

Whitley Parish Council

1. The meeting was opened at 7.00 pm by the Chairman Cllr Humphrey.
2. **Open Public Forum(OPF) 24th November 2020**
 - 2.1. With the exception of Selby District and North Yorkshire County (SD&NYC) Councillor J McCartney there were no members of the public present. Cllr Humphrey in closing the public forum invited SD&NYC Cllr McCartney to make contributions to the Parish Council meeting as agenda items were discussed.
 - 2.2. The Chair closed the public forum.

Minutes of the Whitley Parish Council Virtual Online Meeting held on 24th November 2020 - 06/20

3. **Present:** Cllr Humphrey, Cllr Walton, Cllr Cole, Cllr Blackburn (via telephone) Cllr White, Cllr Broadbent, Cllr Woodhead and Clerk to the Council J Hunter, Selby District and North Yorkshire County (SD&NYC) Cllr McCartney.
4. **Apologies for absence:**
 - 4.1. All Councillors were present via video link with Cllr Blackburn connecting via the phone.
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 held on 20th October 2020 adjourned and reconvened on 27th October 2020:**
 - 6.1. The Council reviewed that the minutes of the Whitley Parish Council meeting held on 20th October 2020 adjourned and reconvened on 27th October 2020. Cllr White reminded the Clerk that agenda items referred to in previous minutes as Saver Streets should be Safter Streets, and the height of trees should be 1 metre not 100 metres. The date of the next council meeting reported in item 14 as 16th January 2021 should be 24th November 2020. Subject to the appropriate amendments the minutes are a true record and accordingly were approved for signature by the Chair Cllr Humphrey.

Action: Clerk to deliver a copy duly amended of the minutes for signature by Cllr Humphrey.
7. **Opening matters for information and action as required:**
 - 7.1. **Gale Common Extraction Proposal:** Cllr Woodhead informed the Council that following the granting of approval emails have been exchanged between members of the Gale Common Action Group and chair of local Parish Councils. An online video conference meeting has been arranged for 25th November to be hosted by the Chair of Cridling Stubbs Parish Council. This has been convened to consider actions that can be taken to appeal the decision. It is apparent that the only legal course of action would be Judicial Review. It is worth noting the exercise of which action could be potentially at substantial cost. There has

been some communication with the planning specialist, engaged by a resident of Heck Parish, who had made a representation during the Planning Committee Meeting seeking initial opinions on the feasibility of Parish Councils launching a credible objection to the approval. Reporters from BBC Look North have been in touch with Cllr Woodhead as a representative of the Parish Council and as a member of the community action group requesting an interview that is to be broadcast at some point in the future yet to be advised; this interview will be conducted on 30th November 2020.

Cllr Humphrey invited SD&NYC Cllr McCartney to comment on the conduct and decision of the planning meeting. Cllr McCartney shared his views and observations. Over 130 individuals watched the live stream of the meeting and since then over 200 have viewed the recording. There were 10 members of the planning committee present of a total of 11 possible members. Cllr McCartney speculated that both the nature of the planning officers report and the way in which the meeting was handled were defective and there was sufficient grounds to make application for a Judicial Review. The process to initiate such a Review would be first to draft a critique of the meeting and the planning officers report. This would form the basis of a formal complaint to the Chief Executive of North Yorkshire County Council. At the same time a barrister should be approached to give an opinion on the merits of the case and its chances of success. In the event of a decision to proceed during the first stage it is normal that both sides would agree to cover their own expenses. Cllr McCartney made several observations on the way issues raised and questions directed at the planning officer were summarily handled demonstrated failures in the conduct of the meeting.

Cllr Humphrey invited the Councillors to consider the future actions from the perspective of Whitley Parish and the position that the Parish Council should take in discharging its responsibility to the residents of the village. Cllr Woodhead suggested that as a minimum a formal complaint to the North Yorkshire County Council Chief Executive would be required however any further decisions required by the Council would be better guided by information emerging following the Action meeting to be held on 25th November. This meeting is anticipated to involve 15 representatives from the local Parishes including Cllr Woodhead and Cllr Broadbent on behalf of Whitley Parish.

Cllr White thanked SD&NYC Cllr McCartney for all his efforts prior and during the planning meeting to champion the concerns and objections of the Whitley community. He observed that it was disappointing that a critical issue of such gravity should be decided by exercise of the casting vote by the Chair of the Committee. He expressed the view that given the impact on the community the more appropriate action following a split vote would be deferment of the decision pending further investigation. Cllr White sought clarification of the nature of the complaint to be lodged summarising items to be included as the use of the casting vote by the Chair and the behaviour of the planning officer and questioned if the complaint should come from Whitley Parish Council. Cllr Woodhead explained that all these items would be discussed in the meeting of the 25th Nov 2020, but the intention would be that a collective complaint would be delivered as a joint group of Parish Councils.

Cllr Woodhead pointed out that it is important to note that such a complaint to support the campaign for Judicial Review must produce valid grounds evidencing the legal shortfall in the conduct of the planning process. To that end the specialist planning officer engaged by the resident of Heck village from Cunnane Planning was being consulted to offer his views on the options. Cunnane is a well-respected and a recognised Planning Consultancy that has some considerable experience in cases presented for Judicial Review. The planning consultant from Cunnane having made representation at the planning meeting is able to provide insight into the weakness in the position taken by the committee's planning officer.

SD&NYC Cllr McCartney stressed that a Judicial Review will not address the final decision but will investigate the legality of the process to establish if the conduct of the planning meeting was executed properly according to the law and that no one was misled. He suggested that there were several instances during the meeting that demonstrated failure in the compliance with legal requirements.

SD&NY Cllr McCartney advised that any complaint and subsequent action must be completed within 6 weeks of the issue of the decision notice. In addition, the application proposes a section 106 legally binding agreement, and it would be advantageous if the collective Parish Councils request North Yorkshire County Council refer this agreement back to planning committee for permission rather than being left to the planning officers to finalise.

Cllr Humphrey sought clarification from the Whitley Parish Councillors as to whether the Council agrees it is unhappy with the grant of planning approval and whether the Council are willing to make contribution to the cost of investigating and if viable pursuing legal action.

Cllr White expressed some concern in committing to a course of action that may involve considerable expenditure without any quantification of the costs. Whilst agreeing with pursuit of the challenge to the planning committee's action it appears that the council are not yet in a position to make a decision as to the amount that the Parish can agree to contribute in the absence of appropriate costings. Given that sums in the order of £50,000 have been quoted the campaign could be expensive shared amongst the interested Parishes. SD&NYC Cllr McCartney advised that based on information he has received that costs in the order of £10,000 would be the likely level but the expenditure commitment that would initially be required is the cost of obtaining expert opinion as to the merit of the case.

Cllr White suggested that following the meeting on the 25th Nov an extraordinary meeting of Whitley Parish Council be convened to consider what further action is recommended.

Cllr Humphrey requested that Cllr Broadbent and Cllr Woodhead during the meeting of the 25th Nov establish an understanding the magnitude of the contributions to the cost of the campaign that would be expected from each Parish Council involved in the legal action.

7.2. **Safer Streets Scheme:** The Clerk provided an update advising that 28% of Whitley Residents have now registered with the Scheme. On online session is scheduled for the 2nd December hosted by North Yorkshire Police that will provide a briefing on the current progress of the intervention. Whitley residents should expect home security survey visits in the new year.

7.3. **Road Safety Grant:** Cllr White reported that the Police Commissioners had awarded a grant of £5,000 as a contribution to a pedestrian crossing to be sited in the village along the A19. The next stage will be to approach North Yorkshire Highways to arrange site surveys to establish and agree a suitable location. Possible sites are near Gravel Hill Lane opposite the bus stop, or by the George and Dragon to facilitate pedestrian access to the bus stop at the Northbound side of the A19. The aim is to achieve a crossing that includes a refuge point.

At the current stage of the project there are no clearly defined costs available to consider although online investigations suggest figures ranging from £4,000 to £10,000. The ultimate budget will clearly be critical in assessment of the viability of the installation and the level of financial support the Parish is able to commit.

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

8.1.1. There has been no correspondence received other than from the usual monthly local council update journal that is accessible online.

8.1.2. Cllr White notified Councillors of a public meeting to be held concerning the A19 closure. The details of the open day to be hosted in the village hall from 2.00pm to 7pm had been referenced in a Facebook page. SD&NYC Cllr McCartney advised that it is likely that North Yorkshire County Council would not formally publicise the planning

meeting until announcement of the Tier level into which the area will be placed; Tier 3 would prohibit holding the meeting.

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 no planning applications granted approval for sites or properties within the Whitley Parish during the month.

10. Council Finance & Administration:

10.1. RFO Report as at 24/11/2020:

| Bank/Account | Income since 1st April 2020 | Expenditure since 1st April 2020 | Of which is 106 expenditure | Current Balance | Notes/Comment |
|---------------------------------------|---|--|------------------------------------|-------------------------|-----------------------|
| Santander Deposit | 140.11 | 17,850.00 | Nil | 55,206.20 | Interest paid monthly |
| Santander Current Account (Cash Book) | 25,095.00 | 23,901.92 | 10,261.92 | 3,324.80 | No interest |
| Total Bank Balances | | | | <u>58,531.00</u> | |
| Less following funds: | | | | | |
| Protected 106 funds | | 3 x Play areas/ROS and the Tree Lines. | | 37,993.58 | |
| Other protected funds | | Defibrillator fund | | <u>69.60</u> | |
| Total Protected funds | | | | 38,063.18 | |
| 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. | | 20,467.82 | |
| VAT due for reclaim | | | | 3,828.02 | |
| Total Unprotected Funds | | | | <u>24,295.84</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 to 24th November 2020. In addition, the clerk presented details of the Parish Balance Sheet showing the value off capital assets held in the Parish and its total financial resources. The Clerk advised the Council that following recent changes in interest rates now being offered by Santander on the Councils Deposit account monthly interest earnings will fall from an average of £36.00 to 60pence per month.

The Clerk advised that a VAT return reclaiming £3,828 has been submitted to HM Revenue and Customs.

The Clerk presented details of forecast expenditure for the remainder of the year and summarised the projected financial position of the Council funds at the end of the financial year 2020/21. He referred to the anticipated balance of funds that is likely to be available to the Parish going forward into 2021/22 to support the Council budgetary plans that will inform their decision concerning the value of the Precept for which the Council must make application in January 2021. To that end the Clerk suggested that Councillors consider their ambitions for projects they may wish to support for the benefit of the community that are to be included in formulating the budget plan for the year to March 2022.

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

| Cheque No. | Payable to: | Amount: £ |
|-------------------|---|------------------|
| Transfer | Yorkshire Local Council Association – Training course | 22.50 |
| Transfer | Yorkshire Local Council Association – Training course | 22.50 |

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 | 150.00 |
| | | |
| | | |

Due to bank error two payments approved in September meeting were paid twice; Brian Slater £765.00 and George Fillingham £660.00 both payments errors were corrected, and the sums repaid into the bank accounts.

10.4. 2021/22 Budget Precept: The Clerk tabled a detailed budget statement highlighting the basic year on year routine levels of expenditure to which the Parish Council is subject that include such items as Clerks Salary, Donations, Verge maintenance, subscriptions, IT and training. Based on basic historic expenditure, costs are in the order of £8,000 per annum. In addition, the Council may wish to budget for certain capital projects in line with its various proposals that have been presented for consideration, such as VAS signs, Christmas Lights, Road Safety. All this expenditure would be resourced from either its income derived from its Precept, Allotment Rentals or deposit interest or out of the balance remaining within its reserves.

The Council also have at their disposal a separate reserve fund financed from the balance of Section 106 monies that were awarded some several years ago to meet the costs of the maintenance and ongoing development of the Daffodil Park and the Play Areas. The routine regular maintenance expenditure of which amounts to just short of £7,000 per annum. The balance remaining of these S106 reserves will stand at £37,000 at the end of the current financial year.

The Council discussed its approach to the determination of the Precept for 2021/22. Cllr Humphrey suggested the question for the Council in setting the Precept is whether given the current level of reserves it is appropriate to consider reduction in precept that will limit its ability to commit to capital or exceptional expenditure for the benefit the community. Cllr Woodhead questioned whether the Council would wish to limit its activities to the basic maintenance of the village or to take a more proactive approach in the improvement of resources available to Parish. He observed that the present level of Precept only covers the basic Parish management costs. In the longer term these overheads will increase once the s106 monies are exhausted and Park maintenance costs must then be covered by the Precept. The Council need to consider its ambitions for improvement and development within the Parish in setting the requirement for the Precept.

The Council debated whether the level of precept should be set, with due consideration of the aggregate overhead that the Parish will bear at some point in the future once the restricted s106 reserves have been spent.

Cllr Humphrey reminded the Council there are only two sources of funding available to the Parish, precept or borrowing. The latter is quite within the legal authority of any Council and is general used to fund substantive capital expenditure the ultimate repayment of which over time would be funded from an increase in Precept collections. The maintenance of a healthy financial reserve has been a key in the success of Whitley Parish throughout its history. Consideration of the future expenditure as and when s106 reserves are depleted is arguably a decision for the future at which point choices will be faced, informed by public opinion as to whether the open spaces continue to be maintained from Precept or whether they are abandoned.

Cllr White recognised that the fundamental issue for the Council is that the current level of Precept is below the sum necessary to maintain the basic services in the Parish. Thanks to the prudent management of resources the Parish Council have shielded its residents from the full impact of the costs with their effective use of restricted funds. Given the longer-term upward pressures on costs it imposes on the Council a responsibility to carefully consider its investment ambitions for improvement projects.

The Council debated the amount of the precept that will be required for 2021/2022 and considered the merits of increasing the sum. Arguments were presented suggesting that given the anticipated cost of park maintenance that the Parish will bear in the future a rise in precept is warranted to meet the true ongoing overheads of the Council. This was countered with the point that these cost pressures will not arise in the next financial year and therefore any additional precept will serve to increase Parish reserves. At the point that the s106 reserves were insufficient to meet the park maintenance costs residents could be approached with the option of accepting an increase in precept or the abandonment of the park and playground facilities. Cllr Humphrey raise the issue of the moral and legal imperative on Councillors to ensure that reserves are maintained at a level commensurate with the present needs of the Parish.

Proposed: Cllr White that the precept should remain at the current level of £9,000. Seconded by Cllr Humphrey. Rejected.

Proposed: Cllr Blackburn proposed that the precept should be raised in line with inflation. Seconded Cllr Cole. Proposal carried with a majority of 4 for 3 against.

Action: Precept to be set a £9,000 plus current rate inflation to be determined.

11. Recreational Open Space in Whitley:

11.1. Parks and Verges:

11.1.1. **Parks & Playground Maintenance:** Cllr White tabled a quote for the replacement of old damaged fencing to the Play Area in Daffodil Park for £290.00 received from a fencing contractor who is resident in the village. It is a pressure treated wood that will be long lasting.

Proposed: Cllr White the acceptance of the quote for the replacement of the fencing. Seconded Cllr Humphrey. Carried unanimously.

Cllr White suggested that he would approach the drainage company that undertook the major work in the surrounding fields to offer their opinion on the extent of the waterlogging in Daffodil Park to establish the source and reason for the problem.

The Clerk summarised the options in the management of the mole infestation in the park. Pellets priced at a cost of £70 per tub of 200 could be inserted in the mole runs or alternatively mole traps priced at £7.00 each could be laid. Pellets must be deployed by a licenced contractor.

Action: The Clerk to obtain a quote from George Fillingham for the management of the moles in the village.

11.1.2. **Park improvement additional play equipment:** Cllr White referred to an email circulated to all Councillors enclosing a copy of a second comparative quote from HAGs that was more than the first contractor. Cllr White also advised the meeting that he had made enquires with Hensall Parish Council to establish their experience in sourcing grant funding who informed him that the National Lottery Fund had covered all of the cost.

11.1.3. **Management of Tress on Daffodil Park and Lee View:** The Clerk updated the Council on the arrangements for the trimming of the hedges by George Fillingham in Daffodil Park and Lee View. The work has not yet been completed; the contractor has indicated that this would be carried out in the next few weeks. This work would include the management of trees encroaching on the properties of resident adjacent to the Park areas

11.1.4. **Litter bins:** The Clerk advised the meeting that the order for the Litter Bin has been place with Selby District Council.

11.1.5. **Verge cutting:** The Clerk advised the meeting that verge cutting has now been completed for the season. Cllr White remarked on the grass in Daffodil Park following the last cut. Given that at the time of the cut the ground was somewhat waterlogged the condition of the grass was left in a poor state, although he recognised this would recover over time.

Cllr Cole expressed the Councils thanks to Cllr White for his efforts in the tidying the memorial garden prior to the Remembrance Service.

12. A19 Safety:

- 12.1. Purchase of additional Vehicle Activated Signs (VAS):** It was noted that the sign has been installed and is working satisfactorily. Cllr White referred to previous conversations concerning the availability of an add on to the kit that can collect data about the number and speed of vehicles passing the sign at any time during the day. The basic cost of the module would be £300.00. It is important to note that North Yorkshire Police do not formally recognise the information provided by such equipment. Cllr Woodhead observed that although the data may have no legal status it does provide concrete information about the speed of vehicles through the village. Cllr Broadbent suggested that the data could be used to provide a report that will analyse the actual vehicle movement in the village that will substantiate the actual transit of vehicles through the village.

Cllr Humphrey questioned whether vehicle data could be collected whether the flashing sign was off or on. If so, some interesting statistics could be collected on the efficacy of the sign in modifying driver behaviour.

Proposed: Cllr White proposed that the equipment be purchased. Seconded by Cllr Cole. Carried unanimously.

Cllr White suggested that the acquisition of a second vehicle activated sign be deferred until the impact of the first sign could be assessed. Cllr Woodhead also, pointed out that the Gale Common approval placed up the operators a requirement to install speed cameras within the village to monitor traffic speed.

13. A.O.B.

- 13.1.** Cllr Broadbent raised details of complaints he has received from some residents on the illegal parking of vehicles on the grass verge by Whitefield Lane Bungalows. It seems that a relative of one of the residents in the bungalows has a habit of parking on the grass by the bench.
- Action:** Cllr Broadbent to raise the issue with Selby District Council who own the land and request that they take some preventative action to prohibit parking on the grass.
- 13.2.** Cllr White sought clarification on any routine maintenance that is required to the Defibrillator.
- Action:** Clerk to establish the state of the equipment and replace as necessary.
- 13.3.** Cllr White noted that the public pathway to Heck has now been officially opened.
- 13.4.** Cllr White asked whether the lights were now working on Whitefield Lane. The Clerk advised that notice of the fault had been lodged with Highways who confirmed that action would be taken.
- 13.5.** Cllr Broadbent informed the Council that the Church Commissioners had approved the closure of the Church. A public closing ceremony will be conducted on 6th December 2020.
- 13.6.** Cllr Woodhead suggested that following the Gale Common action meeting on 25th November he would report back to the Councillors with the object of agreeing a date for an Extraordinary meeting of the Council to discuss next steps.

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

14.1. Next Parish Council Meeting: Tuesday 12th January 2021 at 7pm via “Zoom” video conference.

15. Closure of meeting: 9:14 pm