

BENTHAM TOWN COUNCIL

Minutes of the Council Meeting held on Monday 3 December 2012, at 7.30 pm in the Town Hall

Present Cllrs Adams, Armstrong, Barnes, Burton, Handford, Hey, Hurtley, Marshall & Procter Also DCllrs Barrington & Brockbank, CCllr Ireton, the Clerk, Mrs Burton & 7 parishioners.

121. To Receive Apologies from members unable to attend

Cllr Brown

122. To Receive Declarations of Interest from members present

Cllr Hurtley declared an interest in item 128.1.4, planning application 08/2012/13050, as owner of a neighbouring property.

123. To Receive Comment & Concerns - none

124. To Confirm the minutes of the previous meeting

RESOLVED: That the minutes of the meeting on 29 October be signed

125. To Receive the Clerks Report (for information only)

The clerk apologised for an error in the published Clerks Report showing that planning application 08/2012/12958 had been granted when it had in fact been refused.

She also informed the Council that there would be a delay in the lighting of the new street light at the entrance to Cleveland Square, which had been replaced in October, as ENW had discovered problems with the underground cables. These needed replacing, which will not now happen until mid-January

126. To Receive the Police Report & allow members to ask questions for information

PC McClurg attended. There had been 54 reported incidents in the Bentham area in the last month. These included 2 thefts in Low Bentham, 2 assaults at Cedar House, 3 reports of criminal damage where wing mirrors were broken off cars around the Horse & Farrier, 1 possession of cannabis and 1 where a house was entered in Goodenber Road and jewellery taken.

DCllr Barrington reported that plastic bags had been dumped in the shelter at the Station and PC McClurg agreed to investigate. He also confirmed that the white substance found on Hillside Road had been identified as cocaine, and that the police were continuing to work with the residents in that area.

127. To Receive Reports from CCllr & DCllrs (for information only)

CCllr Ireton informed the meeting that the 2013/14 grant settlement for Councils would not be announced until 19 December at the earliest making budget planning difficult. The best guesstimate at present is that NYCC will be £22m short over the next 2 years, and measures to plug such a gap cannot be achieved without cuts in services. The Govt is offering an extra 1% to Councils that freeze the council tax for another year, but increases will be capped at 2% without a costly referendum for those that wish to increase the tax.

Cynthia Welburn, Head of Children's Services is retiring and a lady from South Tyneside has agreed verbally to take the post.

DCllr Brockbank said that Bentham had produced 3 excellent presentations to the Localism Fund – Town Team, We Are Bentham & Pioneer Projects Passing Places. The results will be released on 11 December.

BT will be upgrading the Bentham exchange for fibre optic broadband towards the end of 2013, although dates for upgrading the street cabinets (which will affect the speeds reaching properties) have not yet been announced

DCllr Barrington had received information on the costs of the Space Shaper event, as requested at the last meeting. Funding from the North Yorkshire Community Fund had been used to pay the facilitator fees, venue hire and lunches. The costs of administration and officer time had been covered by Craven. Councillors asked for some actual values so that the cost of the event could be established.

She also announced that Craven DC, who predict a budget shortfall of £169K for 2013/14, will be charging for the collection of garden waste (brown bins) from 1 April 2013, if the proposal is accepted by the full Council at its meeting on 11 December.

Councillors expressed their concern at this, pointing out that the garden waste was a saleable commodity and that the end user should pay. They also questioned the wisdom of such a scheme which will be costly to administrate, and which will lead to more landfill. DCllr Barrington agreed to supply the clerk with head of Waste Management, Paul Florentine's response to the concerns expressed by Burton In Lonsdale parish council.

128. Planning

128.1. To Consider and Comment upon New Applications

128.1.1. 08/2012/13011 First floor extension & internal alterations to form bedroom & ensuite at Stone Grove Cottage, Mewith Lane, High Bentham

RESOLVED: That the Council had no objections to this application

128.1.2. 08/2012/13017 Amendment to 08/2011/12070 conversion of barn to employment use with ancillary living accommodation – amendment to roof structure of single storey work space at Little Croft Barn, Burton Road, Burton In Lonsdale – already approved

128.1.3. 08/2012/13023 Change of use from betting shop to A5 hot food takeaway & external alterations at Wilf True Racing, 10 Main Street, High Bentham

RESOLVED: That the Council had no objections to this application

- 128.1.4. 08/2012/13050 Retention of building for use as ancillary accommodation & storage with all elevations to be clad in timber boarding & reduction in height of south eastern extension (resubmission of 08/2012/12530) at West End Barn, Greenhead, Cross Lane, Low Bentham
Cllr Hurtley declared an interest

RESOLVED: That the Council had no objections to this application

- 128.2. To Receive Planning Decisions

It was confirmed that no further information had been received from Planning Enforcement regarding the illegal access at the rear of the Punch Bowl, Low Bentham

- 128.3. To Receive Correspondence on Planning Issues

- If any (see Clerks Report)

129. Highways Matters

- 129.1. To consider a request from DCllr Barrington regarding the School Crossing lady and the need for the pavements around the school to be gritted.

The lady who does the crossing patrol has fallen twice in icy weather and is concerned about it happening again. The Council felt that as an NYCC employee the county council had a duty of care towards Ms Nithsdale and agreed to write to NYCC and the school expressing its concerns and asking that something be done to ensure her safety.

RESOLVED: That letters be sent to both NYCC and Bentham Primary School regarding the safety of the Crossing Patrol officer in icy weather and the duty of care that NYCC has to its employees

- 129.2. To receive a brief report following the Highways meeting with James Malcolm on 28 November
 Cllrs Marshall & Burton had met with Mr Malcolm and Mr McCallum to discuss highways maintenance in the parish. NYCC have recently awarded a 10 year contract to Ringway who are now responsible for all work on the highways in the county. The Cllrs had pointed out that many of the repairs done in this area are not fit for purpose, mainly because the root cause of the problem – water ingress onto the highway, is not fixed first meaning that repairs do not last. NYCC had explained that water ingress is the responsibility of the landowner. They agreed to write to the landowners in question if supplied with the relevant names and addresses giving the owners a chance to fix the problems, after which NYCC Highways will solve the problem and charge the landowner. It was confirmed that this data had been supplied to NYCC where known.

RESOLVED: That NYCC Highways be asked to supply a timescale for notice to landowners and intervention in such repairs.

- 129.3. To Consider and Note Highway Matters for Information

The carriageway work on Fourstones and Ravensclose has been postponed until the New Year.

130. To Receive an Update following the Craven Select Committee Working Group Meeting on 28 November regarding Bentham Car Parks

At its meeting on 12 November the Working Group had proposed that Bentham Town Council takeover all four car parks in Bentham at a peppercorn rent and become responsible for running and maintaining them. Cllr Marshall and Mr Paige, Chairman of We Are Bentham, had attended the meeting on 28 November, but the proposal still stands. The Victoria Institute had discussed Harley Bank in Low Bentham but did not wish to be involved.

The current annual running costs of the car parks are some £5300 plus added insurance of nearly £200. The Council agreed that, whilst it might be able to offset some of these costs this was not certain and would not be known before the precept meeting – which would mean a 5% increase in budget to account for the potential spending. The biggest problem would be the on going maintenance costs listed at £169000 ‘on a 15 year maintenance cycle’, or in excess of £11000 a year. Council also noted the fact that, due to the complete lack of maintenance in the last decade or more the 15 year cycle would not be applicable as Lairgill and potentially Cleveland Square and Grasmere Drive will need resurfacing in the very near future.

The Council agreed that it could not ask the Bentham residents to cover these extra costs, and that it should decline to take over the car parks as suggested by Craven District Council. It acknowledged that in this situation it is likely that Craven will seek to implement parking charges on both Grasmere Drive and Cleveland Square car parks, but that there is no guarantee that the police will agree the necessary road traffic order as they had refused to do so when the subject was last discussed in 2010. It also noted that Craven may give up the lease on the Harley Bank car park and seek to build on Lairgill.

The Council asked that, in writing to Craven to decline the offer of taking on the car parks, the clerk request that the Council is still consulted on the future of the car parks, such as potential charging times etc.

RESOLVED: That the Council decline the offer to take over the running of the four Bentham car parks from Craven District Council at a peppercorn rent as it cannot expect the residents to cover the running and maintenance costs

RESOLVED: That Craven District Council be asked to include the Council in its consultation on the future of the car parks and any potential charging scheme.

131. To Consider NALC advice on the application for dispensations to allow the participation of Councillors with a DPI in the discussion and voting of the Council where their exclusion will mean the meeting is not quorate (paper 2012/20)

The clerk explained that the Localism Act 2011 not only repealed the former Code of Conduct, but also the general dispensation permitting any Cllr with an interest to take part in discussions relating to the precept. Cllrs paying council tax in the area have a disclosable pecuniary interest and will need a dispensation to take part in setting the budget and precept. There may also be other times when Cllrs have a DPI but require a dispensation in order for the Council to be quorate and make a decision.

Council agreed that it needed to grant a dispensation to each Cllr to allow the budget to be discussed and agreed at the January precept meeting, and that this should be put on the agenda for the next meeting

RESOLVED: That the granting of dispensations to all Cllrs to allow the discussion of the budget and setting of the precept be added to the January agenda.

131.1. To agree the addition to the Standing Orders of Bentham Town Council a standing order requiring members to submit their application for dispensation within a specific number of days of a meeting. If agreed this will stand for approval at the next meeting

The Council did not think it was necessary to have a standing order requiring Cllrs to request a dispensation prior to a meeting and agreed that the Standing Orders did not need amending

RESOLVED: That the Council does not need to amend the standing orders and that Cllrs should be able to apply for a dispensation at a meeting without prior form filling

131.2. To consider the delegation of granting dispensations to the clerk or a committee of the Council

The clerk explained that the power to grant dispensations could be delegated to a committee or to an officer of the Council. The latter action would be useful in committees where it was discovered that the meeting was inquorate due to the interests of the Cllrs present, alternatively such business could be brought before the next Council meeting for discussion and decision.

RESOLVED: That dispensations will be granted by the full Council and not delegated.

132. To Consider having a Council Twitter Account for the new Website

This will allow rapid updating of the Council website with relevant town news, and allow quick links to other groups. Cllr Armstrong agreed to set up the account and oversee the twitter feed and to educate the clerk. The Council thanked Cllr Armstrong for his involvement.

RESOLVED: That the Council have a Twitter account, administered by Cllr Armstrong.

133. To Consider Craven's new Recycling for Business Waste Collection and whether the Town Hall should join.

The various costs and administrative requirements of joining the scheme were discussed. The Council currently pays £490.67 for commercial waste collection. The proposed recycling scheme would be approx £50/year cheaper. The caretaker had agreed that, with the provision of extra bins in the kitchens, such a scheme could be operated within the Town Hall. The obstacle to operation of the scheme is the current abuse of the Town Hall wheelie bin, which is used to dump various wastes, from commercial paint cans to dead lambs. It was considered that locking the bins would cause collection problems with Craven DC, and an easy way round the problem could not be seen. It was agreed that the Council should not join the scheme initially, but review the situation next year.

RESOLVED: That the Council does not join the commercial recycling scheme at this time due to problems with abuse of the Town Hall wheelie bin, but review the issue next year.

134. To Note the minutes of the Open Spaces Committee meeting – noted

134.1. To agree to spend £400 on laying the back hedge in the Cemetery, which will be covered by the Parish Caretaker scheme

RESOLVED: That the Council spend £400 laying the hedge in the cemetery.

A question was asked about the recent drainage project in the cemetery which is still very wet. It was explained that the drains had been installed to take water coming down the hill behind the cemetery. Due to the historic layout it is not possible to install drainage within the body of the cemetery without a license from the Home Office and the potential disruption of graves, which is not considered acceptable, With the abnormal levels of rain seen this summer all the land round Bentham is wet, and the cemetery is no exception.

134.2. To agree to apply for LEADER funding towards 80% of the cost of cycle racks for the town

RESOLVED: That the clerk obtain suitable estimates and complete the application for the funding.

134.3. To agree to put two Christmas trees on the Town Hall as in previous years

The Council acknowledged the efforts of We Are Bentham and team, and congratulated them on the Christmas lights recently installed around the town.

RESOLVED: That Christmas trees be installed on the exterior of the Town Hall at a cost of £40

135. To Agree a method of review of the Clerks contract etc.

RESOLVED: That the chairman and clerk work through the NALC model contract and other issues for review and agreement by full Council

136. To Agree the Accounts for Payment

Mopps	576.00	British Telecom	290.74
Horton Landscaping	852.79	Eon	298.89
Toobys	7.98	Yorkshire Water	312.89
Stannah Lift Services	152.71	British Gas	230.55

Aviva	322.54	R Green	482.98
Craven District Council	98.00	J Burton	988.09
Viking Direct	327.64	SELRAP	15.00
Hygiene Cleaning Supplies	38.84	SLCC	145.00
T Stannard	20.00	Mr J Atkinson	100.00
I Henshaw	40.00	Orange	23.99

RESOLVED: That the accounts for payment are agreed

136.1. To agree the quote for £410 for the 5 year electrical installation test on the Town Hall

RESOLVED: That the quote of £410 for the 5year electrical installation test be accepted

137. To Consider items of Correspondence

137.1. To consider the Government Consultation on the Speed Limit for HGVs over 7.5tonnes on single carriageway roads

These vehicles are currently limited to 40mph which haulage companies claim is costly, causes congestion and leads to overtaking accidents. Data also shows that some 70% travel at 45mph. Council felt that its ability to provide evidence for the consultation was limited, but agreed that safe speed depended upon the state of the single carriageway road – such that 45mph is not unsafe on the A65, but is not advisable on country lanes with no centre white lines like the B6480 in Low Bentham

RESOLVED: That the Council respond suggesting that the speed limit should be determined by the type of road

137.2. To receive notification from Yorkshire Water that the Town Hall meter will be replaced – received

137.3. Neighbourhood Planning meeting, Lower Town Hall, Wednesday 5 December – noted

137.4. Craven Code of Conduct Training, Lower Town Hall, Monday 17 December – noted

138. To Receive Reports from Councillors who represent the Council on other bodies (for information only) - none

139. Items for next meeting and minor items only - none

There being no further business, the meeting was closed at 9.05pm

AGENDA ITEM 125)

CLERK'S REPORT TO BENTHAM TOWN COUNCIL, 3 December 2012

1. Planning Decisions Received Since Last Meeting

1.1. GRANTED

1.1.1. 08/2012/12974 Remove existing metal store & erect a stone/slate garage at New House Barn, Mewith Lane, High Bentham

1.1.2. 08/2012/13017 Amendment to 08/2011/12070 for conversion of barn to employment use with ancillary living accommodation. Amendment to roof structure of single storey work space at Little Croft Barn, Burton Road, Burton in Lonsdale

1.2. REFUSED

1.2.1. 08/2012/12958 Retrospective application for replacement of all external windows & door with wood effect uPVC units at 4 Ashfield Cottages, Main Street, Bentham

2. Planning Correspondence

2.1. Notification of Consultation on Draft Allocations Preference Criteria (circulated by email prior to closing date – no response)

2.2. Correction letter for Local Housing Stock numbers

2.3. Planning Enforcement Complaint – Section 215 Notice (Untidy Land & Buildings) for Asian Spice

2.4. Planning Enforcement letter regarding No Action at the Punch Bowl, Low Bentham

2.5. Planning Focus, October 2012

3. Information Regarding Items Discussed at last Council Meeting

3.1. Letters of support for Town Team & Pioneer Projects Localism Fund bids sent 30 October

3.2. Public Sector Deposit Fund contacted re deposit 1 November, forms to be completed

3.3. Parking Consultation letter circulated 31 October, sent 5 November

3.4. 2013 Town Hall bookings posted out w/b 12 November

3.5. Precept Grant application forms circulated w/b 19 November

4. Items for Information – see information folder

4.1. Police & Crime Commissioner Election result

4.2. NALC Legal Topic Note 80 – Members conduct & the registration and disclosure of their interests

4.3. NALC Legal Topic Note 79 – Staff Pensions

4.4. NALC Legal Topic Note 81– Pre-Determination

- 4.5. YLCA training programme, Dec 12 – Mar 13
- 4.6. Fire Service Accounts Information Poster – now available online.
- 4.7. White Rose Update, November 2012
- 4.8. Bureau Veritas report on the Lift
- 4.9. WR Mitchell archive invitation
- 4.10. Dragons Den 2013 application
- 4.11. Airedale Annual Record, newsletter

5. Items circulated by email

- 5.1. Craven Community News, November 2012
- 5.2. Latest Weekly Rural News Digest, 5/11, 12/11, 19/11, 26/11
- 5.3. Looking Well News, November
- 5.4. North Yorkshire Now, November
- 5.5. Rural opportunities Bulletin, November 2012
- 5.6. Rural Action Yorkshire ebulletin no.2, November
- 5.7. Craven Area Committee , 29 November, Gargrave Village Hall.
- 5.8. SLCC News Bulletin
- 5.9. RegioFlash News, 30 November
- 5.10. YLCA information note 30 November
- 5.11. Enewsburst for November - LEADER

6. Progress on Outstanding Matters

- 6.1. Meeting with Golf Club re allotments – letter sent to potential allotment holders to progress project
- 6.2. Sanctuary Housing contacted re Hillside Road, 27 November for update
- 6.3. NYCC Streetlights contacted 4 October re Cleveland Square, light has been replaced but will take 6 weeks for ENW to connect power – i.e. end of November, chased 3/12/12
- 6.4. Neighbouring Parishes contacted regarding a potential North Craven Neighbourhood Plan, 17 September, Craven asked to supply dates for joint meeting with Burton – see agenda
- 6.5. Network Rail contacted about fence 12 September, photos supplied 17 September, listed for repair 17 October
- 6.6. Market valuation of Low Bentham School Field, NYCC meeting 22/8, land registry & access information awaited
- 6.7. Low Bentham Playing Field, pipes & cables map awaited
- 6.8. Quality Status – Statement of training intent to be considered