

Minutes of a Meeting of Middleham Town Council held in Middleham Key Centre on Wednesday, 26 September 2018 at 7.00 pm. (SUBJECT TO APPROVAL AT NEXT COUNCIL MEETING)

Present

The Chairman Cllr Mrs S Fairhurst, Cllr Mrs H Byford, Cllr Mr M Cade, Cllr D Slay, Cllr Mr J Kirkbride, Cllr Mrs L Stocker, Cllr Mr S Wheeler.

Mr S Scott of Scotts Wright, PCSO D Watson of North Yorkshire Police

Clerk, Mr D Keep

Members of the public present as shown on the attached attendance sheet.

Action

1. Open Forum.

The Chairman reminded those present that public participation was permitted at the start of a meeting only and was limited to 15 minutes. Questions or statements would be restricted to items on the agenda and any matters not on the agenda should have been raised in advance.

Mrs Thompson requested a sum of up to £50 to purchase compost and plants for the flower beds, which was approved.

TC

Cllr Byford confirmed that the remaining banners from the Tour de Yorkshire event would be taken down by the month end.

The meeting received a presentation from Mr and Mrs Curran, trustees of The Paul Curran Celebration Trust.

A brief update on current policing matters and recent incidents was received from PCSO Watson, highlighting that significant progress had been made with random drug testing within the racing industry with the involvement of trainers. The recent period had been relatively quiet.

2. Apologies.

An apology had been received from County Cllr Mrs K Sedgwick who was on leave.

3. Declarations of interest regarding items on the agenda.

Cllr Byford was interested in agenda item 7.2.2 as an employee of NYCC's highways team. Cllrs Byford, Kirkbride and Wheeler Cllr Wheeler declared an interest in agenda item 9.3 and 13.2 as members of the MSCWA committee and Cllr Wheeler as an employee of the contractor for proposed works to be undertaken by MSCWA. Cllr Cade and Cllr Wheeler declared interests in 13.2.2 as a governor and parent with a child at Middleham School, respectively. Following receipt of written requests, it was agreed to grant dispensations to Cllrs Cade and Wheeler to speak on matters that they were interested in, but not to vote. Following declarations of interests, a quorum would still be present for discussion of all items. No other interests were declared in matters on the agenda.

4. The Role of Council as Sole Trustee of the Charity. Mr Scott gave a brief summary of the respective roles as Councillors and the Council as sole trustee. He felt

Action

that the guidance notes provided by the Clerk to support their work was satisfactory and that additional formal training was unnecessary as both roles were broadly similar, each requiring Councillors to acting in a fiduciary capacity. He would forward two additional items of relevance. He opined that the governing document, the conveyance of the manorial lands, was somewhat unhelpful insofar as its only direction was that the lands be held for the benefit of inhabitant householders and suggested that it might facilitate the trustee's work if it wrote down what this meant in practice. He did not recommend that the document be redrafted as this would be expensive.

5. Minutes.**5.1 Minutes of the previous council meetings**

IT WAS RESOLVED to accept the minutes of the Council meeting held on 25 July 2018 as a true and accurate records to be signed by the chairman presiding at those meetings.

5.2 The schedule of agreed actions.

5.2.1 Sandbags as emergency flooding measure. It was noted, and appreciated, that RA Wheeler maintained a supply of sand and bags which could be filled at short notice and supplied to at risk properties or vulnerable residents.

5.2.2 Small recycling bin proposal. Council was disappointed at RDC's response. As previously agreed, Cllr Fairhurst would raise at RDC's scrutiny committee.

6. Confidential and Urgent Items. There were no urgent or confidential matters for consideration at the current meeting requiring recording in the confidential minute.

7. Information/Decision Required

7.1 Councillors report of meetings attended and actions undertaken since the previous meeting. Reported elsewhere within these minutes.

7.2 Land Management Issues.

7.2.1 Condition of Roads. Frustration was expressed at the outcome of a recent meeting with Area 1 senior management reported in an email received from County Cllr Sedgwick. Mr Bethell had subsequently written a letter to Mr Marr of Highways. Recent incidents of horses slipping were noted. There was a consensus that a collective approach with trainers be adopted to raise these issues with NYCC, possibly involving the local MP as continuing risk of accidents might have implications for a sustainable racing industry in the area.

7.2.2 Parking Issues

7.2.2.1 Park Lane. Before proceeding with the questionnaire to residents, it was agreed that Cllr Fairhurst should ascertain the likelihood that RDC would agree to proposals to cover grassed areas for additional parking. She and Cllr Wheeler would also look into whether a yellow line parking restriction along one side of Park Lane would improve access.

7.2.2.2 Parking Outside Manor House. A meeting requested by the executors for Manor House would take place the following day attended by Cllrs Fairhurst and Byford. It was noted that J G Hills had agreed to amend its website particulars and insert an addendum within the property's brochure removing reference to the right to park on Council land.

7.2.2.3 Parking on Busks. It was noted that parking on the Busks adjacent to houses on Leyburn Road had resumed and the Clerk would look into this.

7.2.3 Ownership and maintenance of unregistered land near the Springs. It was agreed to seek advice on possible registration of this land by Council. The suggested

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**Cllr Fairhurst
Cllr Fairhurst /
Cllr Wheeler**

Clerk

Clerk

Action

wording of an email to a neighbouring householder in response to various matters was approved.

7.2.4 Sheep worrying. PCSO Osborn had reported that this had been a particularly bad year. A number of warning posters had been provided by the Police and it was agreed that these could be circulated to B&B owners in the Town.

Clerk

7.2.5 Appearance of Town

7.2.5.1 Land adjacent to Middleham Motors. The continuing untidy condition was noted. Mr Hopper, a resident present, was thanked for agreeing to undertake a monthly cut of vegetation using equipment owned by MSCWA.

7.2.5.2 Correspondence received from residents. Various items of correspondence and issues raised were noted. Whilst one complaint related to part of the cobbled area that did not belong to the town, it was agreed that a letter be written to a householder requesting that it be tidied.

Clerk

7.2.6 Land near Key Centre. A summary of discussions between the Town's former Mayor with the now deceased owner regarding possible transfer to the Council had been circulated. It was agreed that this matter could be discussed at the planned meeting with executors. It was noted however that the land was possibly of little practical use for additional car parking and, being liable to flooding, might give rise to liabilities if there was significant water run-off.

**Cllr Fairhurst /
Cllr Byford**

8. Review of Health & Safety matters (standing item). Cllr Fairhurst reported that RDC had supplied an additional and larger waste bin and instructed operatives to collect all items left out, even where not placed in the bin, which appeared to have improved matters. It would however remain under review.

9. Project Updates:

9.1.1 Option agreement over land on Leyburn Road. It was noted that Mr Scott had reported that progress had stalled and that the other side had declined an all-party meeting to progress matters. The planning application had still not been determined. He had recommended that Council should assume that the deal would not be concluded at the current time which was less of an issue for Council than the other side who would need the option to progress its plans. He was asked to confirm that the Council's adviser's costs would be covered if the option was not agreed.

Clerk

Frustration was expressed at the lack of certainty as it would delay planning improvements in the town that would be funded by a developer.

9.1.2 Burial Ground. Cllr Slay reported upon his discussions with the hydrogeologist as summarised in his report to Councillors. His recommendations that future abortive drilling costs be avoided by commissioning a detailed specification was noted. He did not however consider that it would be necessary for the hydrogeologist to be present to oversee boring, other than to advise whether a second bore hole would be required.

Following discussion **IT WAS RESOLVED TO**

9.1.2.1 **Approve £600 to commission a drilling specification from Hydrogeological Solutions**

Clerk

9.1.2.2 **Approve up to £3,000 for up to 2 bore holes**

Clerk

It was agreed that a detailed budget with known costs be submitted to the next meeting.

Clerk

9.1.3 MSCWA

9.1.3.1 The outcome of the AGM approving the revised constitution was noted and a brief financial and maintenance update received. Discussions were taking place regarding potential to hold a Bonfire around Nov 5th.

Action**10. Events in Middleham (standing item)**

10.1.1 Richard III Festival. Cllr Byford on behalf of the organising committee reported that the final accounts showed a loss for the 2018 event of £900 but an overall accumulated surplus remained of £1131. Feedback and review of the most recent event had identified how individual events and attractions had fared; there was concern that it had become over-reliant upon a small group of volunteers and additional support from the business community, particularly the hospitality trade, as well as from the RIII Society was required to support future events. Final conclusions from the review would be considered at a future Council meeting.

Cllr Byford

10.1.2 Tour de Yorkshire. A copy of the report submitted by organisers to RDC was received and the previously agreed contribution of £250 was approved

11. General Business

11.1.1 Council Priorities and Workload Planning. It was agreed to adopt the schedule of priorities which Cllr Fairhurst and Cllr Byford would review on an ongoing basis with the Clerk.

**Cllr Fairhurst /
Cllr Byford**

11.1.2 Secure email addresses for Councillors: It was agreed that the additional costs of moving to gov.uk email addresses for Council and Councillors was unjustified. It was agreed however that each Councillor should have his/her own email address which only they would access and that highly sensitive documents could be posted to a secure area of Cloud storage that Cllr Slay was looking to set up for the Clerk.

**All
Clerk / Cllr Slay**

11.1.3 Website disclosures. A number of draft documents prepared by the Clerk to broaden the content of the website were approved for posting.

Cllr Stocker

11.1.4 Middleham Key Centre: It was noted that several of the trustees intended to retire. Cllr Fairhurst and Cllr Byford had met with the Trustee board which had agreed to review their current method of operating and agree what was a realistic expectation of time commitments where individual trustees also carried out functions as volunteers. Cllr Byford would support the trustees with this review over next 6 to 8 weeks and report back to Council. In view of impending retirements, suggestions of potential replacements were invited.

Cllr Byford

11.1.5 Grant making policy. A paper from the Clerk setting out the rationale of a formal grant giving policy was received. It was agreed, to instruct the Clerk to draft policies for adoption by both MTC and IH and that levels of funding be agreed each year.

**All
Clerk****12. Planning****12.1 Report of Meeting with Principal Planning Officer of Yorkshire Dales**

National Park. Cllr Fairhurst and Cllr Byford reported that planners were discussing a strategic plan with the operators of Forbidden Corner which would be helpful to all parties when considering future applications. It was noted that the planning inspectorate had upheld the National Park's determination to refuse permission of the tower and a petition was being circulated by Forbidden Corner.

12.2 Planning decision notices received since the last meeting:

12.2.1 Full Planning Permission for Flat Roof Extensions to the Front, Side and Rear Elevations 9 St Alkelda's Road Middleham DL8 4PW 18/00067/FULL GRANTED.

12.3 Planning Applications.

12.3.1 Full planning permission for conversion of barn to form 1 no. local occupancy dwelling/holiday let at Braegill, Agglethorpe DL8 4TN R/60/39. No objections.

Clerk

12.3.2 Planning / Consultation for Application Reference Curlew Cottage, Kirkgate 18/00651/FULL. It was agreed to object to the proposal which involved adding a porch to the front which would not have been an original feature and moreover would be built on common land owned by Council. Council also wished to retain the flower beds which were placed on its land.

Clerk

Action

12.4 Potential Planning Enforcement Issues. Sundial House appeal ref (Ref 16/00609/LBC) / 17/00004/REFLBC Retrospective Appeal Ref: APP/V2723/Y/17/3171483. It was agreed to support the applicants. Council had originally supported the application

Clerk

13. Finance – Information/Decision required

13.1 Cash balances and a draft cashbook as at 31 July and 31 August 2018 had been circulated in advance of the meeting.

13.2 To consider the following items of expenditure:

13.2.1 MSCWA: A request for capital funds to repair buildings and supporting documentation had been received. The building survey indicated that work was urgently required to ensure that the building would be weather-proof through the coming winter, work which MSCWA had insufficient funds for not undertaken under commitments made by volunteers. **IT WAS RESOLVED THAT £2,298.40 (plus VAT = £2758.08) be approved from the Capital Budget towards MSCWA's costs and to recommend and to recommend that the Charity contribute £993 (plus VAT = £1,191.60) towards the roof repair.**

13.2.2 Federation of Middleham VA and Spennithorne CE primary Schools: request for contribution towards costs of asbestos removal at Middleham School. Cllr Cade explained that, as a voluntary aided school and owner of the building, Middleham Primary School was responsible for maintaining its fabric and no funding would be provided by the Local Authority. The Diocese had contributed £10k of which £1k was offset so in practice its net contribution was £9k, leaving a shortfall of £2.5k which would need to be covered by transferring funds from elsewhere within the School's budget. Council noted advice obtained by the Clerk from three sources (SLCC, UYLCA and RDC's legal department) whether the general restriction that local councils shall not pay towards services provided by another local authority was removed by s137 of the Local Government Act 1972. There had not been unanimous agreement however YLCA and RDC concurred that such a payment was possible. It was agreed to accept the majority view. Having noted that s137 (as amended) would only cover "expenditure which in their opinion is in the interests of and will bring direct benefit to their area or any part of it or all or some of its inhabitants" and "must be commensurate with the benefit to the community" it was agreed that this was the case due to the importance the community attached to its School. It was noted that the s137 allowance for the year was £7.86 per persons on the electoral roll for the town (660), totalling £5,187.60. Current known expenditure under this heading was likely to be approximately £1,160 leaving a balance of £4,027.60. To retain a balance for future expenditure it was agreed to contribute the balance of carried forward revenue reserves as agreed by minute 8.5 660/18. Accordingly, with Cllr Cade and Cllr Wheeler abstaining, **IT WAS RESOLVED TO make a contribution of £2,037.00 to Middleham VA Primary Schools in accordance with s137 LGA 1972.**

13.2.3 Donation of £100 to Royal British Legion for Remembrance Day Wreath (under s137 Local Government Act 1972). **IT WAS RESOLVED TO make a donation of £100.00 to Middleham VA Primary Schools in accordance with s137 LGA 1972**

IT WAS RESOLVED to approve the schedule of direct debits and internet bank transfers to approve and ratify all payments since the last Meeting as set out on the payments schedule and to approve Items of Expenditure as submitted to the meeting.

13.3 Higher interest on cash deposits. In view of the better returns currently available than existing cash deposit accounts, it was agreed to consider opening a 30

Clerk

Action

day notice and the Clerk would prepare a proposal.

13.4 Central & Local Government Communications: Documents that have been emailed or circulated to Cllrs since the last meeting.

13.4.1 South Tees Hospitals NHS Foundation Trust - Friarage update

13.4.2 Citizen's Advice Bureau annual report

14. Suggested items for the next agenda.

14.1.1 Review of funding opportunities.

14.1.2 Carry out a risk assessment.

14.1.3 Considering erecting an additional road sign welcoming visitors to childhood home of Richard III and centre of racing industry

14.1.4 Review of lease conditions for grazing tenancies.

14.1.5 Agree deadlines for Middleham Herald

14.1.6 Council to confirm any financial objectives for the year ahead so that budget preparations are easier

Date and time of the next meetings: The next monthly meeting shall be held on Wednesday 31 October 2018.

It was agreed to move meeting date from 30th January 2019 to 23rd January 2019.

There being no further business the Chairman declared the meeting closed at 9.50 pm

Signed.....Date.....