

Whitley Parish Council

1. The meeting was opened at 7.00 pm by the Chairman Cllr Humphrey.
2. **Open Public Forum(OPF) 23rd February 2021**
 - 2.1. The Clerk advised that there were no requests from members of the public to attend the online meeting.
 - 2.2. The Chair closed the public forum.

Minutes of the Whitley Parish Council Virtual Online Meeting held on 23rd February 2021 - 08/21

3. **Present:** Cllr Humphrey, Cllr Walton, Cllr Cole, Cllr White, Cllr Broadbent, Cllr Woodhead, and Clerk to the Council J Hunter.
4. **Apologies for absence:**
 - 4.1. Apologies were received from Cllr Blackburn.
5. **Disclosures of interest:**
 - 5.1. It was noted that Cllr T Woodhead, Cllr S Cole and Cllr D Broadbent are members of the Gale Common Action Group. A community group campaigning against the Gale Common Ash Extraction planning application. It was also noted the Cllr D Broadbent is Chair of the Whitley Community Project a charitable organisation whose objective is the establishment of a community centre for Whitley village.
 - 5.2. There were no other interests registered.
6. **Minutes of the virtual video conference meetings of Whitley Parish Council Meeting held on 12th January 2021:**
 - 6.1. The Council reviewed the minutes of the Whitley Parish Council meeting held on 12th January 2021. It was agreed that the minutes are a true record and accordingly were approved for signature by the Chair Cllr Humphrey.

Action: Clerk to deliver a copy of minutes of the Council meeting held on 12th January 2021 for signature by Cllr Humphrey.
7. **Opening matters for information and action as required:**
 - 7.1. **Gale Common Extraction Proposal:** Cllr Woodhead advised that because of work and family commitments he would be standing down as the primary liaison between the Parish Council and the Gale Common Action Group. Cllr Broadbent confirmed that he would be taking over the role on behalf of the Parish. He updated the meeting on the current progress of the campaign in the consideration of the case for Judicial Review. North Yorkshire County Council (NYCC) planning department have not yet published confirmation of their decision to grant application; formal confirmation is held over until the section 106 deliberations have been completed. Following such approval, the campaign group will have six weeks to apply to the Court seeking Judicial Review. Urwin Mitchell who have been identified as the solicitor to progress the action will then review the matter and in consultation with barristers assess the merits of the case and its likelihood of successful prosecution. This would be at a cost of

£5,000. Subject to a positive conclusion a formal application with supporting paperwork and documentation would be prepared and submitted to the court to initiate the application for Judicial Review. Stage 3 would be for a court judge to consider the submission and either accept or reject the application and if accepted set a date for a court hearing that is likely to be conducted over a period of two to three days. The total cost of the whole process up to final judgement would be in the magnitude of £55,000 to be spread across all the Parish Councils who have agreed to be party to the action. It is worth noting that matters would not be progressed to court unless there was a more than reasonable chance of a favourable conclusion. Winning the case would result in a recoup of £35,000 of the legal costs; losing the case would incur additional charges of £10,000 that would be the limit of costs that would be required in recompense of NYCC's own legal costs in defending the matter. Parish Councils subscribing to the case in addition to Whitley are Cridling Stubbs, Eggborough, Womersley, and a private resident of the Heck Parish.

Cllr Woodhead questioned the section 106 agreement and speculated that successful negotiation of the capital sums within such agreement implied acceptance by the planning department of the installation of the new road. This would have a marked impact on the flooding of the A19. That is already seriously and frequently inundated with run off water from the Whitley Farm Close housing estate.

Concerns were expressed about the costings and whether the sums mentioned are an estimate or firm quotation. Cllr White suggested that Eggborough Parish Council are brought fully up to date with the legal costings and questioned whether Selby District and North Yorkshire County (SD&NYC) Cllr McCartney had been approached to offer any further insight in the progress of the matter.

Cllr Humphrey suggested that given the nature of the circumstances and the potential for escalation of the matter following the finalisation of the s106 a fortnightly update be emailed to Councillors even if there have been no changes.

Cllr White suggested that given the magnitude of the case and the general interest in the community that consideration be given to the publishing of details of the progress and actions about the potential legal case, onto the Parish social media pages.

Action: Cllr White draft a briefing document to be published on the Parish social media pages.

Action: Cllr Broadhead to

- update Eggborough Parish Council with full details of the estimated legal costs in pursuit of the legal matter and confirm their commitment to participation in the action.
- make enquires with SD&NYC Cllr McCartney to establish the current progress and status of the Gale Common Section 106 agreement.
- seek confirmation that the estimate of legal costs is now fixed.
- ensure that Eggborough Parish Council and the resident from Heck are formally registered with Urwin Mitchell as legal financial contributors to the action.

- 7.2. **Flooding A19:** Cllr Woodhead commented on the flooding of the A19 just south of the junction with Whitefield Lane. Water entered households on the A19 triggering electric faults. The emergency services were called which led to pumping of the accumulated surface water into Daffodil Field. Yorkshire Water following inspection reported there was nothing wrong with their drains. North Yorkshire Highways reported there were no defects or problems with the roadside gullies; either party passes the responsibility to each other and conclude that the incident is a single occurrence that is not likely to be repeated. The main drains in the section of this road are connected to the sewers in Eggborough that has experienced back up requiring initiation of the pumping station to remove surface water thereby compounding the problem.

Given the frequency of the flooding of the road North Yorkshire Highways have finally agreed to jet wash the gullies with the aim of clearing any debris or obstacles to drainage.

The extent of the debris arising from the crop field as farm tractors transport wagons of produce on the A19 and deposit mud and clay on the main road is considerable. Any attempt to sweep the surface simply moves the soil into the gullies contributing to the drain blockages.

Action: Clerk to write to North Yorkshire County Council Highways, Yorkshire Water and SD&NYC Cllr McCartney express our concerns about the flooding pointing out the frequency and level of severity of the impact on the A19.

- 7.3. **Selby Local Plan:** The Clerk referred to correspondence received from Selby District concerning the formulation of the Selby Local Plan. He advised the Councillors of a download link to a pdf copy of a 360-page document providing details of the plan together with preferred options for land development. None of the locations submitted within the Whitley Parish have been approved for inclusion onto the preferred sites for development. The only area local to Whitley community is a 70 Hectare site to the West of Eggborough approved for residential homes.

Action: Cllr Humphrey to post information onto the Parish Council social media pages.

- 7.4. **Road Safety Grant:** Cllr White reported on the progress to date for the installation of a refuge crossing point on the A19 at the location at the junction of the A19 and Lee View to the South of the village. Total cost will be £3,400 and even after inclusion of VAT the sum comes within the grant received of £5,000. Cllr White referred to pictures of a similar installation located in Eggborough to illustrate the nature of the crossing.

The Council debated the merits of the nature of the installation, the location, and alternative options in the use of the grant. Cllr Broadbent expressed concerns about the positioning of the refuge given the volume of heavy lorries passing through the village.

Proposed: Cllr White, the grant is accepted, and a request submitted to North Yorkshire Highways to install the crossing. Seconded: Cllr Walton. Carried with a majority.

- 7.5. **Litter in village:** The Clerk summarised a conversation with the General Manager of Monaghan Mushrooms concerning the extent of litter apparently discarded by drivers of HGV's travelling to and from the site. He accepted the issue and advised that the behaviour had been broached with the transport operators not only of company vehicles but also engineering contractors who had in the past several months been engaged in extensive building works.

Cllr Humphrey commented upon the extent of litter and general rubbish not only on Gravel Hill Lane but throughout the village, in addition to the growth of "fly-tipping".

Action: Clerk to further communicate with Monaghan Mushrooms and request that they initiate action to pick up the litter in the proximity of their site.

Cllr White commented that opportunity to organise a community litter pick must be held over until social distancing restrictions are eased. However, several members of the community have volunteered to personally undertake some litter picking along verges in the village.

Proposed: by Cllr White, the Parish Council purchase some professional style litter pickers to be lent to volunteers at an estimate cost of £60.00. Seconded: by Cllr Humphrey. Carried: Unanimously.

Cllr Humphrey expressed the view that the Parish need to establish some strategy to deal with the increasing levels of litter being dropped throughout the village. Cllr suggested that as soon as the restrictions are lifted a community litter pick is organised with support of Selby District Council as soon as practically possible in July or August.

Cllr Humphrey shared a suggestion from a resident of the employment by the Parish Council of their teenage son in the capacity of litter picker for the whole village. The suggestion was considered and rejected on the grounds that the health and safety issues that attach to such an arrangement are beyond the control and authority of the Parish Council. Councillors would be liable for the risks placed upon any individual undertaking work along the verges in the community.

Action: Cllr Humphrey to correspond with the resident advising of the decision of the council on the grounds of Health and Safety.

Cllr Humphrey addressed the growth of fly tipping in the village, typified by the volume of vehicle tyres amounting to 50/60 discarded by the roadside on Whitefield Lane. It was noted that following a recent verge cut by Selby District Council the tyres had been collected possibly in anticipation of removal. Notwithstanding, this is an issue that will require continued scrutiny.

The Council also, considered that the outdoor spaces in the village need some attention; the underpass at the M62 needs repair and repaint, which is a project that could be tackled in the Spring and Summer as restrictions are lifted.

8. Correspondence received: The Clerk summarised details of correspondence received by email and post.

8.1.1. An email from a resident whose property is on the A19 expressing concerns about the flooding, the state of the murals on the walls of the underpass, potholes on the roundabout on junction 34 of the M62 and mud on the road. It was noted that SD&NYC Cllr McCartney has posted information on social media of the planned road repairs including potholes on the roundabout. **Action:** Clerk to respond to resident with update on the future plans and the Councils commitment to action on the issues raised.

8.1.2. An email from the Church of England Diocese of Leeds noting our interest in the noticeboard requesting that the Parish leave the noticeboard at its current location until there is a little more clarity on the future of the building. Cllr Humphrey suggested that the old postings on the noticeboard be cleared.

8.1.3. Emails for Chief Executives of NYCC and SDC providing individual updates on their respective proposals to be submitted in response to the Governments Local Government Reorganisation. Noted

8.1.4. An email from a resident in Silver Street complaining about the extent of horse manure on the road. Noted.

8.1.5. An email from the Census Coordinator requesting that the Parish Council lend whatever support they can offer in promoting the Census due for completion by 21st March 2021. Noted

8.1.6. An email from a resident on Whitley Farm Close interested in purchasing a parcel of land adjacent to their property that is apparently owned by the Parish Council. **Action:** Clerk to investigate the possible ownership of the land in question.

8.1.7. An email from the Calor Rural Community Fund inviting applications from local groups. Noted.

8.1.8. A letter received by Cllr Humphrey from a resident in Templar Close expressing concerns and views about the planning decision on Gale Common, requesting information about actions the Parish Council has undertaken in response and suggesting details are shared on social media. **Action** Cllr Humphrey to reply to the letter providing an outline of the ongoing campaign.

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. There have been no planning applications made within the Whitley Parish since the last meeting.

9.2. There were planning applications granted approval for sites or properties within the Whitley Parish during the month.

9.2.1. Conversion of part of property on Cathcart Close for use as hairdressing salon.

10. Council Finance & Administration:

10.1. RFO Report as at 04/01/2021:

Bank/Account	Income since 1 st April 2020	Expenditure since 1 st April 2020	Of which is 106 expenditure	Current Balance	Notes/Comment
Santander Deposit	141.51	17,850.00	Nil	55,207.60	Interest paid monthly
Santander Current Account (Cash Book)	25,095.00	25,413.54	10,776.92	1,813.18	No interest
Total Bank Balances				<u>57,020.78</u>	
Less following funds:					
Protected 106 funds		3 x Play areas/ROS and the Tree Lines.		37,478.58	
Other protected funds		Defibrillator fund		<u>69.60</u>	
Total Protected funds				37,548.18	
Parish Council Unprotected 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.		19,472.60	
VAT due for reclaim				3,906.32	

Total Unprotected Funds			23,378.92	
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The Clerk presented his report on the financial position of the Parish Council with reference to detailed income and expenditure statements providing details of receipts and payments for the period from 1st April to 23rd February 2021. Total income to date is £9,541 including the balance of £70 from the defibrillator reserve. This compares with expenditure of £11,381 leaving a shortfall of £1,840. The forecast expenditure for the year to March 2021 that includes the data collection module for the Vehicle Activate Sign and Clerks salary for the remainder of the year is £12,383 which will generate a deficit for the year 2020/21 of £2,837 and an anticipated balance on bank funds of £59,765.

Cllr White queried the nature and timing of the work undertaken by Andrew Gill which covered activity in December 2020. Details of the contractual arrangement was discussed with confirmation of the quality of the work. **Action:** Cllr White to engage with Mr Gill to agree and monitor the programme of work to be conducted over the winter period.

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

Cheque No.	Payable to:	Amount: £
Transfer	J R Hunter – Clerk Salary	408.02
Transfer	HMRC - PAYE	102.00
Transfer	Primary Care Supplies	222.00

- 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: £
Transfer	Andrew Gill – Daffodil Park Maintenance	75.00
Transfer	Danvm Drainage	16.80

11. Recreational Open Space in Whitley:

11.1. Parks and Verges:

- 11.1.1. Parks & Playground Maintenance:** Cllr White reported on his attempts to consult with a specialist company to seek advice on the installation of drainage in Daffodil Field. Engagement with the consultants has been difficult although anecdotal feedback from the local farmer suggests that drainage could be provisioned at a cost of £6,000.

Action: Cllr White to continue pursuing communication with the specialist drainage company and refer the matter to the local drainage board and seek some guidance.

Cllr White suggested that following the completion of the painting of the playground in Daffodil Field that the Parish may wish to consider the painting of the other Play Areas. To illustration possible costs quotes of the magnitude of £500 for Blackthorn and £700

for Lee View had been received. It was acknowledged that the condition of these areas was such that consideration should be given to repainting the areas in late Spring / Early Summer of 2021.

Cllr White advised that the contact number on the noticeboard in Blackthorn Close needs updating to the Clerk's phone number. **Action:** Clerk to rectify notice.

The Clerk reported that the order for the inspection of the Playing Areas has been placed with Wickstead's at a cost of £60 each with a lead time of 6 to 8 weeks.

Cllr White commented on the poor state of the notice board on Templar Close. **Action:** Cllr White to request a quote for repair with the local resident who had previously repaired the notice board on Silver Street.

11.1.2. **Management of Tress on Daffodil Park and Lee View:** The cut back of the Silver Birch Trees at Lee View is in progress for action.

11.1.3. **Litter bins:** The Clerk reported that he had been in touch with Amanda Cardiss of business support Selby District Council who acknowledged receipt of the order for the litter bin. Currently due to Covid-19 restrictions, priority is being given to waste collection services but the fitting of bins would be commenced as soon as able.

11.1.4. **Verge cutting:** There was nothing to report on verge cutting.

11.1.5. **Other issues or matters to report:**

Action: Clerk to confirm that George Fillingham his intentions to continue providing the grass cutting service to the village during the 2021 growing season.

12. A19 Safety:

12.1. **Purchase of additional Vehicle Activated Signs (VAS):** Cllr White reported that the data upgrade module has been installed and instructions supplied on how to download the data.

Action: Cllr White to collect the data and share information and statistics with the Council.

13. A.O.B.

13.1. The Clerk advised the Council that following enquires he has established that the Parish public liability insurance cover does not include Allotment Holders.

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

14.1. **Next Parish Council Meeting:** Tuesday 23rd March 2021 at 7pm via "Zoom" video conference.

15. **Closure of meeting:** 8:43 pm