

KIRKBY MALZEARD, LAVERTON AND DALLOWGILL PARISH COUNCIL

MINUTES OF THE PARISH COUNCIL MEETING

held on 30 July 2018 in
Greygarth Chapel, Dallowgill

The Meeting commenced at 7.15pm

Present: Councillors Howard Mountain (Chairman), Geoff Loble (Vice-Chairman), Jane Aksut, Geoffrey Berry, Ruth Broadley, Peter Saxon, County Cllr Margaret Atkinson and District Cllr Nigel Simms, with Jen Hurford (Clerk), and 8 members of the public.

1. Welcome and apologies for absence.

The Chairman welcomed everyone to the meeting and noted apologies from Cllr Alan Brownlee.

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

Cllr Saxon declared a 'Close Association' in respect of item 8a, and took no part in the discussion or vote on this item. Although he was not obliged to, he left the room while this matter was dealt with.

3. Approve the Minutes of the previous Parish Council meetings held on 25th June 2018 and 11th July 2018.

The minutes of the Council meeting on June 25th were confirmed as an accurate account of the meeting. Proposed by Cllr Berry, seconded by Cllr Saxon and signed by the Chairman. The minutes of the Interim Council meeting on July 11th were confirmed as an accurate account of the meeting. Proposed by Cllr Loble, seconded by Cllr Saxon and signed by the Chairman.

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

a) Common Land at Woodhouse Bogs, Winksley – The Chairman clarified there was still no response from Azerley Parish Council. **Action – Chair to write again to Azerley Parish Council and NYCC to resolve ownership.**

b) Report on progress on setting up of Facebook Group - Cllr Brownlee had clarified prior to meeting that work was still in progress. Item deferred until the next meeting.

c) Dog waste bin for Footpath from Back Lane to Ringbeck river – the Clerk confirmed HBC could not provide a bin due to a lack of funding and that if this Council provided its own we would be responsible for emptying. The Parish Caretakers had said this was outside of their remit. It was agreed that no further action could be taken on the matter.

d) Bus service subsidies – the Chair clarified that no additional information could be provided by NYCC about the levels of existing subsidies and so a request had been made for the subsidies to be continued at the existing level or higher to ensure the future of local services.

e) Links to Police alert systems and information updates for websites – the Clerk advised that residents could register for alerts about local crimes at www.nycm.co.uk and the Chair confirmed

Signed

Date

that local crime figures for the Ripon area could now be accessed through the community website www.kirkbymalzeardareaguide.btck.co.uk

f) St Peter's, Dallowgill – the Council had now been informed that the Diocese intended to negotiate the extent of the Churchyard land included in the sale directly with any potential purchaser contrary to their original intention of excluding it. The Council agreed that it should be ensured that in these circumstances the land be properly maintained and that full public access should be available. The Diocese had noted our concerns over parking and use of the verge, together with the effect of the Planning Department's CFX policy (which could result in the building remaining empty for a prolonged period of time), which they shared. Councillors agreed that in the light of information provided they had no specific concerns over the contents of the Church. **Action – Chair to provide additional comments to Diocese.**

g) Update on Local Lotto - Cllr Aksut confirmed Kirkby Malzeard Youth Club had registered as a 'Good Cause', and the School's Parent Association would also be doing so. **Action – Cllr Aksut to erect publicity posters in the Parish to encourage ticket sales and contact other local organisations in case they wished to register.**

5. Correspondence

a) Harrogate Borough Council - Request to take part in survey on their Budget 2019-20 Consultation, Crime Not to Say questionnaire and Broadband survey. **Action – Cllrs and residents encouraged to check download speeds and feed back to Council or complete HBC Broadband survey available on the Parish Council website.**

b) Harrogate Borough Council – Notification that section of Henry Jenkins Public House, Kirkby Malzeard which was recently sold, was considered a 'relevant disposal' and will be removed from the Assets of Community Value listing.

The Chair advised that it was understood that HJCC could apply to have the ACV relisted and asked for input from everyone present, which included David Fielder, Dave Robinson and Sue Maguire (the landlady of the Queens Head) about the situation generally. Various points were made within the discussion that followed including concern from Sue Maguire about the adverse effect that re-opening the Henry Jenkins may have on the Queens Head, and from others that the findings of the Opinion Survey being carried out by the HJCC should not be considered until fully complete, that the possible uses of the Henry Jenkins suggested in the Survey were too wide to be practical, that redevelopment for housing had not however been included as an option, that a recent Lottery grant bid by the Mechanics Institute had been rejected largely due to the uncertainty over the future of the Henry Jenkins, that an up to date business plan which HJCC were producing was still awaited and that HBC's Community use policy (CFX) was being implemented when inappropriate as it ignored the wide range of amenities already existing in the village. The HJCC view, expressed by Dave Robinson, was that they felt that the ACV must still apply to the whole property and that they did not feel that a re-opened Henry Jenkins would compete with The Queens Head as it would be a different type of pub. The business plan was nearing completion and suggestions that the Opinion Survey involved excessive lobbying of residents were denied. They hoped that HBC would

Signed

Date

continue to refuse applications for redevelopment and pointed out that a sizeable number of residents backed their proposals. It was agreed by the Council that they would continue to monitor the situation, and Cllr Aksut requested that they discuss the matter further in the future.

c) YLCA - Notification of consultation and request to answer questions on Bye Laws on Sites of Special Scientific Interest – as there were no SSSI's with the Parish no response was required.

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

a) 18/01726/OUT – Land Comprising OS Field 5419 Galphay Road, Kirkby Malzeard – Outline Application for the erection of 2 no. dwellings with access considered – Atkinson – Refused.

b) 18/01600/OUT – The Grange, Back Lane, Kirkby Malzeard – Outline application for the erection of 5 no. dwellings with access considered. (Revised Scheme) – Thompson – Refused.

7. Planning Appeals– notification of recent decisions made by the Planning Inspectorate:

18/00033/NREFPP – Grey Gables, Laverton – Outline application for the erection of three dwellings with live/work units with access, appearance, scale and layout considered – Belgrave Property – Appeal dismissed (refused).

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

a) a) 18/02543/FUL – Middle Biggin Farm, Kirk Bank to Biggin Grange and Middle Biggin, Kirkby Malzeard – Formation of concrete access track and hard standing – Vasey. The Council decided to Support the application. **Action – Clerk to submit response to HBC.**

9. Planning – recent Applications made to Harrogate Borough Council where no response is required from the Parish Council – for notification purposes only:

a) 18/02862/DISCON – Mossie Mire House, Laverton – Discharge of condition 4 (roof tile sample) of planning consent 17/00389/FUL conversion of outbuildings and associated works to form extension to dwelling – Cox.

10. Planning - Neighbourhood Plan.

The Chair explained the benefits in planning terms of creating a Neighbourhood Plan and asked that Cllrs decide whether to proceed. As District Cllr Simms advised that the opinions of adjacent Parishes could be invited, but a plan should be devised to only include our own Parish, this was the basis on which the matter was considered. If it was decided to go ahead the next stage would be to meet with HBC and then to form a 'Steering Group' which would also include residents. It was proposed by the Chair to proceed with the creation of a Neighbourhood Plan for the Parish, seconded by Cllr Saxon and approved by the Council. **Action – Cllrs to consider whether they wish to be on the Steering Group. Chair to contact HBC and arrange preliminary meeting.**

11.Planning – Enforcement issues.

a) The Chair confirmed that at present anyone can phone or email HBC and ask the Planning Enforcement Office to investigate possible planning breaches and whilst they would have to

Signed

Date

provide their details, these would be kept confidential by HBC. It was proposed that Cllrs and residents should also be able to raise matters at a Parish Council meeting which then could be forwarded on by the Council, in the Council's name, for investigation by HBC providing they appeared valid. YLCA had advised there should be a general Agenda item to cover this matter and that individual properties need not be named in the Minutes to avoid unfair publicity for property owners if it were ultimately found that no breach had taken place. Cllrs discussed this suggestion and it was agreed that this would be implemented on a trial basis to assess the benefits.

b) In line with the above item any possible breaches of planning consents, conditions or regulations currently existing within the Parish raised by Councillors or Public to be referred to the Planning Enforcement Officer at HBC for consideration, were requested, but none were put forward.

12. Kirkby Malzeard Charity Trust – The Clerk confirmed they had not received a response so far from the Charity Trust following notification of the change of Council representative and request for further information. It was agreed that Cllrs Berry and Saxon would approach the Chair of the Trust personally for a response and then consideration would be given to contacting the Charity Commission if adequate information could not be provided. **Action – chair to write again and Cllrs Saxon and Berry to approach the Trust Chairman to discuss.**

13. Mobile Post Office – the recent inadequate service to the Parish was discussed. The PO Van had been unable to function in the village recently due to technical problems and the Chair had had to contact the CEO of the Post Office to try to encourage the problem to be addressed as a matter of urgency. A resident confirmed that further tests had been carried out that afternoon. The Chair hoped that the matter had now been resolved and asked that residents continue to use its services in order to help ensure that the facility was not lost. **Action – Chair to visit van to check on progress and ensure it was now functional again.**

14. Traffic issues – The Council considered measures to include provision of equipment to reduce the speed of vehicles within villages. The actual measurement of the speed of vehicles at the East end of Kirkby Malzeard was thought to be necessary. Enquiries about cost would be made and as Highways may be altering their criteria for providing equipment in the Autumn the matter would also be reconsidered at a later meeting.

15. Inspection of Council Property Assets –

a) Cllr Aksut confirmed inspection of the Pinfold and Market Cross on 25th July with no untoward observations to report, as did Cllr Loble of Greygarth Monument on 30th July, and the Chairman of Lamberts and Laverton Quarries on 30th July.

b) The Clerk advised quotes in respect of defective stile to Greygarth Monument were still awaited. **Action – Clerk to chase quotes.**

c) The replacement of the bench in Mowbray Crescent was considered and Cllrs agreed this should be done, with the Chair advising there were no commuted sums available to fund this. Cllr Berry

proposed a budget of £250 for this, which Cllr Broadley seconded, and which was then approved by the Council. **Action – Chair and Clerk to source bench.**

d) Woodyard, Kirkby Moor Road, Kirkby Malzeard – an estimate of £300 plus VAT for legal fees for the creation of new lease was obtained from Hutchinson & Buchanan LLP Solicitors. The Council agreed to proceed on this basis. **Action – Chair to meet with Tenants to discuss terms.**

16. Commuted sums

a) Laverton Bridge Pinfold – the paving work has been completed and a volunteer was working on the bench which would be put back in place shortly.

b) Kirkby Malzeard Heritage Board – progress was confirmed with the board now ordered.

c) Highside Playing Fields/Play Area – the Chair advised that £1,048.57 of commuted sums was available to be spent by 02.10.2018 and of a forthcoming meeting with HPFA and DTMS for new fencing and work on existing fencing around the play area and MUGA.

17. Children’s Play Area

a) The last monthly report from DTMS did not refer to any urgent works.

b) The Chairman confirmed that despite numerous assurances the document from the legal department at HBC had still not been issued but it was hoped that progress would have been made by the next meeting. **Action – Chair to continue to liaise with HBC on this matter.**

18. Highways Issues – the Chair confirmed items previously reported to Highways had been sent again for their updated comments. It was requested that Cllrs and residents obtain photos of issues such as the flooding to the road at Thieves Gill in order to forward to Highways. Cllr Aksut highlighted the drop to the road side on Galphay Road where the new houses are being built, but County Cllr Atkinson advised that Highways do not take responsibility for such works.

A Dallowgill resident expressed concerns about the problems which may arise when the trees at Dallow are felled and timber is removed along the narrow roads in Dallowgill. It was suggested that a traffic light system may be necessary in order to manage passing traffic towards Belford and Cllr Lobley advised of similar potential problems at Swetton. **Action – Chair to contact Fountains Forestry to establish proposed measures to ensure safety.**

19. DTMS Task List – the Clerk reported on strimming work carried out by Parish Caretakers. There were no new items to be added to their task list.

20. Brief reports on meetings attended on behalf of Council

a) Parish Consultation meeting with HBC June 28 – the Chair confirmed attendance. A response had been provided to the question from the Parish Council about recycling and it was noted that no waste is now sent to landfill from kerbside collections with everything that could not be recycled being incinerated at Allerton Park and converted to energy. Dissatisfaction over broadband and the number of empty shops in town centres was also aired.

b) Planning briefing for Parish Councils with HBC July 19 – the Chair and Cllr Brownlee attended. The full planning process was explained with emphasis on what constituted valid grounds for objections to applications. It was noted that neighbours are no longer notified when new planning applications are made with Site Notices used to advise all nearby residents.

21. GDPR – The Clerk’s appointment as the designated Data Control Officer was confirmed and the Council approval the following documents to comply with Data Protection Act 2018;

a) Data Audit – this internal document was circulated and the Chair proposed approval which Cllr Lobley seconded. Cllr Berry asked how the Freedom of Information Act might conflict with Data Protection rules and it was confirmed that some redaction of names etc. would be necessary but full working details of how to proceed would be required. **Action – Clerk to enquire with YLCA.**

b) General Privacy Notice – the document was proposed for use by the Chair and seconded by Cllr Lobley. This will be published on the Parish Council website.

c) Councillors, Staff and Role-holders Privacy Notice –The approval of this privacy notice was proposed by the Chair and was seconded by Cllr Aksut. Copies will be provided to all relevant parties.

d) Consent Form (in respect of Councillors Email) - Cllrs were asked to create an email address solely for PC use on a name.kmldpc@provider.co.uk basis, and to give consent to this and an optional telephone number being given out to the public. Emails sent by Cllrs should include a link to the General Privacy Notice. The adoption of this policy was proposed by the Chair and seconded by Cllr Broadley and once approved Cllrs were asked to complete and return the Consent Form to the Clerk as soon as possible. **Action – Clerk to circulate email footer. Cllrs to return completed form.**

e) Records Management Policy – The Chair proposed the document for use and Cllr Lobley seconded this. The document will be published on the Parish Council website.

22. Training

a) General training arrangements for Clerk and Councillors was discussed and it was agreed that the Council could only afford to fund a maximum of one course per Cllr per year, being those currently available from YLCA at £45 each with a travelling allowance claimable. The clerk’s training would be considered on an individual basis as at present. **Action – Clerk to seek whether alternative PowerPoint presentations of the courses were available from YLCA to reduce costs.**

b) It was agreed that the purchase of printed 2018 guidance and information literature was not justifiable as they were available free to download from YLCA’s website.

c) Attendance at the YLCA One Day Conference 2018 could not be justified given the cost of £115 for a place.

d) Consent for all Councillors to be able to access the YLCA members section of their website was approved. **Action – Clerk to circulate log in details to Cllrs.**

23. Financial items:

- a) Bank statements – the Clerk advised of the details of balances, outgoings and income since last month and these were noted by the Council.
- b) Cash Book – an up to date record of payments and receipts was circulated and noted.
- c) Quarterly Comparison to Budget – the comparison of income and expenditure for Quarter 1 to Budgeted figures was circulated and the significant variances explained by the Clerk; the unbudgeted Tour de Yorkshire expenses and income effectively cancelled each other out, and the high office expenses were predominantly due to printing costs for the Annual Parish Exhibition. The explanations were approved by the Council.
- d) Approval of VAT submission – the Clerk circulated a reclaim VAT payments from November 2017 to May 2018 for £611.64 to which Cllrs approved.
- e) Payment to Buckton Homes and Gardens for £760 for grass cutting maintenance contract was approved.
- f) Payment to DTMS Ltd for £60.48 for May and June’s playground inspections was approved.
- g) Payment to DTMS Ltd for £100.80 for May and June’s caretaker duties was approved.
- h) Payment to Information Commissioner’s Office for £40 for data protection fee was approved.
- i) Payment to Clerk for £6.96 for stamps was approved.
- j) Payment to Clerk for £96.00 for home working allowance (at £8pmth) for the annual period of 7th August 2017 to 6th August 2018 was approved.
- k) Payment to Franklin Hardscapes for £290 + Vat for work to Laverton Pinfold was approved.

24. Any Other Business –

- a) A resident asked how much the Clerk’s salary was and the Chair confirmed the figure was £9.81 per hour calculated in accordance with national pay scales. The resident felt the additional Homeworker allowance of £2 per week should be increased. **Action – Clerk to include matter on the next Agenda for consideration.**
- b) Cllr Saxon enquired about a footpath within the Parish and it was confirmed that all public footpaths were indicated on the Definitive Map available from NYCC. It was suggested that advice be sought from Gwynneth Jackson who had been the Council’s expert on this topic whilst in office. **Action – Cllr Saxon to make enquiries.**

25. Date of next meeting: Monday 20 August 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 10 August 2018 please.

The meeting closed at 9.35pm.

Dated 08/08/2018

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 www.kmldpc.btck.co.uk

Facebook: Kmldpc Parish Council

Signed

Date