

# CLAXTON AND SAND HUTTON PARISH COUNCIL

## MINUTES OF PARISH COUNCIL MEETING

DATE OF MEETING: Monday 27<sup>th</sup> June 2011

COUNCILLORS PRESENT: Mrs V Tidball (Chair), Dr C Hall (Vice Chair), Mr P Stott, Mrs A Steele, Mrs S Field

PARISH CLERK: Mrs Laura E J Edwards

APOLOGIES FOR ABSENCE: District Councillor K Knaggs and County Councillor C Wood

### ITEM 1: CHAIRMANS INTRODUCTION

VT welcomed the Parish Councillors and the parishioners to the meeting and thanked them for attending.

### ITEM 2: MINUTES OF LAST MEETING and ANNUAL REPORT

The minutes of the previous Parish Council meeting held on 28<sup>th</sup> March 2011 and of the Annual Parish Meeting held on the 16<sup>th</sup> June 2011 had been circulated previously amongst the Councillors and published on the notice-boards and the parish website. The Councillors accepted them as correct and they were duly signed by the Chairman.

NB Proposed actions are highlighted in Blue.

Apologies were accepted from District Councillor Keith Knaggs and from County Councillor Clare Wood who were attending other parish council meetings. Keith Knaggs had supplied a summary of current issues for the District Council which LE summarised for the Parish Council. The key messages were:-

- **Employment** - Ryedale needs better paying and better quality jobs. There is a need for suitable employment land and an effective Local Economic Partnership.
- **Homes** - Ryedale needs a range of homes, especially for younger people and needs to conclude the Ryedale Development Framework.
- **Countryside** - Ryedale is dominated by rural landscapes. The countryside is a farmed landscape and we need more attention on the farming community and its supply chain including issues such as the livestock market and drainage.
- **Finances** - Ryedale needs sensible and prudent management of the council's money with £700k of savings to find this year. The capital investment programme needs to be realistic with a focus on encouraging enterprise and basic infrastructure.

**Annual Report** - VT then addressed the meeting and gave a brief summary of key events and achievements in the last year which included drainage solutions, transport improvements (retaining bus passes, 30mph zone extension, FERA parking and cycle store), dealing with numerous planning applications, a clean audit report and village maintenance. It has been a varied and busy year for the Parish Council. There were also key areas where progress was still to be made such as Npower dispute, footpath between villages and tension over Claxton village green. VT highlighted that it is often frustrating for Councillors and the Clerk when there seem to be many obstacles to overcome. There also seem to be some unrealistic expectations from some sections of the community about what can be achieved by local volunteers with limited resources which may be fuelled by a recent focus on the Big Society. VT concluded by reminding the meeting that children and young people are the future and that the community needs to welcome families to keep our villages thriving and vibrant.

LE took the opportunity to thank VT for all her work supporting the Clerk and Councillors in recent years.

### ITEM 3: FORMATION OF NEW PARISH COUNCIL and ELECTION OF CHAIRMAN / VICE CHAIRMAN

**LE** explained to the meeting that after the confusion over the recent election process, the new Parish Council was now able to form as there were 4 nominations to be Parish Councillors. Peter Stott and Caroline Hall had nominated for Sand Hutton and Angela Steele and Susie Field had nominated for Claxton. Since there were fewer nominations than positions (6), the second election process was declared uncontested by Democratic Services.

The elected Councillors then proceeded to sign the Declarations of Acceptance of Office in front of the Clerk and the meeting for the 4 year term as a Parish Councillor. **LE** to submit copies of the Declarations to Ryedale District Council. **AS, CH and SF** to complete Register of Interests Form and return to **LE** to submit to RDC.

**LE** then explained that the retiring Chairman (**VT**) was required to oversee the election of the Chairman and Vice Chairman for the coming year and had the casting vote, if required.

The Chairman **VT** invited nominations for the post of Chairman of the Parish Council for the forthcoming year.

**Caroline Hall** was proposed as Chairman by **PS**, seconded by **AS**, and being willing, was elected unanimously.

The Chairman **VT** invited nominations for the post of Vice Chair of the Parish Council for the forthcoming year.

**Peter Stott** was proposed as Vice-Chairman by **CH**, seconded by **SF**, and being willing, was elected unanimously

The new Chairman **CH**, thanked the retiring Chairman **VT**, for all her efforts over several years as a Parish Councillor and later as Chairman. **CH** felt that **VT** always approached Parish Council matters with fairness and commitment and had succeeded in 'holding the line' for the Parish Council in often trying circumstances. **CH** hoped that **VT** would still be available as a source of parish information and **VT** agreed.

**VT** then left the meeting.

#### **ITEM 4: PUBLIC FORUM**

The newly elected Chairman offered her welcome to the Councillors and parishioners. **CH** emphasised that for meetings to run smoothly, sometimes items may need to be kept brief or deferred until the next meeting. **CH** highlighted that there was a need for transparent decision making from Parish Council to avoid confusion. The Chairman invited parishioners to raise any issues of interest or concern to the Parish Council.

- 1) **Verges** - Mr Atterby asked the Council whether there were any restrictions over businesses running from a verge? Jim the Grinder has been established on the verge on Whinny Lane, Claxton for some weeks. **As the verges are owned by Highways, LE to ask Highways if there any rules relating to businesses on verges.**
- 2) **Woodland Access** - Mr Atterby expressed concern that various plots of woodland in the parish had been sold or was for sale and that new ownership could affect access for local walkers and could affect the woodland management regime for local wildlife. Mr Atterby accessed whether the Parish Council could confirm if access right were maintained? **CH** thanked Mr Atterby for the query and noted that it would be raised later in the meeting (Item 6).
- 3) **Footpath on Verge** - Anne White reminded the meeting that some additional grass cutting had occurred between the 2 villages as an attempt to create a verge pathway. Whilst the cutting has reduced the grass, the impact has been temporary and there are still ditches and holes making walking difficult. **CH** responded that this had also been noted by Councillors and would be discussed later (Item 6).

#### **ITEM 5: GENERAL BUSINESS SECTION**

##### **RYEDALE DISTRICT COUNCIL PLANNING MATTERS:**

Planning applications and tree felling notice received since the previous meeting:-

- Notice to Fell Trees - Home Farm, Sand Hutton - 2 sycamore and 25% reduction of an ash - No objection.
- Notice to Fell Trees - The Coach House, Claxton - Felling of Hippocastanum - No objection.
- Foxhills Caravan Park, Claxton - Mr C Fawcett, Mobile warden's cabin for security. No objection

- The Dovecot, Sand Hutton – Mr D Brittain. Comprehensive redesign of house and garage. Some concerns.
- The Dovecot, Sand Hutton – Mr D Brittain. Revised plans. No objection but large redevelopment on small site.
- Land next to Holly Lodge, Claxton – Extension to 08 outline permission for dwelling. Decision due by 11<sup>th</sup> July.  
[Councillors to review plans and return comments to LE noting that this is outline permission only.](#)
- Outstanding decisions – The Walled Garden development and Sand Hutton and Claxton Grange Cottages – **LE** advised the meeting that these 2 complex planning applications were still waiting a decision by RDC and that negotiations were continuing between the applicants and the Planning Officers. The Claxton Grange Cottages application should be heard at Planning Committee on 5<sup>th</sup> July. **LE** to advise if decision reached by RDC on 5<sup>th</sup> July.

**Ryedale District Council correspondence:** **LE** reported on the Parish Liaison Meeting held on 15<sup>th</sup> June at Malton. The key issues that had been discussed were a new ‘Love Where U Live’ scheme on litter, winter road maintenance, Section 106 developer contributions, traffic speed recording in villages, communication and broadband (access and speed).

**NYCC correspondence:** Following consultation, NYCC Recycling Centres will now be closed on Wednesdays.

**OTHER correspondence:** **LE** reported back to Councillors on the content of the YLCA Ryedale Branch meeting held on 7<sup>th</sup> June in Malton. There had again been discussion on Npower and **LE** had received some additional information from Councillors who had also been challenging Npower charges for street lighting.

#### **ITEM 6: MATTERS ARISING FROM PREVIOUS MINUTES**

**LE** introduced the discussion on the following outstanding matters:

##### **NYCC HIGHWAYS ISSUES:**

**30mph Zone** – **LE** updated Councillors on the latest news on the 30mph zone from Highways. There were no adverse comments from public consultation process when various interest groups including the Parish Council were consulted. The Notice about the changes went in the press on 3<sup>rd</sup> June and the objection period ends today – the 27<sup>th</sup> June. If no objections are received then Highways can ‘make and seal the speed limit Order’, put a further notice in the press and then order the works. **LE** to continue to monitor and advise on further progress through the system at the next PC meeting.

**Village Signs** – Councillors noted that the condition of some of the village signs is poor and makes the villages look “uncared for”. **LE** advised that she had requested that our Parish is included in a new RDC sign cleaning project which had been introduced at the Parish Liaison meeting. Item deferred for further discussion until the next meeting.

**Surface Water and Drainage Problems - Flooding of Main Street, Claxton** – No news from Yorkshire Water to report.  
[LE to pursue report on surface water drainage with Yorkshire Water.](#)

##### **OTHER VILLAGE ISSUES:**

**Community Police Officer and Ryedale Policing** – **LE** explained that since PC Goodwill was redeployed, we receive less information from the Safer Neighbourhood Team. PCSO Pounder has been in contact over a couple of recent issues and seems to be the main contact for our Parish.

**Claxton village green** – Since the previous meeting, the Parish Council has received legal advice from NALC advisors via YLCA as well as advice from the Safer Neighbourhood Team and NYCC Traffic Safety team. Councillors had received a document in advance of the meeting including a summary of the legal advice. **CH** outlined the key legal points.

Although we refer to the piece of land in Claxton as a village green, in law it is Common Land and so Village Green legislation does not apply. There are no Commoners with rights to the Common Land and so the local authority, in this case the Parish Council and the District Council, oversee the Common Land. Anyone is entitled to enter and remain on Common Land by foot and remain there for the purposes of open air recreation which means that:-

- The Parish Council cannot ban children from walking onto the green to play football, even if thought desirable.
- The Council could try to ban cycling but applying the trespass law to enforce that would be very difficult.
- Damage to the surface of Common Land is not an offence.
- Fencing 2 sides of the green would restrict access and so require Secretary of State permission and a public consultation – a hugely lengthy and difficult process.

- The Parish Council does have a duty of care to visitors and be prepared that children will be less careful than adults.
- A disclaimer sign is not that useful since it does not cover road safety aspect (death / personal injury) and young children may not understand the notice.
- The Parish Council does have maintenance responsibilities and must ensure there are no dangerous structures - so perhaps the bike ramps should be banned.

Councillors discussed the implications of the legal advice – and concluded that overall, it demonstrates that the Parish Council has a limited role in managing recreational activities on the piece of land but it does have some responsibilities for basic maintenance and a 'duty of care' to visitors. Councillors considered whether to ban cycling and there were mixed opinions but no decision was taken to pursue this option. A vote was taken on banning bike ramps and it was resolved that they should be removed to protect visitors. Councillors debated other options for play areas in the village and how to have greater communication with parents and residents.

**Alternative Play areas** – ALL COUNCILLORS to consider alternative pieces of land in Claxton that could be used for play areas and what role the Parish Council could play to facilitate the use of these parcels of land.

**Broader Communication-** ALL COUNCILLORS to consider how to communicate this issue better to local residents and parents eg public meeting, questionnaire, newsletter.

**Bike Ramps** – LE to compose letter to the owner of the bike ramps requesting that they are removed from the green.

**Resilience** - Snow Clearance - Item deferred until next meeting

**Benches** - Item deferred until next meeting.

**Footpaths through local woodland** - As raised in the public forum, there has been concern over the sale of parcels of woodland within the parish. LE explained that in the local press, there had been an article about Harrison Spinks, a luxury bed company obtaining the long term lease for Whey Carr Plantation and Scrogs Bottom Wood. The bed company would harvest the wood for bed bases and has stated that they would follow Forest Stewardship Council standards for harvesting and restocking. Councillors felt this was a positive sign but there were still worries about access to these woods and other woods including Grange Wood. LE highlighted that the key issue seemed to be original ownership – if the woods were owned by the Church Commission and paths have been used regularly for over 20 years, then access rights should be maintained. LE to write to Harrison Spinks to establish contact and ask about their approach to access. CH to ask Rosie Miers what her investigations into access to walks through local woodlands had concluded. LE to provide map of woodlands to Councillors so that they can assess which paths are being discussed.

**Ideas from Annual Parish Meeting** – The APM was discussed and the variety of ideas it generated was welcomed. ALL COUNCILLORS to review APM minutes and identify key areas they would like to pursue.

## PARISH PLAN UPDATE

- **FERA car park and cycle storage scheme** - The Council noted that this scheme is running well but that less than 20 residents were included on the list for weekend parking. AS suggested that a FERA scheme reminder could be included on all minutes. LE to add FERA scheme reminder to minutes and agendas and website etc.
- **School playing field** - Since the previous meeting there has been further discussion between LE and the school. The school is receptive to a pilot scheme for access in the summer holidays but have requested certain things were in place such as a pedestrian gate, a padlock and a sign explaining the terms of access. Brian Jennings, Schools Lawyer at NYCC has been requested to advise on the wording for the sign. LE had obtained some costings for a simple gate, 2 substantial posts, iron work and padlock and the estimates came in around £120, excluding installation. Councillors discussed the proposals and costing and concluded that this was not a sensible approach and could in fact lead to more tension if, for example, field checkers from the Parish Council had to evict children / teenagers at the end of the day before locking the padlock. As an alternative, the Council wanted to explore a hire agreement with the school for particular times/dates. LE to advise Brian Jennings to stop work on the wording for the sign. LE and SF to meet with the Head Teacher to assess whether a hire arrangement would work. LE and SF to talk to other parents to see if they would be willing to help transport and oversee children playing on the field.
- **Development of village website** - Item deferred until next meeting.
- **Footpath between villages** - As raised in the public forum, there have been additional grass cuts on 1 side of the road between Claxton and Sand Hutton to try to improve the walking conditions on the verge. This is a Parish Plan initiative. Councillors commented that they had also noted the cutting and the uneven verge. The contractor carrying out the grass cutting has advised that with each cut, the tussocky grass will improve but that there will always be holes and uneven ground because of the drainage channels. He advised that installing lengths of plastic drainage pipe and

covering over with soil was probably the only way to produce a smoother path on the verge. **PS** to assist **LE** to find out costs for plastic pipe and installation. **LE** to establish with Highways the regulations for carrying out such works independently from the Highways maintenance programme.

#### ITEM 7: FINANCIAL STATEMENT

**LE** delivered an overview of the finances. A copy of the accounts spreadsheet and year-end financial statements had been supplied to each Councillor prior to the meeting.

Cash Position as at 23<sup>rd</sup> June 2011 (including cheques issued):-

|                 |                  |                                       |
|-----------------|------------------|---------------------------------------|
| Current Account | £1,860.97        |                                       |
| Deposit Account | £1,520.77        | Includes Parish Plan funds of £496.95 |
| <b>TOTAL</b>    | <b>£3,381.74</b> | Including Parish Plan funds as above  |

- Invoices paid /receipts received since previous meeting:
  - o Income £2,100 - RDC - 1<sup>st</sup> instalment of precept 2011/12
  - o Expense £125.00 - YLCA annual membership 2011/12
  - o Expense £35.00 - Rural Action Yorkshire subs 2011/12
  - o Expense £23.99 - Website expenses eg web address renewal
  - o Expense £317.76 - AON Limited - Annual insurance renewal 2011/12
  - o Expense £27.00 - NALC subscription 2011/12
  - o Expense £190.37 - NYCC Electricity for Street lighting 2010/11
  - o Expense £40.00 - Printing costs for Parish Plan Update newsletter
  - o Expense £12.50 - Annual subs for York and NY Playing Fields Association
- **Internal Audit** - **LE** advised the Council that the Internal Audit of the 2010/11 accounts had been completed by Mr J Thompson and a clean audit report had been received (copy in recent binder). **LE** wanted to thank Mr Thompson for completing the audit for the council and conducting the audit at short notice.
- **Accounts 2010/11** - **LE** presented the year-end financial statements to the Councillors and talked them through the key figures. Income in the year totalled £5,020 with costs at £4,785 leaving a small surplus in the year of £235. This meant that reserves finished slightly higher than expected at £1,516 (excluding Parish Plan funds). Councillors agreed to sign off these statements and were ready to submit the figures for External Audit with Mazars. **LE to submit all required paperwork to the auditors Mazars prior to the 4th July deadline.**
- **Accounts 2010/11 Governance** - **LE** talked the Councillors through the Audit Return Governance Statement for 2010/11 and it was resolved that the Council had complied with governance requirements.
- **Npower dispute over historic invoices** - **LE** reported that at the end of May, Npower had submitted further letters threatening legal action, disconnection and demanding payment of a long list of invoices (£350 total). When this was queried, Npower then said that Unmetered Supply team were again looking at the accounts. **LE** reported that she had received some information from other Parish Councils about their interactions with Npower over streetlighting charges. **CH** highlighted to the Council that this issue continues to be a huge waste of time for the Clerk and that it was also distressing for the Clerk to be receiving threatening letters to her home address. **AS to assist LE to send a final letter to Npower stating what we believe the final position to be. AS and LE to send query to Ombudsman to see whether they could assist. LE to ask RDC legal department for their advice.**
- **Bank Mandate for new Council** - **LE to complete new bank mandate and AS, PS and SF all agreed to be signatories on the mandate.**

#### ITEM 8: ANY OTHER BUSINESS or ITEMS FOR FUTURE AGENDAS

- **AS** asked about the availability of training courses for Councillors. **LE to forward the training course information from YLCA to all Councillors.**

#### Items for future agendas:

Grass cutting specification and contract  
Completing Resilience Scheme for the parish

Items deferred from this meeting - Benches / Sign cleaning / Website Development

**ITEM 9: DATE OF NEXT MEETING**

**The next Parish Council Meeting will be held on Monday 8<sup>th</sup> August 2011 at 7:30pm in the Village Hall, Sand Hutton.**

Please note that minutes, agendas and other information can now be found on the Parish website:-  
<http://claxtonandsandhuttonparish.ryedaleconnect.org.uk>

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Questions to: Laura E J Edwards, Clerk to the Parish Council

[Email:laura.edwards@claxtonandsandhuttonparishcouncil.org.uk](mailto:laura.edwards@claxtonandsandhuttonparishcouncil.org.uk)

Freedom of Information Act 2000 Publication Scheme - please contact Clerk, or in her absence the Chairman ,Caroline Hall, if you want to know any information about this Council and its workings.

**FERA CAR PARKING SCHEME REMINDER**

**If you live within the Parish and want to take advantage of FREE weekend parking at FERA visitors car park so you can catch the bus into York / the coast, please email the Clerk with your name, full address and car registration number. Parish Clerk email = [laura.edwards@claxtonandsandhuttonparishcouncil.org.uk](mailto:laura.edwards@claxtonandsandhuttonparishcouncil.org.uk)**