

Committee Administrator: Democratic Services Officer (01609 767015)

Monday, 19 February 2018

Dear Councillor

NOTICE OF MEETING

Meeting **COUNCIL**
Date **Tuesday, 27 February 2018**
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 - 4
To confirm the minutes of the meeting held on 12 December 2017 (C.21 - C.25), attached.
2. APOLOGIES FOR ABSENCE
3. ANNOUNCEMENTS BY THE CHAIRMAN OR CHIEF EXECUTIVE
4. VERBAL STATEMENT OF THE LEADER AND REFERRALS FROM CABINET 5 - 14

<u>Date of Meeting</u>	<u>Minute Nos</u>
6 February 2018	CA.45 to CA.54
5. REFERRAL FROM THE AUDIT, GOVERNANCE AND STANDARDS COMMITTEE 15 - 16

<u>Date of Meeting</u>	<u>Minute Nos</u>
23 January 2018	AGS.20
6. CABINET PORTFOLIO STATEMENTS
 - a) Verbal Statement from the Portfolio Holder for Economic Development and Finance
 - b) Verbal Statement from the Portfolio Holder for Leisure
 - c) Verbal Statement from the Portfolio Holder for Governance
 - d) Verbal Statement from the Portfolio Holder for Planning
 - e) Verbal Statement from the Portfolio Holder for Environmental Health, Waste and Recycling
7. QUESTION TIME
None received.
8. COUNCIL TAX 2018/19 17 - 20
To consider the Motion as set out in pursuance to Minute CA.52
9. STATEMENT OF PAY POLICY 2018/19 21 - 30
Report of the Chief Executive
10. MEMBERS' ALLOWANCES SCHEME 2018/19 31 - 44
Report of the Chief Executive
11. DISPENSATION FOR NON ATTENDANCE AT COUNCIL MEETINGS 45 - 46
Report of the Director of Law and Governance (Monitoring Officer)

Agenda Item 1

Minutes of the meeting of the COUNCIL held at
2.00 pm on Tuesday, 12th December, 2017 at
Council Chamber, Civic Centre, Stone Cross,
Northallerton

Present

Councillor D Hugill (in the Chair)

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

Apologies for absence were received from Councillors M A Barningham, S P Dickins and R W Hudson

C.21 **MINUTES**

THE DECISION:

That the minutes of the meeting held on 12 September 2017 (C.14 - C.20), previously circulated, be signed as a correct record.

C.22 **STATEMENT OF THE LEADER AND REFERRALS FROM CABINET**

The Leader moved Cabinet minutes CA.24 - CA.26; CA.32 and CA.38 – CA.41 and made a statement to the Council on the following matters:-

- Major projects which had progressed over the last 12 months: North Northallerton; Dalton Bridge; Sowerby Gateway; Northallerton former Prison site; Northallerton Leisure Centre.
- The third lowest Council Tax authority in the Country.

The Leader presented a retirement gift of a lifetime membership of the Hambleton Leisure Centre to Mr Steve Prentice, Building Services Manager. Steve would retire from the Authority on 20 December 2017 after 36 years and 9 months service. The Leader thanked Steve for his dedication and hard work and wished him well on behalf of the Authority.

THE DECISION:

That the reports, resolutions and recommendations of the following meetings of the Cabinet be received, approved and adopted:-

<u>Body</u>	<u>Date of Meeting</u>	<u>Minute Nos</u>
Cabinet	10 October 2017 7 November 2017 5 December 2017	CA.24 to CA.26 CA.32 CA.38 to CA.41

C.23 **REFERRAL FROM THE AUDIT, GOVERNANCE AND STANDARDS COMMITTEE**

THE DECISION:

That the reports, resolutions and recommendations of the following meeting of the Audit, Governance and Standards Committee be received, approved and adopted:-

<u>Body</u>	<u>Date of Meeting</u>	<u>Minute Nos</u>
Audit, Governance and Standards Committee	24 October 2017	AGS.13 to AGS.14

C.24 **CABINET PORTFOLIO STATEMENTS**

- (a) Councillor P R Wilkinson, Portfolio Holder for Economic Development and Finance made a statement regarding progress on the Dalton Bridge project; Northallerton Prison site progress; Vibrant Market Towns and the Financial Statement
- (b) Councillor Mrs B S Fortune, Portfolio Holder for Leisure made a statement regarding the Sports Awards; Adult Weight Management Contract (Take That Step); Northallerton Leisure Centre Health and Fitness project; QUEST Awards; Sowerby Sports Village; Tour de Yorkshire 2018; Bedale Artwork and Community Safety. Councillor Fortune wished to thank all those involved in the opening of the new fitness suite extension at the Hambleton Leisure Centre which had opened on 11 December.
- (c) Councillor Mrs I Sanderson, Portfolio Holder for Governance made a statement regarding Design and Maintenance; Customer Services and Communications; ICT and the Parking and Traffic Regulations Outside London meeting (PATROL)
- (d) Councillor D Webster, Portfolio Holder for Planning made a statement regarding the Local Plan; Housing and Development Management
- (e) Councillor S Watson, Portfolio Holder for Environmental Health, Waste and Recycling made a statement regarding Green Waste; Fly Tipping; new vehicles; Environmental Health and Bedale Air Quality Management. A question was asked regarding the programme of suspension of the garden waste collections and whether there would be any benefit regarding extending the programme so that suspension would not start until later in the year to take account of changing weather conditions.

C.25 **INDEPENDENT REMUNERATION PANEL**

All Wards

The Director of Law and Governance (Monitoring Officer) submitted a report seeking approval of the membership of the third member of the Independent Remuneration Panel. The term of office for the existing members expired in September 2017 and a recruitment exercise had been undertaken between May and August 2017. However, only two applications had been received from Mr M Holford and Mr R Fishwick. The Local Authorities (Members' Allowances) England) Regulations 2003 stipulated that the Panel comprised at least three independent Members. Following the continuation of the recruitment exercise an application had been received from Mr Stuart Bradnam, Chairman of Romanby Parish Council.

THE DECISION:

That Mr S Bradnam be appointed to the Independent Remuneration Panel for a period of 4 years expiring in September 2021.

The meeting closed at 2.20 pm

Chairman of the Council

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**Decisions to be considered by
Full Council on 27 February 2018**

Decisions of the meeting of the CABINET held
at 9.30 am on Tuesday, 6th February, 2018 at
the COUNCIL CHAMBER, CIVIC CENTRE,
STONE CROSS, NORTHALLERTON

Present

Councillor M S Robson (in the Chair)

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

Also in Attendance

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

An apology for absence was received from Councillor Mrs I Sanderson

CA.45 **COUNCIL TAX DISCOUNT - EMPTY HOMES**

All Wards

The subject of the decision:

This report sought agreement on changes to the Council's current Council Tax empty homes discounts.

Alternative options considered:

Cabinet gave consideration to recommending an alternative policy to the 'Major repair work' or 'structural alteration' discount on empty properties.

The reason for the decision:

Local Authorities had discretion to charge between 0% and 100% Council Tax on properties which were empty. Cabinet was satisfied that this decision would help encourage empty homes back into use as some owners may take action to improve or repair the property sooner thus preventing a negative impact on the neighbourhood.

THE DECISION:

That Cabinet approves and recommends to Council that:-

- (1) with effect from 1 April 2018 the 'Major repair work' or 'structural alteration' discount on empty properties will be reduced from 100% to 50% discount for 6 months with a possible further 6 months on review;

- (2) with effect from 1 April 2018 the discount in respect of unoccupied and substantially unfurnished discounts will be 1 month 100% discount followed by a full 100% charge as detailed in paragraph 1.4.1.2 of the report; and
- (3) with effect from 1 April 2018 the Empty Homes Premium is introduced at the maximum level of 50% where the property has been empty for 2 or more years as detailed in paragraph 1.4.1.3 of the report.

CA.46 **FINANCIAL STRATEGY 2018/19 TO 2027/28**

All Wards

The subject of the decision:

This report considered the Financial Strategy 2018/19 to 2027/28.

Alternative options considered:

None.

The reason for the decision:

To ensure there was a long term financial planning mechanism for the Council. The Financial Strategy supported all the Council's priorities to ensure that all services could be delivered in a way that was affordable and sustainable.

THE DECISION:

That Cabinet approves and recommends to Council the Financial Strategy 2017/18 to 2026/27 attached at Annex A and A(1) of the report.

CA.47 **2017/18 Q3 CAPITAL MONITORING AND TREASURY MANAGEMENT REPORT**

All Wards

The subject of the decision:

This report provided the quarter 3 update at 31 December 2017 on the progress of the Capital Programme 2017/18 and the Treasury Management position. A full schedule of the Capital Programme 2017/18 schemes was attached at Annex A of the report, together with the relevant update on progress of each scheme.

Alternative options considered:

None.

The reason for the decision:

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.

THE DECISION:

That Cabinet approves and recommends to Council:-

- (1) the net decrease of £1,276,256 in the capital programme to £6,087,595 as detailed in Annex B and also in the capital programme attached at Annex A of the report;
- (2) the increase of capital expenditure is funded from earmarked reserves at £461,410 where £138,280 is funded from capital receipts, £95,130 is from the Economic Development Fund and £228,000 is from external grants/contributions;
- (3) the funding allocation to the capital programme as detailed in paragraph 3.1 and 3.2 of the report; and
- (4) the Treasury Management and Prudential Indicators at Annex E of the report.

CA.48 **2017/18 Q3 REVENUE MONITORING REPORT**

All Wards

The subject of the decision:

This report provided an update on the Revenue Budget position of the Council and the reserve funds at the end of December 2017.

Alternative options considered:

None.

The reason for the decision:

It was a 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 budget increase at paragraph 3.2 of the report in Quarter 3 of £204,130 which results in a budget of £7,414,730;
- (2) the allocation of £23,850 from the Economic Development fund at paragraph 6.2 of the report and to note the remaining balance at paragraph 6.3 of the report is £564,725;
- (3) the transfer of £100,000 from the Council Tax Payers Reserve to the One-Off at paragraph 6.4 of the report;
- (4) the allocation from the One-off fund at paragraph 6.5 of the report of £24,412;
- (5) the transfer of £35,590 from salary savings in Planning Policy to the Local Plan Reserve at paragraph 6.10 of the report; and
- (6) to note the three waiver of procurement rules at paragraph 7.2 of the report.

CA.49 **REVIEW OF THE HOUSING ASSISTANCE POLICY**

All Wards

The subject of the decision:

This report provided feedback on the outcome of the consultation on the Council's Housing Assistance Policy and sought approval for Cabinet to recommend that the new policy be submitted to Council on 27 February 2018 for adoption.

Alternative options considered:

None.

The reason for the decision:

Cabinet was satisfied that the feedback received in response to the consultation did not warrant any further changes to the proposed policy and that the policy could be recommended to Council for adoption.

THE DECISION:

That Cabinet approves and recommends to Council that the Housing Assistance Policy be adopted on 27 February 2018.

CA.50 **2018/19 CAPITAL PROGRAMME BUDGET, TREASURY MANAGEMENT STRATEGY STATEMENT AND PRUDENTIAL INDICATORS**

All Wards

The subject of the decision:

This report sought approval for the Capital Programme for the financial years 2018/19 to 2027/28; the 2018/19 Capital Programme and the Treasury Management Strategy Statement, including the Annual Investment Strategy and Minimum Revenue Provision Policy Statement.

Alternative options considered:

None.

The reason for the decision:

To comply with the requirements as set out under the Local Government Act 2003 and the CIPFA Prudential Code.

THE DECISION:

That Cabinet approves and recommends to Council that:-

- (1) the 10 year Capital Programme 2018/19 to 2027/28 at £27,740,093 be approved, as detailed in paragraph 2.2 and attached at Annex 'A' of the report;
- (2) the Capital Programme 2018/19 at £1,744,830 detailed in Annex 'B' of the report be approved for implementation;

- (3) the Treasury Management Strategy attached at Annex 'C' of the report be approved;
- (4) the Minimum Revenue Provision Policy Statement attached in the body of the Treasury Management Strategy Statement Annex 'C' of the report be approved;
- (5) the Prudential and Treasury Indicators attached at Annex 'C' of the report in the body of the Treasury Management Strategy Statement be approved;
- (6) the Treasury Management Scheme of Delegation at Annex 'D' of the report be approved; and
- (7) the Treasury Management role of the S151 Officer attached at Annex 'E' of the report be approved.

CA.51 **REVENUE BUDGET 2018/19**

All Wards

The subject of the decision:

This report presented at a strategic level the revenue budget proposals for the next financial year 2018/19.

Alternative options considered:

None.

The reason for the decision:

To take account of the requirements of the Local Government Finance act 1992 to set a balanced budget and monitor the financial position throughout the year.

THE DECISION:

That Cabinet approves and recommends to Council the revenue budget for 2018/19 at £8,096,170.

CA.52 **COUNCIL TAX 2018/19**

All Wards

The subject of the decision:

This report considered for level of Council Tax for 2018/19 and the policy on reserves. In addition, it provided details of the Council's formula grant settlement for 2018/19 and the Business Rates target for the Retained Business Rates funding mechanism, which was operated as a pool across North Yorkshire.

Alternative options considered:

None.

The reason for the decision:

To maintain the long term viability of the Council's finances and ensure sustainability by investing in community projects as determined by the Council's priorities and supporting the maintenance and enhancement of service delivery. To maintain the integrity of the Council's financial strategy.

THE DECISION:

That Cabinet recommends to Council:-

- (1) That it be noted that on 15 January Hambleton District Council calculated the Council Tax Base for 2018/19:-
 - (a) for the whole Council area as 36,033.05 [Item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended (the "Act")]; and
 - (b) for dwellings in those parts of its area to which a Parish precept relates as in the attached Annex 'A'(1).
- (2) That the Council has calculated the Council Tax requirement for the Council's own purposes for 2018/19 (excluding Parish precepts) as £3,764,733.06
- (3) That the following amounts be calculated for the year 2018/19 in accordance with Sections 31 to 36 of the Local Government Finance Act 1992:-
 - (a) **District/Parish Gross Expenditure**
£48,371,737.76 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish Councils
 - (b) **District/Parish Gross Income (including Government Grants, use of Reserves and Collection Fund Surpluses etc)**
£43,153,866.94 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act
 - (c) **District/Parish Net Expenditure**
£5,217,870.82 being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council in accordance with Section 31A(4) of the Act, as its Council Tax requirement for the year (Item R in the formula in Section 31B of the Act)
 - (d) **Basic Amount of Tax (including average Parish Precepts)**
£144.8079 being the amount at 3(c) above (Item R) all divided by Item T (1(a) above), calculated by the Council in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish precepts)

(e) **Parish Precepts**
£1,453,137.76 being the aggregate of all special items (Parish precepts) referred to in Section 34(1) of the Act (as per Annex 'A')

(f) **Basic Amount of Tax (Unparished Areas)**
£104.4800 being the amount at 3(d) above less the result given by dividing the amount at 4(e) above by Item T (1(a) above), calculated by the Council in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates

(4) **Major Precepting Authorities** That it be noted that the North Yorkshire County Council, the North Yorkshire Fire and Rescue Authority and the Police and Crime Commissioner North Yorkshire will issue precepts to the Council in accordance with Section 40 of the Local Government Finance Act 1992 for each category of dwellings in the Council's area and this will be as indicated in the table below and at Annex 'A'(1).

(5) **Council Tax Bands for All Councils**
Figures for North Yorkshire County Council, North Yorkshire Fire and Rescue Authority and Police and Crime Commissioner North Yorkshire are yet to be determined and will be reported at Council on 27 February 2018.

That the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the aggregate amounts in the tables below as the amounts of Council Tax for 2018/19 for each part of its area and for each of the categories of the dwellings.

Hambleton District Council

Valuation Bands

A	B	C	D	E	F	G	H
£	£	£	£	£	£	£	£
69.65	81.26	92.87	104.48	127.70	150.92	174.13	208.96

North Yorkshire County Council – excluding Adult Social Care

Valuation Bands

A	B	C	D	E	F	G	H
£	£	£	£	£	£	£	£

North Yorkshire County Council – Adult Social Care

Valuation Bands

A	B	C	D	E	F	G	H
£	£	£	£	£	£	£	£

North Yorkshire Fire and Rescue Authority

Valuation Bands

A	B	C	D	E	F	G	H
£	£	£	£	£	£	£	£

Police and Crime Commissioner North Yorkshire

Valuation Bands

A	B	C	D	E	F	G	H
£	£	£	£	£	£	£	£

(6) **Excessive Council Tax**

That the Council determines that the Council's basic amount of Council Tax for 2018/19 (at 3(f) above) is not excessive in accordance with the principles approved under Section 52ZB of the Local Government Finance Act 1992.

(7) The appropriate amount is transferred to the Council Taxpayers Reserve to support the decision at (3) above.

(8) The policy on Balances and Reserves at Annex 'C' is approved.

CA.53 **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.54 on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 3 and 4 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.54 **VAT - PARTIAL EXEMPTION POSITION**

All Wards

The subject of the decision:

This report provided an update on the Value Added Tax partial exemption position of the Council.

Alternative options considered:

The options considered were detailed within the report.

The reason for the decision:

Monitoring the Value Added Tax partial exemption limit contributed to the overall financial position of the Council which assisted in ensuring the Council's service requirements were met which supported the achievement of the priorities set out in the Council Plan.

THE DECISION:

That Cabinet approves and recommends to Council that:-

- (1) external advice is sought on the Value Added Tax and tax implications of the Council's partial exemption limit to understand how to achieve the Council's optimal Value Added Tax position;
- (2) there is the intent to investigate the potential of placing leisure centres into a vehicle;
- (3) £15,000 is allocated from the One-Off Fund; and
- (4) a further report is brought back to Cabinet to report on progress.

The meeting closed at 10.20 am

Leader of the Council

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**Decisions to be considered by
Full Council on 27 February 2018**

Minutes of the meeting of the AUDIT,
GOVERNANCE AND STANDARDS
COMMITTEE held at 9.30 am on Tuesday,
23rd January, 2018 at MAIN COMMITTEE
ROOM, CIVIC CENTRE, STONE CROSS,
NORTHALLERTON

Present

Councillor N A Knapton (in the Chair)

Councillor	C Patmore	Councillor	G W Dadd
	Mrs C S Cookman		Mrs J Watson

Apologies for absence were received from Councillors R A Baker and P R Wilkinson

AGS.20 **AMENDMENT TO THE CONSTITUTION**

All Wards

The subject of the decision:

The Director of Law and Governance (Monitoring Officer) submitted a report seeking consideration of a request to change the Local Code of Conduct for Members and Officers Dealing with Planning Matters, contained within Part 5, Codes and Protocols, of the Council's Constitution.

Alternative options considered:

None.

The reason for the decision:

The amendments were necessary in order to bring the Council's Constitution in-line with current practices.

THE DECISION:

That Council be recommended to amend the Constitution as set out in paragraph 1.4 of the report.

The meeting closed at 10.20 am

Chairman of the Committee

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Agenda Item 8

COUNCIL TAX 2018/19 - To consider the following Motion in pursuance of Minute CA.52:-

That Cabinet recommends to Council:-

- (1) That it be noted that on 15 January Hambleton District Council calculated the Council Tax Base for 2018/19:-
 - (a) for the whole Council area as 36,033.05 [Item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended (the "Act")]; and
 - (b) for dwellings in those parts of its area to which a Parish precept relates as in the attached Annex 'A'(1).
- (2) That the Council has calculated the Council Tax requirement for the Council's own purposes for 2018/19 (excluding Parish precepts) as £3,764,733.06
- (3) That the following amounts be calculated for the year 2018/19 in accordance with Sections 31 to 36 of the Local Government Finance Act 1992:-
 - (a) **District/Parish Gross Expenditure**
£48,371,737.76 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish Councils
 - (b) **District/Parish Gross Income (including Government Grants, use of Reserves and Collection Fund Surpluses etc)**
£43,153,866.94 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act
 - (c) **District/Parish Net Expenditure**
£5,217,870.82 being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council in accordance with Section 31A(4) of the Act, as its Council Tax requirement for the year (Item R in the formula in Section 31B of the Act)
 - (d) **Basic Amount of Tax (including average Parish Precepts)**
£144.8079 being the amount at 3(c) above (Item R) all divided by Item T (1(a) above), calculated by the Council in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish precepts)
 - (e) **Parish Precepts**
£1,453,137.76 being the aggregate of all special items (Parish precepts) referred to in Section 34(1) of the Act (as per Annex 'A')
 - (f) **Basic Amount of Tax (Unparished Areas)**
£104.4800 being the amount at 3(d) above less the result given by dividing the amount at 4(e) above by Item T (1(a) above), calculated by the Council in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates

(4) **Major Precepting Authorities** That it be noted that the North Yorkshire County Council, the North Yorkshire Fire and Rescue Authority and the Police and Crime Commissioner North Yorkshire will issue precepts to the Council in accordance with Section 40 of the Local Government Finance Act 1992 for each category of dwellings in the Council's area and this will be as indicated in the table below and at Annex 'A'(1).

(5) **Council Tax Bands for All Councils**
Figures for North Yorkshire County Council, North Yorkshire Fire and Rescue Authority and Police and Crime Commissioner North Yorkshire are yet to be determined and will be reported at Council on 27 February 2018.

That the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the aggregate amounts in the tables below as the amounts of Council Tax for 2018/19 for each part of its area and for each of the categories of the dwellings.

Hambleton District Council

Valuation Bands

A	B	C	D	E	F	G	H
£	£	£	£	£	£	£	£
69.65	81.26	92.87	104.48	127.70	150.92	174.13	208.96

North Yorkshire County Council – excluding Adult Social Care

Valuation Bands

A	B	C	D	E	F	G	H
£	£	£	£	£	£	£	£

North Yorkshire County Council – Adult Social Care

Valuation Bands

A	B	C	D	E	F	G	H
£	£	£	£	£	£	£	£

North Yorkshire Fire and Rescue Authority

Valuation Bands

A	B	C	D	E	F	G	H
£	£	£	£	£	£	£	£

Police and Crime Commissioner North Yorkshire

Valuation Bands

A	B	C	D	E	F	G	H
£	£	£	£	£	£	£	£

(6) **Excessive Council Tax**

That the Council determines that the Council's basic amount of Council Tax for 2018/19 (at 3(f) above) is not excessive in accordance with the principles approved under Section 52ZB of the Local Government Finance Act 1992.

- (7) The appropriate amount is transferred to the Council Taxpayers Reserve to support the decision at (3) above.
- (8) The policy on Balances and Reserves at Annex 'C' is approved.

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HAMBLETON DISTRICT COUNCIL

Report To: Council
27 February 2018

From: Director of Law and Governance (Monitoring Officer)

Subject: **STATEMENT OF PAY POLICY 2018/19**

All Wards
Scrutiny Committee

1.0 PURPOSE AND BACKGROUND:

1.1 The Council is required to adopt a Statement of Pay Policy each year. This report asks Council to approve the Statement of Pay Policy for the year commencing on 1 April 2018.

2.0 STATEMENT OF PAY POLICY:

2.1 The proposed Statement of Pay Policy is attached. It includes all of the matters required by legislation and Government guidance.

3.0 LEGAL IMPLICATIONS

4.1 The Council is required to approve a Statement of Pay Policy by 31 March for the ensuing year. The Council is obliged to take into account any Government guidance.

4.0 FINANCIAL IMPLICATIONS

4.1 There are no financial implications associated with this report as all sums are budgeted for.

5.0 RISK ASSESSMENT:

5.1 There are no significant risks associated with this report.

6.0 EQUALITIES/DIVERSITY ISSUES:

6.1 There are no significant equalities/diversity issues associated with this report.

7.0 RECOMMENDATION:

7.1 It is recommended that the attached Statement of Pay Policy be adopted with effect from 1 April 2018.

GARY NELSON

Background papers: None
Author ref: GN
Contact: Gary Nelson
Director of Law and Governance (Monitoring Officer)
Ext: 7012

**HAMBLETON DISTRICT COUNCIL –
REVISED STATEMENT OF PAY POLICY 2018/19**

Introduction

Sections 38 – 43 of the Localism Act 2011 require that the authority produce a Policy Statement that covers a number of matters concerning the pay of the authority's staff, principally Chief Officers. This Policy Statement meets the requirements of the Localism Act in this regard and also meets the requirements of guidance issued by the Secretary of State for Communities and Local Government to which the authority is required to have regard under Section 40 of the Act. This Policy was considered and approved by the Full Council at the Council meeting which took place in February 2017. This Policy also has some connection with the data on pay and rewards for staff which the authority publishes under the Code of Recommended Practice for Local Authorities on Data Transparency and the data which is published under The Accounts and Audit (England) Regulations (2011). It should be noted that the requirements to publish data under the Secretary of State's guidance, the Code of Practice and the Regulations do differ. The data requirements of the Code of Practice and the Accounts and Audit Regulations are summarised at Annex 1 to this Policy Statement.

Definition of officers covered by the Policy Statement

This Policy Statement covers the following posts:

1. Head of the Paid Service, which in this authority is the post of Chief Executive.
2. Statutory Chief Officers, which in this authority are the posts of Monitoring Officer and S151 Officer.
3. Non-statutory Chief Officers, (those who report directly to the Head of the Paid Service) which in this authority are the Deputy Chief Executive and Director posts.
4. Any Officer appointed to an Acting or Interim role in respect of the posts identified in paragraphs 1 to 3 above.

Policy on remunerating the Chief Executive and Chief Officers

The authority's basic approach to remunerating Chief Officers is set out in the schedule that is attached to this Policy Statement at Annex 2. It is the policy of this authority to establish a remuneration package for each Chief Officer post that is sufficient to attract and retain staff of the appropriate skills, knowledge, experience, abilities and qualities that is consistent with the authority's requirements of the post in question at the relevant time.

Policy on remunerating the lowest paid in the workforce

The authority applies terms and conditions of employment that have been negotiated and agreed through appropriate local collective bargaining mechanisms or as a consequence of authority decisions. These are then incorporated into contracts of employment. The lowest pay in this authority is equal to an annual salary of £15,164.00 and can be expressed as an hourly rate of pay of £7.86 per hour. This pay point and salary was determined by the authority as part of a pay scale for employees employed on Employment Terms and Conditions negotiated nationally with the recognised trade union, UNISON. The pay rate is increased in accordance with any pay settlements which are agreed with the union.

Policy on the relationship between Chief Officer remuneration and that of other staff

The highest paid salary in this authority is currently £115,370.00 which is paid to the Chief Executive. The median salary in this authority is £18,933.00. The ratio between the two salaries, the 'pay multiple' is 6.09:1. This authority does not have a policy on maintaining or reaching a specific 'pay multiple'. The Chief Executive's salary is negotiated with the Leader of the Council and the other Chief Officers' salaries are negotiated with the Chief Executive. All other employees (save and except Heads of Service whose pay is negotiated by the Chief Executive in accordance with local arrangements) are subject to pay rates determined in accordance with national agreement and the Employment Terms and Conditions. The authority's approach to the payment of all staff is to pay that which the authority needs to pay to recruit and retain staff with the skills, knowledge, experience, abilities and qualities needed for the post in question at the relevant time, and to ensure that the authority meets any contractual requirements for staff including the application of any local collective agreements, or authority decisions regarding pay.

Policy on other aspects of Chief Officer remuneration

Other aspects of Chief Officer remuneration are appropriate to be covered by this Policy Statement. These other aspects are defined as recruitment, pay increases, additions to pay (a car allowance is payable to the Chief Executive and the Deputy Chief Executive respectively of 7% of gross salary), performance related pay, earn back, bonuses, termination payments, transparency and re-employment when in receipt of an LGPS pension or a redundancy/severance payment. These matters are addressed in the schedule that is attached to this Policy Statement at Annex 3. Information on remuneration of Chief Officers as set out in this Policy is published on the Council's website.

Approval of Salary Packages in excess of £100k

The authority will ensure that, at the latest before an offer of appointment is made, any salary package for any post that is in excess of £100k will be considered by Full Council. The salary package will be defined as base salary, any bonuses, fees, routinely payable allowances and benefits in kind that are due under the contract.

Approval of Severance Payments in excess of £100k

The authority will ensure that any severance payment for any post that is in excess of £100k will be considered by Cabinet and the resolution approved by Full Council. The components of the relevant package, including salary paid in lieu, redundancy compensation, pension entitlements, holiday pay and any bonuses, fees or allowances to be paid will be set out clearly.

Flexibility to address recruitment issues for vacant posts

In the vast majority of circumstances the provisions of Annex 2 will enable the authority to ensure that it can recruit effectively to any vacant post. There may be exceptional circumstances when there are recruitment difficulties for a particular post and where there is evidence that an element or elements of the remuneration package are not sufficient to secure an effective appointment. This Policy Statement recognises that this situation may arise in exceptional circumstances and therefore a departure from Annex 2 can be implemented without having to seek full Council approval for a change of the Policy Statement. Such a departure will be expressly justified in each case and will be approved by the Leader and Chief Executive or in the case of the Chief Executive a special meeting of Cabinet.

Amendments to the Policy

It is anticipated that this Policy will not need to be amended during the period it covers (until the end of March in the current financial year). However, if circumstances dictate that a change of policy is considered to be appropriate during the year then a revised draft Policy will be presented to Cabinet with the resolution sent to Full Council for approval.

Policy for future years

This Policy Statement will be reviewed each year and will be presented to Full Council each year for consideration in order to ensure that a Policy is in place for the authority prior to the start of each financial year.

Annex 1

The Secretary of State for CLG Code of Recommended Practice for Local Authorities on Data Transparency indicates that local authorities should publish the following data concerning staff:

- Salaries, names (with an option for individuals to refuse to consent to this), job descriptions, responsibilities, budgets (including overall salary cost of staff reporting), and numbers of staff for all staff in receipt of a salary of more than £50,000.
- An organisational chart of the staff structure of the authority including salary bands.
- The 'pay multiple' – the ratio between the highest paid salary and the median salary of the whole authority workforce.

The Accounts and Audit (England) Regulations 2011 require that the following data is included in the authority's accounts:

- Numbers of employees with a salary above £50k per annum (pro-rata for part-time staff) in multiples of £5k.
- Job title, remuneration and employer pension contributions for senior officers. Senior officers are defined as Head of Paid Service, Statutory Chief Officers and Non-Statutory Chief Officers by reference to Section 2 of the 1989 Local Government & Housing Act.
- Names of employees paid over £150k per annum

For the above remuneration is to include:

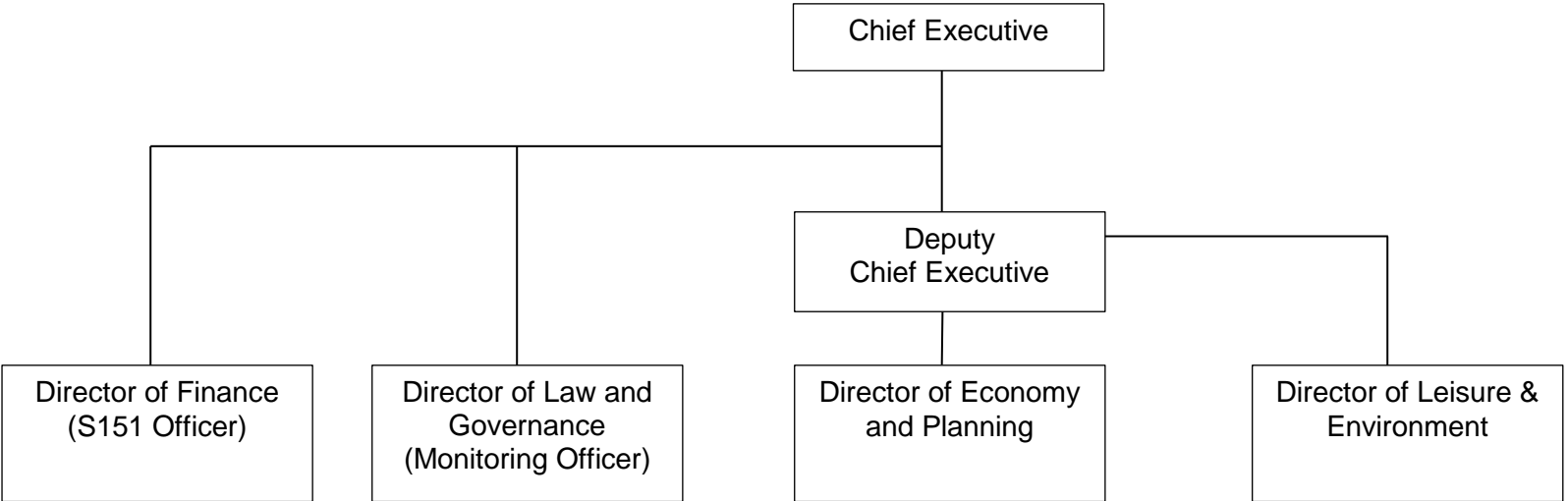
- Salary, fees or allowances for the current and previous year
- Bonuses paid or receivable for the current and previous year
- Expenses paid in the previous year
- Compensation for loss of employment paid to or receivable, or payments made in connection with loss of employment
- Total estimated value of non-cash benefits that are emoluments of the person

For the above pension contributions to include:

- The amount driven by the authority's set employer contribution rate
- Employer costs incurred relating to any increased membership or award of additional pension

Post	Base Salary	Expenses	Bonuses	PRP	Earn-Back	Honoraria	Ex-Gratia Payments	Election Fees	Joint Authority Duties	Severance Arrangements
Chief Executive	£115,370	Travel and other expenses are reimbursed through normal authority procedures	The terms of the contract of employment do not provide for the payment of bonuses	The terms of the contract of employment do not provide for performance related pay	The terms of the contract of employment do not provide for an element of base salary to be held back related to performance	Honoraria payments for any increased duties and responsibilities do not apply	There are no plans for the postholder to receive any ex-gratia payments	Election duty fees are paid when due in connection with a District Election	There are no payments related to joint authority duties	The authority's normal policies regarding redundancy and early retirement apply to the postholder. No payments were made in the last year and none are anticipated for 2018/19.
Deputy Chief Executive	£95,370	Travel and other expenses are reimbursed through normal authority procedures	The terms of the contract of employment do not provide for the payment of bonuses	The terms of the contract of employment do not provide for performance related pay	The terms of the contract of employment do not provide for an element of base salary to be held back related to performance	Honoraria payments for any increased duties and responsibilities do not apply	There are no plans for the postholder to receive any ex-gratia payments	Election duty fees are paid when due in connection with a District Election	There are no payments related to joint authority duties	The authority's normal policies regarding redundancy and early retirement apply to the postholder. No payments were made in the last year and none are anticipated for 2018/19.

Post	Base Salary	Expenses	Bonuses	PRP	Earn-Back	Honoraria	Ex-Gratia Payments	Election Fees	Joint Authority Duties	Severance Arrangements
Directors x 4	£66,000	Travel and other expenses are reimbursed through normal authority procedures	The terms of the contract of employment do not provide for the payment of bonuses	The terms of the contract of employment do not provide for performance related pay	The terms of the contract of employment do not provide for an element of base salary to be held back related to performance	Honoraria payments for any increased duties and responsibilities do not apply	There are no plans for the postholder to receive any ex-gratia payments	Election duty fees are paid when due in connection with a District Election	There are no payments related to joint authority duties	The authority's normal policies regarding redundancy and early retirement apply to the postholder. No payments were made in the last year and none are anticipated for 2018/19.



Aspect of Senior Officer Remuneration	Authority Policy
Recruitment	The post will be advertised and appointed to at the appropriate salary level up to the approved level for the post in question based on skills, knowledge, experience, abilities and qualities.
Pay Increases	The authority will apply any pay increases that are agreed through local negotiations. The authority will also apply any pay increases that are as a result of authority decisions to significantly increase the duties and responsibilities of the post in question beyond the normal duties and responsibilities that are expected in senior posts.
Additions To Pay	The authority would not make additional payments beyond those specified in the contract of employment.
Performance Related Pay	The authority does not operate a performance related pay system as it believes that it has sufficiently strong performance management arrangements in place to ensure high performance from its senior officers. Any areas of under-performance are addressed rigorously
Earn-Back (Withholding an element of base pay related to performance)	The authority does not operate an earn-back pay system as it believes that it has sufficiently strong performance management arrangements in place to ensure high performance from its senior officers. Any areas of under-performance are addressed rigorously.
Bonuses	The authority does not pay bonus payments to senior officers.
Termination Payments	The authority applies its normal redundancy payments arrangements to senior officers and does not have separate provisions for senior officers. The authority also applies the appropriate Pensions regulations when they apply. The authority has agreed policies in place on how it will apply any discretionary powers it has under Pensions regulations. Any costs that are incurred by the authority regarding senior officers are published in the authority accounts as required under the Accounts and Audit (England) Regulations 2011.

Aspect of Senior Officer Remuneration	Authority Policy
Transparency	The authority meets its requirements under the Localism Act, the Code of Practice on Data Transparency and the Accounts and Audit Regulations in order to ensure that it is open and transparent regarding senior officer remuneration.
Re-employment of staff in receipt of an LGPS Pension or a redundancy/severance payment	The authority is under a statutory duty to appoint on merit and has to ensure that it complies with all appropriate employment and equalities legislation. The authority will always seek to appoint the best available candidate to a post who has the skills, knowledge, experience, abilities and qualities needed for the post. The authority will therefore consider all applications for candidates to try to ensure the best available candidate is appointed. If a candidate is a former employee in receipt of an LGPS pension or a redundancy payment this will not rule them out from being re-employed by the authority. Clearly where a former employee left the authority on redundancy terms then the old post has been deleted and the individual cannot return to the post as it will not exist. The authority will apply the provisions of the Redundancy Payments Modification Order regarding the recovery of redundancy payments if this is relevant. Pensions Regulations also have provisions to reduce pension payments in certain circumstances to those who return to work within the local government service.

HAMBLETON DISTRICT COUNCIL

Report To: Council
27 February 2018

From: Chief Executive

Subject: **MEMBERS' ALLOWANCES SCHEME**

All Wards
Scrutiny Committee

1.0 PURPOSE AND BACKGROUND:

- 1.1 The Local Authorities (Members' Allowances) (England) Regulations 2003 requires the Council to consider its Allowances Scheme before the beginning of each year.
- 1.2 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.
- 1.3 The Independent Remuneration Panel, which was appointed in 2017 for a term of four years, comprises:-
- Michael Holford
 - Roy Fishwick
 - Stuart Bradnam

2.0 THE CURRENT SCHEME:

- 2.1 The current Scheme is attached as Annex A to this report. It is in accordance with previous recommendations of the Independent Remuneration Panel.

3.0 THE PROPOSED SCHEME:

- 3.1 A copy of the proposed scheme for 2018/19 is attached as Appendix B to this report.

4.0 FINANCIAL IMPLICATIONS AND EFFICIENCIES:

- 4.1 The proposed scheme for 2018/19 is currently budgeted for in the 2018/19 Estimates.
- 4.2 There are no efficiencies associated with this report.

5.0 LEGAL IMPLICATIONS:

- 5.1 The Council cannot operate a Members' Allowances Scheme in 2018/19 without considering this report and passing a formal resolution. The Scheme will have to be publicised.
- 5.2 The Local Authorities (Members' Allowances) (England) Regulations 2003 require the Council to establish and have regard to recommendations of the Independent Remuneration Panel.

6.0 EQUALITIES / DIVERSITY ISSUES

6.1 The Scheme continues to make provision for carers. There are no allowances for other diverse groups.

7.0 RISK IMPLICATIONS

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

8.0 RECOMMENDATIONS:

8.1 It is recommended that Council approves the Members' Allowances Scheme as attached at Appendix B of the report for the year 2018/19.

JUSTIN IVES

Background papers: Report to Independent Remuneration Panel
Author ref: GN
Contact: Gary Nelson
Director of Law and Governance (Monitoring Officer)
Direct Line No: (01609) 767012

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 PENSIONS:

- 8.1 All elected Members of the Council are entitled to pensions in accordance with the North Yorkshire Superannuation Scheme (“the Pension Scheme”).
- 8.2 Both Basic Allowance and Special Responsibility Allowance are to be treated as amounts in respect of which pensions are payable in accordance with the Pension Scheme.

9.0 CLAIMS AND PAYMENTS:

- 9.1 Claims for payment of Allowances shall be made in writing within one month of the date on which entitlement to the Allowances arises.
- 9.2 Payment for Basic, Special Responsibility and Independent Persons’ Allowances shall be made in equal monthly instalments on the 25th day of the relevant month.
- 9.3 Dependant Carer’s Allowance and Travelling, Subsistence and Accommodation Allowance will be paid within one month of receipt of a valid claim.
- 9.4 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.
- 9.5 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:-

	Quantum	Payment £
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

	<u>£</u>
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

	<u>£</u>
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.

MEMBERS' ALLOWANCES SCHEME 2018/19

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 2018 until 31 March 2019 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)
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 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.

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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.

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- (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
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- (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;
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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.

7.0 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.

6.3 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 25th 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 2018**ATTENDANCE ALLOWANCES 2018/19**

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:-

	Quantum	Payment £
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 £7.83) 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

	<u>£</u>
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

	<u>£</u>
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
27 February 2018

From: Director of Law and Governance (Monitoring Officer)

Subject: **DISPENSATION FOR NON- ATTENDANCE AT COUNCIL MEETINGS**

All Wards
Scrutiny Committee

1.0 PURPOSE AND BACKGROUND:

- 1.1 Councillor Stephen Dickins has been unable to attend meetings of the Council, its committees or any outside bodies on which he represents the authority on the grounds of ill health. His last attendance at a qualifying meeting was on 19 October 2017 when he attended Scrutiny Committee.
- 1.2 Section 85(1) of the Local Government Act 1972 states that “if a member of a local authority fails throughout a period of six consecutive months from the date of his last attendance to attend any meeting of the authority, he shall, unless the failure was due to some reason approved by the authority before the expiry of that period, cease to be a member of the Authority.”
- 1.3 Pursuant to the above legislation, Council is asked to approve a dispensation for Councillor Dickins from attending meetings of the Council, its Committees or outside bodies due to ill health. Unless the Council agrees the recommendation, Councillor Dickins will cease to be a member of the Council on 19 April 2018.
- 1.4 As the next meeting of Council will not take place until 17 April 2018, it is considered that this request is made in a timely manner.

2.0 LEGAL IMPLICATIONS

- 2.1 The legal issues associated with this report are detailed in paragraph 1.2 of the report.

3.0 FINANCIAL IMPLICATIONS

- 3.1 Failure to agree the dispensation for Councillor Dickins would result in a vacancy on the Council and a by-election would need to be called, which would incur costs in respect of administering the by-election.

4.0 RISK ASSESSMENT:

- 4.1 Failure to agree the request for dispensation will result in the Proper Officer declaring a vacancy for the seat held by Councillor Dickins and a by-election would be necessary. There may be reputational risks for the Council in failing to agree a dispensation in a timely manner, given the reason for Councillor Dickins' absence.

5.0 EQUALITIES/DIVERSITY ISSUES:

- 5.1 There are no equalities or diversity issues associated with this report.

6.0 RECOMMENDATION:

6.1 That Council be recommended to:-

- (1) approve a dispensation for Councillor Stephen Dickins from attending meetings of the Council for a period of six months commencing on 28 February 2018 on the grounds of ill health; and
- (2) any extension to the dispensation for Councillor Dickins be subject to further approval at the time in accordance with recommendation (1) above.

GARY NELSON
DIRECTOR OF LAW AND GOVERNANCE (MONITORING OFFICER)

Background papers: None
Author ref: GN
Contact: Gary Nelson
Director of Law and Governance (Monitoring Officer)
Ext: 7012

MINUTES FOR INFORMATION

<u>Committee</u>	<u>Date</u>	<u>Page</u>
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**Decisions taken under Cabinet authority
to take effect on 19 February 2018**

Decisions of the meeting of the CABINET held
at 9.30 am on Tuesday, 6th February, 2018 at
the COUNCIL CHAMBER, CIVIC CENTRE,
STONE CROSS, NORTHALLERTON

Present

Councillor M S Robson (in the Chair)

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

Also in Attendance

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

An apology for absence was received from Councillor Mrs I Sanderson

CA.55 **MINUTES**

THE DECISION:

That the decisions of the meeting held on 5 December 2017 (CA.38 – CA.44), previously circulated, be signed as a correct record.

CA.56 **MAKING A DIFFERENCE GRANTS FUND**

All Wards

The subject of the decision:

Following the success of the Making a Difference Grants' programme over the last three years, whereby £125,000 was made available each year to assist community projects, it was proposed that £125,000 be allocated to finance the 2018/19 Making a Difference Grants programme.

Alternative options considered:

None.

The reason for the decision:

It was a legal responsibility upon the Council to ensure that this funding was only allocated to projects that met the terms and conditions of the grant scheme and to ensure that the funds were used for the purpose approved.

THE DECISION:

That the allocation of £125,000 from the One-Off Fund to be used to fund the 2018/19 Making a Difference Grants programme be approved.

CA.57 **PUBLIC OPEN SPACE, SPORT AND RECREATION SUB AREA ACTION PLAN - OSMOTHERLEY**

Osmotherley and Swainby Ward

The subject of the decision:

This report sought endorsement of the refreshed Public Open Space, Sport and Recreation Action Plan for Osmotherley Area Parish.

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 refreshed Public Open Space, Sport and Recreation Action Plans in Annex B of the report be endorsed.

The meeting closed at 10.20 am

Leader of the Council

Present

Councillor Mrs C S Cookman (in the Chair)

Councillor	K G Hardisty	Councillor	Ms C Palmer
	R W Hudson		

Apologies for absence were received from Councillors S P Dickins, C A Dickinson, G W Ellis, D Hugill, J Noone, B Phillips and A Wake.

SC.26 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 16 November 2017 (SC.23 - SC.25), previously circulated, be signed as a correct record.

SC.27 **NORTH YORKSHIRE SAFEGUARDING ADULTS BOARD - ANNUAL REPORT 2016/17**

All Wards

The subject of the decision:

The Head of Leisure and Environment presented a report on the North Yorkshire Safeguarding Adults Board Annual Report for 2016-17 for consideration. The report set out the key themes for the adult safeguarding partnership, its strategic plan and achievements over the year.

THE DECISION:

That the North Yorkshire Safeguarding Adults Board Annual Report for 2016-17 be noted.

SC.28 **POLICY REVIEW - ENFORCEMENT POLICY ON FLY TIPPING**

All Wards

A report of the Chairman of the Committee was considered which reminded the Committee of the terms of reference of the review and of information which had been identified in the project plan.

Paul Staines, Director of Leisure and Environment, and Gary Brown, Waste and Street Scene Manager, attended the meeting to provide evidence.

(A full account of the questions raised and responses is available as part of the Committee's records).

The Committee was satisfied that it had adequately completed its Review and agreed that it could now prepare its draft final report.

THE DECISION:

That the draft report be prepared for consideration at the next meeting of the Committee.

SC.29 **POLICY REVIEW - GRADUATE AND APPRENTICE SCHEME**

All Wards

A report of the Chairman of the Committee was considered which reminded the Committee of the terms of reference of the review and of information which had been identified in the project plan.

The Committee considered the results of a survey undertaken and concluded that the information contained therein illustrated that both the Graduate and Apprentice schemes were operating satisfactorily.

The Committee was satisfied that it had adequately completed its Review and agreed that it could now prepare its draft final report.

THE DECISION:

That the draft report be prepared for consideration at the next meeting of the Committee.

The meeting closed at 10.25 am

Chairman of the Committee

Minutes of the meeting of the SCRUTINY
COMMITTEE held at 9.30 am on Thursday,
15th February, 2018 at Main Committee Room,
Civic Centre, Stone Cross, Northallerton, DL6 2UU

Present

Councillor Mrs C S Cookman (in the Chair)

Councillor C A Dickinson
K G Hardisty

Councillor J Noone
Ms C Palmer

Apologies for absence were received from Councillors S P Dickins, G W Ellis, R W Hudson, D Hugill, B Phillips and A Wake.

SC.30 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 18 January 2018 (SC.26 - SC.29), previously circulated, be signed as a correct record.

SC.31 **POLICY REVIEW - ENFORCEMENT POLICY ON FLY-TIPPING**

All Wards

A report of the Chairman of the Committee was considered which reminded the Committee of the terms of reference of the review and of information which had been identified in the Project Plan.

The report also presented a copy of the draft final report for consideration by the Committee prior to submission to Cabinet in April 2018. The Committee considered the recommendations detailed in the draft report and agreed a minor amendment to recommendation (1).

THE DECISION:

That it be recommended to Cabinet that:-

- (1) it be noted that the current Enforcement Policy on Fly-tipping was not currently effective and no longer fit for purpose and required updating, although the Committee recognised that this work was already being undertaken;
- (2) the draft updated Enforcement Policy be presented to Scrutiny Committee for consideration at the appropriate time;
- (3) consideration be given to providing more promotion and publicity about fly-tipping and enforcement to raise awareness;
- (4) information on the Council's website regarding fly-tipping be updated, including exploring the possibility of an interactive portal to report incidents; and
- (5) consideration be given to more multi-agency working to tackle the issue within North Yorkshire.

SC.32 **POLICY REVIEW - APPRENTICES AND GRADUATES SCHEMES**

All Wards

A report of the Chairman of the Committee was considered which reminded the Committee of the terms of reference of the review and of information which had been identified in the Project Plan.

The report also presented a copy of the draft final report for consideration by the Committee prior to submission to Cabinet in April 2018.

THE DECISION:

That it be recommended to Cabinet that:-

- (1) it be noted that the current arrangements for the Apprentice and Graduates Schemes are effective, fit for purpose and good value for money;
- (2) officers investigate the possibility of providing an online application form for the Apprentice and Graduates Schemes;
- (3) consideration be given to identifying whether there is any additional funding available to invest in the schemes in future years; and
- (4) the Committee supports the continuation of the Apprentices and Graduates Schemes.

SC.33 **COUNCIL PERFORMANCE 2017/18 (QUARTER 3)**

All Wards

The Director of Finance (s151 Officer) presented a report setting out the Quarter 3 Performance for 2017/18. 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 progress made at Quarter 3 of 2017/18 against the Council Plan 2015-19 as detailed within Annex A of the report be noted.

SC.34 **REVIEW OF RISK MANAGEMENT**

All Wards

The Director of 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 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.

The meeting closed at 10.10 am

Chairman of the Committee

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Present

Councillor P Bardon (in the Chair)

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

Also in Attendance

Councillor Mrs J Watson

An apology for absence was received from Councillor S P Dickins

P.19 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 7 December 2017 (P.17 - P.18), previously circulated, be signed as a correct record.

P.20 **PLANNING APPLICATIONS**

The Committee considered reports of the Deputy Chief Executive 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 Deputy Chief Executive had delegated authority to add, delete or amend conditions and reasons for refusal.

In considering the report(s) of the Deputy Chief Executive 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 Deputy Chief Executive, unless shown otherwise:-

- (1) 17/02422/OUT - Outline application for the construction of 3 dwellings with some matters reserved (access included) at Land adjacent to Peace Haven, 93 Bedale Road, Aiskew for Mr G E Harrison

PERMISSION GRANTED because the Committee considered the development was in a sustainable location and would not cause harm to the openness of the countryside

The decision was contrary to the recommendation of the Deputy Chief Executive.

(The applicant's agent, Zoe Harrison, spoke in support of the application).

- (2) 17/02086/FUL - Construction of a replacement dwelling and construction of a detached dwelling at Rosedene, Carthorpe for Mr T Shipman

PERMISSION GRANTED

- (3) 17/02464/S106 - Application under Section 106A(1) of Town and Country Planning Act 1990 for variation of S106 agreement dated 6 June 2013 at Land to the north of The Willows, Willow Bridge Lane, Dalton for Whitfield Homes

AGREED THAT:-

- (a) the developer be invited to enter a Deed of Variation to reduce the open space, sport and recreation contribution to £57,409.77, proportionate to the nine dwellings built and occupied under planning permissions 12/01348/OUT and 13/02560/REM, to be paid on completion of the Deed of Variation; and
- (b) officers be authorised to commence proceedings to recover the open space, sport and recreation sum due under the S106 agreement dated 6 June 2013 if the Deed of Variation specified in (a) is not completed by 23 February 2018.

(Ken Croft spoke on behalf of Dalton Parish Council objecting to the application.)

Disclosure of Interest

Councillor C Patmore disclosed a personal non-pecuniary interest as a family member worked for the applicant and left the meeting prior to discussion and voting on this item.

- (4) 17/02331/FUL - Single storey extension and alteration to the roof at 12 Apple Garth, Easingwold for Mr & Mrs James Kay

PERMISSION GRANTED

(Paul Radford spoke objecting to the application.)

- (5) 17/02409/OUT - Outline application for the construction of an attached dwelling with an integral garage and two vehicular access points at Wayside, 1 Oulston Road, Easingwold for Mr Andrew Tooze

PERMISSION GRANTED

(John Faid spoke objecting to the application.)

- (6) 17/02334/OUT - Outline application with all matters reserved for the construction of two dwellings at The Old Forge, Exelby for Mr Gerald Price

PERMISSION GRANTED

- (7) 17/00941/FUL - 26 residential units including associated access, parking and landscaping at Land north of Broughton Grange Farm, High Street, Great Broughton for Mulgrave Properties & Lordstones Developments Limited

PERMISSION GRANTED

(The applicant's agent, Phil Brock, spoke in support of the application).

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

(Charles Waterfield spoke objecting to the application.)

- (8) 17/02131/OUT - Outline application for five dwellings with all matters reserved at OS Field 5368, Hambleton Court, Great Smeaton for Mr G Tuer

PERMISSION REFUSED

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

- (9) 17/01514/OUT - Outline application (all matters reserved) for the demolition of dwelling and construction of three detached dwellings at Chilton House, Low Worsall for Mr Adil Ditta

PERMISSION GRANTED subject to an additional condition relating to reserved matters and a limit to a maximum of 3 dwellings

- (10) 17/02252/FUL - Formation of 4 air intake louvres into the gable cladding of building three and the construction of a link corridor between the two main buildings at Stanley House, Thurston Road, Northallerton for Mr Paul Blades

PERMISSION GRANTED

Disclosure of Interest

Councillor D Blades disclosed a personal non-pecuniary interest as the applicant was a family member and left the meeting prior to discussion and voting on this item.

- (11) 17/02240/OUT - Outline planning application (with all matters reserved) for residential development, to include associated parking and amenity space at Land north east of The Cottage, The Green, Raskelf for The Church Commissioners for England

PERMISSION GRANTED because the Committee considered the development would not have a significant detrimental impact on the character and setting of the area

The decision was contrary to the recommendation of the Deputy Chief Executive.

(The applicant's agent, Jennifer Longstaff, spoke in support of the application).

- (12) 17/02358/OUT - Outline application for the construction of five dwellings with all matters reserved at Land adjacent to Dove Cote, The Green, Raskelf for Mr P Kilvington

PERMISSION GRANTED because the Committee considered the development would not have a significant detrimental impact on the character and setting of the area

The decision was contrary to the recommendation of the Deputy Chief Executive.

(Andrew Cunningham spoke in support of the application).

- (13) 17/01477/OUT - Outline planning application for the construction of up to 110 dwellings with all matters except access reserved at OS Field 9664, Stokesley for Gladman Developments Ltd

PERMISSION REFUSED

(Mike Canavan spoke on behalf of Stokesley Town Council objecting to the application.)

- (14) 17/02237/FUL - Revised application for alterations to garage to form additional living accommodation with first floor extension to form bedroom and bathroom at 1 Bridge Farm, York Road, Thirkleby for Mrs Jennifer Midgley

PERMISSION GRANTED

The meeting closed at 4.55 pm

Chairman of the Committee

Minutes of the meeting of the PLANNING
COMMITTEE held at 1.30 pm on Thursday, 8th
February, 2018 in the Council Chamber, Civic
Centre, Stone Cross, Northallerton

Present

Councillor P Bardon (in the Chair)

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

Also in Attendance

Councillor	Mrs C S Cookman	Councillor	Mrs J Watson
	R Kirk		

Apologies for absence were received from Councillors S P Dickins, C Patmore and B Phillips

P.21 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 11 January 2018 (P.19 - P.20), previously circulated, be signed as a correct record.

P.22 **PLANNING APPLICATIONS**

The Committee considered reports of the Deputy Chief Executive 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 Deputy Chief Executive had delegated authority to add, delete or amend conditions and reasons for refusal.

In considering the report(s) of the Deputy Chief Executive 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 were 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 was 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 Deputy Chief Executive, unless shown otherwise:-

- (1) 17/01498/FUL - Conversion of barns into two dwellings at Street House Farm, Deighton Lane, Brompton for Mr and Mrs Wittrick

PERMISSION GRANTED subject to a further condition to prevent the occupation of the retained buildings by animals

- (2) 17/02534/FUL - Construction of a new dwelling at OS Fields 7956 and 6734, Yarm Lane, Great Ayton for Daniel Thompson

PERMISSION REFUSED

(The applicant's agent, Daniel Thompson, spoke in support of the application).

(Stuart Lightwing spoke objecting to the application.)

- (3) 17/02207/OUT - Outline application (access to be considered) for the construction of one dwelling at Annaclay Farm, Great Broughton for Mr Ray Byron

PERMISSION GRANTED subject to a further condition restricting the development to one residential dwelling

- (4) 17/02190/FUL - Application for demolition of barn and bungalow and redevelopment with five dwellings at Land and buildings north east of Old Star Cottage, Back Lane, Helperby for J G Swiers (Helperby) Ltd

PERMISSION GRANTED

(The applicant's agent, Kate Broadbank, spoke in support of the application).

- (5) 17/01656/FUL - Removal of bungalow, double garage, outbuildings, stables, foundations of new dwelling permitted under 14/01379/FUL and construction of one circular dwelling at Oaklands, Sutton Road, Huby for Mr Richard Oaks

PERMISSION GRANTED because the Committee considered the quality of the design respected the setting of the development and, therefore, would not have a detrimental impact on the landscape

The decision was contrary to the recommendation of the Deputy Chief Executive.

(The applicant's agent, Jim Burnes, spoke in support of the application).

- (6) 17/02591/ADV - Advertisement consent for a mesh banner fixed to existing boarding at HM Prison, Northallerton for Central Northallerton Development Company

PERMISSION GRANTED

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

Note: the meeting adjourned at 2.55pm and reconvened at 3.05pm

- (7) 17/02320/FUL - Construction of a stable block at Oakwood Farm, Tame Bridge, Stokesley for Mr Adams

PERMISSION REFUSED because the Committee considered that the development would introduce an urban feature that would be at odds with the rural character of the surrounding area.

The decision was contrary to the recommendation of the Deputy Chief Executive.

(The applicant, Richard Adams, spoke in support of the application.)

- (8) 17/02436/FUL - Construction of an amenity building for private gypsy site at Oakwood Farm, Tame Bridge, Stokesley for Mr R Adams

PERMISSION REFUSED because the Committee considered that the development would introduce an urban feature that would be at odds with the rural character of the surrounding area and that this would have a cumulative impact on the site as a whole. In addition the Committee considered that the existing planning permission for a static caravan and a touring caravan would provide sufficient amenity space on the site.

The decision was contrary to the recommendation of the Deputy Chief Executive.

(The applicant, Richard Adams, spoke in support of the application.)

- (9) 17/02720/OUT - Outline application for the construction of a detached dwelling and double garage at White House Farm Bungalow, West Rounton for Mr and Mrs T G and S M Elstob

PERMISSION GRANTED subject to a further condition restricting the development to one residential dwelling.

The meeting closed at 3.35 pm

Chairman of the Committee

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Minutes of the meeting of the AUDIT,
GOVERNANCE AND STANDARDS
COMMITTEE held at 9.30 am on Tuesday,
23rd January, 2018 at MAIN COMMITTEE
ROOM, CIVIC CENTRE, STONE CROSS,
NORTHALLERTON

Present

Councillor N A Knapton (in the Chair)

Councillor	C Patmore	Councillor	G W Dadd
	Mrs C S Cookman		Mrs J Watson

Apologies for absence were received from Councillors R A Baker and P R Wilkinson

AGS.21 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 24 October 2017 (AGS.13 - AGS.19), previously circulated, be signed as a correct record.

AGS.22 **REGULATION OF INVESTIGATORY POWERS ACT - REVIEW OF ACTIVITY**

All Wards

The subject of the decision:

The Director of Law and Governance (Monitoring Officer) submitted a report advising the Committee that the Council, like many public authorities, was governed by the Regulation of Investigatory Powers Act 2000 (RIPA). This Act ensured that public authorities complied with their obligations under the Human Rights Act when undertaking investigations which might interfere with the rights of individuals. The Act introduced safeguards on activities such as surveillance undertaken by public bodies. The Committee had now been given responsibility for RIPA matters. This would involve the Committee reviewing the Council's Policy Statement from time to time and receiving quarterly reports on any activities which had been authorised under RIPA. The report also presented the Council's current Policy on the Regulation of Investigatory Powers Act for approval.

Alternative options considered:

None.

The reason for the decision:

To comply with the Regulation of Investigatory Powers Act 2000 (RIPA).

THE DECISION:

That:-

- (a) the current Policy on the Regulation of Investigatory Powers Act be approved; and
- (b) it be noted that no RIPA authorisations were made by the Council during the period 25 October 2017 to 23 January 2018.

AGS.23 **INTERNAL AUDIT SECOND PROGRESS REPORT 2017/18**

All Wards

The subject of the decision:

The Director of Finance (S151 Officer) presented a report informing Members of progress made to date in delivering the Internal Audit Plan for 2017/18 and any developments likely to have an impact on the plan throughout the remainder of the financial year.

Alternative options considered:

None.

The reason for the decision:

To take account of the statutory requirement under the Accounts and Audit Regulations.

THE DECISION:

That the work undertaken by Internal Audit in the year to date be noted.

AGS.24 **STATUTORY AUDITOR - QUARTERLY UPDATE REPORT**

All Wards

The subject of the decision:

The Director of Finance (S151 Officer) presented a report which provided an update on the Council's statutory auditor, Ernst & Young LLP, activities as at 30 November 2017.

Members discussed the governance arrangements of the Council's Joint Venture Company – Central Northallerton Development Company Limited – and recognised that update information would be presented in the Financial Outturn report to Cabinet as well as included in the risk register report to Scrutiny Committee and further requested that an oversight update report be presented to Cabinet for transparency purposes to monitor the company.

Alternative options considered:

None.

The reason for the decision:

To take account of the work undertaken to date by the Council's statutory auditor.

THE DECISION:

That the external auditor's Local Government Audit Committee briefing be noted.

The meeting closed at 10.20 am

Chairman of the Committee

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Present

Councillor R A Baker
P Bardon

Councillor R Kirk

LAHP.19 **ELECTION OF CHAIRMAN**

THE DECISION:

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

(Councillor R A Baker in the Chair)

LAHP.20 **APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE VEHICLE LICENCE,
CARLTON CARS (N YORKS) LTD - PH71**

The Panel considered a request from the applicant to adjourn the hearing on the basis that he would not be given a fair hearing as two of the Panel Members had sat on Panels that had refused to grant licences to the applicant in respect of previous private hire vehicle licence applications.

The Panel was satisfied that the applicant could not be prejudiced by the selection of the Panel Members as none of the Panel Members had predetermined any part of the current application. The Panel was also satisfied that each Panel Member had attended the hearing with an open mind and that the specific circumstances of the applicant's case would be considered on its individual merits.

The applicant stated that one of the Panel Members had failed to declare a personal interest on account of his past relationship with the applicant. The Panel Member informed the Panel that, as the warden of a scout centre, there was an arrangement which permitted the applicant to park his private hire vehicles in the scout centre car park. The Panel Member informed the Panel that he had continued this relationship with the applicant until such time as the applicant decided to park his vehicles in an alternative location (approximately two years ago). The Panel Member informed the Panel that this was the extent of his relationship with the applicant, that there were never any issues between the parties and that the relationship was amicable. The applicant confirmed to the Panel that the Panel Member had fairly and accurately presented the facts to the Panel. The Panel concluded that a personal interest may arise in such circumstances where a Member derives a personal or financial benefit from a decision with which they are involved. The Panel was satisfied that the extent of the past relationship between one Panel Member and the applicant could not reasonably provide justification for adjourning the hearing.

Accordingly, the Panel rejected the applicant's request for an adjournment and the Panel notified the applicant of the reasons.

Following the Panel's decision to refuse to grant an adjournment, the applicant informed the Panel that he intended to leave the hearing. The Panel informed the applicant that the matter may be determined in his absence. The applicant informed the Panel that he no longer wished to be in attendance and he subsequently withdrew from the hearing.

At 9.50am the hearing was adjourned for the applicant to leave.

At 9.53am the hearing reconvened.

The Panel concluded that the hearing could proceed in the applicant's absence as the applicant had chosen not to be present and a delay would not be in the public interest.

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 specific circumstances of the case were not sufficient to justify a departure 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, copies of letters awarding five contracts provided by the applicant, the Council's Hackney Carriage and Private Hire Licensing Policy and the relevant legislation.

The Panel noted that the Council's policy generally opposes the grant of a licence in respect of vehicles over the age of ten years. The revised policy was approved by the Licensing Committee in February 2016 and subsequently adopted by Full Council in March 2016. Members of the trade were informed of the new arrangements in March 2016 and have therefore been aware of the revision for over 18 months. In order to reduce the financial impact on the trade, the general age limit was not implemented until January 2017. The Panel noted that the applicant acquired the vehicle in December 2016 (several months after the policy was adopted and just 11 days before the general age restrictions took effect).

The Panel noted that the vehicle in question was first registered 15 years and 4 months ago. The Panel noted that the vehicle satisfied the mechanical standards set out by the policy.

Prior to withdrawing from the hearing, the applicant had indicated that his private hire business relied exclusively on school contract work. The applicant provided five letters awarding contracts to his company by North Yorkshire County Council. The Panel noted that one of the contracts commenced in April 2016 (several weeks after the applicant had been informed of the Council's new policy arrangements). The Panel noted that four of the school contracts were awarded prior to the adoption of the revised policy.

The Panel noted that many hackney carriage and private hire vehicles licensed by the Council are frequently used to undertake school contract work. The Panel concluded that the applicant's business model did not amount to exceptional circumstances.

The Panel noted that the applicant did not make his vehicle available for a visual inspection. However, the Panel did consider the documentation provided within the officer's report including the recent mechanical inspection and MOT history.

The Panel noted that the MOT certificate dated 8th August 2017 was subject the same two advisory notices (relating to the vehicle's brake pipes) that had appeared on the previous MOT certificate dated 14th June 2016. The Panel concluded that the MOT history demonstrated a degree of neglect in relation to mechanical defects. The Panel was satisfied that those defects would not warrant the failure of a MOT test. However, the Panel concluded that the vehicle was maintained to the minimum regulatory standards and cannot therefore be regarded as exceptionally well-maintained.

Ultimately, the Panel was asked to consider whether or not to grant a licence in respect of a vehicle that exceeded the general age limit prescribed by the Council's policy.

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 Panel was not satisfied that the licence could be granted without undermining the policy objectives.

THE DECISION:

Taking account of the above and having given appropriate weight to the evidence, 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 10.12 am

Chairman of the Panel

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Minutes of the meeting of the LICENSING AND
APPEALS HEARINGS PANEL held at 9.30 am on
Monday, 22nd January, 2018 at Main Committee
Room, Civic Centre, Stone Cross, Northallerton

Present

Councillor M A Barningham (in the Chair)

Councillor K G Hardisty

Councillor N A Knapton

LAHP.21 **APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE VEHICLE LICENCE -
JEFF COHEN - PH2**

All Wards

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, a Mercedes E220 registration mark KU57 PNY.

Alternative options considered:

The Panel considered refusing the application but concluded that the specific circumstances of the case were sufficient to justify a departure 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 satisfied 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 September 2017.

The Panel noted that Mercedes is recognised as a manufacturer of luxury vehicles. The applicant informed the Panel that the vehicle is serviced every 12,000 to 13,000 miles and, in any event, before a service is due in accordance with the manufacturer's recommendations. The applicant told the Panel that in order to justify his fares he must provide a higher standard of vehicle than his competitors. The applicant stated that maintaining a good reputation was crucial for his business and therefore if the vehicle becomes "tired and scruffy" it would be replaced.

The applicant invited the Panel to consider the exceptional circumstances of his case on the basis of the vehicle's quality, appearance and condition.

The Panel considered the vehicle's MOT history. The Panel acknowledged that, since the applicant took ownership of the vehicle, all MOT tests had been passed with very few advisory notice items recorded and regular services had been carried out. The Panel was therefore satisfied that the mechanical condition of the vehicle was maintained to a high standard.

The Panel inspected the vehicle and was impressed by its appearance. The Panel was therefore satisfied that the quality of the vehicle would surpass the expectations of the travelling public.

The Panel noted the relatively high mileage of the vehicle but the Panel was satisfied that not only was the vehicle maintained to an exceptionally high standard but that the vehicle would be replaced if and when necessary.

Ultimately, the Panel was asked to consider whether or not to grant a licence in respect of a vehicle that exceeded the general age limit prescribed by the Council's Policy. 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.

In conclusion, the Panel was satisfied that the mechanical condition of the vehicle, the quality of the vehicle and its appearance would adequately promote the Council's policy objectives in relation to standards, reliability and safety of licensed vehicles.

THE DECISION:

Taking account of the above and having given appropriate weight to the evidence, the Panel was satisfied that the application could be granted without undermining the policy objectives. Therefore, the Panel decided to grant the application.

The meeting closed at 10.05 am

Chairman of the Panel

Minutes of the meeting of the STANDARDS
HEARINGS PANEL held at 9.30 am on
Wednesday, 17th January, 2018 at Council
Chamber, Civic Centre, Stone Cross, Northallerton

Present

Councillor Mrs C S Cookman Councillor N A Knapton
G W Dadd

Independent Person

Mr R C Pennington (Independent Person)

Parish Council Representative

Parish Councillor Mrs C Artingstoll

Also in Attendance

Councillor M S Robson

SHP.24 **ELECTION OF CHAIRMAN**

THE DECISION:

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

(Councillor G W Dadd in the Chair)

SHP.25 **EXCLUSION OF THE PRESS AND PUBLIC**

THE DECISION:

The Panel considered whether to exclude the press and public from the meeting during consideration of the items of business at minute no. SHP.26 on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act. The Panel considered representations from the complainants and their witnesses who had no objection to the disclosure of their information as part of a public hearing. The Panel was satisfied that the public interest in disclosing the information outweighed the public interest in maintaining the exemption.

The Panel resolved to hear the matter in public.

SHP.26 **ALLEGATIONS ABOUT DISTRICT COUNCIL MEMBERS**

All Wards

ALLEGATIONS AGAINST DISTRICT COUNCILLOR C ROOKE

The subject of the decision:

The Deputy Monitoring Officer presented a report with regard to an allegation that Councillor C Rooke had failed to comply with the provisions of the Council's Code of Member Conduct by:

- (i) conducting himself in a manner which could reasonably be regarded as failing to treat others with respect;
- (ii) conducting himself in a manner which could reasonably be regarded as bringing his authority or his office as a Member of the Authority into disrepute; and
- (iii) doing something which compromises or is likely to compromise the impartiality of anyone who works for or on behalf of the Authority.

The Panel heard from the complainants ("X", "Y" and "Z", collectively referred to as the "complainants"), Councillor Rooke and considered evidence from six witnesses.

Alternative options considered:

The Panel considered all the options available but having concluded that Councillor Rooke had not breached the Code of Conduct, none of the alternative options were deemed appropriate.

The reason for the decision:

The Panel considered:

- the Deputy Monitoring Officer's report;
- the written and oral submissions of the three complainants;
- the oral submissions of Councillor Rooke;
- the written and oral submissions of six witnesses; and
- the District Council's Code of Conduct.

The Panel considered evidence from the complainants who informed the Panel that during a Planning Committee meeting held on 9th November 2017 Councillor Rooke (who was sitting as a Member of the Planning Committee) talked and laughed throughout presentations, appeared to pass notes to another councillor and attempted to communicate covertly with the Council's Executive Director. The complainants assert that, in doing so, Councillor Rooke failed to treat those present at the meeting with respect and brought his Authority into disrepute. The complainants also informed the Panel that Councillor Rooke had made comments during the meeting that may compromise the impartiality of other councillors.

The Panel heard evidence from a witness ("A") who told the Panel that he had been present during the Planning Committee meeting. A informed the Panel that he had seen Councillor Rooke talking and laughing during the course of the meeting with another councillor. A told the Panel that Councillor Rooke's behaviour was distracting and as a result he had not heard part of the Chairman's opening remarks outlining the procedure for the meeting. A also informed the Panel that, whilst he had found Councillor Rooke's behaviour distracting, he could not hear what was being said by Councillor Rooke and was able to put the behaviour out of his mind and concentrate on

the presentation given by the planning officer. A told the Panel that, during the course of the officer's presentation, he had left the room to get a drink and on his return he remained at the back of the room behind some folding doors. A informed the Panel that he could hear talking coming from the Planning Committee Members' table although he could not see who was speaking. A told the Panel that, during discussion at the Planning Committee, Councillor Rooke had made dismissive comments on wildlife and ecological issues. A also informed the Panel that noise caused by members of the public arriving late and reacting to proceedings was audible throughout the meeting.

The Panel heard from another witness ("B") who informed the Panel that he had been present during the Planning Committee meeting. B informed the Panel that, during the course of the meeting, he had become aware of Councillor Rooke talking and "sniggering" and that he had seemed disinterested with the proceedings from his body language. B described "sniggering" to the Panel as Councillor Rooke laughing with his hand in front of his mouth. B informed the Panel that he could not hear what was being said but he could see Councillor Rooke's mouth moving. B informed the Panel that, during the course of the meeting, members of the public had groaned in reaction to what was being said but this had not caused a distraction for him. B informed the Panel that during the meeting he had been able to hear all the Planning Committee presentations and follow the course of the meeting. B informed the Panel that Councillor Rooke's behaviour did not affect his level of understanding of the meeting.

The Panel considered written representations from four other witnesses who stated that they attended the Planning Committee and saw Councillor Rooke talking and laughing during the meeting.

Councillor Rooke informed the Panel that he had spoken quietly, on occasion with the two Members sitting adjacent to him during the two and half hour meeting. Councillor Rooke told the Panel that he is completely deaf in one ear and so he would be unable to maintain an extended conversation when speaking in hushed tones. Councillor Rooke informed the Panel that he could not recall exactly what was said to the Members sitting adjacent to him, although he believed that it was for clarification or reference to the meeting's proceedings. Councillor Rooke informed the Panel that it was normal for Members to communicate with each other during meetings. Councillor Rooke stated that he is a jovial person and has a relaxed manner but that he did not remember laughing or sniggering during the meeting. Councillor Rooke denied communicating with anyone else in the meeting including the Council's Executive Director. Councillor Rooke informed the Panel that he recalled the Chairman calling for order on three or four occasions during the meeting in response to noise caused by members of the public.

Councillor Rooke indicated that he had spoken on wildlife and ecological issues in relation to the application. Councillor Rooke stated that he had experience and knowledge on wildlife and ecological issues and lectured on both topics at educational institutes.

The Panel noted that it could only deal with matters that come within the boundaries of the Code of Conduct and therefore allegations in respect of a councillor's competence or general dissatisfaction with the Council's decisions were not matters which the Panel could consider.

The Panel concluded that Councillor Rooke had interacted in hushed tones with Members of the Planning Committee who were sitting adjacent to him during the meeting. However, the Panel was satisfied that this interaction did not amount to

anything other than clarification or reference to the proceedings before the Planning Committee. The Panel noted that the behaviour of Councillor Rooke may have caused annoyance to the complainants. However, the Panel was satisfied that this interaction did not amount to a failure to treat others with respect, nor was it conduct that brought Councillor Rooke's office into disrepute.

The Panel found on the balance of probabilities that Councillor Rooke did not make or attempt to make any covert communication with the Council's Executive Director.

The Panel was satisfied that Councillor Rooke's comments made in respect of wildlife and ecological issues during the meeting were an expression of opinion which he was entitled to make as part of his contribution to the Planning Committee discussion.

THE DECISION:

The complaints alleging that Councillor C Rooke had breached the Code of Conduct (namely, failing to treat others with respect, bringing his Authority or his office into disrepute and compromising the impartiality of anyone working on behalf of the Authority) are not upheld.

ALLEGATIONS AGAINST DISTRICT COUNCILLOR D A WEBSTER

The subject of the decision:

The Deputy Monitoring Officer presented a report with regard to an allegation that Councillor D A Webster had failed to comply with the provisions of the Council's Code of Member Conduct by:

- (i) conducting himself in a manner which could reasonably be regarded as failing to treat others with respect;
- (ii) conducting himself in a manner which could reasonably be regarded as bringing his authority or his office as a Member of the Authority into disrepute; and
- (iii) doing something which compromises or is likely to compromise the impartiality of anyone who works for or on behalf of the Authority.

The Panel heard from the complainants ("X", "Y" and "Z", collectively referred to as the "complainants"), Councillor Webster and considered evidence from eight witnesses.

Alternative options considered:

The Panel considered all the options available but having concluded that Councillor Webster had not breached the Code of Conduct, none of the alternative options were deemed appropriate.

The reason for the decision:

Having considered:

- the Deputy Monitoring Officer's report;
- the written and oral submissions of the three complainants;
- the oral submissions of Councillor Webster;
- the written and oral submissions of eight witnesses; and
- the District Council's Code of Conduct.

The Panel considered evidence from the complainants who informed the Panel that during a Planning Committee meeting held on 9th November 2017 Councillor Webster (who was sitting as a Member of the Planning Committee) talked and laughed throughout presentations, appeared to pass notes to another councillor and attempted to communicate covertly with the Council's Executive Director. The complainants assert that, in doing so, Councillor Webster failed to treat those present at the meeting with respect and brought his Authority into disrepute. The complainants also informed the Panel that Councillor Webster had made comments during the meeting that may compromise the impartiality of other councillors.

The complainants informed the Panel that, during the Planning Committee meeting, Councillor Webster did not pay attention to submissions and lacked interest in the proceedings. The complainants stated that Councillor Webster had referred to a submission in respect of noise recordings as "fanciful" demonstrating a lack of interest and knowledge. The complainants stated that Councillor Webster made comments in respect of the Listed Building consultation process which were mistaken and inaccurate. In particular, the complainants stated that Councillor Webster compromised the impartiality of anyone who works on behalf of the Authority by failing to refer to Historic England's correspondence which recommended that the Council seek the views of its specialist conservation adviser.

The meeting adjourned for lunch at 1.00pm and reconvened at 1.20pm.

Complainant X stated that Councillor Webster had been communicating with Councillor Rooke for 75% of the meeting, of which 75% of that time was talking and 25% was passing notes. X told the Panel that Councillor Webster was speaking *sotto voce* and as such he could not hear what was being said. Complainants Y and Z told the Panel that Councillor Webster's communication with Councillor Rooke had been intermittent throughout the meeting.

X stated Councillor Webster had been making facial expressions towards the front row of the public seating area where, amongst others, the Council's Executive Director was seated. At the hearing X raised a new allegation that Councillor Webster's conduct implied that he had predetermined the application or that he was being coached by officers.

The Panel heard evidence from A who told the Panel that Councillor Webster had been communicating with Councillor Rooke during a third to a half of the meeting by talking, nudging, giggling or passing notes. A informed the Panel that he could not hear what was being said by Councillor Webster as he was speaking *sotto voce* however the communication between Councillor Webster and Councillor Rooke was distracting. A informed the Panel that he thought Councillor Webster's behaviour belittled the members of the public present. A informed the Panel that, during the meeting (while a recording was being played), Councillor Webster looked disinterested and gave the public "a look of contempt".

The Panel heard evidence from B who informed the Panel that, during the meeting, Councillor Webster appeared disinterested in two consultants' representations. B told the Panel that Councillor Webster had made comments on the application and, in doing so, had made a mistake in respect of a road name which he promptly corrected. B informed the Panel that this mistake was met by groans from the public. B was unable to quantify the amount of time during the meeting Councillor Webster communicated with Councillor Rooke, although he indicated that the communication lasted for a second or two at a time. B told the Panel that he thought Councillor Webster was less at fault than Councillor Rooke. B also told the Panel that he didn't think Councillor

Webster had been smirking although Councillors Webster and Rooke had been looking at each other.

The Panel considered written representations from five other witnesses who stated that they attended the Planning Committee and that they saw Councillor Webster talking and laughing during the meeting. One of the written submissions also stated that Councillor Webster had been smirking and winking at a "senior manager within the planning department" and that Councillor Webster misled committee members by referring to a submission in respect of noise levels as "fantastical". Another written submission raised concerns that Councillor Webster referred to a submission as "fanciful" without justification.

Councillor Webster told the Panel that he denied any excessive or undue communication during the Planning Committee meeting stating that he spoke to Councillor Rooke on two or three occasions. Councillor Webster informed the Panel that he was unaware of his facial expressions and that he did not recall passing notes. Councillor Webster denied any covert communication with the Council's Executive Director.

Councillor Webster informed the Panel that, during the deliberation at Planning Committee, he believes he had described a submission in respect of noise as "fantastic" although accepted in context "fanciful" would have held the same meaning. Councillor Webster told the Panel he had formed this comment on the basis that the Planning Committee had been provided with documents with contrasting noise levels from an interested party. The Panel noted that the complainants did not agree with Councillor Webster's recollection of the documents.

Councillor Webster informed the Panel that his comment in respect of Historic England's response to the planning application was lifted from the planning officer's report.

Councillor Webster informed the Panel that, during deliberation at the meeting, he spoke at length on noise and traffic issues in relation to the application, which he could not have made if he was disinterested in the proceedings. Councillor Webster informed the Panel that while putting forward his comments, he had mistakenly referred to the wrong road name, for which he apologised and corrected himself. Councillor Webster told the Panel that his mistake had been received with "jeering and barracking" from members of the public.

The Panel heard evidence from the Council's Executive Director, Mick Jewitt. Mr Jewitt told the Panel he had attended the Planning Committee meeting to observe officers and Members due to the level of interest in the application and the change in Committee venue. Mr Jewitt informed the Panel that he was seated in the public area during the Planning Committee meeting. Mr Jewitt informed the Panel that he had not noticed any specific amount of talking between Councillor Webster and Councillor Rooke. Mr Jewitt indicated that it was normal for Members to exchange quiet words during meetings and he had not noticed anything out of the ordinary. Mr Jewitt informed the Panel that he had not attempted to communicate with Councillor Webster, nor was he aware of Councillor Webster attempting to communicate with him covertly or otherwise. Mr Jewitt told the Panel that he recalled two occasions during the meeting where the Chair had to bring the meeting to order in response to noise emanating from the public. Mr Jewitt indicated one of these occasions related to when Councillor Webster had mistakenly referred to the wrong road name.

The Panel noted that it could only deal with matters that come within the boundaries of the Code of Conduct and therefore allegations in respect of a councillor's competence or general dissatisfaction with the Council's decisions were not matters which the Panel could consider.

The Panel concluded that Councillor Webster had interacted with Councillor Rooke during the Planning Committee meeting in hushed tones. The Panel concluded that the communication between Councillor Webster and Councillor Rooke was not excessive or in a manner intended to belittle members of the public. The Panel noted that the behaviour of Councillor Webster may have caused annoyance to the complainants. However, the Panel was satisfied that this interaction did not constitute a failure to treat others with respect, nor did Councillor Webster's conduct bring his office into disrepute.

The Panel found that Councillor Webster did not make or attempt to make any covert communication with the Council's Executive Director. The Panel was satisfied that Councillor Webster did not predetermine the application and that he had not been coached by officers. The Panel was also satisfied that Councillor Webster had not made any inappropriate facial expressions.

The Panel was satisfied that Councillor Webster's comments made in respect of a submission on noise, traffic and the Listed Building consultation process was his opinion presented as part of the Committee meeting discussion.

THE DECISION:

The complaints alleging that Councillor D A Webster had breached the Code of Conduct (by failing to treat others with respect, bringing his Authority or his office into disrepute and compromising the impartiality of anyone working on behalf of the Authority) are not upheld.

The meeting closed at 3.40 pm

Chairman of the Panel

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Minutes of the meeting of the STANDARDS
HEARINGS PANEL held at 3.50 pm on
Wednesday, 17th January, 2018 at Council
Chamber, Civic Centre, Stone Cross, Northallerton

Present

Councillor Mrs C S Cookman Councillor N A Knapton
G W Dadd

Independent Person

Mr R C Pennington (Independent Person)

Parish Council Representative

Parish Councillor Mrs C Artingstoll

SHP.27 **ELECTION OF CHAIRMAN**

THE DECISION:

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

(Councillor G W Dadd in the Chair)

SHP.28 **EXCLUSION OF THE PRESS AND PUBLIC**

THE DECISION:

The Panel considered whether to exclude the press and public from the meeting during consideration of the items of business at minute no. SHP.29 on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act. The Panel was satisfied that the public interest in disclosing the information outweighed the public interest in maintaining the exemption.

The Panel resolved to hear the matter in public.

SHP.29 **ALLEGATIONS ABOUT DISTRICT COUNCIL MEMBERS**

The Panel considered a request from the complainant to adjourn the hearing on the basis that the Panel's previous hearing had overrun and that the complainant had not wanted to wait any longer for her matter to be heard. The Panel noted that the complainant had been notified that the other matter would overrun and had been advised that the Panel may proceed in her absence. The Panel considered the request

for an adjournment and noted that whilst it was unfortunate that a delay had occurred, the Panel was in receipt of all relevant information including that provided by the complainant. Therefore, the Panel decided that a fair hearing could take place and that it was in the public interest to deal with the matter in a timely manner. For those reasons the Panel refused the complainant's request for an adjournment.

ALLEGATIONS AGAINST DISTRICT COUNCILLOR C ROOKE

The subject of the decision:

The Deputy Monitoring Officer presented a report with regard to an allegation that Councillor C Rooke had failed to comply with the provisions of the Council's Code of Member Conduct by:

- (i) conducting himself in a manner which could reasonably be regarded as failing to treat others with respect; and
- (ii) conducting himself in a manner which could reasonably be regarded as bringing his authority or his office as a Member of the Authority into disrepute.

Alternative options considered:

The Panel considered all the options available but having concluded that Councillor Rooke had not breached the Code of Conduct, none of the alternative options were deemed appropriate.

The reason for the decision:

The Panel considered:

- the Deputy Monitoring Officer's report;
- the written submissions of the complainant;
- the oral submissions of Councillor Rooke; and
- the District Council's Code of Conduct.

The Panel considered the written submissions of the complainant who stated that, during a Planning Committee meeting held on 9th November 2017, Councillor Rooke (who was sitting as a Member of the Planning Committee) made comments in respect of wildlife and ecological issues and expressed "glee" at the outcome of a vote on a planning application before the Committee and, in doing so, failed to treat those present at the meeting with respect and brought his Authority into disrepute.

Councillor Rooke told the Panel that, during the Planning Committee deliberation, he had presented his views on the application including wildlife and ecological issues and had referred to his personal notes to ensure he covered all the points he wanted to address.

Councillor Rooke told the Panel he denied celebrating the outcome of a vote on a planning application. Councillor Rooke told the Panel that on 9th November 2017 the Planning Committee was dealing with two applications and that following the decision of the first application there was a 5-10 minute adjournment. Councillor Rooke informed the Panel that, during this adjournment, Councillor Rooke had spoken with the Members of Planning Committee sitting adjacent to him about a mistaken road reference made by one of the Councillors during deliberation.

The Panel concluded that Councillor Rooke presented his opinion on wildlife and ecological issues during the meeting as a contribution to the Planning Committee deliberation. The Panel concluded that Councillor Rooke had spoken to other Members following the decision of a planning application. However, the Panel was satisfied that Councillor Rooke had not expressed “glee” at the outcome of the decision nor had his conduct amounted to a celebration of the Committee’s decision.

THE DECISION:

The complaints alleging that Councillor C Rooke had breached the Code of Conduct (namely by failing to treat others with respect and bringing his Authority or his office into disrepute) are not upheld.

ALLEGATIONS AGAINST DISTRICT COUNCILLOR D A WEBSTER

The subject of the decision:

The Deputy Monitoring Officer presented a report with regard to an allegation that Councillor Webster had failed to comply with the provisions of the Council’s Code of Member Conduct by:

- (i) conducting himself in a manner which could reasonably be regarded as failing to treat others with respect; and
- (ii) conducting himself in a manner which could reasonably be regarded as bringing his authority or his office as a Member of the Authority into disrepute.

Alternative options considered:

The Panel considered all the options available but having concluded that Councillor Webster had not breached the Code of Conduct, none of the alternative options were deemed appropriate.

The reason for the decision:

The Panel considered:

- the Deputy Monitoring Officer’s report;
- the written submissions of the complainant;
- the oral submissions of Councillor Webster; and
- the District Council’s Code of Conduct.

The Panel considered the written submissions of the complainant who stated that, during a Planning Committee meeting held on 9th November 2017, Councillor Webster (who was sitting as a Member of the Planning Committee) made comments in respect of noise and environmental issues and expressed “glee” at the outcome of a vote on a planning application before the Committee and, in doing so, failed to treat those present at the meeting with respect and brought his Authority into disrepute.

Councillor Webster informed the Panel that he had spoken at length on issues in relation to the planning application as a contribution to the Planning Committee’s deliberation. Councillor Webster informed the Panel that he spoke on noise, environmental and traffic issues but that he did not recall saying “we’ve heard enough on the subject”. Councillor Webster told the Panel that during his contribution to the Committee meeting he had mistakenly referred to the wrong road name, however,

once he had realised the mistake he apologised and corrected himself. Councillor Webster denied expressing “glee” at the outcome of a Planning Committee vote. Councillor Webster informed the Panel that the Committee had a temporary adjournment between the two planning applications during which he had spoken briefly with two other Committee Members about the mistake he had made during his presentation.

The Panel concluded that Councillor Webster had, during the meeting, expressed his opinion on noise, environmental and traffic issues as a contribution to the Planning Committee discussion. The Panel concluded that Councillor Webster had spoken to other Members following the decision on the planning application. However, the Panel was satisfied that Councillor Webster had not expressed “glee” at the outcome of the decision.

THE DECISION:

The complaints alleging that Councillor D A Webster had breached the Code of Conduct (namely by failing to treat others with respect and bringing his Authority or his office into disrepute) are not upheld.

The meeting closed at 4.30 pm

Chairman of the Panel

Present

Councillor Mrs C S Cookman Councillor N A Knapton
G W Dadd

Independent Person

Mr R C Pennington (Independent Person)

Parish Council Representative

Parish Councillor Mrs C Artingstoll

SHP.30 **ELECTION OF CHAIRMAN**

THE DECISION:

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

(Councillor G W Dadd in the Chair)

SHP.31 **EXCLUSION OF THE PRESS AND PUBLIC**

THE DECISION:

The Panel considered whether to exclude the press and public from the meeting during consideration of the items of business at minute no. SHP.32 on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act. The Panel was satisfied that the public interest in disclosing the information outweighed the public interest in maintaining the exemption.

The Panel resolved to hear the matter in public.

SHP.32 **ALLEGATIONS ABOUT DISTRICT COUNCIL MEMBERS**

The Panel noted that the complainant had informed the Council that she would not be attending the hearing and that she had not requested an adjournment. The Panel was satisfied that it had all relevant information before it, including that provided by the complainant, and that a fair hearing could take place. The Panel was also satisfied that it was in the public interest for the complaint to be dealt with in a timely manner and therefore the matter was dealt with in the complainant's absence.

ALLEGATIONS AGAINST DISTRICT COUNCILLOR C ROOKE

The subject of the decision:

The Deputy Monitoring Officer presented a report with regard to an allegation that Councillor Rooke had failed to comply with the provisions of the Council's Code of Member Conduct by:

- (i) conducting himself in a manner which could reasonably be regarded as failing to treat others with respect; and
- (ii) conducting himself in a manner which could reasonably be regarded as bringing his authority or his office as a Member of the Authority into disrepute.

Alternative options considered:

The Panel considered all the options available but having concluded that Councillor Rooke had not breached the Code of Conduct, none of the alternative options were deemed appropriate.

The reason for the decision:

The Panel considered:

- the Deputy Monitoring Officer's report;
- the written submissions of the complainant;
- the oral submissions of Councillor Rooke; and
- the District Council's Code of Conduct.

The Panel considered the written submissions of the complainant who stated that, at a Planning Committee meeting held on 9th November 2017, Councillor Rooke (who was sitting as a Member of the Planning Committee) talked and laughed during the presentation of a planning application and, in doing so, failed to treat those present at the meeting with respect and brought his Authority into disrepute.

Councillor Rooke told the Panel that during the two and half hour meeting he had spoken intermittently to the Members of the Planning Committee sitting adjacent to him. Councillor Rooke informed the Panel that he had no recollection of laughing during the meeting and that he did not believe his behaviour caused a disturbance to the conduct of the meeting.

The Panel concluded that Councillor Rooke had spoken with two Members of the Planning Committee sitting adjacent to him throughout the course of the meeting. However, the Panel was satisfied that this communication did not amount to a failure to treat others with respect, nor was it conduct that brought Councillor Rooke's office into disrepute.

THE DECISION:

The complaints alleging that Councillor C Rooke had breached the Code of Conduct (namely by failing to treat others with respect and bringing his Authority or his office into disrepute) are not upheld.

ALLEGATIONS AGAINST DISTRICT COUNCILLOR D A WEBSTER

The subject of the decision:

The Deputy Monitoring Officer presented a report with regard to an allegation that Councillor Webster had failed to comply with the provisions of the Council's Code of Member Conduct by:

- (i) conducting himself in a manner which could reasonably be regarded as failing to treat others with respect; and
- (ii) conducting himself in a manner which could reasonably be regarded as bringing his authority or his office as a Member of the Authority into disrepute.

Alternative options considered:

The Panel considered all the options available but having concluded that Councillor Webster had not breached the Code of Conduct, none of the alternative options were deemed appropriate.

The reason for the decision:

The Panel considered:

- the Deputy Monitoring Officer's report;
- the written submissions of the complainant;
- the oral submissions of Councillor Webster; and
- the District Council's Code of Conduct.

The Panel considered the written submissions of the complainant who stated that, at a Planning Committee meeting held on 9th November 2017, Councillor Webster (who was sitting as a Member of the Planning Committee) talked and laughed during the presentation of a planning application and, in doing so, failed to treat those present at the meeting with respect and brought his Authority into disrepute.

Councillor Webster told the Panel that, during the hearing, he had spoken on occasion with Members of the Planning Committee sitting adjacent to him. Councillor Webster informed the Panel that his conduct was appropriate and had not disrupted the course of the meeting. Councillor Webster informed the Panel that he had taken an active role in the proceedings and contributed to the Planning Committee's discussion.

The Panel concluded that, during the meeting, Councillor Webster had communicated with other Planning Committee Members. However, the Panel was satisfied that this communication did not amount to a failure to treat others with respect, nor was it conduct that brought Councillor Webster's office into disrepute.

THE DECISION:

The complaints alleging that Councillor D A Webster had breached the Code of Conduct (namely by failing to treat others with respect and bringing his Authority or his office into disrepute) are not upheld.

The meeting closed at 4.45 pm

Chairman of the Panel

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Present

Councillor D M Blades
C Patmore

Councillor Mrs J Watson

Independent Person

Mr B Ferguson

Parish Council Representative

Parish Councillor G Lidster

SHP.33 **ELECTION OF CHAIRMAN**

THE DECISION:

That Councillor C Patmore be elected Chairman for duration of the meeting.

(Councillor C Patmore in the Chair)

SHP.34 **EXCLUSION OF THE PRESS AND PUBLIC**

THE DECISION:

The Panel considered whether to exclude the press and public from the meeting during consideration of the items of business at minute no. SHP.35 on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972. The complainant was not present during the hearing and the Panel noted that there were matters contained in the written representations which were personal and not relevant to the Code of Conduct complaint. Therefore, the Panel was satisfied that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

The Panel resolved that the press and public should be excluded pursuant to Section 100A(4) of the Local Government Act 1972.

SHP.35 **ALLEGATIONS ABOUT A PARISH COUNCIL MEMBER**

The Panel noted that the complainant had informed the Council that he would not be attending the hearing and that he had not requested an adjournment. The Panel was satisfied that it had all relevant information before it, including that provided by the complainant, and that a fair hearing could take place. The Panel was also satisfied that it was in the public interest for the complaint to be dealt with in a timely manner and therefore the matter was dealt with in the complainant's absence.

The subject of the decision:

The Deputy Monitoring Officer presented a report in relation to allegations that a Parish Councillor (“the Parish Councillor”) had failed to comply with the provisions of the Parish Council’s Code of Member Conduct as he did not register a pecuniary interest (i.e. his periodic paid employment) in his register of member interests, nor did he give written notification of his paid employment to the District Council’s Monitoring Officer.

Alternative options considered:

The Panel considered whether or not there had been a breach of the Code of Member Conduct as alleged.

The reason for the decision:

The Panel considered:

- the Deputy Monitoring Officer’s report;
- the written submissions of complainant;
- the written and oral submissions of the Parish Councillor; and
- the Parish Council’s Code of Conduct.

The Panel considered evidence from the complainant alleging that the Parish Councillor had failed to comply with the provisions of the Parish Council’s Code of Member Conduct as he did not register a pecuniary interest (i.e. his periodic paid employment) in his register of member interests, nor did he give written notification of his paid employment to the District Council’s Monitoring Officer.

The Parish Councillor told the Panel that he retired in 2012 and had completed five freelance projects as an architect since his retirement. The Parish Councillor informed the Panel that his freelance work consisted of individual projects which were carried out on behalf of personal acquaintances and not through a business. The Parish Councillor informed the Panel that on each of the two occasions where he had acted as the applicant’s agent on planning applications which were being considered by the Parish Council, he had declared an interest and left the meeting during the discussion of those items.

The Parish Councillor informed the Panel that he was co-opted on to the Parish Council in February 2015 and had submitted a register of member of interests at that time. The Panel considered a copy of that register of interests provided by the Parish Councillor during the meeting. The Panel noted the form recorded that the Parish Councillor was retired although occasionally undertook freelance work. The Parish Councillor informed the Panel that it was an oversight on his part that he had failed to repeat this information on his register of interests form dated July 2015 (following his subsequent appointment to Parish Council after the May elections).

The Parish Councillor also informed the Panel that following this Code of Conduct complaint being brought to his attention he had submitted a new register of interests form in order to accurately record his employment circumstances. A copy of this form was produced and considered by the Panel.

The Panel concluded that the Parish Councillor’s register of member interests dated July 2015 was not accurate as it did not record the freelance work undertaken by the Parish Councillor. However, the Panel found that this failure was a genuine oversight by the Parish Councillor and noted that the Parish Councillor had since submitted an updated register of member interests which accurately reflected his employment.

THE DECISION:

It followed that, in the Panel's view, the Parish Councillor had breached the Code of Member Conduct by failing to record a pecuniary interest on his register of member interests and failing to give written notification of his paid employment to the District Council's Monitoring Officer.

The Panel accepted that this had been an oversight on the Parish Councillor's part, which had since been corrected such that it warranted no more than a recommendation that the Parish Council remind the Parish Councillor of his obligations concerning the register of member interests.

The Panel recommends to the Parish Council that:-

- (1) the complaint be upheld in relation to the allegations that the Parish Councillor had failed to comply with the provisions of the Parish Council's Code of Member Conduct as he did not register a pecuniary interest (i.e. his periodic paid employment) in his register of member interests, nor did he give written notification of his paid employment to the District Council's Monitoring Officer; and
- (2) the Parish Councillor be reminded of his obligation to record any disclosable pecuniary interests on his register of interests and give written notification of those interests the District Council's Monitoring Officer.

The meeting closed at 10.15 am

Chairman of the Panel

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