

Committee Administrator: Democratic Services Officer (01609 767015)

Monday, 15 May 2017

Dear Councillor

NOTICE OF MEETING

Meeting **COUNCIL**
Date **Tuesday, 23 May 2017**
Time **2.00 pm**
Venue **Council Chamber, North Yorkshire County Council, County Hall, Northallerton**

Yours sincerely

J. Ives.

Dr Justin Ives
Chief Executive

To: All Members of Hambleton District Council

AGENDA

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|----|--|---------|
| 1. | MINUTES | 1 - 2 |
| | To confirm the minutes of the meeting held on 4 April 2017 (C.31 - C.32), attached. | |
| 2. | APOLOGIES FOR ABSENCE | |
| 3. | ANNOUNCEMENTS BY THE CHAIRMAN OR CHIEF EXECUTIVE | |
| 4. | QUESTION TIME | |
| | None received. | |
| 5. | COMMUNITY GOVERNANCE REVIEW - CONSULTATION RESPONSES | 3 - 6 |
| | Report of the Chief Executive | |
| 6. | THE LOCAL AUTHORITIES (STANDING ORDERS) (ENGLAND) (AMENDMENT) REGULATIONS 2015 - INVESTIGATION OF STATUTORY OFFICERS | 7 - 10 |
| | Report of the Chief Executive | |
| 7. | HAMBLETON DEVELOPMENT COMPANY LIMITED - CHANGE OF COMPANY NAME | 11 - 12 |
| | Report of the Director of Law and Governance (Monitoring Officer) | |
| 8. | NOTICES OF MOTION | |
| | None received. | |

Agenda Item 1

Minutes of the meeting of the COUNCIL held at
2.00 pm on Tuesday, 4th April, 2017 at Council
Chamber, Civic Centre, Stone Cross, Northallerton

Present

Councillor J Noone (in the Chair)

Councillor	R A Baker	Councillor	R Kirk
	P Bardon		N A Knapton
	M A Barningham		C A Les
	D M Blades		C Patmore
	Mrs C S Cookman		B Phillips
	G W Dadd		M S Robson
	C A Dickinson		C Rooke
	G W Ellis		Mrs I Sanderson
	Mrs B S Fortune		A Wake
	K G Hardisty		S Watson
	R W Hudson		P R Wilkinson
	D Hugill		

Apologies for absence were received from Councillors S P Dickins, Mrs J Watson and D A Webster

C.30 **MINUTES**

THE DECISION:

That the minutes of the meeting held on 21 February 2017 (C.23 - C.29), previously circulated, be signed as a correct record.

C.31 **STATEMENT OF THE LEADER AND REFERRALS FROM CABINET**

There were no referrals from Cabinet.

The Leader made a statement to the Council on the following matters:-

- Hambleton had been placed 4th in the Country for the best place to live.
- North Northallerton Development Project – the Leader announced that work had now begun on the North Northallerton Development which was the biggest project the authority had undertaken. Timing was critical to ensure that funding from the LEP was received and all the relevant legal paperwork signed before 31 March 2017. The Leader wished to give special thanks to the Executive Director, Mick Jewitt and the other staff and Members that had worked tirelessly to ensure this project commenced on time. The Leader paid special tribute to Mick Jewitt who had gone above and beyond what would normally be expected.
- Grants for Hambleton Libraries – the Leader announced that each community library in Thirsk, Stokesley, Bedale, Great Ayton and Easingwold would be awarded £5,000 from the Authority's 'Making a Difference' grant scheme. This grant would be awarded irrespective of any application for Discretionary Rate Relief.

A number of questions were asked based on the statement. The main issues which the Leader responded to were in relation to:-

- North Northallerton Development
- Grants for Hambleton Libraries

C.32 **CABINET PORTFOLIO STATEMENTS**

- (a) Councillor P R Wilkinson, Portfolio Holder for Economic Development and Finance made a statement regarding the Dalton Bridge progress; the Prison site progress; Vibrant Market Towns, Business Support, Graduates and Apprentices and Brexit. Councillor Wilkinson reported that the timetable for the contract for works to be awarded was 24 April. A number of questions were asked relating to the Prison site progress which were responded to at the meeting.
- (b) Councillor Mrs B S Fortune, Portfolio Holder for Leisure made a statement regarding the Tour de Yorkshire, the Community Awards, Community Safety, the Hambleton Leisure Centre Health and Fitness project, running initiatives and fitness classes. Councillor Mrs Fortune reported that she had recently attended an event at the Bedale Riding for the Disabled Group and that Princess Anne was present. Councillor Fortune was pleased to report that fundraising undertaken by staff from the Council had helped raise a further £200 which had been presented to the Group.
- (c) Councillor N Knapton, Portfolio Holder for Governance made a statement regarding ICT, Customer Services, parking, Design and Maintenance and Electoral Services.
- (d) Councillor B Phillips, Portfolio Holder for Planning made a statement regarding the Local Plan, housing and Development Management.
- (e) Councillor S Watson, Portfolio Holder for Environmental Health, Waste and Recycling made a statement regarding Green Waste charging, dog fouling, community litter picking, recycling contamination, Environmental Health and energy repayment loans. Councillor Watson reported that the take-up for the green waste collections was currently 47.58% and that further subscriptions were expected during the months of April and May. Councillor Watson also wished to give thanks to the staff and Members who had attended the community litter picking events. A number of questions were asked relating to Green Waste Charging, Community Litter Picking, Dog Fouling and Recycling Contamination which were responded to at the meeting.

The meeting closed at 2.25 pm

Chairman of the Council

HAMBLETON DISTRICT COUNCIL

Report To: Council
23 May 2017

From: Chief Executive

Subject: **COMMUNITY GOVERNANCE REVIEW – CONSULTATION RESPONSES**

Aiskew, Bedale and Leeming Bar Wards

1.0 Purpose and Background:

- 1.1 This report sets out the consultation responses received in respect of the community governance arrangements for two parishes, namely Bedale and Aiskew, and seeks approval of the recommendation that there be no changes to the current community governance and electoral arrangements.
- 1.2 Members will recall that a Community Governance Review was triggered following receipt of a petition which proposed that the Aiskew Ward of Aiskew Parish be merged with the Parish of Bedale to create a new parish of Bedale with Aiskew, together with the creation of a new Parish Council called Bedale Town Council. The Leeming Bar ward of Aiskew Parish was excluded from the petition proposal.
- 1.3 The Council considered and approved terms of reference for the Community Governance Review on 21 February 2017. The terms of reference proposed three options (including the Petition proposal) and set out a timetable for direct consultation with all residents and relevant stakeholders in both parishes, and resolved that draft recommendations be presented to Council on the outcome of the consultation at its meeting on 23 May 2017.

2.0 Community Governance Review Criteria:

- 2.1 Members are reminded that a Community Governance Review provides an opportunity to consider whether, amongst other things, community governance arrangements properly reflect the identities and interests of the community, and are effective and convenient. A Community Governance Review must also take into account a number of influential factors including how local arrangements impact on community cohesion, and the size, population and boundaries of a local community or parish.
- 2.2 A Community Governance Review can consider one or more of the following:
 - (a) to create, merge, alter or abolish parishes;
 - (b) the naming of parishes and the style of new parishes;
 - (c) the electoral arrangements for parishes (including the ordinary year of election, council size, the number of councillors to be elected to the council, and parish warding); and
 - (d) grouping parishes under a common parish council or de-grouping parishes.
- 2.3 The criteria set out above were included in the consultation.

3.0 Consultation with Residents/Stakeholders:

- 3.1 The consultation included all residents in the two parishes and relevant stakeholders. Each property was sent a copy of the consultation document together with a covering letter and information leaflet. Additional consultation documents were available on request or could be downloaded from Hambleton District Council's website. Residents could also complete an online version of the consultation document.
- 3.2 The consultation documents included three options for residents/stakeholders to consider and to choose from. In summary these were:
- Option 1 – the Petition proposal to merge Aiskew Ward (of Aiskew Parish) with Bedale Parish to create a new parish, together with the abolition of Bedale Town Council and Aiskew Parish Council and the creation of a new Parish Council for the new parish. The Leeming Bar Ward (of Aiskew Parish) was not included in this proposal.
 - Option 2 – an alternative proposal for the whole of Aiskew Parish (including the Leeming Bar Ward) to merge with Bedale Parish to create a new parish, with the abolition of Bedale Town Council and Aiskew Parish Council and the creation of a new Parish Council for the new parish.
 - Option 3 – to continue with the existing community governance and electoral arrangements.

The consultation ran from 21 February to 21 April 2017.

- 3.3 The two parishes combined have an electorate of 4825 and approximately 2700 properties.

4.0 Consultation Results:

- 4.1 The response rate for the consultation was modest, with only 674 replies received by 21 April 2017. The table below sets out those responses.

Option	Number of replies in favour
Option 1 – the Petition proposal to merge Aiskew Ward and Bedale Parish etc.	139
Option 2 – alternative proposal to merge all of Aiskew Parish with Bedale Parish etc.	83
Option 3 – No change to electoral arrangements	417
No Opinion	35

- 4.2 As can be seen from the table of responses there is a clear margin of support for the existing arrangements to continue.
- 4.3 Option 3 (no change to electoral arrangements) was the preferred option of 62% of respondents. Bedale Town Council and Aiskew Parish Council were also in favour of no change being made to the current arrangements. This clearly suggests that existing arrangements are considered satisfactory by the majority of respondents and, in consequence, there is no need to proceed to a stage 2 consultation, which was only required in the event that there was a change recommended to the existing arrangements.

4.4 It is a requirement that the Council consults on its draft proposals before making its final recommendations. The consultation on the draft proposals will run from 24 May to 23 June 2017 with a further report being brought to Council for consideration on 18 July 2017.

5.0 Recommendation:

5.1 It is recommended that Council approves the continuation of the existing community governance and electoral arrangements for the existing parishes of Bedale and Aiskew, as it is satisfied that the existing arrangements properly reflect the identities and interests of the community, and are effective and convenient.

JUSTIN IVES

Background papers: none

Author ref: GN

Contact: Gary Nelson - Director of Law & Governance (Monitoring Officer)
Direct Line No: 01069 767043

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HAMBLETON DISTRICT COUNCIL

Report To: Council
23 May 2017

From: Chief Executive

Subject: THE LOCAL AUTHORITIES (STANDING ORDERS) (ENGLAND) (AMENDMENT) REGULATIONS 2015 – INVESTIGATION OF STATUTORY OFFICERS

All Wards
Scrutiny Committee

1.0 BACKGROUND:

1.1 The purpose of the report is to bring to Members' attention recent explanatory guidance on the provisions of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (the "2015 Regulations") and its implications on the Council's current arrangements. The report also recommends to Council amendments to the Disciplinary Committee and seeks approval for a new Appeals Committee.

2.0 CURRENT POSITION:

2.1 As Members are aware the 2015 Regulations simplify and localise the disciplinary process for Statutory Officers (i.e. primarily the Head of Paid Service/Chief Executive, but also as recommended by the Local Government Association, the Chief Finance Officer and the Monitoring Officer). They removed the previous requirement that a Designated Independent Person be appointed to investigate and make a binding recommendation on disciplinary action against these Statutory Officers.

2.2 The 2015 Regulations provide that any decision to dismiss a Statutory Officer must be taken transparently by Full Council, which in reaching its decision must consider any advice, views or recommendations from an Independent Panel, the conclusions of any investigation into the proposed dismissal, and any representations from the officer concerned.

2.3 As a result of the 2015 Regulations the Council appointed a Disciplinary Committee to advise and make recommendations to Council on matters relating to the proposed dismissal of a Statutory Officer. The Disciplinary Committee currently comprises seven Members and two Independent Persons.

3.0 INVESTIGATIONS AND DISCIPLINARY COMMITTEE PROPOSALS:

3.1 Further recent clarification has been produced concerning the scope of the 2015 Regulations and the role and membership of a Disciplinary Committee appointed to deal with relevant allegations against Statutory Officers.

3.2 In summary the recent guidance advises that a Disciplinary Committee should receive relevant complaints against Statutory Officers, be able to determine whether or not they require investigation, appoint an independent investigator to carry out an investigation if appropriate or necessary, impose sanctions less than dismissal (against which there must be a right of appeal to an Appeals Committee – to which I shall turn below), and if, following an investigation it proposes dismissal, to seek the views of Cabinet, and the Independent Persons (a minimum of two sitting separately as a Panel) before making any final proposals to dismiss to Full Council, which in the event would act as an appellate panel and final decision maker.

- 3.3 The guidance makes clear that where a council operates executive arrangements at least one member of the Disciplinary Committee should be a Member of Cabinet. It also clarifies that the Independent Panel need only be appointed by the Disciplinary Committee in circumstances where the Committee is considering a recommendation of dismissal. In circumstances where a lesser sanction or indeed no action is proposed then there are no requirements for the Independent Panel to meet, hence there is no need for the Independent Persons to be standing members of the Committee.
- 3.4 In the circumstances it is proposed that the Disciplinary Committee is renamed the Investigations and Disciplinary Committee. It is suggested that this title better reflects the expanded role of the Committee.
- 3.5 In recognition of this expanded role it is proposed that the following functions be delegated to the Investigations and Disciplinary Committee in place of the current more narrow terms of reference, namely
- to receive complaints relating to the conduct or capability of the Statutory Officers;
 - where appropriate to conduct investigations into these complaints including, where appropriate or necessary, to appoint an Independent Investigator;
 - to take any actions short of dismissal against a Statutory Officer;
 - as and when necessary to appoint an Independent Panel comprising a minimum of two Independent Persons to consider and report the Panel's findings and recommendations to the Committee in the event that the Committee decides to propose a sanction of dismissal against a Statutory Officer;
 - to seek the views of Cabinet in the event that the Committee proposes a sanction of dismissal against a Statutory Officer;
 - to advise and make recommendations to Full Council concerning the proposed dismissal of Statutory Officers.
- 3.6 As there is no requirement to consult the Independent Panel, save and except where a dismissal is proposed, and even then the matter is referred by the Committee to the Panel which then undertakes its own consideration independent of the Committee, it is proposed that the membership of the Investigations and Disciplinary Committee itself should be limited to seven Members of the Council, one of whom must be a Member of Cabinet.

4.0 APPEALS COMMITTEE

- 4.1 As stated above, where following an investigation the Investigations and Disciplinary Committee proposes dismissal of a Statutory Officer, this must be referred to Full Council to make the decision, which could conceivably decide not to dismiss. The Statutory Officer would be entitled to make representations to Full Council. In these circumstances Full Council would act as an appeals body, thus ensuring the Statutory Officer has a right of appeal/redress, which in turn would ensure the process is fair and complies with the rules of natural justice.
- 4.2 However, if action is taken which is less than dismissal, there is no requirement to refer the decision to Full Council. In those circumstances, and to ensure a fair process, the Statutory Officer must be entitled to a right of appeal to an Appeals Committee. There is currently no committee with specific responsibility for hearing appeals by Statutory Officers against sanctions imposed which are less than dismissal.

4.3 It is proposed, therefore, than a new Appeals Committee is appointed comprising seven Members. The guidance to the 2015 Regulations makes it clear that those must not be Members who sit on the Investigations and Disciplinary Committee, and that one Member of the Appeals Committee must be a Member of Cabinet. The terms of reference of the Appeals Committee could be:-

Matters which may be determined by the Appeals Committee

- to hear and determine appeals by Statutory Officers against sanctions less than dismissal imposed by the Investigations and Disciplinary Committee

5.0 MEMBERS' ALLOWANCES:

5.1 It is normal practice for the Chairmen of Committees to have a Special Responsibility Allowance. However, the Scheme of Allowances cannot be altered without consideration of a report from the Council's Remuneration Panel.

5.2 It is therefore recommended that the Council's Remuneration Panel be asked to consider whether an allowance is appropriate for the Chair of the Appeals Committee.

6.0 FINANCIAL IMPLICATIONS:

6.1 Having an extra Committee will have minimal financial implications unless a Special Responsibility Allowance is approved. However, the three Independent Persons would each be entitled to an annual allowance, which is currently £233 per annum, together with travel expenses for attending any Independent Panel. This can be met from within the Members' Allowances budget.

7.0 LEGAL IMPLICATIONS:

7.1 The appointment of an Appeals Committee is a requirement to ensure fairness and compliance with the rules of natural justice.

8.0 RISK ASSESSMENT:

8.1 Failure to appoint the Appeals Committee would deny the Statutory Officers a right of appeal. This would be procedurally unfair and leave any decision reached by the Investigations and Disciplinary Committee subject to challenge in the courts and/or tribunal.

9.0 RECOMMENDATIONS:

9.1 It is recommended that:-

- (1) the Disciplinary Committee be renamed the Investigations and Disciplinary Committee;
- (2) the membership of the Investigations and Disciplinary Committee be varied as set out in paragraph 3.6 of this report;
- (3) the functions set out in paragraph 3.5 of this report be delegated to the Investigations and Disciplinary Committee;
- (4) an Appeals Committee be appointed with the membership and terms of reference set out in paragraph 4.3 of this report;
- (5) Members of the Appeals Committee be appointed in accordance with the wishes of the political groups;

- (6) the Remuneration Panel be asked to advise on whether a Special Responsibility Allowance should be paid to the Chairman of the Appeals Committee;
- (7) the Investigations and Disciplinary Committee and the Appeals Committee be formally appointed at the annual meeting of Council;
- (8) the Director of Law and Governance be given authority to make any consequential changes to the Constitution.

DR JUSTIN IVES

Background papers: The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015

Author ref: GN

Contact: Gary Nelson
Director of Law and Governance
Direct Line No: (01609) 767012

HAMBLETON DISTRICT COUNCIL

Report To: Council
23 May 2017

From: Director of Law and Governance

Subject: **HAMBLETON DEVELOPMENT COMPANY LIMITED - CHANGE OF COMPANY NAME**

All Wards

1.0 PURPOSE AND BACKGROUND:

1.1 The purpose of this report is to consider changing the company name of Hambleton Development Company Limited.

2.0 HAMBLETON DEVELOPMENT COMPANY LIMITED:

2.1 In 2015 the Council set up a company limited by shares called Hambleton Development Company Limited ("the Company"). The Council is currently the sole shareholder in the Company. The Company is intended to be used as the joint venture vehicle for delivering the redevelopment of HM Prison Site, Northallerton.

2.2 It is proposed that the name of the Company is changed from "Hambleton Development Company Limited" to "Central Northallerton Development Company Limited". It is suggested that this new company name better reflects the development of the Prison Site in Northallerton. The change of name has no effect on the Company's objectives (which remain the same) or in the Council's shareholding in the Company.

3.0 LEGAL IMPLICATIONS:

3.1 Certain steps are required by shareholders to formally change a company name. However, these can be delegated by the Council to Dr Justin Ives who is a director of the Company.

4.0 FINANCIAL IMPLICATIONS:

4.1 There are no financial implications associated with this report.

5.0 EQUALITIES IMPLICATIONS:

5.1 Equability and Diversity issues have been considered. However, there are no issues associated with this report.

6.0 RECOMMENDATIONS:

6.1 It is recommended to Council that:-

- (1) Hambleton Development Company Limited be renamed Central Northallerton Development Company Limited; and

- (2) Authority be given to Dr Justin Ives (as a director of the Company) to take any and all necessary steps on behalf of the Council as shareholder to formally implement the change of company name recommended at point (i) above.

GARY NELSON

Background papers: None

Author ref: GN

Contact: Gary Nelson
Director of Law and Governance
Direct Line No: 01069 767012

Agenda Annex

MINUTES FOR INFORMATION

<u>Committee</u>	<u>Date</u>	<u>Page</u>
Cabinet	11 April 2017	15
Planning Committee	27 April 2017	21
Standards Hearings Panel	13 April 2017 – 9.30am	27
	13 April 2017 – 1.15pm	33
	20 April 2017	35
	15 May 2017	To follow

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**Decisions taken under Cabinet authority
to take effect on 24 April 2017**

Decisions of the meeting of the CABINET held
at 9.30 am on Tuesday, 11th April, 2017 at
COUNCIL CHAMBER, CIVIC CENTRE,
STONE CROSS, NORTHALLERTON

Present

Councillor M S Robson (in the Chair)

Councillor	P R Wilkinson	Councillor	N A Knapton
	Mrs B S Fortune		B Phillips

Also in Attendance

Councillor	P Bardon	Councillor	K G Hardisty
	M A Barningham		J Noone
	D M Blades		C Patmore
	Mrs C S Cookman		Mrs J Watson
	C A Dickinson		D A Webster

CA.84 **MINUTES**

THE DECISION:

That the decisions of the meeting held on 14 March 2017 (CA.77 – CA.83), previously circulated, be signed as a correct record.

CA.85 **POLICY REVIEW - HEALTH AND SAFETY**

All Wards

The subject of the decision:

This report presented the final report from the Scrutiny Committee on the Policy Review on Health and Safety for consideration.

Alternative options considered:

None.

The reason for the decision:

To take account of the findings of the Scrutiny Committee.

THE DECISION:

That:-

- (1) the secondment agreement with North Yorkshire County Council to assist in providing a specialist and competent Health and Safety advice for the Council is effective and fit for purpose;

- (2) the current arrangements for implementing and monitoring Health and Safety Management within the Council are satisfactory;
- (3) consideration be given to the inclusion of previous data within the service specific Health and Safety Action Plans to assist in monitoring progress; and
- (4) consideration be given to providing feedback to Members on the progress of service specific Health and Safety Plans as this is not currently provided to Scrutiny Committee.

CA.86 **POLICY REVIEW - CIVIL PARKING ENFORCEMENT**

All Wards

The subject of the decision:

This report presented the final report from the Scrutiny Committee on the Policy Review on Civil Parking Enforcement for consideration.

Alternative options considered:

None.

The reason for the decision:

To take account of the findings of the Scrutiny Committee.

THE DECISION:

That:-

- (1) it be noted that the current arrangements for Civil Parking Enforcement are effective and fit for purpose;
- (2) consideration be given to providing more feedback on CPE to Members;
- (3) when considering options for future CPE delivery, this should include consideration of bringing the service back in-house;
- (4) updates be provided to the Committee on the position regarding the future delivery of the service as and when necessary; and
- (5) additional training be provided for Civil Parking Enforcement Officers in respect of customer relations.

CA.87 **EXTERNAL FUNDING OFFICER - BUSINESS AND ECONOMY**

All Wards

The subject of the decision:

This report sought approval for further funding for the External Funding Officer and extend the post for a further two years to October 2019.

Alternative options considered:

None.

The reason for the decision:

Cabinet was satisfied that extension of the post would continue to support the Council's priority Supporting Economic Growth by securing external funding and investment to deliver projects identified in the Council's Economic Strategy.

THE DECISION:

That:-

- (1) the post of External Funding Officer within the Business and Economy Team be extended for a further 2 years to October 2019; and
- (2) funding of £20,276 in 2017/18, £40,730 in 2018/19 and £21,390 in 2019/20 be approved from the Economic Development Fund to fund the salary and on costs associated with the post.

CA.88 **LOCAL PLAN ALTERNATIVE SITES AND GREENSPACE CONSULTATION**

All Wards

The subject of the decision:

This report presented the Hambleton Local Plan Alternative Sites and Greenspaces Document for approval for consultation purposes.

Alternative options considered:

None.

The reason for the decision:

To enable the Local Plan Alternative Sites and Greenspace Documents to be subject to a six week period of consultation commencing on 21 April 2017. The responses to the consultation and the Preferred Options consultation will inform the preparation of the draft Local Plan for Cabinet approval in Autumn 2017.

THE DECISION:

That the Additional Sites and Greenspace documents be approved for public consultation for a period of six weeks commencing on 21 April 2017.

CA.89 **SESSAY CONSERVATION AREA APPRAISAL CONSULTATION**

Sowerby and Topcliffe

The subject of the decision:

This report sought approval of the draft Sessay Conservation Area Appraisal Supplementary Planning Document (SPD) for public consultation purposes.

Alternative options considered:

None.

The reason for the decision:

To take account of the duties within the Planning (Listed Buildings and Conservation Areas) Act 1990.

THE DECISION:

That the draft Sessay Conservation Area Appraisal Supplementary Planning Document, including consultation on a proposed Conservation Area boundary, be approved for formal consultation.

CA.90 **IMPROVING CONNECTIONS BETWEEN NORTHALLERTON HIGH STREET AND THE PRISON SITE**

Northallerton North and Brompton

The subject of the decision:

This report provided an update on improving connections between Northallerton High Street and the Prison site and sought authority to promote the final plans with key stakeholders for implementation.

Alternative options considered:

None.

The reason for the decision:

Cabinet was satisfied that ensuring strong linkages between the redeveloped prison site and the High Street to maximise their economic potential supported the Council's Vibrant Market Town theme of its Economic Development priority

THE DECISION:

That:-

- (1) the Council promotes the improvement schemes with North Yorkshire County Council, land owners and other key stakeholders; and
- (2) the Council works with key stakeholders to secure funding for implementation of the schemes.

Declaration of Interest

Councillor P R Wilkinson declared a personal non-pecuniary interest as he is appointed by the Authority as a Director of the Prison Site Development Board and he left the room prior to discussion and voting on the above item.

CA.91 **AUDIT OF VILLAGE SERVICES**

All Wards

The subject of the decision:

This report sought approval for the revised Settlement Hierarchy which would form the spatial approach in the emerging Local Plan. In Spring 2016 the Council undertook an audit of facilities and services within each of the settlements within the Settlement Hierarchy. The results of the audit were input into a database which generated a sustainability score for each settlement. A full copy of the Audit of Village Services was attached at Annex A of the report.

Alternative options considered:

None.

The reason for the decision:

The Settlement Hierarchy forms the basis of the spatial strategy for the new Local Plan.

THE DECISION:

That the revised Settlement Hierarchy set out in the Audit of Facilities and Services report be approved.

CA.92 **INWARD INVESTMENT STRATEGY**

All Wards

The subject of the decision:

This report sought approval for the Hambleton District Council Inward Investment Strategy and Action Plan for 2017 to 2022 attached at Annex A of the report.

Alternative options considered:

None.

The reason for the decision:

Cabinet gave approval in November 2016 for the Business and Economy Team to develop an Inward Investment Plan for consideration by Cabinet.

THE DECISION:

That:-

- (1) the Hambleton Inward Investment Strategy and Action Plan be approved;
- (2) feasibility and viability analysis be undertaken on proposed strategic employment sites to inform the development of the Local Plan; and

- (3) a review of progress, which should include measuring performance against Key Performance Indicators, be conducted with the Deputy Leader during 2018/19 and used to inform an Inward Investment Action Plan for 2019 onwards which will be reported to Cabinet.

The meeting closed at 10.30 am

Leader of the Council

Present

Councillor D A Webster (in the Chair)

Councillor	P Bardon	Councillor	J Noone
	M A Barningham		C Patmore
	D M Blades		B Phillips
	S P Dickins		C Rooke
	Mrs B S Fortune		Mrs I Sanderson
	K G Hardisty		

Also in Attendance

Councillor M S Robson

Apologies for absence were received from Councillors

P.28 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 30 March 2017 (P.26 - P.27), previously circulated, be signed as a correct record.

P.29 **PLANNING APPLICATIONS**

The Committee considered reports of the Executive Director relating to applications for planning permission. During the meeting, Officers referred to additional information and representations which had been received.

Except where an alternative condition was contained in the report or an amendment made by the Committee, the condition as set out in the report and the appropriate time limit conditions were to be attached in accordance with the relevant provisions of Section 91 and 92 of the Town and Country Planning Act 1990.

The abbreviated conditions and reasons shown in the report were to be set out in full on the notices of decision. It was noted that following consideration by the Committee, and without further reference to the Committee, the Executive Director had delegated authority to add, delete or amend conditions and reasons for refusal.

In considering the report(s) of the Executive Director regard had been paid to the policies of the relevant development plan, the National Planning Policy Framework and all other material planning considerations. Where the Committee deferred

consideration or refused planning permission the reasons for that decision are as shown in the report or as set out below.

Where the Committee granted planning permission in accordance with the recommendation in a report this was because the proposal is in accordance with the development plan the National Planning Policy Framework or other material considerations as set out in the report unless otherwise specified below. Where the Committee granted planning permission contrary to the recommendation in the report the reasons for doing so and the conditions to be attached are set out below.

THE DECISION:

That the applications be determined in accordance with the recommendation in the report of the Executive Director, unless shown otherwise:-

- (1) 17/00144/FUL - Demolition of barn and construction of two detached dwellings at Land North of Fold House, Main Street, Alne for Ms Suzanne Coning

PERMISSION GRANTED

- (2) 17/00268/OUT - Outline application for a detached dwelling with details of access for existing and proposed dwellings (all other matters reserved) and gates and porch extension to existing dwelling at Hilltop, Dalton for Mr & Mrs M Pollard

PERMISSION GRANTED subject to an additional condition limiting the development to a bungalow.

- (3) 16/02487/FUL - Alterations to dwellinghouse, alterations and change of use to the existing barn/outbuildings to form habitable accommodation with two storey link extension, and alterations to existing barn to form garage with associated alterations to the vehicle hardstanding at Manor Farm, Hill Road, Kirkby In Cleveland for Mr Mark Barratt

DEFER to seek a reduction in size of the link

(The applicant, Mark Barratt, spoke in support of the application.)

- (4) 16/02127/FUL - Construction of three dwellings and associated works (revision to planning application 16/01540/FUL) at Land to the south of Bravener Court, Newton-on-Ouse for Mrs Toni Johnston

PERMISSION GRANTED

(The applicant, Toni Johnston, spoke in support of the application.)

(Brian Young spoke objecting to the application.)

Disclosure of Interest

Councillor Rooke disclosed a pecuniary interest and left the meeting prior to discussion and voting on this item.

- (5) 16/02803/OUT - Outline application (all matters reserved) for the construction of three dwellings at Land to West of Green Acres, The Green, Raskelf for Mr Paul Johnson

PERMISSION GRANTED

(The applicant's agent, Jonathan Saddington, spoke in support of the application).

- (6) 17/00355/FUL - Proposed two bedroomed dwelling at East Villa, Main Street, Shipton by Beningbrough for Mrs Chris Shepherd

PERMISSION GRANTED

- (7) 17/00196/FUL - Demolition of dwelling and construction of 2 bedroom dwelling & 4 bedroom dwelling at White House Cottage, Sinderby for Mrs Sandra Brittain

PERMISSION GRANTED

- (8) 16/02722/REM - Reserved matters application for 5 bungalows, car ports, car parking and associated infrastructure at Land South of White Bear Farm, South Back Lane, Stillington for Mr & Mrs P & K Mandefield

PERMISSION GRANTED

(The applicant's agent, Jonathan Saddington, spoke in support of the application).

- (9) 17/00570/FUL - Construction of a Pig Fattening House for Mr Brian Phillips at Hall Farm, Warlaby

PERMISSION GRANTED

Disclosure of Interest

Councillor B Phillips disclosed a pecuniary interest and left the meeting prior to discussion and voting on this item.

- (10) 16/02254/OUT - Outline planning application for a detached dwelling with garage with all matters except access reserved at Colwell House, Welbury for Mr & Mrs T Johnson

PERMISSION GRANTED

- (11) 16/01573/FUL - Retrospective change of use of dwelling and domestic curtilage for weddings/private functions. Retrospective works include construction of a Riverside Pavilion and use of land for the siting of two temporary marquees and car parking for up to 100 cars at Tanfield House, West Tanfield for Mr Neil Bourne-Arton

PERMISSION GRANTED because the Committee was satisfied that with the imposition of the six conditions suggested by the Environmental Health Officer residential amenity would be adequately safeguarded.

The decision was contrary to the recommendation of the Executive Director.

(The applicant, Mr Bourne-Arton, spoke in support of the application.)

(David Garritt spoke objecting to the application.)

P.30 **EXCLUSION OF THE PUBLIC AND PRESS**

THE DECISION:

That under Section 100A(4) of the Local Government Act 1972, the press and public were excluded from the meeting during consideration of the items of business at minute nos P.31 on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 5 of Part 1 of Schedule 12A of the Act as the Committee was satisfied that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

P.31 **PLANNING CONDITIONS RELATING TO PUBLIC RIGHTS OF WAY - CASTLEGATE AND MOWBRAY PARK DEVELOPMENTS (FORMER YORK TRAILERS SITE), YAFFORTH ROAD, NORTHALLERTON (13/01956/FUL)**

Northallerton North and Brompton

The subject of the decision:

This report provided information on options available to the Council regarding compliance with two conditions imposed on the redevelopment of the former York Trailers site: (a) condition 15, which required a public footpath to be upgraded to allow cyclists to access Northallerton town centre; and (b) condition 16, which required safety mitigation of a pedestrian level crossing of the East Coast Main Line (ECML) on the same public footpath.

Alternative options considered:

The various options for consideration were set out in the report.

The reason for the decision:

The Committee was satisfied that the decision took into account concerns about safeguarding future residents and to ensure that appropriate measures are in place to mitigate any future risk.

THE DECISION:

That:

- (a) the developer is invited to vary condition 15 to refer to the upgrading of the public footpath between the site and Northallerton town centre in accordance with the details approved under 14/00846/DIS, insofar as those works relate to land that is not in third party ownership, accompanied by a Deed of Variation to secure a contribution of not less than £100,000 towards a full upgrade to footway and cycle path;
- (b) the developer is invited to amend their submission under condition 16 (13/01956/DIS16) to include warning measures and is brought before the Planning Committee for decision at the earliest opportunity; and

- (c) subject to prior implementation of all mitigation approved as part of the submission under 13/01956/DIS16, the developer is permitted to allow public access from the development to the footpath in the approved position.

The meeting closed at 4.25 pm

Chairman of the Committee

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The Panel heard from those who had made the allegations and the Councillor against whom the allegations had been made.

Alternative options considered:

Having concluded that two of the allegations were not upheld and therefore warranted no action to be taken, the Panel did not consider any alternative options in relation to these matters.

Having concluded that one of the allegations was upheld, the Panel considered making any of the options outlined in paragraph 3.3 of the Deputy Monitoring Officer's report. The Panel was satisfied that its recommendations would sufficiently address the matter and that none of the alternative options were necessary.

The reason for the decision:

The Panel considered:

- the Deputy Monitoring Officer's report;
- the written and oral submissions of two complainants and their witnesses; and
- the oral submissions of the Town Councillor, his representative and his witness.

The Panel reached the following conclusions:

The Panel considered evidence from the first complainant ("Complaint A") that the Town Councillor had, during two meetings held on 31st October 2016 and 12th December 2016, falsely claimed to be on the Swale and Ure Drainage Board and a member of ACAS. The Panel heard evidence from Complainant A's witness ("W"), who told the Panel that he had had been present at meetings held on 31st October and 12th December 2016, during which the Town Councillor had indicated that he was on the Drainage Board and that he was a member of ACAS. The Panel considered an email addressed to Complainant A from ACAS dated 7th December 2016 which, according to Complainant A, demonstrated that the Town Councillor was not a member of ACAS. The Panel also considered an email addressed to W from the Swale and Ure Drainage Board dated 6th December 2016 which, according to Complainant A, demonstrated that the Town Councillor was not a representative of the Drainage Board.

The Town Councillor informed the Panel that he was referring to his "current and past connections" with the River Wiske Drainage Board and ACAS during public meetings where he was attending as a town councillor with a view to adding weight to his points and to "persuade others to listen". The Town Councillor produced copies of correspondence and notes of meetings of the Drainage Board in 2002-2005 to demonstrate his previous connection. The Town Councillor also produced a letter dated 10th February 2017 inviting him to a Board liaison meeting. The Town Councillor told the Panel that he was aware that ACAS was not a membership body and that he had signed up to an advisory service with the organisation. Copies of emails from ACAS to the Town Councillor were also considered by the Panel.

The Panel concluded that the Town Councillor had made representations during public meetings held on 31st October 2016 and 12th December 2016 in his capacity as a town councillor that he was on the Swale and Ure Drainage Board and that he was a member of ACAS. The Panel was satisfied that, whilst the Town Councillor had a past and current connection to the Drainage Board, he did not currently sit on the Board.

The Panel was satisfied that, whilst the Town Councillor had signed up to an email advisory service from ACAS, this did not constitute a membership. The Panel was satisfied that, by making inaccurate representations in respect of his position on the Drainage Board and ACAS, the Town Councillor brought his office as a member of the Town Council into disrepute.

It followed that, in the Panel's view, the Councillor had breached the Code of Conduct in respect of the allegation made by Complainant A.

The Panel was asked by Complainant A to consider whether the Town Councillor adequately represented constituents of the local area. The Panel was advised by the Deputy Monitoring Officer that the adequate representation of local constituents by their elected Town Councillor was not a matter for investigation under the Code of Conduct and the Panel concluded that this was not a relevant consideration for the purpose of the hearing.

The Panel considered evidence from the second complainant ("Complainant B") that, following a meeting on 21st March 2016, the Town Councillor intimidated or attempted to intimidate Complainant B. Complainant B informed the Panel that, during a meeting of the Town Council, he had cause to stand up and interrupt the Town Councillor while he was speaking. Complainant B alleged that, following that meeting, the Town Councillor had approached Complainant B in the meeting room and said in an aggressive manner "Don't you ever stop me from speaking again or I'll have you". According to Complainant B, there was no one else in the room at the time of the incident and he said nothing in response to the Town Councillor. Complainant B informed the Panel that he left the hall at the same time as the Town Councillor and they walked almost side by side or with the Town Councillor slightly behind him as they exited the building. Complainant B told the Panel that, whilst he had not felt physically threatened by the incident, he was intimidated by the Town Councillor. Complainant B told the Panel that the Town Councillor had said as they were going down the stairs "People out there think the Council is a load of muppets".

The Panel heard evidence from Complainant B's witness "X" who had been present during the Town Council meeting on 21st March 2016. X told the Panel that, following the meeting, she had been on her way to the general office with another witness ("Y"), when she saw the Town Councillor re-enter the main hall and then heard raised voices. X told the Panel that she heard the Town Councillor say "Don't you ever stop me speaking at a public meeting again". X told the Panel that she had asked another witness ("Z") to go and see what was going on. X told the Panel that the Town Councillor and Complainant B were alone for approximately two minutes before Z went into the hall. According to X, the Town Councillor then left the hall and came down the stairs to exit the building. X told the Panel that, as the Town Councillor was walking down stairs, he said "the Council are a bunch of muppets".

The Panel heard evidence from "Y", who told the Panel that she had attended the meeting on 21st March 2016 informally as part of her preparation to take over duties from Y. Y told the Panel that, following the meeting, she had been going down the stairs with X when she had heard raised voices coming from the hall, although she could not hear what was being said. Y told the Panel that she and X had asked Z to go back to the hall as they were concerned by the raised voices. Y told the Panel that Z entered the hall and, shortly afterwards, the Town Councillor left the hall and walked down the stairs to exit the building. According to Y, she heard the Town Councillor say "the Council is a load of muppets" as he passed her on the stairs.

The Panel heard evidence from “Z”, who told the Panel that he had been present during the meeting on 21st March 2016 and was halfway down the stairs when X asked him to go back to the main hall. Z told the Panel that, on arriving in the doorway to the hall, he had seen the Town Councillor talking to Complainant B. Z told the Panel that the Town Councillor was stood in Complainant B’s personal space and was pointing a finger towards the ground as he was speaking. Z told the Panel that he thought the Town Councillor had used “the odd swearword” during the verbal exchange with Complainant B.

The Town Councillor told the Panel that, during the meeting on 21st March 2016, Complainant B had stood up while the Town Councillor was speaking on an item. The Town Councillor told the Panel that he believed what he had been saying was beneficial to the debate but, in accordance with protocol, he stopped speaking when Complainant B stood up. The Town Councillor told the Panel that, following the meeting, he was alone in the hall with Complainant B when he said to Complainant B “Do not stop me when I’m speaking, you should listen and not try to stop the debate”. The Town Councillor denied saying “or I’ll have you” and denied being aggressive towards Complainant B. The Town Councillor told the Panel that he had said to Complainant B “Residents are calling the Council the muppet show” as he had heard comments to that effect from members of the public present at the meeting. The Town Councillor told the Panel that Y had not been present during the meeting of 21st March 2016 and her attendance was not recorded on the minutes.

The Panel heard evidence from another witness (“Q”), who had been present during the meeting held on 21st March 2016. Q told the Panel that, following the hearing, he had been leaving the building with the Town Councillor when the Town Councillor had told him he was going to go speak to Complainant B. Q then told the Panel that he had left the building and waited for the Town Councillor outside the main entrance. Q told the Panel that he did not hear the conversation between the Town Councillor and Complainant B. Q told the Panel that Y was not present during the meeting on 21st March 2016. However, after noting Y’s evidence and the evidence of X and Z who had recollected Y’s presence during and after the meeting the Panel was satisfied that Y had attended the meeting in an informal capacity.

The Panel concluded that the evidence of Complainant B and the Town Councillor was consistent to the effect that the Town Councillor stopped speaking during the meeting when Complainant B stood up. In consequence, the Panel was not satisfied that the Town Councillor failed to show respect to other town councillors during a meeting on 21st March 2016.

The Panel was satisfied that the Town Councillor had approached Complainant B after the meeting on 21st March 2016 and had said something to the effect that Complainant B should not stop him speaking in debate. The Panel was not satisfied on the balance of probability that the Town Councillor said “or I’ll have you” and the Panel was not satisfied that the Town Councillor had sworn at Complainant B or that his physical actions were aggressive. The Panel was therefore not satisfied that the Town Councillor had intimidated or attempted to intimidate Complainant B.

The Panel concluded that the Town Councillor had made a comment on how the Town Council was viewed by the public as he was leaving the building following the meeting on 21st March 2016. The Panel noted that the comment was not made in a public meeting and that no members of the public were present. The Panel was not satisfied that the Town Councillor, in making the comment, had failed to show respect to other town councillors.

It followed that, in the Panel's view, the Town Councillor had not breached the Code of Conduct in respect of the allegations made by Complainant B.

THE DECISION:

The Panel recommends to the Town Council that the complaint be upheld in relation to the allegation that the Town Councillor conducted himself in a manner which could bring the Town Council or the Town Councillor's office as a Member of the Town Council into disrepute. The Panel recommends to the Town Council that the Town Councillor undertake training on the Town Council's Code of Conduct.

The Panel recommends to the Town Council that the complaint not be upheld in relation to the allegations that the Town Councillor intimidated or attempted to intimidate another town councillor.

The Panel recommends to the Town Council that the complaint not be upheld in relation to the allegations that the Town Councillor acted in a way which failed to show respect to other town councillors.

The Panel recommends that the Town Council be notified of the Panel's findings.

The meeting closed at 1.05 pm

Chairman of the Panel

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Present

Councillor G W Dadd Councillor Mrs J Watson
R Kirk

Independent Person

Mr D Rudd (Independent Person)

Parish Council Representative

Parish Councillor Mrs C Artingstoll

SHP.10 **ELECTION OF CHAIRMAN**

THE DECISION:

That Councillor G W Dadd be elected Chairman for duration of the meeting.

(Councillor G W Dadd in the Chair)

SHP.11 **EXCLUSION OF THE PRESS AND PUBLIC**

THE DECISION:

That under Section 100A(4) of the Local Government Act 1972, the press and public were excluded from the meeting during consideration of the items of business at minute no SHP.12 on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act as the Panel was satisfied that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

SHP.12 **ALLEGATIONS ABOUT A TOWN COUNCIL MEMBER**

The subject of the decision:

The Panel considered an application from the Town Council Member seeking an adjournment. The Town Council Member told the Panel that due the hearing starting later than had been anticipated his representative had been unable to stay and that he was not adequately prepared to represent himself.

Alternative options considered:

The Panel considered whether to continue in the absence of the Town Council Member's representative however the Panel concluded that to do so would not be in the interests of holding a fair hearing.

The reason for the decision:

The Panel concluded that, in the interests of holding a fair hearing and to enable the Town Council Member to make appropriate arrangements for his representation or to adequately prepare to represent himself, the meeting would be adjourned.

THE DECISION:

That Panel concluded the matter should be adjourned to a date and time to be confirmed.

The meeting closed at 1.25 pm

Chairman of the Panel

Minutes of the reconvened meeting of the
STANDARDS HEARINGS PANEL held at 10.30 am
on Thursday, 20th April, 2017 at Meeting Room 2,
Civic Centre, Stone Cross, Northallerton

Councillor G W Dadd
R Kirk

Councillor Mrs J Watson

Independent Person

Mr D Rudd (Independent Person)

Parish Council Representative

Parish Councillor Mrs C Artingstoll

SHP.13 **EXCLUSION OF THE PRESS AND PUBLIC**

THE DECISION:

That under Section 100A(4) of the Local Government Act 1972, the press and public were excluded from the meeting during consideration of the items of business at minute no SHP.14 on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act as the Panel was satisfied that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

SHP.14 **ALLEGATIONS ABOUT A TOWN COUNCIL MEMBER**

The subject of the decision:

The Deputy Monitoring Officer reported that notification had been received that the complainee and one of the complainants were unable to attend the reconvened hearing. The parties had confirmed they would all be able to attend a hearing on 15 May 2017.

Alternative options considered:

The Panel considered whether to continue in the absence of the relevant parties, however, the Panel concluded that to do so would not be in the interests of holding a fair hearing.

The reason for the decision:

The Panel considered the Deputy Monitoring Officer's verbal report and concluded that, in the interests of having a fair hearing and for all relevant parties to have the opportunity to attend and present their cases, the meeting would be formally closed and the matter relisted. The Panel noted the importance of having the matter dealt with in a timely manner and it further noted that if the parties were no longer able to attend on 15 May 2017 it was always open to the Panel to consider at that time whether it was appropriate to proceed in their absence.

THE DECISION:

That the Panel formally close the meeting to enable the matter to be relisted and considered at a meeting of the Panel on 15 May 2017.

The meeting closed at 10.45 am

Chairman of the Panel