

## **TOCKWITH WITH WILSTROP PARISH COUNCIL**

### **Minutes of a Council meeting held on Wednesday 17th November 2010 in Tockwith Church**

**Chairman:** Councillor C Saunders  
**Present:** Councillors Mrs L Chasney, N Waller, S Harrison, M Algar  
**In attendance:** Mrs G Firth (Clerk to the Council), 7 members of the public

The Chairman welcomed everyone to the November Council meeting, the last of this year.

**1. Apologies for absence** – were received from Cllr Savage, Cllrs C Billenness (work), Mrs Wardman (in hospital), Alliot (work), P Pick (work) and Mrs Unsworth VHMC Chairman (holiday)

**2. Declarations of Interest** – none

### **3. Public Questions or Statements**

Standing Orders were suspended. A resident complained about the problem of dog faeces in the village. She was given the contact telephone number for the Dog Wardens and advised how to proceed. Standing Orders were resumed.

### **4. Minutes of the last meeting**

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

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

**Meeting with Officers from NYCC Highways Authority Area 6** – to be held on 26th November at 10am at Starbeck. Cllrs Saunders, Algar and the Clerk to attend.

**Fish and Chip van** – there have been no further complaints.

**Ginnel** – weed clearance had been carried out and an invoice for the work was awaited

**Sale of land at Cowthorpe** – paperwork for signature to be presented later in the meeting and other matters brought to the PC's attention

### **6. HBC – Plan the future with us- new homes in your village? – Sites & Policies Development Plan Document (DPD) – Local Development Framework Consultation**

Standing Orders were suspended.

Mr Coggrave was invited to speak to the item. He had passed to the Clerk, for distribution to all Cllrs, a brochure, including maps and drawings outlining the planned scheme for Tockwith. The matter had been under discussion for twelve to fourteen years and it would be some time before any planning decisions were taken given that the LDF will not be adopted until after 2012. He believed it was better to have a planned development with additional benefits for the village which would also link the different parts of the village and, if adopted, should prevent piece-meal development in the future.

Standing Orders were resumed.

Cllrs commented as follows:

- the plans produced were comprehensive and very attractive and would lead to a lot of benefits for the village
- the imposition of a Section 106 agreement would make sure any development followed the plans as indicated
- new infrastructure would be required to enable any such scheme to go ahead. This would be dealt with through planning conditions
- the amount of proposed 'affordable housing' was questioned, as Tockwith would not want to see an influx of families from elsewhere in the Harrogate District requiring social housing. The residents of Tockwith, their families and people with connections to Tockwith should be accommodated by providing homes at an affordable cost. If the percentage of 'affordable homes' is too high it may mean the scheme could not go ahead as 50% of the homes would carry double the cost of providing all the requirements and this would not be viable or sensible. There should be a mix of homes from small starter homes, up to large detached homes.
- Concern was expressed at the Southfield Lane entrance becoming a main entrance for PRD residents. Highway improvement works would be conditioned during the planning permission stage

The Council expressed unanimous support for the proposed scheme. It would join the village together, it was a preferred site by HBC who had looked at all sites in the area put forward and discounted others for one reason or another. It is considered better to have a planned, phased development that is liked rather than piece-meal development.

Resolved that the Clerk respond to the LDF consultation as above.

## **7. Report from the Clerk**

**Bilton Bridleway** – the Clerk reported on information/advice received from NYCC:-

- The bridleway/Public Right of Way (PROW) extends from Marston Road in Tockwith to Moor Lane in Bilton in Ainsty.
- NYCC has responsibility for maintenance of the surface of PR'sOW (but, as always, the lack of resources means it is unlikely to be done)
- The PROW is for pedestrians and horse-riders. The general public does not have lawful vehicular access – it is an offence for vehicles to use a PROW
- There are Private Rights to access land off a bridleway eg local landowners, allotment tenants can be considered in the same category
- The rub is who OWNS the land, as NYCC hardly ever owns the land beneath a PROW, and what vehicular rights there are over it
- The landowner and anyone with a private vehicular right can use a PROW. This ability would appear on Deeds or if the land is registered with the Land Registry (in this case it isn't)
- Custom and practice can give a legal private access right
- Landowners could go to the Police and allege trespass or take private legal action against unlawful use – they would have to prove ownership of the land in question and still the position would not be clear – they would certainly be charged by NYCC with obstructing a PROW if they attempted to erect a physical barrier on a PROW
- As the bridleway is the only access to the allotments and by virtue of 25+ years of use the PC/tenants can claim private rights
- The bottom line is that a Solicitor may be required to establish access rights in this case
- Either the landowner has to prove he has sole legal private access rights or challenge the rights of tenants having private access rights
- IT IS RECOMMENDED THAT THE SITUATION RE LAND OWNERSHIP IS SORTED BEFORE ANY RE-SURFACING WORK IS DONE. It is further suggested that the PC seeks private legal advice to determine private access rights as opposed to public rights of access

over the bridleway.

- NB NYCC would have to provide the specification for using suitable material for any re-surfacing work in order for it to proceed – this must be suitable for foot and horse traffic.

**Tyres on airfield** – nothing further heard, but the tyres are still there.

**Sale of Land at Cowthorpe** – The Clerk has been in correspondence with the PC's Solicitor about various matters and the final documents, subject to the approval of Cllrs, are available for signature.

**Adopt a kiosk** – the Clerk is awaiting receipt of a template/spreadsheet from CE Electric, to be completed and returned to them to complete the inventory. They are now suggesting we may have to employ a qualified engineer to obtain the various wattages of equipment supplied.

**Commuted sums** – the Clerk is still chasing, so far without success.

**Airfield** – the Clerk is to confirm the 14th December as the acceptable date for a proposed meeting at HBC as this date is convenient for everyone. It is suggested that the attendees should be Chairmen and Clerks of both PC's with Chairman of TAAG and Paddy Gastrell from the TRA.

**Village Hall** – the Clerk had arranged for the floor work to be done, week commencing 29th November. The Hall will be shut for 1 week.

**Crawford Close ginnel** – the weed clearance has been done. An invoice is awaited.

**Youth Club** – the Clerk has written to the Corporate Director, Children's & Young Peoples Service. A reply is awaited. The VHMC Treasurer has been contacted, after sending the invoice for VH hire as usual, to say that it has come to their notice that the YC is only meeting 1 night a week now, so a new amended invoice should be sent. In the meantime, there have been enquiries from other parties wishing to hire the VH on a Friday night so I have sent a further message to NYCC asking them to expedite matters so we don't miss this opportunity.

**Hedges at Bridlepath allotments** – following requests from tenants about the overgrown state of the hedges, the Clerk is in the process of obtaining 3 quotes for necessary work ie cutting or laying the hedges for future health and ease of maintenance.

**VHMC** – a request has been received for the PC to provide a raffle prize, as usual, also for help at the Christmas Fair, setting up from 10am and help at the Fair from 2-4pm.

**Fish and Chip van** – no problems at all during the pantomime (Friday night) – no further problems reported to the VHMC.

## **8. Police matters**

In the absence of PC Haydon, there was no report and no answers received to past queries. The Clerk mentioned that the latest e mail to PC Haydon had been returned as 'address not recognised'. This to be followed up with Inspector Chapman.

## **9. Village Hall**

In the absence of Mrs Unsworth, the VHMC Chairman, the Clerk gave a report.

- Christmas Fair – help is needed for setting up from 10am and helping at the Fair from 2pm to 4pm on Saturday 27th November. Contributions for the stalls and a raffle prize donated, as usual, by the PC will be gratefully accepted.

- Use of VH – it is important that issues are resolved as soon as possible, as there are parties expressing an interest in hiring the VH on Friday nights and the VHMC do not wish to miss an opportunity to add to the list of user groups.
- Lottery grant – for the toilet refurbishment has been turned down “as we already have toilets”! Other avenues of funding are being explored and a pump priming funding package has been agreed so the VHMC hopes for better success in the future.
- Additional storage is required urgently. The possibility of using the roof space is being investigated.
- The VHMC submitted a grant request to the PC, for the next financial year to assist with forward planning.
- The PC is asked to provide letters of agreement to act as third party fund holders as agreed at a previous meeting. This will assist with and is a prerequisite for many grant applications.
- The VHMC requires a new Treasurer as soon as possible and definitely before the start of the financial year in April 2011.
- The annual pantomime at the VH was a great success and thanks are extended to all who supported it.
- The VHMC is looking into providing refurbished computer equipment for the back room

#### **10. Wilstrop issues** Cllr Mrs Chasney reported:

- There had been an exciting few days with the recent flooding. Both NYCC Highways and the local Drainage Board had been contacted. Cllr Savage has been involved and will be taking the issues forward with the various departments/agencies.
- There had been no further progress regarding highway matters reported in July. Resurfacing of the Lane and provision of reflector posts had not happened.
- The issue regarding the footpath was urgent but the message from the Highways Dept at NYCC had not been encouraging.

#### **11. Report by County/District Councillor Savage**

In the absence of the County/District Cllr the Clerk read out a report.

- Wilstrop Flooding and road problem – meeting at Starbeck to discuss, also possible pathway from Wilstrop to Skip Bridge
- BCB site – work looks to have commenced with the clear up, no information however from the EA
- Marston Moor Drainage Board are trying to arrange a meeting with the EA regarding pollution etc. As a member of the Board I will be present.
- Meeting the team at Starbeck on 26th November to go through all matters outstanding
- Meeting Wallace Sampson 25th November regarding airfield matters, still cannot understand why we could not meet as team Tockwith. If you want to send me some questions to ask that would really help.
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#### **12. Report from TAAG (Tockwith Airfield Action Group)**

The Chairman referred to the excellent work done by TAAG.

Standing Orders were suspended. The PC was asked to endorse the latest submission in response to additional information relating to the PCN. It was stated that it was not felt that HBC had anyone capable of understanding the submissions which included lots of detailed evidence. Elvington PC had been approached to tell of their experiences with York City Council, who had acted straightaway regarding their problem. It was believed HBC had an obligatory statutory duty to act on behalf of Tockwith residents. The Chief Executive of HBC had been approached and asked to take a personal interest in all the issues so as to expedite matters. Standing Orders were resumed.

Resolved that the recent dossier of additional information be delivered by hand to HBC by the Clerks of both PC's. The PC to include a covering letter with an explanation of matters remaining at issue between the parties.

### **13. Correspondence**

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

- 1) HBC – Proposed meeting date with Officers relating to airfield matters to be confirmed as Tuesday 14th December at 9.30am at Knapping Mount.
- 2) NYCC – County Hall Emergency Response event – Cllr Harrison to attend
- 3) NYCC – to confirm attendance of Chairman, Clerk and Cllr Algar at meeting with Area 6 at Starbeck on 26th November at 10am
- 4) VHMC – the Clerk to provide two letters of support regarding third party fund holding
- 5) Allotments at Bridlepath – the Clerk to do further research of the position regarding vehicular access and ask for advice from the Council's Solicitor
- 6) Land at Cowthorpe – the Clerk to progress matters with the Council's Solicitor after signature by the Chairman, Vice-Chairman and Clerk of the various legal papers.

### **14. Planning**

**Skewkirk Hall** – full application and Listed Building consent for erection of porch over courtyard and installation of replacement window to north elevation (revised scheme) *The Council had no objections subject to the integrity of the listed building not being compromised*

#### **Planning decisions – approved with conditions**

Skewkirk Hall – conversion of garages to form 1 dwelling

### **15. Accounts**

| <u>Bank balances</u>                     | (as at 17.11.10) |
|--|------------------|
| Lloyds TSB current a/c                   | 2,500.00         |
| Lloyds TSB deposit a/c                   | 10,380.11        |
| Loan (ring fenced for specific purposes) | 18,038.63        |
| <u>A/c's to ratify/pay</u>               |                  |
| Peter Burke (VH floor)                   | 1,520.00         |
| Mrs Firth (salary and expenses)          | 1,066.43         |
| Ware & Kay (land purchase)               | 1,050.00         |
| HBC (planning application fee)           | 167.50           |

Grounds maintenance contractor (works at the ginnet)

PWLB (D/D Loan repayment) 3,791.93

VHMC (raffle prize) 20.00

The Clerk asked for delegated authority to pay any invoices (which are expected) received before the next meeting which will be in January 2011.

### **Receipts**

HBC grounds maintenance grant 204.59

Resolved that the Bank balances be accepted, and accounts be ratified/paid as above.

**Budget for Precept 2011/2012** The Clerk had prepared a paper including a draft budget. Questions and/or comments were invited from Cllrs.

Resolved that the Precept be kept the same as last year. With the economic situation of the whole country being difficult, the PC had to make sure expenditure was reasonable and could be justified.

### **16. Christmas arrangements**

Cllrs Saunders and Waller were to see the Church Warden to see if assistance with Christmas lights for the churchyard was required. Delegated authority was given to spend up to £50.00 as a donation towards providing lights if required.

Delegated authority was given to a committee of Cllrs who would make any decisions required before the January meeting.

### **17. Date of next Meeting: WEDNESDAY 19th JANUARY 2011 in Tockwith Church, commencing at 7.30pm.**

There being no further business to discuss the Chairman wished everyone the compliments of the season and declared the meeting closed.