

Committee Administrator: Democratic Services Officer (01609 767015)

Monday, 10 July 2017

Dear Councillor

**NOTICE OF MEETING**

Meeting           **COUNCIL**  
Date               **Tuesday, 18 July 2017**  
Time               **2.00 pm**  
Venue              **Council Chamber, Civic Centre, Stone Cross, Northallerton**

Yours sincerely

*J. Ives.*

Dr Justin Ives  
Chief Executive

To:               All Members of Hambleton District Council

## **AGENDA**

### **Page No**

1. MINUTES 1 - 8  
To confirm the minutes of the meeting held on 23 May 2017 (C.33 - C.37) and the Annual Meeting of Council held on 23 May 2017 (C1.C.5), attached.
2. APOLOGIES FOR ABSENCE
3. ANNOUNCEMENTS BY THE CHAIRMAN OR CHIEF EXECUTIVE
4. STATEMENT OF THE LEADER AND REFERRALS FROM CABINET 9 - 14  

<u>Date of Meeting</u>	<u>Minute Nos</u>
4 July 2017	CA.6 to CA.9
5. CABINET PORTFOLIO STATEMENTS
  - a) Statement from the Portfolio Holder for Economic Development and Finance 15 - 16
  - b) Statement from the Portfolio Holder for Leisure 17 - 18
  - c) Statement from the Portfolio Holder for Governance 19 - 20
  - d) Statement from the Portfolio Holder for Planning 21 - 22
  - e) Statement from the Portfolio Holder for Environmental Health, Waste and Recycling 23 - 24
6. QUESTION TIME  
None received.
7. MEMBERS' ALLOWANCES SCHEME 25 - 32  
Report of the Director of Law and Governance (Monitoring Officer)
8. APPOINTMENT TO THE PARKING AND TRAFFIC REGULATION OUTSIDE LONDON ADJUDICATION JOINT COMMITTEE 33 - 34  
Report of the Chief Executive
9. COMMUNITY GOVERNANCE REVIEW - BEDALE AND AISKEW 35 - 36  
Report of the Chief Executive
10. CHANGE OF NAME - EXELBY, LEEMING AND NEWTON PARISH COUNCIL 37 - 38  
Report of the Chief Executive
11. NOTICES OF MOTION  
None received.

# Agenda Item 1

Minutes of the meeting of the COUNCIL held at  
2.00 pm on Tuesday, 23rd May, 2017 at Council  
Chamber, North Yorkshire County Council, County  
Hall, Northallerton

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## Present

Councillor J Noone (in the Chair)

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

## Also in Attendance

Honorary Alderman	J E Fletcher	Honorary Alderman	Mrs J Imeson, OBE
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Apologies for absence were received from Councillors R W Hudson, R Kirk and A Wake

### C.33 **MINUTES**

#### **THE DECISION:**

That the minutes of the meeting held on 4 April 2017 (C.30 - C.32), previously circulated, be signed as a correct record.

### C.34 **ANNOUNCEMENTS BY THE CHAIRMAN OR CHIEF EXECUTIVE**

The Chairman presented a cheque in the sum of £1000 to Linda Stead, a representative from the Yorkshire Air Ambulance, as the recipient of funds raised on behalf of the Chairman's charity which the Chairman had supported during his term of office.

### C.35 **COMMUNITY GOVERNANCE REVIEW - CONSULTATION RESPONSES**

Bedale Ward

The Chief Executive presented a report setting out the consultation responses received in respect of the Community Governance arrangements for two parishes, namely Bedale and Aiskew, and sought approval of the recommendation that there be no changes to the current community governance and electoral arrangements.

**THE DECISION:**

That Council approves the continuation of the existing community governance and electoral arrangements for the existing parishes of Bedale and Aiskew, as it was satisfied that the existing arrangements properly reflected the identities and interests of the community, and were effective and convenient.

C.36 **THE LOCAL AUTHORITIES (STANDING ORDERS) (ENGLAND) (AMENDMENT) REGULATIONS 2015 - INVESTIGATION OF STATUTORY OFFICERS**

All Wards

The Chief Executive presented a report which provided explanatory guidance on the provisions of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 and its implications on the Council's current arrangements. The report recommended to Council amendments to the Disciplinary Committee and sought approval for a new Appeals Panel.

**THE DECISION:**

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 the report;
- (3) the functions set out in paragraph 3.5 of the 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 the 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; and
- (8) the Director of Law and Governance be given authority to make any consequential changes to the Constitution.

C.37 **HAMBLETON DEVELOPMENT COMPANY LIMITED - CHANGE OF COMPANY NAME**

All Wards

The Chief Executive presented a report which considered changing the company name of the Hambleton Development Company Limited.

**THE DECISION:**

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 (1) above.

The meeting closed at 2.05 pm

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Chairman of the Council

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Minutes of the ANNUAL meeting of the COUNCIL  
held at 2.06 pm on Tuesday, 23rd May, 2017 in the  
Council Chamber, North Yorkshire County Council,  
County Hall, Northallerton

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Present

Councillor J Noone (in the Chair)

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

Also in Attendance

Honorary Alderman	J E Fletcher	Honorary Alderman	Mrs J Imeson, OBE
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Apologies for absence were received from Councillors R W Hudson, R Kirk and A Wake

C.1 **CHAIRMAN**

It was proposed by Councillor N A Knapton and seconded by Councillor Mrs B S Fortune that Councillor D Hugill be elected Chairman of the Council for the ensuing year. There were no other nominations.

**THE DECISION:**

That Councillor D Hugill be elected Chairman of the Council for the ensuing year.

(The Chairman then signed the Declaration of Acceptance of Office and took the Chair).

C.2 **APPOINTMENT OF VICE-CHAIRMAN**

It was proposed by Councillor M S Robson and seconded by Councillor P R Wilkinson that Councillor D M Blades be appointed Vice-Chairman of the Council for the ensuing year. There were no other nominations.

**THE DECISION:**

That Councillor D M Blades be appointed Vice-Chairman of the Council for the ensuing year.

(The Vice-Chairman then signed the Declaration of Acceptance of Office).

C.3 **ANNOUNCEMENTS BY THE CHAIRMAN OR CHIEF EXECUTIVE**

The Chairman announced that he would be supporting Retinal Therapy Unit at James Cook Hospital as his chosen charity for his term of office.

C.4 **CABINET MEMBERS AND DELEGATION OF FUNCTIONS**

The Chief Executive presented a report which asked the Leader to inform the Council of the appointments to the Cabinet for 2017/18 and asked the Council to consider approving the Scheme of Delegation for Officers.

**THE DECISION:**

That:-

(a) the appointments to Cabinet by the Leader for 2017/18 be noted as follows:-

Councillor Peter Wilkinson	-	Deputy Leader and Portfolio Holder for Finance and Economic Development
Councillor Mrs Bridget Fortune	-	Portfolio Holder for Leisure
Councillor Mrs Isobel Sanderson	-	Portfolio Holder for Governance
Councillor David Webster	-	Portfolio Holder for Planning
Councillor Steven Watson	-	Portfolio Holder for Environmental Health, Waste and Recycling

(b) that the Scheme of Delegation for Officers be approved.

C.5 **ALLOCATION OF SEATS AND APPOINTMENTS TO COMMITTEES AND OUTSIDE BODIES**

That:-

- (1) the Council appoints the Committees indicated at Annex 'A' of the report;
- (2) proportionality rules be waived in respect of the membership of the Standards Hearings Panel;
- (3) Membership of the Committees be that shown at Annex 'B' of the report;
- (4) Councillors Mrs C S Cookman, S P Dickins, N A Knapton, C Patmore, B Phillips, Mrs J Watson and S Watson be appointed to the Appeals Committee;
- (5) the Council appoints as the Council's representatives on Outside Bodies identified with an asterisk within Annex 'C' of the report those Members indicated against those Outside Bodies;
- (6) the Scrutiny Committee be responsible for crime and disorder issues;
- (7) the Cabinet Portfolio Holder for Planning be appointed as the representative on the North Yorkshire Building Control Partnership;



- (8) the Deputy Leader of the Council be appointed as the District Council's Member of the North Yorkshire Police and Crime Panel; and
- (9) the Cabinet Portfolio Holder for Governance be appointed as the representative on The Parking and Traffic Regulation Outside London Adjudication Joint Committee.

The meeting closed at 2.25 pm

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Chairman of the Council

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## **STATEMENT BY THE LEADER OF THE COUNCIL**

**18 July 2017**

### **Lynne Poulter**

Lynne started working for this authority at 15 in 1974, and after over 42 years has just retired. She has dedicated her whole working life to Hambleton District Council and I would like to put on record our thanks to her and wish her a long and happy retirement.

### **Corporate Peer Challenge**

Over the next few weeks we will receive the final report from the Peer Challenge Team. However, here are a few comments from their initial feedback. This is after the team spent a collective 280 hours in 30 meetings speaking to around 140 people over the 3 days that they were here –

- Positive change of culture of the organisation in last 12 months
- Chief Executive seen as a catalyst who has transformed how the Council works with partners
- Committed and enthusiastic staff
- Strong political and managerial leadership
- Improved visibility of Management Team
- Economic Development is a real strength
- Considered to be a proactive Council by development partners, eg prison site
- Healthy financial position
- Potential for more strategic relationships with partners at district level; opportunity for directors
- Explore and learn from good practice around the country, for example on housing delivery models

Councillor Mark Robson  
July 2017

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**Decisions to be considered by  
Full Council on 18 July 2017**

Decisions of the meeting of the CABINET held  
at 9.30 am on Tuesday, 4th July, 2017 at  
COUNCIL CHAMBER, CIVIC CENTRE,  
STONE CROSS, NORTHALLERTON

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Present

Councillor M S Robson (in the Chair)

Councillor	P R Wilkinson	Councillor	S Watson
	Mrs B S Fortune		D A Webster
	Mrs I Sanderson		

Also in Attendance

Councillor	M A Barningham	Councillor	J Noone
	D M Blades		C Patmore
	Mrs C S Cookman		Mrs J Watson

CA.6 **COUNCIL PLAN 2015 - 2019**

All Wards

**The subject of the decision:**

This report sought approval of a revised Council Plan 2015 to 2019 which demonstrated the Council's vision, purpose and priorities updated for 2017 onwards. A refreshed Council Plan had been approved in September 2016.

**Alternative options considered:**

None.

**The reason for the decision:**

The Council was statutorily obliged to have an active Council Plan.

**THE DECISION:**

That Cabinet approves and recommends to Council the revised Council Plan 2015 to 2019.

CA.7 **2016/17 CAPITAL OUTTURN AND ANNUAL TREASURY MANAGEMENT REVIEW**

All Wards

**The subject of the decision:**

This report presented the capital outturn position for the year ending 31 March 2017 and also provided an update on the annual treasury management position. Capital expenditure was intrinsically linked with treasury management as the way that the Capital Programme was funded, directly affected the treasury management arrangements of the Council.

**Alternative options considered:**

None.

**The reason for the decision:**

To ensure that the overall Capital programme remained affordable and sustainable over the 10 year approved capital plan.

**THE DECISION:**

That Cabinet approves and recommends to Council that:-

- (1) the 2016/17 capital outturn position of £18,951,104 as detailed in paragraph 2.3 and attached at Annex 'A' of the report be noted;
- (2) the over spend of £567,348 and the under spend of £60,868 as detailed in paragraph 2.8 of the report be approved;
- (3) the requests at paragraph 2.9 of the report for re-profiling the capital schemes totalling £742,706 from 2016/17 programme to 2017/18 be approved;
- (4) the request at paragraph 2.10 of the report for re-profiling the additional capital schemes totalling £3,326,742 from 2016/17 programme to 2017/18 be approved as attached at Annex B to the report;
- (5) the Hambleton Leisure Centre Scheme total of £2,606,222 as detailed in paragraph 4.1 of the report be approved;
- (6) the request at paragraph 4.2 of the report for the additional contribution of £308,526 for the Dalton Bridge Scheme and £33,000 for the demolition at Central Northallerton from the Economic Development fund and £30,576 for the management of the demolition site be approved;
- (7) the Treasury Management outturn position 2016/17 as detailed in the report be noted; and
- (8) the Prudential Indicators attached at Annex 'C' of the report be noted.

CA.8 **2016/17 REVENUE AND RESERVE OUTTURN POSITION**

All Wards

**The subject of the decision:**

This report presented the revenue outturn position for the year ending 31 March 2017, which included the position on reserves. The Statement of Accounts, which was the consolidated financial position of the Council for 2016/17, was the responsibility of the Audit and Governance Committee which would meet on 25 July 2017 to approve the Annual Financial Report – Statement of Accounts.

**Alternative options considered:**

None.

**The reason for the decision:**

To comply with the legal requirement under S25 of The Local Government Act 2003 to set a balanced budget and monitor the financial position throughout the year.

**THE DECISION:**

That Cabinet approves and recommends to Council:

- (1) the transfer to the council tax payers reserve of £693,174 as detailed in paragraph 2.5 of the report, which represents the underspend of £482,460, increased business rates received £210,922 and decreased grant received of £208;
- (2) the increase in the use of the One-Off fund at Quarter 4 £189,579, detailed at paragraph 3.5 and attached at Annex B of the report;
- (3) the transfer from the Council Tax payers reserve of £286,547 to the One-Off fund to maintain the £200,000 Financial Strategy requirement;
- (4) the decrease in the reserves position £1,120,285, at paragraph 3.2 and detailed in Annex 'C' of the report;
- (5) the sum of £53,000 from the One-Off fund at paragraph 4.2 to assist in the development of the joint venture company – Central Northallerton Development Company Ltd; and
- (6) the two waiver of procurement rules as detailed in paragraph 5.2 of the report be noted.

CA.9 **COMMUNITY HOUSING FUND GRANT POLICY**

All Wards

**The subject of the decision:**

This report sought approval for the Council's Community Housing Fund Grant Policy which set out the criteria for the allocation of this funding to communities and organisations involved in the delivery of Community Led Housing schemes across Hambleton.

**Alternative options considered:**

None.

**The reason for the decision:**

Cabinet was satisfied that the Community Housing Fund Grant Policy would ensure that funding would only be awarded in accordance with the criteria as set out in the policy.

**THE DECISION:**

That Cabinet approves and recommends to Council the Community Housing Fund Grant Policy attached at Annex A of the report.

The meeting closed at 9.55 am

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Leader of the Council



## Statement by the Cabinet Portfolio Holder for Economic Development and Finance

18 July 2017

### **Financial Statement**

- The revenue outturn position for 2016/17 was an underspend of £0.482m, with increased business rates being received of £0.211m. The transfer to reserves therefore was higher than estimated at £0.693m.
- The total capital programme for 2016/17 compared to the revised budgeted capital programme at quarter 3 saw expenditure at 95% - a total of £18.951m.
- The 2016/17 Financial Report – Statement of Accounts was completed and published on the website on 31 May 2017. This is early adoption of the earlier closure requirements that come into legislation next year.

### **Prison Site Progress**

- The new joint venture company has been formed and named as the Central Northallerton Development Company Limited, for which both myself and the Chief Executive have been appointed as Directors.
- Demolition of the site was completed on 7<sup>th</sup> July and York Archaeological Trust has been appointed to undertake the archaeology on the site, this will run alongside a programme of community engagement activities that will include site visits and opportunities for local schools.

### **Vibrant Market Towns**

- Vibrant market town seminar took place for all Members on 27<sup>th</sup> June, following that feedback has been obtained from Members to inform a report to cabinet in September.
- The Vibrant Market Towns Trainee Project Officer (Rowanne Hibbit) commenced her role on 3 July 2017. This is a graduate post which will support the Vibrant Market Towns project.

### **Business Support & Engagement**

- Business support continues to be a strong theme of engagement with our local businesses. The Business Network Support Grant was offered to existing business networks across the district to assist them in supporting their business members. Grants approved to date include:
  - Thirsk and District Business Association £4,000
  - Thirsty Thursday £1,000
  - Easingwold Business Forum £2,933
  - First Monday £1,760
- A successful Hambleton Business Conference was held in Easingwold in May with our highest audience numbers yet and plans are already underway for the 2018 conference, taking place on 11<sup>th</sup> May, again to be held in Easingwold. The theme for the next conference is to explore the risks that businesses face, and this is likely to include topical elements such as Cyber Security.

- The annual Hambleton Business Awards has become an integral part of the Hambleton Calendar. The recent ceremony saw a celebration of local businesses in innovation, customer service and engaging young minds.

### **Graduates and Apprentices**

- The schemes have proven to be a successful mechanism for the Council to work with businesses and support their growth through the development of opportunity for young people. As part of the ongoing commitment to ensure the schemes we provide are relevant and demonstrate good governance these schemes will be reviewed by Scrutiny Committee in the 2017/18 programme.

### **Economic Development Land**

- Feasibility work on the potential for increased employment land in the District continues to be undertaken as part of the development of the Local Plan. This has been supported with input from Members through the joint meeting of the Local Plan Member Working Group and the Members' Economic Development Focus Group.

Councillor Peter Wilkinson  
Portfolio Holder for Economic Development and Finance

## Statement by the Cabinet Portfolio Holder for Leisure

18 July 2017

### **Hambleton Leisure Centre Health & Fitness Project:**

The building works have started on time, with the initial focus being on the foundations and drainage for the extension, as well as starting on the re-fit of the corridor changing rooms. There is a phased approach to closure of areas of the centre so that as much of the service can remain open as possible. Full details of the project, the programme and FAQ's are available from our website.

### **Sports Awards**

This year's Sports Awards have been launched. The deadline for nominations is 6 September. We have included a new category - the 'Inspired for Sport' award - to recognise community clubs or schools that can evidence innovative ways they have encouraged people to participate in physical activity over the last 12 months. Please encourage nominations from your constituents.

### **Walking Football**

In partnership with Age UK North Yorkshire we are working on an exciting project to set up a Walking Football Club in Northallerton – if it's successful we'll look to roll it out to other areas.

### **Community Safety**

The first meeting of the Community Safety Working Group has been arranged for Friday 22 September. The meeting will be chaired by myself and has been set up to keep Members appraised of developments within the service areas of community safety, CCTV and the Prevent Duty, and to provide a steer and a sounding board for these services.

### **Bedale Public Art**

Following public consultation and involvement, a proposal for a piece of public art next to the new link road is now on display until 21 July across the library, leisure centre and schools. The piece has been designed by a father and son team - Brian and George Fell - based at the Yorkshire Sculpture Park. The sculpture comprises a family herd of deer to reflect the medieval deer park at Bedale Hall in times gone by.

### **Sport England – Local Swim Pilot**

We're one of 12 authorities who have been successful in obtaining £300,000 from Sport England to help promote swimming across the district! This is a great endorsement of how we are going to try to improve swimming participation through a range of interventions as diverse as introducing new swimmer-worn technology to having Swim Activators work with key community groups.

### **UCI – Cycling Road World Championships**

You'll be aware of the recent announcement that the world championships are coming to Yorkshire in 2019! Our track record of delivering recent cycling tours – including being the first organisation to safely take a top quality cycling race through a bank holiday fair - has helped persuade the UCI and Welcome to Yorkshire to come to Hambleton, with one of the races to start from Northallerton. Full details have yet to be agreed but this is a massive coup for Yorkshire and this council. World class sport in Hambleton!

Councillor Mrs Bridget Fortune  
Portfolio Holder for Leisure

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## Statement by the Cabinet Portfolio Holder for Governance

18 July 2017

### Electoral Services

Electoral Services have ensured the successful operation of two recent elections including the June General Election.

### ICT

**ICT support for the General Election** - National Cyber Security Centre had identified issues where ICT had to ensure we complied with "Guidance for local authorities during the General Election". Dedicated resources were assigned to do manual filtering for election mailbox.

**ICT support for the Northallerton BID (Business Improvement Districts)** - Successfully launched in June where ICT set up the new database for billing, enabled the Document Imaging System to accept Direct Debt Mandates, and interfaced the Cash System to take BID payments.

**ICT support for Evolution** - Implemented a new firewall and Virtual Private Network solution to enable staff in Evolution to link back to the Civic Centre through the existing internet line. This solution can save a dedicated network line between Evolution and Civic Centre, where the associated savings can be reinvested to have better WiFi connection for the public.

### Customer Services

**Customer Services support to Green Waste Charging** – continued to support the customer through telephone and face to face for queries regarding Green Waste Charging. At the end of June income stood at £720,615 with the take up being 49.8% compared to a target estimate of 45%.

**Customer Services response to Customers** – Average footfall to the Civic Centre, Easingwold and Stokesley area offices is 4,000 a month with March seeing an increase to 5,700. Contact Centre calls are around 8,000 a month with March seeing an increase to 17,400. The increase in March is due to the demand for green waste charging up take and also council tax and business rates demand notices. The benchmarking service provided by GovMetric which creates a league table of customer satisfaction from over 70 Local Authority GovMetric users shows HDC to be in the top 10 for Face to Face and Calls for customer interaction at the end of March 2017.

### Design & Maintenance

Having overseen the successful completion of the demolition at the prison site, completing in early July, I am pleased to report there were no RIDDOR reportable health and safety incidents.

Work has commenced on the construction of the new car park at the Evolution Centre, this is scheduled for completion in mid-August.

The programme of works to respond to the 2016 Fire Risk Assessment of the Civic Centre was successfully completed to schedule and signed off in May. Health and Safety technical support from the section is now being focussed on new arrangements that are being rolled out for Asbestos and Water Systems (Legionella) Management.

Councillor Mrs Isobel Sanderson  
Portfolio Holder for Governance

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## Statement by the Cabinet Portfolio Holder for Planning

18 July 2017

### Local Plan

Local Plan preparation continues and is including additional work for a proposed increase in employment land. Engagement with Members continues through the Local Plan Member Working Group and the draft plan will be brought to Cabinet in December.

### Housing

Preparations are underway for the Hambleton Small Business and Self-Build Conference on 25 July at the Town Hall in Stokesley. This is the second of such events in the area and aims to raise awareness of the Community Housing Fund and Council's Self-Build Register. The event will also create an opportunity to match landowners, developers and builders and offer access to advice on planning process and mortgages. These events are being viewed with interest as sub-regional pilots.

The policy for the allocation of the Council's Community Housing Fund has been agreed in July. This ring-fenced grant of £195,277 will be used across the district to develop community led housing, supporting the set up costs for community organisations, initial feasibility work and project management costs.

### Development Management

Progress is being made with the application to the High Court for an injunction to end the unauthorised use and to prevent re-occupation of a plot of land in Great Broughton, this has been an ongoing issue for a number of years and despite previous enforcement the occupier has remained in residence on the land. Having exhausted all other enforcement options this is the necessary step to remove the risk to highway safety caused by a dangerous site access.

A newly appointed Planning Officer commenced her role within the Development Management Team on 10 July; this role will assist the existing team in focussing on continued improvement and is in response to the government's intention to increase planning fees to ensure better quality service.

Councillor David Webster  
Portfolio Holder for Planning

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## Statement by the Cabinet Portfolio Holder for Environmental Health, Waste and Recycling

18 July 2017

### **Green Waste Update**

Current revenue is at £721,105 as of 27 June with a take up rate of 49.44% or 19,921 properties. With the additional licences purchased by some properties the total percentage take up would equate to 51.13% a fantastic result and a clear indicator of the residents of Hambleton's green credentials.

A fantastic effort by all involved which delivered a project with minimal issues to time and on budget. A great example of our staffs' range of skills and commitment to deliver the best for HDC. Additional revenue raised is being ploughed back into the route rationalisation programme which will see further savings within Waste and Street Scene going forward.

### **Fly Tipping**

A recent incident is being progressed with a view to prosecution to send out a clear message to offenders we will not tolerate this sought of behaviour within Hambleton. Cameras are currently deployed at a number of hot spots and further action is expected as soon as evidence is gathered. We intend to use social media to increase awareness and also encourage residents to come forward and report all incidents as well as encouraging anyone observing these incidents to come forward.

### **Environmental Health**

A number of cases are ongoing mainly regarding noise issues and officers are carrying out further investigations.

### **Current Issue**

Please be aware that Waste and Street Scene are currently experiencing some resourcing issues. This is due to a number of factors however these should be resolved shortly but Members may see some minor reduction in emptying of street side waste bins in the short term. Once again huge thanks to our existing staff who have stepped up to try and ensure any impact is minimal.

Councillor Stephen Watson  
Portfolio Holder for Environmental Health, Waste and Recycling

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## **HAMBLETON DISTRICT COUNCIL**

**Report To:** Council  
18 July 2017

**From:** Director of Law and Governance (Monitoring Officer)

**Subject:** **MEMBERS' ALLOWANCES SCHEME**

All Wards  
Scrutiny Committee

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### **1.0 PURPOSE AND BACKGROUND:**

- 1.1 At a meeting held on 23 May 2017 Council appointed an Appeals Committee in accordance with the provisions of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 and gave authority for the Independent Remuneration Panel to be asked to advise on whether a Special Responsibility Allowance should be paid to the Chairman of the Appeals Committee.
- 1.2 The Council is required to maintain a Members' Allowances Scheme which sets out the types of allowances which will be paid to Members for undertaking their duties as Councillors and also the amount of allowances to be paid. The Scheme is renewed each year with effect from 1 April.
- 1.3 Legislation provides the statutory backdrop for the provision of allowances for Elected Members.
- 1.4 The Local Authorities (Members Allowances) (England) Regulations 2003 require each Authority to decide its scheme and the amounts to be paid under the scheme. Councils are required to establish and maintain an Independent Remuneration Panel to provide advice on its scheme and amounts to be paid, amongst other things. Local Authorities must have regard to this advice although are not bound by the recommendations.
- 1.5 The Independent Remuneration Panel which was appointed in 2013 for a term of four years comprises:-
  - Michael Holford
  - Pat Martin
  - Ian Woods
- 1.6 A consultation exercise was carried out with the Independent Remuneration Panel and the Panel recommends that the Chairman of the Appeals Committee should receive a special responsibility allowance equating to a quantum 0.25 which equates to a payment of £1,512 in the current scheme. A copy of the current scheme is attached for information.

### **2.0 DECISIONS SOUGHT**

- 2.1 The Council is asked to consider the recommendation of the Independent Remuneration Panel regarding the remuneration of the Chairman of the Appeals Committee.

### **3.0 FINANCIAL IMPLICATIONS**

3.1 If approved, the cost of this proposal will be funded within existing budgetary provision.

### **4.0 LEGAL IMPLICATIONS**

4.1 The Local Authorities (Members' Allowances) (England) Regulations 2003 require the Council to establish and maintain and have regard to recommendations of the Independent Remuneration Panel.

### **5.0 EQUALITIES AND DIVERSITY ISSUES**

5.1 Equalities and diversity issues have been considered and there are none associated with this report.

### **6.0 RISK IMPLICATIONS**

6.1 There are no risk management issues relevant to this report.

### **7.0 RECOMMENDATIONS**

7.1 It is recommended that Council considers the recommendation of the Independent Remuneration Panel to award a special responsibility allowance to the Chairman of the Appeals Committee equating to a quantum of 0.25 (£1,512).

GARY NELSON

**Background papers:** Local Authorities (Standing Orders) (England) (Amendment)  
Regulations 2015  
**Author ref:** LAH  
**Contact:** Louise Hancock  
Democratic Services Officer  
Ext: 7015

180717 Members Allowances.docx

## **MEMBERS' ALLOWANCES SCHEME 2017/18**

### **1.0 INTRODUCTION:**

- 1.1 This Scheme has been adopted for the purposes of the Local Authorities (Members' Allowances)(England) Regulations 2003 ("the Regulations").
- 1.2 The Scheme shall continue in force until amended or revoked by the Council.
- 1.3 The Scheme will apply to all Members of the Council.
- 1.4 All Allowances shall be payable for the period from 1 April 2017 until 31 March 2018 unless specified otherwise.
- 1.5 A Member may by notice in writing to the Chief Executive elect to forego his/her entitlement or any part of his/her entitlement to Allowances.

### **2.0 BASIC ALLOWANCES:**

- 2.1 A Basic Allowance as set out in the Annex to this Scheme shall be payable to each elected Member of the Council. The Allowance shall be the same for each elected Member.
- 2.2 Where the term of office of a Member begins or ends otherwise than at the beginning or end of a year his/her entitlement shall be to payment of such part of the Basic Allowance as bears to the whole the same proportion as the number of days during which his term of office as Member subsists bears to the number of days in that year.

### **3.0 SPECIAL RESPONSIBILITY ALLOWANCE:**

- 3.1 The Special Responsibility Allowances set out in the Annex to this Scheme shall be payable to the following elected Members in addition to the Basic Allowance:-

Leader  
Deputy Leader  
Chairman of Council  
Minority Party Leader (only applicable to a group of 5 or more Members)  
Chairman of the Audit, Governance and Standards Committee  
Chairman of Planning Committee  
Chairman of Scrutiny Committee  
Chairman of Licensing Committee  
Cabinet Member

- 3.2 A "Minority Party Leader" is a leader of a political group which is not the controlling group as defined in Regulation 5(2) of the Regulations.
- 3.3 Where a Member does not have throughout the whole of the year any special responsibilities as entitle him/her to a Special Responsibility Allowance, his/her entitlement shall be to payment of such part of the Special Responsibility Allowance as bears to the whole the same proportion as the number of days during which he/she has such special responsibilities bears to the number of days in that year.

#### **4.0 DEPENDANT' CARER'S ALLOWANCE:**

4.1 The Dependant Carer's Allowance set out in the Annex to this Scheme shall be payable to all elected Members in respect of such expenses of arranging for the care of their children or dependants as are necessarily incurred in respect of:-

- (a) the attendance at a meeting of the Council or of any Committee or Sub-Committee of the Council, or of any body to which the Council makes appointments or nominations, or of any Committee or Sub-Committee of such a body;
- (b) the attendance at any other meeting, the holding of which is authorised by the Council, or a Committee or Sub-Committee of the Council or a Joint Committee of the Council and one or more Local Authorities within the meaning of Section 270(1) of the Local Government Act 1972, or a Sub-Committee of such a Joint Committee, provided that:-
  - (i) where the Council is divided into two or more political groups it is a meeting to which Members of at least two such groups have been invited; or
  - (ii) if the Council is not so divided, it is a meeting to which at least two Members of the Council have been invited;
- (c) the attendance at a meeting of any association of Authorities of which the Council is a member;
- (d) the attendance at a meeting of the Executive or a meeting of any of its Committees;
- (e) the performance of any duty in connection with the discharge of any function of the Authority conferred by or under any enactment and empowering or requiring the Council to inspect or authorise the inspection of premises;
- (f) attendance at:-
  - (i) meetings of Parish Councils;
  - (ii) meetings of a public nature where attendance is of value in carrying out the Members' community role;
  - (iii) meetings with constituents;

where the meeting is within the Members' Ward, undertaken as part of the Members' duties and the expenses are not reimbursed from some other source;

- (g) attendance at any meeting arranged by any other body on which the Member represents the Council where that other body is not reimbursing the Member.

4.2 For the purposes of this Section, "Authority" means an Authority of any description specified in sub-paragraphs (a) to (c) of Regulation 3(1) of the Regulations.

#### **5.0 TRAVELLING, SUBSISTENCE AND ACCOMMODATION ALLOWANCE:**

5.1 The Travelling, Subsistence and Accommodation Allowance set out in the Annex of this Scheme as amended from time to time by Section 7 of the Scheme shall be payable to all Members and Independent Persons in respect of:-

- (a) the attendance at a meeting of the Council or of any Committee or Sub-Committee of the Council, or of any other body to which the Council makes appointments or nominations, or of any Committee or Sub-Committee of such a body;

- (b) the attendance at any other meeting, the holding of which is authorised by the Council, or a Committee or Sub-Committee of the Council, or a Joint Committee of the Council and one or more Local Authorities within the meaning of Section 270(1) of the Local Government Act 1972, or a Sub-Committee of such a Joint Committee provided that:-
  - (i) where the Council is divided into two or more political groups it is a meeting to which Members of at least two such groups have been invited; or
  - (ii) if the Council is not so divided, it is a meeting to which at least two Members of the Council have been invited;
- (c) the attendance at a meeting of any association of Authorities of which the Council is a member;
- (d) the attendance at a meeting of the Executive or a meeting of any of its Committees;
- (e) the performance of any duty in connection with the discharge of any function of the Authority conferred by or under any enactment and empowering or requiring the Council to inspect or authorise the inspection of premises;
- (f) attendance at:-
  - (i) meetings of Parish Councils;
  - (ii) meetings of a public nature where attendance is of value in carrying out the Members' community role;
  - (iii) meetings with constituents;

where the meeting is within the Members' Ward, undertaken as part of the Members' duties and the expenses are not reimbursed from some other source;
- (g) attendance at any meeting arranged by any other body on which the Member represents the Council where that other body is not reimbursing the Member.

5.2 For the purposes of this Section a Member of a Committee or Sub-Committee of the Council is to be treated as a Member of the Council.

## **6.0 INDEPENDENT PERSONS:**

6.1 An Independent Person's Allowance as set out in the Annex to this Schedule as amended from time to time shall be payable to the Independent Person(s) appointed by the Council.

6.2 Where the appointment of the Independent Person begins or ends otherwise than at the beginning or end of a year his/her entitlement shall be payment of such part of the Independent Person's Allowance as bears to the whole the same proportion as the number of days during which his/her appointment subsists bears to the number of days in that year.

## **7.0 ADJUSTMENT OF ALLOWANCES:**

7.1 Subject to 7.2 all Allowances shall be adjusted with effect from 1 April 2016 and from each subsequent 1 April for the following year in line with any increase agreed locally for staff for that year.

7.2 All Travelling, Subsistence and Accommodation Allowances shall be adjusted from time to time to ensure that they are the same as the equivalent allowance for officers of the Council.

## **8.0 CLAIMS AND PAYMENTS:**

- 8.1 Claims for payment of Allowances shall be made in writing within one month of the date on which entitlement to the Allowances arises.
- 8.2 Payment for Basic, Special Responsibility and Independent Persons' Allowances shall be made in equal monthly instalments on the 25<sup>th</sup> day of the relevant month.
- 8.3 Dependant Carer's Allowance and Travelling, Subsistence and Accommodation Allowance will be paid within one month of receipt of a valid claim.
- 8.4 Where payment of any Allowance has already been made in respect of any period during which the Member concerned is:-
  - (a) suspended or partially suspended from his responsibilities or duties as a Member of the Council in accordance with Part III of the Local Government Act 2000 or regulations made under that Part;
  - (b) ceases to be a Member of the Council; or
  - (c) is in any other way not entitled to receive the Allowance in respect of that period such part of the Allowance as relates to any such period shall be repaid to the Council.
- 8.5 Where a Member is also a member of another Authority that Member shall not receive Allowances under this Scheme if he/she is receiving an Allowance from the other Authority in respect of the same duties.



**PAYABLE WITH EFFECT FROM 1 APRIL 2017****ATTENDANCE ALLOWANCES 2017/18**

Members are entitled to receive allowances and expenses when undertaking their duties as Councillors.

The Scheme comprises:-

- a basic allowance per Member;
- additional allowances based on the special responsibilities that some Members have;
- travel and subsistence allowances.

The Scheme is as follows:-

	<b>Quantum</b>	<b>Payment £</b>
Basic	N/A	6,050
Leader	4.00	24,200
Deputy Leader	2.00	12,100
Chairman of Council	0.75	4,538
Minority Group Leader (only applicable to a group of 5 or more Members)	0.25	1,512
Chairman of Planning Committee	1	6,050
Chairman of Audit, Governance and Standards Committee	0.25	1,512
Chairman of Scrutiny Committee	0.75	4,538
Chairman of Licensing Committee	0.25	1,512
Cabinet Member	1.50	9,075
Dependant Carer's Allowance	-	National minimum wage (currently £7.50) with a maximum of 10 hours per week
Independent Persons	-	256

**All Members will receive the Basic Allowance. Those with special responsibilities will receive the Allowances indicated in addition to the Basic Allowance. The Special Responsibility Allowance will be the Basic Allowance multiplied by the Quantum indicated for that Special Responsibility Allowance.**

**No Member can receive more than one Special Responsibility Allowance.**

**SUBSISTENCE RATES**

	<b>£</b>
Breakfast	8.00
Lunch	11.00
Tea (absence after 6.30pm)	5.00
Dinner (absence after 8.30pm)	14.00

**Notes:** Tea or Dinner may be claimed but not both  
The Allowance is irrespective of the actual cost of the meal.

**ACCOMMODATION RATES**

	<b>£</b>
Other	Up to £81
Major Cities	Up to £105
London	Up to £138
Conferences (National Conferences attended by Members and Chief Officers)	Actual Costs

**Note:** Where not included in the accommodation charge, the cost of all meals will be reimbursed up to £20 per meal upon production of receipts. In the absence of receipts, Subsistence Rates will apply.

**TRAVEL RATES****Travel by Member's own private motor vehicle**

Car mileage rate per mile:

Not exceeding 999cc	45p
1000cc – 1199cc	45p
1200cc and above	45p

Motorcycle rate per mile	24.0p
Bicycle rate per mile	20.0p

**Carriage of Passengers to whom a Travelling Allowance would otherwise be Payable**

In respect of each passenger not exceeding four, an additional 3.0p a mile for the first passenger and 2.0p a mile for the second and subsequent passengers.

## **HAMBLETON DISTRICT COUNCIL**

**Report To:** Council  
18 July 2017

**From:** Chief Executive

**Subject:** **APPOINTMENT TO THE PARKING AND TRAFFIC REGULATION OUTSIDE LONDON ADJUDICATION JOINT COMMITTEE**

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### **1.0 PURPOSE AND BACKGROUND:**

1.1 The purpose of this report is to consider replacing the Portfolio Holder for Governance on the North Yorkshire Police and Crime Panel.

### **2.0 THE NORTH YORKSHIRE POLICE AND CRIME PANEL:**

2.1 The Parking Adjudication Joint Committee is made up of all Councils outside London operating Civil Parking Enforcement. It oversees the operation of adjudication “appeals” against parking tickets. The Council has one Member on the Committee and this has traditionally been the Cabinet Portfolio Holder for Governance.

2.2 The report seeks approval to replace the current appointment of Portfolio Holder for Governance with Councillor N A Knapton.

### **3.0 LEGAL IMPLICATIONS:**

3.1 There are no Legal Implications associated with this report.

### **4.0 FINANCIAL IMPLICATIONS:**

4.1 There are no financial implications associated with this report.

### **5.0 EQUALITIES IMPLICATIONS:**

5.1 There are no equalities implications associated with this report.

### **6.0 RECOMMENDATIONS:**

6.1 It is recommended that Councillor N A Knapton be appointed as the representative on The Parking and Traffic Regulation Outside London Adjudication Joint Committee.

DR JUSTIN IVES

**Background papers:** None.  
**Author ref:** GN  
**Contact:** Gary Nelson  
Director of Law and Governance  
Direct Line No: 01069 767012

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## **HAMBLETON DISTRICT COUNCIL**

**Report To:** Council  
18 July 2017

**From:** Chief Executive

**Subject: COMMUNITY GOVERNANCE REVIEW – CONSULTATION RESPONSES ON DRAFT PROPOSALS**

Aiskew, Bedale and Leeming Bar Wards

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### **1.1 PURPOSE AND BACKGROUND**

- 1.1 This report sets out the further consultation responses received in respect of the Council's draft proposals for the community governance arrangements of two parishes, namely Bedale and Aiskew, and seeks approval of the final recommendations 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.
- 1.4 At that meeting the Council considered the consultation responses, which indicated a clear margin of support (62% of respondents) for the continuation of the existing arrangements, and resolved to consult on its draft proposals, namely the continuation of the existing community governance and electoral arrangements for the existing parishes of Bedale and Aiskew.

### **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 As it was required to do the Council consulted on its draft proposals. The consultation included all residents in the two parishes and relevant stakeholders, and took place from 24 May to 23 June 2017 inclusive. Each property was sent a letter containing the draft proposals together with information on how to respond to the further consultation.

**4.0 CONSULTATION RESULTS:**

4.1 The Council received 10 responses to its further consultation. All respondents agreed with the draft proposals, namely to continue with the existing arrangements. This is consistent with the majority of the responses received in the previous consultation.

4.2 Following the conclusion of this further consultation the Council is now required to make its final recommendations on the Community Governance Review.

**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

## **HAMBLETON DISTRICT COUNCIL**

**Report To:** Council  
18 July 2017

**Subject:** **REQUEST BY EXELBY LEEMING AND NEWTON PARISH COUNCIL TO  
CHANGE THE NAME OF EXELBY, LEEMING AND NEWTON PARISH**

**Bedale Ward**

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### **1.0 PURPOSE AND BACKGROUND:**

1.1 This report sets out a request received from Exelby, Leeming and Newton Parish Council for a change of name of the parish and seeks approval of the recommendation to change the name of Exelby, Leeming and Newton parish to Exelby, Leeming and Londonderry parish.

### **2.0 PARISH COUNCIL REQUEST:**

2.1 A request has been received from Exelby, Leeming and Newton Parish Council seeking the District Council's approval for a change of name of Exelby, Leeming and Newton parish. The Parish Council has proposed that the parish should be renamed Exelby, Leeming and Londonderry parish as this provides a clearer description of the relevant geographical area.

2.2 The Parish Council has suggested that the name 'Newton' is not recognised as a postal area and is known only by a small minority of local residents by reference to Newton Manor. Londonderry however is a hamlet within the parish which is not currently identified within the name of the parish. The Parish Council believes this should be rectified. Londonderry is already acknowledged in the name of the local primary school which is called Leeming and Londonderry Community School. The Parish Council also believes the change of name would eliminate any confusion with the village of Newton Le Willows, which is located outside the parish.

2.3 At the request of a Parish Council the District Council has power (pursuant to section 75 of the Local Government Act 1972) to change the name of a parish, provided no other changes are proposed. The Parish Council's request is limited to the change of name of the parish and, therefore, can be considered and implemented by the District Council without the need for a Community Governance Review.

2.4 The Parish Council has consulted with the residents of the parish to seek their views on the proposed change of name. The Parish Council reports that it has received no adverse comments from local residents to the proposal to change the name of the parish.

2.5 Should the District Council approve the recommendation then (pursuant to section 14 of the Local Government Act 1972) the Parish Council's name will automatically change to reflect the new name of the parish, and will thereafter be known as Exelby, Leeming and Londonderry Parish Council.

### **3.0 RISK ASSESSMENT:**

3.1 There are no risks associated with this report.

#### **4.0 FINANCIAL IMPLICATIONS:**

4.1 There are no financial implications associated with this report.

#### **5.0 LEGAL IMPLICATIONS:**

5.1 Section 75 of the Local Government Act 1972 enables a District Council to change the name of a parish where a request is received from a parish council. The 1972 Act does not require a consultation to be undertaken by the District Council when considering such a request. Due consideration however, must be given to the reasons for the request and the outcome of any consultation with residents undertaken by the parish council. These matters are addressed respectively in paragraphs 2.1, 2.2 and 2.4 of the report.

5.2 If the recommendation is approved the District Council is required to produce a notice confirming the change of name of the parish. This must be published within the parish. The District Council is also required to send copies to the Secretary of State, the Director General of the Ordnance Survey and the Registrar General.

#### **6.0 EQUALITY/DIVERSITY ISSUES**

6.1 Equality and Diversity issues have been considered. However there are no issues associated with this report.

#### **7.0 RECOMMENDATION:**

7.1 It is recommended that:

- (1) the parish of Exelby, Leeming and Newton be renamed Exelby, Leeming and Londonderry parish;
- (2) a Notice be published in accordance with the statutory requirements set out in paragraph 5.2 of the report.

JUSTIN IVES

**Background papers:** Request to change the name of the parish from Exelby, Leeming and Newton Parish Council

**Author ref:** GN

**Contact:** Gary Nelson  
Director of Law and Governance  
01609 767012



## MINUTES FOR INFORMATION

<u>Committee</u>	<u>Date</u>	<u>Page</u>
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Licensing and Appeals Hearings Panel	20 June 2017	
	9.30am	67
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**Decisions taken under Cabinet authority  
to take effect on 19 June 2017**

Decisions of the meeting of the CABINET held  
at 9.30 am on Tuesday, 6th June, 2017 in  
SUITE 3, EVOLUTION, COUNTY BUSINESS  
PARK, DARLINGTON ROAD,  
NORTHALLERTON, DL6 2NQ

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Present

Councillor M S Robson (in the Chair)

Councillor	P R Wilkinson Mrs B S Fortune Mrs I Sanderson	Councillor	S Watson D A Webster
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Also in Attendance

Councillor	P Bardon K G Hardisty J Noone	Councillor	C Patmore Mrs J Watson
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CA.1 **MINUTES**

**THE DECISION:**

That the decisions of the meeting held on 11 April 2017 (CA.84 – CA.92), previously circulated, be signed as a correct record.

CA.2 **SPORT ENGLAND FUNDING - HAMBLETON LEISURE CENTRE**

All Wards

**The subject of the decision:**

This report sought approval to enter into a funding agreement with Sport England in support of the Hambleton Leisure Centre project.

**Alternative options considered:**

None.

**The reason for the decision:**

Cabinet was satisfied that entering into the funding agreement with Sport England was in accordance with the Lottery Fund Agreement.

**THE DECISION:**

That Cabinet approves the Sport England grant of £213,000 and the conditions set out in the Lottery Fund Agreement.

CA.3 **PUBLIC OPEN SPACE, SPORT AND RECREATION ACTION PLANS - WEST TANFIELD, NOSTERFIELD AND THORNBOROUGH**

Tanfield Ward

**The subject of the decision:**

This report sought endorsement of the proposed Public Open Space, Sport and Recreation Action Plan for West Tanfield, Nosterfield and Thornborough.

**Alternative options considered:**

None.

**The reason for the decision:**

To comply with the Council's legal responsibility to ensure funding is used in a way consistent with the individual S106 Agreements.

**THE DECISION:**

That the Public Open Space, Sport and Recreation Action Plan for West Tanfield, Nosterfield and Thornborough attached at Annex B of the report be approved.

CA.4 **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 no CA.5 on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 6 of Part 1 of Schedule 12A of the Act as the Cabinet was satisfied that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

CA.5 **INGS LANE**

Stokesley Ward

**The subject of the decision:**

This report sought consideration of a case for an application to the High Court for an injunction to control unauthorised residential occupation of Plot 11, Ings Lane, Great Broughton, and to prevent re-occupation on other land at the wider Ings Lane site.

**Alternative options considered:**

The enforcement options considered were set out in the report.

**The reason for the decision:**

Cabinet was satisfied that the proposed course of action would protect the Council's position regarding any future breaches of planning control.

**THE DECISION:**

That:-

- (1) the Council applies to the Court for an injunction, supported by witness statements from officers of the Council, to require the end of the unauthorised residential uses of land within Plot 11 and to prevent re-occupation of Plot 11 or any land within the wider Ings Lane site as shown on Plan 2 of the report;
- (2) in the event of non-compliance, to take direct action to restore the land in accordance with the terms of the 2013 Enforcement Notice appeal decision; and
- (3) £30,000 be allocated to cover the external legal advice and other potential costs in support of an application for an injunction and direct action from the one-off fund.

The meeting closed at 9.55 am

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Leader of the Council

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**Decisions taken under Cabinet authority  
to take effect on 17 July 2017**

Decisions of the meeting of the CABINET held  
at 9.30 am on Tuesday, 4th July, 2017 at  
COUNCIL CHAMBER, CIVIC CENTRE,  
STONE CROSS, NORTHALLERTON

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Present

Councillor M S Robson (in the Chair)

Councillor	P R Wilkinson	Councillor	S Watson
	Mrs B S Fortune		D A Webster
	Mrs I Sanderson		

Also in Attendance

Councillor	M A Barningham	Councillor	J Noone
	D M Blades		C Patmore
	Mrs C S Cookman		Mrs J Watson

CA.10 **MINUTES**

**THE DECISION:**

That the decisions of the meeting held on 6 June 2017 (CA.1 – CA.5), previously circulated, be signed as a correct record.

CA.11 **"MAKE A DIFFERENCE" GRANTS FUND**

All Wards

**The subject of the decision:**

Following the success of the "Make a Difference Grants Fund" in 2015/16 and 2016/17, another opportunity had arisen to re-invest windfall savings back into the community for 2017/18. This report sought approval for £25,000 of the proposed fund to be allocated to the five community libraries in Bedale, Easingwold, Great Ayton, Stokesley and Thirsk and that the remaining £100,000 be allocated to finance the 2017/18 Making a Difference Grants fund.

**Alternative options considered:**

None.

**The reason for the decision:**

Cabinet was satisfied that this fund would invest in worthy local community projects which would help improve life in neighbourhoods and which would support the work of the voluntary sector.

**THE DECISION:**

That Cabinet approves an allocation of £125,000 from the One-Off fund to be used as follows:-

- (1) £25,000 to award £5,000 to each of the community libraries as detailed within the report; and
- (2) £100,000 to fund a 2017/18 Making a Difference Grants scheme, applying the criteria and timetable as set out in Annex A of the report.

CA.12 **SPORT ENGLAND FUNDING – SWIM LOCAL**

All Wards

**The subject of the decision:**

This report sought approval for the Council to enter into a funding agreement with Sport England in support of the Swim Local Pilot Project. Such an agreement was normal practice with this scale of external funding. The value of the Fund was £274,525 and before these funds could be released the Council was required to meet the conditions set out in the Lottery Fund Agreement.

**Alternative options considered:**

None.

**The reason for the decision:**

Cabinet was satisfied with the conditions as set out in Lottery Fund Agreement.

**THE DECISION:**

That Cabinet approves the acceptance of the Sport England grant of £274,525 and therein the conditions set out in the Lottery Fund Agreement.

The meeting closed at 9.55 am

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Leader of the Council



Minutes of the meeting of the SCRUTINY  
COMMITTEE held at 2.26 pm on Tuesday, 23rd  
May, 2017 in the Council Chamber, North Yorkshire  
County Council, County Hall, Northallerton

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Present

Councillor D Hugill (in the Chair)

Councillor	Mrs C S Cookman	Councillor	G W Ellis
	M A Barningham		Ms C Palmer
	S P Dickins		Mrs I Sanderson
	C A Dickinson		D A Webster

Also in Attendance

Honorary Alderman	J E Fletcher	Honorary Alderman	Mrs J Imeson, OBE
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Apologies for absence were received from Councillors R W Hudson and A Wake.

SC.1 **ELECTION OF CHAIRMAN**

**THE DECISION:**

That Councillor S P Dickins be elected Chairman of the Committee for the ensuing year.

(Councillor S P Dickins in the Chair)

SC.2 **APPOINTMENT OF VICE-CHAIRMAN**

**THE DECISION:**

That Councillor Mrs C S Cookman be appointed Vice-Chairman of the Committee for the ensuing year.

The meeting closed at 2.28 pm

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Chairman of the Committee

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Minutes of the meeting of the SCRUTINY  
COMMITTEE held at 9.30 am on Thursday,  
29th June, 2017 at Council Chamber, Civic  
Centre, Stone Cross, Northallerton, DL6 2UU

Present

Councillor S P Dickins (in the Chair)

Councillor	Mrs C S Cookman	Councillor	J Noone
	C A Dickinson		Ms C Palmer
	R W Hudson		

Also in Attendance

Councillor M S Robson

Apologies for absence were received from Councillors G W Ellis, K G Hardisty, D Hugill, B Phillips and A Wake.

SC.3 **MINUTES**

**THE DECISION:**

That the minutes of the meeting of the Committee held on 23 March and 23 May 2017 (SC.34 – 35 and SC.1 - SC.2), previously circulated, be signed as a correct record.

SC.4 **REVIEW OF RISK MANAGEMENT**

All Wards

The Head of Service – Finance (s151 Officer) presented the quarterly monitoring report on the strategic risks affecting the Council.

To ensure that strategic risks were appropriately measured and that suitable actions were undertaken to mitigate the effect of each risk it had been agreed that the Scrutiny Committee would receive a quarterly monitoring report.

The Committee enquired as to whether the strategic risks associated with the Prison Development should be included within the monitoring report and officers agreed to look in this issue.

**THE DECISION:**

That the quarterly report on the strategic risks affecting the Council and the actions that are in place to mitigate the impact upon the Council of each risk be noted.

SC.5 **COUNCIL PERFORMANCE 2016/17 (QUARTER 4)**

All Wards

The Head of Service – Finance (s151 Officer) presented a report setting out the Quarter 4 Performance for 2016/17. The Committee asked a number of questions which were responded to at the meeting and where further information was requested it was agreed that the Committee would be provided with this information separately.

The Committee discussed whether benchmarking information would be of benefit within the report and agreed that, where appropriate, this would provide additional information that may be of assistance to the Committee. The Committee was advised that this issue had been identified and discussed by Management Team for inclusion with the 2017/18 report.

**THE DECISION:**

That:-

- (1) progress made against the Council Plan for Quarter 4 of 2016/17, as detailed within Annex A of the report, be noted; and
- (2) it be requested that benchmarking information be included within the Council Performance report, where appropriate.

SC.6 **ANNUAL REVIEW 2016/17 - HAMBLETON HIGHLIGHTS**

All Wards

The Head of Service – Finance (s151 Officer) presented a report which provided a summary of the Council's performance and achievements during 2016/17. The Committee asked a number of questions which were responded to at the meeting and where further information was requested it was agreed that the Committee would be provided with this information separately.

**THE DECISION:**

That the Annual Review report for 2016/17 performance to deliver services to the community be noted.

SC.7 **POLICY REVIEW WORK PROGRAMME 2017/18**

All Wards

The Committee gave consideration to areas of policy review work for 2017/18 and a number of suggestions were discussed at length. These included scrutinising the Planning Department, reviewing the Customer Services policies and systems used for dealing with customer queries and the effectiveness of the transfer of Council's assets to voluntary organisations such as The Forum, Dog Wardens, enforcement of fly-tipping, the Prison Development.

The Committee noted that there were two topics for in-depth policy review remaining on the Committee's work programme from 2016/17, namely the Graduate and Apprentice Scheme and Green Waste. It was reported that there would be a full review of Green Waste in 2018 and therefore it was not considered appropriate to carry out a review on Green Waste at the present time.

The Committee accepted that a number of the suggested topics for review would require further discussion to identify and clarify which specific policies would be relevant for further in-depth review and brought back to a future meeting for further debate.

Members suggested three topics be prioritised for in depth review, these being the Graduate and Apprentice Scheme, the enforcement policy on fly-tipping and the effectiveness of the transfer of Council assets to voluntary organisations.

The Committee requested that a Project Plan for the review on the Graduate and Apprentice Scheme be produced for consideration at the Committee's next meeting on 27 July 2017.

**THE DECISION:**

That a draft project plan be produced for the in-depth policy review on the Graduate and Apprentice Scheme for consideration at the Committee's next meeting on 27 July 2017.

The meeting closed at 10.30 am

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Chairman of the Committee

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Present

Councillor D Hugill (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		D A Webster
	K G Hardisty		

Also in Attendance

Honorary Alderman	J E Fletcher	Honorary Alderman	Mrs J Imeson, OBE
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An apology for absence was received from Councillor A Wake

P.1 **ELECTION OF CHAIRMAN**

**THE DECISION:**

That Councillor P Bardon be elected as Chairman of the Committee for the ensuing year.

(Councillor P Bardon in the Chair)

P.2 **APPOINTMENT OF VICE-CHAIRMAN**

**THE DECISION:**

That Councillor J Noone be appointed Vice-Chairman of the Committee for the ensuing year.

The meeting closed at 2.31 pm

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Chairman of the Committee

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Present

Councillor P Bardon (in the Chair)

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

Also in Attendance

Councillor	G W Ellis	Councillor	S Watson
	N A Knapton		

An apology for absence was received from Councillor A Wake

P.3 **MINUTES**

**THE DECISION:**

That the minutes of the meetings of the Committee held on 27 April 2017 (P.28 - P.31) and 23 May 2017 (P.1 - P.2), previously circulated, be signed as correct records.

P.4 **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) 17/00382/FUL - Demolition of existing storage sheds and construction of five detached houses, with associated garages and access road at The Old Station Yard, Station Road, Alne for Mr A Adamson & Mrs S Adamson

PERMISSION REFUSED

(The applicant's agent, Mr Jon Beeson, spoke in support of the application).

- (2) 16/02214/MRC - Variation of condition 2 to increase the number of units by 27 (to read 49 static caravans and 4 twin unit lodges) & condition 6 (approved plans) to previously approved application 15/01637/FUL (Change of use of agricultural land and siting of 22 static caravans and 4 twin unit lodges) at Burtree Lakes Holiday Park, Little Crakehall for Mr Jack Reynard

PERMISSION GRANTED subject to an additional condition to control the colour of the units.

- (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

PERMISSION GRANTED

The decision was contrary to the recommendation of the Executive Director. The Committee was satisfied that the proposed development would not be harmful to the character and appearance of the host dwelling and the site's relationship with its countryside setting.

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

- (4) 17/00180/OUT - Outline application for residential development at Hill View, Hill Road, Kirkby in Cleveland for Mr & Mrs Timothy & Heather Bone

PERMISSION GRANTED subject to an additional condition stipulating no more than 2 dwellings.

(The applicant's agent, Mr Mike Mealing, spoke in support of the application).

(Parish Councillor Mary Frew spoke on behalf of Kirkby-in-Cleveland Parish Council objecting to the application.)

(Dr John Davies spoke objecting to the application.)

- (5) 16/02674/FUL - Five detached dwellings with garages, associated works and provision of open space for Three Developments Ltd. at Land south of Manor Close and east of Village Road, Low Worsall

PERMISSION GRANTED

(The applicant's agent, Mr Neil Westwick, spoke in support of the application).

(Mrs Debbie Bivens spoke objecting to the application.)

- (6) 17/00053/FUL - Conversion of agricultural building to form a dormer bungalow at Field House, Main Street, Sessay for Ms Louise Broom

PERMISSION GRANTED

- (7) 17/00381/MRC - Application for removal of conditions 2 & 3 attached to Planning Permissions 2/134/6D/PA (outline) and 2/134/6G/PA (reserved matters) - agricultural occupancy condition at Leven Grove Farm, Stokesley Road, Hutton Rudby for Mr Stuart Bainbridge

PERMISSION GRANTED

Disclosure of Interest

Councillors S P Dickins and Mrs B S Fortune disclosed a personal interest and left the meeting prior to discussion and voting on this item.

- (8) 16/02756/REM - Reserved matters submission for details of layout, scale, appearance and landscaping for residential development of 225 dwellings at Land to the north and west of Woodlands Walk, Tanton Road, Stokesley for Kier Living

PERMISSION GRANTED

(The agent, Mr Richard Mowat, spoke in support of the application.)

- (9) 17/00544/FUL - Retrospective application for the demolition of farm building and construction of a dwelling at Land to the west of Ivy House Farm, Thrintoft for Mr Andrew Hutchinson

PERMISSION GRANTED

Note: Councillor D A Webster left the meeting prior to the discussion and voting on item 10.

- (10) 16/02013/OUT - Outline planning application with all matters reserved for a doctors surgery and residential development with associated infrastructure and landscaping at Land off Forge Lane, Tollerton for Mr D Gath, Dr M Potrykus & Dr S Utting

PERMISSION GRANTED subject to a requirement for an 'Overage clause' in respect of the provision of affordable housing.

(The applicant, Mr Daniel Gath, spoke in support of the application.)

(Parish Councillor Ian Jackson spoke on behalf of Tollerton Parish Council objecting to the application.)

(Mr Carl Hunt spoke objecting to the application.)

- (11) 16/02054/FUL - Change of use of doctors' surgery to create a pair of semi-detached bungalows at 5 - 7 Hambleton View, Tollerton for Tollerton Surgery

PERMISSION GRANTED

The meeting closed at 4.55 pm

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Chairman of the Committee

Present

Councillor P Bardon (in the Chair)

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

Also in Attendance

Councillor	Mrs J Watson	Councillor	S Watson
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Apologies for absence were received from Councillors B Phillips and A Wake

P.5 **MINUTES**

**THE DECISION:**

That the minutes of the meeting of the Committee held on 25 May 2017 (P.3 - P.4), previously circulated, be signed as a correct record.

P.6 **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) 17/00829/FUL - Extension to soft drinks factory with associated loading docks and circulation space and landscaping at Caw House, Conygarth Way, Leeming Bar for Cawingredients Ltd

PERMISSION GRANTED

- (2) 17/00757/FUL - Proposed storage barn at Prospect House, 22 Mill Lane, Leeming for Mr & Mrs Faith

PERMISSION REFUSED as no exceptional circumstance or essential requirement had been demonstrated for the construction of a building of this scale outside development limits.

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

(The applicant, Darren Faith, spoke in support of the application.)

(Brenden Howe spoke objecting to the application.)

- (3) 16/02124/OUT - Outline application for the construction of five dwellings with all matters except access reserved at Land south of Cricket Ground, Hornby Road, Great Smeaton for Mr G Tuer

PERMISSION GRANTED subject to an additional condition relating to archaeology

(The applicant's agent, Steve Hesmondhalgh, spoke in support of the application).

- (4) 16/02442/OUT - Outline application with details of access (all other matters reserved) for residential development of up to 75 dwellings at OS Field 9348, Back Lane, Great Broughton for Site Plan UK

PERMISSION REFUSED

(The landowner, Robert Cooper, spoke in support of the application.)

(Michael O'Neill spoke on behalf of Great Broughton Parish Council objecting to the application.)

(Charles Forgan spoke objecting to the application.)

- (5) 17/00585/FUL - Construction of eight house with garages and highway access at Land West of Paddock Close, Tollerton Lane, Huby for Northmead Developments Ltd

PERMISSION GRANTED

- (6) 16/01836/FUL - Construction of 25 dwellings at Land to the north of Hutton Fields and The Wickets, Garbutts Lane, Hutton Rudby for Mr R Baird

PERMISSION GRANTED subject to the satisfactory completion of a planning obligation to secure 40% of units (not less than 10) as affordable housing as defined by LDF policy.

(The applicant's agent, Ian Lyle, spoke in support of the application).

(Allan Mortimer spoke on behalf of Hutton Rudby Parish Council objecting to the application.)

(Dr Derek Simpson spoke objecting to the application.)

- (7) 17/00624/FUL - Conversion of and extension to existing bungalow to form two dwellings; alterations and extensions to two semi-detached cottages; and removal of vehicle repair workshop at Seven Lodge, Post Office Lane, Kirby Wiske for Mr Jason Hurley

PERMISSION GRANTED subject to receipt and consideration of a Yorkshire Water consultation response

(The applicant's agent, Timothy Crawshaw, spoke in support of the application).

- (8) 17/00625/LBC - Listed building consent for alterations and extensions to two semi-detached cottages at Seven Lodge, Post Office Lane, Kirby Wiske for Mr Jason Hurley

PERMISSION GRANTED

- (9) 17/01189/DPA - Demolition of Portal clad, steel framed building to provide additional car parking to evolution business centre at Unit 7, County Business Park, Darlington Road, Northallerton for Hambleton District Council

PERMISSION GRANTED

- (10) 17/00962/MRC - Removal of condition 9 (requirement for affordable housing provision) attached to 15/00905/OUT (Outline Planning Permission for the construction of 8 dwellings) at Chapel Farm, Pickhill for Mr Barningham

PERMISSION GRANTED

(The applicant's agent, Mike Powell, spoke in support of the application).

Disclosure of Interest

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

- (11) 17/00794/FUL - Construction of one detached dwellinghouse and domestic garage at The Paddock, Sandhutton for Mr & Mrs Kane

PERMISSION GRANTED

- (12) 16/02364/REM - Reserved Matters application for 6no dwellinghouses and associated garages (considering access, appearance, layout and scale) relating to Outline Planning Application Permission ref: 15/00408/OUT - for residential development at Land north of The Paddocks, Main Street, Sessay for Daniel Gath Homes

DEFER for further consideration of drainage issues

(David Willoughby spoke on behalf of Sessay Parish Council objecting to the application.)

- (13) 17/00808/FUL - Change of land use to allow 59 pitches for touring caravans at Otterington Caravan Park, South Otterington for Mr G Dale

PERMISSION GRANTED

(The applicant's agent, Robert Barrs, spoke in support of the application).

- (14) 16/02262/FUL - Demolition of two houses and construction of five detached dwellings with associated highway improvements and revised site access at Hillside, Wentworth Avenue, Thormanby for Mr & Mrs A Hogarth

PERMISSION GRANTED

(The applicant's agent, Rob Thickett, spoke in support of the application).

(Philip Marwood spoke objecting to the application.)

- (15) 16/02527/OUT - Outline planning permission for construction of a detached two storey dwelling at The Old Byre, Church Street, Well for Mr & Mrs P Tolmie

PERMISSION GRANTED

The meeting closed at 5.15 pm

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Chairman of the Committee



Minutes of the meeting of the AUDIT,  
GOVERNANCE AND STANDARDS  
COMMITTEE held at 2.36 pm on Tuesday,  
23rd May, 2017 at COUNCIL CHAMBER,  
NORTH YORKSHIRE COUNTY COUNCIL,  
COUNTY HALL, NORTHALLERTON

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Present

Councillor D Hugill (in the Chair)

Councillor	R A Baker	Councillor	C Patmore
	Mrs C S Cookman		Mrs J Watson
	G W Dadd		P R Wilkinson
	N A Knapton		

Also in Attendance

Honorary Alderman	J E Fletcher	Honorary Alderman	Mrs J Imeson, OBE
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AGS.1 **ELECTION OF CHAIRMAN**

**THE DECISION:**

That Councillor N A Knapton be elected as Chairman of the Committee for the ensuing year.

(Councillor N A Knapton in the Chair)

AGS.2 **APPOINTMENT OF VICE-CHAIRMAN**

**THE DECISION:**

That Councillor Mrs C Patmore be appointed as Vice-Chairman for the ensuing year.

The meeting closed at 2.38 pm

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Chairman of the Committee

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Present

Councillor D Hugill (in the Chair)

Councillor	R A Baker	Councillor	S P Dickins
	P Bardon		K G Hardisty
	M A Barningham		N A Knapton
	D M Blades		Mrs J Watson

Also in Attendance

Honorary Alderman	J E Fletcher	Honorary Alderman	Mrs J Imeson, OBE
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An apology for absence was received from Councillor R Kirk.

LC.1 **ELECTION OF CHAIRMAN**

**THE DECISION:**

That Councillor M A Barningham be elected as Chairman of the Committee for the ensuing year.

(Councillor M A Barningham in the Chair)

LC.2 **APPOINTMENT OF VICE-CHAIRMAN**

**THE DECISION:**

That Councillor R A Baker be appointed Chairman of the Committee for the ensuing year.

The meeting closed at 2.35 pm

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Chairman of the Committee

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Present

Councillor M A Barningham (in the Chair)

Councillor R A Baker

Councillor P Bardon

Also in Attendance

Councillor R Kirk

LAHP.1 **APPLICATION FOR THE GRANT OF A PREMISES LICENCE, GREAT AYTON FILLING STATION, 124 GUISBOROUGH ROAD, GREAT AYTON, TS9 6DJ**

Great Ayton Ward

**The subject of the decision:**

The Director of Law and Governance submitted a report seeking consideration of an application for a premises licence in respect of Great Ayton Filling Station, 124 Guisborough Road, Great Ayton, TS9 6DJ. The application sought to authorise the sale of alcohol for consumption off the premises between the hours of 6am and 10pm each day.

**Alternative options considered:**

1. To grant the application as applied for; or
2. To reject the whole or part of the application.

The Panel was satisfied that the licensing objectives were not likely to be adversely affected by the proposed licensable activities provided that appropriate conditions were imposed. Therefore, the Panel concluded that the alternative options were not appropriate in this instance.

**The reason for the decision:**

The Panel considered the representations of the parties both written and oral, the Licensing Act 2003 as amended, the Council's Statement of Licensing Policy and the guidance issued under Section 182 of the Licensing Act 2003.

The Panel gave appropriate weight to the representations submitted by local residents and a Ward Councillor in relation to concerns in respect of anti-social behaviour, littering, noise nuisance, traffic congestion and the lack of parking spaces.

The Panel noted that the licensing regime cannot be used to control activities outside of its remit. The Panel was only concerned with any potential adverse effects likely to be caused by the applicant's proposed licensable activities, namely the sale of alcohol.

The Panel noted the concerns raised by interested parties in relation to highway matters and petrol pumps. However, the Panel concluded that these were not relevant for the purposes of this hearing as they could not be directly attributed to the sale of alcohol. The Panel considered the effect of Section 176 of the Licensing Act 2003, which prohibits the sale of alcohol from excluded premises such as those primarily used for the retailing of petrol. The Panel was satisfied that, even if a licence is held, excluded premises would not be authorised to sell alcohol. On that basis, the Panel concluded that any consideration of the primary use of the premises would be a matter for the relevant enforcement agencies.

The Panel considered a number of additional conditions proposed by the applicant. The Panel was satisfied that it was appropriate to impose some of these conditions in order to alleviate the concerns of the interested parties. The conditions imposed include the use of CCTV equipment, the provision of staff training and restrictions relating to the sale of alcohol.

The Panel was satisfied that, in light of the evidence relating to anti-social behaviour, it was appropriate to require the installation of a colour digital CCTV system with time and date generation. The Panel was satisfied that the recordings should be retained for a minimum of 28 days.

The Panel was satisfied that points of access and egress should be lit in order to increase visibility in and around the premises thereby reducing the risk to public safety.

The Panel was satisfied that the implementation of a staff training programme would promote the licensing objectives.

The Panel was satisfied that the applicant's proposal to prohibit the sale of single cans of beer, lager or cider would further promote the licensing objectives.

The Panel was also satisfied that alcohol for consumption off the premises must be provided in a sealed container.

The Panel noted that the licence would also be subject to all relevant mandatory conditions in addition to any conditions consistent with the applicant's operating schedule.

### **THE DECISION:**

The Panel resolved to grant the application and impose the following conditions:

- 1) A colour digital CCTV system shall be installed within the premises and be operational and recording at all times when licensable activities take place.
- 2) The CCTV equipment shall have constant time/date generation, which must be checked on a regular basis for accuracy.
- 3) CCTV cameras shall be installed to provide adequate cover of all public areas on the premises.
- 4) The CCTV system must be capable of providing quality images of good evidential value. Recordings must be kept for a minimum of 28 days.

- 5) The cameras which provide identification images should be lit to provide true colour rendition.
- 6) Adequate lighting shall be installed at all points of access and egress.
- 7) A documented staff training programme shall be provided to all members of staff in respect of:
  - the operation of the CCTV system;
  - the retail sale of alcohol;
  - the age verification policy;
  - any conditions attached to the premises licence;
  - the permitted licensable activities;
  - the licensing objectives; and
  - the opening hours.Any such record must be kept for a minimum of 1 year.
- 8) No alcohol shall be sold or supplied unless it is in a sealed contained.
- 9) There shall be no sale of single cans of beer, lager or cider from the premises.
- 10) The premises shall operate a Challenge 25 scheme for the sale of alcohol.

The meeting closed at 10.55 am

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Chairman of the Panel

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Present

Councillor M A Barningham (in the Chair)

Councillor R A Baker

Councillor P Bardon

Also in Attendance

Councillor D Hugill

LAHP.2 **APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE VEHICLE LICENCE, CARLTON CARS (N YORKS) LTD**

**The subject of the decision:**

The Director of Law and Governance asked the Panel to consider whether to grant or refuse an application for the renewal of a private hire vehicle licence.

**Alternative options considered:**

The Panel considered granting the application but concluded that the applicant had not demonstrated that the specific circumstances of the case were sufficient to justify departing from the Council's Hackney Carriage and Private Hire Licensing Policy.

**The reason for the decision:**

The Panel considered the officer's report, the applicant's representations, the Council's Hackney Carriage and Private Hire Licensing Policy and the relevant legislation.

The Panel noted that the vehicle in question satisfies the mechanical standards set out in the Council's policy. However, the vehicle reached the general ten year age limit (as prescribed by the policy) in October 2014. The Panel noted that the age limit was adopted in order to promote public safety, reliability and improved high standards of hackney carriage and private hire services in the district.

The applicant relied upon his business model to demonstrate justification for an exception to be made to the general age limit prescribed by the Council's policy. The applicant indicated that his private hire operation exclusively involves school contract work. The applicant also informed the Panel that his vehicles are generally older and purchased at lower prices than other licensed vehicles. He also indicated that his vehicles are never seen on taxi ranks and are not used for social and domestic purposes. The applicant indicated that several of his contracted routes include rural areas with roads in poor condition and involve transporting children who, on occasions, fail to treat the vehicles with respect.

The Panel was satisfied that private hire vehicles licensed by the Council are frequently used to undertake school contract work. The Panel also noted that private hire vehicles are not permitted to ply for hire on a taxi rank. The Panel concluded that the rural nature of the applicant's journeys are not unique within the district and that any disobedience on the part of the applicant's customers would be in keeping with the behaviour experienced by other licensed operators.

The Panel was satisfied that the applicant's passengers were entitled to expect the same standard of safety, reliability and comfort as any other passengers travelling within licensed vehicles in the district. Therefore, the Panel was not satisfied that an exception should be made on the basis of the applicant's clientele.

The applicant made reference to a number of contracts awarded to the applicant by North Yorkshire County Council due to expire in 2018 and 2019. The Panel noted that the contracts were awarded prior to the Council's decision to revise its Hackney Carriage and Private Hire Licensing Policy which introduced the general age limit for licensed vehicles with effect from 1<sup>st</sup> January 2017. The Panel was satisfied that the Council delayed the implementation of the general age limit in order to give the trade sufficient time to manage any financial impact. The Panel was also satisfied that the applicant has been aware of the new policy for at least 16 months. The Panel concluded that the applicant has had sufficient time to ensure compliance with the Council's policy and that his agreements with North Yorkshire County Council do not amount to exceptional circumstances in the context of this application.

**THE DECISION:**

Taking account of the above and having given appropriate weight to the evidence, the Panel was not satisfied that the application could be granted without having a detrimental impact on the policy objectives. Therefore, the Panel decided to refuse the application on the grounds of any reasonable cause in accordance with Section 60 of Local Government (Miscellaneous Provisions) Act 1976.

The meeting closed at 1.55 pm

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Chairman of the Panel

Present

Councillor R A Baker  
P Bardon

Councillor K G Hardisty

Also in Attendance

Councillor M A Barningham

LAHP.3 **ELECTION OF CHAIRMAN**

That Councillor R A Baker be elected Chairman for the duration of the meeting.

(Councillor R A Baker in the Chair)

LAHP.4 **APPLICATION FOR STREET TRADING CONSENT, ANDY'S SNACKS, LEEMING BAR BUSINESS PARK**

Bedale Ward

**The subject of the decision:**

The Director of Law and Governance submitted a report seeking consideration of an application for a Street Trading Consent for Andy's Snacks, Leeming Bar Business Park. The application sought to authorise the sale of food and drink from a mobile catering unit between the hours of 8am and 3pm on Monday to Friday. The proposed locations of the catering unit were identified on a map at Annex A of the officer's report.

**Alternative options considered:**

The Panel considered granting the application but, having satisfied itself that trading from the proposed location would have a likely adverse effect on public safety, the Panel did not consider this to be an appropriate course of action.

**The reason for the decision:**

The Panel considered the report of the Director of Law and Governance, representations of the parties both written and oral, the Council's Street Trading Policy and the relevant legislation.

The applicant informed the Panel that he had received support for his proposals from managers of businesses located on the Leeming Bar Business Park. The applicant believed the proposed locations were convenient and would enable him to provide a service to local businesses without adversely impacting on existing food outlets. The Panel considered evidence from the objectors relating to the inevitable competition between the applicant and existing retailers. The Panel was satisfied that the

objectors' concerns in relation to business competition were not sufficient to justify a decision to refuse consent for a street trading permit. The Panel was satisfied that market forces would provide sufficient safeguards to existing businesses and that the street trading regime was not intended to restrict fair competition between food outlets.

The Panel considered concerns raised by a number of objectors in relation to an apparent litter problem in the area. The applicant informed the Panel that on each of his visits to the proposed locations, he had not seen evidence of a litter problem. The Panel concluded that the applicant is not responsible for existing problems in the area. Furthermore, the Panel was satisfied that the standard conditions place obligations on all permit holders to ensure that the area surrounding the street trading unit is kept in a clean and tidy condition.

The Panel considered concerns raised by an officer of the Council's Business and Economy department relating to overnight parking of lorries in the area. The applicant questioned the relevance of the concern in light of his proposed operating hours. The Panel was satisfied that the applicant is not responsible for existing problems in this regard. The Panel was also satisfied that the applicant's proposed operating hours would be unlikely to exacerbate any problems relating to overnight parking.

The Panel considered representations made by the Council's Corporate Facilities Manager in relation to highway safety concerns. The Panel was informed that the proposed locations were allocated as 'visibility splays' designed to promote public safety. Accordingly, it was argued that the positioning of the vehicle in the proposed locations would obscure the sightlines of drivers approaching the junctions. The Panel was satisfied that the locations were designed to be kept clear from obstruction and that any departure from this would have a likely adverse effect on public safety.

The Panel considered concerns raised by a number of objectors in relation to traffic congestion in the area. The Panel concluded that the applicant's catering unit would be unlikely to have any significant impact on traffic. However, concerns were also raised in relation to the lack of parking spaces available. The Panel was concerned that the applicant's customers may, on occasions, park vehicles on the road or footway in nearby areas. The Panel concluded that this would be likely to obstruct the visibility of road-users.

The Panel concluded that it would not be in the interests of the public to grant consent for the applicant to trade from the proposed locations.

**THE DECISION:**

The Panel resolved to reject the application.

The meeting closed at 3.12 pm

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Chairman of the Panel