

**Minutes of the
Burton-in-Lonsdale Parish Council Meeting
7.30pm, on Thursday 20th July 2023
in the Village Hall, Burton in Lonsdale**

Present: Parish Councillors: Peter Thompson (Chair), David Taylor, Mike Biles, Rebecca Spedding, Belinda Strickland, Alan Coulthurst

19 members of the public

The Clerk was in attendance

The chair stated that the meeting would be recorded; members of the public may record the meeting if they wish.

86/2023 **Apologies**

- a) Apologies were received from Councillor Ian Wardle
Reasons for absence were approved.
Apologies were received from County Councillor David Ireton

87/2023 **Code of Conduct and Declaration of Interests**

Councillor Taylor declared an interest in item 14 re Burton Communication Group
Councillor Spedding declared an interest in item 17 re the Produce Show

88/2023 **Public Statements and Questions**

A member of the public raised the issue of fencing posts being put along the ridge of the counter scarp of the Scheduled Monument carried out by the previous land owner since previous fencing works were suspended in 2021. This is in agreement with Historic England. Councillor Strickland has been in contact with the Planning department.

89/2023 **To consider the following new correspondence and decide action where necessary**

- 1) An email request from North Yorkshire Council asking the Parish Council to complete a survey about transport and travel in North Yorkshire. The closing date is 11 August. It was agreed that the issues covered in the survey are a big concern to residents. Councillor Strickland agreed to complete the survey.
- 2) An email from North Yorkshire Passenger Transport asking for the Parish Council's views on supported local bus services. Councillor Thompson agreed to respond.
- 3) A query has been received from a member of the public regarding adding Burton to a bus link to be trialled between Bentham and Hornby to link with the route 82 bus to Lancaster. The query was forwarded to Integrated Passenger Transport, North Yorkshire Council, who replied '*there isn't enough time to include Burton in Lonsdale in the current schedule and the initial loadings have filled the vehicle, so there would not be seats available either. However, this is a trial at the moment and we will consider your request further when the contacts for the Craven area are renewed in April 2024*'.
The Clerk has informed the member of the public who enquired.
- 4) An email requesting permission to plant a Memory tree at the side of the river near to the orchard. The Councillors had no objection to the planting of a tree in that location but as the land is owned by Bentham Common Lands Charity it was **Resolved** that the Clerk should contact them and seek their approval.

90/2023 **To review Terms of Reference and Standing Orders**

- a) The Council's Standing Orders are due to be reviewed **Approved**
- b) Draft privacy policy to be approved **Approved**

Councillor Thompson requested that the clerk draw up a timetable of policies and terms of reference review dates

91/2023 Minutes

Approval of Minutes by the Councillors:-

- a) the Parish Council Meeting of 18th May 2023 **Approved**
- b) the Recreation Committee Meeting of 25th May 2023 **Approved**
- c) the Parish Council Meeting of 15th June 2023 **Approved**

92/2023 North Yorkshire Police Report

Two incidents were reported to the Police between 13.06.23 & 16.07.23 -

25.06.23 – RTC – 2 vehicles – High Street

08.07.23 - Other force/suspect circumstance – suspect drink driving – area searched no gain

And close by thefts of a generator and a trailer -

14.07.23 - Selside, Horton In Ribblesdale - theft of silver single axel trailer BHXPE13 from Lodge Hall Farm, Selside, Any information call 101 ref 0552

14.07.23 - Thornton In Lonsdale - Theft of Generator from Kingsdale Head, Peat Gate to Braida Garth, any information call 101 ref 001

93/2023 Training

No recent training courses have been attended

94/2023 Recreation Field and Pavilion

1) Update re Terriers FC use of Recreation Field in 2023/2024 season – after some discussion the Councillors agreed to offer: -

- two hours of the field only at £24 per session.
- a key will be provided for the referee’s changing room for toilet facilities
- book and pay a month in advance (any cancellations due to unplayable pitch, payment to be carried forward)

The Clerk will respond to the Terriers manager.

2) Update re list of local groups who may be interested in using the facilities we have – Recreation Committee Chair Ian Parker has advised that he is in discussion with a local gym about using the facilities. No other interest has as yet been shown.

3) Review of potential booking systems - Cllr Strickland asked Cllr Taylor to prepare a sample page and discuss the system with her.

95/2023 Finance Matters

- a) To receive the Bank Balances and Receipts, commitments and general reserves – Appendix 1
- b) Accounts were **approved** for payment

96/2023 North Yorkshire County Council

Notice of Planning Applications Received: -

- a) Application Number: ZA23/25064/FUL Proposal: Change of use of agricultural barn to create single dwelling with associated garaging and ancillary accommodation at Agricultural Building, Lowfields Farm, Burton In Lonsdale, LA6 3LB – **recommend approving**
- b) Application Number: ZA23/25057/VAR Proposal: Application to vary condition no 2 (Approved Plans) and remove condition no.7 (Sustainable Design Standard) of planning permission reference no:2022/23630/FUL issued on 05/07/2022 at Barn At Castle Hill, High Street, Burton In Lonsdale, LA6 3JU **recommend approving**
- c) Application Number: ZA23/25178/VARLBC Proposal: Application to vary condition 2 (Approved Plans) of listed building consent ref: 2022/23631/LBC issued on 05/07/2022 to remove the Sustainable Design & Construction Statement of 18/01/2022 from the approved documents at Barn At Castle Hill, High Street, Burton In Lonsdale, LA6 3JU – *Councillor Strickland suggested we ask the planners to extend the deadline so that we have more time to fully understand the proposed application*
- d) Application Number: ZA23/25028/VAR Proposal: Application to vary condition no: 2 (Approved Plans) and 3 (materials) of planning permission reference no: 2021/22639/FUL issued on 26/10/2021 for amendments to opening installation of roof flush system of solar

panels to rear (south facing) roof at Barn, Leeming Lane, Burton In Lonsdale, LA6 3LD
recommend approving

97/2023 Planning & developments

- a) Update on the development of houses on Land at Richard Thornton's School, Burton in Lonsdale, LA6 3JZ, 2020/22109/FUL – no further information has been received. The Section 106 agreement is still with the legal team.
- b) Update on the proposed development of working farmland to include No.8 new holiday accommodation units and associated site entrance, service area, access roads, parking and landscaping at Land southwest of Burton in Lonsdale, LA6 3LH, 2023/24730/FUL – Cllr Strickland advised that further objections have been received by the planners. A decision should be reached by mid-August. A member of the public advised that further work has been carried out to the roadway on the site.

98/2023 Highway Matters

Cllr Thompson advised that new signage has now been installed in the village, in particular speed roundels. These are a precursor to a mobile speed control vehicle appearing in the village. He has asked Highways to make sure the police are asked to put Burton in Lonsdale on the roster for the mobile speed control.

Cllr Thompson is still seeking a meeting with North Yorkshire Highways department and has spoken to David Ireton who passed on details of Sharon Fox and David Cairns from Highways. Cllr Thompson hopes to discuss with Highways what it is possible to do about speeding traffic in the village in order that a plan can be made and appropriate funding sought.

A number of points were raised by members of the public about changing the signposted route to the M6 using the A683 instead, and restricting the size and weight of vehicles permitted through the village.

Cllr Thompson agreed to raise these issues as soon as a meeting with NYCC Highways can be arranged and report back to the Parish Council.

99/2023 Burton Communication Group

To consider contributing to the website costs of Burton Communication Group as in previous years. A contribution of £130 was **Approved.**

100/2023 Community Workforce

Cllr Coulthurst reported that the Community Workforce recently cleaned road signs in and around Burton. They are open to proposals from Village groups for any tasks they can help with. It was suggested they assist PALS with creating a path between the Orchard Area and the parking area opposite the Bowling Green when plans have been finalised.

101/2023 Parochial Church Council

Cllr Biles requested that the relationship between the Parish Council and the Parochial Church Council remains on the agenda for future Parish Council meetings.

Cllr Biles reported that: -

- the Parish Council have assisted with promoting recent PCC events
- The VOSCY – tree branches have been cleared and disposed of by the PCC
- The Lychgate – the rubbish has now been cleared
- The Parochial Church Council will seek quotes for repair work in the autumn.

It was pointed out that Diocesan approval is needed for any work and can take time.

It was agreed that Cllr Biles can continue in the role after he resigns as a Parish Councillor.

102/2023 Produce Show

A Produce Show is planned for 9th September in the Village Hall and the organisers have requested a donation from the Parish Council to help with costs. It was **Resolved** to donate £100 to the Show.

103/2023 Harris Garth

Cllr Thompson explained the background to the statement presented at the June Parish Council meeting by Mrs Gillibrand and read out the Parish Council's draft response.

The draft response was discussed by the Councillors.

Cllr Taylor reiterated that most of the actions detailed in the Gillibrand's statement were not approved by the Parish Council.

Cllr Strickland said that the current Parish Councillors are not in a position to apologise as they were not Councillors at the time of the actions detailed in the statement. She felt that the matter was closed after the payment of the Gillibrands costs.

Cllr Biles noted that he had proposed to Councillors that they consider the reinstatement of the two documents, "Timeline" and "unanswered questions" appended to the minutes of the meeting of 24th March 2022 (approved 26 April 2022) and removed at the meeting of 19th May 2022, with names of parishioners redacted from both documents. No other Councillors agreed with this proposal. He also agreed that he could not apologise for the actions of others, but that the current Council could be sorry that this thing happened.

Councillor Thompson thanked the Councillors for the time spent on preparing the response and all Councillors expressed the wish that this matter can now be concluded.

A member of the public requested a closing date for the conclusion of the matter. This was discussed, but as far as the current Councillors are concerned the matter is now closed. He also mentioned the Lychgate which Cllr Biles explained is a separate matter and the subject of ongoing work between the Parish Council and the Parochial Church Council.

After some discussion the response was **Approved** and will be sent in writing to Mr and Mrs Gillibrand. The Clerk will forward the Parish Council's Complaints Procedure to the Gillibrands.

The Gillibrand's statement is attached at Appendix 2 with, in the interests of privacy, the name of individuals mentioned in the statement redacted.

The Parish Council's response is attached at Appendix 3.

104/2023 Parking

- 1) To receive an update re overnight parking in laybys – the Clerk received a response from representatives of the Bentham Common Lands Charity who own the land. The BCLC does not object to the former grit storage area being used as a car park by villagers and visitors and other users. Any future complaints will be forwarded to the BCLC.
- 2) To receive an update re parking at the orchard area – PALS have reported that boulders have been moved and signs ripped down at the Orchard area. They are considering ways to prevent parking on the grassed areas. They are hoping to install a path from the parking area opposite to the bowling green to the Orchard area which may encourage parking in the parking area.

105/2023 VOSCY

Cllr Biles reported that a second-hand mower has now been purchased at a cost of £50

There are plans to develop an herb area, put up information boards, sow wild flower seeds and take out an area of undergrowth in the centre of the VOSCY.

A budget for the work was discussed and it was agreed to set aside a budget of £2900 to cover potential costs to April 2024. **Approved**

Cllr Biles advised that he is willing to continue leading the work on the VOSCY after resigning from the Parish Council.

106/2023 Village Fund

Updated terms of reference for the Fund were **Approved** and will be available on the website.

107/2023 Defibrillator and CPR Training
Training has been organised for 14th October at 10 am in the Village Hall

85/2023 Date & time of forthcoming meetings
- 14th September 2023 Full Council meeting
- 12th October 2023 Recreation Committee meeting

Meeting closed at 9.44 pm

Signed

Dated

Appendix 1

Financial Report 20/7/23

Brought forward from last report:-

Total bank balances 15/6/23 48,311.40

Payments authorised 15/6/23 -1,798.43

Receipts since the last report:-

Bank Interest 154.02

Pavilion hire 302.00

Bowling club utilities 43.69

Bridge Club Pavilion hire 90.00

Scottish Power FIT receipts 29.87

OFGEM receipts 210.25

829.83

Payments made since the last report:-

N. Yorkshire council - lights maintenance 22/23 -181.48

N. Yorkshire council - energy 22/23 -2448.13

Bank quarterly charge -18.00

-2647.61

Balance 20/7/23

44,695.19

Bank Balances 20/7/23

Unity Current Account 2,288.42

Unity - Village Fund 1,866.26

Unity Deposit Account 40,220.27

Nat West Current Account 300.00

Nat West Deposit Account 20.24

Total bank balances 20/7/23

44,695.19

Cashbook Reconciliation

Cashbook brought forward 1/4/23 43,237.33

Receipts to date 12,879.94

Payments to date -11,422.08

Balance per cashbook 20/7/23

44,695.19

Less:-

Payments to be authorised 20/7/23

Mrs S M Preece Clerk's pay and expenses	487.75	
William Hartley - grass cutting	767.25	
Diane Thornton - cleaner	40.00	
Multimedia shop - laptop battery	45.00	
Total		1,340.00

Unspent budget at 20/7/23

<u>Commitments</u>		
Village Hall refurbishment	10,000.00	
Lych Gate Restoration grant to be returned	200.00	
Safety Notice, memorials (400) & 190	552.75	
Village Fund	1,866.26	(1.30 interest added)
First Responders donation remaining	586.36	
Pavilion valuation fee	145.00	
Contingency Fund resolution 12/11/18)	5,000.00	
Total commitments		18,350.37

Leaving a balance of unallocated funds **£10,165.13**

Plus:-

2nd half precept due September 2023	9,750.00
	£19,915.13

Appendix 2

Parish Council Meeting – 15th June 2023

I would like to read a statement relating to the Council's claims on our garden please. When we bought Harris Garth in 2015, we were aware of the history of dispute with the Parish Council. The House is on the interface between public and private spaces in the Village, and that interface had never been resolved. We were prepared to be generous and believed that with goodwill the problems could and should be sorted, perhaps including access through our garden. When we arrived, it was clear that our predecessors had been treated appallingly. However no one was really interested in going anywhere near the lychgate, our garden or access. But at that stage, we were able to have meetings with the Parish Council and with the Church and with them both together. We proposed a generous package of improvement of this part of the village and in particular with us taking over complete responsibility for the Lychgate. The Church proposed we should have a lease with full repairing responsibility. Discussions were to say the least, protracted. However, one of the proposals, cutting down the yew trees in front of the Church, was very popular and gained momentum of its own. Sadly however it was not popular with everyone. It was made clear that we would actually be made to feel "very unpopular" if the trees were felled. Well they were cut down. Not by us. But it certainly was the case that from then on, goodwill went out of the window. Constructive plans for enhancing the churchyard became completely impossible. The [REDACTED] was to take charge of negotiating the draft lease of the lychgate on behalf of the Church. There was certainly no goodwill in that negotiation and the deal was unworkable. Worse than that, we discovered by chance that [REDACTED], had actually applied to the Land Registry to reregister OUR GARDEN in favour of the Parish Council. His arguments were spurious and were rejected, but, on the instructions of this Council, he went on to pursue them further, with the Lands Tribunal. The Council filed evidence which showed that [REDACTED]

██████████ had egregiously trespassed across our garden and taken photographs. The evidence was personally offensive and inaccurate. It was extremely upsetting and worrying. We repeatedly tried to discuss the position with the Council and wrote to the then Chair and the Clerk. We were rebuffed. We tried to discuss it with the Council at its meetings – and were again dealt with most rudely.

As you know the Council ended up just abandoning those arguments and paying legal costs. You carried out an investigation and Councillor ██████████ made a statement at the meeting on 24th March last year. As far as I know, the former Councillors and individuals concerned (especially the ██████████, ██████████, the ██████████, ██████████ and ██████████) have never explained what they were trying to achieve and why. But as a Council anyway you chose (at your meeting on 19th May 2022) to bury that report and to sweep the whole subject under the carpet. The outcome of the report – the subject of formal submission to a meeting of this council – has been expunged from the Minutes. Your promises to discuss the matter with us were broken. Instead we received, after much delay, just a most grudging acceptance that the Council had no claim on our garden. No recognition of the grief that had been caused to the village in general and us in particular. The Church has apologised for its part in this story, but this Council has never acknowledged to the Community in general and to us in particular, that the actions it took were wrong – not just legally, but in a community such this, morally and personally.

We now call on you to give that acknowledgement. In the absence of such an apology, one would only assume that this Council believes that the conduct was acceptable. We would hope that as neighbours and friends you do not think that the action was excusable in any way. If you do you should say so and explain the position properly.

We would like please for this request for formal acknowledgement of these wrongs to be put to a motion at the next meeting of the Council.

For the avoidance of doubt, we formally consent to being named for the purposes of data protection in any electronic data in relation to this statement. Further the identification of the individuals in this case is covered by the legitimate interest exception in s. 8 Data Protection Act 2018.

Appendix 3

Burton in Lonsdale Parish Council response on 20 July 2023 to Mrs Gillibrand's statement presented at the June 15 Parish Council Meeting

The statement presented by Mrs Gillibrand to the Parish Council meeting of 15 June 2023 sought a response from the current Parish Council. The statement refers to events that brought great personal distress to Mr and Mrs Gillibrand, spilled over into the public domain and had a negative impact on the Parish Council. All of this is regrettable and inappropriate, particularly in a small community like Burton, yet the whole affair continues to resonate. The Parish Council is united in the belief that everyone needs to commit to the objective of fairly and amicably bringing these matters to a close and moving on. Its response is made in good faith, with this objective in mind.

In fairness, it is important to point out that many of the issues referred to – such as the felling of yew trees and a lease on the lych gate – had nothing to do with the Parish Council. Nor can anyone speak on behalf of previous parish councillors. Further, no current parish councillor was involved in these events, or even in position at that time. On the contrary, three current councillors, along with other residents, grew increasingly concerned at the way events unfolded and – unsuccessfully – sought to engage with the Parish Council to understand what was happening. Current parish councillors of course recognise many of the events described in the statement and naturally regret the stress and anguish they so obviously caused.

There is no record that the Parish Council agreed to the spurious attempt to de-register the garden of Harris Garth. The Council did apparently engage the services of a retired barrister, acting on a pro bono basis, but there is no record of this appointment. On his advice (apparently), the Council did vote, in secret session, to object to Mr & Mrs Gillibrand's application to the Lands Tribunal to lift an old restrictive covenant on the garden of Harris Garth. There is no record of this discussion. The Parish Council continued to pursue this objection in the face of public questioning as to the motive and public interest of doing so. A considerable amount of personal and Council time was spent on the matter, during and outside Council meetings. The Council was warned of the likelihood of costs being incurred. Given the opportunity to withdraw the objection, a decision was taken outside of a formal Parish Council meeting to continue. The Gillibrands' application to lift the restrictive covenant was subsequently successful and costs were awarded against the Council. The value of these costs at almost £4,000 represented more than 22% of the precept at that time. The residents of Burton have therefore also suffered from these events and the actions apparently taken on behalf of the Council at that time.

Amidst the brouhaha that surrounded all of this, three long-serving councillors resigned. This risked the future of an independent Parish Council in Burton and three residents – now current councillors - volunteered to step in. One of the impacts of these resignations was the deprivation of sufficient signatories for the Council to sign cheques and pay its bills. Next, the Parish Clerk resigned. As the matter continued to divert attention from other business and obligations at Council meetings, the Council agreed to hold a separate investigative meeting in an effort to establish the facts and obtain some closure. The Gillibrands, all councillors, recently past and present, and the Parish Clerk, were invited to contribute. Sadly, not all council representatives did. Even so, a great deal of time was spent agreeing a timeline and report, which concluded:

1. The Parish Council will work collectively to ensure any future similar event receives appropriate legal advice, is debated with full knowledge of all relevant facts and that all cost implications and risks are understood.
2. The standing orders of the council will be reviewed and updated.
3. The council will work with the Gillibrands and where appropriate the Parochial Church Committee to seek a legally acceptable and fair solution to the issues relating to Harris Garth and to the lych gate.

The Council resolved to accept these conclusions as actions at its meeting in March 2022.

However, in the absence of any further information and with a lack of resources, the Council concluded it could do no more. The issue for many was not limited to the experiences of fellow-residents, the Gillibrands, or indeed the title to Harris Garth, but the governance of the Parish Council. The investigation, despite best efforts, left many unanswered questions. It was felt appropriate for the credibility of the Council, as well its accountability to residents, for all to see that the Council had tried its very best to get to the bottom of events and how the cost to the public had been incurred. Accordingly, both the timeline/report and a separate paper that listed some of those unanswered questions were both adopted as appendices to the minutes of the formal March 2022 meeting of the Parish Council. The minutes were unanimously approved at the April meeting.

Following the publication of the minutes of the March 2022 meeting, a member of the public asked that the timeline and report be removed from the published minutes on the grounds of a potential breach of data protection legislation. The Parish Council reviewed their action in the light of this request. A compromise was approved by the Parish Council whereby the timeline and the report were removed from the formal minutes and each made accessible to all by request to the Parish Clerk. This proposal received majority approval at the May 2022 meeting.

The Gillibrands were particularly concerned that the Council made it clear that it has no claim over, or under, the garden of Harris Garth. Councillors had no prior knowledge of the attempt to de-register title and were genuinely puzzled by it. However, there is a reference in the Parish Council minutes in 1991 where the Council did make a claim on Harris Garth's garden. This was swiftly changed and we are not aware that this claim has been voted on since. However, the new (current) parish clerk wrote to Mr Gillibrand on 13 September 2022 – nine months ago - to confirm that "Burton in Lonsdale Parish Council has no interest in, or in relation to, your garden". The message concluded, "On behalf of the Parish Council, can I express our fervent hope that this matter has now been brought to an acceptable conclusion".

It took longer for the Parish Council and Parochial Church Council to engage. However, the two bodies are now working together to discuss and resolve areas of common and parish interest, including the lychgate, for the benefit of all in the community.

It is clear that the events described by the Gillibrands had considerable repercussions.

In conclusion, to bring this matter to an amicable and final close and with the agreement of Mr and Mrs Gillibrand:

1. Burton in Lonsdale Parish Council has taken the Gillibrands' statement very seriously and all councillors have spent time discussing it. It is hoped that, by so obviously doing so and producing this response, it is abundantly clear that current councillors do not find the events described acceptable. Indeed, had these things not happened, it is probable that none of the current councillors would be in position.
2. In the interests of transparency, the Parish Council is happy to append a transcript of the Gillibrands' statement and this response to the minutes of the Parish Council meeting of 20 July 2023. This provides a permanent public record. However, in the interests of privacy, it is not felt appropriate for the Council to name the individuals mentioned in the statement, so these have been redacted.
3. The events of the past cannot be changed, but the Parish Council regards the issues raised in relation to the Gillibrands' garden as regrettable and acknowledges that they were placed in a difficult position. The Parish Council is happy to confirm again, and finally, that it has no interest in or claim over, or under, the garden of Harris Garth.
4. No Parish Council can hope to always please everyone, but Burton in Lonsdale Parish Council aims to work in the public interest on behalf of all residents of the parish.

5. In fairness, and for the avoidance of doubt, the Parish Council wishes to move on in harmony and spend no further time on a matter which has upset many and proved to be such a costly diversion. It is therefore hoped that everyone understands that we wish this to be the final word. Nevertheless, the reference to making a formal complaint in the Gillibrands' statement is taken seriously. The Parish Council will forward a copy of their Complaints Policy. We hope that route will not be followed.