

MINUTES OF THE MEETING OF THE

MALTON TOWN COUNCIL

HELD IN RYEDALE HOUSE, ON WEDNESDAY 30 SEPTEMBER 2015

PRESENT

Councillors Mrs J Lawrence (Mayor), P Andrews (Deputy Mayor)
Mrs A Hopkinson, D Lloyd-Williams, D Townsend, P Emberley,
G Lake and M Dales.

IN ATTENDANCE

MP Skehan (Town Clerk), Canon J Manchester (Mayor's Chaplain).

APOLOGIES

Cllrs Mrs K Ennis and Mrs J Ford

CODE OF CONDUCT

Members were reminded of their responsibilities under the Code of Conduct.

Cllr Andrews declared an interest, personal but not prejudicial, in respect of the Wentworth Street car park. The future of which was expected to be the subject of or connected with one or more agenda items planned for the meeting.

070. STANDING ORDERS.

In advance of the following item on the Agenda members agreed to suspend standing orders to allow the Mayor to invite contributions from members of the public.

071. THE LEADER AND THE CHIEF EXECUTIVE OF RYEDALE DISTRICT COUNCIL.

The Mayor welcomed Councillor Mrs Linda Cowling, Leader of the Council, and Janet Waggott, Chief Executive, who had accepted an invitation to address the Town Council on the status of the contract for sale of the car park, and the District Council's intentions for the future in this connection.

WENTWORTH STREET CAR PARK

It was confirmed that immediate future intentions re the contract for sale of the car park; whether to renew or to terminate, or to await any move by the other party, GMI Holbeck, would be decided at a meeting of the District Council on 8th of October. Until one or other, or both of the parties to the contract terminate the contract will remain in effect.

The Council Leader emphasised that the significant decisions going forward will be made by the appropriate Committees or Council, and that there would be no party whip in place covering the decision on the future of the contract. However she will continue to favour and press for the successful completion of a sale and development of a retail store on the site. Despite the evidence established over the years, and the representations made at this meeting, she considered that the sale of the asset and development of a superstore on site was the best solution for the Ryedale chargepayers as a whole, and commanded very much more support close to and within Malton than was generally conceded. In response to requests to provide evidence of this support for the sale, she indicated that she held these expressions of support in confidence, as those presenting this view were in varying degrees concerned at the implications for them were their views to be known. The Leader also expressed confidence that despite warnings that appropriate interest in the site had disappeared in the current climate, she is confident that a suitable provider can be found to successfully develop the project.

In response to comments and questions upon the time and effort consumed to this point and the substantial financial cost of inappropriate and incorrect decisions, the Leader emphasised the view that it remained the Council's responsibility to maximise the assets of the community, particularly where underuse can be established. In addition she maintained that officers and members had taken what was considered to be the best advice available, and that it had been incumbent upon them to take account of that advice.

The Chief Executive advised that she was aware that the delays on this matter were giving rise to irritation and hardship, and that her recommendation to Council is that it should postpone making a decision for six months to allow an opportunity for taking the contract forward to be identified. However if GMI Holbeck remains unable to deliver after that period, termination of the contract and consideration of alternative options should return to the agenda. It had been established that terminating the contract would present a very low risk. Changing the terms of the contract is not an option.

In response to comments from Town Council members and members of the public in respect of strongly held local concerns on such as the potential traffic impact and car parking capacity, the Leader argued that it would not be appropriate to comment on what are effectively planning issues, given that the planning process may yet need to be applied again to these issues. She commented also that the Planning Committee would be loathe to dismiss expert advice such as that given by the Highways Engineer in response to concerns expressed in the consultation.

In respect of the need for the District Council in its twin guises of planning authority and guardian/proponent of the well-being of the community, and the Fitzwilliam Malton Estate as by far the largest land/asset holder in the community, working together and communicating effectively for the benefit of the community, the Chief Executive was unequivocal in recognising the importance of this, conceding also that communication has not always been as it should be. The Leader in contrast appeared reluctant to concede that there was a particular need for communication between these parties, and that there had been real failings in that respect in the recent past.

On this subject the feeling of the meeting communicated to the Ryedale representatives might be summarised as follows.

1. That the recommendation that a six month period be fixed to allow for progress, failing which a decision be made to terminate the contract, is supported.
2. That consideration of the options following a potential termination of this contract should begin as early as possible, and that consultation on this should be wide and comprehensive.
3. That both the District Council and the Fitzwilliam Malton Estate should each make a particular resolution to put aside differences and communicate regularly and effectively on initiatives to progress the well-being of the town.
4. The Ryedale Plan, prepared by Ryedale District Council and examined and approved just last year, establishes a retail requirement which will be met in full by the development approved for Livestock Market site.
5. The various adjudications on the comparative merits of each site have firmly established the Livestock Market as the preferred site.
6. Any further delay in resolving the future of the Wentworth Street Car Park site to the benefit of the community beyond the period suggested at 1. above would be unacceptable.

AIR POLLUTION IN MALTON

On this subject two separate concerns were raised with the District Council representatives

1. **The lack of progress in remedying the air quality issues being identified in the area of Butcher Corner.** One aspect of this, on which absolutely no progress is being made, is the implementation of measures to compliment the effect of the introduction of the revised Brambling Fields A64 junction arrangements, particularly the introduction of a weight limit to remove other than essential HGV vehicles from the towns' central routes. It was noted that there is particular concern at the level of Nitrous Oxide emissions, and concerned parties do not accept or understand the County Council's reluctance to progress the proposed measures. The Leader and Chief Executive agreed, and undertook to look into this matter further.
2. **The Malodour in lower Wheelgate, Yorkersgate and Butcher Corner area.** The offensive smell, commonly believed to emanate from the sewer system has existed for many years and remains unresolved. Recent efforts to persuade Yorkshire Water to concentrate upon the issue brought the response that, other than that from the Town Council, no other reports had been received of a problem, nor was there any historical record of concerns in this respect. Clearly this could not be the case, but the District Council was urged to communicate its concern to Yorkshire Water, and to seek to bring the relevant agencies together to investigate and resolve this issue. Again the Ryedale DC representatives agreed to take up this matter again with the relevant authorities.

Following the discussion on air quality issues in the centre of Malton and representations on that matter from members of the public a resolution was made as follows.

RESOLVED

That the Malton Town Council supports a request for an investigation into the impact of the Brambling Fields junction improvements on town centre traffic movements, and the failure to date to implement the complimentary measures designed to consolidate the impact.

At the end of the presentation and debate the Mayor thanked Cllr Mrs Cowling and Mrs Waggott for their participation.

A motion to reinstate standing orders was approved.

072. MINUTES

RESOLVED

That the Minutes of the Council meeting of the 26 August 2015 be approved and signed as a correct record.

073. MATTERS ARISING

Min 179 (14-15). Open Spaces. Orchard Fields and Ladyspring Wood.

The Clerk reported that he would be attending the meeting of the Malton and Norton Area Partnership on 1 October to suggest that it might provide the best platform for the identifying of leisure sport and other open space community schemes which could benefit from financial aid from Section 106 funds. This would assist the District Council in assessing requests for allocations from the fund such as the Town Council's request for assistance for a maintenance programme for the Orchard Fields and Ladyspring Wood.

Min 015. Speed Signs in Town Street Old Malton.

It was reported that the sign was now on its first six week deployment at the agreed location on Town Street opposite the junction with Westgate.

Min 019. Cemetery Rules.

It was reported that Cllr Mrs Ford and the Clerk had met with a family seeking clarification on the rules pertaining to the placing of headstones and other structures in the 'lawned' area of the cemeteries. Agreement was reached which will see the matter resolved before the end of the year.

Min 063. Milton Rooms Committee.

Following the report that the Committee was to incorporate itself as a Company limited by Guarantee and remain registered as a Charity under the provisions of the Charities Act, the Clerk was asked to seek confirmation that this action would not expose either a Council Member nominated as representative of the Council on the Board, or indeed the Town Council itself to the risk of being jointly or severally being responsible for the liabilities of the Company. The clear advice given to the Clerk was that this style of incorporation would have no implications whatsoever for a nominating authority, and that the exposure of a director/trustee would be limited to £1. The Clerk was requested to seek written confirmation of this advice.

Min 065. Planning.

1. Proposed Mural at Castle Gardens. On enquiring the Clerk had been advised that the likely recommendation on the application for a mural on a wall on the site would be approval subject to the mural being applied to a surface affixed to the wall but capable of removal without damage to the wall. **Members agreed that despite this advice the Town Council's recommendation should be that the application be refused on grounds that it ran a significant risk of encouraging the spread of graffiti.**
2. Fitzwilliam Malton Estate. Application for 500 units on land North of Castle Howard Rd. The Clerk had been advised that a site visit was arranged, and that this Council could nominate one member to attend. **Members agreed that Cllr Emberley be authorised to represent the Council at the site visit.**

074. MAYORS ANNOUNCEMENTS

The Mayor reported that

1. she had attended a very successful Stable Open Day, and
2. she had been invited to join the Judging Panel for the 'Pride of Malton' Awards. The results will be announced at the October event.

075. FINANCE AND GENERAL PURPOSES COMMITTEE.

The Chairman of the Committee introduced the minutes of the meeting held on 22 September and proposed the recommendations therein.

1. SECTION 137 GRANTS

RESOLVED

That S.137 grants be awarded as follows
£

Ryedale Book Festival	300
Ryedale DC Chairman's Charity	50
Malton and Old Malton Old Peoples Party Committee	750
Ryedale Citizens Advice Bureau	1000
Malton Museum Foundation	500
Dickens Gift to Yorkshire	500

2. LAND REGISTRATION

Members agreed that the Chairman of Committee raise with the Council's Solicitor the question of whether it might be possible to proceed with registration of the area excluding that part, the status of which remains to be resolved.

3. CEMETERY LODGE.

New sash units to the main bedroom window are to be fitted at a cost of £493.99. In an annual inspection report on the boiler system a recommendation is made that the plastic oil storage tank requires replacement. Two quotes are currently awaited.

4. COMMUNITY HOUSE

It was reported that The finalisation of a temporary licence to occupy two rooms at the premises is imminent. It is understood that in the interim, due to contract issues relating to the possible car park sale, the licence will be to occupy only up to 23 December. The circumstance which requires this limitation may change soon.

5. ASSISTANT CLERK

A proposal was made that a post of Assistant Clerk be established. The following resolution was made on that proposal and related matters.

RESOLVED

1. That a post of Assistant Clerk be established,
2. That an appointment be made to the post on a part-time basis; 16 hours per week at a salary based on a scale ranging from SCP23-SCP25 of the National Joint Council agreed rates. Pro rata the salary would range from £9,015 to £9,605.
3. That the post be advertised, with a view to conducting interviews and making an appointment by early November.
4. That an Interview Panel be established to conduct interviews and make an appointment.
5. That the Panel comprise the Mayor, the Chairman of Committee AND Councillor Lloyd-Williams
6. That a further member be nominated to act as substitute in the event of unavailability of a member of the appointed Panel.

6. FUNDING NEW PREMISES AND ASSISTANT CLERK POST

RESOLVED

That a further £2,500 be allocated to the existing £5,000 budget to cover the in-year cost of establishing a new office and the employment of an Assistant Clerk.

7. CHRISTMAS LIGHTS

The Chairman reported that he would meet with the contractor to agree a Christmas Lights programme for the town which would be based upon completion of the fixture by 31 October, and a prompt take-down in early January; a date to be agreed. The contract cost will be within the amount approved by the Town Council in its annual budget, and further adjusted at the August Council meeting.

Members agreed to take into the Town Council's control and responsibility a street light column power source in Wheelgate which powers the Christmas Lights in that area. The cost has been circa £440 per annum and will be covered by the budget allocated to Christmas Lights.

076. **INSPECTIONS**

A written Inspection Report prepared by Cllr Mrs Ennis and Cllr Lloyd-Williams was circulated. Issues raised focused upon the condition of the chapel roof, the need for attention to a number of benches, and replacement of damaged swing seats at the play area.

The Clerk advised that

1. the Council's Surveyor is circulating a specification for attention to the roof issues again to a number of local roofing contractors in the hope of a better response than previously.
2. a programme for repairing and retreating the benches will take place over the winter months.
3. new swing seats are to be ordered.
4. the hanging baskets would be removed at the end of September.

077. **PLANS** **Five applications to the Local Planning Authority were considered.**

15/00985/LBC	RBS Bank 27 Yorkersgate Malton	External and internal alterations to allow lowering of ATM, removal of steps, and installation of new surround.
15/00917/73A	Wm Morrison Supermarket Castlegate Malton	Variation of Condition 13 of approval 99/00123/FUL dated 17.02.2000 to state: "All deliveries to the store shall be limited to between 05.00 hours and 23.00 hours Monday to Saturday with the number of delivery vehicles limited to one Morrisons company vehicle between the hours of 21.00 and 23.00. All deliveries to the store shall be limited to between 06.00 hours and 22.00 hours on a Sunday with the number of delivery vehicles limited to one Morrisons company vehicle between the hours of 06.00 and 07.00 and one Morrisons company vehicle between the hours of 20.00 and 22.00. The company vehicles delivering to the site shall switch off any refrigeration units prior to accessing the site, reversing beepers shall be switched off during manoeuvring and the engine shall be switched off as soon as manoeuvring is completed. Other vehicle deliveries to the store during the permitted hours shall switch off refrigeration units prior to accessing the site and switch off engines after manoeuvring." This is an alteration to delivery hours and restrictions.
15/01056/HOUSE	S Garnett 30 Middlecave Road Malton	Erection of an extension to garden room together with installation of roof lights to front facing roof slopes.
15/01080/HOUSE	J Wrightson 9 The Mount Malton	Replacement of mono pitched roof with dual pitched slate roof to existing detached garage.

15/01001/TPO	A Chaplin 67 Middlecave Road	To Reduce extension growth on eastern side of the crown of T3 (Beech) by a maximum of 4m, and crown lift T4 (Purple leafed beech) on the eastern side of the crown by the removal of 5 No. minor branches back to the main trunk, and the removal of small drooping branches emerging from the main scaffolding limbs, all within TPO 311/2007.
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RESOLVED

1. That a decision on a recommendation in respect of application no 15/00917/73A be deferred to allow for further information to be provided on the current approval.
2. That the remaining four applications be recommended for approval

078. ACCOUNTS

Nineteen accounts were submitted for approval.

		£
Inland Revenue	Tax / NI	788.95
Orange	Mobile	22.76
R Yates	Materials	10.75
S Bainbridge	Cemetery assist	62.50
JB Motors	Fuel	48.54
S Turner	Cemetery Plants	120.50
National Allotment Society	Membership	66.00
Yorks Water	Supply	18.67
JJ Skeet	Cemetery Drives Tarmac	660.00
Raymac	banner amendments	576.00
North Yorks Pension Fund	Contributions	1376.61
M Skehan	Salary and Expenses	1361.14
Inland Revenue	Submission penalties	200.00
S Young	August basket water	875.00
S Young	Sept basket water	350.00
Maltech	Chapels specs fees	828.00
Sept wages	Paid by Direct Credit	2423.39
Hitachi Capital	Tractor Instalment	252.62
Ryedale DC	Rates	168.00
Total		10209.43

RESOLVED

That the nineteen accounts be approved for payment.

079. MEETINGS. For information

- i)Malton and Norton Area Partnership 6.00pm Thursday 1 October. Norton TC Office.
- ii)Neighbourhood Plan Group 6.30pm Tuesday 20 October Norton TC Office.

080. NEXT MEETING

The next Town Council meeting was set for Wednesday 28 October 2015.

.....TOWN MAYOR. MALTON TOWN COUNCIL