

**Minutes of Kirkbymoorside Town Council    Ordinary Meeting 21 June 2010  
at 7.30pm at Manor Close Community Centre**

**Before the meeting three people addressed the Council as arranged with the Town Clerk:**

- **Mr E Blythe on the Town Shelter on Chisholm's Monument**
- **Mr N Richardson on behalf of the War Memorial Hall Committee on the Town Shelter.**
- **Mr D Turlington on Town Council Spending, Budgets and Precept Increase**

Other members of the public spoke and asked questions, including Mr R Butler on behalf of Kirkbymoorside History Group and Mrs K Robson for residents. The public participation session ended at 7.42pm.

**Present:** Councillors J Coughlan (Chairman), G De Barr, R Coates, J Cossins, M Donald, and L Mudd.

**Also Present:**

21 members of the public, 1 member of the press and the Town Clerk.

**31    Apologies for absence**

Councillors S Brown, M Dickinson and A Gunton.

**32    Minutes**

**Appendices 1 & 2 circulated by email**

The Town Council approved the Minutes of the Annual Town Council Meeting on the 17 May 2010, and the Ordinary Meeting on 17 May 2010 after making an amendment to Minute 29 (ii), page 12 as follows, the words " and the Town Council resolved that the Chairman sign the letter as well as the Town Clerk" were added.

**33    New Councillor**

Members welcomed Councillor R Coates to the Council.

**34 Bus Shelter<sup>1</sup>**

**Appendix 11(file of correspondence)**

This agenda item was brought forward.

Members of the public spoke during parts 'a' and 'b' of this agenda item, including Mr R Butler on behalf of Kirkbymoorside History Group and Mrs K Robson on behalf of residents.

a) The Town Council discussed the proposal for a shelter on Chisholm's Monument and resolved that it was against the proposal.

b) The Town Council discussed how to proceed and resolved to defer a decision to another meeting.

**35    Town Mayor's report on Civic Engagements**

Verbal reports on:

- Visit to Women's Institute
- Armed Forces Day

**36    Town Clerk's report**

**a) Letters, emails and publications lodged in the Town Council Office.**

- Email from resident: Moorsider design, Town Cemetery funding, handling of partially exempt agenda items, information about the Council's plans for the Old library, publication of minutes

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<sup>1</sup> Minute 34, page 11, 21 July 2008; Minute 46, pages 16-17, 20 July 2009; Minute 121, page 48, 21 December 2009; Minutes 135, page 54, 18 January 2010; Minute 155, page 64, 15 February 2010.

- NYMNP: Adoption of Renewable Energy and Housing Supplementary Planning Documents
- YLCA: Coalition in Government. Email.
- Bus Shelter: email from resident, letter from resident
- Russell's Yard: Access to A170 query. Resident's letter 9 June 2010.
- Country Air Spring 2010, Issue 115
- The Playing Field Spring 201.
- Email from resident: Suggestions about management of Manor Vale Woodland
- Email from resident: Query re tender procedure for old library.
- Bus Shelter: Email and 2 letters from residents, Have your say Form, email from Mr E Blythe of Kirkbymoorside Environment Group

**b) The following information/comments/complaints have been verbally received.**

- Cllr De Barr: Children waiting on Hutton-le-Hole road for school bus at Keldholme
- Resident: Comments/complaints about Town Council decision to seek tenders to convert The Old Library.
- Residents (two): Market Place Seats on cobbles, like them where they are.
- Complaint about Hedge cuttings on Old Road. Referred to NYCC and RDC.

**c) In addition**

- Cemetery development: No progress on paths.
- Town Caretaker Post. No more progress.
- Bank Charges on Town Council accounts at HSBC. Discussed at HSBC meeting and new manager would be in touch in January 2010. Some progress.
- Trees in planters: No progress
- Memorial Benches outside Church House: Inspector has approved, awaiting licence from NYCC.
- Inventory of Benches: Completed. Quotations for maintenance sought – Agenda Item. Need to be mapped and properly numbered.
- Streetlight demolished on Howe End (December 09): Replacement Ordered.
- Youth Council: Letters written to Lady Lumley's School and Ryedale School.
- Ash Tree at Manor Vale Woodland in recognition of contribution of Mr Don Smith F.R.E.S. planted April 2010. Commemorative plaque to be approved and ordered.
- Market Place Seats on cobbles: Possible change of position, consultation and costs. No progress.

**d) Meetings/training attended by Town Clerk not noted elsewhere**

- Working With Your Council - Finance

**e) Emails**

As circulated

**37 Development Control**

**a) Appeal Decision by the Planning Inspectorate**

For information only. The appeal is in progress by means of public inquiry.

Ryedale District Council refused the following planning application, and Kirkbymoorside Town Council felt unable to comment as not in possession of all the information<sup>2</sup>.

DOE Appeal Ref: APP/Y2736/A/09/2118496/WF

Appeal Start Date: 19 May 2010

Application No: 10/00161/CLEUD

<sup>2</sup> Minute 173 (d),p73, 15 March 2010

Appellant: Mr S Walker  
Description: Certificate of Lawfulness in respect of the use of land as domestic garden to Highfield House in excess of 10 years  
Location: Land to Rear of Highfield House, Kraig Lane, Keldholme

**b) Planning Decisions received from Ryedale District Council**

Members noted the following 3 Planning Decisions received from Ryedale District Council.

(i)

**Application No:** 10/00464/LBC **Approved**  
**Application Type:** Listed Building Consent  
**Proposal:** Installation of satellite dish to rear side wall  
**Location:** Tontine House 10 Market Place Kirkbymoorside York YO62 6DB  
**Applicant:** Mr Rory Towler

(ii)

**Application No:** 10/00459/HOUSE **Approved**  
**Application Type:** Householder Application  
**Proposal:** Erection of single-storey extension to the north and west elevations  
**Location:** Greencroft Ings Lane Kirkbymoorside York YO62 6DN  
**Applicant:** Mr & Mrs Hemmingfield

(iii)

**Application No:** 10/00332/FUL **Refused**  
**Application Type:** Full Application  
**Proposal:** Erection of a four-bedroom dwelling to include lowering of site levels and formation of parking/turning and amenity areas  
**Location:** Land To South Of 16 Church Street Kirkbymoorside York  
**Applicant:** Mr H Clark

**c) Planning applications received from Ryedale District Council**

The Town Council considered applications (ii) to (v) listed below and had no objections. The first (i) was removed from the agenda as notification of a decision had been received from RDC.

(i)

**Application No:** 10/00487/TPO  
**Application Type:** Tree Preservation Order  
**Proposal:** To crown lift to 8 metres from ground level, shorten or remove sub-laterals over adjacent property and crown clean T1 (horse chestnut) within TPO 326/2010  
**Location:** Bilsdale House Ings Lane Kirkbymoorside York YO62 6DN  
**Applicant:** Mr M Linsgill

(ii)

**Application No:** 10/00519/HOUSE  
**Application Type:** Householder Application  
**Proposal:** Installation of 3no. timber replacement windows to north elevation  
**Location:** 23 High Market Place Kirkbymoorside York YO62 6BG  
**Applicant:** Ms M Roberts

(iii)

**Application No:** 10/00465/TPO  
**Application Type:** Householder Application  
**Proposal:** To crown clean and thin by a maximum of 10% to include reduction of branches close to telephone wires and removal of two lower branches overhanging garden and towards garage of T1 (sycamore) within TPO 132/1989.  
**Location:** Alderson House, Kirkby Mills, Kirkbymoorside York YO62 6NP  
**Applicant:** Mrs J Brown

(iv)

**Application No:** 10/00538/HOUSE  
**Application Type:** Householder Application

**Proposal:** Erection of a single-storey extension to rear of each dwelling and installation of conservation rooflights to the rear of No 46.  
**Location:** 46 & 48 Piercy End, Kirkbymoorside York YO62 6DF  
**Applicant:** Mr C Clark  
(v)  
**Application Type:** 10/00641/HOUSE  
**Applicant:** Mr A Collier  
**Proposal:** Erection of block of three garages to serve 56 West End and adjacent approved residential conversion (vehicular access off Tinley Garth)  
**Location:** 56 West End, Kirkbymoorside, YORK  
**Applicant:** Mr A Collier

**d) Footpath Diversion Order No 1 of 2010**

The Town Council had no objections to the Footpath Diversion Order.

**38 Reports from Members on Outside Bodies**

Councillor De Barr gave a verbal report.

- Yorkshire Local Councils Association Branch Meeting in June

Councillor Coughlan gave verbal reports.

- Kirkbymoorside Environment Group in June
- Ryedale Five Towns Meeting in June

**39 Discussions with the District and County Councillors**

Apologies were received from both Councillors Arnold and Cussons.

Councillor De Barr reported on NYCC's quick response to a problem she raised.

**40 Financial Matters**

**a) Monthly Accounts**

**Appendix 3**

The Town Council approved the monthly payments of £6,823.20 exc VAT.

**b) Accounts for the year**

**Appendix 4**

The Town Council received the summary of accounts for the financial year 2010-11 to 31 May 2010.

**c) Accounts for the year 2009-2010**

**Appendix 5**

The Town Council received and approved the accounts for the financial year 2009-2010.

**d) Councillor's Audit for Quarter 4, 2009-2010**

The Town Council noted the following report:

A Councillors' Audit, which covered the period January to March 2010, was carried out on 11 June 2010 by Councillors Coughlan and Donald and everything was found to be in order apart from some payments delayed by the Clerk's Annual Leave in March 2010.

**e) Review of the effectiveness of Internal Controls 2009-2010**

**Appendix 6**

The Town Council resolved that the system of Internal Controls, below, was adequate for its needs.

The Councillors' Audit consists of the following checks:

Income

The income sheet (Cash Book) was checked against the current account paying in book, bank statements and invoices. Invoices were checked to see that the correct fees/prices had been applied.

- Expenditure

The expenditure sheet (Cash Book) was checked against invoices and voucher numbers, cheque book stubs, bank statements and to ensure that 2 sets of initials were on cheque stubs and invoices.

- Wages

The amounts on the wage slips were checked against the cheques for employee, Inland Revenue, NYCC Pension Fund.

- Transfers

Transfers from the Deposit account were checked against the current account statements.

- The Reconciliation Sheet

The Reconciliation Sheet was checked to see that the correct amount of bank interest and VAT had been entered.

- The computer based system should be looked at to check reliability of information reported by the system.

Twice a year one of the appointed councillors should be present whilst the Clerk works out the monthly salary to check the PAYE and NI details

**f) Internal Auditor's Report**

**Appendix 7**

The Town Council noted that an internal audit was carried out on Monday 7 June 2010 in line with the Terms of Reference, which were accepted by the Town Council during the review of the Internal Audit in March 2010<sup>3</sup>. Overall, the Auditor was satisfied with the council's systems of checks and controls, saying that they are 'quite robust and there is no call for any alarm or undue concern'. The auditor's comments and suggestions included:

- (i) Changing the Asset Register to record the following, as per page 98 of Governance and Accountability for Local Councils 2010 edition, with the addition by the Clerk of a column showing the type of valuation.

The Town Council resolved to accept the recommendation to change the layout of the Asset Register to the one below.

Ref No	Description	Identification	Date Acquired	Value	Type of Valuation	Custodian	Disposal / Discharge
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- (ii) The Town Council resolved to monitor progress against budget regularly as according to Financial Regulation 3.3 of the Accounts and Audit Regulations 2003 as amended. The Summary Page of the Cash Book will be reported to the monthly meetings of the Town Council.

- (iii) The Town Council discussed and noted the amount of un-earmarked reserves of £70,358.

- (iv) The Town Council resolved that the way in which grant applications are recorded in the cash book would be changed, and that the column headings 's137' and 'other' would be added.

- (v) The Town Council resolved that grant applications where expenditure was under s137 would be recorded as follows:  
*The council considered a request for a grant from ... to help meet the cost of the annual ... and resolved that a grant £.... be made in accordance with its power under section 137 of the Local Government Act 1972. The request was accompanied by appropriate financial information.  
 In the opinion of the council the amount of expenditure was in the interests of the area and of its inhabitants and would benefit them in a manner commensurate with the expenditure.*

<sup>3</sup> Minute 185 (b), page 75, 15 March 2010  
 Minutes 21 June 2010

(w) The Town Council noted that the Clerk had sought and received advice from the YLCA on the lawfulness of decision making reference use of s137 to make a grant to an individual.

(wu) Review of Financial Regulations and Standing Orders for goods and services.

The Town Council deferred a decision on setting up a working party until more members are present at an Ordinary Meeting.

(wu) Substitutes for the two councillors on 'Councillors' Audit'.

The Town Council deferred a decision on setting up a working party until more members are present at an Ordinary Meeting.

## **g) Annual Return**

### **i) Section 1**

The Town Council noted that:

the Responsible Financial Officer had certified that the Statement of Accounts contained in the Annual Return presented fairly the financial position of the Council and its payments and receipts for the year ended 31 March 2010;

the Chairman confirmed to the External Auditor that the accounts were approved by the Town Council by signing in the appropriate place.

### **ii) Section 2**

### **Appendix 8**

Members of the Town Council acknowledged their responsibility for the preparation of the accounts and confirmed, to the best of their knowledge and belief, with respect to the Council's accounts for the year ended 31 March 2010, that they agreed with the points listed in Section 2.

### **iii) Exercise of Electors' Rights**

The Town Council noted that:

- the Notice of Appointment of Date for the exercise of Electors' Rights was placed on the Town Council notice board on the 16th June 2010;
- the period of inspection was from 1 July 2010 to 28 July 2010;
- the opportunity for local government electors to question the auditor about the accounts would be 29 July 2010.

## **h) Grant Requests**

### **(i) Churchyard Grass Cutting<sup>4</sup>**

### **Appendix 9**

Two members of the Parochial Church Council were invited and Ms B Gillespie and Ms L Clark spoke to the Council on behalf of the PCC.<sup>5</sup> A discussion was held but no decision could be made by the Town Council as the PCC had changed their application from a grant request to one of upkeep of the churchyard.

### **i) Office Home and Business 2010 (2 licences)<sup>6</sup>**

Three quotations had been sought but only one was received. The Council agreed that JRA Services supply and install the software at a cost of £475 including VAT.

## **j) Subscriptions**

### **(i) Subscription for Rural Action Yorkshire**

The Town Council resolved to renew the subscription at a cost of £35.

<sup>4</sup> Minute 72b, page 30, Ordinary Meeting 21 September 2009

<sup>5</sup> Minute 28 b (1), page

<sup>6</sup> Minute 28e, page 11, Ordinary Meeting 17 May 2010

**(ii) Y&NY Playing Fields Association**

The Town Council's Membership resolved to renew the subscription at a cost of £35.

**k) Christmas Town Tree Scheme<sup>7</sup>**

Members discussed the Town Tree Scheme and the Council thanked Mrs Pam Towler for her work over the last 20 years and thanked Mr Rory Towler for offering to carry on storing and handing out the trees over 3 days in December.

- (i)** The Town Council resolved to take over the administration of the Town Tree Scheme for 2010 only and that an appropriate agency would be appointed to undertake from 2011.
- (ii)** The agenda item on councillors delivering Town Tree Order Forms to properties, mostly central Kirkbymoorside, who currently use the scheme, was not discussed.

**l) Christmas Lights**

**(i) Storage**

The Town Council delegated authority to the Town Clerk to arrange storage for the Christmas Lights and Hurdles at a cost of up to £35 per week, to pay removal costs, rates if required and any additional insurance or security costs.

**(ii) Christmas Lights Bubblewrap<sup>8</sup>**

The Town Council resolved that the Town Clerk may have delegated authority to purchase bubblewrap for the Christmas Lights up to a cost of £55 plus VAT.

**m) Training Opportunities**

**(i) SLCC Regional Conference, 7 September at Harrogate Appendix 9a**

The Town Council resolved that the Clerk and the Assistant to the Clerk could attend at a cost of £55 for the Assistant and noted that the Clerk had been given free entry.

**(ii) NALC Localism in Action Conference, 9 September at York App 9b**

The Town Council resolved that Councillor Gunton could attend at a cost of £90 plus VAT.

**(iii) Certificate in Local Council Administration Appendix 9c**

The Town Council agreed to the Town Clerk undertaking study for CiLCA at a cost of £80 for the course, £150 for registration, mileage costs, parking fees, and study time up to 65 hours

**n) Clerk's Hours**

The Town Council noted that the Clerk had worked 47 additional hours in two weeks in June 2010.

<sup>7</sup> Minute 125b, page 50, Ordinary Meeting 21 December 2009

<sup>8</sup> Minute 125c, page 50, Ordinary Meeting 21 December 2009

**a) Tenders Received**

The Town Council noted the tenders received in time as listed below and resolved not to consider late tenders.

<b>Contractor Reference</b>	<b>Amount exc VAT*</b>
<b>A</b>	£155,798
<b>B</b>	£171,647
<b>C</b>	£182,362

\***VAT:** The Town Council may not be able to recover all the VAT.

(i) A resolution was introduced by the Chairman at this point and was agreed by the Town Council.

“The Town Council has the responsibility not to allow the Old Library to become derelict”.

**b) Conversion of Old Library into Town Council Offices and a Meeting Room**

A discussion was held and it was decided to defer a decision and refer to an Extraordinary Meeting called by the Chairman with 1 agenda item, the Old Library project, to be held on a date which all members could be present. No date was arranged. Members of the public spoke during this item.

**c) Choice of Tender**

The Town Council did not decide which tender to accept which would have been subject to a successful call-in by PPIY Architects and subject to the Town Council obtaining a loan.

**d) Loan: Application for permission to YLCA to apply for a Loan from the Public Works Lending Board (PWLB)**

- i) The Town Council agreed to apply to the YLCA for permission to apply for a loan.
- ii) The Town Council agreed that the application would be for the sum of £84,000. No decision was made on the number of years.
- iii) The Town Council resolved to give permission to the Chairman to sign the YLCA application form

**e) Loan Application to the Public Works Lending Board**

This agenda item was not discussed by the Town Council.

**f) Installation of Mains Gas**

The Town Council deferred a decision.

**g) Fire Exit into Churchyard**

The Town Council resolved that the Town Clerk investigate the procedures and cost of an appeal against the decision of the Parochial Church Council to refuse permission for Fire Doors into the Churchyard.

**h) Old Library future if Town Council had resolved not to continue with project to convert into Town Council Offices and a Meeting Room.**

No discussion was held at this point as a discussion had been held within a previous agenda item.

**42 Town Cemetery**

<sup>9</sup> Library Minutes are in a separate document.



**a) Working Group Update**

Councillor Donald gave a verbal report.

**b) Spoil Heap Area**

**No Appendix 12, was on Addendum**

The Town Council received two quotations to fence a new Spoil Heap Area, of £210 and £225 excl. VAT, and resolved to accept the quote of £210 from Allgardens.

**43 Substitute Committee Members**

**a) Staffing Committee**

The Town Council deferred making a decision on appointing two substitute members

**b) Manor Vale Management Committee**

The Town Council appointed Councillors Coates and Donald as two substitute members.

**c) Strategy Committee**

The Town Council deferred making a decision on appointing two substitute members

**44 Community Resilience**

(i) Councillor Coughlan gave a verbal report.

(ii) The Town Council deferred making a decision on creating a Working Group on Community Resilience.

**45 Update and Review of Standing Orders**

**α) Participation of public at Meetings<sup>10</sup>**

The Town Council deferred making a decision on whether to incorporate the guidance it made on the participation of the public at meeting in January 2010 into Standing Orders.

**β) Review of Standing Orders Appendix 13 circulated by email & hard copy**

The Town Council did not make a decision on either parts (i) or (ii) of this agenda item. The Chairman decided to add it the agenda of the Extraordinary Meeting, and at this point added the issue of Substitute Members for Strategy Committee and Councillors Audit.

i) Standing Order 42 and substitute members of the Council and review of Standing Order 42 with a view to adding a paragraph (d):

ii) Creation of a Working Party to review Standing Orders.

**46 Seats and Benches**

**a) Repair and maintenance of Seats and Benches No Appendix 14, was on Addendum**

Two quotations were received, for £2285 and £2590. The Town Council resolved to accept the quote of £2285 excluding VAT from Environmental Art.

**b) Memorial Bench for Mr Marshall of West End, Kirkbymoorside**

The Town Council resolved that they would receive with thanks a memorial bench from Mrs Marshall, that it could be a replacement for the bench at the Adela Shaw bus stop, but that the Town Clerk contact Mrs Marshall to check that this was acceptable.

<sup>10</sup> Minute 144, page 58, Ordinary Meeting 18 January 2010  
Minutes 21 June 2010

**47 Parish Charter**

**Appendix 15**

The Town Council resolved not to respond to the proposal to develop a Parish Charter between NYCC and parish councils but that individual members could respond if they wished.

**48 Licensing Consultation**

**Appendix 16 summary page, link to policy was circulated by email**

The Town Council agreed with the changes made by RDC to the Licensing Policy and in response to the consultation requests that paragraph 4.22 be amended to include “town and parish councillors” to allow representation from local communities.

**49 NYCC Local Transport Plan 2011-2016 Consultation Draft**

**Appendix 17**

This agenda item was deferred until the July meeting.

**50 Kirkbymoorside in Bloom Request**

The Town Council resolved to accept the request from Kirkbymoorside in Bloom for two members of Manor Vale Management Committee to show the In Bloom judges around the woodland on Thursday 15 July at 10.00am. It was agreed that Councillor M Dickinson and Mr T Denney would attend if possible.

**51 Planting scheme on the A170 Roundabout<sup>11</sup>**

The Town Council resolved to accept the quotation of £330 excluding VAT by Allgardens.

**52 Town Caretaker**

Members of the public spoke during this item.

The Town Council decided that it be referred to the next Staffing Committee meeting.

**53 Review of Annual Parish Meeting<sup>12</sup>**

This agenda item was deferred until the July meeting

**54 Line management of the Town Clerk.**

**Deleted from Agenda**

This item was left on the Agenda by mistake as it was agreed with the Chairman that it would be deferred until more information and guidance was available.

**55 Dates of Committee Meetings and Councillors Audit to be arranged**

This agenda item was deferred until the Extraordinary Meeting, no date arranged.

- Manor Vale Management Committee Site Meeting, 9.30am Fridays
- Manor Vale Management Committee Meeting, 11.00am, same Friday as above
- Councillors Audit
- Staffing Committee

**56 Date of the next Meeting**

Members noted the date of the next Ordinary Meeting.

Ordinary Meeting 19 July 7.30pm Manor Close Community Centre

.....  
**Chairman**

<sup>11</sup> Minute 199, page 81, Ordinary Meeting 19 April 2010.

<sup>12</sup> Minute 196, page 80, Ordinary Meeting 19 April 2010