

**Minutes of the meeting of Weaverthorpe Parish Council held on 20th January 2020 in
Weaverthorpe Village Hall at 7pm**

Present: M Rowland, S Taylor, T Thomson, A Milner, J Mason, G Downes, F Shellard (Chairman),
J House (Clerk)

District Councillor T Middleton (RDC)

Members of the Public: There were six members of the public present

1. **Apologies:** There were no apologies for absence
2. **Matters to be raised by members of the public:** There have been several complaints about parents at the school parking on Sherburn Road whilst dropping off and picking up their children. This is against school rules as all children should access the school from the path on Main Road, therefore avoiding traffic that uses the vehicular entrance on Sherburn Road. By parking on Sherburn Road there is a danger to the parents and children whilst they are walking to their vehicles as there is no footpath and the parking is taking place on a bend. The Headmistress is seeking the Parish Council's support to enforce this rule, which is part of the school's operating rules. The Parish Council gave their support.
3. **Approval of the minutes of the meeting held on 18th November 2020.** The minutes were agreed and signed by the Chairman as a true record of the meeting.
4. **Matters Arising:** The Clerk reported that our current contractor will continue with the grass cutting for 2020. This is on the basis that pay him the fee from NYCC and reimburse his insurance costs.

What Three Words was discussed at the last meeting and it was agreed that more information would be obtained from WTW and that information has been passed to the Warbler.

5. **Finance and Governance:**

Two payments had to be made in between meetings, HMRC £67 and SLCC £65

After these payments have been made the balance at the bank will be:

Current Account £4168.68

Reserve Account £6838.96

6. **Correspondence:**

Correspondence has been received from NALC via YLCA on revisions to the Discipline and Grievance procedures that WPC needs to adopt.

The disciplinary process is how councils can deal with concerns about employee conduct and/or poor performance.

The grievance process is how employees raise work relate concerns with the council (as the employer) or where their concerns are about a councillor, with the principal authority. The Legal Topic Note (LTN) provides guidance on the following matters:

The Ledbury Decision: The High Court case of R (Harvey) V Ledbury Town Council [2018] has changed the way in which councils must deal with an employee's grievance if the complaint is about the conduct of a councillor.

Employees can use all stages of the grievance procedure if the complaint is not a code of conduct complaint about a councillor. Employees can use the informal stage of the council's grievance procedure to deal with all grievance issues, including a complaint about a councillor. However, employees cannot use the formal stages of the council's grievance procedure for a code of conduct complaint about a councillor. If the complaint about the councillor is not resolved at the informal stage, the employee can contact the monitoring officer of the Principal Authority who will inform the employee whether or not the complaint can be dealt with under the code of conduct. If it does not concern the code of conduct, the employee can make a formal complaint under the council's grievance procedure.

Councils duty of care: If the grievance is a code of conduct complaint against a councillor, the employee cannot proceed with it beyond the informal stage of the council's grievance procedure. However, whatever the complaint, the council has a duty of care to its employees.

It must take all reasonable steps to ensure employees have a safe working environment, for example by undertaking risk assessments, by ensuring staff and councillors are properly trained and by protecting staff from bullying, harassment and all forms of discrimination. If an employee considers that the grievance concerns his or her safety within the working environment, whether or not it also concerns a complaint against a councillor, the employee should raise these safety concerns with his or her line manager at the informal stage of the grievance procedure. The council will consider whether it should take further action in this matter in accordance with any of its employment policies (for example its health and safety policy or its dignity at work policy) and in accordance with the code of conduct regime. Although grievance and disciplinary arrangements may be undertaken by the whole council, the YLCA considers that best practice is to establish a staffing committee (delegated to consider all staffing matters) with the authority to delegate any disciplinary matter, a grievance or appeal to a sub-committee (included in its terms of reference). The Clerk recommends that we adopt these revised procedures (but not the need for a staffing committee) and publish them on the website, this was agreed by the Council.

An email has been received from YLCA giving the dates of the Ryedale Branch Meetings for 2020 which are: 4 February, 3 June and 7 October, all meetings will be held at the RDC offices at 7pm.

Letter from Ryedale Community Transport seeking views on a proposed Ryedale Rover Service which would be two 8 seater minibuses operating a demand responsive pre booked service, five days a week and one mini bus on a Saturday. The vehicles would be on a predetermined route. RCT are seeking views from PCs on this It was agreed that we would place an article in the Warbler and ask people to feed their views back to RCT.

An email was received today from Ryedale Food Bank about accessibility of the Food Bank in rural areas. It was agreed that the email would be forwarded to the Warbler for inclusion in the next issue and that we would contact the Foodbank for them to attend our Parish Meeting in May and to send posters for the notice boards.

7. **Planning:**

Application no. 19/00433/FUL Change of use of the Barn, off Green Lane, has been approved. The conditions include Local Needs Occupancy and a condition that says that none of the buildings, when converted, can be sold separately from the others.

Vellco: There are two requests for information that have not been answered by RDC, one regarding the release of the planning conditions discharge, and the other a request as to why there is an amended officers report loaded to the website over a year after the application was approved. This latter request was made 24/10/19. The request for the release of planning conditions discharge was made because of the statement made by the RDC Head of Planning at the Planning Committee, that it would be up to the residents and the PC to police the conditions.

Two members of the public have received a letter from the Head of Planning explaining that they are amending their systems to allow conditions to be published on their website, and apologising for the Council's failure to comply with the Regulations. Presumably the Head of Planning is assuming he has complied with WPC's request because he has supplied the copies of the conditions to the members of the public. It is worth noting that after all the excuses about non compatibility of RDC's existing systems, they are now loading the condition discharge information into the existing system that has all the planning application correspondence loaded. This is not a problem but it begs the question as to why RDC made such a fuss about contacting IT experts and delaying the provision of this information

The Clerk wrote to Andrew Windress, Vellco's Agent as requested at the last meeting. This correspondence was sent on 2nd Dec asking for a reply to an email sent 4 months earlier. A reply was received on 4th December 2019 which will not satisfy the residents on Main Road. A Windress's reply clearly takes a stand that the current plans which have been "approved", (by the fourth Planning Inspector to deal with this application), and that they have ignored the PC's offer to gather information from the residents regarding landscaping and relied upon a consultant who viewed everything from the site only. In fact they have done as little as possible to adequately protect the residential amenities on Main Road, despite what the Planning Application stated that the Head of Planning at RDC indicated that the key issues were the effect on the residential amenity and highways issues. It was noted that there is substantial screening to the properties on Rarey Drive which are predominately social housing, and little or no screening to the owner occupied housing on Main Road. Whilst the Clerk and Cllr Thomson have an interest in this, the Council will be canvassed by email on a reply that the Clerk has prepared. That letter will ask for a meeting with Vellco to discuss the landscaping issues.

The Site Management Plan is meant to satisfy the needs of condition 17 of the conditions set by RDC. The Management plan does not have a signature of Joe Fell who is, according to the document, the managing director of the operation, so how do we know this document has been approved by Vellco?

The document says that Health and Safety Matters at the site are the responsibility of two people who are not listed as part of the "management team" in the document. Health & Safety is always the responsibility of Management. As the document is not signed by the MD and is the responsibility of two people who are not on the management team, this demonstrates Vellco's lack of attention to Health and Safety on their site. It was noted that despite Vellco's assurances on using banksmen, this still does not happen.

The document further refers to a Construction Management Plan that will detail the management of traffic during the Construction Phase, but the document submitted is an Outline Construction Management Plan and merely refers to a construction traffic management plan that will be produced ahead of commencement of the construction works. The increased level of traffic associated with the current operations will have an effect on the vast amount of traffic that will be bringing construction materials to site, these should be detailed now, not at some point in the future. The importance of a traffic management plan cannot be overlooked, particularly as the company's traffic indications in the planning application were proved to be vastly inaccurate.

It was noted that the traffic management whilst construction is taking place will be extremely important as there are several businesses other than Vellco in Ropery Lane which will be impacted by the increased traffic. It was noted that the restrictions on vehicles using the site should also apply to construction traffic.

The Outline Construction Management Plan that has been approved by RDC to satisfy condition 18, is what is says, an Outline Plan. It refers to three positions of management during the Construction phase, none of which has any responsibility for Health and Safety. Indeed there is no mention of the words Health and Safety anywhere in the document.

The construction works will involve the civil stage which will entail use of various pieces of heavy plant which will not only be transported to the site, but will be in operation, vast numbers of concrete trucks, steel erection and cladding, also electrical and drainage works. All of these activities require Health and Safety management, none of which is even mentioned.

Additionally the Traffic management is only mentioned in the context of it being discussed prior to commencement of construction. If RDC think that Vellco have satisfied the requirements of Condition 18, when will the Planning Authority approve the Construction Management Plan that was asked for in Condition 18?

One other aspect that has arisen in the last few days is the provision of a drawing on the RDC web site which shows the widening of Ropery Lane to include the verge outside Wold House. The Clerk has not had the opportunity to check this out, but it would be reasonable to suppose that the verge as it is not a VIUA, belongs to Wold House and not Vellco. This document was not included in the documents supplied by RDC.

After much discussion involving members of the public and the Council, in which the lack of RDC's ability to adequately check the details of conditions submitted and approved, it was agreed that so far the condition discharge has not been handled in a manner which has actually satisfied the conditions of the application. Cllr Middleton said she would take these issues back to RDC and report back.

Another relevant point to be raised is that two members of the public have met with the local inspector for the Environment Agency and he is very concerned that Vellco do not have a Fire Prevention Plan in place for the facility they already have. They argue they do not need a fire prevention plan because the tyres they store are not waste tyres! Latest update from the EA is that a new manager has been appointed for this area and he will be visiting the site shortly.

8. **Street Lighting:** The Clerk has requested that the timer on the new light outside September Cottage is activated as currently it is on all night.
The updating of the rest of the lights is still on course to be completed by the end of January.
9. **Village Green:** The Council agreed that we shelve this project due to the apparent lack of interest by the parents. It was agreed that at some time in the future we would have to replace the bird mouth fencing, when finances allow. A further community painting exercise may be necessary in 2021 if Open Gardens is held next year.
10. **Phone Box:** The phone box agreement has been agreed by all parties and it was signed off by the Chairman and the Resident's representative. It was noted that we have always assumed that we would need to disconnect the power supply, but BT will continue to fund this. The Clerk will email BT to start the adoption process.
11. **Tree Survey:** The Clerk has contacted a number of tree specialists from details on the web, one came back and gave the details of a company they use in York. That company has acknowledged the request and will get back to us.

The meeting closed at 8.10 pm

Next meeting will be on 16th March 2020