

Committee Administrator: Democratic Services Officer (01609 767015)

Monday, 18 February 2019

Dear Councillor

NOTICE OF MEETING

Meeting **COUNCIL**
Date **Tuesday, 26 February 2019**
Time **2.00 pm**
Venue **Council Chamber, Civic Centre, Stone Cross, Northallerton**

Yours sincerely

J. Ives.

Dr Justin Ives
Chief Executive

To: All Members of Hambleton District Council

AGENDA

Page No

1. MINUTES
To confirm the minutes of the meeting held on 11 December 2018 (C.18 - C.26), attached.
1 - 6
2. APOLOGIES FOR ABSENCE
3. ANNOUNCEMENTS BY THE CHAIRMAN OR CHIEF EXECUTIVE
4. VERBAL STATEMENT OF THE LEADER AND REFERRALS FROM CABINET
7 - 20

<u>Date of Meeting</u>	<u>Minute Nos</u>
15 January 2019	CA.47 to CA.49
12 February 2019	CA.51 to CA.59
5. CABINET PORTFOLIO STATEMENTS
 - a) Verbal Statement from the Portfolio Holder for Economic Development and Finance
 - b) Verbal Statement from the Portfolio Holder for Leisure
 - c) Verbal Statement from the Portfolio Holder for Governance
 - d) Verbal Statement from the Portfolio Holder for Planning
 - e) Verbal Statement from the Portfolio Holder for Environmental Health, Waste and Recycling
6. QUESTION TIME
None received.
7. COUNCIL TAX 2019/20
To consider the Motion as set out in pursuance to Minute CA.58
21 - 24
8. DISPENSATION FOR NON-ATTENDANCE AT COUNCIL MEETINGS
Report of the Director of Law and Governance (Monitoring Officer)
25 - 26

Agenda Item 1

Minutes of the meeting of the COUNCIL held at 2.00 pm
on Tuesday, 11th December, 2018 at Council Chamber,
Civic Centre, Stone Cross, Northallerton

Present

Councillor D M Blades (in the Chair)

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

Also in Attendance

Honorary Alderman J E Fletcher

Apologies for absence were received from Councillors G W Ellis, D Hugill, C Rooke, A Wake and P R Wilkinson

C.18 **MINUTES**

THE DECISION:

That the minutes of the meeting held on 18 September 2018 (C.10 - C.17), previously circulated, be signed as a correct record.

C.19 **STATEMENT OF THE LEADER AND REFERRALS FROM CABINET**

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

- Projects delivered or well on the way to delivering by the Council as identified within the 2015-19 Corporate Plan; namely the North Northallerton Development, the Central Northallerton Development, the Dalton Bridge Scheme, Sowerby Gateway and the Northallerton Leisure Centre gym.

The Leader announced that Hambleton District Council had received a 'best practice mark of recognition' from the Keep Me Posted campaign. The authority had joined other local authorities, utilities and financial service companies in a campaign that aimed to give all consumers the choice in how they received their bills and statements, and ensured that no one faced a financial penalty as a result.

The Leader also announced that the authority had received a Certificate of Recognition from the Federation of Small Businesses acknowledging it as 'business friendly'. Hambleton District Council was the only authority in the Country that offered discounted rates to join a scheme which enabled businesses to access advice and support when they needed it.

The Leader moved Cabinet minutes CA.31 – CA.32; CA.34 and CA.38 - CA.42. A number of questions were asked relating to minutes CA.30 and CA.40 which were responded to at the meeting.

THE DECISION:

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

<u>Body</u>	<u>Date of Meeting</u>	<u>Minute Nos</u>
Cabinet	9 October 2018	CA.30 to CA.32
	6 November 2018	CA.34
	4 December 2018	CA.38 to CA.42

C.20 **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	23 October 2018	AGS.15

C.21 **REFERRAL FROM THE LICENSING COMMITTEE**

THE DECISION:

That the reports, resolutions and recommendations of the following meeting of the Licensing Committee be received, approved and adopted, subject to an amendment to LC.7 to include a sentence in the preamble stating that a copy of the revised Hackney Carriage and Private Hire Licensing Policy had been circulated prior to the commencement of the meeting for consideration by the Committee:-

<u>Body</u>	<u>Date of Meeting</u>	<u>Minute Nos</u>
Licensing Committee	27 November 2018	LC.7 (as amended) to LC.8

C.22 **CABINET PORTFOLIO STATEMENTS**

- (a) Councillor Mrs B S Fortune, Portfolio Holder for Leisure made a statement Sowerby Sports Village, Sports Awards 2018, commemorating World War I, winter health messages, the Big Weekend promotion and Leisure Centre memberships, GovRadio and swimming pool accessible steps.
- (b) Councillor Mrs I Sanderson, Portfolio Holder for Governance made a statement the Civic Centre car park improvement scheme, LED Lighting, Asset Management, ICT and an update from a recent meeting of the Parking and Traffic Regulations outside London group.
- (c) Councillor D Webster, Portfolio Holder for Planning made a statement regarding the planning applications for Newby Wiske Hall, Bagby Airfield and the Treadmills, the application for an injunction for Ings Lane, Great Broughton, progress on the new Local Plan, Sowerby Gateway junction and the North Northallerton link road. Councillor Webster reported that the Bagby Airfield application would be submitted for consideration at the Planning Committee at the meeting in February 2019.
- (d) Councillor S Watson, Portfolio Holder for Environmental Health, Waste and Recycling made a statement Licensing, Waste and Street Scene, Environmental Health and Emergency Planning/Business Continuity. A number of questions were asked in relation to route optimisation and the Public Space Protection Order at Leeming and Coneygarth Truck parking areas which were responded at the meeting.

Note: Councillor C Dickinson left the meeting at 2.30pm.

C.23 **COMMUNITY GOVERNANCE REVIEW - CONSULTATION RESPONSES ON DRAFT RECOMMENDATIONS**

Raskelf and White Horse Ward

A request for a Community Governance Review had been received from the parishes of Brafferton and Helperby. This report set 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 sought approval of the final recommendations.

THE DECISION:

That:-

- (1) 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.
- (2) the publication of the Final Recommendations be approved; and
- (3) the Director of Law and Governance be authorised to implement the Final Recommendations through the making of a Reorganisation Order to take effect from 1 April 2019.

C.24 **APPOINTMENT TO COMMITTEES**

All Wards

This report considers a request from 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. The report also considers a request to change the membership of the Audit, Governance and Standards Committee and the Planning Committee.

THE DECISION:

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.

C.25 **MEMBERS' ALLOWANCES SCHEME**

All Wards

The Chief Executive submitted a report regarding the Members' Allowances Scheme in line with the Local Authorities (Members' Allowances) (England) Regulations 2003 which required the Council to consider its Allowances Scheme before the beginning of each year.

The Independent Remuneration Panel had carried out a full review of the Members' Allowances Scheme and a copy of their report was attached at Annex A. This set out a number of recommendations for a range of basic and Special Responsibility Allowances for Members of the Council. A copy of the proposed scheme was attached at Annex C of the report. This scheme would cover the period 1 April 2019 to 31 March 2020. A copy of an amended schedule of Subsistence and Accommodation rates had been circulated prior to the commencement of the meeting.

The Leader suggested that the Members' Allowances Scheme for 2019/20 be frozen for four years covering the term of the new Council.

The Leader proposed the following amendments to Annex C, Members' Allowances Scheme 2019/20:-

- (1) that paragraph 7.1 of Section 7.0, Adjustment of Allowances, be amended to read "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 locally for staff for that year."; and
- (2) that the first paragraph following the table on the Attendance Allowances Annex to the scheme be amended to read "*Subject to a review each year (or as required) by the Independent Remuneration Panel."

Following a request for a vote to be taken on each amendment individually, the Leader proposed the following amendment to Annex C, Members' Allowances Scheme 2019/20:-

- (1) that paragraph 7.1 of Section 7.0, Adjustment of Allowances, be amended to read "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 locally for staff for that year."

Councillor D A Webster seconded the amendment and following a request for a recorded vote, Members present were recorded as voting as follows:

For the motion: R A Baker, P Bardon, M A Barningham, D M Blades, Mrs C S Cookman, S P Dickins, D B Elders, Mrs B S Fortune, K G Hardisty, N A Knapton, J Noone, B Phillips, M S Robson, Mrs I Sanderson, S Watson and D A Webster (16)

Against the motion: G W Dadd, R W Hudson, R Kirk, C A Les, Ms C Palmer and C Patmore (6)

The motion was declared carried.

The Leader proposed the following amendment to Annex C, Members' Allowances Scheme 2019/20:-

- (2) that the first paragraph following the table on the Attendance Allowances Annex to the scheme be amended to read “*Subject to a review each year (or as required) by the Independent Remuneration Panel.”

Councillor D A Webster seconded the motion and following a vote it was declared carried.

Councillor G W Dadd then proposed an amendment to Annex C, Members' Allowances Scheme 2019/20 changing the quantum for the Leader and Deputy Leader from 6.00 and 3.00 to 5 and 2.5 respectively. Councillor R W Hudson seconded the motion and following a request for a recorded vote, Members present were recorded as voting as follows:

For the motion: R A Baker, M A Barningham, D M Blades, G W Dadd, S P Dickins, D B Elders, Mrs B S Fortune, K G Hardisty, R W Hudson, R Kirk, C A Les, Ms C Palmer, C Patmore, B Phillips, M S Robson and S Watson (16)

Against the motion: P Bardon, Mrs C S Cookman, N A Knapton, J Noone, Mrs I Sanderson and D A Webster (6)

The motion was declared carried.

A vote was then taken on the substantive motion as amended which was carried.

THE DECISION:

That the Members' Allowances Scheme for 2019/20 (as amended) attached at Appendix C of the report be approved with effect from 1 April 2019.

C.26 **STATEMENT OF PAY POLICY 2019/20**

All Wards

The Chief Executive submitted a report seeking approval of the Statement of Pay Policy for the year commencing on 1 April 2019. The Council was required to adopt the Statement of Pay Policy each year.

THE DECISION:

That the Statement of Pay Policy be adopted with effect from 1 April 2019.

The meeting closed at 3.30 pm

Chairman of the Council

**Decisions to be considered by
Full Council on 26 February 2019**

Decisions of the meeting of the CABINET held
at 9.30 am on Tuesday, 15th January, 2019 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	D B Elders
	M A Barningham		K G Hardisty
	D M Blades		J Noone
	Mrs C S Cookman		

CA.47 **COMMERCIAL PROPERTY PORTFOLIO**

All Wards

The subject of the decision:

This report sought approval of the principal of acquiring commercial investment properties to generate income for the Council.

Alternative options considered:

None

The reason for the decision:

The Council's Commercial vision as set out in the Commercial Strategy was to be self-sufficient by 2020/21 and not rely on Government grant to support the budget. Cabinet was satisfied that the proposals outlined in the report supported the Council's vision.

THE DECISION:

That Cabinet approves and recommends to Council that:-

- (1) a total Commercial Investment Portfolio budget of £40m is approved in principal and included in the Capital Programme;
- (2) £10,000 is allocated to develop the acquisition strategy funded from the Income Generating Reserves as detailed in paragraph 2.9 of the report;

- (3) the Acquisition Strategy is reported back to Cabinet and Council for approval; and
- (4) that a decision on whether to proceed with the Commercial Property Investment Portfolio be made at this time and the proposed decision making process for commercial investments be approved by Cabinet.

CA.48 **ANIMAL WELFARE REGULATIONS 2018**

All Wards

The subject of the decision:

This report introduced the requirements of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 which came into force on the 1 October 2018 and were made under the Animal Welfare Act 2006.

Alternative options considered:

None

The reason for the decision:

To comply with the requirements of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

THE DECISION:

That Cabinet approves and recommends to Council:-

- (1) the introduction and enforcement of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 as detailed within the report;
- (2) the licence fees and charges included in Appendix A of the report with future authority being delegated to the Chief Executive to review these as necessary; and
- (3) that the revised Animal Welfare Licensing Enforcement Policy attached at Annex B of the report be added to the Leisure and Environment Directorate Enforcement Policy.

CA.49 **PUBLIC SPACE PROTECTION ORDERS**

Bedale Ward; Bagby and Thorntons Ward

The subject of the decision:

This report sought consideration of a proposal to implement a Public Space Protection Order at Leeming Bar and Thirsk Industrial Estates to help address persistent anti-social behaviour.

Alternative options considered:

None.

The reason for the decision:

Cabinet was satisfied that the implementation of the Public Space Protection Order was necessary in order to help address anti-social behaviour displayed predominately by lorry drivers in the Leeming Bar and Thirsk Industrial Estates.

THE DECISION:

That Cabinet approves and recommends to Council:-

- (1) the implementation of a Public Space Protection Order and an effective enforcement regime on the Leeming Bar Estate and surrounding area as identified in paragraph 1.12 of the report;
- (2) a detailed review of the Leeming Bar area Public Space Protection Order following the initial 6 month period;
- (3) following the outcome of the initial 6 month review of the Leeming Bar Public Space Protection Order and the specific circumstances in relation to Thirsk Industrial Estate, consideration of implementing a Public Space Protection Order at Thirsk Industrial Estate, with decision making authority delegated to the Chief Executive in consultation with the Leader; and
- (4) that Fixed Penalty Notices are set at £100, with authority delegated to the Chief Executive to review these as appropriate.

The meeting closed at 10.00 am

Leader of the Council

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**Decisions to be considered by
Full Council on 26 February 2019**

Decisions of the meeting of the CABINET held
at 9.30 am on Tuesday, 12th February, 2019 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 Mrs C S Cookman	Councillor	D B Elders K G Hardisty D Hugill
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CA.51 **BUSINESS RATES DISCRETIONARY RATE RELIEF**

All Wards

The subject of the decision:

This report sought consideration of a new Discretionary Rate Relief – Retail Discount in relation to the Government’s announcement in the budget in October 2018, to provide those businesses with a rateable value of less than £51,000 further retail discount equivalent to one third of their bill; notice of the Government’s decision to extend for one year for 2019/20 the £1,500 business rates discount for office space occupied by local newspapers; a new Discretionary Rate Relief for new rural mobile infrastructure which would not generally be supported by the industry, for the North Yorkshire area and an updated consolidated Discretionary Non Domestic Rate Relief Policy to incorporate the new Retail Discount and extension for local newspapers.

Alternative options considered:

None.

The reason for the decision:

To take account of the requirements of Section 47 of the Local Government Finance Act 1988 and subsequent legislation.

THE DECISION:

That Cabinet approves and recommends to Council that:-

- (1) the Retail Discount for 2019/20 and 2020/21 in accordance with the Ministry of Housing, Communities and Local Government guidance as at Annex A of the report be adopted;
- (2) the proposal for discretionary rate relief in respect of mobile infrastructure be adopted;
- (3) the updated consolidated Discretionary Non Domestic Rates Relief Policy attached at Annex B of the report be adopted; and
- (4) the current delegated powers to award and review discretionary rate relief be extended to the new retail discount.

CA.52 **FINANCIAL STRATEGY 2019/20 TO 2028/29**

All Wards

The subject of the decision:

This report considered the Financial Strategy 2019/20 to 2028/29.

Alternative options considered:

None.

The reason for the decision:

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

THE DECISION:

That Cabinet approves and recommends to Council the Financial Strategy 2018/19 to 2028/29 attached at Annex A and A(1) of the report.

CA.53 **2018/19 Q3 CAPITAL MONITORING AND TREASURY MANAGEMENT REPORT**

All Wards

The subject of the decision:

This report provided the quarter 3 update at 31 December 2018 on the progress of the Capital Programme 2018/19 and the Treasury Management position. A full schedule of the Capital Programme 2018/19 schemes was attached at Annex A of the report, together with the relevant update on progress of each scheme.

Alternative options considered:

None.

The reason for the decision:

Capital expenditure was intrinsically linked with Treasury Management as the way that the Capital Programme was funded directly affected the Treasury Management arrangements of the Council.

THE DECISION:

That Cabinet approves and recommends to Council:-

- (1) the net increase of £857,047 in the capital programme to £15,331,211 as detailed in Annex B and also in the capital programme attached at Annex A of the report;
- (2) the increase of capital expenditure is funded from earmarked reserves at £11,845,413 where £45,000 is from the Council Tax Payers Reserve Fund, £49,313 is from external grants/contributions and £11,751,100 is funded from surplus funds or borrowing;
- (3) the funding allocation to the capital programme as detailed in paragraph 3.1 and 3.2 of the report; and
- (4) the Treasury Management and Prudential Indicators at Annex E of the report.

CA.54 **2018/19 Q3 REVENUE MONITORING REPORT**

All Wards

The subject of the decision:

This report provided an update on the revenue budget position of the Council and the reserve funds at the end of December 2018.

Alternative options considered:

None.

The reason for the decision:

To comply with S25 of the Local Government Act 2003 regarding setting a balanced budget and monitoring the financial position throughout the year.

THE DECISION:

That Cabinet approves and recommends to Council that:-

- (1) the budget decrease at paragraph 3.3 of the report in Quarter 3 of £85,750 which results in a budget of £8,010,420;
- (2) the transfer of funds detailed in paragraph 3.6 of the report to the Local Plan Reserve of £110,070 and Repairs and Renewal budget of £30,000 at Quarter 4 from the expected surplus or Council Tax Payers Reserve;
- (3) to approve the total amount of new expenditure of £1,964 in the Economic Development Fund at paragraph 6.2 and to note that Economic Development fund remaining balance at paragraph 6.3 of the report is £580,199;

- (4) to approve the allocation from the One-Off fund at paragraph 6.5 of the report of £19,030;
- (5) to approve the roll forward to 2019/20 of £4,591 from the Make a Difference Fund at paragraph 6.8 of the report;
- (6) to approve the £60,000 allocation and roll forward of £40,000 to 2019/20 from the Income Generating Fund at paragraph 6.10 of the report;
- (7) to approve the allocation of £47,500 from the Grants Reserve and £42,500 from the Community Housing Fund as per paragraph 6.11 of the report; and
- (8) to approve the waiver as detailed in paragraph 7.2 of the report.

CA.55 **CAPITAL STRATEGY**

All Wards

The subject of the decision:

This report presented the Capital Strategy which gave a clear and concise view of how a local authority determined its priorities for capital investment, set its risk appetite and decided how much it could afford to borrow.

Alternative options considered:

None.

The reason for the decision:

The Chartered Institute of Public Finance and Accountancy (CIPFA) Prudential Code of Treasury Management Code required local authorities, in 2019/20, to produce a Capital Strategy to demonstrate that capital expenditure and investment decisions are taken in line with service objectives and take account of stewardship, value for money, prudence, sustainability and affordability.

THE DECISION:

That Cabinet approves and recommends to Council the Capital Strategy 2019/20 attached at Annex A of the report.

CA.56 **2019/20 CAPITAL PROGRAMME BUDGET, TREASURY MANAGEMENT STRATEGY STATEMENT AND PRUDENTIAL INDICATORS**

All Wards

The subject of the decision:

This report sought approval for the 10 year Capital Programme for the financial years 2019/20 to 2028/29; the 2019/20 Capital Programme and the Treasury Management Strategy Statement, including the Annual Investment Strategy and Minimum Revenue Provision Policy Statement.

Alternative options considered:

None.

The reason for the decision:

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

THE DECISION:

That Cabinet approves and recommends to Council that:-

- (1) that the 10 year Capital Programme 2019/20 to 2028/28 at £57,071,861 be approved, as detailed in paragraph 2.2 and attached at Annex A of the report;
- (2) the Capital Programme 2019/20 at £43,883,526 detailed in Annex B of the report be approved for implementation;
- (3) the Treasury Management Strategy attached at Annex C of the report be approved;
- (4) the Minimum Revenue Provision Policy Statement attached in the body of the Treasury Management Strategy Statement Annex C be approved;
- (5) the Prudential and Treasury Indicators attached at Annex C in the body of the Treasury Management Strategy Statement be approved;
- (6) the Treasury Management Scheme of Delegation at Annex D of the report be approved; and
- (7) the Treasury Management role of the S151 Officer attached at Annex E of the report be approved.

CA.57 **REVENUE BUDGET 2019/20**

All Wards

The subject of the decision:

This report presented at a strategic level the revenue budget proposals for the next financial year 2019/20.

Alternative options considered:

None.

The reason for the decision:

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

THE DECISION:

That Cabinet approves and recommends to Council the revenue budget for 2019/20 at £9,085,870.

CA.58 **COUNCIL TAX 2019/20**

All Wards

The subject of the decision:

This report considered for level of Council Tax for 2019/20 and the policy on reserves. In addition, it provided details of the Council's formula grant settlement for 2019/20; the 75% Business Rates Retention Scheme and the requirement for the Council to generate income from a variety of projects. The 70% Business Rate Retention Scheme was a pilot scheme for one year only which was across North Yorkshire and West Yorkshire Councils. It was expected to benefit the Council in obtaining increased funding and was a precursor to the new 75% Business Rates Retention Scheme from 2020/21 that was currently under consultation with the Ministry of Housing Communities and Local Government (MHCLG).

Alternative options considered:

None.

The reason for the decision:

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

THE DECISION:

That Cabinet recommends to Council:-

- (1) That it be noted that on 15 January 2019 Hambleton District Council calculated the Council Tax Base for 2019/20:-
 - (a) for the whole Council area as 36,847.22 [Item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended (the "Act")]; and
 - (b) for dwellings in those parts of its area to which a Parish precept relates as in the attached Annex A(1).
- (2) That the Council has calculated the Council Tax requirement for the Council's own purposes for 2019/20 (excluding Parish precepts) as £4,034,033.65
- (3) That the following amounts be calculated for the year 2019/20 in accordance with Sections 31 to 36 of the Local Government Finance Act 1992:-

- (a) **District/Parish Gross Expenditure**
£ 47,644,004.00 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish Councils
- (b) **District/Parish Gross Income (including Government Grants, use of Reserves and Collection Fund Surpluses etc)**
£ 42,107,836.30 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act
- (c) **District/Parish Net Expenditure**
£ 5,536,167.70 being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council in accordance with Section 31A(4) of the Act, as its Council Tax requirement for the year (Item R in the formula in Section 31B of the Act)
- (d) **Basic Amount of Tax (including average Parish Precepts)**
£ 150.2466 being the amount at 3(c) above (Item R) all divided by Item T (1(a) above), calculated by the Council in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish precepts)
- (e) **Parish Precepts**
£ 1,502,134.05 being the aggregate of all special items (Parish precepts) referred to in Section 34(1) of the Act (as per Annex 'A')
- (f) **Basic Amount of Tax (Unparished Areas)**
£109.4800 being the amount at 3(d) above less the result given by dividing the amount at 4(e) above by Item T (1(a) above), calculated by the Council in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates
- (4) **Major Precepting Authorities**
That it be noted that the North Yorkshire County Council, the North Yorkshire Fire and Rescue Authority and the Police and Crime Commissioner North Yorkshire will issue precepts to the Council in accordance with Section 40 of the Local Government Finance Act 1992 for each category of dwellings in the Council's area and this will be as indicated in the table below and at Annex A(1).
- (5) **Council Tax Bands for All Councils**
Figures for North Yorkshire County Council, North Yorkshire Fire and Rescue Authority and Police and Crime Commissioner North Yorkshire are yet to be determined and will be reported at Council on 26 February 2019.

That the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the aggregate amounts in the tables below as the amounts of Council Tax for 2019/20 for each part of its area and for each of the categories of the dwellings.

Hambleton District Council

Valuation Bands

A	B	C	D	E	F	G	H
£	£	£	£	£	£	£	£
72.99	85.15	97.32	109.48	133.81	158.14	182.47	218.96

North Yorkshire County Council – excluding Adult Social Care

Valuation Bands

A	B	C	D	E	F	G	H
£	£	£	£	£	£	£	£

North Yorkshire County Council – Adult Social Care

Valuation Bands

A	B	C	D	E	F	G	H
£	£	£	£	£	£	£	£

North Yorkshire Fire and Rescue Authority

Valuation Bands

A	B	C	D	E	F	G	H
£	£	£	£	£	£	£	£

Police and Crime Commissioner North Yorkshire

Valuation Bands

A	B	C	D	E	F	G	H
£	£	£	£	£	£	£	£

(6) **Excessive Council Tax**

That the Council determines that the Council's basic amount of Council Tax for 2019/20 (at 3(f) above) is not excessive in accordance with the principles approved under Section 52ZB of the Local Government Finance Act 1992.

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

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

Note: Councillor P R Wilkinson declared a non-pecuniary interest as he represents the District Council on the Police and Crime Commission who are required to set their precept for the North Yorkshire Fire and Rescue Service and the Police.

CA.59 **HOUSES IN MULTIPLE OCCUPATION**

All Wards

The subject of the decision:

This report introduced the Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018 and the Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018 which came into force on the 1 October 2018 and amended the Housing Act 2004.

Alternative options considered:

None.

The reason for the decision:

As a Housing Authority the Council had a statutory duty to implement the new legislation and powers provided to ensure compliance with the Regulations in respect of Houses in Multiple Occupation with its area.

THE DECISION:

That Cabinet approves and recommends to Council:-

- (1) the introduction and enforcement of the Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018 and the Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018;
- (2) the licence fees and charges included in Appendix A of the report with future authority being delegated to the Chief Executive to review these as necessary; and
- (3) that the revised Private Sector Housing Enforcement Policy at Appendix B of the report be added to the Leisure and Environment Directorate Enforcement Policy.

The meeting closed at 9.55 am

Leader of the Council

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Agenda Item 7

COUNCIL TAX 2019/20 - To consider the following Motion in pursuance of Minute CA.58:-

That Cabinet recommends to Council:-

- (1) That it be noted that on 15 January 2019 Hambleton District Council calculated the Council Tax Base for 2019/20:-
 - (a) for the whole Council area as 36,847.22 [Item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended (the "Act")]; and
 - (b) for dwellings in those parts of its area to which a Parish precept relates as in the attached Annex A(1).
- (2) That the Council has calculated the Council Tax requirement for the Council's own purposes for 2019/20 (excluding Parish precepts) as £4,034,033.65
- (3) That the following amounts be calculated for the year 2019/20 in accordance with Sections 31 to 36 of the Local Government Finance Act 1992:-
 - (a) **District/Parish Gross Expenditure**
£ 47,644,004.00 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish Councils
 - (b) **District/Parish Gross Income (including Government Grants, use of Reserves and Collection Fund Surpluses etc)**
£ 42,107,836.30 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act
 - (c) **District/Parish Net Expenditure**
£ 5,536,167.70 being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council in accordance with Section 31A(4) of the Act, as its Council Tax requirement for the year (Item R in the formula in Section 31B of the Act)
 - (d) **Basic Amount of Tax (including average Parish Precepts)**
£ 150.2466 being the amount at 3(c) above (Item R) all divided by Item T (1(a) above), calculated by the Council in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish precepts)
 - (e) **Parish Precepts**
£ 1,502,134.05 being the aggregate of all special items (Parish precepts) referred to in Section 34(1) of the Act (as per Annex 'A')
 - (f) **Basic Amount of Tax (Unparished Areas)**
£109.4800 being the amount at 3(d) above less the result given by dividing the amount at 4(e) above by Item T (1(a) above), calculated by the Council in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates

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

(5) **Council Tax Bands for All Councils**
Figures for North Yorkshire County Council, North Yorkshire Fire and Rescue Authority and Police and Crime Commissioner North Yorkshire are yet to be determined and will be reported at Council on 26 February 2019.

That the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the aggregate amounts in the tables below as the amounts of Council Tax for 2019/20 for each part of its area and for each of the categories of the dwellings.

Hambleton District Council

Valuation Bands

A	B	C	D	E	F	G	H
£	£	£	£	£	£	£	£
72.99	85.15	97.32	109.48	133.81	158.14	182.47	218.96

North Yorkshire County Council – excluding Adult Social Care

Valuation Bands

A	B	C	D	E	F	G	H
£	£	£	£	£	£	£	£

North Yorkshire County Council – Adult Social Care

Valuation Bands

A	B	C	D	E	F	G	H
£	£	£	£	£	£	£	£

North Yorkshire Fire and Rescue Authority

Valuation Bands

A	B	C	D	E	F	G	H
£	£	£	£	£	£	£	£

Police and Crime Commissioner North Yorkshire

Valuation Bands

A	B	C	D	E	F	G	H
£	£	£	£	£	£	£	£

- (6) **Excessive Council Tax**
That the Council determines that the Council's basic amount of Council Tax for 2019/20 (at 3(f) above) is not excessive in accordance with the principles approved under Section 52ZB of the Local Government Finance Act 1992.
- (7) The appropriate amount is transferred to the Council Taxpayers Reserve to support the decision at (3) above.
- (8) The policy on Balances and Reserves at Annex C is approved.

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HAMBLETON DISTRICT COUNCIL

Report To: Council
26 February 2019

From: Director of Law and Governance (Monitoring Officer)

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

Easingwold Ward

1.0 PURPOSE AND BACKGROUND:

1.1 Due to ill-health Councillor Geoff Ellis has been unable to attend meetings of the Council, its committees or any outside bodies on which he represents the Authority. His last attendance at a qualifying meeting was on 18 September 2018 when he attended Council. It is understood that Councillor Ellis's health may well preclude him from attending any qualifying meetings for the remainder of this council term.

1.2 Section 85(1) of the Local Government Act 1972 states that "if a member of a local authority fails throughout a period of six consecutive months from the date of his last attendance to attend any meeting of the authority, he shall, unless the failure was due to some reason approved by the authority before the expiry of that period, cease to be a member of the Authority."

1.3 Pursuant to the above legislation, therefore, Councillor Ellis will automatically cease to be a member of the Authority on 18 March 2019, unless he attends a qualifying meeting before then or the Council grants him a dispensation from attending such meetings. In the circumstances, Council is asked to approve a dispensation for Councillor Ellis from attending meetings of the Council, its Committees or outside bodies due to ill-health.

1.4 As the next meeting of Council will not take place until 9 April 2019, it is considered that this request is made in a timely manner.

2.0 LEGAL IMPLICATIONS:

2.1 The legal issues associated with this report are detailed in paragraph 1.2 and 1.3 of the report.

3.0 FINANCIAL IMPLICATIONS:

3.1 There are no financial implications associated with this report.

4.0 RISK ASSESSMENT:

4.1 There may be reputational risks for the Council in failing to agree a dispensation in a timely manner, given the reason for Councillor Ellis's absence.

5.0 EQUALITIES/DIVERSITY ISSUES:

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

6.0 RECOMMENDATION:

- 6.1 That Council is recommended to approve a dispensation for Councillor Geoff Ellis from attending meetings of the Council until the Elections on 2 May 2019.

GARY NELSON
DIRECTOR OF LAW AND GOVERNANCE (MONITORING OFFICER)

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

MINUTES FOR INFORMATION

<u>Committee</u>	<u>Date</u>	<u>Page</u>
Cabinet	15 January 2019 12 February 2019	
Scrutiny Committee	17 January 2019 14 February 2019	
Planning Committee	13 December 2018 10 January 2019 7 February 2019 21 February 2019	To follow
Audit, Governance and Standards Committee	22 January 2019	
Licensing Committee	5 February 2019	
Licensing and Appeals Hearings Panel	9 January 2019 22 January 2019 5 February 2019	

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**Decisions taken under Cabinet authority
to take effect on 28 January 2019**

Decisions of the meeting of the CABINET held
at 9.30 am on Tuesday, 15th January, 2019 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	D B Elders
	M A Barningham		K G Hardisty
	D M Blades		J Noone
	Mrs C S Cookman		

CA.50 **MINUTES**

THE DECISION:

That the decisions of the meeting held on 4 December 2018 (CA.38 – CA.46),
previously circulated, be signed as a correct record.

The meeting closed at 10.00 am

Leader of the Council

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**Decisions taken under Cabinet authority
to take effect on 25 February 2019**

Decisions of the meeting of the CABINET held
at 9.30 am on Tuesday, 12th February, 2019 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	D B Elders
	M A Barningham		K G Hardisty
	Mrs C S Cookman		D Hugill

CA.60 **MINUTES**

THE DECISION:

That the decisions of the meeting held on 15 January 2019 (CA.47 – CA.50), previously circulated, be signed as a correct record.

CA.61 **PUBLIC OPEN SPACE, SPORT AND RECREATION ACTION PLANS - BEDALE AND CARLTON MINIOTT**

Bedale Ward; Thirsk Ward

The subject of the decision:

This report sought endorsement of the refreshed Public Open Space, Sport and Recreation Action Plans for Bedale and Carlton Miniott Parishes.

Alternative options considered:

None.

The reason for the decision:

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

THE DECISION:

That the refreshed Public Open Space, Sport and Recreation Action Plans for Bedale and Carlton Miniott attached at Annex B of the report be approved.

The meeting closed at 9.55 am

Leader of the Council

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Present

Councillor Mrs C S Cookman (in the Chair)

Councillor	C A Dickinson	Councillor	A Wake
	K G Hardisty		

Apologies for absence were received from Councillors D Hugill, R A Baker, G W Ellis, C A Les, J Noone and Ms C Palmer.

SC.23 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 29 November 2018 (SC.18 - SC.22), previously circulated, be signed as a correct record.

SC.24 **NORTH YORKSHIRE SAFEGUARDING ADULTS BOARD - ANNUAL REPORT 2017/18**

All Wards

The subject of the decision:

The Head of Leisure and Environment presented a report on the North Yorkshire Safeguarding Adults Board Annual Report for 2017/18 for consideration. The report set out the key themes for the adult safeguarding partnership, its strategic plan and achievements over the year.

A number of questions were asked by the Committee and responded to at the meeting.

THE DECISION:

That the North Yorkshire Safeguarding Adults Board Annual Report for 2017/18 be noted.

SC.25 **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 and Peter Cole, Vibrant Market Towns Project Manager, attended the meeting to provide evidence.

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

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

THE DECISION:

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

The meeting closed at 10.30 am

Chairman of the Committee

Minutes of the meeting of the SCRUTINY
COMMITTEE held at 9.30 am on Thursday,
14th February, 2019 at Main Committee Room,
Civic Centre, Stone Cross, Northallerton, DL6 2UU

Present

Councillor Mrs C S Cookman (in the Chair)

Councillor	D Hugill	Councillor	C A Les
	S P Dickins		J Noone
	C A Dickinson		A Wake
	K G Hardisty		

An apology for absence was received from Councillor G W Ellis.

SC.26 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 17 January 2019 (SC.23 - SC.25), previously circulated, be signed as a correct record.

SC.27 **COUNCIL PERFORMANCE 2018/19 (QUARTER 3)**

All Wards

The Director of Finance (s151 Officer) presented a report setting out the Quarter 3 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 3 of 2018/19, as detailed within Annex A of the report, be noted.

SC.28 **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 and general risks affecting the Council and the actions that are in place to mitigate the impact upon the Council of each risk be noted.

SC.29 **POLICY REVIEW - PROMOTING ECONOMIC VITALITY, INCLUDING MARKETS**

All Wards

The Chairman of the Committee presented a copy of the draft final report on the Policy Review on Promoting Economic Vitality, including Markets, for consideration by the Committee prior to submission to Cabinet in March 2019.

THE DECISION:

That it be recommended to Cabinet that:-

- (1) the Committee endorses the initiatives in delivering the Council's key priority 'Driving Economic Vitality' as detailed within the Council Plan;
- (2) the Committee supports the continued collaborative working with stakeholders, businesses and traders working towards building more vibrant towns;
- (3) the success of projects identified within the individual Vibrant Market Towns Investment Plans be assessed after six months of their implementation or such other period as appropriate;
- (4) the issues regarding empty shops be monitored and an assessment of the new initiatives to encourage occupation by new traders be provided after six months of their implementation or such other period as appropriate;
- (5) continued communication with market traders and the organisers of farmers markets be undertaken in order to encourage new traders and the reinstatement of the farmers markets within the market towns;
- (6) the opportunities presented by hosting major sporting events and other bespoke events such as festivals and seasonal markets continue to be explored and implemented; and
- (7) continued improvements to communications on the support offered to businesses be explored.

The meeting closed at 9.55 am

Chairman of the Committee

Minutes of the meeting of the PLANNING
COMMITTEE held at 9.30 am on Thursday,
13th December, 2018 in the Council Chamber,
Civic Centre, Stone Cross, Northallerton

Present

Councillor P Bardon (in the Chair)

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

Also in Attendance

Councillor M S Robson

P.19 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 15 November 2018 (P.16 - P.17), previously circulated, be signed as a correct record.

P.20 **PLANNING APPLICATIONS**

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

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

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

In considering the report(s) of the Deputy Chief Executive regard had been paid to the policies of the relevant development plan, the National Planning Policy Framework and all other material planning considerations. Where the Committee deferred consideration or refused planning permission the reasons for that decision are as shown in the report or as set out below.

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

THE DECISION:

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

- (1) 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 issues relating to the assessment of the impact of the development on the heritage asset.

(The applicant, Phil Tomlinson, 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) 18/01800/FUL - Retrospective change of use of agricultural land for the siting of a Shepherd's Hut to be used as an office at Brandsby Hall, Brandsby for Mr and Mrs Michael and Emily Gould

PERMISSION GRANTED

- (3) 18/00007/TPO2 - Hambleton District Council (Carlton Miniott Parish Council) Tree Preservation Order 2018 No. 7 at Islebeck House, Carlton Road, Carlton Miniott for Mr Alistair Ratcliffe

THAT TPO 2018/07 NOT BE CONFIRMED because the Committee felt the trees were not suitable for preservation due to their condition and position.

(Mike Jarrold spoke objecting to the application.)

- (4) 18/00964/OUT - Outline planning (all matters reserved) for the construction of one detached dwelling and formation of a new access at Field House, Carthorpe for Mr Askham

PERMISSION GRANTED

- (5) 18/00011/TPO2 - Hambleton District Council (East Cowton) Tree Preservation Order 2018 No. 11 at North east of The Briars, Raby Lane, East Cowton for Mr M Scales

THAT TPO 2018/11 NOT BE CONFIRMED

- (6) 18/01546/FUL - Construction of a detached house with integral double garage at land west of Exelby Grange, Exelby for Mr and Mrs Brown

PERMISSION GRANTED

- (7) 18/01547/FUL - Construction of a detached house with integral double garage at land west of Exelby Grange, Exelby for Mr Clarkson

PERMISSION GRANTED

- (8) 18/01939/OUT - Outline application with some matters reserved (to consider access and layout) for residential development of 4 detached dwellings at Scatterpenney, The Green, Raskelf for Mr and Mrs Rutherford

PERMISSION GRANTED

- (9) 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

PERMISSION REFUSED because of the unacceptable impact on the residential amenity of neighbours.

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

(The applicant's agent, Dominic Crawley, spoke in support of the application).

(Alastair Powell spoke objecting to the application.)

- (10) 18/02031/FUL - Construction of a new workshop building/extension of yard area at OS field 7782, Rear of Barns Park, Stockton Road, Thirsk for RWS Bodyworks Ltd

PERMISSION GRANTED subject to the amendment to the condition controlling the height of the hedge.

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

- (11) 18/02177/FUL - Revised application for first floor extension and two storey/single storey rear extension to dwelling at 2 Croft Gardens, Sowerby for Mr and Mrs Rylance

PERMISSION GRANTED

(The applicant, Michael Stephenson, spoke in support of the application.)

- (12) 18/00013/TPO2 - Hambleton District Council (Sowerby) Tree Preservation Order 2018 No: 13 at Melbourne Place – North of 28 Topcliffe Road and South of 3 Victoria Avenue, Sowerby for Mr MacDonald

THAT TPO 2018/13 BE CONFIRMED

(Greg MacDonald spoke objecting to the application.)

The meeting closed at 12.20 pm

Chairman of the Committee

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Minutes of the meeting of the PLANNING
COMMITTEE held at 1.30 pm on Thursday,
10th January, 2019 in the Council Chamber, Civic
Centre, Stone Cross, Northallerton, DL6 2UU

Present

Councillor P Bardon (in the Chair)

Councillor	J Noone	Councillor	D B Elders
	R A Baker		Mrs B S Fortune
	M A Barningham		K G Hardisty
	D M Blades		B Phillips
	S P Dickins		D A Webster

Also in Attendance

Councillor A Wake

An apology for absence was received from Councillor C Rooke

P.21 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 13 December 2018 (P.19 - P.29), previously circulated, be signed as a correct record.

P.22 **PLANNING APPLICATIONS**

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

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

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

In considering the report(s) of the Deputy Chief Executive regard had been paid to the policies of the relevant development plan, the National Planning Policy Framework and all other material planning considerations. Where the Committee deferred consideration or refused planning permission the reasons for that decision 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) 18/00592/FUL - Residential development comprising 14 dwellings at The Allotment Gardens, Masham Road, Bedale for Arncliffe Homes Ltd

DEFER for site visit and further information about ransom strip and affordable housing.

(The applicant's agent, Alastair Flatman, spoke in support of the application).

- (2) 18/01575/FUL - Demolition of commercial offices and warehouse and construction of 2 no. dwellings and garages at Whitegates, Burneston for Mr and Mrs Garner

PERMISSION GRANTED as the scale of the development was appropriate to achieve the environmental benefits.

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

(Jonathan Saddington, spoke on behalf of the agent, in support of the application).

- (3) 18/02364/OUT - Application for Outline Planning Permission with some matters reserved (considering access) for the construction of 5 dwellings at Land to east of Manor House Walk, Burneston for Arthur Barker

PERMISSION GRANTED subject to an amended condition to reduce time for commencement.

Disclosure of Interest

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

- (4) 18/02165/FUL - Revised application for the demolition of existing dwelling and construction of a replacement dwelling at Ashwood, Danby Wiske for Mr and Mrs Aldridge

PERMISSION REFUSED as the design was unacceptable and failed to respect local character and matters of flood risk had not been fully addressed.

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

(The applicant's agent, Andrew Cunningham, spoke in support of the application).

(Geoff Solomon spoke on behalf of Danby Wiske Parish Council objecting to the application.)

(Ian Pattinson spoke objecting to the application.)

- (5) 18/00012/TPO2 - Hambleton District Council (Great and Little Broughton Parish Council) Tree Preservation Order 2018 No 12 at OS Field 9348, Back Lane, Great Broughton for Mr and Mrs Cooper

That TPO 2018 No12 be CONFIRMED

- (6) 18/02379/FUL - Construction of a detached dwelling and detached domestic garage/carriage house and log store at Elm House, Hackforth for Mrs G McKinlay

PERMISSION GRANTED

- (7) 18/01603/REM KIRKBY - Application for approval of all Reserved Matters (to consider access, appearance, landscaping, layout and scale) following outline planning permission ref: 15/01543/OUT (Construction of a dwellinghouse) at Land to the south west of Prospect House, Great Fencote for Mr Tim Brierley

DEFER for matters of design and neighbour amenity to be addressed.

(Alison Booth spoke on behalf of Fleetham with Fencote Parish Council objecting to the application.)

(Gary Jones spoke objecting to the application.)

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

- (8) 18/01179/FUL - Demolition of bungalow and construction of three detached dwellings and garages, alterations to existing access and provision of additional vehicle access at Marden, Newby Wiske for Mr and Mrs J Burgess

PERMISSION GRANTED subject to an additional condition to control finished levels and provision of advice about bats and their roosts.

- (9) 18/02119/OUT - Outline application with some matters reserved (access) for the construction of 4no. dwellings at Green Acres, The Green, Raskelf for Mrs S Hodgson

PERMISSION GRANTED

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

- (10) 18/02290/FUL - Retrospective application for the subdivision of existing dwelling to form two dwellings at Hunter Hill Farm Lodge, Tanton Road, Seamer for Mr Mark Simpson

PERMISSION GRANTED

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

- (11) 18/02052/FUL - Change of use of grazing land to paddocks, school yard, post and rail fencing, construction of stable and storage building with 14no roof lights and associated access road and parking for recreational use at Skutterskelfe House, Skutterskelfe for Mrs J Powell

PERMISSION GRANTED subject to conditions relating to stable waste and the use of the development. The Committee considered the development caused no harm to heritage assets and complied with local plan policies.

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

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

(Peter Broome spoke objecting to the application.)

- (12) 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

PERMISSION GRANTED

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

- (13) 18/01757/FUL - Change of use of office to a dwelling for North Star Housing Association at 11 Westgate, Thirsk

PERMISSION REFUSED because the scheme failed to achieve the nationally prescribed space standards.

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

(The applicant, Chris Harris, spoke in support of the application.)

Disclosure of Interest

Councillor P Bardon disclosed a personal non-pecuniary interest and left the meeting prior to discussion and voting on this item.

Councillor J Noone in the Chair.

- (14) 18/01133/OUT - Outline planning submission for detached dormer style dwelling on land adjacent Lyndale at Land Adjacent Lyndale, Welbury, North Yorkshire. DL6 2SG for Mr and Mrs L Race

PERMISSION GRANTED because Members considered the scheme met the requirements of the Interim Policy Guidance and local plan policies.

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

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

Councillor P Bardon in the Chair.

- (15) 18/02362/OUT - Application for outline planning permission with some matters reserved (access) for the construction of a dwelling and relocation of Post Office at Garden Cottage, West Rounton for Mr R Semain

PERMISSION GRANTED

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

The meeting closed at 5.45 pm

Chairman of the Committee

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Present

Councillor P Bardon (in the Chair)

Councillor	J Noone	Councillor	D B Elders
	R A Baker		Mrs B S Fortune
	M A Barningham		K G Hardisty
	D M Blades		B Phillips
	S P Dickins		D A Webster

An apology for absence was received from Councillor C Rooke

P.23 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 10 January 2019 (P21 - P.22), previously circulated, be signed as a correct record.

P.24 **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) 18/02545/MRC - Variation of conditions 8 & 11 attached to planning permission 17/02422/OUT (Outline application for the construction of three dwellings with access from Bedale Road) to alter position of access for Mr G E Harrison at land adjacent to Peacehaven, 93 Bedale Road, Aiskew

PERMISSION GRANTED

- (2) 18/02584/FUL - Change of use of former agricultural land to facilitate extension to warehouse, with associated HGV parking, landscaping and formation of infiltration pit for Mr Andrew Cawthray - Cawingredients Limited at North of Cawingredients, Conygarth Way, Leeming Bar Business Park, Aiskew

PERMISSION GRANTED

(The applicant's agent, Mark Eagland, spoke in support of the application).

- (3) 18/01596/REM - Application for approval of reserved matters (to consider appearance, landscaping, layout and scale) following outline approval ref: 17/01532/OUT for Outline application with all matters except access reserved for 2 dwellings with garages and associated infrastructure for Mr and Mrs M and S Hutchinson and Harrison at land to rear of Village Farm, Alne

PERMISSION GRANTED

- (4) 18/01354/FUL - Construction of dwelling and detached garage for Mr and Mrs P Tomlinson at The Croft, Main Street, Alne

PERMISSION GRANTED

(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.)

- (5) 18/02161/OUT - Outline Planning Application with some matters reserved (considering access and layout) for a small development of 2 detached dwellings for Addis Charles at Ingram Grange Farm

PERMISSION GRANTED

(The applicant's agent, Joe O'Sullivan, spoke in support of the application).

(Linda Breckon spoke objecting to the application.)

- (6) 18/00016/FUL - Construction of 2no dwellinghouses for Penny Home Specialists Ltd at Bancroft, 9 Firby Road, Bedale

PERMISSION GRANTED because the Committee felt that use of the access would not be harmful or prejudicial to highway safety.

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

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

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

- (7) 18/00597/FUL - Construction of a one bedroom bungalow for Mr and Mrs Thornton at 32 Crabmill Lane, Easingwold

PERMISSION REFUSED subject to a change in reasons to delete reference to the National Described Space Standard and to add reference to residential character and inadequate parking.

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

Note: The meeting adjourned at 3.25pm and reconvened at 3.35pm.

- (8) 18/02120/OUT - Outline application with some matters reserved (access, landscaping & layout included) for the construction of 5 dwellings, domestic garages and the formation of a separate access and car park for the adjacent public house for Mr George Howie at Land adjacent Green Dragon Inn, Exelby

PERMISSION GRANTED subject to an additional condition controlling the lighting of the pub car park.

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

(Margaret Curry spoke on behalf of Exelby, Leeming and Londonderry Parish Council objecting to the application.)

(Leanne Ross spoke objecting to the application.)

- (9) 18/01695/HYB - Hybrid Planning Application:
(1) Full planning application for the construction of a visitor centre building, pavilion, formation of associated car park and provision of new access
(2) Retention of the roadside building (former farmhouse/outbuilding range) for ancillary office and meeting purposes
(3) Outline planning application for the construction of a replacement workers dwelling at Heck Food Limited, Lime Lane, Kirklington for Heck Food Ltd

PERMISSION GRANTED

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

- (10) 18/02589/FUL - Construction of an extension to existing food production facility for Heck Food Ltd at Heck Food Limited, Lime Lane, Kirklington

PERMISSION GRANTED

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

- (11) 18/02646/REM - Reserved matters application for the 7 dwellings for Park Quadrant Homes at D Oakley Limited, 68 Romanby Road, Northallerton

PERMISSION GRANTED

(The applicant's agent, Katherine Jukes, spoke in support of the application).

Note: Councillor K G Hardisty left the meeting after item 11 and did not return.

- (12) 18/02371/OUT - Demolition of Shipton Methodist Church and Hawthorn Cottage and the construction of two dwellings with associated infrastructure (access and layout to be considered) for The Methodist Church York Circuit at Methodist Church, Main Street, Shipton by Beningbrough

PERMISSION GRANTED

(Mark Danter spoke on behalf of Shipton Parish Council objecting to the application.)

(Emma Castle spoke objecting to the application.)

- (13) 18/02433/FUL – Demolition of existing stable block, feed store and tack room to be replaced with the construction of new house, detached double garage, outbuilding and car parking for Mrs Caroline Mann at Bank Top West Rounton

PERMISSION GRANTED

(The applicant's agent, Richard Stephenson, spoke in support of the application).

(Alison Richards spoke objecting to the application.)

The meeting closed at 5.20 pm

Chairman of the Committee

Minutes of the meeting of the AUDIT,
GOVERNANCE AND STANDARDS COMMITTEE
held at 9.30 am on Tuesday, 22nd January, 2019 at
MAIN COMMITTEE ROOM, CIVIC CENTRE,
STONE CROSS, NORTHALLERTON

Present

Councillor N A Knapton (in the Chair)

Councillor	R A Baker	Councillor	D B Elders
	Mrs C S Cookman		R W Hudson
	G W Dadd		P R Wilkinson

AGS.23 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 23 October 2018 (AGS.15 - AGS.22), previously circulated, be signed as a correct record.

AGS.24 **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 24 October 2018 to 22 January 2019.

AGS.25 **SECOND 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 Plan for 2018/19 and the counter fraud work. The internal audit and counter fraud plans for 2018/19 had been approved at the meeting held on 27 March 2018.

The Committee discussed sickness absence performance and it was noted that this was being monitored and could be subject to further scrutiny.

Alternative options considered:

None.

The reason for the decision:

To take account of the statutory requirement (Accounts and Audit Regulations 2015).

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 outcomes from the external assessment of internal audit be noted.

AGS.26 **STATUTORY AUDITOR - QUARTERLY UPDATE: AUDIT PLAN**

All Wards

The subject of the decision:

The Director of Finance (S151 Officer) presented a report which provided the Audit Plan which set out how the Council's statutory auditor, Ernst & Young LLP, would carry out their responsibilities as an auditor. The report also provided an update on the auditor's activities as at February 2018.

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 comply with the Local Audit and Accountability Act 2014, the National Audit Office's 2015 Code of Audit Practice, the Statement of Responsibilities issued by Public Sector Appointments Ltd (PSAA), auditing standards and other professional requirements.

THE DECISION:

That:-

- (1) the Audit Plan, the audit approach and scope for 2017/18 audit be noted;
- (2) the quarterly report from the external auditor be noted; and
- (3) the Committee seek to have sight of the full audited accounts for Central Northallerton Development Company Limited at a future meeting of the Committee when they become available.

Declaration of Interest

Councillor P R Wilkinson declared a non-pecuniary interest in Central Northallerton Development Company Limited as the Chair of the Joint Venture Company Board and did not vote on this item.

The meeting closed at 10.45 am

Chairman of the Committee

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Minutes of the meeting of the LICENSING
COMMITTEE held at 9.30 am on Tuesday,
5th February, 2019 at Main Committee Room,
Civic Centre, Stone Cross, Northallerton

Present

Councillor M A Barningham (in the Chair)

Councillor	R A Baker	Councillor	K G Hardisty
	P Bardon		N A Knapton
	D M Blades		A Wake

Apologies for absence were received from Councillors S P Dickins, D Hugill and R Kirk.

LC.10 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 27 November 2018 (LC.7 - LC.9), and to confirm the minutes of the Licensing and Appeals Hearings Panel held on 22 November 2018 (LAHP.19 – LAHP.20), (LAHP. 21 - LAHP.22), (LAHP.23 – LAHP.24), 9 January 2019 (LAHP.25) and 22 January 2019 (LAHP.26), previously circulated, be signed as correct records.

LC.11 **AMENDMENTS TO SCHEME OF DELEGATION**

All Wards

The subject of the decision:

This report sought approval to delegate certain functions reserved to the Licensing and Appeals Hearings Panel to senior officers.

Alternative options considered:

The Licensing Committee considered the Director's report and, having concluded that giving delegated authority to senior officers to revoke a licence which was a statutory obligation or where immediate action was required to safeguard the public was appropriate, there was no other suitable option.

The reason for the decision:

The Licensing Committee considered whether to give delegated authority to senior officers to revoke a licence which was a statutory obligation or where immediate action was required to safeguard the public.

The Committee noted that officers had no discretion to revoke a hackney carriage and private hire driver's licence if a matter of significant concern arose in respect of their fitness and propriety. The Committee noted that under current procedures a driver could continue to drive until a meeting of the Licensing and Appeals Hearings Panel could be convened. The Committee concluded that time delays in arranging a meeting could pose a risk to the public and that it was appropriate that senior officers be given delegated authority to revoke a driver's licence where a significant concern regarding a driver's conduct had arisen.

THE DECISION:

That delegated authority be given to the Chief Executive, Deputy Chief Executive and the Director of Law and Governance to revoke a licence where such action is a statutory obligation or where immediate action is considered necessary to safeguard the public.

The meeting closed at 9.55 am

Chairman of the Committee

Present

Councillor M A Barningham (in the Chair)

Councillor K G Hardisty Councillor R Kirk

Also in Attendance

Councillor A Wake

LAHP.25 **APPLICATION FOR THE RENEWAL OF A HACKNEY CARRIAGE VEHICLE
LICENCE - MR ALAN JONES - HC77**

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 the options at paragraph 5.1 of the Director's report but, as it was not satisfied that the specific circumstances of the case were sufficient to justify a departure from the Council's Hackney Carriage and Private Hire Licensing Policy, the Panel could not grant the application.

The reason for the decision:

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

The Panel noted that the 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 on 17 December 2008. The Panel also noted that the vehicle met the mechanical standards set out by the policy.

The Panel considered the documentation provided within the officer's report including the recent mechanical inspection and MOT history.

The applicant informed the Panel that he owns another licensed vehicle which he uses primarily. The applicant stated that the vehicle subject to this application was used as a standby for his main vehicle in the event of a breakdown. The applicant also informed the Panel that the vehicle was also used by another licensed driver four days a week.

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 concerned by some of the information contained within the MOT history. The Panel noted that in December 2018 five major defects caused the vehicle to fail its MOT test with a further four advisories. The following day, the vehicle passed its MOT test but was still subject to two advisory notice items.

The Panel was satisfied that the applicant is committed to ensuring that his vehicles meet the requisite safety criteria when it is necessary to do so in order to pass mechanical inspections. However, the Panel was concerned about the condition of the vehicle at other times during the licence. The Panel concluded that the MOT history demonstrated a degree of neglect in relation to some mechanical defects that would not warrant a failure of a MOT test. The Panel concluded that the vehicle was maintained to the minimum regulatory standards and cannot therefore be regarded as exceptionally well-maintained.

The Panel noted that the make of the vehicle was not a luxury brand and that the vehicle had a relatively high mileage.

The Panel noted that the applicant is not seeking a departure from the policy on the basis of the condition, quality or mechanical fitness of the vehicle. The application was made on the basis of the applicant's financial circumstances.

The applicant told the Panel that he had intended to replace the vehicle, however, due to financial restraints, he would be unable to do this until May 2019. The Panel was satisfied that the applicant had been aware of the new policy for over two years and therefore had had sufficient notice of the revised provisions. The Panel also noted that the applicant had acquired the vehicle in January 2018 (a year after the policy had been adopted).

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 10.05 am

Chairman of the Panel

Present

Councillor M A Barningham (in the Chair)

Councillor S P Dickins

Councillor D Hugill

LAHP.26 **TEMPORARY EVENT NOTICE, LENTHOR FARM, STOKESLEY ROAD, BROMPTON**

Northallerton North and Brompton Ward

The subject of the decision:

The Director of Law and Governance (Monitoring Officer) asked the Panel to consider a temporary event notice in respect of a proposed event at Lenthor Farm, Stokesley Road, Brompton from 13 September 2019 to 16 September 2019.

Alternative options considered:

The Panel considered the options outlined at paragraph 7.1 of the Director's report, and as it was satisfied that that there would be an adverse effect on the licensing objectives, the Panel could not allow the event to go ahead as stated in the temporary event notice.

The reason for the decision:

The Panel considered the Director's report, representations from the parties, the Licensing Act 2003, the Council's Statement of Licensing Policy, the guidance issued under section 182 of the Licensing Act 2003 and the four licensing objectives.

The Panel considered an objection to the temporary event notice from the Council's Environmental Health Service which made reference to the likely adverse effects on the prevention of public nuisance objective caused by noise levels from the event. The Panel was informed that there had been a history of noise related complaints resulting from events held at Lenthor Farm which demonstrated that the site was a noise sensitive location.

The Council's Environmental Health Officer informed the Panel that a similar event was held at Lenthor Farm by the same premises user in 2017. The Panel was informed that in 2017 the premises user had in place a noise management plan, however, the event attracted fifteen noise related complaints. The Panel noted that the majority of complaints received in relation to the 2017 event referred to loud music late at night.

The Panel was informed that the complaints were received from properties up to a distance of 4km from Lenthor Farm. The Environmental Health Officer told the Panel that open air stages did not provide for the containment of noise and that low frequency noise such as bass sounds travel long distances and therefore could be heard far away from the source of noise.

The Environmental Health Officer informed the Panel that he had carried out a theoretical calculation of the estimated noise levels of the event as if two stages were operating at a conservative noise level between midnight and 2am. The Panel was informed that the calculation demonstrated that noise from amplified music at the event was likely to be heard by many residents.

The premises user informed the Panel that he had been unable to reach an agreement with Environmental Health (who had suggested finishing regulated entertainment at midnight) as the premises user believed this level of restriction would prevent the event being competitive with other festivals. The premises user told the Panel that he would agree to reduce the number of stages and sound systems in use after 12.30pm on Saturday and Sunday morning and 11.30pm on Sunday evening. The Panel noted that any such agreement would be unenforceable as no conditions could be imposed on a temporary event notice.

The Panel noted that in reaching its decision it must operate with a view to promoting the licensing objectives and that the viability of an event was not a relevant consideration.

The Panel concluded that the event was likely to have an adverse effect on the prevention of public nuisance objective.

THE DECISION:

That the event at Lenthor Farm, Stokesley Road, Brompton during the period from 13 September 2019 to 16 September 2019 not be permitted to go ahead and that a counter-notice be issued accordingly.

The meeting closed at 10.30 am

Chairman of the Panel

Present

Councillor M A Barningham (in the Chair)

Councillor N A Knapton

Councillor A Wake

LAHP.27 APPLICATION FOR THE GRANT OF A PREMISES LICENCE, POOR HOUSE, 105 HIGH STREET, GREAT AYTON

Great Ayton Ward

The subject of the decision:

The Director of Law and Governance submitted a report seeking consideration of an application for a premises licence in respect of The Poor House, 105 High Street, Great Ayton. The application sought to authorise the sale of alcohol for consumption on the premises from 12pm to 11pm on Monday to Thursday; 12pm to 11.30pm on Friday and Saturday and 12pm to 10.30pm on Sunday. The application also sought to authorise the provision of late night refreshment from 11pm to 11.30pm on Friday and Saturday.

Alternative options considered:

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

The reason for the decision:

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

The Panel noted that the Council's Environmental Health Officer submitted a representation against the application outlining to the potential adverse effects on the public nuisance objective as a result of expected noise levels generated by customers using the external area of the premise.

The Panel noted that the applicant and the Environmental Health Officer had been in discussion during the consultation period, at which time three licence conditions had been agreed. The Panel noted that the applicant did not seek to authorise regulated entertainment and therefore the conditions agreed between the applicant and the Environmental Health Officer would have no effect and would not be appropriate.

The Environmental Health Officer informed the Panel that, due to the location and layout of the external area of the premises, noise such as people's voices and laughing emanating from the external area is likely to be audible at nearby residential properties.

The Panel noted that the Environmental Health Officer suggested that 8.00pm would be an acceptable time to cease use of the external area to enable residents to enjoy their properties without disturbance. The Environmental Health Officer stated that 6.00pm would be his preferred terminal hour for the external area but concluded that 8.00pm would strike a balance between supporting a local business and satisfying the public nuisance objective.

The Panel noted that there was a gate to the rear of the external area providing access to and from the High Street. The applicant informed the Panel that she was seeking to attract cyclists and dog walkers through use of the external area of the premises. The Panel noted that the High Street was a mainly commercial area and well-used route for traffic throughout the day and to a lesser extent in the evening.

The Environmental Health Officer informed the Panel that he had spoken with the occupants of the nearest residential properties to the premises who had expressed concern over the application. The applicant told the Panel that she had spoken with local residents, including those nearest the premises, who expressed their support for her business.

The Panel noted that whilst both the Environmental Health Officer and the applicant had recalled speaking with residents no formal objection had been received by any local residents, the Parish Council or Ward Members. The Panel noted that three residents from Great Ayton had written letters in support of the application.

The Panel noted that it was required to reach a decision based solely on the promotion of the licensing objectives. The Panel acknowledged that conditions could only be imposed where appropriate and there was no power to impose a condition that was merely aspirational. The Panel concluded that, while noise emanating from the external area of the premises, may be heard at nearby residential properties, it was not satisfied that this was likely to have an adverse effect until after 10.00pm.

The Panel was satisfied that restricting the use of the gate to the rear of the external area for customers accessing and egressing the premises after 8.00pm and ceasing use of the external area at 10.00pm would ensure the promotion of the prevention of public nuisance objective.

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

The Panel also noted that the premises licence may be subject to review in the event of a failure to adequately promote the licensing objectives.

THE DECISION:

The Panel resolved to grant the application as applied for subject to the following conditions:

- No external areas of the premises shall be used between the hours of 10.00pm and 10.00am.
- Access and egress via the rear gate of the external area shall be restricted between the hours of 8.00pm and 10.00am.

- An adequate and appropriate supply of first aid equipment must be available on the premises at all times when members of the public are present.
- The premises licence holder shall ensure that, at all times when licensable activities are being carried out, there is at least one competent person present on the premises to administer first aid.
- No unaccompanied person under the age of 16 years shall be permitted on the premises between the hours of 6.00pm and 10.00am.

The meeting closed at 11.40 am

Chairman of the Panel

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Present

Councillor M A Barningham (in the Chair)

Councillor N A Knapton

Councillor A Wake

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

All Wards

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

LAHP.29 **CONDUCT OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER**

All Wards

The subject of the decision:

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

Alternative options considered:

The Panel considered the options in paragraph 6.1 of the Director'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.

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 Director's report, the oral representations of D, the Council's Hackney Carriage and Private Hire Licensing Policy and the relevant legislation.

The Panel was informed that D had been a licensed driver since October 2017 and had recently disclosed a speeding offence. The Panel considered D's DVLA licence and noted three speeding offences (from November 2016, February 2018 and October 2018).

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 would normally have their licence revoked. The Panel noted that D's driving licence had been endorsed with 9 points in 23 months.

The Panel was satisfied that the Policy applied equally to existing drivers as it did to new applicants in determining suitability. Therefore, if a new applicant would be refused on the basis of their individual circumstances, a revocation would be an appropriate sanction for an existing driver under the exact same circumstances.

D informed the Panel that he had exceeded the statutory speed limit by travelling at 34 mph in a 30mph zone, 55mph in a 50 mph zone and 77mph in 70mph zone. The Panel was informed that D had no other complaints against him. D told the Panel that he had not received penalty points for dangerous driving or for failing to drive with due care and attention. D told the Panel that he employed 20 people in the licensing trade. D informed the Panel that he regretted the offences, however, only one offence occurred whilst in his licensed vehicle. D also told the Panel that he exercised more care when transporting passengers in his licensed vehicle, that he had only been involved in one driving related accident which was not his fault.

The Panel noted that, in accordance with paragraph 1.7 of Annex A of the Council's Policy, any behaviour that puts any member of the public at risk would be considered relevant and an offence was no less serious simply by virtue of the fact that it was committed away from licensed vehicles or at a time when no passengers were aboard.

The Panel had serious concerns that the applicant had received nine points for three separate speeding offences in less than two years and therefore demonstrated a reoccurring disregard to statutory speed limits and road safety.

The Panel was concerned that as an experienced professional driver D should have been aware of the need to travel within statutory speed limits. The Panel concluded that D's disregard for driving legislation posed a serious risk to public safety and there was no justification for departing from the Council's Policy on this occasion.

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 to hold a hackney carriage and private hire driver licence.

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.

The meeting closed at 12.10 pm

Chairman of the Panel