

**KIRKBY MALZEARD, LAVERTON AND DALLOWGILL PARISH COUNCIL**  
**MINUTES OF THE PARISH COUNCIL MEETING**  
held on 28 January 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 Loblely (Vice-Chair), Jane Aksut, Geoffrey Berry, Alan Brownlee, Peter Saxon, with Jen Hurford (Clerk), and 6 members of the public. County Cllr Margaret Atkinson also attended but her arrival was delayed until item 7. District Cllr Nigel Simms present until item 17b.

**1. Welcome and apologies for absence.**

There were no apologies taken.

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

There were no declarations made.

**3. Approve the Minutes of the Parish Council meeting held on 17<sup>th</sup> December 2018.**

The minutes of the Parish Council meeting on December 17<sup>th</sup> were confirmed as an accurate account - proposed by Cllr Berry, seconded by Cllr Brownlee and signed by the Chairman.

**4. Casual Vacancy** – The Clerk confirmed that a replacement Councillor for Kirkby Malzeard Parish had not yet come forward despite the position having been advertised for over a month. It was agreed that councillors would approach individual residents and encourage them to stand for co-option. **Action: All Cllrs to liaise with residents.**

**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 the matter had been chased and a response was awaited. **Action: Clerk to report in due course.**

b) Update on Salt Bin adjacent St Andrew's Church, Kirkby Malzeard – Cllr Aksut advised NYCC had now reassigned the removed salt bin but she would try to source a replacement with an alternative contact at NYCC for the Church to use on their footpath. Cllr Berry confirmed the church would be fully responsible for the filling of bin. **Action: Cllrs Aksut & Berry to liaise with the Church and NYCC.**

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

a) HBC – notification was given for the 2019 garden waste service and subscription costs. The Chair confirmed that these have been displayed on the community website.

b) NYCC – The grass cutting contribution for village visibility splays for 2019 will be £266.62.

c) HBC – Updated information regarding ACV Listing of Henry Jenkins Public House dated 17.12.2018 and 09.01.2019. HBC had determined that the original Western part of the building would remain as an ACV even though the Eastern section had been removed from the List. The original 12-month period during which the owner could sell sections of the original property had now expired but as he had since re-stated his intention to sell, a new interim moratorium period had automatically begun on January 7<sup>th</sup> running to February 17<sup>th</sup> during which time a community group could come forward and initiate a full six months moratorium. It was also noted that a planning decision was still awaited on the Eastern part of the building. No comments were made by Councillors or members of the public.

d) NYCC – Invitation to complete Budget 2019-20 public consultation noted.

e) HBC – Invitation to complete the Draft Charging Schedule Consultation for Harrogate District Community Infrastructure Levy noted. The Chair asked District Cllr Simms for advice on the likely effect of the new system as far as the Parish was concerned. He advised that most of the funds raised from developers would be utilised by HBC in urban areas or for road schemes but some limited funds should be available to Parishes. He expected it would be in place by summer of this year to coincide with the new Local Plan. It was agreed that enquiries should be made to establish how the new system would impact on monies generated by the recently approved Laverton Road development. **Action: Chair to make further enquires with HBC.**

f) Fountains Forestry – Notification of a 'Restoration and Enhancement of Ancient Woodlands Woodland Management Proposal' for woodland at Dallowgill. Cllr Loblely advised that there were no major concerns but suggested that enquiries be made to confirm a start date, where the exit point of the woodland would be, what type of vehicles would be used and how the impact on roads locally would be managed. **Action: Chair to raise issues with Fountains Forestry.**

g) Proposals by prospective purchaser for conversion work at St Peter's Church, Dallowgill. The Chair and Cllr Loblely reported that they had been invited to meet a prospective purchaser who was planning to use the building as a retreat/community centre. At this early stage the proposals appeared to be in keeping with the location but a full assessment could not be made until a planning application had been made. It was agreed Delta Academies should also be contacted to see if any progress was being made with the neighbouring Old School premises which are also standing empty. **Action: Chair to contact Delta Academies.**

h) HBC – Invitation to Parish Consultation Meeting on Tuesday March 19<sup>th</sup> at 6pm in Whixley Village Hall. The Chair confirmed he, and one other Councillor, would attend. Cllr Aksut asked for the subject of improved recycling methods to be put forward. The lack of funding for dog waste bins would also be queried and further information on the commuted sums/CIL would be sought. **Action: Chair & Cllr Aksut to draft questions for submission in advance of the meeting.**

i) Pre-School – Representatives of the Pre-School had raised the issue of a proposed rent increase on their premises by NYCC requesting the support of the Parish Council to have this reduced or delayed. The Chair sought to establish that any increase would benefit NYCC rather

than the Primary School (within whose grounds Pre-School is located) and Pre-School representatives confirmed this, to the best of their knowledge. They also indicated that the proposed increase could cause their charity financial problems and as the majority of their pupils migrate to Kirkby Malzeard School, the School could also be adversely affected if the future of Pre-School was jeopardised. Means of obtaining extra funding to compensate for the proposed increase, if it went ahead, were discussed and it was agreed that the Parish Council would forward an objection to NYCC. **Action: Chair to draft letter for Cllrs to approve prior to submission.**

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

- a) 18/04722/FUL – North Close Farm, Kirkby Malzeard – Erection of 2 no. extensions to light industrial estate – DM Fabrications – Approved subject to conditions.
- b) 18/02344/FUL – Barn Conversion, Carr House Farm, Kirkby Malzeard – Erection of two storey extension – Watson – Withdrawn.
- c) 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 - Approved subject to conditions.

The Chair advised the importance of monitoring the Reserved Matters from this point onwards for example to ensure the controls on site working times were adequate. It was noted that a resident had expressed concern that the decision had not gone to the Planning Committee. District Cllr Simms agreed to ask for clarification at the next HBC meeting. Cllr Atkinson suggested it was due to the development being under 50 properties. The Chair also intended to check that comments from the Public Exhibition had been submitted as this was not clear from the documents so far received. **Action: Chair to raise queries with HBC.**

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

- a) 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. The Council agreed it had no objections to the application. **Action: Clerk to submit response to HBC.**
- b) 18/05254/FUL – Gillgate Cottage, Gillgate Road, Laverton – Erection of two and single storey extensions and a porch – Fox. The Council agreed it had no objections to the application. **Action: Clerk to submit response to HBC.**

The opportunity was given at this point for the County and District Councillor to provide a report on any issue they felt may be relevant to the Parish. District Cllr Simms had no items to report. County Cllr Atkinson advised works funded out of her allocated finance to the undulations to the top end of Main Street would commence before the end of the financial year, and that as she had received a lot of complaints over the large drops in verges on Galphay Road, these would

be made good with any remaining funds. She also advised NYCC were working on their budget and were still struggling with issues over school transport.

#### **9. Planning - Neighbourhood Plan.**

a) The draft Designated Plan Area Application Supporting Statement was circulated prior to the meeting but as input from HBC's Joe Varga was awaited it was agreed to defer formal approval to the next meeting. **Action: Chair to liaise with HBC.**

b) Amendments to Terms of Reference for Steering Group committee were circulated prior to the meeting and it was also agreed to defer these until input from HBC's Joe Varga was available. The Chair advised the launch of the process would be tied in with community events such as the Tour de Yorkshire and with Annual Parish Meetings to maximise publicity. **Action: Chair to liaise with HBC.**

**10. Planning – Enforcement issues.** An update on progress of 6 current cases was given by the Chair. There were no new matters raised by Councillors or Public to be referred to the Planning Enforcement Office at HBC for consideration. **Action: Chair to request a view from AONB on one on-going case.**

#### **11. Traffic and parking issues**

a) The s106 agreement included in the Planning Consent relating to Back Lane/Laverton Road development (item 7c above) concerning a one-way system on Long Swales Lane and Church Bank/Street was considered. Cllrs discussed that vehicles may actually be encouraged to go faster due to the knowledge of there being no oncoming traffic. The issue of large vehicles turning into Long Swales Lane from the West was highlighted. It was not clear what the benefit of the system would be to the village as it might put more traffic onto sections of Main Street. Cllr Berry asked if the idea of a mini roundabout at the Market Cross junction could be revisited. It was agreed the whole village should be involved before a formal response is submitted when public consultation commenced.

b) The issue of speeding vehicles on the Back Lanes in Kirkby Malzeard was discussed and it was concluded that speed bumps could assist with the issue on Back Lane South but they were not needed on Back Lane North, even if the surface was repaired.

c) The issues regarding parking on The Green, outside Wensleydale Creamery and on the Market Cross junction were considered:

Cllr Brownlee had discussed the matter with residents on The Green and some improvement had resulted but additional off-road parking spaces were felt to be required particularly for residents with disabilities who needed to park close to their property. **Action: Cllr Brownlee to liaise with HBC about additional spaces to The Green.**

Parking on the verge outside Wensleydale Creamery had lessened and it was understood that a tree was currently being removed on site, presumably to provide further parking space.

The problems caused by parking around the Market Cross for a fund-raising event at the Queens Head after Xmas was discussed and it was agreed that if this occurred again and public safety

were put at risk, the matter would be raised with the event organisers. Highways had no knowledge of the provision of cones around Market Cross in early January but Cllr Berry thought this had been to do with recent gulley cleaning. **Action: Clerk to enquire with Highways over gulley cleaning contractors and cones.**

d) Advice from Police over solutions to monitoring of vehicle speeds. The Police had suggested that public operated speed guns could be provided, or speed monitoring cables (data loggers) could be used. It was agreed the provision of data loggers was preferable. **Action: Chair to request the provision of data loggers from the Police.**

e) Council's previous proposals for new and revised Speed Restrictions in the Parish – documents to be used in public consultation in the light of items a-d above would be finalised by the Chair and Cllr Aksut once the results of the speed monitoring were known. Cllr Aksut had liaised with the school and advised of the need of a school warning sign on Main Street. **Action: Chair & Cllr Aksut to prepare draft documents for approval and arrange for consultation in due course.**

**12. No Cold Calling** – The Chair circulated a draft letter to be sent to residents with a NYCC Trading Standards 'No Cold Calling' sticker and a relevant newspaper article on scams. It was agreed to approve the document with the inclusion of a line explaining the use of the 1471 option to make note of incoming numbers. **Action: Chair to amend and obtain printing costs.**

**13. Kirkby Malzeard and District Community Association** – The Chair of the Committee (Cllr Saxon) provided an update following the meetings on December 19 and January 18. It was advised that an umbrella organisation was now considered less useful than an Association formed by combining the MIVH and the Playing Fields Association to create a Charitable Incorporated Organisation to which other local organisations would also be affiliated and this was the option now being considered. A Working Party meeting had been scheduled for Thursday March 7<sup>th</sup> and it was agreed the Chair, Secretary and Treasurer of MIVH and HPFA should be invited to attend as well as the relevant committee members. **Action: Cllr Saxon to invite attendees and update in due course.**

**14. Tour De Yorkshire 2019** – Cllr Brownlee confirmed the date of the initial meeting of a residents committee as 7.30pm Wednesday January 30<sup>th</sup>. The previous committee had been invited and all residents were welcome. **Action: Cllr Brownlee to report on any relevant matters to the Council at the next meeting.**

**15. Kirkby Malzeard Charity Trust** – Cllrs Berry and Lobley confirmed they would be attending the Trust meeting scheduled for January 29. Information that one of the Laverton Trustees had resigned was noted. **Action: Cllrs Berry and Lobley to report outcome at the next meeting.**

**16. Dallowgill defibrillator** – Cllr Aksut reported that 'Defibrillators for Ripon' had no available funding at present and that HBC grants for 2018 were closed and those for 2019 awaited. Cllr

Atkinson suggested liaising with Ian Speirs at HBC over these and Cllr Aksut advised of a list of organisations she also intended to approach for contributions. Cllr Lobley confirmed approval from Greygarth Chapel authorities for siting on building. **Action: Cllr Aksut to continue to research funding.**

#### **17. Footpaths –**

a) The impassable footpath in area of Mowbray Lodge/Highfield Farm/North Park/Park Wood/North Close Farm to the North of Kirkby Malzeard village was considered. Cllr Saxon advised that if re-opened it would provide an alternative route to and from DM Fabrications to avoid people having to walk along a dangerous section of Ripon Road. He asked that the matter be raised with NYCC, which was agreed. **Action: Chair to make enquires with NYCC.**

b) Restricted Byway no 15.70/55 Bagwith Road, Kirkby Malzeard - Notice of the making of a Definitive Map Modification Order, Wildlife & Countryside Act 1981 - Modification Order 2019 The above Order if confirmed, will modify the Definitive Map and Statement for the area by upgrading the existing footpath to Restricted Byway between Bagwith House at GR 41970 47449 and GR 42011 47369 and adding a new section of Restricted Byway from GR 42011 47309 to GR 42037 47360 on the Kirkby Moor Road. The Council agreed that it did not wish to make a representation.

#### **18. Council Property Assets –**

a) Cllr Aksut confirmed inspection of the Market Cross and of the Pinfold on January 28<sup>th</sup> with minor cracks to the latter still being monitored, Cllr Lobley of Greygarth Monument on January 25<sup>th</sup> with no defects present and the Chair of Lamberts and Laverton Quarries on January 27<sup>th</sup> with no problems noted. **Action: Cllr Lobley to provide second opinion on the Pinfold.**

b) Bus Shelter opposite Kirkby Stores, Kirkby Malzeard – Cllr Aksut advised there were no alternative estimates for repair works available yet and another alternative source was suggested. **Action: Cllr Aksut to continue sourcing second estimate.**

#### **19. Commuted sums**

a) Kirkby Malzeard Heritage Board – The installation of the board was confirmed and re-cooping of funding would now be undertaken.

b) Highside Playing Fields/Play Area – The Chair confirmed that the new fencing project was on hold until the sub-lease was signed.

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

a) The latest monthly report from DTMS was not yet available to consider.

b) The Chair advised some progress in respect of creation of sub-lease to enable the Council to take full responsibility for the Play Area from HPFA had occurred but final documentation was still awaited from HBC.

c) An estimate for work to the Ash tree of £150 plus VAT from Ward Woodyard was approved. Blakey Tree Surgery were unable to provide an estimate until the tree was in leaf.  
**Action: Chair to instruct Wards to proceed.**

## **21. Highways Issues**

a) An update on items previously reported was provided; the majority of the road signs had now been made good, with High Walk steps resurfaced. The cleaning out of 11 blocked gullies was still awaited though Cllr Berry advised some to the Market Cross junction had been done in early January. The defective road surface to Back Lane North and the broken hazard sign near to DM Fabrications Ltd on Ripon Road had been reported since the previous meeting.

b) There were no new items raised by Councillors or public.

**22. DTMS Task List** – No recent work had been carried out by Parish Caretakers and no new items to be added to their task list. The Annual task list for 2019 was considered with the Chair offering to take over strimming tasks at Laverton Quarry to reduce costs. All other items were agreed to be continued. **Action: Chair to confirm with DTMS.**

## **23. Financial items:**

a) Bank statements – balances, outgoings and income on latest available statements were provided by the Clerk with the current account figure showing as £9,743.10 and the interest account as £2,856.87.

b) Cash Book – up to date record of payments/receipts were provided. Reconciliation with bank statements made at a total figure of £12,599.97.

c) Nine Monthly Comparison to Budget – a comparison of income and expenditure for Quarters 1, 2 and 3 to Budgeted figures with reasons for variances was circulated by the Clerk and accepted by Cllrs.

d) Confirmation of the submission and acceptance of precept request was given.

e) Completion of the new Mandate Form from HSBC was agreed with the fourth signatory proposed to be Cllr Berry by Cllr Saxon and seconded by Cllr Brownlee. **Action: Clerk to submit to HSBC.**

f) The Clerk updated that to transfer funds from the investment account to consolidate reserves within the current account, a signatory would need to call the bank to action this, followed by a letter to the branch signed by two signatories to close the investment account thereafter. **Action: Chair to call HSBC and Clerk to draft and circulate letter.**

g) The application form for Local Organisation Grants 2018-19 was agreed. **Action: Chair to issue forms to MIVH, HPFA, Kirkby in Bloom, Youth Club and Pre-School and to advertise availability of grants on website in case other organisations may wish to apply.**

h) Approval of payment of £296.40 to Mechanics Institute for 2018 room hire was given.

i) Approval of payment of £4.49 to the Clerk for stationery was given.

j) Approval of payment of £60.00 to Wards for tree work at Laverton Quarry was given.

k) Approval of payment of £1,242.00 to Shelley Signs Ltd for Heritage Board was given.

## **24. Any Other Business**

- a) Cllr Saxon advised the Facebook account was actually set up as a person and should be a page and this was agreed to be actioned. **Action: Cllrs Brownlee & Saxon to set up a new page.**
- b) The Clerk advised of letter from HBC advising of bulbs/wildflowers available from them this year and it was agreed for the choice to be passed to Kirkby in Bloom to make and arrange collection. **Action: Clerk to pass correspondence to KIB.**
- c) Cllr Brownlee asked if the Parish Council would be responsible for any room hire charges in conjunction with Tour de Yorkshire meetings if no venue could be found free of charge, which was approved.
- d) Cllrs Aksut & Brownlee gave apologies for the next monthly meeting.

**25. Date of next meeting:** Monday 25 February 2019 at 7.15pm in the School-room of the Ebenezer Chapel, Main Street, Kirkby Malzeard. Any items to go on the Agenda for the Council meeting should be submitted to the Clerk by 15 February 2019 please.

Dated 06/02/2019

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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