

# **KIRKBY MALZEARD, LAVERTON AND DALLOWGILL PARISH COUNCIL**

## **MINUTES OF THE PARISH COUNCIL MEETING held in**

**The Annex, The Mechanics Institute, Kirkby Malzeard on 18 December 2017**

### **The meeting commenced at 7.15pm**

**Present:** Parish Councillors Howard Mountain (Chairman), Mike Hurford (Vice-Chairman), Geoff Lobley, Ruth Broadley, Gwynneth Jackson, Gerri Mass and Jen Hurford (Clerk), Margaret Atkinson (District/County Councillor) and 7 members of the public.

#### **1. Welcome and apologies for absence**

The Chairman welcomed everyone to the meeting and noted apologies from Cllr Peacock.

#### **2. Declarations of Disclosable Pecuniary Interest**

Cllr Lobley declared a 'close association' for item 9a) and did not take part in the discussion or decision.

#### **3. Approve the Minutes of the previous Parish Council meeting held on 27<sup>th</sup> November 2017**

The minutes of the Council meeting of November 27<sup>th</sup> were confirmed as an accurate account of the meeting. Proposed by Cllr Broadley, seconded by Cllr Lobley and signed by the Chairman.

#### **4. Standing Orders**

Cllr Hurford outlined the standing orders with regards to public participation, timing and conduct. Cllr Hurford proposed that a short summary should be added to the minutes, covering Sections 1d-k and section 6 of the standing orders, with a request for public contributions to make positive recommendations moving forward. The Chairman proposed the alternative of giving MoP a timeframe at the beginning of the subject spoken about. Cllr Broadley proposed that Cllrs read through to see which points of the standing Orders apply and to re-address at the next meeting, Cllrs agreed.

#### **5. Updates on Action Points from previous meetings not dealt with elsewhere on the agenda:**

- a) Commuted sums – Chairman confirmed the amounts of sums currently available. These comprise £3,108 for outdoor sports facilities and the play area in Kirkby Malzeard, £615 for Main Street verges in Kirkby Malzeard and £230 for the Laverton Bridge area, and it was agreed that the Council would liaise with Highside Playing Fields Association, Kirkby in Bloom and Mrs. Ingrid Simmonds (who kindly looks after Laverton Pinfold) respectively, to enable these sums to be usefully spent. The Council is still awaiting further information from HBC concerning past contributions to the Mechanics Institute, in order to confirm how any monies arising from the proposed development off Laverton Road are allocated. **Action – Chairman to continue discussions with HBC and liaise with recipient organisations.**

- b) Matters relating to employment of Clerk – An Equal Opportunities Policy was considered and approved by the Council (proposed by Cllr Mass, seconded by Cllr Hurford). **Action – Chairman to prepare Health & Safety policy for consideration.**
- c) Common Land – NYCC and Azerley Parish Council are still liaising on the ownership of Woodhouse Bogs, Winksley.
- d) Is Parish part of Nidderdale now? – Chairman clarified the Parish is geographically within Lower Wensleydale, but is also included within the Nidderdale AONB.

## 6. Correspondence

- a) Clerk confirmed HBC have advised on the removal of some recycling bring banks but none are within the Parish.
- b) Clerk confirmed HBC have provided the new Register of Electors 2017/18. **Action – Clerk to retain for reference.**
- c) Clerk requested approval to purchase stationery from D3 Office Group Ltd using electronic ordering, enabling VAT to be efficiently reclaimed. Agreed by Council. **Action – Clerk to return Application Form.**
- d) Planned road closure notification from NYCC for Back Lane North between 15<sup>th</sup> to 19<sup>th</sup> January.
- e) Clerk advised Cllrs of information from NYCC regarding Minerals and Waste Joint Plan.
- f) Clerk confirmed correspondence from The Pensions Regulator acknowledging declaration of compliance regarding the Workplace Pension arrangements of the Council.
- g) Clerk confirmed of written request for the payment of PAYE electronically by HMRC but that will continue with current payment of cheque.

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

- a) 17/04096/OUT – Parkfield, Galphay Road, Kirkby Malzeard – Outline application for the erection of 1 dwelling with access considered – Approved subject to conditions.
- b) 17/04293/REM - Parkfield, Galphay Road, Kirkby Malzeard – Reserved matters application for 4 dwellings (layout, scale, appearance, landscaping, and remaining matters of access considered) under outline permission 16/04101/OUT – Approved subject to conditions.
- c) TPO 91/2017 – Land Comprising Field 422819 474158, Back Lane, Kirkby Malzeard - tree preservation order taking effect, on a provisional basis, on 8 December 2017. It will continue in force on this basis for a further six months or until HBC confirms the order, whichever occurs the first. It was initially understood that this related to the whole proposed development site off Laverton Road but it only covers the section on which a proposal for 5 houses was made (see item 9 below) **Action – Council to request that the TPO be extended to cover the whole development site off Laverton Road – Chairman to write to HBC.**

- d) 17/04244/REM – Land Comprising OS Field 5419, Galphay Road, Kirkby Malzeard – Reserved matters application under outline permission 16/01974/OUT for the erection of 2 dwelling with attached garages, fences and formation of new access with access, appearance, scale and landscaping considered – Approved subject to conditions.

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

- a) 17/04517/FUL – Land Comprising Field At 419481 473254, Swetton – Erection of agricultural workers dwelling and associated access – Nelson.

Council decided to neither object to, nor support the application but ask for clarification of ownership boundaries and raise concerns over access, position of house and size of garden, and ask for confirmation that consent had been granted previously for 4 bay barn.

**Action – Chairman to submit response to HBC.**

- b) 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 – Atkinson.

Council decided it had No Objections. **Action – Clerk to submit response to HBC.**

**9. Planning – recent Appeals made to the Planning Inspectorate. The Parish Council will consider whether to make a further representation and if so approve wording:**

- a) 17/00071/NFTDPP – Land Comprising Field At 422819 474158 – outline application for the erection of five dwellings with all matters reserved (Application 17/00366/OUT) – Umpleby.

Council agreed to reiterate original comments made when planning application considered. **Action – Chairman to submit response to Planning Inspectorate.**

**10. Dallowgill noticeboard** – Council approved the proposed location on the Highways verge at Tom Corner and agreed that the Street Furniture License application be submitted. Quotation received from DTMS to erect at a cost of £192, thus totaling £552 to include refurbishment and provision of new posts. These quotations were approved. **Action – NYCC Highways to be asked to mark exact location for the benefit of the contractors, in due course.**

**11. Highways Yard, Laverton Quarry** – Chairman has clarified three technical points with NYCC legal department and now asked Cllrs to approve the draft lease. **Action – Chairman to circulate draft lease and unless any further issues are raised instruct NYCC to produce lease for formal approval.**

## **12. Footpaths –**

- a) Arrowfield, Main Street, Kirkby Malzeard – The owners have indicated that they are not willing to make a ‘Creation Agreement’ in order to have the path put on the Definitive Map. It was therefore agreed that the Council should proceed with a Definitive Map Declaration Order and the matter will be discussed further at the next meeting. **Action – Chairman to contact the Definitive Map Officer at NYCC for advice.**
- b) Church Bank to Longswales Lane, Kirkby Malzeard – Having clarified that the short section of path in question runs from Longswales Lane to Church Bank rather than Church Street, the landowner (Cllr Hurford) confirmed ownership of the land since 2010 and use of the land since 2005, and that there has never been evidence of a footpath, entry point or exit point even though it is on the Definitive Map. **Action – Cllr Hurford will liaise with NYCC over the matter.**
- c) Mossie Mire, Laverton – application to re-route existing footpath away from the buildings and yard noted.
- d) Dog waste – Cllr Jackson proposed the erection of posters as reminder to owners to clear up after pets when using all footpaths in order to prevent the spread of disease to grazing animals and via subsequent haymaking. **Action – Cllr Jackson to prepare poster for approval in Spring.**

**13. Foul and surface water sewers in Kirkby Malzeard village** – The Chairman confirmed that letters had been sent to all residents who had indicated that problems may exist with sewers in relation to the proposed development off Laverton Road. Responses received had not revealed any specific problems with the foul sewers and Yorkshire Water had also recently confirmed that they did not anticipate any problems with the foul sewers if the development goes ahead. It was apparent however that there are regular problems with surface water flowing down Main Street and Back Lane from the western end of the village which need to be investigated and prevented. **Action - The matter will be raised by the Chairman with Yorkshire Water and NYCC Highways. Cllrs and residents to observe and take evidential photographs in future periods of rainfall.**

## **14. Budget for 2018-19**

The budget for 2018-19 financial year was discussed and approved (Cllr Hurford proposed and Cllr Mass seconded).

## **15. Precept request for 2018-19**

The precept request to HBC for 2018-19 financial year, totaling £12,000, was discussed and approved. (Chairman proposed and Cllr Jackson seconded). The Chairman suggested that the pre-school and proposed youth club might also be considered for the receipt of a local

organisation grant, in addition to Highside Playing Fields, Mechanics Institute and Kirkby in Bloom. **Action – Clerk to prepare Precept Request for submission to HBC.**

#### **16. Defibrillator for Kirkby Malzeard**

The Chairman reported that the Doctors Surgery had indicated that they would prefer not to offer siting for the defibrillator, but the Mechanics Institute confirmed that installation on their premises was acceptable, although they were uncertain at this stage about contributing to installation costs. Both the Doctors Surgery and First Response Team have clarified that their machines are not suitable for public use. The Mechanics Institute, rather than the Playing Fields pavilion was agreed as being the most accessible, visible and central site. **Action – Chairman to confirm decision with the Mechanics Institute and HPFA, arrange a new estimate for installation and collate fundraising activity suggestions.**

#### **17. Inspection of Council Property Assets**

The Clerk confirmed inspection of the Pinfold and Market Cross on 18 December with no untoward observations to report, as did the Chairman of Laverton Quarry on 10 December and Lamberts Quarry on 17 December. Cllr Lobleby confirmed inspection of Greygarth Monument and reported the poor state of the stile on approach. **Action: Clerk to chase insurers on their recommendations for risk signs for the ladder at Greygarth Monument. Cllr Lobleby to approach landowner over condition of stile.**

#### **18. Children's Play Area**

The Chairman reported there had been no further progress with regards to the assignment of the lease despite requests to HBC to resolve. The works arising from the Annual Safety Report referred to DTMS were discussed and it was noted that the nettles and low branches have been removed, that loose fixtures and fittings to the fences do not warrant work, that further estimates are required for work to the gate, that removal of moss from the tarmac is to be deferred for the time being, and the condition of the uneven surface under the Rotator and the small area of lifting tarmac elsewhere will be monitored. The replacement of the two seats to the toddler swing will however be given priority.

**Action – Clerk to obtain quotes for work to gate and replacement of toddler swings from DTMS.**

#### **19. Highways Issues**

- a) It was suggested that the road markings at Longswales junction should be moved further into Main Street to aid visibility.
- b) A trip hazard to the pavement between Brick Row and High Walk was reported.
- c) The appearance of underground movement at the Kirkby Moor Road to Sugar Hill junction was reported.

## 20. DTMS Task List

The Clerk confirmed the provision of a plan from NYCC Highways indicating the area which they own where the Snowberry bushes are to be removed. **Action – Clerk to obtain a quote from DTMS for removal of snowberry bushes which have encroached onto Highway land.**

## 21. Financial items:

- a) Bank statements – The clerk clarified that the monthly bank statement had yet to be received but that £840 rent for the Woodyard and £50.40 reimbursement from Northern Powergrid had been received.
- b) Cash Book – an up to date record of payments and receipts for year was circulated
- c) The grant from NYCC of £266.62 for contribution to grass cutting in 2018 was confirmed.
- d) VAT reclaim – The Clerk confirmed this was ready for submission.
- e) The SLCC annual membership subscription of £30 and the ALCC annual membership subscription of £50 was approved.
- f) The payment to the Clerk for £30.21 for stationery was approved

## 22. Any Other Business

- a) A Henry Jenkins Community Co-op representative confirmed a fully funded bid for the Henry Jenkins had been put forward to Mr Fielder, and a response was awaited.
- b) A resident enquired about a ‘missing’ bench from the Manor Court junction, Kirkby Malzeard and Cllr Hurford confirmed it had been removed in June 2015 as it was damaged beyond repair. A new bench had since been provided at The Green as it was felt that it would be more regularly used there, but if needed it may be possible for a new bench to be provided at Manor Court. **Action - Chairman to liaise with Kirkby In Bloom over provision of new bench.**
- c) A resident commented that the Tour de Yorkshire due in May 2018 was a significant event for the Parish and that the Council should take charge of organising a committee to bring the community together. **Action – Cllrs to consider creation of committee and Chairman to discuss with residents, prior to decision at next meeting.**
- d) Cllr Broadley discussed the proposal to stall holders by Ripon Market to provide their own stalls and how Ripon Market needs to be assisted in order to serve the residents of the community. **Action – Chairman to write letter of concern to Harrogate Borough Council.**

**23. Date of next meeting:** Monday 29 January 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 19 January 2018 please. Dated 27/12/2017

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Agenda also available on the Parish Council website [www.kmldpc.btck.co.uk](http://www.kmldpc.btck.co.uk) Facebook: Kmldpc Parish Council