

Bramham Parish Council

Minutes of the meeting held Wednesday 09 April 2014

Present: Cllrs: Whitbread (Chair), Halliday, Henderson, Jones and Innocent

Others: 6 residents

In attendance: M Lynch (Clerk),

Public Session: In response to a resident's question as to how much the PC has spent on legal fees the Clerk advised £600 in addition to the fees incurred on offering the lease to the BSLA. The resident asked why Hart Law had not been invited to tender for the work on new lease. The Clerk repeated the explanation given at the APM i.e. there is no requirement to tender for professional services. Hlw Keeble Hawson's rates had been benchmarked against those of Ware & Kay. Also Ware & Kay had advised that the Council should use a specialist property lawyer. The fee charged by hlw Keeble Hawson therefore represented good value for residents. Also the VAT element would be recoverable. He & another resident then asked whether the lease offered to the BSLA would be offered to another organisation or would another lease be drawn up. The Chair answered that there were no plans to offer a lease to anyone but that if that were to happen a decision would be taken then as to what would be appropriate. A resident raised the PC's due diligence of the BSLA business plan. The Chair asked that any question be put in writing to the Clerk.

1. Apologies for absence –Cllr Mackie

2. Disclosure of disclosable pecuniary interests or declaration of any other significant interests which may be in the public interest. None.

3. Exclusion of the press and public. It was **Resolved** to exclude the press and public from item (22) on the grounds that this item would involve a discussion which would include information which related to a potential legal action in pursuit of debt recovery and item (23) because it concerned discussion on possible changes to a Parish Council. Moved Cllr Whitbread, seconded Cllr Innocent.

4. Police matters. Dealt with at the APM which preceded the Council meeting

5. Minutes of the meeting held 5 March 2014 approved as a true record subject to the following amendments: (item 20) Invoice from Peter Collier for new electric heater & light fitting –Senior Citizen's Shelter approved: £394.26 & £50 plus vat respectively to read: Invoice from Peter Collier for new electric heater & light fitting –Senior Citizen's Shelter retrospective approval £394.26 & £50 plus vat respectively.

6. Clerks Report. (i)The Clerk advised that a request for the installation of road markings outside the village shop had been submitted to LCC - a reply awaited. She added that the shop owner supported the request. (ii) Cllr Innocent agreed to be the contact with Rural Action Yorkshire. (iii) Request from Paul Heaton that the PC revisit the installation of a floodlight for the War Memorial and heritage lighting on Front Street to be considered under item 12.(iv) Reply to Stuart Moore re fencing and reporting of potholes approved.(v) Complaint from Moira Pool that she had not received a reply to her email of **29 Feb 2012** – Clerk advised that a reply had been sent on **2 March 2012** enclosing a copy of the PC's complaints policy but that the copy of the PC's Communication Plan had been omitted. Clerk's draft reply approved and to be copied to Alan Jones (vi) Request from YCA for use of the Senior Citizen's Shelter Sunday 22 June approved. (vii) **SO suspended** Moved Cllr Innocent seconded Cllr Whitbread. Paul Marshall explained that he wished the PC to consider funding the creation of a hard standing at the Folly Lane Allotments from the PC 's reserves rather than as a grant from the option monies.LCC had been in a position to carry out the work immediately otherwise the work would be put back possibly for another 25 years. However, that window of opportunity had passed. Whilst sympathetic to his request, Cllrs were of the view that there needed to be full consideration given as to whether this would be an appropriate to use of PC funds (this was Highways land) and that they would prefer to let the grant process run its

course. To do otherwise would mean that the work would have to be funded from Council reserves. **SO resumed.**

7. Correspondence not considered under the Clerk's report.(i) It was agreed that the Planning Committee should have a pre application meeting with the Planning Consultant representing the owners of the Old Post Office.(ii) A copy of an exchange of emails between Cllr Innocent and Cllr Procter had been received. Cllr Innocent advised that he had accepted an invitation to meet Cllr Wilkinson only for Cllrs Procter & Lamb to turn up. Cllr Innocent told the meeting that he had asked Cllr Procter to put any issues regarding the lease in writing via the solicitors and that the chain of emails had excluded one stating his position. Cllr Innocent added that he remained committed to the PC's resolution of February 2014 that there should be no further negotiations with the BSLA. Cllrs expressed concerned that Cllr Procter had written in his role of Chair of Scrutiny Board and asked whether in view of his role as a Director of the BSLA whether this was appropriate? It was agreed that the reply as drafted by the PC's solicitor should be sent to the BSLA solicitors. Cllrs noted their solicitor's advice regarding direct or indirect contact from the BSLA. (iii)The Chief Executive of LCC Tom Riordan had written to Cllr Whitbread asking her to meet with him in order to try and reach a mutually agreeable resolution of the situation with the BSLA. He seemed to be under the impression that the PC intended to start Court Proceedings against the BSLA and that there was a legal dispute between the PC & the BSA. Cllr Whitbread had informed Mr Riordan that there were no proceedings underway and that the PC did not have any intention of starting any. She had intended to put the meeting request to the PC but that the points of clarification she had asked for from Mr Riordan had not been forthcoming e.g. confirmation that the meeting was at the request of Ward Cllrs and in particular Cllr Procter. Cllrs agreed to consider a meeting depending on any response received. Cllrs expressed surprise that the Chief Executive of LCC would concern himself with PC affairs and that there appeared to be a veiled threat to the future of the Parish Council in his letter of 28 March. Cllrs would not be intimidated by any such threats.

8. Planning Matters: Approval: Noted: Tree Orders: 14/01306/TR – Milnthorpe Farm LS23 6RE; 14/01439/TR The Gables LS23 6RR; 14/01516/TR Beech Court LS23 6QX.Planning: 14/01517/FU Addition of non – agric glasshouse to lodge – Bowcliffe Hall (amendment to previous approval); 14/01518/FU Listed building application for addition of non – agricultural glasshouse Bowcliffe Hall (amended design to previous approval); Application: 14/01770/FU The Cottage Low Way – Cllrs agreed to oppose The application on the grounds that 'the proposed alteration would result in the loss of a quirky roofline which contributes to the character of the conservation area. The Parish Council objects to the proposal because of concerns about the visual impact on the Conservation area.

9. Neighbourhood Plan update. Given at the APM which preceded the Council meeting.

10. Plan of actions required towards completion and opening of the Pavilion. In noting the plan Councillors commented on the fact that one funder of the Pavilion had advised that their grant had been given on the understanding that the Pavilion would be open a minimum of 2 days a week to the public.

11. Play area matters. It was **Resolved** to give retrospective approval to the installation of dowels to the multiplay unit at a cost of £108. Moved Cllr Whitbread, seconded Cllr Innocent. The Clerk advised that 4 tenders have been received and it was agreed that the play area committee should meet week commencing 28 April to review the tenders.

12. Bench refurbishment. It was **Resolved** that £300 should be approved to cover labour and material costs. Moved Cllr Whitbread, seconded Cllr Innocent.

13. Installation of a floodlight & heritage lighting. A quote of £ 1073 plus VAT had been received from LCC for the installation of a floodlight for the War Memorial. However, LCC had yet to advise regarding the installation of heritage lighting on Front Street. Although the quote for the floodlight was considerably less than the one previously received, in view of the length of time since these proposals were considered, the PC thought a meeting with LCC would be useful before coming to a final decision. The PC remained

supportive but also wished to consult with residents who might be affected by the floodlight. The Clerk was asked to contact LCC and also advise Paul Heaton, the resident who had asked for an update regarding this work.

14. Tenders to supply the Bramham Festival Shuttle Bus. Cllr Henderson advised that 3 tenders had been received: Eddie Brown (£480 a day – 33 seater bus); Geldards (£470 a day - 35 seater bus); Hunter Coaches (£480 a day – 35 seater bus). **Resolved** to accept Geldards quote moved Cllr Henderson, seconded Cllr Innocent.

15. The Legislative Reform Order – Repeal of section 150 of the Local Government Act 1972: Power for local councils to make electronic payments. It was agreed that this would be considered by the Finance Committee as part of the review of the PC's Financial Regulations.

16. Risk Assessment 13/14. It was **Resolved** to approve the Risk Assessment completed 25 February 2014. Moved Cllr Henderson seconded Cllr Innocent.

17. Nomination to the Wetherby and District Crime Prevention Panel. It was agreed that residents should be invited to express an interest but that it should wait until after the May election in case a new Councillor might be interested.

18. The Leeds (Reorganisation of Community Governance) Order 2014 was noted.

19. Cheque signatories It was **Resolved** that Cllr Whitbread be added to the list - list now includes Cllrs Innocent, Jones, Mackie & Whitbread. Moved Cllr Innocent seconded Cllr Halliday

20. Review of membership of the Grants Committee and date of the committee meeting. Following the resignation of Cllr Batt it was **Resolved** that Cllr Halliday should join the Committee. Moved Cllr Whitbread seconded Cllr Henderson and that the committee would meet Tuesday April 15th.

21. Financial Matters (i) Monthly bank reconciliation statement for March 2014 noted
(ii) Retrospective approval of the repair to the notice board M Playford (£65) Moved Cllr Whitbread, seconded Cllr Henderson

(iii) The following accounts were approved for payment:

Clerk's remuneration	£201.90
Clerks expenses	53.80
Caretaker remuneration	24.05
Cleaner remuneration	23.06
Gardener remuneration	14.05
HMRC	206.00
Streetscape Ltd	108.00
Bramham Estates (Wildlife Area Rent)	60.00
LCC (Mole removal)	237.00
Social Square (Website hosting)	60.00

22. Debt recovery. The Clerk advised that 'Dougie's Door to Door Service' had offered £300 in settlement of the PC's claim for £945 in respect of the PC's additional costs incurred when the Festival Shuttle bus failed to appear on Sunday 25 August 2013. Unfortunately Dougie's sub contractor Arrive in Style had withdrawn an earlier offer of £250. The solicitor acting for both contractors had advised that should the PC not accept this offer, the contractors would join forces to counter any legal action taken by the PC. Their claim would be that they only failed to provide a service between noon & 5pm on Aug 25th and did attempt to reinstate a service at 5pm. The PC discussed the possibility of pursuing the claim through the court but noted that this would incur not only legal costs but also additional hours for the Clerk and loss of earnings for Cllr Jones who would be required to attend court. Whilst these costs would be added to the PC's claim, there was the possibility that a court might find in favour of the contractors. In that event the PC might be liable for the contractor costs as well. The PC's case depended on being able to confirm the timings of the conversations with both contractors on Aug 25. Unfortunately the Cllr concerned had changed mobile phone provider and was unable to provide statements to prove the timings of the calls. In view of that the PC very

reluctantly **Resolved** to accept the offer of £300. Moved Cllr Henderson seconded Cllr Jones. In addition the PC would not consider either bus operator for future business.

23. Request for a change to a PC leasehold. It was **Resolved** that the PC would advise the resident that it did not wish to pursue a change to the lease at this time. However, the PC would be prepared to reconsider in 12months time. Moved: Cllr Henderson, seconded Cllr Innocent

24. Minor matters

- The Clerk confirmed that the WW1 Commemorative Bench would be delivered Thursday 10 April. Frank Wood had agreed to install it in the Senior Citizen's Garden
- Cllr Halliday had heard that the Air Ambulance had identified Bramham as a location for the installation of a defibrillator.
- Cllr Innocent asked the Clerk to report to LCC the damage to 2 of the steps from Paradise Way to Tenter Hill and also a tree stump in the same area which was a trip hazard
- Cllr Innocent asked the Clerk to contact LCC regarding the removal of hedging on Clifford Road – he wished to know if this was protected
- Cllr Henderson raised a resident's concern that contractors vehicles/equipment were damaging Back Street. Cllr Innocent added that there was a risk to culverts as well. Clerk to contact LCC

25. Date and time of next meeting

7. 30 Wednesday 7 May 2014, Senior Citizen's Shelter