

Whitley Parish Council

1. The meeting was opened at 7.18 pm by the Chair Cllr Walton.

2. Open Public Forum(OPF) 22nd June 2021

2.1. There were no members of the public in attendance.

2.2. The Chair closed the public forum.

Minutes of the Whitley Parish Council Meeting held on 22nd June 2021 at Whitley & Eggborough Primary School Annex Building Ref – 03/22

3. **Present:** Cllr Walton, Cllr White, Cllr Blackburn, Cllr Humphrey, and Clerk to the Council J Hunter.

4. Apologies for absence:

4.1. Apologies were received from Cllr Cole, and Cllr Woodhead.

5. Disclosures 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.

5.2. There were no other interests registered.

6. Minutes of the Whitley Parish Council Meeting held on 18th May 2021:

6.1. The Council reviewed the minutes of the Annual Parish Meeting held on the 18th May 2021 and the minutes of the Whitley Parish Council meeting held on 18th May 2021. Cllr White suggested that the reference to Head Mistress in item 7.7 may be better changed to Head Teacher. Subject to these comments the minutes were approved as a true record. The Council reviewed the minutes of the Extraordinary Parish Council meeting held on 9th June 2021. It was noted the disclosure of interest included D Broadbent who at the time had resigned as a Councillor; his name should be removed from item 5.1. Subject to these amendments the minutes were approved by the Council.

Action: Clerk to deliver a copy of the suitably amended minutes of the Council meetings held on 18th May 2021 and 9th June 2021 for signature by Cllr Walton.

7. Opening matters for information and action as required:

7.1. **Gale Common Extraction Proposal:** Cllr Humphrey updated the meeting on the progress of the legal action and explained that he had signed and lodged a Witness Statement signed by Cllr Humphrey putting Whitley Parish Council forward as the lead claimant against NYCC. The campaign group had not held a further meeting to discuss the next stages although this is likely to be convened sometime during the forthcoming week. The Council made reference to the proceedings of the recent Extraordinary Parish Council meeting held on the 9th June 2021 that recognised the need for the launch of a coordinated funding campaign that would be required to meet the costs of the action in the High Court should approval be obtained for a full Judicial Review. The mechanics of the next stages in the legal process was discussed

being an oral presentation to a judge outlining the arguments of the case. This would be followed by a detailed written proposition for evaluation. After which consideration the judge would determine whether the claim is viable and appropriate to be heard via Judicial Review in the High Court. Timescales for the progress were unclear and it was agreed that further clarification should be sought by the campaign group. Eggborough Parish Council, who have been approached again to solicit their active and financial involvement in the case, have requested further details of the legal advice before reconsidering their position in their Parish Council meetings.

Cllr Humphrey suggested, a formal written agreement be prepared for signature by each Parish Council in the campaign group confirming their own commitment to the financial contribution to the legal costs. The basis of the respective donations has already been agreed in principle with Whitley covering 50% of the costs the balance being met by the other participants. Given the increased role of Whitley Parish Council as the lead plaintiff and the progression of the campaign to the next stages of crowd funding Councillors considered it appropriate that the Parish Clerk as responsible financial officer to Whitley become an active member of the campaign group to facilitate the control of the funds and donations contributed to the campaign. The meeting speculated that it would be necessary to open a separate Community Fund bank account through which to manage the resources to secure a clear audit trail of all transactions.

It was agreed that ring fencing the sum of £10,000 out of Parish Council reserves would be prudent in recognition of the legal costs. It was equally noted that the Parish Council have the legitimate authority to supplement its funds through increases in precept in the following year. It is also important the campaign group establish details of the actual legal cost to date to facilitate the management of the budget.

Following the clarification of the financial resources and the completion of the legal protocols to initiate the High Court action, it recognised the importance of progressing to the fund-raising campaign. This would involve a clear articulation of the joint communique as a manifesto, the development of central advertising material, press releases and identification of target bodies that may wish to lend support to the action. These bodies will not only include the residents of all the Parishes affected but also more broadly Parish Councils throughout North Yorkshire. Councils who though not directly affected are sympathetic to the position in which Whitley has been placed and who are equally dissatisfied with the practices of North Yorkshire Planning Department in their approach to decision making.

It was agreed there would be some merit in approaching other Parish Councils who have experience of the applying for Judicial Review in other cases that while not similar may provide some useful insights in the success and failure, such as the claim actioned in the matter of Allerton Bywater.

Action: Clerk to draft document defining the financial agreement for signature by the members of the campaign group. Cllr Humphrey to introduce the Clerk to the campaign group as an active member.

Questions were raised concerning the involvement of Selby District and North Yorkshire County (SD&NYC) Cllr McCartney in the campaign with the view expressed that he should be approached by the campaign group to seek his support.

- 7.2. **Whitley Underpass:** Cllr Humphrey summarised details of his investigation and assessment of the state of the underpass and options in its repair and renewal. Approaches were made to SD&NYCC Cllr McCartney who recommended that the vegetation growth needed to be cut back, as highways are technically responsible for the pathway, they should be consulted but it is unlikely they would make any contribution to any repair or renewal, and Eggborough Parish Council would be willing to be involved in the project, but it is not clear whether they would be prepared to make any financial contribution.

It was agreed the key elements of repair would be to remove the Murals, sandblast the walls and re-render the brickwork before applying paint. It was noted there was inappropriate graffiti visible on the walls whose clearance is the responsibility of Selby District County Council.

Action: Cllr Humphrey to progress the project plan.

7.3. **NYCC Parish Portal:** The Clerk explained the nature of the Parish Portal and the utility it provides in the reporting of Highway matters including road condition, street lighting, grass cutting or verges, pavement and other highways issues. Each submission of a report is logged with an incident number that can be used to progress action. It is important to note the portal does not provide a comprehensive summary of all reports submitted by residents of Whitley Parish Council.

Action: Report failure of road sweeping on A19.

7.4. **Allotment Shed:** Cllr White reported that requests for quotations for the supply of the allotment shed were in progress.

8. **Correspondence received:** The Clerk advised there was no correspondence received by email or post to report.

Cllr Humphrey summarised details of posts and information shared on the Parish social media, Facebook, Whitley Group of Next-Door site and

8.1.1. The hard copy newsletter that was distributed had generated a number of comments in connection with Daffodil Park.

8.1.2. Comments were posted commending and thanking participants involved in the litter pick. The opening of the A19 was noted producing a swath of observations.

8.1.3. Questions were raised about the status of the Rosslyn property with speculation that the building has been sold for development. The Clerk advised that following requests to the derelict homes officer of Selby District Council he was advised that after investigation of the site the department can find no problem with the state of the boundary between the property and the surrounding public pathways. They have no other legal jurisdiction over the site. The department did note that they had been in contact with the owner who confirmed the property was under offer from a developer.

8.1.4. It was noted the grass in the Church had been cut. Observations were made by the members of the Whitley Community Project Group whose sole purpose is to acquire the Church on behalf of the village. Comments shared by officers of this project group suggest that they are now in direct contact with the Church Commissioners who have invited the submission of credible plans for the use of the Church. The Community Group are seeking involvement of residents to support the project. It was agreed that Cllr Humphrey on behalf of the Council contact the group recognising their activities and offering an open invitation to share any information or meet with the Parish Council in furtherance of the plans.

8.1.5. Comments were made about anti-social behaviour, break ins, speeding cars, neighbourhood watch information and fly-tipping.

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. 2021/0268/FUL – Mr and Mrs Philip Johnson, Land Off Larth Close, the Parish Councils objections to the development have been lodged. The application is awaiting decision.
- 9.2. 2021/0711/HEN – Mr Richard Clarke, 14 Blackthorn Close, house extension notification of a single storey rear extension. Full planning application required and submitted, awaiting decision. Noted with no comments.

9.3. There were no planning applications granted for approval.

10. Council Finance & Administration:

10.1. RFO Report as at 18/05/2021:

Bank/Account	Income since 1 st April 2021	Expenditure since 1 st April 2021	Of which is 106 expenditure	Current Balance	Notes/Comment
Santander Deposit	0.47		Nil	55,208.49	Interest paid monthly
Santander Current Account (Cash Book)	9,803.33	1,549.57	300.00	9,613.90	No interest
Total Bank Balances				64,822.39	
Less following funds:					
Protected 106 funds		3 x Play areas/ROS and the Tree Lines.		37,178.58	
Other protected funds		Crossing		5,000.00	
Total Protected funds				42,178.58	
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.		22,643.79	
VAT due for reclaim				3,942.32	
Total Unprotected Funds				26,586.11	

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 2021 to 22nd June 2021. There had been no further income during the month total receipts being £4,805 from Precept, Allotment Rent and deposit interest. This compares with expenditure of £1,839, yielding a surplus of £2,966.

Total reserves of liquid funds are £67,996 of which £37,149 is the balance of s106 monies to be applied for the Parks and Open Spaces and £5,000 is set aside for the payment of the installation of the pedestrian crossing. The balance of unrestricted funds available to the Parish Council to be spent on routine administration of the Parish together with specific projects is £25,846. Forecasting future precept income and administration expenditure unrestricted reserves at the yearend would be approximately £24,000. Allocating £10,000 to a specific fund to cover costs of the impending Gale Common legal action, £14,000 remains within unrestricted funds.

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

Cheque No.	Payable to:	Amount: £
22471	J White – reimbursement for litter pickers	57.90
22470	B Crossdale – Print of newsletters	50.00
22472	J R Hunter – Clerk net salary	494.50
22473	HMRC – PAYE on Clerk salary	123.40

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: £

10.4. Annual Governance and Accountability Return (AGAR) 2019/20:

10.4.1. Certification that Whitley Parish Council as exempt from external audit for the fiscal year 2020/21. It is resolved that Whitley Parish Council is exempt from external audit for the year 2020/21 as the annual turnover does not exceed £25,000. Carried unanimously.

Action: Certification of exemption to be signed by Chair and Responsible Finance Officer and a copy published on the Whitley Parish Council website.

10.4.2. Approval of Section 1 – Annual Governance Statement 2020/21. It is resolved that Whitley Parish Council approve section 1 Annual Governance Statement 2020/21 for Whitley Parish Council on page 5 of the Annual Governance and Accountability Return 2020/21. Carried unanimously.

Action: The Annual Governance Statement to be signed by the Chairman and the Clerk and a copy of the Section 1 of the Annual Governance Statement is published on the Whitley Parish Council website.

10.4.3. Approval of Section 2 – Accounting Statements 2020/21. It is resolved that Whitley Parish Council approve Section 2 – Accounting Statements 2019/20 for Whitley Parish Council on page 6 of the Annual Governance and Accountability Return 2020/21. Carried unanimously.

Action: The Accounting Statement 2020/21 to be signed by the Chairman and the Responsible Financial Officer with insertion of the minute reference and a copy published on the Whitley Parish Council website.

10.4.4. Approval of the publication of documents required by Accounts and Audit Regulations: It is resolved that, in accordance with the Accounts and Audit Regulations 2015, the Local Audit (Smaller Authorities) Regulations 2015, SI 2020/404 The Accounts and Audit (Coronavirus Amendment) Regulations 2020 and the Transparency Code for Smaller Authorities, Whitley Parish Council will publish the following documents on a public website.

- Certification of Exemption
- Section 1 – Annual Governance Statement 2020/21
- Section 2 – Accounting Statements 2020/21, page 6
- Analysis of variances
- Bank Reconciliation to 31 March 2021
- Notice of the period for the exercise of public rights and other information required by Regulation 15(2), Accounts and Audit Regulations 2015.

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:

- It was noted the notice board on Templar Close has been repaired and the bench by Silver Street has been painted. Thanks go to Brian Slater for his work. The benches in the park will be painted when the play areas are repainted during September.
- The quote from Sweetings for the installation of drainage in the Daffodil Field has been circulated for review by Councillors; the amount is £8,000. A competitive quote was sought from a contractor who given the specialist nature of the work declined to offer a solution. Reference was made to Ground Works the contractor who landscaped Daffodil Park and recent communications from them as part of the regular promotional marketing. It was noted that the installation of drainage was discussed when the original plans were drawn up and shared. It is uncertain whether the recommended “French Drainage” has been installed at the site. This is important when considering future options, for if attempts have been made to provide drainage the solution has failed. This puts into question whether continuing to pursue such a strategy will be successful and whether it would be better to consider the alternative of land management; to establish an area of wetland in the park.

Action: Cllr White will contact Ground Works to investigate the history of the landscaping and enquiry into the planning and installation of drainage.

- The opportunity to re-engage with The Community Payback team was anticipated with speculation such a resource may be available in the Autumn.

11.1.2. **Management of Tress on Daffodil Park and Lee View:** The tree management work in Daffodil Park remains to be completed.

11.1.3. **Litter bins:** The bins have been ordered and we are awaiting deployment as soon as possible.

11.1.4. **Verge cutting:** Councillors expressed a dissatisfaction with the quality and frequency of the grass cutting of the park and verges; sections had been missed and the state of the land has been poorly managed. **Action:** Clerk to discuss with verge cutter.

11.1.5. **Whitley Nature Reserve:** Residents have commented on social media about the state of the cut of paths in the reserve. In addition, dog mess and litter has also been mentioned. **Action:** Clerk to liaise with grass contractor to arrange suitable cutting of the paths in the Nature Reserve.

12. A19 Safety:

12.1. **Vehicle Activated Signs Reports:** The sign has recently been relocated. Information from the data reports indicated that 81% of vehicles exit the village in excess of 30mph, 15% exceeding 40mph with 3% over 45mph. The details will be shared on the Parish social media pages along with the statistics of the Police penalties issued from their Speed Camera Van. Collective information over the months provides value insight into the speeding profile of vehicles in the village that can be used to present the case for more appropriate traffic management by the Police including speed cameras and speed watch campaigns.

13. A.O.B.

- The meeting considered the co-option of a new councillor. Replacement will be initiated as and when candidates for the position present for themselves for consideration.
- It was reported that the memorial plaque to ex Cllr Watson has been removed from Daffodil Park. Enquires and searches will be made to seek to locate the plaque.
- The Community Engagement Forums have ceased and will be replaced with funding resources that will be allocated by North Yorkshire County Council to their regional Councillors. SD&NYC Cllr McCartney will manage this fund.

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

14.1. **Next Parish Council Meeting:** Tuesday 20th July 2021 at 7pm at Whitley & Eggborough Primary School.

15. **Closure of meeting:** 9:23 pm