

TOCKWITH WITH WILSTROP PARISH COUNCIL

Minutes of a Council meeting held on Wednesday 15th June 2011 in Tockwith Church

<u>Chairman:</u>	Councillor C Saunders
<u>Present:</u>	Councillors Mrs L Chasney, N Waller, P Pick, W J Bowyer, S Harrison, M Algar
<u>In attendance:</u>	Cllr Savage (County/District Cllr), Mrs Unsworth (VHMC Chairman), Mr J Muir (advocate obo PC), Mrs G Firth (Clerk to the Council), 8 members of the public.

The Chairman welcomed everyone to the June Council meeting. The Vice-Chairman signed his Declaration of Acceptance of Office.

1. Apologies for absence – were received from Cllrs Mrs Wardman (hospital) and C Billenness (work)

2. Declarations of Interest - Cllr Algar had a potential interest if TRA was mentioned in any agenda item.

In the interests of expediency the Chairman proposed to alter the order of business on the agenda. Cllrs agreed to this.

6. Minutes of the Annual Meeting of the Council, last Ordinary PC meeting and Exempt Minutes of the last meeting – having been circulated and taken as read were agreed as a correct record and signed by the Chairman.

3. Chairman's Report

The Chairman referred to procedural matters, Standing Orders and the conduct of Parish Council meetings. He spoke of his ultimate responsibility for the conduct and lawfulness of Council meetings. He gave examples of issues raised at the last meeting which had given rise to concern. He stated that, in future, on issues relating to the conduct and lawfulness of Council meetings he would take the advice of the Clerk, as Proper Officer, and that any decision he made would be final.

4. TAAG – the present, the future

(1) Report back from PC representatives attending TAAG meetings since the last PC meeting – no official representatives had been appointed to attend TAAG meetings other than Cllrs who had agreed to discuss with TAAG and report back on the

(2) Memorandum of Understanding – Cllr Harrison had nothing to report.

- The Chairman questioned whether the Memorandum of Understanding had ever been signed by the parties involved and therefore whether it could be considered an official document.
- He also stated that TAAG is a working group comprising representatives from several bodies – it is NOT a steering group as it has no power to lead both Parish Councils.
- It is for the PC to decide the terms of reference of any committee/working group attached to it.
- Cllrs need to be aware that nothing decided at any TAAG meeting is binding on the PC. If a Cllr did attend he/she would have no mandate to agree any action resulting from discussions there.

(3) Notwithstanding that much has been achieved, which may not otherwise have been achieved without input from members of TAAG in assisting HBC with issues surrounding airfield activities, it is also fair to say that current achievements have caused considerable animosity between the parties involved in TAAG, mainly concerning the style of working of the parties involved. The

Chairman believed that the matters at issue could never be resolved satisfactorily because the fact remains that this PC cannot be dictated to as to how it will conduct its lawful business and this can be hard for outside bodies to understand. Likewise it was stressed that the Clerk to the Council is not employed to carry out the work of or take instructions from other groups.

The case of the Planning Enforcement Appeals is now with The Planning Inspectorate and we await information on the date of the Public Inquiry. It needs to be stressed that the case is between HBC and the airfield operator and not the PC and the operator. HBC will be prosecuting the case obo the PC using the dossier of information we provided and will be employing a Barrister to act for HBC to pursue the case. Other than keeping a watching brief on how matters are progressing, eventually taking part in the Public Inquiry and taking action if and when necessary the Chairman believed no useful purpose would be achieved by this PC continuing to be involved with TAAG. A motion, having been proposed and seconded, was put forward that: Tockwith with Wilstrop PC will continue to pursue all the issues regarding activities on Marston Moor Airfield for the benefit of local residents. The Parish Council will act independently of any other group or organisation and the PC will liaise directly with HBC via the Clerk to the Council.

The following comments were made during debate:

- It was believed that, as the matter at issue was for the benefit of the village, the report from Cllr Billenness, submitted via e mail late last night to some Cllrs, should be discussed.
- The Chairman stated that Cllrs Billenness and Harrison had been asked to discuss the Memorandum of Understanding with TAAG.
- As the report had been submitted so late, the Clerk advised that it could not be an agenda item at the meeting and if Cllrs wished to discuss the report it would have to be an agenda item for the next meeting; it is not good practice to put any report verbatim in the Minutes of a meeting; a Cllr can make suggestions but not recommendations to a PC meeting; it is up to the Council, not individual Cllrs, to decide what appears in meeting minutes.
- As Cllrs were aware, the report was not commissioned by the PC and did not represent what Cllrs had been mandated to do. Other Cllrs who had attended the TAAG meeting did not feel able to comment.
- Cllrs could not be mandated to do anything at a meeting which they did not attend.
- A Cllr did not see the point of cutting links with TAAG and saw no benefit in moving away from TAAG. A line should be drawn under everything that had gone before.
- It was stated that, as the stance of the PC had been made clear in the Chairman's report and as the PC is the main authority to comment on issues within the parish, as long as TAAG could be made to understand the PC's position there should be reconciliation of problems and a way to move forward.
- Cllrs felt there was not a lot of text in the Memorandum of Understanding relating to working relationships and communication.
- A Cllr agreed the PC should work within the legal framework but after what had been achieved so far was loath to part from TAAG.
- It was believed that it would be a waste of all the work put into TAAG if the PC now withdrew from TAAG.
- It was stated that TAAG had had to exist because it was able to do things the PC could not do and much more quickly. The PC had continually stated its appreciation of the work done by TAAG but the relationship had now run its course. There has to be a point of clear division which had not always been understood.
- It was regretted that the relationship had been soured by recent events but the time had come to decide the way forward.
- TAAG can continue its work and do whatever it believes is appropriate. Residents can attend meetings and Cllrs can choose to attend as residents if they wish but not as Parish Cllrs.

The Public Inquiry could take up to a year to be arranged. Once a date is known the PC will decide what further action to take and what procedure should be followed.

On being put to the vote the motion was carried by 4 votes to 2 with 1 abstention.

14. Hammerton Mill Sandbeds

Standing Orders were suspended. Mr Muir outlined the background to the application from the PC to register the land as Common Land.

- As far back as the 18th Century locals had used the area of the sandbeds to bathe and picnic near the River Nidd, the land being understood to be Common Land.
- Local residents had seen the removal of the sand in the 1960's resulting in a diminution of amenities for villagers. There remained an area of land of approx. $\frac{1}{2}$ to $\frac{3}{4}$ of an acre which could be used for recreation.
- In the 1970's the Government resolved land must be registered as Common Land/Village Green.
- West Riding County Council had provisionally registered the land as Common Land.
- The PC at that time, when applied to, replied that the sandbeds had been removed.
- The Clerk to WRCC cancelled the provisional registration.

A matter at issue was how and why the sand was removed. It was unlawful to remove the sand if the area was classed as Common Land. Protracted arguments have gone on for several years with North Yorkshire County Council being the latest Authority to become involved in the issue. The law was moving in favour of the village when it was decided that Common Land could be registered at any time. However, a case known as the Oxford Case was brought before the House of Lords, who ruled that once registration had lapsed it could not be re-registered unless it could be proved that the land had been used for 20 years. The matter was left in abeyance in 2003 awaiting the outcome of the case referred to the House of Lords/Court of Appeal. The issue has been resurrected and a report to NYCC is being prepared. The land owner is believed to have changed, the freehold of the land having been sold but a leasehold retained. The present landowner had not heard of the issue until recently but is receptive to the idea of the Common Land being registered. The matters at issue must now progress to be heard by NYCC but a very short deadline for submission of further comments has been given. It is hoped the aspirations of the PC along with the goodwill of the landowner may enable the land to be registered as Common Land and a permissive path/right of way from Skewkirk Bridge along the river side to the sandbeds would be agreed. Standing Orders were resumed. Resolved that the PC pursue the issue, giving authority to and using the good offices of Mr Muir, in liaison with the Clerk, to pursue the legal arguments with NYCC until a conclusion is reached. The PC expressed grateful thanks to Mr Muir for all his work, done on the PC's behalf.

5. Public questions or Statements

Standing Orders were suspended.

- A resident stated that historically the sandbeds should have remained because a dam had stopped the sand being washed away.

A Cllr stated that the Environment Agency had carried out a flow study of the River Nidd and the resident should take up with that body any questions she had about the issue.

- The Chairman of TAAG stated that he was disappointed with the decision made under agenda item 4, which he believed was a wrong decision. He stated that TAAG had made progress because of the united voice of the working group. He emphasised that the working group comprised representatives from local organisations and was a forum for agreeing opinion to take forward. After trying for 20/30years the first objective had been achieved with the serving of Planning Contravention Notices and a Noise Abatement Order. He thanked the working group within TAAG for all their hard work. He stated that TAAG would continue in an effort to assist HBC to prosecute to a successful conclusion. He hoped the PC would reconsider and rejoin TAAG. The immediate future will concern the Public Inquiry.

Standing Orders were resumed.

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

Cowthorpe land – authority was given to the Clerk to progress the matter of land clearance with the grounds maintenance contractor, as per the quotation received previously.

8. Village Hall – Report by VHMC Chairman

Standing Orders were suspended.

- The grant application for the extension has been submitted. A representative from WREN would be visiting the Hall at the end of the month, which sounded hopeful.
- General maintenance/refurbishment continues but tonight it had been reported by a user group that the roof is leaking.
- A coffee afternoon/open meeting is to be held on the 22nd June in an effort to get residents to attend and come forward with ideas for daytime use of the Hall.
- Following recent floor polishing the Hall is now looking very good. An awful lot of hard work has been done but the results are positive.
- Another of the popular Entertainment Evenings is to be held in September – all are welcome to attend and contribute if they feel able to.

Standing Orders were resumed. The Chairman thanked the VHMC, on behalf of the PC, for all their hard work which was very much appreciated.

The Clerk would liaise with the contractor about the roof leak.

9. Police matters In the absence of a Police Officer there was no report.

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

(i) B1224 footpath – the matter is ongoing. The weed responsible has been found to be Mother's Tongue, a rare but pernicious/invasive plant. A spraying regime has been put in place but is not satisfactory. The footpath cost £143,000 to construct. NYCC has done work to identify the problem and it appears that a membrane was not laid under the path. The whole path may have to be re-done. Discussions are ongoing. (

ii) Libraries – all mobile libraries will cease at the end of September. 18 libraries have been reprieved. Category 2 libraries may survive if community volunteers become involved. Category 3 may lose out. The Library Service must save £1.7 million a year. A motion putting forward an alternative way to deal with the Service, put forward by some County Cllrs, had been defeated.

(iii) Allerton, Energy from Waste – a contract has not been signed yet – a process of due diligence is being pursued concerning contract negotiations.

(iv) Litter bins – thanks to the Clerk for the letter obo the PC. The matter will be taken up with HBC.

(v) Wilstrop – flooding and road erosion – again thanks to the Clerk for her letter. A meeting was being arranged with the Ainsty Drainage Board to discuss the issues. Cllr Mrs Chasney outlined the problems and issues arising. The difficulty was neither the Environment Agency nor local Drainage Board would accept responsibility and quoted the high cost of remedial works as the reason for not doing anything.

Cllr Savage advised everyone to avoid the A59 on Friday afternoon as a very large piece of

military equipment was being transported along the road.

Cllr Savage was thanked for his report.

12. Wilstrop issues

No reply to the letter sent following the last meeting had been received from NYCC. Cllr Mrs Chasney explained the problems with reference to the road slippage and erosion. She had contacted both the Environment Agency and the Drainage Board but even if a solution could be found support would be required from the County Cllr and the Highways Authority. Cllr Savage agreed to visit the area to see the problems for himself.

13. Report from the Clerk

Land at Cowthorpe

- Planning application for change of use submitted and validated. Awaiting neighbour notification before responding to HBC. A phone call from a nearby resident had been received, wanting to know what was being proposed.

Westfield Green POS – work completed – invoice paid.

Village Hall

- Planning application for Plan B submitted – awaiting validation.
- WREN agent visiting the Hall at the end of June to look at the plans

HMRC – Clerk's pay – PAYE – formalities completed.

Environment Agency – Freephone number 0800 807060 to report anything new or causing concern

Marston Moor Airfield: –

- received from HBC copies of Appeal responses by S Moore. These were sent to B/B PC and residents as well.
- Spoken to HBC – told of Public Inquiry at some future date. Details will be sent to the PC 6 weeks before the Inquiry, letting us know the timetable and procedure to be followed.
- As this is an Appeal against Enforcement and not an Appeal against refusal of planning permission the PC has to send 3 copies of any representations to the Planning Inspectorate, as if we had not already sent everything to HBC, before the deadline of 30th June 2011.

16. Planning

Paddock House, Moor Monkton – redevelopment with extensions to form six bedroom dwelling on three storeys with office and 1 bedroom annex and detached garage/workshop (revised scheme). *No objections*

Unit 12, Rudgate Business Park – change of use of industrial unit (Use Class B1 – Business) to MOT and testing and vehicle service unit (Use Class B2 – General Industry). *No objections.*

Land at Cowthorpe – change of use of unused land to recreational public open space. *The Parish Council, as the applicant, supports the proposal to provide, as a benefit to the community, a small area of public open space in a village which doesn't have any. However, the PC is aware that nearby local residents do have concerns, which they will be writing to HBC about separately.*

Appeals against Planning Enforcement Notices served on the operator of airfield

Activities. The Clerk had produced a draft letter which the Chairman read out to the meeting. Comments from Cllrs and a decision on sending the letter were requested. Following debate it was resolved unanimously that the letter as amended, with the deletion of point 3, addition of a sentence about residential amenity and quality of life for local residents and minor changes to the wording of para 5 on page 2, be sent to Bristol. The clerk agreed to circulate to Cllrs the final version of the letter.

15. Correspondence

Councillors had previously been forwarded a list of correspondence.

- NALC briefing concerning Data Protection Act and Cllrs responsibilities thereto –resolved that a letter be sent to NALC with a copy to YLCA expressing the concerns of Cllrs about the proposals and the ramifications thereof.
- There are beginners bowls sessions being held in Tockwith on Mondays from 2-3pm on June 13, 20, 27; July 4, 11, 18, 25; August 1, 8, 15.

17. Accounts

<u>Bank balances</u>	(as at 26/5/11)	
Lloyds TSB current a/c		2,500.00
Lloyds TSB deposit a/c	26,946.67	
Less un-presented cheques	78.00	
	85.00	
	500.00	
	450.00	
	250.00	
	600.00	
	1,029.09	
	516.00	3,508.09
		23,438.58
Loan (ring fenced for specific purposes)		<u>20,469.00</u>
Leaving a working balance of		<u>5,469.58</u>
<u>A/c's to ratify/pay</u>		
SLCC (Regional Conference)	78.00	
Allied Westminster (VH Insurance)	1,029.09	
Tockwith Church (Room hire for PC Meetings)	200.00	
New Wood Gardening (Cowthorpe land clearance)	816.00	
Additional costs for Cowthorpe planning application	2.50	

Resolved that the bank balances be accepted, accounts to pay be agreed/ratified as above.

18. Date of next Meeting: WEDNESDAY 20th JULY in Tockwith Church, at 7.30pm.

19. Exempt Matters None.

There being no further business to conduct, the Chairman declared the meeting closed at 9.35pm.