

APPLEBY-IN-WESTMORLAND TOWN COUNCIL

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APPLEBY TOWN COUNCIL MINUTES FOR THE MEETING HELD ON WEDNESDAY 21ST SEPTEMBER 2022 at 7.00pm At the Moot Hall

Present:

Mayor:	Cllr Hayes	
Deputy Mayor:	Cllr Stephenson	
Councillors:	Cllr Anderton	Cllr Pape
	Cllr Connell	Cllr H Potts
	Cllr Davidson	Cllr Rooke
	Cllr Kemp	

Also in attendance: Sue Gilbertson Town Clerk, Emma Simpson Clerk's Assistant, Andrew Keogh Herald, 21 MoPs.

Cllr Hayes led a moment's silence for the passing of Queen Elizabeth II, and for the passing of a local resident Marion Leach.

PART ONE

C1/09/22 Apologies for Absence

Apologies received from Cllr Chalmers, Cllr Curley and Cllr Wignall.

Long term absence noted for Cllr F Potts.

C2/09/22 Declarations of Interest

Cllr Connell declared a personal interest in any items on the agenda that relate to Cumbria County Council and Eden District Council.

Cllr Anderton declared a personal interest in Fair Hill, as her property borders the land.

C3/09/22 Minutes

Council:

It was **RESOLVED** to authorise the Chairman of the meeting to sign the minutes of the **Ordinary Meeting of the Council** held on **Wednesday 20th July 2022** as a true and accurate record and the Council to approve any resolutions. Recommendations and resolutions approved unanimously.

Committees:

It was **RESOLVED** to authorise the Chairman of the Committee to sign the minutes of the **Finance Committee** held on **Monday 12th September 2022** as a true and accurate record and the Council to approve any recommendations. Recommendations and resolutions approved unanimously.

It was **RESOLVED** to authorise the Chairman of the Committee to sign the minutes of the **Planning & General-Purpose Committee** held on **Monday 12th September 2022** as a true and accurate record.

It was **RESOLVED** to authorise the Chairman of the Committee to sign the minutes of the **Property Committee** held on **Monday 12th September 2022** as a true and accurate record and the Council to approve any recommendations. Recommendations and resolutions approved unanimously.

It was **RESOLVED** to authorise the Chairman of the Committee to sign the minutes of the **Delegated Powers Cloisters Building Repairs Group** Committee held on **Friday 12th August 2022** as a true and accurate record and the Council to approve any recommendations. Recommendations and resolutions approved unanimously.

C4/09/22 Public Participation

Questions to be received from the public.

- (a) 20 Members of the Public were in attendance regarding Item 10: Fair Hill Gate and comments were received from four members of the public as follows:

ACTION

Clerk

Cllr Hayes

Cllr Davidson

Cllr Stephenson

Cllr Anderton

Cllr Hayes

- Despite what was agreed by the Council in 2015 to close the top gate, this was only intended to be the case when sheep were grazing on Fair Hill. However, this was never implemented, and no signs were ever displayed. So for over 7 years, the gate has never been closed, with the exception of during Horse Fair.
- There are serious safety concerns about entering the car park area when the gate is closed, as cars are forced to stop to open the gate on what is a dangerous bend on the brow of the hill.
- We believe that Mr Lees, the owner of Up Top has concerns about boy racers and litter in the car park area. The police officer informed said at the meeting last week that the boy racers on Fair Hill only pose a problem a couple of times a year.
- Mr Lees has dug a dangerously deep trench on Fair Hill land and left mounds of rough soil, which is preventing people walking the perimeter of Fair Hill. To ensure this doesn't happen in the future, we would ask that the Council inspect Fair Hill more often.
- Surely any litter issues can be resolved with the installation of a proper litter bin.
- Regarding the claim by Mr Winter, who leases Fair Hill, that his sheep have been escaping through the pedestrian gate, how many times has he reported to the Council that his sheep have escaped over the past 7 years?
- We ask that the Council ensures the top outer gate at Fair Hill is left open has it has been for years or failing that to take the gate off completely. This may be the simplest solution as Mr Lees has let it be known that as long as the gate is opened, he will be closing it.
- There have been some ugly encounters with the new owner of Up Top over recent weeks and the issue needs to be sorted out quickly.
- We would ask that the Council makes its decision for the benefit of the whole town and not just for one or two individuals. Fair Hill is part of Appleby's heritage and we should all have uninterrupted safe access to it.
- The 1911 conveyance states that Fair Hill was given to the Council as recreation ground and for the use of the public. The Council should view their decision with consideration for the residents of Appleby, and in line with the original purpose of Fair Hill.
- To my knowledge, there has never been any evidence of drug use at Fair Hill, but regardless, drug use won't be removed by the closure of a gate.
- With regard to the minutes of the Council meetings held in 2014 and 2015, which stated that the outer gate should be unlocked, but kept closed, the intention of closing the outer gate was to keep sheep in rather than keep pedestrians out. The inner gate keeps sheep in, so why does the outer gate need to be closed? Closing the gate would be a careless overlooking of disabled access.
- There have never been any problems in the past, now it is getting out of hand. My husband was photographed last week by the owners of Up Top, simply for opening the gate.

Item 10 on the agenda was discussed in the presence of the Public. All members of the public then left the meeting at 7.36pm.

(b) County and District Councillors Report

County: Cllr Connell informed the Council that all the proclamations of Charles III as the new King that took place in the County on Sunday, 11th September, were well attended and that he had attended the proclamation in Carlisle by the High Sherriff.

Appleby Library have announced that they are increasing their opening hours from next week and will be open on Wednesday and Saturday mornings, in addition to Monday and Friday.

District: Cllr Connell reported that the Doomgate Culvert project has been delayed further and looks unlikely to begin before early summer 2023.

Cllr Anderton asked about the wooden fence between the cricket pavilion and the graveyard and whether it could be reinstated and whose responsibility it would be. Cllr Connell said he would make some enquires and report back.

Cllr Stephenson requested the dead lime tree on The Sands next to Riverside Café needs to removed as it is a liability. Cllr Connell said he would pass these comments on to EDC's Tree Officer.

Cllr Hayes added that as part of the area planning meetings, EDC has been asked to perform a Tree Audit in Appleby.

Cllr Connell

Cllr Connell

C5/09/22 Police Report

The Police Report was received and noted.

C6/09/22 Mayor's Report

The Mayor's Report was received and noted.

Cllr Hayes added that he has been invited to Appleby Primary School to welcome Ukrainian parents and children to the area.

He also thanked Cllr Pape for his appearance on ITV Border News regarding King Charles III's visit to Appleby in 2015 following the floods.

Cllr Hayes thanked Mark Dougherty for his contribution to the Council throughout his 8 years as a councillor. Cllr Hayes also reminded councillors about the rules of debate.

C7/09/22 Clerk's Report

The Clerk's Report was received and noted. The Clerk informed Council that she had had a busy month dealing with Freedom of Information requests received in relation to Fair Hill. One of the requests was refused, as the information was considered commercially sensitive to a third party and the requestee had subsequently asked for the decision to be reviewed. Cllr Stephenson carried out an independent review of the decision, which he upheld.

The Communities Fair Group also submitted a formal complaint regarding the Returning Officer's rejection of the Parish Poll questions and asked about how this could be appealed. It has been explained to them that Appleby Council do not have the power legally to refuse to implement the Returning Officer's decision and we advised them that they need to seek legal advice from a specialist in Public Law if they want to take this further.

We have implemented a new visitor recording system in the TIC, to record both the 'type' of customer (eg. visitor or resident) and the types of enquiries. This will enable us to produce monthly charts to report to Council and will also provide useful data for the future.

After the resignation of Cllr Dougherty, the Council now has three vacancies (2 in Bongate ward and 1 in Appleby ward). The Clerk encouraged Councillors to spread the word and motivate local residents to get involved. Cllr Connell requested the vacancies were properly advertised in order to follow the correct procedure.

Clerk

C8/09/22 Outside Body Reports

- **AERG:** Cllr Hayes reported the AERG committee are having a flood practice run on 9th October, ahead of the flood season.
- **ACAT:** Cllr Anderton informed Council that the big breakfast held on Sunday 8th Sept had been very successful, with a total of 84 breakfasts served. The fundraising for the Christmas lights has begun, with most shops in town having contribution boxes.
- **Royal British Legion:** Cllr Rooke reported he is due to attend a meeting to discuss plans for Remembrance Day, on Sunday 13th November. He asked all councillors to save the date.

Cllr Anderton thanked Cllr Rooke for his work over the weekend for the Heritage Open Weekend, and for showing visitors round the Council Chamber.

Cllr Hayes thanked the Clerk's Office and Cllr Rooke for their work helping to bring everything together to mark the death of our Queen and the official Proclamation announcing our new King.

C9/09/22 Schedule of Payments

It was **RESOLVED** that the Chairman be authorised to sign the schedule of payments for the month of August 2022, totalling **£24,400.82**. This figure includes two payments to Crosby Granger Architects for the West Cloisters, payments of employee salaries and purchases; and is inclusive of VAT.

Cllr Hayes

C10/09/22 Fair Hill Gate

- Cllr Hayes gave an overview of the decision made in 2015 regarding the top outer gate at Fair Hill, which was that the Fair Hill Working Party recommended to Council that the outer gate be kept closed and a sign erected stating that if sheep were grazing, the gate must be kept closed. This recommendation was agreed by Full Council on 18th March 2015. The Council understood that a sign was erected, however was later removed.
- Cllr H Potts was the Chair of the Fair Hill Working Party in 2015 and he confirmed that the Council had agreed that the gate would be left unlocked, but should be closed. Cllr Potts said that we live in a country area with country ways and it should be individuals' personal choice as to whether they leave the gate open or closed and that he didn't think it was appropriate for the Council to tell everyone what to do.
- Cllr Pape outlined that the review of the gate closure is likely to go against public interest, as the Council's priority should be to the tenant of the land.

- Cllr Davidson stated that the decision taken in 2015 to close the gate did not have to remain in place for the future. The outer gate is not a stock gate, and she has heard no reports of stock ever escaping.
- Cllr Stephenson stated that the gate cannot be removed as it is required for the duration of Fair Week and should there be any reports of stock escaping, the gate will have to be closed, as the bypass road fencing is currently down, posing a big risk.
- Cllr Hayes mentioned the importance of principles before personalities, and that any behavioural issues relating to differences of opinion between parties is outside of the Council's usual jurisdiction. He agreed that the provision of a litter bin should be investigated.

Cllr Connell **RECOMMENDED** that in light of public representations, the Fair Hill Working Party should be re-convened to consider the current issues, which would then make a Recommendation to Full Council. This was unanimously agreed. The Clerk will circulate dates to Councillors.

Clerk & Fair Hill Working Party

C11/09/22 Councillors Reports and Items for Future Agendas

- Cllr Stephenson reported he had attended a meeting at Appleby Heritage Centre last week alongside Cllr Hayes and developments were looking positive.
- Cllr Anderton asked about the status of the small fences around the Appleby entrance cairns. The Clerk reported that Appleby Smarter have now taken over the upkeep of these flower beds and are due to be putting in new bedding plants soon.
- Cllr Connell passed on his thanks to Appleby Smarter for the work completed on the benches up Lady Garth paths, which were looking very smart.
- Cllr Rooke thanked Cllrs Anderton, Kemp and Stephenson for their assistance over Heritage Open Weekend. He also thanked Nicola Elliott for the many cups of tea provided. Saturday brought in a total of 84 visitors to the Council Chamber, many of whom were residents who never been inside the Moot Hall and visitors from as far away as Devon and North Wales.

C12/09/22 Dates of the Next Meeting and important additional dates

Councillors noted that the next Ordinary **Meeting of the Council** will be held at the **Moot Hall** on **Wednesday 26th October at 7pm.**

Full Council

There being no further business the meeting closed at 8.30pm.

PART TWO – PRIVATE SESSION

There were no agenda items to be considered in Part Two.

AT THE COUNCIL MEETING ON: **WEDNESDAY 26th October 2022**
 THE MAYOR WAS AUTHORISED BY
 THE COUNCIL TO SIGN THESE MINUTES TO
 CONFIRM THEIR BEING AN ACCURATE RECORD: