

# Ennerdale & Kinniside Parish Council

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## Minutes of the Parish Council Meeting

**Held on 21<sup>st</sup> January 2025 at 7.00pm in The Gather, Ennerdale Bridge**

**Present:** Cllr J Thursz (Chair), Cllr S Guise (SG), Cllr R Maxwell (RM), Cllr R Outhwaite (RO), Cllr S Parker (SP), Cllr B Wright (BW).

**Cumberland Councillor:** Cllr L Jones-Bulman.

**Clerk:** J Coltman (JC).

**Guest Speaker:** Lesley Graffin, Caseworker for Josh MacAlister

**Members of the public:** 24

Meeting Started: 19:01

Minute Number	Item	Action
1093/01/25	<b>Welcome</b> The Chair welcomed everyone to the meeting and read out a statement, which is appended to these minutes.	
1094/01/25	<b>Apologies</b> None	
1095/01/25	<b>Declarations of Interest</b> RM declared an interest in item 25 as he is on the board of The Gather.	
1096/01/25	<b>To Approve Minutes</b> RO proposed that the wording at 1090/12/24 is amended from “a meet and greet event hosted by the Lake District National Park” to “a National Park meeting”. <b>Resolved</b> to accept the amendment. <b>Resolved</b> to approve the amended minutes of the Parish Council meeting held on 03/12/24.	JC
1097/01/25	<b>Exclusion of Press and Public</b> <b>Resolved</b> under the Public Bodies (Admission to Meetings) Act 1960 that the press and public be excluded from 19, 29, 30, 31 & 32. Item 19 was confidential due to it being a staffing matter, items 29 & 32 involved confidential legal information, and items 30 & 31 were confidential as they related to members of the public.	
1098/01/25	<b>Lesley Graffin – Caseworker for Josh MacAlister</b> Lesley introduced herself and said that she would be available to speak to people if they wanted to raise any issues. She would leave contact cards for people.	
1099/01/25	<b>Report from Cumberland Councillor</b> Cumberland Council was engaging with the Government in relation to the English devolution bill. It was proposed to introduce a mayoral combined authority.	
1100/01/25	<b>Clerk's Updates</b> <ul style="list-style-type: none"><li>JC continued to press for action on the streetlights</li><li>CALC AGM – Mark Fryer was the guest speaker. Key points were bus infrastructure investment, child services and a number of surveys. JC urged councillors and public to go online and complete them.</li></ul>	

	<ul style="list-style-type: none"> <li>• Website has been updated with latest agreed policies.</li> <li>• Hedges have been cut.</li> <li>• Japanese knotweed report now shows as action completed on Cumberland system.</li> <li>• Letters have been issued as required.</li> </ul>	
1101/01/25	<p style="text-align: center;"><b>Councillor Updates</b></p> <ul style="list-style-type: none"> <li>• RM said that the broken bench had now been removed</li> <li>• BW said the street lights had been covered by the clerk in the previous item.</li> <li>• SP said there had been no meeting for the Emergency Plan</li> <li>• SP had met with a former member of the committee who had helped to produce the previous Community led plan. RM said that the Gather had offered to help with this. RO asked if contact had been made with CALC and SP said that he would contact them.</li> </ul>	SP
1102/01/25	<p style="text-align: center;"><b>Public Participation</b></p> <ol style="list-style-type: none"> <li>1) Rev Ian Parker offered to be involved with both the community led plan and the emergency plan if people were being co-opted to committees. He announced that 2025 would be his last year in the parish.</li> <li>2) A member of the public said that they wished to speak about item 16. Their questions did not relate to the agenda item, so they were asked to put their questions in writing to the Clerk.</li> <li>3) A member of the public asked if RM would declare an interest in the planning matter regarding Croft Foot Cottage. The Chair responded that it was for a councillor to declare their own interests, and if they failed to do so, there was a mechanism for making a complaint.</li> <li>4) A member of the public asked about the administration costs of the Council spiralling and asked for an explanation. The Chair said that a large amount of non-discretionary work had been caused by FOIA requests, challenges, and complaints, all of which had been raised by a minority of people in the Parish. This work was non-discretionary in that the Council had to respond to these, and they were in addition to the work that the Clerk had been contracted to do. The Council would be considering a request for nearly 60 hours of work later in the meeting and there would be further costs, because more work has happened since that proposal.</li> <li>5) The same member of the public queried the Clerk defending individual councillors. The Clerk said that they were obliged to provide evidence if requested by the Monitoring Officer.</li> <li>6) A member of the public tried to speak, but the Chair reminded them that they were currently not permitted to speak at Council meetings.</li> <li>7) A member of the public said that they had held a meeting and more than 10 electors wanted an election for the vacant seats on the Council. They had informed electoral services.</li> <li>8) The member of the public at 6 tried again to speak and was asked to be quiet by the Chair.</li> <li>9) The Chair declared public participation closed.</li> </ol>	

1103/01/25	<p style="text-align: center;"><b>Planning</b></p> <p>Two decision notices had been received and were noted. <b>7/2024/4028</b> Croft <b>Foot</b> Cottage – Revised plans. <b>Resolved</b> to submit no further comments.</p>	JC																												
1104/01/25	<p style="text-align: center;"><b>Regen North East Copeland</b></p> <p><b>Resolved</b> to respond that the Council was unable to see sufficient benefits of the RNEC to support its continuation.</p>	JC																												
1105/01/25	<p style="text-align: center;"><b>Bridge Park</b></p> <p>The Chair asked if there was interest in exploring a licence agreement/ short term lease for Bridge Park. There was enough interest in the idea to support an agenda item for a future meeting.</p>	JT																												
1106/01/25	<p style="text-align: center;"><b>Gate at Scarney Brow</b></p> <p><b>Resolved</b> to support the installation of the gate, but to make it clear that E&amp;KPC would not accept responsibility for future maintenance.</p>	JC																												
1107/01/25	<p style="text-align: center;"><b>Staffing Committee Terms of Reference</b></p> <p>RO said that overtime should be approved prior to work taking place. He proposed an amendment to the ToRs to remove the delegated authority to engage legal or employment services. <b>Resolved</b> to agree the ToRs with the proposed amendment.</p>	JC																												
1108/01/25	<p style="text-align: center;"><b>Review of Co-option Policy</b></p> <p><b>Resolved</b> to reconfirm the co-option policy</p>	JC																												
1109/01/25	<p style="text-align: center;"><b>Cold Fell Tourist Sign</b></p> <p><b>Resolved</b> to report the theft of the sign to the Council's insurers.</p>	JC																												
1110/01/25	<p style="text-align: center;"><b>Hedge Cutting</b></p> <p>JC recapped the hedge cutting that had taken place this year and said that the budget reflected similar arrangements.</p>																													
1111/01/25	<p style="text-align: center;"><b>Payments for Approval</b></p> <p><b>Resolved</b> to approve the following payments:</p> <table><tr><td>The Gather</td><td>Room Hire</td><td>£ 30.00</td><td>000721</td></tr><tr><td>TEEC Ltd</td><td>Website</td><td>£ 194.39</td><td>000722</td></tr><tr><td>J Coltman</td><td>Expenses</td><td>£ 169.40</td><td>000723</td></tr><tr><td>J Coltman</td><td>Wages</td><td>£ 1,668.50</td><td>000724</td></tr><tr><td>HMRC</td><td>PAYE</td><td>£ 417.00</td><td>000725</td></tr><tr><td>David Mattinson</td><td>Hedge Cutting</td><td>£ 360.00</td><td>000726</td></tr><tr><td>The Gather</td><td>Room Hire</td><td>£ 10.00</td><td>000727</td></tr></table>	The Gather	Room Hire	£ 30.00	000721	TEEC Ltd	Website	£ 194.39	000722	J Coltman	Expenses	£ 169.40	000723	J Coltman	Wages	£ 1,668.50	000724	HMRC	PAYE	£ 417.00	000725	David Mattinson	Hedge Cutting	£ 360.00	000726	The Gather	Room Hire	£ 10.00	000727	JC
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1112/01/25	<p style="text-align: center;"><b>Finance Report</b></p> <p><b>Resolved</b> to accept the finance report</p>																													
1113/01/25	<p style="text-align: center;"><b>Budget for 2025-2026 Financial Year</b></p> <p>JC explained the individual budget lines and councillors were invited to suggest any amendments. There being no proposed amendments it was <b>resolved</b> to adopt the draft budget.</p>	JC																												
1114/01/25	<p style="text-align: center;"><b>Precept</b></p> <p><b>Resolved</b> to request a precept of £7580 (a reduction of 37.9% on the previous year).</p>	JC																												
1115/01/25	<p style="text-align: center;"><b>Gather Redesign Project</b></p> <p><b>Resolved</b> the Council had no comments at this stage, but the Clerk would respond to thank them for their engagement. RM did not participate in the debate or voting for this item.</p>	JC																												
1116/01/25	<p style="text-align: center;"><b>Drop at Scarney Brow</b></p> <p><b>Resolved</b> for the Clerk to attempt to escalate the issue with a relevant Cumberland Council officers.</p>	JC																												

1117/01/25	<b>Parish Councillor Matters</b> No new issues to raise	
1118/01/25	<b>Date of next meeting</b> Confirmed as 18 <sup>th</sup> March 2025  Members of the public left the room.	
1119/01/25	<b>Recommendation from the Staffing Committee</b> <b>Resolved</b> to approve payment of additional hours worked.	JC
1120/01/25	<b>Update on Legal Matters</b> <ul style="list-style-type: none"> <li>There had been an appeal against an ICO decision by a member of the public, as the ICO had not found in their favour when they submitted a complaint about Ennerdale and Kinniside Parish Council. E&amp;KPC were second respondents to the appeal. The General Regulatory Council tribunal hearing had been held on 20<sup>th</sup> January. It may take up to 28 days for the decision to be issued.</li> <li><b>Resolved</b> to note that it had been confirmed that the two Council seats were vacant and that the Clerk had issued the formal notice of vacancy on 13<sup>th</sup> January 2025 as she was required to do.</li> </ul>	
1121/01/25	<b>To Consider a breach of the Unacceptable Behaviour Policy</b> <b>Resolved</b> to write to the member of the public, sending them a copy of the policy, and asking them to adhere to it.	JC
1122/01/25	<b>Review of current sanctions under the Unacceptable Behaviour Policy</b> <b>Resolved</b> that current sanctions should remain in place.	JC
1123/01/25	<b>Updates on ICO Matters</b> JC updated the Council on several FOIA requests and ICO complaints, all of which had come from two individuals in the parish.	

Meeting closed at 20:53

Chairman's signature.....

Date.....

## **Chairman's Introduction to Parish Council Meeting 21 Jan 25**

You may have heard rumours or seen social media spreading inaccurate conjecture regarding the disqualification of two councillors, Nancy Rowson and Paul Rowson, in accordance with the Local Government Act 1972.

The Council was challenged by members of the public regarding the non-attendance of Councillors Nancy and Paul Rowson over a 6 month period. The council meetings during this period were rearranged, and on one occasion, apologies were received from the councillors. The Clerk rebuffed the challenge as the councillors' non-attendance was largely outside of their control. Further escalation of the issue required the matter to be referred to the Monitoring Officer at Cumberland Council and subsequently we were referred to seek independent legal advice.

It has been confirmed that both councillors are disqualified. It is regrettable that the councillors were unable to attend meetings, but the law is inflexible and leaves no room for discretion. It has been confirmed that their seats are vacant but there is no reason why they cannot apply for co-option back onto the Council once the waiting period has expired.

I wish to make it very clear that this is not a matter that the Council or any of us has chosen to pursue not least because there are ongoing matters with the Monitoring Officer which the public would be best served by having the Rowsons as councillors so that matters can be concluded.

It is fair to comment that the unexpected and unwelcome developments have caused a period of significant turmoil for the Council which has caused important business to be deferred while we took steps to ensure that the council operates lawfully. The meeting of 30<sup>th</sup> December was cancelled as an inject from the Monitoring Officer's team was received within an hour of the meeting and I was the only councillor who had seen it so it was unsafe for the meeting to proceed.

We now need to get on with that business, not least to agree our budget and precept for this year.

I remind you that public participation will consider only those matters which are on the agenda for decision and ask everyone to allow this meeting and fulsome agenda to proceed without interruption.