

Public Document Pack

AGENDA

Committee Administrator: Democratic Services Officer (01609 767015)

Friday, 15 May 2015

Dear Councillor

NOTICE OF MEETING

Meeting	COUNCIL
Date	Tuesday, 26 May 2015
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

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|----|---|--------|
| 1. | MINUTES | 1 - 2 |
| | To confirm the minutes of the meeting held on 7 April 2015 (C.35 - C.39), attached. | |
| 2. | APOLOGIES FOR ABSENCE | |
| 3. | ANNOUNCEMENTS BY THE CHAIRMAN OR CHIEF EXECUTIVE | |
| 4. | QUESTION TIME | |
| | None received. | |
| 5. | THE LOCAL AUTHORITIES (STANDING ORDERS) (ENGLAND) (AMENDMENT) REGULATIONS 2015 - APPOINTMENT AND DISMISSAL OF SENIOR OFFICERS | 3 - 10 |
| | Report of the Chief Executive | |
| 6. | NOTICES OF MOTION | |
| | None received. | |

Agenda Item 1

Minutes of the meeting of the COUNCIL held at
2.00 pm on Tuesday, 7th April, 2015 at Council
Chamber, Civic Centre, Stone Cross, Northallerton

Present

Councillor M J Prest (in the Chair)

Councillor	R A Baker	Councillor	C A Les
	P Bardon		Mrs C Patmore
	A W Barker		B Phillips
	D M Blades		M Rigby
	Mrs C S Cookman		M S Robson
	G W Dadd		C Rooke
	S P Dickins		Mrs I Sanderson
	G W Ellis		Mrs M Skilbeck
	Mrs B S Fortune		D H Smith
	Mrs F M Greenwell		J N Smith
	B Griffiths		P G Sowray
	Mrs J A Griffiths		T Swales
	A W Hall		A Wake
	K G Hardisty		Mrs J Watson
	G J F Key		D A Webster
	R Kirk		P R Wilkinson
	N A Knapton		A W Wood

Also in Attendance

Honorary Mrs J Imeson, OBE
Alderman

Apologies for absence were received from Councillors D E Adamson, K Billings, J Coulson, R W Hudson, J Noone, Mrs S A Shepherd and S Watson

C.35 **MINUTES**

THE DECISION:

That the minutes of the meeting held on 24 February 2015 (C.28 - C.34), previously circulated, be signed as a correct record.

C.36 **ANNOUNCEMENTS BY THE CHAIRMAN**

The Chairman referred to a number of Civic Engagements that he recently attended on behalf of the District Council.

The Chairman also gave thanks to all those Members not standing for re-election for their valuable contribution to Hambleton District Council.

C.37 **VERBAL STATEMENT OF THE LEADER AND REFERRALS FROM CABINET**

The Leader moved Cabinet minutes CA.74 – CA.83 and made a statement in relation to the Elections and the pending retirement of several Members who were not standing for re-Election. Together, those Members had a cumulative total number of years' service as District Councillors of 193 years. The Leader gave special thanks to Councillors A Barker and J Prest who had both served 32 years and D Smith who had served 28 years as Members of the District Council.

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	17 March 2015	CA.74 – CA.83

C.38 **REFERRAL FROM THE AUDIT, GOVERNANCE AND STANDARDS COMMITTEE**

THE DECISION:

That the reports, resolutions and recommendations of the following meeting of the Audit, Governance and Standards Committee be received, approved and adopted:-

<u>Body</u>	<u>Date of Meeting</u>	<u>Minute Nos</u>
Audit, Governance and Standards Committee	25 March 2015	AGS.31

C.39 **REFERRAL FROM THE LICENSING COMMITTEE**

THE DECISION:

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

<u>Body</u>	<u>Date of Meeting</u>	<u>Minute Nos</u>
Licensing Committee	23 March 2015	LC.15 – LC.16

The meeting closed at 2.10 pm

Chairman of the Council

HAMBLETON DISTRICT COUNCIL

Report To: Council

From: Chief Executive

Subject: THE LOCAL AUTHORITIES (STANDING ORDERS) (ENGLAND) (AMENDMENT) REGULATIONS 2015 – APPOINTMENT AND DISMISSAL OF SENIOR OFFICERS

All Wards
Scrutiny Committee

1.0 BACKGROUND:

- 1.1 The purpose of the report is to bring to Members' attention the implications of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (the "2015 Regulations"). It also recommends to Council the appointment of a new Disciplinary Committee and seeks approval for amendments to the Council's Officer Employment Procedure Rules.

2.0 CURRENT POSITION:

- 2.1 The Council is required by law to adopt Standing Orders governing the recruitment, appointment and dismissal of its staff (and other matters) in accordance the Standing Orders Regulations. The Officer Employment Procedure Rules (set out in Part 4 of the Council's Constitution) are the Standing Orders adopted by the Council for this purpose.
- 2.2 As far as is relevant they provide that, amongst other things, no disciplinary action in respect of the Council's Head of Paid Service, its Chief Financial Officer, or its Monitoring Officer may be taken by the Council other than in accordance with a recommendation in a report made by a Designated Independent Person appointed for that purpose under the Local Authorities (Standing Orders) (England) Regulations 2001.
- 2.3 The 2015 Regulations, which come into force on 11 May 2015, amend the current position.

3.0 THE 2015 REGULATIONS:

- 3.1 The 2015 Regulations simplify and localise the disciplinary process for Statutory Officers (i.e. the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer). They remove the current requirement that a Designated Independent Person be appointed to investigate and make a binding recommendation on disciplinary action against these Statutory Officers.
- 3.2 The 2015 Regulations provide that any decision to dismiss a Statutory Officer must be taken transparently by Full Council, which in reaching its decision must consider any advice, views or recommendations from an Independent Panel, the conclusions of any investigation into the proposed dismissal, and any representations from the officer concerned.
- 3.3 In the case of a proposed disciplinary action against a Statutory Officer the Council is required to invite Independent Persons who have been appointed under the Members' Code of Conduct regime (Section 28 (7) of the Localism Act 2011) to join an Independent Panel. The Council currently has 3 Independent Persons. An Independent Panel will be formed if 2 or more independent persons accept the invitation, and the Council should issue invitations in the following order:-

- An Independent Person who has been appointed by the Council and who is a local government elector;
- Any other Independent Person who has been appointed by the Council; and
- An Independent Person who has been appointed by another Council or councils.

3.4 The 2015 Regulations provide that the Independent Panel is to be a committee of the Council and so it is subject to all the legal requirements for committees, including the proportionality rules. There is currently no committee with specific responsibility for advising the Council on matters relating to the dismissal of a Statutory Officer.

3.5 It is proposed that a new committee is appointed comprising seven Members and two Independent Persons. The terms of reference of the Committee could be:-

Matters which may be determined by the Committee:

- To advise and make recommendations to the Council on matters relating to the proposed dismissal of a Statutory Officer

4.0 MEMBERS' ALLOWANCES:

4.1 It is normal practice for the Chairmen of Committees to have a Special Responsibility Allowance. However, the Scheme of Allowances cannot be altered without consideration of a report from the Council's Remuneration Panel.

4.2 It is therefore recommended that the Council's Remuneration Panel be asked to consider whether an allowance is appropriate.

5.0 FINANCIAL IMPLICATIONS:

5.1 Having an extra Committee will have minimal financial implications unless a Special Responsibility Allowance is approved. However, the three Independent Persons would each be entitled to an annual allowance, which is currently £233 per annum, together with travel expenses for attending any Committee. This can be met from within the Members' Allowances budget.

6.0 LEGAL IMPLICATIONS:

6.1 The appointment of the Committee is a legal requirement of the 2015 Regulations. It is also a requirement that the Council's Standing Orders are amended to reflect the 2015 Regulations. A copy of the Council's amended Officer Employment Procedure Rules is attached. These incorporate the necessary legislative changes.

7.0 RISK ASSESSMENT:

7.1 Failure to appoint the Committee would mean the Council acting in breach of the 2015 regulations.

8.0 RECOMMENDATIONS:

8.1 It is recommended that:-

- (1) a Disciplinary Committee be appointed with the membership and terms of reference set out in Section 3;
- (2) Members of the Committee be appointed in accordance with the wishes of the political groups;
- (3) the Remuneration Panel be asked to advise on whether a Special Responsibility Allowance should be paid to the Chairman of the Committee;
- (4) the amended Officer Employment Procedure Rules be approved and the Head of Legal and Information be given authority to make further consequential changes to the Constitution.

PHILLIP MORTON

Background papers: The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015

Author ref: GN

Contact: Gary Nelson
Head of Legal and Information
Direct Line No: (01609) 767012

260515 The Local Authorities (Standing Orders) (England) Regulations 2015

Officer Employment Procedure Rules

1. In these Rules
 - “the 1989 Act “ means the Local Government and Housing Act 1989;
 - “the 2000 Act” means the Local Government Act 2000;
 - “disciplinary action” has the same meaning as in the Local Authorities(Standing Orders) (England) Regulations 2001;
 - “executive” and “executive leader” have the same meaning as in Part II of the 2000 Act;
 - “member of staff” means a person appointed to or holding a paid office or employment under the Council; and
 - “proper officer” means an officer appointed by the Council for the purposes of the provisions in this Part.
2. Subject to paragraphs 3 and 7, the function of appointment and dismissal of, and taking disciplinary action against, a member of staff of the Council must be discharged, on behalf of the Council, by the officer designated under section 4(1) of the 1989 Act (designation and reports of head of paid service) as the head of the Council's paid service or by an officer nominated by him.
3. Paragraph 2 shall not apply to the appointment or dismissal of, or disciplinary action against –
 - (a) the officer designated as the head of the Council's paid service;
 - (b) a statutory Director within the meaning of section 296) of the 1989 Act (politically restricted posts);
 - (c) a non-statutory Director within the mean of section 2(7) of the 1989 Act;
 - (d) a deputy Director within the meaning of section 2(8) of the 1989 Act; or
 - (e) a person appointed in pursuance of section 9 of the 1989 Act (assistants for political groups).

The full Council will appoint the Head of Paid Service. A Committee of the Council will appoint Directors. All other appointments will be made by the Head of Paid Service or his/her nominee.

4.
 - (1) Where a committee, sub-committee or officer is discharging, on behalf of the Council, the function of the appointment of an officer designated as the head of the Council's paid service, the Council must approve that appointment before an offer of appointment is made to that person.
 - (1A) Where a committee, sub-committee or officer is discharging, on behalf of the Council, the function of the dismissal of an officer designated as the head of the Council's paid service, as the Council's chief finance officer, or as the Council's monitoring officer, the Council must approve that dismissal before notice of dismissal is given to that person.
 - (2) Where a committee or a sub-committee of the Council is discharging, on behalf of the Council, the function of the appointment or dismissal of any officer referred to in sub-paragraph (a),(b), (c) or (d) of paragraph 3, at least one member of the Cabinet must be a member of that committee or sub-committee.
5.
 - (1) In this paragraph, “appointor” means, in relation to the appointment of a person as an officer of the Council, the authority or, where a committee, sub-committee or officer is discharging the function of appointment on behalf of the Council, that committee, sub-committee or officer, as the case may be.
 - (2) An offer of an appointment as an officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3 must not be made by the appointor until

- (a) the appointor has notified the Proper Officer of the name of the person to whom the appointor wishes to make the offer and any other particulars which the appointor considers are relevant to the appointment;
 - (b) the Proper Officer has notified every member of the Cabinet of the Council of-
 - (i) the name of the person to whom the appointor wishes to make the offer;
 - (ii) any other particulars relevant to the appointment which the appointor has notified to the Proper Officer; and
 - (iii) the period within which any objection to the making of the offer is to be made by the executive leader on behalf of the Cabinet to the Proper Officer; and
 - (c) either –
 - (i) the Leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the appointor that neither he nor any other member of the Cabinet has any objection to the making of the offer;
 - (ii) the Proper Officer has notified the appointor that no objection was received by him within that period from the Leader; or
 - (iii) the appointor is satisfied that any objection received from the Leader within that period is not material or is not well-founded.
6. (1) In this paragraph, “dismissor” means, in relation to the dismissal of an officer of the Council, the Council or, where a committee, sub-committee or another officer is discharging the function of dismissal on behalf of the Council, that committee, sub-committee or other officer, as the case may be.
- (2) Notice of the dismissal of an officer referred to in sub-paragraph (a),(b),(c) or (d) of paragraph 3 must not be given by the dismissor until –
- (a) the dismissor has notified the Proper Officer of the name of the person who the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;
 - (b) the Proper Officer has notified every member of the Cabinet of the Council of –
 - (i) the name of the person who the dismissor wishes to dismiss;
 - (ii) any other particulars relevant to the dismissal which the dismissor has notified to the Proper Officer; and
 - (iii) the period within which any objection to the dismissal is to be made by the Leader on behalf of the executive to the Proper Officer; and
 - (c) either –
 - (i) the Leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the dismissor that neither he nor any other member of the Cabinet has any objection to the dismissal;
 - (ii) the Proper Officer has notified the dismissor that no objection was received by him within that period from the executive leader; or
 - (iii) the dismissor is satisfied that any objection received from the Leader within that period is not material or is not well-founded.
7. Nothing in paragraph 2 shall prevent a person from serving as a member of any committee or sub-committee established by the Council to consider an appeal by –
- (a) another person against any decision relating to the appointment of that other person as a member of staff of the Council; or

- (b) a member of staff of the Council against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.

8. In paragraphs 9 to 16:-

- (a) "the 2011 Act" means the Localism Act 2011;
- (b) "chief finance officer", "disciplinary action", "head of the authority's paid service" and "monitoring officer" have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001;
- (c) "independent person" means a person appointed under section 28(7) of the 2011 Act;
- (d) "local government elector" means a person registered as a local government elector in the register of electors in the Council's area in accordance with the Representation of the People Acts;
- (e) "the Panel" means a committee appointed by the Council under section 102(4) of the Local Government Act 1972 for the purposes of advising the Council on matters relating to the dismissal of relevant officers of the Council;
- (f) "relevant meeting" means a meeting of the Council to consider whether or not to approve a proposal to dismiss a relevant officer; and
- (g) "relevant officer" means the chief finance officer, the head of the authority's paid service or monitoring officer, as the case may be.

9. A relevant officer may not be dismissed by the Council unless the procedure set out in paragraphs 10 to 16 is complied with.

10. The Council must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.

11. In paragraph 10 "relevant independent person" means any independent person who has been appointed by the Council or, where there are fewer than that two such persons, such independent persons as have been appointed by another authority or authorities as the Council considers appropriate.

12. Subject to paragraph 13, the Council must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 10 in accordance with the following priority order:-

- (a) a relevant independent person who has been appointed by the Council and who is a local government elector;
- (b) any other relevant independent person who has been appointed by the Council;
- (c) a relevant independent person who has been appointed by another authority or authorities.

13. A Council is not required to appoint more than two relevant independent persons in accordance with paragraph 12 but may do so.

14. The Council must appoint any Panel at least 20 working days before the relevant meeting.

15. Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the Council must take into account, in particular:-

- (a) any advice, views or recommendations of the Panel;
- (b) the conclusions of any investigation into the proposed dismissal; and

(c) any representations from the relevant officer.

16. Any remuneration, allowances or fees paid by the Council to any independent person appointed to the Panel must not exceed the level of remuneration, allowances and fees payable to that independent person in respect of that person's role as independent person under the 2011 Act.

17. (a) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are related to or a partner of a Member or officer of the Council.
- (b) No candidate so related to a Councillor or an officer will be appointed without the authority of the relevant Director or an officer nominated by him/her.
- (c) Subject to paragraph (a), the Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- (d) Subject to paragraph (a), no Councillor will seek support for any person for any appointment with the Council.
18. Where the Council proposes to appoint a Director and it is not proposed that the appointment be made exclusively from among the existing officers, the Council will:
- (a) draw up a statement specifying:
- (i) the duties of the officer concerned; and
- (ii) any qualifications or qualities to be sought in the person to be appointed;
- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (c) make arrangements for a copy of the statement mentioned in paragraph a) to be sent to any person on request.

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MINUTES FOR INFORMATION

<u>Committee</u>	<u>Date</u>	<u>Page</u>
Planning Committee	30 April 2015	13
Standards Hearings Panel	1 May 2015	17
	5 May 2015	21
Licensing and Appeals Hearings Panel	6 May 2015	23

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Minutes of the meeting of the PLANNING COMMITTEE
held at 1.30 pm on Thursday, 30th April, 2015 at
Yorkshire Suite, Golden Lion Hotel, Northallerton

Present

Councillor D A Webster (in the Chair)

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

Also in Attendance

Councillor	B Phillips	Councillor	M S Robson
	M Rigby		

Apologies for absence were received from Councillors D E Adamson and J Coulson

P.33 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 2 April 2015 (P.30 - P.32), previously circulated, be signed as a correct record.

P.34 **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) 15/00125/FUL - Proposed two storey extension to form utility room/family and bedroom at 7 The Court, Bedale for Mr R Figg

PERMISSION REFUSED

(The applicant's agent, Mike Barningham, spoke in support of the application).

- (2) 14/01472/FUL - Construction of 2 dwellings as amended by plans received by Hambleton District Council on 6 February 2015 at Greenbank Farm, Dalton for Mr S Bradbury

PERMISSION GRANTED subject to a Section 106 Agreement to secure the emergency pedestrian access route to the highway

- (3) 15/00422/FUL - Construction of a dwelling and associated landscaping works at Land east of Fourways, Raskelf Road, Easingwold for Ms L Jarvis

PERMISSION GRANTED

(The applicant's agent, Graham Holbeck, spoke in support of the application).

- (4) 15/00271/TPO - Fell tree covered by Tree Preservation Order No 1992/02 at 69 High Street, Great Ayton for Mrs C Holdsworth

PERMISSION GRANTED

(Mr John Fletcher spoke on behalf of Great Ayton Parish Council objecting to the application.)

- (5) 15/00221/OUT - Outline application for a single storey dwelling at Land to the North of Springfield, Station Road, Scruton for Mr David Ward

PERMISSION GRANTED

(Janet Crampton spoke on behalf of Scruton Parish Council in support of the application.)

- (6) 15/00408/OUT - Outline application for residential development at Land north of The Paddocks, Main Street, Sessay for Mr Mike Wilkinson

PERMISSION GRANTED

(The applicant's agent, James Ellis, spoke in support of the application).

- (7) 15/00182/FUL - Change of use of Public House to dwelling at Blackwell Ox, Huby Road, Sutton-on-the-Forest for P Hourigan

PERMISSION GRANTED

The meeting closed at 3.00 pm

Chairman of the Committee

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Minutes of the meeting of the STANDARDS
HEARINGS PANEL held at 10.00 am on
Friday, 1st May, 2015 at Meeting Room 2,
Civic Centre, Stone Cross, Northallerton

Present

Councillor Mrs C Patmore
M Rigby

Councillor J N Smith

Independent Person

Mr R C Pennington

Parish Council Representative

Mrs J Crampton

Also in Attendance

Councillor D A Webster

SHP.28 **ELECTION OF CHAIRMAN**

THE DECISION:

That Councillor M Rigby be elected Chairman for duration of the meeting.

(Councillor M Rigby in the Chair)

SHP.29 **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.30 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.30 **ALLEGATIONS ABOUT A PARISH COUNCIL MEMBER**

The subject of the decision:

The Monitoring Officer 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 those who had made the allegations and the Councillor against whom the allegations had been made.

Alternative options considered:

None.

The reason for the decision:

Having considered the Monitoring Officer's report and the accompanying documents and having heard from the complainant and the Councillor in person, the Panel's findings were as follows:-

The Panel had seen no evidence that the Councillor had misled the public, or by his actions contributed to the Parish Council misleading the public, about a consultation on mineral extraction in 2015.

It followed that, in the Panel's view, the Councillor had not breached the Code of Conduct.

THE DECISION:

That Panel recommends to the Parish Council that the allegation be not upheld and the Parish Council be notified of the Panel's findings.

The meeting closed at 11.25 am

Chairman of the Panel

Minutes of the meeting of the STANDARDS
HEARINGS PANEL held at 11.00 am on
Friday, 1st May, 2015 at Meeting Room 2,
Civic Centre, Stone Cross, Northallerton

Present

Councillor Mrs C Patmore
 M Rigby

Councillor J N Smith

Independent Person

Mr R C Pennington

Parish Council Representative

Mrs J Crampton

Also in Attendance

Councillor D A Webster

SHP.31 **ELECTION OF CHAIRMAN**

THE DECISION:

That Councillor M Rigby be elected Chairman for duration of the meeting.

(Councillor M Rigby in the Chair)

SHP.32 **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.33 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.33 **ALLEGATIONS ABOUT A PARISH COUNCIL MEMBER**

The subject of the decision:

The Monitoring Officer 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 those who had made the allegations.

Alternative options considered:

None.

The reason for the decision:

Having considered the Monitoring Officer's report, the accompanying documents and having heard from the complainant in person, and having considered the Councillor's written representations, the Panel's findings were as follows:-

The Panel had seen no evidence that the Councillor had misled the public, or by his actions contributed to the Parish Council misleading the public, about a consultation on mineral extraction in 2015.

The quality of the Councillor's report into the complainant's complaint, and the Parish Council's procedures used in producing it, were not matters covered by the Code of Conduct.

In disclosing the complaint to the clerk and his fellow Councillors, the Councillor did not disclose confidential information about the complainant. It was appropriate for the Councillor to disclose the complaint to his fellow Councillors and the Clerk in order to seek their views when dealing with the complaint. It was noted that the Councillor had not disclosed the complaint to any other parties.

It followed that the Panel found that there had been no breaches of the Code of Conduct in this case.

THE DECISION:

That the Panel recommends to the Parish Council that the allegations be not upheld and the Parish Council be notified of the Panel's findings.

The meeting closed at 1.00 pm

Chairman of the Panel

Councillor R Kirk
M Rigby

Councillor J N Smith

Independent Person

Mr R C Pennington

Parish Council Representative

Mrs J Crampton

SHP.37 **ELECTION OF CHAIRMAN**

THE DECISION:

That Councillor J N Smith be elected Chairman for duration of the meeting.

(Councillor J N Smith in the Chair)

SHP.38 **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.39 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.39 **ALLEGATIONS ABOUT A PARISH COUNCIL MEMBER**

The subject of the decision:

The Monitoring Officer 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.

Alternative options considered:

None.

The reason for the decision:

Having considered the Monitoring Officer's report and the accompanying documents, and having been notified that the complainant was no longer attending the Hearing, and having heard from the Councillor in person, the Panel made the following findings:-

The Panel concluded it had sufficient information from the complainant to address the issues and in the circumstances proceeded to deal with the complaint in the complainant's absence.

The Panel noted that the Councillor had suggested that a meeting of the Parish Council in December 2013 be cancelled, as he was out of the Country, and that other Councillors had not objected to the cancellation. However, the Panel had seen no evidence to suggest that the Councillor had used his position to cancel the meeting with a view to improperly conveying an advantage on himself and a disadvantage on the complainant.

The Panel had seen no evidence that the Councillor had lied about the circumstances of the cancellation, nor was there any evidence to support the allegation that the Councillor had used his position to prevent the complainant obtaining copies of the correspondence passing between the Councillors. Rather, the documents made it clear that the responses to requests for documents and information were dealt with by the Parish Council, rather than the Councillor individually.

It followed, therefore, that the Panel concluded there had been no breaches of the Code of Conduct in this case.

THE DECISION:

It is recommended that:-

- (1) the allegations be not upheld; and
- (2) the Parish Council be notified of the Panel's findings.

The meeting closed at 2.05 pm

Chairman of the Panel

Minutes of the meeting of the LICENSING AND
APPEALS HEARINGS PANEL held at 11.00 am on
Wednesday, 6th May, 2015 at Meeting Room 3,
Civic Centre, Stone Cross, Northallerton

Present

Councillor Mrs I Sanderson (in the Chair)

Councillor Mrs F M Greenwell Councillor Mrs J A Griffiths

Also in Attendance

Councillor A W Hall

LAHP.23 **APPLICATION FOR A VARIATION TO A PREMISES' LICENCE, THE DURHAM OX,
NORTHALLERTON**

The Director of Environmental and Planning Services submitted a report seeking consideration of an application to vary a Premises Licence in respect of the Durham Ox, 157 High Street, Northallerton DL7 8JX.

The initial application submitted on 24 March 2015 sought to:

- (a) make alterations to the premises plans to provide a new external area with an external bar and waitress service;
- (b) make the external area available for the sale of alcohol and the provision of late night refreshment in accordance with the existing hours;
- (c) make the external area available for the provision of recorded music until 10pm each day;
- (d) make the external area available for the provision of live music until 10pm (up to four occasions per year);
- (e) amend an existing condition relating to occupancy levels;
- (f) amend the existing conditions relating to doors and windows during regulated entertainment;
- (g) extend the opening hours.

Upon receipt of representations in relation to live and recorded music in external areas these elements of the application (c) and (d) were withdrawn by the applicant.

At the Hearing, the applicant also withdrew the proposed amendment to Special Condition 10 under Annex 2 of the existing premises licence (f). The condition would therefore remain unchanged. The application still sought to remove the duplicate of the same condition in Annex 3 of the existing premises licence.

All other parts of the application were for the Panel to determine (a, b, e and g).

Alternative options considered:

- (1) To grant the licence subject to any further modified conditions that Members consider necessary for the promotion of the licensing objectives. The Panel was satisfied further additional or modified conditions were not necessary for the promotion of the licensing objectives.
- (2) To reject the whole or part of the application.

The Panel was satisfied that there were no grounds for rejecting the application on the basis of concerns relating to live and recorded music in the external areas as these elements of the application had been withdrawn. The remaining elements of the application had not attracted any demonstrable concerns.

The reason for the decision:

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

The Panel considered the representations relating to the provision of live and recorded music in the external areas. The Panel gave appropriate weight to the representations but it was satisfied that any likely adverse effect had been resolved by the amendments to the application.

THE DECISION:

The Panel resolved to grant the application for the variation to the Premises Licence and to impose the following conditions as agreed by the applicant:

- (1) the external bar area shall be manned at all operational hours in order to provide continuous supervision of the external areas;
- (2) the tables and seating areas externally shall remain as located on the drawing E0315/8145/0.1;
- (3) signage shall be displayed at the entrances to and from the seating area to remind patrons to be considerate to local residents;
- (4) the premises licence holder and/or the designated premises supervisor shall ensure that the self-closers for both the internal and external rear doors of the public house are in working order and the doors are kept closed to prevent noise from internal regulated entertainment transmitting to the rear external area;
- (5) the premises licence holder and/or the designated premises supervisor shall ensure that the windows facing onto the rear external area are kept closed when regulated entertainment is taking place inside the public house;
- (6) during opening hours staff must carry out monitoring of recorded music noise from the premises by periodically walking around the external perimeter and to the boundary of the nearest noise-sensitive premises to determine if the nearest noise-sensitive premises is affected by noise from the premises, and they must keep a written record of their findings and report these to the premises' manager. The manager must set the noise levels for the recorded music according to these findings in order to prevent disturbance to the nearest noise-sensitive premises.

The meeting closed at 12.25 pm

Chairman of the Panel

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