

# KIRKBY MALZEARD, LAVERTON AND DALLOWGILL PARISH COUNCIL

## MINUTES OF THE PARISH COUNCIL MEETING

held on 20 August 2018 in

The Main Hall, Mechanics Institute, Kirkby Malzeard

The Meeting commenced at 7.15pm

**Present:** Councillors Howard Mountain (Chairman), Geoff Lobley (Vice-Chairman), Jane Aksut, Geoffrey Berry, Ruth Broadley and District Cllr Nigel Simms, with Jen Hurford (Clerk), and 30 members of the public.

### 1. Welcome and apologies for absence.

The Chairman welcomed everyone to the meeting and noted apologies from Cllr Alan Brownlee, Cllr Peter Saxon and County Cllr Margaret Atkinson.

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

Cllr Broadley declared a 'Other Interest' in respect of item 8a, and took no part in the discussion or vote on this item.

In relation to item 8c Cllr Aksut clarified that prior to becoming a Cllr she had pledged a donation when completing the HJCC Opinion Survey, but now she was a member of the Council she would not be making any such financial contribution and therefore did not have any Interest to declare.

### 3. Approve the Minutes of the previous Parish Council meeting held on 30<sup>th</sup> July 2018.

The minutes of the Council meeting on July 30<sup>th</sup> were confirmed as an accurate account of the meeting on the basis that it was added to Item 2 that Cllr Saxon left the room when discussing the matter, as requested by Cllr Broadley. Proposed by Cllr Broadley, seconded by Cllr Berry and signed by the Chairman.

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

a) Consider any further response from NYCC or Azerley Parish Council in respect of Common Land at Woodhouse Bogs, Winksley – The Chair of Azerley PC had emailed that their Clerk would be in contact shortly about this matter. **Action: Await response from Azerley Parish Council.**

b) Report on progress on setting up of Facebook Group – Awaited from Cllr Brownlee and to be raised at the next meeting.

c) Finalise response to Diocese about St Peter's, Dallowgill – Cllr Berry did not feel that Leeds Diocese would have sufficient funds to maintain the graveyard in the future, and that as long as there were adequate conditions in the sale of St Peters with regards to public access, that the graveyard should be included with the purchasers responsible for its maintenance. Cllr Lobley pointed out that at the initial meeting between residents and the Diocese some months ago the Diocese indicated that only the Church building was to be sold and it was his understanding that Yorkshire Water were currently responsible for its upkeep. It was agreed that the current agreement over maintenance should be obtained from Yorkshire Water then a final decision be made. **Action: Cllr Lobley to obtain information from Yorkshire Water.**

d) Update on Local Lotto - Cllr Aksut advised that she was still working on publicity posters and that tickets were available online only. **Action: Cllr Aksut to circulate information amongst local organisations once she had their contact details.**

e) Update on investigations over potential path on Definitive Map – awaited from Cllr Saxon. Matter to be added to the Agenda of the next full meeting.

f) Mobile Post Office van – The Chair advised the Post Office had addressed the technical problems and a resident confirmed that the Van was now present every morning, albeit sometimes later than scheduled.

g) Broadband speeds and mobile signal – The Chair understood that the upgrade to the phone mast on Kirkby Moor Road was due to be carried out in November which should improve coverage to EE, Vodafone and O2. Broadband dealt with at item 5a below.

f) Availability of PowerPoint presentations for training – The Clerk advised YLCA had stated there were no online presentations available. The use of webinars might be possible in the future and YLCA had also asked if training events could be held at the Mechanics Institute to serve other local Councils as well as our own. **Action: Clerk to liaise with YLCA about both webinars and local training events.**

**5. Correspondence** – Clerk to raise any relevant items including those listed requiring action;

a) HBC – Additional request to complete Broadband Survey – The Chairman requested that all Cllrs and as many residents as possible complete the survey as soon as possible via the link on the Parish Council website, in order to convey the need for improvements to be made. **Action: All Cllrs to complete.**

b) YLCA – Notification of consultations on Government Shale and Gas Exploration and Production Planning which we may wish to respond to – The Chair advised this did not directly apply to the Parish as it is in an AONB but could mean that elsewhere exploratory drilling could be carried out without normal planning consent.

c) YLCA – Notification of consultation on Green Paper for Adult Social Care and Well-being which we may wish to respond to – the Chair encouraged Cllrs with knowledge to look at the consultation as it does consist of a large number of detailed questions.

d) HBC – Request to complete survey about Electronic Consultations on Planning Applications – The Clerk advised completion of the survey, answering that the PC would not be happy receiving planning documents electronically, nor to pay for hard copies in the future.

**6. Planning Applications – notification of recent decisions made by Harrogate Borough Council:**

a) 18/01808/FUL – Turnways, Main Street, Kirkby Malzeard – Demolition of existing garage and outhouse; Erection of garage. – Mr & Mrs Tudbury – Approved.

b) 18/02478/PNT56 – Sugar Hill Farm, Laverton Road, Kirkby Malzeard – Installation of 13.15m street-works pole, 1 no 1.5m OMNI at 13.15m, 1 no GPS antenna at 12.3m, 1 no 3G antenna at 11.6m and erection of smart metering equipment enclosure - Arqiva Ltd – Prior approval not required.

- c) 18/02208/FUL – Sawpitts Farm, Laverton - erection of first floor and two storey extension (revised scheme) – Riley – Approved.
- d) 18/02862/DISCON – Mossie Mire House, Laverton – Discharge of condition 4 (roof tile sample) of planning consent 17/00389/FUL conversion of outbuildings and associated works to form extension to dwelling – Cox - Confirmation of discharge of conditions.
- e) 18/02543/FUL – Middle Biggin Farm, Ringbeck Road, Kirkby Malzeard – Formation of concrete access track and hard-standing – Vasey – Approved.

#### **7. Planning Appeals – notification of recent decisions made by the Planning Inspectorate:**

There were no decisions to report.

#### **8. Planning – recent Applications made to Harrogate Borough Council and North Yorkshire County Council. The Parish Council will provide a response on the following cases:**

a) NY/2018/0123/FUL - Land at Kirkby Malzeard Church of England Primary School, Church Bank, Kirkby Malzeard. - For the purposes of the demolition of disused toilet block (30.5 sq. metres, removal and replacement of section of retaining wall (2.6 m to match existing), metal fencing (1.75 m/1.9 m to match existing) and gates (1.9 m go match existing) to create wider access, resurfacing of existing car park (3474.1 sq. metres), (3 No. at 2.2 m centres) external lighting, hard and soft landscaping work - Corporate Director, Children and Young People's Services. The Council decided to **Support** the application. **Action – Clerk to submit response to HBC.**

b) 18/03103/FUL - North Close Farm, Kirkby Malzeard - Erection of extension to light industrial unit - Mawer. The Council decided to **Support** the application. **Action – Clerk to submit response to HBC.**

c) 18/03230/FUL – Henry Jenkins Inn, Main Street, Kirkby Malzeard – conversion of part of a public house and flat to create one dwelling (re-submission) – Claybourn.

Firstly, Mr Fielder (the owner of the adjoining property) questioned the participation of Cllr Aksut in this item but she again clarified that she did not consider, on the basis set out at item 2 above, that she had any Interest to declare and that this view had been verified by the Governance Department at HBC with whom she had discussed the matter.

The Chair then outlined the history of the original application including the Parish Council's response and the reasons why HBC had refused the application. He also listed the additional information which had now been provided by the applicant which was principally that the property had been de-listed as an ACV (although HJCC had recently applied for it to be re-listed) and that restrictive covenants within the Transfer essentially mean the property can only now be used as a single residential dwelling, that the exterior cannot be altered and that it cannot be used for business purposes. It had also been clarified that no access would be available from Main Street, Back Lane, or internally unless it were used as a single dwelling.

He next set out other relevant changes since the previous application including that the Henry Jenkins as a whole had now been disused for over 7 years, that Tour de Yorkshire graffiti had been placed on it by an unknown member of community and not removed, that the HJCC Opinion Survey was still unfinished after nine months and that no further responses had been

provided to the Council to validate, that no Business Plan had been provided to the Council to consider prior to the meeting (although one was subsequently provided during it), that the tenants at the Queens Head had stated at an earlier meeting that they considered that the future of that public house would be seriously jeopardised if the Henry Jenkins ever re-opened and that a representative of the Mechanics Institute indicated that their Lottery Grant application had been rejected partly due to uncertainty about the future of the Henry Jenkins. Cllr Berry raised concerns about the Opinion Survey and Cllr Broadley advised she would only consider the results of a professionally undertaken Survey.

The meeting was then opened up for public discussion which included the following points:

- a) a HJCC spokesperson stated that the application was against the majority of the communities wishes, that it would add to the loss of community assets, that they did not intend their plans to be detrimental to the Queens Head and a draft business plan was now available for the Parish Council to inspect.
- b) The applicant stated that he would like to make it clear that it was his application, not the previous proprietors, and went on to ask what HJCC plans were over parking if the pub were re-opened to which HJCC advised they intended using the existing car park and that villagers would walk.
- c) A HJCC supporter stated that the opportunity to save the Henry Jenkins needed to be seized now in case of any closure of the Queens Head in the future, to which the Chair suggested that the Parish Council could consider whether to apply for an Asset of Community Value listing for the Queens Head.
- d) Contrary to previous statements Mr Fielder said that he would now consider offers for his remaining section of the Henry Jenkins from HJCC and Mr Claybourn stated he would do likewise at the right price. A HJCC supporter stated that if a compulsory purchase was made the property was of very little value as it stands, and HJCC confirmed they were intending to pursue this method of acquiring the property as a whole, once the ACV position had been re-assessed by HBC.
- e) Another HJCC spokesperson then indicated that they had not intended obstructing funding to the MI and read a statement suggesting that the funding had been largely declined due to the MI not showing it could bring the community together. A HJCC supporter also stated that the Henry Jenkins had previously complimented the MI and they would like it to do so again.
- f) The viability of the Henry Jenkins was queried given that it had been available for sale for so long originally and had been ignored by other potential purchasers such as pub chains who operated locally.
- g) The Chair asked for information as to whether there may be problems obtaining a Premises License given the limited size of the car-park, as the Council had serious concerns about the problems in respect of on street parking and traffic flow which might result if the property as a whole were re-developed for a public house and other ancillary

businesses. Mr Fielder indicated that NYCC guidance on the number of parking spaces required could prevent this but District Cllr Simms stated that HBC is the licensing body, that anyone can apply for a License, subject to the police not objecting, and parking does not need to be a consideration. He also added that the position on Compulsory Purchase powers was complicated and would not happen speedily. Cllr Berry advised of a number of advisory booklets dealing with CPO procedures available online which HJCC should consider.

- h) Another HJCC supporter stated that Cllrs should represent the community and not their personal views and the Chair explained that Cllrs always considered what was best for the future of the community as a whole not for themselves and that he and other Cllrs who had been part of the previous Council had been extremely disappointed with the low level of interest from members of the community in becoming a Parish Councillor in May when only one new person put themselves forward to be elected in Kirkby Malzeard Parish.

The Council then considered the application and decided to **'neither Support nor object'** and to provide comments to the Planning Authority which would reflect the views of the Council and the various parties as covered at the meeting. **Action – Chair to prepare a response on this basis for Cllrs to consider and then submit this to HBC. Chair to make further enquiries about Licensing issues.**

**9. Notification of Common Land application – Parish Council may make representation if it wishes:**

a) CA7002 – Common Land Unit CL116 - Moorland in the Parish of Laverton – Surrender of a registered right of common land and application for the removal of right from the register of common land – Right Entry 2 - Bostock. The Council discussed the matter and agreed to make no representation.

**10. Planning - Neighbourhood Plan.** The Chair confirmed a meeting date of Tuesday September 18<sup>th</sup> with HBC to discuss initial procedures. Cllr Aksut, Cllr Berry and the Chair wished to join the Steering Group, with absent Cllrs to be asked too. It was discussed again whether neighbouring parishes should be asked to be included within the Plan and the advice of HBC will be sought on this aspect. **Action: Chair to confirm meeting with HBC.**

**11. Planning – Enforcement issues.** Consider any possible breaches of planning consents, conditions or regulations currently existing within the Parish. Matters raised by Councillors or Public will be referred to the Planning Enforcement Officer at HBC for consideration - The Chair advised a response was awaited from HBC over our proposed procedure on this. **Action: Chair to liaise further with HBC.**

**12. Kirkby Malzeard Charity Trust** – The Clerk advised of a conversation with the Chair of the Charity Trust following notification of change of Council representative and request for further information. It was advised that there was still no formal response available but that this was in

hand following difficulties over their Secretary undertaking the work required. **Action: Cllr Berry to enquire whether a trustee can be Secretary and report back to Chair of Trust.**

### **13. Inspection of Council Property Assets –**

a) Cllr Aksut confirmed inspection of the Pinfold and Market Cross on 20<sup>th</sup> August with no untoward observations to report and that a photo log was to be kept to monitor any cracking to both. Cllr Lobley inspected Greygarth Monument on 18<sup>th</sup> August with no defects present and the Chair inspected Lamberts and Laverton Quarries on 19<sup>th</sup> August. The Chair advised that a large branch had fallen on the bridleway at Lamberts Quarry which he had removed. It was agreed that an annual inspection of trees might be advisable. **Action: Clerk to obtain a cost from Wards.**

b) An estimate of £225 including all materials and labour from G. Meer to replace the stile like for like with two handrails at Greygarth Monument was considered and approved by Cllrs. **Action: Clerk to authorise works.**

c) Woodyard, Kirkby Moor Road, Kirkby Malzeard – The Chair confirmed that the Tenants were agreeable to the creation of new lease and Hutchinson & Buchanan LLP Solicitors had now been instructed.

### **14. Commuted sums**

a) Kirkby Malzeard Heritage Board – the Chair reported that a draft version had been agreed in conjunction with Kirkby In Bloom but that the final version would be approved by Cllrs prior to the board being manufactured.

b) Highside Playing Fields/Play Area – the Chair advised one estimate of approximately £1,000 had been received for new fencing around the Children's Play Area, and a second awaited. The Chair had arranged a meeting with HBC to finalise the works on September 14 and it was suggested that a figure in the region of £1000 be approved in principle due to the imminent nature of the use by date of October 2<sup>nd</sup>, to which Cllrs agreed to.

### **15. Children's Play Area**

a) There was no new monthly report available from DTMS to consider.

b) The Chair advised the Deed of Variation being produced by HBC had been sent to HPFA to be signed and returned, and a sublease between HPFA and the Parish Council was awaited.

**16. Highways Issues** – the Chair advised of a meeting with Highways over the gulleys on Belford Lane and provided an update on other outstanding items including a number of direction signs. It was confirmed that Highways intend to treat the Himalayan Balsam on verges and the Chair had informed them of affected areas around Laverton. Fountains Forestry had been approached about the movement of timber in the Dallowgill area and they had advised that there were no further movements planned for this year and that Highways and KMLDPC would be consulted over movements next year. The intention of Highways to remove a number of salt bins from Kirkby Malzeard was discussed, and it was agreed complaints should be made about those to be removed from Church Bank, High Walk and Mowbray Crescent. It was agreed that the increased banking of gravel on the bend at Thieves Gill Corner, Azerley was adding to the

hazardous conditions there. There were no other items to be raised with NYCC, from Councillors and public. **Action: Clerk to submit complaint over removal of salt bins and obtain additional photographs of Thievesgill Corner before submitting problem to Highways.**

**17. DTMS Task List** – No new items to be added to the task list. Cllr Broadley advised of overhanging foliage by the school entrance and kindly agreed to address this.

**18. Standing Orders** – an updated version was circulated amongst Cllrs containing amendments following an update to the NALC Model Document. The document was proposed by the Chair, seconded by Cllr Berry and approved.

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

a) SAR Policy. The document was circulated amongst Cllrs, proposed by the Chair and seconded by Cllr Broadley and approved.

b) Public Consent Form. The document was circulated amongst Cllrs, proposed by the Chair and seconded by Cllr Berry and approved.

c) A budget for lockable filing cabinets of up to £50 was agreed, and a budget of up to £20 for a password encrypted back-up (memory stick) to comply with GDPR requirements. **Action: Clerk to research and source supplies.**

d) Some Cllrs returned the completed E-mail Consent forms and provided new email addresses to Clerk, although Cllr Broadley advised she did not wish to provide a separate email address.

**Action: Clerk to re-send E-mail Consent Forms amongst Cllrs and ask for advice from YLCA over Cllrs not wishing to participate.**

e) The Chair reported on how Freedom of Information requests are dealt with having regard to new Data Protection legislation in light of advice from YLCA in that all personal information should be redacted when releasing information.

## **20. Employment of Clerk:**

a) An increase of the Home Worker Allowance for 7<sup>th</sup> August 2018 to 6<sup>th</sup> August 2019 from £2 a week to £3 a week was considered and agreed to by Cllrs.

b) A replacement printer was discussed as the existing is unfeasibly expensive to run and a suitable budget of up to £75 for a laser printer agreed. **Action: Clerk to source a suitable model and research cartridge contracts.**

## **21. Financial items:**

a) Bank statements – no new statements received since last meeting.

b) Cash Book – up to date record of payments and receipts was circulated and approved.

c) Payment to Joblings for £250 for a three-seater teak bench including two coats of preservative, to be sited at Mowbray Crescent was approved. The Chair confirmed that it had been delivered and he had secured it into the paving stones.

d) Payment to Buckton Homes & Gardens for £760 for grass cutting was approved. Cllr Aksut agreed to monitor the standard of works in the future and a resident present confirmed works to Laverton were to standard.

- e) Payment to Yorkshire Internal Audit Services for £185 for 2017/18 internal audit was approved. Audit report placed on file – no issues raised.
- f) Payment to D3 Office Group Ltd for £30.65 for stationery was approved.
- g) Payment to Clerk for £10.00 for stationery was approved.
- h) Payment to Dallowgill Methodist Church for £20 for Hall hire (July) was approved.

**22. Any Other Business** - items not covered elsewhere on the Agenda can be raised by Councillors and Members of the Public for discussion.

a) A Laverton resident thanked the Parish Council for arranging the paving works undertaken to the Pinfold and expressed the hope that the refurbished bench would be back in place shortly.

**Action: Chair to liaise with the volunteer working on the bench.**

b) A Kirkby Malzeard resident advised that a drain on Main Street opposite High Walk was filled with grass cuttings and requiring clearing. **Action: Clerk to obtain photo when over-flowing and report to Highways.**

**23. Date of next meeting:** Monday 24 September 2018 at 7.15pm in The Annex, Mechanics Institute, Kirkby Malzeard. Any items to go on the Agenda for the Council meeting should be submitted to the Clerk by 14 September 2018 please.

The meeting closed at 09:45pm

Dated 15/08/2018

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Agenda, along with General Privacy Notice, also available on the Parish Council website

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