

KIRKBY MALZEARD, LAVERTON AND DALLOWGILL PARISH COUNCIL

MINUTES OF THE PARISH COUNCIL MEETING

held on Monday 29 July 2019 at
Greygarth Chapel School-room, Dallowgill

The meeting commenced at 7.15pm

Present: Councillors Howard Mountain (Chair), Geoff Loble (Vice-Chair), Geoffrey Berry, Alan Brownlee, Pippa Manson (until item 24) with District Cllr Nigel Simms (until item 24) and 10 members of the public.

1. Welcome and apologies for absence.

Apologies were received from Cllrs Jane Aksut and Peter Saxon.

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

Disclosable Pecuniary Interest declared by Cllr Manson in respect of item 24.

3. Approve the Minutes of the Parish Council meeting held on 24th June 2019.

The Minutes of the meeting were approved by the Council and signed as such by the Chair.

The Council considered items 4 to 15 until 8.30pm when, in accordance with the published Agenda, item 24 was considered. Items 16 to 23 and items 25-26 were then considered after item 24.

4. Resignation of Miss Jen Hurford as Clerk from August 6, 2019.

The Council reluctantly accepted the resignation of Miss Hurford, who has served as Clerk for the last two years, and thanked her for the efficient and enthusiastic manner in which she carried out her role as Clerk and Responsible Financial Officer. It was agreed that the Chair would serve as unpaid Acting Clerk until a new Clerk was appointed. As Miss Hurford had unused allocated holidays in hand, she was not present at this meeting with minutes being taken by the Chair and Cllr Brownlee. **Action: The Council will consider the process for employing a new Clerk at its next meeting.**

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

a) St Peter's Church, Dallowgill – The Chair reported that the Diocese had now confirmed that they were no longer intending to proceed with the Party interested in converting the building to use as a Retreat, but instead were hoping to sell to another party who wished to convert it into a Children's Nursery. The Chair had indicated the concerns raised by a resident at the last meeting about increased traffic and parking issues in the event of a use such as this and the Diocese had confirmed that a statutory process of consultation would have to take place involving the Parish Council, before the sale could go ahead. On an associated matter the Chair also reported that Delta Academies Trust had confirmed they had a license to park on the hard-

standing opposite the Old School and that they had asked for information on any purchaser of St Peters in case they were able to assist one another to bring both buildings back into full use again. **Action: Chair will liaise with Delta Academies Trust and report on any progress in respect of either building to the next meeting.**

b) HBC 'Looking out for our Neighbours' scheme – information added to Parish Council website.

c) VE Day celebrations May 2020 – Chair confirmed initial contact made with the Royal British Legion and a detailed response is awaited.

d) Ethical Standards training – reminder for Cllrs to book place either on September 11 or November 7. Noted by Councillors who will make their own arrangements.

e) Grass cutting to village verges – Chair reported that the matter had been discussed with the contractor but that clearing up grass cuttings was not part of the contract. The contractor had confirmed he was do anything practical to leave the areas in a tidy condition. **Action: Quotes for cutting only and cutting/clearing up will be obtained for next year. Consideration to be given to planting some areas of verge with wild flowers to reduce the areas requiring cutting.**

6. Correspondence – Clerk to raise any relevant items (not dealt with elsewhere on the agenda):

a) Grewelthorpe Parish Council had requested information on the adequacy of mobile phone signals as they were having issues in its Parish and the Chair had confirmed that whilst signals were better in this Parish following upgrading work to the main mast last year, this Council would be happy to assist them in obtaining further improvements.

b) HBC Local Plan – notification of Main Modifications Consultation period 26 July – 6 September. **Action: Item to be placed on agenda for next meeting.**

7. County and District Matters – No specific matters raised by Cllr Simms.

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

a) 19/01777/OUT - Land Comprising Field At 422636 474144, Laverton Road, Kirkby Malzeard - Outline application for the erection of 1 no. dwelling with all matters reserved – Blackburn – Refused.

b) 19/02021/FUL - Carr House Cottage, Kirkby Moor Road, Kirkby Malzeard - Conversion of domestic store to form annex including installation of stonework and alterations to roof pitch – Watson – Permitted.

c) 19/02112/FUL – Cross Hills, Dallow, Grantley – Erection of one single storey and one two storey extension – Lupton – Permitted.

9. Planning – recent Applications made to Harrogate Borough Council where the Parish Council are not consulted – for information only:

a) 19/02975/PNF - land at 421788 472133, Laverton Woods, Laverton - Prior notification of wood frame Forestry Store - Abrahams. It was noted that HBC have subsequently indicated that Prior Notification is not required.

b) 19/02601/DISCON - Parkfield, Galphay Road, Kirkby Malzeard - Approval of details 4,5,10,11,14 and 15 re planning consent 17/04096/OUT (outline app for one dwelling) - Briahaze.

10. Planning – recent Applications made to Harrogate Borough Council. The Parish Council considered the following case:

a) 19/02571/FUL - Manchester House, Grantley - Formation of Menage – Parry. The Council had 'No Objections' to the application. **Action: Acting Clerk to submit response to HBC.**

11. Planning - Neighbourhood Plan. Report on the Steering Group meeting held July 8, 2019. The Chair of the Steering Group confirmed that the SG were currently finalising the Project Plan, assessing the extent of existing data available and were preparing an application for funding. 'Initial Ideas' of what the Plan should cover had been sought at the Community Garden Party on July 20 with further thoughts to be sought at other events over Autumn.

12. Planning - Enforcement issues. Consider any possible breaches of planning consents, conditions or regulations currently existing within the Parish. Any matters raised by Councillors or Public will be referred to the Planning Enforcement Office at HBC for consideration.

a) The Planning Enforcement Office has advised the Council that it is currently investigating an alleged breach of Planning rules described as the 'Siting of caravan and possible residential use' on land at 422528 474245 on Ringbeck Road, Kirkby Malzeard. *Such cases are not normally referred to individually within Parish Council minutes to avoid unfair publicity if subsequent investigation indicates that no breach has occurred, however in this instance the owner wished to discuss the matter within a public meeting in order to provide his version of events.* The owner indicated that it had been his intention to open an animal welfare centre on the land but in the light of alleged actions by third parties this would not now be proceeding. A number of these actions, which he outlined in detail to the Council, have been referred by him for Police investigation. He acknowledged that on the basis of incorrect advice he had not made initial enquiries to HBC to establish if Planning Consent would be required, which the Enforcement Officer was now indicating would appear to be needed. **Action: As the owner stated that he had not been contacted by the Enforcement Officer, the Council is to forward on his contact details so that the matter could hopefully be resolved without further incident.**

13. Highways Issues

a) Report on meeting with Highways on July 10, 2019 concerning existing issues. The Chair and Clerk met Highways representatives and discussed 30 separate items during a tour of the Parish. A summary of the outcome of these discussions will be made available on the Council website. **Action: Acting Clerk to post document on website.**

b) Any new items to be raised by Councillors or public – none.

c) Demolished pillar at Creets bridge. County Cllr Margaret Atkinson had confirmed prior to the meeting that the pillar was on their land, and that quotes were being obtained for it to be re-erected.

14. Traffic and parking issues

a) Parking on The Green and around Highside Playing Fields. Cllr Brownlee confirmed that he had held discussions with HBC Estates Department who had indicated that consultation with residents living on, or in close proximity to, The Green would be necessary before any scheme to create additional residents/public parking spaces could be considered, and that even if the response were positive, funding limitations may prevent it proceeding. **Action: Council to consider matter further at the next meeting.**

b) Update over monitoring of vehicle speeds using Data Loggers. Chair reported that these were still awaited.

c) Update on Council's proposals regarding traffic issues in the Parish following Public Consultation. Cllr Aksut has collated responses and a formal submission will be made to Highways requesting priority be given to those matters for which there is clear public support. **Action: Consider and approve submission at next meeting.**

d) Parking issues on Manor Court. Cllr Brownlee confirmed that the matter had been drawn to the School Governors and will be raised with the new Head Teacher in September.

15. Footpaths

a) Unauthorised diversion to footpath between Carlsmoor Lane and Swetton. Footpath diverted following forestry work. **Action: Cllr Lobley to provide plan. Matter to be referred by Clerk to NYCC Paths.**

b) Definitive Map Modification Order Application for public footpath at Arrowfield, Main Street, Kirkby Malzeard. Chair advised that initial decision by NYCC was expected shortly.

At this point item 24 was considered in accordance with the schedule published within the Agenda.

24. Henry Jenkins Inn, Kirkby Malzeard -

a) Notification had been received from HBC confirming the end of the Full ACV moratorium period relating to the 'Western section' of the building on 6th July, 2019. A discussion was held involving the owner and HJCP Ltd committee members and the following matters were established;

i) That, following an extensive campaign to raise funds from residents through a share issue, HJCP Ltd had made offers of £70,000 for the western section and an offer of £38,000 for the eastern annex, both of which had been rejected by the owners.

ii) It had not been possible for the owners and HJCP Ltd to agree a date and format for a meeting to try and resolve the matter.

iii) Although the Share Offer was due to end on July 5, as it had not reached even its 'worst case scenario' target it had now been extended to December and, depending upon the response to this, increased offers would be made or the venture would not go ahead.

b) Notification had been received from HBC that an Application had been made by HJCP Ltd to nominate the 'Eastern Annex' as an Asset of Community Value under the Localism Act 2011. The Council was asked if it wished to provide comments to HBC in respect of this and the following points were agreed;

1. That the eastern annex and the western section have always been in single ownership until 2018.
2. That there are conflicting understandings of the use of the eastern annex prior to 1975 after which point it is known to have been part of the larger public house accommodation. HJCP Ltd have testimony to confirm that a section was used as a Joiners Shop between 1947 and 1955 and the Council's best understanding is that from then until 1975, it may have continued for a time as a joiners workshop but was used principally for storage (either for timber and other building materials, general storage and for pub-related materials).
3. It seems likely that in the years prior to 1947 it will have served as stores and/or living accommodation, with the principal public house and living accommodation being in the western section, but this cannot be confirmed. It is not known when a physical opening between the two properties, which appear to have been constructed separately, was first created.
4. That the car park was used in whole or in part as a Builder's yard at times prior to 1975, as the occupiers also ran a Builders business, but it is not clear precisely when this use started or whether this use fully precluded any parking by pub customers.
5. With regard to the 'recent past' aspect it was agreed by all parties that the Henry Jenkins as a whole ceased trading in May 2011 having been closed for short intervals in the period 2008-2011.
6. That the only purpose given for the ACV nomination is to secure the use of the eastern annex as part of a larger public house formed by combining it with the western section, with no proposals for this building to be used as a separate entity or for any other community use. The use of this building would therefore be dependent entirely on the future use of the western section and it is uncertain at present whether HJCP Ltd will be able to raise sufficient funding to acquire it for their purposes. Offers made recently by HJCP Ltd on both sections have been refused and until further funding is raised through their share offer, no further concrete progress can be made. The availability of the 'More than a Pub' loan/grant is also uncertain at this stage. HJCP Ltd indicated that the share offer is now to remain open for a further five months to establish whether sufficient funds can be raised for the business plan to be implemented.
7. Parking and traffic flow in the village remain one of the most important issues facing the Parish Council with no obvious solution, such as the provision of a car-park serving this part of the village, in sight.
8. That the Council remains concerned that the impact of a re-opened Henry Jenkins on existing amenities such as the MIVH needs to be given adequate consideration, but that the impact on the Queens Head should not be referred to, as this is seen as being part of normal market forces.
9. That some statements within the application are either out of date, incorrect or require clarification and that this should be brought to the attention of HBC:
 - a) Section 2 - Membership of the HJCP Ltd now indicated by them to stand at 134. (Information on how many members live in the Parish was subsequently provided by HJCP Ltd as being 114).
 - b) Section 3 para 7/8 - dining facilities were available at the Queens Head prior to 2011.
 - c) Furthering of social interest/social well-being
 - i) location – both the Queens Head which dates back to at least the 1830's and the Mechanics Institute Village Hall which dates back to 1852 have also been 'hubs' for the local community for equally as long as the Henry Jenkins and these continue to be so.

- ii) unique role in community – HJCP now confirm that only 14 (rather than 40 in their original submission) clubs, societies and other groups used the Henry Jenkins previously and would welcome its return, a list of which should be obtained and verified.
- iii) Mechanics Institute committee members provided evidence to confirm that the premises are regularly used for social events including wedding receptions and funeral teas and the closure of the Henry Jenkins has not therefore affected the provision of such facilities in the Parish.
- d) Relevant non-ancillary use in the next five years/para 4 - letters/emails from prospective buyers – these require full verification if they are to be accepted as evidence, as they have been considered in the past by this Council and were not thought credible.
- e) Community Purchase Offer – Harrogate Council should check whether due notice was or was not given, if considered relevant.

Action: Chair to prepare a draft response based on these points for the approval of Councillors and submission to HBC by July 31.

Having dealt with this item the Council then considered the remaining agenda items:

16. Kirkby Malzeard Community Association

The Chair reported that he was awaiting approval of the draft Constitution by the MIVH trustees, prior to forwarding it to HPFA for their approval.

17. UCI World Championships – September 25.

The Chair confirmed that the School had been successful in its grant application to HBC but the MIVH had not, on this occasion. It was agreed that the Council would provide any support it could to the School, Church and Queens Head, being the buildings located on the route of the race.

18. Illegal Drug use in Parish.

The Council considered a leaflet produced by HBC/NYCC and the Safer Communities team which was aimed at parents and carers to use to discuss the subject with their children. It was agreed that the Council should consider ways of making this available within the Parish. **Action: Cllr Aksut to make further enquiries and report back to the next meeting.**

19. Recent public events –

a) Enduro motorcycle event in Laverton on July 6-7th. The Chair reported that 3 written complaints had been received and a number of other residents in Laverton had expressed their annoyance at the noise created by this event. He felt that the organisers had however complied with any requirements which they were legally obliged to meet this year and that the event had been publicised well in advance. Ultimately the event only went ahead because the owners of the land hired it out and that they should bear the responsibility for the disturbance caused to other residents.

b) Glampfest festival in Kirkby Malzeard in May. The Chair reported that only one complaint had again been received and that the vast majority of residents were supportive of it taking place particularly given the charitable donation which it made.

20. Council Property Assets

a) The Chair confirmed that Lamberts Quarry, Laverton Quarry and the Pinfold had been inspected on July 28 with no relevant defects noted. Cllr Lobley confirmed Greygarth Monument was inspected on July 29 and was also in satisfactory condition. Cllr Berry confirmed inspection of the Market Cross on July 27 and Cllr Brownlee confirmed that he has arranged for a quote to be obtained for some repointing to the base of this structure.

b) Bus Shelter opposite Kirkby Stores, Kirkby Malzeard. Chair to investigate practicalities of converting part of the front to form a noticeboard for Neighbourhood Plan promotion for which a grant may be available.

21. Children's Play Area

a) The Chair reported that the wet-pour repair adjacent to the Basket roundabout was still outstanding despite requests to DTMS to proceed as soon as possible. He also reported that another area under the multi-play unit had been vandalised and the Council approved a quote of £150 for this to be made good at the same time.

Action: Chair to confirm to DTMS that the additional area should be repaired and that work be carried out without delay.

b) The Chair confirmed he had met Phillip Day of Streetscape to discuss improvements to the Play Area if grant funding was available. Details would be provided for consideration at the next meeting but consultation with children through the local School will be necessary prior to submission. **Action: Council to consider matter at next meeting.**

c) Update on registration of sub-lease with Land Registry – Chair reported that they were still awaiting a copy of the Deed of Variation document from HBC, despite reminders. **Action: Chair to request speedy response from HBC.**

d) Information sign for Play Area – quotation of £22 approved. **Action: Chair to order sign.**

22. DTMS Task List.

Chair confirmed there was no outstanding work. No new items added.

23. Financial Items:

a) Bank statement: Chair confirmed July balance as £9306.31.

b) Cash Book: Reconciliation with bank statement confirmed.

c) Comparison to Budget for Q1 - April to June. Document considered by Council. No items of concern except expenditure on Play Area over budget which would need to be monitored.

d) Online Banking: Council approved delaying this until new Clerk appointed.

e) Direct debit mandate for ICO Data protection fee (currently £35 pa) approved.

f) The following payments (including VAT where applicable) were approved;

Payee	Amount	Item Paid For
Buckton Homes and Gardens	£800	Village Grass cutting
DTMS Ltd	£30.24	June Playground Inspection
DTMS Ltd	£180.00	Weed Control to Kirkby Malzeard
Clerk (Jen Hurford - Reimbursement)	£7.32	Stamps
Clerk (Jen Hurford)	£182.28	Clerk's Home Working Allowance 2018-19 and 2019 (pro-rata).

24. Any Other Business.

No items raised by Councillors or the public.

25. Date of next meeting: Monday 19 August 2019 at 7.15pm in the Annex, Mechanics Institute, Main Street, Kirkby Malzeard. Any items to go on the Agenda should be submitted to the Clerk by 12 August 2019 please.

Meeting ended 10.30pm

Dated 06.08.2019

ACTING CLERK: Howard Mountain, Mount Pleasant. Laverton, Ripon, HG4 3RH (Postal enquiries only)

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

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