

**MINUTES OF THE MEETING OF KNARESBOROUGH TOWN COUNCIL HELD AT  
KNARESBOROUGH HOUSE, KNARESBOROUGH ON MONDAY 30 MARCH 2009**

**PRESENT**    **Chair:** Councillor P Godsell (Mayor)

**Councillors:** B Archibald, J Batt, J Burdett, M Clemmitt, R. Hall, J Hawkins, K Hawkins, B Holbrook, L Lever, L Powell, J Walton, A Willoughby, and C Willoughby.

**Late Arrivals:** Councillor J Hawkins

**Early departures:** none

**Also Present:** Mr Terry Maude for Item 4 only re Item 10d – Performance Area

**C 09/61        ITEM 1 – APOLOGIES**

Apologies were received from Councillors B Asquith and L Lever

**C 09/62        ITEM 2 - DECLARATIONS OF INTEREST**

All declarations are personal, unless otherwise stated.

Councillor J Walton        Item 6 – 879.H – Prejudicial

Councillor K Hawkins        Member of HBC – will consider any same item at Harrogate Borough Council in the light of any new information  
Item 6 – 879.H – Knows applicant  
Items 15f and 15h – KTC representative on Nidd Gorge Advisory Partnership

Councillor A Willoughby    Item 15a – Chair of CAP group  
Item 15c – Member of Renaissance Knaresborough  
Items 15 f and 15h – Member of Nidd Gorge Advisory Partnership  
Item 12 - Prejudicial

Councillor C Willoughby    Member of HBC – will consider any same item at Harrogate Borough Council in the light of any new information

Councillor R Hall        Item 15c – member of Renaissance Knaresborough

Councillor J Burdett        Member of HBC – will consider any same item at Harrogate Borough Council in the light of any new information  
Item 15d – Member of CVS Committee  
Item 6 – 362.C – Knows applicant  
Item 6 – 879.H – Knows applicant

Councillor L Powell        Item 6 – 879.H – Knows applicant

Councillor M Clemmitt    Item 6 – 879.H – Knows applicant  
Item 15a – Member of CAP group

Councillor P Godsell        Item 6 – 362.C – Member of Frazer theatre which is close by  
Item 6 – 879.H – Knows applicant  
Item 15a – KTC representative on CAP group

**C 09/63        ITEM 3 - MINUTES OF PREVIOUS MEETING**

**RESOLVED:** That the Minutes of the Council Meeting held on Monday 9 March 2009 be approved as a correct record and signed by the Chair:

**C 09/64        ITEM 4 – KTC PUBLIC SPEAKING SESSION**

**Mr Terry Maude re Performance Pavilion** - Item 10d (Report of the Town Meeting for the Township of Knaresborough, Monday 2<sup>nd</sup> March 2009, Minute 524b)

Mr Maude disputed KTC's decision to write a business plan for the Performance Pavilion, stating that there was no mention of a business plan as a requirement for the planning application. Any business plan would need to be negotiated with the leaseholders i.e. HBC. A business plan requires a lot of effort and the former Performance Pavilion working group had already put together a skeleton business plan.

Mr Maude reiterated his call for HBC to carry out the archaeological survey in the Castle grounds as a logical next step towards getting a Performance Pavilion for Knaresborough.

The archaeological survey was a requirement of the planning application, had been committed to by the former Chief Executive of HBC, Mick Walsh, who said HBC would carry it out as part of the Conservation Study. It is not possible to get Ancient Monument Consent without the archaeological survey having been carried out.

If the archaeological survey determines that the Performance Pavilion cannot be built then that will be the end of the project. If, however, it proves to be feasible, then we can move on to the next stage, which would involve a business plan.

Mr Maude pointed out that this project is very likely to attract charity funding from the Duchy of Lancaster.

***The chair moved to Item 10d, Minute 524b – Performance Pavilion***

Councillor K Hawkins pointed out that there are two bodies that we need permission from before we can go ahead with the Performance Pavilion. Firstly we need planning permission from the Council and secondly we need permission from the leaseholder. Both of these bodies happen to be HBC.

In order to get the permission from the leaseholder, we need political leadership at HBC to push the project through. If English Heritage requires a business plan, we have to jump that hoop. We need to go over every obstacle that is put in our way.

Councillor R Hall and Councillor A Willoughby supported the view that we should proceed with the business plan. Councillor A Willoughby reminded Councillors that the Head of Planning Services at HBC had stated in written communication that, due to the long time lapse, even if an archaeological survey is done, we would have to re-apply for planning permission for the Performance Pavilion.

***Councillor J Hawkins arrived at 7.50***

Councillor A Willoughby has been in negotiation with Keith Emerick of English Heritage and has shown him the business plan he has drafted. Mr Emerick is pleased with what he has done but requires further sections to complete the plan. This would be extremely time-consuming. Councillor A Willoughby is in communication with three consultancies that would be able to complete the extra sections of the business plan. He is obtaining quotes from them.

Councillor A Willoughby requested more time to work on the project before approaching HBC officers to push it through and it was

**RESOLVED** that KTC write to HBC and inform them that the groundswell of public opinion at the Annual Town Meeting was such that they wanted KTC to demand we get a Performance Pavilion now. However, KTC are not of that opinion and are working on collecting and sorting more information before proceeding with the proposal.

***The Chair moved back to Item 4 – KTC Public Speaking Session***

*Councillor J Hawkins gave her Declaration of Interests as:-  
Item 6 planning Application 879h- applicant is a fellow councillor.  
Items 15f and h Member of Nidd Gorge Advisory Partnership*

**Councillor J Walton re Item 6 – Planning application 879.H**

Councillor J Walton spoke about her husband's listed building application to raise the roof of and install 2 windows in a detached outhouse at their property in Gracious Street. She pointed out that the building was currently only suitable for storage and her husband would like to use it as a potting shed. Any changes would be done in sympathetic materials. The outbuilding is not visible from the house.

***The chair moved to Item 6 – 879.H***

*Councillor J Walton, having declared a prejudicial interest in this item, left the room*

**RESOLVED** that KTC have no objections

*Councillor J Walton returned to the room*

**C 09/65      ITEM 5 – BUSINESS REMAINING FROM PREVIOUS MEETING(S)**

a) Local Transport Plan – Letter received from the Corporate Director, Business and Environmental Services, Harrogate Borough Council – item deferred from the last council meeting on 9 March 2009

**RESOLVED:** Receive and note **(Unanimous)**

**C 09/66      ITEM 6 – PLANNING APPLICATIONS**

**RESOLVED:** That observations be made to the Planning Authority upon the planning applications in Knaresborough stated hereunder, as indicated opposite each application:

<u>Ref</u>	<u>Applicant</u>	<u>Details of Application</u>	<u>Observations</u>	<u>Return by date</u>
09/00613/FUL 178.B*	Mr Simon Edwards	Erection of single storey rear extension, first floor side extension and formation of hardstanding to front - 12 Netheredge Drive	No objections	25 March 2009
09/00981/FUL 182.B*	Mr and Mrs Mason	Erection of single storey side and rear extension - 11 Farfield Mount	No objections	02 April 2009
09/00976/COU 362.C*	Mr Mark Flood	Change of use from workshop and office (Use Class B1 - Business to workshops, music, drama, art and meeting place (Use Class D1 - Non residential institutions) - Simon Corner Car Sales, Elephant And Castle Yard, High Street	No objections	07 April 2009

09/01041/TPO 496.G*	Mrs Margaret Rushton	Crown thinning by 15% and dead wooding of 1 willow tree, Tree T1 within Tree Preservation Order 16/2009 - 27 York Place	No objections	08 April 2009
09/00974/LB 879.H*	Mr A Walton	Listed building application for the raising of roof height to detached outhouse and installation of 2 windows - Swadforth House, 5 Gracious Street	No objections	10 April 2009
09/00991/FUL 1214.C*	Mr S Patel	Change of use of vacant retail unit (Use Class A1 - shops) to coffee shop (Use Class A3 - Restaurants and Cafes) and installation of condenser unit and 2 roof lights to rear (Revised Scheme) - 18 Market Place	KTC comment: The Town Council supports this application (despite it being in the core shopping area) because of the large number of empty shops in the town generally and because we feel that this application would help liven up the town centre and attract more people.	09 April 2009
09/00747/FUL 1614.AY*	Pentemon Inves- tments Ltd	Erection of 21 storage units and formation of new vehicular access Land At Grid Reference 436776 456515 - Grimbald Crag Close	KTC object as this development would lead to a loss of employment opportunities in an industrial area	27 March 2009
09/00673/COU 1734.C*	Lime Tree Delicatessen	Change of use of part of ground floor delicatessen (Use Class A1 - Shops) to form area for the sale of hot food and drink (Use Class A3 - Restaurants and Cafes - Moorland Nurseries, Forest Moor Road	No objections	03 April 2009
09/00982/FUL 1921.B*	Mr and Mrs R Roberts	Erection of first floor side extension, single storey rear extension and 1.8m boundary fence - 9 Appleby Grove	KTC object to this development because of the extra high fence. It feels that it will detract from the visual enjoyment of walking up and down the street	08 April 2009

		3100		Council 30 March 2009
09/00985/TPO 2307.B*	Mrs Catherine Leigh	Lateral shortening of 1 Beech tree T5 within Tree Preservation Order 01/1992 - Appleby House, 1B Scriven Road	No objections	08 April 2009
09/00707/FUL 2690.A*	Mr Christian Turner	Erection of single storey front extension and alteration to vehicular access (Revised Scheme) - 24 Rievaulx Avenue	No objections	31 March 2009
09/00796/FUL 2699*	Mr Jamie Lindsay	Conversion of roof space for additional living accommodation with erection of dormer window and installation of 4 roof lights to rear - 40 Greengate Lane	No objections	25 March 2009

\* Item for determination by HBC Head of Planning Services or Head of Planning Services /Chairman of Planning Committee

\*\* Item for determination by Planning Committee

#### C 09/67      **ITEM 7 - PLANNING CORRESPONDENCE:**

- a)    **Planning Enforcements** – (i) Confidential Papers: (1) (*See unpublished minutes*)  
(ii) Reports of Investigation(s):
- Case No 08/00477/PR15 – 21 Kings Road
  - Case No 09/00077/PR15 – Scorpio Restaurant, 16 High Street
  - Case No 09/00119/LB – House in the Rock, 8 Crag Lane
  - Case No 07/00138/PR15 – Coal Depot, Stockwell Road
  - Case No 08/00563/PR15 – Coombe Cottage, 1 Castle Ings Rd
  - Case No 09/00258/HPC – Stone Garth, 7 Wetherby Road
  - Case No 09/00098/PR15 – 31A York Place

**RESOLVED:** To receive and note

- b)    To note the following **NOTICE OF APPEAL** against HBC's refusal of planning permission

- i) 09/00012/REFPP – 6.100.2584.A.FUL – (APP/E2734/A/09/2097616/WF) – Erection of two storey side extension (Revised Scheme) – 11 Manor Drive
- ii) 09/00016/REFPP – 6.100.2675.FUL – (APP/E2734/A/09/2097966/WF) – Erection of 1 attached dwelling (site area 0.016ha) – 32 Meadow Road
- iii) 09/00023/REFPP – 6.100.2228.A.FUL – Retention of garden shed - 39 The Paddock

**RESOLVED:** To receive and note

**(Unanimous)**

- c)    To note the following application refused by HBC contrary to KTC's observations:

- i) 6.100.725.F.LB – Listed building application for the re-pointing of front and side elevations and internal alterations to include the removal of all and installation of balustrade – 4 and 4A Castlegate. KTC Comment – No Objections

**RESOLVED:** To receive and note

**(Unanimous)**

- d) Tree Preservation Order No. 16/2009 – 27 York Place - to note that the order was confirmed by Harrogate Borough Council on 6 March 2009

**RESOLVED:** To receive and note **(Unanimous)**

- e) Harrogate Borough Council's Trees & Woodland Policy – letter dated 3 March 2009 from the Arboricultural Manager, Harrogate Borough Council

**RESOLVED:** To receive and note **(Unanimous)**

- f) To note the Harrogate and District Local Development Framework Core Strategy Document adopted February 2009

**RESOLVED:** To receive and note **(Unanimous)**

**C 09/68          ITEM 8 - HBC PLANNING COMMITTEE - TUESDAY 31 MARCH 2009 AT  
2.00PM CRESCENT GARDENS, HARROGATE.**

The date of the above meeting was noted. No representative from KTC to attend.

**C 09/69          ITEM 9 – CORRESPONDENCE**

- a) YLCA Harrogate Branch Meeting 22 June 2009- Presentation and Questions to Mr Tim Richards, Head of Planning Services, HBC – e-mail received 13 February 2009 from the Deputy Chief Officer, Yorkshire Local Councils' Associations

The chair requested that if anyone has any questions for Mr Richards, that they bring them along to the next Council Meeting and give them to Councillor K Hawkins or Councillor L Powell, who are KTC representatives at YLCA. The Clerk will put the item on the next Council Agenda.

- b) Knaresborough Public Toilets – letter dated 4 March 2009 from the Principal Facilities Manager, Harrogate Borough Council

While Councillors are generally grateful that the bus station toilets are being replaced, concern was expressed about when other public toilets in Knaresborough will be upgraded and it was

**RESOLVED:** that KTC write to Nigel Thompson expressing its concern about point 3 of his letter (which suggests no more refurbishment plans are in place for Knaresborough toilets) and asking when the public toilets which have not been previously upgraded will be upgraded. In addition, KTC will point out that standards of cleanliness are not being maintained adequately in all public toilets. A copy of this letter will also be sent to John Hayton, Chief Building Surveyor, HBC **(Unanimous)**

- c) Copy of letter distributed to Waterside residents re the Restricted Parking Zone – e-mail received on 9 March 2009 from Senior Engineer – Traffic management Transport, Harrogate Borough Council

**RESOLVED:** Receive and note **(Unanimous)**

**C 09/70          ITEM 10 – REPORTS AND MINUTES OF COMMITTEES/WORKING GROUPS**

- a) To approve the recommendation of KTC Office Services Committee re new Committee System.

**RECOMMENDATION**

- i) That KTC continue with the existing Committee System for the next 6 months (the Civic year from May to November)
- ii) That the meeting schedule will run for a full year.

**RESOLVED:** that the recommendations of the Committee be approved.

**(Unanimous)**

b) To approve the other recommendations of KTC Office Services Meeting held 16 March 2009

The Clerk asked for the wording, 'Under the Local Government Act Of 1972 – section 101' to be added to the Urgent Decisions Procedure to give the policy legal grounding.

**RESOLVED:** that, subject to the following amendments, the recommendations of the Committee be approved.

**(Unanimous)**

The Clerk then requested that the wording she had been persuaded to remove from the Office Services minutes – be put back, and pointed out that this was to cover herself. The Clerk explained that the query was whether councillors who were not on committees should leave the room for confidential items.

The Chair of Office Services explained that the Clerk had received advice from the YLCA, and that he had then rung Peter Jordan at HBC and been told something different, but this was a matter for KTC to decide.

Councillor J Hawkins asked the Clerk, what advice had been given, when it had been given, and whether the advice had actually been given at the meeting. The Clerk explained the advice given by the YLCA, stating that she had asked for it when the committee system had started. She stated that not only had she given the advice to Councillors at the O/S meeting of 16.3.09, but that she had also given the same advice at the start of the new committee system.

*The omitted wording is as follows – 'The Clerk pointed out that she had obtained advice from the YLCA at the start of the new committee system, which was that Councillors, who were not on that particular committee, should be treated as members of the public and should not be present during a confidential session. The Chair said that he would check with the Monitoring Officer at HBC. Members disregarded the Clerk's advice and those members not on that committee stayed in the chamber'*

c) To receive the report of the Minutes of an Informal Meeting dated 6 March 2009

The recommendation that came out of the Office Services Meeting was that we wait and see if the Farmers' market can be done on Sunday. This has since been confirmed as possible by Otley Town Partnership.

Councillor L Powell expressed concern that Wetherby has its Farmers' Market on the same day – the second Sunday in the month.

It was agreed that this item should be further discussed by the Community Services Committee.

**RESOLVED:**

- i) That KTC agree to proceed with a Sunday Farmers' Market and that the Community Services Committee takes up with Otley Town Partnership the actual dates
- ii) That the Community Services Committee be given delegated authority to proceed with this and to spend up to £500 maximum

*(Councillor A Willoughby asked that if KTC write to HBC that consideration is given to the fact that there are many sections that are involved with the Farmers Market)*

d) To receive the report of the Annual Town Meeting of Knaresborough Town Council dated 2 March 2009  
The following issues arose:

1) **Level Crossing**

It was noted that despite confirmation by email from Janice Proctor-Broad, Community Relations Advisor LNE, Network Rail to KTC on 25<sup>th</sup> March stating that the level crossing gates would be opened the next day, they are in fact still locked.

Councillor K Hawkins observed that there is a national campaign to shut level crossings due to the high level of accidents.

**RESOLVED** that KTC write another email to Network Rail asking when it will be opened *(unanimous)*

## II) A59 - HGVs using Knaresborough Town centre as a thoroughfare

It was agreed that the Clerk will put the issue on the next Council Agenda

## III) Knaresborough Maps

Councillor J Walton explained that the Knaresborough Maps had not yet gone up because Harrogate Borough Council is going to carry out maintenance work to the map holders beforehand.

**RESOLVED** to write to Harrogate Borough Council to ask them to proceed quickly with this so that the maps can be in place in time for the summer season *(unanimous)*

## IV) Dog Wardens

As this item is obviously causing considerable public concern, action needs to be taken to resolve the situation.

**RESOLVED:** that KTC write to Harrogate Borough Council pointing out that this was raised by the public at the Annual Town Meeting, and is a serious problem in Knaresborough. KTC would like to see additional bins and more dog wardens.

In addition, they would like to know if a member of the public reports having seen a dog foul to the dog wardens, and can name the owner of the dog, can the wardens act on it? If they can't, who is able to?

## V) Parking at King James

In order to combat inconsiderate parking by students of King James it was

**RESOLVED:** that KTC write to Harrogate Borough Council suggesting a two pronged approach:

- i) that preferential season tickets be made available to staff and students of King James School for the use of York Road public car park
- ii) that Harrogate Borough Council make the Swimming Pool car park pay and display, with refunds or tickets provided for users of the pool (in the same way that the Harrogate Odeon cinema operates)

*(unanimous)*

## C 09/71 ITEM 11- REPORTS FROM THE CLERK

None

## C 09/72 ITEM 12 - ACCOUNTS FOR PAYMENT SCHEDULE No. 346

**RESOLVED:** That Payments as per Schedule of Accounts No. 346 totalling £10583.36 be noted.

*(Unanimous)*

*Councillor A Willoughby, having declared a prejudicial interest in his expenses claim on the Schedule of Accounts, left the chamber.*

It was noted that Councillor A Willoughby expenses need to be redistributed across different budgets.

**RESOLVED:** that Councillor A Willoughby's expenses claim be approved

**(Unanimous)**

*Councillor A Willoughby returned to the chamber.*

**C 09/73      ITEM 13 – OTHER MOTIONS SUBMITTED BY MEMBERS**

"That KTC support the formation of a Trust to look after the future of the SSSI (Site of Special Scientific Interest) at Hay-a-Park" - Motion from Councillor A Willoughby.

Councillor A Willoughby explained that Hay-a-Park is in danger of losing its SSSI status because some of the birds (in particular the Goosander) are no longer so rare.

He submitted a report by Mr Giles Bodoano who is looking for support in setting up a charitable trust with the aims and objective of preservation and protection of the natural environment and management of the land and water. In order to achieve this, the Trust would look to acquire the land with the help and support of Harrogate Borough Council.

**RESOLVED:** that KTC support Mr Bodoano in his endeavour to set up the trust.

**(Unanimous)**

The Clerk will inform Mr Bodoano of this resolution.

**C 09/74      ITEM 14 - INFORMATION EXCHANGE**

- a) Councillor J Batt informed the council that Network Rail were having a 'Meet The Managers' session the next morning between 7.30 and 9.30am
- b) Councillor C Willoughby said that the Knaresborough In Bloom judges were coming on Monday 6 April 2009
- c) Councillor C Willoughby noted the 'Grow A Giant Sunflower' event at Knaresborough House in the morning between 10 and 12 on 7 April 2009.
- d) Councillor B Archibald questioned the proliferation of bus stops appearing along Wetherby Road.
- e) Councillor R Hall asked when the next Mayor will be announced; - Councillor K Hawkins announced that Councillor Mavis Clemmitt was the next Town Mayor. Councillor Clemmitt announced that her Mayoress was Councillor J Burdett and Councillor R Hall her Deputy Mayor.
- f) Councillor P Godsell reported on the final meeting of the CAP group, which has now been renamed Safer Neighbourhood. Councillor A Willoughby is the new Chair. The group is actively seeking a voluntary secretary. The next meeting is on Tuesday June 30<sup>th</sup> at King James School in the Training Centre. (request that the Knaresborough Post run a request for a secretary)
- g) Councillor K Hawkins informed Councillors that he will be showing a video about Henshaws at the next Council meeting.
- h) Councillor K Hawkins informed the meeting that the option of locating the half pipe at Hay a Park is still being considered. This item was removed due to noise pollution, and is in storage at Harrogate Borough Council.
- i) The Clerk informed Members that Ray Wade, Chief Engineer, Highways, had confirmed that the Blind Jack statue is now on Harrogate Borough Council insurance policy.

**C 09/75      ITEM 15 – TO RECEIVE THE FOLLOWING DOCUMENTS**

- a) Minutes of the meeting of Knaresborough Community & Police Group held on 6 January 2009 and Agenda for Annual General Meeting and Meeting on 24 March 2009
- b) Winter What's On Guide for Henshaws and notification of Arts and Craft Centre Open Day (30 April 2009 )
- c) Minutes of the meeting of Renaissance Knaresborough Executive Committee held on Tuesday 17 March 2009 (*previously e-mailed to all councillors*)
- d) Harrogate & Area Council for Voluntary Service & Ripon CVS - One Off Events Diary, The Funding Bulletin Newsletter March 2009 and supplemental documents
- e) Magazine 'The Clerk' – March 2009 issue
- f) Minutes of the meeting of the Nidd Gorge Advisory Partnership held on 14 October 2008 and Agenda for forthcoming Meeting on 24 March 2009
- g) Yorkshire Local Councils' Associations Training and Development Programme 2009
- h) Nidd Gorge Advisory Partnership – Agenda for meeting on 24 March 2009 at 6.30pm, Committee Room, Crescent Gardens, Harrogate
- i) White Rose Update – Issue 1/09 – March 2009

**RESOLVED:** Receive and note.

**(Unanimous)**

Meeting ended at 9.55pm