

KIRKBY MALZEARD, LAVERTON AND DALLOWGILL PARISH COUNCIL

MINUTES OF THE PARISH COUNCIL MEETING

on Monday 28th October 2019 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), Pippa Manson, Geoffrey Berry, Jane Aksut and Peter Saxon. District Councillor Nigel Simms, County Councillor Margaret Atkinson (from item 17) and two members of the public.

1. Welcome and apologies for absence. Apologies were received from Cllr Alan Brownlee.

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

Cllr Lobley declared a 'Disclosable Pecuniary Interest' in item 9d/13a. Cllr Aksut declared an 'Other Interest' in item 4b and limited her involvement to providing information only.

3. Approve the Minutes of the Parish Council meetings held on 30 September 2019.

An amendment was made to the Action Point of item 15b to reflect that it had been agreed to monitor the flooding onto the road before referring the matter to Yorkshire Water. The Minutes were then 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) HBC Small Transport Grant Scheme initiative/British Cycling Places to Ride programme – Cllr Aksut reported that she was liaising with HBC about extending a proposed Cycle Path scheme using existing bridleways between Ripon and Fountains Abbey so that it could also include Galphay and Kirkby Malzeard. **Action: Cllr Aksut to provide map of proposed route, obtain information on insurance aspects and make initial enquiries with any landowners about their views, for the next meeting.**

b) Secondary School bus arrangements – response from Department for Education – Cllrs Aksut and Saxon reported that whilst the DfE had replied they had not offered any solution to the issue which was still on-going. No response had been received from NYCC. **Action: County Cllr Atkinson was asked to request a reply from NYCC as soon as possible. Cllr Aksut to draft response to DfE and forward to Cllrs for approval.**

5. Correspondence – Clerk to raise any relevant items (not dealt with elsewhere on the agenda) including those listed below:

a) YLCA - VE Day 75 celebrations. Chair reported that YLCA had sent a programme of events for Parish Councils to implement. The local Royal British Legion had also been asked to forward on their plans so that joint planning could take place.

b) NYCC – Consultation on Services provided by County Council. **Action: Cllrs to complete on-line survey.**

c) Nidderdale AONB – election of Parish Council representatives on Joint Advisory Committee. **Action: Cllr Manson to respond on behalf of Council**

d) North Yorkshire Police – Information on Free Call Blockers. Chair reported that information had been placed on community website and offer had now closed.

e) Keep Britain Tidy – ‘We’re watching you’ campaign to reduce dog fouling. It was agreed that stickers provided by HBC were adequate and that the additional expenditure involved by this campaign could not be justified.

f) Friends of the Earth – 20-point guide for Councils on Climate Change. **Action: Chair and Cllr Manson to review advice and report back to next meeting.**

g) Community First Yorkshire – ‘The Loneliness Campaign’ Consultations. **Action: Cllrs to complete on-line consultation.**

6. County and District Matters – Any items to be raised with or by County Cllr Atkinson and District Cllr Simms. District Cllr Simms had no information to forward to the Council. On her arrival County Cllr Atkinson was asked about School Bus arrangements (item 4a), Data Loggers (item 17a) and 30mph zone for Laverton. She also provided an update on NYCC Winter road gritting plans and a cost saving scheme being implemented to replace existing street lights with LED lights.

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

a) 19/03477/OUT - Land comprising OS Field 5419, Galphay Road, Kirkby Malzeard - Outline application for the erection of one dwelling house and the renovation of summer house, with access considered - Atkinson. Permitted.

Cllr Berry informed the Council that he had spoken to the applicants subsequently and had suggested that the entry to the site be moved back and the wall altered to give a better splay of vision when exiting the site.

b) 19/03748/PNA - North Close Farm, Ripon Road, Kirkby Malzeard - Prior Notification for the erection of an agricultural building - Mawer. Prior notification not required (permitted).

c) 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. Approved.

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

a) 19/04240/FUL - Bramble Cottage, Kirkby Moor Road, Kirkby Malzeard - formation of field access - Lonie. The Council considered this application and decided that it had ‘No Objections’.

b) 19/04239/FUL - Bramble Cottage, Kirkby Moor Road, Kirkby Malzeard - alterations to roof pitch and fenestration - Lonie. The Council considered this application and decided that it had 'No Objections'.

c) 19/04288/FUL - 12 St Andrews Gate, Kirkby Malzeard - erection of extension, loft conversion and installation of roof lights - Natt. The Council considered this application and decided that it had 'No Objections'.

d) 19/04242/PROWNY - NYCC consultation on the upgrading of footpath at Carlsmoor Road to bridleway - NYCC. Dealt with under item 13a.

Action: Acting Clerk to submit decisions to HBC.

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

None.

10. Planning - Neighbourhood Plan. The Chair provided a Report on the Steering Group meeting held 14 October, 2019 which reflected the points in the Draft Minutes of the meeting available on the Parish Council website.

11. 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.

a) No new cases were raised by the Council or by members of the public.

b) The three on-going cases were reviewed. **Action: Acting Clerk to seek update on these from HBC Planning Enforcement for the next meeting.**

12. Closed Church - St Peter's, Dallowgill. Consider sale for proposed future use as Children's Day Nursery – Consultation by Church Commissioners.

A public Drop-in Session is being held by the Church Commissioners at Greygarth Chapel, Dallowgill between 3pm and 7pm on Thursday 7 November, which individual Cllrs will attend. It was decided that the Council would submit a Consultation response which, subject to any new information being provided at the Drop-in Session, would indicate support for the building being brought back into use but with reservations about the suitability of the road network for access for the proposed use, the need for adequate parking arrangements and the practicality of undertaking the work needed to convert it into a Day Nursery. Concerns were also raised about what would happen to the premises if the proposed use went ahead and then failed. **Action: Chair to forward draft response to Cllrs on this basis for approval, subject to any additional information available from the Drop-in Session.**

13. Footpaths

a) Consultation by NYCC on application to upgrade existing public footpath on Carlsmoor Road to a public bridleway and to record a new section of bridleway.

The Council agreed the principle points of its response which were that, whilst it recognises the advantages of horse riders using bridleways rather than public roads, it does have some concerns about the suitability of Carlsmoor Road as a bridleway as there are sections where safety issues could arise due to the narrow width making it difficult for horses to move aside when meeting on-coming tractors or HGV's. The Council also would wish to ensure that landowners would not face any expenditure as a result of the introduction of a bridleway e.g. increased insurance liability, provision of gates suitable for horse riders, work to upgrade tracks etc. **Action: Chair to draft response and forward to other Cllrs prior to submission to NYCC.**

b) Defective stiles on paths between Kirkby Malzeard and Laverton – Chair confirmed that these, together with the defective stile/gate on the Lunterstone track in Dallowgill, had been referred to NYCC Paths Department, but there had been no feedback on the case of the diverted footpath in Carlsmoor Woods. **Action: Acting Clerk to contact NYCC for update on the latter issue.**

c) Overhanging branches – Main Street, Kirkby Malzeard. Cllr Aksut confirmed that she was in the process of contacting owners of properties where work was required. **Action: Cllr Aksut to confirm owners had been contacted at next meeting.**

14. Grass cutting to village verges – consider tender specification to be sent to contractors for a three-year period commencing with the 2020/21 season, and approve contractors to be asked to tender.

Cllr Manson provided the Council with an updated specification and plans which were considered and approved. It was agreed that the tender documents be sent to local contractors known to undertake such work and also published on Facebook and websites in case any other companies or individuals were interested in providing a quote. A closing date of November 22 was agreed. **Action: Acting Clerk to issue tender documents and publish on website/Facebook.**

15. Appointment of new Clerk. The Chair provided an update on progress. One candidate had been interviewed earlier in the month but had been unable to confirm that she would be able to attend Council meetings because of other commitments on evenings. A further seven enquires had been received following the Facebook advert, and job specifications/salary package details had been sent out. Interested candidates would be interviewed as soon as practical.

Cllr Berry also confirmed that he would be responsible for all Payroll aspects when the new Clerk was appointed in order to reduce their workload and ensure that the Council's responsibilities in respect of taxation were fully met.

16. Highways Issues

a) Update on existing cases.

Closure of Main Street, Kirkby Malzeard for sewerage works by Yorkshire Water – work now commenced with finish date of November 21. Additional signs to indicate ‘Businesses open as usual’ (at both ends of Main Street) and ‘No entry’ (at western end of Back Lane North) to be requested. **Action: Acting Clerk to contact NYCC Highways about additional signage.**

Broken bollard outside Highside Butchers, Main Street, Kirkby Malzeard – reported – to be assessed by Highways shortly.

‘Laverton Lagoon’ (flooded section of road north of village) and blocked gullies in Kirkby Malzeard village – all re-reported recently and awaiting work.

b) Notification of various planned road closures for BT work – 4-8 November: Laverton Bridge to Missies Lane junction. 11-15 November: Tom Corner to St Peters, Dallowgill. 25-29 November: Warren Lane, Galphay.

c) Any new items to be raised by Councillors or public. Flooding on Kirkby Moor Road (near Town End Farm) to be monitored.

17. Traffic and parking issues –

a) Update over monitoring of vehicle speeds using Data Loggers – North Yorkshire Police.

Chair reported that there was still no progress on this matter despite yet another request.

Action: County Cllr Atkinson to investigate delay on behalf of Parish Council.

b) Consider Community Speed-watch schemes.

In the light of the lack of progress in respect of the above it was agreed that the setting up of a Speed-watch scheme involving local volunteers would be investigated further. **Action: Chair to report back to next meeting with further information.**

c) 30mph Zone in Laverton.

County Cllr Atkinson confirmed that this should be in place before the end of the 2019-20 financial year using grant funding allocated to her for such projects, for which she was formally thanked by the Council.

d) Vehicle Activated Speeding Signs – whilst it had been established that the Council did have a Power under s137 LGA 1972 to fund such signs, it was decided not to take any further steps to do so for the time being due to the costs and practicalities involved.

18. Kirkby Malzeard Area Community Association.

Chair reported that a draft application to register the Community Association as a CIO with the Charity Commissioners was nearing completion and would be submitted shortly.

19. Parish Council Facebook page @kmlldpc

Cllr Saxon confirmed that previous page was being removed and new articles would be added regularly to the new page, given the positive response achieved in respect of the Clerk advert.

20. Illegal Drug use in Parish

Cllr Aksut reported that a meeting for parents/carers to provide information on local drugs issues will provisionally be held in the Mechanics Institute on Tuesday 26 November. **Action: Cllr Aksut to confirm information and make arrangements.**

21. External Meetings/Training

- a) YLCA Branch Meeting – October 4. Chair and Cllr Berry attended. Vehicle activated Speed Signs discussed but speaker on Community Infrastructure Levy from HBC failed to attend.
- b) School federation proposals meeting – October 10. Chair attended and reported that no information was provided to indicate that the proposals for a federation with West Tanfield Primary School would detrimentally affect Kirkby Malzeard Primary School.
- c) YLCA Branch Meeting – notification of rescheduled CIL update from Rachel Hutton of HBC on November 18. Chair will attend together with one other available Councillor.

22. Council Property Assets

- a) Consider monthly reports on condition of Assets from Councillors. Chair confirmed inspection of Lamberts Quarry and Laverton Quarry on October 28 with no issues apparent. Cllr Lobley had inspected Greygarth Monument on October 27, Cllr Aksut the Pinfold on October 26 and Cllr Berry the Market Cross on October 25, all with no issues apparent.
- b) Consider procedure for inspection of all other Assets belonging to the Council. It was agreed that other assets such as benches etc. should also be inspected annually prior to the Asset Register being updated in March each year.
- c) Bus Shelter opposite Kirkby Stores, Kirkby Malzeard. Cllr Berry suggested that an internal noticeboard be fitted for general use by the public, in advance of the noticeboard to be installed in place of the existing defective window frame, at a cost of up to £50. This was agreed. **Action: Cllr Berry to purchase materials and construct noticeboard.**

23. Children's Play Area

- a) Consider findings of annual report from RoSPA, latest monthly report from DTMS and weekly inspections by Councillors. Chair advised that no matters requiring urgent attention had been reported although the matting under the rotator will require attention in the foreseeable future.
- b) Proposed improvement programme. Chair reported that local consultation was still in its early stages with any decisions deferred to next meeting. **Action: Chair to report progress to next meeting.**
- c) Registration of sub-lease with Land Registry. Chair reported that HBC Legal Department had still not provided a copy of a Deed of Variation needed so that the lease for the Play Area could be registered. **Action: Chair to continue to pursue matter with HBC.**

24. DTMS Task List

Chair reported that with the exception of some work to the Market Cross junction and Kirkby Moor Road visibility splays, all other work had been completed for the year. The outstanding matters were in hand. **Action: Chair to confirm any outstanding work completed.**

25. Financial Items:

- a) The Bank statement showed a balance of £14,078.05 reflecting the receipt of the second precept payment.
- b) Cash Book – up to date record of payments/receipts. The cash-book figure reconciled with bank statement.
- c) Comparison to budget – Q2 Year to date. This indicated variances in the form of overspends for the play area and grass cutting. The former is partly due to initial set-up costs and partly due to unexpected damage to some wet-pour areas. The latter has arisen as one of the payments from 18-19 was carried over into this financial year. Savings in salary expenditure whilst there is no paid Clerk should compensate. These explanations were noted and approved.
- d) The following payments (including VAT where applicable) were approved;

| Payee | Amount | Item Paid For |
|----------------------------|---------|--|
| HPFA | £233.40 | Annual Rates/Grass cutting charges - Play Area 2019/20 |
| Buckton Homes and Gardens | £810.00 | Grass cutting of village verges – September. |
| DTMS Limited | £60.48 | Play Area inspections September and October. |
| DTMS Limited | £80.64 | Caretaker duties June. |
| DTMS | £141.12 | Caretaker duties September and October. |
| HBC/Playsafety Ltd (RoSPA) | £66.00 | RoSPA annual inspection of Play Area |

26. Any Other Business – None.

27. Date of next meeting: Monday 25 November 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 15 November 2019 please.

The meeting ended at 9.40pm.

Dated 06.11.2019

ACTING CLERK: Howard Mountain, Mount Pleasant. Laverton, Ripon, HG4 3RH (Postal enquiries only)Tel: 01765 658838 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