



SEAMER PARISH COUNCIL

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MINUTES: of the Meeting of the Council held at Seamer & Irton War Memorial Hall, Main Street, Seamer, Scarborough, YO12 4QD on 9 August 2022 commencing at 7.00pm.

PRESENT: Councillor L Wallis (Chairman) in the Chair;
Councillors K Elbourne, V Milner (Vice-Chairman), D Raine and J White;
5 members of the public and the clerk.

81 APOLOGIES FOR ABSENCE

RESOLVED that:

- (a) apologies for absence given in advance of the meeting by Councillors WH Smith and J Stockdale and County Councillor H Phillips be received.
- (b) the previously circulated reasons given for absence by Councillors Smith and Stockdale be approved.

82 DECLARATIONS OF INTEREST

RESOLVED that it be noted:

- (a) no declaration of interest not already declared under the Council's Code of Conduct or Members' Register of Disclosable Pecuniary Interests was received.
- (b) no application for dispensation from restrictions on participation in discussion and/or voting was received.

83 MINUTES

RESOLVED that:

- (i) the apology of the clerk be received as, although the draft minutes of the last meeting were available on the Council's website from 24 July 2022, due to an attachment error they were not e-mailed to Councillors, other than the Chairman and Vice-Chairman, until 8 August 2022.
- (ii) the previously circulated minutes of the meeting of the Council held on 12 July 2022 be approved as a correct record and signed by the Chairman.

84 PUBLIC PARTICIPATION

The following matters were raised by members of the public and Councillor White, on their behalf, and discussed:

- (a) loud, anti-social behaviour and intimidating bad language, an apparent change in focus of use and a lack of management control at the Byways, Crossgates, and vomit and broken glass on nearby pavements overnight.
- (b) a lack of effective spraying of weeds in the gullies of roads in areas throughout Crossgates.

RESOLVED that:

- (i) the contributions of members of the public be received, with thanks.
- (ii) the Council report to the Licensing Authority and the Police, and consider under planning application 22/01234/FL within this meeting, concerning the Byways, Crossgates:
 - (1) reports from neighbouring residents of a significant increase in loud, anti-social behaviour and intimidating bad language, both during the day and particularly late at night until approaching midnight.
 - (2) reports from neighbouring residents and a local Councillor of an increase, particularly in vomit but also broken glass on nearby pavements overnight.
 - (3) an apparent change in focus of use from a social, family eatery pub garden to an outdoor sports watching, and prolonged and heavy drinking venue throughout the day and late evening.
 - (4) a lack of management control of customers within the outdoor space.
- (iii) a lack of effective spraying of weeds in the gullies of roads in areas throughout Crossgates be reported to the Borough Council for remedial action.

85 REPORT OF COUNTY COUNCILLOR H PHILLIPS

None received.

86 JUBILEE ALLOTMENTS**(a) Tenants' Participation**

The Council considered the following matters raised by a tenant and by the Chairman on behalf of a tenant within the meeting, at the Chairman's discretion:

- (a) the setting of a maximum speed limit for vehicles on the Jubilee Allotments site.
- (b) the use of water by a tenant from another tenant's water butt/tank without permission.

RESOLVED that:

- (i) the contributions of the tenants be received, with thanks.
- (ii) the maximum speed limit for vehicles on the Jubilee Allotments site be set at 5mph.
- (iii) signage be erected on the Jubilee Allotments site, informing of the speed limit and advising caution by drivers.
- (iv) the tenant reported to be using water from another tenant's water butt/tank without permission be contacted and advised by the clerk.

87 HIGHWAYS**(a) Vehicle Activated Signs (VAS)**

Further to minute 71(a)(ii) of the last meeting, the Council considered a verbal report by the clerk.

RESOLVED that it be noted:

- (i) the installation for each way mounting at Lighting Column 133 on the B1261 Musham Bank to the Byways roundabout, Crossgates was completed on 25 July 2022.
- (ii) the remaining installation at Lighting Column 3 on B1261 Ayton Road, Irton required relocation of existing fittings within the lighting column by the County Council, which had been requested.

(b) Surface Dressing, Eastgate, Seamer

Further to minute 67(iii) of the last meeting, the Council considered the response by the County Council's Highways Project Engineer.

RESOLVED that it be noted the contractor had been asked to address the defects.

88 TRAVELLERS' HORSE FAIR

The Council considered arrangements for the annual reading of the proclamation of the Charter.

RESOLVED that:

- (i) it be noted:
 - (1) the existing arrangements, which did not involve the Council, had worked well in previous years.
 - (2) the reading did not happen on 15 July 2022 due to illness, of which the Council was not informed and only became aware through social media.
- (ii) the annual reading of the proclamation of the Charter be organised by the Council, to include:
 - (1) someone to call "Oyez, oyez, oyez" for silence and attention before the proclamation is read.
 - (2) someone to read the proclamation.
 - (3) someone in reserve to read the proclamation if required.

89 CORRESPONDENCE

The Council considered the following correspondence/communications received since the last meeting:

- (a) Monthly Police Report.
- (b) North Yorkshire Safeguarding Children - Be Aware of child exploitation in North Yorkshire.
- (c) Scarborough Borough Council - Current Consultations.
- (d) Proudfoot - Making A Difference Locally - Chairs for Chats.

- (e) Northern Gas Networks' online stakeholder conference: 8 September 2022.
- (f) North Yorkshire Council Tax Reduction Scheme consultation partner briefing.
- (g) Further to minute 67(vi) of the last meeting, Trees on green Curlew Drive.

RESOLVED that:

- (i) the correspondence and reports be received.
- (ii) the theft of £4,000 of fuel from Linden Homes' Northfield Meadows development be noted.
- (iii) the road traffic collisions in the Musham Bank area be noted.
- (iv) the Be Aware of child exploitation in North Yorkshire poster be posted on the Council's Facebook page.
- (v) the Proudfoot - Making A Difference Locally - Chairs for Chats be further explored for the green at the top of Curlew Drive, opposite the Avocet Shopping Centre.
- (vi) the Borough Council be requested to consider 'in principle' agreement to the installation of one or more benches on the green at the top of Curlew Drive, opposite the Avocet Shopping Centre, subject to Licence.
- (vii) further to minute 67(vi) of the last meeting:
 - (1) the Borough Council be made aware of the further report of damage to trees and removal of "No Ball Games" signs on its grassed area of land at the bottom of Curlew Drive / The Pheasantry, Crossgates.
 - (2) the resident be provided with:
 - (a) contact details for the relevant Borough Council Officer.
 - (b) North Yorkshire Police 101 Occurrence E-mail Reporting Form.

90 PLANNING MATTERS

(a) Planning Applications

(i) Applications considered and resolved under delegation

RESOLVED that, further to Standing Order 15(b)(xv), the following planning application responded to and the response made to the Planning Authority under delegation since the last meeting be noted:

- (1) 22/01083/FL Erection of a new general industrial building (B2), North Sea Winches Ltd, Dunslow Road, Eastfield.

RESOLVED that no objection and no comment be raised.

(ii) Current application(s)

The Council considered the following applications.

- (1) 22/01234/FL Retrospective permission for the erection of a single storey pergola with lights and heating, Byways Hotel, Station Road, Crossgates.

RESOLVED that the Council:

(a) objects to the application:

- (i) on the grounds of noise and disturbance resulting from use.
- (ii) on the grounds of visual amenity.

(b) notes with concern:

- (i) reports from neighbouring residents of a significant increase in loud, anti-social behaviour and intimidating bad language, both during the day and particularly late at night until approaching midnight, since the erection of the pergola.
- (ii) reports from neighbouring residents and a local Councillor of an increase, particularly in vomit but also broken glass on nearby pavements overnight, since the erection of the pergola.
- (iii) an apparent change in focus of use from a social, family eatery pub garden to an outdoor sports watching, and prolonged and heavy drinking venue throughout the day and late evening, combined with the applicant's lack of management control of customers within the outdoor space since the erection of the pergola.

- (iv) the siting of a large television, as well as lighting and heating at times, within and/or on the erected pergola structure.
 - (v) the brightness and direction of lighting near to and towards neighbouring residents' bedroom windows.
 - (vi) the applicant's disregard for due planning process, including and the views of the Council as a statutory consultee and particularly neighbouring residents, in making this application retrospectively.
- (2) 22/00837/FL Change of use from farm buildings to light industrial units, Herdborough [House] Farm Malton Road Seamer.

RESOLVED that this planning application be deferred for further consideration by Councillors and response to the Planning Authority by the clerk under delegation, in the spirit of Standing Order 15(b)(xv)(a), to include:

- (a) confirmation of the location of the site in question.
 - (b) the suitability ie safety of access and egress arrangements from and to the A64.
- (3) 22/01153/HS Erection of single storey rear extension with proposed pergola, Canopy to side door and associated landscaping and fencing, 3 Spittal Crossing, Seamer.

RESOLVED that no objection and no comment be raised.

- (4) 22/01106/FL Demolition of existing dwelling and erection of two storey dwelling with a single storey rear extension, Herdborough [House] Farm, Malton Road, Seamer.

RESOLVED that this planning application be deferred for further consideration by Councillors and response to the Planning Authority by the clerk under delegation, in the spirit of Standing Order 15(b)(xv)(a), to include:

- (a) confirmation of the location of the site in question.
- (b) the suitability of building materials ie like for like, particularly concerning any existing stone built premises.

(b) Six Month Local Plan Update

Further to minutes 15(d) & (i) of 13 October 2020, the Council considered the six month Local Plan update.

RESOLVED that the six month Local Plan update be received.

91 OUTSIDE BODIES

(a) Yorkshire Local Councils Associations (YLCA)

The Council considered responding to the National Association of Local Councils (NALC) Consultation on Short Term Holiday Lets.

RESOLVED that no response be made to the consultation.

(b) Seamer Sports Association

Further to minute 75(c) of the last meeting, the Council considered a verbal report by the clerk and an image of the signs purchased and installed on the access road.

RESOLVED that:

- (i) the report and image be received.
- (ii) It be noted the speed ramps had been received and would be installed imminently.

92 FINANCIAL MATTERS

(a) External Auditor Report and Certificate 2021/22

RESOLVED that:

- (i) the External Auditor Report and Certificate 2021/22 be received and noted.
- (ii) it be noted all earmarked reserves were considered and formally approved by the Council, which was documented within the budget update and revised budget reports, minutes, cash book and audit "Explanation for 'high' reserves" document.
- (iii) the Notice of conclusion of audit be approved for publication.

(b) Budget Update 2022/23 April to July

RESOLVED that:

- (i) the actual payments and income received, with a full year forecast against annual budget for the period 1 April to 31 July 2022, be received and noted.
- (ii) further to Financial Regulation 4.4:
 - (1) further to minute 114(a) of 26 January 2022, the £1,000 commitment to the increase in the clerk's working hours from 1 January 2022 be carried forward from 2021/2022 in the Tax and NIC budget from reserves.
 - (2) further to minutes 66(c)(i) of 12 October 2021, 106(a)(ii) of 14 December 2021 and 114(a) of 26 January 2022, the £1,000 commitment to Youth Centre insulation be carried forward from 2021/2022 in the Community Grant budget from reserves.
 - (3) further to minutes 35(b) of 10 August 2021, 49(d)(i)&(ii) of 14 September 2021 and 67(b) of 12 October 2021, the £2,500 commitment to reduced pressure zone (RPZ) valve backflow preventers, within suitable structures, be carried forward from 2021/2022 in the Allotments Maintenance budget from reserves.
 - (4) further to minute 149(ii) of 8 March 2022, the £8,650 commitment to Outdoor Gym Equipment be carried forward from 2021/2022 in the Play Equipment Inspection/Repairs budget from reserves, whilst noting the £2,000 Miscellaneous income budget contribution from Borough Councillor H Mallory's Locality Budget.
 - (5) further to minutes 28(b)(ii)&(iii) of 10 August 2021, 49(d)(i)&(ii) of 14 September 2021, 67(b) of 12 October 2021, 101(c) & 106(a)(ii)(2) of 14 December 2021, 114(a) of 26 January 2022, 134 of 8 February 2022 and 140(e)(i) of 8 March 2022, the £6,768 committed to vehicle activated signs (VAS) be carried forward from 2021/2022 in the Road Safety budget from reserves.
 - (6) further to minute 15 of 12 April 2022, a further £500 be committed from reserves to the Road Safety budget for Community Speed Watch equipment.
 - (7) the sum of £83.00, being £40 from the Tower Estates Management budget, £23 from the YLCA Subs budget and £20 from the Audit Fee budget, be vired to the Clerk Car Allowance budget.
 - (8) £1,000 be vired from the Election Fees budget, being £310 to the Tax & NIC budget, £5 to the Office Equipment budget, £16.50 to the Web Site/Maps budget and £668.50 to the Community Grant budget.
- (iii) the Council receive a report by the Clerk & Responsible Financial Officer at the next meeting, confirming the earmarked reserves and virements within the revised budget.

(c) Accounts for payment and income received

RESOLVED that the accounts received for payment and income received since the last meeting be approved.

93 EXCLUSION OF THE PUBLIC

RESOLVED that, under Section 1(2) of the Public Bodies (Admission to Meetings) Act 1960, the public be excluded from the meeting and no person may report on the meeting for the following items of business, on the grounds that publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted:

- (a) relating to any individual (*minute 95, below*).
- (b) which is likely to reveal the identity of an individual (*minute 95, below*).
- (c) relating to the financial or business affairs of any particular person (including the authority holding that information) (*minutes 94 to 98, below*).
- (d) which reveals that the authority proposes:
 - (i) to give under any enactment a notice under or by virtue of which requirements are imposed on a person (*minute 95 and 96(b), below*).
 - (ii) to make an order or direction under any enactment (*minute 95 and 96(b), below*).
- (e) relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime (*minute 95 and 96(b), below*).

94 INTERNAL AUDITOR

Further to minutes 51 of 14 September 2021 & 36(b) of 18 May 2022 and under Financial Regulation 11.1(a)(iv), the Council considered terms for extending the appointment of and contract as the Council's Internal Auditor for the current financial year, 2022/23.

RESOLVED that the appointment of and contract as the Council's Internal Auditor with Town Parish Audit be extended for the current financial year, 2022/23.

95 JUBILEE ALLOTMENTS**(a) Matters resolved under delegation**

Further to Financial Regulation 4.1 d) and Standing Orders 15(b)(xviii)-(xx), the Council considered a report by the clerk concerning matters resolved under delegation since the last meeting.

RESOLVED that:

- (i) the report be received.
- (ii) it be noted the following decision concerning a request from a tenant was taken under Standing Order 15(b)(xix), in consultation with the Members of the Allotments Working Group and then the Chairman & Vice-Chairman:
 - (1) a greenhouse, 8' long x 6' wide x maximum 8' high on a plot be approved, subject to a requirement to position the greenhouse not to overshadow any neighbouring plot.
- (iii) it be noted the following decisions concerning unsatisfactorily maintained plots were taken under Standing Order 15(b)(xx), in consultation with the Members of the Allotments Working Group and then the Chairman & Vice-Chairman:
 - (1) notices be issued to the relevant tenant, to whom the Council has raised concerns and notices of termination of their tenancy by re-entry and claim for damages in 2019/20, 2021/22 and 2022/23, that notwithstanding these being rescinded should their half-plot again fall below the proper standards required in accordance with the tenancy agreement within the next 2 years to 31 March 2025, the Council will terminate their tenancy and engage a contractor to undertake any remaining tasks to bring the half-plot up to the proper standard and claim the full cost of this in damages.
 - (2) notices be issued to the relevant tenant, to whom the Council has raised concerns and notices of termination of their tenancy by re-entry and claim for damages in 2021/22 and 2022/23, that notwithstanding these being rescinded should their plot again fall below the proper standards required in accordance with the tenancy agreement within the next 2 years to 31 March 2025, the Council will terminate their tenancy and engage a contractor to undertake any remaining tasks to bring the plot up to the proper standard and claim the full cost of this in damages.
 - (3) further to minute 53(a)(iii)(2) of 14 June 2022, a requirement to bring a plot up to the proper standard be satisfactorily met by the relevant tenant within the timescale set by the Council and no further action be required beyond maintaining the plot in accordance with the tenancy agreement.
 - (4) notice of termination of their tenancy with immediate effect be issued to the relevant tenant:
 - (a) with notice of claim for damages by the Council to engage a contractor to undertake remaining tasks, if the plot is not left to the proper standard and a quantity of fly-tipped building waste is not removed from the Jubilee Allotment site for lawful disposal within 2 weeks.
 - (b) their fly-tipping be reported to the Police and Scarborough Borough Council as the Environmental Regulation Authority for consideration of enforcement action.

96 PLAYGROUNDS AND EQUIPMENT**(a) Repairs and Maintenance – The Green****(i) Handrail**

Further to minute 77(ii) of the last meeting, the Council considered a verbal report by the clerk.

RESOLVED that quotations to adapt and/or replace the existing handrail, to prevent young children climbing through or over it, be considered by the Council at the next meeting.

(ii) Carousel roundabout

The Council considered a verbal report by the clerk, following damage by vandalism.

RESOLVED that advice and quotations from the manufacturer for repair and/or replacement parts be considered by the Council at the next meeting.

(b) Enforcement of no dogs allowed

Further to minute 89(e)(ii) & (iv) of 9 November 2021, the Council considered a verbal report by the clerk concerning enforcement options.

RESOLVED that:

(i) it be noted:

- (1) the Borough Council was not due to review its Public Spaces Protection Order until January 2024 ie as North Yorkshire Council, not 2023 as previously reported.
- (2) an evidence based of incidents, signage and liaison with the Borough Council's Dog Warden was being maintained by the Council concerning The Green and by Seamer Sports Association, for the purpose of inclusion under the Public Spaces Protection Order from 2024, which would enable the issuing of fixed penalty notices and consideration of further enforcement action.
- (3) the alternative of Parish Council Byelaws were possible to implement but complex, requiring public consultation and approval of the Secretary of State, with no guarantee of enforcement by the Police and an evidential threshold and legal costs for Court Proceedings.

(ii) Byelaws be not further explored.

(iii) the expiry of the Borough Council's current Public Spaces Protection Order in January 2024 continue to be noted for further consideration by the Parish Council nearer the time.

97 HIGHWAYS

(a) Overgrowing of the footpath on the east side of the B1261 from Musham Bank to the Byways roundabout

Further to minute 78(ii) of the last meeting, the Council considered:

- (i) the response of the County Council's Highways Area Manager.
- (ii) a verbal report by the clerk.

RESOLVED that quotations be sought for consideration at the next meeting.

(b) Roundabout grounds maintenance, Main Street, Seamer

Further to minute 71(c) of the last meeting, the Council considered:

- (i) the response of the County Council's Highways Area Manager.
- (ii) a verbal report by the clerk.

RESOLVED that further enquiries be made and responses be awaited:

- (i) of the Borough Council, concerning supervision to enable completion of the voluntary work.
- (ii) of the County Council, concerning the use of a contractor to remove tree stumps and/or other physical obstacles to the works.

98 SEAMER & IRTON WAR MEMORIAL HALL

The Council considered replacing one or more of the car park signs.

RESOLVED that quotations be sought to replace the car park signs in a durable material but with a suitable appearance for the premises.

The meeting closed at 9:10 pm

The next meeting of the Council will be held at Crossgates Community Centre, Curlew Drive, Crossgates, Scarborough, YO12 4TL, on 13 September 2022 commencing at 7.00pm

Chairman

11 October 2022