

HESLINGTON PARISH COUNCIL

MINUTES OF THE PARISH COUNCIL MEETING HELD IN THE MEETING ROOM ON TUESDAY 18 NOVEMBER 2014 AT 7.30 P.M.

MEMBERS PRESENT:

Cllr Mrs P Bramley (PB) Cllr R Bramley (RB) Cllr C Cadman (CC)
Cllr Lady D Lawton (DL) Cllr B McClean (BM) Cllr Z Richards (ZR)

IN ATTENDANCE:

Fiona Hill (FH) – Parish Clerk
Ward Cllr Keith Aspden

MEMBERS OF PUBLIC PRESENT:

Two

Public Session

Cllr Keith Aspden spoke to the Parish Council about the CYC Community Governance Review and he had kindly drafted some wording for an email/letter to CYC, which the Parish Council unanimously agreed

1: TO ACCEPT APOLOGIES FOR ABSENCE:

Cllr A Collingwood (AC), Cllr P Hall (PH) and CYC Ward Cllr D Levene (WC)

2: TO RECORD DECLARATIONS OF INTEREST IN ITEMS ON THE AGENDA:

PB, RB and ZR – section 4.3

PB and RB - section 6.2

DL - section 10.9

3: TO CONFIRM THE MINUTES OF THE PARISH COUNCIL MEETINGS HELD ON TUESDAY 16 SEPTEMBER 2014 AND TUESDAY 21 OCTOBER 2014:

The approval of these minutes was unanimously approved

4: TO DISCUSS MATTERS ARISING FROM PREVIOUS MINUTES:

4.1 Village Signs

This was deferred to a meeting when full Council present

4.2 Cycle track along University Road

NTR

4.3a City of York Local Plan

This was now back with the working party

4.3b Neighbourhood Plan

BM would draft a Statement of Justification for the Article 4 request. BM had circulated the minutes of the meeting on 23Oct14. It was unanimously agreed that the area would not include parts of university campus and that AC/BM would be appointed as a sub-committee, who would form a working group to work the neighbourhood plan. The sub-committee would report back to the Parish Council.

4.4a Boundary Commission Review

Update from Julian Sturdy who is still in correspondence with Commission

4.4b CYC Community Governance Review

See public session

4.5 Parish Council Vacancy
CYC have confirmed that the PC can co-opt

5: TO DISCUSS MATTERS RAISED BY PARISH CLERK/RESPONSIBLE FINANCIAL OFFICER:

- 5.1 Bookkeeping records for year ending 31Mar15 to date
FH circulated copies around Parish Councillors.
- 5.2 Internal Control Check(s)
The Parish Council conducted review checks and found everything to be in order.
- 5.3 Budget 2015/2016
This was discussed and would be agreed and the December 2014 meeting in readiness for the January 2015 precept application submission date.
- 5.4 Matters raised with/by Yorkshire Local councils Association (YLCA)
NTR
- 5.5 To approve for payment the invoices as follows:
- | | | | |
|-------|---------------------|---------|--------|
| 5.5.1 | Parish Clerk Salary | £256.62 | 001569 |
| 5.5.2 | Lengthsman Salary | £256.97 | 001570 |
| 5.5.3 | York Print Company | £56.00 | 001571 |
| 5.5.4 | TG Cutt and son | £53.70 | 001572 |

6: TO DISCUSS, IF NECESSARY, LONG-STANDING MATTERS:

- 6.a Appearance of village
. FH was asked to contact Russell Stone and request path edging and dandelion spraying along Main Street. The Parish Council thanked BM for organising the village sweeping.
Standing water in Church Field – PB would contact Gordan Eastham
6. b Severe Weather Issues - NTR
- 6.1.1 Pest Control Cllr Aspden would look into the CYC Pest Control Service as a parishioner had enquired if it had been withdrawn
- 6.2 Rights of way/SSSI (e.g. Dog Orders)
NTR
- 6.3 Highway Matters/Major Events (e.g. Marathons)
PB and WC would arrange a site visit at the speed table on Field Lane. FH was asked to write to York University about parking on Heslington Lane.
NTR regarding signage along Common Lane
- 6.4 University of York/HMO's - NTR
- 6.5 Elvington
The Parish Council had not received a response to its letters regarding noise in Sep14
- 6.6 Communication
Website/ Newsletter/Broadband - NTR

7: TO RECEIVE ANY MATTERS RAISED BY MEMBERS OF PUBLIC:

None

8: TO REPORT AND MAKE RELEVANT RECOMMENDATIONS ON NEW PLANNING APPLICATIONS:

Letter A: We support the application

Letter B: We have no objections

Letter C: We do not object but wish to make comments or seek safeguards as set out overleaf

Letter D: We object on the planning grounds set out overleaf

8.1 14/02245//FULM Sports Centre

Letter B Unanimous

8.1 14/02386//FUL Wentworth College

Letter B Unanimous

9. TO RECEIVE PLANNING DECISIONS BY CITY OF YORK COUNCIL:

None

10: TO RECEIVE REPORTS FROM REPRESENTATIVES OF FOLLOWING OUTSIDE BODIES:

10.1 Ward Cllr David Levene

He had submitted a written report. - attached

10.2 North Yorkshire Police

NTR

10.3 Heslington East Community Forum

DL had now replaced Jeffrey Stern. PB and PH also attended meetings.

10.4 Good Neighbours Forum

Meeting Notes from 29Sep14 had been circulated by email. FH asked to write to Jane Grenville re contractors working at the University parking at the Outgang

10.5 Ouse and Derwent Drainage Board

NTR

10.6 Sportsfield

NTR

10.7 York Environment Forum

NTR

10.8 Alms Houses

NTR

10.9 The Meeting Room

FH had nearly finished drafting an agreement between the Parish Council and the Management Committee. PB advised that TG Cutt had visited today to service the fire extinguishers. Fire book up to date. The Committee had decided that a hearing loop was not a priority as a new boiler would be needed soon.

11: TO REPORT ANY NEW CORRESPONDENCE RECEIVED BY THE COUNCIL:

11.1 AOD/14/00357

This was sent for information only and no action was required

Yorkshire Water – locating private sewage pumping stations

The Parish Council are not aware of any within the parish

12: TO REPORT MATTERS RAISED BY MEMBERS:

None

13: TO CONFIRM THE DATES OF THE FUTURE MEETINGS ON TUESDAYS AT 7.30 P.M. IN THE MEETING ROOM AS:

16 December 2014

20 January 2015	24 February 2015	17 March 2015
21 April 2015	19 May 2015	16 June 2015
21 July 2015	18 August 2015	15 September 2015
20 October 2015	17 November 2015	15 December 2015

Cllr David Levene Update 18-11-14

- Officers should still be on course to complete the work looking at traffic calming measures by the end of the month; I will endeavour to share this as soon as it becomes available rather than waiting to the next PC meeting.
- I've let Pauline know about the suggestion for a Field Lane site visit and now I'm back will try and set up a date.

Officers have commenced monitoring in response to the reports of problematic parking on Heslington Lane; I am chasing up where we're at in terms of the speed limit.

- I can't remember if I sent Parish Councillors the news that The Crescent application has been refused and the Paddock Chase one withdrawn.
- Unfortunately there is no news on progress with the Local Plan as negotiations are ongoing. Parish Councillors may be interested to read an extract from a letter written to City Councillors from the Yorkshire Wildlife Trust:

"Yorkshire Wildlife Trust is very concerned about the recent vote to delay the consultation on the York Local Plan. Whilst we understand the importance of ensuring that the housing trajectories and allocations are appropriate and accurate, we are concerned that the delay in consultation could result in the city making decisions about development without the benefit of an overarching Local Plan.

Our primary concern is that York will be vulnerable to speculative development with no policy or evidence base to assess the merit of each planning application in a strategic way. This could result in opportunistic, unplanned development and irreversible damage to York's wildlife.

Applications in the greenbelt and near sites of special scientific interest are already happening in Harrogate District where the local plan was rejected at the Examination in Public due to insufficient housing numbers. Two sites near to SSSIs which were previously rejected by the council as inappropriate are now subject to planning appeal."

Apologies again and will see you all in December.

Information obtained immediately after this Parish Council meeting giving a good understanding of the legal position of HMO's in York

The Article 4 Direction for smaller HMO's became effective on 20th April 2012 HOWEVER, it only applies to houses occupied by between 3 and up to six unrelated people - Article 4 is therefore irrelevant in this case.

Houses that were let to between 3 and 6 unrelated people on or before 20th April 2012 have 'Established Use' and only need to apply for a Certificate of Lawfulness if the owner wishes to sell it. This is because mortgage lenders will need to see 'proof' before lending monies to a prospective buyer.

Houses that were let to 3 to 6 unrelated people AFTER this crucial date DO require change of use planning consent due to the Article 4 Direction having removed their Permitted Development Rights in this regard.

Houses occupied by 7 or more tenants have always required 'Change of Use' planning consent although many in York operate without it. The criteria for approval does include amenities but in law one wc, shower/bath and basin is required per 5 occupants. There are however other requirements particularly relating to fire alarms, fire doors etc that no doubt CYC's Housing Standards dept will verify meet current standards.

If it is on three floors (ie. goes into the roof space) it is a Licensable HMO and even more rules apply. If only on two floors it does not need to be Licensed. If it is a Licensable HMO, and the Landlord has operated it without a License, he/she has committed a Criminal Offence under the Housing Act 2004 and he/she could face a fine up to £20,000 and/or imprisonment.

But, if the property has operated as a large HMO (ie. 7 or more people) for 10 years without being challenged, the owner can apply for retrospective Planning Consent and it cannot be refused as it has 'Established Use'.

It is important to establish how long any property has housed 7 or more people.