

KIRKBY MALZEARD, LAVERTON AND DALLOWGILL PARISH COUNCIL

MINUTES OF THE PARISH COUNCIL MEETING

held on 26 November 2018 in

The Annex, Mechanics Institute, Kirkby Malzeard

The Meeting commenced at 7.15pm

Present: Councillors Howard Mountain (Chair), Geoff Lobley (Vice-Chair), Jane Aksut, Alan Brownlee, District Cllr Nigel Simms with Jen Hurford (Clerk), and 3 members of the public. County Cllr Margaret Atkinson also attended but her arrival was delayed until item 10.

1. Welcome and apologies for absence.

The Chairman welcomed everyone to the meeting and noted apologies from Cllr Geoffrey Berry and Cllr Peter Saxon.

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

There were no items declared.

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

Cllr Lobley requested that the Minutes include that he had enquired as to the responsibility for surface and gate maintenance on behalf of the landowner of Bagwith Lane under item 12 which the Chair had agreed to check with NYCC. On this basis, the minutes were confirmed as an accurate account of the meeting and signed by the Chairman.

4. Resignation of Cllr Ruth Broadley –

The Chair confirmed the resignation of Cllr Broadley after 10 years of service to the Council and formally thanked her on behalf of the Councillors and Clerks with whom she had worked, for her valuable contribution, time and effort.

The Clerk advised that the Notice of a Casual Vacancy provided by HBC had been published for a 14-day period up to December 7th, in order to ascertain if parishioners wish to call an election. The Chair advised that if no election was requested, the vacancy would be advertised until at least the end of the month, with potential candidates then being approached if no-one had come forward.

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

a) Update on investigations over potential path on Definitive Map – Update awaited from Cllr Saxon.

b) Update on issue of excessive weeds to kerbs in Kirkby Malzeard village – Following further correspondence Highways had confirmed that they were not intending to carry out any further spraying until next summer and the Chair confirmed that the Parish Council had made no provision to pay for any such work from its budget. It was noted that the weed growth is

damaging tarmac in places as well as being unsightly. The matter will be reconsidered in the Spring as spraying could not usefully be undertaken before then.

Cllr Aksut also referred to the related matter of the collection of grass cuttings and it was agreed that when the grass cutting contract comes up for tender next year the task of collection is included as potential option in the quotes. It was also confirmed by Kirkby in Bloom that HBC is responsible for the maintenance of trees within Kirkby Malzeard Jubilee Garden.

c) Update on grants available to the community - Cllr Aksut confirmed she had subscribed to various online bulletins and would regularly advise the Council on availability. In general grants are more likely to be available for individual projects and KM Community Association would also be given information on this topic once it is up and running.

d) Update on hiring Vehicle Activated Speed Signs – The Clerk advised NYCC had communicated that the changes in policies should come into effect from April 2019 but had misinterpreted her request for costings to hire as a request to purchase and awaited a revised response on the latter. **Action – Clerk to follow up enquiry with NYCC and report back.**

6. Correspondence

a) HBC – Notification of the invitation to comment on their Recycling and Waste Satisfaction Survey. Cllr Aksut advised that this was aimed at individuals rather than the Council and it was therefore agreed to publicise the matter to encourage response from residents. **Action – Cllr Aksut to produce a promotional leaflet to display, Chair to include upon website and Cllr Brownlee to publish on Facebook.**

7. No Cold Calling Zone

Guest speaker Mark Walton of NYCC Trading Standards, advised on measures which the Council could take to prevent ‘Cold Calling’ to households in the Parish. He explained the various scams which commonly occur including; ‘Duster Sellers’ – who attempt to sell items door-to-door at vastly inflated prices using a ‘sob-story’ to encourage vulnerable people to buy. ‘Tarmac Layers’ – who target remote properties offering a pothole filling service ‘whilst they are in the area’ – work is sub-standard and always exceeds the initial quote; ‘Roofers’ – who often come to an area after storms, exaggerate the amount of work required with extortionate prices being charged. People should contact the Police on 101 or Trading Standards as soon as possible after being visited and always obtain quotes from reputable companies whom they have previously contacted.

It was advised that the creation of a ‘No Cold Call Zone’ with formal signage on lamp-posts to deter some of the above may be beneficial but otherwise just having stickers in house windows may also help. There would be a cost implication for the Council for either approach and Trading Standards will provide details. Consideration could also be given to creating a ‘Neighbourhood Watch’ if residents were prepared to take responsibility for it. A facility known as ‘True-call’ is also available through Trading Standards to prevent cold calling by phone at a small cost to residents. It was agreed that the Council would publicise the advice given to raise awareness

amongst residents of the scams, and consideration will be given to holding a public meeting covering this and other similar topics in the New Year. Cllr Lobley felt that the presence of a sticker could affect charities doing door-to-door collections unless it was clarified on the stickers that they referred to traders only. It was confirmed that in the event of serious intimidation by anyone calling at a property people should ring 999 instead of 101. **Action - Chair to liaise with Trading Standards over costings and publicise issue on websites.**

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

- a) 18/03676/CLOPUD - Grange Cottage, Laverton - Application for a Certificate of Lawfulness for the proposed installation of fenestration to a Listed building – Brassington - Refused.
- b) 18/03502/FUL – Sunnyside, Main Street, Kirkby Malzeard – Erection of garage; Alterations to access and boundary wall; Formation of hard-standing - Burgess – Approved.
- c) 18/03522/FUL - Low Ray Carr, Dallowgill - Erection of stables - Congreve - Approved.
- d) 18/04366/PROWNY - Bagwith House, Kirkby Malzeard - Upgrade of footpath no. 15.70/7 to Restricted Byway and addition of new Restricted Byway, Kirkby Malzeard – NYCC – No objections.

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

There were no applications to consider.

10. Planning - Neighbourhood Plan.

- a) The Chair advised that no responses had been received so far to letters sent to neighbouring Parishes informing them of the proposed Plan Area.
- b) With regard to potential invitees of representatives of local organisations and businesses to join the Neighbourhood Plan Steering Group, the Chair circulated a draft invitation and list for consideration. The first meeting is provisionally scheduled for January 2019. **Action – Chair to liaise with Cllrs and HBC over invitations and invitees.**

11. Planning – Enforcement issues. The Chair advised that three matters were currently being investigated by HBC within the Parish. Enquiries are to be made to HBC about another potential case before it is referred on.

12. Kirkby Malzeard Community Association Committee – Cllr Saxon was not present to report on progress and due to work pressures had asked Cllr Mountain to assist with organising the committee. The Chair confirmed that representatives of local organisations had been contacted with a view to holding the first meeting of the committee on December 19. He also advised he was hoping to meet representatives of North Stainley Sport and Recreation Trust shortly to discuss how their Association was organised so that we could learn from their experience. **Action – Chair to finalise arrangements for the committee meeting.**

(An interval was held from 8.20pm to 8.35pm to celebrate former Cllr Gwynneth Jackson's 90th birthday with coffee and cake.)

13. Parking issues, Kirkby Malzeard

a) The Green – further to complaints made to Cllr Brownlee over parking on the grass at the far end of The Green which was resulting in the cutting up of the surface and narrowing of access on the road, the options of signage being provided forbidding parking, and whether additional parking spaces could be created in the longer term, was discussed. **Action – Cllr Brownlee to monitor issue and draft letter to HBC to enquire over additional spaces and provision of signage in the interim.**

b) West End Green – the Chair confirmed the area belonged to HBC who had previously advised there was no budget available to address the parking of vehicles to the area. **Action – Chair to enquire again to HBC.**

c) Outside Wensleydale Creamery – A letter enquiring why this was taking place had been recently sent to the Dairy and a response awaited. **Action – Cllrs to monitor repeat parking before approaching the Dairy in person to discuss if it persists.**

14. Kirkby Malzeard Charity Trust – Cllr Berry had provided a written update to this meeting that a KMCT meeting promised for November had not yet taken place and if this did not do so by the end of the month, Cllr Berry would contact the Trust Secretary once more and, if necessary, then arrange a meeting of the Trustees himself as soon as practical. Cllr Lobley also expressed concern about the continued lack of action given that monies are normally distributed before Xmas. In passing it was noted that Car Parking signage to the Trust land behind Main Street, Kirkby Malzeard had not been removed following its use for recent events. **Action - Cllrs Berry and Lobley to continue communications with Trust Chair and Secretary. Clerk to arrange for removal of signage.**

15. Tree on Main Street, Kirkby Malzeard – the Chair advised that a response from Highways, concerning a request from the residents of Branwell Cottage, Main Street, Kirkby Malzeard to have a tree in verge pruned back, was still awaited. **Action – Chair to ask Highways for a speedy decision.**

16. Community events –

a) Despite a complaint that the Council artwork boards had not been left up longer after November 11, the overall response from the public over the Remembrance events in Parish had been positive. It was noted that a substantial sum had been raised by the Royal British Legion from residents.

b) Future projects such as a Christmas Tree at the Market Cross, and a possible Dog Show next year were discussed and it was agreed that such matters could come under the auspices of the Community Association once it was established next year.

17. Council Property Assets –

- a) The Clerk confirmed inspection of the Market Cross on November 26th with no defects present, Cllr Aksut of the Pinfold on November 26th with minor cracks still being monitored, Cllr Lobley of Greygarth Monument on November 26th with no defects present and the Chair of both Lamberts and Laverton Quarries on November 26th with no problems noted. NYCC had been thanked for re-erecting the Bridleway signage at Lamberts Quarry.
- b) Coalpit Goal Woodyard, Kirkby Moor Road, Kirkby Malzeard – the Chair advised completion of the lease to Mr. Bryan Ward, with both parties holding a signed copy. The vehicular right of way across the land to the rear section of Woodyard owned by R.K. and J.M. Ward had been formally granted. The Chair advised that it had been highlighted by NYCC during the process that steps could be taken to apply for the lifting of the Common Land status and this would be considered in due course.
- c) Lamberts Quarry & Laverton Quarry – it was confirmed that the annual tree inspection by Wards Woodyard had been completed and the report was expected shortly. **Action – Chair to confirm that tree management policy satisfied the Insurers in the light of Witley PC v Cavanagh.**
- d) Bus Shelter opposite Kirkby Stores, Kirkby Malzeard – a revised estimate from GJ Meer for repair works to the front panel had been received and Cllr Aksut advised an alternative estimate was still being sourced. **Action - Cllr Aksut to continue to obtain a second estimate.**
- e) Cllr Lobley confirmed the flagpole at Greygarth had been secured.

18. Commuted sums

- a) Kirkby Malzeard Heritage Board – KIB representative reported that delivery of the board was expected within the next 2 weeks with either someone from the Mechanics Institute or Chair to assist with fixing it in place.
- b) Highside Playing Fields/Play Area – the Chair advised the new fencing project would be commence once transfer of the play area lease had been completed. It was noted that an additional commuted sum of £1,003.57 remained allocated to the play area for use in the future.

19. Children’s Play Area

- a) The Clerk gave an overview of the annual report from ROSPA and it was agreed that as all works were described as ‘Low Risk’ immediate work was not needed, although the matters would continue to be regularly monitored.
- b) In respect of sub-lease to enable the Council to take over the Play Area from HPFA, the Chair advised that the points which Hutchinson & Buchanan LLP Solicitors had recommended had been incorporated into a schedule of revised terms, and after discussion it was agreed that these be forwarded to HPFA and to HBC Legal Department so that the lease could be amended and then approved/signed. **Action – Chair to forward amendments to HPFA and HBC.**

c) Streetscape's offer to assist with an application for 'Awards for All' funding in the future to replace equipment was noted.

20. Highways Issues

a) Outstanding items include blocked gullies in Kirkby Malzeard and Laverton, broken/missing direction signs and surface water to Thievesgill Bends. The Clerk advised Highways had been requested to provide information on previous and forthcoming dates for scheduled gully cleaning and a response was awaited. The overflowing drain on Church Bank previously reported had been highlighted as a potential cause of ice to the road at this time of year. **Action – Clerk to request urgent action on gullies from Highways.**

b) There were no new items to be raised by Councillors or public. It was confirmed that a request for the repainting of yellow lines on Main Street opposite Longswales Road junction had already been submitted to Highways.

c) The Chair circulated a draft plan of proposals to be submitted to Highways requesting the introduction of new and revised Speed Restrictions on roads within the Parish. It was agreed that a 20mph zone should be included to the part of Main Street where children come from St Andrews Meadows towards the Manor Court school entrance. Yellow lining around the junction to Manor Court to prevent current congestion was also discussed but this would be considered as a separate matter. **Action – Chair to amend plan and circulate for further consideration.**

21. DTMS Task List – The Chair reported that all work for the year had been completed satisfactorily and there were 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) It was confirmed that all Councillors had returned the Email Consent forms to the Clerk with the exception of Cllr Saxon. **Action – Clerk to obtain completed form from Cllr Saxon without delay.**

b) A Security Incident (Breach) Policy document was circulated and approved.

23. Financial items:

a) Bank statements – balances, outgoings and income on latest available statements were provided by the Clerk. The current account balance is £10,863.73 and savings account balance is £2,855.45, as at November 19th.

b) Cash Book – up to date record of payments/receipts was given. Reconciliation with bank statements was made with the figure of £13,679.64 taking into account an uncashed cheque of £39.54.

c) A 2019-20 Draft Budget and Precept were circulated to Councillors for consideration at December's meeting.

d) Approval of payment to HBC for £66.00 for the annual playground inspection was given.

e) Approval of payment to D3 Office Ltd for £12.28 for stationery was given.

- f) Approval of payment to NYCC for £150.00 for replenishment of two salt bins was given.
- g) Approval of payment to Clerk for £17.41 for stationery and stamps was given.
- h) The Clerk reported regarding the printer purchase, that previously purchased cartridges for the current printer were still being used up.

24. Any Other Business

- a) The Chair confirmed the revised 'Public Participation Rules' based solely on extracts from the Standing Orders (as previously approved) were now being used, superseding the previous version.
- b) Cllr Aksut advised of a request from a resident for more dog bins on Main Street. HBC had indicated earlier in the year that funding limitations prevented them providing anymore and that they would not empty any that the Parish Council provided. **Action – Clerk to ask HBC again for an additional bin and to raise issue again with dog warden.**
- c) Cllr Lobley relayed a request from a resident to ask drivers to stop sounding car horns on the approach to corners as this frightened any horses being ridden nearby. The Council felt that drivers should use their own judgement on this.
- d) The Chair advised he would check with NYCC over their confirmation that gates to the restricted byway at Bagwith Lane should be provided at the expense of the landowner. **Action – Chair to contact NYCC.**
- e) Cllr Aksut advised that a resident had commented that the advertising boards to the pavement outside Highside Butchers were awkward to get past. **Action – Chair to discuss with proprietor the practicalities of repositioning these to ensure safety.**

25. Date of next meeting: Monday 17 December 2018 at 7.15pm in The Ebenezer Chapel, Main Street, Kirkby Malzeard (**Please note change from normal venue**). Any items to go on the Agenda for the Council meeting should be submitted to the Clerk by 7 December 2018 please.

The meeting closed at 09.32pm.

Dated 05/12/2018

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

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

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