

Ennerdale & Kinniside Parish Council

Clerk to the Council: Susan Denham-Smith, Routen Farm, Ennerdale, Cleator, Cumbria, CA23 3AU.
Tel: 01946 861270

Minutes of the extraordinary meeting of the Ennerdale and Kinniside Parish Council on Monday 6 September 2021

The Gather

5pm (start time 5:15pm)

To discuss/agree final payment to TT Kirkbride, for work
on the Broadmoor Trail Project

Present

Cllr Daniel Young (DY– Chairman)

Councillors

Ric Outhwaite (RO), Richard Taylor (RT), Neil Hardisty (NH), Sarah Sharpe (SS)

Also in attendance

Susan Denham-Smith – Clerk (SDS),

Members of the Public

Nancy Rowson, Kevin Park
Liz Coverley Celia Malone,
Mark Denham-Smith

Minute Number	Item	Action
609/09/21	Apologies for Absence Cllrs Lamb, Everett and Morgan had been invited and apologised for absence.	
610/09/21	Declarations of Interest Resolved: <ul style="list-style-type: none">that there were no declarations of interest which were in conflict with the subject matter of this meeting	
611/09/21	Public Participation For members of the public to table issues and ideas they would like to put forward to the council for future consideration. Celia Malone read out a letter she had written to the PC regarding the multi-user track expressing: <ul style="list-style-type: none">thanks to the Council for the work on the pathconcern for a newly created access to the path (removal of fence) 2/3 of the way from Lillyhall to BraemarConcern for quality assurance for the final completed condition of the path. In the ensuing discussion Councillors explained: <ul style="list-style-type: none">the contractual position regarding the finances agreed with the LDNPA/RPA.	

- LDNPA have given verbal confirmation that the job is complete and acceptable standard to them.
- that they believe Councillors believe the track to be incomplete/below the spec.
- that at a recent meeting with LDNPA officials, the LDNPA agreed that they will correct the path and have requested that the Ennerdale and Kinniside PC pay the contractor's current invoice. The PC have a written undertaking from the LDNPA that they will complete and surface the track when it has settled.
- that the LDNPA have added guard rails on the bridge. The LDNPA have applied for the designation of the track as a Public Bridleway, which when granted requires them to add signposts.
- that other complaints have been received by Councillors regarding the newly created gap in the hedge complaints have been made.
- that the land and hedge are property of United Utilities and it is thought that no permission has been sought.

Mark Denham-Smith (member of the public) made the following points:

- there was a hard dead line to claim the money for the grant from the RPA and the risk to the Parish Council was greater if we failed to pay the contractor and then could not claim the grant than paying the contractor, claiming the grant and the RPA auditing the quality/compliance of the trail.
- if the PC does not claim the grant on time and therefore is unable to pay back the LDNPA, who have accepted the quality of the trail as the Project Manager and experts, the PC could legally argue it was reliant on others to build and ensure the quality of the construction.
- if we miss the grant deadline we owe people a lot of money we don't have.

Councillors commented that Steve Tatlock has accepted verbally that if they don't get their money they will not chase the contractor to carry out the remedial works, but right it themselves.

The agreements from the meeting with Steve Tatlock had been sent to Cllr Young in an email on 1 September 2021.

Cllr Young read out the email/letter of points.

The issue of the hedge will be raised as a motion at the September meeting.

612/09/21	<p style="text-align: center;">Review of the Broadmoor Bridleway RPA information</p> <p>Councillors reviewed:</p> <ul style="list-style-type: none"> • the wording of the email from the 1 September 2021 written by Steve Tatlock regarding the LDNPA position regarding the quality of the trail and their position as project manager. This listed work needed to complete the work which the LDNPA will carry out, they have agreed to adopt the path and state that the PC should pay the contractor. • and considered the conditions of the Memorandum of Agreement. <p>Councillors agreed that the email did not include specific mention of the agreement made verbally at the meeting, that the LDNPA may be at a loss if the RPA refused full payment of the grant due to the quality issues listed.</p> <p>Resolved:</p> <ul style="list-style-type: none"> • RO to telephone Steve Tatlock immediately to obtain verbal confirmation, and request written confirmation, that the LDNPA accept that due to the quality issues with the track, they may not receive the grant monies in part or in full from the RPA if an audit finds it does not conform to the full original specification. • Cllr Young to send email to request written confirmation that the LDNPA understand that: <ul style="list-style-type: none"> - the RPA grant is at risk due to the path not meeting the required specification and standard, the adoptable specification is different to the required specification stated in the funding application. If the RPA audit there is the possibility that the grant money will not be paid in full. - it is acceptable to the Lake District National Park that the grant money is at risk, this will be either <ul style="list-style-type: none"> ○ Paid in full ○ Paid in part ○ No Funding will not be issued. - The Parish Council will pay the contractor with the understanding that the National Park has accepted the potential to be at a loss with this application. <p>The Council had hoped for an immediate answer but was unable to connect immediately.</p>	RO/D/ RT DY
613/09/21	<p style="text-align: center;">Broadmoor Trail Project</p> <p>To consider the payment of Invoice 3264 from TT Kirkbride Ltd for completion of work to the multi user track, Broadmoor.</p> <ul style="list-style-type: none"> • Payment in the sum of £35,553.60 cheque number TBC 	

	<p>The time-line for holding a further extraordinary meeting, paying the contractor and making the Grant application by 30 September was considered.</p> <p>The Council agreed 2 proposals and a vote was held</p> <ol style="list-style-type: none"> 1. to pay the contractor, apply for the funding and hold the money until LDNPA has adopted the multiuser track. <p>Cllrs RO and NH voted for the Proposal 1. Cllrs SS and RT against</p> <ol style="list-style-type: none"> 2. to pay the contractor subject to receipt of confirmation from the National Park that they accept non-payment of the money transferred through deed of grant, due to unsuccessful grant claim. <p>Cllrs SS and RT voted for the Proposal 2. and Cllrs RO and NH against</p> <p>The casting vote by Cllr DY was for Proposal 2</p> <p>Resolved:</p> <ul style="list-style-type: none"> • Follow up email and phone calls to Steve Tatlock • Clerk to arrange 3rd Extraordinary meeting on Monday 13th September to vote on final payment of invoice Cllr RO/SDS initiate filling in the grant application form • RT offered to drive the cheque (when drawn) to meet the contractor to expedite its presentation at a bank. 	<p>RO/DY SDS</p> <p>RO/SD S RT</p>
614/09/21	<p>Date of the next meeting: 13 September 211 at 6:30pm in The Gather</p> <p>Meeting Closed at 19:10 hrs</p>	
	<p>Chairman.....</p> <p>Date.....</p>	