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AGENDA

Committee Administrator: Democratic Services Officer (01609 767015)

Monday, 8 December 2014

Dear Councillor

NOTICE OF MEETING

Meeting	COUNCIL
Date	Tuesday, 16 December 2014
Time	2.00 pm
Venue	Council Chamber, Civic Centre, Stone Cross, Northallerton

Yours sincerely

P. Morton.

Phillip Morton
Chief Executive

To: All Members of Hambleton District Council

AGENDA

Page No

1. MINUTES 1 - 4
To confirm the minutes of the meeting held on 16 September 2014 (C.13 - C.19), attached.
2. APOLOGIES FOR ABSENCE
3. ANNOUNCEMENTS BY THE CHAIRMAN OR CHIEF EXECUTIVE
4. STATEMENT OF THE LEADER AND REFERRALS FROM CABINET 5 - 10

<u>Date of Meeting</u>	<u>Minute Nos</u>
2 December 2014	CA.44 to CA.46
16 December 2014	To follow
5. REFERRAL FROM THE AUDIT, GOVERNANCE AND STANDARDS COMMITTEE 11 - 14

<u>Date of Meeting</u>	<u>Minute Nos</u>
24 September 2014	AGS.12 to AGS.13
29 October 2014	AGS.17 to AGS.18
6. REFERRAL FROM THE LICENSING COMMITTEE

<u>Date of Meeting</u>	<u>Minute Nos</u>
10 December 2014	To follow
7. CABINET PORTFOLIO STATEMENTS

7(a)	Statement by the Deputy Leader and Portfolio Holder for Economic Development and Finance - Councillor P R Wilkinson	15 - 16
7(b)	Statement by the Portfolio Holder for Customer and Leisure Services - Councillor Mrs B S Fortune	17 - 18
7(c)	Statement by the Portfolio Holder for Support Services - Councillor N A Knapton	19 - 20
7(d)	Statement by the Portfolio Holder for Environmental and Planning Services - Councillor B Phillips	21 - 22
8. MEMBERS' ALLOWANCES SCHEME 23 - 42
Report of the Director of Support Services and Deputy Chief Executive
9. APPOINTMENT TO THE NORTH YORKSHIRE POLICE AND CRIME PANEL 43 - 44
Report of the Chief Executive
10. QUESTION TIME
None received.

11. NOTICES OF MOTION

None received.

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Agenda Item 1

Minutes of the meeting of the COUNCIL held
at 2.00 pm on Tuesday, 16th September, 2014
at Council Chamber, Civic Centre, Stone
Cross, Northallerton

Present

Councillor M J Prest (in the Chair)

Councillor	D E Adamson	Councillor	R Kirk
	R A Baker		N A Knapton
	P Bardon		C A Les
	A W Barker		J Noone
	K Billings		Mrs C Patmore
	D M Blades		B Phillips
	Mrs C S Cookman		A Robinson
	J Coulson		M S Robson
	G W Dadd		C Rooke
	S P Dickins		Mrs I Sanderson
	G W Ellis		Mrs S A Shepherd
	Mrs B S Fortune		Mrs M Skilbeck
	B Griffiths		D H Smith
	Mrs J A Griffiths		P G Sowray
	A W Hall		A Wake
	K G Hardisty		Mrs J Watson
	D Hugill		D A Webster
	G J F Key		P R Wilkinson

Apologies for absence were received from Councillors Mrs F M Greenwell, R W Hudson, M Rigby, J N Smith, T Swales, S Watson and A W Wood

C.13 **DAVID MCGLOIN**

The Council stood in silence in memory of David McGloin, the retired Head of Technical Services, who sadly passed away on 6 September 2014.

C.14 **MINUTES**

THE DECISION:

That the minutes of the meeting held on 22 July 2014 (C.7 - C.12), previously circulated, be signed as a correct record.

C.15 **ANNOUNCEMENTS BY THE CHAIRMAN OR CHIEF EXECUTIVE**

The Chairman, on behalf of Mrs Margaret and Hannah McGloin, thanked all those Members and staff who had attended David McGloin's funeral and for their kind messages. Special thanks was given to the Chief Executive, Phillip Morton, who gave a eulogy at the service.

C.16 **STATEMENT OF THE LEADER AND REFERRALS FROM CABINET**

The Leader moved Cabinet minutes CA.22 – CA.25 and made a statement to the Council on the following matters:-

- Police Headquarters
- Local Plan Review

The Leader announced that he had invited the Crime Commissioner to the next meeting of the Parish Liaison in November and that Julia Mulligan had agreed to attend.

A number of questions were asked based on the statement. The main issues which the Leader responded to were in relation to:-

- the relocation of the Police Headquarters. It was agreed that a letter would be sent from the District Council to the Crime Commissioner, Julia Mulligan expressing the disappointment regarding the decision to base the new police Headquarters in Hemlington.

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	2 September 2014	CA.22 to CA.25

C.17 **REFERRAL FROM THE LICENSING COMMITTEE**

The Chairman of Licensing Committee moved Minutes LC.5 and LC.6 as printed and proposed an amendment to LC.4.

THE DECISION:

- (1) That the reports, resolutions and recommendations of the following meeting of the Licensing Committee be received, approved and adopted:-

<u>Body</u>	<u>Date of Meeting</u>	<u>Minute Nos</u>
Licensing Committee	15 September 2014	LC.5 and LC.6

- (2) It was moved by Councillor Mrs I Sanderson and seconded by Councillor R A Baker that Minute LC.4 be amended as follows:-

That Council be recommended to:-

- (1) agree in principle the designations of all streets within Hambleton District Council's area as Consent Streets (as defined in the Local Government

(Miscellaneous Provisions) Act 1982) with the exception of any designated as Prohibited Streets and those streets identified on maps showing areas controlled by market or other authorities; and

- (2) authorise the Chief Executive to carry out any statutory consultation and that any representations received be considered by the Licensing Committee.

Following a vote the motion was declared carried.

C.18 **CABINET PORTFOLIO STATEMENTS**

- (a) Councillor P R Wilkinson, Portfolio Holder for Economic Development and Finance made a statement relating to various projects that were being undertaken such as the Bedale Bypass Car Park, Northallerton Car Parking, Dalton Industrial Access Bridge and the Northallerton Prison. A number of questions relating to the Car Parking and Northallerton Prison were asked and responded to at the meeting.
- (b) Councillor Mrs B S Fortune, Portfolio Holder for Customer and Leisure Services made a statement about the Rat Race (Coast to Coast cycle race); Leisure Centre User Survey Analysis; District Council Gyms – Personal Training; Leisure Centres – Shape up Campaign for Summer; Talented Young Sportspeople Scheme; Cycle to Work day; Get Hambleton Cycling/TDF Poetry Competition – Applegarth School; Tour de France Exhibition; Cash Windfall; Dementia Awareness Training; Lights Out Ceremony and Wheels to Work. A number of questions relating to the Leisure Centre User Survey Analysis were asked and responded to at the meeting.
- (c) Councillor N Knapton, Portfolio Holder for Support Services made a statement about the Council's Financial Position; the Council Plan; ICT and Capital Projects. A number of questions relating to the Council's Financial Position were asked and responded to at the meeting.
- (d) Councillor B Phillips, Portfolio Holder for Environmental and Planning Services made a statement about the Northallerton Prison – Quadrangle Study – August 2014; CLG Site Delivery Fund Bid; North Northallerton Development Area; Ings Lane, Great Broughton; LDF – Rural Settlement Hierarchy and the Review of the Rural Housing Enabler Network. A number of questions relating to the Dog Warden and Flytipping were asked and responded to at the meeting.

C.19 **NORTH YORKSHIRE MOORS NATIONAL PARK AUTHORITY**

Councillor J D Hugill, the Council representative on the North York Moors National Park Authority, presented a report on the current activities of the National Park Authority. Questions regarding the Pot Ash application, Fracking and Tree Felling were asked and responded to at the meeting.

The meeting closed at 3.05 pm

Chairman of the Council

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STATEMENT BY THE LEADER OF THE COUNCIL

16 December 2014

Making a Difference

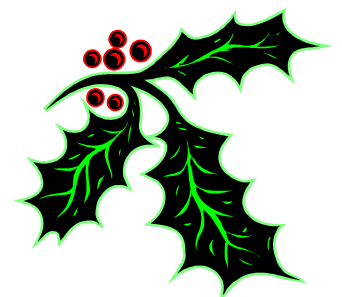
At December Cabinet I introduced a new grant scheme which will see £25,000 allocated to each of our five market towns and their surrounding villages. This will give elected Councillors the opportunity to submit schemes for financial help within their community. This is another example of this Authority putting money and resources back into further improving life within their neighbourhoods.

Apprentices

Earlier this month I attended the Apprentice Award presentations, along with our Chairman, Cllr John Prest. We currently have 20 apprentices working for a wide range of businesses within Hambleton, plus another ten young people working for this Authority within various departments. I believe it is so important that these young people are given this type of opportunity. Apprentice schemes are a vital link in the ladder towards full time employment and I will continue to push forward with further apprentices in the New Year.

***I would like to take this opportunity to
wish all staff and members a very
Merry Christmas and Happy New Year***

**Councillor Mark Robson
Leader of the Council**



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**Decisions to be considered by
Full Council on 16 December 2014**

Decisions of the meeting of the CABINET held
at 9.30 am on Tuesday, 2nd December, 2014
at COUNCIL CHAMBER, CIVIC CENTRE,
STONE CROSS, NORTHALLERTON

Present

Councillor M S Robson (in the Chair)

Councillor P R Wilkinson
Mrs B S Fortune

Councillor N A Knapton
B Phillips

Also in Attendance

Councillor P Bardon
D M Blades
Mrs J A Griffiths
K G Hardisty
C A Les

Councillor J Noone
M J Prest
Mrs I Sanderson
Mrs S A Shepherd
Mrs J Watson

CA.44 **2014/15 CAPITAL MONITORING AND TREASURY MANAGEMENT MID YEAR
REVIEW**

All Wards

The subject of the decision:

This report provided the quarter 2 update at 30 September 2014 on the progress of the capital programme 2014/15 and the treasury management position. A full schedule of the capital programme 2014/15 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:

To comply with the requirements of the Local Government Act 2003 and the Chartered Institute of Public Finance and Accountancy (CIPFA) Prudential Code and the CIPFA Treasury Management Code of Practice.

THE DECISION:

That Cabinet approves and recommends that Council:-

- (1) approves the net decrease of £258,763 in the capital programme to £2,543,427 and the detailed capital programme attached at Annex A;
- (2) approves all movements in the capital programme +/- £20,000, in accordance with financial regulations, as detailed in Annex B and below:
 - (a) the increase in capital expenditure of £36,700 for the Footpath Diversion and & Car Park Creation at Leeming Bar;
 - (b) the decrease in expenditure from re-profiling of £131,000 from this year to 2015/16 for Hambleton All Weather pitch;
 - (c) the decrease in expenditure from re-profiling £200,000 from this year to 2015/16 for Leisure Equipment ;
- (3) notes the further overall increases in the capital programme which are individually below £20,000 as detailed in Annex B and cumulatively total £35,537;
- (4) notes the Capital Funding position - contributions of £285,704, capital receipts of £857,707 and £1,400,016 capital reserves;
- (5) notes the treasury management activity at Annex C ;
- (6) approves the changes to the investment credit ratings process methodology whereby viability, financial strength and support ratings will not be considered as key criteria in the choice of creditworthy investment counterparties; this will continue to ensure the security of the Council's funds; and
- (7) notes the prudential and treasury indicators at Annex E and that there were no changes at quarter 2 in the mid-year review.

CA.45 **2014/15 QUARTER 2 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 September 2014.

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 that Council:-

- (1) approves the budget surplus of £1,178 as set out at paragraph 3.2 of the report; and
- (2) approves the allocation of funds to the One-Off Fund as set out at paragraph 6.4 of the report of £6,360.

CA.46 **HAMBLETON ECONOMIC STRATEGY 2014-2024**

All Wards

The subject of the decision:

This report sought approval of the final version of the Hambleton Economic Strategy and Investment Plan 2014 – 2024 which was attached as Annex A to the report.

Alternative options considered:

None.

The reason for the decision:

Cabinet was satisfied that the Hambleton Economic Strategy and Investment Plan 2014 – 2024 supported the delivery of the Council's objective to support local economic growth.

THE DECISION:

That Cabinet approves and recommends to Council the Economic Strategy and Investment Plan 2014 – 2024 for adoption.

The meeting closed at 10.05 am

Leader of the Council

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**Decisions to be considered by
Full Council on 16 December 2014**

Minutes of the meeting of the AUDIT,
GOVERNANCE AND STANDARDS
COMMITTEE held at 9.30 am on Wednesday,
24th September, 2014 at MAIN COMMITTEE
ROOM, CIVIC CENTRE, STONE CROSS,
NORTHALLERTON

Present

Councillor R W Hudson (in the Chair)

Councillor	R A Baker	Councillor	Mrs C Patmore
	G W Dadd		Mrs J Watson

Also in Attendance

Councillor	N A Knapton	Councillor	M S Robson
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Apologies for absence were received from Councillors J N Smith and M Rigby

AGS.12 **RECORDING OF MEETINGS**

All Wards

The subject of the decision:

The Openness of Local Government Bodies Regulations 2014 introduced an obligation to allow recording of the proceedings of Council meetings and the dissemination of the information to the public. The Council's Access to Information Procedure Rules governed recording of Council meetings. This report suggested amendments to the Procedure Rules to introduce some further reasonable safeguards to protect the public attending meetings which may be recorded and to ensure there were no distractions or interruptions during meetings.

Alternative options considered:

The Committee considered the addition of a further amendment (h) to Rule 3.2 of the Access to Information Procedure Rules regarding prohibiting the recording of Members' personal papers at the meeting.

The reason for the decision:

To take account of the requirements of the Local Government Bodies Regulations 2014.

THE DECISION:

That Council be recommended to:-

- (1) approve the amendments to Rule 3.2 of the Access to Information Procedure Rules set out in paragraphs 3.2 to 3.4 of the report, subject to the inclusion of (h) prohibit the recording of Members' personal papers at the meeting; and
- (2) consider the introduction of audio and visual recording by the Council at public meetings at an appropriate point in the future.

AGS.13 **AMENDMENTS TO COUNCIL PROCEDURE RULES**

All Wards

The subject of the decision:

The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 introduced a requirement to amend the Council's Procedure Rules in connection with the recording of votes on budgetary matters. This report suggested amendments to the Constitution to comply with the Regulations.

Alternative options considered:

None.

The reason for the decision:

To take account of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014.

THE DECISION:

That Council be recommended to amend the Council Procedure Rules as set out in paragraph 2.3 of the report.

The meeting closed at 11.00 am

Chairman of the Committee

**Decisions to be considered by
Full Council on 16 December 2014**

Minutes of the meeting of the AUDIT,
GOVERNANCE AND STANDARDS COMMITTEE
held at 9.30 am on Wednesday, 29th October,
2014 at MAIN COMMITTEE ROOM, CIVIC
CENTRE, STONE CROSS, NORTHALLERTON

Present

Councillor R W Hudson (in the Chair)

Councillor	J N Smith	Councillor	Mrs C Patmore
	R A Baker		

Also in Attendance

Councillor M S Robson

Apologies for absence were received from Councillors G W Dadd, M Rigby and Mrs J Watson

AGS.17 **ANNUAL REVIEW OF COMMITTEE TERMS OF REFERENCE**

All Wards

The subject of the decision:

The Director of Support Services and Deputy Chief Executive presented the results of a review of the Committee's terms of reference.

Alternative options considered:

None.

The reason for the decision:

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

THE DECISION:

That Council be recommended to:

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

AGS.18 **PROPOSED LIST OF CHAIRMAN'S DUTIES/FUNCTIONS**

All Wards

The subject of the decision:

The Director of Support Services and Deputy Chief Executive presented a report which set out minor amendments to the list of Chairman's Duties/Functions as adopted by Council in December 2013.

Alternative options considered:

None.

The reason for the decision:

To enable the Chairman of Council to attend functions and carry out the duties as prescribed within the Constitution.

THE DECISION:

That Council be recommended to:-

- (1) approve the list of Chairman's Duties and Functions as set out in Annex A of the report; and
- (2) include the list of Chairman's Duties and Functions in Part 2 Schedule 2 of the Council's Constitution.

The meeting closed at 10.00 am

Chairman of the Committee

Statement by the Deputy Leader and Cabinet Portfolio Holder for Economic Development and Finance

16 December 2014

Financial Position

The Council has a long history of excellent financial management and stewardship which has allowed us to enhance services through a period of unprecedented austerity, whilst most other councils are making cuts.

As we approach finalising the 2015/16 revenue budget we cannot afford to be complacent, recent announcements in the press suggest that Local Government over the next 4 years will be subject to a further reduction in central government grant funding of 37%. This coupled with a national salary settlement for staff of 2.2% in 2015/16, a significant reduction in Council Tax administration grant; our continued commitment to freeze Council Tax as well as fees and charges poses some real challenges for the medium to long term financial strategy of the Council.

In addition to these operational challenges we are committed to a £5m Economic Development Strategy and a significant Capital programme, both of which will reduce the Council's overall reserve levels.

It is for these reasons that the council must maintain its robust financial management and continue to keep strong control over its budgets.

Economic Development

- Following a long planning process the new Economic Development Strategy has met with public, business and Council approval, to be adopted for the next 10 years; this is resourced by £5million which has been saved from management efficiencies across the Council.
- The Council's support to the Wensleydale Railway for its Northallerton extension has been recognised by the media. The project was completed on budget and on time in November.
- Financially the Economic Development budget is on target at the end of Q2.
- Lettings in workspaces are generally very good and Evolution has seen two additional lettings since the Council's investment in the new car park. The number of events being held there is also on the increase.
- Dalton Bridge is a project in which the Council is supporting businesses on the Dalton Industrial Estate to improve access, particularly during flooding. The project is going well and feasibility/design works are expected to be complete in the New Year.
- Relationships with businesses are improving having held the first key account lunch with major businesses in Hambleton. This was followed up with a similar event for smaller businesses. Both received positive feedback.
- It is my intention to organise a "brain storming" meeting with Members to discuss our strategy in respect of Vibrant Market Towns in January 2015.

Councillor Peter R Wilkinson

Deputy Leader

Cabinet Portfolio Holder for Economic Development and Finance

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Statement by the Portfolio Holder for Customer and Leisure Services

16 December 2014

The income generated for the Customer and Leisure Services Portfolio as a whole and at the end of Quarter 2 is on target. There are, however, two relatively minor issues with expenditure relating to Performing Rights Fees and CCTV, otherwise financially my Portfolio is performing well.

“Take that step” has been launched and has been an immediate success in helping combat adult obesity, the scheme is supported by 100% of the GP’s in Hambleton.

The Hambleton Sports Awards held in October were a very successful evening celebrating the success of the voluntary sports sector, over 105 people attended and 30 of who received awards.

The next event is in March 2015, this is the annual Community Awards. Nomination forms are out now and need to be returned by 9 January 2015.

The new Hambleton Community Safety Partnership has begun life by exploring two new initiatives: a “Business Watch” scheme and a scheme to provide up-to-date advice to business relating to fraud and scams which are becoming prevalent in society.

A new pilot initiative to combat loneliness and isolation has begun in Hutton Rudby and Hushwaite, supported with £15,000 from North Yorkshire Sport, the initiative targets people in rural areas who live alone and combines sports/games with social activity. If the pilot is successful it will be rolled into other communities.

Councillor Mrs B S Fortune

Cabinet Portfolio Holder for Customer and Leisure Services

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Statement by the Portfolio Holder for Support Services

16 December 2014

Markets

Our Northallerton and Thirsk markets will operate as usual over the Christmas and New Year period as the market days do not fall on any bank holidays. The one change is to the Northallerton Farmers Market which will be held one week earlier on Wednesday 17th December (the third Wednesday rather than the fourth Wednesday of the month).

Parking

I have attended meetings of PATROL (Parking and Traffic Regulations Outside London), the body responsible for administering the civil parking appeals. A new online appeals system is being introduced to help appellants with the appeals process and should be of benefit to our residents who find themselves in such a position. The Civil Parking Enforcement Officers have made 5,792 visits to Hambleton car parks and villages this financial year and have so far issued 2,736 PCNs (Penalty Charge Notices) an increase of 85% on last year.

ICT

ICT restructure has now been completed with a new focus on training Members and staff. We are developing ICT as a full support service that provides a solid technological foundation for the Council helping improve our services and adapt to our customers changing needs.

New ICT Service Standards have been set up. Faster public Wi-Fi connection is enabled at the Civic Centre which Members may have already noticed. All Leisure Centres will have public Wi-Fi by the end of November. A series of large system upgrades and new implementations have taken place, including Leisure, Revenues and Benefits, Planning and Environment Health. We are at the final stage of separating from Richmondshire District Council, with the Finance system going live in the middle of December. A new website Content Management System has been purchased and the website will be refreshed in the coming months thus improving the visitor experience.

Legal Services

The legal team is currently undertaking a number of criminal prosecutions for benefit fraud, breaches of food safety regulations and non-compliance with planning enforcement notices. In particular Legal Services are currently involved with four planning inquiries and is appearing on behalf of the Council in a repossession claim for Housing. The team is currently dealing with a number of conveyancing transactions for the Council and is acting on behalf of Town and Parish Councils in the transfer of open space land created in new housing developments.

Councillor Nigel Knapton
Portfolio Holder for Support Services

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Statement by the Portfolio Holder For Environmental And Planning Services

16 December 2014

Waste Management Review

The comprehensive review of waste management is now underway and this will produce a new Waste Management Strategy with the aims of maintaining and improving customer satisfaction and increasing recycling tonnages. Core to ensuring the successful delivery of the Strategy will be the future collection methodology. The Strategy will also inform two key procurements to be completed during 2015; recycling collection vehicles and the new contract for the treatment of dry recyclables and both will need to be in place and up and running from the beginning of January 2016.

The Strategy is being developed through a process of engagement with Members and so far two workshops have been held. The first workshop took place on Tuesday, 16 September 2014 which considered the current collection systems and performance and started to explore alternative options that the Council might want to consider. On 4 November 2014 a second workshop took place which set out the initial results of the collection modelling. The outcome of the workshop was that two alternatives should be looked at in more detail; twin stream with separate glass collection and a fully co-mingled system. The modelling for these two alternatives will now be reviewed to assist with the decision on the future dry recyclates collection methodology for Hambleton. Both options will involve the collection of a broader range of recyclate (e.g. brown cardboard, mixed plastics and possibly tetrapaks).

A draft Strategy will go to Cabinet in January 2015 and the aim is to obtain final approval by April 2015.

New Local Planning Policy

There are several policy guidance notes related to the LDF Review which are currently out for consultation or will shortly be submitted to Cabinet for approval for consultation.

The Interim Policy Guidance Note on the Settlement Hierarchy is out for public consultation until 23 January. The Guidance Note has arisen from Members' and community aspirations for more flexibility with respect to development, particularly housing development, within smaller settlements. A key element of the guidance is permitting small scale development in villages currently without Development Limits where it would support communities economically, socially and environmentally and meet criteria to protect amenity.

The Affordable Housing Supplementary Planning SPD was out for consultation until 10 November. Consultees included Registered Provider partners, developers, the Homes and Communities Agency and Parish Councils. All responses will be reported back to Cabinet for consideration in January 2015.

A draft SPD on the Housing Size, Type and Tenure will be reported to Cabinet in February 2015. This will include new guidance on housing for older people such as seeking a proportion of bungalows in new housing developments.

Rural Housing Enabler Programme

The Council has agreed to continued participation in the North Yorkshire Rural Housing Enabler Programme up to March 2018. It has also agreed to continue to act as lead employer for the team of Rural Housing Enablers.

Providing affordable housing for Hambleton's communities is a key priority of the Council and the project has a good track record of delivering rural affordable homes. Since 2008 the Council's participation in the programme has helped deliver almost 200 much needed rural affordable homes and there are a good number of schemes and potential schemes in the pipeline.

In 2015 affordable homes will be delivered in Linton-on-Ouse, Hackforth and Hutton Rudby and there are currently schemes in development for Alne, Appleton Wiske, Brafferton and Helperby, Crakehall, Shipton, Tollerton and Hutton Rudby.

Councillor Brian Phillips
Portfolio Holder for Environmental and Planning Services

HAMBLETON DISTRICT COUNCIL

Report To: Council
16 December 2014

From: Director of Support Services

Subject: **MEMBERS' ALLOWANCES SCHEME**

All Wards
Scrutiny Committees

1.0 PURPOSE AND BACKGROUND:

- 1.1 The report attached as an Annex sets out the Independent Remuneration Panel's recommendations for a range of basic and special responsibility allowances (SRA's) for Members of the Council.
- 1.2 Acts and Regulations provide the statutory backdrop for the provision of allowances for Members.
- 1.3 The Regulations require each Council to decide its scheme and the amounts to be paid under the scheme. Councils are required to establish and maintain an Independent Remuneration Panel to provide advice on its scheme. Local Authorities must have regard to this advice, but are not bound by it.
- 1.4 The Remuneration Panel comprises:-
 - Michael Holdford
 - Pat Martin
 - Ian Woods

The Panel met on two occasions (3 October and 28 October 2014) to consider the Scheme. Their report is attached as an Annex to this report.

- 1.5 This report asks Council to consider the report and approve an Allowance Scheme for the 2015/16 Financial Year.

2.0 THE REPORT:

- 2.1 In its deliberations the Panel wished to maintain two principles:

- a) a reasonable Basic Allowance;
- b) a weighting scheme for Special Responsibility Allowances (SRAs)

which took account of the additional commitments created by moving from 44 Members to 28 Members in May 2015.

The proposed changes are as follows:

- Increase of the Basic Allowance paid to all Members
- Increase in multipliers for SRAs for Leader, Deputy Leader and Cabinet Members

3.0 CONCLUSIONS

- 3.1 The Independent Remuneration Panel has undertaken a comprehensive review of the current scheme and is satisfied that it has followed a rigorous process.
- 3.2 The Panel has worked within the fixed budget and has given consideration to comments made by Members.

4.0 FINANCIAL IMPLICATIONS

- 4.1 The cost of this proposal will be funded within existing budgetary provision. Because of the reduction in members there should be a reduction in expenditure on Allowances of approximately £13,500 per annum.

5.0 LEGAL IMPLICATIONS

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

6.0 EQUALITIES / DIVERSITY ISSUES

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

7.0 RISK IMPLICATIONS

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

8.0 RECOMMENDATIONS

- 8.1 It is recommended that Council approve the Member Allowance Scheme set out in Appendix 2 of the Report of the Independent Remuneration Panel and that it takes effect on 1 April 2015.

JUSTIN IVES

Background papers: Report to Independent Remuneration Panel

Author ref: JMR

Contact: Martyn Richards
Corporate Director
Direct Line 01609 767010

HAMBLETON DISTRICT COUNCIL**Report of Independent Remuneration Panel****Allowances for Members of Hambleton District Council****Purpose of the Report**

1. The purpose of the report is to recommend a range of allowances for Members of Hambleton District Council as part of a Members' Allowances Scheme.

Background

2. We have been asked to make recommendations to the District Council about a range of allowances for Elected Members of the District Council. The basis of our appointment and work is contained in guidance issued by the Office of the Deputy Prime Minister and the Inland Revenue in 2003. The existing Scheme is attached as Appendix 1 to this report.

Our Work

3. We began by noting that the number of Councillors would reduce from 44 to 28 in May 2015. Revised Committee arrangements have been introduced from May 2014, but are likely to continue in 2015/16. We considered the former and the new Committee arrangements and changes to representation on outside bodies.
4. We had information on the role of Councillors and we had information on current workloads for Councillors. It was clear to us that the reduction in Councillor numbers would significantly increase the workload of all Councillors. In addition, it was clear that the way the Leader, Deputy Leader and Cabinet operate has changed since the last review in 2011, with a higher profile being taken in the community and particularly with the business community.
5. We had information about the median full-time wage in Hambleton in 2013 which was £22,442 or £11.86 per hour for a 37-hour week. The current Basic Allowance for Hambleton Members is £4,297 and has not increased since April 2009.
6. We did consider allowances in other North Yorkshire authorities, but felt that the particular circumstances of Hambleton and the responsibilities of its Members was key.
7. We interviewed the Leader, a Cabinet Member, a Chairman and other Group Members. We were assisted throughout by the Chief Executive and the Corporate Director.

Basic Allowances

8. The Panel used as a starting point the existing allowance of £4,297 paid to Members of the District Council, but noted a potential increase of hours after May 2015. If the median full-time wage rate was applied to the hours expected after May 2015 a figure of £7,116 might be appropriate.
9. The guidance from ODPM/Inland Revenue emphasises the 'importance that some elements of the work of Members continues to be voluntary – that some hours are not remunerated'. On the other hand, the guidance acknowledges that steps need to be made to ensure that financial loss is not suffered by Elected Members and that people are encouraged to stand as prospective Councillors.
10. After careful consideration, we recommend increasing the Basic Allowance to £5,500. We feel this reasonably reflects the increased 'basic' responsibilities of Members and a voluntary contribution of their time on the part of those Members.

Special Responsibility Allowances (SRAs)

11. A range of Special Responsibility Allowances are currently paid across the District Council and we have reviewed these.
12. We consider that the current Special Responsibility Allowances are still valid.
13. The Panel feels that it would be appropriate to continue to link all SRA's to the Basic Allowance and to express these allowances as a multiplier of the Basic Allowance. We continue to believe that Members should be only eligible to claim one SRA in addition to the Basic Allowance.

Leader and Deputy Leader of the Council

14. The Council is a multi-million pound business and a significant employer impacting on the lives of residents of the District. The Leader and Deputy Leader of the Council are the key Elected Members in moving the Authority forward.
15. We accept that these roles have changed and will change further when the Council reduces to 28 Members with more emphasis falling on these positions. We therefore recommend that the Leader's SRA multiplier increase from 3.75 to 4 and the Deputy Leader's from 1.75 to 2.

Cabinet

16. The Cabinet comprises 5 Members (a reduction from 6 since the last review) including the Leader and Deputy Leader. We recognise that Cabinet roles are still developing and cover a broad range of areas. We expect them to take more responsibility when there are fewer Councillors. We recommend that the Cabinet Member multiplier be increased from 1.25 to 1.5.

Scrutiny Committee

17. We recognised a broad range of work undertaken by the Scrutiny Committee and we noted their responsibilities. However, we did not think that the Chairman's SRA needed to change.

Other Committees

18. The Council has a number of other Committees, namely Planning, Licensing and Audit, Governance and Standards. We saw no evidence of an increased responsibility and therefore feel that the SRAs for these should not change.

Minority Party

19. We remain of the view that allowance should only apply if a minority group has 5 or more Members. The SRA should remain at the same level because there is no evidence that the responsibility has/or will increase.

Dependant Carers' Allowances

20. We consider that this should continue to be paid at the current rate set for the national minimum wage (£6.50), subject to a maximum of 10 hours per week (receipts to be provided).

Independent Persons

21. These are members of the public appointed to assist with the Standards regime. The current allowance was considered appropriate.

Other Allowances and Issues

22. We considered allowances for subsistence, travel and accommodation and recommend that the existing provisions should be rolled forward.

Annual Increases

23. The Council has previously resolved to freeze allowances. This is a matter for the Council, but we feel that it is reasonable to increase the Basic, Special Responsibility, Subsistence, Accommodation and Travel Allowances in accordance with any locally agreed pay increases for staff.

Implementation

24. The Scheme needs to take effect from 1 April 2015. However, the changes within the Council do not take effect until after the election in May 2015. New Councillors will take office from 11 May 2015. We therefore recommend that the existing rates for allowances continue until 10 May 2015 and any revised rates take effect from 11 May 2015.

Conclusion

25. Our revised Scheme is set out in Appendix 2 to this report and incorporates our recommendations. We thank the Council for the opportunity to be involved in this process and to those who assisted us.
26. We believe our proposals strike the correct balance of encouraging members of the community to be Councillors whilst maintaining the voluntary element of public service. The changes reflect the increased workloads of all Councillors under the new arrangements whilst acknowledging that some key office holders will also have added responsibilities.

November 2014

MEMBERS' ALLOWANCES SCHEME 2014/15

1.0 INTRODUCTION:

- 1.1 This Scheme has been adopted for the purposes of the Local Authorities (Members' Allowances)(England) Regulations 2003 ("the Regulations").
- 1.2 The Scheme shall continue in force until amended or revoked by the Council.
- 1.3 The Scheme will apply to all Members of the Council.
- 1.4 All Allowances shall be payable for the period from 1 April 2014 until 31 March 2015 unless specified otherwise.
- 1.5 A Member may by notice in writing to the Chief Executive elect to forego his/her entitlement or any part of his/her entitlement to Allowances.

2.0 BASIC ALLOWANCES:

- 2.1 A Basic Allowance as set out in the Annex to this Scheme shall be payable to each elected Member of the Council. The Allowance shall be the same for each elected Member.
- 2.2 Where the term of office of a Member begins or ends otherwise than at the beginning or end of a year his/her entitlement shall be to payment of such part of the Basic Allowance as bears to the whole the same proportion as the number of days during which his term of office as Member subsists bears to the number of days in that year.

3.0 SPECIAL RESPONSIBILITY ALLOWANCE:

- 3.1 The Special Responsibility Allowances set out in the Annex to this Scheme shall be payable to the following elected Members in addition to the Basic Allowance:-

Leader
 Deputy Leader
 Chairman of Council
 Minority Party Leader (only applicable to a group of 5 or more Members)
 Chairman of the Audit, Governance and Standards Committee
 Chairman of Planning Committee
 Chairman of Scrutiny Committee
 Chairman of Licensing Committee
 Cabinet Member

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

4.0 DEPENDANT' CARER'S ALLOWANCE:

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

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

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

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

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

5.0 TRAVELLING, SUBSISTENCE AND ACCOMMODATION ALLOWANCE:

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

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

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

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

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

6.0 INDEPENDENT PERSONS:

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

7.0 ADJUSTMENT OF ALLOWANCES:

- 7.1 All Travelling, Subsistence and Accommodation Allowances shall be adjusted from time to time to ensure that they are the same as the equivalent allowance for officers of the Council.

8.0 PENSIONS:

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

9.0 CLAIMS AND PAYMENTS:

- 9.1 Claims for payment of Allowances shall be made in writing within one month of the date on which entitlement to the Allowances arises.
- 9.2 Payment for Basic, Special Responsibility and Co-optees' Allowances shall be made in equal monthly instalments on the 25th day of the relevant month.
- 9.3 Dependant Carer's Allowance and Travelling, Subsistence and Accommodation Allowance will be paid within one month of receipt of a valid claim.
- 9.4 Where payment of any Allowance has already been made in respect of any period during which the Member concerned is:-
- (a) suspended or partially suspended from his responsibilities or duties as a Member of the Council in accordance with Part III of the Local Government Act 2000 or regulations made under that Part;
 - (b) ceases to be a Member of the Council; or
 - (c) is in any other way not entitled to receive the Allowance in respect of that period such part of the Allowance as relates to any such period shall be repaid to the Council.
- 9.5 Where a Member is also a member of another Authority that Member shall not receive Allowances under this Scheme if he/she is receiving an Allowance from the other Authority in respect of the same duties.

ANNEX

Members are entitled to receive allowances and expenses when undertaking their duties as Councillors.

The Scheme comprises:-

- a basic allowance per Member;
- additional allowances based on the special responsibilities that some Members have;
- travel and subsistence allowances.

The Scheme is as follows:-

	Quantum	Payment £
Basic	N/A	4,297
Leader	3.75	16,114
Deputy Leader - without Delegation Responsibility - with Delegation Responsibility	1.75 2.25	7,519 9,670
Chairman of Council	0.75	3,222
Minority Group Leader (only applicable to a group of 5 or more Members)	0.25	1,075
Chairman of Planning Committee	1	4,297
Chairman of Audit, Governance and Standards Committee	0.25	1,075
Chairmen of Scrutiny Committee	0.75	3,222
Chairman of Licensing Committee	0.25	1,075
Cabinet Member - without Delegation Responsibility - with Delegation Responsibility	1.25 1.75	5,372 7,519
Dependant Carer's Allowance	-	National minimum wage (currently £6.08) A maximum of 10 hours per week
Independent Persons	-	233

All Members will receive the Basic Allowance. Those with special responsibilities will receive the Allowances indicated in addition to the Basic Allowance. The Special Responsibility Allowance will be the Basic Allowance multiplied by the Quantum indicated for that Special Responsibility Allowance.

Delegation Responsibility means functions delegated to the Cabinet Member under the Council's Constitution.

No Member can receive more than one Special Responsibility Allowance.

SUBSISTENCE RATES

	£
Breakfast	7.07
Lunch	9.75
Tea (absence after 6.30pm)	3.83
Dinner (absence after 8.30pm)	12.08

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

ACCOMMODATION RATES

	£
Other	Up to £78
Major Cities	Up to £101
London	Up to £134
Conferences (National Conferences attended by Members and Chief Officers)	Actual Costs

Note: Where not included in the accommodation charge, the cost of all meals will be reimbursed up to £20 per meal upon production of receipts. In the absence of receipts, Subsistence Rates will apply.

TRAVEL RATES**Travel by Member's own private motor vehicle**

Car mileage rate per mile:

Not exceeding 999cc	45p
1000cc – 1199cc	45p
1200cc and above	45p

Motorcycle rate per mile	24.0p
Bicycle rate per mile	20.0p

Carriage of Passengers to whom a Travelling Allowance would otherwise be Payable

In respect of each passenger not exceeding four, an additional 3.0p a mile for the first passenger and 2.0p a mile for the second and subsequent passengers.

MEMBERS' ALLOWANCES SCHEME 2015/16

1.0 INTRODUCTION:

- 1.1 This Scheme has been adopted for the purposes of the Local Authorities (Members' Allowances)(England) Regulations 2003 ("the Regulations").
- 1.2 The Scheme shall continue in force until amended or revoked by the Council.
- 1.3 The Scheme will apply to all Members of the Council.
- 1.4 All Allowances shall be payable for the period from 1 April 2015 until 31 March 2016 unless specified otherwise. Those Allowances specified in Part 1 of the Annex will be payable from 1 April 2015 to 10 May 2015 and those Allowances specified in Part 2 of the Annex will be payable from 11 May 2015 until 31 March 2016.
- 1.5 A Member may by notice in writing to the Chief Executive elect to forego his/her entitlement or any part of his/her entitlement to Allowances.

2.0 BASIC ALLOWANCES:

- 2.1 A Basic Allowance as set out in the Annex to this Scheme shall be payable to each elected Member of the Council. The Allowance shall be the same for each elected Member.
- 2.2 Where the term of office of a Member begins or ends otherwise than at the beginning or end of a year his/her entitlement shall be to payment of such part of the Basic Allowance as bears to the whole the same proportion as the number of days during which his term of office as Member subsists bears to the number of days in that year.

3.0 SPECIAL RESPONSIBILITY ALLOWANCE:

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

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

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

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

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

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

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

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

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

6.0 INDEPENDENT PERSONS:

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

7.0 ADJUSTMENT OF ALLOWANCES:

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

8.0 PENSIONS:

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

9.0 CLAIMS AND PAYMENTS:

- 9.1 Claims for payment of Allowances shall be made in writing within one month of the date on which entitlement to the Allowances arises.
- 9.2 Payment for Basic, Special Responsibility and Independent Persons' Allowances shall be made in equal monthly instalments on the 25th day of the relevant month.
- 9.3 Dependant Carer's Allowance and Travelling, Subsistence and Accommodation Allowance will be paid within one month of receipt of a valid claim.
- 9.4 Where payment of any Allowance has already been made in respect of any period during which the Member concerned is:-
 - (a) suspended or partially suspended from his responsibilities or duties as a Member of the Council in accordance with Part III of the Local Government Act 2000 or regulations made under that Part;
 - (b) ceases to be a Member of the Council; or
 - (c) is in any other way not entitled to receive the Allowance in respect of that period such part of the Allowance as relates to any such period shall be repaid to the Council.
- 9.5 Where a Member is also a member of another Authority that Member shall not receive Allowances under this Scheme if he/she is receiving an Allowance from the other Authority in respect of the same duties.

PART 1 (PAYABLE 1 APRIL 2015 TO 10 MAY 2015)**ATTENDANCE ALLOWANCES 2015/16**

Members are entitled to receive allowances and expenses when undertaking their duties as Councillors.

The Scheme comprises:-

- a basic allowance per Member;
- additional allowances based on the special responsibilities that some Members have;
- travel and subsistence allowances.

The Scheme is as follows:-

	Quantum	Payment £
Basic	N/A	4,297
Leader	3.75	16,114
Deputy Leader - without Delegation Responsibility	1.75	7,519
- with Delegation Responsibility	2.25	9,670
Chairman of Council	0.75	3,222
Minority Group Leader (only applicable to a group of 5 or more Members)	0.25	1,075
Chairman of Planning Committee	1	4,297
Chairman of Audit, Governance and Standards Committee	0.25	1,075
Chairmen of Scrutiny Committee	0.75	3,222
Chairman of Licensing Committee	0.25	1,075
Cabinet Member - without Delegation Responsibility	1.25	5,372
- with Delegation Responsibility	1.75	7,519
Dependant Carer's Allowance	-	National minimum wage (currently £6.08) A maximum of 10 hours per week
Independent Persons	-	233

All Members will receive the Basic Allowance. Those with special responsibilities will receive the Allowances indicated in addition to the Basic Allowance. The Special Responsibility Allowance will be the Basic Allowance multiplied by the Quantum indicated for that Special Responsibility Allowance.

Delegation Responsibility means functions delegated to the Cabinet Member under the Council's Constitution.

No Member can receive more than one Special Responsibility Allowance.

SUBSISTENCE RATES

	£
Breakfast	7.07
Lunch	9.75
Tea (absence after 6.30pm)	3.83
Dinner (absence after 8.30pm)	12.08

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

ACCOMMODATION RATES

	£
Other	Up to £78
Major Cities	Up to £101
London	Up to £134
Conferences (National Conferences attended by Members and Chief Officers)	Actual Costs

Note: Where not included in the accommodation charge, the cost of all meals will be reimbursed up to £20 per meal upon production of receipts. In the absence of receipts, Subsistence Rates will apply.

TRAVEL RATES**Travel by Member's own private motor vehicle**

Car mileage rate per mile:

Not exceeding 999cc	45p
1000cc – 1199cc	45p
1200cc and above	45p

Motorcycle rate per mile	24.0p
Bicycle rate per mile	20.0p

Carriage of Passengers to whom a Travelling Allowance would otherwise be Payable

In respect of each passenger not exceeding four, an additional 3.0p a mile for the first passenger and 2.0p a mile for the second and subsequent passengers.

PART 2 (PAYABLE 11 MAY 2015 TO 31 MARCH 2016)**ATTENDANCE ALLOWANCES 2015/16**

Members are entitled to receive allowances and expenses when undertaking their duties as Councillors.

The Scheme comprises:-

- a basic allowance per Member;
- additional allowances based on the special responsibilities that some Members have;
- travel and subsistence allowances.

The Scheme is as follows:-

	Quantum	Payment £
Basic	N/A	5,500
Leader	4.00	22,000
Deputy Leader	2.00	11,000
Chairman of Council	0.75	4,125
Minority Group Leader (only applicable to a group of 5 or more Members)	0.25	1,375
Chairman of Planning Committee	1	5,500
Chairman of Audit, Governance and Standards Committee	0.25	1,375
Chairman of Scrutiny Committee	0.75	4,125
Chairman of Licensing Committee	0.25	1,375
Cabinet Member	1.50	8,250
Dependant Carer's Allowance	-	National minimum wage (currently £6.50) with a maximum of 10 hours per week
Independent Persons	-	233

All Members will receive the Basic Allowance. Those with special responsibilities will receive the Allowances indicated in addition to the Basic Allowance. The Special Responsibility Allowance will be the Basic Allowance multiplied by the Quantum indicated for that Special Responsibility Allowance.

Delegation Responsibility means functions delegated to the Cabinet Member under the Council's Constitution.

No Member can receive more than one Special Responsibility Allowance.

SUBSISTENCE RATES

	£
Breakfast	7.07
Lunch	9.75
Tea (absence after 6.30pm)	3.83
Dinner (absence after 8.30pm)	12.08

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

ACCOMMODATION RATES

	£
Other	Up to £78
Major Cities	Up to £101
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Conferences (National Conferences attended by Members and Chief Officers)	Actual Costs

Note: Where not included in the accommodation charge, the cost of all meals will be reimbursed up to £20 per meal upon production of receipts. In the absence of receipts, Subsistence Rates will apply.

TRAVEL RATES**Travel by Member's own private motor vehicle**

Car mileage rate per mile:

Not exceeding 999cc	45p
1000cc – 1199cc	45p
1200cc and above	45p

Motorcycle rate per mile	24.0p
Bicycle rate per mile	20.0p

Carriage of Passengers to whom a Travelling Allowance would otherwise be Payable

In respect of each passenger not exceeding four, an additional 3.0p a mile for the first passenger and 2.0p a mile for the second and subsequent passengers.

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HAMBLETON DISTRICT COUNCIL

Report To: Council
16 December 2014

From: Chief Executive

Subject: **APPOINTMENT TO THE NORTH YORKSHIRE POLICE AND CRIME PANEL**

1.0 PURPOSE AND BACKGROUND:

- 1.1 The purpose of this report is to consider replacing the Leader with the Deputy Leader on the North Yorkshire Police and Crime Panel.

2.0 THE NORTH YORKSHIRE POLICE AND CRIME PANEL:

- 2.1 The Council has previously approved in principle its involvement in the North Yorkshire Police and Crime Panel which performs a scrutiny role in connection with the new Police Commissioner.
- 2.2 The Panel is technically a Joint Committee of the County Council, City of York Council and each District Council in the County. Each authority nominates one member (two from the City of York) but the total membership of the Panel must be politically proportionate across North Yorkshire. The appointee(s) serve on the Panel until the next election of the full Council unless the governing rules of the Panel determine a different period. The Leader was appointed by Council to the Panel in May 2014.
- 2.2 The report seeks approval to replace the Leader with the Deputy Leader on the Panel. The appointment will not affect political proportionality.

3.0 LEGAL IMPLICATIONS:

- 3.1 There are no Legal Implications associated with this report.

4.0 FINANCIAL IMPLICATIONS:

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

5.0 EQUALITIES IMPLICATIONS:

- 5.1 There are no equalities implications associated with this report.

6.0 RECOMMENDATIONS:

- 6.1 It is recommended that the Deputy Leader be appointed in place of the Leader as the District Council's Member of the North Yorkshire Police and Crime Panel.

PHIL MORTON

Background papers: None.
Author ref: GN
Contact: Gary Nelson
Head of Legal and Information
Direct Line No: 01069 767012

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MINUTES FOR INFORMATION

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Decisions of the meeting of the CABINET held
at 9.30 am on Tuesday, 7th October, 2014 at
COUNCIL CHAMBER, CIVIC CENTRE,
STONE CROSS, NORTHALLERTON

Present

Councillor M S Robson (in the Chair)

Councillor	Mrs B S Fortune N A Knapton	Councillor	B Phillips
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Also in Attendance

Councillor	P Bardon D M Blades Mrs C S Cookman B Griffiths Mrs J A Griffiths A W Hall K G Hardisty	Councillor	J Noone Mrs C Patmore M J Prest Mrs I Sanderson Mrs S A Shepherd Mrs J Watson
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Apologies for absence were received from Councillor P R Wilkinson

CA.31 **MINUTES**

THE DECISION:

That the decisions of the meeting held on 2 September 2014 (CA.22 – CA.30), previously circulated, be signed as a correct record.

CA.32 **ANNUAL REPORT TO CABINET ON AUDIT, GOVERNANCE AND STANDARDS COMMITTEE ACTIVITIES FOR 2013/14**

All Wards

The subject of the decision:

This report analysed the work undertaken by the Audit, Governance and Standards Committee up to 31 March 2014. An analysis of the work undertaken was attached to the report. The Portfolio Holder for Support Services made reference to the External Audit that had been carried out and that the District Council had received one of the best audits in the County. Cabinet wished to thank the Director of Support Services and Deputy Chief Executive and all his team for all their efforts.

Alternative options considered:

None.

The reason for the decision:

To comply with the Audit, Governance and Standards Committee's Terms of Reference to report annually to Cabinet.

THE DECISION:

That the report of the Audit, Governance and Standards Committee be endorsed.

CA.33 **COUNCIL INSURANCE POLICY**

All Wards

The subject of the decision:

The Council's insurance policy expired on 1 November 2014. This report provided an update on the future insurance cover for the Council; provided advice on the increased insurance costs and recognised that the increased costs would be met from the existing budget.

Alternative options considered:

None.

The reason for the decision:

To enable insurance cover to be provided and to ensure the most cost effective cover for the Council.

THE DECISION:

That the insurance costs as set out in Annex A of the report of £216,180 be accepted.

CA.34 **AFFORDABLE HOUSING SUPPLEMENTARY PLANNING DOCUMENT REVIEW**

All Wards outside the North York Moors National Park

The subject of the decision:

This report requested the approval of the Draft Affordable Housing Supplementary Planning Document (SPD) of the Local Development Framework (LDF) for public consultation purposes. A copy of the draft version of this document was attached as an appendix to the report.

Alternative options considered:

None.

The reason for the decision:

To enable consultation to take place on the draft Affordable Housing Supplementary Planning Document (SPD).

THE DECISION:

That the draft Supplementary Planning Document be approved for public consultation.

CA.35 **INGLEBY ARNCLIFFE NEIGHBOURHOOD AREA**

Swainby

The subject of the decision:

The Localism Act 2011 provided a new statutory regime for Neighbourhood Planning. Regulations came into force on 6 April 2012 making legal provisions in relation to that regime and a first step in the process was the designation of a Neighbourhood Area. This report sought consideration of the designation of a Neighbourhood Area for Ingleby Arncliffe.

Alternative options considered:

None.

The reason for the decision:

To comply with the requirements of the Localism Act 2011 for Neighbourhood Planning.

THE DECISION:

That:

- (1) the designation of a Neighbourhood Area for Ingleby Arncliffe parish be agreed and the necessary information publicised (in agreement with the North York Moors National Park Authority);
- (2) Government grant funding be passed on to Ingleby Arncliffe Parish Council to cover their submitted costs of plan preparation up to £3,000; and
- (3) Government grants received by the Council be shared net of expenses incurred on an agreed basis with the North York Moors National Park Authority based on the actual work involved.

CA.36 **PUBLIC OPEN SPACE, SPORT AND RECREATION PLANS**

Leeming

The subject of the decision:

This report sought endorsement of the Public Open Space, Sport and Recreation Action Plan for Carthorpe.

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

CA.37 **EXCLUSION OF THE PUBLIC AND PRESS**

THE DECISION:

That under Section 100A(4) of the Local Government Act 1972, the press and public were excluded from the meeting during consideration of the items of business at minute no CA.38 on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act as the Cabinet was satisfied that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

CA.38 **NORTHALLERTON PRISON - PURCHASE**

Northallerton Broomfield; Northallerton Central; Northallerton North

The subject of the decision:

This report provided an update on the current position regarding negotiations for the purchase of the Northallerton Prison site.

Alternative options considered:

None.

The reason for the decision:

To take account of discussions with the Ministry of Justice and to continue with the negotiations regarding the proposed purchase of the site.

THE DECISION:

That the continued negotiations for the purchase of the prison site based on the gross value set out in paragraph 2.7 of the report be supported.

The meeting closed at 10.00 am

Leader of the Council

Decisions of the meeting of the CABINET held
at 9.30 am on Tuesday, 4th November, 2014 at
COUNCIL CHAMBER, CIVIC CENTRE,
STONE CROSS, NORTHALLERTON

Present

Councillor M S Robson (in the Chair)

Councillor	P R Wilkinson	Councillor	N A Knapton
	Mrs B S Fortune		B Phillips

Also in Attendance

Councillor	P Bardon	Councillor	Mrs J A Griffiths
	D M Blades		Mrs C Patmore
	Mrs C S Cookman		M J Prest
	B Griffiths		

CA.39 **MINUTES**

THE DECISION:

That the decisions of the meeting held on 7 October 2014 (CA.31 – CA.38), previously circulated, be signed as a correct record.

CA.40 **DRAFT HAMBLETON ECONOMIC STRATEGY 2014-2024**

All Wards

The subject of the decision:

This report presented the Draft Hambleton Economic Strategy and Investment Plan 2014 - 2024, attached as Annex A to the report, and sought approval for external consultation with key stakeholders, business and community representatives. The final version of the Strategy and Investment Plan would be re-presented to Cabinet in December 2014.

Alternative options considered:

None.

The reason for the decision:

To support the delivery of the Council's objective to support local economic growth.

THE DECISION:

That:-

- (1) the draft Economic Strategy and Investment Plan 2014-2024 be approved; and

- (2) the final version of the Economic Strategy and Investment Plan 2014 – 2024, including the results of the consultation, be re-presented to Cabinet in December 2014.

CA.41 **PUBLIC OPEN SPACE, SPORT AND RECREATION PLANS**

Topcliffe

The subject of the decision:

This report sought endorsement of the Public Open Space, Sport and Recreation Action Plan for Topcliffe.

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

CA.42 **EXCLUSION OF THE PRESS AND PUBLIC**

THE DECISION:

That under Section 100A(4) of the Local Government Act 1972, the press and public were excluded from the meeting during consideration of the items of business at minute no CA.43 on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act as the Cabinet was satisfied that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

CA.43 **DALTON INDUSTRIAL ESTATE**

Thirsk

The subject of the decision:

This report sought financial support of up to £165,000 for the Dalton Industrial Estate feasibility and design work for infrastructure improvements.

Alternative options considered:

None.

The reason for the decision:

To support the delivery of the Council's objective to support local economic growth.

THE DECISION:

That:-

- (1) an allocation of £65,000 be approved from the Economic Development Fund to complete the valuation and site investigation studies; and
- (2) a capital grant be awarded to Dalton Businesses for 50% of the detailed design costs up to a maximum of £100k, subject to:-
 - (i) a formal agreement being in place regarding the constitution of the Dalton Businesses;
 - (ii) agreement by the businesses to contribute 50% of the costs of the detailed design costs; and
 - (iii) the results of the valuations and site investigations proving positive.

The meeting closed at 9.50 am

Leader of the Council

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**Decisions taken under Cabinet authority
to take effect on 15 December 2014**

Decisions of the meeting of the CABINET held
at 9.30 am on Tuesday, 2nd December, 2014
at COUNCIL CHAMBER, CIVIC CENTRE,
STONE CROSS, NORTHALLERTON

Present

Councillor M S Robson (in the Chair)

Councillor	P R Wilkinson	Councillor	N A Knapton
	Mrs B S Fortune		B Phillips

Also in Attendance

Councillor	P Bardon	Councillor	J Noone
	D M Blades		M J Prest
	Mrs J A Griffiths		Mrs I Sanderson
	K G Hardisty		Mrs S A Shepherd
	C A Les		Mrs J Watson

CA.47 **MINUTES**

THE DECISION:

That the decisions of the meeting held on 4 November 2014 (CA.39 – CA.43), previously circulated, be signed as a correct record.

CA.48 **"MAKE A DIFFERENCE" GRANTS FUND**

All Wards

The subject of the decision:

An opportunity had arisen to re-invest windfall savings back into the community and this report sought approval of a new one-off Community Grants Scheme.

Alternative options considered:

None.

The reason for the decision:

To support local community projects which would help improve life in neighbourhoods and which would support the work of the voluntary sector.

THE DECISION:

That Cabinet approves:-

- (1) the new grants scheme and applies the criteria and timetable as set out in Annex A of the report; and

- (2) the scheme be funded by an allocation of £125,000 from the One-Off Fund.
- (3) that five panels or groups of Members be established by the Chief Executive in consultation with the Leader of the Council to assess bids and report to Cabinet the recommendations.

CA.49 **BEDALE GATEWAY CAR PARK**

Bedale

The subject of the decision:

In April 2014 Cabinet considered the last in a series of reports on the possibility of providing a car park at North End, Bedale. Amongst other things, Cabinet resolved that the principle of a smaller Gateway car park be approved, that £400,000 be approved for the project and that the Auction Mart car park be disposed of to fund the remainder of the cost (Minute CA.111 refers). Following concern from local Members it was decided to undertake public consultation on the principle of providing a Gateway car park and whether either or both of the existing car parks in Bedale should be sold to part finance the new car park. The consultation took place in October and this report provided feedback on the outcome and a suggested response to the outcome.

Alternative options considered:

None.

The reason for the decision:

To take account of the consultation exercise.

THE DECISION:

That:-

- (1) the Gateway Car Park project be deferred, the Capital Programme be adjusted accordingly and a further report be presented after the Relief Road has opened; and
- (2) an additional sum of £212,000 be included in the Capital Programme.

CA.50 **RURAL HOUSING ENABLING 2015-18**

All Wards

The subject of the decision:

This report sought approval for the Council's continued participation in the North Yorkshire Rural Housing Enabler Programme from 1 April 2015 to 31 March 2018 which was based on a slightly amended business model to the current programme. It also sought approval for the Council to continue to act as lead employer for the sub-regional team of Rural Housing Enablers. Other Local Authorities and Registered Provider partners had confirmed their support moving forward, following the programme review which had taken place in summer 2014.

Alternative options considered:

None.

The reason for the decision:

Cabinet was satisfied that the Council's continued participation in the North Yorkshire Rural Housing Enabler Programme would help support the provision of providing local homes for local people and help sustain the vibrancy of the rural communities and contribute towards the Council's affordable housing targets.

THE DECISION:

That:-

- (1) the Council's continued participation in the North Yorkshire Rural Housing Enabling Programme post 31 March 2015, based on the amended business model be approved; and
- (2) the Council continues to act as lead employer for the sub-regional team of Rural Housing Enablers.

CA.51 **SETTLEMENT HIERARCHY AND HOUSING DEVELOPMENT IN THE RURAL AREAS - DRAFT INTERIM POLICY GUIDANCE NOTE**

All Wards outside the North York Moors National Park

The subject of the decision:

This report sought approval of an Interim Policy Guidance Note which had been prepared for consultation purposes to guide the Council in considering planning applications for new housing development in and around small settlements of the District's Plan area.

Alternative options considered:

None.

The reason for the decision:

To enable consultation to be carried out on the draft Interim Policy Guidance Note.

THE DECISION:

That the draft Interim Policy Guidance Note on the Settlement Hierarchy and Rural Housing Development be approved for public consultation.

CA.52 **SOWERBY SPORTS VILLAGE**

Sowerby

The subject of the decision:

Through a long history of negotiations the Council had signed a Section 106 Agreement in relation to the South West Thirsk housing area which included transport

infrastructure; on-site children's play; on-site public open space; various elements relating to cycling; public art; education and off-site recreational scheme. This report related purely to the final one of these the off-site recreational scheme and set out progress with the delivery of this element which covered the transfer of 9.745 acres of land and £1.5 million.

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 progress on the Sowerby Sports Village be endorsed and the next steps be approved.

CA.53 **EXCLUSION OF THE PUBLIC AND PRESS**

THE DECISION:

That under Section 100A(4) of the Local Government Act 1972, the press and public were excluded from the meeting during consideration of the items of business at minute nos CA.54 on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 1 and 3 of Part 1 of Schedule 12A of the Act as the Cabinet was satisfied that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

CA.54 **LAND AT GALTRES CENTRE, EASINGWOLD**

Easingwold

The subject of the decision:

This report set out the current position regarding the disposal of land at the Galtres Centre, Easingwold.

Alternative options considered:

None.

The reason for the decision:

Cabinet was satisfied that the disposal of the land at the Galtres Centre, Easingwold was in the interests of the social, economic or environmental wellbeing of the area.

THE DECISION:

That:-

- (1) in principle the land hatched on the attached plan excluding the Crabmill Lane Car Park be transferred to the Galtres Centre Management Committee for a peppercorn, subject to the clauses referred to in paragraph 4.3 of the report; and
- (2) Officers negotiate further with the Galtres Centre Management Committee over a proposed commuted sum and report back to Cabinet.

The meeting closed at 10.05 am

Leader of the Council

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Present

Councillor A Wake (in the Chair)

Councillor	Mrs J Watson	Councillor	B Griffiths
	K Billings		G J F Key
	Mrs C S Cookman		Mrs I Sanderson
	Mrs F M Greenwell		A W Wood

SC.11 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 11 September 2014 (SC.8 - SC.10), previously circulated, be signed as a correct record.

SC.12 **COUNCIL PLAN PERFORMANCE 2013/14**

All Wards

The Director of Support Services and Deputy Chief Executive submitted a report setting out the Council Plan Performance for 2013/14.

The Head of Service – Resources attended the meeting to present the report and answer questions arising. 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.

Concern was raised regarding the timing of the performance reports being submitted to the Committee for consideration. It was reported that submission of performance reports to Scrutiny had been a recent referral from Cabinet and that the timetable for reporting would be reviewed and brought in line with the relevant dates for future meetings.

THE DECISION:

That the report for 2013/14 performance against the Council Plan for 2011 to 2015 be noted.

The meeting closed at 10.15 am

Chairman of the Committee

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Minutes of the meeting of the SCRUTINY
COMMITTEE held at 9.30 am on Thursday,
20th November, 2014 at Main Committee
Room, Civic Centre, Stone Cross,
Northallerton, DL6 2UU

Present

Councillor A Wake (in the Chair)

Councillor	Mrs J Watson	Councillor	G J F Key
	K Billings		S Watson
	Mrs F M Greenwell		A W Wood
	B Griffiths		

Also in Attendance

Councillor M S Robson

Apologies for absence were received from Councillors Mrs C S Cookman, Mrs I Sanderson and Mrs S A Shepherd.

SC.13 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 9 October 2014 (SC.11 - SC.12), previously circulated, be signed as a correct record.

SC.14 **MINI REVIEW - EMERGENCY AND URGENT MEDICAL RESPONSE IN HAMBLETON - UPDATE**

All Wards

The Director of Support Services and Deputy Chief Executive submitted a report which set out the findings of the mini review of Emergency and Urgent Medical Response In Hambleton which was undertaken by Scrutiny Committee 1 at its meeting on 7 January 2014. It had been recommended that Members receive information relating to response times and updates on initiatives on a regular basis. Mr J Darley, Hambleton, Richmondshire and Whitby Clinical Commissioning Group attended the meeting to provide an update in response to that request.

Mr Darley provided information on the GP in hours triage; initiatives to increase response times; stand-by points for response vehicles; A&E and patient transport services activities and community defibrillators.

THE DECISION:

That Mr J Darley be thanked for the update and information provided.

SC.15 **POLICE AND CRIME PLAN CONSULTATION**

All Wards

The Police and Crime Commissioner, Julia Mulligan, attended the meeting to provide an update on the Police and Crime Plan. Ms Mulligan highlighted the four priorities within the Plan refresh which were protecting the vulnerable; cutting crime and anti-social behaviour; prevention and early intervention and victim care. The Committee obtained further information on a question and answer basis.

THE DECISION:

That Ms J Mulligan be thanked for the update and information provided.

SC.16 **COUNCIL PERFORMANCE 2014/15 - QUARTER 2**

The Director of Support Services and Deputy Chief Executive submitted a report setting out the Quarter 2 Performance for 2014/15.

The Head of Service – Resources attended the meeting to present the report and answer questions arising. The Committee asked a number of questions which were responded to at the meeting and where further information was requested it was agreed that the Committee would be provided with this information separately.

THE DECISION:

That the progress made against the Council Plan for Quarter 2 of 2014/15 be noted.

The meeting closed at 11.20 am

Chairman of the Committee

Minutes of the meeting of the PLANNING
COMMITTEE held at 1.30 pm on Thursday,
18th September, 2014 at Council Chamber,
Civic Centre, Stone Cross, Northallerton

Present

Councillor D A Webster (in the Chair)

Councillor	P Bardon	Councillor	Mrs J A Griffiths
	D E Adamson		K G Hardisty
	D M Blades		J Noone
	J Coulson		C Rooke
	G W Ellis		P G Sowray

Also in Attendance

Councillor	Mrs C S Cookman	Councillor	B Phillips
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Apologies for absence were received from Councillors Mrs M Skilbeck

P.13 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 21 August 2014 (P.11 - P.12), previously circulated, be signed as a correct record.

P.14 **PLANNING APPLICATIONS**

The Committee considered reports of the Director of Environmental and Planning Services 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 Director had delegated authority to add, delete or amend conditions and reasons for refusal.

In considering the report(s) of the Director of Environmental and Planning Services 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 Director of Environmental and Planning Services, unless shown otherwise:-

- (1) 14/00141/FUL - Change of use of land and buildings from B8 storage to a mixed use of B8 storage and B2 general industrial use, demolition of warehouse units and two storey office building, and siting of single storey modular office with associated car parking, roadways and hardstandings as amended by plans and details received by Hambleton District Council on 1 May 2014, 12 August 2014, 18 August 2014 and 2 September 2014 at Norish Ltd, Station Lane, Shipton By Beningbrough, North Yorkshire, YO30 1BS for Wernick Group Ltd

PERMISSION GRANTED as amended by conditions set out in the supplementary information and two additional conditions in respect of protected species and the prohibition of stacking of modular buildings.

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

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

(John Crompton spoke objecting to the application.)

- (2) 14/01198/REM - Reserved Matters application for the construction of a detached dwelling and garage for Mr Peter Gripton at Rutland House, 4 The Gowans, Sutton-on-the-Forest

DEFER to consider issues of siting, protection of trees on neighbouring land, size of the proposed building and to carry out a site visit.

(The applicant, Peter Gripton, spoke in support of the application.)

(John King spoke objecting to the application.)

- (3) 14/00561/MRC - Discharge of Conditions 1-6 of Planning Permission 08/00645/REM and amendments to dwelling by variation of Condition 7 with amended plans for Mr M Snelling at Green Acres, Byland Avenue, Thirsk

PERMISSION REFUSED

(The applicant's agent, Ken Wood, spoke in support of the application.)

(Mrs Langley spoke objecting to the application.)

- (4) 14/01557/MRC - Variation of condition 3 of Planning Consent 11/02709/MRC - vary the opening times for Mr Peter Bardon at Milano, 13 Millgate, Thirsk

PERMISSION GRANTED

Disclosure(s) of Interest

Councillor P Bardon disclosed a pecuniary interest and left the meeting for the duration of the discussion and voting on this item.

- (5) 14/00361/FUL - Retrospective permission for the construction of an agricultural storage building including the housing of livestock for Mr R Smirthwaite at Marwell, Church Street, Well

PERMISSION GRANTED subject to the recommended additional management plan condition.

- (6) 14/01483/FUL - Demolition of dwelling and construction of replacement dwelling and detached domestic garage for Mr C Kinsell at Silent Springs, Strait Lane, Nosterfield, Bedale

PERMISSION GRANTED

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

The meeting closed at 3.00 pm

Chairman of the Committee

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Minutes of the meeting of the PLANNING
COMMITTEE held at 1.30 pm on Thursday,
16th October, 2014 at Council Chamber, Civic
Centre, Stone Cross, Northallerton

Present

Councillor D A Webster (in the Chair)

Councillor	P Bardon	Councillor	K G Hardisty
	D E Adamson		J Noone
	D M Blades		C Rooke
	G W Ellis		Mrs M Skilbeck

Also in Attendance

Councillor	G J F Key	Councillor	M S Robson
	B Phillips		A W Wood
	M Rigby		

Apologies for absence were received from Councillors J Coulson, Mrs J A Griffiths and P G Sowray

P.15 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 18 September 2014 (P.13 - P.14), previously circulated, be signed as a correct record.

P.16 **PLANNING APPLICATIONS**

The Committee considered reports of the Director of Environmental and Planning Services 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 Director had delegated authority to add, delete or amend conditions and reasons for refusal.

In considering the report(s) of the Director of Environmental and Planning Services 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 Director of Environmental and Planning Services, unless shown otherwise:-

- (1) 14/01558/ADV - Free standing Illuminated totem sign board and Illuminated display signs for Exelby Services Ltd at Exelby Services Ltd, Coneygarth, Leases Road, Leeming Bar

CONSENT GRANTED

- (2) 14/00141/FUL - Change of use of land and buildings from B8 storage to a mixed use of B8 storage and B2 general industrial use, demolition of warehouse units and two storey office building, and siting of single storey modular office with associated car parking, roadways and hardstandings as amended by plans and details received by Hambleton District Council on 1 May 2014, 12 August 2014, 18 August 2014, 2 September 2014, 10 September 2014 and 25 September 2014 for Wernick Group Ltd at Norish Limited, Station Lane, Shipton by Beningbrough

PERMISSION GRANTED subject to amendments requiring no outside stacking of modular units in easternmost and southernmost hatched areas of drawing PKA/1/004H and a requirement for tree planting on the northern boundary.

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

(Howard Watson spoke objecting to the application.)

- (3) 14/01209/FUL - Change of use of agricultural field to holiday park for siting of 30 static caravans, with associated works to provide access track, caravan standing, formation of bin store, amenity area and pumping station as amended by details received by Hambleton District Council on 29 September 2014 for Mr Bill Calvert at Land at York Road, Thirsk

PERMISSION REFUSED

- (4) 14/01198/REM - Reserved Matters application for the construction of a detached dwelling and garage as amended by plans received by Hambleton District Council on 15 July and 16 September 2014 for Mr Peter Gripton at Rutland House, 4 The Gowans, Sutton-on-the-Forest

DEFER to seek increased separation between the building and the eastern boundary.

The decision was contrary to the recommendation of the Director of Environmental and Planning Services.

(Lyndsey Stark spoke on behalf of Sutton on the Forrest Parish Council objecting to the application.)

(John King spoke objecting to the application.)

- (5) 14/01088/FUL - Proposed rear extension of existing property to form 1 ground floor flat as amended by plans received by Hambleton District Council 9 September 2014 for Mrs Alison Hollins at 28 Long Street, Topcliffe

PERMISSION GRANTED

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

(Sandra Anderson spoke objecting to the application.)

The meeting closed at 3.10 pm

Chairman of the Committee

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Minutes of the meeting of the PLANNING
COMMITTEE held at 1.30 pm on Thursday,
13th November, 2014 at Council Chamber,
Civic Centre, Stone Cross, Northallerton

Present

Councillor D A Webster (in the Chair)

Councillor	P Bardon	Councillor	Mrs J A Griffiths
	D E Adamson		J Noone
	D M Blades		C Rooke
	J Coulson		Mrs M Skilbeck
	G W Ellis		

Also in Attendance

Councillor	Mrs C S Cookman	Councillor	B Phillips
	S P Dickins		M J Prest
	A W Hall		M S Robson
	D Hugill		Mrs I Sanderson
	N A Knapton		

Apologies for absence were received from Councillors K G Hardisty and P G Sowray

P.17 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 16 October 2014 (P.15 - P.16), previously circulated, be signed as a correct record.

P.18 **IMPLEMENTATION OF HIGHWAY CONDITIONS - SOWERBY GATEWAY DEVELOPMENT (10/02373/OUT)**

Sowerby

The subject of the decision:

This report provided information regarding the highway improvements related to the Sowerby Gateway development which were not being delivered as required by the planning conditions; reported the reasons why and sought agreement as to what actions the Council should take.

Alternative options considered:

The Committee considered serving a Breach of Condition Notice; an Enforcement Notice; a Stop Notice in conjunction with an Enforcement Notice or await the submission of an application to vary the condition.

The reason for the decision:

The Committee considered that awaiting an application to vary the highway conditions 34 and 35 for the Sowerby Gateway Development would be the most preferred course of action to deal with the highway issues.

THE DECISION:

That:-

- (1) Mulberry Homes be pressed to submit an early application for a variation of the highway conditions 34 and 35 for the Sowerby Gateway development; and
- (2) the need for enforcement action be deferred until the outcome of the application is known.

(Chris Hirst spoke objecting to the recommendation)

P.19 **PLANNING APPLICATIONS**

The Committee considered reports of the Director of Environmental and Planning Services 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 Director had delegated authority to add, delete or amend conditions and reasons for refusal.

In considering the report(s) of the Director of Environmental and Planning Services 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 Director of Environmental and Planning Services, unless shown otherwise:-

- (1) 14/00411/FUL – Installation of 1.5Mw ground mounted photovoltaic solar farm at Land South East of Pumping Station, Ainderby Steeple for Mr Stuart Charlton

PERMISSION REFUSED on grounds 2 and 3 as set out in the recommendation contained in the Officer's report.

(The applicant, Stuart Charlton, spoke in support of the application.)

(Mr Ozleton spoke on behalf of Ainderby Steeple Parish Meeting Village Committee objecting to the application.)

- (2) 14/00471/FUL – Installation of a 5.9Mw ground mounted photovoltaic solar farm at Land North East of Ainderby Steeple for Mr Stuart Charlton and Mr Philip Sanderson

PERMISSION GRANTED

The decision was contrary to the recommendation of the Director of Environmental and Planning Services because the Committee was satisfied that the proposal would not adversely impact the Heritage Assets in the immediate vicinity.

(The applicant's agent, Claire Harness, spoke in support of the application).

(Mr Ozleton spoke on behalf of Ainderby Steeple Parish Meeting Village Committee objecting to the application.)

- (3) 14/01513/FUL - Residential development (including the conversion and replacement of existing agricultural buildings) to form a total of 10 dwellings as amended by plans and email received on 20 October 2014 for Mr T Clark

DEFER for report to be revised to allow for further exploration of responses to issues of objection, including but not limited to the heritage assets.

(The applicant's agent, Rob Smith, spoke in support of the application).

(David Walker spoke on behalf of Aine Parish Council objecting to the application.)

(Darren Hindley spoke objecting to the application.)

- (4) 14/01514/FUL - Construction of an agricultural workers dwelling and two agricultural buildings as amended by plans and email received on 20 October 2014 for Mr T Clark

DEFER to allow for Items 3 and 4 to be taken together when reaching a decision. Item 4 was intrinsically linked to item 3.

(The applicant's agent, Rob Smith, spoke in support of the application).

(Darren Hindley spoke objecting to the application.)

- (5) 14/02065/FUL - Alterations and extension to bungalow and widen access at 9 Easby Lane, Great Ayton for Mr Craig Vernon

PERMISSION GRANTED

- (6) 14/01626/FUL - Demolition of hospital ward, office and residential buildings and erection of a (Class A1) food store, and change of use of nos. 78 and 79 High Street from hospital (Class C2) to pub/restaurant (Class A4) and erection of glazed extension to the rear, along with associated access arrangements, off-site highway works, car parking and landscaping works as amended by plans received by Hambleton District Council 28 October 2014 at Rutson Hospital, High Street, Northallerton for Jomast Developments Ltd and Marks & Spencer Plc

PERMISSION GRANTED

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

- (7) 14/01627/LBC - Listed Building Consent for the demolition of a hospital ward, office and residential buildings and erection of a (Class A1) food store, and change of use of nos. 78 and 79 High Street from hospital (Class C2) to pub/restaurant (Class A4) and erection of glazed extension to the rear, along with associated access arrangements, car parking and landscaping works as amended by plans received by Hambleton District Council 28 October 2014 at Rutson Hospital, High Street, Northallerton for Jomast Developments Ltd and Marks & Spencer Plc

PERMISSION GRANTED subject to amendments requiring all commemorative plaques within and upon the building to be retained.

Note: Councillor M S Robson withdrew from the meeting in respect of Items 8 and 9 in accordance with the Council's Constitution in relation to applications for development by the Council.

- (8) 14/01945/REM - Reserved matters application for appearance, landscaping, layout and scale of the proposed Sports Village consisting of two main buildings, sports facilities, access road, ancillary buildings, car parking and footpath/cycle links relating to outline application 10/02373/OUT at Land east of Topcliffe Road and south of Gravel Hole Lane, Topcliffe Road, Sowerby for Hambleton District Council (Mr Dave Goodwin)

PERMISSION GRANTED subject to an amendment reducing the hours of floodlighting to the sports pitches to 7.00am – 9.00pm.

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

- (9) 14/02117/FUL - Extension of floodlight times to existing all-weather pitch, extension of all-weather fenced pitch with grass mounding /screen planting and erection of two storey Hockey Pavilion with minor extension to car park at Thirsk School and Sixth Form College, Topcliffe Road, Sowerby, North Yorkshire for Hambleton District Council

PERMISSION GRANTED

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

- (10) 14/01799/FUL and 14/01800/LBC Renovations and single storey rear extension to dwellinghouse as amended by plans and email received by Hambleton District Council on 30 October 2014 at Fairview, High Street, Stillington for Mr Steve Tyssen

PERMISSION AND CONSENT GRANTED

(John Moreland spoke objecting to the application.)

- (11) 14/01788/FUL - Proposed pig finishing house as amended by plans received by Hambleton District Council on 22nd October 2014 at Wellington Farm, Ingleby Arncliffe for Mr Andrew Dickins

PERMISSION GRANTED

(The applicant, Andrew Dickins, spoke in support of the application.)

(The Reverend Richard Brown spoke objecting to the application.)

Disclosure of Interest

Councillor S P Dickins (in attendance) disclosed a pecuniary interest and left the meeting prior to discussion of this item.

The meeting closed at 6.05 pm

Chairman of the Committee

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Minutes of the meeting of the AUDIT,
GOVERNANCE AND STANDARDS
COMMITTEE held at 9.30 am on Wednesday,
24th September, 2014 at MAIN COMMITTEE
ROOM, CIVIC CENTRE, STONE CROSS,
NORTHALLERTON

Present

Councillor R W Hudson (in the Chair)

Councillor	R A Baker	Councillor	Mrs C Patmore
	G W Dadd		Mrs J Watson

Also in Attendance

Councillor	N A Knapton	Councillor	M S Robson
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Apologies for absence were received from Councillors J N Smith and M Rigby

AGS.14 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 18 June 2014 (AGS.3 - AGS.11), previously circulated, be signed as a correct record.

AGS.15 **STATUTORY AUDITOR - ANNUAL AUDIT LETTER - ACCOUNTING AND CONTROL SYSTEMS 2013/14**

All Wards

The subject of the decision:

This report presented the Statutory Auditor's report on the 2013/14 Audit. This report was to be read alongside the Council's Financial Report which included the Statement of Accounts for 2013/14 and the Annual Governance Statement which was presented for approval.

Alternative options considered:

None.

The reason for the decision:

The Audit Commission's statutory code of practice for Local Government Bodies (The Code) required a report to be issued to those charged with governance, summarising the conclusions reached from their audit work.

THE DECISION:

That:-

- (1) the Report to the Audit and Governance Committee on the 2013/14 Audit, prepared by Deloitte's and attached at Annex 1 to the report be accepted;
- (2) the signing of the Management Representation Letter at Annex 2 of the report by the Council's Director of Support Services and Deputy Chief Executive, acting in the capacity of S151 Officer; be approved and
- (3) the audited Statement of Accounts for 2013/14 and the Annual Governance Statement at Annex 3 of the report be approved.

AGS.16 **CUSTOMER FEEDBACK AND COMPLAINTS PROCEDURE**

All Wards

The subject of the decision:

This report recommended amendments to the Customer Feedback and Complaints Procedure regarding reducing the number of stages in the procedure and introducing a policy on unreasonable complainant behaviour.

Alternative options considered:

Not to amend the Procedure.

The reason for the decision:

The Committee was responsible for the Council's Complaints Procedure.

THE DECISION:

That:-

- (1) the number of stages in the Complaints Procedure be reduced to two as set out in paragraph 2.4 of the report;
- (2) the Policy at Annex 'B' of the report be adopted;
- (3) the Customer Feedback and Complaints Procedure be amended as the Director of Customer and Leisure Services considers appropriate;
- (4) a report be presented to the Audit, Governance and Standards Committee on a six monthly basis in respect of the number of claims and their resolution; and
- (5) the amended policy be reviewed in 12 months.

The meeting closed at 11.00 am

Chairman of the Committee

Minutes of the meeting of the AUDIT,
GOVERNANCE AND STANDARDS COMMITTEE
held at 9.30 am on Wednesday, 29th October,
2014 at MAIN COMMITTEE ROOM, CIVIC
CENTRE, STONE CROSS, NORTHALLERTON

Present

Councillor R W Hudson (in the Chair)

Councillor	J N Smith	Councillor	Mrs C Patmore
	R A Baker		

Also in Attendance

Councillor M S Robson

Apologies for absence were received from Councillors G W Dadd, M Rigby and Mrs J Watson

AGS.19 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 24 September 2014 (AGS.12 - AGS.16), previously circulated, be signed as a correct record.

AGS.20 **REGULATION OF INVESTIGATORY POWERS ACT - REVIEW OF ACTIVITY**

All Wards

The subject of the decision:

The Director of Support Services and Deputy Chief Executive presented 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 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 will be made by the Council during the period 1 July – 30 September 2014.

AGS.21 **INTERNAL AUDIT PROGRESS REPORT 2014/15**

All Wards

The subject of the decision:

The Director of Support Services and Deputy Chief Executive presented a report informing Members of progress made to date in delivering the Internal Audit Plan for 2014/15.

Veritau North Yorkshire (VNY) had completed 3 out of 19 internal audit reviews to final report stage and a further 2 audits were in progress and close to draft report stage. Planning for a further 4 audits had started with fieldwork about to commence.

Alternative options considered:

None.

The reason for the decision:

To take account of the work of Internal Audit to date.

THE DECISION:

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

AGS.22 **ANNUAL REVIEW OF RISK MANAGEMENT**

All Wards

The subject of the decision:

The Director of Support Services and Deputy Chief Executive presented a report which set out a revised risk management guidance document which included the Council's process and policy in respect of Risk Management.

Alternative options considered:

None.

The reason for the decision:

To give approval to the implementation of revised procedures.

THE DECISION:

That the revised risk management guidance be approved.

AGS.23 **REVIEW OF RISK MANAGEMENT**

All Wards

The subject of the decision:

The Director of Support Services and Deputy Chief Executive submitted a report which set out the Council's risk management process which included a comprehensive risk register. The risk register was divided into operational and strategic risks; operational risks were those affecting individual services and tended to involve the day to day running of those services, whilst strategic risks affected the whole Council and were wide reaching, both in terms of timescales and impact. The Committee was asked to review these risks.

Alternative options considered:

None.

The reason for the decision:

A critical purpose of the Audit, Governance and Standards Committee was to monitor the Strategic Risks affecting the Council ensuring that these were appropriately measured and that suitable actions were undertaken to mitigate the effect of each risk.

THE DECISION:

That the strategic risks affecting the Council and the actions that are in place to mitigate the impact upon the Council of each risk be noted.

The meeting closed at 10.00 am

Chairman of the Committee

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Present

Councillor R A Baker
P Bardon

Councillor Mrs I Sanderson

LAHP.14 **ELECTION OF CHAIRMAN**

THE DECISION:

That Councillor Mrs I Sanderson be elected Chairman for duration of the meeting.

(Councillor Mrs Sanderson in the Chair)

LAHP.15 **APPLICATION FOR THE VARIATION OF PREMISES LICENCE, WHITE SWAN,
WEST END, STOKESLEY**

Stokesley

The subject of the decision:

The Director of Environmental and Planning Services submitted a report seeking consideration of an application for the variation of a premises licence in respect of The White Swan, West End, Stokesley, TS9 5BL.

Alternative options considered:

- (1) To grant the application as applied.

The Panel found this to be an inappropriate option for the reasons set out below.

- (2) To refuse the application.

The Panel found a refusal of the application was not necessary for the promotion of the licensing objectives because the variation of the amended application and the conditions offered should be sufficient to prevent a significant adverse effect.

- (3) To impose additional conditions.

The Panel found the imposition of additional conditions were not necessary for the promotion of the licensing objectives because the conditions offered should be sufficient to prevent a significant adverse effect.

The reason for the decision:

The Panel considered the relevant representations of 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.

Representations from the objectors included but were not limited to public nuisance concerns in relation to noise caused by the performance of live music and the proximity of the premises to residential properties.

THE DECISION:

Having considered the above matters, the Panel decided that the application for the premises licence as amended be granted subject to the following variations which the Panel believe appropriate for the prevention of public nuisance. In particular the Panel felt in order to minimise the risk of public nuisance the performance of live music should finish at 11.00pm on week nights.

The licensable hours for the performance of live music:

Sunday – Thursday 11.00am – 11.00pm

Friday and Saturday 11.00am – 11.30pm

31st December 11.00am – 1.00am.

The other licensable activities are granted for the times set out in the amended application and all the licensable activities are subject to conditions consistent with the operating schedule as amended.

The meeting closed at 11.00 am

Chairman of the Panel

Present

Councillor

Mrs F M Greenwell
R Kirk

Councillor

Mrs I Sanderson

LAHP.16 **ELECTION OF CHAIRMAN**

THE DECISION:

That Councillor Mrs I Sanderson be elected Chairman for duration of the meeting.

(Councillor Mrs Sanderson in the Chair)

LAHP.17 **EXCLUSION OF THE PUBLIC AND PRESS**

That under Section 100A(4) of the Local Government Act 1972, the press and public were excluded from the meeting during consideration of the item of business at minute no LAHP.18 on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act as the Panel was satisfied that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

LAHP.18 **CONDUCT OF LICENSED HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER**

All Wards

The subject of the decision:

The Director of Environmental and Planning Services asked the Panel to consider whether the licence holder was a fit and proper person to continue to hold a Hackney Carriage and Private Hire Driver's Licence.

Alternative options considered:

The Panel considered whether any action needed to be taken and, if so, whether to issue an informal reprimand or suspend or revoke the Hackney Carriage and Private Hire Driver's Licence.

The reason for the decision:

The Panel considered the relevant representations of the parties, both written and oral, including the witness evidence and character references, the Council's Vehicle and Driver Licensing Policy and the relevant legislation.

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

The Panel heard evidence in relation to a hearing held by the Panel in August 2012 at which the Panel decided to revoke the driver's licence. The Panel concluded that given the time that had lapsed since August 2012 and the dates of the recent complaints no weight was given in respect of the evidence of 2012 hearing.

The Panel heard evidence in relation to the incident on 22 March 2014 and concluded that the driver had been driving in a dangerous manner by driving closely behind another vehicle, weaving from side to side and braking hard.

The Panel also heard evidence in relation to an altercation between the driver subject to this hearing and another driver on 22 March 2014. Whilst satisfied an altercation occurred, the Panel found this to be of limited weight due to the conflicting nature of the parties' evidence.

The Panel heard evidence in relation to an incident on 19 May 2014. The Panel gave little weight to the incident due to the conflicting nature of the parties' evidence.

The Panel heard evidence in relation to an incident that occurred at the beginning of May 2014 and the complaint received on 19 June 2014. The Panel found on the balance of probabilities that the driver's conduct on those occasions had been inappropriate.

THE DECISION:

Taking all of the above into account the Panel found that the driver was a fit and proper person. However, due to the concerns raised in respect of the driver's conduct and driving manner the Panel decided that the driver should be issued with a written warning. No further sanction was deemed necessary.

The meeting closed at 11.25 am

Chairman of the Panel

Present

Councillor

Mrs F M Greenwell
R Kirk

Councillor

Mrs I Sanderson

LAHP.19 **ELECTION OF CHAIRMAN**

THE DECISION:

That Councillor Mrs I Sanderson be elected Chairman for duration of the meeting.

(Councillor Mrs Sanderson in the Chair)

LAHP.20 **EXCLUSION OF THE PUBLIC AND PRESS**

That under Section 100A(4) of the Local Government Act 1972, the press and public were excluded from the meeting during consideration of the item of business at minute no LAHP.21 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.21 **CONDUCT OF LICENSED HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER**

The subject of the decision:

The Director of Environmental and Planning Services asked the Panel to consider whether to revoke a hackney carriage/private hire vehicle driver licence.

Alternative options considered:

The Panel considered whether any action needed to be taken and, if so, whether to revoke the hackney carriage/private hire driver's licence.

The reason for the decision:

The Panel considered the relevant representations of the parties, both written and oral, including the witness evidence and character references, the Council's Vehicle and Driver Licensing Policy and the relevant legislation.

Taking into account the above the Panel reached the following conclusions:

- (1) the Panel heard evidence in relation to complaints received by the Council's Licensing department including an incident on 23 August 2014. The Panel concluded that due to the contradictory nature of the parties' evidence it could give limited weight to those complaints;

- (2) the Panel also heard evidence in relation to an incident on 27 August 2014 and found on the balance of probabilities that the driver had consumed alcohol whilst working as a hackney carriage/private hire driver.

THE DECISION:

Taking account of the above and having given appropriate weight to the evidence the Panel concluded that the driver was not a fit and proper person to hold a hackney carriage and private hire driver licence at the present time. The Panel was satisfied that a permanent revocation was not necessary and that a period of suspension would be sufficient to enable the driver to regain his fitness and propriety. The Panel decided to impose a six month suspension of the driver's licence and due to concerns over public safety the Panel decided to give immediate effect to the suspension.

The Panel also decided that the period of suspension could be proportionately reduced in the event of the driver achieving an enhanced understanding of passenger safety. The Panel decided to offer to reduce the suspension period to three months if the driver undergoes a driving assessment with a passenger safety element included. The suitability of any such assessment would need to be formally approved by the Council's Licensing Officer. If the driver completes the assessment within the first three months of the suspension period the final three months of the suspension period will be disapplied. If the driver completes the assessment during the final three months of the suspension period the remainder of the suspension period will be disapplied.

The meeting closed at 3.00 pm

Chairman of the Panel

Minutes of the meeting of the STANDARDS
HEARINGS PANEL held at 1.00 pm on
Thursday, 9th October, 2014 at Main Committee
Room, Civic Centre, Stone Cross, Northallerton

Present

Councillor G W Dadd
B Griffiths

Councillor R Kirk

Independent Person

Mr R C Pennington

Parish Council Representative

Mr E Dennison

SHP.10 **ELECTION OF CHAIRMAN**

THE DECISION:

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

(Councillor Kirk in the Chair)

SHP.11 **EXCLUSION OF THE PRESS AND PUBLIC**

THE DECISION:

That under Section 100A(4) of the Local Government Act 1972, the press and public were excluded from the meeting during consideration of the items of business at minute no SHP.12 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.

SHP.12 **COMPLAINT ABOUT HOUSING BENEFITS TEAM**

The subject of the decision:

The Head of Legal and Information Services submitted a covering report regarding a complaint about the Housing Benefits Team.

The Panel heard from the District Council's Head of Service – Resources and the Council's Revenues and Benefits Manager.

The complainant was not present.

Alternative options considered:

Upholding the complaint.

The reason for the decision:

Having considered the Head of Legal and Information Services' report and the accompanying documents, and having heard oral representations from the Head of Service - Resources and the Council's Revenues and Benefits Manager, the Panel made the following findings:-

In 2013 overpayments of Housing Benefit arose because of some delay in processing wage information from the complainant. There had also been delay in relation to the change of circumstances of her son, but the Council had already apologised for this and deducted a figure as "compensation".

Whilst the letter of 6 February could have been better expressed in dealing with the reduction in repayments there was no intention to mislead the complainant. Any misunderstanding on the complainant's part was not the Council's fault.

There had, however, been some delay in providing the complainant with an explanation of how the reduction in repayments had been arrived at.

The Council had not failed to implement the instalment arrangements in January 2014. This had occurred because the complainant had not completed and returned the appropriate form.

There was no evidence that the Council's staff had been unhelpful or threatening.

There had been no requirement for the officers referred to in the complaint to return the calls specified.

The Panel was pleased that lessons appeared to have been learnt from the issues relating to the delay.

THE DECISION:

That:-

(1) the complaint be upheld in respect of :-

(a) the delay in processing the change of circumstances, and

(b) the delay in explaining how the reduction in repayments was arrived at;

and the Council apologise for those delays, but that the complaint be not upheld in any other respect.

(2) the complainant be informed that the Panel was disappointed that she had chosen not to attend the hearing, but also that this had not affected their consideration of the matter.

The meeting closed at 2.30 pm

Chairman of the Panel

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Minutes of the meeting of the STANDARDS
HEARINGS PANEL held at 10.00 am on Wednesday,
3rd December, 2014 at Main Committee Room, Civic
Centre, Stone Cross, Northallerton

Present

Councillor

R Kirk
Mrs C Patmore

Councillor

J N Smith

Independent Person

Mr R C Pennington

Parish Council Representative

Mr E Dennison

SHP.13 ELECTION OF CHAIRMAN

THE DECISION:

That Councillor Kirk be elected Chairman for duration of the meeting.

(Councillor Kirk in the Chair)

SHP.14 EXCLUSION OF THE PRESS AND PUBLIC

THE DECISION:

That under Section 100A(4) of the Local Government Act 1972, the press and public were excluded from the meeting during consideration of the items of business at minute no SHP.14 on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act as the Panel was satisfied that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

SHP.15 ALLEGATIONS ABOUT A PARISH COUNCIL MEMBER

The subject of the decision:

The Corporate Director presented a report about allegations that a Parish Councillor failed to comply with the provisions of the Parish Council's Code of Member Conduct.

The Panel heard from the Councillor against whom the allegations had been made. The person who had made the allegations was not present. The Panel was

disappointed that the person who had made the allegations was not present because this made it more difficult to establish all of the facts.

Alternative options considered:

None.

The reason for the decision:

Having considered the Monitoring Officer's report, the accompanying documents and the representations of those present, the Panel's findings were as follows:-

- The allegation (as amended) was that the Councillor failed to register a disclosable pecuniary interest as required by Paragraph 10.1 of the Parish Council's Code of Member Conduct.
- The Councillor confirmed that he had had an interest in land in the Parish since at least 1 July 2012 and this was confirmed by his current registration. This was a disclosable pecuniary interest and should therefore have been registered since 1 July 2012. In fact it was not registered until 30 May 2014.
- The Panel accepted that the Councillor had registered his interest prior to 1 July 2012.
- Nevertheless the Councillor had been in breach of the Code of Conduct from 1 July 2012 to 30 May 2014.
- The Councillor had indicated that this was an oversight on his part, but that it was not deliberate. As soon as he became aware of the oversight he put it right.
- In the circumstances, the Panel accepted that this was an unintentional omission.

THE DECISION:

- (1) The Panel recommends to the Parish Council that the allegation be upheld, that the Councillor be censured, but that no further action is required.
- (2) The Parish Council be notified of the Panel's findings.

The meeting closed at 10.55 am

Chairman of the Panel

Public Document Pack

Minutes of the meeting of the STANDARDS
HEARINGS PANEL held at 11.00 am on Wednesday,
3rd December, 2014 at Main Committee Room, Civic
Centre, Stone Cross, Northallerton

Present

Councillor R Kirk
Mrs C Patmore

Councillor J N Smith

Independent Person

Mr R C Pennington

Parish Council Representative

Mr E Dennison

SHP.16 **ELECTION OF CHAIRMAN**

THE DECISION:

That Councillor Kirk be elected Chairman for duration of the meeting.

(Councillor Kirk in the Chair)

SHP.17 **EXCLUSION OF THE PRESS AND PUBLIC**

THE DECISION:

That under Section 100A(4) of the Local Government Act 1972, the press and public were excluded from the meeting during consideration of the items of business at minute no SHP.18 on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act as the Panel was satisfied that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

SHP.18 **ALLEGATIONS ABOUT A PARISH COUNCIL MEMBER**

The subject of the decision:

The Corporate Director presented a report about allegations that a Parish Councillor failed to comply with the provisions of the Parish Council's Code of Member Conduct.

Neither the person who had made the allegations or the Councillor against whom the allegations had been made were present. The Panel was disappointed that neither person had attended because this made it more difficult to establish all of the facts.

Alternative options considered:

None.

The reason for the decision:

Having considered the Monitoring Officer's report and the accompanying documents the Panel's findings were as follows:-

- The first allegation (as amended) was that the Councillor was improperly party to a procurement process which led to him obtaining grass-cutting contracts from the Parish Council. This is covered by Paragraph 5 of the Code of Member Conduct.
- The Councillor had been a Councillor for seven years. Consequently he could not have used his position as a Councillor to obtain the grass cutting contracts in 1999 and 2004.
- In respect of 2014, the Panel had seen no evidence that the Councillor used his position to influence which procurement process was adopted or to influence how that process was conducted. There was no evidence to suggest that he personally influenced the decision to award him the contract.
- The Panel did not therefore find the Councillor in breach of the Code of Conduct.
- The second allegation (as amended) was that the Councillor had failed to register disclosable pecuniary interests as required by Paragraph 10.1 of the Code of Conduct.
- The Councillor's current registration form confirmed that he had at least one disclosable pecuniary interest, namely the grass-cutting contract with the Parish Council. The Councillor had had a grass-cutting contract since before 1 July 2012 and therefore it should have been registered from that date. In fact it was not registered until 29 May 2014.
- Consequently the Councillor was in breach of the Code of Conduct from 1 July 2012 to 29 May 2014. The Councillor commented in his written representations that he always filled in forms received from the Clerk. It was not clear whether he received a form prior to 1 July 2012 or not. In any event it was the personal responsibility of Councillors to register interests.
- The Councillor has now registered the interest.

THE DECISION:

That:-

- (1) the Panel recommends to the Parish Council that:-
 - (a) the allegation in respect of the grass-cutting contracts be not upheld; and
 - (b) the allegation in respect of not registering an interest be upheld, that the Councillor be censured, but that no further action is required.
- (2) the Parish Council be notified of the Panel's findings.

The meeting closed at 11.45 am

Chairman of the Panel

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Minutes of the meeting of the STANDARDS
HEARINGS PANEL held at 1.30 pm on Wednesday,
3rd December, 2014 at Main Committee Room,
Civic Centre, Stone Cross, Northallerton

Present

Councillor R Kirk
Mrs C Patmore

Councillor J N Smith

Independent Person

Mr R C Pennington

Parish Council Representative

Mr E Dennison

SHP.19 ELECTION OF CHAIRMAN

THE DECISION:

That Councillor Kirk be elected Chairman for duration of the meeting.

(Councillor Kirk in the Chair)

SHP.20 EXCLUSION OF THE PRESS AND PUBLIC

THE DECISION:

That under Section 100A(4) of the Local Government Act 1972, the press and public were excluded from the meeting during consideration of the items of business at minute no SHP.21 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.

SHP.21 ALLEGATIONS ABOUT A PARISH COUNCIL MEMBER

The subject of the decision:

The Corporate Director presented a report about allegations that a Parish Councillor failed to comply with the provisions of the Parish Council's Code of Member Conduct.

Neither the person who had made the allegations or the Councillor against whom the allegations had been made were present. The Panel was disappointed that neither person had attended because this made it more difficult to establish all of the facts.

Alternative options considered:

None.

The reason for the decision:

Having considered the Monitoring Officer's report and the accompanying documents the Panel's findings were as follows:-

- The first allegation (as amended) was that the Councillor had used his position to improperly attempt to influence the outcome of a planning application.
- The Councillor lived at a property which was next door to the planning application site.
- The planning application was considered by the Parish Council in late 2013 and early 2014. The application was referred to in the minutes of two meetings. The minutes of one meeting referred to the application being dealt with "out of meeting". The planning application was recommended for refusal. It was not clear whether the Councillor was party to this decision.
- The minutes of the other meeting of the Parish Council recorded that the decision notice had been received and permission granted.
- The Councillor attended the two meetings, but the Panel had seen nothing to suggest that he did anything to influence the planning process. The complainant suggested that the Councillor may have been party to the "out of meeting" discussion, but there was no evidence to support this.
- The complainant had confirmed that the second allegation of failing to withdraw from meetings was not part of his complaint.
- The third allegation was that the Councillor intimidated the complainant, failed to treat him with respect and did not act impartially towards him. The Panel had listened to an audio recording of the relevant meeting of the Parish Council.
- The Panel considered that:
 - (a) the Councillor did not intimidate the complainant.
 - (b) the Councillor did not fail to treat the complainant with respect.
 - (c) the Councillor did not act impartially towards the complainant.
- The final allegation (as amended) was that the Councillor failed to register a disclosable pecuniary interest between 1 July 2012 and 29 May 2014.
- In his written representations the Councillor appeared to claim that he had no interest in the property where he lived. This was confirmed in his Declaration of Interest Form dated 29 May 2014. However, the Panel had seen an updated registration form dated 22 November 2014 which suggested that the Councillor rents the property.

- Having a tenancy of a property is sufficient to have a registrable interest. The Councillor had not denied renting the property between 1 July 2012 and 22 November 2014. Consequently, he was in breach of the Code of Conduct for that period. It was noted that in his written representations he claimed to have completed forms during the relevant period, but there was no evidence of this.

THE DECISION:

That:-

- (1) the Panel recommends to the Parish Council that:-
 - (a) it does not uphold the allegation in respect of the planning application;
 - (b) it does not uphold the allegation in respect of intimidation, a lack of respect and not acting impartially;
 - (c) it does uphold the allegation in respect of failing to register an interest, censures the Councillor and offers him advice/training on registration of interests.
- (2) the Parish Council be notified of the Panel's findings.

The meeting closed at 2.30 pm

Chairman of the Panel

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Minutes of the meeting of the STANDARDS
HEARINGS PANEL held at 10.00 am on Thursday,
4th December, 2014 at Main Committee Room,
Civic Centre, Stone Cross, Northallerton

Present

Councillor R Kirk
Mrs C Patmore

Councillor J N Smith

Independent Person

Mr R C Pennington

Parish Council Representative

Mr E Dennison

SHP.22 ELECTION OF CHAIRMAN

THE DECISION:

That Councillor Kirk be elected Chairman for duration of the meeting.

(Councillor Kirk in the Chair)

SHP.23 EXCLUSION OF THE PRESS AND PUBLIC

THE DECISION:

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

SHP.24 ALLEGATIONS ABOUT A PARISH COUNCIL MEMBER

The subject of the decision:

The Corporate Director presented a report about allegations that a Parish Councillor failed to comply with the provisions of the Parish Council's Code of Member Conduct.

Neither the person who had made the allegations or the Councillor against whom the allegations had been made were present. The Panel was disappointed that neither person attended because this made it more difficult to establish all the facts.

Alternative options considered:

None.

The reason for the decision:

Having considered the Monitoring Officer's report and the accompanying documents the Panel's findings were as follows:-

- The first allegation was that the Councillor used foul language at a meeting of the Parish Council in July 2014. The Panel has watched a recording of the meeting in question.
- The Councillor clearly uses the phrase "cut out the crap". The Panel feels that in the context of the meeting in question the use of these words was not sufficient to breach the Code of Conduct because, whilst the words were unfortunate, they were not directed at any individual and were an understandable expression of exasperation at the situation.
- The second allegation was that the Councillor disclosed information given in confidence, namely the identities of the complainant, at the meeting in July 2014. The recording of the meeting confirms that the Councillor identifies the complainant.
- Identifying members of the public at a public meeting was not per se a breach of confidentiality as envisaged by Paragraph 8 of the Code of Conduct. However, if a person has provided information to the Parish Council in circumstances which that person wishes to remain confidential then identifying that person in circumstances which could link that person to the confidential matter could be a breach of Paragraph 8.
- The complainant had made complaints to the Parish Council which were due to be considered at the meeting. The complainant had a reasonable expectation that the complaints would be dealt with in confidence.
- The Panel considered that the manner in which the complainant was mentioned was sufficient to link her to the complaints and therefore was disclosing confidential information.

THE DECISION:

That:-

- (1) the Panel recommends to the Parish Council that:-
 - (a) it does not uphold the allegation in respect of the language used at the meeting;
 - (b) it does uphold the allegation in respect of disclosing confidential information and censures the Councillor, but that no further action is required.

- (2) the Parish Council be notified of the Panel's findings.

The meeting closed at 11.20 am

Chairman of the Panel

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Minutes of the meeting of the STANDARDS
HEARINGS PANEL held at 11.30 am on Thursday, 4th
December, 2014 at Main Committee Room, Civic
Centre, Stone Cross, Northallerton

Present

Councillor

R Kirk
Mrs C Patmore

Councillor

J N Smith

Independent Person

Mr R C Pennington

Parish Council Representative

Mr E Dennison

SHP.25 ELECTION OF CHAIRMAN

THE DECISION:

That Councillor Kirk be elected Chairman for duration of the meeting.

(Councillor Kirk in the Chair)

SHP.26 EXCLUSION OF THE PRESS AND PUBLIC

THE DECISION:

That under Section 100A(4) of the Local Government Act 1972, the press and public were excluded from the meeting during consideration of the items of business at minute no SHP.27 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.

SHP.27 ALLEGATIONS ABOUT A PARISH COUNCIL MEMBER

The subject of the decision:

The Corporate Director presented a report about allegations that a Parish Councillor failed to comply with the provisions of the Parish Council's Code of Member Conduct.

Neither the person who had made the allegations or the Councillor against whom the allegations had been made were present. The Panel was disappointed that neither person attended because this made it more difficult to establish all the facts.

Alternative options considered:

None.

The reason for the decision:

Having considered the Monitoring Officer's report and the accompanying documents the Panel's findings were as follows:-

- The first allegation (as amended) was that the Councillor attempted to obtain an advantage in connection with a planning application through improper use of her position as a Councillor.
- The Councillor had a disclosable pecuniary interest in the property which was the subject of the planning application. This was confirmed by her Registration of Interests Form. The Parish Council considered a planning application in 2013 and early 2014 and it was specifically referred to in minutes of meetings in September 2013, January 2014 and March 2014.
- The minutes of the meeting of September 2013 did not state that the Councillor was present. The minutes of the meetings of January 2014 and March 2014 stated that the Councillor was present. At the January 2014 meeting the planning application was discussed. The minutes of the March 2014 meeting stated that comments had been sent without involvement from the Councillor.
- The Councillor had provided a signed statement from the Clerk to the Council and three existing and three former Councillors confirming that she had taken no part in discussions or decision making at meetings relating to the planning application.
- The Parish Council's Standing Orders did not prevent a Councillor being present at a meeting even if they had a disclosable pecuniary interest. Therefore the Councillor's presence in itself was not sufficient to be a breach of the Code of Conduct. There was no evidence that the Councillor was involved in discussion of the planning application. In those circumstances she had not been in breach of Paragraph 5 of the Code.
- The second allegation was that the Councillor had failed to withdraw from meetings where she had a disclosable pecuniary interest. The Parish Council's Code of Conduct (Paragraph 12) required withdrawal where the Council's Standing Orders required it. The Council's Standing Orders required withdrawal where the Code required an interest to be declared. The current Code of Conduct did not require an interest to be declared and therefore there was no requirement to withdraw.
- It follows that the Councillor could not be in breach of Paragraph 12 of the Code of Conduct.
- The third allegation (as amended) was that the Councillor failed to register an interest between 1 July 2012 and 3 June 2014. The Councillor had accepted that she had a disclosable pecuniary interest in the relevant land and this was confirmed in her most recent registration form.

- This interest should have been registered since 1 July 2012. In fact it was not registered until 3 June 2014. It followed that the Councillor was in breach of the Code of Conduct. In her written representations she had suggested that the omission was an oversight which had been rectified.
- The Panel accepted that this was an oversight.

THE DECISION:

That:-

- (1) the Panel recommends to the Parish Council that:-
 - (a) it does not uphold the allegation in respect of the planning application;
 - (b) it does not uphold the allegation in respect of withdrawing from meetings;
 - (c) it does uphold the allegation in respect of failure to register an interest, that it censures the Councillor, but that no further action is required.
- (2) the Parish Council be notified of the Panel's findings.

The meeting closed at 12.15 pm

Chairman of the Panel

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