

# KIRKBY MALZEARD, LAVERTON AND DALLOWGILL PARISH COUNCIL

## MINUTES OF THE 'EXTRAORDINARY' PARISH COUNCIL MEETING on Monday 2<sup>nd</sup> March 2020 held 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), Geoffrey Berry, Jane Aksut, Peter Saxon, Pippa Manson, Alan Brownlee and 13 members of the public.

This 'Extraordinary' meeting has been called by the Chair, as a response to item 3 is required prior to the date of the next 'Ordinary' meeting of the council. This matter was deferred from the meeting on 24.02.2020 so that further information could be considered and validated.

### AGENDA

**1. Welcome. Apologies for absence – approve reason why unable to attend.** All Councillors present.

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

a) Cllr Saxon declared a 'Disclosable Pecuniary Interest' in relation to item 3a.

Cllrs Saxon requested a Dispensation to allow him to participate in the discussion and vote in relation to item 3a. The Dispensation was to last until the end of the Parish Council term for any agenda item connected to the Henry Jenkins Inn. The Dispensation was approved by the Council.

b) Cllrs Manson and Aksut had been granted a Dispensation at a previous meeting to cover their Disclosable Pecuniary Interests relating to the Henry Jenkins Inn, and also took part in the discussion and vote on Item 3a.

**3. Planning – recent Appeals referred to the Planning Inspectorate. The Parish Council will consider and approve a representation on the following case:**

a) 19/00089/NREFPP – Henry Jenkins Inn, Main Street Kirkby Malzeard – Conversion of part of a public house and flat to create 1 no. dwelling (Resubmission) –Claybourn.

At the Parish Council meeting on 24<sup>th</sup> February it was agreed that a Representation to the Planning Inspectorate should be made as some of the comments by the Council in the response to the original application in August 2018 required updating.

The matter was discussed in detail and the following Representation was compiled covering points referred to in the response to the original application and also any new matters

considered relevant, such as the HJCP Ltd share pledge scheme, which have arisen in the interim.

It was agreed that the Council should provide the Planning Inspector with a balanced picture of the situation as it currently stands. Prior to the meeting the Council had received 45 emails from HJCP Ltd supporters setting out the merits of the scheme to reopen the whole Henry Jenkins property as a Community Pub, and none from anyone supporting the Appeal. It was agreed that these emails would be included in an Appendix to the Representation so that the Inspector would be aware of the strength of feeling from that group of the electorate.

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## REPRESENTATION TO THE PLANNING INSPECTORATE.

At its meeting on March 2, 2020 the Council approved the following representation: Since our response to the original Planning Application dated August 20, 2018, (of which you have a copy) there have been a number of items where matters have progressed:

### 1. ASSET OF COMMUNITY VALUE LISTING

As you will be aware, two Nominations to re-list the subject property as an Asset of Community Value have since been rejected by Harrogate Borough Council. You will be able to refer to the relevant documentation for details of why these decisions were made.

### 2. RESTRICTIVE COVENANTS/ACCESS ARRANGEMENTS

We are not aware of any change in the position regarding these since our original response. There remains uncertainty as to whether the covenants would still apply if HJCP Ltd were to purchase the subject property and the adjoining section of the Henry Jenkins building, and this requires specific legal advice. You should obtain copies of appropriate legal documents and take such advice on the significance of these, if considered relevant.

### 3. PUBLIC OPINION SURVEY

We are now in a position to validate the outcome of this Survey undertaken by HJCC (the forerunner of HJCP Ltd) in 2018 having been recently provided with all the completed responses by HJCP Ltd. Please see Appendix 1 for a brief summary of the

results. The relevance of this survey has now largely been superseded by the data available on the current Membership figures of HJCP Ltd, but is referred to within this Representation as it was an item included within the Council's response to the original Planning Application.

#### 4. BUSINESS PLAN FOR THE RE-OPENING OF THE HENRY JENKINS.

A revised Business Plan, dated October 2019, has now been produced by HJCP Ltd for an alternative community use as a Public House for the Henry Jenkins building as a whole (comprising the subject property and the adjoining section). As no price has been agreed between the owners of the subject property and the adjoining section, and HJCP Ltd, we are not in a position to offer an opinion on the overall viability of the scheme. At present the subject property is being offered for sale at a price of £250,000 and the neighbouring section at a figure of £230,000. The last combined offer for the both buildings by HJCP Ltd was £180,000.

#### 5. ALTERNATIVE COMMUNITY USES

It is accepted by all parties that no community use, which would comply with the CFX policy of Harrogate Borough Council, can be found specifically for the subject property on a stand-alone basis.

The Parish Council has investigated alternative community uses for the combined properties and the only compliant use other than as a Community pub, which was seen as potentially beneficial to our community, would be a Care-home. It has been established as far as is practical, that such a use would not be viable, as the building/site is too small to redevelop for such a use.

#### 6. HJCP LTD MEMBERSHIP SCHEME/SHARE PLEDGE OFFER

As you will be aware from HJCP Ltd, a Membership scheme was commenced in early 2019, the intention of which is now to purchase the whole building for use as a Community pub. We have sought to validate this information for your benefit and ours, and a Statutory Declaration has now been provided by the Chair of HJCP Ltd confirming the following figures:

Membership (as at 28.02.2020)

171

It is understood that approx. 140 of the membership is local to the Parish.

It also confirms that HJCP Ltd have issued shares to the total value of £203,500, which have not yet been called in. The target within the Business Plan is £230,000, based on the existing offer to purchase.

The Statutory Declaration will be forwarded to you separately by HJCP Ltd but we confirm we have seen it and are happy to rely on it.

#### 7. MISCELLANEOUS MATTERS IN ORIGINAL RESPONSE.

a) We do not consider the information regarding the relationship between HJCP Ltd and the Mechanics Institute to now be relevant. The Parish Council is in the process of creating a Community Association, which hopefully should enable a successful grant application to the Heritage Lottery Fund for the benefit of the whole community. All local organisations including HJCP Ltd will be invited to be Members of this Community Association in due course.

b) Whilst there is currently no Premises Licence this aspect is not seen as significant at this stage.

#### 8. EFFECT OF RE-OPENING THE WHOLE BUILDING AS A PUBLIC HOUSE ON EXISTING COMMUNITY FACILITIES INCLUDING THE EXISTING PUBLIC HOUSE 'THE QUEENS HEAD'. There are now differing views within the Council and within the Parish as to whether this might have negative or positive effects.

#### 9. EFFECT OF RE-OPENING THE WHOLE BUILDING AS A PUBLIC HOUSE ON TRAFFIC FLOW AND PARKING IN THIS AREA OF MAIN STREET.

There are now differing views within the Council and within the Parish on the impact that re-opening the whole building as a Community pub would have on parking and traffic flow. The building would incorporate an off street car-park, but the on-street parking situation on Main Street is currently a significant problem at times.

#### 10. PUBLIC OPINION/INPUT FROM LOCALS TO THIS REPRESENTATION.

We would draw your attention to the fact that prior to our meeting we received 45 emails from supporters of the scheme to re-open the whole building as a Community pub and none from anyone supporting the Appeal. Copies of the emails are included in Appendix 2.

Members of the public attending the meeting (which included the Chair and two committee members of HJCP Ltd, as well the Appellant and two representatives, as well as others) were given the opportunity to participate and contribute to the contents of this representation and no dissatisfaction was expressed when the representation was formally approved.

#### APPENDIX 1

##### PUBLIC OPINION SURVEY 2018

The main question on the Survey form was:

Do you 'Strongly Agree/Agree/are Neutral/Disagree/Strongly Disagree' with the following:

'I would like to see the regeneration of the Henry Jenkins as a Community Hub with a bistro, bar and coffee shop'.

370 responses were obtained of which 20 were from people outside the Parish, which have been disregarded for the purpose of this analysis. It is not clear whether the responses represented individuals or households, or how many households did not respond or did not receive a survey form. The total number of electors at the time was 950 approx.

The results were as follows:

Strongly Agreed/Agreed	279	(80%)
Neutral	32	(9%)
Disagreed/Strongly disagreed	26	(7%)
Anonymous	13	(4%)

#### APPENDIX 2

E-MAILS TO THE PARISH COUNCIL FROM SUPPORTERS OF THE SCHEME TO RE-OPEN THE WHOLE BUILDING AS A COMMUNITY PUB.

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The Representation was unanimously approved by the Council. **Action: Chair to submit representation to Planning Inspectorate prior to March 6.**

**4. Post Office Mobile Service** – The Post Office have announced that instead of the Mobile Service visiting Kirkby Malzeard every weekday morning, the service is to be reduced to Monday, Tuesday and Wednesday (9.00am – 10.30am) only, from 23 March onwards. A Consultation period has commenced and It was agreed that a response should be made. It was felt that firstly the service should not be reduced at all, but that if there was no alternative that it would be more beneficial to residents and also generate more business for the Post Office, if the service was available on a Monday/Wednesday/Friday, rather than the proposed days. It will also be indicated that if the Mobile Service was more reliable, then more residents would use it and it would generate more business. The Parish Council noted that the Mobile Service van, does sometimes struggle to park in the required space, due to other vehicles being illegally parked there and in future details of such vehicles will be referred to the Police. The Post Office will be requested to report all instances when they are unable to park to the Council.

**Action: Chair to complete Consultation response and submit to Post Office prior to March 25.**

**5. Financial Items:**

a) The following payments (including VAT where applicable) were approved.

<b>Payee</b>	<b>Amount</b>	<b>Item Paid For</b>
British Telecom	£1.00	Purchase of telephone box

The meeting closed at

Dated 09/03/2020

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

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