

Whitley Parish Council

1. The meeting was opened at 7.00 pm by the Chair Cllr Walton.
2. **Open Public Forum(OPF) 23rd March 2021**
 - 2.1. Two members of the public attended the meeting. One a resident of the village from Templar Close was interested in listening to details of the progression of the response to the Gale Common Ash Extraction Application, in addition to the other items included in the agenda. The resident also was seeking information regarding the proposals for the future development of the site at Eggborough Power Station. Councillors advised the Eggborough Power Station was not within the Whitley Parish and any queries in connection with any development plans are better addressed to Eggborough Parish Council. The other resident was interested in item 7.2 on the agenda concerning the ownership and sale of a small parcel of land adjacent to his property on Whitley Farm Close and was present to answer any questions from the Council about his approach to purchase the land from the Parish. The Clerk reported that Persimmon homes had transferred ownership of the Daffodil Field together with a small strip of land adjacent to No 26 Whitley Farm Close leading to the entrance of the field.

Cllr White pointed out that the land in question was, however, a triangular parcel of grass verge adjacent to No 42 that lead from Whitley Farm Close to the public footpath at the edge of the farmers field to the east of the estate. The Clerk confirmed that no other part of the estate was registered with the Parish Council. Councillors speculated that the land in fact is not registered with any owners and suggested the resident refer to Persimmon Homes for clarification or approach his neighbours to request their permission to make the improvements he is planning.

- 2.2. The Chair closed the public forum.

Minutes of the Whitley Parish Council Virtual Online Meeting held on 23rd March 2021 - 09/21

3. **Present:** Cllr Walton, Cllr Blackburn (via phone) 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 Humphrey.
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.
 - 5.2. There were no other interests registered.
6. **Minutes of the virtual video conference meetings of Whitley Parish Council Meeting held on 23rd February 2021:**
 - 6.1. The Council reviewed the minutes of the Whitley Parish Council meeting held on 23rd February 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 23rd February 2021 for signature by Cllr Humphrey.

7. Opening matters for information and action as required:

- 7.1. **Gale Common Extraction Proposal:** Cllr Broadbent reported that he had attended Eggborough Parish Council virtual meeting to provide information and answer any questions the Councillors may have in connection with the Gale Common campaign, following which Eggborough Council would meet to discuss their position and involvement with the collective legal action. At present there has been no indication from Eggborough concerning their intentions and the extent to which they would wish to make contributions to the legal costs.

Cllr Broadbent presented details of the quote received from Irwin Mitchell itemising costings through each of the stages as follows:

Stage	Details	£
Stage 1	Instructing Council	£2,000
Stage 2	Pre-action protocol letter and serving proceedings	£2,500 to £4,000
	Court fees	£154
Stage 3	(if necessary) oral renewal hearing for permission	£4,000
	Court fees	£385 - £550
Stage 4	Substantive hearing	£8,500 - £10,000
	Court fees	£770

These costings are estimates based on previous experience of work of this nature. Interim bills will be raised monthly with a final bill on completion. Cllr Broadbent suggested that the next stage would be to arrange a meeting of representatives of each of the Councils who have committed to participation in the action to consider the proposal and its likelihood of success, and the basis of allocation of the total costs between each council.

It is worth noting that if the case is won then legal costs of up to £35,000 could be received from North Yorkshire County Council (NYCC). If the case were lost a claim of up to £10,000 could be lodged by NYCC as a contribution to their own legal costs in successfully defending their position.

The Parish Council need to consider the merits of the case and whether to proceed with the action based on the costs and risks. At the completion of each stage there will be opportunity to re-evaluate the risk and probability of success before proceeding or to the next thereby limiting financial exposure.

Cllr White sought clarification that the costings did not include estimates for the legal counsel who must be engaged at some point during the conduct of the stages. It was noted the quote amounted to some £20,000 of solicitor fees plus court costs of up to £1,500 to which must be added the substantive costs of legal counsel.

Cllr Broadbent advised that there has been no contact with Selby District and North Yorkshire County (SD&NYC) Cllr McCartney but acknowledged that it makes sense to ensure that Cllr McCartney is fully apprised of the Councils plans.

Action: Cllr Broadbent to

- chase up the decision of Eggborough Parish Council concerning the extent of their involvement in the legal action.
- meet with representatives of the participating councils to establish the basis of proceeding and report back to the next Whitley Parish Council meeting in April.

- 7.2. **Ownership of Land at Whitley Farm Close:** There is nothing further to be added to the discussion that was covered during the open public forum.
- 7.3. **Road Safety Grant:** Cllr White advised that the application for the grant has been lodged following which monies will be transferred into the Parish Account. Once the sum is deposited the work can be ordered according to the contractual terms agreed with North Yorkshire Highways. It is anticipated that the work will commence later in the year subject of North Yorkshire County Council priorities.
- 7.4. **Fly tipping and litter pick:** Cllr K Walton observed that the fly tipping on Whitefield Lane had been cleared by Selby District Waste department. The meeting commented on the reply to Cllr Humphrey's email to Selby District Council concerning the extent of fly tipping in the village and the deployment of Covert CCTV at specific locations. Cllr White advised that he had contacted the enforcement officer at Selby Council enquiring about the installation of CCTV and was informed that there are limited camera units, however, they could be lobbied to ensure that Whitley is included in the deployment programme.

The gratitude of the Council is extended to Talitha Petch a resident who had with colleges over the course of several days picked a substantial amount of litter in the village bagging it up for waste collection.

Community litter picking is not at the moment permitted under Covid regulations however, from 29th March groups of up to 6 individuals would be authorised to conduct mini community litter pick sessions.

Action: Cllr White to facilitate the arrangement of a local community litter pick.

- 7.5. **Council Meetings:** Cllr White observed that shortly the authority to hold Parish Council meetings over video conference will expire and the time is rapidly approaching to locate a suitable venue to resume open public meetings.

Action: The Clerk to investigate the legal position concerning Parish Council meetings and the alternative venues available including a return to Whitley Community Primary School.

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

8.1.1. An email for the Safer Streets campaign advising that the project is coming to its successful conclusion. Noted.

8.1.2. An email from the North Yorkshire County Council Highways that temporary repairs to potholes on the M62 roundabout on Junction 34 has been scheduled, which work has now been completed. Noted.

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. 2021/0219/DOC – Mrs C Oates, Whitefield Farm, discharge of condition 03 (access), 04(access), 08(materials), 07(contamination), 08(remediation scheme) and 11(foul and surface water disposal). Cllr Walton expressed some concern questioning whether addition of a further 3 houses would add to the volume of sewerage, which is an issue for Highways and Yorkshire Water.

9.2. There were no planning applications granted for approval.

10. Council Finance & Administration:

10.1. RFO Report as at 23/03/2021:

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	141.93	17,850.00	Nil	55,208.02	Interest paid monthly
Santander Current Account (Cash Book)	25,095.00	25,883.38	10,776.92	1,343.34	No interest
Total Bank Balances				<u>56,551.36</u>	
Less following funds:					
Protected 106 funds		3 x Play areas/ROS and the Tree Lines.		37,478.58	
Other protected funds					
Total Protected funds				37,478.58	
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.		19,072.78	
VAT due for reclaim				3,906.32	
Total Unprotected Funds				<u>22,979.10</u>	

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 2020 to 23rd March 2021. Total income to date is £9,542 including the balance of £70 from the defibrillator reserve. This compares with expenditure of £11,834 leaving a shortfall of £2,292. The forecast expenditure for the year to March 2021 that includes the data collection module for the Vehicle Activate Sign is £12,572 which will generate a deficit for the year 2020/21 of £3,025 and an anticipated balance on bank funds of £59,577.

- 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	329.54
Transfer	HMRC - PAYE	82.40

- 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	John White – Litter Pickers	57.90

11. Recreational Open Space in Whitley:

11.1. Parks and Verges:

11.1.1. Parks & Playground Maintenance: Councillors considered the various items in connection with maintenance within the park and playground as follows:

- Cllr White reported that quotes has been requested for the painting of the Play Areas in Blackthorn Close and Lee View that should be available for the next meeting.
- The Clerk advised that the play area inspection by Wickes is scheduled to be conducted on Monday 19th April 2021.
- Cllr White reported on a meeting with area managers from the Drainage Board to inspect and make recommendations on the extent of flooding in the Daffodil Field. The field is in a bowl lower than the surrounding that will give rise to run off flooding from Whitley Farm Close. Following the inspection, the drainage board will come back with some quotations for options including the provision of additional drainage in the field or to raise the land. Regrettably, resolution of the problem will be difficult and potentially costly. The extent of the flooding also presents obstacles to the ambitions to install additional play equipment and outdoor gym facilities. Consideration perhaps should be given to providing the community with some information on the action being undertaken by the Council to address the problem and the extent of the practical difficulties in achieving a solution.
- Cllr White suggested that Moles are causing a great deal of damage in the Park that warrants the engagement of a mole catcher.
Action: Cllr White to obtain quotes from registered mole catchers for consideration at the next Council meeting.
- Cllr White advised that a quote for the repair of the notice boards has been requested. Noted.

11.1.2. **Management of Tress on Daffodil Park and Lee View:** Cllr White advised that the Daffodil Maintenance contractor had completed the cut back of trees on Lee View the billing for which will follow shortly. Cllr Walton reported a request from a resident for a further cut back of the Silver Birch trees in the Park adjacent to Whitley Farm Close. Following inspection of the tree in question it was noted there had been some branch growth after the pollarding of the tree several months earlier.

Action: Cllr White and Cllr Walton to meet with garden contractor in Daffodil Field to inspect the trees and consider options.

11.1.3. **Litter bins:** The Clerk reported that he had been in touch with Amanda Cardiss of business support Selby District Council who advised that the order for the litter bin would be progressed as soon as practical.

11.1.4. **Verge cutting:** George Fillingham the grass cutting contractor will commence the 2021 season cutting in the coming months.

12. A19 Safety:

12.1. **Vehicle Activated Signs Reports:** Cllr White forwarded reports generated by the vehicle activated sign for the period from 9th March to 23rd March recording passing traffic movements on one side of the road showing the volume of vehicles broken down into speed blocks by hour of day. In summary the report indicates that 51% of vehicles in the period were travelling between 30 and 35 miles per hour and 17% of vehicles travelling between 35 to 40 miles per hour. The bottom line is that 78.3% of vehicles passing the sign were travelling more than 30 mph in breach of the speed limit. It is worth noting that a significant proportion of the speeding occurred early on in the morning pre 9.00 am. This contrasts with the statistics produced by the police camera vans that are deployed post 9.00 am after the end of the rush hour.

The Council recognised the value of the data the sign provides information that can be used to demonstrate the extent of the speeding problem in the village. It is important to recognise that from previous experience the police tend not to respond to speeding over 35 miles per hour. The statistics demonstrate however, there are over 7,000 vehicles travelling over 45 miles per hour.,

The Council consider that representatives from the police should be invited to the Parish Council meeting to whom data collected from the VAS could be presented and questions raised about further action.

The meeting explored the idea of publishing the statistics collected in the Parish Newsletter following direct meetings with the police to challenge their current approaches to traffic management and speed control.

Action: Cllr White to move the sign to All Saints to collect further data. Cllr White to provide councillors with the knowledge to download and interrogate the data.

The Council unanimously expressed their gratitude to Cllr White for his efforts in connection with the purchase and deployment of the VAS leading to the collection of such valuable information. Cllr Broadbent wondered whether the VAS was able to distinguish between the size of vehicle particularly between cars and HGVs.

13. A.O.B.

- 13.1.** A member of the public questioned when the car boot sale was to be recommenced and was advised that it was to begin on the 12th April 2021, details of which are reported on the Car Boot Facebook page. The Council have received no direct complaints in connection with litter arising from the activity of the car boot sale, although Learning Lane is a popular spot for parking litter from which vehicles may be thrown on the site.
- 13.2.** Cllr White had made enquiries from Selby District about the progress of management of the Rosslyn derelict property.

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

- 14.1. Next Parish Council Meeting:** Tuesday 20th April 2021 at 7pm via “Zoom” video conference.

15. Closure of meeting: 8:35 pm