

## OUGHTERSIDE AND ALLERBY PARISH COUNCIL

### Minutes of the parish council meeting held on Tuesday 10<sup>th</sup> October 2017

Meeting Opened: The chairman declared the meeting open at 7.00pm.

Present: Cllrs P. Milton(chair), Mrs L. Milton, Mrs L Preston-Miller, Mrs P Lukeman, J. Cowan A Morris.

Allerdale District and Cumbria County Councillors: Cllr J Lister (ABC)

Clerk: Mike Milner

Apologises for absence: Cllr H Graham (CCC)

Members of the public: 2

**223.00 Apologises for absence:** as noted above

**224.00 Declaration of interests:** None

#### **225.00 To read and approve the minutes of the last meeting held on Tuesday 8<sup>th</sup> August.**

225.01. The minutes were proposed for acceptance by Cllr L P-M and seconded by Cllr J.C and unanimously accepted by the council. Chairman signed as a true record.

Chairman moved agenda item 9 to next item.

#### **226.00 Co-option of new parish councillor**

226.01 Alan Morris the current chair of the Prospect Village Hall had been asked to serve as a parish councillor by co-option. Cllr J.C proposed his acceptance and this was seconded by Cllr L P-M. All Cllrs agreed and Cllr A.M duly signed his declaration of office acceptance form.

#### **227.00 Public Participation Session. 15 minutes allowed. Clerk advised: -**

227.01 There had been no new items from the August meeting, he enquired if the gully opposite The Retreat had been cleaned, W171442294 and was advised it had not been done although the CCC website showed it had been, clerk to report the error.

227.02 Dropped kerbs for Osbourne Place, W171443263 still ongoing consideration of the request.

227.03 Street light No 102003 not working outside Hillcrest House, West Moor End. Clerk to report. The bus lay-by is not swept by the road sweeper opposite Hillcrest House.

227.04 Complaint to the parish council of a large people carrier UFZ 6717 positioned on the A596 at the end of Bank End partially parked on pavement blocking the view of drivers, exiting Bank End, looking in the direction of Maryport. Also, a black Fiesta PX66 LXA parked at the end of Meadow Bank which is also obstructing drivers vision and on occasions parking across the dropped kerbs at the end of same road.

227.05 Voice are reported from the playing field opposite the school in Oughterside in the wooded area behind the play area, this is happening in the early hours, concerns it involves drug related offences. The clerk to report this activity and the vehicles to the police.

227.06 Cllr J.L (ABC) pointed out that a new dog poo bin had been installed on his land at Pit Lonning. It was not positioned where agreed. Its immediate removal is not being requested, but if he has to move it he will, but he was of the opinion that it will fall victim of a reversing dustbin lorry before then.

227.07 Cllr J.C remarked that Salterwath Beck had been cleaned out.

### **228.00 Report on Traffic Survey carried out by Cumbria Highways Department on A596 in Prospect during period Wednesday 30<sup>th</sup> August to 5<sup>th</sup> September.**

228.01 The clerk provided councillors and members of the public with copies of the 3 charts created by the survey. Highways department were of the opinion that the 3 survey sites that had been installed indicated that “average speeds at Sites 1 and 2 were 37mph and 35mph respectively (consistent in both directions); and at Site 3 they were 37mph heading towards Prospect and 41mph as traffic is leaving.” This was an indication that there was not a serious speeding problem through Prospect village on the A596.

228.02 The parish councillors, plus members of public present and Cllr J.L (ABC) were far from pleased with generalisation of the report that implied no problem. Cllr L.M asked what options were open to the council about installing electronic warning signs. Cllr J.L (ABC) was surprised at the speeds shown as average at the second survey site in the direction of Maryport due to local traffic that would be turning towards Oughterside or Hayton.

228.03 Cllr J.L (ABC) agreed that he would investigate with Highways Dept’ the availability of tachograph records of vehicles that use the route, especially the log transporters. He would also enquire again about a 30mph limit through the Village on A596.

228.04 Clerk to investigate electronic warning equipment, costs and installation requirements. Aspatria has such warning signals and they were considered by those present to make drivers slow down.

### **229.00 Police Matters.**

229.01 No police presence, but PCSO Emma Light had sent a short report advising of three local incidents, which the clerk read out. One concerned a dog in Osbourne Place that had grabbed a man’s bag. The individual had not wanted the dog owner prosecuted just request they were spoken to by the police. Cllr P.M (chair) asked the clerk to clarify that the verbal warning had been undertaken by the police.

### **230.00 Applications for Development.**

230.01 Application 2/2017/0431 made by Linda Snowden for outline planning permission for a dormer bungalow on land adjacent to her current property “The Retreat”. Cllrs had already been circulated on the matter and agreed no objections and ABC Planning advised accordingly.

230.02 Application 2/2017/0477 made by Mr A Wood, Allerby Mill Farm, Bullgill, for a cow track on a field boundary. No objections, clerk to advise ABC Planning.

230.03 Following the granting of outline planning permission on app 2/2017/0005 at Graham’s Garage site an email had been received about the exterior state of the whole site, claiming it was becoming an eyesore. Clerk had emailed ABC planning about the problem, but during discussions it was acknowledged by the parish council that ABC, as there was outline planning in place, would not sanction expenditure to pursue the owners as development and the demolition of the buildings could occur before any enforcement actions against the owners.

230.04 Clerk to contact the complainant and point out that perhaps the best way to get any changes to the exterior would be to ask the current tenants to look at their leases and see if the responsibility was the landlords, or did the tenants themselves have full repairing leases so it was their responsibility.

### **231.00 Matters concerning District and County Councillors**

231.01 Cllr J.L (ABC) had nothing to report. County matters that he was aware of would be reported on by Cllr H.G (CCC) when he next attended.

### **232.00 Oughterside and Allerby Community Plan.**

232.01 Cllr J.C had already circulated a report on the Emergency Community plan following his attendance at outside meetings on the matter. He outlined the need for the community having a few named local people being in charge of the local emergency plan. He felt they should not be parish councillors.

232.02 It was decided that at the village hall Christmas fete and if possible the school Christmas Bazaar the parish council could promote the idea and see if any individuals were interested in becoming involved, a course on Online Safety is available, for which a proficiency certificate can be achieved. The idea to be also promoted on the parish website and its Facebook page, plus the INSIDE magazine.

233.03 Cllr J.C was also keen to promote the "Getting Safe in Cumbria" which involved getting the message over about the safe use of the internet by individuals. Again, this was to be promoted at the two previous mentioned venues and also by promotion in the parish INSIDE magazine.

### **233.00 report on the meeting between O&A parish council, Prospect Village Hall management committee and Action in Cumbria, ACTs.**

233.01 Attached to the end of these minutes is a synopsis of the historical documents held by the parish council referring to the prospect Village Hall and its relationship with the parish council. It was agreed that the VHC should attach a copy to their next minutes.

233.02 Cllr A.M was able to advise the parish council that the village hall management committee were more than happy for the parish council to remain as "holding trustees." The synopsis fully explains the trustee relationships and responsibilities. The land registry shows that Prospect Village Hall is owned by the parish council, but as it is a legal entity that is the logical decision and being the owner of the property does not influence its "holding trustee" status. It gives it no advantageous role in the partnership.

233.03 The VHC have to create a new governing document, which must include an appropriate section on disposal of the property. The clerk pointed out the new governing document will clearly state that the "holding trustees" must do as instructed by the management committee, the "managing charity trustees" but they cannot ask the "holding trustees" to do anything which is NOT in the governing document.

### **234.00 Progress Report, Clerk.**

234.01 The clerk had received the external auditor's BDO final report, which he proceeded to read to council. BDO had raised a question about no Risk Assessment review, but clerk confirmed that O&A had now approved a Finance Code which covered that issue.

234.02 Clerk distributed to the Cllrs a set of half yearly accounts to the end of September with a bank reconciliation. The accounts would be audited for acceptance at the November meeting. There were no questions raised about the accounts.

234.03 All documentation had been completed and submitted to HSBC for transferring the parish bank account to HSBC. The changeover was now in the hands of the HSBC and the switch system.

### **235.00 Councillors Reports.**

235.01 Cllr J.C had circulated a report on a recent Three Tiers Meeting he had attended. There was a brief discussion on issues mentioned. One of the potential funding sources mentioned by the report was a United Utilities Legacy fund.

235.02 Cllr L.M asked the clerk if the council were expecting any requests for grants, he thought Hayton church were expected to ask for assistance towards the churchyard maintenance costs. Cllr P.M asked that such a request be put on the agenda and the clerk assured Cllrs such requests were always discussed at a full council meeting before approval and payment.

235.03 Clerk confirmed that at the Dec' meeting he would present a budget for 2018/19 and in Jan' 2018 would have to present a precept figure to Allerdale BC.

235.04 Cllr L.M asked for a brief discussion on a Community Plan and project expenditure. The Cllrs agreed that the outside of the Prospect Village Hall had always been a project to complete, but that other ideas would be put forward for the community to consider in the next edition of the INSIDE magazine. Cllr L.M would write an appropriate item for the December INSIDE.

### **236.00 Correspondence**

236.01 The clerk had received a detailed document concerning the Data Protection Act and had spent some time looking at the possible implications and actions that the parish council would have to take. To register would cost £35, however the clerk's understanding of the new law which comes in next year is that as the only data the council actually holds are the names, addresses and contact details for parish councillors, there is no need to register for the act. He would clarify the position fully as NALC themselves digest the numerous documents on the subject being issued by the government.

### **237.00 Cheque Payments for approval.**

Cheque No 000318, ISS Facility Services, parish grass cutting 2 months, £762.22

Cheque No 000319, Printpoint, INSIDE £155.00

Cheque No 000320, BDO Auditors, external audit fee, £120.00

Cheque No 000321, M Milner, 2 months' Salary £277.40, Exp' £66.20 Total £344.20

Cheque No 000322, HMRC PAYE £7.80

All approved.

### **238.00 Date and time of next meeting, Tuesday 14<sup>th</sup> November 2017, 7pm at Prospect Village Hall.**

Meeting closed 9.00pm

## **Clarification of documents held by Oughterside and Allerby Parish Council at Cumbria Records Office and their significance in relation to Prospect Village Hall**

The 1928 document can be taken out of the equation. It refers to the grassed area at the rear of the current Pond Green play area down in Oughterside. Yes, it does refer to a reading room, but that was a shed, located on the road up from Oughterside to Prospect, on the right-hand side and situated somewhere before the current Meadow Bank. Long gone, but on the map of 1935. Described as Memorial Reading Room.

A declaration of Trust dated the 18<sup>th</sup> October 1935. It covers the conveyance of PLOT 36, which is where the current hall stands, it clearly locates its position and size, so that is not in dispute. The conveyance is from a J Syme and another to D W Reed, Mr M Hutchinson and Miss H. Williamson.

There are TWO documents both dated 19<sup>th</sup> March 1952. The first is a conveyance between David Wilson Reed, Maurice Hutchinson and Hannah Williamson, the same folk on the 1935 conveyance and they were selling the land and building at PLOT 36 to Joseph Barnes, William Wilkinson and James Steel. Who on the conveyance the last three are called the trustees, the first three the vendors. Sold for the princely sum of 10/=.

Then on the same day those latter three gentlemen assign, via a declaration of trust, the building and land to James Steel who is chairman of the management committee of the hall, and he signs for it on behalf of the said committee.

Having sorted above there is also a "Deed of Appointment" dated 13<sup>th</sup> April 1992, on which Henry Bryson as the last remaining trustee, Joseph Barnes and William Wilkinson the other two original trustees in 1952, who let James Steel and committee take on the day to day management, are dead, Henry Bryson signed over the trusteeship to Oughterside and Allerby parish council.

Parish council minutes viewed confirm that on 9<sup>th</sup> Dec 1991 at the parish council meeting on page 233 item 4, in very legible writing, the matter of only one remaining trustee was raised, clerk to write to Henry Bryson. On 10<sup>th</sup> Feb 1992 at PC meeting, minute book page 235 refers, item 3, to a meeting held on 5<sup>th</sup> Feb 1992. Users of the village hall agreed Parish Council to become Joint Trustees with Henry Bryson and that he would give his CONSENT that the trusteeship to be held for the people of the parish by O&A PC. Solicitor advised sworn affidavit and that was what was signed on 13th April 1992. At the April PC meeting that affidavit was signed and clerk was to write to Henry Bryson, Osbourne Place, Prospect and thank him for inviting the PC to become trustees. **This all ties in with the Conveyance ACTs have of the same date (13 April 1992) which cover the appointment of the Parish Council as 'Custodian Trustee'.**

At the village AGM on 11<sup>th</sup> May 1992 it was recorded in the minutes, "PC now trustees of the village hall."

This confirms documents viewed and parish council meeting note 233.00 Oct 2017, page 75

A further document confirms that in 2008 the title deed to the plot of land and building belongs to the O&A Parish Council, but as they are "holding trustees" and a legal entity that is appropriate and confers no powers over village hall management committee.

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