

SHAP PARISH COUNCIL

Minutes of the ORDINARY MEETING, Monday 8th January 2018 at 7.30p.m Venue: Market Cross

Attendance:

Chairman:	Mrs J Jackson
Councillors:	Mr A Sowerby, Mr D. Mallinson, Mr N. Lindwall, Mr A Bindloss, Mr W. Jones, Mrs J. Morris, Miss E. Stirling & Miss L Millican.
County Councillor:	None
District Councillor:	Mr J. Owen
Police	None
Clerk	Mrs J. Scott-Smith
Public:	Seven

166/01/18 Apologies for absence – Mr N. Hughes (CCC)

167/01/18 Declarations of Interest;

- 167.1 Cllr Lindwall in respect of Rosgill issues.
167.2 Cllr Morris in respect of Shap Swimming Pool.

168/01/18 Requests for dispensation

- 168.1 Cllr Morris regarding Shap Swimming Pool. Granted.

169/01/18 Public participation

- 169.1 Dr Wozniak and Ms Kelly had submitted a statement to council and requested this be read to the meeting by the Chairman. Mr Pitt had also issued a statement, but that had been received too late for inclusion.
- 169.2 The Chairman explained that the decision made at the extraordinary meeting on 11th December 2017 could not be revoked, as any decisions cannot be revisited for six months.
- 169.3 The Chairman then read the statement regarding public participation at council meetings.
- 169.4 The statement from Dr Wozniak and Ms Kelly follows in full as requested by Ms Kelly:
- 169.5 *Attention of: Shap Parish Council: We would like to thank the Chairman and Clerk for providing copies of the draft minutes of the 4th and 11th December 2017 ordinary and extraordinary meetings which were handed to us on 2nd January.*
In addition, the revised draft minutes of meetings sent to us on 5th January have been helpful and we appreciate the further clarification provided.
However, we had also requested sight of the documents, maps and statement notes presented at the above meetings by the named applicant, Ms Randall. As SPC's decision to write a letter of support to LDNPA for a BOAT was based on these documents, it was disappointing to hear that SPC have no record of exactly what formed the basis for their decision in this matter, for the public to see. That said, we do appreciate the efforts made to obtain copies from Ms Randall of her presentation notes and understand you were told that these are no longer available to SPC.
Fortunately, LDNPA have said that the application sent to them by Ms Randall contains a bundle of maps and statements which may have formed part of the bundle presented to SPC at the above meetings and that these documents will be made available to us in due course.
We would like to thank the council for providing this opportunity to have our point of view heard.
We base our comments around Fairness and Context.
Fairness
In addressing the matter in which the decision to support the application for a right of way was made and subsequently handled, we acknowledge that although due process appears to have been followed, the manner in which the application to LDNPA was presented - exclusively by a small group, without wider consultation, with unnecessary haste and with no consideration of alternative points of view - left both ourselves and the majority of Rosgill residents excluded from participation in the deliberations which led to SPC supporting the application. This is regrettable and leaves us with the feeling that the norms of fairness and natural justice in public decision making have not been well served. However, now that the decision has

been made, we see little point revisiting it. That said, we do ask that should a future item be proposed for discussion in relation to this matter by SPC, care should be taken to include all concerned.

Context

We strongly feel that the question of context, which is all important in any decision making process and which was specifically referred to in the minutes, has largely been ignored in consideration of this matter.

An essentially private matter between ourselves and a neighbour has, for reasons which are far from clear, been bypassed and has instead become the root cause and motivation for a right of way application being made by a group calling themselves 'Concerned of Rosgill'. This small group has raised an issue based, according to the council's own draft minutes, on "the placement of stones and bollards on the land outside Abbott House".

However, the verge stones and bollards were placed not, as has been portrayed, as some kind of 'land grab' or disrespect to local custom, but in response to the sustained abuse of our access and to the concerted campaign of damage to the green and verges which we had carefully reinstated on completion of our building works.

That work included restoration of the access track and adjoining areas - all of which has been reviewed LDNPA.

The verge stones, which are common place throughout Cumbria and indeed the whole of the UK, and which also have been approved by the Highways Agency, have proven to serve a number of useful purposes:

They protect the verge and the green from damage - both accidental and deliberate.

They provide a safe area onto which pedestrians can step in the event of vehicles passing on the road, and They slow down vehicles passing the pedestrian access to our cottage where, on a number of occasions, we have felt endangered by vehicles turning in off the road at irresponsible speed.

Even though no recorded right of way exists, the verge stones do not hinder any legitimate access there may be, by pedestrians or vehicles, as has been suggested.

Indeed, if they did, we ourselves would be unable to access our home. However, damage and speed have been greatly reduced which we feel is a benefit, not a cause for complaint.

It is ironic however, that the placement of very large obstructions (the hay trailer on the green at the top of the hill and the very large boulder and feeder on the verge further down the hill), seem to be of no concern to Concerned of Rosgill.

The bollards were installed at a time when we felt particularly vulnerable, but also for protection at the pedestrian path leading from our cottage gate. The only photograph in existence showing a bollard in the raised position is that taken by Ms Randall at the time of installation, as the attached safety tapes in the photo clearly show. Although much has been made of this, a bollard has never been used to impede access. From our standpoint, we would prefer that bollards prove unnecessary, redundant and remain permanently below ground.

Sadly, the case relating to the blocking of our access has dragged on for months because the other party has resisted setting a date for mediation. This case which should, in our view, have been allowed to be resolved in the normal way, appears instead, to have somehow been turned into an issue of rights of way. It is difficult to understand how or why so many misperceptions were first created and then blown out of all proportion by a small group when no such issue ever existed.

It is regrettable too, that at no point in this unfortunate matter have we been approached by anyone from this group for our point of view. We feel certain that had a dialogue been allowed to take place, this frankly absurd situation need never have started let alone escalated to its present state. However, we are where we are and the application is now with LDNPA. Now that the process is in train, we feel it best to let it run its course without further drama on the sidelines, in the hope that emotions be allowed to cool and good sense prevail. In the meantime, we are still waiting on a response from the other party regarding professional mediation in the real issue.

Conclusion

We would like to conclude by saying we came to Rosgill after 40 years in professional practice to enjoy a peaceful retirement in a small rural community. We have only ever asked to be left in peace with unimpeded access to our home alongside a pleasant, open green protected from damage.

It is our sincere hope that this aspiration will eventually come to pass.

In the interests of openness, we would greatly appreciate this statement being published in full in the minutes of this meeting.

Thank you for your patient attention in this matter.

Richard Wozniak and Bridget Kelly 8 January 2018

- 169.6 The Chairman suggested that the Parish Council should now let the matter lie in the interests of all concerned.
- 169.7 Ms Kelly and Dr Wozniak agreed to this.
- 169.8 Councillors all agreed that the matter be dropped from future agendas.
- 169.9 The chairman agreed that copies of Mr David Pitt's statement could be circulated to all councillors with the draft minutes for their information.
- 169.10 Five members of the public left the meeting at 7.45p.m.

170/01/18 The Minutes of the Ordinary Meeting of 4th December 2017 and minutes of the Extraordinary meeting held on 11th December 2017 were signed as a true and accurate record.

171/01/18 Finance

- 171.1 Council RESOLVED to approve the statement of accounts to 31st December 2017. *Proposed Cllr Sowerby, seconded Cllr. Lindwall.*
- 171.2 Payments received
Lunesdale United MuGA rent

£75.00

Total

£75.00

171.3 Payments between meetings

Total**£0.00**

171.4	Council RESOLVED to authorise payment of the following accounts:	
	Clerk's Salary December 2017	£310.89
	Recycling cleaning November incl. gritting	£86.40
	Reimbursement to chairman for purchase of wheelbarrow	£28.99
	Shap Pre-school playgroup – grant	£400.00
	Shap Swimming Pool – grant	£500.00
	Shap Swimming pool – funding for refurbishment	£5,000.00
	Mrs L. Newton – internal audit honorarium	£75.00
	Total	£6,401.28

Proposed Cllr Bindloss, seconded Cllr Mallinson

171.5 Clerk advised that the invoice for grasscutting and street cleaning had been received too late for inclusion, but sought approval for payment in the sum of £4,000.00. *Proposed Cllr Bindloss, seconded Cllr Mallinson.* This payment will appear as a payment between meetings on the next agenda.

172/01/18 Budget/Precept

172.1 Councillors were issued with sheets showing budget forecast and proposed precept for 2018-19 to be applied for. The total excluding reductions will be £22,858. This is a slight increase on the current year. Council RESOLVED to submit this figure to Eden District Council. *Proposed Cllr Sowerby, seconded, Cllr Stirling;* majority of councillors approved. Cllr Jones voted against any rise and said that the sum ought to have been cut. He also said that the Clerk had used estimated figures in the budget.

173/01/18 Planning applications

173.1 **DECISION Application 17/0658** Sub division of existing dwelling, Rose Cottage, Main Street, Shap for Mr & Mrs Thompson. GRANTED.

174/01/18 Highways.

174.1 Responses to reports sent following the last meeting were read.

175/01/18 Devolution of services

175.1 Council had received a draft contract from EDC, and a letter registering Sap Parish Council's interest in taking over the footway lighting and other services would be sent to EDC the following day.

176/01/18 Swimming Pool

176.1 The Chairman reported that she had received a letter from the Swimming Pool regarding the planned refurbishment. This explained that the cost had been much more than anticipated, and the committee had managed to shave a considerable amount of the costs, however this still left them £6,000 short.

176.2 The committee had approached the Parish Council to see if they could agree to top up the shortfall and had suggested a sum of £3,000.

176.3 The Chairman asked Council to consider allocating a grant of a further £3,000 with a guarantee of up to £6,000. Council RESOLVED that further funding be allocated. *Proposed Cllr Mallinson, seconded Cllr Lindwall,* all were in agreement. This sum will be released when requested.

177/01/18 Emergency Plans

177.1 No progress has been made. No uptake of sand or sandbags.

178/01/18 MuGA

178.1 Mr Steadman said that the facility was great asset to the village, he felt that there had been very little trouble, and that it helped young people let off a bit of steam.

178.2 He asked why the lights had been switched off. The Chairman explained that this had been done due to frost which makes the surface very slippery.

178.3 Mr Steadman asked about costs. The Clerk gave the current cost for lighting.

178.4 Jordan Palmer a young user had also contacted the Council about the lack of lights, the Clerk had explained and this had been accepted.

178.5 It was decided that the lights be put back on and the temperature sensor checked so that it would switch off the lights in very low temperatures.

- 178.6 Mr Steadman suggested encouraging groups to use it.
- 178.7 Cllr Mallinson suggested organising mini tournament to raise awareness and perhaps raise some funds.
- 179/01/18 Tennis Courts**
- 179.1 The Chairman asked whether the materials that have been placed on the courts should be removed. Cllr Mallinson offered to do this.
- 180/01/18 Christmas Tree**
- 180.1 The Chairman thanked Cllrs Mallinson, Bindloss and Jones for putting the tree and lights up.
- 180.2 The Clerk was asked to contact Hanson thanking them and asking them to arrange for its removal.
- 181/01/18 Speed Indicator**
- 181.1 A meeting is to be arranged with a company who install Speed Indicator Devices (SIDs) together with a representative of Cumbria County Council.
- 181.2 Cllr Lindwall said that Orton had some cut-out cardboard policemen, these get moved around.
- 182/01/18 Date changes for April meeting and APM**
- 182.1 The Clerk said that the April meeting was down for the day after Easter Monday, when people may be on holiday. She suggested that this be changed to Monday 9th April. Only one councillor said that they would be unable to attend. This change to be implemented.
- 182.2 The date of the Annual Parish Meeting, will also need to be changed due to the Chairman being unavailable. The date to be changed from Tuesday 24th April to Tuesday 17th April.
- 183/01/18 Correspondence**
- 183.1 None received.
- 184/01/18 Matters for report**
- 184.1 Cllr Bindloss reported that on Christmas Day, the grit wagon had crashed into the wall at the junction with the Shap Abbey lane, no-one had contacted him from Cumbria County Council, the section of wall includes a stile on a public footpath; the stones bear the marks of yellow paint. Cllr Bindloss has photographs. Clerk to contact Highways.
- 184.2 Cllr Sowerby reported that the wall of the bowling green nearest the drive from the main gates had rushed. Clerk to obtain a quote for repair.
- 184.3 Cllr Sowerby also reported that drains on Station Road were blocked. Clerk to report.
- 184.4 Cllr Lindwall enquired on progress with Scotmid re: parking.
- 184.5 The Chairman had seen the manager when he was in the store and had a long conversation with him. He is fully aware of the problems but is unsure how resolve the matter. There had been an attempt to extend the car park at the rear.
- 184.6 Cllr Lindwall reported a large puddle on the A6 opposite the entrance to Hanson. He also raised concerns about the road markings to the north of that. The junction to Morland ought to have double white lines like those at the Little Strickland junction which is another accident blackspot. The hidden dip sign is in the wrong position. Clerk will contact Highways.
- 184.7 Cllr Stirling reported that sand from the bags in the car park provided for sand bags had been put down the toilets completely blocking them. Chairman asked if it would be possible to move the bags into the park.
- 184.8 Cllr Morris expressed concern about the new road signs at the Tollbar that do not include any Stop sign. The Clerk will contact Highways and ask for an explanation.
- 184.9 Cllr Owen said that the matter of allotments in Shap was now on his desk. He had no idea how to resolve this issue. The Chairman said that another appeal for location(s) would appear in the next Shap Today.
- 184.10 The Chairman reported that Mr Milne had done another street sweep, but only two during the year. There is still a problem of litter between sweeps and suggested that the person who looks after the bring site be approached to take on this duty from time to time. Council felt that anyone taken on should be given a contract and put on the pay roll, or be self-employed.
- 184.11 The Clerk was asked to write to EDC expressing disgust at how the recycling centre collections were handled over Christmas and New Year.
- 185/01/18 Date of next meeting the** next meeting of Council will be on Monday 5th February at 7:30p.m.

The meeting closed at 9.20 p.m.