

KIRKBY MALZEARD, LAVERTON AND DALLOWGILL PARISH COUNCIL

MINUTES OF THE PARISH COUNCIL MEETING

on Monday 16th December 2019 held in the Annex Room of the Mechanics Institute, Kirkby Malzeard

The meeting commenced at 7.15pm. Present: Councillors Howard Mountain (Chair), Geoff Lobley (Vice-Chair), Geoffrey Berry, Jane Aksut, Peter Saxon, Pippa Manson, Alan Brownlee with County Cllr Margaret Atkinson and District Cllr Nigel Simms, and 3 members of the public.

1. Welcome and apologies for absence.

None

2. Declarations of Disclosable Pecuniary Interest, Other Interests or Close Association.

As Cllr Aksut was delayed it was agreed that this item be deferred until after item 5.

Items 24 and 25 - Budget and Precept. NALC have advised that all Councillors effectively have a DPI as they live in the Parish and are liable to Council Tax, which incorporates the Parish Council precept. As best practice each Cllr therefore declared a DPI and applied for a Dispensation to allow them to take part in discussions and voting on the setting of the precept until the end of the Council term in 2022. All dispensations were approved by the Council.

Item 6 - Henry Jenkins. Cllr Saxon declared a DPI as he owns a property opposite and left the room during the discussion on this item. Cllrs Manson and Aksut both declared a DPI as they have pledged to buy shares in the community pub scheme, and applied for a dispensation for this meeting to allow them to take part in the discussion. Both dispensations were approved by the Council. **Action: Cllr Aksut to register the DPI with HBC within 28 days of the meeting (Cllrs Manson's and Saxon's already registered).**

3. Approve the Minutes of the Parish Council meeting held on 25 November 2019.

The Minutes were approved as a true record and were signed as such by the Chair.

4. Updates on Action Points from previous meetings not dealt with elsewhere on the agenda:

a) Grass cutting to village verges – Chair and Cllr Manson met with the new contractor (Morgan Estates) on-site to confirm arrangements and no issues arose. It was therefore confirmed that Morgan Estates will take over the contract from 2020.

b) Secondary School bus arrangements. The response from NYCC stated that the children attending Outwood have no right to get on the later bus home and that the ability to buy a seat is not likely to be available in the short term. **Action: Cllr Aksut to continue to monitor.**

- c) BT kiosks adoption – Mobile phone signals in Laverton were checked and were found to be satisfactory for Vodafone, 3, and O2. **Action: Cllr Manson to check EE signal in advance of a final decision as to the removal of the payphones in Laverton and Kirkby Malzeard from BT.**
- d) VE Day 75 celebrations – Chair still waiting for update from the Royal British Legion following their AGM.
- e) Power for People – dealt with under item 5d below

5. Correspondence

- a) HBC – Developing Digital Skills initiative – Already advertised on parish notice board. **Action: Chair to add to Community website.**
- b) Home Office consultation on Encampments – Council agreed it was unable to usefully contribute to consultation as no first-hand experience of issue.
- c) NYCC – Budget Consultation. **Action: Cllrs to complete on-line survey.**
- d) Power for People - Request to support the Local Electricity Bill. Cllr Saxon advised that the proposals were impractical and would not assist with climate change issue. Council agreed not to support.

6. Former Henry Jenkins Inn – Review of current situation.

Mr Fielder, representing the owners and Mr David Robinson, Chair of HJCP Ltd were invited to take part in the discussion.

The Council were advised by Mr Robinson that HJCP Ltd now had 151 members who have pledged to purchase shares amounting to a total of £171,500. They are also hoping to increase the membership number by seeking ‘Associate’ members (who are supportive of the scheme but who did not intend to buy shares), as well as continuing to seek ‘Full’ members. They have amended their Business Plan and now again wish to purchase the whole of the building, rather than only the western section, having recently offered £180,000 for the whole. It was confirmed that a loan of £110,000 from a benefactor was held by HJCP Ltd. The revised Business Plan had not been made available to the Council and a copy was requested by the Chair.

Mr Fielder confirmed that he had received the offer as stated via Agents acting for HJCP Ltd, which contained various inaccuracies, and this offer had been refused. He had offered instead to sell the western section for a sum of £230,000 but Mr Robinson confirmed that whilst the current total funds available from pledges and loan were sufficient to do so, they did not intend to proceed on this basis, as they considered the price excessive and he had a responsibility to share-holders to have regard to valuation advice they had received previously. Mr Fielder provided sketch plans to the Council and HJCP Ltd, illustrating how the redevelopment of the western section as a pub could be best achieved, but Mr Robinson stated they were not of interest as they had prepared their own drawings.

The Chair indicated that in the event of HJCP Ltd not raising sufficient funds and no progress ultimately being made to re-open as a pub, enquiries by the Council had concluded that there were no other uses which were both viable and beneficial to the community, which complied

with HBC's CFX policy. It had been established that conversion to a care-home was not practical as the building and site were too small, and the only other uses that comply with CFX were 'community halls, education establishments, places of worship, health services and libraries', none of which were felt applicable or practical. Enquiries had also been made to HBC to establish if 'sheltered accommodation for the elderly' might be acceptable but this idea had been rejected by them. Mr Fielder confirmed that a Planning Appeal against the decision by HBC to refuse conversion of the eastern annex to a dwelling had been lodged, but no date for a decision had yet been given by the Planning Inspectorate. It was pointed out that HBC had been inconsistent as they were still applying their CFX policy to the Eastern annex even though they had themselves now removed the ACV designation on this part of the building. Various suggestions were then discussed as to what could be done to help resolve the future of the building. As some Cllrs have previously expressed concern about the detrimental effect that re-opening the Henry Jenkins might have on the viability of the Queen's Head (as they did not consider there would be sufficient trade for two village pubs), Cllr Aksut suggested seeking independent advice on this. She also suggested that the PC should consider taking a more active role in supporting the venture by trying again to mediate between the parties or by seeking funding on behalf of HJCP Ltd, if the advice was positive. Another suggestion made was that a member of the Parish Council might sit on the HJCP Ltd committee, in order to oversee plans and to ensure that the whole community would benefit from the project.

7. County and District Matters – District Cllr Simms confirmed that progress on the new Local Plan was now back underway following the forced break due to the general election. County Cllr Margaret Atkinson explained that the council had 85 gritters and 55,000 tons of salt ready for the winter but an accident involving residents on an untreated section at Skell Gill recently, was brought to her attention. She also explained about a 3-year plan to change all street lights to LED. She also personally confirmed that Creeks Bridge is to be repaired through their insurers following vehicle damage to a pillar earlier in the year.

8. Planning – notification of recent Decisions made by Harrogate Borough Council:

- a) 19/04240/FUL – Bramble Cottage, Kirkby Moor Road, Kirkby Malzeard – Formation of field access – Lonnie. Permitted
- b) 19/03946/KIOSK – Telephone Box, Main Street, Kirkby Malzeard – BT Consultation on the proposed removal of payphone kiosk. No objections to removal from HBC.
- c) 19/03947/KIOSK – Telephone Box, Laverton, North Yorkshire – BT Consultation on the proposed removal of payphone kiosk. No objections to removal from HBC.

9. Planning – recent Applications made to Harrogate Borough Council. The Parish Council considered these cases and approved the following responses:

a) 19/04698/FUL – Missies Farm, Laverton – Conversion of 2 barns to form 2 dwellings and associated parking and demolition of agricultural outbuilding – Verity. Decision A – No Objections.

b) 19/04913/FUL – Parkfield Galphay Road, Kirkby Malzeard – Formation of new vehicular access – Briahaze Village Homes. Decision D – Support application

c) 19/04995/FUL – Churchby House, Church Street, Kirkby Malzeard – Erection of metal porch to rear door and extension/conversion of outbuilding to ancillary accommodation – Rogers. Decision A – No Objections

d) 19/04996/LB – Churchby House, Church Street, Kirkby Malzeard – Listed Building Consent for the erection of metal porch to rear door and extension/conversion of outbuilding to ancillary accommodation – Rogers. Decision A – No Objections

e) 19/05061/FUL – Bramble Cottage, Kirkby Moor Road, Kirkby Malzeard - Alteration to roof pitch; Alterations to fenestration (Revised scheme) – Lonie. Decision A – No Objections

Action: Clerk to forward Decisions to HBC.

10. Planning – recent applications made to Harrogate Borough Council where response not requested from Parish Council:

None.

11. Planning - Neighbourhood Plan.

a) Chair reported that the scheduled Steering Group meeting on December 2nd had to be postponed as the Group was not quorate. It was confirmed that the next meeting will be on 13th January, with a deadline of 6th January for circulation to other members of draft questions to be included on the Public consultation document. An update hand-out was given out at the Drugs Awareness meeting and has also been placed on notice boards and the website.

12. Planning - Enforcement issues.

No new cases were raised by the Councillors or members of the public. Since the last meeting the Council have been notified of a new investigation to be carried out by HBC Planning Enforcement – please see item 15.

13. Traffic and parking issues. Having tried unsuccessfully since February to obtain data loggers through the Police Speed Concerns organisation, it was agreed that the Council will hire 2 data loggers at a cost of £110+VAT each. The data loggers, which will provide information on the speed of vehicles, will be placed on Ripon Road and Main Street (near the opening of Manor Court). It was decided that this will take place in the spring as winter conditions could affect the usefulness of the data. **Action: Chair to make arrangements with NYCC.**

14. Illegal drug use in Parish. Cllr Aksut confirmed that the meeting on 10th December was very informative, and explained that she had given thanks to those that were involved. The Council

felt that it was disappointing how poorly attended the meeting was by parents etc., given how potentially serious this issue has already become elsewhere, and that there were initial indications of drug use within Kirkby Malzeard. Educating teenagers on the dangers is very important to controlling the problem and anyone witnessing anything suspicious are asked to report information to the Police on 101.

15. Camp Site Ivy Bank, Galphay Road, Kirkby Malzeard. The Council has been forwarded information sent to a resident by Freedom Camping Club concerning proposals for 5 ‘all year’ caravan pitches, 50 caravan event pitches and 50 tent pitches, and also notified by HBC Planning Enforcement of an investigation into ‘alleged permanent siting of tents, hot tub and sauna’. It was agreed that further information needs to be obtained, for example how regular the ‘events’ will be, before the Council provides an opinion. **Action: Chair to contact Enforcement Office and Freedom Camping Club. Item be placed on agenda for next meeting.**

16. External meetings/ training

a) Nidderdale Group Safer Neighborhood meeting attended by Chair. Information obtained on the hiring of data loggers from NYCC – see item 13.

b) YLCA webinars training undertaken by Chair. Best practice guidance on ‘Agendas and Minutes’ which will be introduced by Clerk and Chair in coming months. ‘Website Accessibility’ issue requires implementation by September 2020. **Action: Item to be placed on agenda for next meeting.**

c) HBC Parish Council consultation meeting – agreed that question concerning provision and emptying of waste bins be raised. **Action: Clerk to submit question to HBC prior to January 6.**

d) YLCA training – Clerk available to attend meeting. Councillors to let Clerk know if they wish to attend. **Action: Clerk to book training.**

17. Council Property Assets

a) Consider monthly reports on condition of Assets from Councillors.

Asset	Inspected by	Date	Comment
Pinfold	Cllr Aksut	16.12.2019	Some damage noted. 2 nd opinion required Action: Chair to inspect
Market Cross	Cllr Berry	10.12.2019	No urgent work required
Greygarth Monument	Cllr Lobley	14.12.2019	No urgent work required
Lamberts Quarry	Cllr Mountain	16.12.2019	No urgent work required
Laverton Quarry	Cllr Mountain	16.12.2019	No urgent work required

b) Cllrs Berry and Lobley put up new Village/Council notice board, made by Cllr Berry, inside the bus shelter, near the shop, so people can see it easily. The Council thanked them for their efforts.

18. Trees within Council Assets. Chair advised that the report from Wards on the condition of the trees found no problems at Laverton Quarry or at the Play area. However, certain Ash trees at Lamberts Quarry were noted to have some small dead branches on that would benefit from being removed although this work was not urgent. It was agreed that these trees would be re-inspected in the spring and estimates obtained for removal if there was any undue risk to the public at that stage. **Action: Invoice to be placed on agenda for next meeting for approval.**

19. Children's play area.

a) Consider latest monthly report from DTMS and weekly inspections by Councillors. No urgent work required.

b) Proposed improvement programme – Chair to meet with Heather Clark-Kelly in the New Year to discuss proposed improvements prior to public consultation and grant application.

20. Public waste bins

a) Litter problem at Highside playing fields – Cllr Aksut commented that a local resident had suggested getting a bigger bin for the playing field or look into getting temporary bins. Was agreed that putting signs up was not a good use of money, as people already knew that they should use a bin. **Action: Cllr Manson to investigate bin provision arrangements.**

b) Bins not been emptied in Kirkby Malzeard – awaiting response from HBC. **Action: place on agenda for next meeting.**

21. Highway issues

a) Update on sewage work on Main Street – Yorkshire Water have started to tarmac the road – expected that Main Street will be re-opened this week, although with traffic lights. **Action: Council to monitor adequacy of works to make good damaged verges.**

b) Cllr Berry again raised the issue about cars being parked on the grass next to the dairy by the dairy workforce, with cars sometimes parked partly on the road. Expressed concern that it could possibly cause an accident and that the grass verge is being damaged. **Action: Chair to again raise matter with Dairy.**

c) Cllr Lobley suggested that the 30MPH sign on Laverton Road needed washing. **Action: Chair and Cllr Lobley to wash all signs as necessary to avoid incurring additional Caretaker expenditure.**

22. Footpaths

a) Update on issues including defective stiles, paths diversions – still awaiting update from NYCC.

b) Overhanging branches on Main Street – Cllr Aksut will continue to speak to the resident where worst problems exist.

c) Rodent infestation Manor Court entrance – Agreed to monitor the problem before instructing HBC Pest Control in case it rectifies itself once the sewage works have ended. **Action: Chair to advise Yorkshire Water of problem. Place on agenda for next meeting.**

23. DTMS Task List. No new items raised.

24. Budget 2020-21 – The Council considered an amended draft budget which reflected the reduced verge cutting costs and did not now make provision for any further reduction to the reserves, as it was felt that these should not be lowered further to cater for any contingencies. A sum of £1500 was budgeted for the Children’s Play Area, this being an area of expenditure for which the Council is now formally responsible, and for which adequate provision had not previously been made in previous budgets. Cllr Brownlee raised concerns about the £6000 provision for local organisation grants and it was agreed that each organisation will again need to fully justify any grant for which they apply. Budget was approved on this basis. Cllr Berry abstained from voting.

25. Precept 2020-21 – Precept figure of £15,250 was approved. Cllr Berry abstained from voting. **Action: Clerk to submit Precept request to HBC prior to January 17.**

26. Financial Items:

a) The Bank statement was not available due to early meeting date. **Action: Clerk to scan and email to Councillors once it has been received.**

b) Cash Book. Will be reconciled when the bank statement has been received **Action: Clerk to reconcile and email to Councillors once the bank statement has been received.**

c) The following payments (including VAT where applicable) were approved.

Payee	Amount	Item Paid For
Buckton Homes & Gardens	£810.00	Grass Cutting
Reimbursement – Chair	£3.49	Printer ink subscription
YLCA	£15.00	Agendas and Minutes Webinar
DTMS Limited	£60.48	Playground inspection Nov & Dec
Reimbursement - Clerk	£122.70	Working from home insurance

Action: Clerk to get 3 quotes for home insurance at time of next renewal.

27. Any other business –

a) Cllr Manson asked who was responsible for cleaning the pavements. **Action: Cllr Manson will make enquiries with HBC. Clerk to place item on agenda for next meeting.**

b) Christmas Tree and lights - Could Council provide a Christmas tree and lights in Kirkby Malzeard next year? **Action: Clerk to place on agenda in October 2020.**

28. Date of next meeting: Monday 27 January 2020 at 7.15pm in the Annex, Mechanics Institute, Main Street, Kirkby Malzeard. Any items to go on the Agenda for the Council meeting should be submitted to the Clerk by 17 January 2020 please.

Dated 22.12.2019

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