legal advice and legal representation. Id a hazard an educated guess that everyone's costs to date have been for legal advice rather than for the end goal of funding a CPO of the Lowca Lane site.'

Has the whole £4,000 been expended on legal costs ?

- b) 'With respect to the alleged statement you mention from the March 2014 meeting, I apologize for not being able to attend this meeting due to work commitments. After speaking to members of the society who did attend I'd ask you check your notes again as your version differs from what I believe what was actually said.'

Whilst the comment may not have been meant as was stated, it was stated, & forms an element of the varied information which the Council has received concerning financial input available from the Seaton Allotment & Gardeners' Society.

- c) 'My previous email was more than clear enough on the amount that we can (now) as a minimum provide the SPC towards the land purchase part of the CPO. As for confusion then I'd suggest you make reference to you notes from the November SPC meeting when Councillor Birkett stated to the Allotment holders present "We don't want your money". You see that is very confusing to us as we have offered the SPC both money and a business plan as a way forward in covering the SPC's costs.'

The email of 22 March was clear as to the minimum that it was considered could be provided, (£10,000), but given other statements that have been made in this regard by Seaton Allotment & Gardeners' Society members, it added to the uncertainty. The Council did not agree that it did not wish to receive financial assistance from the Seaton Allotment & Gardeners' Society.

- d) 'With respect to informing the SPC councilors about the content of my last email to you I believe stalling is not a constructive way forward. I have to disagree with you on your decision here so will write to each councilor individually. I will also copy this to Sir Tony Cunningham for his records as he has a vested interest in the outcome of this matter.'

The accusation of stalling is a scurrilous one which should be withdrawn. The simple fact is that providing the information to Council members requested 'as a matter of urgency' was not necessary, since nothing could be done with it, (as the Council had determined not to take any further action concerning a CPO pending receipt of legal guidance on potential legal responsibilities with regard to its responsibilities towards its former tenants on the Lowca Lane site). In addition, as stated previously, it would only add to the uncertainty concerning amounts offered.

- e) 'When you consider the SPC has a duty to provide the residents of Seaton with allotments, we believe this as a more than generous offer of help. The need for allotments in this village is more than evident. Not addressing any new information you gain with a matter of urgency gives an impression that the SPC simply doesn't care, I'm sure this isn't the case but actions always speak louder than words.'

For the reasons stated, there was no urgent need for this information to be provided to Council members. The reasons for not pursuing this course of action were clearly set out.

- f) 'I'm sure you are also aware it is not up to the parishioners to finance any acquisition of land required for allotments, and would appreciate if this offer was taken seriously and the CPO which has been discussed for nearly 12 months now is finally implemented.'

On the contrary, it would be up to Seaton parishioners who pay Council Tax to meet the cost of land required for allotments, aside from any monies raised elsewhere. There is no suggestion that the offer has not been taken seriously, rather, it needs to be considered by the Council alongside consideration of offers previously made.

- 3) Further to the questions raised by Mr R McCracken at the previous meeting of the Council, the following responses be agreed in respect of each:

- a) How much has the Council spent to date on legal fees & how much of this has been in the aid of pursuing the acquisition of land via a CPO ?

To date the Council has incurred costs of £4,860 in legal fees. It is impossible to identify the amount in respect of compulsory acquisition,

but most of the costs have been in respect of legal advice on issues concerning the Council's position in respect of the allotment holders & the Lowca Lane site owners.

- b) What percentage of funds has been set aside from the 2014/15 budget towards the provision of allotments/securing the existing site under a CPO ?

No funds have been set aside from the 2014/15 budget towards the provision of allotments/securing the existing site under a CPO. The 2014/15 budget increase generates an additional £16,680 above identified budget elements which could be applied to allotments.

- c) Why have other parts of the budget been indicated as ring fenced when money for allotments has not ?

In terms of ring fencing, the Council has agreed to earmark provision of £12,500 towards Jackson Street Play Area, which was budgeted in 2013/14 but not applied, & to earmark surplus funds generated by the Scarecrow Festival to support the festival. The balance reserved for that purpose was £750 at 31 March 2013.

- 4) The Council agree not to give further consideration to the potential for land owned by Cumbria County Council at Siddick to be developed as allotments at this stage.
- 5) Council members review & give consideration to the piece of land identified in 10(3) above.

Minute No. 11

Public Questions

- 1) Mr P Houghin of the Seaton Allotment & Gardeners' Society requested a copy the google map image of the land referred to at 10(3) above, which was agreed.
- 2) Mr T Donaghue of the Seaton Allotment & Gardeners' Society commented that he considered that pursuit of a compulsory acquisition of the Lowca Lane site should not be held up whilst the Council was awaiting a response from counsel on the matter of its obligations in respect of the occupation of the Lowca Lane allotment site by its former tenants.

Minute No. 12

County & District Councillors' Reports

1) Cumbria County Council

Councillor Mrs C Tibble advised that:

- a) She was due to meet officers concerning flooding issues at Fernleigh Close, Seaton Main Road & Daisy Chain House, Lowca Lane, in the week commencing 27 May.
- b) The Allerdale Area Committee would be consulting on proposals for the introduction of 40 mph limits at High Seaton & Lowca Lane. There would also be a consultation on the proposed reintroduction of a 40mph limit on Northside Road.
- c) No change in hours was proposed for Seaton Library.

2) Allerdale Borough Council

There were no matters to report.

Resolved that the reports be noted.

Minute No. 13

Application for Financial Assistance – Seaton Royal British Legion Homing Society

Resolved that a grant of £100 be awarded to further to Seaton Royal British Legion Homing Society in respect of club running costs.

Minute No. 14

Annual Return – Statement of Accounts 2013/14

Resolved that the Statement of Accounts 2013/14 be agreed & that the Chairman sign the statement.

Minute No. 15

Annual Return – Annual Governance Statement 2013/14

Members considered the Annual Governance Statement 2013/14. In doing so, members confirmed, to the best of their knowledge & belief, with respect to the accounting statements for the year ended 31 March 2014 that they had:

- 1) Approved the accounting statements prepared in accordance with the requirements of the Accounts & Audit Regulations & proper practices.
- 2) Maintained an adequate system of internal control, including measures designed to prevent & detect fraud & corruption & reviewed its effectiveness.
- 3) Taken all reasonable steps to assure themselves that there were no matters of actual or potential non-compliance with laws, regulations & codes of practice that could have a significant financial effect on the ability of the Council to conduct its business or on its finances.
- 4) Provided proper opportunity during the year for the exercise of electors' rights in accordance with the requirements of the Accounts & Audit Regulations.
- 5) Carried out an assessment of the risks facing the Council & taken appropriate steps to manage those risks, including the introduction of internal controls &/or external insurance cover where required.
- 6) Maintained throughout the year an adequate & effective system of internal audit of the Council's accounting records & control systems.
- 7) Taken appropriate action on all matters raised in reports from internal & external audit.
- 8) Considered whether any external litigation, liabilities or commitments, events or transactions, occurring either during or after the year end, had a financial impact on the Council &, where appropriate, had included them in the accounting statements.

Resolved that the Annual Governance Statement 2013/14 be agreed & that the Chairman sign the statement.

Minute No. 16

Planning Issues

Resolved that the following observations on planning applications be made:

Reference No: 2/2014/0287
Applicant: Mr I Chambers
Proposal: Erection of replacement single storey building
Location: Seaton Boy Scouts, Causeway Road, Seaton
No Objections

Reference No: 2/2014/0321
Applicant: Mr Lee Edmundson
Proposal: Two storey extension to side of property & single storey rear extension, including demolition of garage & conservatory
Location: 41 Milburn Croft, Seaton
No Objections

Reference No: 2/2014/0183
Applicant: Mr & Mrs T Stephens
Proposal: Erection of detached dwelling, (resubmission to 2/2013/0773)
Location: 28 High Seaton, Seaton
Amendment: Block/Location Plan showing drainage details
The Council continue to object to the proposed development, given concerns that the further proposed amendments had not addressed previous concerns offered, in respect of the perceived increased risk of flooding on Fernleigh Close as a result of the amendments to drainage, continued failure to adequately address the problems of the capacity of the culvert in the vicinity to deal with drainage effectively, & problems of vehicular access to & parking on Fernleigh Close. In addition, the Council had been made aware that Cumbria County Council were investigating issues concerning flooding & the footpath which ran across the drive of the proposed development.

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

Reference No: 2/2014/0123
Applicant: Mr Roger Jackson
Proposal: Replace existing cast iron railings following storm damage with alternative steel railings
Location: Seaton Mill House, Low Seaton, Seaton
APPROVED

Reference No: 2/2014/0117
Applicant: Mr Andrew Watson
Proposal: Conversion from flat roof to pitched roof
Location: 30 & 32 Barncroft Avenue Seaton
APPROVED

Reference No: 2/2014/0147
Applicant: Airvolution Energy
Proposal: Application to vary condition 3 of planning approval 2/2013/0628 to allow the width of the access track to be retained at 4m to maintain operational access to the wind turbine
Location: Land near Wythegill Syke, Seaton
APPROVED

Reference No: 2/2014/0146
Applicant: Mr Denis Kane
Proposal: Extension to provide enlarged kitchen plus internal alterations
Location: 30 Yearl Rise, Seaton
APPROVED

Reference No: 2/2014/0145
Applicant: Mrs Helen Walker
Proposal: Rear Extension
Location: 37 Ling Beck Park, Seaton
APPROVED

Reference No: 2/2014/0186
Applicant: Mrs Lesley Grace, Seaton Academy
Proposal: Use of porta cabin for additional classroom area
Location: Seaton Academy, High Seaton, Seaton
APPROVED

Reference No: 2/2014/0196
Applicant: Mr S S Deo, Poundsavers
Proposal: Change of use of part shop to one bedroom flat & garage adjoining into 2 one bedroom flats
Location: Poundsavers, Hunters Drive, Seaton
APPROVED

Minute No. 17

Accounts – May 2014

Resolved that the accounts listed in the schedule totalling £3,014.18 be agreed for payment.

Minute No. 18

Correspondence

Correspondence received since the last meeting was noted.

Resolved that:

- 1) The Clerk's action in challenging Allerdale Borough Council, which had invoiced the Parish Council for grass cutting in 2013/14 for a number of sites which the Parish Council did not own, be supported & that Councillor Mrs C Tibble seek to have the matter investigated.
- 2) The proposed increase in the contract price for grass cutting at Jackson Street Playing Field in 2014/15 from £560 to £575 be agreed.
- 3) The Council respond to the enquiry from Mr Nathan Poland concerning the provision of allotments thanking him for his interest & advising that the Council was doing what it could & asking if he would like to be added to the waiting list for an allotment.
- 4) The Council advise Mrs Mary Brown of Derwent Avenue, Seaton, that her concerns regarding parking on Derwent Avenue would be passed to Cumbria Police & Cumbria & Councillor Mrs C Tibble investigate when a review of placement of yellow lines was due to take place.

Minute No. 19

Councillors' Reports

- 1) It was reported that allotment plots at Lowca Lane were being divided & allocated.
- 2) It was reported that the steps on the footpath from Coronation Avenue to Barepot had not had hand rails put in place, although resources had apparently been identified, & that the area had become overgrown with weeds.
- 3) It was reported that a dog was regularly running loose on Jackson Street Playing Field.
- 4) It was reported that street lights 460 & 461 were not functioning.
- 5) It was agreed that the Seaton Carnival Committee could continue to use the Parish Rooms free of charge for occasional meetings.
- 6) It was noted that drivers' views were being restricted due to long grass at the junction of the Barepot road with Main Road.
- 7) It was noted that Allerdale Planning Services were looking into reports of mud on the road near the housing development at Low Seaton & Beech Grove.
- 8) It was agreed to forward a letter of appreciation to the Vicar of St Michael's Church, Workington, congratulating him on the Church service for the World War 1 commemoration event held on 10 May.

Minute No.20

Next Meeting

Members were advised that the next meeting would be held on 16 June 2014 at 7.00pm.

Minute No. 21

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

Minute No. 22

Meeting Extension

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

Minute No. 23

Allotments

Members considered a response from counsel to the letter from Chadwick Lawrence dated 19 February 2014, solicitors acting for Mr K Walker stating that it was Mr Walker's intention to commence possession proceedings against the Council's former sub-tenants, & seek damages against the Council for failing to act in accordance with the principle set out in *Henderson v Squire*.

Counsel advised that:

- 1) Advice given to the Council by its solicitor not to issue proceedings against the allotment holders was the correct advice.
- 2) The serving of letters on those allotment holders informing them of their lack of right to remain on the land after 1 March 2013 appeared to be all the Council could be expected to do at the current stage.
- 3) The ruling in *Henderson v Squire* could be defended, given that the former referred to a lease of buildings, & the obligations could be argued to be different in the case of a lease of land.

Resolved that:

- 1) The Council request its solicitor to send out to former tenants the letter drafted by him & agreed by the Council, (minute 151 refers).
- 2) Allerdale Borough Council Monitoring Officer be asked that, if the Council was to proceed to a compulsory acquisition, what further information was required by Allerdale to support the case & what opinion could be offered on the strength of the Parish Council's case.

The meeting finished at 9.10 pm.

Signed

Chairman

Date