

KIRKBY MALZEARD, LAVERTON AND DALLOWGILL PARISH COUNCIL

MINUTES OF THE PARISH COUNCIL MEETING held in

The Annex, The Mechanics Institute, Kirkby Malzeard on 26 February 2018

The meeting commenced at 7.15pm

Present: Parish Councillors Howard Mountain (Chairman), John Peacock, Geoff Lobley, Ruth Broadley, Gerry Mass with Jen Hurford (Clerk), and 22 members of the public.

1. Welcome and apologies for absence.

The Chairman welcomed everyone to the meeting and noted apologies from Cllr Jackson and from District/County Cllr Margaret Atkinson who would not be able to attend the first part of the meeting.

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

Cllr Mass declared an 'Other Interest' for item 14, and Cllrs Lobley and Mountain declared a 'Other Interest' for item 12 and did not take part in the discussions or decisions.

3. Approve the Minutes of the previous Parish Council meeting held on 29th January 2018.

The minutes of the Council meeting of January 29th were confirmed as an accurate account of the meeting. Proposed by Cllr Mass, seconded by Cllr Broadley and signed by the Chairman.

4. Co-option of Councillor following resignation of Cllr Mike Hurford.

Clerk reported that no one had so far come forward for the position following advertisement. It was agreed that the post be kept open to give further opportunity.

5. Election of Vice-chair following resignation of Cllr Hurford.

It was suggested that Cllr Lobley would be a suitable candidate for Vice-chair, Cllr Broadley proposed the motion and Cllr Mass seconded this. No other nominations were put forward. The Council approved the motion and Cllr Lobley was duly appointed.

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

- a) Important Information for Dog Owners – Poster advising dog walkers and owners was approved. **Action – Clerk to organise lamination and distribution of posters.**
- b) Dallowgill noticeboard – confirmed board erected. Associated works of laying stones around base and providing a bench adjacent to were agreed, with Cllr Lobley kindly offering the donation of a bench in memory of his Uncle. **Action – Chairman and Cllr Lobley to install stone, and Chairman to enquire over street furniture license for the provision of a bench.**

- c) Highways Yard, Laverton – confirmed counterpart lease received. Clerk confirmed letter sent to NYCC to obtain back rent with reply still awaited.
- d) Further to the request by Mr. P Johnson (tenant) for the use of a private barbecue and bonfire at the Pinfold on the day of the Tour de Yorkshire race, it was confirmed that following Council concerns, the Tenant will not be holding the proposed bonfire.
- e) Annual Parish Meeting arrangements – the Chairman confirmed the 21st April booking at the Mechanics Institute for an Exhibition to enable local organisations to promote their activities and that a brief Annual Parish Meeting will be held on 30th April, before the scheduled monthly Parish Council meeting, to meet statutory requirements.

7. Correspondence.

- a) MP Surgeries – confirmation that list of Julian Smith surgeries being held from February to June currently displayed on noticeboards and website.
- b) YLCA's request for response to NALC over DEFRA's Consultation on proposals to tackle crime and poor performance in the waste sector – it was discussed and agreed that; no significant increase or decrease in criminality and poor performance in the waste sector over the last few years had been experienced; it was questionable what more could be done to improve householder's awareness of their duty of care and prevent fly-tipping of household waste; it was agreed a Fixed Penalty Notice would help tackle offences; it was agreed local authorities should communicate how frequently they use penalties and the impact on fly-tipping. **Action – Clerk to email responses to NALC.**
- c) NYPCC Public Accountability Meetings – confirmation of opportunity to put forward questions to Police and Crime Commissioner Julie Mulligan on concerns over burglary, anti-social behavior, online/cyber-crime and road safety for 27 February and monthly thereafter. No questions to be put forward this month.
- d) Yorkshire Dales Bushcraft Woodland Wanted – request for a small area of woodland to rent in order to offer activities to teach primitive survival skills. Cllrs agreed that any such use of Council owned common land could have a negative impact on neighbouring property and therefore not suitable. **Action – Clerk to publicise request on Facebook page.**

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

- a) TPO 7/2018 – Land Comprising Field at 422819 474158, Back Lane, Kirkby Malzeard – Notice given that the order took effect, on a provisional basis, on 9 February 2018. It will continue in force on this basis for a further six months or until HBC confirms the order, whichever occurs the first. The consultation period with the affected parties will expire on 17 March 2018. (Note – TPO 91/2017 – Land Comprising Field at 422819 474158, Back Lane, Kirkby Malzeard referred to at previous meeting – the decision has been taken that this TPO should not be confirmed, however the trees that were subject to this TPO are included in TPO 7/2018)

- above). Chairman advised that a revised application for the proposed development off Laverton Road with reduced number of houses was understood to be likely in due course.
- b) NY/2017/0327/FUL – Land at Kirkby Malzeard Church of England Primary School, Church Bank, Kirkby Malzeard – demolition of two single temporary classroom units (135 sq. metres) and installation of one double permanent prefabricated classroom unit (178 sq. metres) 6 No. wall mounted external lighting, 2 external steps, footpaths, fan coil units and soft landscaping – Corporate Director, Children and Young People's Services – HBC had No Objections.
 - c) 18/0081/FUL – Castiles Farm, Castiles Farm Track, Grantley – erection of first floor extension. Alterations to roof pitch. Alterations to fenestration – Nicholson – Approved.

9. Planning – recent Planning Appeal decisions made by Planning Inspectorate:

- a) 17/00022/NREFPP – Buck House Farm, Gillgate Road, Laverton – Conversion of agricultural building to form holiday let accommodation – Appeal dismissed.
- b) 17/00071/NFTDPP – Land Comprising Field at 422819 474158, Back Lane, Kirkby Malzeard – Upleby – Appeal dismissed.
- c) 17/00097/NREFPP - The Henry Jenkins Inn, Main Street, Kirkby Malzeard, HG4 3RY - Demolition of public house and outbuildings and erection of 4 dwellings (Site Area 0.09ha) – Fielder Homes – Appeal dismissed.

10. 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) 18/00215/FUL – Holly Tree House, Main Street, Kirkby Malzeard – erection of extension, loft conversion and alterations to fenestration – Cole-Brownlee - Council decided it had No Objections. **Action – Clerk to submit response to HBC.**

11. Henry Jenkins Inn, Kirkby Malzeard – Planning Appeal 17/00097/NREFPP hearing attended on January 31 by Chairman as observer - appeal dismissed as per Item 9c. Requests for documentation made under the Freedom of Information Act by Mr. D. Robinson and Mr. D. Fielder fulfilled, documents distributed and if any further clarification required, requests are to be made in writing to the Clerk.

A lengthy discussion was then held about the future of the building and the Chairman gave the opportunity to Mr. R Sadler to give the view of the HJCC and for Mr. Fielder to state his position in the light of the Appeal decision. Mr. Sadler asked that the Council now give its backing to their plans for trying to re-open the building as a pub with associated uses, as the early results of their Opinion Survey indicated that approx. 80% of the 170 residents so far contacted were in agreement with this proposal. The Chairman confirmed that once the full results were known and had been validated, these would be taken into account when the Council considered any future action, including responding to planning applications. Initial validation could indeed be commenced upon receipt of some completed response forms from HJCC. The Chairman

however expressed concern as to how long their Survey was taking to complete and asked that it be finalised as soon as possible and pointed out that as Council elections are being held in May it was likely to be the new Council who would be dealing with this at the rate it was taking.

Mr. Fielder was then asked about his stated intention to sell the flat and car park sections and he confirmed that contracts had been exchanged with a third party and that he would not consider selling any remaining sections to HJCC as he did not consider them trustworthy. It was agreed that the Council would confirm with HBC that the disposal of the property in sections did not contravene ACV and Planning rules. Mr. Fielder advised the meeting that the pub no longer had a License and that he expected that the new owners would be making planning applications shortly. Other HJCC supporters were then given the opportunity to question Mr. Fielder and the Council, and when it was evident that no further progress could be made, and Mr. Fielder left, the Chairman closed the discussion with a view to moving on to the next item on the Agenda.

At this stage the meeting was held up for several minutes as HJCC supporters refused to allow the Council to continue with the remainder of the meeting. A temporary adjournment was made whilst Councillors discussed whether to close the meeting, but order was however restored before that was necessary, and the meeting was able to resume.

12. Tour De Yorkshire on May 6 – report on progress.

a) Residents committee formed and they have requested that the Parish Council make the application for funding through the HBC Tour de Yorkshire Small Grant Fund as it can only be made by bodies with written constitution and Bank Account. This was approved by the Council.

b) The residents committee also requested that Insurance arrangements for general activities surrounding the event be the responsibility of Council, which was also approved.

Action – Council to await further information from residents committee.

13. Commuted sums – An application from Kirkby in Bloom for £615.91 Commuted sums allocated to ‘Kirkby Malzeard verges’ to be used towards Heritage Board project was approved.

14. Grants for local organisations – The Council considered applications received for local organisation grants under s137 of the Local Government Act 1972, with a total fund pool of £2,200 to be allocated this year. The Mechanics Institute requested £2,407 to cover re-pointing works, Highside Playing Field Association requested £1,250 to go towards re-tiling the Pavilion floor, Kirkby In Bloom requested £295 towards their Heritage Board project and insurance, and Kirkby Malzeard Youth Club requested £750 towards room hire and equipment storage provision. Following a discussion the Council approved the allocation of £1,000 to the Mechanics Institute, £650 to HPFA, £200 to Kirkby in Bloom and £350 to KM Youth Club. **Action – Chairman to inform recipients and Clerk to raise cheques.**

15. Footpaths –

- a) Arrowfield, Main Street, Kirkby Malzeard – confirmed 11 Evidence Statements received so far in advance of the Definitive Map Modification Order application. A resident who is assisting with the application also advised that further progress had been made in obtaining archived documentation. **Action - the situation will be reviewed in mid-March.**
- b) Church Bank to Longswales Lane, Kirkby Malzeard – landowner confirmed one stile installed last week by NYCC and the other anticipated to be installed this week to enable use of the footpath thereafter.

16. Defibrillator for Kirkby Malzeard – Chairman notified installation date expected week commencing 12th March and once in place an Awareness Session for residents, carried out by Yorkshire Ambulance, will be arranged. **Action – Chairman to liaise with MI over dates for Awareness Session and Clerk to issue publicity thereafter.**

17. Parish Council Elections Thursday 3rd May 2018 – notification from HBC on timeline of events received, which indicates that a Notice of Election will be sent to be displayed by 23 March with the nomination period commencing on 26 March. Nomination papers to be submitted in person to the HBC Civic Centre by 4pm on 6 April. Clarification that nomination packs will be available to be downloaded or collect, but will not be posted out.

18. Harrogate District Local Plan Publication Draft – Cllrs discussed whether to make a response at this final consultation stage before the draft plan is considered by the Planning Inspectorate. There are currently three housing sites allocated in Kirkby Malzeard having a total provision of 47 houses. A village development limit is also included. It was agreed that a response should be made along the lines of the response made in August 2017 which highlighted the ill – considered, out of date village development limit which excludes some existing properties and building plots on which consent has recently been granted and allows hardly any new in-fill development. Concerns remain that any development at the West end of the village (KM4 and KM5) would encourage traffic problems on Main Street and that whilst there were some advantages with KM1 (the current Wensleydale Dairy site), as it is at the East end of the village and is 'brownfield', its loss would affect local employment opportunities. A member of the public encouraged the Council to create a Neighbourhood Plan and the Chair stated that this had been considered and he felt it should be a priority for the new Parish Council after the forthcoming elections. **Action – Chairman to draft and circulate a response to Councillors for approval, before submitting to HBC.**

19. Report on meetings attended on behalf of Parish Council –

- a) Meeting on February 19 at Fountains Abbey concerning River Skell catchment area drainage attended by Chair. Silt from Dallowgill Moor, which is the source of the Skell, is blocking the ponds at the Abbey. AONB are applying for a lottery grant to carry out improvement works.
- b) YLCA Branch Meeting on February 19 – attended by Chair and Clerk. Reported that guest Julie Mulligan, the Police and Crime Commissioner, would be the contact if there were any future concerns about policing policies for the area and that she administered a community fund for youth work projects. **Action - Chairman to inform the Youth Club of the Grant Fund.**

20. Inspection of Council Property Assets – The Clerk confirmed inspection of the Pinfold and Market Cross on 25th February with no untoward observations to report, as did Cllr Lobley of Greycarth Monument on 25th February, confirming rubbish bin now emptied. The Chairman advised of a quote of £10 for a risk sign in respect of the ladder and viewing platform which Cllrs approved. **Action: Chairman to obtain sign and erect.**

21. Children’s Play Area –

- a) Latest monthly report from DTMS not yet received for consideration. **Action – Clerk to chase and request receipt mid-month in the future.**
- b) Consideration of estimates to replace the two toddler swings - Cllrs agreed on Yates quote of £93 plus VAT each for two swings without chains, plus £16 plus VAT delivery. **Action – Clerk to place order and instruct DTMS to carry out fitting when next on site.**
- c) The transfer of Play Area lease from HPFA to Parish Council is still proceeding.

22. Highways Issues - An update on items previously reported was provided and concerns were raised that some items were not being attended to. Chairman and Clerk confirmed attendance of forthcoming ‘Highways’ meeting on 7th March where the matter would be raised. Further to previous request from resident to investigate provision of grit boxes for de-icing pavements, Chairman confirmed response still awaited from Highways. New items to be raised with NYCC, from Cllrs and public were as follows;

- a) Two potholes on Ringbeck Road. **Action – Clerk to report to Highways.**
- b) Parking on the verge on the corner of West End to Back Lane North. **Action – Chairman to investigate permitted parking rights and report back to next meeting.**

23. DTMS Task List – no works recently undertaken by Parish Caretakers, and no new items to be added to their task list. Chairman advised that there was no progress on Snowberry bushes near Market Cross junction as neighbouring resident unsure of ownership, and suggested regular strimming of the bushes, as the cost of removal could not be justified.

24. Employment policies - Matters relating to employment of Clerk – response awaited from SLCC and HMRC over Statutory Sick Pay procedure before Sickness Policy will be ready for approval. Contractor’s Public Liability Confirmation Form and Clerk’s ‘Working from Home’ Risk Assessment circulated and approved. **Action – Clerk to comply with Risk Assessment requirements.**

25. Data Protection – Clerk indicated no further update on changes in legislation or the appointment of DPO due in May, but that she had put YLCA in contact with HBC’s DPO in order to ascertain if HBC were willing to undertake that role for all Parish Councils in the Harrogate district, as was happening in Craven District.

26. Common Land owned by Council

a) No further response on Woodhouse Bogs, Winksley from either Azerley Parish Council, nor NYCC to report. **Action – Chairman to chase response.**

b) Coal Pit Goal Woodyard, Kirkby Moor Road, Kirkby Malzeard – awaiting response from Tenants on the Councils decision to decline their request to purchase, before commencing the creation of a new lease. **Action – Chair to obtain response and proceed with lease arrangements if applicable.**

27. Financial items:

a) Bank statements – monthly bank statement awaited so Clerk was unable to provide details of balances, outgoings and income since last month.

b) Cash Book – up to date record of payments and receipts for year, less the above bank statement entries, noted by Councillors.

c) Payment to D3 Office Group Ltd for £20.70 for stationery was approved.

d) Payment to DTMS Limited for £230.40 for erection of Dallowgill noticeboard was approved.

e) Payment to Clerk for £6.72 for stamps was approved.

f) Estimate of £40 from George Meer for repair to bench overlooking the Green approved, subject to confirmation from KIB on ownership of bench.

g) Confirmed letter to HSBC prepared, signed by Cllr Broadley and to deliver to Cllr Jackson for counter signature in order to permit Cllr Lobley to sign cheques. **Action – Clerk to circulate and hand-deliver to HSBC.**

h) Confirmation that HBC have approved 2018-19 Precept. If justification for the increase is requested at any stage, by any party, this would be provided.

i) Invoice now received from Cardiac Science of £1,638 for the defibrillator – payment to be made as approved at previous meeting.

28. Any Other Business

- a) Cllr Atkinson informed meeting that HBC anticipated complaints about Council Tax increases.
- b) Cllr Atkinson confirmed the reduction of HBC Cllrs from 54 to 40 and that Ward changes would mean that our Council would be part of the Masham Ward after May.
- c) Cllr Peacock expressed his disappointment with how much money wasted over abandoned roadwork signs. County Cllr Atkinson clarified Highways actually contract out works so they were not directly responsible. **Action – Chairman to raise issue at Highways meeting 7th March.**

29. Date of next meeting: Monday 26 March 2018 at 7.15pm in the annex room of the Mechanics Institute, Kirkby Malzeard. Any items to go on the Agenda for the Council meeting should be submitted to the Clerk by 16 March 2018 please.

The Meeting Closed at 9:25pm

Dated 07/03/2018

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Agenda also available on the Parish Council website www.kmldpc.btck.co.uk

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