

## **Guide to the Agenda**

### The council's code of conduct: disclosure of interests and participation

1. Where a matter arises at a meeting which relates to an interest in Part A of the member's Register of Interests, the member shall:
  - a) declare what his/her interest is (if not already entered into his/her register or if the monitoring officer has yet to be notified);
  - b) not participate in a discussion or vote on the matter;
  - c) leave the meeting room entirely while the matter is discussed and voted upon.
2. Subject to paragraph 1 above, where a matter arises at a meeting which relates to an interest in Part A which is a sensitive interest, the member shall disclose that he/she has an interest but not the nature of it.
3. Where a matter arises at a meeting which relates to an interest in Part B of the member's Register of Interests, the member:
  - a) shall declare what his/her interest is (if not already entered into his/her register or if the monitoring officer has he to be notified or if he/she speaks on the matter);
  - b) may make representations, answer questions or give evidence in respect of the item given that members of the public are given the same entitlement;
  - c) may not vote.
4. Subject to paragraph 3 above, where a matter arises at a meeting which relates to an interest in Part B which is a sensitive interest, the member shall disclose he/she has an interest but not the nature of it.
5. Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate (other than an interest in Part A), the member:
  - a) shall disclose the nature of the interest;
  - b) may make representations, answer questions or give evidence in respect of the item given that members of the public are given the same entitlement;
  - c) leave the room entirely while the matter is discussed and voted upon.
6. Subject to paragraph 5 above, where the interest is a 'sensitive interest' the member shall declare the interest but not the nature of the interest.

## Appendices

Appendix 1	Agenda item 3	Minutes: ordinary meeting of the council
Appendix 2	Agenda item 3	Minutes: Planning Committee
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Appendix 6	Agenda item 8	Co-option
Appendix 7	Agenda item 9iii)a)	Street names, Persimmon housing development
Appendix 8	Agenda item 9iii)b)	Amenity areas: Manor Drive-Firthland Road-Barratt housing estate
Appendix 9	Agenda item 10	Cemetery boundary
Appendices 10a, b	Agenda item 11a)	Request
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Appendix 14	Agenda item 14ii)	Clerk's delegated decisions.
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**NB Not all the appendices are available in electronic format.**

### **Agenda item 1 – Apologies for absence**

To date:

### **Agenda item 2 – Code of Conduct: dispensations**

To deal with any requests for dispensations that members of the council have submitted.

### **Agenda item 3 – Minutes**

Please see Appendices 1 and 2.

### **Recommendations**

- a) that the minutes of the ordinary meeting of the council held on 15 August 2016 be approved;
- b) that the minutes of the meeting of the council's planning committee held on 6 September 2016 be received and noted.

### **Agenda item 4 – Public participation and presentations**

An opportunity

- for members of the public to make representations answer questions and give evidence in respect of any item of business to be transacted at the meeting.<sup>1</sup>
- for presentations to be made to the council.

### **Agenda item 5 – Town Mayor's engagements**

2 September 2016      Vale of Pickering Art Exhibition

### **Agenda item 6 – Members' reports**

- a) Verbal reports
- b) Written reports
  - i) Community Park<sup>2</sup>

There are two documents. **Appendix 4** contains the council's initial response to the email from DWH dated 6 July 2016 and DWH's comments on that response. **Appendix 5** is the record of the meeting between DWH and the working party on 7 September 2016.

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<sup>1</sup> Standing Orders 1c-1 apply. Please see Appendix 3.

<sup>2</sup> Minute 50, 18 July 2016.

## **Agenda item 7 – The town clerk's report**

### **i) Council meeting schedule: October-November<sup>3</sup>**

October			
4	Planning Committee	Kitching Room	7pm
7	Councillors Audit	Kitching Room	9am
17	Ordinary meeting of the council	Mill Room	7pm
November			
1	Planning Committee	Kitching Room	7pm
4	Councillors Audit	Kitching Room	9am
21	Ordinary meeting of the council	Mill Room	7pm

- ii) Notes, magazines, documents lodged in the council office:
- minutes of the meeting of the Pickering & Area Community and Police Group held on 18 May 2016;
  - the Police Report for Pickering, August 2016;
  - the county council's e-newsletter, North Yorkshire Now, September 2016.
- iii) The county council has issued posters alerting members of the public to the need for sixty volunteers to maintain current opening hours in the library in Pickering.
- iv) A communication from a member of the public re CCTV<sup>4</sup>

*I would respectfully point out that in any situation, decisions made in the past often do not adequately accommodate situations arising in the future. Since your previous decisions were made, technology and social circumstances have moved on.*

*Unfortunately there are legal issues that will prevent individual businesses from operation of CCTV systems where the footage may be required for use in protecting the wider community.*

*My communication with you is not related to seeking financial support, but was to include The Town Council in the discussion in order that you had a voice in decisions that may impact upon your ability to dispense your duty as a body representing the wider community.*

*As you have been clear that despite changing circumstances, The Town Council will not be interested in joining the discussion, we will continue the dialogue with the other stakeholders.*

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<sup>3</sup> Meetings are held in the Memorial Hall unless otherwise stated.

<sup>4</sup> Minute 63, 15 August 2016.

## **Agenda item 8 – Co-option<sup>5</sup>**

One application has been received for the vacancy in the office of town councillor for the West Ward of Pickering.

The council has to decide whether to co-opt the applicant. First she must be nominated by a member of the council and seconded. Second, the council has to vote by show of hands whether the nominee is to be co-opted.

NB If there is a single applicant for a single seat the council does not have to opt for that applicant.

NB The successful applicant cannot take his or her place as a member of the council until he or she has made the Declaration of Acceptance of Office.

**Please see Appendix 6 for the application.**

## **Agenda item 9 – Development Control**

### **i) Outcomes: recent planning applications**

The outcomes relating to eight applications and one Certificate of Lawfulness have been received:

- a) 16/01019/FUL – change of use of bike shop (Use Class A1) to a mixed use of craft shop (A1) and tea room (A3)(retrospective) at 2 Market Place - approved;<sup>6</sup>
- b) 16/01065/HOUSE - erection of single storey extension to attached garage and raising of roof height to form additional domestic living space and erection of porch to side elevation at 15 Meadow Road - approved;<sup>7</sup>
- c) 16/01054/CLOPUD - Certificate of lawfulness for a proposed use or development in respect of the erection of a one bedroom log cabin to provide ancillary accommodation to Eastgate House, Malton Road - refused;<sup>8</sup>
- d) 16/00840/LBC – external alterations to include installation of replacement double-glazed timber sliding sash windows to all existing windows at 7 Train Lane - approved;<sup>9</sup>
- e) 16/00250/FUL – erection of three additional residential units and revision to house types of plots 54 and 58 together with alterations to site layout and associated parking and landscaping (revised details to approval 14/00976/MREM dated 9 December 2014) on land at OS Field 9525, Crossgate Lane - approved;<sup>10</sup>
- f) 16/01269/HOUSE – installation of replacement dormer window to south elevation roofslope at Two Ways, Swainsea Lane - approved;<sup>11</sup>
- g) 16/01213/FUL - erection of a permanent stone gateway feature to the left side of the main site entrance with a maximum wall height of 1.675m and intermediate stone piers of 2.4m maximum height on land at OS field 9525 Crossgate Lane - approved;<sup>12</sup>
- h) 16/01212/ADV - re-location of the 2.4m high non-illuminated advertising hoardings from the left side of the site entrance to the right side with the same graphics to be used on land at OS field 9525 Crossgate Lane – approved.<sup>13</sup>

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<sup>5</sup> Minute 28, 20 June 2016 and Minute 44, 18 July 2016.

<sup>6</sup> Minute 45, 18 July 2016 – no objections.

<sup>7</sup> Ibid.

<sup>8</sup> Planning Committee Minute 7, 5 July 2016 – no objections.

<sup>9</sup> Minute 16, 16 May 2016 – no objections.

<sup>10</sup> Minute 188ii), 21 March 2016 – no objections.

<sup>11</sup> Minute 59, 15 August 2016 – no objections.

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

**Agenda item 9i) cont.**

- i) 16/01218/HOUSE – rebuilding and extension of existing outbuilding to form additional domestic accommodation to include raising of rood height at 108 Eastgate;<sup>14</sup>
- ii) Planning applications to be considered
  - a) 16/01420/LBC - external alterations to include installation of two replacement timber-framed double-glazed first floor windows to rear elevation of Houndgate Hall, 20 Hungate;
  - b) 16/01414/FUL - erection of single storey extension to the north elevation of the Masonic Hall, Bridge Street;
  - c) 16/01415/LBC - erection of single storey extension to the north elevation to include removal of section of north wall of the Masonic Hall, Bridge Street;
  - d) 16/01034/FUL – erection of a three bedroom dwelling on land adjacent to Riparian Lodge, Mill Lane;
  - e) 16/01446/73AM - removal of Condition 18 of application 08/00551/MFUL (as allowed by appeal APP/Y2736/A/09/2102050) to allow store deliveries to take place at any time at Lidl UK, Vivis Lane.

iii) Planning Application 14/01259/MFUL<sup>15</sup>

- a) The district council has asked whether the town council has any objections to the suggestion of the developer that Maple Road, Lavender Close and Rosemary Close serve as the street names for the proposed housing development south of Firthland Road and west of Greenlands. **Please see Appendix 7.**
- b) The development of the land for a housing estate immediately south of Firthland Road will include a local area for play (LAP – for children up to six years old). It is likely that Persimmon Homes (Yorkshire) Ltd will build more houses south of the proposed development and this will entail the provision of amenity areas probably equipped. Policy SP11 of the Ryedale Plan - Local Plan Strategy requires that residential schemes of at fifty dwellings will provide on site a LAP whereas a site of one hundred dwellings will have a local equipped area for play (for children between the ages of four and eight).

It may be in the council's and the community's interest to review its amenities in this area, more particularly Greenlands and Manor Drive (which it manages on behalf of the Pickering Playing Fields Association), decide on their role (and thereby whether they should be developed or changed) and ask Persimmon and the district council to engage with them in this. For example, what role should Greenlands play in relation to the new housing development and its further development?

**Please see Appendix 8.**

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<sup>14</sup> Planning Committee Minute 10, 2 August 2016 – no objection.

<sup>15</sup> Erection of 12 four bedroom dwellings, 27 three bedroom dwellings and 13 two bedroom dwellings with associated garaging, parking, amenity areas, public open space, landscaping and formation of vehicular access and site roads on land to the rear of Firthland Road.

### **Agenda item 9 cont.**

#### **iv) North York Moors National Park Authority: the new Local Plan – consultation exercise**

The authority has initiated a consultation exercise on its development plan and is inviting responses to four documents: Community Aspirations; Main Issues Questionnaire; Development Opportunities Questionnaire and Local Green Spaces Nomination Form.

All the documents are available to download at <http://www.northyorkmoors.org.uk/planning/framework/Draft-Local-Plan-First-Steps>

**Should the council wish to participate in the consultation exercise it could**

- **appoint a working party which would bring a report to the meeting in October;**
- **delegate the work to the planning committee;**
- **create an agenda item at the October meeting and deal with the four consultation documents itself.**

### **Agenda item 10 – Cemetery boundary**

**Please see Appendix 9.**

A communication has been received from Boulton and Cooper Stephenson who are acting on behalf of the beneficiaries of the late Stephen Kitching Walker's estate in relation to the development of land on the northern boundary of the cemetery.

### **Agenda item 11 - Cemetery: requests**

- i) Request to erect a pedestal and plaque, the plaque to be record a poem to the applicant's late wife
- ii) Request for a headstone larger than the specifications detailed in the council's regulations
- iii) Request to retain fairy lights on a memorial
- iv) Request to have a toilet installed at the cemetery.

### **Agenda item 12 – Contracts 2017-2019 and beyond<sup>16</sup>**

- i) Hanging Baskets (Exempt item)
- ii) Legal advice

North Yorkshire County Council's Legal Services has reviewed the council's contracts to ensure that they meet all relevant primary and secondary legislation.

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<sup>16</sup> Minute 47, 18 July 2016 and Minute 60, 15 August 2016.

### **Agenda item 2ii) cont.**

Legal Services has stated that the Public Contract Regulations 2015 require that the following provisions are included in all Public sector contracts:

- to pay undisputed invoices within 30 days (subject to any contractual or statutory obligation to pay earlier);
- to consider and verify all invoices submitted by a contractor in a timely fashion and that undue delay in doing so is not sufficient justification for failing to regard an invoice as valid and undisputed;

The relevant clauses in each contract have been amended to incorporate the regulation. The clauses previously stated that undisputed invoices would be paid within 30 days of the monthly meeting.

The council's Financial Regulations should incorporate this requirement.

Further guidance is expected on those contracts that are worth over £10000.00 over the duration of the contract.

#### **iii) Specifications: Footway Lighting Contract**

There are three requirements that the contractor has to meet: effect repairs; inspect and clean each lighting unit annually; replace all the lamps within each contract period. Discussions with the contractor suggest that the bulk change is unnecessary partly because the lamps now used last longer and LED lanterns can last up to ten years. The average annual cost for call outs and repairs is £425.00. The variation between years is insignificant even for a year immediately following a bulk change.

**Therefore the council is recommended to remove this requirement from the 2017-2019 contract.**

#### **iv) Specifications**

The council is asked to study the specifications and if satisfactory, approve them. **Please see Appendix 13.**

### **Agenda item 13 – Council representation on Pickering in Business**

**The council is asked to appoint a member to represent it on Pickering in Business.**

### **Agenda item 14 – Finance**

#### **i) Councillors Audit - August 2016**

##### **Recommendation**

- **that the council receives and endorses the report on the audit carried out on 9 September 2016.**



## Agenda item 14i) cont.

### The audit

- Receipts  
The receipts sheet (cash book) was checked against the current account paying in book, bank statements and invoices. Invoices were checked to see that the correct fees had been charged.
- Payments  
The payments sheet (cash book) was checked against vouchers, monthly accounts paid and due for payment, cheque counterfoils, bank statements and analysis sheets.
- DDs and SOs as recorded on the bank statements were checked against the appropriate annual, quarterly or monthly statements that had been issued by creditors.
- Petty cash  
Entries in the petty cash book were checked against receipts and payments (cash book) and the evidence of the receipts themselves. The cash was counted to establish that the money corresponded to the balance in receipts and payments and all relevant documentation checked to establish the exact number of castle passes issued.
- Transfers: £7000.00 from the reserve to the current account on 16 August 2016.
- Wages  
The amounts on the wage slips were checked against the cheques for employees, HMRC, NYCC Pension Fund and the percentages used in calculating pension contributions.
- Vat register  
The Vat to be reclaimed is £5418.74.
- The bank reconciliation as at 31 August 2016 was checked and was found to agree with the cash book and relevant statements.
- Asset Register  
The register was checked to ensure that recent purchases and disposals had been recorded. These are given below.

Asset value b/f 31 July 2016	£255355.43
Assets purchased since July 2016	
11 new column lights with LED lanterns	£ 4345.00
Assets disposed of since July 2016	
11 column lights	£ 2160.18
Asset value c/f 31 August 2016	£257540.25

### ii) Delegated decisions by the clerk

**Please see Appendix 14.**

**The council is asked to endorse the decisions taken by the clerk from 16 August 2016.**

## Agenda item 14 cont.

### iii) Footpath salting

The council is recommended to authorise the district council to salt when appropriate a) Riverside Walk, b) the steps leading up, and the paths running through, the closed churchyard and c) the footpaths in the open space at Smiddy Hill. These are the footpaths in Pickering for which the town council is responsible.

Based on operations last year, it is thought that a) and b) would be salted by 9am, c) before 12 noon. Streetscene Operations would assess the situation based on weather reports and conditions at 5.30am each morning and act accordingly.

**The council is recommended to have these footpaths salted by the district council at appropriate times. Money has been allocated in the budget.**

### iv) Wet pour repairs: Hawthorn Lane play area

Streetscape (which is based in Selby and has repaired several items of play equipment following the annual Rospa inspection) has inspected all the wet pour surfaces in the play area and has, subsequently, submitted a quotation for £3255.00 to effect repairs. The company would cut out, remove and dispose of existing rubber wet pour and replace with approximately 100m of new black wet pour, 150mm wide at various depths.

### v) The Public Clock<sup>17</sup>

#### a) Auto-wind (Chimes)

Smith of Derby has quoted £1032.00 ex Vat to repair the auto-wind. The work would include dismantling the unit down to component level, cleaning all moving and non-moving surfaces; manufacturing a new plastic coupling, obtaining a new drive motor and re-bushing the race bearings on the motor gear box assembly. The mechanism would then be tested in the workshop prior to reinstatement.

This unit was manufactured and installed by the company in 1988 by William Potts and Sons of Leeds (now part of Smith of Derby) and due to natural wear and tear, certain parts now require replacing.

#### b) Pull-off system (Chimes)

Smith of Derby can fit a pull-off system which would stop the chimes during the early hours of the morning. *We fit a linear pull-off unit, one under the strike lever and the second unit under the quarter chime levers. These are in turn linked to a timer that can be set to silence the strike and chimes between the hours that you choose, on an adjustable basis. They operate on the basis of pulling the levers down at the prescribed times so that the clock, whilst going through its normal sequence on the quarter hours and on the hour, do so without actually lifting the hammers to operate on the bells. The system therefore stays in sequence when the levers are released, again at the chosen time.*

The cost to design, manufacture, install and commission the system would be £1,564.00 ex VAT as an additional cost and if carried out with the work already quoted for the repairs; however, should the council wish to consider this project as a separate activity, the charge would be the charge would be £1,992.00 ex VAT.

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<sup>17</sup> Minute 58iii), 15 August 2016.

#### **Agenda item 14b) cont.**

There may be some electrical work of a minor nature, to be carried out but the cost for this is not allowed for within the quotation.

##### **c) The Chimes**

The chimes are a memorial to those soldiers from Pickering who died during the First World War or from their wounds sometime afterwards. The council has a power under the War Memorials (Local Authorities Powers) Act 1923 to maintain, repair and protect war memorials. In 1919 additional bells were installed in the tower which allowed the original ding dong chime to be upgraded to Cambridge Quarters. The mechanism was made and installed by William Potts and Sons of Leeds.

The clock itself was made and installed by William Potts and Sons following a tendering exercise by the town's Local Board. It is likely that the Board took advantage of the refurbishment work on the church in the late 1870s to provide a new clock for the town.

##### **vi) Requests for grants**

###### **a) Christmas Lights<sup>18</sup> (**Appendix 15**)**

###### **b) Musical Memories (**Appendix 16**)**

##### **vii) Pickering Playing Fields Association (PPFA)**

The Manor Drive and Hawthorn Lane play areas are held in trust by the PPFA; however, the management of the amenities is the responsibility of the council by an agreement dated 1990 and renewed in 2011. (In 1990 the trustees had established that they had not the resources to manage and maintain the two amenities.)

In the early part of this century a fund raising group, independent of the council, was established. To access funding the group became trustees. It was assumed that the original trustees had stood down; however, in law, this had not happened. Both the original and the funds finding trustees have, for several years, wanted to give up their respective trusteeship but it is only recently, and through the good offices of Mr A Morris (Hague and Dixon) that a satisfactory and lawful way forward has been accepted by all parties.

The council will continue to manage the two play areas but the new trustees will need public liability and trusteeship cover as the trust still owns the land. The trustees may approach the council for a grant to meet the insurance cover.

##### **viii) Investments**

Information to follow.

##### **ix) Financial Statement: August 2016 (**Appendix 17**)**

#### **Recommendation**

- **that the council receive the financial statement for August 2016.**

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<sup>18</sup> Minute 51iii), 18 July 2016.

**Agenda item 14b) cont.**

**Agenda item 14 cont.**

x) Accounts (**Appendix 18**)

**Recommendation**

- that the council approve the August accounts paid and due for payment totalling £9362.40.

**Agenda item 15 – Garden Way play area/64 Ings garth (Possible exempt item)**

## Appendix 1

### Draft minutes of the ordinary meeting of Pickering Town Council held on 15 August 2016 in the Memorial Hall, Pickering

Present: Councillor J Andrews, Councillor B Baker, Councillor M Danks, Councillor H Haythorne, Councillor S Jenson, Councillor Lovejoy, Councillor E Randall, Councillor J Stott and Councillor T Woodward

Three members of the public were present.

#### 53 APOLOGIES FOR ABSENCE

The council received and accepted apologies for absence and reasons for same, from Councillors Oxley and Richardson.

#### 54 APPLICATIONS FOR DISPENSATIONS

The council noted that none of its members had applied for a dispensation.

#### 55 MINUTES

The council resolved that

- the minutes of the ordinary meeting held on 18 July 2016 be approved;
- the minutes of the council's planning committee meeting held on 2 August 2016 be received and noted.

#### 56 TOWN MAYOR'S ENGAGEMENTS

20 July 2016 Talent competition, Pickering Community Junior School  
22 July 2016 Rotary Club of Pickering and District presentation evening, Forest and Vale Hotel  
24 July 2016 Opening of garden, St Joseph's Roman Catholic Church

#### 57 MEMBERS' REPORTS

The council received and noted verbal reports from Councillors Jenson (Pickering in Bloom, monthly litter pick), Baker (Slowing the Flow Programme Board), Stott (Community Park) and Haythorne (Pickering in Business).

#### 58 THE TOWN CLERK'S REPORT

i) Council meeting schedule: September-October<sup>19</sup>

September			
2	Councillors Audit	Kitching Room	9am

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<sup>19</sup> Meetings are held in the Memorial Hall unless otherwise stated.

6	Planning Committee	Kitching Room	7pm
19	Ordinary meeting of the council	Mill Room	7pm
October			
4	Planning Committee	Kitching Room	7pm
7	Councillors Audit	Kitching Room	9am
17	Ordinary meeting of the council	Mill Room	7pm

- ii) Notes, magazines, documents lodged in the council office:
- Yorkshire Local Councils' Associations' *White Rose Update*, July edition;
  - North Yorkshire Police e-newsletter, July 2016;
  - notes of the meeting of Ryedale Market Towns Promotion held on 21 July 2016;
  - the county council's *North Yorkshire Now* e-newsletter, August 2016.
- iii) Smith of Derby had removed the auto-wind unit that winds the weight which drives the striking side of the town clock. The unit would be inspected at the company workshop in order to estimate the cost of repair work. The chimes had not been functioning properly these several weeks.

The company would be asked to quote for a mechanism which would stop the striking mechanism in the early hours of the morning.

## 59 **DEVELOPMENT CONTROL**

### i) Outcomes: recent planning applications

The council received and noted the outcomes which related to six applications and further noted that Applications 16/01016/FUL and 16/01018/LBC had been withdrawn.<sup>20</sup>

### ii) Planning applications to be considered

The council considered the applications listed below and had no objections to any of them:

- 16/01231/FUL – change of use and alteration of agricultural barn to form a two bedroom dwelling with parking and amenity area to include erection of a single storey extension and demolition of adjacent steel framed agricultural building at Keld Head Farm, Keld Head;
- 16/01232/LBC – conversion and alteration of agricultural barn to form a two bedroom dwelling with parking and amenity area to include erection of a single storey extension and demolition of adjacent steel framed agricultural building at Keld Head Farm, Keld Head;

<sup>20</sup>16/01010/HOUSE – erection of a detached garage at Barker Stakes Farm, Ings Lane –approved; 16/00830/HOUSE - erection of a detached garage and store to serve 40 Westgate with access off Firthland Road - approved; 16/00967/FUL - erection of two bedroom dwelling with formation of two parking spaces following demolition of existing outbuilding on land to the rear of the 16 Keepersgate - refused; 16/01102/HOUSE, erection of detached garage to replace existing detached garage at 15 Maudon Avenue - approved; 16/01009/FUL, erection of an extension to an agricultural building for the storage of feed and machinery at Mayfield House, Malton Road - approved; 16/00988/LBC - external and internal alterations to include erection of single storey rear extension following demolition of existing porch and removal of concrete render to front elevation together with installation of replacement staircase and relocation of partition wall to form first floor landing and ensuite at 11 Castlegate – approved; 16/01016/FUL and 16/01018/LBC - external alterations to allow change of use of retail shop (Use Class 1) to a hot food takeaway (Use Class A5) to include installation of external flue, 4 Eastgate - withdrawn.

**59ii) cont.**

- 16/01269/HOUSE – installation of replacement dormer window to south elevation roofslope at Two Ways, Swainsea Lane;
- 16/01213/FUL - erection of a permanent stone gateway feature to the left side of the main site entrance with a maximum wall height of 1.675m and intermediate stone piers of 2.4m maximum height on land at OS field 9525, Crossgate Lane;
- 16/01212/ADV - re-location of the 2.4m high non-illuminated advertising hoardings from the left side of the site entrance to the right side with the same graphics to be used on land at OS field 9525, Crossgate Lane;
- 16/00346/MOUTE – amended details to hybrid planning application comprising 1) application for full planning permission for a 5127 sq m purpose built production (B2 Use) on the eastern area of land in the south of Thornton Road Industrial Estate with associated infrastructure comprising construction of access road from the estate, car parking, servicing, drainage works and landscaping, 2) application for outline planning permission for the erection of 5900 sq m of business units (B1 Use) and 5990 sq m of industrial units (B2 Use) on land to the south of the estate (western portion of the site) - site area 6.6 ha, on land north of Outgang Lane.

**60      CONTRACTS: 2014-2017 AND 2017-2019 AND BEYOND**

i)      Hanging Baskets<sup>21</sup>

The council

- learnt that a local nursery was prepared to provide hanging baskets and water them during the next contract period;
- decided to ask the nursery to quote for the provision and watering of twenty four hanging baskets (their location is given below):

Potter Hill	Front of Memorial Hall	2
Park Street	Column 1, adjacent to the Fortune Inn	1
	Column 2, by railway wall	1
Market Place	Victorian style column lighting units	6
Ropery	Column 5, outside former HSBC bank	1
	Columns 3 and 4, outside the library	2
	Column 2, outside Aquarian Hair Designs	1
	Column 1, near junction with A170	1
Riverside Walk	On columns	4
Eastgate	Bus shelters on north and south side of A170	3
Smiddy Hill	Columns 1 and 2	2
	Total	24

The quotation would help determine whether the council would continue to provide hanging baskets in the town centre and, if so, whether it would negotiate a contract with a local nursery or go out to tender.

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<sup>21</sup> Minute 47iv), 18 July 2016.

**60 cont.**

ii) Legal advice

The council noted that North Yorkshire Legal Services would review the council's contracts to ensure that they incorporated all relevant primary and secondary legislation.

iii) Agenda item 9iii) (Contracts 2014-2017) was dealt with after financial items. Please see Minute 65, page 40.

**61 RYEDALE FIVE TOWNS: FREE WIFI**

i) The council

- received and noted the minutes of the meeting of Ryedale Five Towns which had been held in Norton on Derwent on 5 July 2016;
- further noted that the next meeting of the five towns would be on 8 November 2016 in the Memorial Hall, Pickering.

ii) Free Wifi<sup>22</sup>

- a) At the ordinary meeting in December 2015, the council decided to participate in an exploratory exercise to establish the costs and relevant resources for the installation of free wifi in each of Ryedale's towns. The exercise would be conducted by the district council.
- b) The exercise had established the area of coverage and the cost of provision and one year's management, and ongoing annual maintenance costs for each of the five towns. There would be additional costs, eg on-going internet services charges.
- c) The specific area in Pickering for which the district council had sought quotations was the Market Place.

The reservations in the council about going ahead with the scheme for Pickering were such that the decision was taken not to do so. Amongst the reservations were the cost of the scheme in relation to the small area of coverage, the number of people with 3G, and the belief that free wifi would soon be outmoded.

**62 TOWN CARETAKER**

The council noted that Councillors Andrews and Oxley had met on 28 July 2016 to discuss what a town caretaker might do were such an operative to be appointed. Their conclusions, which were received and noted by the council, are given below:

- that the work undertaken by the council's contractors was not the sort envisaged for a town caretaker though that might change in the future;
- some tasks undertaken by the clerk could form the basis of a job specification;
- that they could see the role growing organically particularly once the community park was handed over by David Wilson Homes Yorkshire East and the district council sought to hand down services;

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<sup>22</sup> Minute 140, 21 December 2016.



## 62 cont.

- there might be scope for the employment of a part time operative (two days a week), perhaps someone already doing part time work, who was interested in the town and would be prepared to let the role develop.

The members had studied the following documents:

- council contract specifications;
- information from Stokesley Parish Council: *As for our Play Park Superintendent and Public Conveniences Caretaker. He is employed for 27 hours per week (basic living wage) to carry out daily checks of the play area, including litter picking and a thorough weekly play equipment inspection. He also ensures that the surfaces i.e. play bark etc is sufficient and maintains the footpaths etc, he also carries out general duties such as re-painting equipment if required. He is responsible for opening the Public Toilets at 6 am and closing at 6 pm, and for carrying out the daily cleaning and restock of toilet rolls, hand soap etc. In addition, he does also carry out minor repairs if required. Both roles are 7 days a week and he does not have a vehicle provided but this is because he lives locally and simply walks to both areas.*
- activities undertaken by the clerk which could be done by a town caretaker: the publication of notices on council notice boards; weekly visual inspections of play areas; reading electricity meters (storage shed and town clock); putting out the cemetery bins; inspection of street furniture, flags, railings, steps, gates, paintwork, tarmac surfaces, amount of spoil in spoilholder, delivering hard copies of agenda papers, and photographing problems/issues reported by members of the public for forwarding to the appropriate authority.

The views of the councillors would be taken into consideration during the budget discussions for 2017-2018.

## 63 CCTV

The council learnt that a local publican was working with other businesses in the Pickering to try and have the CCTV cameras reinstated. The publican had stated that while their primary motivation was the security of their businesses and the comfort of their guests, they believed that there were benefits for the wider community and therefore sought a dialogue with the town council.

The council decided against entering into a discussion. The reasoning was that

- a) businesses would be better served by installing their own CCTV systems;
- b) the evidence which had led the council to end its financial contributions to Ryedale Cameras in Action to help meet the running costs of the CCTV system was still compelling.

## 64 FINANCE

### i) Councillors Audit for July 2016

The council

- resolved that the report of the audit undertaken on 5 August 2016 that financial transactions in July had been undertaken according to internal control policies and procedures, be received and endorsed;
- received and noted changes to the asset register between 15 June and 31 July 2016 and the revised value of its current assets.

Asset value b/f 15 June 2016	£252514.23
Assets purchased since June 2016	
Fourteen replacement column lights with LED lanterns	£ 5530.00
Mill Lane column replacement, using existing lantern	£ 351.00
Footway light on Maudon Avenue	£ 188.12
Assets disposed of since June 2016	
Fourteen column lights	£ 2749.32
Mill Lane column	£ 328.00
Malvern 5505 bin on Southgate	£ 128.00
Liner from bin at junction of Ruffa Lane and High Backside	£ 22.60
Asset value c/f 31 July 2016	£255355.43

ii) Delegated decisions by the clerk

The council noted and endorsed the decisions taken by the clerk since 8 July 2016.

iii) Year end accounts 2015-16: the Annual Return and the External Auditor's opinion<sup>23</sup>

a) Notice of conclusion of audit and right to inspect the Annual Return

The council learnt that the notice and facsimiles of Sections 1, 2 and 3 of the Annual Return had been posted on the notice board in the Memorial Hall and on [www.pickering.gov.uk](http://www.pickering.gov.uk) on 21 July 2016.

b) The External Auditor's certificate and opinion

The council noted that the external auditor had issued their certificate and opinion:

- the audit of the annual return for the year ended 31 March 2016 had been completed;
- “on the basis of our review, in our opinion the information in the annual return is in accordance with proper practices and no matters have come to our attention giving cause for concern that relevant legislation and regulatory requirements have not been met”.

The council further noted that there were no matters not affecting the opinion of the external auditor which they wanted to draw to the attention of the council.

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<sup>23</sup> Minute 214ix), 18 April 2016.

**64 cont.**

iv) The annual inspection of the play areas and play area equipment

The council resolved that Rospa be instructed to undertake the annual inspection of the play areas and equipment. The council understood that the inspection would take place in September 2016.

v) The council's footway lighting stock

The council decided to instruct Acorn Lighting Ltd (the council's footway lighting contractor) to replace eleven reinforced concrete column lights. The replacements would have LED lanterns. £10000.00 had been budgeted for further replacement work in 2016-2017.

The columns listed below would be replaced.

Column number	Street
9, 11, 12, 13	Middleton Road
2,3	Keld Close
3	Northway
8	Swainsea Lane
1,2	Hatcase Lane
1	Oaklands

vi) Arboricultural inspection

The council received and accepted a quotation from Mr R Lancaster, Arboriculturist, to inspect the trees for which it is responsible. The cost to the council would be £650.00. The work would be undertaken in the autumn.

vii) Financial statement, July 2016

The council resolved that the statement for July 2016 be received and noted.

viii) Accounts paid and due for payment<sup>24</sup>

The council resolved that the August accounts paid and due for payment totalling £11623.78 be approved.

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<sup>24</sup>Please see Appendix i).

**65      GROUND'S MAINTENANCE CONTRACTS 2014-2017**

The council resolved that in view of the confidential nature of the business about to be transacted, it was advisable in the public interest that the press and public be temporarily excluded and they were instructed to withdraw. The issue related to a council contractor's obligations.

The council

- received the notes of, and a verbal report on, a meeting between councillors and the grounds maintenance contractor;
- decided that tenderers for the 2017-2019 contracts would be required to provide a schedule of work and information about how they would source the contract in terms of staff and equipment.

**66      GARDEN WAY PLAY AREA: FALLEN TREE<sup>25</sup>**

The council resolved that in view of the confidential nature of the business about to be transacted, it was advisable in the public interest that the press and public be temporarily excluded and they were instructed to withdraw. The issue related to a claim for compensation.

The council received and noted further correspondence from a member of the public, a verbal report on the response of the local police and Yorkshire Housing Association to its request for assistance, and advice from its insurer and YLCA.

The council decided

- to furnish the member of the public with the contact details of the Health and Environment Manager at Ryedale District Council and contact the officer direct about the member's view that there were rats in the lower Garden Way area;
- refer the member of the public to previous correspondence about a dead tree on the other side of the road to the play area;
- ask the housing association to have signage removed from 64 Ingsгарth, the home of the member of the public, as soon as possible.

.....  
Town Mayor

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<sup>25</sup> Minute 37, 20 June 2016 and Minute 52, 18 July 2016.

Appendix i)				
Voucher No.	Payee	Description	Gross Amount	Power
59	North Yorkshire Pension Fund	Additional contributions July 2016	£ 16.68	Local Government Act 1972, s112(2)
60	DM Eddon Building Contractors	Various work done under small works contract	£ 390.00	Open Spaces Act 1906, s10(b)
		Renewing tarmac on Riverside Walk	£ 2280.00	Open Spaces Act 1906, s10(b)
61	British Telecom	Telephone charges	£ 318.38	Local Government Act 1972, s111(1)
62	Petty Cash	Petty cash no. 3	£ 50.00	Local Government Act 1972, s111(1)
63	PKF Littlejohn LLP	External audit of Annual Return 2015-16	£ 480.00	Local Government Act 1972, s111(1)
64	allgardens ltd	Grounds maintenance August 2016	£ 2880.00	Open Spaces Act 1906, s10(b)
65	Salaries and related payments	August 2016	£ 4456.73	Local Government Act 1972, s112(2)
66	PWMCT	Rent/Services September 2016	£ 600.00	Local Government Act 1972,s111(1)
		Hire of meeting room 19.09.16	£ 25.00	Local Government Act 1972,s111(1)
67	PCX Computer Services	Broadband line rental August 2016	£ 17.99	Local Government Act 1972, s111(1)
68	EDF Energy	Electricity charges town clock lighting	£ 13.00	Parish Councils Act 1957, s2
69	EDF Energy	Electricity charges cemetery storage shed	£ 8.00	Local Authorities' Cemeteries' Order 1977
70	Ryedale District Council	Cemetery rates August 2016	£ 88.00	Local Government Act 1972, s214(2)
Total paid or due for payment August 2016			£11623.78	

## Appendix 2

### **Draft Minutes of the meeting of Pickering Town Council's Planning Committee held on 6 September 2016 in the Memorial Hall, Potter Hill, Pickering**

PRESENT: Councillor B Baker, Councillor S Jenson, Councillor J Stott

#### **11. APOLOGIES FOR ABSENCE**

The committee noted that there were no apologies for absence.

#### **12. APPLICATIONS FOR DISPENSATIONS**

The committee noted that none of its members had applied for a dispensation.

#### **13. PUBLIC PARTICIPATION**

No members of the public were present.

#### **14. PLANNING APPLICATIONS**

The committee had no objections to:

- 16/01359/CAT: T1 – Pine – remove, T2 – Cypress – remove, T3 – Cedar – lift to 2.5m, T4 – Sweet Chestnut – reduce over developed limb on house side and crown lift over footpath to 2.5m. The trees were located at 2 Norman Close;
- 16/01373/HOUSE: erection of three single storey extensions to front, side and rear elevations of 3 Eastfield Road;
- 16/01410/CAT: Notice to fell trees in a conservation area - removal of conifer (Lawsons Cypress), 113 Westgate.

.....  
Chairman

### **Appendix 3 – Agenda item 4**

#### **From Standing Order 3**

- d) Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.
- e) Subject to standing order 3d) above, members of the public are permitted to make representations, answer questions and give evidence in respect of any item of business and an agenda item will be allocated in the early part of council and committee meetings to enable them to do this.

This entitlement will not preclude the chairman from adjourning the meeting at other times at his discretion so as to allow members of the public to make representations answer questions or give evidence, in relation to the business to be transacted at that meeting.
- f) The period of time which is designated for public participation in accordance with standing order 3d) above shall be at the chairman's discretion.
- g) Subject to standing order 3e) above, each member of the public is entitled to speak once only in respect of business itemised on the agenda.
- h) In accordance with standing order 3e) above, a question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given.
- i) A record of a public participation session at a meeting shall be included in the minutes of that meeting.
- j) A person shall stand when requesting to speak and when speaking except when a person has a disability or is likely to suffer discomfort. The chairman may at any time permit an individual to be seated when speaking.
- k) Any person speaking at a meeting shall address his comments to the chairman.
- l) Only one person is permitted to speak at a time. If more than one person wishes to speak, the chairman shall direct the order of speaking.
- m) The right to record, film and to broadcast meetings of the council, its committees, sub committees and any joint committees is established under the Openness of Local Government Bodies Regulations 2014; however, recording will be carried out in accordance with separate rules adopted by the council to manage this activity effectively and lawfully.

## **RULES FOR THE EFFECTIVE MANAGEMENT OF RECORDING AT LOCAL COUNCIL AND PARISH MEETINGS**

The right to record, film and to broadcast meetings of the council/parish meeting is established under the Openness of Local Government Regulations 2014. This is in addition to the rights of the press and public to attend such meetings. Pickering Town Council is committed to being open and transparent in the way it conducts its decision making. For the purpose of this policy the term “record” means any form of audio, visual or electronic recording. Those who attend a public meeting should expect to be filmed. This includes councillors, council officers and members of the public.

The rules that the town council will apply are:

1. The council will display requirements as to filming, recording and broadcasting at its meeting venues and on its website or on notice boards in the town and those undertaking these activities will be deemed to have accepted them whether they have read them or not.
2. A copy of this guidance will be provided to members of the public in attendance at a meeting of the council. The chairman may also verbally remind the meeting and all present of the freedom to record but that this guidance are in place to enable any type of recording to take place with minimal disruption to the council meeting.
3. Any person wishing to record a meeting in any format whatsoever is encouraged (but not compelled), to contact the clerk prior to the start of the meeting. The clerk’s details are set out in the public notice and the agenda of the meeting; (or in his absence, the contact will be the chairman of the council. Discussing requirements with the clerk beforehand will help to ensure that the council provides reasonable facilities to meet the needs of the person that is recording.
4. The person making the recording may move around, however in doing so he/she must ensure that there is minimal or no disruption to the proceedings of the meeting.
5. A person or persons recording the council meeting are reminded that the “Public Participation” period may not be part of the formal meeting and that they should take legal advice for themselves as to their rights to make any recording during that period.
6. Where the press and public are excluded from a meeting or part of a meeting owing to the confidential nature of the business to be transacted, recording of that meeting or that part of the meeting will not be permitted.
7. The specific filming of children or young people under the age of 18 who are present cannot take place unless their parents/guardians have given their written consent. This provision also applies to vulnerable adults whereby the consent of a responsible adult is required, ie a medical professional, carer or legal guardian. Where the permission is given, filming of these people can take place.
8. The council requests that all recording is overt (ie clearly visible to anyone at the meeting), but cannot compel those who are recording to do so.
9. The use of digital and social media recording tools, for example Twitter, blogging or audio recording are allowed as long as this type of recording is carried out in a non-disruptive way and only to the extent that it does not interfere with the ability of any person present to follow the debate.
10. A person or persons making a recording has no right to interrupt a council by asking questions or making comments for the purpose of the recording. The person recording has no right to ask councillors, officers or any members of the public who have been given permission to contribute orally to the meeting to repeat a statement for the purposes of the recording.



11. The chairman of the meeting has absolute discretion to stop or suspend recording if, in his/her reasonable opinion, continuing to do so would prejudice proceedings at the meeting or if the person recording is in breach of this guidance.
12. Persons who are recording are requested not to leave their equipment unattended where possible, and are responsible for their equipment at all times
13. The recording and reporting on meetings of the council is subject to the law and it is the responsibility of those doing the recording and reporting to ensure compliance. This will include the Human Rights Act, the Data Protection Act and the laws of libel and defamation. The council expects that the recording will not be edited in a way that could lead to misinterpretation or misrepresentation of the proceedings or infringement of the council's values or in a way that ridicules or shows a lack of respect for those in the recording. The council would expect any recording in breach of these rules to be removed from public view. The council will have no liability for material published by any other person unless it is itself undertaking the publication through its offices.
14. For the benefit for those who wish to record - where the recording device being used involves equipment which is larger than a smart phone, tablet or compact camera or if the person recording has other special requirements he/she is requested to please contact the clerk prior to the meeting so that reasonable arrangements can be made. The use of lighting for filming/flash photography will usually be allowed provided that it does not adversely impact on the ability of others present to view the meeting, or for reasons of health, whereby the council may require that such lighting is not used or is reduced to a level which does not adversely affect other people. The lighting should not cause any other form of disruption.
15. The council may itself photograph, film, record or broadcast meetings and can retain, use or dispose of such material in accordance with its retention and disposal policies. Where a council proposes to record all of its own meetings it will be bound by this policy.
16. Where a council proposes to record all of its own meetings, it will resolve how long such recordings will be kept and how members of the public may obtain copies. The council will include the availability of such recordings within its Publication Scheme.
17. The council is not liable for the actions of any person making a recording at a council meeting which identifies a member of the public or for any publication of that recording.
18. The minutes of a council meeting remain the statutory and legally binding formal record of council decisions.

Date of policy adoption 15 June 2015

Date of policy review 16 May 2016

## Appendix 4

1. The working party met on 9 July 2016 to discuss a communication from Karl Lerums, David Wilson Homes Yorkshire East (DWH). The email can be read below:

*I have sat down with my director this morning to review the above works to the community park and write to confirm the same.*

- a) *We have invited our contractor to confirm costs for the final works required to complete the POS area. These works include, preparation works, rolling and importing top soil for the western part of the green space and final grass seeding across the whole area. To then maintain the grassed area until handover. As you know from previous years we will need a good spell of dry weather to complete the green space.*
- b) *Designs for the detention basin are all but agreed with YW, and I would hope that these works can be tendered this month and started soon after.*
- c) *We are reviewing and considering the issue associated with the near flooding of the two properties on either side of Love Lane and would ask for your patience while we investigate various options.*

*It would assist us, if you could set out in writing the Town Councils expectations in this respect, and clarify what the council would be looking for, to take possession of the community park on completion of the works.*

*Your earliest possible response would be much appreciated.*

The working party drafted a series of responses which, having been approved by the council, were forwarded to DWH. DWH's responses, italicised, are given below.

Re 1a.

The working party's view was that

- DWH should draw up a schedule of work which should be feasible ie the schedule should take note of the likelihood of contractor absence, breakdown of equipment, periods of inclement weather, and forward it to the council for scrutiny;
- the working party understood that preparation included destoning, levelling and rolling;
- the council should require information from DWH on how the drainage work would impact on ground preparation, seeding and cutting work.

The working party assumed that DWH would cut the new grass on at least two occasions before handover and that the work would be tied in with the preparation of the allotments for cultivation.

- 1 a). *As you are aware works are progressing and I will be pressing the contractor to complete the initial works to the point we are maintaining and cutting the grass. Given the progress I will avoid putting a programme together or an end date (other than to say all seeding will be completed by October 2016). As you are aware from our numerous meetings on site the ground has been prepared by power harrow (several times now) and as such will be seeded and maintained by BDW until hand over. The allotments will also be progressed toward completion.*

Re 1b.

The working party recommends that the council seek a disclaimer from DWH that the detention is not an integral part of the community park and that the council is freed from any responsibility and liability relating to it. There will have to be an agreement drawn up which gives Yorkshire Water a right of access to maintain the structure and an obligation to make good any damage to the access track or the park through vehicular movement and the activities of its employees, contractors and sub-contractors.

The working party assumed that the district council would have to agree that the detention basin was independent of the community park, and that DWH would fence the basin.

- 1 b). The final basin designs have been submitted to YW and I am awaiting final approval in writing. Yorkshire Water will take freehold responsibility for the detention basin including a 3 meter level strip around the depression. It might be that whilst YW own the strip it would be tidy for the Town council to keep the grass cut around the top of basin. This might be under licence and no liability would be transferred to the Town Council. I think this could work and will discuss this with the Town Council when we next sit down. I would agree with what you say, and will ensure the interest of the Town Council are protected in any legal document.*

*You are right that the District Council would need to agree the exclusion of the basin from your responsibility, as the terms of the S106 includes this feature as being transferred to the Town Council. Please be aware that the basin will not be fenced off in any way.*

Re 1c.

The working party recommended that the council ask DWH for a plan of the new drainage scheme together with the time frame for implementation and clarification about whether the scheme would need the approval of Ryedale District Council. The council would also need to know that DWH would monitor the effectiveness of the scheme and effect any changes to ensure that the owners of properties which adjoined the southern boundary of the park were protected from flooding from water from the park.

- 1 c). Once we have formulated the strategy for the flood water which crosses the community park we will need to submit and agree with the planning authority.*

2. Other matters

The working party identified a number of issues that required resolution before handover.

- a) The council would need to see and approve the revised landscaping scheme and assumed that it would need the approval of the district council.

2 a). *BDW's obligation is to provide the community green space and the future play equipment and landscaping etc will be for the Town Council to progress and develop over time. I am sure your plans and ideas for the park will continue to change with the passage of time and to this end I would suggest that you liaise directly with the District Council and agree a strategy on the best and most flexible way to develop this green space. There is obviously an approved scheme in place but I don't imagine that the planning authority will issue an enforcement notice if you choose not to plant all the trees or shrubs designed. I would therefore not propose to produce any new detailed landscape proposals for submission / approval by the planning authority.*

- b) The council would need plans of the toilets and storage shed together with information about electricity supply, meterage and circuitry, and plumbing, and the rebuilding value of the two structures for insurance purposes. The council would need a copy of the building guarantee and assurance that the toilets and the pipes which linked the amenity to the sewage and surface water systems worked. The council should ask DWH to monitor both the electrics and the plumbing for one year after handover and effect any repairs. The changing facility should be removed.

2 b). *I will arrange for a full Health and Safety File to be pulled together and this will include drawings, specifications, service/drainage details and warranties. This might take a day or two to produce and hopefully should be able to issue early next week. In terms of build cost I seem to remember issuing this information to you a year or two ago.*

*There are no reference to changing facility on the drawings.*

- c) The access track should be inspected and any deterioration made good and grass and weed infestation treated. The council would need to be assured that measures were undertaken to ensure that that section of the access track which was subject to flooding was protected in the future.

2 c). *The access track was walked last year and any visible surface metals, foreign materials removed by hand. I would suggest the track is allowed to be grassed over which will look better aesthetically, and can be cut.*

*I'm not clear on the second part of this item and would be grateful if you could clarify what the working party mean by protecting the track.*

- d) A plan showing the new position of the LAP should be created.

- 2 d). *As indicated above I would assume that any changes to the landscaping / play areas are agreed between the Town Council and the planning authority.*
- e) The allotments should be prepared for cultivation, and water tanks installed, the timing to be such that the ground would not be subject to further weed infestation before handover.
- 2 e). *Allotments are fully prepared and ready for handover. I'm hoping to visit site later this week to inspect. I confirm galv. steel water troughs will be provided adjacent the two existing taps.*
- f) The hawthorn adjoining the A169 should be cut back before handover together with the hawthorn on the eastern boundary of the park.
- 2 f). *Agree. I will pick this up with our contractor.*
- g) A copy of the agreement with Mr Pickering on his right of access should be forwarded to the council as changes might have to be made before signing.
- 2 g). *As you are aware the right of way was agreed and signed with Mr Pickering last summer. This was with the Town Councils input and agreement at the time. For information I attach the Deed.*
- h) Rubble, debris, fallen branches etc would be gathered up and cleared from the site before handover and the farmer's access track cleared of plastic and metal.
- 2 h). *Agreed. We will carry out one further inspection of the Mr Pickering's Right of Way and remove any visible foreign materials.*
- i) DWH should consider making a significant financial contribution to help meet the cost of buying and installing recreational facilities. Given the delay in handing over the amenity to the council, opportunities had been missed to apply for grant funding.
- 2 i). *Unfortunately there is no provision in the Section 106 Agreement for BDW to make a contribution towards the installation of recreational facilities. Therefore BDW would not be able assist with this request.*
- j) Encroachment on the community park by the owner of 51 Woodlands Park.
- 2 j). *We have been back in touch with the occupier and given instruction to move the fence from the community park. We will monitor to the end of the month and if there has been no action we will arrange for a solicitors letter to be sent with a limited timescale attached.*

*As you say below, we have been on site taking the benefit of the good weather which has allowed us to get to the point where the majority of the community park is prepared, seeded and under maintenance by our contractor. We will continue to cut the grass until handover. These works do not include any flood measures which are still under review. I would hope to be able to have a strategy in place before the winter sets in.*

*Please be aware we will have mechanical plant on the far tranche of land which will break up the surface stone and thereafter import clean topsoil to dress over before seeding this part of the green space. We will roll and maintain this area until handover.*

*Whilst we are still to resolve the subject of potential flooding of plots 50/51, it might be that we discuss the possible handover of the community park in phases which the S106 makes provision for. The first phase could be the allotments, the green space to the rear of the toilet block and the toilet block itself. This area is slightly elevated and unaffected by the surface water run-off from the adjoining field to the north. This handover will allow you to allocate the allotments and create some activity which should be a positive advance for all. Let me know the Town Council's view on this.*

## Appendix 5

### Report on the meeting between the working party and Mr K Lerums, DWH, which took place on 7 September 2016

Present: Councillors Oxley, Lovejoy and Stott, and Mr K Lerums, Development Manager, David Wilson Homes Yorkshire East

1. Those areas in the park which have not been seeded, have been or about to be, power harrowed to break up the stones. The contractor was using a roller to compact and level the surface. Top soil would be brought in to regrade the western meadow, the depth of soil increasing from east to west. The contractor intended to cut the seeded areas during week beginning 11 September 2016.

#### Comments

- a) There were still stones in the seeded areas though many of these seemed to be flush with the surface.
  - b) There were sown areas where huge numbers of Broad Leaf Docks were growing. They could be controlled by mowing; however, their number suggested that weed killer needed to be applied before the grassed areas were cut. DWH will discuss with the contractor sequencing the application of weed killer with grass cutting.
  - c) There were other weeds growing by, and on, the circular track.
  - d) DWH would provide the council with the size of each of the main sections of the park. This information would inform the council's discussions with grounds maintenance contractors.
2. The allotments were being power harrowed. DWH suggested that fences should be erected between the plots; however, the working party stated that there should be grass (turfed) paths as agreed. DWH would box the water taps and install locks to ensure that no one other than council employees and plot holders have access to them.
  3. The transfer of the detention basin to Yorkshire Water would be covered by a legal agreement. The agreement would incorporate a right of access. Discussions have to take place between DWH, Yorkshire Water and the Environment Agency as the utility wanted to remove the lining; however, this might not be acceptable to the agency. The basin was to be regraded so that the sides would be far less steep (1:6 as against 1:4): neither the utility nor DWH thought that either a boundary hedge or fence was now necessary. At least one of the trees at the north western edge of the basin would have to be felled. The utility would create a three metre grass track around the edge of the basin and the council would be asked to cut it under licence. There would be no liability arising from this activity were the council to do it. The sides and bottom of the basin would be cut three times a year by the utility. The extent of the area to be transferred to the utility would not mean that the current alignment of the circular track would need to be moved northwards.
  4. DWH was still exploring a range of options to protect the properties at the southern edge of the park from flooding, more particularly to protect properties 50 and 51 which adjoin Love Lane.

#### Comment

DWH appeared to have forgotten the importance of their previous proposals (two lines of French drains) for protecting dwellings in Woodlands Park, which would have helped drain the

south-eastern corner of the park eg those areas in which the LAP and the LEAP might be located, and to prevent a section of the circular path from flooding. DWH appeared to have forgotten that the eastern areas of the park within the circular path did not drain easily which would deter members of the public from using them and stop the council's ground maintenance contractor from cutting the grass. DWH would reconsider this issue and inform the council as to what the company would do and why, and state when the work would be undertaken. DWH recognised that another meeting with the working party and a company drainage engineer might be needed.

5. The council needed written assurance that a flexible approach to landscaping was acceptable to the planning authority. Reference was made to the requirements for landscaping the park in the Planning Conditions (Condition 45).
6. The council could access the toilets so that an estimate for cleaning the amenity could be made. DWH would identify exactly where the drains junctioned with Yorkshire Water's main drain. DWH was reminded about the need to remove the changing table; however, the cost to the company of this amenity was several thousands of pounds and the working party was reminded that access to the disabled toilet (where the changing table was housed) would be by radar key.
7. DWH had provided the working party with a copy of the Deed of Release and Grant which related to Mr Pickering's right of access to his land on the northern border of the park; however, councillors queried whether part of the documentation was missing as there was no clause which stipulated the council's obligation to repair the access track when necessary. (It was noted that the track had not been used to harvest the corn this summer.) DWH would establish whether any documentation was missing. The company would also ensure that the access track had been cleared of plastic and metal detritus before handover.
8. The member of the public who had encroached on the community park was to be given until the end of the October to realign the fence on the northern part of his property with the boundary specified in his conveyance.
9. DWH would formally approach the council about
  - a) a phased handover (Phase 1: the far eastern end of the park (car park, toilets, allotments, farmer's access track));
  - b) taking responsibility for maintaining the green corridors in Woodlands Park. (DWH would verify its ownership of all the corridors, establish which of the corridors were public rights of way (or claimed public rights of way), and identify which areas would need gardening.)



## Appendix 13

### **Council contracts 2017-19: Specifications**

#### **i) Grave digging**

- a) Digging of graves and interment of cremated remains and filling in after burial upon demand.
- b) Refilling of graves so that the top of the grave is only slightly above the surrounding ground.
- c) Removal of spoil to the spoil holder on the eastern boundary of the cemetery and no other place in the cemetery.
- d) The occasional clearing away of spoil and top soil from dug graves and placing same on sunken graves at the request of the clerk.
- e) The ground around the dug grave to be left in a tidy state after the grave is filled in.
- f) The Contractor to be available to exhume remains should that service be required, the price to be negotiated at the time.

#### **ii) Grounds maintenance: Burial grounds**

##### Cemetery

- a) Grass cutting
  - Grass cutting to a lawn finish twenty times a year (and extra cuts on the authorisation of the clerk up to a maximum of three per year), the tenderer to specify
    - which areas will be cut by lawn or rotary mower;
    - the measures to be taken to minimise the cut grass spraying memorial furniture, flowers and plants on graves, and clean memorial furniture splattered with cut grass.
  - The paths to be cleared of cut grass after completion of work.
  - Strimming the boundary between cemetery and southern paddock during each grass cutting session. The width of the area to be cleared is approximately 3.5ms.
- b) Trees and hedges
  - All the boundary hedges and the hedge near the storage building to be trimmed once a year and the cuttings removed from the cemetery.
  - All hedges to be inspected every three months to ensure that they are kept free of sycamore, bottery and other infestation and shrubs within the cemetery to be kept free of brambles and other infestation. At the first cut of the hedges, in the autumn of Contract Year 1, all the hedges are to be cut back to six feet in height, the cuttings to be removed from the cemetery. This will be the height to which the contractor will cut back the hedges in every subsequent year of the contract.
  - Each autumn check all trees within and on the boundary of the cemetery for ivy growth. Remove any ivy from the tree trunk and remove from the cemetery.

c) Weeds, rubbish, leaves

- Weeds and rubbish and leaves to be removed from the entrances at the two main gates and any silt deposits cleared away whenever the contractor cuts the grass.
- Twice yearly control of weed infestation of all tarmacked areas in the cemetery.
- Weed clearance (eg thistle) from within, and adjacent to, kerbed graves during each grass cutting session.
- Should the contractor wish to apply weed killer, the areas where the chemical is to be applied to be agreed with the clerk or his assistant. The contractor will replace any shrub or hedging plant which dies as a result of weed killer being sprayed on it.
- Removal of dead wreaths from the graves not removed by relatives and/or friends of the deceased and piled at the side of the bins. The date of the removal to be agreed with the clerk or his assistant. The wreaths to be fed into the green bins over a period of weeks.

d) Miscellaneous

- The paths to be edged once a year and the cuttings removed from the cemetery.
- (On the instruction of the clerk or his assistant) snow clearance may be required.
- (On the instruction of the clerk or his assistant) tidying up of the grounds (not covered by any specific specification), as and when such work might be required.

Churchyard

e) The grass is to be cut on fifteen occasions each year.

f) On each visit to cut the grass

- pick up all litter and place in the litter bin;
- walk the boundary walls, inspect all trees and monuments and if any ivy is found growing on them, pull away and remove from the cemetery.

g) The paths in the churchyard to be left free of grass cuttings after each cut.

**iii) Footway Lighting**

The Contractor shall be required to provide the following routine maintenance.

1.

- i) Thoroughly inspect all lighting units, columns, brackets and all other lighting apparatus between Autumn and 31 March of each year of the contract term.
- ii) Thoroughly clean all luminers in between late Autumn and 31 March of each year of the contract term, no abrasive or abrading powders to be used.
- iii) Check each lighting unit for correct operation after the annual inspection and clean.
- iv) Provide a written report on any, structural, electrical or other fault.

2. **This section will be removed if the council decides against bulk change.**
- i) *replacement of all lamps between late Autumn and 31 March 2016 of the contract term (lamps shall be of the approved voltage and wattage rating and date coded when fitted by means of an indelible date mark on the lamp) and*
- *safe disposal of spent lamps;*
  - *retention of any lamp which has burnt less than 2000 hours as a stock for premature failed lamp renewals.*
- iii) *provision of individual replacements for lamps which fail prior to bulk replacement, free of charge, irrespective of whether the lamps installed under the contract or not and such replacements shall also be date coded at the time of installation.*

3. Electricity supply

Liaise with the Council when the latter has to arrange with the relevant energy supply company to disconnect and subsequently reconnect the energy supply to effect repairs or should a new footway light need to be connected.

4. The Contractor

- i) will respond to any fault reported by the Council and remedy the same within five working days;
- ii) shall inform the Council of the reason when the fault cannot be remedied within the time specified.
- iii) All replacement lamps and apparatus shall be of the same type unless instructed by the Council.

5.

The Contractor shall dispose of all spent lamps, cartons and wrapping in a safe manner.

6.

Any damage to property, fabric, disturbance to highway surfaces to be made good by the Contractor to the satisfaction of owner, occupier and highway authority.

7.

- i) The Contractor shall provide 24 hour emergency standby cover and shall respond to any call out from the Council or the Police/Emergency Services.
- ii) Should the Contractor be called out under the emergency stand-by procedure to repair damage to a lighting unit he shall ensure that the installation is made safe without delay, all debris being removed and any necessary warning lamps and signs posted.

Where a column or part of a column is removed leaving exposed the electricity cables or cut-out, the cable to be covered by a substantially constructed temporary enclosure suitably painted and bearing the words '**DANGER ELECTRICITY - LIVE CABLES**' and warning symbol. The Contractor shall ensure that where the underground cable is the responsibility of the Regional Electricity Company the company be informed of the damage forthwith.

iv) **Grounds maintenance: Open spaces**

<p>Lawns and grassed areas:</p> <p>Smiddy Hill; roundabout; entrance Kingfisher Drive, rear of public footpath off Kingfisher Drive; frontage to Otter Drive play area</p>	<p>The grassed areas not to exceed 50mm in height at any one time including; on every visit, edging off together with removal of litter to nearest bins and removal of grass cuttings on completion of work from the sites to an appropriate site elsewhere.</p> <p>On each visit to the roundabout, the ground to be checked for weed and grass infestation of the planted area and any weeds and grass dug up and removed and disposed of at an appropriate place elsewhere. Weed infestation in the grassed area to be sprayed and re-sprayed until the weeds die.</p>
<p>Shrubs, roses, laurels and epicormic growth:</p> <p>Churchyard, roundabout, Riverside Walk, frontage Kingfisher Drive, planted area adjoining footpath linking Kingfisher Drive to public right of way, frontage to Otter Drive play area, Potter Hill and Westerdale.</p>	<p>Annual autumnal cutting back of all shrubs and roses at all sites, edging off where appropriate (eg Westerdale and the closed churchyard), removal of cuttings from the sites and disposal at an appropriate place elsewhere.</p> <p>During the autumn of the first contract year, the roses in the churchyard and Westerdale are to be severely pruned.</p> <p>During the autumn of the first contract year, the laurels at the entrance to Otter Drive play area to be cut back to six feet in height and cut back to this height in each year of the contract term.</p> <p>The epicormic growth at the base of the lime opposite Polly's on Potter Hill to be cut back as often as necessary to ensure that members of the public can sit on the public seat at the base of the tree at all times.</p>
<p>Beds:</p> <p>Closed churchyard, roundabout, Riverside Walk, frontage Kingfisher Drive, footpath linking Kingfisher Drive to public right of way, frontage to Otter Drive play area, Westerdale.</p>	<p>All beds to be kept free of sycamore, weeds and grass at each visit to the town to cut the lawns and grass fringe to the roundabout. The sycamores, weeds and grass to be removed from the beds and disposed of at an appropriate place elsewhere.</p> <p>During the autumn of the first contract year, any plant growing</p>

	amongst the roses in Westerdale is to be removed and disposed of at an appropriate place elsewhere.
Play areas:  Manor Drive, Greenlands, Paddock Close, Garden Way, Otter Drive, Troutbeck Close, Hawthorn Lane.	Autumn cutting back of growth through fences or hanging over fences, removal of cuttings from sites and disposal at an appropriate site elsewhere.

v) **Small Works**

The Contractor may be called on to do the following:

- installation and repairs to litter bins;
- refurbishment and repair of public seats and picnic tables;
- relaying and replacement of flags;
- repairs to fencing, rails, railings and gates;
- repointing of steps, and walls;
- repairs to notice boards;
- replacement of tiles and replacement and repair of gutters;
- plumbing work;
- make repairs to play equipment which does not require specialised work;
- annual inspection of commemorative cross on Smiddy Hill, the storage shed in the cemetery, the four town entrance signs the toilets and the storage shed in the community park;

all subject to the budget allocation for such work.

The list is not exhaustive.

The Contractor is required to dispose of all spent materials safely.

vi) **Grounds maintenance: Verges and Play areas**

1.0 **Introduction**

- 1.1 The Contractor is required to cut areas of grass within the highway and the seven play areas as indicated on the contract plans in paragraph 6 below.
- 1.2 The Council's authorised officer may request additional works in addition to the routine verge cutting specified in the specification and these shall be paid for in accordance with the contract.
- 1.3 The Contractor is to inform the authorised officer either by telephone or e-mail at the commencement of a cut and on its completion. This is to enable the authorised officer to deal with queries and complaints from members of the public.

2.0 **Authorised Officer**

- 2.1 The authorised officer is the town clerk.

### 3.0 Safety Requirements

- 3.1 Consideration must be given to all risks associated with the works when planning grass cutting operations. These include not only risks to the operative but also to all highway users and members of the public who are in the play areas when the grass is being cut.

Note, in particular, that the Council requires information, as to how traffic is to be managed when the verge at Castle Bank is being cut.

- 3.2 At all times signage in accordance with Chapter 8 of the Traffic Signs Manual must be used.

- 3.3 At all times operatives must wear high visibility garments in accordance with BSEN 471 class 3.

- 3.4 Operatives must:

- a) always check the area of grass prior to cutting, remove and dispose in a licensed tip any debris that is likely to cause a risk to the public, the operative or the grass cutting machinery e.g. litter, stones, bottles, cans etc;
- b) always remove items such as wheelie bins, bin bags etc. before cutting commences and replace them when cutting is complete;
- c) take particular care when members of the public are in the vicinity of the grass cutting machinery and stop the machinery and engine if a member of the public approaches the machine;
- d) never leave the machinery whilst the engine is still running nor attempt any adjustments, blockage clearance etc. without closing down and isolating the engine;
- e) return to an area of verge that has not been cut (because of proximity of a parked vehicle and risk of cut grass or, for example, stones or debris impacting on the vehicle) as soon as possible to cut it.

- 3.5 Grass cutting machinery must never be operated by any person unless they are qualified, or under supervised training to do so.

- 3.6 All grass cutting machines shall be fitted with at least one flashing amber beacon to be operated whilst engaged in the works. If one beacon is likely to become obscured by movement of the cutter or other equipment during the work then a second beacon must be fitted.

### 4.0 Grass cutting standard and frequency

- 4.1 The areas of grass indicated on the contract plans shall be cut by cylinder or rotary cutters, strimmer (or similar appliance) where applicable.

- 4.2 Twelve verge cuts will be required by the Council during each year of the contract period and the sward is to be an average of 50mm (excluding flower heads where appropriate) in height on completion of each cut and where strimming is carried out. Grass cutting on fifteen occasions per annum on a regular cycle of not less than two weeks to maintain a finished length of 50 mm will be required for the seven play areas.

- 4.3 The Contractor is required to clear the play areas of litter, broken glass and any accumulation of rubbish and remove to litter bins prior to cutting the grass. And dig out and remove from the Paddock Close and Manor Drive play areas, any plant growth in the play bark safety surfaces. The cost to be included in the price per cut.
- 4.4 Swathes and cuts must overlap to ensure that no grass is left uncut.
- 4.5 Any areas of flowers in bloom, such as crocuses, daffodils, bluebells etc, shall not be cut until they are dying back. Contact the authorised officer if in doubt. For the daffodils on Potter Hill see 5.1 below.
- 4.6 All edges abutting footways, cultivated areas, walls etc are to be carefully cut back using a trimmer or similar approved appliance. Grass around the base of trees, posts, lighting columns, public seats etc is to be cut back in the same way, taking care not to damage any of them. The Contractor is liable to make good at his own expense any damage to such items. No herbicide is to be used to stop grass growth around the base of trees, posts, lighting columns etc.
- 4.7 The presence of stands of injurious plants and weeds shall be reported to the authorised officer (eg Spear Thistle, Ragwort, Giant Hogweed, Japanese Knotweed, Himalayan Balsam).
- 5.0 Removal of grass cuttings
- 5.1 Cut grass shall remain on the area being cut and at the end of cutting all adjacent footways, channels and carriageways shall be clear of cut grass. The exception is that once the daffodils on Potter Hill have died back and the grass is cut, grass, daffodils leaves and weeds etc are to be removed and disposed of. This is to be done by the end of May. Care must be taken to ensure that cut grass does not enter or cover gulleys. Cut grass in the play areas shall remain in the amenities.
- 5.2 Cut grass shall only be removed from the verge only on the instruction of the authorised officer. The Council has no objection to the Contractor removing cut grass and using it for his own purposes if it is done at his own expense.
- 6.0 Contract areas
- Please see enclosed plans. Should a tenderer have any doubts as to the extent or location of any particular section of verge or play area, he should contact the town clerk asap.

## Appendix 13

### PICKERING TOWN COUNCIL GRANT APPLICATION FORM

NAME OF ORGANISATION	Pickering In Business	
CONTACT NAME	Helene Haythorne	
CONTACT ADDRESS (If different from above)	c/o TV House Market Place Pickering	
CONTACT TELEPHONE (If different)	01751 474066	
CONTACT E-MAIL (If different)		
<p>1. Please provide the objectives of the organisation on whose behalf you are applying for a grant.</p> <p>Primarily to support local businesses within Pickering – proving a forum for discussion, promoting and assisting with local issues.</p>		
2. For what purposes is the grant to be used? Christmas Lights		
3. How many Pickering residents will benefit? All		
4. What is the estimated annual cost of this year's project?	£ 5000	
5. What monies have you already in hand,  or received by way of donations?  or raised?  Please provide the last set of audited accounts if you have these.	£1600  £3000 tbc via quiz and envelope drop	
6. How much money are you seeking from the council?	£500	
Application submitted by	Name Helene Haythorne  Signature	
On behalf of (Organisation Name)	Pickering in Business	
Date	13 September 2016	