

## Church Fenton Parish Council

### Minutes of the Meeting of Church Fenton Parish Council held on Thursday 15<sup>th</sup> March 2018

Present: Cllr Sarah Chester; Cllr Jo Mason; Cllr Andrew Mason ;Cllr Craig Blakey; Cllr Stuart Spensley, Cllr Rebecca Hunt, Cllr Ross Higham

Jeremy Sherlock (Clerk); Stephen Fisher (Lengthsman)

15 members of the public

#### 112. Apologies, Declarations, and Dispensations

Apologies from SDC Cllrs Musgrave and Ellis

#### 113. Public Session

It was reported that a number of residents have been tipping items into the field to the rear of their properties. Selby DC have been notified.

The Lengthsman was thanked for repairing the fence on Sandwath Lane

The Lengthsman reported that he had been pressing Selby DC to empty the litter bins regularly. The Clerk reported that he had been corresponding with Selby DC and Cllr Musgrave on this issue.

#### 114. Reports

Cllr Musgrave had emailed an update regarding the land next to the Parish Church. The Planning Officer has advised that the developer has accepted that Selby DC will not agree to any development in the southern section of the site. The current revised draft layouts being discussed will reduce the number of dwellings back to circa 48-50 (reduced from 110) and confine these within the area shown on the indicative layout at the outline application stage. The Conservation Officer is also working with the developer with the aim of agreeing a layout which is more responsive to the character and layout of the village and the Listed Buildings nearby. It is hoped that the final version of the new plans will be available for a further round of public consultation in 2-3 weeks' time prior to determination by Planning Committee in the early summer.

#### 115. Minutes of the Meetings held on 15<sup>th</sup> February and 22<sup>nd</sup> February 2018

**Resolved that the minutes represented a true record of the meetings.**

#### 116. Matters Arising

None.

#### 117. For Discussion

- a. **White Horse** – an application for borrowing powers for up to £510,000 was submitted to DHCLG on 4<sup>th</sup> March. The District Valuer has been appointed and is due to inspect the building on 22<sup>nd</sup> March.

The Council has received independent professional advice who considers that the business plan by CFCH is well written. Comments include

- i. Finance should be drawn down in tranches
- ii. The contractor to carry out the refurbishment needs to be firmed up
- iii. It is essential that tenant signs lease and commits, simultaneous to purchase, ie not after you have purchased.
- iv. There is a need for more comment on why the pub closed/failed.
- v. The tone of CFCH business plan and supplement questions surround the tenant running a pub and restaurant and allowing community meetings, support football team etc. It should be focused on getting a tenant who can pay rent every month for 50 year and repay the loan.

The owners of the White Horse have submitted an appeal against its designation as an Asset of Community Value. It is proposed that this will be dealt with through written representations. This is likely to take place in May. It was suggested that this would extend the moratorium

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period. The Clerk agreed to check.

The Clerk had prepared a report about the potential acquisition, and the following was discussed:

**Survey** – a survey has been completed and no significant problems have been identified. The refurbishment works cover the issues identified.

**Refurbishment** – the Council has not yet appointed an advisor to provide technical support for the refurbishment.

**Impact on Precept** – if the Parish Council needed to cover rent payments precept implication for a Band D taxpayer would be £39.51 pa (£3.29 pcm) which compares with the 18/19 precept of £40.50. It was agreed that the main risk was in the first few years, as, once established the CBS will be able to build up a surplus to cover voids, and if the venture fails completely the building remains a saleable asset. It is possible that in the future Parish Council may be subject to referendum principles for “excessive” precept increases.

**Lease** – to minimise risk to the Council there is a need for a lease to be in place in parallel with the Council proceeding with the application. The White Horse Group are establishing a Community Benefit Society (CBS) to act as a vehicle for managing the premises which in an “arms length” arrangement. It was considered that the following should be included in Heads of Terms:

- Building to be let to CBS to cover rent, insurance, and additional administration costs
- Initial 6 months’ rent to be paid in advance
- Full Repair and Maintenance
- Surpluses must be used for community benefit, but the CBS must build up and maintain a reserve to cover 12 months rent
- The Parish Council to have a right to nominate a Councillor to the CBS Management Committee

**Legal Advice** – Freeths will act for the Council if the acquisition proceeds.

**Consultation** – the recent consultation recorded 242 (93.8%) in favour and 16 against (6.2%). The negative comments generally related to risk and the impact on the precept. It was agreed at the last meeting that a further round of consultation. It was agreed that this would primarily cover the financial risks and mitigation, and that it should be published on the Village and White Horse websites and delivered to villagers. Comments would be invited by 7 days from the publication date to allow consideration by Councillors (though further comments can be made at any time).

**Planning** – a letter has been received from Selby DC planning which confirms that pre application consultations have been held with at least one other interested party.

**VAT** –VAT will have to be charged on the rent (assuming the Council reclaims the VAT on the refurbishment). There would be a need to register for VAT. As VAT can be complex there could be a need for the Council to employ an accountant to assist with the Council finances.

**Staffing** – the Council would need to consider the contracted hours/ salary of the Clerk in view of the additional duties.

There was a discussion about whether the Council should submit an offer once borrowing powers are available (assuming that these are approved) which could be in advance of the valuation, consultation, agreement of Heads of Terms etc. It was noted that the Council would not be committed until contracts are exchanged. There is no guarantee that any offer submitted by the Council would be accepted by the owner.

**Resolved that:**

1. **The Council submit an offer of £350,000 for the purchase of the White Horse once borrowing powers are approved.**

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### 2. The Council agree to proceed with the purchase of the White Horse subject to the following:

- a. **The Council's offer being accepted**
  - b. **A valuation being received which the Clerk considers to be satisfactory**
  - c. **Heads of Terms for the lease be agreed with the Community Benefit Society**
  - d. **The Community Benefit Society provide evidence of proof of funds to the satisfaction of the Clerk in consultation with Councillors**
  - e. **Consideration of consultation responses**
- b. **Community Shop** – the Clerk advised that the vendors had requested a 30 year overage clause, and that he had proposed a shorter period with index linking. The acquisition can progress once this is resolved and lease documents have been prepared.
  - c. **Neighbourhood Plan** – initial documentation has been sent to Selby DC comment. A further meeting will be held shortly and publicised. An Awards for All application has been prepared and will be submitted shortly.
  - d. **Footpaths** – Cllr Blakey confirmed that he had commenced liaising with Kenny Smith about problems, and will raise issues with landowners where appropriate. Advice to farmers regarding footpath maintenance was circulated.
  - e. **Sandwath Lane/ Station Road fence** – the Chair confirmed that she would raise this with Cllr Lee.
  - f. **HS2** – a further meeting has been held with the HS2 team. The next meeting is in May as they wished to avoid the “purdah” period prior to elections. Discussions included the position and height of the viaduct, and HGV movements/ construction depots etc.
  - g. **Traffic issues, Church Street and Nanny Lane** – the Chair advised that she will raise these issues with Cllr Lee. The Clerk advised that he had recently received correspondence from North Yorkshire CC regarding speed control signs. It was suggested that where it is possible to take a registration number that this should be reported to the police. It was commented that the proposed development next to the Parish Church may give an opportunity for measures in Church Street via a S278 agreement. It was agreed to consider these issues further at the next meeting.
  - h. **Request for an additional street light, Nanny Lane** – it was noted that there is a larger gap between some street lights in Nanny Lane. However the initial priority is for the completion of the works to replace concrete columns and obsolete lanterns, and that these works should be completed before additional works are considered.
  - i. **Clerk Overtime** - the Clerk is contracted to work 4 hours per month. Due to additional work principally arising from the Community Shop and White Horse this is being exceeded. The Council agreed an overtime payment at its meeting of 23rd November 2017 which covered up to week ending 19th November 2017. Since that date the Clerk has done 19.5 additional hours. If the Council are prepared to accept an overtime payment for 18 hours (hourly rate £14.34) additional work this would cost £258.12.

**Resolved that an overtime payment for the Clerk of £258.12 be approved**

#### 118. For Information

A letter has been received from Selby DC regarding the Sites consultation with a response required by 19<sup>th</sup> April. A further 3 sites in Church Fenton have been identified. It was agreed that this should be considered at the next meeting.

A response has been received from North Yorkshire CC identifying the adopted area near to the Station Car Park. This confirms that the access track is not owned by the County Council

#### 119. Planning

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Applications for consideration

2018/0207/OUT – Outline application for the erection of 5 no dwellings with all matters reserved at Joiners Workshop, Sandwath Lane, Church Fenton

**Resolved that no objections be raised, but that comments be submitted that the detailed submission should not include 3 storey development, that adequate parking be provided, and that care should be taken not to overlook the adjoining bungalow.**

Applications Approved

2017/1369/HPA – Proposed erection of a 2 storey rear extension and extensions to front and rear dormer at Allendale, Nanny Lane, Church Fenton

Applications Refused

2018/0009/OUT – Outline application for the erection of a detached dwelling with all matters reserved at land North of Station Road, Church Fenton

### 120. Finance

#### a. Clerk's Finance Report

The Clerk had circulated a financial report which showed at the end of last month a balance of £40,183.49. This shows a general balance of £8,934.99 a Sandwath endowment balance of £26,841.00, and a CIL balance of £4,407.50. It was noted that the general balance is low once the street lighting commitment is taken into account.

**Resolved that this report be noted**

#### b. Payments

HMRC	Tax	£118.20
Agrimech Farming Ltd	Xmas Tree	£144.00
J R Ink	Printing	£100.00
Jeremy Sherlock	Salary	£136.58
Stephen Fisher	Salary	£37.49
Church Fenton Village Hall	Room Hire (White Horse)	£12.00
Church Fenton Village Hall	Room Hire	£24.00
Church Fenton Village Hall	Room Hire (NP)	£24.00
HMRC	Tax	£118.40
Jeremy Sherlock	Salary	£299.04
Stephen Fisher	Salary	£117.89

**Resolved that the above payments be noted**

### 121. Representatives Reports

Cllr Spensley reported that there was a problem with Dog fouling on Sandwath Lane. It was agreed that the pavement signage would be used in that area.

### 122. Agenda Items for Next Meeting

Community Shop, White Horse, Neighbourhood Plan, Speeding

### 123. Date and time of next meetings –Thursday 19<sup>th</sup> April 2018 at 7:30 at the Village Hall, Main Street, Church Fenton

Meeting closed at 9:45pm

Jeremy Sherlock; Clerk; [clerk@church-fenton.net](mailto:clerk@church-fenton.net)