

Committee Administrator: Democratic Services Officer (01609 767015)

Monday, 3 December 2018

Dear Councillor

NOTICE OF MEETING

Meeting **COUNCIL**
Date **Tuesday, 11 December 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

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1. MINUTES 1 - 6
To confirm the minutes of the meeting held on 18 September 2018 (C.10 - C.17), attached.
2. APOLOGIES FOR ABSENCE
3. ANNOUNCEMENTS BY THE CHAIRMAN OR CHIEF EXECUTIVE
4. STATEMENT OF THE LEADER AND REFERRALS FROM CABINET 7 - 14

<u>Date of Meeting</u>	<u>Minute Nos</u>
9 October 2018	CA.30 to CA.32
6 November 2018	CA.34
4 December 2018	To follow
5. REFERRAL FROM THE AUDIT, GOVERNANCE AND STANDARDS COMMITTEE 15 - 16

<u>Date of Meeting</u>	<u>Minute Nos</u>
23 October 2018	AGS.15
6. REFERRAL FROM THE LICENSING COMMITTEE 17 - 18

<u>Date of Meeting</u>	<u>Minute Nos</u>
27 November 2018	LC.7 – LC.8
7. CABINET PORTFOLIO STATEMENTS
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 - c) Statement from the Portfolio Holder for Planning 23 - 24
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8. QUESTION TIME
None received.
9. NOTICES OF MOTION
None received.
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Agenda Item 1

Minutes of the meeting of the COUNCIL held at
2.00 pm on Tuesday, 18th September, 2018 at Council
Chamber, Civic Centre, Stone Cross, Northallerton

Present

Councillor D M Blades (in the Chair)

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

Apologies for absence were received from Councillors S P Dickins, B Phillips and P R Wilkinson

C.10 **MINUTES**

THE DECISION:

That the minutes of the meeting held on 17 July 2018 (C.6 - C.9), previously circulated, be signed as a correct record.

C.11 **VERBAL STATEMENT OF THE LEADER AND REFERRALS FROM CABINET**

The Leader moved Cabinet minutes CA.18 – CA.22, subject to a minor amendment to minute CA.22 to read September 2019, and made a statement to the Council on the following matters:-

- Former Northallerton Prison Site
- Dalton Bridge project
- Business Awards

THE DECISION:

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

<u>Body</u>	<u>Date of Meeting</u>	<u>Minute Nos</u>
Cabinet	4 September 2018	CA.18 to CA.22 (as amended)

C.12 **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 July 2018	AGS.3

C.13 **CABINET PORTFOLIO STATEMENTS**

- (a) Apologies had been submitted from Councillor P R Wilkinson, Portfolio Holder for Economic Development and Finance.
- (b) Councillor Mrs B S Fortune, Portfolio Holder for Leisure made a statement regarding Sowerby Sports Village; Sports Awards 2018; Strong and Steady, a programme for older people aged 65 plus; Shopwatch; Public Art in Bedale; Tesco's award of £2,000 for their Bags of Help grants programme towards the development of the inclusive sport's programme and Health Hambleton.
- (c) Councillor Mrs I Sanderson, Portfolio Holder for Governance made a statement regarding the importance of Governance within the Council; Artisan Food Markets in Thirsk; energy saving initiatives; the delivery of the paperless Direct Debit functionality and Social Media.
- (d) Councillor D Webster, Portfolio Holder for Planning made a statement regarding Newby Wiske; Bagby Airfield; Treadmills; Ings Lane and the Development Management service within the Council. He also reported on national initiatives such as the Community Infrastructure Levy and the introduction of the Homelessness Legislation.
- (e) Councillor S Watson, Portfolio Holder for Environmental Health, Waste and Recycling made a statement regarding the Air Quality Action Plan for Bedale; Waste and Street Scene route optimisation; green waste; Fly-Tipping Enforcement Policy; the Public Space Protection Order consultation at Thirsk Industrial Estate and Leeming and Coney Garth truck parking areas and the Environmental Health service within the Council.

C.14 **APPOINTMENT TO COMMITTEES**

All Wards

Following the resignation of Councillor Mrs Janet Watson there was a vacancy in the Thirsk Ward. A by-election was due to take place on Thursday, 4 October 2018. The purpose of this report was to consider appointing Members to fill the vacancies on a number of Committees as a result of this resignation.

THE DECISION:

That:-

- (1) Councillor A Wake be appointed as a member of the Licensing Committee; and
- (2) consideration be given to appointing a member to the vacancies on the Audit, Governance and Standards Committee; the Standards Hearings Panel Pool and the Thirsk and Sowerby Swimming Baths Charity following the by-election in October 2018.

C.15

COMMUNITY GOVERNANCE REVIEW - CONSULTATION RESPONSES

Raskelf and White Horse Ward

This report set out the consultation responses received in respect of the community governance arrangements for two parishes, namely Brafferton and Helperby, and sought approval of the draft recommendations that the two parishes be merged to create a new parish with a new single parish council.

THE DECISION:

That:-

- (1) Council approves the following Draft Recommendations as it is satisfied that the Draft Recommendations properly reflect the identities and interests of the community and are effective and convenient. The Draft Recommendations are:
 - a) to amalgamate the existing parishes of Brafferton and Helperby to form a new parish comprising the land shown edged red on the attached plan at Annex B;
 - b) the existing parishes of Brafferton and Helperby shall cease to exist;
 - c) that the new parish shall be called "Brafferton and Helperby Parish" and the new parish shall adopt a 'parish' style;
 - d) that the existing Brafferton Parish Council and Helperby Parish Council be abolished;
 - e) to create a new parish council for the new parish of Brafferton and Helperby;
 - f) the number of councillors to be elected for the parish of Brafferton and Helperby shall be seven;
 - g) that the new parish of Brafferton and Helperby is not warded;
 - h) elections for all parish councillors for the parish of Brafferton and Helperby shall be held on the ordinary day of election in 2019 and every four years thereafter;

- i) interim electoral arrangements shall include the appointment of District Councillors to the new parish council under the Reorganisation Order to serve from 1st April 2019 until the new councillors, elected to the new parish council, come into office in May 2019; and
- j) that the anticipated precept for the parish council of Brafferton and Helperby shall be set at £10,000 for the year 2019/20. The final decision on the precept is delegated to the Director of Law and Governance (in consultation with the S151 Officer) in approving in the Reorganisation Order.

(2) Council approves the publication of the Draft Recommendations for consultation.

C.16 **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 C.17 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 Council was satisfied that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

C.17 **INGS LANE - INJUNCTION PROCEEDINGS**

Stokesley Ward

This report sought authority for an application to be made to the High Court for an injunction to remove the unauthorised residential occupation of Plot 11, Ings Lane, Great Broughton (together with the removal of associated paraphernalia), and to prevent re-occupation of plot 11 and/ or other land at the wider Ings Lane site.

THE DECISION:

That:-

- (1) the Council applies to the Court for an injunction, supported by witness statements from relevant officers of the Council and external experts, requiring an end to the unauthorised residential use of land within Plot 11 (as shown edged red on the plan appended at Annex 1 of the report) and the removal of associated unauthorised paraphernalia within Plot 11 or on the wider Ings Lane site (as shown edged blue on the plan appended at Annex 2 of the report) , and to prevent the re-occupation of Plot 11 and/or any other land within the wider Ings Lane site;
- (2) direct action be taken, if required, to remove any unauthorised development/structures remaining on the site following either (i) compliance with the terms of the injunction; or (ii) following committal proceedings in order to ensure compliance with the terms of the 2013 Enforcement Notice appeal decision;

- (3) the Council authorises the Director of Law and Governance to apply for committal for breach of any injunction granted by the High Court if he is satisfied that the injunction order has been breached and that committal is a proportionate response; and
- (4) £40,000 be allocated from the one-off fund to cover the external legal advice and other potential costs in support of an application for an injunction and/or committal proceedings and/or direct action.

The meeting closed at 2.25 pm

Chairman of the Council

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Statement by the Leader of the Council

11 December 2018

As we approach the end of this Council I would like to touch upon our achievements. Indeed it has been one of, if not the most successful Council in terms of not only investing in the delivery of excellent services, but also delivering a wide range of specific projects. These were identified in the 2015-2019 Corporate Plan at the start of this Council.

In total 11 projects were identified in the Council Plan 2015-2019 and we have delivered or are well on the way to delivering 10 of them. Some of these projects are summarised below:

- North Northallerton - a scheme which will deliver almost 1,000 homes, a new primary school, shops and a link between Darlington and Stokesley Road.
- Central Northallerton - redevelopment of the former HMP Northallerton into a multi-use scheme to include retail, office, housing, leisure and a cinema. Planning permission was granted in November and the scheme will complement to the vibrancy of North Yorkshire's County Town.
- Dalton Bridge - a new bridge is now in place at Dalton that will allow 24/7 access to the industrial estate without the risk of flooding. This scheme has protected jobs and given the businesses on the estate the confidence to invest significantly.
- Sowerby Gateway - the new multi junction onto the A168 will be open in the New Year allowing the progression of Phase 3 of the Housing Scheme. In addition the Sports Village has started with the laying of the new recreational sports pitches.
- Northallerton Leisure – A new state of the art Gym and toning suite with 24/7 access. We are the first Council in the Country to operate a 24/7 Gym.

The only project that has not been delivered upon is Bedale Gateway Car Park and this is as a result of conversations with a number of third parties about facilities that would complement the car park and bring more visitors to Bedale. These discussions are still ongoing.

However, what is truly remarkable is that this has all been delivered through a period of continued austerity whilst maintaining the Council's financial resilience, the integrity of its unique 10 year financial strategy and the fifth lowest Council Tax in England.

However, we may be approaching the end of the Council, but it is only the beginning of our aspirations for the district. We are in the process of developing exciting plans for the next Council that will continue our vision for Hambleton as "a place to grow"; obviously these will depend upon the election results in May 2019.

Finally, I would like to take the opportunity to thank my Officers and Members for their hard work, not only over the last year but over the life of this Council, and wish you all a Merry Christmas and Happy New Year.

Councillor Mark Robson
Leader of the Council



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**Decisions to be considered by
Full Council on 11 December 2018**

Decisions of the meeting of the CABINET held
at 9.30 am on Tuesday, 9th October, 2018 at
the COUNCIL CHAMBER, CIVIC CENTRE,
STONE CROSS, NORTHALLERTON

Present

Councillor M S Robson (in the Chair)

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

Councillor	P Bardon M A Barningham D M Blades	Councillor	Mrs C S Cookman K G Hardisty N A Knapton
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CA.30 **COMMERCIAL OPPORTUNITIES**

All Wards

The subject of the decision:

This report sought approval to giving the Chief Executive delegated authority to make investment decisions in consultation with the Leader. Some commercial opportunities were only available for a time limited period. Currently, the Council could only make offers to purchase or to invest in assets and ventures subject to Council approval. This could result in the Council being considered less favourably compared to a potential competitor that could complete an acquisition or investment more quickly. This report sought to give the Chief Executive the authority in consultation with the Leader to approve investments up to £5,000,000 subject to several safeguards.

Alternative options considered:

None.

The reason for the decision:

Cabinet was satisfied that this decision supported the Council's Commercial Strategy which was to become self-sufficient in 2020/21.

THE DECISION:

That Cabinet approves and recommends to Council:-

- (1) that delegated authority is given to the Chief Executive to make investment decisions in consultation with the Leader up to a value of £5,000,000 subject to the checks and balances contained in the report;

- (2) the Director of Law and Governance be authorised to make the necessary amendments to the Council's Constitution; and
- (3) a review be undertaken on an annual basis at Annual Council.

CA.31 **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.32 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.32 **REVIEW OF THE VAT PARTIAL EXEMPTION POSITION AND THE IMPLICATIONS OF COUNCIL SERVICES**

All Wards

The subject of the decision:

This report explained the Value Added Tax (VAT) partial exemption position and the implications on Council Services.

Alternative options considered:

None.

The reason for the decision:

Monitoring the VAT partial exemption limit contributed to the overall financial position of the Council, this 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) discussions with HMRC continue in light of the partial exemption breach in 2017/18 and the Council pay the agreed sum as detailed in paragraph 2.7 of the report by 7 November 2018 if required;
- (2) the Council continues to closely monitor the partial exemption position on a quarterly basis from 2018/19;
- (3) all additional or deleted capital expenditure schemes reported to Cabinet take full account of the partial exemption position so that decisions on the future capital programme are properly informed;

- (4) further investigation occurs during the next two years to review whether the leisure centres or leisure services, or elements thereof, should be placed in a 'vehicle' in order to help address the partial exemption position; and
- (5) a consultant is engaged to review strategic, legal and operational implications of leisure services being placed in a 'vehicle'; associated costs will be reported at the next appropriate quarterly financial monitoring report.

The meeting closed at 9.45 am

Leader of the Council

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**Decisions to be considered by
Full Council on 11 December 2018**

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

Present

Councillor M S Robson (in the Chair)

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

Also in Attendance

Councillor	P Bardon	Councillor	D B Elders
	D M Blades		K G Hardisty
	Mrs C S Cookman		J Noone

An apology for absence was received from Councillor Mrs B S Fortune

CA.34 **LEISURE AND ENVIRONMENT ENFORCEMENT POLICY**

All Wards

The subject of the decision:

In 2017 Scrutiny Committee investigated whether the Council's policy on fly tipping was fit for purpose. Scrutiny Committee recommended that the current enforcement policy required updating. This report sought approval of the Leisure and Environment Enforcement Policy.

Alternative options considered:

None.

The reason for the decision:

Cabinet was satisfied that this policy linked directly to the Council's priorities of Enhancing Health and Wellbeing and Caring for the Environment by ensuring that neighbourhoods were kept clean and safe and attractive to residents and visitors.

THE DECISION:

That Cabinet approves and recommends to Council that the Leisure and Environment Policy be adopted.

The meeting closed at 9.40 am

Leader of the Council

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Decisions to be considered by
Full Council on 11 December 2018

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

Present

Councillor N A Knapton (in the Chair)

Councillor	R A Baker	Councillor	C Patmore
	G W Dadd		

Also in Attendance

Councillor D B Elders

Apologies for absence were received from Councillors Mrs C S Cookman and P R Wilkinson

AGS.15 **ANNUAL REVIEW OF THE COMMITTEE'S TERMS OF REFERENCE**

All Wards

The subject of the decision:

The Director of Finance (s151 Officer) presented a report following a review of the Committee's Terms of Reference.

Alternative options considered:

None.

The reason for the decision:

To fulfil the Audit Commission's good practice requirement to the annual review and incorporate the audit terms of reference suggested by CIPFA.

THE DECISION:

That the Committee approves and recommends to Council that:

- (1) the annual review of the Audit, Governance and Standards Committee's terms of reference be noted; and
- (2) the terms of reference for the Audit, Governance and Standards Committee as set out in Annex A of the report be approved.

The meeting closed at 10.20 am

Chairman of the Committee

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**Decisions to be considered by
Full Council on 11 December 2018**

Minutes of the meeting of the LICENSING
COMMITTEE held at 9.30 am on Tuesday,
27th November, 2018 at Main Committee
Room, Civic Centre, Stone Cross, Northallerton

Present

Councillor M A Barningham (in the Chair)

Councillor	P Bardon	Councillor	D Hugill
	D M Blades		R Kirk
	S P Dickins		N A Knapton
	K G Hardisty		

Also in Attendance

Councillor D B Elders

Apologies for absence were received from Councillors R A Baker and A Wake.

LC.7 **HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY**

All Wards

The subject of the decision:

This report sought consideration of the proposed amendments to the Council's Hackney Carriage and Private Hire Licensing Policy in order to reflect case law and improved practices. The Committee noted a consultation exercise had been undertaken but that no responses had been received.

Alternative options considered:

The Licensing Committee considered the proposed amendments and concluded that no other amendments were deemed necessary.

The reason for the decision:

The Committee considered proposed amendments to the Council's Hackney Carriage and Private Hire Licensing Policy on driver conduct and suitability, CCTV in licensed vehicles and other minor administrative revisions. The Committee was satisfied that the proposed amendments would improve standards.

THE DECISION:

That the Committee approves and recommends to Council that the revised Hackney Carriage and Private Hire Licensing Policy be adopted.

LC.8 **GAMBLING ACT STATEMENT OF PRINCIPLES**

The subject of the decision:

This report sought approval of the Council's Gambling Act 2005 Statement of Principles. The Committee noted that a consultation exercise had been undertaken and that one response had been received from North Yorkshire Police in relation to local risk assessments. A copy of the representation and response were appended to the report.

Alternative options considered:

The Committee considered the Director's report and having concluded that the proposed amendments were appropriate no further modifications were deemed appropriate.

The reason for the decision:

The Committee was satisfied that licensing authorities were required under the Gambling Act 2005 to publish a Statement of Principles which they proposed to apply when exercising their functions. The Statement of Principles must be published at least every three years and therefore the Council must review its Statement of Principles prior to January 2019.

THE DECISION:

That the Committee approves and recommends to Council that the revised Gambling Act Statement of Principles be adopted with effect from 31 January 2019.

The meeting closed at 10.02 am

Chairman of the Committee

Statement by the Cabinet Portfolio Holder for Leisure

11 December 2018

Sowerby Sports Village

Work is well underway at Sowerby Sports Village – all the land has now been remediated, a sustainable drainage system installed and a 1km fitness track built. Between now and the end of March will see the development of 18 allotments, plus substantial landscaping works. Cabinet has also given approval to complete the phase 2 element of creating 8 grass pitches within the perimeter of the fitness track.

Sports Awards 2018

This year's Sports Awards were another resounding success celebrating the wealth of sporting achievement in Hambleton – a record 57 nominations were received this year. 9 awards were presented on the night, including a joint sports person of the year award for the international cycling sensations, Charlie and Harry Tanfield, from Great Ayton.

Commemorating World War 1

As you will have seen the Council has commemorated the 100 year anniversary of the end of World War 1 with a public art display at the Civic Centre. Three wicker planes, based on those used in the war were suspended from the ceiling with a trail of poppies supporting them. And to engage with the wider community and local businesses a popular soldier trail was created – 20 decorated soldiers were displayed in shop windows in each of the five market towns. Each soldier had its own letter that contributed to the formation of a world war related anagram – winning entries were then put into a draw for prizes that had been donated by the local businesses that took part.

Winter Health Messages

Now that winter is upon us a series of winter health related messages are being posted on social media. The messages include tips on how to be prepared for cold snaps and on how you can support those more vulnerable members of the community. These messages will help the council contribute to the North Yorkshire Winter Health Strategy that has been developed to reduce the number of winter deaths across the county.

The Big Weekend Promotion and Leisure Centre Memberships

The annual Big Weekend promotion at the centres got a whole lot bigger this year, with free gym trials, fitness class tasters, guided tours and pirate themed entertainment in the swimming pools. Over 200 people joined one of their local leisure centres over the weekend, 400 people claimed their free swims with swim visits up 30% compared to previous weekends over the last 6 months. There was a real buzz in the all of the leisure centres and the feedback from customers was fantastic. This has led to our highest ever level of Freedom memberships at 3,392. In addition we are currently teaching 2,500 children a week to "Learn2" swim, with 95% of lesson income coming via direct debit.

GovRadio

All 4 of the leisure centres will be adding a little extra to the facilities in the New Year in the way of their own commercial radio station. Through a partnership with GovRadio the sites will have their sound systems upgraded and will be able to play music and run their own advertisements for the service, as well as for commercial partners, in all communal areas. It is hoped this will increase awareness of the leisure offer to visitors and provide a more pleasant ambience whilst using the facilities.

Swimming Pool Accessible Steps

Accessible steps have been installed at Thirsk and Sowerby Leisure Centre. Aimed at our less mobile customers, the new steps make it easier and safer to get in and out the pool. Since being installed, the centre has received lots of positive feedback from customers and improved their safety. We now plan to install accessible steps at our Stokesley and Bedale centres, whilst also researching improved pool hoist systems to further enable better access for disabled swimmers.

Councillor Mrs Bridget Fortune
Portfolio Holder for Leisure

Statement by the Cabinet Portfolio Holder for Governance

11 December 2018

Civic Centre Car Park Improvement Scheme

The Civic Centre car park extension is ongoing at this time and will provide a much needed 42 extra car-parking spaces including 3 disabled bays and improvements to footpaths with associated lighting. The work is scheduled to be completed by Christmas, weather permitting.

Further assessments are to be undertaken to look at the provision of a dedicated coach parking area to make it safer for those visiting the Leisure Centre by coach when disembarking . It is also intended to look at providing electric charging points in this area.

LED Lighting

Lighting under the control of Hambleton District Council continues to move to LED bulbs and Bedale, Northallerton and Stokesley all weather pitches, together with Northallerton Swimming Pool, have been the most recently converted, with more work to be done in 2019.

Asset Management

Hambleton District Council continues to support the upkeep of buildings in the District and at present we are overseeing works on the Forum in Northallerton, The World of James Herriot Thirsk and Saint Mary's Church Thirsk.

ICT

The Government has provided a fund of 7.5 million pounds to support Local Digitalisation and Hambleton District Council we're successful in having a bid for part of these funds approved and is now working closely with other Councils to improve our systems and providing a "better " experience for our customers.

Parking and Traffic Regulations outside London

Councillor Nigel Knapton has reported from a meeting of the "Parking and Traffic Regulations outside London" group which was held on 30 October 2018. It agreed to the proposal that allows the decriminalisation of "obstruction" so that any such issues can be dealt with by Civil Enforcement Officers rather than the Police. This decision will now be relayed to a Government consultation.

It was also agreed to reduce the PCN charge (which is the charge levied on Councils on every ticket issued) to 30 pence. This is now half the rate it was in 2009/10 and is due to the development of an effective appeals system

Councillor Mrs Isobel Sanderson
Portfolio Holder for Governance

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Statement by the Cabinet Portfolio Holder for Planning

11 December 2018

Development Management performance continues to be closely monitored and there is evidence of improvement in Quarters 1 and 2 of 2019. A further report will be coming to Cabinet which will set out performance information along with measures for improvements to Information Technology within the department.

The planning application at Newby Wiske Hall for an activity centre is scheduled for a special meeting of Planning Committee on 24 January 2019, again it will be held at Solberge Hall to enable access by the local community.

The Bagby Airfield application is to go to the January 2019 Planning Committee meeting.

The application for the Prison Site, that is "Treadmills", was approved at Committee on 15 November 2018 and work on the £17m scheme is scheduled to commence in June 2019.

The application to the High Court for an injunction to bring to an end residential occupation at Ings Lane, Great Broughton is imminent. Ward Members will be briefed on actions that will follow the injunction.

Progress on the new Local Plan is on target, and this will be brought to Cabinet in June of next year. Workshops involving Members will continue.

The works to construct the new £6.5m Sowerby Gateway junction are progressing well and are currently on target to be completed in Spring 2019. The work on the first part of the Sports Village, part funded by a developer contribution, is also due to be completed in Spring 2019. An application for the Primary School is expected soon.

The North Northallerton link road is due to be completed by mid-2019.

Councillor David Webster
Portfolio Holder for Planning

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

11 December 2018

Licensing

The new Leisure and Environment Enforcement policy has now been adopted and work continues towards full implementation.

Waste and Street Scene

- Looking at CCTV camera options for fly tipping and littering and various suppliers are being consulted.
- The route optimisation exercise would have delivered £30k in fuel savings, but rising diesel prices have cancelled this out unfortunately.
- Garden waste- Subscriptions have exceeded the target and now stand at £767,000 received in income.
- Work starting on In-Cab technology to improve tracking and H&S.
- Work is ongoing to allocate new recycling and green waste contracts with a view to maximising income and environmental outcomes.
- Thirsk industrial estate and Leeming and Coneygarth truck parking areas continue to attract antisocial behaviour from drivers. Consultation has closed with residents supporting the idea of a Public Space Protection Order to prevent drivers from staying in their vehicles overnight. An action plan is being drawn up to tackle the issues and officers will work closely with other authorities to ensure that the problem is not simply moved to other locations.

Environmental Health

- Managers are working to replace their case management system which will make efficiencies and improve service delivery.

Emergency Planning/Business Continuity

- Business Impact Analysis work is complete.
- Incident Management Plans complete for most services.
- Operation London Bridge work is ready.
- Improvements being made to flood plans, to include closer work with parishes.

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

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HAMBLETON DISTRICT COUNCIL

Report To: Council
11 December 2018

From: Chief Executive

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

Raskelf and White Horse Ward

1.0 PURPOSE AND BACKGROUND:

- 1.1 This report sets out the consultation responses received in response to the Draft Recommendations in respect of the community governance arrangements for Brafferton and Helperby parishes, which were published by the Council on 18 September 2018, and seeks approval of the Final Recommendations.
- 1.2 Members will recall that a Community Governance Review was triggered following receipt of a petition from Brafferton Parish Council and Helperby Parish Council which proposed that Brafferton Parish and Helperby Parish be merged to create a new parish of Brafferton and Helperby, together with the creation of a new parish council.
- 1.3 Following the first consultation stage the Council considered and approved the Draft Recommendations on 18 September 2018. The Draft Recommendations proposed that the two parishes be merged and made recommendations on governance arrangements for the new parish.

2.0 COMMUNITY GOVERNANCE REVIEW CRITERIA:

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

3.0 CONSULTATION ON DRAFT RECOMMENDATIONS:

- 3.1 Residents in the two parishes and relevant stakeholders were consulted on the Draft Recommendations. Each property in the two parishes was sent a letter containing the Draft Recommendations together with information on how to respond to the consultation. Consultation on the Draft Recommendations took place from 19 September to 21 October 2018 inclusive.

4.0 CONSULTATION RESULTS:

- 4.1 The Council received 18 responses to its consultation on the Draft Recommendations. Those responses are collated in the document attached at Annex A.
- 4.2 All the responses indicated a preference that the parishes of Brafferton and Helperby should be merged to create a new parish together with a new parish council. The majority of respondents agreed that the new parish should be called “Brafferton and Helperby” and that the new parish should adopt a ‘parish style’.
- 4.3 The consultation also sought views on the proposed arrangements for the new parish council. The majority of responses indicated that the parish should not be warded, that seven parish councillors should be elected to sit on the parish council and that the new parish elections should take place in May 2019 and every four years thereafter.
- 4.4 Finally, all the respondents either agreed or expressed no view on the new parish council’s proposed precept of £10,000 for the financial year 2019/20. The proposed precept would result in an estimated charge for a Band D property of £29.07, calculated using the 2018/19 Band D equivalent tax base figure of 343.99 (£10,000 / 343.99). Residents in higher band properties would pay more than this and residents in lower band properties would pay less.
- 4.5 It is impossible to guarantee that the impact on individual council tax bills will be precisely the same as assumed above. This is because the actual tax base for 2019/20 will be used in calculating council tax bills and, therefore, it could differ from the amount given in 4.4 above. The proposed new parish, once granted parish council status, would have the right to decide their level of precept in perpetuity.
- 4.6 In summary, there is a clear majority of support for the Draft Recommendations and this is consistent with the majority of responses to the first consultation stage. Following the conclusion of this further consultation the council is required to consider those responses and make its final recommendations for the Community Governance Review.

5.0 RISK ASSESSMENT:

- 5.1 There are no risks associated with this report.

6.0 FINANCIAL IMPLICATIONS:

- 6.1 There are no financial implications associated with this report.

7.0 LEGAL IMPLICATIONS

- 7.1 These are set out in paragraph 4.

8.0 EQUALITY/DIVERSITY ISSUES:

8.1 These have been considered and there are no equality and diversity issues associated with this report.

9.0 RECOMMENDATION:

9.1 It is recommended that Council approves the following proposals as it is satisfied that these Final Recommendations properly reflect the identities and interests of the community and are effective and convenient, namely:

- a) to amalgamate the existing parishes of Brafferton and Helperby to form a new parish comprising the land shown edged red on the plan attached at Annex B;
- b) the existing parishes of Brafferton and Helperby shall cease to exist;
- c) that the new parish shall be called "Brafferton and Helperby Parish" and the new parish shall adopt a 'parish' style;
- d) that the existing Brafferton Parish Council and Helperby Parish Council be abolished;
- e) to create a new parish council for the new parish of Brafferton and Helperby;
- f) the number of councillors to be elected for the parish of Brafferton and Helperby shall be seven;
- g) that the new parish of Brafferton and Helperby is not warded;
- h) elections for all parish councillors for the parish of Brafferton and Helperby shall be held on the ordinary day of election in 2019 and every four years thereafter;
- i) interim electoral arrangements shall include the appointment of District Councillors to the new parish council under the Reorganisation Order to serve from 1 April 2019 until the new councillors, elected to the new parish council, come into office in May 2019; and
- j) that the precept for the parish council of Brafferton and Helperby shall be set at £10,000 for the year 2019/20.

9.2 It is recommended that Council approves the publication of the Final Recommendations.

9.3 It is recommended that Council authorises the Director of Law and Governance to implement the Final Recommendations through the making of a Reorganisation Order to take effect from 1 April 2019.

JUSTIN IVES
CHIEF EXECUTIVE

Background papers: none
Author ref: GN
Contact: Gary Nelson - Director of Law & Governance (Monitoring Officer)
Direct Line No: 01609 767012

**COMMUNITY GOVERNANCE REVIEW
 PARISHES OF BRAFFERTON AND HELPERBY
 Consultation summary of responses**

**19 September-21 October 2018
 18 online responses received
 665 electorate
 3% response rate (approximate)**

This is a second consultation for a Community Governance Review in response to a petition proposing changes in the local arrangements of Brafferton and Helperby parishes. Having considered the responses to the first consultation the Council has published draft recommendations as follows.

The information supplied by you, including any personal details, will only be used in conjunction with collating opinions and all information will be processed by Hambleton District Council in accordance with data protection legislation. We will not sell or disclose your information to any other organisations or individuals outside the council.

Closing date for all responses is Sunday 21 October 2018.

ABOUT YOU

Q1	How are you responding to this consultation? (select ONE response below)	
	5 (27.8%)	As a resident within Brafferton parish
	9 (50.0%)	As a resident within Helperby parish
	1 (5.6%)	As an individual residing outside the parishes of Brafferton and Helperby
	3 (16.7%)	Other (e.g. business, community group, interested party) please specify below:
	1) Brafferton Parish Council 2) Helperby and Brafferton Community Association 3) Helperby Village Hall CIO	

DRAFT RECOMMENDATIONS

The existing arrangements are set out on the attached plan indicating Brafferton parish edged blue and Helperby parish edged green.
Please read the following recommendations and make your comments (if applicable) below each one.

Recommendation (a)

To amalgamate the existing parishes of Brafferton and Helperby to form a new parish comprising the land shown edged red on the attached plan.

- 1) Agree
- 2) Agree
- 3) Agree
- 4) Agree
- 5) Agreed
- 6) Agreed. It makes good sense for the parishes to be an entity.
- 7) Excellent idea
- 8) I agree
- 9) I strongly agree with this plan.
- 10) I wholeheartedly agree.
- 11) I've always thought that the community of Brafferton and Helperby should be represented by a single parish council rather than two. Amalgamating the two parishes is a most sensible way of achieving this and I'm pleased to see it happening at last.
- 12) Thank you for your letter of 18th September. I fully support the draft recommendations as listed.
- 13) The Parish Council believes this to be the correct way for the village of Brafferton Helperby to be represented at local government level; one community speaking with a single voice.
- 14) Yes

Recommendation (b)

That the existing parishes of Brafferton and Helperby shall cease to exist.

- 1) Agree
- 2) Agree
- 3) Agree
- 4) Agree
- 5) Agreed
- 6) Agreed
- 7) Agreed.
- 8) I agree
- 9) I agree
- 10) Yes
- 11) Yes

Recommendation (c)

That the new parish shall be called 'Brafferton and Helperby Parish' and the new parish shall adopt a 'parish' style.

- 1) Agree
- 2) Agree
- 3) Agree
- 4) Agree
- 5) Agreed
- 6) Agreed.
- 7) Agreed.
- 8) As Helperby is much bigger than Brafferton, should the new parish be called Helperby Brafferton?
- 9) I agree
- 10) I agree
- 11) Logical
- 12) Yes
- 13) Yes, both for alphabetical reasons and because Brafferton is the oldest settlement and should position first. Parish is the term I prefer.

Recommendation (d)

That the existing Brafferton Parish Council and Helperby Parish Council be abolished.

- 1) Agree
- 2) Agree
- 3) Agree
- 4) Agree
- 5) Agreed
- 6) Agreed
- 7) Agreed.
- 8) I agree
- 9) I wholeheartedly agree
- 10) Naturally
- 11) Yes
- 12) Yes

Recommendation (e)

To create a new parish council for the new parish of Brafferton and Helperby.

- 1) Agree
- 2) Agree
- 3) Agree
- 4) Agree
- 5) Agreed
- 6) Agreed
- 7) Agreed.
- 8) I agree
- 9) I wholeheartedly agrer
- 10) Yes
- 11) Yes
- 12) Yes

Recommendation (f)

That the number of councillors to be elected for the parish of Brafferton and Helperby shall be seven.

- 1) Agree
- 2) Agree
- 3) Agree
- 4) Agree
- 5) Agreed
- 6) Agreed.
- 7) Agreed... A sensible number.
- 8) I agree
- 9) I agree
- 10) I feel that the number of councillors should be 9, which will give a true representation of both councils.
- 11) Yes
- 12) Yes preferably new ones it's time for a change of the guard, there are too few people who get a say in the parishes

Recommendation (g)

That the new parish of Brafferton and Helperby is not warded.

- 1) Agree
- 2) Agree
- 3) Agree
- 4) Agree
- 5) Agreed
- 6) Agreed.
- 7) Agreed. Creating wards would be divisive.
- 8) I agree
- 9) I agree
- 10) No observations
- 11) Yes
- 12) Yes

Recommendation (h)

Elections for all parish councillors for the parish of Brafferton and Helperby shall be held on the ordinary day of election in 2019 and every four years thereafter.

- 1) Agree
- 2) Agree
- 3) Agree
- 4) Agree
- 5) Agreed
- 6) Agreed.
- 7) Agreed.
- 8) Every two years.
- 9) I agree
- 10) I agree
- 11) No observations
- 12) Yes
- 13) Yes

Recommendation (i)




Interim electoral arrangements shall include the appointment of District Councillors to the new parish council under the Reorganisation Order to serve from 1st April 2019 until the new councillors, elected to the new parish council, come into office in May 2019.

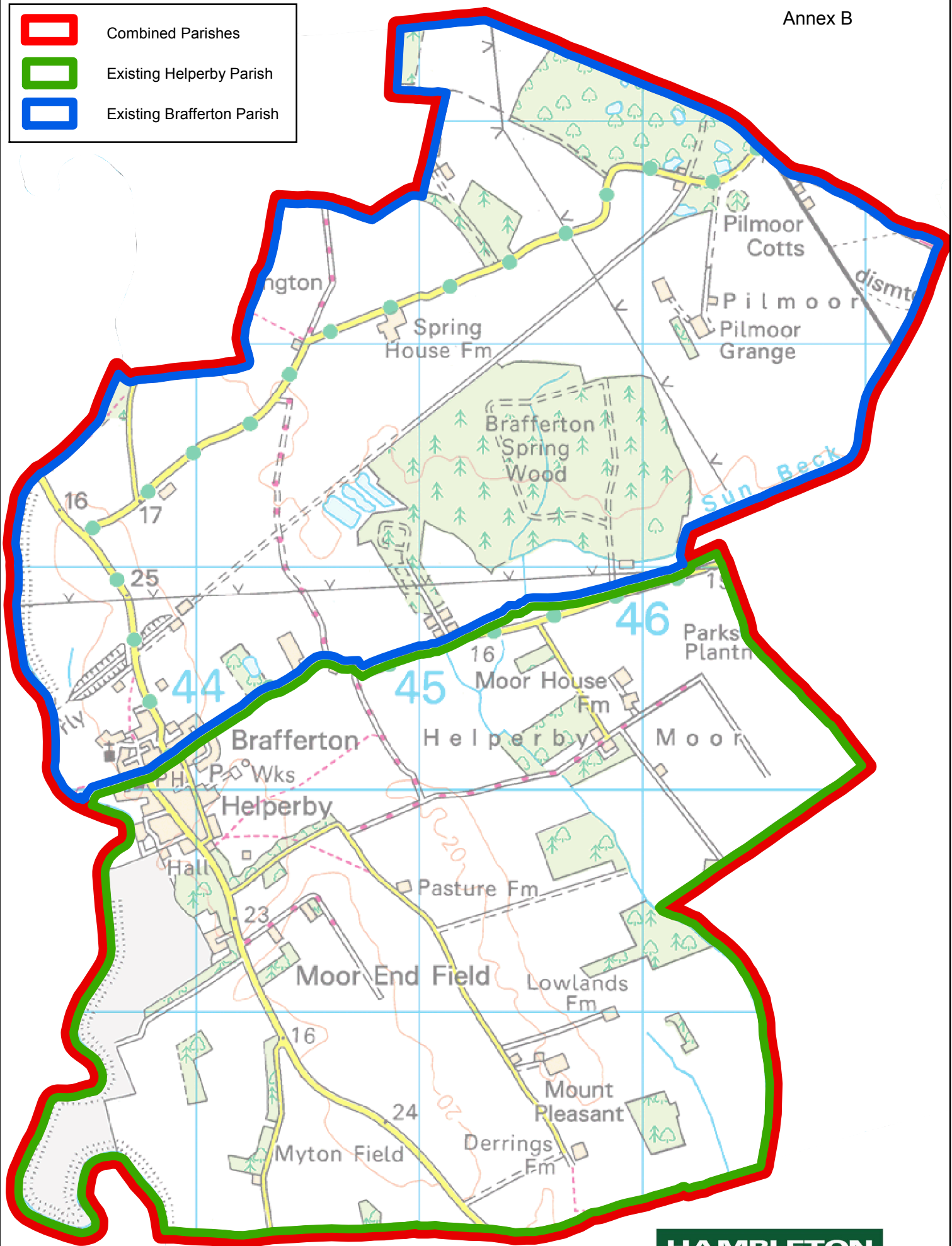
- 1) Agree
- 2) Agree
- 3) Agree
- 4) Agree
- 5) Agreed
- 6) Agreed.
- 7) I agree
- 8) I agrer
- 9) I feel that one only chairman is required, C Owens
- 10) OK
- 11) okay.
- 12) Yes
- 13) Yes

Recommendation (j)

That the anticipated precept for the parish council of Brafferton and Helperby shall be set at £10,000 for the financial year 2019/20. This results in an estimated charge of £29.07 for a Band D property. The final decision on the precept is delegated to the Director of Law and Governance (in consultation with the Section 151 Officer) in approving in the Reorganisation Order.

- 1) Agree
- 2) Agree
- 3) Agree
- 4) Agreed
- 5) Agreed
- 6) Agreed.
- 7) I agree
- 8) I agree
- 9) No observations
- 10) OK
- 11) Okay.
- 12) Yes

-  Combined Parishes
-  Existing Helperby Parish
-  Existing Brafferton Parish



1:21,397

HAMBLETON

DISTRICT COUNCIL

Civic Centre, Stone Cross, Northallerton DL6 2UU
Telephone: 01609 779 977 Fax: 01609 767228

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HAMBLETON DISTRICT COUNCIL

Report To: Council
11 December 2018

From: Chief Executive

Subject: **APPOINTMENT TO COMMITTEES**

All Wards
Scrutiny Committee

1.0 PURPOSE AND BACKGROUND:

- 1.1 The purpose of this report is to consider a request by the Conservative Group to appoint a Member to the vacant seats on a number of Committees which arose following the resignation of a Council Member in September 2018.
- 1.2 A by-election was held on Thursday, 4 October 2018 and Councillor Dave Elders was elected as the Ward Member for the Thirsk Ward.
- 1.3 This report also considers a request by the Conservative Group to change the membership of the Audit, Governance and Standards Committee and the Planning Committee.

2.0 ALLOCATION OF SEATS:

- 2.1 Committees must be constituted on the basis of available seats being allocated on the Council's overall political proportionality (so far as is "reasonably practicable") unless some other basis of allocation has been approved without any Member voting against it.
- 2.2 There is a vacancy on each of the following Committees:-
 - Appeals Committee;
 - Audit, Governance and Standards Committee;
 - Standards Hearings Panels Pool; and
 - Thirsk and Sowerby Swimming Baths Charity.
- 2.3 The Conservative Group has been consulted regarding the appointment of a Member to these vacancies and has requested that Councillor Dave Elders be appointed to these vacancies.
- 2.4 The Conservative Group has also requested that Councillors R W Hudson and C Patmore, members of the Council's Planning Committee, be replaced by Councillor R A Baker and Councillor D Elders.
- 2.5 The Conservative Group has also requested that Councillor C Patmore, a member of the Council's Audit, Governance and Standards Committee, be replaced by Councillor R W Hudson.

3.0 LEGAL IMPLICATIONS:

- 3.1 The Council is obliged to comply with the rules on proportionality and the wishes of Groups in allocating seats on Committees.

4.0 FINANCIAL IMPLICATIONS:

4.1 There are no Financial Implications associated with this report.

5.0 EQUALITIES IMPLICATIONS:

5.1 Equality and Diversity Issues and have been considered however there are no issues associated with this report.

6.0 RECOMMENDATIONS:

6.1 It is recommended that:-

- (1) Councillor D Elders be appointed to the vacancies on the Appeals Committee; Audit, Governance and Standards Committee; Standards Hearings Panel Pool and the Thirsk and Sowerby Swimming Baths Charity;
- (2) Councillors R W Hudson and C Patmore be replaced by Councillors D Elders and R A Baker on the Planning Committee; and
- (3) Councillor C Patmore is replaced by Councillor R W Hudson on the Audit, Governance and Standards Committee.

JUSTIN IVES
CHIEF EXECUTIVE

Background papers: Notification of membership of political groups.

Author ref: GN

Contact: Gary Nelson
Director of Law and Governance (Monitoring Officer)
Direct Line No: 01069 767012

HAMBLETON DISTRICT COUNCIL

Report To: Council
11 December 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 require the Council to consider its Members' Allowances Scheme before the beginning of each financial year.
- 1.2 Councils are required to establish and maintain an Independent Remuneration Panel to provide advice on its scheme and the amounts to be paid, amongst other things. Local Authorities must have regard to this advice although they 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
- 1.4 The Independent Remuneration Panel has carried out a full review of the Members' Allowances Scheme and the report attached at 'Appendix A' sets out its recommendations for a range of basic and Special Responsibility Allowances for Members of the Council.
- 1.5 This report asks Council to consider the Independent Remuneration Panel's report and to approve a Members' Allowances Scheme for the 2019/20 Financial Year with effect from 1 April 2019.

2.0 THE REPORT

- 2.1 In its report the Independent Remuneration Panel recommended eight amendments to the existing Members' Allowances Scheme. These are set out for Council's consideration below, namely:-
- (1) paragraph 7.1 of the existing policy be amended to read "Subject to 7.2 all Allowances shall be adjusted with effect from April 2019 and from each subsequent 1 April for the following year in line with any increase agreed nationally for staff for that year;
 - (2) the quantum for Leader be increased to 6.0 (or to 5.0 if the following caveat is not approved), caveated with a recommendation that it is reviewed (at least) each year (or as required) by the IRP, with the ability to reset it to 4.00 in the event of change of incumbent;
 - (3) the quantum for Deputy Leader be increased to 3.0 (or 2.5 if the following caveat is not approved), caveated with a recommendation that it is reviewed (at least) each year (or as required) by the IRP, with the ability to reset it to 2.00 in the event of change of incumbent;

- (4) the quantum for the Chair of Planning be increased from 1.0 to 1.5;
- (5) the quantum for deputy Chair of Planning be created at 1.0;
- (6) the quantum for each other member of the Planning Committee be created at 0.25;
- (7) the quantum for Chair of the Scrutiny Committee be reduced from 0.75 to 0.25; and
- (8) all other quantum remain extant as per the 2018/19 scheme.

3.0 THE CURRENT SCHEME:

3.1 The current Scheme is attached at 'Appendix B' to this report.

4.0 THE PROPOSED SCHEME:

4.1 A copy of the proposed scheme for 2019/20 is attached at 'Appendix C' to this report.

5.0 FINANCIAL IMPLICATIONS AND EFFICIENCIES:

5.1 The proposed scheme for 2019/20 is currently budgeted for in the 2019/20 Estimates.

5.2 There are no efficiencies associated with this report.

6.0 LEGAL IMPLICATIONS:

6.1 The Council cannot operate a Members' Allowances Scheme in 2019/20 without considering this report and passing a formal resolution. The Scheme is required to be publicised.

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

7.0 EQUALITIES / DIVERSITY ISSUES

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

8.0 RISK IMPLICATIONS

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

9.0 RECOMMENDATIONS:

9.1 It is recommended that, subject to consideration of the recommendations of the Independent Remuneration Panel, Council approves the Members' Allowances Scheme as attached at 'Appendix C' of this report for the year 2019/20.

JUSTIN IVES
CHIEF EXECUTIVE

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

Report of the 2018 Independent Remuneration Panel

Process

The Independent Remuneration Panel (IRP) was asked to conduct a review of the Members' Allowances Scheme 2018/19. Members of the Panel were Stuart Bradnam, Roy Fishwick and Michael Holford.

A scoping meeting was held on 23 August 2018 to discuss how to proceed and to consider relevant information needed in order to inform the review. A full IRP meeting was convened on Tuesday 30 October 2018 to interview a selection of executives and councillors in order to help the IRP prepare their recommendations for the review of Allowances for Members of HDC which is to be presented to Council on 11 December 2018.

Background

Following implementation of a revised allowance scheme, the baseline figure of £5500 for councillors was increased by 10% in July 2015 (effective April 2016) to give a new (and extant) figure of £6050. The 10% increase was related to a locally agreed pay increase for staff. Going forwards, and in light of discussions in interview, the IRP considers that it is fair and reasonable to increase the Basic, Subsistence, Accommodation and Travel Allowances in accordance with any increase agreed **nationally** for staff in a particular year.

Interviews

Against this background for the Basic Allowance, the IRP was then looking to understand whether the *quantums* currently applied to special responsibilities were appropriate and correct with regard to the demand and workload that those extra responsibilities and roles carry, taking into account interviewees comments and experiences.

Interviews were conducted on 30 October 2018 with the following individuals: -

Dr Justin Ives – HDC Chief Executive
Councillor Mark Robson – Leader of the Council
Councillor Peter Bardon – Chairman of Planning Committee
Councillor Mike Barningham - Chairman of Licensing Committee
Councillor Claire Palmer
Councillor Gareth Dadd (who had formally requested an interview with the IRP).

The IRP found in their interviews, councillors who were fully engaged and supportive of the work of the Council, and its leadership. In recognising the demands, work, achievement and effort of the Leader and Deputy Leader positions, the IRP is recommending an adjustment to the *quantums* for these 2 positions (to 6.00 and 3.0 respectively, recognising the efforts of the current incumbents), explicitly caveated with a recommendation that they are reviewed each year (or as required) by the IRP, with the ability to reset them to 4.00 and 2.00 respectively in the event of changes of incumbent(s). If the IRP is not to be allowed to review and reduce the multipliers for these 2 positions on incumbent change, then our recommendation is to increase the quantum to only to 5.0 and 2.5 respectively.

The lead theme that emerged during all interviews was how heavily tasked and committed the Council's Planning Committee was in executing its day-to-day business; the demands on the Chair, Vice-Chair, and the 10 other members of this committee far outweigh that of any of the other committees, and councillors interviewed agreed (even those not on the Planning Committee) that those *quantums* need adjustment.

Recommendations

The 2018 IRP's recommendations are as follows: -

- Paragraph 7.1 of the existing policy be amended to read "Subject to 7.2 all Allowances shall be adjusted with effect from April 2019 and from each subsequent 1 April for the following year in line with any increase agreed nationally for staff for that year.
- The quantum for Leader be increased to 6.0 (or to 5.0 if the following caveat is not approved), caveated with a recommendation that it is reviewed (at least) each year (or as required) by the IRP, with the ability to reset it to 4.00 in the event of change of incumbent.
- The quantum for Deputy Leader be increased to 3.0 (or 2.5 if the following caveat is not approved), caveated with a recommendation that it is reviewed (at least) each year (or as required) by the IRP, with the ability to reset it to 2.00 in the event of change of incumbent.
- The quantum for the Chair of Planning be increased from 1.0 to 1.5
- The quantum for deputy Chair of Planning be created at 1.0
- The quantum for each other member of the Planning Committee be created at 0.25
- The quantum for Chair of the Scrutiny Committee be reduced from 0.75 to 0.25
- All other quantum remain extant as per the 2018/19 scheme.

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)
 Chairman of the Audit, Governance and Standards Committee
 Chairman of Planning Committee
 Chairman of Scrutiny Committee
 Chairman of Licensing Committee
 Cabinet Member

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

4.0 DEPENDANT' CARER'S ALLOWANCE:

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

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

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

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

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

5.0 TRAVELLING, SUBSISTENCE AND ACCOMMODATION ALLOWANCE:

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

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

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

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

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

6.0 INDEPENDENT PERSONS:

- 6.1 An Independent Person's Allowance as set out in the Annex to this Schedule as amended from time to time shall be payable to the Independent Person(s) appointed by the Council.
- 6.2 Where the appointment of the Independent Person begins or ends otherwise than at the beginning or end of a year his/her entitlement shall be payment of such part of the Independent Person's Allowance as bears to the whole the same proportion as the number of days during which his/her appointment subsists bears to the number of days in that year.

7.0 ADJUSTMENT OF ALLOWANCES:

- 7.1 Subject to 7.2 all Allowances shall be adjusted with effect from 1 April 2016 and from each subsequent 1 April for the following year in line with any increase agreed locally for staff for that year.
- 7.2 All Travelling, Subsistence and Accommodation Allowances shall be adjusted from time to time to ensure that they are the same as the equivalent allowance for officers of the Council.

8.0 CLAIMS AND PAYMENTS:

- 8.1 Claims for payment of Allowances shall be made in writing within one month of the date on which entitlement to the Allowances arises.
- 8.2 Payment for Basic, Special Responsibility and Independent Persons' Allowances shall be made in equal monthly instalments on the 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.

MEMBERS' ALLOWANCES SCHEME 2019/20**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 2019 until 31 March 2020 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
 Vice-Chairman of Planning Committee
 Members 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.

6.3 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 2019 and from each subsequent 1 April for the following year in line with any increase agreed nationally 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 2019**ATTENDANCE ALLOWANCES 2019/20**

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*	6.00	36,300
Deputy Leader*	3.00	18,150
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	1.5	9,075
Vice-Chairman of Planning Committee	1	6,050
Planning Committee Member	0.25	1,512
Chairman of Audit, Governance and Standards Committee	0.25	1,512
Chairman of Scrutiny Committee	0.25	1,512
Chairman of Licensing Committee	0.25	1,512
Cabinet Member	1.50	9,075
Dependant Carer's Allowance	-	National minimum wage (currently £9.00) with a maximum of 10 hours per week
Independent Persons	-	256

*Subject to a review each year (or as required) by the Independent Remuneration Panel, with the ability to reset the Quantum to 4.00 for the Leader and 2.00 for the Deputy Leader in the event of a change of incumbent.

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

	£
Breakfast	8.66
Lunch	11.94
Tea (absence after 6.30pm)	5.00
Dinner (absence after 8.30pm)	14.81

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

ACCOMMODATION RATES

	£
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
11 December 2018

From: Director of Law and Governance (Monitoring Officer)

Subject: **STATEMENT OF PAY POLICY 2019/20**

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 2019.

2.0 STATEMENT OF PAY POLICY:

2.1 The proposed Statement of Pay Policy is attached at Annex A. 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 significant 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 2019.

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 2019/20**

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 December 2018. 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 the 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 £17,538.00 and can be expressed as an hourly rate of pay of £9.09 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 £132,676.00 which is paid to the Chief Executive. The median salary in this authority is £21,805.00. The ratio between the two salaries, the 'pay multiple' is 6.08:1. 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 (officers subject to this policy receive a car allowance equating to seven per cent of their respective 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 £100,000

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 £100,000 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 £100,000

The authority will ensure that any severance payment for any post that is in excess of £100,000 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 £50,000 per annum (pro-rata for part-time staff) in multiples of £5,000.
- 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 £150,000 per annum

For the above remuneration is to include:

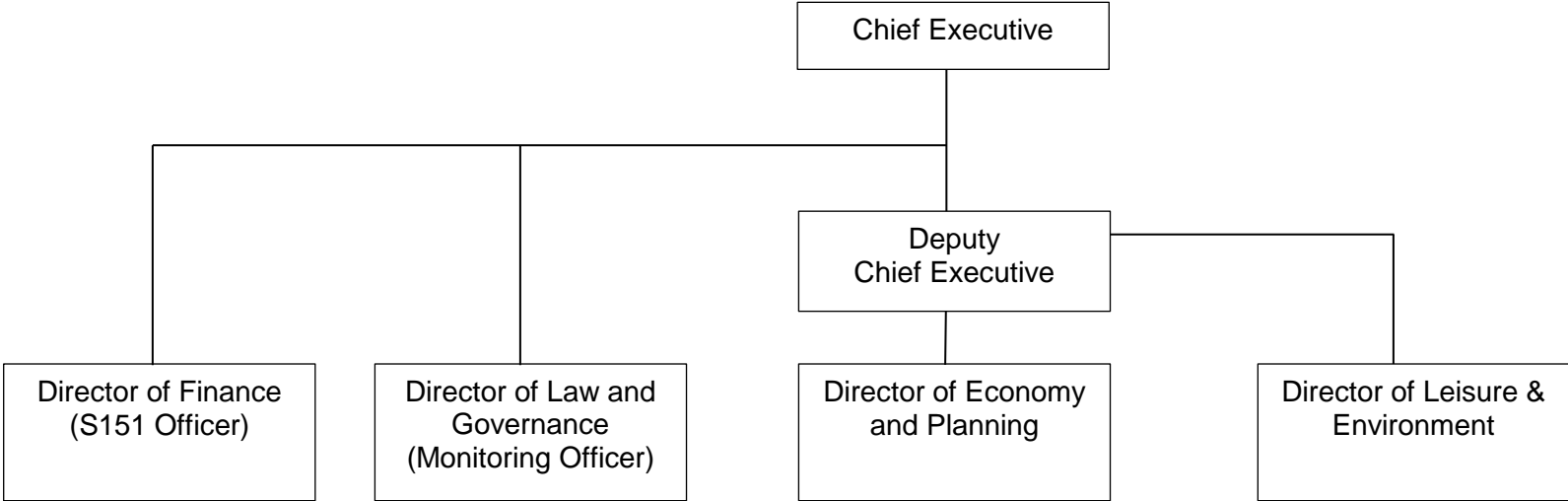
- Salary, fees or allowances for the current and previous year
- Bonuses paid or receivable for the current and previous year
- Expenses paid in the previous year
- Compensation for loss of employment paid to or receivable, or payments made in connection with loss of employment
- Total estimated value 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	£132,676	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 2019/20.
Deputy Chief Executive	£109,676	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 2019/20.

Post	Base Salary	Expenses	Bonuses	PRP	Earn-Back	Honoraria	Ex-Gratia Payments	Election Fees	Joint Authority Duties	Severance Arrangements
Directors x 4	£75,900	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 2019/20.



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.

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.

MINUTES FOR INFORMATION

<u>Committee</u>	<u>Date</u>	<u>Page</u>
Cabinet	9 October 2018 6 November 2018 4 December 2018	To follow
Scrutiny Committee	25 October 2018 29 November 2018	
Planning Committee	20 September 2018 18 October 2018 15 November 2018	
Audit, Governance and Standards Committee	23 October 2018	
Licensing Committee	27 September 2018 27 November 2018	
Licensing and Appeals Hearings Panel	26 September 2018 27 September 2018 10 October 2018 22 November 2018	

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**Decisions taken under Cabinet authority
to take effect on 22 October 2018**

Decisions of the meeting of the CABINET held
at 9.30 am on Tuesday, 9th October, 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
	Mrs I Sanderson		

Also in Attendance

Councillor	P Bardon	Councillor	Mrs C S Cookman
	M A Barningham		K G Hardisty
	D M Blades		N A Knapton

CA.33 **MINUTES**

THE DECISION:

That the decisions of the meeting held on 4 September 2018 (CA.18 – CA.29),
previously circulated, be signed as a correct record.

The meeting closed at 9.45 am

Leader of the Council

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**Decisions taken under Cabinet authority
to take effect on 19 November 2018**

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

Present

Councillor M S Robson (in the Chair)

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

Also in Attendance

Councillor	P Bardon	Councillor	D B Elders
	D M Blades		K G Hardisty
	Mrs C S Cookman		J Noone

An apology for absence was received from Councillor Mrs B S Fortune

CA.35 **MINUTES**

THE DECISION:

That the decisions of the meeting held on 9 October 2018 (CA.30 – CA.33), previously circulated, be signed as a correct record.

CA.36 **SOWERBY SPORTS VILLAGE**

Sowerby and Topcliffe Ward

The subject of the decision:

This report recommended that elements of Phase 2 of the Sowerby Sports Village development, as outlined in the 7 November 2017 Cabinet report, were brought forward for completion earlier than originally planned. The report also requested that additional 'seed funding' was provided to local organisations to help improve sports facilities in the Sowerby area.

Alternative options considered:

None.

The reason for the decision:

The sports village was a key component part of the Sowerby Gateway scheme in enhancing the quality of lives of the residents of the locality, as well as within the wider Thirsk area. This project would make a significant contribution to the 'Enhancing Health and Wellbeing' and 'Providing a Special Place to Live' priorities and had been identified as a key project in the Council Plan 2015-19.

THE DECISION:

That:-

- (1) the delivery of Phase 2 of Sowerby Sports Village, as highlighted in paragraph 4.2 of the report, be financed from Section 106 funds allocated to this project subject to agreement from the owners and developers to vary the terms of use of the communities facilities contribution under the Section 106 Agreement;
- (2) the pitch works included within Phase 2 be delivered under a contract that has been awarded through the Football Association procurement framework; and
- (3) inclusion of Phase 2 of Sowerby Sports Village, as highlighted in paragraph 4.2 of the report, in the capital programme to meet costs should the developer contribution thresholds not be met in a timely fashion.

CA.37 **REVISED LOCAL DEVELOPMENT SCHEME**

All Wards

The subject of the decision:

This report sought consideration of a new timetable for the revised Local Development Scheme. The Local Development Scheme set out the timetable for the production of the Local Development Documents which made up the Council's Local Plan. The process for the preparation of a Local Plan was prescribed by statute and regulations which were reflected in the work programme. The Local Development Scheme must be made available publically and kept up-to-date.

Alternative options considered:

None.

The reason for the decision:

A Local Development Scheme was required under Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011).

THE DECISION:

That Cabinet approves the publication of the Local Development Scheme.

The meeting closed at 9.40 am

Leader of the Council

Minutes of the meeting of the SCRUTINY
COMMITTEE held at 9.30 am on Thursday,
25th October, 2018 at Main Committee Room, Civic
Centre, Stone Cross, Northallerton, DL6 2UU

Present

Councillor D Hugill (in the Chair)

Councillor	S P Dickins	Councillor	C A Les
	C A Dickinson		J Noone
	K G Hardisty		Ms C Palmer

Apologies for absence were received from Councillors Mrs C S Cookman, R A Baker, G W Ellis and A Wake.

SC.16 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 13 September 2018 (SC.11 - SC.15), previously circulated, be signed as a correct record.

SC.17 **POLICY REVIEW - PROMOTING ECONOMIC VITALITY, INCLUDING MARKETS**

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.

Helen Kemp, Director of Economy and Planning, 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 with the information provided, but considered it needed more information on issues raised and additional evidence in order to progress the review.

THE DECISION:

That:-

- (1) the information provided so far be received; and
- (2) Julia Robinson, BID Manager and David Shields, Welcome to Yorkshire, be invited to attend the next meeting of the Committee in November 2018.

The meeting closed at 10.25 am

Chairman of the Committee

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Present

Councillor Mrs C S Cookman (in the Chair)

Councillor	D Hugill	Councillor	J Noone
	C A Dickinson		Ms C Palmer
	K G Hardisty		A Wake
	C A Les		

Apologies for absence were received from Councillors G W Ellis.

SC.18 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 25 October 2018 (SC.16 - SC.17), previously circulated, be signed as a correct record.

SC.19 **POLICY REVIEW - PROMOTING ECONOMIC VITALITY, INCLUDING MARKETS**

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.

Nicole Patterson, Business and Economy Manager, Hambleton District Council; David Shields of Welcome to Yorkshire and Julie Robinson, Northallerton BID Manager, attended the meeting to provide evidence. A number of questions were asked by the Committee which were responded to at the meeting.

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

The Committee was satisfied with the information provided, but considered it needed more information on issues raised and additional evidence in order to progress the review.

THE DECISION:

That:-

- (1) the information provided so far be received; and
- (2) Helen Kemp, Director of Economy and Planning and Peter Cole, Vibrant Market Towns Project Manager, be invited to attend the next meeting of the Committee in January 2019.

SC.20 **PLANNING ENFORCEMENT BRIEFING NOTE**

All Wards

Following a request from the Committee at the meeting held in October 2018, a report was considered which provided an update with regard to the current position in relation to Planning Enforcement.

The Committee welcomed the report and the information contained therein and requested that an update report be provided on a quarterly basis. The Committee wished to thank and congratulate the Planning Officers on bringing the enforcement service up to standard with new procedures and policies in place.

THE DECISION:

That:-

- (1) the report be noted; and
- (2) a quarterly update report be submitted to the Scrutiny Committee for consideration.

SC.21 **COUNCIL PERFORMANCE 2018/19 (QUARTER 2)**

All Wards

The Director of Finance (s151 Officer) presented a report setting out the Quarter 2 Performance for 2018/19. 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 progress made against the Council Plan for Quarter 2 of 2018/19, as detailed within Annex A of the report, be noted.

SC.22 **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 10.40 am

Chairman of the Committee

Present

Councillor P Bardon (in the Chair)

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

An apology for absence was received from Councillor S P Dickins

P.12 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 23 August 2018 (P.10 - P.11), previously circulated, be signed as a correct record.

P.13 **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) 18/01545/OUT - Outline application with some matters reserved (access included) for the construction of one dwelling for Richard Barker at The Myer, Burneston

PERMISSION GRANTED because the development would not harm the form and character of the village.

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

- (2) 18/00423/FUL - Construction of one dwelling for Mr Wood at Ivy House, Dalton

APPLICATION WITHDRAWN

- (3) 18/01273/FUL - Change of use from a holiday cottage to a dwelling for Mr Robin Houlston at The Annex, Highthorne Farm, Highthorne Lane, Husthwaite

PERMISSION GRANTED

Note: Councillor R W Hudson left the meeting at approximately 1.55pm following discussion and voting on the above item and did not return to the meeting.

- (4) 18/01300/FUL - Change of use of land to holiday park with provision of 35 pitches, internal access road, improved access to Allerton Wath Road, packaged treatment plant and construction of facilities block for Mr and Mrs Malcolm Holder at Land north of Beckstead Grange, Allerton Wath Road, Knayton

PERMISSION GRANTED subject to an additional condition concerning external lighting.

(The applicant's agent, Tim Axe, spoke in support of the application).

- (5) 18/01602/OUT - Application for Outline Planning Permission with some matters reserved (to consider access and layout) for the construction of 5no dwelling houses for Mr D Bainbridge at OS Field 2719, Stokesley Road, Hutton Rudby

DEFER to negotiate affordable housing content, layout and landscaping and to consider matters of highway safety.

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

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

- (6) 18/01112/OUT - Outline application (some matters reserved) for a bungalow for Prism Planning Limited at Hawthorns, Tame Bridge, Stokesley

PERMISSION GRANTED

- (7) 18/01449/OUT - Application for outline planning permission with all matters reserved for the construction of a single bungalow and garage for Mr Alan Hetherington at Field House, Stillington

PERMISSION GRANTED subject to modification of Condition 4 to ensure the development is limited to one single-storey dwelling.

- (8) 18/01322/FUL - Change of use of agricultural land and the construction of three modular, earth sheltered eco pods and change of use of hardstanding for associated guest parking for Mr and Mrs Parker-Nicholls at The Baggins, Thornton Hill

PERMISSION GRANTED subject to a requirement that there be no more than three eco-pods.

(The applicant, Steve Parker-Nicholls, spoke in support of the application.)

- (9) 18/01627/MRC - Application for variation/removal of condition relating to Planning Application 17/02326/FUL - Alterations and extension to dwelling to form a sun lounge, entrance hall, office and utility room for Mr and Mrs S Dickins at Wellington Farm, Ingleby Arncliffe

PERMISSION GRANTED

The meeting closed at 3.25 pm

Chairman of the Committee

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Minutes of the meeting of the PLANNING
COMMITTEE held at 1.30 pm on Thursday,
18th October, 2018 in the Council Chamber,
Civic Centre, Stone Cross, Northallerton

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		D A Webster
	K G Hardisty		

Also in Attendance

Councillor M S Robson

Apologies for absence were received from Councillors S P Dickins and R W Hudson

P.14 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 20 September 2018 (P.12 - P.13), previously circulated, be signed as a correct record.

P.15 **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) 18/01413/FUL - Creation of new detention basin at Land south of Bedale Rose Avenue, Leeming Bar for Mulberry Homes

DEFER for further investigation of the proposal.

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

(Rosemary Walker spoke objecting to the application.)

- (2) 18/00209/FUL - Construction of two detached dwellings and garages together with ancillary external works, drainage and landscape at Land adjacent to Beechcroft Farm, Aldwark for Keepsake Homes Ltd

PERMISSION GRANTED

- (3) 18/00995/FUL - Demolition of existing storage sheds and construction of five detached houses, with associated garages and access road at The Old Station Yard, Station Road, Alne Station for Mr and Mrs Adamson

PERMISSION GRANTED subject to an additional condition that the gate to the railway access is to be 1.8 metres high and prior to the occupation of the dwellings is to be kept locked and secured, and thereafter is to be maintained in a secure manner.

- (4) 18/01560/FUL - Construction of warehouse and offices at Plot 1, Conygarth Way, Leeming Bar Business Park, Leeming Bar for Mr Stephen Clark

PERMISSION GRANTED

- (5) 18/01132/FUL - Demolition of intensive livestock units and partial demolition of bungalow to accommodate vehicular access and construction of five dwellings for at Bagby Hall Farm, Bagby Mr T Robson

PERMISSION GRANTED

Note: Councillor D M Blades left the meeting at 2.30pm and did not return.

- (6) 18/01472/FUL - Demolition of garage & workshop and construction of a detached four-bedroom, two-storey dwelling at Oak Cottage, Church Hill, Crayke for Mr N Jackson

PERMISSION REFUSED because the scheme was an overdevelopment of the site; harmed amenity of neighbours; provided poor amenity for occupiers, and poor access, together with the contrived design which failed to meet the requirements of the Local Development Framework policies and that would harm the character and appearance of the Conservation Area, and the absence of surface water drainage details.

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

(Simon Cockerill spoke objecting to the application.)

- (7) 18/00938/OUT - Outline application (with matters of access and layout to be determined) for the construction of one detached dwelling at Land to the Rear of 81 to 83, High Street, Great Broughton for Mr and Mrs Bowes

PERMISSION REFUSED

(The applicant's agent David Boulton, spoke in support of the application).

- (8) 18/01879/FUL - Change of use of (B1) vacant ground floor office to osteopathic clinic (D1) at Suite 4, Springboard Business Centre, 24 Ellerbeck Way, Stokesley, North Yorkshire, TS9 7JZ for Mrs Amelia Mann

PERMISSION GRANTED

- (9) 18/01024/REM - Reserved matters application for six dwellings at D Oakley Limited, 68 Romanby Road, Northallerton for Park Quadrant Homes

PERMISSION REFUSED because the scheme was an overdevelopment of the site with insufficient parking, a loss of amenity to neighbours, and failed to achieve the design requirements of the Local Development Framework.

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

(Andrew Cunningham, spoke on behalf of the applicant in support of the application).

(John Prest spoke on behalf of Northallerton Town Council objecting to the application.)

(John Prest spoke on behalf of a number of residents objecting to the application.)

Note: The meeting adjourned at 3.20pm and reconvened at 3.30pm

- (10) 18/01602/OUT - Application for Outline Planning Permission with some matters reserved (to consider access and layout) for the construction of 5no dwelling houses at OS Field 2719, Stokesley Road, Hutton Rudby for Mr D Bainbridge

PERMISSION GRANTED

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

(Mick Fenwick spoke on behalf of Rudby Parish Council objecting to the application.)

- (11) 18/01798/APN - Application for Prior Notification for an agricultural building to cover an existing straw based farm yard manure muck store at Bruce House, Scaife Shay Lane, Sessay for Mr Sanderson

PRIOR APPROVAL IS NOT REQUIRED

- (12) 18/01169/TPO - Felling of trees the subject of a Tree Preservation Order at The Grove, Skipton on Swale for Mr Jeremy Hogan

PERMISSION GRANTED because the Committee considered that the trees were out of character for the area and that the TPO had outlived its usefulness.

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

(The applicant, Jeremy Hogan, spoke in support of the application.)

- (13) 18/01008/MRC - Application for variation of conditions 7,10,11,15,16 and 18 and removal of condition 12 (location of events within the grounds of Rudby Hall to previously approved application 15/00961/MRC at Rudby Hall, Skutterskelfe, North Yorkshire, TS15 0JN for Mr Michael Hepburn

DEFER for further discussions on conditions.

(The applicant, Martin Johnson, spoke in support of the application.)

(Mick Fenwick spoke on behalf of Rudby Parish Council objecting to the application.)

(Alistair Powell spoke objecting to the application.)

- (14) 18/01791/APN - Application for Prior Notification for a proposed agricultural building to cover an existing straw based FYM muck store at Land between Upsall Lane and Hag Lane, Hag Lane, South Kilvington for Mr Sanderson

PRIOR APPROVAL IS NOT REQUIRED

- (15) 18/00005/TPO2 - Tree Preservation Order 2018 No 5 at Land Rear of, St Josephs Presbytery, 1 Tanton Road, Stokesley for Diocese of Middlesbrough

THAT TREE PRESERVATION ORDER 2018 NO. 5 BE CONFIRMED

- (16) 18/01334/FUL - Alterations and change of use of dwelling to create a house of multiple occupancy and alterations to the garage to form a car port and Borin at The Old Model Lodgings, 1A Barbeck, Thirsk for Miss Ruth and Samuel Morris

APPLICATION WITHDRAWN

- (17) 18/00331/FUL - Demolition of existing buildings and erection of 112 dwellings with associated open space, access and infrastructure at Former Austin Reed Site, Station Road, Thirsk for Bellway Homes Ltd (Yorkshire Division) and Thirsk Investments Limited

PERMISSION GRANTED subject to an additional condition requiring the provision of acoustic fencing where necessary.

(The applicant, Paul Thornton, spoke in support of the application.)

The meeting closed at 5.20 pm

Chairman of the Committee

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Minutes of the meeting of the PLANNING
COMMITTEE held at 10.00 am on Thursday,
15th November, 2018 in the Council Chamber,
Civic Centre, Stone Cross, Northallerton

Present

Councillor P Bardon (in the Chair)

Councillor	J Noone	Councillor	R W Hudson
	M A Barningham		C Patmore
	D M Blades		C Rooke
	S P Dickins		D A Webster
	Mrs B S Fortune		

Also in Attendance

Councillor	D B Elders	Councillor	Mrs I Sanderson
	Mrs C S Cookman		

Apologies for absence were received from Councillors K G Hardisty and B Phillips

P.16 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 18 October 2018 (P.14 - P.15), previously circulated, be signed as a correct record.

P.17 **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:-

- (1a) 18/01849/FUL - Erection of cinema (Use Class D2) with 3 food and beverage units at ground floor (Use Classes A3 and/or A4 and/or A5); erection of 3 retail units (Use Class A1); change of use and conversion of existing buildings from prison to office space (Use Class B1a), 4 residential units (Use Class C3), 2 retail units (A1) and 2 food and beverage units (Use Classes A3 and/or A4 and/or A5), including alterations and extensions; associated public realm and landscaping including new civic square, car parking, servicing areas and new vehicular and pedestrian accesses at East Road, Northallerton for Central Northallerton Development Company Limited

PERMISSION GRANTED subject to an additional condition requiring the provision of space within the site for the display of information relating to the site history.

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

(Mr Ronald Pratt spoke objecting to the application.)

Note: The meeting adjourned at 12.00pm and re-convened at 12.05pm

- (2a) 18/01850/LBC - Listed building consent for internal and external alterations to former prison buildings at East Road, Northallerton for Central Northallerton Development Company Limited

PERMISSION GRANTED

(Mr Brian Jennings spoke objecting to the application.)

Note: Morning session concluded at 12.30pm and reconvened at 13.30pm.

Note: Councillor R Hudson joined the meeting at the beginning of the afternoon session

- (1) 18/01354/FUL - Construction of dwelling and detached garage at The Croft, Main Street, Alne for Mr and Mrs P Tomlinson

DEFER for further consideration of the impact on the Conservation Area.

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

(Dr Gudrun Gaudian spoke on behalf of Alne Parish Council objecting to the application.)

(Tim Axe spoke objecting to the application.)

- (2) 18/02070/FUL - Full planning application for the construction of a detached bungalow at Fallosen, Forest Lane, Alne for Mr Davidson

PERMISSION GRANTED

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

- (3) 18/00592/FUL - Residential development comprising 14 dwellings at The Allotment Gardens, Masham Road, Bedale for Arncliffe Homes Ltd

DEFER for site visit.

- (4) 18/01762/OUT - Outline application with all matters reserved for a proposed 2 bed detached bungalow adjacent 41 Ripon Way at 41 Ripon Way, Carlton Miniott for Mr and Mrs Wilson

PERMISSION REFUSED

(The applicant's agent, Paul Walkland, spoke in support of the application).

- (5) 18/02110/FUL - Replacement of old conservatory at Whistling Green, Crayke for Mr John Binks

PERMISSION GRANTED because the Committee decided that, subject to suitable materials, the development would not harm the character and appearance of the property, Conservation Area and Area of Outstanding Natural Beauty.

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

(The applicant, John Binks, spoke in support of the application.)

(Colin Merritt spoke on behalf of Crayke Parish Council in support of the application.)

- (6) 18/01120/REM - Application for approval of reserved matters (appearance/landscape and layout) following outline planning permission - 17/02409/OUT on 12 January 2018 at Wayside, 1 Oulston Road, Easingwold for Mr Tooze

PERMISSION REFUSED

- (7) 18/01609/FUL - Retrospective change of use to residential at Annexe at rear of 97 Long Street, Easingwold for Ms Jessica Lane

PERMISSION REFUSED because the property falls below the size identified in the Nationally Described Space Standards.

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

- (8) 17/02137/FUL - Change of use of building and proposed extension to form independent dwelling to replace a residential caravan at OS Field 1961, Broughton Grange, High Street, Great Broughton for Mr Billy Foster

PERMISSION REFUSED

- (9) 18/02135/OUT - Outline application for the construction of one dwelling at Land west of The Paddocks, Hornby for Mr M Morrison

PERMISSION GRANTED

- (10) 18/01175/OUT - Outline application (all matters reserved) for the construction of 5no. dwellings (scheme reduced) at OS Field 4442, Easingwold Road, Huby for Mr Steve Chapman

PERMISSION GRANTED subject to an additional condition to control finished floor and ground levels.

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

(David Birkenshaw spoke objecting to the application.)

- (11) 18/01992/FUL - Construction of 4no bungalows and associated garages and parking facilities at Land south of Bonny Croft, Back Lane Raskelf for Mr and Mrs Mandefield

PERMISSION GRANTED subject to an additional condition requiring the provision of additional parking.

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

- (12) 18/02101/FUL - Construction of a Pig Farrowing House at Romanby Grange, Boroughbridge Road for Mr Paul Phillips

PERMISSION GRANTED

- (13) 17/00442/OUT - Outline application with all matters reserved for five dwellings at Stokesley Used Car Sales, Tame Bridge for Mr M Da Silva

PERMISSION GRANTED subject to an additional condition restricting the development to bungalows and/or dormer bungalows

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

- (14) 18/00856/FUL - Retrospective application for conversion of outbuilding to form two dwellinghouses and provision of five parking spaces and associated turning area at Framfield House, Main Street, Shipton by Beningbrough for Mrs M Johnson

DEFER for further information on the size of the dwellings and consideration of the safety of vehicle movements within the site.

(The applicant's agent, Stephen Sadler, spoke in support of the application).

(Kate Broadbank spoke objecting to the application.)

- (15) 18/01008/MRC - Application for variation of conditions 7,10,11,15,16 and 18 and removal of condition 12 (location of events within the grounds of Rudby Hall to previously approved application 15/00961/MRC at Rudby Hall, Skutterskelfe, North Yorkshire, TS15 0JN for Mr Michael Hepburn

DEFER for further consideration of impact on neighbour amenity.

(The applicant, Mr Martin Johnson, spoke in support of the application.)

(Alastair Powell spoke objecting to the application.)

- (16) 17/02448/REM - Reserved matters of appearance, landscaping, layout and scale for residential development of 40 dwellings at Land off St Mary's Close, Thirsk for Mr JR Barker and Mrs R Taylor

PERMISSION GRANTED

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

- (17) 18/02129/FUL - Retrospective application for construction of a roof over existing feeding area for cattle at Mowbray Hill Farm, Well for Mr Webster

PERMISSION GRANTED

Disclosure of Interest

Councillor D A Webster disclosed a pecuniary interest, as the Applicant is a family member, and left the meeting prior to discussion and voting on this item.

P.18 **18-01413-FUL - LAND SOUTH OF BEDALE ROSE AVENUE, LEEMING BAR - MATTER OF URGENCY**

All Wards

- (18) 18-01413-FUL – Creation of New Detention Basin at Land South of Bedale Rose Avenue, Leeming Bar for Mulberry Homes Yorkshire Limited - Matter of Urgency

This report was as a matter of urgency owing to the need to ensure that a suitable sustainable drainage system was delivered for the existing homes , to protect those homes and other homes in the vicinity in the case of a 1 in 30 year (or worse) flood event.

PERMISSION GRANTED subject to an additional condition relating to the planting scheme for the basin.

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

(Chris Cunningham spoke objecting to the application.)

The meeting closed at 6.10 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 October, 2018
at MAIN COMMITTEE ROOM, CIVIC CENTRE,
STONE CROSS, NORTHALLERTON

Present

Councillor N A Knapton (in the Chair)

Councillor	R A Baker	Councillor	C Patmore
	G W Dadd		

Also in Attendance

Councillor D B Elders

Apologies for absence were received from Councillors Mrs C S Cookman and P R Wilkinson

AGS.16 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 24 July 2018 (AGS.3 - AGS.14), previously circulated, be signed as a correct record.

AGS.17 **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.

Alternative options considered:

None.

The reason for the decision:

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

THE DECISION:

That it be noted that no RIPA authorisations were made by the Council during the period 25 July to 23 October 2018.

AGS.18 **FIRST INTERNAL AUDIT AND COUNTER FRAUD PROGRESS REPORT 2018/19**

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 and counter fraud work.

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:-

- (1) the work undertaken by Internal Audit and the Counter Fraud team in the year to date be noted; and
- (2) the arrangements for the external assessment of internal audit be noted.

AGS.19 **ANNUAL REVIEW OF RISK MANAGEMENT**

All Wards

The subject of the decision:

The Director of Finance (s151 Officer) presented a report following an annual review of the Council's risk management process. The internal audit of Risk Management in May 2017 recognised the Council's arrangements for managing risk as satisfactory within an acceptable control environment, whilst identifying some areas for improvement. This had also been reported to the Corporate Peer Review in June 2017. In light of this, Management Team had agreed a comprehensive review of risk management procedures during the coming year to support the Council's drive towards excellent governance and effective internal controls by strengthening the approach to identification and management of risk.

Alternative options considered:

None.

The reason for the decision:

To comply with the Committee's Terms of Reference as detailed within the Constitution.

THE DECISION:

That the Committee note:-

- (1) the proposed review and consequent improvements to the Council's risk management; and
- (2) the current strategic and project risks attached at Annex A and B of the report respectively.

AGS.20 **BREXIT UPDATE ON IMPLICATIONS FOR LOCAL AUTHORITIES**

All Wards

The subject of the decision:

The Director of Finance (s151 Officer) submitted a report which set out the current position of the implications on local authorities of the UK's decision to leave the European Union.

Alternative options considered:

None.

The reason for the decision:

To take account of the current position regarding the implications of the UK's decision to leave the European Union.

THE DECISION:

That the report be noted.

AGS.21 **STATUTORY AUDITOR - ANNUAL AUDIT LETTER 2017/18**

All Wards

The subject of the decision:

The Director of Finance (s151 Officer) presented a report on the External Auditor's Annual Audit Letter on the 2017/18 Audit, a copy of which was attached as Annex A to the report. A representative from Ernst & Young LLP was in attendance to answer questions.

Alternative options considered:

None.

The reason for the decision:

To take account of the External Auditor's audit and inspection work for the financial year 2017/18.

THE DECISION:

That the External Auditor's Annual Audit Letter on the 2017/18 Audit be received.

AGS.22 **STATUTORY AUDITOR - QUARTERLY BRIEFING**

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 to date.

A representative from Ernst & Young LLP attended the meeting to provide the update and answer questions.

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 quarterly report from the external auditor be noted.

The meeting closed at 10.20 am

Chairman of the Committee

Minutes of the meeting of the LICENSING
COMMITTEE held at 10.30 am on Thursday,
27th September, 2018 at Main Committee
Room, Civic Centre, Stone Cross, Northallerton

Present

Councillor M A Barningham (in the Chair)

Councillor	R A Baker	Councillor	R Kirk
	K G Hardisty		A Wake
	D Hugill		

Apologies for absence were received from Councillors P Bardon, D M Blades, S P Dickins and N A Knapton.

LC.3 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 4 September 2017 (LC.3 - LC.4) and 15 May 2018 (LC.1 – LC.2), previously circulated, be signed as correct records.

LC.4 **HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY**

All Wards

The subject of the decision:

This report sought authorisation from the Committee to conduct a consultation on proposed amendments to the Council's Hackney Carriage and Private Hire Licensing Policy relating to driver conduct and suitability, CCTV in licensed vehicles and other minor amendments.

The Committee was also asked to consider adopting European Standards in relation to licensed vehicles with a view to raising emission standards.

Alternative options considered:

The Licensing Committee considered the proposed amendments and concluded that the proposals relating to emission standards required further research and therefore they were not to be included in the revised Policy. The proposals relating to driver conduct and suitability, CCTV in licensed vehicles and other minor amendments were all approved for the purposes of the consultation and the Panel concluded that no other amendments were deemed necessary.

The reason for the decision:

The Committee considered proposed amendments to the Council's Hackney Carriage and Private Hire Licensing Policy on driver conduct, driver suitability, operator applications, clarification on Hackney Carriage Table of Fares, CCTV in licensed vehicles and driver badges. The Committee was satisfied that the proposed amendments would be likely to improve standards and therefore authorised the commencement of the consultation in order to gauge the views of the trade.

The Committee considered the Senior Scientific Officer's proposals to adopt European Standards in relation to licensed vehicles with a view to raising emission standards and thereby improving air quality in the district. The Committee noted that the proposal would likely have a significant financial impact on the majority of the trade who may be required to invest in newer vehicles. The Committee also had concerns that this may impact on the trade to the detriment of the public. The Committee deferred the matter for further consideration into methods of improving air quality through licensed vehicles.

THE DECISION:

That:-

- (1) approval be given for a full consultation exercise to be carried out in relation to the draft Hackney Carriage and Private Hire Licensing Policy on the understanding that the Committee will be asked to consider any responses following the consultation period; and
- (2) that the proposals relating to emission standards be deferred for further consideration into methods of improving air quality through licensed vehicles.

LC.5 **HACKNEY CARRIAGE TABLE OF FARES**

All Wards

The subject of the decision:

This report sought consideration of Hambleton District Council's Hackney Carriage Table of Fares. The existing Table of Fares had been in effect since October 2013 and an informal request had been made by a licensed hackney carriage proprietor to increase the charges.

Alternative options considered:

The Committee considered the Director's report and, having concluded that an increase to the table of fares would not be appropriate, there was no other suitable option.

The reason for the decision:

The Committee considered the fares comparison data and consultation responses from licence holders. The Committee noted that, aside from the initial request, there was no apparent appetite from the trade to pursue an increase. The Committee concluded that the existing hackney carriage fares are reasonable and that an increase at the present time could deter the public from using hackney carriages in the district.

THE DECISION:

That an increase to the Table of Fares not be pursued and that the existing charges be retained.

LC.6 **GAMBLING ACT STATEMENT OF PRINCIPLES**

All Wards

The subject of the decision:

This report sought authorisation from the Committee to commence a statutory consultation in relation to the Council's Gambling Act 2005 Statement of Principles.

Alternative options considered:

The Committee considered the Director's report and having concluded that the proposed amendments were appropriate no further modifications were deemed appropriate.

The reason for the decision:

The Committee was satisfied that licensing authorities were required under the Gambling Act 2005 to publish a Statement of Principles which they proposed to apply when exercising their functions. The Statement of Principles must be published at least every three years and therefore the Council must review its Statement of Principles prior to January 2019.

The Panel concluded that the proposed amendments were appropriate subject to any responses during the consultation period.

THE DECISION:

That authorisation be granted for a full consultation to be carried out in relation to Gambling Act Statement of Principles on the understanding that the Committee will be asked to consider any responses following the consultation period.

The meeting closed at 11.25 am

Chairman of the Committee

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Minutes of the meeting of the LICENSING
COMMITTEE held at 9.30 am on Tuesday,
27th November, 2018 at Main Committee
Room, Civic Centre, Stone Cross, Northallerton

Present

Councillor M A Barningham (in the Chair)

Councillor	P Bardon	Councillor	D Hugill
	D M Blades		R Kirk
	S P Dickins		N A Knapton
	K G Hardisty		

Also in Attendance

Councillor D B Elders

Apologies for absence were received from Councillors R A Baker and A Wake.

LC.9 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 27 September 2018 (LC.3 - LC.6), and the minutes of the meetings of the Licensing and Appeals Hearings Panel held on 26 September 2018 (LAHP.10 - LAHP.11; LAHP.12; LAHP.13 -LAHP.14), 27 September 2018 (LAHP.15 – LAHP.16), and 10 October 2018 (LAHP.17 – LAHP.18), previously circulated, be signed as a correct record.

The meeting closed at 10.02 am

Chairman of the Committee

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Present

Councillor M A Barningham (in the Chair)

Councillor K G Hardisty

Councillor R Kirk

LAHP.10 **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.11 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.11 **APPLICATION FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE**
All Wards

The subject of the decision:

The Panel was asked to consider whether to grant or refuse an application for a hackney carriage and private hire driver licence submitted by the applicant.

Alternative options considered:

The Panel considered the options outlined in the Director's report but, having concluded that the applicant was a fit and proper person to hold a hackney carriage and private hire driver's licence, the Panel did not consider it appropriate to refuse the application.

The reason for the decision:

The Panel considered the Director's report, the application for a hackney carriage and private hire driver licence, the Disclosure and Barring Service enhanced criminal record check for the applicant, the applicant's oral representations and written submissions, the Council's Hackney Carriage and Private Hire Licensing Policy and the relevant legislation.

The applicant informed the Panel that the convictions in February 2006 for drink driving and failing to stop after an accident followed an incident in which nobody else was involved. The applicant accepted responsibility for his wrongdoings and demonstrated remorse for his actions.

The applicant informed the Panel that the offence for common assault in May 2007 related to a heated argument which culminated in the applicant striking another person with the back of his hand as he attempted to leave the room. The applicant assured the Panel that he did not punch or kick the victim but, again, he accepted responsibility for his wrongdoings.

The Panel was informed that the applicant rarely drinks and that he attended a drink awareness course following his conviction in 2006. The applicant assured the Panel that there was no risk of him reoffending.

The applicant informed the Panel that he had worked for three years in the licensed trade and for fifteen years on building sites during which he was often subject to verbal abuse. The applicant assured the Panel that he had no issues with his temper and that he had demonstrated an ability to deal with confrontation in an appropriate manner throughout his career.

The applicant informed the Panel that he was going through a divorce in 2006 and therefore his current personal circumstances were very different to those at the time of his convictions.

The Panel also considered a character reference provided by the applicant's prospective employer.

The Panel was satisfied that the applicant's convictions were historic and that he had remained free from conviction for over eleven years. The Panel was also satisfied that the applicant had demonstrated regret for his previous wrongdoings and accepted his assurances that there would be no repeat.

THE DECISION:

Taking account of the above and having given appropriate weight to the evidence the Panel reached the following conclusions:-

The Panel was satisfied that the applicant was a fit and proper person to hold a hackney carriage and private hire driver licence and the application was approved.

The meeting closed at 9.57 am

Chairman of the Panel

Present

Councillor M A Barningham (in the Chair)

Councillor K G Hardisty

Councillor R Kirk

**LAHP.12 APPLICATION FOR THE RENEWAL OF A HACKNEY CARRIAGE VEHICLE
LICENCE - MR JAMES ARMSTRONG, HC87**

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 hackney carriage vehicle licence.

Alternative options considered:

The Panel considered refusing the application but concluded that the specific circumstances of the case were sufficient to justify departing from the Council's Hackney Carriage and Private Hire Licensing Policy.

The reason for the decision:

The Panel considered the Director's report, the applicant's oral and written submissions, 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 August 2014. The Panel noted that the age limit was adopted in order to promote public safety, reliability and improved high standards of hackney carriage and private hire services in the district.

The applicant informed the Panel that his vehicle was a luxury brand, was very well maintained and that the vehicle's recorded mileage was relatively low compared with some younger vehicles. 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 and full service history. The Panel acknowledged that, since the applicant took ownership of the vehicle, there had only been one occasion where advisory notice items had occurred following an MOT test. The Panel noted those matters were dealt with promptly and that the vehicle underwent regular services. 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 exceptional internal and external appearance. The Panel was also satisfied that the level of comfort provided to passengers would surpass the expectations of the public.

In conclusion, the Panel was satisfied that the mechanical condition of the vehicle, the quality of the vehicle and its exceptional appearance, along with the comparatively low mileage, 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 having a detrimental impact on the policy objectives. Therefore, the Panel decided to grant the application.

The meeting closed at 11.30 am

Chairman of the Panel

Present

Councillor M A Barningham (in the Chair)

Councillor K G Hardisty

Councillor R Kirk

LAHP.13 **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.14 on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act as the Panel was satisfied that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

LAHP.14 **SUITABILITY OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER**

The Panel was informed that the hearing was initially due to take place on 30th August 2018 but it was rearranged at the request of the licence holder ("D") to enable him to make arrangements for a legal representative to attend.

The hearing was subsequently arranged to take place on 26th September 2018. On 25th September 2018, Watson Woodhouse Solicitors sent a request for an adjournment on the basis that, due to a conflict, they were unable to represent D and, as D had been in Turkey, he did not have time to seek alternative representation.

At the commencement of the hearing, D informed the Panel that he was aware of the request but he did not want any further delay and therefore he asked the Panel to proceed with the hearing. The Panel considered D's submission and concluded that it was in the public interest to proceed with the hearing.

The subject of the decision:

The Director of Law and Governance (Monitoring Officer) asked the Panel to consider whether 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 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 submissions of D, the Council's Hackney Carriage and Private Hire Licensing Policy, and the relevant legislation.

The Panel was informed that, in July 2018, D accepted a caution for the harassment of his daughter. The Panel considered a record of a meeting held in August 2018 between Council officers, D and D's wife. According to the record, D's daughter left the family home on 30th December 2017 and, in the weeks that followed, D attempted to contact his daughter who had refused to see or speak to him. D's daughter subsequently lived with a family friend in the house opposite D's family home.

The Panel noted that D had told officers that he had become "upset and cross" and he removed his daughter's clothes from her bedroom at the family home and placed them on the rear of his car in a position which was visible from the house opposite. The Panel was informed that this incident was later reported to the police.

The Panel also noted that a day after D had been told not to attempt to visit his daughter he removed her bed from her bedroom and broke it into pieces, again in view from the house opposite. D informed the Panel that the bed was already broken.

The Panel noted that D had confirmed that on 25th or 26th January 2018 he had contacted his daughter 64 times via telephone and on most of those occasions left a voicemail message. D's daughter did not reply to any of his messages. The Panel noted that D informed officers that he had begun each message with a derogatory comment towards his daughter. The Panel noted that D had informed officers that his voicemail messages included threats to chop his daughter's legs up and boil her head in a pan. D informed the Panel that this was "banter".

The Panel noted that D's daughter had informed the police that she had thought some of the messages were a bit silly but they had scared her and she felt harassed. The Panel had concerns that D regarded his derogatory comments and the threats made to his daughter as "banter". The Panel concluded that the nature of the comments and threats to D's daughter at a time of family pressure could not reasonably be regarded as "banter" and would be likely to provoke fear and concern.

D informed the Panel that, following the 64 attempts to contact his daughter in January 2018, he had been arrested on suspicion of harassment and later accepted a caution.

D told the Panel that he was concerned for his daughter's safety during her time staying at a family friend's house and that he and his wife had contacted social services regarding his daughter's whereabouts. D produced a letter dated 7th March 2018 that had been subsequently sent to his daughter and her appointed guardian by North Yorkshire County Council's social services department.

D told the Panel that, in July 2018, he felt that he had no other choice but to accept the caution for harassment. However, D indicated that he intends to appeal the caution. The Panel noted that a caution can only be administered if the alleged offender admits the offence and the administering officer is satisfied that the offence could be proved beyond reasonable doubt. The Panel also noted that, in accordance with the Council's Policy, the Panel was not entitled to consider the merits of the caution. Accordingly, the Panel was satisfied that D's guilt had been established.

The Panel noted that, according to the Council's Policy, an individual will not normally be permitted to hold a licence within three years of receiving a caution or conviction for a public order offence.

The Panel concluded that in January 2018, D had persistently contacted his daughter despite warnings from the police regarding his conduct. The Panel had concerns about the actions D had taken in respect of his daughter's clothes and bed which had instigated police involvement. Furthermore, the Panel had serious concerns regarding the nature of the comments made by D towards his daughter which were graphic and threatening. The Panel noted that D had attempted to assure the Panel that his actions had been those of a concerned parent. However, the Panel noted that D's wife had maintained contact with their daughter through the same period of time without any restriction by the police.

D produced a translated letter from a psychiatrist registered in Turkey dated 19th September 2018 which appears to state that D is suffering with symptoms of depression and anxiety. The Panel considered the letter and concluded that, whilst the letter may give rise to concerns about D's mental health, the Panel would require a more detailed assessment before making any findings in relation to his medical fitness.

The Panel was informed that, in October 2012, the Council's Licensing Hearings Panel considered complaints against D and concluded that, on the balance of probability, D had carried an excess number of passengers, conducted himself in an inappropriate manner and had been driving dangerously. The Panel noted that D's hackney carriage and private hire driver licence had been revoked by the sitting Panel in October 2012, and was later reinstated on appeal to the Magistrates' Court on a procedural technicality.

The Panel was also informed that in October 2014, the Licensing Hearings Panel considered further complaints against D and concluded that, on the balance of probability, D had been driving in a dangerous manner and that his conduct had been inappropriate on two separate occasions. The Panel noted that the Panel sitting in October 2014 had issued D with a written warning in respect of his conduct.

The Panel accepted the findings of the previous Panels and had concerns about the incidents relating to D's conduct which were considered in 2012 and 2014. In light of historic and current concerns, the Panel concluded that D had demonstrated a propensity to behave in an aggressive and confrontational manner and that this was not the behaviour of a fit and proper person.

THE DECISION:

Taking account of the above and having given appropriate weight to the evidence, the Panel was not satisfied that D was a fit and proper person.

The Panel was not satisfied that the specific circumstances of D's case justified a departure from the Policy.

The Panel was not satisfied that any sanction less than revocation would be sufficient. 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 3.20 pm

Chairman of the Panel

Present

Councillor M A Barningham (in the Chair)

Councillor K G Hardisty

Councillor R Kirk

LAHP.15 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.16 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.16 APPLICATION FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE

All Wards

The subject of the decision:

The Panel was asked to consider whether to grant or refuse an application for a hackney carriage and private hire driver licence submitted by the applicant.

Alternative options considered:

The Panel considered the options outlined in the Director's report. The Panel was not satisfied that the applicant was a fit and proper person to hold a hackney carriage and private hire driver's licence. The Panel was not satisfied that granting the licence would adequately serve the interests of the public.

The reason for the decision:

The Panel considered the Director's report, the application for a hackney carriage and private hire driver licence, the applicant's oral submissions, the Council's Hackney Carriage and Private Hire Licensing Policy and the relevant legislation.

The Panel considered an incident in December 2006 where the applicant was arrested following an accusation that he raped a 16-year-old female passenger whilst working in his capacity as a hackney carriage driver for a neighbouring licensing authority. The applicant admitted to having sexual intercourse with his passenger but denied raping her. The allegation of rape was subsequently withdrawn. The applicant informed the Panel that he had regretted the incident. The Panel noted that, at the time of the incident, the applicant was 29-years-old, married with two children and did not have a personal relationship with the passenger. The Panel was satisfied that the applicant was not seeking a serious romantic relationship with his teenage passenger and that he abused his position for sexual gratification.

The Panel had serious concerns about the applicant's conduct with a young lone female passenger in his hackney carriage vehicle. The Panel was also concerned that the applicant had potentially caused offence to the public by having sexual intercourse in a public place within a licensed vehicle. The Panel was satisfied that this type of conduct raised serious concerns about the applicant's fitness and propriety to be a licensed driver.

The Panel also considered an allegation made against the applicant in April 2016 by an 18-year-old female passenger. The Panel was informed that the applicant was accused of asking the passenger inappropriate questions relating to her sexual experience, relationship status and whether she lived alone. The applicant admitted to asking the passenger about her relationship status and whether she lived alone but denied asking if she was a virgin. The Panel noted that the passenger had felt uncomfortable and fearful for her safety. The applicant acknowledged that the passenger may have felt uncomfortable but he insisted that it was not his intent. The Panel noted that, at the time of the accusation, the applicant had said that he did not believe it was inappropriate to ask those sorts of questions.

The Panel noted that the applicant was 36-years-old at the time of this incident and his passenger was 18-years-old; a lone female travelling late at night. The Panel had concerns that the applicant had been unable to demonstrate appropriate behaviour on this occasion and had left a teenage girl fearful for her safety.

The applicant indicated that he had no recorded convictions and he had only been subject to two complaints in 15 years as a licensed driver.

The Panel noted that taxis are often used by vulnerable groups including young passengers and intoxicated passengers, often alone and often late at night. The driver of a licensed vehicle has significant power over his/her passengers as their safety is almost entirely in the driver's hands. The Panel was satisfied that, with this in mind, applicants must be able to demonstrate that they will not abuse the unique position of trust that comes with holding a hackney carriage and private hire driver licence.

The Panel concluded that the applicant had seriously abused his position in 2006 and it was satisfied that the conversation that led to the complaint in 2016 raised further concerns about the applicant's character. The Panel was not satisfied that a licence could be granted without undermining public confidence and taking a risk with public safety.

The Panel noted that the applicant is currently licensed with another licensing authority. The Panel also noted that the Hackney Carriage and Private Hire Licensing Policy states that each application will be considered on its own merits and where an applicant is already licensed with another authority the applicant should not automatically assume he/she will be licensed with Hambleton. The Panel acknowledged that it was required to exercise its own discretion and not abdicate responsibility on the basis of another authority's decision.

THE DECISION:

Taking account of the above and having given appropriate weight to the evidence the Panel reached the following conclusions:-

The Panel was not satisfied that the applicant was a fit and proper person to hold a hackney carriage and private hire driver licence and the application was refused.

The meeting closed at 10.20 am

Chairman of the Panel

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Present

Councillor M A Barningham (in the Chair)

Councillor P Bardon

Councillor K G Hardisty

LAHP.17 **APPLICATION FOR THE RENEWAL OF A HACKNEY CARRIAGE VEHICLE LICENCE, MR AHMET ESER - HC136**

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.

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 and the Council's Hackney Carriage and Private Hire Licensing Policy and the relevant legislation.

The Panel noted that the Council's policy generally opposed the grant of a licence in respect of vehicles over the age of ten years. The Panel noted that the vehicle in question was first registered 10 years and 1 month ago. The Panel noted that the vehicle in question met the mechanical standards set out by the policy.

The applicant informed the Panel that

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 was satisfied that the applicant was committed to ensuring that his vehicles met the requisite safety criteria when it was necessary to do so in order to pass mechanical inspections.

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 having an adverse impact on 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 Time Not Specified

Chairman of the Panel

Present

Councillor M A Barningham (in the Chair)

Councillor P Bardon

Councillor K G Hardisty

LAHP.17 **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.18 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.18 **FITNESS OF A HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE**

All Wards

The subject of the decision:

The Director of Law and Governance (Monitoring Officer) asked the Panel to consider whether 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 the licence holder ("D") was a fit and proper person to hold a hackney carriage and private hire driver licence, the Panel was satisfied that it was not necessary to suspend or revoke D's licence.

The reason for the decision:

The Panel considered the officer's report, the written and oral submissions of D, the Council's Hackney Carriage and Private Hire Licensing Policy, and the relevant legislation.

The Panel was informed that D had provided to the Council a medical assessment as part of her routine obligations in accordance with the Council's Policy. In the assessment it was recorded that D has a small incidental meningioma which, according to the examining doctor, required no further action.

The Panel noted that the Council, in accordance with the Department for Transport's Taxi and Private Hire Vehicle Licensing Best Practice Guidance, adopted the DVLA's Group 2 Medical Standards (applied by the DVLA to bus and lorry drivers) in relation to hackney carriage and private hire drivers. The Panel considered the Group 2 Medical

Standards which makes specific provision for “asymptomatic incidental meningiomas not needing any treatment”. In these circumstances, a licence will generally be refused or revoked and relicensing will only be considered after two scans have been performed 12 months apart showing no growth. The Panel noted that D’s scan had taken place in May 2018 and therefore she is unable to meet the Standards before May 2019.

The Panel considered a letter dated 1st October 2018 from D’s GP. The Panel noted that according to the GP, there is no requirement to notify the DVLA of “an asymptomatic incidental meningioma not needing any treatment” under the DVLA’s Group 1 Medical Standards (applied for driving normal cars, motorcycles). The Panel also noted that the GP confirmed that D was asymptomatic. However, the Panel was satisfied that the Group 2 Medical Standards are more stringent than Group 1 Standards and that drivers subject to Group 2 Standards should expect to cease driving relevant vehicles in spite of the asymptomatic nature of the condition.

The Panel also considered a letter dated 2nd October 2018 from a consultant neurosurgeon. The consultant stated that D’s neurological examination was completely normal and that her meningioma required no medical or surgical intervention. The Panel noted that the consultant stated that the revocation of D’s hackney carriage and private hire licence was, in his opinion, “not the right thing to do”. The Panel was satisfied that the consultant had considered the specific circumstances of D’s case and that he had provided reasonable justification for the Panel to depart from the Council’s Policy.

The Panel concluded that, in light of the opinion of the consultant neurosurgeon, D was fit to continue to hold a hackney carriage private hire driver’s licence. The Panel indicated that, in order remain satisfied as to D’s medical fitness, the Council would require a further scan to be carried out in May 2019 (12 months after the first scan) and annually thereafter on the understanding that the matter will be referred to the Licensing and Appeals Hearings Panel if any additional concerns arise.

THE DECISION:

Taking account of the above and having given appropriate weight to the evidence the Panel reached the following conclusions:-

The Panel was satisfied that the applicant was a fit and proper person to continue to hold a hackney carriage and private hire driver licence.

The meeting closed at 11.40 am

Chairman of the Panel

Present

Councillor M A Barningham (in the Chair)

Councillor R A Baker

Councillor S P Dickins

LAHP.19 **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.20 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.20 **APPLICATION FOR A HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE**

All Wards

The subject of the decision:

The Panel was asked to consider whether to grant or refuse an application for a hackney carriage and private hire driver licence submitted by the applicant.

Alternative options considered:

The Panel considered the options outlined in the Director's report and, as it was not satisfied that the applicant was a fit and proper person to hold a hackney carriage and private hire driver's licence, the Panel could not grant the application.

The reason for the decision:

The Panel considered the Director's report, the application for a hackney carriage and private hire driver licence, the Disclosure and Barring Service enhanced criminal record check for the applicant, the applicant's oral representations and written submissions, the Council's Hackney Carriage and Private Hire Licensing Policy and the relevant legislation.

The Panel noted that the applicant disclosed a common assault offence in 2015 on his application form. The Panel considered the enhanced criminal record check from the Disclosure and Barring Service (DBS) which confirmed that the applicant was convicted of battery in October 2015. Accordingly the applicant received a 16-week imprisonment sentence (suspended for 12 months). He was also subject to a restraining order for protection from harassment and a requirement to carry out unpaid work. The applicant informed the Panel that his unpaid work consisted of 150 hours community service. The applicant was also ordered to pay compensation and costs.

The applicant informed the Panel that the offence occurred during an argument with a male relative. The applicant informed the Panel that he had pushed his victim and he had fallen over. The Panel noted that the applicant had no other convictions.

The Panel had concerns that the description of the offence by the applicant did not appear to be consistent with the severity of the sentence imposed by the court. The applicant indicated that a battery offence is a low level violent crime, but, provided no further details of the facts surrounding the offence other than that he had decided not to appeal his sentence on advice from his solicitor. The Panel accepted that a battery offence, by nature, was not usually considered as serious as an offence for grievous bodily harm, or even actual bodily harm. However, the Panel was not satisfied that the sentence issued by the court would be as a result of the act described by the applicant, especially where the applicant had no previous convictions. The Panel concluded, on the balance of probability, that the incident was more serious than the "little altercation" described by the applicant.

The applicant informed the Panel that since the conviction he had settled the dispute with his relative. The applicant indicated that his offence of battery did not involve members of the public and, that the Panel should not have concerns over his suitability to act as a hackney carriage and private hire driver. The Panel did not accept the suggestion that violence during a domestic dispute should be treated any differently to violence in any other situation. The Panel was satisfied that any person who has a propensity to violence has the potential to inflict harm in any situation.

The applicant informed the Panel that he was previously the owner of a mini bus company which he sold and since has worked for two firms as a mini bus driver. The Panel considered character references provided by the applicant's employers as well as an online customer review. The Panel noted that the applicant holds a licence to drive public service vehicles. However, the Panel also acknowledged that the application process for a public service vehicle driver licence does not involve a fit and proper test.

The Panel noted that the Council's Policy indicates that a licence will not normally be granted where the applicant has a conviction for common assault within three years of the date of application. The application was submitted in July 2018 which was less than three years prior to the date of conviction. The Panel noted that at the date of the hearing, more than three years had passed since the date of conviction. The Panel noted that the timescales contained within the Policy represent a minimum standard and therefore there is no automatic assumption of a grant of a licence when the minimum standards are met.

The Panel had concerns that the applicant had received a severe sentence following his conviction for battery in October 2015. The Panel concluded that the applicant's explanation was not sufficient to alleviate its concerns regarding the conviction for an offence of violence. Accordingly, the Panel was not satisfied that the public interest would be adequately served by granting the application in this case.

THE DECISION:

Taking account of the above and having given appropriate weight to the evidence the Panel reached the following conclusions:-

The Panel was not satisfied that the applicant was a fit and proper person to hold a hackney carriage and private hire driver licence and the application was refused.

The meeting closed at 10.25 am

Chairman of the Panel

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Present

Councillor M A Barningham (in the Chair)

Councillor R A Baker

Councillor S P Dickins

LAHP.21 **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.22 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.22 **RENEWAL OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE**

All Wards

The subject of the decision:

The Panel was asked to consider whether to grant or refuse an application for the renewal of a hackney carriage and private hire driver licence submitted by the applicant.

Alternative options considered:

The Panel considered the options outlined in the Director's report. The Panel concluded that the applicant was a fit and proper person to continue to hold a hackney carriage and private hire driver's licence subject to being issued with a written warning and therefore none of the alternative options were deemed appropriate.

The reason for the decision:

The Panel considered the Director's report, the application for a hackney carriage and private hire driver licence, the applicant's DVLA licence, the applicant's oral representations and written submissions, the Council's Hackney Carriage and Private Hire Licensing Policy and the relevant legislation.

The Panel was informed that the applicant had been licensed since October 2015 and recently applied to renew his licence. The Panel noted that the applicant had disclosed two speeding offences (in September 2017 and August 2018) on his application form. The Panel considered the applicant's DVLA licence and noted the existence of a further speeding offence (September 2015).

The Panel noted that according to the Policy, licensed drivers with nine or more penalty points endorsed on their driving licence in any rolling three year period will normally have their licence revoked. The Panel noted that between 15 September 2015 and

9 August 2018 the applicant was convicted of three separate speeding offences for which he received a total of nine points on his DVLA licence. All nine were valid for the purposes of the DVLA's totting up procedure between 9 August 2018 and 15 September 2018. However, they were not brought to the attention of the Council until October 2018.

According to the applicant's hackney carriage and private hire driver licence conditions, he is required to disclose the details of any conviction or fixed penalty fine as soon as practicable (and in any event within seven days). None of the applicant's offences were disclosed to the Council until the renewal application was submitted in October 2018. The applicant informed the Panel that he was under the misconception that his employer had disclosed the offences to the Council. The Panel noted that the obligation to disclose rests with individual drivers and the Panel was satisfied that the applicant's licence conditions were clearly expressed on the reverse of his paper licence.

The applicant informed the Panel that he had been driving for 50 years and was a very steady and safe driver. The applicant informed the Panel that he mainly drives long distance journeys for his employer taking passengers to airports or as far as the south coast. The applicant explained that in August 2018 he had failed to notice the change in speed limit from a 40mph to 30mph zone on his return from a long journey. The applicant explained in September 2017 he had been unexpectedly delayed by a diversion and subsequently travelled in excess of the 50mph speed limit as he was rushing to collect passengers from Manchester airport.

The applicant was apologetic for his actions and explained that he now used a speed limitation device in his vehicle in order to regulate his speed.

The Panel had concerns that the applicant had accumulated nine points over a rolling three year period and had failed to notify the Council of these offences in accordance with his licence conditions. The Panel concluded that a written warning issued by the Council's Principal Licensing Officer in relation to speed awareness, safe driving and policy requirements would be appropriate under the circumstances. The Panel concluded that the applicant had demonstrated a commitment to ensure that he complies with all motoring laws and council policies in the future. The Panel was therefore satisfied that the applicant remained fit and proper to hold a hackney carriage and private hire driver licence.

THE DECISION:

Taking account of the above and having given appropriate weight to the evidence the Panel reached the following conclusions:-

The Panel was satisfied that the applicant was a fit and proper person to continue to hold a hackney carriage and private hire driver licence. Accordingly, the application for renewal was granted subject to a written warning being issued by the Council's Principal Licensing Officer in relation to Policy requirements and the importance of driving safely and complying with speed limits.

The meeting closed at 11.30 am

Chairman of the Panel

Present

Councillor M A Barningham (in the Chair)

Councillor R A Baker

Councillor S P Dickens

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 RENEWAL OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE

All Wards

The applicant was not in attendance at the hearing. The Panel was informed that the applicant had been notified by letter of the time and date of the hearing at which his application would be considered. The Panel was also informed by the Council's Principal Licensing Officer that he had spoken with the applicant about the hearing and the applicant was aware of the date. The applicant had not given any indication to officers whether he would attend the hearing, nor had he sought an adjournment.

The Panel concluded that the hearing could proceed in the applicant's absence as the applicant had been given an opportunity to attend and a delay would not be in the public interest.

The subject of the decision:

The Panel was asked to consider whether to grant or refuse an application for a renewal of a hackney carriage and private hire driver licence submitted by the applicant.

Alternative options considered:

The Panel considered the options outlined in the Director's report and as it was not satisfied that the applicant was a fit and proper person to hold a hackney carriage and private hire driver's licence, the application could not be granted.

The reason for the decision:

The Panel considered the Director's report, the application for a hackney carriage and private hire driver licence, the applicant's DVLA licence, the Council's Hackney Carriage and Private Hire Licensing Policy and the relevant legislation.

The Panel was informed that the applicant had been licensed since November 2015 and recently applied to renew his licence. The Panel noted that on the applicant's renewal application form he disclosed the details of two speeding offences (one from October 2016 and one from May 2017). The Panel considered the applicant's DVLA licence and noted the existence of two further speeding offences (one from April 2015 and one from May 2015). The Panel noted that the offences in 2015 have expired for the purposes of the DVLA's totting up procedure.

The Panel noted that, according to the Council's Policy, licensed drivers with nine or more penalty points endorsed on their driving licence in any rolling three year period will normally have their licence revoked. The Panel noted that between April 2015 and May 2017 the applicant received a total of 12 penalty points for four separate speeding offences. However, they did not come to the attention of the Council until October 2018.

The Panel noted that according to the applicant's licence conditions, he is required to disclose the details of any conviction or fixed penalty fine as soon as practicable (and in any event within seven days). The offences in October 2016 and May 2017 were not disclosed to the Council until the renewal application was submitted in October 2018. The Panel noted that the obligation to disclose offences rests with individual drivers and failure to do so is breach of their licence conditions.

The Panel also noted that the applicant had been subject to a written warning in 2016 for failing to display his driver's badge, contrary to his licence conditions.

The Panel had serious concerns that the applicant had received 12 points for four separate speeding offences in approximately two years and therefore demonstrated a reoccurring disregard to statutory speed limits and road safety. The Panel noted that, despite receiving a written warning following a failure to adhere to his licence conditions, the applicant had failed to disclose the offences as required by the Council's Policy. The Panel therefore concluded that the applicant demonstrated that he had little regard to his licence conditions.

THE DECISION:

Taking account of the above and having given appropriate weight to the evidence the Panel reached the following conclusions:-

The Panel was not satisfied that the applicant was a fit and proper person to hold a hackney carriage and private hire driver licence and the application was refused.

The meeting closed at 12.45 pm

Chairman of the Panel