

Whitley Parish Council

1. The meeting was opened at 7.00 pm by the Chair Cllr Walton.

2. Open Public Forum(OPF) 15th Mar 2022

2.1. In the absence of Cllr Walton, Cllr White opened the public forum and invited questions and comments. Residents at the boundary of Cridling Stubbs and Whitley attended the meeting with an interest in updates on the current situation of the legal appeal in connection with the Gale Common Ash Disposal site. In passing, they mentioned the extent of fly tipping in the area and the activities of “game hunting” on adjacent farmers fields during the evening. These incidents have been reported to the local game keepers who in turn liaise with the North Yorkshire Police. Cllr White observed that similar anti-social behaviour has been evident within farmers’ fields surrounding Whitley village. Joy riders on quad bikes and poachers looking to shoot deer, rabbits, and pheasant.

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 15th Mar 2022 at Whitley & Eggborough Primary School Annex Building Ref – 10/22

3. **Present:** Cllr White (Vice Chair), Cllr Cole, Cllr Humphrey, Cllr Woodhead, and Clerk to the Council J Hunter.

4. Apologies for absence:

4.1. Apologies for absence were received from Cllr Walton (Chair) and Cllr Blackburn.

5. Disclosure of interest:

5.1. Cllr Cole was resident on Whitefield Lane and as such would be directly impacted by the 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 15th Feb 2022:

6.1. Cllr White suggested that the item 11.1.1 Dog Mess should be concluded with the decision of the Council “at this stage not to take any further action”. Subject to the addition of such wording the minutes of the Parish Meeting held on 15th Feb 2022 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 15th Mar 22 for signature by the Chair.

7. Opening matters for information and action as required:

7.1. **Gale Common Extraction Proposal:** The Clerk provided an update on the status of the legal matter, summarising the result of conversations with the Parish Council’s legal team and subsequent actions. Our barristers and solicitors suggested there are sufficient grounds to lodge an appeal to the High Court against the determination of the judgement at the Leeds High Court. They considered that certain issues were not adequately addressed by the judge who they considered had given too much attention to the minutes of the planning committee

meeting rather than the content of the Officer's Report. Notwithstanding, this opportunity Whitley Parish Council are clear they are unable to commit any more funds in continuing any further legal action. In appreciation of the Parish Council's limited financial resources our barrister and solicitor have agreed to progress such an appeal under a Conditional Fee Arrangement, on a no win no fee basis. The outstanding issue would be the magnitude of any Protective Cost Order that would be stipulated by the High Court if it were to grant leave to appeal. Given, the nature of the work involved it was agreed by our legal team that it was legitimate to seek a cost order capped at £5,000. On this basis, during the meeting of the Whitley Parish Council on 15th February 2022 it was resolved to authorise Irwin Mitchell to apply to appeal on a Conditional Fee Arrangement on the clear understanding that if approval to appeal were granted action would only proceed if funds covering the protective cost order were secured from donations or grants from beneficiaries and lodged in the Parish Councils bank account.

The consequence of the submission to appeal are that all parties will be informed, including North Yorkshire County Council as defendant in the case and EP UK Ltd as the interest party. It is also worth noting that settlement of the original protective cost order of £10,000 will be put on hold in addition to the commencement of any work at Gale Common pursuant of the approved planning application.

The Clerk advised Councillors that contributions from members of the Gale Common Action Group have been receipted into the Parish bank account including donations from the Just Giving Page apart from the funds committed by Cridling Stubbs Parish Council. The Clerk reported that several attempts have been made to communicate with the Chair of Cridling Stubbs Parish Council via email and phone to no avail.

Action: Cllr White to attempt to contact the Chair of Cridling Stubbs Parish Council and seek settlement of the sums outstanding.

Action: Cllr Humphrey to update the Councils social media pages of the intention of the Parish Council to investigate the possibility of lodging a further appeal.

- 7.2. **Whitley Underpass:** Cllr Humphrey reported on the extent of the graffiti to the underpass. There have been three incidents of graffiti application and in all cases Selby District Council operatives have attended and painted the offensive content applying plain white paint. Selby District and North Yorkshire County (SD&NYC) Cllr John McCartney has been instrumental in liaising with the district in requesting prompt action. The problem is that the repeated application has left the walls of the underpass in a poor state of decoration. The work has been functional to remove graffiti but aesthetically it is not pleasing. The question remains as to the strategy that can be adopted to ensure the underpass is maintained in an appropriate state for use of pedestrians. It is acknowledged the section near Templar Close needs to be refreshed that would require a new batch of paint and a day's labour to fully complete the task. Councillors discussed the various alternatives and concluded that the matter be discussed with SD&NYC Cllr McCartney to seek his advice, recommendations, and support in formulating a plan for the underpass.

Action: Cllr Humphrey to consult with SD&NYC Cllr McCartney about strategies for the continued maintenance of the underpass and dealing with any future graffiti.

- 7.3. **Queens Jubilee:** Cllr White and Cllr Humphrey reported on a meeting with the landlords of the George and Dragon Pub concerning plans for events in the village to mark the Queens Jubilee. The pub landlords expressed their desire to encourage more events happening in the village. The Parish Councils position was clarified with the landlords in that the Council has limited resources both in terms of time and finance to commit to organisation of community events. It is important that the Parish Council do not over commit to anything upon which it is not able to deliver. However, the Council are keen to offer support to the pub and would be happy to promote such activities and events that the landlords would plan to organise on the social media pages of the Parish Council. Subject to the limitations imposed

upon any public bodies of supporting or recommending purely commercial events that are promoted on a for profit basis.

The loan to the pub of the gas-powered beacon last used during the Queens 90'th birthday celebration was discussed and agreed subject to ensuring appropriate compliance with health and safety requirements.

Cllr White suggested that a tree planting event could be arranged with an appropriate ceremony organised during the Jubilee weekend at Daffodil Park.

Action: Cllr White obtain a quotation for a suitable tree. Cllr Humphrey to inspect the gas beacon and assess its condition and whether it requires service before use.

Cllr Humphrey suggested that following the meeting with the landlord's regular communication between the Parish Council and pub be maintained to share matters relevant to both parties, including community events and actions etc.

Action: Cllr Humphrey to take on the role of Councillor designated to maintain communication with the landlords of the George and Dragon.

7.4. **All Saints:** Cllr White confirmed that the Parochial Church Council in Kellington have granted approval for the removal of the notice board from its present site and the matter has been referred to the Diocese of Leeds to produce the necessary documents of authority to proceed with the relocation. Quotations for removal remain outstanding. It was noted the landlords of the George and Dragon are willing to accommodate the notice board within their land close to the pathway. The Council debated alternative locations and concluded that as a focal point in the village the pub would be the most suitable site.

Action: Arrangements for the notice board removal and relocation to be progressed upon finalisation of the necessary approval documents by the Diocese of Leeds.

The Clerk presented details of historic minutes concerning the financial support offered to All Saints Church by the Parish Council in the provision of the fencing at the rear of the Church property. Minutes of the Council meeting held in November 2008 referred to the allocation of 50% of the Bovis Silver Street s106 fund to be used by the Church in its proposed community conversion project. Progress was referenced in the Minutes of Jan 2009 that noted that the Leeds Diocese needed further documentation to support the advance of the project. The Minutes of March 2009 indicated the production of more detailed plans outlining the facilities that would be provided within the grounds of the church including green gym and gazebo. A year elapsed before further refence was made to the project in the Minutes of March 2010 in which the latest plans for the church conversion were shared. In particular, a PCC member was appointed to lead the conversion project and that Selby District Council had agreed to release s106 funds earmarked to cover the cost of the fencing. Confirmation of the transfer of funds by SDC is referenced in Minutes of April 2010 that goes on to specify that the monies will be passed on to the project group to cover the cost of the steel fencing to be installed at the rear of the church. The Minutes of May 2010 reported the payment of £4,908 to the Church Project Management Group to cover the cost of the fencing with the balance of £1,956 being reported as paid in the Minutes of July 2010.

The Clerk advised that there is no other information concerning the Church Project Management Group. Cllr Humphrey shared his understanding of the events leading up to the abandonment of the conversion project; the appointment of an architect stipulated by the Leeds Diocese, and the subsequent production of plans that were ultimately beyond the financial resources of the Group. The consequence being that funds were invested in a scheme that yielded not return to residents of the village.

Cllr White suggested that given the intentions of the Leeds Diocese to sell the grounds for development consideration be given to request refund of the s106 monies contributed by the Parish Council to cover the cost of the steel fencing.

Action: Clerk to draft a letter to be addressed to the Leeds Diocese requesting of a refund of the sum donated to the Church Project for consideration by Councillors.

7.5. **Community Litter Pick:** Cllr White reported that the community litter pick will be organised sometime during May.

7.6. **Parish Meeting Calendar:** The Clerk circulated a schedule of the meeting calendar for the year for review by the Councillors.

7.7. **Parish Council Elections:** The Clerk circulated Parish Council nomination documents for the forthcoming elections schedule for 5th May 2022.

Action: Councillors to scrutinise nomination documents, sign and obtain signatures of proposers. Clerk to deliver complete forms to Selby District Council by 5th April 2022.

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

8.1. Emails and postage.

8.1.1 An email from a local resident referring to levels of speeding in the village requesting that the Parish Council consider the purchase of another VAS and commenting on the increase in the volume of HGV traffic passing through the village. The Councillors discussed the current state of traffic on the roads throughout the region and commented on the expansion of industrial activity along the length of the M62 corridor that could be the primary reason for the growth in commercial traffic in the village. The meeting reflected on the VAS installation and concluded that before proceeding with purchase of additional units it would be appropriate to assess the impact of the current sign.

Action: Clerk to respond to the enquiry summarising the discussion of the Parish Council concerning traffic volumes and speeding. Clerk to write to North Yorkshire Highways Department sharing residents concerns and requesting comments of the increase in HGV levels and mitigation measures that are proposed.

8.1.2 An email from Yorkshire Local Councils Association providing notice of an online Councillors Discussion Forum Session to be held on 16th March 2022. Noted

8.1.3 An email from the Action Networking enlisting support for the 20's Plenty Group and drawing attention to various reports and actions taken in pursuit of their campaign. Noted with the observation that the only roads in the village suitable for the implementation of 20's Plenty would be Gravel Hill and Silver Street.

8.1.4 An email from Howard Ferguson of the MP's Office enquiring into timing of the build of Larth Close. Noted that a reply had been provided to his enquiry.

8.2. Social Media

8.2.1 Cllr Humphrey reported on the comments and postings of social media pages. Some complaints about the consequent closure of the road on the M62 during bridge repairs, continued concerns about the extent of fly tipping, and observations about the alarming burglary attack on a property located on the A19.

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. 2022/0082/FUL – Ashcroft Poultry Farm, Templar Close– change of use from agricultural land to equestrian, creation of menage and stable.. Noted no objections.

9.2. 2021/0268/FUL – Land Off Larth Close, erection of 8 dwellings and garages. No further progress in consideration of the planning application.

10. Council Finance & Administration:

10.1. RFO Report as at 15/03/2022:

Bank/Account	Income since 1st April 2021	Expenditure since 1st April 2021	Of which is devolved fund expenditure	Current Balance	Notes/Comment
Santander Deposit	4.49	40,000.00	Nil	15,212.85	Interest paid monthly
Santander Current Account (Cash Book)	75,132.71	62,663.30	3,650	13,892.57	No interest
Total Bank Balances				29,042.42	
Less following funds:					
Allocated Funds					
Allocated Funds		Drainage Daffodil Park Crossing		8,800.00 5,000.00	
Total Allocated funds				13,800.00	
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.		15,242.42	
VAT due for reclaim				14.17	
Total Unallocated Parish Funds				15,256.59	

The Clerk presented his report on the financial position of the Parish Council referring to income and expenditure statements providing details of receipts and payments for the period from 1st April 2021 to 15th March 2022. The figures complete the financial statements for the year to March 2022. The total income was £22,146 compared with expenditure of £29,086 generating a deficit of £6,940. After setting aside reserves for the installation of drainage in Daffodil Park and the cost of the provision of the crossing on the A19 total funds available to the Parish are £16,056.

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

Cheque No.	Payable to:	Amount: £
22503	J Hunter – Clerk Salary 3 month to Mar 202	494.30
22504	HMRC PAYE	123.60
22505	J White – Crown Garden Centre – Hawthorn Hedge	85.00
22506	Hedge Cutting in Daffodil Park	50.00

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: £

10.4. **Bank Transfer:**

Transfer	Payable to:	Amount: £

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.

- Daffodil Park Drainage; Cllr White reported on an application made to the Heart of Selby Fund for a grant contribution that has been unsuccessful. Further applications have been made to funding sources recommended by SD&NYC Cllr McCartney, responses to which are awaited.
- **Bins in Blackthorn Close:** Cllr White reported he had advised Selby District Waste Management Department of their failure to empty bins in the Blackthorn Close play area.
- **Community Payback:** Cllr White expressed disappointment in achieving any progress to renew engagement with the community team.

11.1.2 **Management of Trees at rear of Blackthorn Close:** Cllr White reported on his conversation with the resident on Blackthorn Close who had requested felling of trees at the rear of his property. Advice was given to the resident that the Parish Council were seeking recommendations and quotes from a tree surgeon for the appropriate management of the two trees in question. The resident volunteered that he would arrange for and cover the cost of the felling of the tree and was informed that this must be done at his own risk and that the Parish Council would not indemnify him for any consequent damage or claims that may arise. Following the conversation, the Oak tree was felled by a contractor engaged by the resident.

Cllr Humphrey expressed frustration and concern about the circumstances and action taken in felling the tree without direct consultation and approval of the Parish Council.

11.1.3 **Verge cutting:** Cllr White suggested that he approach George Fillingham the grass cutting subcontractor in anticipation of the first cut of the new season.

12. A19 Safety:

- 12.1. **Monitoring of traffic speed on A19:** Data from the VAS sign will be monitored and reported in due course. It was agreed the VAS sign would be relocated in the village.
- 12.2. **North Yorkshire Council Police and Fire Commissioner Virtual Meeting:** The meeting was organised and conducted by SD&NYC Cllr McCartney we have yet to receive any feedback on the meeting.
- 12.3. **Community Speed Watch:** Cllr White expressed disappointment at the number of people volunteering to join the speed watch team; five people have come forward.

13. A.O.B.

- Cllr White noted the A19 crossing was still outstanding for completion.
- Cllr White enquired into the nature of the historic records and documents physically held by the Clerk. It was agreed the County Councils archives based in Northallerton is the correct and appropriate location for historic records of the Parish Council. Following enquires the archived records located in Northallerton go up to 2001. The Clerk confirmed that minutes are held from 2006, in which case there are 5 years from 2001 to 2006 that are unaccounted.

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

- 14.1. **Next Parish Council Meeting:** Tuesday 26th April 2022 at 7pm at Whitley & Eggborough Primary School.

15. Closure of meeting: 8:55 pm