

# Whitley Parish Council

1. The meeting was opened at 7.00 pm by the Chair Cllr Walton.
2. **Open Public Forum(OPF) 18<sup>th</sup> Jan 2022**
  - 2.1. There was one member of the public present at the meeting who had no comments or questions, but explained he was in attendance to seek an update on the result of the Gale Common Judicial Review.
  - 2.2. The Chair closed the public forum and proceeded to the conduct of the Parish meeting.

## **Minutes of the Whitley Parish Council Meeting held on 18<sup>th</sup> Jan 2022 at Whitley & Eggborough Primary School Annex Building Ref – 08/22**

3. **Present:** Cllr Walton, Cllr White, Cllr Blackburn, Cllr Woodhead, and Clerk to the Council J Hunter.
4. **Apologies for absence:**
  - 4.1. Apologies for absence were received from Cllr Humphrey and Cllr Cole.
5. **Disclosure of interest:**
  - 5.1. It was noted that Cllr Humphrey, Cllr T Woodhead, and Cllr S Cole are members of the Gale Common Action Group. A community group campaigning against the Gale Common Ash Extraction planning application. Cllr Blackburn and Cllr Cole advised that they were resident on Whitefield Lane and as such would be directly impacted by the proposed HGV movements from the Gale Common site.
  - 5.2. There were no other interests registered.
6. **Minutes of the Whitley Parish Council Meeting held on 23<sup>rd</sup> Nov 2021:**
  - 6.1. Cllr White suggested that in the interest of financial clarity the donation from the Allotment Association to the Parish Council that covered the full cost of the Security Shed for the allotments should be recorded within the minutes. Subject to the addition of the note the minutes of the Parish Meeting held on 23<sup>rd</sup> Nov 2021 were agreed as a true record and approved for signature.  
  
**Action:** The minutes to be amended accordingly and the Clerk to deliver a copy of the amended minutes of the Council meeting held on 23<sup>rd</sup> Nov 2021 for signature by the Chair.
7. **Opening matters for information and action as required:**
  - 7.1. **Gale Common Extraction Proposal:** Councillors reflected on the proceedings of the judicial review. The Clerk explained the circumstances of the anomaly in the planning approval and the subsequent undertakings by EP UK Ltd. The conditions agreed by NYCC in granting approval were those recommended by the main officer in a report produced in October 2020. However, the conditions that should have been approved were those of the supplementary officer in their recommends issued in November 2020. The difference in the conditions were technical and did not impinge on the grounds being considered by the judicial review. To rectify the anomaly EP UK committed to submission of s73 planning application to ensure

that the NYCC planning officers' true intentions are reflected in the final planning permission. To allow sufficient time for this due process to be completed the judge agreed to defer determination until after submission of the necessary amended applications.

It was recognised that speculation on the likely outcome would be of little value. The judge in the matter seemed attentive and responsive to all arguments presented by both plaintiff and defendant.

The meeting concluded that no further action can be taken until receipt of the judge's determination following which a special meeting of the Parish Council will be considered.

- 7.2. **Whitley Underpass:** Councillors commented on the inappropriate graffiti that had been scrawled on the wall of the under pass following completion of the painting. Selby District and North Yorkshire County (SD&NYC) Cllr McCartney has reported this to the relevant County authority who will arrange for the offending marks to be removed.

The Clerk advised that the painting contractors had been paid and he is awaiting settlement of the grant of £1,900 from the Selby Community & Partners Customers Team.

- 7.3. **Daffodil Park:** Cllr White advised that he had received a revised quote for the installation of drainage in Daffodil Park that had gone up due to material cost increases from £8,070.60 to £8,682.14. It was disappointing that notwithstanding the relatively rain free December and January sections of the park are waterlogged; a problem that is envisaged will be alleviated by the provision of the herring bone drainage.

8. **Correspondence received:** The Clerk summarised the details of correspondence received by email or post.

8.1. Emails and postage.

- 8.1.1 There Clerk reported there had been no correspondence received during the month of January relevant to the business of the Council. Cllr White enquired into the absence of any notification concerning the North Yorkshire County Council Selby Area committee meetings. It appears there is a quarterly meeting to discuss issues in the Selby area with an open invitation for any persons who wish to attend. Cllr White commented that this would be an ideal forum for the notification or progress of any issues relevant to the Whitley community such as expediting the installation of the Crossing in the village.

**Action:** Clerk to chase up addition of Whitley Parish to the email distribution list.

8.2. Social Media

- 8.2.1 Cllr White reported that he has recently posted an invitation on the Whitley Parish Facebook pages encouraging Whitley residents to volunteer and participate in a community speed watch campaign. This invitation will be extended with a posting on the "Whitley Next Door" website and on the Parish Notice Boards. There have been several emails in response to the invitation from residents indicating they are happy to volunteer.

9. **Planning matters:** The Clerk provided a summary of the planning applications made in the month for review and consideration by the Council.

9.1. 2021/1527/HPA – 1 Firs Court Gardens, Whitley – Single storey side extension for workshop & gym. No objections.

9.2. 2021/1537/REM – Land at All Saints Court – reserved matters application, including appearance, landscaping, layout, scale and access for approval. The application is in furtherance of the outline application that was approved in 2018 providing information in connection with reserved matters. To date there has been limited response from the

statutory consultees apart from Highways that are raising questions about the interface of the roads in the development with the adopted road network. The Parish Council have no objections.

- 9.3. 2021/0268/FUL – Land Off Larth Close, erection of 8 dwellings and garages. It was observed that recently there have been revisions to the original plans particularly the number of dwellings to be built on the site and further objections submitted from a local resident. Notwithstanding the amendments the issue of the encroachment of Green Belt land remains a matter of contention.

**Action:** Clerk to refresh the previous objection from the Parish Council in the light of the revisions lodged.

- 9.4. 2021/1440/HPA(retrospective) – Beech Tree Cottage, erection of 1.2 to 1.5 metre wall front boundary wall. Cllr Walton registered a declaration of interest in the property. The Parish Council have no objections.

## 10. Council Finance & Administration:

### 10.1. RFO Report as at 18/01/2022:

Bank/Account	Income since 1 <sup>st</sup> April 2021	Expenditure since 1 <sup>st</sup> April 2021	Of which is devolved fund expenditure	Current Balance	Notes/Comment
Santander Deposit	4.15	15,000.00	Nil	40,212.17	Interest paid monthly
Santander Current Account (Cash Book)	39,069.58	31,940.40	3,650	8,489.34	No interest
<b>Total Bank Balances</b>				<b>48,701.51</b>	
<b>Less following funds:</b>					
Allocated Funds		Gale Common Judicial Review		35,000.00	
Allocated Funds		Crossing		5,000.00	
Total Allocated funds				40,000.00	
Parish Council Bank Funds		Legal Action and Complaints against the Council. Future Development and Facility Provision –Buildings. Future Development and Facility Provision – ROS. Future Development and Facility Provision -Nature Reserve. Unexpected/unforeseeable expenditure.		8,701.51	
VAT due for reclaim				4,168.13	
<b>Total Unallocated Parish Funds</b>				<b>12,869.64</b>	

The Clerk presented his report on the financial position of the Parish Council referring to detailed income and expenditure statements providing details of receipts and payments for the period from 1<sup>st</sup> April 2021 to 18<sup>th</sup> Jan 2022. The total income itemised in the summary was £27,516 that included donations towards the Gale Common judicial review being contributions from Womersley Parish Council of £1,500 and from a resident of the village of Heck of £2,000. The donations were further supplemented from the collections from the Just Giving page of Whitley Parish totalling £1,340. The Clerk made it clear that the value of receipts included sums that were to be paid to the Parish from Cridling Stubbs as a donation to the Gale Common legal costs of £5,000 and a grant of £1,900 from Selby District Council covering the refurbishment of the M62 Underpass and £370 from insurers to reimburse costs of the replacement of the fence in Daffodil Park. The Clerk explained that the aggregate of this income compared with expenditure of £38,373 left a shortfall of £10,857.

The meeting reviewed the statement of financial resources which showed after recovery of VAT and settlement of the above referenced grants, donations and insurance claim the total cash resources will be £60,139. Of this sum the payment of the anticipated remainder of the legal costs of the judicial review at £35,000 together with expenditure on the installation of the level crossing at £5,000 and the provision of drainage for the Daffodil Park of £8,000 would leave a balance of £12,139 unrestricted reserves at the end of the third quarter.

**10.2. Accounts Payable:** The following payments were approved for settlement by bank transfer.

Cheque No.	Payable to:	Amount: £
22499	George Fillingham – Garden Contractors	576.00
22500	J R Hunter – Clerk salary three months to Dec 2021	494.30
22501	HMRC – PAYE three months to Dec 2021	123.60

**10.3. Accounts Payable retrospectively:** The following retrospective payments made by bank transfer since the last council meeting were approved.

Cheque No.	Payable to:	Amount: £
22493	Irwin Mitchell – Gale Common Judicial Review Action	2,400.00
22494	Irwin Mitchell – Gale Common Judicial Review Action	15,514.00
22494	Cancellation of cheque 22494	-15,514.00
22495	Irwin Mitchell – Gale Common Judicial Review Action	15,514.00
22496	Holey Moley – Mole Control Services	120.00
22497	D Warner t/a D B Fencing	370.00
22498	K Jones t/a K & S Decorators	1,900.00

**10.4. Council Precept 2022/23:** The Clerk presented a draft budget of Whitley Parish for the year to March 2023. The total standard outgoings for 2022/23 would be in the magnitude of £12,000. In addition, the Parish is committed to repainting work to the Blackthorn play equipment amounting to £1,200.

The meeting considered various factors in setting the level of the precept for the forthcoming year including, the possible outcome of the judicial review and the implications of an adverse determination and the impact on the balance of unrestricted reserves available to the Parish Council for the future.

Councillors considered the consequence of the increase in the level of precept and the effect on the rise in the Council Tax that will be imposed on residents. Given the range of opinions that were expressed and the significance of the decision it was

agreed that a vote on the alternatives be postponed and revisited in a further Parish meeting to be held via video conference so that the matter can be considered by the full Parish Council. The Clerk advised that agreement of the precept was urgent as the requirement must be delivered to Selby District Council by the end of January 2022.

**Action:** Clerk to convene an online meeting of Parish Council scheduled for Tuesday 25<sup>th</sup> January 2022 at 7:00pm to finalise the amount of the 2022/23 precept.

## 11. Recreational Open Space in Whitley:

### 11.1. Parks and Verges:he

11.1.1 **Parks & Playground Maintenance:** Councillors considered various items in connection with maintenance within the park and playgrounds.

- The damaged fence at the perimeter of Daffodil Field has been replaced and a claim for reimbursement of the cost of £370 submitted to the insurers of the haulage company responsible for the damage. In addition, 50 bare rooted blackthorn bushes have been ordered at a cost of £85.00 to replace those destroyed in the accident will be the subject of a further insurance claim. Arrangements will be made for the planting of the bushes in due course.
- The annual cut of the hedges at the boundary of Daffodil Park remains a problem. The appointed contractor has been unable to complete the work. Alternative contractors will need to be identified and approached.
- Engagement with community payback continues to be impractical given restrictions imposed by Covid regulations.

11.1.2 **Management of Trees at rear of Blackthorn Close:** Cllr White reported on the state of two trees at Blackthorn Close subject to complaint from a local resident. Following inspection by the tree surgeon Huw Forestry the trees in question were identified as an Oak and Ash both having been established for many years prior to the housing development. A quote for cut back or removal has been requested for presentation to the Parish Council. As necessary before any action for removal can be pursued enquiries must be made about tree preservation orders.

11.1.3 **Verge cutting:** Cllr White reported on his meeting the George Fillingham the grass cutting contractor. The management of the grass growth along the pathways with suitable spray treatment and the strimming of the weeds under the perimeter hedges in Daffodil Park was discussed. The requirement for cutting of the verges from Church View to Sunnyside and the regular cut of the bund from Silver Street was highlighted.

**Action:** Prior to the new cutting season commencing beginning of April a further on-site meeting with the grass cutting contractors be arranged to confirm a definitive schedule of cutting requirement throughout the village.

## 12. A19 Safety:

12.1. **Vehicle Activated Signs Reports:** The meeting examined the data from the speed signs. It was noted that the statistics reveal that over 14,000 vehicles passing through the village between 10<sup>th</sup> Dec 2021 and 10<sup>th</sup> Jan 2022 were speeding over 35 mph, approximately 1/3 of the vehicles entering the village.

**Action:** Cllr White to publish the speed data on social media.

12.2. **Pedestrian Crossing:** Cllr White continues to seek to expedite the commencement and completion of the crossing.

12.3. **Community Speed Watch:** Cllr White advised that he continues to progress the initiation of a community speed watch group.

**13. A.O.B.**

- Cllr White commented on a number of incidents occurring in the village such as a car set on fire, burglaries in Silver Street and Yew Tree, and an armed response turn out on Whitefield Lane. Councillors considered it appropriate to make enquiries with the police requesting details of the action taken by the police in response to these incidents and what assurances can be offered to residents.
- Cllr White advised that he has request a quoted from D Warner to move the notice board from the Church to another location within the village.
- Cllr White expressed that he was pleased that a new school crossing warden had been engaged.
- Cllr White suggested that further investigation be undertaken into the £5,000 contribution made by the Parish Council for the gates and fencing for All Saints Church and a request addressed to the Leeds Diocese for reimbursement of these costs, given the impeding sale of the Church.
- Cllr Walton reported that she had made enquires with the developer of Rosslyn Property who explained that plans are being prepared to seek approval for an application to build up to 12 houses at sale value of up to £500,000.

**14. Confirm the date, time and place of next meeting:**

14.1. **Next Parish Council Meeting:** Tuesday 15<sup>th</sup> Feb 2022 at 7pm at Whitley & Eggborough Primary School.

**15. Closure of meeting:** 9:00 pm.

**Minutes of the Whitley Parish Council Meeting held on 25<sup>th</sup>  
Jan 2022 via video conference at 7:00pm – 08/22**

**16. Present:** Cllr Walton, Cllr White, Cllr Blackburn, Cllr Woodhead, Cllr Humphray and Clerk to the Council J Hunter.

**17. Apologies for absence:**

17.1. Apologies for absence were received from Cllr Cole.

**18. Council Precept 2022/23:** The Clerk reviewed the details of the Parish budget for the 2022/23 originally tabled at the meeting of the Parish Council on the 18<sup>th</sup> Jan 2022. The meeting discussed the financial requirement and the magnitude of the reserves projected at the end of the year to March 2022. It was recognised that the outcome of the Judicial Review will have a marked impact on the financial resources of Whitley Parish. Success will maintain the substantive reserve available to the Council in the past years. Failure of the legal case will significantly reduce the discretionary funds available to support various projects. Whilst, recognising the stark difference in the consequences it was argued that it would be inappropriate to decide about precept requirement based on speculation of a potential outcome of a legal matter whose conclusion could not be predicted with any certainty. This argument was countered with the alternative view that prudent management of Parish finances is better served by seeking a modest increase in precept given the inherent uncertainties of the judicial review.

The proposal that the precept be increased by 15% was rejected 1:4 against.

It was resolved that the precept remain at the level set in 2021/22 at £9,000. Carried 4:1 in favour.

**Action:** Chair of the Council sign notification of 2022/23 Precept setting a requirement of £9,000 for submission to the Revenues & Benefit Manager of Selby District Council.

19. Meeting closed 7:30 pm.