

KIRKBY MALZEARD, LAVERTON AND DALLOWGILL PARISH COUNCIL

MINUTES OF THE PARISH COUNCIL MEETING on Monday 27th January 2020 held in the Annex Room of the Mechanics Institute, Kirkby Malzeard

The meeting commenced at 7.15pm. Present: Councillors Howard Mountain (Chair), Geoff Lobley (Vice-Chair), Geoffrey Berry, Jane Aksut, Peter Saxon, Pippa Manson, Alan Brownlee with District Cllr Nigel Simms, and 8 members of the public.

1. Welcome. Receive and approve apologies for absence from Parish Councillors.

All Parish Councillors present. Apologies received from County Cllr Margaret Atkinson

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

a) Cllr Aksut declared an 'Other Interest' in relation to item 17.

b) Cllr Brownlee declared a 'Close Association' in relation to item 8c.

3. Approve the Minutes of the Parish Council meeting held on 16th December 2019.

The minutes were approved as a true record and were signed as such by the Chair.

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

a) Registration of DPI for item 6 last meeting with HBC by Cllr Aksut – Cllr Aksut confirmed that the DPI had been registered with HBC and this was confirmed by the Clerk.

5. Correspondence – Clerk to raise any relevant items (not dealt with elsewhere on the agenda) for consideration and response:

a) HBC - Harrogate Street Aid – this project will be promoted via the website.

b) Nidderdale AONB International Dark Skies Reserve Application – Agreed to await further information before making a decision. **Action: Place on the agenda when further information has been received.**

c) HBC - Draft statement of licensing policy 2020-2025. It was agreed there were no known concerns about licensing issues within the Parish. District Cllr Simms confirmed that there were no significant changes from the existing policy. No further action to be taken.

d) HBC Community Infrastructure Levy Draft Charging Schedule – Further Consultation stage. As there were no significant changes to the schedule affecting the Parish, it was agreed that a response was not required.

e) Template policies received from YLCA dealing with Internal Grievance and Disciplinary Handling issues. It was agreed that the policies be adopted by the Council. **Action: Policy documents to be placed on file with other Employment related documents.**

6. County and District Matters – District Cllr Simms confirmed that there were no new issues to share.

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

a) 19/04669/FUL – Prospect House, Laverton – Erection of single-storey extension; conversion of garage to form additional living accommodation with installation of one roof-light – Fitzgibbon. Permitted.

b) 19/04695/FUL – Dallow Hall, Dallow (Grantley) - Demolition of timber garage, rebuilding of two storey outbuilding, re-building of single storey to form garden room – Stephenson. Permitted

c) 19/04913/FUL – Parkfield, Galphay Road, Kirkby Malzeard - Formation of new vehicular access – Bria haze Village Homes. Permitted

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

a) 19/05064/FUL – Cross Hills, Grantley – Erection of agricultural building. – Lupton. Decision A – No objections

b) 19/05165/REM – Land comprising OS Field 5419, Galphay Road, Kirkby Malzeard – Reserved matters application for the erection of one dwelling with Appearance, Landscaping, Layout and Scale considered under outline consent 19/03477/OUT – Atkinson. Decision A – No Objections, however the Council would like assurances that the Conditions within the Outline Consent regarding road widening and the setting back of any gate will be implemented.

c) 19/05195/FUL – Tailors House, Main Street, Kirkby Malzeard – Erection of single storey extension and porch – Johnson. Decision A – No Objections.

Action: Clerk to forward decisions to HBC

9. Planning – notification of recent applications made to Harrogate Borough Council where response not requested from Parish Council:

None.

10. Planning - Neighbourhood Plan

Chair reported that the Public Consultation document was currently being finalised and that it should be ready for distribution by the end of February. Cllr Aksut reported that the logo design was progressing well.

11. Planning – Enforcement issues. No new cases were raised by the Councilors or members of the public. Councillors noted the investigation results in respect of a recent case.

12. Ivy Bank Campsite, Galphay Road, Kirkby Malzeard

A lengthy discussion was held, with contributions from the Campsite owner and the local residents present, about activities at this Campsite on the edge of the village. Prior to the meeting the Council had received written and verbal representations from a number of locals about this issue, most of which expressed concerns, but had also been advised that local businesses such as Kirkby Stores and The Queens Head did benefit from trade by site users, which helped to enable them to keep trading.

The Chair explained that there were two separate aspects to consider at this point which were firstly, the investigation of past activities, and secondly, an assessment of future activities following the involvement of Freedom Camping Club (FCC) with whom the site owners had recently applied for certification.

Past activities had been investigated by HBC Planning Enforcement Office in the last few weeks - specifically the alleged 'permanent siting of tents, hot tub and sauna' – and their conclusion was that any breaches which may have occurred in respect of the over-use of the site under its existing exemption at that time, would in the future be covered by the new exemption from FCC. There was no evidence of a permanent sauna and the hot-tub was moveable. HBC did not therefore intend to pursue the matter further.

In the past two years the only major event held at the site was the annual Glampfest music festival in May which was run for charitable purposes by an outside organiser, and Councillors were satisfied that this was a well-managed family event and that it had not caused any significant issues for the vast majority of locals.

In terms of future activities there had been confusion as to how many caravans and tents would now be able to use the site, with initial information provided by FCC to a local resident (as referred to the Council December meeting Minutes) subsequently discovered, following Council enquiries, to be incorrect. It was now understood that the new exemption certificate allowed for 5 all year caravan pitches and 50 mixed use pitches for caravans (used on specified events) or tent pitches (amounting to a maximum of 55 pitches at any one time) rather than the initial information which suggested 105 pitches in total. In practice whilst the caravans and tents could remain there all year, they were only for recreational use and could only be occupied for up to 28 days consecutively, and for a maximum of 100 days over the year. Under the previous exemption only 5 caravans and 10 tents were permitted, so even so there was still a significant intensification of usage spread across a wider area of the site.

FCC had consulted with HBC and some residents before issuing the new more wide-reaching certificate but had not felt that the concerns expressed, should prevent them from granting exemption, which they are able to do as an approved Natural England organisation under relevant Planning legislation rules.

The campsite owner indicated that they had no plans to hold any other similar size festivals apart from Glampfest and had no wish to cause any disturbance to residents.

The Council agreed that whilst nothing could be done regarding the issuing of the exemption it would write to FCC and express concern that it had not been directly consulted and that not all residents likely to be affected had received letters explaining what was happening. District Cllr Simms suggested that future activities should be carefully monitored and if problems were arising these should be reported to the appropriate authorities including Environmental Health. Specific concerns about shower/toilet facilities would need to be addressed as usage grew and adequate 'policing' by staff on the site would be essential if any unruly activity were to arise, which might affect residents. **Action: Chair to write to FCC (with copies to other relevant parties) to make the above points.**

13. St Peter's, Dallowgill – The Parish Council considered the responses from the Bishop of Leeds to the points raised within the public consultation held in November, concerning the proposed use of the Closed Church as Children's Day Nursery. The Council agreed to re-iterate its concerns that adequate parking provision is essential, that it would like any practical measures to be incorporated in the Conveyance to prevent the building standing empty for lengthy periods if the business were to fail, and that adequate fencing be provided to prevent children accessing the adjacent graveyard, due to the risk posed by headstones. It was assumed that the Church Commissioners would also incorporate clauses to 'claw-back' an amount of any increased development value should the building be converted into a house in the future. Cllr Loble asked that it be Minuted that the Parochial Church Council of St Andrews Church in Kirkby Malzeard were not responsible for any aspect of, or contribution to, the redevelopment of St Peters. **Action: Chair to write to the Church Commissioners detailing the Council's concerns.**

14. Village verges – The Chair and Cllr Manson outlined the proposed process to create the three wildflower areas in the verges within Kirkby Malzeard Village, which would involve the use of the grass cutting contractor and volunteers through Kirkby in Bloom. It was agreed that the method would be trialed this year. **Action Cllr Manson to discuss at the Kirkby in Bloom meeting in February.**

15. Tour de Yorkshire & VE Day 75 Celebrations –

- a) Cllr Brownlee will consult with last year's residents committee to determine if they would be happy to run a low-key event, due to the VE Day celebration falling on the following weekend.
- b) Residents committee to be set up to organise celebrations, with ideas including a street party, church service and parade, fancy dress costumes for the school children etc. The SSAFA Guidelines for the event would be referred to and Kirkby Malzeard members of the Royal British Legion would be directly involved, following the decision by Grewelthorpe Branch members to be involved only in their own village.

Action: Cllr Brownlee to email Tour de Yorkshire 2019 residents committee.

16. Kirkby Malzeard Area Community Association – Chair advised that the draft Constitution and Charity Commission Registration application was now with Community First Yorkshire for their views.

17. Website Accessibility – In order to comply with the ‘Public Sector Bodies Accessibility Regulations 2018’ the Council approved the transfer of the existing Parish Council website into the upcoming Kirkby Malzeard Area community website (which was also replacing the existing Kirkby Malzeard Area Guide website) once it was fully active. The website is currently in the later stages of development and will be designed so that there are separate pages for the Parish Council and for the Neighbourhood Plan. **Action: Clerk to write to website manager to obtain official confirmation that the site will be compliant with the Regulations.**

18. Adoption of BT kiosks in Kirkby Malzeard and Laverton following decision by BT to remove payphones.

a) Laverton - Cllr Manson confirmed that there is a good EE signal in Laverton (as with other signal providers) so no disruption should arise in respect of emergency calls, as had been previously understood. The Council approved the installation of a defibrillator into the kiosk through Community Heartbeat Trust. CHT will send a quote for the cost of the installation and once received the Council will seek grant funding.

b) Kirkby Malzeard – Kiosk to be used as a Book Swop facility. The Adoption fee of £1 to BT was approved. Shelves would be needed and it was agreed that the Council should liaise with the School on this to encourage usage by local children. **Action: Cllr Aksut to make arrangements with BT for the adoption of the kiosk.**

19. Local Organisation grants 2019-20

It was agreed that the grants should this year be used by Organisations for projects and improvements rather than general running costs and that applicants be asked to provide 2 years accounts instead of 3 years. The form would be amended accordingly. Application forms to be sent to; Mechanics Institute, Kirkby in Bloom, Pre School, Youth Club and Highside Playing Field Association. The application form will also be on the website if any other groups wish to apply. **Action: Clerk to amend application form and distribute/publish by January 30.**

20. Traffic and parking issues.

Decision to be made about when to hire the data loggers was deferred to next month’s meeting in order to assess the weather forecast as we enter Spring. **Action: Place on the agenda for the February meeting.**

21. External meetings / training

- a) YLCA Harrogate Branch meeting at Boroughbridge - Mon 3rd February 7pm – Cllr Berry to attend.
- b) HBC Consultation Meeting with Parish Councils. Chair reported that it was a well-attended and worthwhile event. **Action: Clerk to email councillors the formal questions/answers once received.**
- c) HBC Parish Council training meeting – Clerk reported that the course was interesting and useful.
- d) YLCA spring training conference – No councillors wish to attend. Cost was seen as prohibitive.

22. Council Property Assets

- a) Consider monthly reports on condition of assets from Councillors.

Asset	Inspected by	Date	Comment
Pinfold	Cllr Aksut	27.01.20	Some damage to pointing noted. Action: Cllr Lobley to repair
Market Cross	Cllr Berry	27.01.20	No urgent work required
Greygarth Monument	Cllr Lobley	27.01.20	Bin needs emptying Action: Cllr Lobley to empty bin
Lamberts Quarry	Cllr Mountain	27.01.20	No urgent work required
Laverton Quarry	Cllr Mountain	25.01.20	No urgent work required

23. Children's Play Area

- a) The monthly inspection by DTMS had not raised any urgent issues. There are small areas of the wet pour which were starting to deteriorate.
- b) Chair and Cllr Aksut to meet with local resident to commence work on the plans for improvements early next month.

24. Highways Issues

- a) Yorkshire Water have been asked to return and make good the verges that were damaged during the sewage works, as initial works were unsatisfactory. The rodent issue at Manor Court seems to have abated but would continue to be monitored. It was reported by a resident that problems now existed elsewhere in the village. General advice was to be careful when feeding wild-birds as this was a common food source for rats. **Action: Chair to advise when response received from YW. Residents to monitor the rodent infestation.**
- b) Cars are still parking on the grass next to the Dairy, even after letter from the Dairy assuring the Council that this would stop. **Action: Cllr Berry will continue to monitor.**

- c) Road signs have been washed where necessary by the Chair and Cllr Lobley. A number of minor issues with the road signs have been reported to Highways.
- d) It was noted that residents have completed a litter pick and found lots of litter particularly around the Diary. The Council thanked them for their efforts.

25. Footpaths

- a) The Chair reported that an update from NYCC Paths department was still awaited in respect of defective stiles and illegally diverted footpaths reported to them some months ago.
- b) Street Cleaning - Cllr Manson is doing a street walk in Kirkby Malzeard with a representative from HBC to look at issues arising on January 30.
- c) Report of a broken fence alongside the road between Main Street and The Green. **Action: Clerk to contact HBC to request repairs.**

26. Litter/waste bins.

- a) HBC have advised that there is no budget for new bins and it is not a statutory requirement that they provide bins. HBC have advised that the Parish Council could however pay for the bins and for these to be emptied. Chair advised that he has been notified that HBC are not responsible for emptying the Play Area bin. **Action: Chair to write to the HBC Cabinet member responsible for further clarification on all these points.**
- b) Cllr Manson reported that a Poster had been created by HBC which might be suitable to be displayed at Highside Playing field to encourage use of the litter bin in the car park. **Action: Cllr Manson to make further enquiries.**

27. DTMS Task List – Task list for 2020 was approved with no major amendments from last year.

28. Financial Items:

- a) The Bank statement showed a balance of £14,152.21
- b) Cash Book. Reconciliation with bank statement noted by Council.
- c) Comparison to Budget Q3. The main variance was an overspend on grass cutting which had been overpaid, for which a refund had been arranged. Explanation on this and other minor variances approved by the Council.
- d) Clerk confirmed receipt of Precept request by HBC.
- e) The following payments (including VAT where applicable) were approved.

Payee	Amount	Item Paid For
YLCA	£15.00	Webinar – Website Accessibility Regulations
R. K. & J. M. Ward	£180.00	Tree Survey
Reimbursement – Cllr Berry	£34.90	Notice board materials
Reimbursement - Chair	£3.49	Printer ink

Mechanics Institute	£369.00	Hire of the village hall 2019
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29. Any Other Business – Cllr Aksut requested permission to look into ‘Totally Locally’ so see if it can help the local businesses and encourage residents to buy local. **Action: Place on next month’s agenda**

30. Date of next meeting: Monday 24th February 2020 at 7.15pm in the Annex Room, Mechanics Institute, Main Street, Kirkby Malzeard. Any items to go on the Agenda for the Council meeting should be submitted to the Clerk by 14th February 2020 please.

Dated 03/02/2020

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

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