

# Lorton Parish Council

## Minutes of the meeting held on Wednesday 3rd May 2017

**Present:** Cllrs. Poate (Chair), Postlethwaite, Deeks, Edmunds & Armstrong.

**Apologies:** Cllrs. Irlam & Aitken.

**Also in attendance:** Cllr. Bowness (CCC), Dave Smith (Clerk) & 8 members of the public.

The Chair welcomed everyone to the meeting.

### **31.17 Declarations of Interest:**

There were no Declarations of Interest.

### **32.17 Minutes of the previous meeting:**

The minutes of the March meeting were accepted as an accurate record by the councillors present and the Chair duly signed them.

### **33.17 Public Participation:**

Members of the public raised the following items:

- The large amount of Cumbria Highways signage still in the village. The Chair stated that some of the signs stacked by the Yew Tree Hall would still be required but it was agreed that Cumbria Highways should be asked to remove what was not needed
- A number of pot holes at the village end of the Hopebeck Road
- Regular flooding on the Hopebeck Road by the recently built barn

**ACTION: Clerk to report the above to Cumbria Highways.**

### **34.17 Progress Reports:**

#### **A: The Clerk's Progress Report:**

Actions on the Clerk from the previous meeting:

14.17: Clerk to inform the LDNPA Planning Dept. of the views of the Council: Done.

16.17: Cllr. Edmunds and Clerk to contact potential candidate for bench maintenance work: Done

16.17: Cllr. Deeks to liaise with developer re: land adjacent to development: Done

16.17: Cllrs to send Clerk articles for newsletter: Done and newsletter published and delivered

17.17: Clerk to write to PCC again re: quality of online Police reports: Done, no response received as yet

18.17: Clerk to contact Cumbria Highways re: Boonbeck Road works: Done

18.17: Clerk to report various issues to Cumbria highways and set up a meeting with Engineer: Done

19.17: Clerk to send out all payments: Done and all have cleared through the accounts

19.17: Clerk to Liaise with Cllr. Edmunds re: new Internal Verifier for PC: Done

21.17: Clerk to contact Community Groups and invite to Annual Parish Meeting: Done

A list of correspondence received, as below, was read out and duly noted by councillors.

<b>Correspondence</b>	<b>For information</b>	<b>For action</b>
CALC Newsletter March & April	X	
Various emails re: Croft Barn planning application	X	X
Report from Allerdale Parishes LDNPA member: Feb & March	X	

Notice of first payment of 17/18 Precept from ABC	X	
Letter from John Bercow MP re: UK Parliament Week	X	
Information pack from Aon Ltd	X	X
Letter re: Pension Registration	X	X
LDNPA Call for development sites	X	
Email from T. Cresswell	X	X
Emails from I. Williams	X	X

The Clerk drew the attention of councillors to the following:

- There is a requirement on every parish Council to choose a pension scheme even though the Council may not have to offer a pension to any of its employees. The recommendation is that Councillors choose the Government run NEST pension scheme. Councillors agreed to choose the NEST scheme.  
**ACTION: Clerk to register the PC with the NEST scheme.**
- The Clerk reminded Councillors that they had all received a copy of the email from Mr. Cresswell in which he gave his views on the impact of the PC not being able to take a view on his planning application due to being inquorate. He also informed the Council that he would be re-submitting his application, this time with an element of 'affordable housing' and he asked Councillors to indicate if they would 'support' his re-submitted application. The Clerk informed the meeting that he had sought advice from CALC as to how to respond to the request from Mr. Cresswell and this advice had informed the letter that he then read out:

*Dear Mr. Cresswell,*

*Further to your email sent on 25th April 2017, your opinions as to why your most recent planning application (7/2016/2245) was refused by the DCC of the LDNPA have been noted.*

*In the email you stated that it was your intention to submit an altered version of the planning application that was recently refused. If the Planning Authority feel that the changes are sufficient to justify treating the application as a new application then this will, in due course, be passed to Lorton Parish Council for their views. At this time every effort will be made to ensure that the Council is quorate and able to take a view on the application.*

*You request that Lorton Parish Council indicate to you how they will vote on the new application before you submit your new version of the application, i.e. will the Council 'Object', have 'No Objections' or your preferred option 'Support'. Due to the 'predetermination' rules governing the actions of Parish Councillors, Lorton Parish Council is not able to accede to this request. Indeed, there is not a Town or Parish Council in the land that would, or should, do as you request.*

*Every Council and every Councillor has a duty to avoid the predetermination of decisions as set out in The Localism Act 2011. All councillors may have a view but they have a duty to attend on the day with an open mind and must consider the facts, on both sides of the argument, dispassionately. If they consider there are material planning grounds for an objection, they must be free to say so. If they are happy that the application meets all the appropriate criteria, then they must be able to say so. A council has no mechanism to give a view on any matter, planning or otherwise, except through a resolution from council. No resolution can be made or taken on any planning application without the application being before the Council.*

*Were Councillors to do as you request then any future decision they made on your application would be subject to legal challenge which could result in the views of the Council being dismissed by the Planning Authority and, more seriously, it would undermine both the transparency and reputation of the Council.*

*Please note that Lorton Parish Council has sought the advice of the Cumbria Association of Local Councils (CALC) Chief Officer on the above issue.*

Mr. Cresswell, who was in attendance, re-stated his view that the decision by some Councillors to declare an interest and the subsequent knock on effect of the Council not being quorate and therefore not able to take a view on his application had resulted in his application being refused.

The Clerk then referred to two emails from Mr. Williams, one of the local objectors to Mr. Cresswell's application. One email, which was read out, informed the council that Mr. Cresswell intended to re-submit his application, and would likely put pressure on the Council to 'support' it, and the other email referred to the DCC site visit which Cllr. Postlethwaite attended on behalf of the Parish Council. Cllr. Postlethwaite read out the following statement:

*I would like the opportunity to make the following clear.*

*I was asked if I could attend the site meeting of the LDNPA planning committee on behalf of the PC. This was Jan 2017. I have attended such meeting in the past and I well understand the format. I spoke to none of the committee or LDNPA staff on the matter in hand. I know I am only to speak if asked. I was asked only one question. The question asked what facilities we had in the parish. I listed school, church, village hall,, pub and said that recently the shop had reopened and that we were keen to keep all these.*

*I was not asked anything more nor did I volunteer any more*

The Chair thanked Cllr. Postlethwaite for her clarification.

#### **B: Parish Maintenance Report:**

Parish Benches: The Clerk drew the attention of Councillors to the following email from Mr. Head:

*Can you please draw the attention of the Lorton Parish Council to the following :-  
Lorton Parish Council minute book 1936 - 1964.  
Date 21st November 1947. " The parish council undertook to have the memorial seat oiled annually."  
Regards  
Walter Head*

The Clerk informed the meeting that he had contacted David Brindle and that they would meet up shortly to further discuss maintenance work on the benches.

#### **C: Report from the Borough Councillor:**

Cllr. Annison was not in attendance and there was no report available. Cllr. Bowness was in attendance and gave a Cumbria Highways update (see below).

#### **D: The Melbreak Communities Report:**

Cllrs. Poate and Postlethwaite stated that they had nothing further to add to the report given at the Annual Parish Meeting.

#### **E: The Parish Council Newsletter:**

It was agreed that the aim should be to get the Summer newsletter out before the end of July and that this would mean a deadline for getting articles to the Clerk by the date of the next PC meeting. It was further

agreed that Arwen Heaton from Lorton Village Shop should be asked to complete the questionnaire for the Summer edition.

**ACTION: Cllrs. to send Clerk any articles and photographs by the beginning of July.**

**35.17 Planning:**

There were no new applications to consider.

Notice of Grant of Planning Permission: Councillors are asked to note the following:

- 7/2016/2336: Field known as Segs - replacement access
- 7/2016/2334: Kirkfell House - new house in garden
- 7/2012/2118: Croft Barn - various amendments and revisions to original planning application
- 7.2017/2028: Oak Lodge - proposed dormers roof

Notice of Refusal of Planning Permission:

- 7/2016/2245: Croft Barn, Low Lorton - outline application for residential development including new access

The above were duly noted.

**36.17 Report from the Police:**

The Clerk reported that the most recent incidents on the Police website related to February 2017 and there were no incidents reported for Lorton Parish. Once again, The Clerk reported that he was not able to access the online road traffic incidents via the portal given in the Police Report. Councillors were aware of one recent incident in the Parish, this being an attempted break-in at Lorton Village Shop.

**37.17 Highways issues:**

Cllr. Bowness reported that as a result of the damage caused in Cumbria by Storm Desmond the highways budget for the next four years would be £18m per year in Allerdale rather than the £4m it had been. He said that this was really good news for the district and should enable Cumbria Highways to resurface most of the road network during the coming years.

He also informed the meeting that there was a new website, HIMS, for reporting highways concerns which should enable people to click on a map to indicate precisely where the concern was. He suggested that any drainage issues should be reported using the new system to get individual drains and culverts on the map. The new Area Engineer for Allerdale is Amber Sykes who has taken over from David Harrison.

After some discussion it was agreed that Councillors should consider which stretches of road were most in need of re-surfacing and that these should be suggested to Cumbria Highways.

**38.17 Finance:**

The Clerk informed the meeting that the balance of the account as given in the most recent bank statement dated 15th April 2017 was £10,215.67p with all but one of the payments agreed at the last meeting having cleared through the account and the first payment of the precept having been received together with the annual rent from the Tennis Club.

The Clerk reported that the following payments were outstanding:

- |   |          |
|---|----------|
| i: Aon Insurance Ltd - insurance cover 17/18: | £339.53p |
| ii: CALC Annual subscription 17/18:           | £132.60p |

iii: R. McCree - grounds maintenance March & April:	£330.00p
iv: Firpress Printers - Spring Newsletter	£99.00p

All councillors present agreed to these payments.

Taking the above payments into account and the payment yet to clear the account, the reconciled balance of the PC account as of 3rd May 2017 is £9,314.54p.

**ACTION: Clerk to send out all payments.**

**39.17 Reports from other meetings:**

Cllr. Poate reported back from LDNPA Parishes Partnership meeting held on March 13th in Thirlmere Recreation Hall. There had been a number of topics covered and these included Cumbria Tourism, the LDNPA Partnership Group, The Local Plan and updates were given on the World Heritage bid, with a decision expected in July, and the NW Coastal Connections project.

**40.17 Items for the next meeting:**

There were no suggestions for additional items for the agenda of the July meeting.

**41.17 Date of next meeting:**

**Wednesday 5th July 2017 at 7.30pm**

Signed: \_\_\_\_\_

Chair

Date: \_\_\_\_\_

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