

Whitley Parish Council

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

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

2.1. The residents from Lee View following discussion at the previous Parish Council meeting in October presented details of the line of hedges for planting at the edge of the segment of land at the corner of the Lee View playing field. It is anticipated the section would be planted with 10 shrubs sufficient to serve as a barrier against footballs being kicked onto the road from the perimeter of the playing field.

Councillors debated possible issues or concerns that neighbours in Lee View may have with the planting and suggested that householders in the immediate area be canvassed to seek their comments and opinions on the proposal.

The problem on the ongoing maintenance of the hedges as they become established was discussed with a undertaking from the residents that they would take on the responsibility for cutting the hedges.

Action: The residents agreed to canvas their neighbours and report back to the Parish Council with the results at the next meeting of the Council in January 2023.

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 Nov 2022 at Whitley & Eggborough Primary School Annex Buidling – 07/23

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

4. **Apologies for absence:**

4.1. All councillors were present at the meeting.

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. Cllr White is treasurer of the Allotment Association and a plot holder.

5.2. There were no other interests registered.

6. **Minutes of the Whitley Parish Council Meeting held on 18th Oct 2022:**

6.1. Amendments to the draft minutes were agreed, it is important to note the Christmas Tree continues to grow and the lights will be displayed to mark the season.

Action: The Clerk to amend the minutes as agreed above and deliver a copy for signature by the Chair.

7. Matters for information and action as required:

7.1. Gale Common: Councillors discussed the circumstances leading to the grant of appeal at the High Court of Justice in London and the exposure of the Parish Council to a Protective Cost Order (PCO) at a level above that which was anticipated and required by Councillors. The Clerk and Cllr Humphrey summarised the history of the exchange and communication with our legal team, both barrister and solicitor charting the instructions and guidance offered:

- a. In February following the result of the appeal heard by the High Court in Leeds during an online meeting the option to appeal this decision to the High Court in London was outlined with the offer by our legal team to conduct the appeal on our behalf under the terms of a Conditional Fee Arrangement.
- b. In preparation and pursuit of this appeal in various email exchanges the Parish Council clearly set out the fact that it could only go ahead on the basis of the limitation of a PCO to a maximum of £5,000. It was made clear on several occasions that Whitley Parish Council did not have the financial resources to bear any further legal costs and that it would need to secure a donor to cover the cost of the PCO to proceed with the appeal.
- c. A witness statement was prepared clearly setting out the financial situation of the Council and the specific conditions set i.e. maximum PCO of £5,000 and the sourcing of a donor to guarantee the potential liability of the PCO.
- d. Following the grant of appeal from the High Court in London with the determination of a PCO of £10,000 the Parish Council advised our legal team that it was unable to proceed and would wish to withdraw from the case.
- e. The response / advice from our legal team was to appeal the High Court decision and request that they reconsider the value of the PCO and the grounds that given limited financial resources the Parish would be prohibited from access to justice.
- f. Councillors resolved to proceed on the basis of the originally stipulated conditions; PCO £5000 and donor. A further witness statement consistent with these requirements was finalised and lodged in May & June. Culminating with approval from the High Court to proceed with PCO of £6,000.
- g. Given that this PCO was above the maximum and in the absence of a donor the Parish Council advised our legal team that we would withdraw, following which we were advised that notwithstanding we would be subject to the PCO liability.

The Councillors discussed the way forward given the legal implications. Although, frustrated given the nature of the communication from our legal team and lack of full disclosure of it was agreed that the Council should progress the appeal to its conclusion. It was noted that the High Court Hearing was to be scheduled for 22nd and or 23rd November accessible via online stream. The case was to be considered by three High Court Judges with an unspecified date for the delivery of their decision on the appeal.

Cllr Humphrey advised that the recent Crowd Funding appeal had generated a limited response with £330 being collected to date. Given the conditions set under the terms of the crown funding scheme unless contributions rise above £1,000 the sum collected would be forfeit.

Action: Clerk to continue liaison with the legal team and obtain details of the actual dates of the hearing and the access link to the streaming service to be shared with all Councillors.

7.2. **Allotment Association:** Cllr White reminded Councillors of the points discussed during last months Parish Council Meeting concerning the renewal of the agreement between the Allotment Association and the Parish Council and held over for decision at a meeting with a full complement of Councillors.

1. The amount of the annual rental for the next term of three years.
2. The inclusion of a clause the agreement confirming that the Parish Council's insurance policy covers risks to the land and public within Allotment Land.
3. Registration of the land with the local authority by the Allotment Association as an Asset of Community Interest thereby giving the Allotment Association the option to purchase the land if the Parish Council at any point in the future choose to sell.

The value of the rental for the next three years was discussed with a proposal that this be set at £360 for discussion by the Allotment Committee. Subject to approval the rental agreement will be redrafted and presented to the Parish Council at the next meeting in January 2023.

Action: Cllr White to present details of the revised rental to the officers of the Allotment Association.

7.3. **Charitable Donations:** Councillors considered the amount of charitable donations to be offered and agreed the following sums and beneficiaries:

Kellington & Whitley PCC - £100.00

Citizens Advice Bureau Hamilton and Richmond - £300

Selby District Vision - £ 100

Selby District Council Chairman's Christmas Appeal - £150

This is in addition to the s137 contribution the Parish Council will make to the Christmas Parcel for the over 80's set at £25 per beneficiary.

7.4. **S106 monies:** The Clerk advised the Councillors that the interest of Whitley Parish in s106 monies arising from the development in Larth Close and Rosslyn has been lodged with the Elizabeth Maw, the Senior Planning Officer for Selby District Council.

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

8.1. Emails and postage.

8.1.1 Clerk presented the following details of emails or correspondence by mail relevant to the affairs of Whitley Parish Council:

- a. an email providing notification of a road closure from 28th November for three weeks of Low Eggborough Canal Bridge Road.
- b. an email from North Yorkshire Police inviting contributions to a satisfaction survey about the level of police response and service within the community.
- c. an email advising of a planning application to North Yorkshire County covering the build of a fence at the perimeter of the Whitley & Eggborough Community Primary School.

8.2. Social Media

8.2.1 Comments expressing concerns about the speed of traffic passing through the village.

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. **2022/1109/HPA** 23 Gravel Hill Lane Whitley, installation of air source heat pump. Noted no comments

9.2. **2022/1203/HPA** 1 Firs Court Garden, Doncaster Road, erection of single storey side extension for workshop and gym for use in association with existing sports massage and therapy business. Noted no comments.

10. Council Finance & Administration:

10.1. RFO Report as at 15/11/2022:

Bank/Account	Income since 1st April 2022	Expenditure since 1st April 2022	Current Balance	Notes/Comment
Santander Deposit	6.80		15,219.29	Interest paid monthly
Santander Current Account (Cash Book)	20,067.00	9,935.29	23,961.28	No interest
Total Bank Balances			39,180.57	
Less following funds:				
Allocated Funds		Surplus from Crossing Drainage Daffodil Field	1,798.71 8,000.00	
Total Allocated funds			9,798.71	
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.	29,381.86	
VAT due for reclaim			634.05	
Total Unallocated Parish Funds			30,015.91	

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 Nov 2022. Income to date was £15,275 including the second tranche of the parish precept of £4,500. This compares with expenditure of £19,301 that includes the provision for the cost of the pedestrian crossing at £3,201 and settlement of the Gale Common protective cost order of £10,000. The net deficit is £4,026

The Clerk also, presented a cash flow summary analysing month by month the actual receipts and payments up to November with a forecast of income and expenditure for the

reminder of the year to March 2023. The forecast cash flows included the cost of the installation of the drainage in Daffodil field incorporating a contingency for cost escalation of £1,100. The amount of this expenditure is mitigated by the receipt of grant of £8,000 from Selby District Council as a contribution to the project.

The cash flow projection also included settlement of any Protective Cost Order that may arise following the conclusion of the Gale Common Appeal Hearing. In addition, provision needs to be made for the cost of the relocation of the parish notice board from All Saints to the George and Dragon at a budget of £250. The consequent balance of funds forecast to be carried over into the new year was £7,306.69.

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

Cheque No.	Payable to:	Amount: £
22525	George Fillingham	1,848.00
22526	Whitley 7 Eggborough CP School	97.50
22521	Vision ICT	288.30
22522	John Hunter – Clerk salary quarter to Sept 2022	494.30
22523	HMRC – Clerk salary quarter to Sept 2022	123.60

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: £

10.5. Precept for 2023/24:

The Clerk presented forecasted cash flows based on current levels of anticipated expenditure for the forthcoming year as a guide for the determination of the precept requirement for 2023/24. Councillors engaged in discussion about the options and alternatives in the proactive management of the financial requirements for the next year.

It was recognised that the Parish is subject to increased pressure on resources largely due to the depletion of cash reserves in the prosecution of the Gale Common Legal Case. The option of an immediate increase in precept to cover the routine budget requirements was tempered against the consequent impact of a significant rise in precept given the cost of living pressures upon residents. It was acknowledged that although an increment in precept may be necessary this could be mitigated with a detailed and critical examination of overheads with savings being targeted to bring expenditure levels down to the minimum commensurate with the needs of the community and the level of contingency reserves that are needed to cover future risks.

Action: Parish Councils to reflect upon potential savings and review expenditures in the Parish Council meeting in January 2023.

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 undertook to liaise with the hedge contractor to request the cutting of the hedge on the front perimeter of Daffodil Park.
- Cllr White commented on the vandalism to the memorial bench erected to commemorate the Police Officer death in line of duty. It was considered important that the crime is reported directly to North Yorkshire Police with the provision of a crime incident number. **Action:** Crime to be reported and the potential of an insurance claim investigated.

11.1.2 **Management of Moles:** There is currently no mole activity in the verges or Daffodil Park the issue will be reviewed in the Spring.

11.1.3 **Community Payback:** Cllr White advised that the Community Payback team will be in attendance later in November. He anticipated that future work will be undertaken by the team and sought assistance from Parish Councillors to share the responsibility to act as point of contact for the visits of the community payback work group. This role would require liaison with the team supervisor during their presence in Whitley.

12. A19 Safety:

12.1. **Speeding on A19:** Cllr White reported that the problem with the extraction of data from the sign has been rectified. The office of the North Yorkshire Police Commissioner has confirmed that the Parish Council are permitted to keep the balance of the grant paid to cover the cost of the pedestrian refuge. This is on the condition that the surplus is invested in other road safety initiatives. Cllr Humphrey suggested that enquiries could be made whether the surplus could be used to cover the cost in retrospective of our existing VAS.

Action: Cllr White to question the Police Commissioners Office about such retrospective claim.

13. A.O.B.

13.1. Cllr Blackburn suggested that consideration be made to the organisation of a Halloween Event for 2023.

13.2. Cllr White advised the Tunstall have offered to cover the cost of printing a Christmas News Letter that could cover subjects such as Gale Common, Bus Service Provision, Church Services etc.

13.3. Cllr White speculated that given the state of the Parish Council finances the painting of the Blackthorn Close playground may be cancelled.

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

Next Parish Council Meeting: Tuesday 17th January 2023 at 7pm at Whitley & Eggborough Primary School.

Closure of meeting: 9:35 pm