

KIRKBY MALZEARD, LAVERTON AND DALLOWGILL PARISH COUNCIL

MINUTES OF THE PARISH COUNCIL MEETING

held on 17 December 2018 in

The School-Room of the Ebenezer Chapel, Main Street, Kirkby Malzeard

The Meeting commenced at 7.15pm

Present: Councillors Howard Mountain (Chair), Geoff Lobley (Vice-Chair), Jane Aksut, Geoffrey Berry, Alan Brownlee, Peter Saxon, County Cllr Margaret Atkinson with Jen Hurford (Clerk), and 2 members of the public. District Cllr Nigel Simms also attended but his arrival was delayed until item 10.

1. Welcome and apologies for absence.

There were no apologies taken.

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

There were no declarations made.

3. Approve the Minutes of the Parish Council meeting held on 26th November 2018.

The minutes were approved by Cllrs as an accurate account of the meeting and signed by the Chairman.

4. Casual Vacancy – The Clerk reported that the 14-day notice period set by HBC had passed with no calls for an election being made and therefore the co-option of a Cllr could now take place. It was agreed to advertise for a replacement Councillor for Kirkby Malzeard Parish for one month until January 17 and if no-one came forward to then approach individual residents to encourage them to stand. **Action: Advertise on Noticeboards, website and Facebook.**

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

a) Update on investigations about impassable footpath – Cllr Saxon advised that he had now taken photographs and GPS points of the path which runs to the North of Kirkby Malzeard village and confirmed that it is on the Definitive map. **Action: Cllr Saxon to forward plan to Chair to then submit query to NYCC.**

b) Update on grants available to the community - Cllr Aksut advised there were no specific grants to report of but that she was researching how large companies support communities for potential opportunities to obtain funding. The Chair asked if any grants were available to fund a defibrillator for Dallowgill. **Action: Cllr Aksut to research funding for a defibrillator, and Cllr Lobley to enquire if Greygarth Chapel would be agreeable to siting on the building.**

c) Update on hiring Vehicle Activated Speed Signs – The Clerk advised of costings from NYCC for a sign for a 4-year period would be £6k plus VAT, and it was agreed that this was completely unaffordable. Cllr Atkinson confirmed the figure was correct and that whilst privately sourced

equipment was cheaper the upkeep was very expensive. Cllrs discussed the use of traffic calming measures such as chicanes to slow traffic. **Action: Chair to seek advice from PCSO Sharon Wilson over possible solutions.**

d) Update on request to HBC for additional dog bin on Main Street, Kirkby Malzeard – The Clerk advised the request for a dog waste bin at the East end of Main Street had been submitted to HBC but that the dog warden had advised these were in high demand and to not hold out much hope of obtaining one. The dog warden is regularly attending the area and had been in communication with a resident over problematic areas.

e) Update about responsibility for providing gates to Bagwith Lane, if upgraded to restricted byway – The Chair advised that NYCC may potentially assist with cost and that they would not enforce works onto the landowner. **Action: Cllr Lobley to relay this to the landowner.**

f) Update on positioning of boards outside Highside Butchers – The Chair advised that he had discussed the matter with the proprietor who had been happy to reposition them.

6. Correspondence – Clerk to raise any relevant items with Councillors including those listed;

a) HBC – Invitation to complete the Stray Act Consultation in conjunction with the UCI cycling event. No action to be taken as not directly relevant to Parish.

b) YLCA – Notification of the 2019 branch meetings given. **Action: Chair to attend and Cllr Aksut to deputise if necessary.**

c) BHIB Councils Insurance – Notification of Winter Checklist advice. Not considered relevant as no Council owned public buildings.

d) Alzheimer's Research UK – Request from Harrogate & District Fundraising Group to display posters seeking volunteers. It was agreed to display these. **Action: Chair, Cllr Brownlee and Clerk to display on website, Facebook and boards respectively.**

e) NYCC – Notification of recent Skipton & Ripon Area Constituency Committee meeting. County Cllr Atkinson confirmed attendance and advised on discussion over congestion in Harrogate, potential new hospital in Craven and of Julian Smith's reporting on matters within Parliament.

f) Julian Smith MP – Notification of upcoming surgeries. **Action: Chair, Cllr Brownlee and Clerk to display on website, Facebook and boards respectively.**

g) HBC – Notification of Examination Hearing Sessions in relation to the Harrogate District Local Plan Publication Draft which was noted.

h) Allerton Waste Recovery Park – Notification of news and forthcoming quarterly update was given. **Action: Cllr Aksut to relay to Kirkby Malzeard school.**

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

a) 18/03689/FUL - Land Comprising Field At 423551 474284 Galphay Road Kirkby Malzeard - Formation of access; Alterations to boundary wall – Kitching – Approved subject to conditions.

b) 18/04365/FUL - 1 West End Cottages, Main Street, Kirkby Malzeard - Erection of two-storey extension and alteration to fenestration – Bullock – Approved subject to conditions.

8. Planning – recent Applications made to Harrogate Borough Council. The Parish Council will provide a response on the following cases:

a) 18/04722/FUL – North Close Farm, Kirkby Malzeard – Erection of 2 no. extensions to light industrial estate – DM Fabrications. The Council agreed to support the application. **Action: Clerk to submit response to HBC.**

b) 18/04655/FUL - Missies Farm, Laverton - Conversion of agricultural barn to form 1 no. dwelling house – Verity Ltd. The Council agreed it had no objections to the application. **Action: Clerk to submit response to HBC.**

It was discussed how the electronic system of receiving planning documents from HBC coming into force into 2019 would affect the PC. It was agreed that Cllrs would access information from HBC website and Cllr Lobley who has no internet access would view with this with the Chair. Clerk would have the plans on the laptop to make available at meetings.

9. Planning - Neighbourhood Plan.

a) Notification of responses received to letters sent to neighbouring Parishes informing them of the proposed Plan Area – The Chair advised that Grantley and Sawley PC had requested a copy of the draft plan when produced for them to consider. Grewelthorpe PC had indicated they had no comments to make, AONB had offered assistance and Masham PC had informally wished good luck. No responses had been received from Healey and Fearby PC, Pateley Bridge Town Council, Upper Nidderdale PC and Azerley PC despite a second email being sent to each of these and it was therefore assumed they had no comments to make.

b) Report on liaison meeting with HBC on 13.12.2018 – The principal conclusions were:

1. HBC suggested the responses from neighbouring PC's be referred to on the website and residents be given a final opportunity to comment on the proposed Plan Area. A draft Application should be produced at this stage.
2. That consideration be given to re-naming the Steering Group a 'Working Group' as this more accurately described its role, as members would be doing the preparation work on the draft plan rather than 'steering' policy decisions which would ultimately be determined by the community. The Terms of Reference needed be amended and simplified in the light of this.
3. That there was no prescribed time-table but the Designation of the Plan Area would be publicised by HBC and this would provide an opportunity to hold events to raise awareness of the Plan in the Parish and seek volunteers for the 'Working Party'. This could be linked to the Annual Parish Meetings in March and April with further publicity around the Tour de Yorkshire in May.

Action: Chair to draft a Designated Plan Area application and re-draft the Terms of Reference for Cllrs to consider.

c) Update on potential invitees of representatives of local organisations, businesses and residents to join the Neighbourhood Plan Steering Group – this would be put on hold in the light of the above.

10. Planning – Enforcement issues. Four cases of possible breaches of planning consents, conditions or regulations currently existing within the Parish were discussed. One new matter had been raised by a resident for referral to the Planning Enforcement Office at HBC for consideration. **Action: Chair to request further information on one existing case and raise new item with HBC.**

11. Cold Calling – The Chair advised that following further discussions NYCC had kindly agreed that they would not charge for providing stickers or for the alternative which was assisting with setting up a No Cold Call Zone. As the latter would be relatively complicated it was agreed to initially send out an explanatory letter and a window sticker to residents in Kirkby Malzeard and Laverton villages (as settlements rather than individual rural properties were the normal targets) and then gauge the effectiveness of this before considering setting up formal NCCZ's. A resident also suggested the PC could issue a quarterly newsletter which could include such information but this suggestion had significant cost implications and would need close consideration. **Action: Chair and Cllr Aksut to draft letters and notices.**

12. Kirkby Malzeard Community Association – The Chair confirmed that the first meeting of the Committee will be held at 7pm in the Mechanics Institute on December 19 with Cllrs Aksut, Berry, Mountain and Saxon to attend. There were no amendments to Terms of Reference to consider. **Action: Cllr Saxon to report back on developments at next Council meeting.**

13. Tour De Yorkshire 2019 – The route through the Parish was confirmed, being the same as in 2018. Cllr Brownlee advised that this route might become a regular one, which would justify capital expenditure. It was agreed that the event would be a good starting venture for KM Community Association but in the meantime a residents meeting should be arranged for January. Cllr Saxon indicated that the Youth Club would like to be involved. **Action: Cllr Brownlee to arrange initial meeting.**

14. Parking issues, Kirkby Malzeard – Update from previous action on the following:

a) The Green – Cllr Brownlee clarified that there were 24 car parking spaces but not all were being used. Despite this there were still cars parking on the grass which may be for ease of proximity to the adjacent properties. **Action: Cllr Brownlee to approach residents to establish reason for parking on grass and then discuss further with HBC.**

b) West End Green – As Highways had no budget to take measures to prevent parking on the grass and as residents would otherwise park on an already busy Main Street, the damage to the grass will be monitored but no action taken at this point.

c) Outside Wensleydale Creamery - The proprietors had acknowledged concerns of parking on the verge and advised that works to create more parking at the premises were planned. Despite this, cars were still being parked on the verge and were creating a hazard. **Action: Cllr Berry to liaise further with the Creamery over the matter.**

15. Kirkby Malzeard Charity Trust – Cllrs Berry and Lobley confirmed a Trust meeting was now scheduled for January 29. Cllr Berry advised he had expressed concern to the Secretary about the Trust's accounts. **Action: Cllrs Berry and Lobley to report back to the following Council meeting.**

16. Trees in Main Street verges, Kirkby Malzeard – the Chair confirmed Highways had agreed to the pruning of trees outside both Branwell Cottage and Chapel House and that this would be carried out shortly.

17. Council Property Assets –

a) Cllr Aksut confirmed inspection of the Market Cross and of the Pinfold on December 17th with minor cracks still being monitored, Cllr Lobley of Greygarth Monument on December 17th with no defects present and the Chair of both Lamberts and Laverton Quarries on December 16th with no problems noted.

b) Lamberts Quarry & Laverton Quarry – the Chair provided an update on the annual tree inspection by Wards Woodyard. Works to a Sycamore tree at Laverton Quarry costing £50 plus VAT had been instructed by the Clerk as these were considered urgent, and works to the Ash tree to the play area had been referred back to HPFA to address.

c) Update on response from BHIB Insurance regarding tree management policy – the Chair advised the insurers were satisfied with the current policy of the Parish Council in the light of Witley PC v Cavanagh.

d) Bus Shelter opposite Kirkby Stores, Kirkby Malzeard – Cllr Aksut had, as yet, been unable to source an alternative estimate for repair works to the front panel. **Action: Cllr Brownlee to try to source a joiner via Facebook.**

18. Commuted sums

a) Kirkby Malzeard Heritage Board – the Chair reported the board was now expected in early January.

b) Highside Playing Fields/Play Area – the Chair advised the lease needed to be signed before commencing with the new fencing project, and this was still pending.

19. Children's Play Area

a) The December report from DTMS was still awaited but there were no new issues as far as the Council was aware.

b) The Chair confirmed that the terms suggested within the sub-lease had been largely agreed by HPFA and he hoped that the document might be available for final approval and signing at the January meeting.

20. Highways Issues

a) Update on items previously reported – Cllr Aksut confirmed site meeting with Highways over the road undulations on Main Street near Twigg House and County Cllr Atkinson advised costs to rectify were in the region of £4,000 which would come from her NYCC allocated funding. Highways had advised they would monitor the work in order to ascertain whether Yorkshire Water would be need to get involved.

Cllr Aksut also reported communication with the Caretaker of St Andrew's Church over the removal of the Highways salt bin from Church Street as the salt had been used for gritting the Church path in the past. The Council agreed to request that the bin be returned but then it would be the responsibility of the Church to fund the grit. **Action: Cllr Aksut to liaise with Highways.**

b) There were no new items to be raised by Councillors or public.

c) Blocked gullies – The Clerk confirmed that map showing location of these had been submitted to Highways, who had apologised for the back log of work and problems encountered with the contractors. **Action: Clerk to ensure that flooding on Laverton Hall bend also included.**

d) Proposals by Council to introduce new and revised Speed Restrictions – discussion on whether this should wait to be included within the Local Neighbourhood Plan was held but as that would be some time away, it was agreed to consult with residents now. Cllr Aksut confirmed the enthusiasm from the school for an extended 20mph zone and that signage on Main Street was required to raise awareness of the presence of the second school entrance via Manor Court. It was agreed that residents' input should be gathered by advertising on the school website as well as by other websites, noticeboards etc. **Action: Cllr Aksut to draft poster.**

21. DTMS Task List – there was no work carried out by Parish Caretakers to report and no new items to be added to their task list.

22. GDPR – update on procedures and approval of further documents to comply with Data Protection Act 2018;

a) Confirmation that all Councillors have now returned their Email Consent forms to Clerk.

b) Incident Response Form – Cllrs gave approval to this internal document.

23. Financial items – matters to be considered prior to approving budget for 2019-20:

a) SLCC/ALCC Membership – the Clerk confirmed she was agreeable to proceed without this and Cllrs agreed not to renew this next year.

b) CPRE membership – the decision not to renew this was approved.

c) Clerk – the Chair advised that the NJC Salary Award approved by NALC had been received and that for the purposes of the budget an hourly figure of £10.37 for SPC 19 would be used, although this would have to be confirmed at the Annual Parish Council meeting in May.

d) The transferring of funds from the investment account to consolidate reserves within the current account was agreed. **Action: Clerk to liaise with HSBC to ascertain the procedure for this.**

24. Financial items – The budget for 2019-20 was considered and approved by the Council. The Chair advised that expenditure would need to be tightly controlled during 2019-20 and that even so reserves would only be approximately £3,000 on this basis by the end of the next financial year. It was clarified that the s137 grants to local organisations of £6,000 had been agreed by residents at a public meeting last year and that an additional increase in the precept for general use on top of that could not be justified. The extent of commuted sums monies available for projects was discussed but the only sum in the pipeline is £1,003.57 for the Children’s Play Area. **Action: Chair to enquire what planning application types are subject to commuted sums.**

25. Financial items – A Precept sum for 2019-20 of £14,000 was approved by the Council based on the Budget approved above. **Action: Clerk to submit Precept request to HBC.**

26. Financial items – routine items:

- a) Bank statements – no new statements were available.
- b) Cash Book – up to date record of payments/receipts were circulated showing a balance of £13,433.95. Reconciliation with bank statements could not be made.
- c) Completion of a new Mandate Form from HSBC and approval of a fourth signatory could not be made as forms were still awaited.
- d) Approval of payment to D3 Office Ltd for £12.28 for stationery was given.
- e) Approval of payment to DTMS for £80.64 for caretaker duties was given.
- f) Approval of payment to DTMS for £60.48 for playground inspections was given.

Action: Clerk to raise cheques and circulate to signatories.

27. Any Other Business

There were no items raised. The Chair wished everyone a Merry Xmas.

28. Date of next meeting: Monday 28 January 2019 at 7.15pm in the School-room of the Ebenezer Chapel, Main Street, Kirkby Malzeard. Any items to go on the Agenda for the Council meeting should be submitted to the Clerk by 18 January 2019 please.

The meeting closed at 09:25pm

Dated 28/12/2018

PARISH CLERK Jen Hurford, Holmes Cottage, High Walk, Kirkby Malzeard HG4 3RY (Postal enquiries only)

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