

# KIRKBY MALZEARD, LAVERTON AND DALLOWGILL PARISH COUNCIL

## MINUTES OF THE PARISH COUNCIL MEETING

held on 25 February 2019 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), Geoffrey Berry, Peter Saxon, with Jen Hurford (Clerk), and 4 members of the public.

### 1. Welcome and apologies for absence.

Apologies from Councillors Aksut and Brownlee, County Cllr Atkinson and District Cllr Simms.

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

Cllr Saxon declared an interest in Items 15 and 19d, and the Chair also declared an interest in Item 15. After her co-option, Cllr Manson declared an interest in Items 15, 19c and 23c.

The Clerk confirmed a written request had been made by the Chair for a Dispensation to apply from now and for the next six months in respect of discussions and voting on matters regarding the Tour de Yorkshire event, in respect of all Councillors on the Tour De Yorkshire residents committee, namely the Chair, Cllr Saxon and Cllr Brownlee and (following her co-option under item 4) Cllr Manson, in order to ensure the Council was quorate for this item if other Cllrs were absent, as at tonight's meeting. The Council agreed to the granting of the Dispensation.

### 3. Approve the Minutes of the Parish Council meeting held on 28<sup>th</sup> January 2019.

The minutes of the Parish Council meeting on January 25<sup>th</sup> were confirmed as an accurate account - proposed by Cllr Berry, seconded by Cllr Saxon and signed by the Chairman.

**4. Casual Vacancy** – Following Ruth Broadley's resignation the Chair reported that a number of residents had been approached with a view to replacing her as a Parish Councillor for Kirkby Malzeard, and he was pleased to be able to advise that Pippa Manson had now agreed to be nominated for co-option and that she had confirmed that she was eligible to do so. The Chair therefore formally nominated her, which was seconded by Cllr Berry, and her co-option was approved by the Council. Cllr Manson signed the Declaration of Office and was provided with a Register of Interests form to complete. She was asked to create a KMLDPC specific email address with the adopted footer in order to comply with GDPR requirements. **Action: Clerk to provide Cllr Manson with footer, password, inform HBC and forward completed forms. Cllr Manson to return Register of Interests form to Clerk so that it could be submitted to HBC in 28 days.**

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

a) Update on request to HBC for additional dog bin on Main Street, Kirkby Malzeard – The Clerk advised HBC has confirmed there are no funds available across the district for new bins

Signed.....

Date.....

and should one be required, it would have to be at the Parish Council's cost and responsibility to empty. It was agreed the matter could not be taken any further at this stage.

b) Update on Salt Bin adjacent St Andrew's Church, Kirkby Malzeard – Cllr Aksut was not available to update on the matter. The Clerk asked if an apparently disused bin on Church Bank could potentially be reallocated. **Action: Cllr Aksut to provide an update at the next meeting.**

c) Update on creation of new Facebook page – Cllr Saxon advised the new Facebook page had been created titled Kirkby Malzeard, Laverton and Dallowgill Parish Council which could be searched for on Facebook using @kmlrpc and that items would be posted as they arose. **Action: Clerk to adjust footers to documents accordingly.**

d) Update on HBC CIL Draft Charging Levy Consultation – As this particular consultation dealt with technical aspects only, the Chair reported that no response had been made as they did not have adequate expertise in this area to make a valid response.

e) Update on Dallowgill Forestry Work – The Chair and Cllr Lobley had received further information with plans on access points and confirmation that Highways had been consulted over the forthcoming works. **Action: Chair to post on Dallowgill noticeboard and Cllr Lobley to update residents who had expressed concern.**

f) Update on Old School, Dallowgill – The Chair advised of a recent reply from Delta Academies Trust that they were still awaiting the transfer but had plans to then carry out refurbishment and would like access from the neighbouring land. Cllr Lobley confirmed the landowner with whom to liaise. Cllr Berry also raised concerns that this group may be holding up the possible sale of St Peters Church and advised that as he was now on the Leeds Diocesan Synod, he would raise the issue with the officer at Diocese who deals with redundant churches. **Action: Chair to relay details to Delta Academies Trust. Cllr Berry to liaise with the Diocese.**

g) Update on objection to NYCC over rent increase to Pre-School – The Chair advised NYCC had agreed to phase in the rent increase, increasing by £100 in years one and two and then by £75 in year three. This was understood to be acceptable to the Pre-School, who had thanked the Parish Council for their support.

h) Update on YLCA Harrogate branch February meeting – The Chair reported that the meeting included a presentation on the UCI World Championship cycling event in September. Various other subjects including CIL were also covered.

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

a) Keep Britain Tidy – The request to join the Great British Spring Clean 22 March - 23 April 2019 was discussed and Cllr Manson advised Kirkby in Bloom were planning a community tidy up instead on the morning of Saturday 27<sup>th</sup> April. The Chair suggested that in order to avoid clashing with this, a proposed Parish Council coffee morning might be held the previous Saturday morning (April 20) to complement the Annual Parish Meetings, promote the Tour de Yorkshire event, and provide information on progress with the Neighbourhood Plan, Community Association and Traffic/Speeding proposals. **Action: Clerk to forward email on Keep Britain Tidy event to Cllr Manson to see if any leaflets available.**

Signed.....

Date.....

- b) NYPFCC – Notification of rural crime survey and poster available online. Chair had completed. **Action: Clerk to re-send email to Cllrs in case they wished to do so.**
- c) Leeds City Council – Request to promote engagement on Connecting Leeds was considered but not felt relevant to this Parish.
- d) NALC – Request to complete survey on on-street parking. Cllr Berry agreed to deal with this. **Action: Clerk to re-send email to Cllr Berry.**

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

- a) 18/04655/FUL – Missies Farm, Laverton – Conversion of agricultural barn to form dwelling – Verity Ltd – Approved subject to conditions.
- b) 18/04797/FUL – Stone Fold, Main Street, Kirkby Malzeard – Demolition of existing single & 2 storey extensions, existing garage and outbuildings. Erection of replacement 2 storey extensions, garage and store. Installation of new windows and doors – Usmar – Approved subject to conditions.
- c) 18/00452/DISCON - Deep Ghyll Croft, Laverton - Application for approval of details required under condition 3 (materials), condition 10 (materials) and condition 16 (landscaping) of planning permission 16/03048/FUL - Conversion of barn to form dwelling - Richards - confirmation of discharge of conditions 3 and 10 only.
- d) 17/04308/OUTMAJ - Land Comprising Field At 422819 474158, Back Lane, Kirkby Malzeard - Outline application for the erection of up to 37 dwellings and associated works with access to (but not within) the site considered - Vernon Land Partnership (Kirkby Malzeard) Limited. The Chair provided an update on points raised subsequently by Council and residents. A reply had been received regarding the query as to why the Decision was made by an Officer and did not go to the planning committee from HBC and this would be circulated amongst Cllrs to see if the matter should be followed up further. It was advised that whilst all the points raised at the Public Exhibition in 2018 had been taken into account the specific responses had not been, as names had been redacted by the developers. It was agreed that further explanation on this was needed from both HBC and the developer. The Chair advised that further details on the s.106 agreement for a one-way system showed that the proposal was for all traffic to go down Church Bank and up Long Swales Lane to Main Street. This required further explanation during the Public Consultation process. Input on the site working hours would be covered during Reserved Matters. **Action: Chair to forward explanations from HBC to Cllrs. Item to be placed on agenda for next meeting.**

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

- a) 19/00496/DVCON – Parkfield, Galphay Road, Kirkby Malzeard – Variation of condition 1 of permission 17/04096/OUT to omit restriction to the northern 23m of site – Briahaze Village Homes. The Council agreed it had no objections to the application. **Action: Clerk to submit response to HBC.**

Signed.....

Date.....

b) 19/00558/FUL – West Riding House, 2 Pinfold Court, Kirkby Malzeard – Erection of extension and formation of porch under canopy – Cowling. The Council agreed it had no objections to the application. **Action: Clerk to submit response to HBC.**

c) 19/00423/FUL – 30 St Andrews Meadows, Kirkby Malzeard – Erection of single storey extension – Walker. The Council agreed it had no objections to the application. **Action: Clerk to submit response to HBC.**

**9. Planning – recent Appeals referred to the Planning Inspectorate. The Parish Council will consider providing a response on the following case:**

a) 19/00003/NREFPP – The Grange, Back Lane, Kirkby Malzeard – Outline application for the erection of 5 no. dwellings with access considered. (Revised Scheme) – Thompson. The Chair asked if the Council wished to make a further representation and it was agreed it should. A draft letter from residents outlining points of objection was noted, as whilst unsigned, its authenticity had been confirmed. The Council’s concerns with the application had been principally over the access from Back Lane South and Cllr Berry clarified there had been problems in the past with HGVs and further use by any traffic should not be encouraged. These original concerns would be reiterated and reference made to the increased amount of traffic on Main Street likely to result from the recent approval of the 37-house development off Laverton Road. Residents present at the meeting highlighted that Back Lane has a high footfall of pedestrians along with cyclists and horse-riders (some of which use the lane illegally in both directions) and that their safety could be compromised. It was agreed to also refer to the loss of open area which would adversely affect the rural nature of the Lane to the South. **Action: Chair to draft the representation confirming the Council’s objections and forward to Cllrs for approval before submitting to the Planning Inspectorate.**

**10. Planning - Neighbourhood Plan.**

a) Consider draft Designated Plan Area Application Supporting Statement. The draft statement was circulated amongst Cllrs and approved. The next step will be to seek involvement from members of the community on the Steering Group so that work on preparing the Plan could commence. It will be promoted at the proposed coffee morning in April and, if practical, on the Tour de Yorkshire week-end. **Action: Chair to formally submit the Plan Area Application to HBC.**

b) Consider any amendments to Terms of Reference for Steering Group committee. A draft amended version was circulated to be considered for approval at the next meeting. Cllr Berry asked if it would be preferable to keep the Steering Group open after the Plan was in place in case updating was necessary in the future. **Action: Chair to check this aspect with HBC.**

**11. Planning – Enforcement issues.** There were no updates on progress of current cases. HBC had informed the Council about one new case in the Parish which was noted. No further matters currently existing within the Parish were reported by Councillors or Public to be referred to the Planning Enforcement Office at HBC for consideration.

Signed.....

Date.....

## **12. Traffic and parking issues**

- a) There was no update available from Cllr Brownlee regarding parking on The Green. Cllr Berry advised the issue outside Wensleydale Creamery did not seem as much of a problem, so it was agreed no further action was required. The update on temporary provision of cones around Market Cross in early January was that they had been collected by Morrisons Utilities but there was still no definite clarification as to why they had been there. A resident wished to place on record that the vehicles parked at the junction in conjunction with a Charity event on December 29 had not caused any more problems than those caused in conjunction with funerals and weddings at the Church and were only an annual occurrence, unlike the Junior Football events at the Playing Fields which regularly caused similar, if not worse, problems at the other end of the village. Cllrs agreed to monitor the situation at the next event.
- b) The Chair provided an update about the monitoring of vehicle speeds using Data Loggers and had suggested to the Police that they be situated on Ripon Road near to the Creamery and on Main Street near to the new school entrance at Manor Court. He had asked that the Police attend a future meeting to elaborate on the system and explain what else could be done about speeding in the Parish. **Action: Chair to continue communications with Police and Highways.**
- c) The Council's proposals for new and revised Speed Restrictions in the Parish will be considered when information from the Data Loggers is known. The issue will be highlighted at April's coffee morning by which time the information collected might be available.

**13. No Cold Calling** – The Chair confirmed that the Trading Standards sticker and Scams Awareness letter from Council had been delivered in Kirkby Malzeard and Laverton.

**14. HBC Parish Consultation Meeting** on Tuesday March 19<sup>th</sup>. The Chair had prepared questions about CIL and whether community projects will receive monies arising from smaller developments when introduced, about more funding for dog waste bins in the forthcoming year, and about what could be done to improve recycling provision given the reduction in public facilities recently. Cllr Manson asked if street cleaning times and frequency could be raised so that residents could be pre-warned in order to move vehicles. **Action – Chair to collate and submit questions.**

**15. Tour De Yorkshire 2019** – In the absence of Cllr Brownlee, the Chair reported on progress. The only matter relevant to the Council was they had been asked to submit a grant application to HBC to cover the cost some bunting, promotional boards, printing and photography display boards. This was approved as was the upfront payment of invoices which would be recouped from Grants and fundraising by the T de Y committee. **Action: Chair to submit grant application.**

**16. Kirkby Malzeard Charity Trust** – Cllrs Berry and Lobley, as the Council's nominated Trustees, provided a report on the Trust meeting held on January 29. They confirmed that the Trust is to look into obtaining external advice as to its future, as its original role was becoming

Signed.....

Date.....

irrelevant to the local community in this day and age. As both Cllrs accepted personal responsibility as Trustees, it was agreed that they should, from this point, only raise Agenda items regarding the Trust when they wished for input from the Council or when they felt there were any issues which might directly affect the Council.

**17. Dallowgill Defibrillator** – The Chair advised that no grants had yet been sourced but HBC had been advised that the Council was seeking funding. **Action: Cllr Aksut to continue to pursue new grant sources elsewhere.**

**18. Footpaths** – Cllr Saxon provided an update in respect of impassable footpath in area of Mowbray Lodge/Highfield Farm/North Park/Park Wood/North Close Farm to the North of Kirkby Malzeard village. The Footpaths Department of NYCC had inspected the path previously and was aware it was blocked. Cllr Saxon has contacted an officer at The Ramblers in order to establish what they felt could be done. **Action: Cllr Saxon to report back findings.**

**19. Grants for Local Organisations** – The Council considered applications for grants from the 2018-19 £4,000 fund pool (under s137 of the Local Government Act 1972), to be used primarily to help sustain the future of facilities in the Parish.

a) Mechanics Institute. The application requested funding towards refurbishment of the Snooker room. It was agreed that £1000 would be allocated in total but £500 of this should be ear marked to use as a start-up fund for the proposed Community Association. The Council agreed that if for any reason the Community Association did not come to fruition then the Mechanics Institute should seek approval from the Council before utilising it on any other project.

b) Highside Playing Fields Association. The application requesting funding for the repair and refurbishment of the MUGA and tennis court surface. The Council agreed to allocated £1,000 of funding but that £500 of this be ear-marked to use as a start-up fund for the proposed Community Association. The Council agreed that if for any reason the Community Association did not come to fruition then HPFA should seek approval from the Council before utilising it on any other project.

c) Kirkby in Bloom. The application requested funding towards their public liability insurance, works to enhance the village and involvement with the School garden project. Cllrs agreed to allocate £500 of funding as without this the groups activities would be severely curtailed.

d) Kirkby Malzeard Youth Club. The application sought funds towards general running costs following its successful foundation last year. Cllrs agreed to allocate £500 of funding to ensure the future stability of this organisation which directly serves an important group of people within the community.

e) Kirkby Malzeard Pre-School. The application had requested funding toward roofing works but in the light of the rent increase (item 5g above) using the grant to offset the impact of this,

Signed.....

Date.....

would more directly meet the criteria of the grant. Cllrs agreed to allocate £500 of funding on this basis.

f) The application from 'Friends of Kirkby Malzeard School' requested funding for items such as musical instruments, which it was understood the School should normally provide itself from its budget, as such subjects were part of the core curriculum. It was agreed to retain £500 of funding for potential allocation at the next meeting to this organisation subject to a revised application being submitted for a use with stronger connections to the community, as it was felt that by improving links a greater proportion of local pupils might be enrolled which would help ensure its future. Should the application not be successful the remaining funds would be distributed evenly amongst the other applicants. **Action: Chair to inform organisations accordingly.**

## **20. Council Property Assets –**

a) Cllr Berry confirmed inspection of the Market Cross on February 25<sup>th</sup> and Cllr Loble of the Pinfold on February 25<sup>th</sup> giving a second opinion to the minor cracks. He advised that one bulged area of pointing was cracking due to the mortar used but did not feel the integrity of the structure was at risk. Cllr Loble confirmed inspection of Greygarth Monument on February 25<sup>th</sup> with no defects present and the Chair of Lamberts Quarry on February 20<sup>th</sup> and Laverton Quarry on February 25<sup>th</sup> with no problems noted.

b) Bus Shelter opposite Kirkby Stores, Kirkby Malzeard – in Cllr Aksut's absence there were no alternative estimates for repair works to consider. **Action: Cllr Aksut to continue sourcing second estimate and report back to the next meeting.**

**21. Commuted sums – Children's Play Area –** The Chair advised that as the new lease was still awaited the new fencing project remained on hold.

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

a) The findings of latest reports from DTMS indicated that no urgent works were required.

b) The Chair confirmed that progress was finally being made with sub-lease to enable the Council to take full responsibility for the Play Area, as HPFA had sent the required plan and had been provided with a final copy of the lease to approve by HBC.

c) The Chair confirmed that Wards have carried out work to the Ash tree in accordance with their recommendations.

## **23. Highways Issues**

a) The Clerk reported that resurfacing work to the section of Main Street was awaited shortly and that the cleaning out of 11 blocked gullies in Parish was scheduled for March. A resident advised that he had cleared the gully on the bend in Laverton himself to ease road flooding and attempted to rectify the major problem to the North of the village. He highlighted there were a total of 8 gullies in Laverton which needed clearing. It was agreed that these matters should be referred to Highways. New items added to list of outstanding work since previous meeting

Signed.....

Date.....

included the potholes to Longswales Lane at the R&J Catering bend, which had since been partially been addressed. The road surface to Back Lane North and the broken warning sign near Stainmoor House had both also been reported. Cllr Berry advised the hazard sign on Ripon Road still required attention. **Action: Clerk to chase all works with Highways.**

b) New items to be raised by Councillors or public included potholes adjacent to Sugarhill Farm due to a parked trailer on the verge. **Action: Clerk to submit to Highways.**

c) The spraying of weed growth to areas of paths and gutters in Kirkby Malzeard village was discussed and Cllr Manson requested that the current position on timescales be ascertained from Highways. **Action: Cllr Manson to update in due course.**

**24. DTMS Task List** – there were no works carried out by Parish Caretakers to report on and no new items to be added to their task list.

**25. Financial items:**

a) Bank statements – Current account balance £12,164.69 and investment account £0 following the transfer of funds.

b) Cash Book – an up to date record circulated showing a running total of £10,922.69 which reconciled with the bank statement (less an uncashed cheque of £1,242.00).

c) The Clerk advised that HSBC had supplied the wrong Mandate Form to add to signatories and so a new form was circulated. **Action: Clerk to re-submit second form to HSBC.**

d) The Clerk reported that the funds from the investment account had been consolidated in the current account and a letter had been drafted to HSBC to close the investment account.

**Action: Clerk to itemise letter for signature on the next Agenda.**

e) Approval given for payment of £38.00 to Beyond Digital for 500 Tour de Yorkshire leaflets.

f) Approval given for payment of £45.00 to Beyond Digital for 500 Scam Awareness leaflets.

g) Approval given for payment of £60.48 to DTMS for Jan & Feb playground inspections.

h) Approval given for payment of £6.96 to the Clerk for stamps.

**26. Any Other Business** - items not covered elsewhere on the Agenda can be raised by Councillors and Members of the Public for discussion. No items raised.

**27. Date of next meeting:** To be held at Greycarth Chapel, Dallowgill on Monday 25 March 2019 following the 7.00pm Annual Parish Meeting for Laverton/Dallowgill Parish (the Parish Council meeting will start no earlier than 7.15pm). Any items to go on the Agenda for the Council meeting should be submitted to the Clerk by 16 March 2019 please.

Dated 08/03/2019

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

Tel: 01765 650363 Email: clerk.kmldpc@outlook.com

Agenda and General Privacy Notice available on the Parish Council website [www.kmldpc.btck.co.uk](http://www.kmldpc.btck.co.uk)

Facebook: @kmldpc

Signed.....

Date.....