

6 September 2021 – Ordinary Meeting of Crosby Ravensworth Parish Council

CROSBY RAVENSWORTH PARISH COUNCIL – WORKING FOR THE COMMUNITY

www.crosbyravensworthparish.org.uk

Clerk to the Council: Christian Barnes, West House, Tenter Row, Crosby Ravensworth, Penrith, Cumbria, CA10 3HY. t. 07584 251 448, e. clerk@crosbyravensworthparish.org.uk.

At Maulds Meaburn Village Institute. Starting at 7:30pm

Councillors: Cllr D Hewitt (Chairman), Cllr J Raine (Vice Chairman), Cllr V Holroyd, Cllr R McIvor, Cllr A Beatham, Mr C Barnes (Clerk).

3 members of the public were present

Cllr N Hughes CCC.

Following the discovery of the death of two young people (5 September) in a car crash in the Kings Meaburn area on Sunday morning it was agreed to observe a minute's silence before the start of the meeting.

- 059/21 **Apologies & Declarations of Interest.** None.
- 060/21 **Minutes.** The Chairman was authorised to sign the minutes of the meeting held on the 12 April (together with an addendum proposed at the meeting held on the 2 August) as a true record. Subject to the correction of two typos the Chairman was authorised to sign the minutes of the meeting held on the 2 August as a true record.
- 061/21 **Co-option.** Two candidates Diane Ridgeway and Debbie McCall had presented themselves for co-option to the Council and were present. Councillors had been circulated with a brief statement from each (Appendix 1 & 2). Both had confirmed to the Clerk that they were eligible to stand as Councillors. It was resolved to co-opt both as Councillors to the two vacancies on the council. Both signed a Declaration of Acceptance of Office. The Clerk would support both in respect of their Acceptance of Office with follow up correspondence.
- 062/21 **Yorkshire Dales Parish Forum.** It was agreed not to nominate a representative to attend the Yorkshire Dales Parish Forum.
- 063/21 **Planning.** E/03/66 Householder planning permission for erection of single storey rear extension to south elevation and erection of porch to west elevation, 13, Stoneworks Garth, Crosby Ravensworth, CA10 3JE. The council supported the application.
- 064/21 **Planning.** E/03/64 Householder planning permission for renovation of kitchen/utility room, installation of air source heat pump to rear, wet dash house walls to match existing front, erection of canopy to front, and erection of detached shed and compound to rear Fellgate, Crosby Ravensworth, Penrith, CA10 3JP. The council supported the application.
- 065/21 **Morland Bank Consultation.** It was resolved that the Clerk would write to Lowther Forestry thanking them for taking the council's concern that the avenue of Poplar/Aspen on Morland bank be preserved/retained into consideration and changing their plans to fell these trees. (Copy to Niel Hughes CCC).

- 066/21 **Maulds Meaburn Mill Race.** There was discussion of the mill race and gate. The mill race was a scheduled ancient monument and formed part of the watercourse through the Village Green. The flow of water had been reversed since the race had been stopped up behind 1 Riverside and no longer flowed to the Watermill. The management of the watercourse and pollution in it was the responsibility of the Environment Agency. The mill race gate was left permanently open and was in a state of disrepair. Cllr Beatham remembered having installed the gate from oak prepared at Kings Meaburn Sawmill and based on the original. AB would research the cost of reinstating the gate which was on the point of collapse. VH would incorporate these costs into a bid to the Westmorland Dales that would include a reprint of the walking leaflet.
- 066/21 **Holly Cottage Update.** VH had circulated an update regarding the transfer of Holly Cottage touching on issues relating to a drainage agreement with the neighbouring property, solar panels feed in tariff (FIT) not being established from estate records and First Registration of Title at the Land Registry prepared by Steve Holroyd (SH) on behalf of the council. (Appendix 3).
1. It was proposed that the property would be transferred to the council on the 14th September, Clerk to arrange to add it to the council's insurance from that date. The Council recorded its thanks to Steve Holroyd for his assistance over legal matters.
 2. It was AGREED that SH should seek to make an agreement 'in principle' with the owners of Fell Gate as to regularising the legal arrangements over drainage on the Council's behalf.
 3. Regarding preparations for the refurbishment project, additional quotes and specifications were being sought from contract managers in line with the PC's financial regulations. It was proposed, and AGREED, to develop a specification for underfloor heating linked to air source heating rather than Gas/Oil heating as originally proposed and it was noted that Cumbria Action for Sustainability/EDC could provide assistance/advice.
 4. A member of the community had come forward (with the help of a working party planned for October) to help manage the garden in preparation for the refurbishment works.
 5. It was AGREED to commission an asbestos survey at a cost of approximately £300 prior to the commencement of works.
 6. It was AGREED to seek permission to fell a monkey puzzle tree in the garden to allow for better access to the house. (Clerk to enquire as to felling consent).
- 067/21 **Holly Cottage Garden** (Allotment proposal) the suggestion that Holly Cottage Garden be let as an allotment had arisen during the open gardens event. In view of the previous discussion the proposal was withdrawn.
- 068/21 **MMVG Tree planting Queen's Platinum Jubilee.** The contact was the Chairman MMVI. Various locations were discussed in relation to which the death of a large sycamore opposite the Village Institute was discussed. The felling of this Sycamore tree would be presented on the agenda of a future meeting.
- 069/21 **MMVG.**
1. There had been extensive parking on the green in connection with a recent party. A member of the public attending the meeting had raised

issues regarding fireworks and loud music. The council did not have powers to permit parking on the green. Councillors accepted that this had been a special event and largely a private matter and it was resolved not to write as a council to the individuals involved. The clerk would feedback in person to those involved.

2. A question had been raised regarding some fencing wire placed across the Lyvennet below the green. It was noted that the area involved was outside the green and that this was a historic practice to control straying animals.
3. The coffee van had been parking on the road and it was noted that it would not be coming this week. RM suggested that an arrangement could be made with MMVI regarding access to toilets and use of MMVI facilities.

- 070/21 **Crosby Ravensworth Play Area.** The council had been invited to consider a quotation and designs provided by Playdale. VH had spoken to one of the individuals involved and it had been established that a local group were proposing to formally constitute themselves to raise funds for the replacement of the play equipment directly. Given that this was the case VH did not feel that the PC needed to consider the quotation for equipment provided by Playdale. JR spoke to a prepared statement touching on the choice of Playdale (a Cumbrian Company offering a 21-year guarantee) together with some issues raised by Playdale personnel visiting the site who had been critical of the original installation e.g. south facing steel slide being too hot to touch in full sun. JR said that further quotations from different supplier would be sought for the purposes of comparison by the local group. The Clerk reiterated concern about issues of VAT recovery in relation to the project if it was to be delivered by the council. Expert VAT advice was being sought in respect of Holly Cottage which could by extension have a bearing on VAT recovery in respect of the play area if the council was to have been involved. Issues regarding regular inspection, liabilities and insurance for the life of the new equipment would need to be resolved as part of the process if the council is involved.
- 071/21 **Littleside, Crosby Ravensworth.** Since the publication of the agenda a group of local volunteers had cleared the path down to the remaining original tarmac. It was proposed to seek planeings from nearby roadworks to level and make good the surface with a whacker plate. The volunteers were thanked for their efforts. Concerns were expressed regarding displaced sods and the risk of flooding scouring out the path. Enquiries would be made of those involved.
- 072/21 **Emergency Plan.** There was discussion of the Emergency Plan which was out of date. JR sought clarification as to the replacement of named individuals including former councillors and the clerk. DR offered to take on the revision of the document. The clerk did not have access to a word version of the document he would seek a copy and refer to her.
- 073/21 **Bank Mandates.** Additional signatures were added to the mandates.
- 074/21 **Date of Next Meeting** 4 October 2021.

Appendix 1

Statement in support of co-option Diane Ridgeway

I would like to apply for one of the positions as a local councillor.

My background is clinical, retiring 2 years ago from the NHS having given up nursing to become a director after attaining my MBA. I currently work as a part time Non Executive for Venet Healthcare, 2 days a month, and work ad-hoc as a Care Quality Commission (CQC) Specialist Advisor.

I have 2 degrees, my BSc in Nursing, and a Masters in Business Administration, I have a number of associated qualifications which the council may find useful, such as my PRINCE 2 project management, a diploma in Risk Management, and a diploma for implementing IT and Systems. I recently gave up my registration as a Registered Nurse, but have a keen interest in Community Development, Health Promotion (Physical and Mental) and Social Care.

During my Career I have been an acute care hospital nurse, an Advanced Nurse Practitioner, a business manager for AstraZeneca, NHS Clinical Governance Manager, and worked for 6 years at board level as an Executive Director of Clinical Services in Cumbria CCG. In this post I managed the Cumbria provider services (approx 2200 staff) delivering all Clinical and Dental services to the whole of Cumbria, including the 7 community hospitals, I was responsible for the NHS provider arm £60 million budget and had a corporate budget responsibility of £207 million. I sat on the Cumbria CCG board, and also represented the CCG chairing the Clinical Governance, Health and Safety Committee, and representing the CCG on the LCC Local Safeguarding Board, Prescribing Committee and was the CCG responsible officer for Controlled Drugs and Corporate Manslaughter. After this I took up my post as Chief Executive in East Lancashire, a Community Interest Social Enterprise, and expanding and running the organisation for 10 years before retiring.

I am very experienced at making decisions, and attending committees, also at making informed decisions about budget and resource allocation. I am also well versed in monitoring contracts. Locally, I am a member of the local Art Group, I administer the Crosby Ravensworth Facebook page, established by Simon Elworthy.

My reason for this application is; having worked and lived in Cumbria from 2006, and lived in Crosby Ravensworth for the past 12 years I love this village and local Community and would like to get more involved to help the community.

I am a car driver, have been DRB checked, and have no capacity or mobility issues.

Appendix 2

Statement in support of co-option Debbie McCall

My name is Deborah McCall. I am aged 60 and live at Glebe House in Crosby Ravensworth, and wish to apply for a vacant post on Crosby Ravensworth parish council in order to further serve the community to which we moved six years ago.

I am now retired but worked in various roles in the NHS including being in charge of an intensive care ward in Manchester. I was also on the committee organising an annual nationwide geocaching event and am currently the vice-chair of the village school board of governors and a member of the local church PCC with responsibility for safeguarding. I believe that I am an organised person committed to the successful resolution of tasks and am prepared to challenge inappropriate behaviours and inefficient procedures in any sphere.

Appendix 3

Holly Cottage Notes regarding transfer to PC (Steve Holroyd)

HOLLY COTTAGE

Arnisons have now amended the form of Assent with acceptable wording and have supplied some further documentation.

Subject to the following points the transfer of the property to the Parish Council is ready to be completed.

1. **Final Search.** Arnisons have supplied a clear Land Charges Registry search against J T Relph. Although it is technically our responsibility, I have asked them to supply a clear search against the Executors in readiness for completion.
2. **Commons Rights.** The property has the benefit of rights (presumed over Crosby Ravensworth Fell – no plan supplied) to graze
 - a. 5 geese with their followers
 - b. 20 hens
 - c. 8 ducks together with the right of turbery (ancient right to cut turf, or peat, for fuel)

There will need to be a separate application to amend the ownership details in The Register of Common Land. I can prepare that and the Land Registry application FR1.

3. **Drainage Agreement for Fell Gate.** In 2009 the then owners of Fell Gate entered into an agreement with Ted Relph for their foul drainage to cross the garden of Holly Cottage and connect with an inspection chamber where it joins with Holly Cottage drain and jointly discharge into the public sewer. See attached. It is described as an agreement (rather than a Deed) and purports to grant an "Easement" but it is executed and witnessed as a Deed. Unfortunately, it is not expressed to benefit or bind successors in title, so on the face of it, only the [REDACTED] predecessors in title have the right of drainage and the obligation to

maintain their portion of the drain and contribute to the cost of maintaining the joint discharge pipe. In practice, if the owners for the time being of Fell Gate fail to comply with the obligations in the agreement, the PC could simply deny them the right of drainage across Holly Cottage land, because it works both ways but it is not ideal and who knows what complications might arise in the future.

Options going forward –

a. Just proceed as now and hope that both parties honour the intention (which was to grant a Legal Easement for the benefit of, and enforceable by, successors in title). The Land Registry may not be prepared to register it on both titles.

b. Enter into a fresh Deed between the [REDACTED] and the Parish Council as soon as the transfer has been completed expressly granting a legal easement and obligations in perpetuity binding and benefitting the owners of the respective properties and their respective successors in title. I could draw up a fresh Deed and I understand the [REDACTED] would be happy to regularise the position.

4. **No IVD Stamp.** A 1923 Deed transferring the property from J W F Relph to Ted's mother was not impressed with an "I V D Stamp" as was required at the time. I have no idea what an I V D Stamp was because they had been abolished long before my time and I never came across this problem. I am guessing that it may have been required in cases where property was transferred between connected individuals to show that the price was accepted as a true market value. The Deed was stamped with duty of Seven Shillings and Six Pence on a price stated as Seventy-Five Pounds, which was a substantial amount in those days!

Ted made a Statutory Declaration in 1977 (when the property passed to him by Assent) which was drawn up by a Solicitor, confirming there was no IVD stamp and as "result .. such Conveyance may not be admissible as evidence of what it purported to effect." The Stat Dec went on to recite that his mother lived there continuously from 1923 to her death in 1976, as if that was sufficient to rectify the problem. I assume the Land Registry will accept the position and that no penalties can be imposed but I have not been able to find any information about what seems to have been treated as a minor technicality.

5. **Solar Panels.** Ownership of the PV solar panels on the roof of Holly Cottage is unclear. My recollection is that Ted entered into an arrangement with a PV supplier which cost him nothing – the panels remained the property of the supplier and they received all FIT payments but Holly Cottage had the benefit of the free electricity produced by the panels. These arrangements were not uncommon. I have asked Arnisons who say that their enquiries are ongoing. There are no documents so far as known. The consumer unit has a sticker for TXU Energy but the number is discontinued and Councillor Holroyd's enquiries have established that TXU was a Texan company (this fits with my recollection of the type of arrangement) that no longer exists. Councillor Holroyd has lodged an enquiry with the FIT register which may produce further information.