

REIGHTON & SPEETON PARISH COUNCIL
MINUTES OF EXTRA ORDINARY PARISH COUNCIL MEETING
17th NOVEMBER, 7.15 PM, VILLAGE HALL, REIGHTON

Present: Councillors K Bradley, S Hinchcliffe, T Marshall, Mrs L Paddock, P Riley, Mrs L Wilson
Five members of the public
Councillor P Riley, recorded the minutes

84/15 To accept apologies for absence:

Apologies were received from Councillors D Bradshaw and Mrs M Cosier-Randall.

85/15 Code of Conduct:

- (a) To record Declarations of Pecuniary/non-Pecuniary Interests by any member of the Council in respect of the agenda items listed below. Members declaring interests should identify the agenda item and type of interest being declared:**

Cllrs Hinchcliffe and Mrs Wilson declared possible non-pecuniary interests as signatories to the Petition in Agenda Item 4

- (b) To note dispensations given to any member of the Council in respect of agenda items below:**

Dispensations were granted in respect of 2a.

86/15 Public Participation Session (15 minutes):

- None.

87/15 To receive a petition from the residents of Church Hill concerning possible breaches of environmental and planning regulations in the field adjoining Reighton Church

Cllr Hinchcliffe presented a file containing:

- (a) a Petition addressed to Scarborough Borough Council and signed by 19 residents of Church Hill, Reighton, seeking action under the Anti-Social Behaviour (Crime & Police Act) 2014;
(b) a Schedule listing a history of Anti Social Behaviour on the part of the owner of the field lying to the east of Church Hill; and (c) individual submissions made by affected residents.

88/15 To consider the response (if any) from the landowner to the Council's offer of mediation:

Cllr Marshall outlined the intent behind the mediation initiative agreed at our September meeting. Cllr Riley advised that a letter offering mediation had been sent to Mr Randall on 13th October and a further letter had been sent on 2nd November to advise that the offer remained open. No response had been received.

89/15 To decide whether to request Scarborough Borough Council to seek legal remedies under the Anti-Social Behaviour (Crime & Police) Act 2014 and other legislation:

Cllr Bradley

- Cllr Bradley outlined his research into problems of this nature and the recommended steps for Parish Councils/other bodies to address them:
 1. Maintenance of Nuisance Log;
 2. Direct Contact eg by correspondence;
 3. Attempt at Mediation;
 4. Parish Council escalation to its Principal Authority;
 5. Recourse to Law.
- Cllr Bradley referred particularly to the ruling in the case of *Donohue v Stevenson* 1932 which set out that a relationship of neighbour is established if the actions of the individual in question “affect the enjoyment of your home or garden”. Cllr Bradley concluded that there was no doubt that Mr Randall was not only a landowner, but also a neighbour under the law and that there was a strong case to take civil action against Mr Randall to address his problem behaviour.

Cllr Hinchliffe:

- Cllr Hinchliffe outlined recent developments in the law, specifically the development of the 2014 ASBO legislation which places more emphasis on the effect on the *victim* rather than on the actions of the perpetrator, with more likelihood under the new legislation of obtaining an Order (subject to right of appeal). He also touched on the Town & Country Planning Act 1990 s 215 with its provision for land left in an “unacceptable state”.
- There was a discussion on the horse dung which appeared to have dumped close to the entrance of a public footpath to deter the general public from using the amenity. Mr Randall had undertaken to remove this at our meeting in July. However, the dung-heap had subsequently been augmented, although to the extent that this encroached on the path, this had also been trodden in. The NYCC Ranger had visited the site and concluded that whilst the area was slippery, there was insufficient impediment to access to justify enforcement action at this stage.
- Cllr Hinchliffe reported on a large dangerous ash tree potentially causing a hazard to the highway. The matter had been reported to NYCC on 3rd August. As the tree was not the responsibility of NYCC, they had written to the landowner but taken no other action. The tree had collapsed earlier this month – fortunately falling into the field rather than into the highway.

RESOLVED: (5 in favour, 1 abstention) To require Scarborough Borough Council to seek legal remedies under the Anti-Social Behaviour (Crime & Police) Act 2014 and such other legislation as may be applicable in response to the Petition of the residents of Church Hill, Reighton and their individual submissions. Cllrs Riley, Bradley and Hinchliffe to liaise to draft an appropriate covering letter.

RESOLVED: (5 in favour, 1 abstention) To note that Mr Randall gave an undertaking to remove the dung and other detritus near the gate from the public footpath into his field and that this has been reneged upon; and that the Council will continue to monitor the situation with a view to further action if further dumping of waste is likely to endanger the public.

Signed as a true and correct record Date 24th November 2015
Chairman, Councillor P. Riley