

TOCKWITH WITH WILSTROP PARISH COUNCIL

Minutes of a Council meeting held on Wednesday 17th February 2010 in Tockwith Church AS AMENDED FOLLOWING THE MARCH MEETING OF THE COUNCIL

<u>Chairman:</u>	Councillor N Waller
<u>Present:</u>	Councillors R Ward-Campbell, P Pick, Mrs J Wardman, N Alliott, S Harrison, C Billenness
<u>In attendance:</u>	Cllr Savage (District/County Cllr), PC Haydon, Mrs G Firth (Clerk to the Council), 4 members of the public

The Chairman welcomed everyone to the February Council meeting.

Apologies for absence – were received from Cllrs Saunders, (professional commitment), Mrs Chasney (holiday) and Algar (work commitment); Inspector Chapman; Mrs Unsworth and Mrs Steed (VHMC).

2. Declarations of Interest – Cllr Billenness regarding the matter of a grant for Cowthorpe churchyard.

3. Public Questions or Statements

Standing Orders were suspended.

- A resident expressed concern at Press reports concerning the recent planning application by Animalcare plc for the Tomlinsons site at Moorside. The Press were saying that 'a chemical plant' was coming to Tockwith.

•

Standing orders were resumed.

After much discussion, including input from the District Cllr and confirmation that the Clerk had already flagged up the concerns of the PC with HBC, it was resolved to await the outcome of the response from HBC.

8. Police matters

PC Haydon was present and gave a report.

- In the last three months crime figures were low and there were no particular trends.

Usual problems on the Business Park were reported; commercial burglaries – 4, one vehicle broken into; Three reported assaults/violence (domestic); one report of criminal damage to a parked vehicle

- Police shifts had been changed and money allocated so that patrols regarding 'poaching' could be done and
- Police were working with Trading Standards and checking on 'rogue traders'.
- PC Haydon apologised for non-attendance at recent PC meetings but explained he had been deployed elsewhere.
- It was hoped that 'speed gun checks' would resume in the next few weeks

a) Cllrs asked PC Haydon if checks with the speed gun had recorded wholesale abuse of the speed limits. The answer was no. The results were worse 2/3 years ago and there was more traffic then. PC Haydon agreed to email the figures to the Clerk.

- b) Cllrs asked if speed checks had a deterrent effect. The answer was yes, but only randomly.
- c) Cllrs believed that the worst offences occurred at 7-7.15am as commuters left for work. PC Haydon said he didn't start work until 7am and had to allow travelling time from Knaresborough, so could not guarantee to be in the village early enough.
- d) Cllrs thanked the Police for the repeater signs at the east end of the village.
- e) Cllrs again requested speed checks be done in Cowthorpe village as the deterrent effect was thought to be worthwhile.

Standing Orders were suspended.

A resident of Rudgate spoke about the dangers of lorries reversing into/out of Rudgate Business Park. Other Cllrs spoke of the number of times lorry drivers were seen using mobile phones when entering/exiting Marston Moor Business Park. Cllrs spoke of the potential dangers and it was said the issue was 'an accident waiting to happen'. The Police are now aware and were asked to visit the sites and advise that drivers should always enter/exit Rudgate in forward gear.

Standing Orders were resumed.

PC Haydon was thanked for his attendance.

4. Minutes of the last meeting and the Extra-Ordinary meeting.

The Minutes of the EO Meeting, having been circulated and taken as read, were amended to remove the typo on page 1, under item 3, third para., to Land and Development Practice and then agreed as a true record and signed by the Chairman.

The Minutes of the last meeting, having been circulated and taken as read, were agreed as a true record and signed by the Chairman.

5. Matters arising from the Minutes/business remaining from the last meeting

(i) Letter of Agreement with Scout Group for use of Community Field - The Clerk spoke of liaison with the Group Scout Leader and produced a final amended version of the Agreement for Cllrs to determine and signature by the Clerk/RFO. This was agreed.

(ii) Letter from TLDP to HBC – the minutes of the last meeting were corrected, as a matter of fact, with deletion of the sentence "The TRA has paid for action so far" – page 1 under item 4, as this was an incorrect statement. The Clerk reported that, in spite of working until a late hour on the day of the EO meeting, sending an e mail including resolutions of the meeting to TLDP, delivering a hard copy to TLDP on the next morning and following up with a further e mail asking for confirmation that the two previous communications had been received, nothing had been heard from TLDP. Although it was believed that a letter had been sent to HBC, which had been passed to HBC Solicitors, no copy of the letter had come from TLDP as requested. Cllrs agreed that an acknowledgement, at least, was required for audit purposes and resolved that the Clerk should attempt to get a reply from TDLF.

(iii) Report back from YLCA Harrogate Branch meeting – Cllr Mrs Wardman.

- A debate about Retrospective Planning Applications did not take place as the instigator of the proposed motion was not present at the meeting. It is hoped that a Planning Enforcement Officer will be able to address the issue at the June Branch meeting. A motion on this topic could also be tabled for the AGM.

As the issue had been raised at the Consultation meeting with PC's held last October/November it was resolved that the Clerk write to HBC asking for confirmation that the promised letter had been sent to the Government Office and that the PC be notified of any response.

- YLCA had invited comments on the proposals to develop a Charter between the County Council and Parish and Town Councils. Members had expressed concern over several issues including the response times by NYCC; the matter of devolving issues which should be the responsibility of the County Council; and the perceived demarcation between Quality Councils and other PC's. Mr Spencer of the Policy and Partnerships Unit at NYCC attended and spoke to the item.
- Gritting/snow clearing – concern had been expressed about this issue following media reports but it was stated that there would be no problem if such work was done responsibly.
- The withdrawal of cheques had been mentioned and new legislation is awaited.
- Subscription rates will be going up, as previously advised, partly due to an Office move. Cllr Mrs Wardman was thanked for her report.

(iv) Use of commuted sums. A full debate ensued, referring to the message tabled by Cllr Algar about possible expenditure under this heading. Cllr Billenness agreed to pursue the matter of Glebe land in Cowthorpe as a matter of urgency. A letter had been received from the Tennis Club outlining its' proposals. Cllrs believed The Sportsfield Trust should submit a composite request with proposals for all the Sports Clubs. Resolved that the Clerk write to the Sportsfield Trust asking for such a letter. Cllr Billenness agreed to resume the role of PC representative on The Sportsfield Trust Committee until the Annual Meeting of the PC.

Standing Orders were suspended.

Mr Deryck Wilson spoke of various projects in the pipeline at The Sportsfield, repairs and upgrading could cost in the region of £10,000.

Standing Orders were resumed.

Resolved that this matter be placed on the agenda for the next meeting and the Clerk prepare a new list of the monies involved in the various categories for Section 106 expenditure.

6. Report from the TRA

Cllr Billenness gave a report. He stated his concern that nothing was being done about a possible Appeal by BCB. He stated that, in his opinion, the PC would fail any challenge under Risk Management and Governance rules and risks would be reduced by taking action now. He stated that an Appeal Inspector would need to see that the PC was 'leading' the objections. If an Appeal is made, time limits are constrained and a large amount of money, possibly greater than £50,000, would have to be COMMITTED within 6 weeks.

The Clerk gave advice on Planning Appeals procedure and rules. She stated that, if the matter went to a Public Inquiry, NYCC would employ a 'Silk' and the Appeal would be contested on the same grounds as were given for the refusal of the planning application, which were considered robust enough to defend. Cllr Billenness rejected the advice that these reasons were sufficiently robust as to require no further re-inforcement by another party nor the submission of additional objections. He stated that other issues had been mentioned by objectors at the meeting when the decision to refuse the application was made but NYCC Officers had gone against the wishes of the Members.

Cllr Billenness stated that advice from professional planning consultants should be taken and would carry more weight and the PC should take the opportunity to 'lead' on any action. He would be ashamed if the Parish Council did not actively engage in representing its community at the appeal and relied solely on NYCC to defend the case at Appeal, as he felt the reasons for refusal were weak and indefensible.

Some Cllrs questioned:

- whether it was being claimed that NYCC Officers were not professionals;
- what exactly were the actions it was claimed that the PC should be taking;
- where the money for such an undertaking was to come from as the PC cannot fund it and cannot make any commitment with regard to future funding;
- why the decision made last month about this issue, which under Standing Orders cannot be changed within six months unless there is a Special Resolution to that effect, was being ignored;
- and why things could not be left as decided at previous meetings.

It was proposed that a small working group of Parish Cllrs be formed to begin liaison with other groups with an interest in pursuing an objection, as a Rule 6 Party under Planning Appeal Rules, against a possible Appeal by BCB.

It was resolved by a majority vote of 6:1 to support the motion. Cllrs Waller, Billenness, Alliott and Harrison wished their names to be recorded as being for the motion. The following Cllrs to be members of the working group: - Cllrs Billenness, Algar, Harrison and Alliott. The Chairman and Clerk are ex-officio members if they wished to attend meetings.

The meeting Chairman said it was expected that, at the next PC meeting, the working group would have proposals to put forward for consideration.

7. Report from the Clerk Nothing further to report.

9. Village Hall

In the absence of the Chairman and Vice-Chairman the Clerk, as a member of the VHMC, gave a brief report:-

- The VHMC thanks the PC most sincerely for the donation towards the project to upgrade the toilets and add disabled facilities. Not only is the money gratefully received but thanks are also expressed for the support of the PC during the year. It gives much encouragement to the small in number but dedicated committee to know its efforts are appreciated.
- Problems with the newly fitted acoustic door are being addressed.
- Repair/replacement of the lighting in the Ladies toilets is being addressed as a matter of urgency.
- Furniture for the back room has now been ordered.

10. and 11. Report by County/District Councillor Savage

- NYCC rates will increase by 2.94%; HBC by 0%, as success had been achieved in reclaiming £960,000 VAT on parking fees; Fire and Police Authority increases were believed to be around 2%
- Bilton and Bickerton PC supports the efforts of trying to get gritting done at B1224/Tockwith Lane junction
- Road repairs needed after severe winter weather would cost £10-£15million, the Skipton by-pass requires £1,000,000 alone.
- Marston Moor Airfield – recent earthworks – HBC Chief Planning Enforcement Officer with a Solicitor to visit the site to investigate
- BCB – no news of an Appeal – the Company are not liaising with NYCC, which will go against it at Appeal
- Dog fouling – suddenly much worse, possibly because of the winter weather meaning owners did not walk as far and keep off village pavements
- Skewkirk Bridge – NYCC have now started working on the application by the British Horse Society to have the bridge declared a bridleway. The decision will not come before May/June of 2010.

Cllrs asked questions of Cllr Savage: Answers required in the matter of business rate relief for the Sportsfield Trust; footpath at Kendal Gardens needs work as it is in a terrible state; more dog bins required.

Cllr Savage was thanked for his report.

12. Tockwith Beer Festival banner

A request had been received for the temporary erection of a banner across the Main Street to advertise the Beer Festival. As long as any banner was high enough (5.16m) so that it did not impede the flow of traffic the PC did not have a problem with the proposal. NYCC are the Authority from whom official permission should be sought

13. Correspondence

Additional letters, e mails and planning applications/decisions were made known to Cllrs. Following debate, the following action points were resolved:

- **Correspondence Files for circulation to Cllrs** – The Chairman spoke of his understanding that the contents of correspondence addressed to the PC were for the attention of Cllrs only, until they had been discussed at a PC meeting and any action resolved and were not in the public domain. Advice had been received from YLCA and the Clerk read out a recent confirmation message of previous advice given.

Cllr Billenness had strong reservations about the advice given and had sent his own message to YLCA putting forward his reasoning. He put forward a motion that the PC created sealable folders if the contents were to be considered as confidential. The motion was seconded but the voting was 3:4 and the motion failed. An alternative to having the correspondence files would be for the Clerk to produce a list of correspondence received, as usual, and any items which required a response would have to be dealt with at PC meetings. This would make PC meetings extremely long, as Cllrs would not have seen correspondence beforehand and was the reason for the introduction of the files in the first place. As Cllrs were now aware of how correspondence should be treated the procedure would continue as advised until further notice.

- **NYCC – Proposal to develop a Parish Charter between NYCC, Parish/Town Councils and District Councils – an agreement setting out the respective roles and obligations of Principal Authorities and Parish Councils** – after debate Cllrs decided they were not in favour of the proposals
- **Rural Safety Schemes** – Cllrs were disappointed to learn that the scheme had been abandoned. As there was a small sum of money allocated to Tockwith outstanding, Cllrs resolved to present to the next PC meeting their proposals for using this money, for a traffic calming scheme on Prince Rupert Drive in the first instance but other schemes for the village could also be considered if they met the criteria..
- **Allotments** – permission sought for placement of a shed and greenhouse on an allotment at Bridlepath.

Cllrs resolved to give permission subject to any structures being of a size easily accommodated on the plot so as not to reduce the area for gardening too much.

- **Energy Saving Trust** – correspondence to be passed to Tockwith Transitional
- **Noticeboards** – the Clerk had researched the cost of a new noticeboard for outside the Costcutter Store, to replace the current one which is past its best. Cllrs resolved to delegate authority to the Clerk to order 2 new boards of the correct size as replacement for the existing.
- **Use of Community Field by Junior Football Club** – the Junior Football Club was seeking to use part of the Community Field in order to expand their facilities. This use would be non-exclusive but works would have to be done to drain the area to be used as football pitches and erect fencing for site security.

A full debate ensued. Although there were positives if joint use of the Field could be arranged

and the site properly prepared, as this would benefit the whole community, it was considered that the request was premature as the use by the Scouts was not established and works to the Field access not completed yet. It was resolved that a decision on use by the Junior Football Club be deferred until use by the Scouts had been established.

- **RAF Linton-on-Ouse** – following recent instances of very late notice of night flying/helicopter flying it was resolved that the Clerk write and ask for more notice of events and ask that their website be updated

14. Planning, including standing item: BCB application

BCB application – nothing further to report.

To ratify decisions from the last meeting/between meetings:

Broadoak Farmhouse – Discharge of Section 106 Agreement relating to permission 6.124.212.A.FUL to allow the development to be sold or assigned separately to the land. *The PC and neighbours had no objections.*

New dwelling west of Niddway, Kendal Gardens – erection of first floor extension over garage. *The PC resolved, subject to addition of further comments following neighbour notification, to object to this application on the following grounds:-*

1) the plans accompanying the application are inaccurate in that the location plan does not show red and blue outlined areas for this application and other land in the same ownership. If the red outline is accepted it would show that there is no vehicular access to Niddway; also there is no plan of what exists on site currently as the garage, permitted in a previous application, is half built and does not have a roof.

2) the proposals are considered to be an overintensive development of the site and similar proposals were rejected at the time of previous applications.

3) the proposals would give rise to a loss of visual amenity and have an adverse visual impact on the surroundings.

4) by reason of the large size and massing of the new dwelling it is considered to be disproportionate in size to neighbouring dwellings, some of which are modest terraced dwellings directly to the west.

5) It is considered that there would not be sufficient head height in the room created over the garage to allow the development to 'work' in practical terms.

Planning decisions – approved with conditions

Orchard House, Marston Road – erection of 2 dormer extensions to front elevation

5, Kendal Lane – replacement planning permission for 6.124.398.A.FUL (expires 22.11.09) for erection of two storey side extension.

Tockwith Lodge Farm, Fleet Lane – conversion of barn to form holiday accommodation and conversion of storage building to form additional living accommodation with erection of single storey side extension (revised scheme)

Corner Cottage, Kirk Lane – erection of single storey side extension

Planning Appeal notification

80, Prince Rupert Drive – erection of first floor front extension

Lawful Development Certificate – existing – Unit 5, Marston Moor Business Park – Quicksilver Profiling Ltd. *The PC had no comments to make.*

15. Accounts

<u>Bank balances</u>	(as at 17.02.10)
Lloyds TSB current a/c	2,500.00
Lloyds TSB deposit a/c	6,344.02
Loan (ring fenced for specific purposes)	59,975.00
<u>A/c's to pay/ratify</u> Tockwith Church (room hire)	
25.00 SLCC (Training Day)	17.00
YLCA (new Standing Orders)	25.00 +p&p
Noticeboards (X2 @ 269.00 each)	538.00

Resolved that the Bank balances be accepted, and accounts be ratified/paid as above and that Grant allocations be decided at the April meeting of the PC.

16. Date of next Meeting: WEDNESDAY 17th MARCH 2010 at 7.30pm in Tockwith Church.

There being no further business to discuss, the Chairman thanked everyone for attending and declared the meeting closed.