

Committee Administrator: Democratic Services Officer (01609 767015)

Friday, 4 May 2018

Dear Councillor

NOTICE OF MEETING

Meeting **COUNCIL**
Date **Tuesday, 15 May 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
To confirm the minutes of the meeting held on 17 April 2018 (C.34 - C.37), attached. 1 - 2
2. APOLOGIES FOR ABSENCE
3. ANNOUNCEMENTS BY THE CHAIRMAN OR CHIEF EXECUTIVE
4. QUESTION TIME
None received.
5. COMMUNITY GOVERNANCE REVIEW - BRAFFERTON AND HELPERBY PARISHES 3 - 16
6. NOTICES OF MOTION
None received.

Agenda Item 1

Minutes of the meeting of the COUNCIL held at
2.00 pm on Tuesday, 17th April, 2018 at Council
Chamber, Civic Centre, Stone Cross, Northallerton

Present

Councillor D Hugill (in the Chair)

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

Apologies for absence were received from Councillors M A Barningham, G W Dadd, S P Dickins, C A Dickinson, K G Hardisty, C A Les, C Rooke and A Wake

C.34 **MINUTES**

THE DECISION:

That the minutes of the meeting held on 27 February 2018 (C.26 - C.33), previously circulated, be signed as a correct record.

C.35 **STATEMENT OF THE LEADER AND REFERRALS FROM CABINET**

The Leader moved Cabinet minutes CA.58 – CA.59 and made a statement to the Council on the following matters:-

- Devolution
- Fly Tipping

The Leader referred to Councillor Claire Palmer's recent move from UKIP to the Yorkshire Party.

The Leader also announced that Chief Constable Dave Jones of North Yorkshire Police had retired with immediate effect after 32 years' service to the Police Force. The Leader, who had found it a privilege to work with Mr Jones, wished to record thanks on behalf of the authority and wished him well for his future.

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 April 2018	CA.58 – CA.59

C.36 **CABINET PORTFOLIO STATEMENTS**

- (a) Councillor P R Wilkinson, Portfolio Holder for Economic Development and Finance made a statement regarding progress on the Dalton Bridge and Prison Site; Business Support and funding. Councillor Wilkinson provided an update on the external funding that had been secured totalling £4,281,000 which had resulted in an additional 60 jobs over 20 different companies. A number of questions were asked relating to the prison development and were responded to at the meeting.
- (b) Councillor Mrs B S Fortune, Portfolio Holder for Leisure made a statement regarding the opening of the Northallerton Leisure Centre; Tour de Yorkshire 2018; Sowerby Sports Village funding; Making a Difference Grants and the award of the Armed Forces Covenant Employer Recognition Scheme, Bronze Award. Councillor Mrs Fortune provided an update on the Northallerton Leisure Centre, there had been over 500 for new gym memberships and 100 toning memberships issued.
- (c) Councillor Mrs I Sanderson, Portfolio Holder for Governance made a statement regarding the LED lighting scheme; works at the Civic Centre; a short term agreement to provide 100 parking permits for North Yorkshire Police in Crosby Road Car Park; provision of electricity bollards in Northallerton High Street and the Council's GovMetric system which measures customer satisfaction.
- (d) Councillor D Webster, Portfolio Holder for Planning made a statement providing an update on the Local Plan; the Homelessness Reduction Act which came into effect on 3 April 2018; resettlement of refugees and Development Management. Councillor Webster reported that it was envisaged that Development Management would be fully staffed once all the necessary notice periods and checking of references had been completed.
- (e) Councillor S Watson, Portfolio Holder for Environmental Health, Waste and Recycling made a statement Waste and Street Scene; Green Waste collections; route optimisation; fly tipping and Environmental Health.

C.37 **REQUEST TO CHANGE NAME OF AISKEW PARISH**

Bedale Ward

This report sought consideration of a request (under the provisions of Section 75 of the Local Government Act 1972) from Aiskew Parish Council to change the name of Aiskew parish to Aiskew and Leeming Bar parish.

THE DECISION:

That:-

- (1) the parish of Aiskew be renamed Aiskew and Leeming Bar parish; and
- (2) a notice be published in accordance with the statutory requirements set out in paragraph 5.2 of the report.

The meeting closed at 2.15 pm

Chairman of the Council

HAMBLETON DISTRICT COUNCIL

Report To: Council
15 May 2018

From: Chief Executive

**Subject: COMMUNITY GOVERNANCE REVIEW BRAFFERTON AND HELPERBY
PARISHES – DRAFT TERMS OF REFERENCE**

Raskelf and White Horse Ward

1.0 PURPOSE AND BACKGROUND:

- 1.1 The purpose of this report is to seek Council approval to the attached Terms of Reference for a Community Governance Review.
- 1.2 The Local Government and Public Involvement in Health Act 2007 amended the responsibility for Parish Area Reviews from what is now the Local Government Boundary Commission for England to Principal Councils, subject to adherence to regulations and directions from the Department for Communities and Local Government and the Electoral Commission. Principal Councils in this context are specifically District Councils in England.
- 1.3 The process for considering a change is now termed a “Community Governance Review” (CGR).
- 1.4 A CGR is a review of one or more areas of the district to look at one or more of the following:
- creating, merging, altering or abolishing parishes;
 - the naming of a parish and the styling of a new parish (i.e. whether to call it a village, community, or neighbourhood with the council similarly named as a village council, community council or neighbourhood council)
 - the electoral arrangements for parishes (including council size, number of councillors to be elected to the council and parish warding); and
 - grouping parishes under a common parish council or de-grouping parishes.
- 1.5 A CGR may not change Parliamentary, District Ward or County Division boundaries, although it might lead to recommendations being made to the Local Government Boundary Commission for England to make changes to Ward or District boundaries. Reviews of Parliamentary boundaries are undertaken periodically by the Boundary Commission for England.
- 1.6 A CGR must have regard to two key principles:
- (a) Community Governance must reflect the identities and interests of the community;
 - (b) Community Governance must be effective and convenient.
- 1.7 A CGR must also take into account a number of influential factors including:
- the impact of Community Governance arrangements on community cohesion; and
 - the size, population and boundary of a local community or parish.

- 1.8 Consultation must take place with Local Government electors, appropriate Local Authorities and other relevant persons, including local community interest groups. The Council must take into account all representations received.
- 1.9 A CGR may be undertaken by the Council itself where there is a perceived need for it, or triggered in response to a Community Governance Petition (which must comply with a number of requirements).
- 1.10 The procedure for a CGR requires the Council:
- (a) to consult initially on the agreed Terms of Reference for the Review;
 - (b) to take into account representations received, to then publish draft recommendations and consult on those; and
 - (c) to take into account representations received, to then publish the final recommendations and, if required, to make a Community Governance Re-organisation Order to give effect to agreed changes.

2.0 COMMUNITY GOVERNANCE REVIEW PETITION:

2.1 The Council has received a Community Governance Petition signed by the requisite number of electors of the area proposed for review.

2.2 The petition states:

“We, the undersigned local government electors of Brafferton/Helperby, hereby request that Hambleton District Council undertakes a Community Governance Review for the purposes of merging the existing parishes of Brafferton and Helperby to create a new single parish of Brafferton and Helperby and the dissolution of the two existing parish councils of Brafferton and Helperby and creating a new single parish council for the parish of Brafferton and Helperby.”

2.3 In consequence, the Council is required to undertake a CGR that has terms of reference that allow for the Community Governance Petition to be considered. The Council can however also consider alternative measures as part of the Review. The draft Terms of Reference (see Annex A) includes two options for consultation and consideration, namely:

- The proposal contained in the petition;
- A proposal that the existing arrangements remain unchanged.

2.4 If, following a CGR, the request in the petition were implemented by the Council the following actions would need to be taken:

- (1) the dissolution of the parishes of Brafferton and Helperby;
- (2) the creation of a new parish comprising the existing parishes of Brafferton and Helperby;
- (3) the dissolution of the existing Brafferton Parish Council and Helperby Parish Council;
- (4) the creation of a new parish council for the new parish of Brafferton and Helperby.

2.5 If, following a CGR, the Council decided to retain the existing arrangements then no further action would be required.

3.0 UNDERTAKING A COMMUNITY GOVERNANCE REVIEW:

3.1 Section 93 of the 2007 Act allows Principal Councils to decide how to undertake a CGR, provided that they comply with a number of duties in that Act which apply to Principal Councils undertaking CGRs. Before undertaking a CGR the Council must notify North Yorkshire County Council that a CGR is to be undertaken and its Terms of Reference.

3.2 In conducting a CGR, the Council must consult with the following:

- all Local Government electors in the area under review;
- the respective Parish Councils,
- any other person or body which appears to have an interest in the Review (for example, local businesses, local residents' associations, community groups, local public and voluntary organisations – such as schools or health bodies).

3.3 It is anticipated that as much of the consultation as possible in respect of the CGR will be carried out on-line and an area of the Council's website will be designated for the Review to keep interested parties up to date. In addition, and in line with best practice, the Council will be writing to all households within the two existing parishes to bring the Review to their direct attention.

3.4 When undertaking a CGR the Council must also:

- have regard to the need to secure that the Community Governance in the area under review:-
 - (a) reflects the identities and interests of the community in that area; and
 - (b) is effective and convenient
- take into account any representations received in connection with the Review.

3.5 A suggested timetable for the conduct of the CGR is set out in the attached Terms of Reference (see Annex A). The draft Terms of Reference sets out the consultation process. The consultation document will consult on the option set out in the petition proposal or to continue with the existing arrangements. On the basis the Council may resolve to make changes to existing arrangements the consultation will also seek opinion on the matters set out in paragraph 5 below.

4.0 RECOMMENDATIONS OF A COMMUNITY GOVERNANCE REVIEW:

4.1 Following a public consultation on the Terms of Reference, the Council will draw up and publish draft recommendations upon which a further period of public consultation will be undertaken. Following consultation on the draft recommendations, the Council will agree the final recommendations on the CGR.

5.0 PROPOSED NEW PARISHES:

5.1 Under Section 87 of the 2007 Act a CGR must make recommendations as to what new parish or parishes, if any, should be constituted in the area under review. A new parish is constituted in any one of a number of ways including:-

- the aggregation of parts of parishes;
- the amalgamation of two or more parishes;
- the separation of part of a parish.

5.2 If the CGR recommends that a new parish should be constituted, the Council must also make recommendations as to the following.

- name of the new parish;
- whether or not the new parish should have a parish council;
- whether or not the new parish should have one of the alternative styles.

Existing Parishes under Review

5.3 Under Section 88 of the 2007 Act the CGR must also make the following recommendations in relation to each of the existing parishes under review:

(a) the CGR must make one of the following recommendations:

- (1) that the parish should not be abolished and that its area should not be altered;
- (2) that the area of the parish should be altered;
- (3) that the parish should be abolished.

(b) whether or not the name of the parish should be changed;

(c) whether or not the parish should continue to have a council.

5.4 The CGR may not make any recommendations for the existing parish to have an alternative style if it does not already have one.

Electoral Arrangements:

5.5 The CGR must also make recommendations as to what electoral arrangements should apply to any new parish council and, where the CGR concludes that a parish should continue to have a parish council, recommendations as to what changes if any should be made to the electoral arrangements that apply to that Council.

5.6 Electoral arrangements in relation to a CGR means all of the following:

- (a) the year in which ordinary elections of councillors are to be held;
- (b) the number of councillors to be elected to the council;
- (c) the division (or not) of the parish into wards for the purpose of electing councillors;
- (d) the number and boundaries of any such wards;
- (e) the number of councillors to be elected for any such ward;
- (f) the name of any such ward.

5.7 The CGR may make recommendations to the Electoral Commission as to what related alteration (if any) should be made to District Ward boundaries or County Electoral Division boundaries. It would then be a matter for the Electoral Commission to give effect to any such recommendations.

Grouping or De-grouping Parishes

5.8 A CGR may make recommendations as to whether or not grouping or de-grouping provisions should be made. If the CGR recommends that grouping or de-grouping provisions should be made, those recommendations must in particular include recommendations as to what changes if any should be made to the electoral arrangements that apply to any council affected by the provisions.

6.0 PUBLICISING A COMMUNITY GOVERNANCE REVIEW:

- 6.1 As soon as practicable after the Council has decided to what extent it will give effect to the recommendations made in a CGR, the Council must:
- (a) publish that decision and the reasons for making that decision; and
 - (b) take such steps as the Council considers sufficient to ensure that persons who may be interested in the Review are informed of that decision and those reasons.
- 6.2 If, following a CGR, it is necessary to make a Community Governance Re-organisation Order to give effect to any changes, the Council must as soon as practicable after making the Order, place a copy of the Re-organisation Order, and a detailed map showing the effects of the Order, on deposit at the Council Offices for public inspection. The Council must also publicise that the Order and map are available for public inspection and inform all of the following that the Order has been made:
- (a) the Secretary of State;
 - (b) the Electoral Commission;
 - (c) the Office of National Statistics;
 - (d) the Director General of the Ordnance Survey;
 - (e) North Yorkshire County Council.

7.0 COMMUNITY GOVERNANCE RE-ORGANISATION ORDER:

- 7.1 A Re-organisation Order may include any of the following:
- (a) provisions with respect to the transfer and management or custody of property (whether real or personal);
 - (b) provisions with respect to the transfer of functions, property, rights and liabilities;
 - (c) provisions with respect to electoral arrangements.
- 7.2 If the Council makes a Re-organisation Order, the Council must send two copies of the Order to the Secretary of State and two copies to the Electoral Commission.

8.0 LEGAL IMPLICATIONS:

- 8.1 The Council must conduct a CGR in accordance with the requirements set out in Chapter 3 of Part 4 of the Local Government and Public Involvement in Health Act 2007 and guidance issued by the Secretary of State under Section 100(4) of the 2007 Act. Section 83(2) of the 2007 Act requires that where the Council receives a Community Governance Petition, it must undertake a CGR that has Terms of Reference that allow for the petition to be considered.

9.0 FINANCIAL IMPLICATIONS:

- 9.1 The Council will carry out the CGR in-house. It is anticipated that the disbursement costs of the CGR (e.g. publicising the review and writing to households and interested stakeholders at both stages of the consultation process) is likely to be in the region of £1,500.

10.0 RECOMMENDATION:

10.1 It is recommended that Council:-

- (1) approves the Terms of Reference for a Community Governance Review (as set out in Annex A to this report) in accordance with the requirements of Chapter 3 of Part 4 of the Local Government and Public Involvement in Health Act 2007;
- (2) approves the publication of the Terms of Reference in respect of the Community Governance Review, including the proposed timetable, as set out in Annex A to this report;
- (3) authorises the Director of Law and Governance to conduct the Community Governance Review on the Council's behalf and to take all necessary action to comply with the Council's statutory obligations in that regard.

JUSTIN IVES

Background papers: none

Author ref: GN

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

150518 CGR Terms of Ref

**HAMBLETON DISTRICT COUNCIL
COMMUNITY GOVERNANCE REVIEW
BRAFFERTON AND HELPERBY PARISHES 2018
TERMS OF REFERENCE**

INTRODUCTION

Aims of the review

Hambleton District Council has resolved to undertake a Community Governance Review (CGR) pursuant to Part 4, Chapter 3 of the Local Government and Public Involvement in Health Act 2007. The CGR shall comply with the legislative requirements and have regard to the associated statutory guidance and will be conducted in accordance with these terms of reference.

Why undertake a Community Governance Review?

The Council is undertaking this Community Governance Review in response to a petition which was submitted to Hambleton District Council.

A CGR provides an opportunity for principal authorities to review and make changes to community governance within their area. Such reviews can be undertaken when there have been changes in population or in reaction to specific or local new issues to ensure that the community governance for the area continues to be effective and convenient and it reflects the identities and interests of the community.

The government has emphasised that recommendations made through a CGR ought to bring about improved community engagement, more cohesive communities, better local democracy and result in more effective and convenient delivery of local services.

Parish Matters to be considered

As a consequence of receiving the petition the District Council is consulting on the following two options:

OPTION 1: THE PETITION PROPOSAL

The petition proposes the merging of Brafferton parish and Helperby parish to form a new parish. The petition also proposes that both Brafferton Parish Council and Helperby Parish Council be abolished and a new parish council created for the new parish.

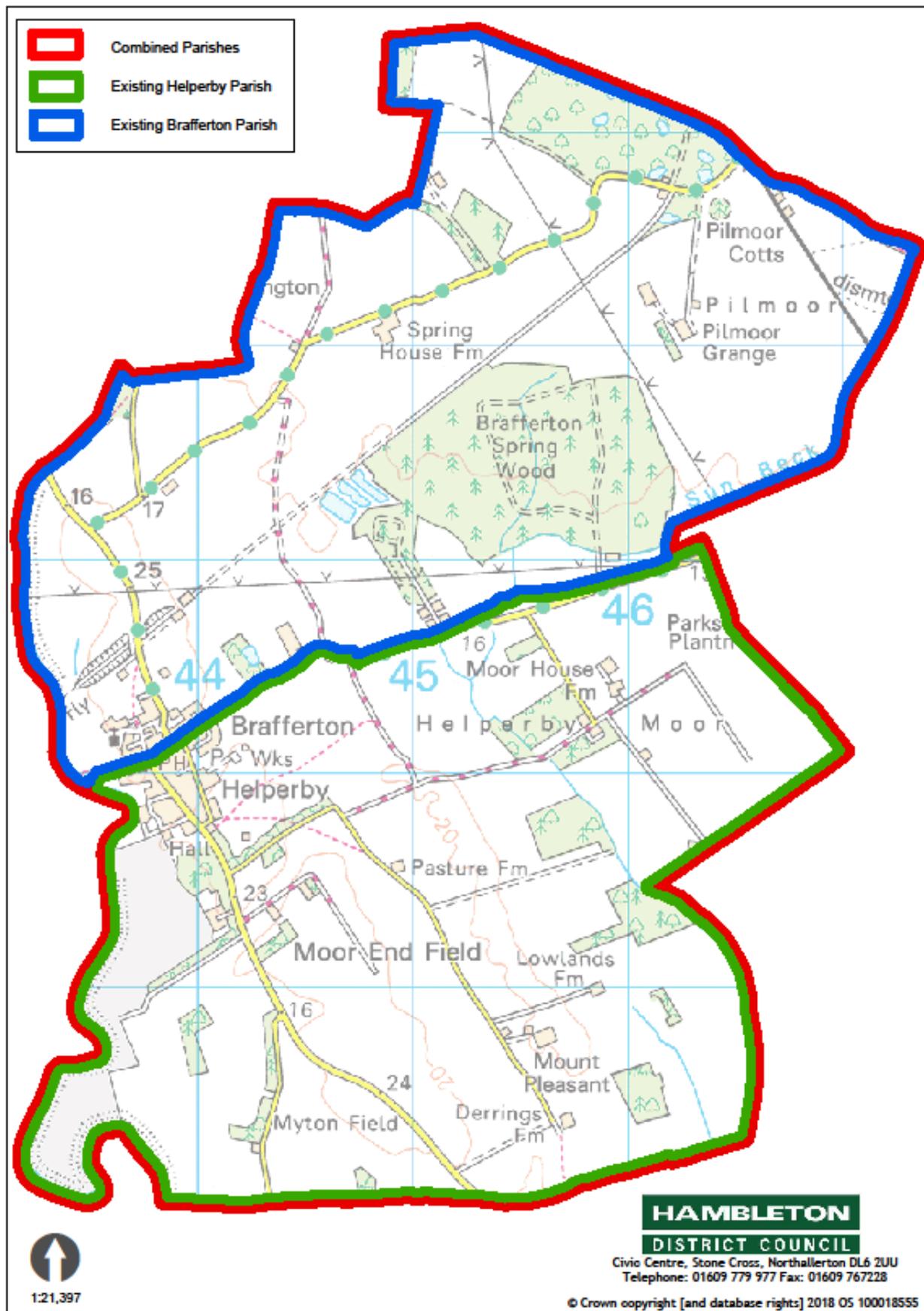
The proposed new parish and parish council would cover the area shown edged red on the plan overleaf.

The District Council is also seeking the views of local residents and stakeholders on the specific details for such an arrangement, such as the name of the parish, the style of the parish, the number of parish councillors and warding arrangements.

OPTION 2: CONTINUE WITH THE EXISTING ARRANGEMENTS

To make no changes to the existing arrangements, namely, retain the existing parishes of Brafferton and Helperby and retain the existing Brafferton Parish Council and Helperby Parish Council.

The existing parish boundaries are set out on the plan below which shows Brafferton parish edged blue and Helperby parish edged green.



What is a Community Governance Review (CGR)?

A CGR provides an opportunity for principal authorities to review and make changes to community governance within their area. Such reviews can be undertaken when there have been changes in population or in reaction to specific or local new issues to ensure that the community governance for the area continues to be effective and convenient and it reflects the identities and interests of the community.

A CGR is a review of the whole or part of the district to consider one or more of the following:

- Creating, merging, altering or abolishing parishes;
- The naming of parishes and the style of new parishes;
- The electoral arrangements for parishes (the ordinary year of election, council size, the number of councillors to be elected to the council, and parish warding); and
- Grouping parishes under a common parish council or de-grouping parishes.

The District Council is required to ensure that community governance within the area under review will be:

- Reflective of the identities and interests of the community in that area; and
- Effective and convenient.

In doing so the CGR is required to take into account:

- The impact of community governance arrangements on community cohesion; and
- The size, population and boundaries of a local community or parish.

Who will undertake the Community Governance Review (CGR)?

As the principal authority, the District Council is responsible for undertaking any CGR within its electoral area. The body responsible for overseeing this process is the full Council. It will oversee the CGR and produce draft recommendations. Final recommendations will be for consideration and approval by full Council before a Community Governance Order is made.

In undertaking the Review, the District Council will be guided by Part 4 of the Local Government and Public Involvement in Health Act 2007, the relevant parts of the Local Government Act 1972, guidance on Community Governance Reviews issued in accordance with section 100(4) of the Local Government and Public Involvement in Health Act 2007 by the Department of Communities and Local Government and the Local Government Boundary Commission in March 2010. Also the following regulations which guide, in particular, consequential matters arising from the Review: Local Government (Parishes and Parish Councils) (England) Regulations 2008 (SI2008/625); Local Government Finance (New Parishes) Regulations 2008 (SI2008/626).

CONSULTATION

How does the District Council propose to conduct consultations during the Review?

Before making any recommendations the District Council will consider the views of local people. The District Council will comply with the statutory consultative requirements by:

- Consulting local households for the areas under review;
- Consulting any other person or body (including a local authority) which appears to the District Council to have an interest in the review;
- Notifying and consulting North Yorkshire County Council; and
- Taking into account any representations received in connection with the review.

Consultation process

The District Council will carry out the Review through consultation on the two options (as set out above).

Information relating to the CGR will be available on the District Council's website and key documents will be on deposit at the District Council's offices at Civic Centre, Stone Cross, Northallerton DL6 2UU and Easingwold Area Office, The Police Station, Church Hill, Easingwold, York YO61 3JX.

When taking account of written representations the District Council must ensure that community governance within the areas under review reflects the identities and interests of the community in that area; and is effective and convenient.

The District Council will publish its recommendations in accordance with the timetable below and take such steps as it considers sufficient to ensure that persons who may be interested in the CGR are informed of the recommendations and the reasons behind them.

TIMETABLE FOR THE COMMUNITY GOVERNANCE REVIEW

Stage	Action	Timescale
Commencement	Terms of Reference approved by full Council	15 May 2018
Stage 1 - First Consultation Stage	Submissions are invited on the two options set out in the Terms of Reference. The District Council invites feedback from local residents and interested stakeholders on future arrangements under the Terms of Reference.	15 May - 29 June 2018
	Results of the first consultation stage considered and preparation of draft recommendations to full Council.	July - August 2018
Stage 2 - Draft recommendations published	Results of the first consultation stage considered by full Council and draft recommendations made setting out the proposed future arrangements for Brafferton and Helperby parishes and their respective parish councils.	18 September 2018
Stage 3 - Second Consultation Stage	Submissions are invited on the draft recommendations. Local residents and stakeholders will be consulted on the draft proposals.	18 September - 21 October 2018
	Consideration of the results to the second consultation stage followed by preparation of final recommendations to full Council.	October - November 2018

Stage	Action	Timescale
Stage 4 - Final Recommendations	Results of the second consultation stage considered by full Council and final recommendations made setting out the proposed future arrangements for Brafferton and Helperby parishes and their respective parish councils.	11 December 2018
Stage 5 - Reorganisation Order	Subject to the outcome of Stage 5 the District Council (if applicable) publishes a Reorganisation Order and requests the Electoral Commission approves any consequential changes.	January 2019
	First election under new arrangements (if applicable)	2 May 2019

ELECTORATE FORECASTS

The latest Register of Electors published on 1 March 2018 shows the following number of electors within the area subject to the Review: 665. There are currently 369 properties.

When the District Council comes to consider the electoral arrangements of the parishes in its area, it is required to consider any change in the number or distribution of the electors which is likely to occur in the period of five years beginning with the day when the review starts. Election forecasts have been made and are detailed below. These are based on the most recent electoral register, planning assumptions and likely growth within the area based on the number of planning permissions granted and the Council's Local Development Framework to provide a five year electorate forecast.

	Households		Electors	
	2018	2023	2018	2023
Electorate*	369	383 ⁽¹⁾	665	391 ⁽²⁾

1. Calculated on the number of additional dwellings due from outstanding granted planning permissions and allocation sites under the Local Development Framework in the areas under review.
2. Calculated on the average rate of 1.8 electorate per household for the areas under review.

NB * Elections information is based on numbers on register so will not reflect total population.

Parish Areas

This Review considers merging the parishes of Brafferton and Helperby. The legislation requires that the District Council must have regard to the need to secure that community governance within the area under review:

- Reflects the identities and interests of the community in that area;
- Is effective and convenient; and
- Takes into account any other arrangements for the purposes of community representation or community engagement in the area.

Viability of any new Parish

The District Council recognises that parishes should be viable and should possess a precept that enables them to actively and effectively promote the well-being of their residents and to contribute to the real provision of services in their areas in an economic and efficient manner. The District Council is committed to ensuring that the outcome of the Review leads to a parish that is based on the area which reflects community identity and interests and which is viable as an administrative unit.

Name of any new Parish

If the District Council resolves to implement the petition proposal, it will need to consider the name of the new parish. The District Council will consult on the name for the new parish as part of the first consultation stage.

A Council for a Parish

The legislation lays down the different duties that the District Council has with regard to the creation of a council for a parish:

- where the number of electors is 1,000 or more a parish council must be created;
- where the number of electors is 151-999 a parish council may be created, with a parish meeting being an alternative of parish governance; and
- where the number of electors is 150 or fewer a parish council is not created.

Electoral arrangements

If the District Council resolves to implement the petition proposal, it will need to consider the future electoral arrangements of any new parish and parish council. The District Council will consult on electoral arrangements as part of the first consultation stage which will include the following:

- The number of councillors to be elected to the council;
- The division (or not) of the parish into wards for the purpose of electing councillors;
- The number and boundaries of any such wards;
- The number of councillors to be elected for any such ward; and
- The name of any such ward.

The Local Government Act 1972 states that ordinary election of parish councillors shall take place in 1976, 1979 and every fourth year thereafter (i.e. 2007, 2011, 2015, etc). Parish elections can be held in other years, for instance to coincide with the cycle for the principal authority. However, the District Council and Parish Council elections are already held on the same cycle. If, as a result of the Review, amendments are made to the arrangements of the parishes the next election for the parish councillors will be held in May 2019 (in accordance with the current election cycle). In accordance with the timetable for the Review there would be no justification to hold the next parish council election any earlier.

The District Council notes that the number of parish councillors for each parish council shall not be less than five. There is no maximum number and there are no rules relating to the allocation of councillors. There are, however, guidelines that have been published by the Aston Business School which found the following levels of representation:

Electorate	Councillor allocation
Less than 500	5 – 8
501-2,500	6 – 12
2,501 – 10,000	9 – 16
10,001 – 20,000	13 – 27
Greater than 20,000	13 - 31

The government’s guidance is that “each area should be considered on its own merits, having regard to its population, geography and the pattern of communities.” Therefore the District Council will consider the existing levels of representation, the broad pattern of existing council sizes and the take up of seats at election time.

REORGANISATION OF COMMUNITY GOVERNANCE ORDERS AND COMMENCEMENT

Following the Review the District Council may adopt a Reorganisation of Community Governance Order. Copies of this Order, the map(s) that show the effects of the order in detail, and the document(s) which set out the reasons for decisions that the District Council has taken will be deposited at the District Council’s Offices, website and Community Offices.

In accordance with the Guidance issued by the government, the District Council will issue maps to illustrate each recommendation at a scale that will not normally be smaller than 1:10,000.

These maps will be deposited with the Secretary of State at the Department of Communities and Local Government and at the District Council’s office at Civic Centre, Stone Cross, Northallerton DL6 2UU. Prints will also be supplied, in accordance with the regulations, to Ordnance Survey, the Registrar General, the Land Registry, the Valuation Office Agency, the Boundary Commission for England and the Electoral Commission.

It is proposed that any Order will take effect for financial and administrative purposes as soon as practicable.

The electoral arrangements for a new or existing parish council will come into force at the next elections to the parish council which will be on Thursday 2 May 2019.

CONSEQUENTIAL MATTERS

General principles

The District Council notes that a Reorganisation Order may cover any consequential matters that appear to the District Council to be necessary or proper to give effect to the Order. These may include:

- The transfer and management or custody of property;
- The setting of precepts for new parishes;
- Provision with respect to the transfer of any functions, property, rights and liabilities;
- Provision for the transfer of staff, compensation for loss of office, pensions and other staffing matters; and/or
- Electoral arrangements of any new parish created by the merging of the previous two parishes, including number of councillors, warding structure.

In these matters, the District Council will be guided by Regulations that have been issued following the 2007 Act.

How to submit your views

You can submit your views using the online questionnaire at www.hambleton.gov.uk/survey/cgr or by completing the paper questionnaire.

Any queries contact by email at cgr@hambleton.gov.uk or Hambleton District Council, Civic Centre, Stone Cross, Northallerton DL6 2UU or telephone (01609) 779977.

Publication of Terms of Reference

These Terms of Reference will be published on the District Council web site www.hambleton.gov.uk and will be available for inspection at the offices at Civic Centre, Stone Cross, Northallerton DL6 2UU or Easingwold Area Office, The Police Station, Church Hill, Easingwold, York YO61 3JX.

Notices advertising this Community Governance Review and the availability of these Terms of Reference will also be posted within each parish.

MINUTES FOR INFORMATION

<u>Committee</u>	<u>Date</u>	<u>Page</u>
Planning Committee	3 May 2018	To follow
Licensing and Appeals Hearings Panel	11 April 2018	19
	26 April 2018	23

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Present

Councillor R A Baker
P Bardon

Councillor Mrs J Watson

LAHP.22 **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.23 **EXCLUSION OF THE PUBLIC AND PRESS**

That under Section 100A(4) of the Local Government Act 1972, the press and public were excluded from the meeting during consideration of the item of business at minute no LAHP.24 on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act as the Panel was satisfied that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

LAHP.24 **SUITABILITY OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER**

The subject of the decision:

The Director of Law and Governance (Monitoring Officer) asked the Panel to consider whether the licence holder ("D") was a fit and proper person to continue to hold a hackney carriage and private hire driver licence.

Alternative options considered:

The Panel considered the options in paragraph 6.1 of the officer's report but, having concluded that D was not a fit and proper person to hold a hackney carriage and private hire driver licence, the only suitable option was to revoke D's licence with immediate effect.

The Panel was not satisfied that any of the alternative options, including issuing a warning or a period of suspension, would adequately serve the interests of the public and address the safety concerns raised.

The reason for the decision:

The Panel considered:

- the officer's report;

- the written and oral representations of D;
- the written and oral representations of D's employer ("E");
- the Council's Hackney Carriage and Private Hire Licensing Policy; and
- the relevant legislation.

The Panel was informed that on 26th March 2018 D was arrested on suspicion of sexually assaulting a female. D was subsequently released subject to three bail conditions, one of which prohibits D from having unsupervised contact with any child under the age of 16 years.

The Panel noted that, at the time of the hearing, the allegation was still under police investigation and no charge had been made against D.

The Panel noted that E, on D's behalf, had informed the Council of the arrest and provided the Council's Principal Licensing Officer with a copy of D's notice of bail conditions.

D informed the Panel that he had been accused by his partner's 14 year old granddaughter ("F") of touching her between her legs during an incident which occurred between September and Christmas 2017. D informed the Panel that he was first made aware of the accusation by the police in March 2018 and the accusation came "out of the blue".

D told the Panel that he had not been informed of a particular time or date of the alleged incident. However, D did inform the Panel that, on one occasion, he and his partner had attended his partner's daughter's house. According to D, at this time, he and his partner had a good relationship with his partner's daughter and her children. D stated that on that occasion he had been sat on the sofa between F and F's 7 year old sibling. D told the Panel that he had placed his right hand on F's left knee to get up from the sofa when he left to use the bathroom. D informed the Panel that the sofa was low and that he had used F's knee as support. When D was asked if it was normal for him to touch F in that manner, D said "I wouldn't do it all the time. I just sort of did it". D told the Panel his partner and his partner's daughter were in the kitchen at the time of the incident.

D told the Panel that F's mother receives some support from social services. D stated that he does not agree with some of the social worker's views. D informed the Panel that he believes his partner's daughter is gullible and that the social worker is "putting ideas in her head".

D informed the Panel that he has been in a relationship with his partner for approximately ten years. D told the Panel that, prior to some time in 2017, he and his partner had only seen his partner's daughter and her children intermittently due to a fallout in the family. D informed the Panel that F and her siblings called him "Grandad".

D informed the Panel that, following the allegation coming to light, North Yorkshire County Council had suspended his involvement in any school contract journeys including where children are accompanied by an adult.

The Panel considered the contents of E's written character reference and oral submissions and noted that D had not been the subject of any formal enforcement action in the past. E informed the Panel that he believed this to be an unfortunate allegation and that he had no concerns with D's continued employment. The Panel accepted that D had a good history and reputation with his employer.

The Panel considered D's bail condition prohibiting any unsupervised contact with any child under the age of 16 years. The Panel noted that hackney carriage drivers are required to carry all passengers unless there is reasonable cause not to do so. The Panel was satisfied that compliance with a bail condition would likely be reasonable cause not to carry a passenger. However, the Panel was concerned that if an unsupervised child was refused access to D's vehicle, any such refusal on the basis of the passenger's age would have the potential to raise public concern as to D's suitability to act as a hackney carriage and private hire driver.

The Panel noted that both social services and the police had become involved in this matter. The Panel noted that the police can only make an arrest where an officer has reasonable suspicion of the person's involvement in an offence. The Panel concluded that the severity of the allegation and the actions taken by the police raised serious concerns about D's status as a fit and proper person to hold a hackney carriage and private hire driver's licence.

Having concluded that there were serious concerns about D's suitability to act as a hackney carriage and private hire driver, the Panel considered the options outlined at paragraph 6.1 of the officer's report.

THE DECISION:

Taking account of the above and, having given appropriate weight to the evidence, the Panel concluded that D was not a fit and proper person to hold a hackney carriage and private hire driver's licence.

The Panel was not satisfied that any sanction less than revocation would adequately serve the interests of the public. The Panel therefore resolved to revoke D's licence for 'any reasonable cause' in accordance with section 61 of the Local Government (Miscellaneous Provisions) Act 1976.

In accordance with section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976, the Panel decided to give immediate effect to the decision in the interests of public safety.

The meeting closed at 10.45 am

Chairman of the Panel

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Present

Councillor M A Barningham (in the Chair)

Councillor P Bardon

Councillor N A Knapton

LAHP.25 **APPLICATION FOR THE GRANT OF A PREMISES LICENCE, UNIT 4, THE ARCADE, HIGH STREET, GREAT AYTON**

Great Ayton Ward

The subject of the decision:

The Director of Law and Governance submitted a report seeking consideration of an application for the grant of a premises licence in respect of Unit 4, The Arcade, High Street, Great Ayton. The application initially sought to authorise the sale of alcohol and the provision of regulated entertainment (live and recorded music). However, on 22 March 2018, the applicant sent an email to the Council's Licensing Team withdrawing the regulated entertainment from the scope of the application. The application now sought to authorise the sale of alcohol for consumption on and off the premises between the hours of 12pm and 11pm every day. The proposed opening hours were 8am to 11.30pm each day.

Alternative options considered:

The Panel considered all the options outlined in paragraph 7.2 of the officer's report. The Panel was satisfied that the licensing objectives were not likely to be adversely affected by the proposed licensable activities provided that appropriate conditions were imposed. Therefore, the Panel concluded that the alternative options were not appropriate in this instance.

The reason for the decision:

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

The Panel gave appropriate weight to the representations submitted by North Yorkshire Police and local residents in relation to concerns in respect of anti-social behaviour and youths congregating, littering, noise levels and parking issues.

The applicant informed the Panel that he had over 20 years' experience in the licensed trade, had acted in a senior position for 15 years and was currently running a similar licensed premises in a residential area in York. The applicant informed the Panel that the application was for a micro-pub which would be a community venue (not a drive-to destination food led pub) and, by its inherent nature, would likely attract a mature customer base.

The applicant told the Panel that he had been made aware of concerns relating to anti-social behaviour caused by youths congregating in the locality of the premises and he believed that the current quiet and unused location was attractive to bored teenagers. The applicant indicated that if the application was granted the premises would undergo a noise assessment in accordance with national guidance prior to opening.

The Panel noted that the applicant had withdrawn live and recorded music from the scope of his application prior to the hearing and therefore this element of the application was not a relevant consideration for the Panel.

The Panel considered concerns raised by North Yorkshire Police and local residents relating to anti-social behaviour and youths congregating in the area. According to Sgt Booth (Force Licensing Manager, North Yorkshire Police) police records indicate that, since January 2018, one incident of anti-social behaviour had been reported. Sgt Booth informed the Panel that, whilst the police had objected to the application as applied for, those concerns could be alleviated by imposing a number of additional conditions on the premises licence in order to promote the licensing objectives to prevent crime and disorder and public nuisance. Sgt Booth also indicated that empty premises would generally attract more anti-social behaviour than utilised premises.

The Panel believed that concerns relating to anti-social behaviour could be alleviated by imposing conditions relating to the use of a CCTV system and placing restrictions on people under the age of 18 years entering the premises and adult entertainment. The applicant indicated a willingness to adopt police recommendations in that regard.

The Panel considered the recommendations made by North Yorkshire Police in relation to the local Pubwatch scheme. The Panel noted that the applicant had agreed to participate in the scheme. The Panel supported the applicant's decision to participate but, given the voluntary nature of the Pubwatch scheme, it was not satisfied that mandatory compliance would be appropriate particularly in light of the fact that the scheme itself is outside the control of the applicant. On that basis the Panel decided not to impose a condition in this regard.

The Panel considered concerns raised by local residents in relation to an apparent litter problem in the area. The Panel concluded that the applicant is not responsible for existing problems in the locality and that there was insufficient evidence to suggest that those existing problems would be exacerbated. In addition, the Panel was satisfied that the applicant was committed to satisfying his general obligation to prevent public nuisance in this respect.

The Panel considered local residents' concerns about the impact of patrons smoking on the highway outside the premises. The Panel noted that the promotion of public health was not a licensing objective and therefore was not a relevant consideration. The Panel did, however, consider representations relating to noise concerns in this regard.

The Panel considered representations from local residents which indicated that the grant of the premises licence would lead to an increase in late night noise nuisance caused by people talking, shouting, leaving the premises, opening and closing car doors and engine noise. An interested party proposed that an additional condition be imposed to require the external door to the premises be kept closed to control the escape of noise.

The Panel believed that noise nuisance concerns could be alleviated by imposing conditions relating to the external door and placing notices within the premises requesting customers leave quietly.

The Panel considered representations from local residents that the number of toilets provided at the premises for its customers was insufficient. The Panel noted that the requirement for sanitary appliances at licensed premises is an issue considered by planning and environmental health departments and not a relevant matter for the Panel.

The Panel considered representations that the premises is an eyesore. The Panel noted that its discretion was limited to considering the impact on the licensing objectives and therefore the physical attractiveness of the premises was not a relevant consideration.

The Panel was informed that parking in the area was problematic and a car park neighbouring the premises was used by youths to congregate. The Panel considered a request by local residents for the applicant to install CCTV equipment and external lighting to cover the neighbouring car park. The Panel concluded that issues relating to parking were not related to the sale of alcohol and therefore not a relevant consideration. The Panel concluded that the neighbouring car park did not form part of the premises application and was outside the applicant's control and therefore it was not appropriate for the applicant to install CCTV equipment in the manner proposed.

The Panel considered representations regarding the use of external areas of the premises. The representations indicated that the use of an outdoor seating area would increase the level of noise emanating from the premises. The Panel was also asked to consider the potential consequences if 'off-sales' were permitted without restriction. The Panel was satisfied in light of the representations that this could exacerbate existing anti-social behaviour problems unless appropriate measures were taken to control the sale of alcohol for consumption off the premises. The Panel was satisfied that off-sales in sealed containers would pose no significant risk to the licensing objectives. However, in light of concerns raised in relation to the consumption of alcohol in external areas and beyond, the Panel was satisfied that it was appropriate to impose conditions to prevent the removal of alcohol from the premises in open containers. Local residents also indicated that smokers permitted to drink outside the premises would likely stay longer outside, again increasing the likelihood of a noise nuisance. An interested party suggested an additional condition prohibiting the use of external seating be imposed. The Panel noted that external areas of the premises were not included in the premises application plan and therefore could not be regulated.

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

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

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

The Panel noted that the licence would also be subject to all relevant mandatory conditions in addition to any conditions consistent with the applicant's operating schedule. The Panel was satisfied that the mandatory conditions would address any concerns over drink promotions and age verification.

THE DECISION:

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

- 1) A colour digital CCTV system shall be maintained and operated at the premises. The CCTV coverage will include the external smoking area at the front of the premises. The system shall continuously record whilst licensable activities are being carried out. All recordings shall be stored for a minimum of 28 days and shall be capable of being downloaded. The CCTV equipment shall have a constant time/date generation which must be checked on a regular basis for accuracy.
- 2) A documented staff training programme shall be provided to all members of staff in respect of:
 - the operation of the CCTV system;
 - the retail sale of alcohol;
 - the age verification policy;
 - any conditions attached to the premises licence;
 - the permitted licensable activities;
 - the licensing objectives; and
 - the opening hours.Any such record shall be kept for a minimum of 1 year. For the avoidance of doubt the one year period relates to each respective entry in the log book and runs from the date of that particular entry.
- 3) A refusal register and an incident report register shall be maintained at the premises. Such registers will record incidents of staff refusals to under age or drunken people as well as incidents of any anti-social behaviour and ejections from the premises. Such registers shall be kept for a minimum of 1 year. For the avoidance of doubt the one year period relates to each respective entry in the log book and runs from the date of that particular entry.
- 4) No open drinking vessels or bottles shall be taken out of the licensed premises onto the pavement or highway.
- 5) All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
- 6) Prominent, clear and legible notices shall be displayed at all exits requesting customers respect the needs of local residents and to leave the premises and area quietly.
- 7) The premises shall operate a Challenge 25 scheme for the sale of alcohol.
- 8) No persons under the age of 18 are allowed in the premises after 21.00hrs.
- 9) There shall be no adult entertainment at the premises.

- 10) All external doors to the premises shall be kept closed except for access and egress.

The meeting closed at 11.25 am

Chairman of the Panel

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