

KIRKBY MALZEARD, LAVERTON AND DALLOWGILL PARISH COUNCIL

**MINUTES OF THE PARISH COUNCIL MEETING
held on 29 October 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, Geoffrey Berry, Ruth Broadley, Alan Brownlee, Peter Saxon, District Cllr Nigel Simms, County Cllr Margaret Atkinson with Jen Hurford (Clerk), and 5 members of the public.

1. Welcome and apologies for absence.

The Chairman welcomed everyone to the meeting and had no apologies to note. County Cllr Atkinson had indicated that she was attending but would be delayed.

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

Cllr Broadley declared a 'Other Interest' in respect of item 8a, and took no part in the discussion or vote on this item.

3. Approve the Minutes of previous Parish Council meetings.

The minutes of the Parish Council meeting on September 24th were confirmed as an accurate account - proposed by Cllr Lobley, seconded by Cllr Brownlee and signed by the Chairman. The minutes of the Interim Parish Council meeting on October 9th were confirmed as an accurate account. Proposed by Cllr Saxon, seconded by Cllr Brownlee and signed by the Chairman.

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

- a) Update on investigations over potential path on Definitive Map – Cllr Saxon advised a report would be provided at the next meeting. **Action – Cllr Saxon to enquire with NYCC.**
- b) Update on acquiring 'No Cold Callers' stickers from Trading Standards – The Chair advised that Deborah Holmes of NYCC Trading Standards had suggested attending the next Council meeting to provide advice. As there is no Neighbourhood Watch scheme in place in the Parish advice may also be sought on this. **Action – Chair to invite Ms. Holmes to attend next meeting.**
- c) Update on publicity for Childcare facility at Ripon Leisure Centre – The Clerk advised the Pre-School had stated this would not be a conflict with them and that Ringbeck Childminding had not replied to enquiry. **Action – Clerk to erect posters as requested by HBC.**
- d) Update on removal of grass cuttings from verges – The Chair advised Buckton Homes and Gardens had highlighted the impracticalities of collecting and disposing of grass cuttings, no progress had been made on locating a handy composting site, and as there would be extra cost implications it was agreed that no practical action could be taken at this time.
- e) Update on weeding to kerbs in Kirkby Malzeard village – The Clerk advised Highways had stated they had carried out the annual spray in July but would be sent photos and locations of problem areas as this was disputed. **Action – Clerk to seek further response from Highways.**

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

a) NYCC – The update on the review of Vehicle Activated Speed Signs was considered. It was agreed that using these might be beneficial in reducing speeding in Kirkby Malzeard but rather than contributing towards the purchase it was felt that hiring would be more cost effective.

Action – Clerk to enquire to NYCC about hiring VAS signs.

b) Julian Smith MP – Notification of upcoming surgeries. Posters had been displayed on noticeboards and included on the website.

c) BHIB Councils Insurance – Information on the Aviva Community Fund was given. It was agreed that Cllr Aksut should explore the offer and also be responsible for investigating grants generally on an ongoing basis. **Action – Cllr Aksut to report progress at the next meeting.**

d) Public Affairs and Policy – Request to raise awareness of Scam Mail. A poster has been displayed at the MI window.

e) HBC – Invitation to comment on their consultation over Ultra-Low Emission Vehicle strategy. Cllr Aksut agreed to publicise this and other current surveys from HBC using posters, website and Facebook. **Action – Cllr Aksut to prepare and circulate publicity.**

f) HBC – Request from Strategic Leisure Ltd to complete HBC Sport & Leisure Study. Confirmed as completed by the Chair.

g) HBC – Eastern section of the Henry Jenkins Public House, Kirkby Malzeard – Notification that Nomination for an Asset of Community Value Re-Listing by HJCC had been unsuccessful. Mr Fielder, the neighbouring owner, expressed concern that this decision had not been publicised. The Chair confirmed the decision was available in the normal way on the Parish Council website and would be referred to in the Minutes of this meeting. Mr Claybourn confirmed he would also do so by way of notices in the window of the premises.

h) NYCC - CA7 002 – Moorland, Laverton CL 116 – Notification that the Application to surrender and remove rights relating to entry number 2 of common land had been granted.

i) Delta Academy Trust – Request for information regarding The Old School, Dallowgill. As successors to Wakefield Academy Trust they wish to re-use and renovate the building as an outdoor centre but were currently unable to formalise ownership details. It was confirmed that the Council had tried to assist with this by publicising locally.

6. Lift Share Scheme – Further information on the scheme was provided by Sharron Cooney of Mashamshire Community Office. The scheme will connect those who require lifts from this area to drivers who can offer transport. At present the scheme was operating within a 40-mile radius involving approximately 2,000 households. In over 20 years of existence, it was advised the scheme had received no reports of incidents or safety problems. Registration can be carried out via the website as either a driver and a passenger, on a one-off or regular basis. Sharron aims to strengthen the scheme and it was highlighted that a survey form has been sent to residents in this area. Drop-in sessions are in place to encourage registration with further publicity leaflets left for the Council to circulate amongst residents. **Action – Cllr Aksut to circulate leaflets.**

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7. Planning Applications – notification of recent decisions made by Harrogate Borough Council and North Yorkshire County Council:

- a) 18/01866/PNAFUL – Mowbray Park Farm, Kirkby Malzeard – Erection of agricultural building – Atkinson – Approved.
- b) 18/03103/FUL – North Close Farm, Kirkby Malzeard – Erection of extension to light industrial unit – DM Fabrications – Approved.
- c) NY/2018/0123/FUL - Land at Kirkby Malzeard Church of England Primary School, Church Bank, Kirkby Malzeard - Demolition of disused toilet block, removal and replacement of section of retaining wall, metal fencing and gates to create wider access, resurfacing of existing car park, provision of external lighting, hard and soft landscaping work - NYCC - Approved.
- d) 18/02326/DISCON - Land at Field 419481 473254 Swetton, Dallowgill - application to remove certain conditions under Consent 17/04517/FUL - Nelson. Conditions discharged.

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

- a) 18/02344/FUL – Barn Conversion, Carr House Farm, Kirkby Malzeard – Erection of two storey extension - Watson. The Council agreed it had no objections to the application. **Action – Clerk to submit response to HBC.**
- b) 18/04365/FUL – 1 West End Cottages, Main Street, Kirkby Malzeard – Erection of first floor extension – Bullock. The Council agreed it had no objections to the application. **Action – Clerk to submit response to HBC.**

9. Planning - Neighbourhood Plan.

- a) The Chair confirmed that letters have been sent to neighbouring Parishes notifying them of the proposed Plan Area with responses requested by early December.
- b) Neighbourhood Planning Forum, Leeds 19.10.18. Cllr Brownlee reported that useful information had been provided and the need to encourage community engagement, as soon as possible, had been stressed.
- c) The Terms of Reference for, and creation of, a Neighbourhood Plan Steering Group, being a committee of the Council (under s102 of the Local Government Act 1972), were considered. It was agreed that the Steering Group would be an advisory committee of the Council as set out in the Terms of Reference. The creation of the committee on this basis was proposed by the Chair, seconded by Cllr Berry, and approved by the Council. It was proposed by Cllr Loble and seconded by Cllr Berry that Cllr Mountain be the Chairman of the committee (subject to review at the Annual Parish Council meeting in May 2019) and this was approved. In addition to Cllr Mountain, Cllrs Aksut, Berry, Brownlee and Saxon all confirmed they would accept the role of committee members. **Action – Chair to invite representatives of local organisations, businesses and residents within the community to join the committee.**

10. Planning – Enforcement issues. Any possible breaches of planning consents, conditions or regulations currently existing within the Parish to be raised by Cllrs or members of the public. Two matters were raised and enquiries will be made initially to clarify information and, if

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appropriate, details will then be forwarded by the Clerk to the Planning Enforcement Office for investigation. **Action – Chair to clarify information before Clerk forwards to HBC, if appropriate.**

11. Kirkby Malzeard Community Association.

The Terms of Reference for, and creation of, a committee to advise on the creation of a Community Association for Kirkby Malzeard, under s102 of the Local Government Act 1972, were considered. The Chair and Cllr Saxon reported on the meeting held by MIVH trustees on 08.10.18 concerning these proposals at which the trustees had agreed that the Council should look into creating a Community Association. A similar initiative had also been suggested at the September Council meeting. The Council approved that an advisory committee, on the basis of the suggested Terms of Reference, be created. It was proposed that Cllr Saxon should be Chair of the committee which was also approved. In addition to Cllr Saxon, Cllrs Brownlee, Aksut, Berry, and Mountain all confirmed they would accept the role of committee members. **Action – Cllr Saxon to approach local organisations and seek representatives to act as committee members with a view to arranging the initial meeting as soon as practical.**

12. Footpaths – recent DMMO Application made to North Yorkshire County Council.

a) 15.70/7 – Bagwith Lane, Kirkby Malzeard – Application for upgrade from footpath to restricted byway and to add new length of restricted byway. This will enable the track between Ringbeck Road and Kirkby Moor Road to be used by horse-riders, horse drawn carriages, cyclists and pedestrians. The Council had received no reports of concerns from landowners or other residents, nor had it received any supportive comments, so it was agreed that no response to NYCC would be made. Cllr Lobley enquired as to the responsibility for surface and gate maintenance on behalf of the landowner of Bagwith Lane. **Action - Chair to check with NYCC.**

13. The Queens Head, Kirkby Malzeard – The Council had written to the owners Ei Group to ascertain their plans for the future of the public house and had been informed that providing the business continued to be supported by residents and remained viable, that it did not foresee anything other than the existing tenancy, with the current landlords, continuing. It was therefore decided that no further action should be undertaken by the Council at this point.

14. Armistice 2018 Artwork – The Chair confirmed that artwork, comprising ten boards incorporating the names of soldiers from the Parish killed in the war, kindly produced by Stephen Weld, was now in place and these had been well received by residents. The Council formally offered thanks for Stephen’s work and for the help of Dave and Janet Robinson in erecting them around Kirkby Malzeard. In conjunction with the Armistice work the T de Y graffiti to the front of the Henry Jenkins had been painted over and thanks was also given to Paul Cookson for helping Cllr Saxon and the Chair with this.

15. Kirkby Malzeard Charity Trust – Cllr Berry had received a verbal response from the Chair of the Charity Trust who advised that discussions had been held with their Secretary and that a meeting was now to be held in November to which he and Cllr Lobley would be invited. Cllr Berry

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had contacted the Charity Commission who had confirmed that, if necessary, he could call a meeting of the Trustees to obtain answers to the Council's concerns. **Action – Cllrs Berry and Lobley to report to the next Council meeting.**

16. Tree on Main Street, Kirkby Malzeard – The request from the owner of Branwell Cottage, Main Street, Kirkby Malzeard to have tree in verge pruned back was considered with the Chair confirming Highways had agreed to assess this, and neighbouring trees, to establish whether or not they were their responsibility. **Action – Chair to report back on NYCC findings.**

17. Council Property Assets –

a) Cllr Aksut confirmed inspection of the Pinfold and Market Cross on October 28th with no untoward observations to report. Cllr Lobley inspected Greygarth Monument on October 28th with no defects present. The Chair inspected both Lamberts and Laverton Quarries on October 24th with no problems noted. **Action – Cllr Lobley to secure flagpole at Greygarth.**

b) Coalpit Goal Woodyard, Kirkby Moor Road, Kirkby Malzeard – Following circulation of the lease amongst Cllrs it was resolved to approve and sign lease to Mr. Bryan Ward, and to separately grant vehicular right of way across the land to the rear section of Woodyard owned by R.K. and J.M. Ward. The Chair and Cllr Lobley signed the lease with the Clerk as witness. **Action – Chair to confirm Right of Way and supply leases to Tenants for signature.**

c) Common Land at Woodhouse Bogs, Winksley – Following agreement by Azerley Parish Council, it was agreed to resolve to approve transfer of full ownership to Azerley Parish Council.

d) Lamberts Quarry & Laverton Quarry – an estimate of £150 + VAT for an annual tree inspection by Wards Woodyard was considered with Blakey Tree Surgery not responding to requests to supply a second estimate. Cllrs agreed to instruct Wards on the basis that the inspection would also cover two trees at the Children's Play Area. **Action – Chair to instruct Wards Woodyard.**

e) Bus Shelter opposite Kirkby Stores, Kirkby Malzeard – following consideration of public response to the proposed removal it had been established that the shelter was still used occasionally by school children and it was therefore agreed that it would have to be repaired rather than removed, with revised estimates to be sought to reduce the cost. Redecoration would be carried out by volunteers rather than a contractor. **Action – Cllr Aksut to obtain a second estimate from local joiner and Chair to approach GJ Meer for a revised estimate.**

18. Commuted sums

a) Kirkby Malzeard Heritage Board – the Chair advised that the contractors had been instructed to proceed but no delivery date was available at present.

b) Highside Playing Fields/Play Area – the Chair confirmed that the application for the new fencing had been approved by HBC but would not proceed until the lease was in place.

19. Children's Play Area

a) There were no essential repairs indicated within the last monthly report from DTMS.

b) In respect of sub-lease to enable the Council to take over the Play Area from HPFA, the Chair suggested they take independent advice over the terms with a quote of £100 plus VAT

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supplied by Hutchinson & Buchanan Solicitors. The Council agreed this would be prudent. **Action – Chair to instruct advice from solicitors.**

20. Highways Issues

a) The damaged sign at the top Laverton junction had been replaced and the road surface at the Sugar Hill junction repaired. Cllr Aksut advised of communications with Highways over the uneven road surface towards the top of Main Street with a further engineer visit anticipated.

b) New items raised by Councillors or public. The yellow lines opposite the Longswales junction need repainting. **Action – Clerk to report to Highways.**

c) The proposed removal of some salt bins in Kirkby Malzeard was considered following Highways confirmation that existing bins could be kept without charge but filling would be £75 for one fill, with a second at NYCC’s discretion depending on weather conditions. It was agreed that the bins on Mowbray Crescent and High Walk should be financed by the Parish Council on a year’s trial but that the one on the corner of Back Lane/The Green could not be justified. **Action – Clerk to confirm to Highways.**

d) Cllr Atkinson provided an update on the extension of pavement at the Galphay Road /Market Cross junction. Ownership was being established and she would keep seeking for it to be extended to improve road safety. **Action – Council to monitor progress.**

e) Following a report of another collision with parked cars near the Laverton Hall bend, the Chair established with Highways that there was no existing 30mph limit in Laverton but that this was being reviewed. The Chair suggested that the Council should also seek 40mph limits on some of the approach roads to Laverton and Kirkby Malzeard at the same time. **Action – Chair to prepare a plan of suggested zones for the next meeting.**

f) Following the request of a resident it was agreed that the Council would consult with the neighbouring owner about lowering the verge in front of Post Box in Laverton, to make it easier for the elderly to use. **Action – Chair to liaise and undertake works.**

21. DTMS Task List – It was agreed to ask DTMS to reduce the height of the hawthorn bush to the back of the Henry Jenkins and to cut back the Snowberry bushes to both sides of the Main Street cross roads following regrowth. Clerk to complete the Customer Feedback questionnaire to DTMS. **Action – Clerk to complete form and instruct works.**

22. GDPR.

a) Confirmation that all Councillors using e-mail have now created specific Parish Council email addresses was requested. Cllr Berry advised that a new address had been created but needed to be activated and Cllr Broadley advised a new address was still to be created. Returned Consent forms to Clerk were still outstanding from some Cllrs. **Action – Clerk to assist Cllr Broadley and to re-send consent forms to Cllrs.**

b) A model Breach policy document is still awaited from YLCA.

23. Meeting procedures

a) It was agreed that an agenda item for information from District and County Councillors would be included early on the Agenda from the next meeting onwards.

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b) Consider means of improving public participation at meetings. The introduction of a specific Public Participation Session was discussed but it was agreed that participation should be permitted during the Council meeting as at present. **Action - Public participation rules to be reviewed at next meeting.**

c) Consider whether further internal financial controls are required. It was agreed that a monthly reconciliation between the statement and cashbook would be provided by the Clerk and that bank balances would be recorded in the Minutes. **Action – Cllr Berry to supply Clerk with template accounts to potentially adapt and adopt.**

24. Employment of Clerk –

a) Amendment to Contract of Employment in respect of the number of days annual leave due to Clerk was approved. This had been incorrectly shown as 3 weeks rather than 21 working days (4 weeks and one day). **Action – Chair to produce amended document for signature.**

b) The Clerk updated the Council on the proposed printer purchase. Current cartridges were to be used up before purchasing the new printer in order to make full use of the one months' free trial to the ink cartridge supply contract. This will reduce the overall cost of ink in the future.

25. Brief reports on meetings attended since last month -

a) YLCA Finance and Budgeting for Local Councils training – York, 16.10.2018 – The Chair advised that the course had shown that this Council had responded to the need for modernisation which all Councils had faced in recent years, but that continuing vigilance would be necessary to ensure that best practices were maintained. To this end further clarification regarding the reclaiming of VAT will be sought. **Action – Chair to liaise with YLCA.**

b) YLCA Harrogate District branch meeting – Boroughbridge, 01.10.18 – the HBC leader Cllr Richard Cooper had attended and answered queries by Parish Council representatives. Useful information on additional matters had been provided by YLCA.

26. Financial items:

a) Bank statements – details of balances, outgoings and income on latest available statements were circulated. The Clerk advised of a balance of £12,532.96 in the current account, and £2,855.45 to the savings account as of the 19th October which reconciled with the Cashbook.

b) Cash Book – an up to date record of payments and receipts was circulated and noted.

c) Six Monthly Comparison to Budget - comparison of income and expenditure for Quarters 1 and 2 to Budgeted figures was circulated with explanations over variations being given by the Clerk and approved by the Council.

d) Payment to DTMS Ltd for £60.48 for September and October's playground inspections was approved.

e) Payment to DTMS Ltd for £141.12 for September and October's caretaker duties was approved.

f) Payment to D3 Office Group Ltd for £12.28 for stationery was approved.

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- g) Payment to Clerk for £8.50 for picture frame was approved. The Council were informed of a birthday party for former Cllr Jackson at the MI 10am to 12noon on 26th November and members were asked to attend if possible.
- h) Payment to Buckton Homes and Gardens for £760.00 for grass cutting was approved.
- i) Payment to Stephen Weld for £70.85 for materials for Armistice artwork was approved.
- j) Payment to Chair for £39.54 for materials for Armistice artwork was approved.
- k) Payment to Hutchinson and Buchanan Solicitors for £360.00 for the preparation of lease for the Woodyard, Kirkby Moor Road (item 17b above) was approved.
- l) Consideration of purchase of the 11th edition of 'Local Council Administration'. It was agreed that this publication was not essential with YLCA to be consulted instead.

27. Any Other Business

- a) Cllr Berry advised of cars packed on the verge outside Wensleydale Creamery. **Action – Clerk to draft letter to business to ask employees to use their car parking facilities.**
- b) A resident queried the regular parking of vehicles to West End Green at the Ringbeck Road/Back Lane North junction. **Action – Chair to establish with Highways over regulations.**

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

The meeting closed at 10.05pm

Dated 07/11/2018

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

Tel: 01765 650363 Email: clerk.kmldpc@outlook.com

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

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