

Minutes of the Ordinary Meeting of KIRKBYMOORSIDE TOWN COUNCIL at Manor Close Community Centre on Monday 31 January 2011 at 7.00pm

Present: Councillors G De Barr (Chairman), M Brampton, J Cossins, J Coughlan, C Dowie, A Gunton, L Mudd and S Ward.

Also Present: 14 members of the public, 1 member of the press, County and District Councillor V Arnold, District Councillor D Cussons and the Town Clerk, V Ellis.

317. Apologies were **received and accepted** from Councillor M Donald.

318. The Town Clerk **declared** a prejudicial interest in Agenda Item 7a as she had received a neighbour's letter from Ryedale District Council as the property overlooks her garden. Town Councillors **declared** an interest in Agenda Item 7c as they originally voted against the Russells Yard development.

319. Minutes and Matters Arising

a) The Town Council **approved** the minutes of the Ordinary Meeting on the 17 January 2011 with the following addition made to minute 301:

"During a subsequent exchange of views the chairman stated no responses to the letters had been received. Councillor Ward asked for confirmation that the letters had been sent. The response was that they had been drafted. Councillor Ward stated she was appalled that the letters had not been sent and requested that they are sent as a matter of urgency."

The Town Clerk informed the Town Council that the stipulation that letters rather than emails be sent, and that they be jointly signed by the clerk and the chairman had contributed to the delay. Emails were sent on the 18th January 2011 by the Town Clerk.

The Town Clerk read out National Associations of Local Councils (NALC) guidance on the role and responsibilities of the clerk and chairman then read out the following advice regarding the recording of minutes received from Yorkshire Local Councils Association (YLCA) in the form of an e-mail received on 28 Jan 2011 who cited Charles Arnold-Baker and his book Local Council Administration which states that "minutes are intended to be formal records of official acts and decisions, not reports, still less verbatim reports of the speeches made by councillors. Minutes should therefore be as short as is consistent with clarity and accuracy and the arguments used in the discussion need be recorded only if the decision cannot be clearly expressed in any other way". Arnold Barker goes on to say that "short, simple minutes are less likely to be defamatory than long reports". This is a decision solely for the council but if it decides to pursue the revised format there is a greater task for the minute taker to undertake. The chairman has to be aware that the clerk must be given sufficient time in each item of business to write down the comments/observations. The clerk must also remember to ask for time to take down the words that have been said; this is not an issue of capability, it is about having an accurate record of the proceedings in the way in which the council has agreed. The council may also wish to think about how the additional time needed will affect the general effectiveness of its meetings.

b) The Town Council discussed matters arising from the previous meeting:

- Flood Letters
- Update of Manor Vale and flooding issues
- The Town Council **received** photos of the silt bed at the top of Manor Vale.
- The Town Council **received** information regarding the wood chippings and the removal of them by Ryedale District Council.

- The Town Council **received** information that a tree to be felled in Manor Vale is on the Manor Vale Committee's Agenda for Fri 4 Feb 11.
 - The Town Council discussed the issue of having too many items on the agenda and the requirement for planning applications to be dealt with by the Planning Committee.
- c) The Town Council **received** the minutes of the Advisory Committee for the Old Library Meeting on the 11 January 2011.

320. Budgets, Reserves and Precept 2011-2012 (Meeting Documents)

The Chairman suspended standing orders to allow a member of the public to speak. Mr Stephenson asked what criteria are used to choose which charities received awards from the Town Council. He also asked the Town Council what is happening to the reserves currently held. A discussion was held and then Standing Orders were then reinstated.

- a) The Town Council **resolved** to approve the budget of £79,255 for 2011/12. A recorded vote was requested and the votes were as follows:
For: Councillors Brampton, Coughlan, Dowie, Gunton and Ward.
Abstained: Councillor De Barr.
Against: Councillors Cossins and Mudd.
- b) The Town council agreed to look at all agenda items relating to the budget together as one item. Draft Budget by the Town Clerk was not considered by the Town Council.
- c) The Town Council **resolved** to set a precept for 2011- 2012 of £80,000.
- d) The Town Council **commented and agreed** that there are a number of projects which may incur substantial expense over the next year, e.g. street lighting and there are uncertain potential liabilities in respect of The Old Library project and perhaps significant changes by principal authorities. The Council believes it is prudent to retain the current level of reserves for this budget.
- e) The

321. Committee Recommendations

To respond to recommendations from the council's committees.

- a) In light of the recommendation from the Old Library Committee, the Town Council **resolved** to request an agenda item for the next meeting with a view to terminating any contracts for development of the Old Library.
- b) Staffing Committee 15 December 2010 at 10.45am.
- The Town Council **resolved** to recommend that the Clerk receive an annual salary increment to the next Spinal Column Point, 28.
 - The Town Council **resolved** to recommend that the Assistant to the Clerk receive an annual salary increment to the next Spinal Column Point, 16.

The Town Council requested that membership of the Staffing Committee be on the agenda for the next Ordinary Meeting and that the appraisal system be reviewed.

322. To allow members of the public to make representations, ask questions and give evidence in respect of any items of business.

- Mr D Turlington asked the Town Council to reconsider staff salary increases in this economic climate.
- Mr R Eve asked the Town Council to consider Agenda Item 7a as his property is overlooked by this planning applicant's home.

323. The Town Council commented on 3no. Planning Applications received from Ryedale District Council.

- a) The Town Clerk left the room during consideration of this item as she had earlier declared a prejudicial interest.

Application No: 11/00025/HOUSE Proposal: Installation of door to give access to second floor fire escape balcony (retrospective application)
Location: Flat 5 Chapel House 26 West End. Applicant: Mr Derek Thrippleton
The Town Council **objected** to this retrospective planning application, especially in the light of it being in a Conservation Area. The council recommends that an alternative position needs to be explored as it overlooks neighbouring properties.

- b) **Application No: 10/00969/HOUSE** Proposal: Erection of a two-storey extension to the side. Location: 3 Prospect Court, High Market Place, Kirkbymoorside. Applicant: Mr and Mrs Sunley.

The Town Council had **no objection** to this application.

- c) **Application No: 10/01121/REM** Proposal: Erection of 8no. four bedroom dwellings, 16no. three bedroom dwellings, 20no. two bedroom dwellings and 2no. one bedroom dwellings with associated garaging and parking (outline approval 09/00575/MOUT dated 15.04.2010 refers). Location: Russells (Kirkbymoorside) Ltd, New Road, Kirkbymoorside

The Town Council is concerned about the effects of the proposed development on the existing sewerage infrastructure. In addition, consistent with the policy of the Town Council previously communicated, the Council requests that RDC liaise with the Flood Management Officer Mark Young at NYCC and the lead local authority responsible for flooding as provided in new legislation. Also, no major development should proceed until satisfactory resolution of the flood risk can be shown to be implemented.

FINANCIAL MATTERS (excluding Budget)

- 324.** The Town Council **resolved** to accept the accounts paid and to be paid since the previous meeting, total £2230.04 excluding VAT.

325. Training

- a) The Town Council **resolved** to approve a request from the Clerk for travel expenses to a second additional free CiLCA Training Day at Wansford on the 14th February.
- b) The Town Council **resolved** not to have a council training session by the YLCA at cost of £22 per councillor for a 2.5-3 hour session at Kirkbymoorside.

326. Tenders

- a) The Town Council **resolved** to award the Grounds Maintenance contract to Mr Phil Gospel at an annual cost of £2505. All Councillors voted for Mr Gospel except Councillor Brampton who requested that his vote against be recorded.
- b) The Town Council **resolved** to award the Manor Vale Woodland Maintenance contract to Mr Phil Gospel at an annual cost of £600. All Councillors voted for Mr Gospel except Councillor Brampton who requested that his vote against be recorded.

327. Christmas Lights

- a) The Town Council gratefully **received** a donation from the Christmas Lighting Team of £70.
- b) The Town Council **resolved** to write letters of thanks to all members of the Christmas Lighting Team for putting up the lights and the trees, and to the

householders and businesses who gave permission for the use of their electricity.

GENERAL

328. The Town Mayor stated that she had received an invitation to Pickering Town Council in March 2011. She expressed appreciation on behalf of the Town Council for the Christmas Fair held in Kirkbymoorside and thanked Councillor Mudd for her work with the Kirkbymoorside Primary School resulting in the publication of a book on the Second World War.

329. There were no reports from Members.

330. The Town Council **received** the Town Clerk's report.

331. Discussions with the District and County Councillors

- a) County and District Councillor Arnold said that the drains were successfully cleared in West End on Thursday. She said that a public meeting for the library will be held on 10 Feb at 7pm in Church House and Julie Blaisdale will be attending. District Councillor Cussons said that he would speak to the District Council regarding the fly tipped wood chippings and follow up on discussions held about the recent flooding. The Town Council thanked both County and District Councillor Arnold and District Councillor Cussons for their continued support.
- b) Councillor Cossins asked why members of Ryedale District Council were spending £200 a night staying at hotels in London. District Councillor Cussons said that he would look into the matter.
- c) There were no issues or decisions that had arisen since the last meeting.

332. Development Control

- a) The Town Council noted the following applications that have been approved by RDC:
 - i) Application No: 10/001243/HOUSE Proposal: Erection of replacement canopy to north elevation Location: Springfield, Village Street, Keldholme Applicant: Mr G Hoyland
 - ii) Application No: 10/01181/HOUSE Proposal: Erection of single storey extension to rear Location: Tabgha, 7 Beech Drive, Kirkbymoorside Applicant: Mrs J Benson
 - iii) Application No: 10/01156/OUT Proposal: Demolition of existing dwelling and erection of no2. Dwellings with garages: South View Gillamoor Road Applicant: Mrs E Taylor & Mrs B Dale
 - iv) Application No: 10/01295/HOUSE. Proposal: Replacement of 10no. windows to front elevation with timber double-glazed Yorkshire sliding sash windows. Applicant: Mr G Jenkins
- b) Viver's Place application
 - i) The following application was received on Wednesday 5th January. The deadline for a response was Sunday 9th January and it was not possible to get an extension.
Application No: 10/01408/HOUSE Application Type: Householder Application Proposal: Erection of two-storey extension to east elevation. Location: Iveston 4 Vivers Place Kirkbymoorside Applicant: Mr & Mrs S Podgorski.
 - ii) A copy letter was received from a neighbour about the application. (Meeting Document 17 Jan 2011).
- c) The following application has been withdrawn.
Application No: 10/01194/FUL Applicant: Mr S Bosworth
Description: Change of use of grassland to allow the siting of 2 no. timber clad static holiday chalets. Location: Former Ings Lane Scrap Yard, Ings Lane.

333. Motion received from Councillor Brampton

The Town Council resolved to accept the following statement of the council's priorities:

1. The top priorities for Kirkbymoorside Town Council are:
 - a) To represent and support citizens in their dealings with larger public authorities, and to press such authorities to meet their obligations to the town and people of Kirkbymoorside. Prime examples of this at present are the need to vigorously pursue solutions to flooding problems, and the need to campaign for a continuation of library services.
 - b) To seek and promote schemes that will give benefits to the town and people of Kirkbymoorside. This may involve (usually modest) financial grants, or it may involve using council resources to coordinate activity. An example would be the development of community schemes for local snow clearance. There are many other possibilities. The Town Council acts as an official consultee.
 - c) To efficiently and economically provide a range of services. Examples include provision of play areas, street lighting and the management of Manor Vale.
 2. In pursuit of these priorities, the council seeks to act so as to promote:
 - a) Democratic accountability, so that expenditure of money and effort are directed according to local opinion.
 - b) Openness, so that wherever possible the people of the town are fully informed about the council's activities and nothing is kept secret unless absolutely necessary.
 - c) Clarity, so that the people of the town can understand what the council is doing and are not swamped with bureaucratic nit picking.
 3. Subsidiary considerations are:
 - a) The council must act lawfully taking reasonable and proportionate measures to follow the spirit of legislation.
 - b) The council must use appropriate financial procedures whilst maintaining easily understood records appropriate to the scale of its activities.
 - c) The council must not allow its internal procedures to overwhelm its core purposes, outlined above.
- The Town Clerk advised the Council that the Yorkshire Local Council's Association suggested the phrase 'comply with legislation' rather than 'follow the spirit of legislation'. This advice was not taken by the council.
 - Councillor Mudd voted against this policy statement and requested that her vote be recorded.

During the discussion the Chairman, Councillor De Barr, asked Councillor Ward who it was who was chairing the meeting and requested that Councillor Ward's reply 'I don't know but I wish someone else was' be minuted.

Councillor Brampton requested a re-order of the agenda and there was a proposal to continue the meeting after 2¼ hours. Councillor de Barr left the room for 5 minutes. Councillor De Barr returned, spoke about the Community Resilience Committee and then left the meeting.

The Town Council resolved that Councillor Dowie chair the rest of the meeting. The Town Council resolved to deal with Agenda item 20 next.

334. Questions to the Chairman

Councillor Ward asked the following questions to the Chairman, Councillor De Barr, in her absence. Some were answered by councillors and the Town Clerk.

- Have the letters about the flooding now gone out?
- Given the difficulty in sending out the letters regarding flooding would the Chairman consider it appropriate for the Council to elect a deputy chairman?
- Would the Chairman agree to the Council sending a letter to NYCC about the possible closure of the library? Councillors Brampton, Dowie and Coughlan have been looking at Church House with North Yorkshire County Council and will prepare a response.
- The Clerk replied that this was an agenda item in December 2010 and that the Council had resolved to respond in February.
- What changes to the staffing appraisal process has the staffing committee implemented following concerns raised at the December and January Council meetings by other Councillors, and if none, do you intend to implement any changes?
- Does the Chairman have a response to the letter she has received from 6 members of the Council?
- Councillor Brampton and others asked that future the agenda be reorganised so that issues concerning County and District Councillors are further up the agenda.

335. The Town Council **resolved** to dissolve the Community Resilience Committee. Councillor Coughlan will join the Community Resilience Group and a meeting will be held at 6.30pm on 21 Feb 11. The Town Council recognised that the group should not be run by the Council but the Council would fund the cost of meeting rooms.

336. The Town Council **resolved** to authorise Councillors Brampton and Coughlan to meet and liaise with the new owners of the Town Council Office.

337. Members noted the date of the next meeting.

21 February 2011 7.00pm Ordinary Meeting Manor Close Community Centre

The meeting closed at 9.45 pm.

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Chairman