

BURNISTON PARISH COUNCIL

Mrs J. Marley, Clerk to the Parish Council,
Annan, 41 Scalby Road, Burniston, Scarborough, YO13 0HN
Tel. 01723-870299

Email: clerk@burnistonparishcouncil.org.uk

PARISH COUNCIL MEETING Thursday 5th December 2024 at 6.30pm Burniston & Cloughton Village Hall

AGENDA

All declarations of interest in agenda items to be made by the member, in writing, on the form provided. If unsure, please contact the Clerk on receipt of the agenda.

1. To receive apologies for absence given in advance of the meeting.
2. To consider the approval of reasons given for absence.
3. To receive member's declarations of interest in items of business on this agenda.
4. Minutes of the Council meeting held on 7th November 2024 (*enclosed*) to approve and sign.
5. Public Open Forum.
6. To consider matters raised in the Public Open Forum & if appropriate, agree action.
7. Reports to receive (as available) & agree action – Police, Unitary, Parish, Clerk, Staffing Committee, Working Groups.
8. Updates on matters from November meeting:-
 - a) Fracking [*Minute 93/24 refers*] – to receive & agree action as appropriate.
 - b) Contributions to poster costs for “clean up your dog poo” campaign [*Minute 94/24c refers*] -to agree action as appropriate.
 - c) Amended location for new noticeboard [*Minute 94/24c refers*] – to agree action as appropriate.
 - d) Rocket Station [*Minute 95/24a refers*] - to receive update from Cllr. Parsons and agree action as appropriate.
9. Empty grit bins and lack of gritting – numerous residents have complained about empty grit bins and the need for Limestone Road to be gritted (Clerk to provide details at meeting) - to agree action as appropriate.
10. Distribution of Burniston Show Residual Funds – to receive final report on progress of grants and agree action as appropriate.
11. Correspondence
 - a) To receive email from parishioner regarding dustbins restricting visibility at junctions – to receive & agree action as appropriate.
 - b) Correspondence received after 30/11/24 & requiring a response before next meeting – to agree action as appropriate.
12. Planning Matters:-
 - a) Applications Received (to agree comments):- None at preparation of agenda.
 - b) Decisions Received (to note):- None at preparation of agenda.
 - c) To agree comments/note any planning matters/decisions received after 30/11/24.
13. Finance & Regulatory Matters:-
 - a) To set the precept for 2025/26 [*report enclosed*].
 - b) Biodiversity Policy – to receive Clerk’s report & draft policy [*enclosed*] and agree action as appropriate.
 - c) To authorise Chairman and Clerk to carry out necessary council administrative alterations for change of clerk.
14. Accounts to Certify:- Newby & Scalby Town Council (room hire) £47-50; Sneakytrick Holdings Ltd (gov.uk purchase and migration) £100-00.

CONTINUED OVERLEAF

15. Exclusion of Public and Press – To consider a motion – That, under the provisions of the Public Bodies (Admission to Meetings) Act 1960 §1(2), the press and public be excluded from the meeting during consideration of the matters referred to at item 16 below, due to the confidential nature of the business to be transacted.
16. Appointment of new Clerk/RFO – 1] to receive the recommendation of the Staffing Committee in respect of the most suitable candidate from those interviewed; 2] to agree the salary to be offered, start date and other contractual matters; 3] to formally appoint the Clerk/RFO; 4] to authorise Chairman and Clerk to create and issue contract of employment for incoming clerk.

J. Marley

J. Marley (Mrs)

Clerk to the Parish Council

30th November 2024

MINUTES OF ORDINARY MEETING OF BURNISTON PARISH COUNCIL HELD IN THE VILLAGE HALL ON THURSDAY 7th NOVEMBER 2024 AT 6.30PM

Present: Councillor R Parsons (Chairman)
Councillors P Grimwood, A Hill, B Marley, C Murray, V Powell, C Topham
North Yorkshire Unitary Cllr. D Bastiman (left 7.46pm). PC672 Manson (left 7.10pm). 8 members of public (4 left at 7.02pm, rest left by 7.49pm), Mrs J Marley (Clerk).

Absent: Cllr. P Tidd.

86/24 **APOLOGIES:- Received** from Cllr. Tidd.

87/24 **REASONS FOR ABSENCE:- Approved** Cllr. Tidd (personal commitment).

88/24 **DECLARATIONS OF INTEREST: Received** from Cllr. Murray [agenda item 13a) as he owned the land].

89/24 **MINUTES**

Having been previously circulated, **resolved** the minutes of the Council meeting of 3rd October 2024 be **approved** as an accurate record and authorised for signature by the Chairman.

90/24 **MINUTES**

Having been previously circulated, **resolved** the minutes of the Staffing Committee meeting of 14th October 2024 (*circulated to committee members*) be **approved** as an accurate record and authorised for signature by the Committee Chairman.

91/24 **PUBLIC OPEN FORUM** Concerns were raised by parishioners and members of the 'Frack Free Coastal Communities' group in respect of the possible 'fracking' which could take place in the village. Questions were asked as to what the Parish Council was doing to fight the proposals.

92/24 **MATTERS RAISED IN PUBLIC OPEN FORUM** Chairman explained Council was concerned and there were items on this meeting's agenda intended to help address those concerns. Council would be consulted on any planning application submitted and therefore had to be careful not to have a pre-determined view.

Council agreed to vary the order of business by taking the Europa Oil & Gas potential planning application as the next item.

93/24 **EUROPA OIL & GAS POTENTIAL PLANNING APPLICATION**

- a) Council was asked to consider putting in place a Liaison Councillor to liaise with any interested parties as a support to all. **Noted** Clerk's advice that any councillor appointed to this role could not have legal authority to speak or act on behalf of Council. **Resolved** Cllr. Parsons, Powell and Topham to be the liaison councillors.
- b) **Resolved** to form a Working Group comprising the three liaison councillors and representatives from external organisations. The remit of the Working Group was to look at the proposed planning application, take views from any interested party and report to Council, thereby allowing the full Council to make an informed decision on any planning application submitted. It was essential the Working Group retained a position of impartiality when creating their report for the consideration of the full Council meeting.

At this point 4 members of public left the meeting (7.02pm).

94/24 **REPORTS**

- a) **Police:** the report for incidents during October had been emailed to councillors on 29/10/24 and was **received**. PC672 Manson gave details of a scheme to mark agricultural equipment in order to assist with identification after theft

At this point PC672 Manson left the meeting and Cllr. Marley left the room (7.10pm).

- b) **Unitary:** Cllr. Bastiman reported he may be able to give some funds from his Locality Budget towards assisting with leaflet/publicity costs connected with any proposed 'fracking'. He also reported the long-standing proposal for a bypass round Burniston and Cloughton had now been put on the government's reserve list.
- c) **Parish:** Cllr. Hill reported some gullies had been cleaned but the road sweeper never seemed to come to the village and the gutters in many side streets were in need of sweeping. Highways had cleaned up around the pedestrian refuge opposite the War Memorial but not done any of the other reservations (Clerk to ask

highways to do the others). Cllr. Grimwood said the village hall was to do some posters for a "pick up your dog poo" campaign. She said it had also been suggested that the "Open Gardens" event in Cloughton be extended to Burniston. Cllr. Murray reported he had swept the pavement and behind the phone junction boxes opposite the Post Office and has been surprised at how much grit there had been. It was also suggested that the new noticeboard (currently stored with Cllr. Murray) be erected on Woods Grove corner instead of the wall near 35 High Street – Clerk explained this would require a Highways Structures licence so she would need an exact location for the application plan (Cllr. Hill to provide details).

Cllr. Marley returned to the room (7.22pm).

- d) **Clerk:** No matters to report.
- e) **Staffing Committee:** Minutes of meeting 14/10/24 had been approved.
- f) **Working Groups:** No update to receive.

95/24 UPDATES ON ITEMS FROM OCTOBER MEETING

- a) Rocket Station [*Minute 80/24b*] refers] -1] **resolved** an update by Cllr. Parsons regarding recent progress with NYUC be received; 2] **resolved** to try to get a rent-free period or rent reduction to allow for the extra costs involved due to the deterioration of the building since it was first seen; 3] **resolved** to allocate £2,000 for legal fees; 4] **resolved** a solicitor be employed to advise/act on Council's behalf, the Working Group to be authorised to decide which solicitor to use.
- b) Sandbags, pedestrian refuges, ginnel, Bridge Close trees [*Minute 80/24b*] refers] – **resolved** updates from the Clerk as follows be received:- Sandbags – not possible to store any in car park of Oak Wheel, residents to use the store in the car park of the Blacksmith's at Cloughton; Pedestrian Refuges –believed the work to have been carried out by Streetscene; Ginnel – a work order had been raised; Bridge Close Trees – a work order had been raised to inspect and trim back as needed.

96/24 CORRESPONDENCE

- a) **Noted** 1] the Clerk was leaving her post at Council on 27th December and 2] the Staffing Committee had recruitment to the post in hand.
- b) Consultation on remote meetings (*emailed to councillors 27/10/24*) – **resolved** the questionnaire be completed by individual councillors.
- c) **Resolved** - email from NYUC [*circulated with agenda*] be **received** confirming the Model Agreement would be extended for a further year to cover 2025/26 and giving notice that the existing Model Agreement would then terminate and there would be no further payments under these arrangements
- d) Correspondence received after 1/11/24 & requiring a response before next meeting – none.

Cllr. Bastiman and the remaining members of public left during Minute 96/24b).

97/24 PLANNING MATTERS

- a) **Applications Received:-** In accordance with his Declaration of Interest at Minute 88/24, Cllr. Murray left the room (7.51pm to 7.53pm) for this item.
 - 1. ZF24/01474/FL Erect 3 detached dwellings with associated access, landscaping and boundary treatments, 35 High Street - **agreed** no objections.
- b) **Decisions received & noted:-**
 - 1. ZF24/01371/FLA Vary condition 1 of 22/00407/FL to alter position of building and alter land levels. Also to alter windows, porch, chimney and internal layout, Orchard House, 4 Wandales Road - **granted with conditions**;
- c) **Planning matters received after 1/11/24:-**
 - 1. ZF24/00378/FLA Vary Condition 1 (Plans) of planning permission 22/00407/FL to alter the windows, porch, and internal layout, Orchard House 4 Wandales Road - **withdrawn**.

98/24 FINANCE & REGULATORY MATTERS

- a) Donation to British Legion in lieu of wreath – **resolved** cheque 300004 in the sum of £85-00 be authorised for signature.
- b) Unity bank accounts – **resolved** update signatories by removing Messrs. Backhouse, Graves, Marley and Tidd.
- c) Model Agreement 2025/26 – **resolved** to agree to accept the offered £11,126-93 plus admin.

- d) **Noted** the National Joint Council for Local Government Services has agreed a pay award for the 2024/25 financial year which averages an increase of 62p/hour. **Resolved** to pay this award (backdated to 1/4/24) to staff employed by council on 1/4/24 along with any resulting additional pension contributions.
- e) Budget –
1. **Resolved** an update on budget V actual expenditure as at 30/9/24 (*circulated with agenda*) be received and noted.
 2. Budget for financial year 2025/26 (*draft circulated with agenda*). **Resolved** a budget of £23,721.93 expenditure be set for 2025/26.
- f) YLCA Recruitment & Selection Policy (amended as required for Burniston Parish Council) [*circulated with agenda*]. **Noted** recommendation from Staffing Committee that Council adopts this policy with immediate effect. **Noted** Clerk's advice (at top of policy) that adoption of policy be deferred till after appointment of new Clerk so as to avoid breaching the policy. **Resolved** Clerk's advice be taken, adoption deferred to future meeting.
- g) Locum Clerk – **Resolved** Staffing Committee be authorised to engage the services of a locum clerk should it become necessary.

99/24 **ACCOUNTS TO CERTIFY** – Having been previously notified, the following were approved for payment via online banking (Cllrs. Hill and Parsons to do the online authorisation within 24 hours):-

J Marley	Reimburse laptop bag	£26-99
Deepdale Computers	Purchase laptop & MS365 for Council use	£822-18
YLCA	Vacancy advert	£20-00
Advanced Trees & Grounds	Trim leylandi at 3 Jollies	£180-00

100/24 **EXCLUSION OF PUBLIC & PRESS:** At 8.30pm it was **resolved** that under the provisions of the Public Bodies (Admission to Meetings) Act 1960 §1(2), the press and public be excluded from the meeting during consideration of the next item.

101/24 **PERSONNEL MATTERS**
Resolved salary recommendation (SCP13-17 with exception to SCP20 for the right candidate) by Chairman of Staffing Committee be approved.

There being no further business, the Chairman declared the meeting closed at 8.35 pm

Burniston Parish Council

Tel: Scarborough 870299

EMAIL:
clerk@burnistonparishcouncil.org.uk



Clerk to the Council:
Mrs J Marley
Annan
41 Scalby Road
Burniston
Scarborough
YO13 0HN

10th November 2024

REPORT TO BURNISTON PARISH COUNCIL

For Consideration at the Council meeting of 5th December 2024

SUBJECT: 2025/26 Precept

At the Council meeting of 7th November 2024 Council set its budgeted expenditure for 2025/26 at £23,721-93. It also resolved that its earmarked reserves (analysis below) should be increased from £29,469 to £38,975 to allow for an increased election reserve and the creation of reserves for the rocket station and war memorial.

Earmarked Reserve Purpose	24/25	25/26
History (Skipton)	£1,269	£1,275
Elections (Unity)	£1,000	£2,000
Contingency (Unity)	£3,000	£3,000
Verges (Unity)	£1,200	£1,200
Open space (Unity)	£2,000	NIL
Model Agreement (Unity)	£11,000	£11,000
Rocket Station (Unity)	NIL	£10,000
War Memorial (Unity)	NIL	£500
Long Term Bonds (NS&I)	£10,000	£10,000

For the current financial year (2024/25) the Band D rate is £29-75, which raises a precept of £18,043.

If Council leaves the Band D rate the same for 2025/26, it will raise a precept of £18,997.

If Council raises the Band D rate to £31-33, it will raise a precept of £20,000.

Any shortfall in expenditure funding which cannot come from an earmarked reserve should be funded from the general reserve.

RECOMMENDATION

The 25/26 precept be set no higher than £20,000.

J Marley (Mrs), CiLCA
Clerk to Council and RFO

FROM: Jools Marley, Clerk to the Parish Council & Responsible Financial Officer.
TO: All Councillors
DATE: 30th November 2024

SUBJECT: The Biodiversity duty from 1st January 2024

The November 2023 Law and Governance Bulletin issued by the YLCA and sent to councillors on 21/12/23 explained the forthcoming duty in respect of Biodiversity. A copy of the relevant information is below.

The Biodiversity Duty from 1 January 2024

Public authorities who operate in England must consider what they can do to conserve and enhance biodiversity in England. This is the strengthened 'biodiversity duty' that the Environment Act 2021 introduces. The definition of a public authority for this duty does include a parish sector council.

This means that, as a public authority, a parish sector council must:

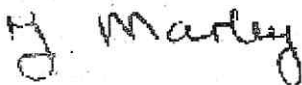
1. Consider what it can do to conserve and enhance biodiversity.
2. Agree policies and specific objectives based on its consideration.
3. Act to deliver its policies and achieve its objectives.

A council must complete its first consideration of what action to take for biodiversity by 1 January 2024. The council must agree its policies and objectives as soon as possible after this. Additionally, it must reconsider the actions it can take within five years of completing its previous consideration. A council can also decide to review its policies and actions more frequently if it wishes to do so.

Gov.uk has produced a very helpful guide to compliance with this duty, please go to: [Complying with the biodiversity duty - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/complying-with-the-biodiversity-duty)

The YLCA has created a simple template biodiversity policy for member councils with information taken from the .gov.uk site. This is attached.

Council is asked to consider this report and the draft policy and agree the action to be taken.



Jools Marley (CILCA)
Clerk to the Parish Council

Enc – draft policy

BIODIVERSITY POLICY

BURNISTON PARISH COUNCIL

Burniston Parish Council formally adopted this policy on [DATE] in response to the strengthened 'biodiversity duty' placed on local authorities introduced by the Environment Act 2021. Burniston Parish Council will take biodiversity into account in all its decisions and actions.

Background

All local authorities including parish sector councils must complete their first consideration of what action to take for biodiversity by 1 January 2024. Policies and objectives must be agreed as soon as possible after this. Councils can and should reconsider their actions on a quarterly, annual or regular basis and must reconsider the actions they can take within five years of when they completed their previous reconsideration.

According to the Act, public authorities need to check if a number of strategies affect how they comply with their biodiversity duty including:

- Local nature recovery strategies
- Species conservation strategies
- Protected site strategies.

They need to understand how or if they are relevant to their organisation, be aware of how these strategies affect land that is owned and managed by them, or actions they could take to conserve or enhance biodiversity and consider how they can contribute to the strategy where appropriate.

Biodiversity is the collective term for the variety and abundance of forms of life found in an area, including animals, plants, fungi and microorganisms like bacteria. Each of these species and organisms work together in ecosystems to maintain, balance and support life. Biodiversity supports everything in nature that we need to survive including, food, oxygen, clean air and clean water.

Commitment

Burniston Parish Council will:

1. Consider the impact on biodiversity in the decisions it makes in council, committee, sub-committee and task and finish group meetings. It will seek to minimise adverse impacts on biodiversity as a result of the council's activities and will identify opportunities to increase biodiversity when practicable.
2. Encourage practices and projects beneficial to biodiversity through grants it makes to local groups.
3. Communicate information and raise awareness of biodiversity through its website and newsletters.
4. The Council will work in partnership with other organisations to protect, promote and enhance biodiversity within areas of the parish.
5. The Council will, wherever possible, raise public awareness of biodiversity issues as part of its leadership role within the local community.
6. The Council, when commenting on planning applications, will support site and building design that benefits biodiversity through the conservation and integration of existing habitats or provision of new habitats. It will support protection of sensitive habitats from development and will consider whether the development would mean the loss of important habitats for wildlife in respect of all applications.

7. Monitor its internal policies and processes to enhance biodiversity.

As a landowner, Burniston Parish Council will consider how land it manages could improve biodiversity. It will:

1. Proactively remove invasive species as required under appropriate legislation in order to prevent harm to native species.
2. Avoid the use of herbicides except in exceptional circumstances.
3. Properly scale and time grounds maintenance work or vegetation removal such that the impact on biodiversity is minimised. Maintenance practices that are beneficial to biodiversity will be taken into consideration when contracts are placed.
4. Create dedicated spaces to attract and enhance wildlife
5. Improve the buildings it manages and land around them to enhance biodiversity

Burniston Parish Council, will not produce a biodiversity report and there is no legislative requirement to do so.

Adopted by Burniston Parish Council on:

Date of review: