

# Whitley Parish Council

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

## 2. Open Public Forum(OPF) 19th July 2022

2.1. There were no members of the public present at the meeting.

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 19<sup>th</sup> July 2022 via Zoom video conference link – 03/23

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

### 4. Apologies for absence:

4.1. Apologies for absence were received from Cllr Cole.

### 5. Disclosure of interest:

5.1. Cllr Cole and Cllr Blackburn are 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 21<sup>st</sup> June 2022:

6.1. It was resolved the minutes of the meeting held on 21<sup>st</sup> June 2022 were a true record of the meeting,

**Action:** The Clerk to deliver a copy of the amended minutes of the Council meeting held on 17<sup>th</sup> May 2022 for signature by the Chair.

### 7. matters for information and action as required:

7.1. **Gale Common:** The Clerk advised the Councillors of an issue emerging from the recent application to the High Court to hear an appeal against the decision made in Leeds High Court in December 2021. Our solicitors and legal counsel explained that an appeal could be raised based upon specific legal technicalities. Such application was lodged under precise terms that were an approval be granted; 1) the Parish Council cannot cover a protective cost order (PCO) in excess of £5,000 and 2) before the Parish Council could proceed with the action donations would have to be secured to finance the limited PCO.

A witness statement was prepared expressing these terms of engagement which our legal Counsel duly lodged with the High Court.

Notwithstanding the limitations set within our witness statement the High Court came back with a decision to approve the appeal but setting a PCO of £10,000. Under advice and instruction from our Counsel our legal team lodged a response to the grant of approval requesting that the determination of a PCO of £10,000 be reconsidered on the basis that the Parish Council does not have the financial resources to pursue action with a potential burden of £10,000 of costs. The maximum PCO would need to be £5,000 and in addition the Parish

Council could not proceed with the case unless it was able to secure donations or grants from benefactors.

The proposition was prepared and lodged with the High Court who responded with a determination of £6,000 PCO. The Parish Council being unable to secure the necessary financial support and reluctantly concluded that further action could not be progressed. At which point we were warned that should the Parish Council fail to proceed with the case then the PCO of £6,000 may be imposed and the other side could submit and claim legal costs to the value of the PCO.

Councillors discussed the circumstances, and history of the matter with the conclusion that clarification needs to be sought from our legal team barristers and solicitors on any realistic prospect of the Parish Council being liable to further costs given the timeline and witness statements prepared that clearly set out the intentions and financial constraints of the Councillors in connection with the matter.

Councillors questioned and considered the extent of engagement with the Parish Council of Womersley and Cridling Stubbs concerning undertakings of contributions to the original PCO following the decision of the Leeds High Court in December 2021. The Clerk advised that in general their position remains the same, namely neither hold sufficient resource to make any contribution to the residual PCO costs.

Councillors considered the merits of opening communication channels and engagement with the project co-ordinators of Eggborough Power in compliance of the obligations specified under their s106 agreement with North Yorkshire County Council. This process would begin with a detailed examination of the conditions and terms included in the s106 and the potential in the establishment of a community liaison group.

7.2. **Notice Board:** Cllr White advised that instructions have been given to a local maintenance contractor who will relocate the notice board from the site in the grounds of All Saints Church to the plot at the front of the George and Dragon subject to confirmation that the landlords remain happy to host the notice board on their land. It is expected the work will be completed by during August / September.

7.3. **Playground Inspection:** The Clerk summarised the result of the inspection report of the three playground areas. It was noted there was nothing exceptional to report about the condition of the area and equipment. The health and safety conclusions about the specific items mentioned were all of low risk

**Action:** Clerk to circulate copies of the inspection report.

7.4. **Tunstall Health Care:** Councillors noted the successful completion of planting work undertaken by staff of Tunstall Health in the two planters situated on the A19. Cllr White requested that Councillors consider additional activities and support that the members of the Tunstall Group can offer to provide. The potential of the draft and printing of a second News Letter perhaps at Christmas, facilitated and published by Tunstall was suggested as a possible option to discuss with Tunstall's management team.

Cllr Humphrey suggested that a letter of thanks be sent from the Council to the Tunstall management.

**Action:** Cllr White write and send a letter of thanks to Tunstall for the work they had completed for the benefit of the community. Clerk to forward a copy of the Whitley Parish Council letter head template.

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

**8.1. Emails and postage.**

**8.1.1** Clerk advised there has been no emails or correspondence by mail relevant to the affairs of Whitley Parish Council.

**8.2. Social Media**

**8.2.1** Cllr Humphrey referred to the publication and distribution of the newsletter with thanks to all Councillors who assisted in delivery to ever home in the village. The meeting reviewed that progress of the hand deliveries to confirm that all properties had received a copy of the document. Cllr White volunteered to liaise with Cllr Cole to confirm that newsletters had been delivered to houses on Whitefield Lane and Templar Close.

**8.2.2** North Yorkshire and Selby District Councillor John McCartney has commented on the incidence of fly tipping on Booty Lane.

**8.2.3** There were comments posted on social media expressing disappointment and frustration at the extent of dog mess along Lee Lane.

**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. 2022/0402/TN02** Lime Tree Drive, Whitley, five-day notice to fell 1 No Lime tree covered by TPO/1999. Noted without comment.

**9.2. 2022/0481/OEM** Butcher Lane Farm, Butcher Lane, Whitley, Prior notification to demolish existing garage. Noted that the application is on property that is outside the boundary of the Whitley Parish. No comments.

**9.3.** It was noted that there remain no planning applications submitted in connection with the property know as Rosslyn situated alongside the George and Dragon on Doncaster Road.

**10. Council Finance & Administration:**

**10.1. RFO Report as at 19/07/2022:**

| <b>Bank/Account</b>                   | <b>Income since 1<sup>st</sup> April 2022</b> | <b>Expenditure since 1<sup>st</sup> April 2022</b>   |  | <b>Current Balance</b> | <b>Notes/Comment</b>  |
|---------------------------------------|---|--|--|------------------------|-----------------------|
| Santander Deposit                     | 2.97  |  |  | 15,216.09              | Interest paid monthly |
| Santander Current Account (Cash Book) | 7,517.00                                      | 3,433.30   |  | 17,913.27              | No interest           |
| <b>Total Bank Balances</b>            |   |  |  | <b>33,129.36</b>       |                       |
| <b>Less following funds:</b>          |   |  |  |                        |                       |
| Allocated Funds                       |   | Crossing   |  | 5,000.00               |                       |
| Total Allocated funds                 |   |  |  | 5,000.00               |                       |
| Parish Council Bank Funds             |   | Legal Action and Complaints against the Council.<br>Future Development and Facility Provision –Buildings.<br>Future Development and Facility Provision – ROS.<br>Future Development and Facility Provision -Nature Reserve.<br>Unexpected/unforeseeable expenditure. |  | 28,129.36              |                       |
| VAT due for reclaim                   |   |  |  | 238.17                 |                       |
| <b>Total Unallocated Parish Funds</b> |   |  |  | <b>28,367.53</b>       |                       |

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 1<sup>st</sup> April 2021 to 19<sup>th</sup> July 2022. Income to date was £7,520 compared with expenditure of £18,209 that includes the provision for the cost of the pedestrian crossing at £5,000 and settlement of the Gale Common protective cost order of £10,000. The net deficit is £10,689.

The Clerk also, presented a cash flow summary analysing month by month the actual receipts and payments up to July with a forecast of income and expenditure for the remainder of the year to March 2023. Based on the projected expenditure the cash balance at the year end would be £12,426.

The Clerk commented on the recent charges for grass cutting raised by George Fillingham which is lower than invoices previously rendered. It was agreed that the Clerk should investigate the disparity in billing with the accounts department of George Fillingham.

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

| <b>Cheque No.</b> | <b>Payable to:</b>                           | <b>Amount: £</b> |
|-------------------|--|------------------|
| 22515             | Whitley & Eggborough School                  | 97.50            |
| 22516             | George Fillingham – grass cutting contractor | 1,344.00         |
| 22517             | Wicksteed – Playground Inspection            | 324.00           |
| 22518             | B Crossdale                                  | 50.00            |

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

| <b>Cheque No.</b> | <b>Payable to:</b> | <b>Amount: £</b> |
|-------------------|--------------------|------------------|
|                   |                    |                  |
|                   |                    |                  |

**10.4. Bank Transfer:.**

| <b>Transfer</b> | <b>Payable to:</b> | <b>Amount: £</b> |
|-----------------|--------------------|------------------|
|                 |                    |                  |
|                 |                    |                  |
|                 |                    |                  |

**11. Recreational Open Space in Whitley:**

**11.1. Parks and Verges:**

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

- Cllr White provided an update on a revised quotation from Sweetings for the installation of drainage in Daffodil Field with an increase on the original quote from £8,000 to just over £11,000 this being primarily due to inflation in material costs. Cllr White reported that he has secured a grant from Cllr Mark Crane the leader of Selby District Council of £8,000 from his discretionary local support fund. The impact of the expenditure as mitigated by the grant was reflecting in the cash flow analysis with the conclusion that subject to forecasts of project costs funds at the end of the financial year would be in the order of £10,000. Cllr Humphrey reflected that such groundwork contracts can include standard terms and conditions to provide for the possibility of contingencies to be included to cover unpredicted inflationary pressure and unexpected engineering problems. Such cost escalation should be recognised and reflected in budgetary management.

**It was resolved** the revised quotation from Sweeting be accepted and Cllr White be approved to formally order the drainage work to be commenced at an agreed time.

- The issue of the increase in the mole population was discussed with confirmation that George Fillingham is licenced to manage & control mole infestation. It was observed that given the current temperature levels and limited rainfall mole volume is presently limited but will not doubt increase in the later part of the year, when culling may be necessary.
- Cllr White commented on the state of soft surfaces in the play areas that is fragmenting and may need attention. It was agreed that any remedial action be postponed until after review of the playground inspectors report.

- The Clerk confirmed that the resident on Blackthorn Close who had communicated with the council had been contacted to advise that the Parish have no issue with the insignificant realignment of the property fencing.
- The Clerk confirmed that the resident reporting the overgrowth of the hedging by Silver Street had been advised that the issue is now resolved.

11.1.2 **Management of Tree on Lee View:** Councillors discussed the tree growth on the Lee View tree line at the rear of 26 Blackthorn Close. Cllr Humphrey agreed to inspect the offending tree to ascertain the extent of any threat to the property in anticipation of a response to the resident's email.

11.1.3 **Planters:** Cllr Walton reminded Councillors that the planters require regular watering and any assistance that can be provided in supporting the watering regime would be appreciated.

1.1.1 **Verge cutting:** Cllr White commented on the degree of encroachment of undergrowth erupting from Poskitt's Farmers field at the junction of Whitefield Lane and Doncaster Road. Cllr White undertook to communicate with the land managers of Poskitt's requesting they take action on the overgrowth.

## 2. A19 Safety:

2.1. **Speeding on A19:** Cllr White explained he is unable to extract data from the VAS system which issue has been reported pending an engineer attending to resolve the problem. Cllr White reported on his attendance at a public meeting that was originally planned to be hosted by Zoe Metcalfe, the Police and Crime Commissioner. The session was however, hosted by police superintendent Emma Aldred as Zoe Metcalfe was unable to attend. The superintendent was interrogated about action to investigate and manage speeding, who responded that matters were in hand.

## 3. A.O.B.

- Cllr Humphrey suggested that AGAR reports and supporting information for 2021/22 be submitted by the Clerk to expedite publishing on the Whitley Parish website.
- Cllr Humphrey commented on the interview on Look North of landlords of the George and Dragon.
- Cllr Humphrey commented on emails from certain residents suggesting that the Parish Council could be more accessible and open to the community and speculated on approaches that could be adopted to improve engagement such as sessions in the pub launched as "meet the council" events. The notion of holding a special public meeting prior to budget determination to receive input and comments on future expectations and services requested by the community.
- Cllr White undertook to communicate with managers of the Mushroom farm to pursue issues raised by a resident concerning the movement of HGV movements in and out of the farm and litter on Gravel Hill Lane.

- Cllr White picked up on suggestions made by residents of the village. The organisation of a meet the councillors' events, dissatisfaction of the state of planters in the village and ideas that the village should be provisioned with hanging baskets, the quality of verge cutting, and the inadequacy of the mowing equipment used.
- Cllr White reported that the Church continues to reject the notion of any refund of contributions made by the Parish Council to the Church fencing.
- Cllr White reported that the agreement with the Allotment Association is due for renewal this year. Terms and provisions that need to be resolved may include the amount of the rental. It was agreed that the agreement would be reviewed by the Council at the next meeting in September.

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

**4.1. Next Parish Council Meeting:** Tuesday 20<sup>th</sup> September 2022 at 7pm at Whitley & Eggborough Primary School.

**5. Closure of meeting:** 8:35 pm