

KENTMERE PARISH MEETING

Minutes of Kentmere Parish Meeting held on Wednesday, 15th June, 2011, in Kentmere Institute at 7.30 p.m.

Present: Iain Johnston (chairman), Maureen Baldwin, Jackie Bettess, Pete Bettess, Max Biden, Clara Black, Michael Booth, Hazel Brownlow, Joanne Colley, Stan Collins, Clare Courtier, Robert Courtier, Ivan Dickinson, Margaret Dickinson, Kathie Fry, Christopher Gregory, Shirley Gregory, Margaret Harrison, Christina Haywood, Steve Haywood, Christine Hevey, Andrea Hills, Sandra Johnston, Carol Lansberry, Bill Malone, Pat Malone, Robert Ridley, Rosamund Ridley, Jackie Strickland, Gay Talbot, Keith Talbot, Andrew Williams, Anne Williams.

The chairman started the meeting by saying that it was necessary for him to have a clerk to assist him with his duties. He said that the name of Pete Bettess had been put forward. This was seconded and approved by the meeting. Pete Bettess took up his post as clerk.

Apologies for absence were received from Helyn Connerr, Ruth Corfield, Simon Corfield, Hannah Dickinson, Jan Hinchliffe, Richard Hinchliffe, Peter Lansberry, Nick Pighills, Stephen Raven, Jim Stilling, Gordon Strickland, Jean Sturgis and Tim Sturgis.

1. People of Kentmere No items were noted under this heading.

2. Minutes of Parish Meeting held on 13th May, 2011.

2.1. These had already been circulated and copies were also available at this meeting.

The chairman explained that these would be the first minutes of a new collection. It was planned to circulate draft minutes of future meetings as soon as possible after the meeting. The first minute book had started with the Local Government Act, 1894 and that had been in use up to the present. It must be one of very few books which have been in continuous use since 1894. The old minute book, which is almost full, is a splendid document. He proposed that we should take a copy of everything in it, and then present it to the County Archives.

2.2. Clara Black asked why it was possible to elect someone as Deputy Chairman of the Parish Meeting, who did not attend the meeting. The chairman replied that this was within the rules and had been appropriately proposed and seconded. It was only necessary to attend the Parish Meeting to vote, not to be elected. Clara Black stated that she did not agree with this. The adoption of the minutes was proposed by Hazel Brownlow and seconded by Clare Courtier.

3. Matters arising from the minutes. There were no matters arising except as covered by separate items in the Agenda.

4. Proposals and responses already circulated.

4.1. *Background* The chairman gave some background information about the Parish Meeting. He pointed out that at the time of the Local Government Act in 1894, which inaugurated Parish Meetings, the chairman might be the only literate person in the parish, and a more paternalistic view of parish affairs existed. Since then there had been two further local government acts. The Parish Meeting is the most democratic form of local government, because everyone on the electoral roll can vote. The chairman has no special powers, but simply conducts the meetings. The Localism Bill was introduced to Parliament on 13 December 2010. This Bill will shift power from central government into the hands of individuals, communities and councils. The Parish Meeting needs to examine its effects, because we will be responsible. The chairman stated that it was difficult for one person to run the entire Parish Meeting. This had already been recognised by the previous chairman, through the appointment, some time

ago, of Iain Johnston to deal with finance, and more recently with the appointment of two representatives of the Parish Meeting to attend the Upper Kent Local Area Partnership (UKLAP) meetings. None of these appointees can take decisions.

4.2. *Details of the proposals.* There had been two proposals submitted to the Parish Meeting on changes in the structure of the Parish Meeting needed as a consequence of localism, namely a [proposal from Robert Courtier](#), submitted to the previous meeting on the 13th May, 2011, and not voted on, and a [proposal from Nick Pighills](#), submitted to this meeting. The chairman had also issued a [document commenting on the proposals](#). (Details of the proposals and the comments had been circulated to parishioners prior to this meeting, and copies are also available from the clerk). The first proposal suggested changes to the structure of the Parish Meeting and the second proposed no formal changes to the structure, but *ad hoc* nominations of people for tasks, as deemed necessary. The chairman said that the two proposals were effectively the opposite of each other. He therefore proposed to take them together. A vote against the first proposal would be a vote for the second proposal and vice versa. To be fair, votes would be taken on both proposals. The chairman then said that postal votes seemed to be a good idea. However the legislation on Parish Meetings only allows for two kinds of vote. Electors may vote in person at a Parish Meeting with a show of hands, or there could be a full ballot, with polling cards, voting boxes and scrutineers, as at a local council election. There is no half-way house allowed by the legislation. The chairman asked Stan Collins to confirm that this was the case. Stan Collins confirmed that this was the case, to the best of his knowledge. The chairman explained that under the first proposal the committee would have the authority to explore issues and that members of the committee could take on various roles. The chairman explained that the second proposal would mean no change, and he quoted from the text of the proposal. Keith Talbot then asked through the chairman, if Robert Courtier could explain the advantages of his proposal. Robert Courtier responded with a brief oral summary of what he saw as the advantages. (These were listed on page 3 of the proposal document.) Robert Courtier added that there had just been a UKLAP meeting and that the timescale of Cumbria County Council (CCC) and the UKLAP was much more rapid than the two meetings a year of Kentmere Parish Meetings and he thought we should make plans to cope with this. He also added that he had known nothing about the existence of the UKLAP for the last 18 months.

4.3. *Experience of other parishes.* Max Biden stated that there was increasing interest in how Parish Meetings should be run in the light of the on-going changes. He had found similar parishes to Kentmere on a web site dedicated to parish meetings. It was typical of Parishes like ours to have a document setting out the procedures for running the parish. Typically this would include details of people responsible for different aspects of the administration of the parish, minutes of parish meetings, timetables of meetings and explanations of how the meetings are run. He added that Kentmere already had a valley website, thanks to the work of Pete and Jackie Bettess, and perhaps we could introduce a section on it to cover the affairs of our Parish Meeting. This would make the workings of the PM much more accessible to the residents and facilitate wider participation. It would give people 'a voice' and avoid procrastination. Max Biden felt that the elected officers should compile rules and procedures and then elicit the views of the Parish Meeting. Several speakers said that there were good examples on the web and in particular the web site of Mallerstang was mentioned. Mallerstang is a village between Sedbergh and Kirkby Stephen of a similar size to Kentmere with a population of around 100. It has a web site which contains the above items. The chairman warned that we should not simply slavishly follow Mallerstang but it was pointless to begin at the beginning. Max Biden felt that such a "constitution" or set of regulations would make it clear to the electors that it was they and not the officers who were in control. It would detail the mechanism by which electors could challenge the activities of the officers, if

we were unhappy with what they were doing. Furthermore, we could always vote to change this set of regulations, if we did not like the way they were working.

- 4.4. *Contributions received by the chairman.* Three contributions had been received as letters or emails. The complete texts of the contributions were read out by the chairman. (Copies of these contributions are available from the clerk.)

Richard Hinchliffe emphasized that it was important not to create a situation in which people felt excluded. It was important that everyone felt involved.

Sarah Hayton was in total agreement with Nick Pighills's proposal and had seconded it.

Tim Sturgis said that there had to be balance and that everyone must be kept informed and involved.

- 4.5. *Response from Stan Collins.* The chairman asked Stan Collins, our councillor, for his views. Stan Collins responded that as Kentmere has a population of over 75, we could opt to have a Parish Council. (There seemed to be no interest in this option.) He also said that the numbers of residents with no access to the web is important. Because not everyone is on the web it is not possible to use this to have a binding consultation, but it could be used to have a non-binding consultation. People without the internet must not be excluded and they must be kept informed and their views must be taken into account. The Chairman confirmed that the system already being tried had specific arrangements for those without an internet service or didn't want to opt for that system. They would have a hard copy of all documents.
- 4.6. *Other discussion.* Margaret Harrison asked how many LAP meetings were held in a year and was told that there are four meetings. She then suggested that we could hold four Parish Meetings a year, so as to be in phase with the UKLAP. The chairman agreed that we could have four meetings a year and was in favour of it. The chairman asked for any further questions or discussion and none was forthcoming, so the chairman moved to voting on the proposals.

4.7. *Voting*

First Proposal (from Robert Courtier) Votes in favour 19, votes against 9.

Second Proposal (from Nick Pighills) Votes in favour 8, votes against 12.

The chairman then declared the first proposal carried and the second proposal defeated.

- 4.8. *Proposal from Max Biden* A [proposal from Max Biden](#) had been submitted to the previous meeting, to be voted on only if the first proposal, (proposed by Robert Courtier), were passed. The chairman then took the proposal from Max Biden. It was seconded by Robert Ridley. Max Biden explained that he envisaged that there would be a total of six people who would take on various tasks, needed by the Parish Meeting. Max Biden said that he envisaged that the holders of these posts would be elected annually at the Parish Meeting. He added that we should have a written constitution which would spell this out. Ivan Dickinson asked what the current posts were. The list was given as: running the web site and mailing list, broadband, accounts and financial administration (previously Iain Johnston, but in future the deputy chairman, Peter Lansberry, who is an accountant), highway matters (previously dealt with by Hilary Fry now being dealt with by Robert Courtier), Planning Notices co-ordinator and representatives to attend the UKLAP. Other tasks might arise, but it was not intended to go beyond six people. Max Biden pointed out that when the parishioners know who is responsible for a given task, they can contact them. The Parish Meeting would have absolute control over the work done by any representatives who were there to collect information and advise the Meeting. The vote on this proposal was then taken.

Third Proposal (from Max Biden) Votes in favour 23, votes against 0

The chairman asked any parishioners who had problems with this to contact him by email at: parishchairman@kentmere.org or to telephone him at (01539) 822 571

- 4.9. Joanne Colley asked if the rules for the parish were not laid down in standing orders. The chairman said that we have no standing orders and that we need to devise some. Jackie Bettess said that the Local Government Act lays down rules for Parish Meetings, which cannot be broken, but that the meeting can agree rules which go beyond these. (For example the legal quorum is 2, but parishes may set their own, higher quorum, if they wish.) Max Biden pointed out that it is difficult to find out the rules. It was agreed that it would be essential to have the constitution on the parish web site, (as is done by Mallerstang), but it would in addition be necessary to supply all parishioners with a hard copy. Max Biden suggested that the chairman should be charged by this meeting to prepare a draft constitution and bring it to the next Parish Meeting for debate. This was agreed by consensus.

5. Reports

- 5.1. Robert Courtier was asked to speak. He said that there were [three papers for parishioners to consider](#) (all in one file). These were:

Notes on Upper Kent Local Area Partnership Meeting 13 June 2001

Highway Issues for Kentmere Parish

Kentmere Parish – 2011 – 2012 Priorities.

Copies of the documents were available at the meeting and are also available from the clerk. Robert Courtier then spoke to these documents.

- 5.2. The UKLAP has now been running for over 18 months and the first meeting attended by representatives of Kentmere was in March 2011. Not all parishes attended. Keith Masser, CCC, the Acting Area Engineer for South Lakeland, who was supposed to give a talk, did not turn up, which was very disappointing. Robert Courtier reported that he has taken over the 'highways file' previously managed by Hilary Fry. He described the dominant problem being that there is no communication with Cumbria County Council (CCC). There is a document entitled *Rough Guide to Highways*, dealing with relations with highway contractors but it is of no value because the relevant highway contracts have expired, or will shortly do so.
- 5.3. Robert Courtier listed the priorities of the other parishes. There seemed to be a clear consensus on these among all groups attending the UKLAP.

Top priority – Highways

Second priority – Broadband

- 5.4. Both these priorities involve large capital expenditure but the LAP may have a part to play in lobbying the relevant authorities. The Kentmere representatives had obtained approval for four extra salt bins. Seven had been asked for and the request for the other three has been carried over into the next financial year. Robert Courtier said that the budget for LAPs was decreasing and that it would drop from £23,000 last year to about £11,000 this year. If parishioners had views on the priorities for Kentmere Parish, they should send them to the chairman, in time for the next UKLAP meeting, in August, 2011. The Localism Bill states that we should have a Parish Plan and it is important that we work towards this.
- 5.5. *Broadband in Kentmere.* Jackie Bettess reported that there had been no new developments since the May Parish Meeting. Jan Hinchliffe had asked for the tender document for Cumbria County Council. This had been obtained:

An electronic copy had been forwarded to Jan Hinchliffe and a hard copy was available at the Parish Meeting.

- 5.6. *Highways* Ivan Dickinson asked who is responsible for the highway and where do the responsibilities end. Robert Courtier replied that our responsibilities end at Boundary Beck, but as Kentmere has a great interest in the road further down the valley, he had negotiated with Stan Simpson, Parish Clerk of Staveley with Ings that both Staveley and Kentmere would liaise about the road as far as Barley Bridge. Robert Courtier thought that Kentmere Parish also needs to liaise with Hollingsworth and Vose for the lower section of road. Ivan Dickinson said that the highway up Kentmere does not get even the most basic maintenance. The drains should be better. Margaret Dickinson said that the verges need cutting more often. There are visibility problems.
- 5.7. *Communication* The chairman stated that there had been teething problems with the electronic distribution of emails and so on. Messages from the parish chairman, parishchairman@kentmere.org may go into junk mail. Could people please check. Stan Collins asked if the emails went out to a collection of people. Jackie Bettess said that there was a proper mail list, which was residents@kentmere.org. The chairman asked if residents could receive .pdf files. If people cannot receive .pdf files we will need to make special arrangements. Hard copies will be supplied to people who cannot receive emails.
- 5.8. *Calendar* The chairman said that he intended to set up a calendar of future meetings, to enable people to plan ahead.

6. Any other business

- 6.1. *Hartrigg Planning Permission* The chairman stated that Hartrigg had had planning permission for [a cover over a midden area](#) passed by the Planning Committee.
- 6.2. *Housing Questionnaire* The chairman stated that a housing questionnaire to establish housing needs in the area had been sent out to a sample of households.
- 6.3. *Garburn Pass* The Government Inspector from the Planning Inspectorate had given his final decision on the [Garburn Pass](#), which was that it should be a 'Restricted Byway'. This reverses his interim decision and means that it should not be used by mechanically propelled vehicles. Copies of the 23 page judgment were available at the meeting and are also on the web.
- 6.4. *Diamond Jubilee* The chairman repeated his request for ideas on how Kentmere should mark the Queen's Diamond Jubilee, in 2012.
- 6.5. *Eligibility to vote at Parish Meetings* A resident asked if it was true that another resident of the valley had recently been told that they could not vote at Parish Meetings because they were not on the electoral roll. The chairman replied that this was correct. He also said that legally, only people on the electoral roll were allowed to vote at Parish Meetings. It was pointed out from the floor that other people attending the Parish Meeting who were not on the Kentmere electoral roll had also been reminded by previous chairmen that they could not vote. (The parish meeting can allow non-electors to attend and to speak at the chairman's discretion, but it is illegal to allow them to vote.) A few of those present felt it to be unfortunate that this latest case had occurred at the time of a change of officers.
- 6.6. *Kentmere Hydro Trust* Clara Black asked if the project was completely dead? It was replied that the project still had the potential to be resurrected. It had been put in abeyance because of the withdrawal of support of some of the landowners and because the trustees had been unable to obtain government assurances about

subsidies for construction and electricity production, without which, in their view, the project was not viable. Clara Black asked why was the man who was going to do the project stopped. It was pointed out that there is no hindrance to anyone else, including the landowners, re-starting the project. The planning permission remains current.

7. The meeting closed at 8.41 pm and many residents remained for teas, coffees, biscuits and a chat.

Action

Produce draft version of constitution of Parish Meeting for discussion at next Parish Meeting