

Email sent 10 January 2018

Dear County Councillors

Caldbeck Parish Council had hoped to ask a question at Thursday's County Council drawing attention to the need for County Council support for a footpath between Hesket Newmarket and Caldbeck. Yesterday evening the County Council confirmed that we would not be allowed to ask the question as we had been to Allerdale Local Committee in December and would need to wait 12 months. It also pointed to the independent review being undertaken.

Whilst disappointed with the County Council's ruling, we would ask County Councillors to make their views known about the merits of the footpath and how it could be established through fully collaborative working. The National Park has offered staff resources to progress the Footpath Creation Order. We have resources to fund the construction of the footpath thanks to a generous donation of £100,000 and to continue the ongoing maintenance of the footpath as part of our annual budget. But nothing can be done without the County Council agreeing to the Footpath Creation Order: without such support from the County Council as Highways Authority, the National Park cannot act and the £100,000 will be returned.

Additionally there is need for support for legal costs in the event of the Order being challenged at an Inquiry. Costs of defending the Order are some £10,000 and if the Order were not confirmed costs would be some £30,000. These costs are uncertain. Indeed if the County Council were to support the Order and it was clear that the County Council, National Park and ourselves were fully determined to establish the footpath, there is a possibility that the Order would not be opposed and consensus achieved. If the Order were challenged, the risks of the Order not being confirmed would of course be fully analysed by the County Council, National Park and ourselves working in collaboration and action taken as appropriate.

The County Council makes much its role in leading local government, working in partnership to bring together public sector and third party organisations, and enabling local communities to deliver their key priorities. The footpath seems to us an ideal opportunity for the County Council to put these aims into practice.

The strength of support for the footpath is well demonstrated. The three Allerdale MPs and the Police and Crime Commissioner have written to the County Council. The petition launched before Christmas now has more than 1,500 signatures, with 170 comments in support. There has been helpful media coverage, both television and print.

The independent review provides an opportunity for the County Council to reconsider whether to extend its support. This is the final internal opportunity: if the current decision were confirmed, the Parish Council's only option would be to appeal to the Local Government Ombudsman. It is therefore imperative that the review considers all the evidence afresh.

Caldbeck Parish Council regrets that the processes followed by the County Council have prevented any real dialogue between Cabinet Members and Parish Councillors and that Local County Councillors were not invited to express their views at Allerdale Local Committee. But County Councillors are able to make their views known whilst the review is undertaken and we would respectfully ask that you do so.

Yours sincerely

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Email sent 4 January 2018

Dear Councillors

I would like to give you a brief update to my email dated 23 December. For completeness I have included the original email, letter and map.

There remains uncertainty about whether we will be allowed to ask our question at the County Council's meeting on 11 January. Iolanda Puzio, the County Council's monitoring officer, ruled the question out of order as we had asked a similar question at Allerdale Local Committee and that we need to wait 12 months to ask our question at County Council. She returns to work on Monday and only she can reconsider her decision.

As you will appreciate, Caldbeck Parish Council is strongly protesting this ruling and we consider the following points pertinent. When we asked the question at Allerdale Local Committee we made it very clear that we were asking Allerdale Local Committee for support prior to attending either Cabinet 21 December or County Council 11 January. We were happy to go to either and take the County Council's advice as regards the most appropriate forum. At one stage County Council officers thought Cabinet would be better placed but then decided Cabinet did not have the remit to review the officer decision so County Council would be better. At no stage did the County Council indicate a 12 month wait. We made clear that either Cabinet or County Council was the key forum for us to ask our question and that Allerdale Local Committee was an opportunity for us to draw Local County Councillors' attention to the issue: we would not have gone to Allerdale had there been any suggestion that this would mean having to wait 12 months.

In my letter I highlighted the disquiet Caldbeck Parish Council has regarding the County Council's handling of the footpath.

"It seems to us that the County Council is avoiding proper discussion of the project. Cabinet Members won't visit or reply to correspondence, at Allerdale Local Committee we were told they had been advised by Legal Services not to talk to us, and a cynic might suggest that County Council officers make use of the Constitution to avoid scrutiny. In responding to media interest, officers have at best been disingenuous in stating that Allerdale Local Committee endorsed the officer decision. The Parish Council Chairman presented the question, the local Member added his support, Members were not asked for their views and did not participate, and the Chairman read out a prepared statement. There was no debate and Members did not endorse the statement in any meaningful way."

We are further concerned that under the County Council's complaint procedures, if the investigation supports the officer decision, the next course of action would be for the Parish Council to go to the Local Government Ombudsman. So there is a possibility that County Councillors would not have had any opportunity to express their views during the

whole of the County Council's internal consideration of the footpath. Hence our request for County Councillors to make their views known now.

Caldbeck Parish Council is encouraged that the petition has attracted 1,475+ signatures to date, with many comments highlighting the pressing need for the footpath, that the construction costs are being funded by a generous donation, and expressing a wish for the County Council to play its part in helping to establish the footpath.

Please do let me know if you have any questions or require any further information.

Many thanks

Simon Smith
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Email sent 23 December 2017

Dear Councillors

Please see attached a letter and map setting out Caldbeck Parish Council's request for your support in establishing a safe, direct, mobility friendly footpath between Hesket Newmarket and Caldbeck.

The footpath is to be paid for by a generous gift, detailed plans have been drawn up, and 8 out of 10 landowners are content. Two landowners, originally in support, have given back word. A Footpath Creation Order is now required for the project to proceed. The Lake District National Park has offered staff resources to undertake the necessary work for a Footpath Creation Order but cannot take any action without the explicit support of the County Council as Highways Authority. In addition the National Park and ourselves are asking the County Council to underwrite legal costs of £10,000 in the event of a Footpath Creation Order being challenged. Should the Order not be confirmed, there may be legal costs of c£30,000. The risks of such an outcome would of course be analysed in detail before any Inquiry

Here is an excellent opportunity for the County Council, National Park and Caldbeck Parish Council to work together to establish the footpath and provide a lasting community asset for generations to come, largely paid for by a gift. Such collaborative working would seem to fit well with the County Council's aspirations as Cumbria local government leader and community enabler.

The Parish Council has set up an on line petition. Launched on Monday afternoon, there are now more than 1,000 signatures.

<https://www.change.org/p/cumbria-county-council-establish-a-direct-safe-footpath-between-hesket-newmarket-and-caldbeck-cumbria>



[Sign the Petition](#)

www.change.org

Cumbria County Council: Establish a direct, safe footpath between Hesket Newmarket and Caldbeck, Cumbria

All three Allerdale MPs and the Police and Crime Commissioner have expressed their support for the footpath.

We have written to Katherine Fairclough and an investigation is to be undertaken in the new year under the County Council's complaints procedures. The investigation is the final internal opportunity for reconsideration of our request, the next stage being referral to the Local Government Ombudsman. Hence we would ask if you would make your views known to help inform the investigation.

Please do let me know if you have any questions and, as set out in the letter, you would be very welcome to visit and talk to us about the matter.

Yours sincerely

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