

MINUTES of the Council Meeting held on Monday
7th February 2022, at 7.30 pm – in the Ballroom,
Bentham Town Hall.

Present: Cllrs Swales (Chair), Adams, Burton, Faraday, Hill, Stannard, Taylor and Wills. DCllr Brockbank. The Clerk Christine Downey. The public Safety Office Craig Lyons. Seven members of the public.

- 304 Apologies from members unable to attend: -
- 304.1 To Note Apologies for absence given in advance of the meeting.
Cllrs Bridgeman and Marshall. CClr Ireton. DCllr Handley.
- 304.2 To consider acceptance of reasons for absence.
None.
- 305 Declaration of interests: -
- 305.1 To Note Declarations of Interest not already declared under members Code of Conduct or members register of Disclosable Pecuniary Interests.
None.
- 305.2 To approve dispensation requests.
None.
- 306 To Receive Comment & Concerns: Public Participation – to hear matters raised by members of the public or Cllrs with an interest (that are allowed to speak) either on agenda items or for future consideration.
 (NB: for non-agenda items Members of the Council are not permitted to respond, except to ask questions for the purposes of clarification).

Millholme Drive Streetlights:

Two members of the public spoke regarding the unlit streetlights on Millholme Drive. The main points were: - That only one out of four streetlights are working, since before Christmas. One has been fixed, a few of the residents chipped in and paid for it. The residents would like to know what is happening regarding the road being adopted, a lot of information about this has been forwarded to the council in the past. Carl Taylor did the repair.

It was reported to the meeting at this point that the streetlights on Millholme Drive do not belong to Bentham Town Council.

There is one outside a resident's house that has not been working for several years now. She has contacted the council in the past to ask about ownership. It is not safe. There are quite a few children down there now, they can't go over to the field to play because there is no light to do that safely, so they have to play at the back of the houses where parents can see them. But cars come along quite fast and its difficult for them to see the playing children because of the lacks of light. There are elderly residents as well. Sometimes it's so dark residents can't see their keys in the door, or the steps down to the garden. It's a safety issue.

NYCC say its not their responsibility, not their lights. Bentham Town Council do not own them. The lights are shown on the CDC street light map, but remain unlit.

The Clerk reported that enquires in previous years revealed that the developer, and his solicitor, were still trying to get NYCC to adopt the streetlights. The residents believe that the solicitor involved has now retired.

This matter was discussed by the council at item 313, Highway Matters.

Wenning Mill, planning application:

Two members of the public then spoke on this matter, as follows.

A local resident explained that because of the delay in neighbour notification letters being sent, the deadline for comments from neighbours was extended. She reported that there are strong arguments in opposition to the application and pointed out that North Craven Heritage Trust have submitted an interesting response. Regarding the Mill itself, there are broader considerations that could benefit everyone. And not convinced that it has always been an industrial site, it seems to have been a residential area for some time. By working together, she believes that NYCC, CDC and BTC could help to save the Mill, perhaps as part of the Bentham Masterplan scheme. There could be public fund raising, Tourism imitative money, a contribution from Atkinson Vos, and the Lancaster Maritime Museum have expressed some interest. She stressed that Atkinson Vos are very good neighbours, and a good local employer. But she objects to the planning application and would like to find a way to keep the Mill as an asset for the community, and in order to keep the character of the Lane

It was pointed out at this point that the planning application re Wenning Mill was considered at the last council meeting on 20th January 2022, and that the council's response was decided then. It was also explained that a decision cannot be reversed withing six months, except by a special motion, which requires written notice by at least four councillors to be given to the Proper Officer before the meeting, and that such notice has not been received. It was recommended that full details of all of the issues are submitted to the planning department at CDC.

A representative of Atkinson Vos thanked the previous speaker, and all the other neighbours, for their input and responses to the application, all of which are taken onboard with good spirit. He asked if BTC might check if CDC did in fact receive the full version of the previous speaker submission, because she received a message saying that it had been cut short. However, the previous speaker then confirmed that the full version of her submission is now visible on the CDC website. He reiterated that the objective of Atkinson Vos is to leave Bentham with a good business, good in the interests of everybody, the town, the neighbours and the 20-odd employees of the company.

This matter was discussed by the council at item 312.2, correspondence received on planning matters.

Bentham Co-Op

The new manager of the Co-Op introduced himself. He expressed concerns about the parking problems outside the shop, which are resulting in wagons having to be turned away. He requested permission for a sign to go up, saying "no parking between 5 and 7 am", or permission to put out traffic cones. He went on to explain that the Co-op wish to help the local community a much as possible, so please keep them informed of local events. There is a budget for fund raising for example, and they are also able to distribute flyers with packed bags.

The council responded by pointing out that it would require a Road Traffic Order through NYCC to change the parking arrangements on the street, but that the real problem is policing parking. It is likely to be a struggle to get any formal changes to the parking arrangements and Bentham Town Council can neither grant permission, or deny permission, to put cones out. The best way forward would be for the Co-Op to manage their parking arrangements as sensibly as possibly in the circumstances, with as little disruption to other road users as possible.

- 308 To receive the Police Report and allow members to ask questions for information – if any.
Received.
- 309 To receive a report from the Public Safety Officer and allow members to ask questions for information – if any.
Craig Lyons the Public Safety Officer reported that: -
A) He is in post until December.
B) He is dealing with an ongoing issue re traffic on Burton Road with input from Cllr Handley. A data logging exercise has been conducted and the data has gone back to the traffic management department.
C) The dementia breakfast club is going well.
- 310 To receive the Clerks Report (for information only). (Paper 2022/15)
Received.
- 311 To receive reports from Cllr and DCllrs (for information only) if any.
Cllr Ireton's report was circulated before the meeting, it reads: -
Devolution for North Yorkshire and York moves nearer
The Government last week launched one of its flag ship policies with a White Paper on levelling up. It set out a range of policy initiatives to even up issues ranging from educational attainment, wages, broadband connectivity, transport, innovation investment and many other areas. There will no doubt be a political debate about how much of what was announced is brand new and of course where the funding will come from to deliver the ambitions set out. One important element that was clear and did refer to North Yorkshire was a commitment in black and white for the Government to invite North Yorkshire and York to enter into negotiations with the Government with a view to forming a devolution deal for the area, based on a Mayoral Combined Authority.
So, having now got a decision around a single unitary council for North Yorkshire the Government has followed through with its commitment and started the process of working up, with us, a devolution deal for the county and the City of York. It is important to stress that whilst one of these things led to the other, devolution and the process of becoming a unitary council are, in themselves, separate.
Creating two new structures at the same time does create the opportunity for confusion but we do need to be clear that on the one hand we are setting up a single new council to replace the eight existing councils of county and district, and that will deliver all of the services that we are familiar with from highways maintenance, adult social care, children and young people's services, through to all district services such as planning, environmental health, housing etc.
- DCllr Brockbank took questions and was asked if CDC will contribute to the resurfacing of the road at Duke Street where the construction vehicles for the CDC affordable housing have worsened the pot holes. Since the properties are finished the district councillor thought that this should have already been done. It was reported that some of the damage has been made good, but not all of it, and that the road beyond the new houses down which the vehicles reversed to come out, also needs the damage to be made good. It is part of the agreement that the pot holes will be made good, but not up to highways standard, therefore DCllr Brockbank will look into this and report back.
- 312 Planning: -
312.1 To consider and comment upon New Planning Applications: -
312.1.1 2021/23580/ADV. Retrospective signage on boards and window glass: replacement lighting. 50 Main Street, High Bentham, Lancaster, LA2 7HN.
RESOLVED: That the council has no comments on this application.

- 312.1.2 Change of use of Ground Floor of no 43 Class E(c) (Office) to Class C3 (Residential), Change of use of no 45 from 2(a) (Retail) to E (c) (Office), external alterations to porch to no 43 and extend no 45. 43 Main Street, High Bentham, Lancaster, LA2 7HJ.

RESOLVED: That the council has no objections to this application, but would comment that it believes that it should have been two separate applications.

- 312.2 To receive correspondence on planning issues and agree a way forward. Correspondence re application 2021/23443/FUL. Replacement of existing buildings with construction of storage building, and use of land for display/sales and storage. Warehouse, Wenning Mill, Wenning Avenue, High Bentham, Lancaster, LA2 7LW. (Paper 2022/16).

It was reported that the application was considered at the full council meeting on 20th January 2022, that it was resolved at that meeting to support the planning application and also to support the local residents request for their consultation period to be extended, in view of the fact that the neighbour notification letters were delayed and arrived approximately ten days late. Subsequently Bentham Town Council responded to the planning application on its deadline of 28th January 2022, and the deadline for submissions by the neighbours was extended. The deadline for the Town Council's response was not extended beyond 28th January 2022.

It was also reported that in accordance with the Standing Orders a resolution shall not be reversed within six months except by a special motion, which requires written notice by at least four councillors to be given to the Proper Officer before the meeting, and that such notice has not been received.

RESOLVED: No further action.

- 312.3 To receive planning decisions – if any (see Clerks Report).

Received.

- 313 To consider and note Highway Matters for information – if any. (Councillors can comment on any minor highway issues currently causing concern).

It was reported that the pot holes outside Butterbergh were marked up for repair in September or October 2021 but have still not been done.

Millholme Drive:

The background is that there was a delay in the normal arrangements/process for roads and street lights on a development being adopted by NYCC. Usually, the developer arranges for the roads and street lights to be adopted when the development is finished and the scheme is up to the standard required by NYCC. However, at Millholme Drive the last property was built a long time after the first property was built, and the developer has still not been able to get NYCC to adopt the road and lights.

It was confirmed that the street lights are definitely not a Bentham Town Council asset, and that the responsibility for getting them adopted still lies with the developer.

However, the problem is that this should have been done years ago, but both the developer and his solicitor have been unable to get NYCC to finalise the process, despite considerable efforts on their part. The situation is made worse by the fact that the roads have now fallen into disrepair and are no longer at the standard required by NYCC for adoption, they might need work on them before this could proceed.

RESOLVED: To get the matter back on NYCC's agenda by referring it to CCIlr Ireton for his attention.

RESOLVED: The public safety officer to contact NYCC as well, because the absence of working street lights is a safety concern.

313.1 Gill Head:

RESOLVED: That the Public Safety Officer will forward photographs of the damaged crash barrier to the Clerk and that the clerk will report to Highways that they need to be removed.

314 Report on position re tree planting at Felstead and to agree a way forward regarding outstanding invoice.

Cllr Hill reported that he has requested that Tree Peaks add stakes, ties and tree guards to the trees at Felstead but that no progress has been made as yet.

RESOLVED: That the invoice from Tree Peaks will be paid after the additional of stakes, ties and tree guards.

315 To agree the Accounts for Payment as: -

Stannah	Lift service	196.42
Glasdon	Plaque for bench	130.90
Citron	Sanitary disposal unit	13.72
Thomas Graham	Hand sanitizer and cleaning supplies / dispenser pumps for high street hand sanitizers / refuse sacks / paper towels	218.13
Salaries and Mileage allowance	January 2022	2,953.28
Kingsdale Projects	Take down and dispose of Christmas trees / ton bag of salt-grit / fix plaque to bench in cemetery / trat moss at Philip Harvey Playing Field.	163.50
Waterplus	Waste water	183.32
1 & 1 Ionis	Internet	18.00
BT Group	Phone bill TIP	46.08
SSE Swalec	Unmetered electric supply	107.69
Craven DC	Trade waste 2021/22	55.10
Premium Credit Ltd	Insurance	334.76
NEST	Pension contributions	140.48

RESOLVED: Approved

RESOLVED: To be authorised by Cllrs Adams and Faraday, after correction of the bank entry for the clerk's salary.

Accounts not agreed for payment: -

Tree Peaks Ltd	Tree work and replanting at Felstead	900.00
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316 To consider the Volunteer Policy and agree a way forward. (Paper 2022/17)

It was reported that the draft policy fails to address numerous issues, especially those regarding who will conduct the induction of volunteers, who will manage volunteers, who will review the roles with them as required by the draft policy, and exactly how they will be "supported by the council" as required by the draft document. It was pointed out that it is not part of the clerk's contract of employment to manage or supervise volunteers in any way.

RESOLVED: That the draft policy is referred back to Councillor Bridgeman for revision and amendment as necessary.

317 Community Youth Building: -

317.1 To consider hiring a skip and agree a way forward.

RESOLVED: No further action.

317.2 To consider the future of the building and agree a way forward.

RESOLVED: To carry this item forward to a future agenda.

- 318 To receive an update regarding the hot water boiler upstairs and agree a way forward.
It was reported that a spare part is required and that Tim Wheildon has the repair in hand.
RESOLVED: Clerk to continue chasing Tim Wheildon to complete the repair as soon as possible.
RESOLVED: To consider borrowing a free-standing water boiler for the time being – which is not ideal, but likely to be better than no water boiler at all.
- 319 Re the Bentham Masterplan: To discuss the invitation for Bentham Town Council to participate in the evaluation of bids from potential consultants, and the project initiation meeting, and to agree a way forward. (Paper 2022/18 to 18D).
It was reported that Craven District Council has approved the request for funding for a number of projects in High Bentham from the Welcome Back fund. The projects must be managed and paid for by Bentham Town Council, and the money claimed back from CDC by 31st March 2022. In order to progress the matter and attract the funding for these projects the council has to enter into a Service Level Agreement with CDC.
RESOLVED: That Cllr Swales will participate in the evaluation of bids from potential consultants.
RESOLVED: That Cllr Swales will participate in the project initiation meeting.
RESOLVED: That the Service Level Agreement, relating to The Welcome Back Fund (formerly known as the Re-opening High Streets Safely fund), between Craven District Council and Bentham Town Council is approved and agreed.
RESOLVED: That Cllr Swales as chair signs the Service Level Agreement.
- 320 To consider the following correspondence and to agree a way forward and/or a response: -
320.1 Feedback on Public Safety Officer requested 10/01/22. (Paper 2022/19)
RESOLVED: Clerk to forward feedback to Tony Peel in support of the post of Public Safety Officer as follows: -
A) That Bentham Town Council are extremely happy with the public safety officer’s presence, and consider it to be invaluable.
B) The post is definitely making the community a safer place to be, particularly as more and more local residents get to know Craig and become aware that they can not only stop him in the street to discuss any issue but that they can also drop in to the fire station and see him.
C) The community does feel that they now have a point of contact for the blue light services and this is very valuable and much appreciated.
D) The Town Council and the community hope to be able to keep the public service officer beyond December 2022.
E) Short monthly surgeries by the public safety officer at the fire station would be useful, as they could attract those members of the community who prefer not to “drop in”.
RESOLVED: That the Town Council would like to express its grateful thanks to Craig Lyons for doing a great job as public Safety Officer, and for making such a difference to the community.
- 320.2 Letter from local resident regarding water leak at Windy Hill and ongoing problems with Yorkshire Water 17/01/22. (Paper 2022/20)
RESOLVED: Cllr Adams to pursue a complaint with OfWat (regulators of the water sector) because this problem has been going on for years.
- 320.3 Enquiry re Platinum Celebration from St Johns Church 20/01/22. (Paper 2022/21)
RESOLVED: Clerk to let St Johns Church know that Bentham Town Council are not planning any street parties and to suggest that they should consult the website of Bruno Peek, The Pageantmaster, regarding the timetable for national celebrations.
RESOLVED: Cllr Taylor will remind the stint holders that the council is still waiting for a reply to its request for permission to light a beacon on Burnmoor. (Date of letter was 23/09/2021)

- 321 To receive items of correspondence for information only: -
None.
- 322 To discuss the position regarding Lairgill and Butts Lane Car Park and agree a way forward.
It was reported that Butts Lane car park belongs to Craven District Council and any action regarding access from Lairgill to the car park is their responsibility.
RESOLVED: No further action.
- 323 To receive reports from councillors who represent the Council on other bodies for information only – if any.
LASRUG: Cllr Adams reported that unfortunately LASRUG hold their meetings on the third Thursday of the month, which will usually now clash with the second Town Council meeting of each month. Following the pandemic there are likely to be reviews of what the rail service is to look like in future, all over the country. LASRUG are encouraging everybody to complete the “Rail Study – Bentham Line” survey, because the responses help formulate the future rail strategy. LASRUG are holding a coffee morning in March, and are looking at printing literature (timetables etc) to encourage use of the Bentham line to get to work, as it is now possible to get to Lancaster by train for 9 am. This involves a change at Carnforth, but is a step in the right direction.
The Dales Railcard costs £10 and allows resident of postcode LA2 one third off tickets. In addition, there is a Dales Railcard winter offer, which allows Dales Railcard holders the opportunity to purchase a One-Day Ranger ticket for the Bentham Line. Adult fare £7.00, child £3.50. There is a similar offer on the Leeds-Carlisle route, adult fare £9.00, child £4.50.
- Defibrillators: Cllr Farady reported that the defibrillator at the Victoria institute has not been hard wired yet by Howsons. She will chase them up about it.
- Friends of Bentham Library: Cllr Swales reported that a lego club is starting, and that there might be more senior volunteers interested in it than children.
- 324 Items for next meeting and minor items for information only.
MINOR ITEMS
Cllr Stannard has been asked if a bin can be sited at the far end of Duke Street, where it goes into the industrial estate. There is a problem there with dog poo bags being left behind. Will need to ask CDC, through waste team.
Cllrs Wills and Adams to look at the electrics in the Community Youth Building.
The full council meetings on the first Monday of the month to remain upstairs in the Ballroom.
Banks Way Development:
A) Update on site meeting at Banks Way on 04/02/22:
The project manager (Emily Shepherd) and the representative for the building contractor spent the entire hour of the meeting saying no to the request for a resolution NOW to the drainage problem, and the request for the footpath to be 1.2 metres wide not 1 metre. The reasons given were that they prefer to wait and see if minor adjustments will rectify the drainage problem, and that the approved plans are for a 1 metre path.
During the course of the site visit the project manager explained that although the original plans did not include windows in the side of the new house, that windows were added at a later stage (directly overlooking the houses below on Banks Way) without public consultation because that change was classed as a “minor amendment”. When asked if the footpath could therefore be changed from 1 metre to 1.2 metres as a “minor amendment” she did not know, and said that this would be a matter for the planning department to decide. **DCllr Brockbank was asked to look into this possibility and to report back ASAP. The clerk will forward a copy of the minutes of the site meeting to her.**

At the site meeting the project manager was reluctant to agree/confirm that if the minor adjustments being undertaken do NOT rectify the drainage problem, that CDC will come back and sort it out. Her initial response was that they would not come back to fix it unless the gardens below in Banks Way were flooding day in and day out, because “occasional flooding, especially after heavy rain” is not unusual, and something everybody with houses around then has to accept. Cllr Taylor disputed this strongly, pointing out that before CDC started work on the site the gardens below in Banks Way NEVER flooded, and that what is required is that the site below the development is returned to the condition that it was in BEFORE the building work, i.e., it must be returned to a condition in which it never floods, regardless of rainfall. Following his argument, the project manager agreed to give an undertaking in writing that if the drainage problem persists after the minor adjustments have been completed, that CDC will return and rectify it. This will be emailed to the clerk.

Cllr Taylor pointed out that CDC will be abolished in 2023 and Emily Shepherd assured him that the commitment to come back and fully rectify the drainage problem will pass from CDC to the subsequent council/local authority who take over responsibility for CDC.

B) Further discussion of the position at Town Council meeting of 07/02/22:

DCllr Brockbank thought that in the future the responsibility for rectifying any problems would be shared between the body that replaces CDC and the homeowners (because it's a shared ownership scheme), unless ownership is offloaded from CDC to a third party. **She will check this out with the legal department at CDC and report back. She suggested that the legal department need to write in the agreement who will sort out the flooding/drainage problem in future, in case it persists.**

Bentham Town Council disagree with this proposal and believe that the answer is to fully rectify the flooding/drainage problem right NOW, while the ground is still accessible, and thereby prevent the problem having to be addressed at a future date. The damaged drainage pipe should be fixed now in Bentham Town Council's opinion.

Bentham Town Council is also of the opinion that the footpath should be made 1.2 metres wide, because the residents below the CDC development should not suffer any detriment whatsoever as a result of the development, and clearly if the footpath is reduced to only 1 metre wide there IS detriment to those houses as a direct result of the CDC development.

Bentham Town Council fully supports the residents' requests regarding drainage and the path width and requested the assistance of DCllr Brockbank in resolving both issues urgently.

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Date of next meeting: THURSDAY 24th February 2022.

There being no further business the meeting closed at 8:56.