

## RAVENSTONEDALE PARISH COUNCIL

### Minutes of a Meeting held on Thursday 12<sup>th</sup> October 2006 in Newbiggin-on-Lune Public Hall

**Present** Councillor John Bull (Chairman) Councillors Caroline Morris, Ernest Leach,  
Fanny Jackson and Hilary Mirrey.  
County Councillor Tim Stoddard.  
Clerk, Chris Elphick.  
Frank Chalmers, Mr & Mrs Wildman (Public)

**Apologies for absence** were received from Cllr Paul Capstick, District Councillor Michael Metcalfe-Gibson.

#### **Declarations of Interest**

There were no declarations of personal or prejudicial interest in any item on this agenda.

**Minutes of the Meeting** held on Thursday 14<sup>th</sup> September 2006 had been circulated and were signed by the Chairman as a correct record.

#### **Children's Playgrounds**

Clerk reported that the lease for the Newbiggin-on-Lune site was still unresolved. The amended document is between the landlord's agent and his solicitor. It is expected to be ready for signing before the next parish council meeting. Verbal notification has been received that Cumbria Waste Management Environment Trust (CWMET) has approved a grant of £5,000 towards the Newbiggin play area.

#### **Finance**

##### Statement of Account Balances

Parish Council Treasurer (current) a/c	£ 78.89
Parish Council BMM (deposit) a/c	<u>£6,122.14</u>
	<b>£6,201.03</b>
Playground Treasurer a/c	£ 9.25
Playground BMM a/c	<u>£10,837.24</u>
	<b>£10,846.49</b>
Plus agreed grant from CWMET (R-dale)	<b>£ 5,000.00</b>
Plus agreed grant from CWMET (Newbiggin)	<b>£ 5,000.00</b>
<u>Accounts for payment</u>	
A Kirby (Grasscutting)	£ 470.00
C J Elphick (Admin)	£ 58.79

#### **Parish Council Computer & Training**

One desktop computer plus printer has been received, free of charge, from CALC. Training sessions will be available for the clerk and chairman.

#### **Planning Applications**

No. 06/0611	CONVERSION OF BARN TO PROVIDE 3 UNITS OF ACCOMMODATION FOR HOLIDAY LETTING	
Type	Full Application	
Location	Vacant Barn adjoining The Green, Ravenstonedale	
Applicant	Mr P A Rochford & Mrs A Davey	
Parish Council	No objection	GRANTED

No. 06/0095 Amended plan for Outward Bound Centre at Green Slack. Additional window in gable end wall.  
Notification from EDC for information only.

### **Ravenstonedale High Chapel**

A meeting had been held with representatives of the North West Synod of the United Reformed Church to investigate the possibility and practicality of the redundant High Chapel building being acquired for Ravenstonedale Community use. A copy of the Minutes of that meeting are appended to these minutes.

It was noted that Ravenstonedale does not have a public meeting room with ground-floor access and the High Chapel, a Grade II Listed Building and part of Ravenstonedale's heritage, could provide such a facility.

Councillors were not unanimously in support of the proposal.

It was **resolved** to hold a public meeting to assess local opinion on the matter on Thursday 23<sup>rd</sup> November in the High Chapel, subject to permission from the Synod.

### **Upper Eden Community Plan**

Questionnaires have now been entered on a computer spreadsheet and the data is being analysed. Results are expected in January 2007.

### **Confirmation of Footpath Diversion Order**

The council has received confirmation from Cumbria County Council of a Diversion Order for FP 359024 at Brunt Hill, alongside Scandal Beck. This proposal had been previously discussed at a parish council meeting and no objections raised.

### **Anti-Social Behaviour in Ravenstonedale**

A complaint had been received regarding behaviour of certain tenants at Dickie Green Cottages which had led to much police presence in the village. Clerk to write to Two Castles Housing Association to request action under its Anti-Social Behaviour Policy.

### **Public Participation**

Complaints received regarding the dangers of the A685 road. Clerk to contact Highways Authority requesting improvements.

Roadside wall opposite Scar Cottage in dangerous condition. Clerk to report to Highways.

PC Roly Earl has replaced PC David Harrison as Community Police Officer.

### **Correspondence received**

CALC – County Circular October 2006

CALC – Nominations for Executive Committee

CALC AGM Saturday November 4<sup>th</sup> 2006, Castle Green, Kendal

CCC – Community Transport details

Appleby-in-Westmorland Town Council – Report of meeting of New Fair Committee held on 19<sup>th</sup> September.

Cumbria Police Authority - Eden Area Community Liaison Forum – Agenda 11<sup>th</sup> October & Minutes 12<sup>th</sup> July 06

The foregoing items of correspondence were noted or circulated as appropriate.

**Date of next meeting:** Thursday 9<sup>th</sup> November 2006

Signed \_\_\_\_\_ Chairman

Date 9<sup>th</sup> November 2006

## Appendix 1

### **RAVENSTONEDALE URC** **MEETING TO DISCUSS FUTURE DATED 8<sup>TH</sup> SEPTEMBER 2006**

**Present:** Peter Brain (Moderator), Kath Fowler (Synod Legal & Trust Officer), 3 Members of Parish Council, Anne Grey (former Minister), Alistair Smeaton (URC Minister), a former Elder and Frank Chalmers (local resident/caretaker of buildings).

The purpose of the Meeting was to discuss possible ways in which the Parish Council and the North Western Synod could work together to ensure that the buildings are maintained as a community asset.

Peter Brain explained that the local Church had passed a Resolution to close the buildings and to close as a fellowship of the URC and that the final service had been held in the premises in April 2006. Since then there has been limited use of the buildings.

He explained that, once the Church fellowship had closed, trusteeship reverted to the United Reformed Church (North Western Province) Trust Limited (the Trust) which was now responsible for the premises both as custodian and managing trustees and that, as such, the Trustees have a duty to dispose of the buildings appropriately.

Peter Brain expressed the sincere gratitude of the Trust and the Synod to the local people, especially Mr Chalmers, for the time and energy they have been prepared to give up in looking after the buildings for the Trust and it was stressed that this is very much appreciated.

Peter Brain then went on to explain that the Trust had received a Surveyor's Report under Section 36 of the Charities Act which had advised that we commission a feasibility study by a local property and planning expert to look into the possible uses to which the buildings could be put and the options available to us (more on this later).

Peter Brain also explained that the Historic Chapels Trust had expressed an interest in taking the premises over and we had hoped that this may present a solution. However, he reported that they had since confirmed that they would not be interested in becoming involved with these buildings.

Kath Fowler then explained the requirements of the various statutes and the obligations upon the Trust.

Under the terms of the Charities Act 1993 (the Act), the Trustees of charity held premises have a statutory duty to obtain the "best terms" at all times and to take professional advice in relation to those terms. Therefore, any suggested schemes would have to be approved by the Trust's Surveyor as "best terms" within the terms of the Act.

We have already commissioned a Surveyor's Report under Section 36 of the Act (the S36 Report) which advised that we have a feasibility study which has now been undertaken.

We must also ensure that any action which we take is taken in pursuance of the objects of the URC. Therefore, we may not be able to accept a scheme simply because it is a "good cause" or is what everyone would, ideally, like to do. The URC(NWP) Trust Ltd is a registered charity in its own right and, therefore, we are only permitted, legally, to take any action which benefits our own Charitable purposes under the Constitution of the URC.

The Act does not say that we need to obtain the most amount of money, just “best terms” and, therefore, there is a certain amount of leeway in that respect. However, if we are to proceed with a scheme that does not represent the most amount of money then we must be able to justify this to the Charity Commissioners. If our Surveyor, having looked at all the facts, is happy that a scheme is in the best interests of the URC and represents “best terms” then he will be able to sign a certificate confirming this. If, however, he does not feel that he can do this and we are acting against his advice, if challenged by the Charity Commissioners, the Trustees could find themselves personally liable for any discrepancies between “best terms” and the action taken. Therefore, there are, potentially, very serious consequences for the Trustees if matters are not dealt with properly.

The feasibility study which was commissioned advised that there is a moratorium in the area which, generally, precludes planning permission being granted for conversion to residential premises. However, where the building is of historical importance, the moratorium might be waived if the scheme proposed is for the provision of residential dwellings of which a portion is social, affordable housing available to local people. Obviously, if we can proceed on this basis then the premises will be worth considerably more than they will be if this course of action is not open to us. In that case, we would struggle to justify our actions if we proceed with another scheme as we could not satisfy the requirements of the Act in relation to “best terms”.

The Feasibility Study then goes on to say that if we are to have any chance of obtaining planning permission for residential development we must prove that there is a need for this type of housing within that locality. At our meeting we were informed that there are already a number of houses in the village which would be classed as “social housing” and, therefore, it is extremely unlikely that permission would be granted on that basis.

As the property is a Grade II listed building with a sizeable graveyard at the front and down one side, it is very unlikely that it would be saleable on the open market as any developer would be unlikely to be obtain permission to develop for residential purposes and the premises themselves and the area as a whole are not likely to attract business development.

Due to the listing, any alterations carried out inside must not affect the outside. Therefore, as there are floor to ceiling windows in the main worship area, planning permission is very unlikely to be granted for a 1<sup>st</sup> floor to be put in as this would be visible from the outside through the windows and the windows could not be redesigned to accommodate this. Therefore, the options available to developers in respect of the use of the main worship area would be extremely limited.

The Members of the Parish Council (MPC) explained that they are very interested in taking over the buildings although they would not be able to raise the funds required to purchase it from the URC. They would, however, be keen to lease on a long term basis.

Peter Brain confirmed that this would suit the URC, especially as we feel that we have a responsibility over the graveyard which is difficult to walk away from. It was confirmed that the graveyard is still active and is visited regularly and there may well be people who would still wish to be buried there in the future. This could be accommodated in any lease to the PC but would be difficult if the premises were sold for development.

Pete Brain confirmed that the Trust/Synod is very keen to maintain the premises as a community facility and that the ambiance and atmosphere of the main worship area should be retained. The MPC confirmed their agreement with this and agreed that there are a wealth of community based activities which could be accommodated in the main building. However, we need to consider flexibility of use to maximise the potential of the buildings. The MPC also confirmed that, although they do not have the funds to buy the buildings, there

is funding available for community halls and they felt confident that they could raise the funds necessary for the refurbishment and upkeep of the premises.

The MPC said that there is a lack of that type of facility in the village. The only other public space is a room above the school and, although we would not want to be in competition with that, it was felt that the URC buildings could offer different facilities and that there was definitely room for both.

Peter Brain confirmed that we are not permitted, under the Constitution of the URC, to run a community project but we would be happy to be involved with this by way of leasing the premises to the PC. It would be our intention that the PC would be responsible for the maintenance of the buildings and graveyard and the insurance on the buildings. They would also have to be responsible for any refurbishment which was required. We will also have to discuss rental with our Surveyors but it was felt that this could probably be minimal if the PC was prepared to take over responsibility for maintenance, repairs, upkeep and insurance of both the buildings and the graveyard. Once we have confirmation that the PC wishes to proceed in this way along with any requirements which they may have in relation to lease terms (i.e. length of lease, responsibilities, rental etc.), we can then approach our Surveyor and Solicitor for advice upon lease terms and then discuss matters further with the MPC.

Once the way forward has been agreed between Kath Fowler, Peter Brain and the MPC the matter will have to go before the Synod Resources Committee and Trust for official approval. However, it is unlikely that those Committees would not give approval at that stage, assuming our Surveyor is prepared to sign a S36 Certificate and Mrs Fowler and Rev Brain recommend approval. The Members of those Committees have discussed this building in the past, understand the problems involved in selling and are committed to ensure that it is retained as a community asset providing the statutory requirements can be met.

Peter Brain and Kath Fowler feel that the meeting was most productive and that the Parish Council and the Church both want to achieve the same outcome. There was a feeling of relief at the end of the meeting when it appeared that there was a potential solution to the problems which we have been discussing for many months now. I am sure that we can continue to work together and build a good relationship in the coming months to safeguard the future of this beautiful and important building.

*(Kath Fowler 18<sup>th</sup> September 2006)*  
*(ravenstonedalereport.mtg080906)*