

Committee Administrator: Democratic Services Officer (01609 767015)

Monday, 10 May 2021

Dear Councillor

**Notice of Meeting**

Meeting	<b>Council</b>
Date	<b>Tuesday, 18 May 2021</b>
Time	<b>2.00 pm</b>
Venue	<b>Council Chamber, Civic Centre, Stone Cross, Rotary Way, Northallerton, DL6 2UU</b>

Yours sincerely

*J. Ives.*

Dr Justin Ives  
Chief Executive

To: All Members of Hambleton District Council

**Note:** Press and public are welcome to attend meetings of Council. Due to current social distancing restrictions, measures have been implemented which limit the number of attendees able to be physically present in the meeting at any one time. Temporary arrangements are in place for members of the press and public to register their attendance no later than 24 hours in advance of the meeting taking place. Spaces are allocated on a first come first served basis. If you arrive at the Civic Centre to attend the meeting and have not registered in advance a space cannot be guaranteed if there are no vacant seats available. Upon arrival members of the press and public will be asked to sign at reception and further instructions will be provided.

Please note that members of the press and public are also able to observe the meeting virtually via Teams. Please click on the link on the website or dial 020 3855 5195 followed by the Conference ID: 541 738 901#

For further information please contact the Democratic Services Officer on telephone 01609 767015 or email [committeeservices@hambleton.gov.uk](mailto:committeeservices@hambleton.gov.uk)

## Agenda

### Page No

1. Minutes

1 - 4

To confirm the minutes of the meeting held on 13 April 2021 (C.20 - C.25), attached.

2. Apologies for Absence

3. Announcements by the Chairman or Chief Executive

4. Verbal Statement of the Leader and Referrals from Cabinet

There are no referrals from Cabinet.

5. Question Time

None received.

6. Notices of Motion

None received.

# Agenda Item 1

Minutes of the meeting of the Council held at  
2.00 pm on Tuesday, 13th April, 2021 at  
Council Chamber, Civic Centre, Stone Cross,  
Rotary Way, Northallerton, DL6 2UU and  
virtually via Teams

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Present

Councillor M A Barningham (in the Chair)

Councillor	A Wake	Councillor	C A Les
	P Atkin		Mrs J W Mortimer
	P Bardon		J Noone
	G W Dadd		B Phillips
	C A Dickinson		G Ramsden
	D B Elders		M S Robson
	Mrs B S Fortune		Mrs I Sanderson
	B Griffiths		M G Taylor
	R W Hudson		P Thompson
	D Hugill		D Watkins
	K G Hardisty		S Watson
	R Kirk		D A Webster
	N A Knapton		P R Wilkinson

An apology for absence was received from Councillor A Robinson

## C.20 **HRH Duke of Edinburgh**

The Council observed a minute's silence in memory of HRH The Duke of Edinburgh who passed away on Friday, 9 April 2021.

On behalf of Hambleton District Council we would to offer our condolences to the Queen on this sad occasion of the passing of Prince Philip. He has given the Country devoted service for 70 years and been a constant support to her majesty the Queen. He leaves a lasting legacy with the Duke of Edinburgh Awards scheme which many young people have benefitted from and his work on environmental issues with the World Wildlife Trust. Our thoughts are with the Queen and her family.

## C.21 **Minutes**

### **The decision:**

That the minutes of the meeting held on 23 February 2021 (C.13 - C.19), previously circulated, be signed as a correct record.

**C.22 Verbal Statement of the Leader and Referrals from Cabinet**

The Leader moved Cabinet minutes CA.29 to CA.31 and CA.33 to CA.35 and made a statement to the Council on the following matters:-

- The Leader expressed thanks to all those members of staff for their continued hard work and efforts in the continued provision of services during the Coronavirus pandemic, particularly regarding the administering of the significant number of business grants. The past year has been a challenging year but the authority was now looking to the future.
- With regard to the Treadmills development, it was envisaged that the tender for the Cinema would shortly be issued. Also, negotiations were underway on the Governor's building.

**The Decision:**

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

<b>Body</b>	<b>Date of Meeting</b>	<b>Minute Nos</b>
Cabinet	9 March 2021 13 April 2021	CA.29 to CA.31 CA.33 to CA.35

**C.23 Cabinet Portfolio Statements**

- (a) Councillor P R Wilkinson, Portfolio Holder for Economic Development and Finance made a statement regarding Hambleton Tourism Forum; Pavement Licences; Town Investment Plans; North Yorkshire & East Riding Supply Chain project; Hambleton Business Conference and Business Grants. A number of questions were asked on the statement regarding Pavement Licences which were responded to at the meeting and where additional information was requested this would be provided after the meeting.
- (b) Councillor Mrs B S Fortune, Portfolio Holder for Leisure made a statement regarding the Leisure Centres reopening; Public Sector Decarbonisation Fund; Thirsk and Sowerby Leisure Centre Development; Take That Step – Adult Weight Management Scheme and Hambleton Heroes.
- (c) Councillor Mrs I Sanderson, Portfolio Holder for Governance made a statement regarding the Car Park Improvement Scheme; Covid Testing and Vaccinations; Customer Services; Legal Services; Northallerton High Street and Electoral Services.
- (d) Councillor D Webster, Portfolio Holder for Planning made a statement regarding the Local Plan; Ingleby Arncliffe Neighbourhood Plan and Development Management.

- (e) Councillor S Watson, Portfolio Holder for Environmental Health, Waste and Recycling made a statement regarding Waste and Street Scene; Environmental Health; Emergency Planning and the Climate Change Strategy. Members wished to thank the community litter picking groups for their continued efforts in litter picking across the District.
- (f) Councillor M G Taylor, Portfolio Holder for Transformation and Projects made a statement regarding key Council projects; Maple Park Crematorium Project; Vibrant Market Towns; the Treadmills redevelopment; Town Hall Square and Town Centre Improvements in Northallerton and the Capital Programme.

**C.24 Local Government Reorganisation**

All Wards

The Chief Executive submitted a report which asked the Council to consider the consultation launched by the Secretary of State on proposals for unitary local government in York and North Yorkshire and to decide on its response to that consultation.

In response to a request from North Yorkshire County Council, the Secretary of State had invited proposals for unitary local government for the York and North Yorkshire Area. The Secretary of State had received two proposals from Councils in North Yorkshire:

- North Yorkshire District Councils, apart from this Council, submitted a joint proposal for two unitary councils covering the whole of North Yorkshire and the whole of the City of York; one unitary in the east comprising the districts of Ryedale, Scarborough, Selby and the City of York unitary; and one in the west comprising the districts of Craven, Hambleton, Harrogate and Richmondshire.
- North Yorkshire County Council submitted a proposal for a single unitary council for the whole of the county of North Yorkshire with no changes to the existing City of York unitary.

This Council's resolved position was not to support the submission of the "Case for Change" document prepared on behalf of the District Councils and to make representations to the Secretary of State for retaining the status quo (Minute CA.5 refers). A copy of the Council's letter to the Secretary of State was attached at Annex A of the report. Notwithstanding that resolution, the Secretary of State had decided to consult on the two unitary proposals received and the Council was asked to determine whether to support one of the unitary options and, if so, which one, or whether to maintain its position on the status quo.

**The decision:**

That Council approves that:-

- (1) Hambleton District Council opposes the proposed move to a unitary local government structure and wishes the current two-tier structure to be retained. However, should the Secretary of State decide to change to a unitary structure, the Council wishes him to choose the option that would be in the best interests of the residents, jobs and businesses within the District; and
- (2) the Chief Executive be authorised, in consultation with the Leader of the Council, to finalise and submit the Council's response to the Secretary of State's consultation including completion and submission of responses to the consultation questions.

In accordance with section 14.7 of the Council Procedure Rules, Councillor M S Robson requested a recorded vote. Members present were recorded voting as follows:-

For the Motion: P Atkin, P Bardon, M A Barningham, G W Dadd, C A Dickinson, D B Elders, Mrs B S Fortune, B Griffiths, K G Hardisty, R W Hudson, D Hugill, R Kirk, N A Knapton, C A Les, J Mortimer, J Noone, B Phillips, G Ramsden; M S Robson, Mrs I Sanderson, M Taylor, P R Thompson, A Wake, D Watkins, S Watson, D A Webster and P R Wilkinson (27)

The motion was declared carried.

C.25 **Urgent Decisions taken by Cabinet**

All Wards

The Chief Executive submitted a report which provided details on a urgent decision taken by Cabinet pursuant to Rule 16 of the Council's Access to Information Rules (as set out in Part 4 of the Council's Constitution).

**The decision:**

That the urgent decision taken by Cabinet at the meeting held on 9 March 2021 be noted.

The meeting closed at 3.10 pm

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Chairman of the Council

## Minutes for Information

Committee	Date	Page
Licensing and Appeals Hearings Panel	26 April 2021	

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Present

Councillor R Kirk (in the Chair)

Councillor N A Knapton

Councillor A Wake

LAHP.10 **Application for the renewal of a Private Hire Vehicle Licence, Carlton Cars (N Yorks) Ltd - PH75**

All Wards

The Panel considered a request from the applicant to adjourn the hearing on the basis that additional information was not available prior to the hearing. The Panel was informed that the applicant had made freedom of information requests to the Council relating to other licensed vehicles, an employee and elected Members. The requests had all been responded to, however, the applicant was dissatisfied with the responses provided to two of the requests and indicated he would appeal those decisions. The applicant stated that he intended to draw comparisons between the vehicle subject to the application and other vehicles also over the age of ten years which had been granted by the Panel. The Panel was satisfied that the application would be considered on its individual merits and that information relating to other vehicles would not be relevant when determining this application. Therefore, the Panel refused the applicant's request for an adjournment and the Panel notified the applicant of the reasons.

**The subject of the decision:**

The Director of Law and Governance asked the Panel to consider whether to grant or refuse an application for the renewal of a private hire vehicle licence in respect of an Audi A8 vehicle registration mark OY59 WLH.

**Alternative options considered:**

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

**The reason for the decision:**

The Panel considered the 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 vehicle satisfied the mechanical standards as set out in the Council's Policy. However, the vehicle reached the general 10-year age limit (as prescribed at paragraph 3.2.1 of the policy) in September 2019.

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

The applicant referred to a previous decision of the Panel in relation to a third party's application to renew a vehicle licence. The Panel concluded that any previous decisions of the Panel were not relevant considerations as each application must be determined on its individual merits.

The Panel considered photographs of the vehicle which provided a visual inspection. The Panel also considered the documentation provided within the Director's report including the recent mechanical inspection and MOT history.

The Panel noted that the Audi A8 model was recognised as a luxury vehicle and, having considered the photographs provided by the applicant, the Panel was satisfied that the vehicle appeared to be in good condition. The Panel considered the vehicle's MOT and inspection history, and the applicant's maintenance records, and was satisfied that the mechanical condition of the vehicle was well maintained. The Panel noted that the last recorded mileage for the vehicle was 134,181. The Panel noted that the vehicle has permanent four-wheel drive and was satisfied that such a feature enhanced its reliability for passengers, particularly in adverse weather conditions given the rural nature of the district.

The applicant informed the Panel that, at times over the last year, his work had reduced by 75% as a result of the coronavirus pandemic. The applicant informed the Panel that this vehicle had previously been used for an executive business contract which had now ceased and had since been used as a spare vehicle for the applicant's school contract work.

The Panel considered the challenges posed by the coronavirus pandemic but it did not find that the applicant's circumstances were exceptional in this regard. The Panel concluded that many individuals and businesses would be adversely affected by the pandemic and any general relaxation of the policy on this basis would be a matter for consideration by the full Licensing Committee.

The Panel was satisfied that the Council's policy generally opposed the renewal of a licence in respect of vehicles over the age of eight years (or 10 years in the case of vehicles licensed prior to 31st December 2019). The Panel noted that the policy was expected to be applied in most cases, but each application must be considered on its individual merits. The Panel acknowledged that it was entitled to exercise its discretion to allow exceptions where the applicant had demonstrated that the policy objectives could still be met. The Panel was satisfied that the age limit was adopted to promote public safety, to increase reliability and to improve the standard of hackney carriage and private hire services in the district.

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

**The decision:**

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

The meeting closed at 10.15 am

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Chairman of the Panel

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