

KIRKBY MALZEARD, LAVERTON AND DALLOWGILL PARISH COUNCIL

MINUTES OF THE INTERIM PARISH COUNCIL MEETING held on 4 September 2018 in the Pavilion at Highside Playing Fields, Kirkby Malzeard.

The meeting commenced at 7.15pm

Present: Councillors Howard Mountain (Chair), Geoff Lobley (Vice-Chair), Ruth Broadley, Geoffrey Berry, Jane Aksut, Peter Saxon and Alan Brownlee, together Jen Hurford (Clerk) and 19 members of the public.

1. Welcome and Apologies for absence.

The Chair welcomed everyone to the meeting and noted apologies from County Cllr Margaret Atkinson and District Cllr Nigel Simms.

2. Minutes Silence in memory of the late Cllr John Peacock.

The Chair paid tribute to the contribution made to the community by former Parish Councillor John Peacock and a Minutes silence was held to mark his recent death.

3. Declarations of Interests.

Cllr Broadley declared a 'close association' in respect of item 5 and she took no part in the discussion or vote on this matter.

4. Asset of Community Value – approve a response to the Nomination to Re-list part of the Henry Jenkins Public House, Main Street, Kirkby Malzeard.

Chair explained that Mark Codman at HBC had indicated that this matter only concerned the Eastern section of the former pub (being the part sold to Mr Claybourn) and that the Council should make comments, if it wished to make any, in relation to the two criteria that HBC have to consider, the wording of which he read out. He outlined the background of the case and explained that the ACV on this section had been de-listed following its sale, with HBC deeming this to be a 'relevant disposal'. HJCC had now made a nomination to re-list it. Mr Codman had confirmed that if re-listed it would have a new ACV for 5 years and would not be tied in with the remaining 3 years 9 months of the unaffected ACV on the western section as it was now seen as a separate property.

HJCC were then given the opportunity to summarise their position on this matter which was that they were trying to protect the whole building so that they could re-open it as a pub with ancillary uses, that the pub had been there 200 years so that although it had been closed 7 years this was a relatively small period of time in relation to that timespan, that local organisations had used it when open and some would like to again, that the HJ had a different clientele to the Queens Head and that there was room in the village for both and that Mr Fielder (the original owner) was using technicalities such as the sale to Mr Claybourn, to get around the legislation

within the Localism Act, which was intended to protect pubs such as this. They also confirmed that it would not be possible to run a pub from either half of the original building alone and felt that their plans should be supported for the future of the village.

Mr Fielder, in Mr Claybourn's absence due to holiday, said that to be re-listed it had to meet the 'recent past' criteria first and that whilst the original west section had operated as a pub for 200 years, this section had been a joiner's workshop and builder's yard until 1975 and so had only been part of the pub for 36 years until the building closed in 2011. He believed that HBC had only listed the whole building in July 2017 to prevent them having to grant permitted development rights for change of use to an Estates Office and that he had a copy of internal correspondence from HBC showing that they had intended not to but had then changed their minds. He also confirmed that the restrictive covenants, which now prevented any use other than as a single dwelling, were there to protect his interests in the adjoining building. HJCC indicated they were seeking legal advice on whether HBC should have deemed the sale a 'relevant disposal'.

Points of information were raised at various times during these representations by Councillors. These included reference to the cost of access for a survey of the building in autumn last year, the condition of the cellar, the background to the HJCC offer in December being rejected, the games which appear to be being played within the framework of the legislation and how divisive the issue was within the community. Comments were also made by members of the public present which were unanimously supportive of the HJCC statements. The difference between the clientele of the Queens Head and the Henry Jenkins was discussed and the argument was made that because of those differences both could be viable and that some competition might benefit residents. Councillors were also asked that, rather than reflect their personal views, they represent the views of the community and the validity of the HJCC Opinion Survey which sought to quantify the community's view was then discussed at length. This included an explanation that a Parish Poll had not been used to independently assess public opinion due to its cost. Cllr Broadley indicated that she did not consider the Opinion Survey to be credible and Cllr Berry felt that the questionnaires should have been returned in the manner of a postal vote to avoid accusations of residents being pressurised by HJCC members. Cllr Lobley said that very few residents in Dallowgill were supportive. The Chair raised concerns that the survey findings submitted to HBC as part of the nomination appeared to indicate in Note 2 that not all responses were being included and also that it was still incomplete which prevented any final conclusions from being drawn. Cllr Aksut suggested that a digital survey might be worth considering as an alternative.

Following this wide-ranging discussion, the Chair then asked Cllrs to consider the comments that they wished to have included in the response to HBC and the following were approved:

a) That there was no dispute that the section in question was a joiner's shop and builder's yard until 1975 and so had been in community use for only 36 years before the Public House closed 7 years ago.

- b) That since the previous ACV response in June 2017 the tenants at the Queens Head had taken a five-year tenancy, they were supporting village organisations with fund raising and were busy, but could be busier. That Buzzards tyre depot had opened, the youth club had been formed and that the main local employers including R & J Butchers, D and M Fabrication and Design, and Wensleydale Dairy should be referred to in order to indicate the full extent of assets within the village. The planning history also required updating.
- c) That the plans of the Mechanics Institute had altered but their application to the Lottery fund for a grant towards the funding of these plans had been rejected, with one of the reasons being that the HJ issue had detracted from it. HJCC had however written since to give their support.
- d) That, in relation to the Queens Head, the PC should do all it can to support it but that the competition provided by a re-opened HJ might benefit residents and should therefore not be opposed in principle. Comment to be based on wording suggested by Cllr Aksut.
- e) That whilst the responses of the HJCC Opinion Survey so far showed that the majority of residents supported their proposals the Council had concerns about the methods used and it was still incomplete. Everyone wanted the matter resolving as it was so divisive within the community.
- f) That the HJCC Business Plan needed re-thinking but that as it referred to the whole building it was not relevant to this issue. That HJCC stated that using just this section as a pub was not viable and it was agreed by all that no alternative community uses could be found just for this section.
- g) That the information in the HJCC nomination concerning the number of houses planned was incorrect.

It was agreed that the Chair would produce a draft of the approved points and circulate to the other Cllrs so that it could be sent to HBC tomorrow.

5. Financial Matters.

A revised invoice had been received from G. Meer (Joiner) totalling £265 which, in addition to the original £225 for manufacturing the stile to Greygarth Monument, now included an additional sum for delivery and fixing into position. The Council approved payment.

6. Any Other Business.

A resident raised concerns about grass cuttings left following the cutting of the verges in Kirkby Malzeard which were blocking gullies and making pavements slippery. It was confirmed that when the cost of collecting cuttings had been checked some years ago it had been found to be unaffordable. **Action – Chair to contact Steve Buckton and check up to date cost of collecting cuttings for consideration.**

7. Date of next meeting.

Monday 24 September 2018 at 7.15pm in the Annexe, Mechanics Institute, Kirkby Malzeard. Any items to go on the Agenda should be submitted to the Clerk by 14 September 2018 please.

The meeting closed at 10.00pm.

Dated 19/09/2018

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