

# KIRKBY MALZEARD, LAVERTON AND DALLOWGILL PARISH COUNCIL

## MINUTES OF THE PARISH COUNCIL MEETING

on Monday 30<sup>th</sup> September 2019 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), Jane Aksut, Geoffrey Berry, Alan Brownlee, Pippa Manson and Peter Saxon. County Councillor Margaret Atkinson. Karen Bromage and two colleagues from Delta Academies Trust (item 4c). Five members of the public.

**1. Welcome and apologies for absence.** Apologies were received from District Cllr Nigel Simms.

**2. Declarations of Disclosable Pecuniary Interest, Other Interests or Close Association by Councillors for any item on the agenda. Approve requests for dispensations if any.** Cllr Saxon declared a Disclosable Pecuniary Interest in item 5 and left the room whilst this was being discussed.

**3. Approve the Minutes of the Parish Council meetings held on 19 August 2019 and on 16 September 2019.** The Minutes for these meetings 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) **Secondary School bus arrangements (discussed at meeting on 19.08.2019).** It was confirmed that letters had been sent to both NYCC and the Department for Education and an acknowledgement had been received from the latter. No further information had become available in the meantime and responses were awaited. County Cllr Atkinson confirmed that she would make enquires to NYCC and advise the Parish Council on any developments.

b) **St Peters Church, Dallowgill.** The Case Officer at the Church Commissioners had provided an update confirming that the proposed sale was still proceeding and the Council would be informed once the process reached the period of statutory public consultation.

c) **Old School/Outdoor Centre, Dallowgill.** Representatives from Delta Academies Trust, the owners of the property, attended the meeting in order to provide further information on their proposals for its future. Plans and drawings illustrating the extension and refurbishment work to be undertaken were made available for inspection and the general work of the Trust was outlined with specific reference to how students would benefit from activities at the Centre. Work, which it was estimated will cost £800,000 to £1,200,000, will start in February 2020 and it is intended that the building will be open for use by September 2020. Local contractors would be used wherever possible. Once open it was indicated that Mini-buses would be used for transporting students rather than larger coaches to avoid undue traffic issues on the narrow

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access roads. It was agreed that, at the request of the Parish Council, a publicly accessible defibrillator would be installed as part of the scheme. Every attempt will be made to involve the local community with the activities taking place at the Centre. The representatives were thanked for taking the time to explain their plans to the Councillors and public.

d) **VE Day celebrations May 2020.** Arrangements were being discussed by the Royal British Legion at their meeting last Thursday, and the Council will await further information in due course.

## **5. Former Henry Jenkins Inn, Main Street, Kirkby Malzeard**

a) **Notification by HBC of unsuccessful Nomination of Eastern Annex as Asset of Community Value.** A copy of the report on the decision by HBC had been circulated to Councillors prior to the meeting. The nomination was unsuccessful having failed to meet either of the Conditions necessary. The western section remains Listed as an ACV.

b) **Consider responses from HBC to enquiries to establish acceptable alternative uses for building under ACV and CFX Policy rules, if re-opening as Public House does not proceed.** HBC had confirmed that as far as the existing ACV Listing on the western section was concerned any community use could be proposed by a community group and this would be considered on its merits. The Planning Department had indicated that in relation to the building as a whole, whilst the CFX policy applied, other than a public house only the following uses were acceptable: community halls, education establishments, places of worship, health services and libraries. A Care-home was seen as a 'health service' but the provision of sheltered housing with a warden, was not. It was agreed that it was clearly not in the interest of the village that, if the building were not to be re-opened as a public house, it remains unused indefinitely and any viable alternative community use should be fully investigated. **Action: Chair to seek further clarification from HBC regarding sheltered accommodation for the elderly and to seek as far as possible the view of a number of care home providers as to whether the property was likely to be suitable for redevelopment as a care home.**

## **6. Correspondence (where not dealt with elsewhere on the agenda):**

a) **YLCA – Consultation on proposed reforms to Permitted Development Rights to support the deployment of 5G and extended mobile coverage.** It was agreed that there was both a valid need to improve mobile signals and also a need to prevent the provision of obtrusive masts and no helpful response could therefore be made.

b) **HBC – FAQ's on the Community Infrastructure Levy document.** The document will be referred to once CIL is implemented next year.

c) **Use of Tasers by Police- consultation by the NY Police, Fire and Crime Commissioner's Office.** No response made.

d) **YLCA White Rose Update including HBC Small Transport Grant Scheme initiative, Village Survival Guide and the British Cycling Places to Ride programme.** Cllr Aksut to investigate the

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availability of grants in conjunction with a possible cycle path. Village Survival guide filed for future reference.

e) **NALC – Revisions to model Financial Regulations document.** Revisions will be made once the use of internet banking is commenced on appointment of new Clerk.

f) **HBC – notice of right to speak at Planning Committee meeting - case 19/03477/OUT.** It was agreed that the view of the Parish Council had been clearly summarised in its written response and that there was no necessity to repeat these views verbally at the meeting.

**7. County and District Matters** – Any items to be raised with or by Cllrs Atkinson and Simms:

a) Update over monitoring of vehicle speeds using Data Loggers – NYCC. County Cllr Atkinson was unable to provide any information as to why Data Loggers have still not been provided but will make further enquiries.

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

a) 19/00628/FUL - Hoggerstone Hill Farm, Belford Lane, Dallowgill – alterations and change of external materials, alterations and creation of fenestration, conversion of barn to create ancillary residential accommodation, erection of garage, demolition of multiple storage annex buildings – Bromet – permitted.

b) 19/02275/REM – (Land to south of) Parkfield, Galphay Road, Kirkby Malzeard – reserved matters application for access, appearance, landscaping, layout and scale of Planning Permission 17/04096/OUT (erection of single dwelling)– Kitching – approved.

c) 19/02601/DISCON – (Land to south of) Parkfield, Galphay Road, Kirkby Malzeard – approval of details under conditions 4, 5, 10, 11, 14 and 15 of Planning Permission 17/04096/OUT (erection of single dwelling)– Briahaze – approved.

d) 19/02571/FUL – Manchester House, Dallow – Formation of menage – Parry – permitted.

e) 19/03812/DVCON – 23 St Andrews Meadows, Kirkby Malzeard – deletion of condition 4 (boundary) to retain existing fence of Planning Permission 19/01842/FUL (erection of single storey extension) – Martin – Condition deleted.

f) TPO 44/2019 – Land comprising Field at 422636 474144, Laverton Road, Kirkby Malzeard – Provisional Tree Preservation Order for six months commencing 24.09.2019.

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

a) 19/03946/KIOSK – Phone-box, Main Street, Kirkby Malzeard – BT consultation on the proposed removal of payphone kiosk – BT.

b) 19/03947/KIOSK – Phone-box, Laverton – BT consultation on the proposed removal of payphone kiosk – BT.

The Council considered both cases and decided that it had ‘No Objections’ to either.

Consultation with members of the public had been carried out by the Parish Council in 2016 when similar applications had been made and the majority of responses received were in

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favour of removal. On that occasion HBC objected and the kiosks/phones were left in place. No calls had been made at either kiosk over the last 12 months. It is possible for Parish Councils to 'adopt' kiosks once the phones have been removed and it was agreed that if valid long-term uses could be identified this option would be implemented. **Action: Acting Clerk to advise HBC of decision. Cllr Aksut to investigate practicalities of using the Kirkby Malzeard kiosk for a book-swap scheme and Chair to investigate availability of grant funding for defibrillator to be installed in Laverton kiosk.**

**10. Planning – recent applications made to Harrogate Borough Council where response not requested from Parish Council:**

- a) 19/03748/PNA – North Close Farm, Ripon Road, Kirkby Malzeard – Prior notification for erection of an agricultural building – Mawer.
- b) 19/03820/DISCON – Cross Hills, Dallow (Grantley) – Approval of details under condition 3 (external materials) of Planning Permission 19/02112/FUL (erection of extensions) – Lupton.

**11. Planning - Neighbourhood Plan.** The Steering Group met on 09.09.2019 and Cllr Mountain provided a brief summary of items covered as set out in the draft Minutes of the meeting as available on the Parish Council website.

**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.** The Acting Clerk reported that two cases in the Parish had been investigated by the Enforcement Office and no further action was now needed, with three other cases currently being monitored in case future action is necessary. Further to the discussion on policy at the last meeting it was agreed that the need for residents to put concerns in writing or email would be trialed and if it were found to be restricting the number of cases being raised, would be reviewed.

**13. Grass cutting to village verges – consider tender specification to be sent to contractors for 2020/21 seasons, to include consideration of the practicality of incorporating some wild flower areas and the collection of grass cuttings. Note complaint from member of public regarding grass cuttings left on paths and response.** Agreement was reached that some trial Wild Flower areas are to be incorporated within Kirkby Malzeard verges next year in order to improve the diversity of the verge areas and benefit wild life, in accordance with a national policy by Plantlife (a conservation charity) which also suggests that savings can be made by Councils as less regular grass cutting is needed. Cllr Manson and the Chair produced amended plans for the cutting scheme in both villages. Costings will also be sought to ascertain if collection of the cuttings in Kirkby Malzeard is feasible, as regular complaints are received about the potential hazard and unattractive appearance of cuttings left on the road and pavements. An

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area where a specific problem was recently raised by a resident is to be left uncut until the end of the season and then cut and cleared. **Action: Consultation to be held with existing contractor to obtain his input before final approval of tender specification at next meeting.**

**14. Appointment of new Clerk.** It was reported that adverts have been placed on local websites, noticeboards and in the Fountain magazine and applications by prospective candidates are awaited. **Action: Review at next meeting.**

### **15. Highways Issues**

a) Since the last meeting the area of pavement on Main Street next to Bonwell has been resurfaced, it has been agreed that salt heaps are to be provided on the Kirkby Moor Road/Laverton Road junction and work is to be carried shortly at Thieves Gill and Long Swales Lane. The Post Office have been asked to provide a longer connection lead for their Van and then use the Permit Holders bay which has been provided for them. A section of sewer has collapsed on Main Street and a road closure will be necessary to replace this later in the week. **Action: Chair to write to Yorkshire Water and ask that a long-term solution to sewer issues be investigated and implemented.**

b) Overhanging branches to paths have been reported towards the western end of Main Street requiring some cutting back. **Action: Owners of trees/shrubs will be asked to attend to these as soon as practical.** Cllr Lobleby reported that a bollard in front of Highside Butchers has been broken off and requires replacement and that flooding onto road adjacent to Knott Farm, Dallowgill is occurring. **Action: Acting Clerk will refer the former to Highways with the latter being monitored and then referred to Yorkshire Water if necessary.**

### **16. Traffic and parking issues**

a) The response from NYCC Highways to the submission on action needed to improve traffic safety/parking issues in Parish was considered. It is understood that funding may be available shortly to create a TRO for the 30mph zone in Laverton but this is awaiting confirmation. As a footpath to the cemetery will cost £75,000 it is unlikely that Highways will undertake this in the foreseeable future. Until a serious accident occurs on the approach roads to the villages there appears little chance that 40 mph zones will be introduced but the Council will continue to press for this. Priority will however be given by this Council to achieving the extension of the 20mph zone in Kirkby Malzeard as soon as possible and the delay by NYCC in providing Data Loggers is considered unacceptable. **Action: Chair to make enquiries about Community Speed watch schemes prior to responding to Highways.**

b) Letter sent to nine local farmers concerning the speed of agricultural vehicles through the villages. **Action: Council to informally monitor future traffic movements.**

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c) Grewelthorpe PC supported our attempt to introduce a 40mph speed limit on road between Kirkby Malzeard and Grewelthorpe. **Action: Chair to forward Highways response to Grewelthorpe PC and will keep them updated in future.**

d) Parking on verge to front of Wensleydale Creamery. The Creamery had indicated that works on site had resulted in an upsurge in this and they will seek to avoid this in future.

**17. Footpaths.** Chair advised that NYCC Paths will investigate the re-routing of the footpath between Carlsmoor Lane and Swetton shortly. The landowner has agreed to cut back the overgrown hedging to the path behind The Green. Two stiles in Laverton and Dallowgill were reported as needing repair. **Action: Acting Clerk to report stiles to NYCC Paths.**

### **18. External Meetings/Training**

a) HBC Ethical Standards training meeting attended by Chair and Cllr Aksut. Code of Conduct and Register of Interests discussed.

b) Safer Neighbourhood meeting at Pateley Bridge attended by Chair. No significant matters for this Parish.

c) YLCA webinar training undertaken by Chair. Various items covered – information noted.

d) YLCA Branch Meeting at Boroughbridge on October 4 – Chair and Cllr Berry to attend.

**19. Kirkby Malzeard Community Association.** Chair reported that both MIVH and HPFA had now had the opportunity to approve the draft Constitution and no amendments had been requested. Registering the Community Association as a Charitable Incorporated Organisation with the Charity Commission is to commence shortly.

**20. UCI World Championships.** No issues had arisen and the event had been enjoyed by residents, with additional income generated for local businesses. The Council wishes to express its thanks to all those who had assisted with bunting, publicising the event and organising the Church barbeque.

**21. Illegal Drug use in Parish.** Cllr Aksut confirmed that a public meeting was being organised and details would be available shortly.

### **22. Council Property Assets**

a) No issues reported by Councillors in respect of Laverton Quarry, Lamberts Quarry, the Pinfold, Greygarth Monument or the Market Cross, to which the repointing work had now been undertaken. Record of Inspections document to be updated accordingly. **Action: Mr. R J Tetley, who undertook Market Cross repointing free of charge, to be formally thanked.**

b) Bus Shelter opposite Kirkby Stores, Kirkby Malzeard. No progress on obtaining funding for proposed noticeboard as application still pending. Chair and Cllr Saxon have repainted the shelter internally but significant repair still needed to timber structure.

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- c) Ornamental village pump, Laverton. Maintenance work carried out by Chair.
- d) Plaque to Market Cross, Kirkby Malzeard. A local resident has kindly offered to refurbish the plaque next Spring with the Council responsible for the cost of materials, subject to approval of estimate.

**23. Children’s Play Area**

- a) No urgent items reported within monthly report from DTMS or as a result of weekly inspections by Councillors.
- b) Following advice from Streetscape about grant availability for improvements it was agreed that Chair and Cllr Aksut will consult with residents and School prior to proceeding with grant application to ascertain best approach.
- c) HBC and HPFA unable to locate copy of Deed of Variation and a replacement one is currently being drawn up. The document is needed to enable sub-lease to be formally registered.
- d) Chair confirmed that Information sign providing contact details for Parish Council had now been erected on the wooden gate at Play Area.

**24. DTMS Task List.** All work satisfactorily undertaken with no additional work to be added.

**25. Financial Items:**

- a) Bank statement – balance of £7,786.98 on 19 September 2019
- b) Cash Book – reconciled with bank statement.
- c) The following payments (including VAT where applicable) were approved:

| Payee                         | Amount  | Item Paid For                                 |
|-------------------------------|---------|---|
| HPFA                          | £16     | Rent - Play Area 2019/20                      |
| Buckton Homes and Gardens     | £810    | Grass cutting                                 |
| DTMS Limited                  | £540    | Wet-pour repairs adjacent basket roundabout   |
| DTMS Limited                  | £180    | Wet-pour repairs adjacent multi-play unit     |
| DTMS Limited                  | £60.48  | Play Area inspections July & August           |
| DTMS Limited                  | £110.88 | Caretaker duties July & August as contracted. |
| Re-imburement to Chair        | £25.50  | Play Area information sign                    |
| Re-imburement to Acting Clerk | £14.64  | Stamps  |

- d) YLCA Internal Audit Service information noted. A decision will be made prior to the next Audit. It was agreed that no response will be sent to the Independent Review of Local Government Audit being carried out by NALC.

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**26. Any Other Business.** Parking issues near the Methodist Chapel were discussed and it was agreed that this is part of the larger problem regarding parking in Kirkby Malzeard, to which there is no obvious simple solution at present.

**27. Date of next meeting:** Monday 28 October 2019 at 7.15pm in the Annex, Mechanics Institute, Main Street, Kirkby Malzeard. Any items to go on the Agenda for the Council meeting should be submitted to the Clerk by 18 October 2019 please.

The meeting closed at 9.55pm.

Dated 08.10.2019

ACTING CLERK: Howard Mountain, Mount Pleasant. Laverton, Ripon, HG4 3RH (Postal enquiries only)Tel: 01765 658838 Email: [clerk.kmldpc@outlook.com](mailto:clerk.kmldpc@outlook.com) Agenda, along with General Privacy Notice, also available on the Parish Council website [www.kmldpc.btck.co.uk](http://www.kmldpc.btck.co.uk) Facebook: @kmldpc

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