

KIRKBY MALZEARD, LAVERTON AND DALLOWGILL PARISH COUNCIL

MINUTES OF THE PARISH COUNCIL MEETING held in The Annex, The Mechanics Institute, Kirkby Malzeard on 29 January 2018

The meeting commenced at 7.15pm

Present: Parish Councillors Howard Mountain (Chairman), Geoff Lobley, Ruth Broadley, Gerri Mass and Jen Hurford (Clerk), and 9 members of the public.

1. Welcome and apologies for absence.

The Chairman welcomed everyone to the meeting and noted apologies from Cllr Jackson, Cllr Peacock and District/County Cllr Margaret Atkinson. A statement was read out on behalf of Cllr Hurford confirming his resignation after 6 years' service. The Chairman thanked Cllr Hurford for all his hard work and enthusiasm whilst Chairman and Vice-Chairman, which was echoed by other Councillors. The procedures to recruit for a 'Casual Vacancy' were outlined. As the Council elections are scheduled for May, an election for this single position would not be held because of the limited time scale, and the option for the Council to co-opt a Councillor therefore applies.

Action – Clerk to advertise with a view to someone being appointed at the next meeting.

2. Declarations of Disclosable Pecuniary Interest

Cllr Broadley declared a 'close association' for item 7c) and did not take part in the discussion or decision.

3. Approve the Minutes of the previous Parish Council meeting held on 18th December 2017.

The minutes of the Council meeting of December 18th were confirmed as an accurate account of the meeting. Proposed by Cllr Mass, seconded by Cllr Broadley and signed by the Chairman.

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

- a) Commuted sums – Chairman has discussed these with beneficiaries and their proposals for utilising the funds are now awaited. The potential sums from the proposed development off Laverton Road due to The Mechanics Institute, have been discussed with HBC and further information is awaited.
- b) Ripon Market – no further action as proposals by HBC have now been put on hold.
- c) Proposed development off Laverton Road, Kirkby Malzeard – confirmation from HBC that Tree Preservation Order arrangements are to be implemented for the whole site shortly.
- d) Potential provision of new bench at Manor Court - the response from Kirkby In Bloom that they do not feel a replacement bench is required was considered. It was agreed that there

was no benefit to re-siting other benches within the village and the cost of buying a new bench could not be justified at this time.

e) Surface water problems in Kirkby Malzeard village – levels of water on Back Lane, The Green and West End had been monitored during recent heavy rain and melting snow, and two blocked gullies have been reported to Highways. Further monitoring will take place.

f) Litter picking – Kirkby in Bloom were thanked for their recent litter pick in village.

5. Correspondence

a) Parish Council Elections Thursday 3rd May 2018 – all 5 seats for Kirkby Malzeard and 2 for Laverton will be up for election, with guidance meetings for prospective Councillors on 21 and 22 February in Harrogate. Notice of the election to be published by Friday 23 March and final date for nominations will be 4pm on Friday 6th April. This will be covered in more detail at next meeting. **Action – information to be published on website.**

b) Harrogate District Local Plan Publication Draft – Cllrs informed of the forthcoming publication of the emerging Local Plan which will set out the broad spatial planning and policy framework for Harrogate district up to 2035. Formal representations are invited and the consultation period starts on Friday 26 January and finishes 4.30pm on Friday 9 March. The response of the Parish Council will be agreed at the next meeting. **Action – Cllrs to read documents and formulate comments.**

c) Tadcaster & Rural Community Interest Company ‘Your Community Rights’ Workshop – Cllrs informed of workshop being held on Friday 23rd February to aid knowledge in how to help the community.

d) YLCA Dementia Friendly Councils – Cllrs informed of YLCA’s request to know if any interest in attending sessions on how to become dementia friendly.

e) YLCA Harrogate Branch Meeting – Cllrs informed of meeting at 7.15pm Monday 19 February with Police and Crime Commissioner to provide a presentation and responses to general questions regarding initiatives, crime and community safety. **Action – Chairman and Clerk to attend.**

f) YLCA Planning Seminars – Cllrs informed of forthcoming planning seminars, however due to cost of £115 per person, Cllrs agreed the cost could not be justified at this time.

g) NYCC Planned Road Closure Notification – Cllrs informed of road closure at Cross Hill to Wapping, Grewelthorpe for three days from 21 - 23 February between 09:30 and 15:30.

h) NYCC Minerals & Waste Joint Plan – Cllrs informed of details of forthcoming Hearings.

i) NYCC Highways – Cllrs informed of request to Highways for advice on pavement clearance following recent snow and ice prompted by communication by a resident following a fall. Government guidelines state that residents can clear snow and ice on public footpaths and are ‘unlikely’ to be sued if done ‘carefully’. Highways have confirmed the salt from bins is intended for roads not pavements and aim to have the road through Kirkby Malzeard Main Street and Laverton gritted by 10am in cold weather. **Action – Clerk to relay to resident.**

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

- a) 17/04495/OUT – The Grange, Back Lane, Kirkby Malzeard – Outline application for the erection of 5 no. dwellings with access considered – Refused.
- b) TPO 68/2017 – Grey Gables, Laverton – Notice given that HBC has confirmed without modification the Tree Preservation Order made provisionally on the 1 November 2017.
- c) 17/05337/FUL - Meeson Hall, Ripon Road, Kirkby Malzeard - Erection of single storey extension to replace annexe and detached garage, conversion of the loft to form ancillary accommodation and installation of rooflights – Approved.

7. Planning – recent applications made to Harrogate Borough Council and North Yorkshire County Council. The Parish Council will provide a response on the following cases:

- a) NY/2017/0327/FUL – Land at Kirkby Malzeard Church of England Primary School, Church Bank, Kirkby Malzeard – demolition of two single temporary classroom units (135 sq. metres) and installation of one double permanent prefabricated classroom unit (178 sq. metres) 6 No. wall mounted external lighting, 2 external steps, footpaths, fan coil units and soft landscaping – Corporate Director, Children and Young People's Services.
Council decided to Support the Application. **Action – Clerk to submit response to HBC.**
- b) 18/00081/FUL – Castiles Farm, Castiles Farm Track, Grantley – Erection of first floor extension. Alterations to roof pitch. Alterations to fenestration – Nicholson.
Council decided it had No Objections. **Action – Clerk to submit response to HBC.**
- c) 17/05482/OUT – Land comprising OS Field 5419, Galphay Road, Kirkby Malzeard - Outline application for the erection of 2 no. dwellings with access considered – Atkinson.
Council decided to neither object to, nor support the application but ask that the payment of commuted sums and affordable housing allocation be implemented as Consent has already been recently permitted for 7 houses in close proximity to this site, and to raise concerns over access. **Action – Chairman to submit response to HBC.**

8. Henry Jenkins Inn, Kirkby Malzeard

- a) Informed that HBC has advised that moratorium period now ended under the ACV procedures. Confirmation also received that Planning Appeal 17/00097/NREFPP hearing is to be held on January 31. **Action – Chairman to attend appeal in an observational role.**
- b) Mr. D Robinson, on behalf of the HJCC, confirmed that an offer to Mr. Fielder had been rejected but is still on the table. Mr Fielder and the HJCC were unable to agree whether or not the offer had been unconditional.
- c) A request made by Mr. D Robinson under the Freedom of Information Act, for copies of all correspondence between the Council and Mr. Fielder was discussed. This will be provided within 20 working days and will be checked by YLCA to ensure that there are no Data Protection issues. As the Council has been liaising with the HJCC as well as Mr.

Fielder, whilst trying to resolve the stalemate between them, it will also make publicly available all correspondence between the Council, the HJCC and Mr. Robinson.

9. Dallowgill noticeboard

Confirmed that DTMS are due to erect this imminently as Street Furniture License now in place. DTMS will meet Highways on site to agree precise location. **Action – Chairman to remove and store the old noticeboard from the Old School at Dallowgill for future use.**

10. Highways Yard, Laverton Quarry

As the draft lease had been circulated and no amendments were raised, a Motion to approve the lease was made and it was therefore signed by the Chairman and Cllr Lobley and witnessed by the Clerk. The Tenant's copy will now be awaited along with the rent from NYCC which was due September 2017. **Action – Chairman to forward lease to NYCC and request overdue rent.**

11. Footpaths

- a) Arrowfield, Main Street, Kirkby Malzeard – Chairman confirmed relevant forms obtained from NYCC and a draft accompanying letter was approved. The Evidence Statement forms will be circulated for completion in order to progress the Definitive Map Modification Order application. **Action – Forms to be circulated and the matter reviewed in six weeks.**
- b) Church Bank to Longswales Lane, Kirkby Malzeard – update from landowner that he is in communications with NYCC over the matter, that the path is on the Definitive Map and an Officers visit is awaited in February.

12. Defibrillator for Kirkby Malzeard

The Chairman provided an update on costs (net of VAT) with the unit to cost £768, the cabinet £399 and installation £200, totaling £1,367. Cllr Atkinson has kindly allocated £824 from her NYCC Locality Grant fund, 'Defibs for Ripon' have confirmed a £343 contribution and Ripon Lions are to provide a donation of £200 for the installation costs. Maintenance costs, to include batteries and pads, are anticipated at £50pa. approx. and the Awareness Session for residents will cost £200. Whilst contributions from the public will be sought for these the Chairman proposed that the Parish Council underwrite these, which was agreed. The Council formally approved proceeding with purchase. **Action – Chairman to order unit and liaise over installation.**

13. Youth Club

Vicki Lever of North Yorkshire Youth has confirmed that the proposed youth club in Kirkby Malzeard is scheduled to open on 19th April, with training for volunteers taking place in March. The possibility of allocating monies from the Parish Council Local Organisations Grant was discussed. HJCC spokesperson, Mr Robinson, reported that whilst undertaking their Opinion

Surveys, residents had confirmed they were concerned about the lack of local youth activities. Vicki Lever is to be contacted to discuss any other action which might be taken including possible Youth Volunteer Groups, as suggested by Mr. Robinson. **Action – Local Organisations Grant application form to be sent to Vicki Lever.**

14. Tour De Yorkshire on May 6

- a) The creation of a committee to co-ordinate events within the Parish was discussed. It was agreed that it might be more beneficial for this to be formed as a residents committee initially rather than a Parish Council committee, but this will be reviewed as time goes on. The Chairman and Cllr Lobley offered to be on the committee, and individuals and representatives of local organisations also have come forward to volunteer their assistance. **Action – Chairman to arrange first committee meeting and circulate dates.**
- b) The request by Mr. P Johnson (tenant) for the use of a private barbecue and bonfire at the Pinfold on the day of the race was discussed. It was agreed that there were no objections to him using a barbecue, however concerns were expressed over a bonfire. **Action – Clerk to advise of permission for barbecue but request more information over the bonfire, or ask that he refrains from it.**

15. Inspection of Council Property Assets

The Clerk confirmed inspection of the Pinfold on 29th January and Market Cross on 26th January with no untoward observations to report, as did the Chairman of Greygarth Monument on 8th January. The Chairman confirmed insurers advice that risk signs for the ladder were not necessary but could be provided if preferred. **Action: Chairman to obtain quote for signage and Cllr Lobley to empty rubbish bin at Greygarth Monument on next inspection.**

16. Children's Play Area

Confirmed monthly reports from DTMS provided up to December. Further to the possible assignment of lease, HBC have now suggested a Deed of Variation is drawn up and HPFA have agreed to pay any legal costs. Cllrs approved proceeding with taking over the lease on this basis. **Action – Chairman to advise HBC to proceed. Clerk to chase DTMS for quote for toddler swings and January's playground inspection report.**

17. Highways Issues

An update on items previously reported was provided and it was agreed the Parish Portal is difficult to use which will be reported back to NYCC. The re-surfacing of Church Bank and the road in Laverton in front of Meadow Farm on the Tour de Yorkshire route have been confirmed by Highways, along with attending to any other potholes. New items to be raised with NYCC, from Councillors and public were as follows;

- a) Direction sign missing at Kirkby Malzeard Main Street crossroads.

- b) Flooding at Thievesgill bend, Ripon Road previously reported still requires addressing.
- c) Overflowing ditch by Tom Corner House, Dallowgill.
- d) Various potholes in Dallowgill (once measured and confirmed by Cllr Lobley).
- e) Broken rail on cattle grid adjacent Malaby House, Dallowgill.
- f) Ploughed up verge at Ringbeck Road junction, Kirkby Malzeard.
- g) Broken post to fencing near to The Green, Kirkby Malzeard.

Action – Clerk to report to Highways.

18. DTMS Task List

No work recently needed by Parish Caretakers due to the time of year. The matter of the snowberry bushes on the Market Cross junction was referred to Highways who consider that the bushes are encroaching from the neighbouring property and therefore not their responsibility. Chairman confirmed temporary repair made to broken bench slat at The Green.

Action – Chairman to liaise with neighbouring property owner over snowberry bushes. Clerk to obtain quote for repair to broken bench.

19. Amendments to Standing Orders, Financial Regulations and Employment policies -

- a) In relation to the conduct of meetings, Cllrs considered sections 1d-k and section 6 of the Standing Orders and agreed these were adequate but should be implemented more strictly when necessary.
- b) A draft Health & Safety Policy was considered and approved. A contractor's insurance document needs to be used to confirm their public liability cover. **Action – Clerk to complete Risk Assessment for working from home, obtain a First Aid Kit and Accident Book. Clerk to produce draft Contractors Agreement. Chairman to circulate a draft Sickness Policy for the next meeting.**
- c) The Banding levels for estimates were discussed and it was agreed that for works over £25,000 a formal tender procedure applies, works costing between £2,000 and £25,000 require three estimates, works from £500 to £2,000 require two estimates, and works under £500 require one estimate. Motion proposed by the Chairman and Cllr Broadley seconded. **Action – Standing Orders and Financial Regulations to be amended accordingly.**

20. Data Protection

Recent correspondence from YLCA and NALC was discussed outlining changes in legislation to the General Data Protection Regulations, which would include the requirement for the Parish Council to appoint a Data Protection Officer from 25 May. Matter to be covered again at the next meeting. **Action – Clerk to provide update at next meeting.**

21. Common Land owned by Council

- a) No further information on Woodhouse Bogs, Winksley from Azerley Parish Council.
- b) The Council has recently been advised by NYCC that it owns 0.27 acres of the Coal Pit Goal/Woodyard, Kirkby Moor Road, Kirkby Malzeard, not 0.706 acres as previously confirmed by them in 2015. An amendment to the Asset Register regarding this was approved being proposed by the Chairman and seconded by Cllr Mass. Further to the verbal enquiry from tenants about whether they could purchase the property, the Council would need to be able to reinvest the proceeds to make an increased income to justify this and Cllrs did not feel this was a viable option at present. The Chairman clarified the current lease had been drawn up in 1993 for a 5-year term and that a new lease was needed to formalise the position. This was discussed and agreed. **Action – Chairman to confirm decision to Tenants and obtain two quotes from solicitors for preparing a new lease.**

22. Financial items:

- a) Bank statements – details of balances, outgoings and income since last month were confirmed including the receipt of the £1,295.41 VAT reclaim for December 2016 to October 2017 period.
- b) Cash Book – an up to date record of payments and receipts for year was circulated.
- c) Quarterly comparison of budget to income and outgoings over the last 9 months was circulated. It was highlighted that office expenses, general maintenance and grass cutting were higher than anticipated, together with some one-off costs, but there were no serious problems apparent.
- d) The application form to be sent out in respect of the ‘Grants for Local Organisations’ was approved. It will be circulated to the Mechanics Institute, HPFA, Kirkby in Bloom, Youth Club and Pre-school and publicised on the website in case other organisations wish to apply. **Action – Chairman and Clerk to publicise and distribute forms.**
- e) Payment to DTMS Limited for £134.40 for playground inspections and works carried out in October, November and December was approved.
- f) Payment to Mr. Michael Jordan of £45 to reimburse Kirkby in Bloom’s entrance fee for the Yorkshire in Bloom 2018 competition was approved.
- g) Payment to Yorkshire Local Councils Associations for £57.50 for 50% contribution to Clerk attending ‘Induction Training Day for Newer Clerks’ was approved.
- h) Payment to G J Meer for £360 for the refurbishment of Dallowgill notice board and provision of two new posts was approved.
- i) Payment to The Mechanics Institute, KM for £252 for hall hire in 2017 was approved.
- j) Payment to D3 Office Group Ltd for £11.72 for stationery was approved.
- k) Payment to SLCC for the additional payment of £34 for annual membership subscription was approved.

l) Approval of quotation from DTMS Limited for £582 for the removal of Snowberry Bushes from Market Cross junction was put on hold as per Item 18.

Action – Clerk to arrange for HSBC bank to change cheque signatories from Cllr Hurford to Cllr Lobley.

22. Parish Council Meeting Dates for 2018

The monthly meeting and annual meeting dates for 2018 were circulated and agreed. The Annual Parish Meeting is to be held on Saturday 21st April between 10am and 12 noon rather than prior to the April meeting as previously, to try and encourage more public to attend.

23. Any Other Business

- a) Best wishes for a speedy recovery were sent to Cllr Jackson from Cllrs and members of the public.
- b) Mr. Robinson enquired about the whereabouts of a missing Inn sign from the Henry Jenkins but the Council could shed no light on this.

24.Date of next meeting: Monday 26 February 2018 at 7.15pm in the annex room of the Mechanics Institute, Kirkby Malzeard. Any items to go on the Agenda for the Council meeting should be submitted to the Clerk by 16 February 2018 please.

The Meeting Closed at 9:15pm.

Dated 05/02/2018

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Agenda also available on the Parish Council website www.kmldpc.btck.co.uk

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