BIGGIN PARISH COUNCIL

Biggin, Sherburn in Elmet, North Yorkshire, LS25 6HJ

# Minutes of Meeting held on Wednesday 17 April 2019

The meeting opened at 6.32pm

1. Present: Cllr Anderson, Cllr Lamb, Cllr Duncan, Clerk to the Council, Georgina Ashton. Members of the public, Mr Neil Kaiper-Holmes, Mr T Bowey.
2. Apologies for absence
   1. Cllr C Hartley, Mr J Paul.
3. Open Forum for members of the public (limited to 15 minutes)

none

1. Declarations of Interest

None

1. Minutes of the last meeting held on 16 January 2019

Mr T Myers attended the last meeting on 16/1/19 and since then a retrospective planning application has been submitted to SDC for a multi-fuel burner by his neighbour. Minutes of the meeting were signed by Cllr Lamb and seconded by Cllr Duncan.

1. Notice of Vacancy

Expressions of interest received from 3 residents initially. However, 2 of which have withdrawn prior to the meeting. Mr Kaiper-Holmes was invited to speak to the Councillors. He was invited to talk by the Chair and gave a brief resume of his career and interests. He was a Parish Councillor at Hensall and Chair for a time. The Clerk explained that in an election year, a co-option cannot take place until after the local elections on 2nd May, yet needs to take place within 35 days, therefore before 6 June 2019. The nominee will be informed in due course and if required, will be invited to the next meeting.

1. Planning
   1. CIL/Sec 106 Funding from new builds at Croft Farm

Ref email below received from Mrs Y Mason, ex Parish Councillor and Landowner at Croft Farm, Biggin. Mrs Mason (YM) sent an email to the PC after the last meeting on 22/1/19 stating that the PC should have received their S106 monies from SDC and enquiring about the “village green” on Meadow Edge. In summary, the Clerk has sent numerous correspondence since 22/1/19 to different departments at SDC including S106 / CIL Co-ordinator, Carol Baker, as well as the Planning Enforcement Team and the legal department 12/2/19. In addition, a letter was sent on behalf of the PC to the developer Orchard Homes, to establish the position of the village green with ref to pg 9 of the S106 agreement. The Clerk has also sourced a copy of the S106 agreement, all the planning documents from 2015/1004/OUT as well as sourcing a copy of the title deed and land registry documents with respective covenants for the associated land. At the time of the meeting, the land (driveway for Meadow Edge and the village green marked on marketing literature for the sale of the last plot) is still in the ownership of the developer and it is believed that this title deed will pass equally to the 5 plots on Meadow Edge once the last plot has been sold. This will mean that ultimately the “village green” will be owned by the 5 plots, however, it could still be retained in “perpetuity” for all the residents of the village.

The Clerk received on behalf of the Chair, a letter from the developer’s solicitor on 13 February 2019. This letter states that “there is no requirements in that agreements for our client to designate this as a village green under The Commons Act”. (that agreement, being the S106 Agreement). The Clerk has been informed by the District Councillor, Richard Musgrave and an independent solicitor that this is not the case and if the developer does not adhere to the S106 agreement then this makes the original planning permission null and void.

Although at the time of the meeting the Clerk has not received a response from the legal department, Mrs Mason sent a further correspondence to Mr Martin Grainger, Head of Planning at SDC on 17/2/19 regarding this matter. The Clerk has spent a considerable amount of time on this matter since the last meeting and although this has not been resolved, her suggestion is that we need to find the answer to this: 1) Is the S106 Agreement a legal document which is enforceable by the Planning Enforcement team, 2) does this then mean, that a “presumptive right of pedestrian access” come with it and if not 3) does this mean that the developer has to resolve to pay an additional fee that may/may not result in a percentage coming back to the Parish Council.

In preview of this meeting, the Clerk has notified District Cllr Musgrave, who is planning to contact Mr Grainger to follow up the query and provide clarity. **ACTION:** Clerk to continue to chase up the facts of the case with legal dept at SDC and District Cllr Musgrave and report back to the PC.

1. Community Safety – response from Community Watch Team
   1. Residents response – 8 residents of the village have expressed an interested in being involved in a Community Speed watch team from the village. A resident (Mr Bowey) suggested that the speed limit had already being agreed at 30mph. **ACTION:** Clerk to contact Highways Dept with regard to discussions in 2010 by the PC with the Highways department and a current estimate of costings and the current criteria.
2. Finance – update from RFO
   1. *Balance at Bank, Invoices to pay*

At 14/3/19, the balance at bank is £4,025.45. Invoices outstanding include CHBT £151.20, wages to Clerk for 6 months £162.90 and YLCA Membership £54; totals £368.10 and with the monthly outlay to website for £9.98 totals £378.08 for April. The balance at bank will be circa. £3,647.37.

* 1. *Internal Auditor for Annual Accounts 2018/19*

Clerk suggested either paying for internal audit from Avis Thomas, at a cost circa £65 or approach a local resident, retired Chartered Accountant for free. Additional, potentially unnecessary costs include Grass Cutting and website. The website is now costing £9.98 per month which totals £119.76 and the grass cutting which totals £414 year. These two combined fees, cost the PC £533.76 a year which is almost half of the precept. **ACTION:** Cllr Anderson to contact the web company to seek a reduced monthly fee. Cllr Anderson to contact Carl Hahm regarding being Internal Auditor to the Annual AGAR Accounts.

1. Community Engagement
   1. MINT FEST Charitable Donation – from the flyer sent out to all residents in January, the Clerk has received a number of suggestions on how to spend the charitable donation including the following: new bench, new notice board, more daffodil bulbs / flowers planted down the main strip of the village and 3 residents requested a playground / outdoor play equipment on the village green. The Mint Fest donation of £724.96 was donated to the Parish Council in January after the Mint Festival which took place in September 2018 at Leeds East Airfield. Clerk has a quotation from a firm to build a bespoke 18x 4 size notice board with Biggin Parish Council in the half moon shape above the notice board, 2 steel cabinet style doors, all in black, free standing for £800 inc VAT. **ACTION:** carried forward to next meeting to see if this money can be used with regard to the traffic calming / 30mph suggestion discussed in agenda item (8).
2. May 2019 Elections

In an election year, it is not possible to co-opt in an election period eg from the close of ballot (3rd April), to 2nd May and up to 35 days after the election day. In this instance, not until after 3rd May and before 6 June 2019. The PC currently have 3 nominations placed with SDC. **ACTION:** PC to hold a meeting as soon after 2nd May to co-opt for the 2 vacant seats.

1. Correspondence
   1. Email from Mrs Y Mason – 22 January 2019, discussed above although the Clerk would like it noted that she was concerned by the tone of Mrs Mason’s email, which Cllr Lamb has responded to. **ACTION:** This correspondence has led to a number of emails / correspondence regarding the S106 Agreement on the planning permission at Meadows Edge. (see agenda item 7.) This query is still ongoing.
   2. Email from Mr JN Paul, Meadow Edge – 12 February 2019

Complaint received by Mr Paul on 12 February regarding a face to face discussion, allegedly with the Clerk over 2 weeks prior to the complaint being received. **ACTION:** Decision to invite Mr Paul to the next meeting in order to allow him the benefit of presenting his complaint in person to the Parish Councillors.

1. AOB
2. Date of next meeting – Friday 3rd May 2019 6pm. This meeting will be an extra-ordinary general meeting, purely to co-opt new members on to the council for the 2 vacant seats. However there will be an open forum as normal. Thursday 9th May 2019 for the Annual Parish Meeting, Open meeting 6.30pm, Annual Parish Meeting at 7pm. Venue to be confirmed. Clerk is going to book a public meeting room if possible.

The meeting closed at 7.55pm