

Public Document Pack

HAMBLETON
DISTRICT COUNCIL

AGENDA

Committee Administrator: Democratic Services Officer (01609 767015)

Monday, 7 December 2015

Dear Councillor

NOTICE OF MEETING

Meeting **COUNCIL**
Date **Tuesday, 15 December 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

Page No

1. MINUTES 1 - 4
To confirm the minutes of the meeting held on 15 September 2015 (C.13 - C.16) and the Special meeting held on 15 September 2015 (C.17 – C.18), attached.
2. APOLOGIES FOR ABSENCE
3. ANNOUNCEMENTS BY THE CHAIRMAN OR CHIEF EXECUTIVE
4. STATEMENT OF THE LEADER AND REFERRALS FROM CABINET 5 - 12

<u>Date of Meeting</u>	<u>Minute Nos</u>
6 October 2015	CA.31 to CA.32
1 December 2015	CA.35 to CA.40
5. REFERRAL FROM THE AUDIT, GOVERNANCE AND STANDARDS COMMITTEE 13 - 14

<u>Date of Meeting</u>	<u>Minute Nos</u>
27 October 2015	AGS.15
6. REFERRAL FROM THE LICENSING COMMITTEE 15 - 16

<u>Date of Meeting</u>	<u>Minute Nos</u>
24 November 2015	LC.7
7. CABINET PORTFOLIO STATEMENTS
 - a) Statement from the Portfolio Holder for Economic Development and Finance 17 - 18
 - b) Statement from the Portfolio Holder for Customer and Leisure Services 19 - 20
 - c) Statement from the Portfolio Holder for Environmental and Planning Services 21 - 22
 - d) Statement from the Portfolio Holder for Support Services 23 - 24
8. QUESTION TIME
None received.
9. NOTICES OF MOTION
None received.

Agenda Item 1

Minutes of the meeting of the COUNCIL held at 2.00 pm
on Tuesday, 15th September, 2015 at Council Chamber,
Civic Centre, Stone Cross, Northallerton

Present

Councillor S P Dickins (in the Chair)

Councillor	R A Baker	Councillor	Ms C Palmer
	P Bardon		C Patmore
	M A Barningham		B Phillips
	D M Blades		M S Robson
	Mrs C S Cookman		C Rooke
	G W Ellis		Mrs I Sanderson
	A W Hall		A Wake
	K G Hardisty		Mrs J Watson
	R W Hudson		S Watson
	R Kirk		D A Webster
	N A Knapton		P R Wilkinson
	J Noone		

Also in Attendance

Honorary Alderman	Mrs C M Seymour	Honorary Alderman
-------------------	-----------------	-------------------

Apologies for absence were received from Councillors G W Dadd, Mrs B S Fortune, D Hugill and C A Les

C.13 **MINUTES**

THE DECISION:

That the minutes of the meeting held on 21 July 2015 (C.7 - C.12), previously circulated, be signed as a correct record.

C.14 **ANNOUNCEMENTS BY THE CHAIRMAN OR CHIEF EXECUTIVE**

The Chairman presented Mr Scott Lincoln an award in recognition of his sporting achievement in being crowned British Shot Put Champion. The Chairman, on behalf of the Council, congratulated Scott and wished him every success with his future sporting career.

C.15 **VERBAL STATEMENT OF THE LEADER AND REFERRALS FROM CABINET**

The Leader moved Cabinet minutes CA.19 – CA.25 and made a statement to the Council on the following matters:-

- Development of the former Northallerton Prison Site

- Devolution and Combined Authorities – The Leader reported that the Council had put forward an expression of interest in the option for a Great Yorkshire with an Elected Mayor

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	1 September 2015	CA.19 – CA.25

C.16 **CABINET PORTFOLIO STATEMENTS**

- (a) Councillor P R Wilkinson, Portfolio Holder for Economic Development and Finance made a statement regarding the current position of the Council's long term financial position following the reduction in Government grant and the recent announcement that there would be a further cut of 40% over a 2 year period; update on the Bedale Car Park and Dalton Bridge projects; Central Northallerton and Vibrant Market Towns initiative and the new Business Roundup Newsletter.
- (b) Councillor N Knapton, Portfolio Holder for Support Services made a statement regarding the new LED lighting in Bullamoor Park and the plan to replace the remaining lights in the park with new LED lighting.
- (c) Councillor B Phillips, Portfolio Holder for Environmental and Planning Services made a statement regarding the Planning Inspector's decision on the Stokesley Planning Appeal; the Local Plan Members' Working Group; the appointment of a Planning Policy Team Leader and the implementation of the new Recycling Policy.

The meeting closed at 2.15 pm

Chairman of the Council

Minutes of the meeting of the COUNCIL held at 2.30 pm
on Tuesday, 15th September, 2015 at Council Chamber,
Civic Centre, Stone Cross, Northallerton

Present

Councillor S P Dickins (in the Chair)

Councillor	R A Baker	Councillor	Ms C Palmer
	P Bardon		C Patmore
	M A Barningham		B Phillips
	D M Blades		M S Robson
	Mrs C S Cookman		C Rooke
	G W Ellis		Mrs I Sanderson
	A W Hall		A Wake
	K G Hardisty		Mrs J Watson
	R W Hudson		S Watson
	R Kirk		D A Webster
	N A Knapton		P R Wilkinson
	J Noone		

Also in Attendance

Honorary Alderman	Mrs C M Seymour	Honorary Alderman
----------------------	-----------------	----------------------

Apologies for absence were received from Councillors G W Dadd, Mrs B S Fortune, D Hugill and C A Les

C.17 **HONORARY ALDERMAN**

THE DECISION:

That pursuant to its powers under Section 249(1) of the Local Government Act 1972, the Council hereby confers upon Mr A W Barker, Mr M J Prest and Mr J N Smith the title of Honorary Alderman of the District of Hambleton in recognition of the eminent services which they have rendered to the Council of the District of Hambleton during the period they were a member of the Council.

C.18 **PRESENTATION OF LONG SERVICE AWARDS**

THE DECISION:

The Chairman presented long service awards to Councillors S P Dickins and D A Webster and to former Councillors A Robinson, Mrs M Skilbeck and P G Sowray.

The meeting closed at 2.45 pm

Chairman of the Council

This page is intentionally left blank

STATEMENT BY THE LEADER OF THE COUNCIL

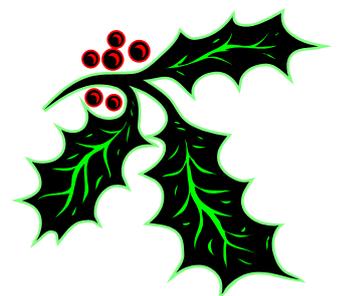
15th December 2015

2015 was always going to be a year of planning various projects to enable this Authority in be in a position to deliver from 2016

- **North Northallerton Development**, one of the largest developments this Authority has dealt with, will deliver much-needed housing as well as an essential link road and bridge
- **Northallerton Prison** has now been purchased and we are in the process of appointing a partner to deliver the aspirations of the Central Northallerton Masterplan
- The **2016 Waste Strategy** will be introduced from late February and will provide every household in the District with a third wheelie bin to allow a wider range of recycling
- Since the last full Council many discussions have taken place on **Devolution**, with senior officers attending meetings to feed in various asks and wishes. I feel we are not much further forward and must reiterate that any future agreement has to be for the benefit of residents throughout Hambleton. I will update you if and when we make progress

I would like to take this opportunity to thank all Council members and staff for their hard work and contribution throughout 2015 and I wish you all a very Merry Christmas and Happy New Year

**Councillor Mark Robson
Leader of the Council**



This page is intentionally left blank

**Decisions to be considered by
Full Council on 15 December 2015**

Decisions of the meeting of the CABINET held
at 9.30 am on Tuesday, 6th October, 2015 at
COUNCIL CHAMBER, CIVIC CENTRE,
STONE CROSS, NORTHALLERTON

Present

Councillor M S Robson (in the Chair)

Councillor	Mrs B S Fortune B Phillips	Councillor	P R Wilkinson
------------	-------------------------------	------------	---------------

Also in Attendance

Councillor	P Bardon M A Barningham D M Blades K G Hardisty J Noone	Councillor	Ms C Palmer C Patmore Mrs J Watson D A Webster
------------	---	------------	---

Apologies for absence were received from Councillor N A Knapton

CA.31 **IMPLEMENTATION OF THE COMMUNITY INFRASTRUCTURE LEVY (CIL)
CHARGING SCHEDULE**

All Wards outside the North York Moors National Park

The subject of the decision:

In April Council agreed the arrangements for implementing Community Infrastructure Levy (CIL) in Hambleton. This allowed for direct payment of CIL as a charge or by payment in kind by donating land but did not consider payment in kind through direct provision of infrastructure. This report sought consideration of an amended to the CIL Charging Schedule to allow for direct provision of infrastructure to be included within the Council's Regulation 123 list in lieu of a financial payment.

Alternative options considered:

None.

The reason for the decision:

To comply with Regulation 123 of the Community Infrastructure Levy Regulations 2010.

THE DECISION:

That Cabinet approves and recommends to Council that the Hambleton District Council Community Infrastructure Levy Charging Schedule be amended to allow for direct provision of infrastructure to be included within the Council's Regulation 123 list in lieu of a financial payment.

CA.32 **CHILDREN AND ADULTS AT RISK SAFEGUARDING POLICY AND PROCEDURE**

All Wards

The subject of the decision:

The Executive Director presented a revised Children and Adults at Risk Safeguarding Policy for consideration in line with the review process and in light of recent changes in legislation.

Alternative options considered:

None.

The reason for the decision:

To take account of new legislation, in particular The Care Act 2014 and updated guidance from the North Yorkshire Safeguarding Adults Multi-Agency Policy and Procedures.

THE DECISION:

That Cabinet approves and recommends to Council the revised Safeguarding Children and Adults at Risk Policy for adoption.

The meeting closed at 9.40 am

Leader of the Council

**Decisions to be considered by
Full Council on 15 December 2015**

Decisions of the meeting of the CABINET held
at 9.30 am on Tuesday, 1st December, 2015 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	K G Hardisty
	M A Barningham		J Noone
	D M Blades		C Patmore
	Mrs C S Cookman		A Wake
	S P Dickins		

CA.35 **2015/16 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 2015.

Alternative options considered:

None.

The reason for the decision:

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

THE DECISION:

That Cabinet approves and recommends to Council:-

- (1) the budget increase at paragraph 3.2 of the report by £468,260 to £7,386,540;
- (2) the budget movements at paragraph 3.10 of the report of £71,570 which overall have nil effect on the budget which are in accordance with the Council's financial regulations;
- (3) the allocation from the one-off fund at paragraph 6.3 of the report of £108,194;
- (4) the allocation from the Repairs and Renewal Fund at paragraph 6.6 of the report of £13,000; and

- (5) the allocation from the Economic Development Fund at paragraph 6.2 of the report of £1,619,348.

CA.36 **2015/16 QUARTER 2 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 2015 on the progress of the Capital Programme 2015/16 and the Treasury Management position. A full schedule of the Capital Programme 2015/16 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 to Council:-

- (1) the net decrease of £23,742,028 in the Capital Programme to £17,284,838 as detailed in Annex 'B' and also in the Capital Programme attached at Annex 'A' of the report;
- (2) the increase of capital expenditure is funded from earmarked reserves at £2,300,750, where £780,750 is funded from capital receipts and £1,520,000 from the Economic Development Fund;
- (3) the increase of capital expenditure £6,748 is funded from external contributions;
- (4) the funding allocation to the Capital Programme as detailed in paragraph 3.1 of the report; and
- (5) the Treasury Management and Prudential Indicators at Annex 'E' of the report.

CA.37 **HAMBLETON LOCAL PLAN - LOCAL DEVELOPMENT SCHEME**

All Wards outside the North York Moors National Park

The subject of the decision:

This report presented a Local Development Scheme for approval and publication. The Local Development Scheme set out a timetable for the production of the Local Development Documents which made up the Council's Local Plan. The Local Development Scheme would be made publically available and kept up-to-date.

Alternative options considered:

None.

The reason for the decision:

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

THE DECISION:

That Cabinet approves and recommends to Council the Local Development Scheme be approved for publication.

CA.38 **AFFORDABLE HOUSING THRESHOLDS - WITHDRAWAL OF MINISTERIAL STATEMENT**

All Wards

The subject of the decision:

This report provided advice on the implications for Council decision making in light of the High Court's decision regarding the Ministerial Statement of November 2014 and the related changes to National Policy in respect of the provision of affordable housing and infrastructure. The report recommended withdrawal of the Council's policy to implement the lower threshold triggering the requirement for affordable housing and tariff style contributions on sites of six or more units in 'designated rural areas' which was adopted in July 2015.

Alternative options considered:

None.

The reason for the decision:

To take account of the High Court's decision and to comply with the requirements of Section 157 of the Housing Act 1985.

THE DECISION:

That Cabinet approves and recommends to Council the withdrawal of the Council's policy to implement the lower threshold triggering the requirement to make cash payments towards the provision of affordable housing on schemes of six and ten units for those parts of the District that are Designated Rural Areas.

CA.39 **HAMBLETON HOUSING STRATEGY ACTION PLAN 2015-2021**

All Wards

The subject of the decision:

This report sought approval for the adoption of the Hambleton Housing Strategy Action Plan.

Alternative options considered:

None.

The reason for the decision:

Cabinet was satisfied that adoption of the Hambleton Housing Strategy Action Plan would ensure delivery of the York, North Yorkshire & East Riding Housing Strategy.

THE DECISION:

That Cabinet approves and recommends to Council that:-

- (1) the Housing Strategy Action Plan 2015-2021 be adopted;
- (2) the Action Plan be reviewed annually; and
- (3) progress against the Action Plan be reported to the York, North Yorkshire & East Riding Housing Partnership when requested.

CA.40 **WASTE AND RECYCLING POLICY**

All Wards

The subject of the decision:

This report sought approval of the Waste and Recycling Collection Policy in support of the Waste Strategy which had been approved by Council in April 2015. The aim of the policy was to ensure that the waste and recycling services operated efficiently and effectively.

Alternative options considered:

None.

The reason for the decision:

Cabinet was satisfied that the Waste and Recycling Collection Policy would ensure that the waste and recycling services would operate efficiently and effectively.

THE DECISION:

That Cabinet approves and recommends to Council that the Waste Collection Policy as set out in Annex A of the report be adopted.

The meeting closed at 10.15 am

Leader of the Council

Agenda Item 5

**Decisions to be considered by
Full Council on 15 December 2015**

Minutes of the meeting of the AUDIT,
GOVERNANCE AND STANDARDS
COMMITTEE held at 9.30 am on Tuesday,
27th October, 2015 at MAIN COMMITTEE
ROOM, CIVIC CENTRE, STONE CROSS,
NORTHALLERTON

Present

Councillor R W Hudson (in the Chair)

Councillor	R A Baker	Councillor	R Kirk
	Mrs C S Cookman		C Patmore
	G W Dadd		

Also in Attendance

Councillor M S Robson

Apologies for absence were received from Councillor Mrs J Watson

AGS.15 **AMENDMENT TO CONSTITUTION**

All Wards

The subject of the decision:

The Executive Director and Deputy Chief Executive presented a report seeking consideration of a request to change the Council's Constitution regarding the number of Cabinet meetings held in any one year.

Alternative options considered:

None.

The reason for the decision:

The amendment to the Council's Constitution would give Cabinet the flexibility to ensure the Council's decision making process remained robust.

THE DECISION:

That Council be recommended to amend Paragraph 1.6 of the Cabinet Procedure Rules as set out in paragraph 2.3 of the report.

The meeting closed at 10.20 am

Chairman of the Committee

This page is intentionally left blank

**Decisions to be considered by
Full Council on 15 December 2015**

Minutes of the meeting of the LICENSING
COMMITTEE held at 9.30 am on Tuesday,
24th November, 2015 at Main Committee
Room, Civic Centre, Stone Cross, Northallerton

Present

Councillor Mrs I Sanderson (in the Chair)

Councillor	R A Baker	Councillor	K G Hardisty
	P Bardon		D Hugill
	M A Barningham		R Kirk
	D M Blades		C Patmore

Apologies for absence were received from Councillors J Noone.

LC.7 **STREET TRADING POLICY - DESIGNATION OF CONSENT STREETS**

All Wards

The subject of the decision:

This report presented the results of consultations on the Council's intention to adopt a comprehensive street trading scheme. The scheme had been revised and expanded to cover the entire district. In order to achieve this the procedure described in legislation had been followed. During the meeting maps were circulated showing areas of the District that were not proposed to be designated as consent streets.

Alternative options considered:

None.

The reason for the decision:

To comply with legislative requirements regarding the adoption of all streets within Hambleton District Council's area as designated consent streets.

THE DECISION:

That Council be asked to:-

- (1) rescind the resolution passed by Hambleton District Council on 14 July 1983 (and any subsequent resolutions) to designate specified areas of the district as consent streets for the purposes of regulating street trading under Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982; and
- (2) designate all streets and public places within the district of Hambleton as consent streets for the purposes of regulating street trading under Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982, except certain specified areas outlined on the maps which were circulated at the meeting of the Licensing Committee on 24th November 2015 and were available upon request in writing to the Council's Licensing Team.

The meeting closed at 10.10 am

Chairman of the Committee

Agenda Item 7(a)

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

15 December 2015

- **Dalton Bridge** : Cabinet has approved additional funding from the Economic Development Strategy to undertake final design works on a new bridge and road to alleviate flooding which we are now certain will unlock significant investment in jobs from the private sector
- **Northallerton Prison** : The process to appoint a private sector partner has begun; demolition of the site will take place in the next calendar year; this project will be a major task for us during 2016
- **Hambleton Strategic Business Forum** : The annual conference is to move from Bedale to Hawkhill at Easingwold and will be held on Friday 13th May
- We are in exploratory talks with the **Wensleydale Railway Association** on how to support the development of a train maintenance facility and developing a permanent station in Northallerton
- The **Flavours of Herriot** annual awards took place recently with Hambleton having 14 of the 24 nominations; and 5 of the 11 category winners, plus the overall winner The Pantry coming from Thirsk
- At the **Annual White Rose Tourism Awards** we had 2 winners from the District, the Thirsk Tourist Information Centre won Visitor Information Centre of the Year and the Cleveland Tontine near Osmotherly won Best Restaurant with Rooms
- I have established a new **Member Focus Group** to look at Economic Development generally; starting with vibrant market towns

Councillor Peter R Wilkinson
Deputy Leader
Cabinet Portfolio Holder for Economic Development and Finance

This page is intentionally left blank

Statement by the Cabinet Portfolio Holder for Customer and Leisure Services

15 December 2015

Primetime (activities for older people)

- 5 groups have been set up – Husthwaite, Hutton Rudby, Topcliffe, Stokesley and Stillington
- A celebration event was held on 20 October at Hambleton Leisure Centre – 55 primetime participants attended from all 5 groups. Representatives from North Yorkshire Sport and North Yorkshire County Council, who grant funded the initiative, also attended
- The Communities Team is now looking at opportunities to set up more Primetime groups

Sporting Memories

- A Sporting Memories pilot was held on 11 November in Hutton Rudby with 14 people participating
- Sporting Memories is an initiative to support people with dementia – using sporting memorabilia (photos, newspaper articles) to stimulate memories

Distributed funds to voluntary organisations

- The Council has distributed £270,000 to voluntary organisations in the current financial year
- £125,000 Making a Difference grants; £112,000 to frequently funded organisations; £33,000 of small grants

Hambleton Leisure Centre – refurbished artificial turf pitch

- £130k capital project delivered including resurface, training area & equipment
- Suitable for multisport including football and hockey
- 10 year since original project & similar expected lifespan for this surface
- On time and on budget

Winter weather preparations

- The 2015/16 winter weather campaign is underway promoting the *stay safe, stay warm, stay healthy* message to those at greatest risk of poor health during bouts of bad weather. 2,000 winter weather packs are being distributed with the help of the Police and the voluntary sector. Promotional displays are also being displayed at Council offices
- The Warm Healthy Homes grants scheme is still available – the scheme will pay for a warm healthy home check to be carried and, if required, help with the cost of improvements such as draft proofing insulation, boiler repairs, as well as advice and information to save energy

Parkrun at Stone Cross

- Launched on 1 August the Northallerton Park Run is attracting an average of 100 runners per week covering the 5km route, some with partners, push chairs and dogs!

Take That Step weight management scheme

- 746 referrals have been received since the scheme was launched in July 2014
- 520 people have enrolled on the scheme

Sports Awards

- The 2015 Sports Awards were held on 4 November – over 120 people attended – 12 awards were announced and 2 special commendations
- Chris Tomlinson – GB Olympic long jumper from Middlesbrough was our guest speaker, along with performance poet, Kate Fox – who brought the fabulous evening to a close with her sports awards poem she had put together during the awards ceremony!

Councillor Mrs Bridget Fortune
Cabinet Member for Customer and Leisure Services

Statement by the Portfolio Holder For Environmental And Planning Services

15 December 2015

North Northallerton Development Area

In November Planning Committee resolved to grant planning permission for the north Northallerton development. Before the Notice of Decision can be issued a Section 106 Agreement between the developers and the Council must be completed and there is also the need for a Section 38 Agreement between the developers and North Yorkshire County Council covering the highways. These legal agreements will be the mechanisms for ensuring the delivery of the link road and bridge and the transfer of the land for the school and recreation area. There will also be legal agreements between the Council and the LEP for the Local Growth Deal grant towards the road and bridge and a similar agreement between the Council and the developers which will transfer the risks to them.

The latest developers' project plan sees construction commencing on site in May 2016 and the link road and bridge being completed by October 2017, subject to no unforeseen delays from Network Rail.

New Recycling Service

The Waste and Street Scene customer satisfaction survey undertaken over the summer provided further confirmation of residents wish to recycle more at the kerbside and support for the Council's decision to improve the service. During January and February 2016 there will be key developments in implementing the new service; the new bins will be delivered to residents in January and February, the new collection vehicles will arrive in January and the new collections will commence on 29 February. The Council's mini recycling sites at locations such as schools, village halls and public houses will be removed in March 2016 and letters have been sent to all site owners.

Not all properties will be able to take a new wheeled bin so officers are checking this at local level and assessing the need for alternative arrangements in consultation with residents. Shortly all non-wheeled bin properties will be receiving a letter about their alternative arrangements. Alternative arrangements could include plastic sacks.

There will be further information about the new system directed at residents including a leaflet issued with the new bin. There will also be information on the web-site including Frequently asked Questions and the Council's new collections policy.

The New Local Plan

Work is moving forward on the preparation of the new Local Plan with input from the Members' Working Group. The aim is to get the Plan adopted as quickly as possible because of the importance of having up-to-date planning policies in place to guide and control development.

In January 2016 there will be consultation on Issues and Options which will cover the vision and objectives for the Plan, the big planning issues to be covered, the scale of housing and employment growth and where growth should go. This will be followed by consultation on Preferred Options starting in September 2016 which will set out the Council's preferred strategy and policies and the broad location of allocations for development.

Plan preparation involves assembling an evidence base to support the chosen policies and proposals. A Strategic Housing Market Assessment, which will form an important part of the evidence base, will be completed by the end of December. This will provide an up-to-date assessment of the need for housing for both market and affordable housing and the housing needs of different groups. The information will be used to set the housing targets in the Local Plan which will also take into account other factors such as growth aspirations, the supply of land, infrastructure capacity and environmental constraints.

Councillor B Phillips
Portfolio Holder for Environmental and Planning Services

Statement by the Cabinet Portfolio Holder for Support Services

15 December 2015

Financial Position

The 2015/16 revenue budget has been increased from £6.918m to £7.503m an increase of £0.585m, this is largely as a result of the reduced interest received from the Council's loan arrangements. It is a result of a timing difference and this reduced income will be recovered in future years.

Christmas - Car Parking and Markets

The Council will again offer free parking on each Thursdays throughout December and also from 25 December until 1 January in all our car parks across the District. This is now the third year of this offer and has proved popular with businesses and shoppers alike.

The Market in Northallerton will operate on the 19th, 23rd and 30th of December and also on the 2nd and 6th of January 2016. There will be no Market on Boxing Day. The Farmers Market will be a week early on 16th December. The Market in Thirsk will operate as usual except for Boxing Day. The popular open market in Thirsk will take place in Thirsk on Bank Holiday Monday 28th December and is open to all traders with insurance.

Civil Parking Enforcement

As portfolio holder I sit on The Parking & Traffic Regulations Outside London (PATROL) committee. We have developed a new tribunals appeal portal called BECK This has been already trialled in 30 Council areas. The feedback is excellent and will mean the cost to the scheme of the average appeal dropping from £200 to £40. It also will give our residents who wish to appeal a simpler, quicker and less stressful process. We should be using the new BECK 2 system here in Hambleton sometime next year.

ICT

Changes have been made to the management structure of ICT in order to ensure effective data governance. ICT now comes under the Customer & Leisure Directorate. The Director is Dave Goodwin, the Head of Service is Helen Kemp and I remain the Portfolio Holder. Any issues of policy or strategy please see either myself or Dave and any operational matters please see Helen.

The Council Chamber Improvement Project has now been delivered. New screens, wireless conferencing system and new infra-red hearing loop system are all in place and training has been given to the majority of Councillors. Those who haven't been able to receive training have been notified about additional sessions.

Councillor Nigel Knapton
Portfolio Holder for Support Services

This page is intentionally left blank

MINUTES FOR INFORMATION

<u>Committee</u>	<u>Date</u>	<u>Page</u>
Cabinet	6 October 2015	27
	1 December 2015	29
Scrutiny Committee	19 November 2015	33
Planning Committee	17 September 2015	35
	15 October 2015	41
	12 November 2015	47
	10 December 2015	To follow
Audit, Governance and Standards Committee	22 September 2015	51
	27 October 2015	53
Licensing Committee	24 November 2015	57
Licensing and Appeals Hearings Panel	7 October 2015	59
	2 December 2015	63

This page is intentionally left blank

**Decisions taken under Cabinet authority
to take effect on 19 October 2015**

Decisions of the meeting of the CABINET held
at 9.30 am on Tuesday, 6th October, 2015 at
COUNCIL CHAMBER, CIVIC CENTRE,
STONE CROSS, NORTHALLERTON

Present

Councillor M S Robson (in the Chair)

Councillor	Mrs B S Fortune B Phillips	Councillor	P R Wilkinson
------------	-------------------------------	------------	---------------

Also in Attendance

Councillor	P Bardon M A Barningham D M Blades K G Hardisty J Noone	Councillor	Ms C Palmer C Patmore Mrs J Watson D A Webster
------------	---	------------	---

Apologies for absence were received from Councillor N A Knapton

CA.33 **MINUTES**

THE DECISION:

That the decisions of the meeting held on 1 September 2015 (CA.19 – CA.30), previously circulated, be signed as a correct record.

CA.34 **STOKESLEY NEIGHBOURHOOD AREA DESIGNATION**

Stokesley

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 Stokesley.

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 Stokesley parish be agreed and the necessary information publicised; and
- (2) Government grant funding be passed on to Stokesley Parish Council to cover their submitted costs of plan preparation up to £3,000.

The meeting closed at 9.40 am

Leader of the Council

**Decisions taken under Cabinet authority
to take effect on 14 December 2015**

Decisions of the meeting of the CABINET held
at 9.30 am on Tuesday, 1st December, 2015 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	K G Hardisty
	M A Barningham		J Noone
	D M Blades		C Patmore
	Mrs C S Cookman		A Wake
	S P Dickins		

CA.41 **MINUTES**

THE DECISION:

That the decisions of the meeting held on 6 October 2015 (CA.31 – CA.34), previously circulated, be signed as a correct record.

CA.42 **HAMBLETON LOCAL PLAN ISSUES AND OPTIONS CONSULTATION DOCUMENT**
All Wards

The subject of the decision:

On the 17 March 2015 Council approved the production of a new Local Plan to replace the Local Development Framework (Minute CA.76 refers). Work was well underway on the preparation of the new Plan and this report presented the Issues and Options document for approval for consultation, this was the first stage in the formal process.

Alternative options considered:

None.

The reason for the decision:

To comply with the Town and Country Planning (Local Planning) (England) Regulations 2012 which set out the requirements in relation to Plan preparation.

THE DECISION:

That Cabinet approves the Issues and Options Document for public consultation for a period of six weeks commencing on 11 January 2016.

CA.43 **PUBLIC OPEN SPACE, SPORT AND RECREATION PLANS**

Easingwold

The subject of the decision:

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

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.44 **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.45 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.45 **DALTON BRIDGE AND HIGHWAY SCHEME**

Sowerby and Topcliffe

The subject of the decision:

This report sought approval for the allocation of further funds from the Economic Development Fund towards the Dalton Bridge and Highway scheme.

Alternative options considered:

None.

The reason for the decision:

The allocation of further funds would ensure that the detailed design phase for the proposed highway scheme could be progressed.

THE DECISION:

That:-

- (1) a grant of £102,691 be approved from the Economic Development Fund to be given to the Dalton Businesses to ensure the detailed design phase can be progressed; and
- (2) the grant award be subject to:-
 - (i) the businesses acting as the Client for the delivery of the design phase;
 - (ii) the business committing £17,210 of Section 106 funding;
 - (iii) the businesses committing to acquire the land for the construction of the bridge and highway scheme at a cost of £49,000;
 - (iv) a formal contractual arrangement being in place for the holding of the acquired land the sole purpose of which is to allow delivery of the Dalton Bridge and Highway Scheme.

The meeting closed at 10.15 am

Leader of the Council

This page is intentionally left blank

Minutes of the meeting of the SCRUTINY
COMMITTEE held at 9.30 am on Thursday,
19th November, 2015 at Main Committee
Room, Civic Centre, Stone Cross,
Northallerton, DL6 2UU

Present

Councillor A Wake (in the Chair)

Councillor	Mrs C S Cookman	Councillor	R W Hudson
	M A Barningham		Ms C Palmer
	S P Dickins		S Watson
	A W Hall		

Also in Attendance

Councillor	N A Knapton	Councillor	M S Robson
------------	-------------	------------	------------

Apologies for absence were received from Councillors D Hugill and Mrs I Sanderson.

SC.10 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 10 September 2015 (SC.7 - SC.9), previously circulated, be signed as a correct record.

SC.11 **COUNCIL PERFORMANCE 2015/16 QUARTER 2**

All Wards

The Executive Director and Deputy Chief Executive submitted a report setting out the Council Performance for Quarter 2 of 2015/16. The Council's performance and strategic risks were reported quarterly to the Management Team and Performance Review Boards. The public had access to performance information through these quarterly Performance Reports. This report provided details on progress against the Council's priorities and information on actions to address under performance.

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 Council Performance for Quarter 2 of 2015/16 be noted.

SC.12 **HEALTH AND SAFETY QUARTER 2 2015/16**

All Wards

The Executive Director and Deputy Chief Executive submitted the Health & Safety Action Plan at Quarter 2 2015/16 which provided an update on the Council's improvements in health and safety management during 2015/16.

THE DECISION:

That the Health and Safety Action Plan at Quarter 2 2015/16 be noted.

SC.13 **REVIEW OF RISK MANAGEMENT**

All Wards

The Executive Director and Deputy Chief Executive submitted a quarterly monitoring report on the strategic risks affecting the Council.

To ensure that strategic risks were appropriately measured and that suitable actions were undertaken to mitigate the effect of each risk it had been agreed that the Scrutiny Committee would receive a quarterly monitoring report.

THE DECISION:

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

The meeting closed at 9.50 am

Chairman of the Committee

Minutes of the meeting of the PLANNING
COMMITTEE held at 10.00 am on Thursday,
17th September, 2015 at Council Chamber,
Civic Centre, Stone Cross, Northallerton

Present

Councillor D A Webster (in the Chair)

Councillor	P Bardon	Councillor	C Rooke
	D M Blades		Mrs I Sanderson
	S P Dickins		A Wake
	G W Ellis		Mrs J Watson
	K G Hardisty		S Watson
	J Noone		

Also in Attendance

Councillor	R A Baker	Councillor	B Phillips
	Mrs C S Cookman		M S Robson
	C Patmore		

P.11 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 20 August 2015 (P.9 - P.10), previously circulated, be signed as a correct record.

P.12 **PLANNING APPLICATIONS**

The Committee considered reports of the Executive Director 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 Executive Director 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 Executive Director, unless shown otherwise:-

- (1) 15/01335/FUL - Construction of a solar farm and associated infrastructure, access tracks, temporary construction compounds and security fencing at White House Farm Great Smeaton for Mr Mike Rogers

DEFER for further consideration of highways issues, the need for two sites, residential amenity issues and community benefits of the scheme.

The decision was contrary to the recommendation of the Executive Director.

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

(The applicant's agent, Jolyon Orchard, spoke in support of the application).

(Mr Mann spoke objecting to the application.)

Disclosure of Interest

Councillor Mrs I Sanderson disclosed a personal interest and left the meeting during discussion and voting on this item.

- (2) 15/01268/FUL - Construction of a solar farm and associated infrastructure, access tracks, temporary construction compounds and security fencing at Boscar Grange Farm, Easingwold for Mr Mike Rogers - Big60Million Ltd

PERMISSION GRANTED

(The applicant, Mike Rogers, spoke in support of the application.)

(The applicant's agent, Jolyon Orchard, spoke in support of the application).

- (3) 15/01074/FUL - Installation of 18Ha (5MW) Solar Farm at Land North of Sandhutton Lane, Sandhutton for Mr David Meehan (Elgin Energy EsCo Ltd)

PERMISSION GRANTED

(The applicant's agent, Shelley Coffey, spoke in support of the application).

- (4) 14/02578/OUT - Outline application for the construction of 25 residential dwellings with all matters reserved excluding access at White House Farm, Stokesley for Northumbrian Land Ltd

DEFER for site visit and further consideration of highways issues.

The decision was contrary to the recommendation of the Executive Director.

(The applicant's agent, Neil Morton, spoke in support of the application).

(Mike Canavan spoke on behalf of Stokesley Town Council objecting to the application.)

(Malcom Smallwood spoke objecting to the application.)

The Chairman adjourned the meeting at 12.00pm and the meeting reconvened at 1.30pm.

- (5) 15/01469/FUL - Construction of a single storey 2 bedroom dwelling at 38 Leases Road, Leeming Bar for Mr Brian Follen

PERMISSION GRANTED

The decision was contrary to the recommendation of the Director of Environmental and Planning Services. The Committee was satisfied that the development would not be harmful to local character or residential amenity and would therefore accord with development plan policies.

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

- (6) 15/00513/FUL - Construction of a dwelling at Birdforth House, Main Street, Alne for Mrs Sally/Helen Craggs/Coverdale

PERMISSION GRANTED

(The applicant's agent, Chris Dent, spoke in support of the application).

- (7) 15/01509/FUL - Change of use from dwellinghouse to a Bed and Breakfast at Rowan Brea, Sutton Road, Bell Lane, Huby for Mrs Amanda Pavis

PERMISSION GRANTED

- (8) 15/01063/OUT - Outline planning application for the construction of a 4 bedroom dwelling at Rowan Brea, Sutton Road, Bell Lane, Huby for Mrs Amanda Pavis

PERMISSION GRANTED

- (9) 15/01543/OUT - Outline application for the construction of a dwellinghouse at Land to the south west of Prospect House, Great Fencote for Mr D Ward

DEFER to clarify the extent of the applicant's control over relevant land.

The decision was contrary to the recommendation of the Executive Director.

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

- (10) 15/00959/FUL - Change of use of dwelling to a care home, Class C2 (8 residents) for at Northfield, Oaktree Bank, Knayton Action4Care Limited (Mr Robert Hadfield)

PERMISSION GRANTED

(The applicant's agent, Eric Talford, spoke in support of the application).

(Norma Naggs spoke objecting to the application.)

- (11) 15/01306/MRC - Removal of occupancy restriction condition (3) on application 13/00912/FUL at Ship Service Station, Low Worsall for Mr & Mrs P Neasham

PERMISSION GRANTED

(Owen Evans spoke on behalf of Low Worsall Parish Council in support of the application.)

- (12) 14/02450/FUL - Change of use of land and construction of 46 holiday lodges, clubhouse (incorporating spa, bistro and reception) and associated infrastructure at Land to the east of Willow Dene, Sutton-on-the-Forest for The Luxury Lodge & Holiday Company Ltd

PERMISSION REFUSED for the following reasons:-

1. The site is in an unsustainable location and the development would therefore be overly dependent on use of the private car; inappropriate design and harmful impact on character of the countryside.

The decision was contrary to the recommendation of the Executive Director.

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

(Donald Rankin spoke on behalf of Sutton on the Forest Parish Council objecting to the application.)

(Michael Kitchin spoke objecting to the application.)

- (13) 15/01361/FUL - Construction of a detached holiday cottage at The Reading Room, Thimbleby for Mrs P Franks

PERMISSION GRANTED subject to an additional condition to ensure retention of the hedge.

(The applicant, Pauline Franks, spoke in support of the application.)

(Michael Read spoke objecting to the application.)

Disclosure of Interest

Councillor S P Dickins disclosed a personal interest and left the meeting during discussion and voting on this item.

- (14) 15/01444/MRC - Variation of Conditions 04 - vehicle access, parking, manoeuvring and turning areas and 07 - approved drawings - of Planning Permission 08/00654/REM (Drawings No: 3612-02A and 3612-05, 06 and 07) at 18 Byland Avenue, Thirsk for Mr and Mrs Snelling

PERMISSION REFUSED for the following reasons:-

1. The proposed alterations would have an overbearing impact harmful to residential amenity.

The decision was contrary to the recommendation of the Executive Director.

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

- (15) 15/01000/FUL - Demolition of office building and construction of 5 dwellings and associated infrastructure at St James Lodge, Masonic Lane, Thirsk for St. James Management Company

PERMISSION REFUSED for the following reasons:-

1. The proposed development is contrary to LDF Policies CP16 and DP28 due to position, height and size of the proposed building that would result in the loss of important views of buildings within the Thirsk and Sowerby Conservation Area such that the development will have a significant detrimental impact upon the character and appearance of the Thirsk and Sowerby Conservation Area, neighbouring Listed Buildings and their setting.
2. The proposed development is contrary to LDF Development Policies CP16, DP28, CP17 and DP32 as the height, scale, layout and design of the proposed buildings fail to respect the character and appearance of the Conservation Area and historic context of the site. The development will result in an unacceptable harmful impact upon the character and appearance of the Thirsk and Sowerby Conservation Area.
3. The layout of the site is contrary to LDF Policies CP1 and DP1 and DP3 as the proposal fails to make provision for the basic amenity needs of occupants, including a lack of an appropriate level of open space for the use of occupants and fails to provide a practical layout and sufficient amount of on-site car parking provision.

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

- (16) 15/01334/FUL - Construction of 3 dwellings with garages at 131 Long Street, Thirsk for Mr Mark McColmont

PERMISSION REFUSED for the following reasons:-

1. The proposed development will be contrary to LDF Policy DP1 due to the harmful impact the use of the vehicular access will have upon the amenities of the neighbouring dwellings.
2. The proposed vehicular access will result in highway safety concerns due to the lack of pedestrian safety measures.

(The applicant's agent, Kevin Baker, spoke in support of the application).

(Andrew Newton spoke objecting to the application.)

- (17) 15/01693/MRC - Proposed variation of condition 02 (to increase the number of holiday lodges from 11 to 34) of previously approved scheme (11/01989/FUL) for a change of use of an agricultural nursery to a caravan park (holiday lodges) with associated hardstanding, parking and landscaping at Hollin Barn Nurseries, Sutton Road, Thirsk for Evergreen Park Ltd

DEFER for further highways advice and to consider the site layout.

The decision was contrary to the recommendation of the Executive Director.

(Roger Hall spoke objecting to the application.)

- (18) 14/02152/FUL - Placement of temporary mobile home for 3 years at OS Field 4578, Sykes Lane, Tollerton for Mr Robert Elstone

PERMISSION REFUSED for the following reason:-

1. The proposal is contrary to Hambleton Local Development Framework Policies CP1, CP2, CP4 and DP9 and the National Planning Policy Framework Paragraph 55 as no essential need for a rural worker to live at their place of work in the countryside remote from a range of services has been demonstrated.

(The applicant, Robert Elstone, spoke in support of the application.)

The meeting closed at 5.10 pm

Chairman of the Committee

Present

Councillor D A Webster (in the Chair)

Councillor	P Bardon	Councillor	C Rooke
	D M Blades		Mrs I Sanderson
	G W Ellis		A Wake
	K G Hardisty		Mrs J Watson
	J Noone		S Watson

Also in Attendance

Councillor	Mrs B S Fortune	Councillor	B Phillips
	C Patmore		

P.13 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 17 September 2015 (P.11 - P.12), previously circulated, be signed as a correct record.

P.14 **PLANNING APPLICATIONS**

The Committee considered reports of the Executive Director 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 Executive Director 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 Executive Director, unless shown otherwise:-

- (1) 15/01355/FUL - Construction of a detached dwelling with detached garage and associated access at Land adjacent to Westwood, Bagby for Ms Deborah Barker

PERMISSION GRANTED

(The applicant, Debbie Barker, spoke in support of the application.)

- (2) 15/01917/FUL - Construction of a two storey extension to side of dwelling at 2 Pinewood Grove, Bedale for Mr P Balding

PERMISSION GRANTED

- (3) 15/01809/OUT - Outline application for construction of a dwellinghouse with all matters reserved, for Mrs J Lancaster Carthorpe at Land opposite Rosedene

PERMISSION GRANTED

- (4) 15/01821/FUL - Retrospective application for the alterations to dwelling, dormer extension, replacement windows, installation of conservation area roof lights and works to chimneys to form 2 self-contained flats at Kirkstone, Chapel Street, Easingwold for James Inman Joinery and Building Contractor

PERMISSION REFUSED for the following reasons:-

1. The scheme is contrary to Policies CP16 and DP28 of the Hambleton Local Development Framework; Part 12 of the National Planning Policy Framework and to the 1990 Planning (Listed Buildings and Conservation Areas) Act in that the design, scale and materials of the rear dormer window harmfully erodes the character and appearance of the Easingwold Conservation Area and fails to preserve and enhance the Easingwold Conservation Area.
2. The proposed development is contrary to the Hambleton Local Development Framework Policies CP1 and DP3 as it does not provide a minimum level of car parking and would give rise to an increase in congestion in Easingwold Town Centre that would be harmful to the safety and amenity of highway users and other residents. Furthermore contrary to the Hambleton Local Development Framework Policies CP16 and DP28 the congestion caused by parking of vehicles in public areas would harm the character and appearance of the Easingwold Conservation Area.

(The applicant, James Inman, spoke in support of the application.)

- (5) 15/01335/FUL - Construction of a solar farm and associated infrastructure, access tracks, temporary construction compounds and security fencing at White House Farm Great Smeaton for Mr Mike Rogers

PERMISSION GRANTED

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

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

(Mr Mann spoke objecting to the application.)

Disclosure of Interest

Councillor Mrs I Sanderson disclosed a personal interest and left the meeting during discussion and voting on this item.

The Chairman adjourned the meeting at 11.20am and the meeting reconvened at 1.30pm.

- (6) 15/00325/FUL - Redevelopment of garage to provide convenience store, ATM, customer car park and associated petrol filling station at Greaves Garage, 36 Garbutts Lane, Hutton Rudby for James Hall and Company

PERMISSION GRANTED with amended Condition 3 to ensure the operating hours of the petrol filling station and the convenience store are the same.

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

(Geoff Cunningham spoke objecting to the application.)

- (7) 15/01543/OUT - Outline application for the construction of a dwellinghouse at Land to the south west of Prospect House, Great Fencote for Mr D Ward

PERMISSION GRANTED subject to an additional condition concerning the re-positioning of the hedge.

- (8) 15/01151/FUL - Construction of a dwellinghouse at Church Farm, Myton on Swale for Mr and Mrs Revely

PERMISSION GRANTED

- (9) 15/01728/FUL - Formation of additional 15 touring caravan pitches, single storey shower block, toilet block, disabled facilities, wash up area and drying room at The Oaks Fishing Lakes, Station Road, Sessay for Mr F&D Kay

PERMISSION GRANTED subject to an additional condition requiring details of a recreation area.

- (10) 14/02578/OUT - Outline application for the construction of 25 residential dwellings with all matters reserved excluding access at White House Farm, Stokesley for Northumbrian Land Ltd

PERMISSION GRANTED

(The applicant's agent, Neil Morton, spoke in support of the application).

(Mike Cannavan spoke on behalf of Stokesley Parish Council objecting to the application.)

(Malcolm Smallwood spoke objecting to the application.)

- (11) 15/01622/FUL - Construction of a dwellinghouse for at 1 Chapel View Cottages, Thirn Mr Asshheton Montagu Windsor Curzon-Howe-Herrick

PERMISSION REFUSED due to congestion and impact of additional on street parking and overlooking of neighbouring property.

The decision was contrary to the recommendation of the Executive Director.

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

(Chris Hartley spoke on behalf of Thirn Parish Council objecting to the application.)

(Linda Dyson spoke objecting to the application.)

- (12) 15/01693/MRC - Proposed variation of condition 02 (to increase the number of holiday lodges from 11 to 34) of previously approved scheme (11/01989/FUL) for a change of use of an agricultural nursery to a caravan park (holiday lodges) with associated hardstanding, parking and landscaping at Hollin Barn Nurseries, Sutton Road, Thirsk for Evergreen Park Ltd.

PERMISSION REFUSED due to concerns about accessibility, highway safety, scale and for a development incompatible with the rural character and resulting impact on landscape.

The decision was contrary to the recommendation of the Executive Director.

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

(Robin Bossomworth spoke objecting to the application.)

Disclosure of Interest

Councillor G W Ellis left the meeting before discussion and voting on this item.

- (13) 08/04984/DCN - Proposed discharge of conditions attached to application 08/04984/FUL - Siting of 4 132m high wind turbines, associated works and a new vehicular access at OS Fields 0058, 6375, 4300 & 0001, land South of A684, Northallerton for Infinis Energy Services Ltd

PERMISSION GRANTED Conditions 6, 10, 11, 12, 14, 23, 24, 25, 27, 30, 31, 32, 33 and 34 were approved.

Authority to determine submissions in relation to Conditions 13 and 19 were delegated to the Executive Director (Planning).

(The applicant's agent, Julie Aitken, spoke in support of the application).

(Mr Forster Holmes spoke on behalf of Osmotherley Area Parish Council
objecting to the application.)

(Mr Robert Birch spoke objecting to the application.)

The meeting closed at 5.10 pm

Chairman of the Committee

This page is intentionally left blank

Present

Councillor D A Webster (in the Chair)

Councillor	P Bardon	Councillor	C Rooke
	D M Blades		Mrs I Sanderson
	S P Dickins		A Wake
	G W Ellis		Mrs J Watson
	K G Hardisty		S Watson
	J Noone		

Also in Attendance

Councillor	A W Hall	Councillor	B Phillips
	D Hugill		M S Robson
	Ms C Palmer		

P.15 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 15 October 2015 (P.13 - P.14), previously circulated, be signed as a correct record.

P.16 **PLANNING APPLICATIONS**

The Committee considered reports of the Executive Director 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 Executive Director 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 Executive Director, unless shown otherwise:-

- (1) Hybrid planning application for:
 1. Full planning application for Phase 1 residential comprising 150 dwellings to the east of Darlington Road and 148 dwellings to the west of Stokesley Road, including earth works across the site, engineering works for drainage associated with Phase 1 residential, associated infrastructure, construction of strategic link road from Darlington Road to the west and Stokesley Road to the east including roundabouts and road bridge crossing railway line and village green; and
 2. Outline planning application for a mixed use development of 900 dwellings (C3) which includes the residential development comprising Phase 1 referred to above, employment (B1, B2, B8), neighbourhood centre comprising shops (A1), restaurants (A3) and drinking establishments (A4), extra care facilities (C2), medical facilities (D1), primary school (D1), community uses including recreation playing pitches and allotments, car parking and means of access (all matters reserved apart from means of access)

at Land to the East of Darlington Road, West of Stokesley Road and North of Thurston Road Industrial Estate, Northallerton for Mulberry Homes, Taylor Wimpey, Persimmon Homes and G, B, E & I Gill

That PLANNING PERMISSION IS GRANTED for both the Outline and Full proposals subject to:-

- 1) Authority being delegated to the Executive Director, in consultation with the Chairman of Planning Committee to agree the terms of a Section 106 Agreement that shall include the following key points:
 - Securing the provision of up to 15% affordable housing subject to deductions for any necessary developer contributions.
 - Requiring full, independently assessed, viability assessments undertaken for all residential phases beyond Phase 1, to inform the percentage of affordable housing deliverable as part of that phase.
 - Securing the tenure of the affordable homes on all phases.
 - Securing the timing of the completion of the link road and bridge in the early stages of the Phase 1 development and its transfer to NYCC Highways.
 - Securing the transfer and timing of the transfer of the provision of land within the site for a primary school.
 - Securing the transfer and timing of the transfer of land for the sports village, allotments, and associated landscape buffers.

- Securing the provision and implementation of Travel Plans for each of the various uses.
 - Securing a mechanism for the future maintenance of landscaped areas (excepting the sports village and allotments).
- 2) In the event that the timing of the completion and transfer to NYCC of the link road and bridge and the timing of the transfer of the land for the primary school to NYCC cannot be secured by means of a Section 106 Agreement, authority being delegated to the Executive Director, in consultation with the Chairman of the Planning Committee, to impose appropriate planning conditions to achieve the delivery of the above infrastructure within the early stages of the phase 1 development.

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

(Hubert Van Huet spoke on behalf of Brompton Parish Council objecting to the application.)

(Mr Andrew Gatenby and Mrs Rachel Connolly spoke objecting to the application.)

The Chairman adjourned the meeting at 11.10am and the meeting reconvened at 1.30pm.

Councillor Mrs J Watson left the meeting after the morning session at 11.10am and did not return.

Councillor S Watson arrived at the meeting for the afternoon session at 1.30pm.

- (2) 15/01324/FUL - Construction of dwellinghouse at Dalton Lane, Dalton for Mr J Binks

PERMISSION GRANTED subject to additional agricultural occupancy condition.

(The applicant, Charles Shaw, spoke in support of the application.)

- (3) 14/02285/FUL - Construction of 116 dwellings with associated access, open spaces and landscaping as amended by details received 30 June 2015 at Land to the east of Kellbalk Lane, Easingwold for Persimmon Homes (Yorkshire) Ltd

PERMISSION GRANTED

(The applicant, Robin McGinn, spoke in support of the application.)

- (4) 15/01838/OUT - Outline consent for single detached dwelling at Land adjacent to the Cat and Bagpipes Inn, East Harlsey for Mr S Barr

PERMISSION GRANTED

(The applicant's agent, Chris Megson, spoke in support of the application).

(Phillip Nash spoke objecting to the application.)

- (5) 15/01542/OUT - Outline planning application for construction of one two storey dwellinghouse as amended by email received on 23 September 2015 at Land to the South of Willow Garth, Newby Wiske for Mr D Marwood

PERMISSION GRANTED

- (6) 15/01823/FUL - Construction of detached dwellinghouse and double garage at Land at the Old Orchard, Cooper Lane Potto for Mr J Graham

PERMISSION GRANTED

(The applicant's agent, Chris Megson, spoke in support of the application).

(James Bassington spoke objecting to the application.)

- (7) 15/01897/OUT - Demolition of existing band room and construction of 4 dwellings at The Band Room, Romanby Road, Northallerton for Northallerton Silver Band

DEFER to seek a reduction in scale.

(Marilyn Tyreman spoke objecting to the application.)

- (8) 15/01446/FUL - Construction of detached three bedroom two storey dwelling with attached garage to include access and means of enclosure at Montrose, Main Street, Sessay for Mr and Mrs Algie

PERMISSION GRANTED

- (9) 15/01943/REM - Application for Reserved Matters for the construction of 178 dwellings at White House Farm, Stokesley for Taylor Wimpey (North Yorkshire) Ltd

PERMISSION GRANTED

(The applicant, Russell Hall, spoke in support of the application.)

(Michael Cannavan spoke on behalf of Stokesley Parish Council objecting to the application.)

(Malcolm Smallwood spoke objecting to the application.)

- (10) 15/02139/FUL - Construction of a detached dwelling-house with domestic garage at Bankside Farm, East Harlsey for Mr & Mrs John Newcombe

PERMISSION GRANTED

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

(Peter Gardner spoke on behalf of East Harlsey Parish Council objecting to the application.)

The meeting closed at 4.00 pm

Chairman of the Committee

Minutes of the meeting of the AUDIT,
GOVERNANCE AND STANDARDS COMMITTEE
held at 9.30 am on Tuesday, 22nd September, 2015
at MAIN COMMITTEE ROOM, CIVIC CENTRE,
STONE CROSS, NORTHALLERTON

Present

Councillor R W Hudson (in the Chair)

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

AGS.12 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 16 June 2015 (AGS.3 - AGS.11), previously circulated, be signed as a correct record.

AGS.13 **STATUTORY AUDITOR - REPORT TO THE AUDIT, GOVERNANCE AND STANDARDS COMMITTEE ON THE 2014/15 AUDIT**

All Wards

The subject of the decision:

This report presented the Statutory Auditor's report on the 2014/15 Audit. This report was to be read alongside the Council's Financial Report which included the Statement of Accounts for 2014/15 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, subject to Deloitte formally signing the Statement of Accounts and issuing an unqualified report and receipt and acceptance by the Chairman of various outstanding issues from Deloitte's:-

- (1) the Report to the Audit and Governance Committee on the 2014/15 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 Executive Director and Deputy Chief Executive, acting in the capacity of S151 Officer; be approved and
- (3) the audited Statement of Accounts for 2014/15 and the Annual Governance Statement at Annex 3 of the report be approved.

AGS.14 **INTERNAL AUDIT QUALITY ASSURANCE AND IMPROVEMENT PROGRAMME**

All Wards

The subject of the decision:

This report presented the latest Internal Audit Quality Assurance and Improvement Programme for consideration.

Alternative options considered:

None.

The reason for the decision:

To take account of the Accounts and Audit Regulations 2015 and the relevant professional standards and the District Council's Internal Audit Charter.

THE DECISION:

That the Internal Audit Quality Assurance and Improvement Programme be approved.

The meeting closed at 9.55 am

Chairman of the Committee

Minutes of the meeting of the AUDIT,
GOVERNANCE AND STANDARDS
COMMITTEE held at 9.30 am on Tuesday,
27th October, 2015 at MAIN COMMITTEE
ROOM, CIVIC CENTRE, STONE CROSS,
NORTHALLERTON

Present

Councillor R W Hudson (in the Chair)

Councillor	R A Baker	Councillor	R Kirk
	Mrs C S Cookman		C Patmore
	G W Dadd		

Also in Attendance

Councillor M S Robson

Apologies for absence were received from Councillor Mrs J Watson

AGS.16 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 22 September 2015 (AGS.12 - AGS.14), previously circulated, be signed as a correct record.

AGS.17 **REGULATION OF INVESTIGATORY POWERS ACT - REVIEW OF ACTIVITY AND REVIEW OF POLICY**

All Wards

The subject of the decision:

The Executive Director 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 from time to time and receiving quarterly reports on any activities which had been authorised under RIPA.

Alternative options considered:

None.

The reason for the decision:

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

THE DECISION:

That:-

- (1) the current Policy on the Regulation of Investigatory Powers Act be approved with the proposed amendment replacing Director of Support Services to Executive Director and Deputy Chief Executive; and
- (2) it be noted that no RIPA authorisations were made by the Council during the period 17 June to 27 October 2015.

AGS.18 **INTERNAL AUDIT QUARTER 1 AND QUARTER 2 PROGRESS REPORT 2015/16**

All Wards

The subject of the decision:

The Executive Director and Deputy Chief Executive presented a report informing Members of progress made to date in delivering the Internal Audit Plan for 2015/16 and any developments likely to have an impact on the plan throughout the remainder of the financial year.

In the period between 1 April 2015 and 30 September 2015, Veritau North Yorkshire (VNY) had completed 1 internal audit review on the Whistleblowing Policy to final report stage. A further audit on Information Governance had been completed and a draft report issued, 3 audits (Website Management, Customer Complaints and Safeguarding Children) were ongoing. Planning had started for 5 other audits and draft timings for future 2015/16 audits had been discussed with officers. For those audits that had not yet started, details of the proposed start dates were detailed in the report.

Alternative options considered:

None.

The reason for the decision:

To take account of the statutory requirement under the Accounts and Audit Regulations.

THE DECISION:

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

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

All Wards

The subject of the decision:

The Executive Director 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:-

- (1) the revised risk management guidance be approved; and
- (2) any changes to the high risk items in the strategic corporate risk register are reported to the Committee.

AGS.20 **ANNUAL REVIEW OF COMMITTEE TERMS OF REFERENCE**

All Wards

The subject of the decision:

The Executive Director 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.

The meeting closed at 10.20 am

Chairman of the Committee

This page is intentionally left blank

Minutes of the meeting of the LICENSING
COMMITTEE held at 9.30 am on Tuesday,
24th November, 2015 at Main Committee
Room, Civic Centre, Stone Cross, Northallerton

Present

Councillor Mrs I Sanderson (in the Chair)

Councillor	R A Baker	Councillor	K G Hardisty
	P Bardon		D Hugill
	M A Barningham		R Kirk
	D M Blades		C Patmore

Apologies for absence were received from Councillors J Noone.

LC.8 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 21 July 2015 (LC.3 - LC.6) and the meetings of the Licensing Hearings Panel held on 27 July and 7 October 2015 (LAHP.2 and LAHP.3 – LAHP.4) previously circulated, be signed as correct records.

LC.9 **GAMBLING ACT 2005 STATEMENT OF PRINCIPLES**

All Wards

The subject of the decision:

This report sought approval for the revision of the Gambling Act 2005 Statement of Principles.

Alternative options considered:

None.

The reason for the decision:

To comply with the requirements of the Gambling Act 2005 which requires a Statement of Principles to be published every three years.

THE DECISION:

That the proposed amendments be approved and the Statement of Principles be formally published with effect from 31 January 2016.

LC.10 **HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY**

All Wards

The subject of the decision:

This report sought consideration of the replacement of the existing Vehicle and Driver Licensing Policy with a new Hackney Carriage and Private Hire Licensing Policy in order to reflect legislative changes, case law and improved practices.

Alternative options considered:

None.

The reason for the decision:

To ensure that the Council's Policy is brought up to date by taking account of legislative changes, case law and improved practices.

THE DECISION:

That:-

- (1) a full consultation on the draft policy be authorised; and
- (2) a further report be submitted to the Committee for consideration of any responses following the consultation period.

The meeting closed at 10.10 am

Chairman of the Committee

Present

Councillor Mrs I Sanderson (in the Chair)

Councillor R A Baker

Councillor P Bardon

LAHP.3 **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.4 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.4 **CONDUCT OF LICENSED HACKNEY CARRIAGE DRIVER**

All Wards

The subject of the decision:

The Executive Director asked the Panel to consider whether to take any action against a hackney carriage driver licence held by the licensee ("Mr E").

Alternative options considered:

The Panel considered all of the options outlined in paragraph 8.1 of the officer's report but, having concluded that Mr E was not a fit and proper person to hold a hackney carriage driver licence, the only suitable option was to revoke the licence. The Panel was not satisfied that a warning or a suspension would adequately address the concerns raised.

The reason for the decision:

The Panel considered the officer's report, the witness evidence, Mr E's written representations, the Council's Vehicle and Driver Licensing Policy and the relevant legislation.

Mr E had informed Hambleton District Council ("the Council") that he would not be attending the hearing. No adjournment was sought and the Panel considered the matter in Mr E's absence.

The Panel heard evidence in relation to the following matters:

Allegation 1

The Panel considered Mr E's involvement in the use of a hackney carriage vehicle by an unlicensed driver on 2nd February 2013.

The Panel was satisfied that Mr E, as the holder of the hackney carriage vehicle licence, could have prevented the commission of the offence.

The Panel was not satisfied that the breach could be properly explained by Mr E's claims that he had sold the vehicle the day before the incident.

The Panel gave appropriate weight to the fact that Mr E had not been convicted for permitting the use of the vehicle. However, the Panel also acknowledged that, in order to prosecute Mr E of a criminal offence, Middlesbrough Borough Council (Middlesbrough BC) would have had to prove Mr E's guilt beyond reasonable doubt whereas, in a civil case such as this one, a different standard of proof applies, namely the balance of probabilities.

The Panel found on the balance of probabilities that Mr E had permitted the use of a hackney carriage vehicle by an unlicensed driver on 2nd February 2013.

The Panel considered the length of time that had passed since the incident and it attached appropriate weight to the incident on the question of Mr E's suitability to act as a hackney carriage driver.

Allegation 2

The Panel considered the alleged failure of Mr E to display a hackney carriage licence plate and driver badge on 16th October 2013.

The Panel considered Mr E's letter dated 28th August 2015 and found that it conflicted with the officer's report and the witness statement provided by an officer of Middlesbrough BC.

The Panel was satisfied that Mr E's version of events had changed from the version given to the Council's Licensing Team at the time of the incident and therefore appropriate weight was given to Mr E's written representation in this regard. The Panel accepted the account submitted by the officer of Middlesbrough BC and found on the balance of probabilities that Mr E was working at the time of the incident on 16th October 2013.

The Panel noted that, even if it had accepted Mr E's explanation in relation to the display of the licence plate, it still would have concluded that a breach had taken place as the plate should be affixed externally at all times.

The Panel was satisfied that Mr E had failed to correctly display his hackney carriage licence plate and it found on the balance of probabilities that Mr E had also failed to display his driver badge on 16th October 2013.

The Panel considered the length of time that had passed since the incident and it attached appropriate weight to the incident on the question of Mr E's suitability to act as a hackney carriage driver.

Allegation 3

The Panel considered the alleged failure of Mr E to display a hackney carriage driver badge on 27th October 2014.

The Panel was satisfied that Mr E did not challenge the written warning at the time of the incident and made no recent representations to the Council in respect of this allegation. The Panel therefore accepted the evidence provided by officers.

The Panel found on the balance of probabilities that Mr E had failed to display his driver badge on 27th October 2014.

The Panel considered the breach consistent with a very similar breach one year earlier and it attached appropriate weight to the matter on the question of Mr E's suitability to act as a hackney carriage driver.

Allegation 4

The Panel considered the alleged failure of Mr E to submit a criminal record check upon request by 9th May 2015 in accordance with the Council's policy. The failure to do so led to the suspension of Mr E's licence.

The Panel accepted Mr E's account that he could not access the website a couple of times. However, the Panel was satisfied that Mr E was given over a month to submit a Disclosure and Barring Service application before the suspension was imposed and it found on the balance of probabilities that Mr E had failed to make sufficient attempts to comply.

The Panel was satisfied that Mr E's criminal record itself had not raised concerns and that the matter was eventually resolved when a Disclosure and Barring Service application was submitted on 15th June 2015. However the Panel was slightly concerned that Mr E took a total of two months to comply with a routine request.

The Panel attached appropriate weight to the incident on the question of Mr E's suitability to act as a hackney carriage driver.

Allegation 5

The Panel considered an allegation made by a member of the public that Mr E had urinated in the street, approximately 20 yards from the complainant's house.

The Panel considered the email of complaint along with the images and video recording of the incident provided by the complainant. The Panel also considered Mr E's written representations dated 28th August 2015 and 1st October 2015.

The Panel was satisfied that, on 8th July 2015, Mr E had parked his hackney carriage vehicle approximately 20 yards from the complainant's residential property. The Panel was satisfied that the audio content on the recording was more conclusive than the images. The Panel was satisfied that Mr E had said that he was "busting" and that he had apologised to the complainant. The Panel found on the balance of probabilities that this discussion took place because Mr E had urinated in the road. The Panel did not accept Mr E's contention that he had been checking his tyres at the time.

The Panel was satisfied that Mr E's conduct was inappropriate for that which can be reasonably expected of a licensed hackney carriage driver. Appropriate weight was attached to the question of Mr E's suitability to act as a hackney carriage driver.

Additional Information

The Panel considered the revocation of Mr E's Public Service Vehicle Operator Licence by the Office of the Traffic Commissioner on 7th January 2015.

Mr E made no representations to the Council in respect of this information and therefore the Panel accepted the accuracy of the officer's report, the press report and the records held by the Office of the Traffic Commissioner.

The Panel was satisfied that the Traffic Commissioner had cause to revoke Mr E's licence at a public inquiry on 7th January 2015. The Panel was also satisfied that the press report dated 8th January 2015 provided an accurate account of the public inquiry held on 7th January 2015.

The Panel was concerned that the matters raised at the public inquiry were in keeping with the issues already considered by the Panel in relation to Mr E's conduct, repeated breaches and apparent disregard for regulatory requirements. The Panel attached appropriate weight to these concerns on the question of Mr E's suitability to act as a hackney carriage driver.

THE DECISION:

Taking account the above and having attached appropriate weight to the evidence, the Panel concluded that Mr E was not a fit and proper person to hold a hackney carriage driver licence and revoked his hackney carriage driver licence. The Panel was satisfied that any sanction less than a revocation would not be sufficient to enable Mr E to regain his fitness and propriety.

The meeting closed at 1.35 pm

Chairman of the Panel

The Panel considered the evidence in relation to Mr C's medical history which referred to Mr C having suffered periods of anger, agitation and anxiety as symptoms of depression following an accident in 2010. The Panel heard that Mr C had been treated for depression through the care of the Tees, Esk and Wear Valleys NHS trust and the South Tees Hospitals Trust. The Panel considered and gave appropriate weight to the letter provided by Mr C's doctor dated 27th November 2015 and which was produced in reference to Mr C's application for a driver licence and provided the Panel with an up-to-date report on Mr C's health.

The Panel concluded on the balance of probabilities that Mr C's health was stable and he did not pose a risk to safety of the public.

The Panel concluded that in light of the evidence regarding Mr C's medical history, a condition shall be imposed on Mr C's licence requiring him to submit an annual medical assessment to the Council. The annual medical assessment shall be submitted in writing to the Council to ensure the Council can monitor whether there has been any change to Mr C's status as a fit and proper person to hold a hackney carriage and private hire vehicle driver licence.

THE DECISION:

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

The Panel was satisfied Mr C was a fit and proper person to hold a hackney carriage and private hire driver licence. The Panel granted the application for a hackney carriage and private hire vehicle driver licence subject to an additional condition relating to an annual medical assessment and Mr C passing the Council's knowledge test.

The meeting closed at 10.50 am

Chairman of the Panel

Minutes of the meeting of the LICENSING AND
APPEALS HEARINGS PANEL held at 1.30 pm on
Wednesday, 2nd December, 2015 at Main Committee
Room, Civic Centre, Stone Cross, Northallerton

Present

Councillor (in the Chair)

Councillor R A Baker Councillor C Patmore
D M Blades

Apologies for absence was received from Councillor Mrs I Sanderson

LAHP.8 **ELECTION OF CHAIRMAN**

THE DECISION:

That Councillor R A Baker be elected Chairman of the Panel for the duration of the Hearing.

(Councillor R A Baker in the Chair)

LAHP.9 **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.8 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.10 **CONDUCT OF LICENSED HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER**

All Wards

The subject of the decision:

The Panel considered whether any action needed to be taken against a hackney carriage and private hire driver licence holder ("Mr B").

Alternative options considered:

The Panel considered all of the options outlined in paragraph 7.1 of the Executive Director's report.

The Panel concluded that a sanction less severe than a complete revocation would adequately serve the interests of the public but it was not satisfied that a warning would adequately address the concerns raised.

The reason for the decision:

The Panel considered evidence of an allegation that on 2nd September 2015 Mr B had carried five passengers (two adults and three children) from Northallerton Railway Station in a hackney carriage vehicle which was only licensed to carry up to four passengers.

The Panel considered the report of the Executive Director, the officer's statement, the complainant's statement, the CCTV footage and the oral representations of Mr B, having due regard to the Council's Vehicle and Driver Licensing Policy and the relevant legislation. The Panel reached the following conclusions:

- The Panel concluded that five passengers were carried in the vehicle at the material time and this was accepted by Mr B prior to, and during, the hearing.
- The Panel was concerned about the risks to public safety in light of the fact that one or more passengers would have travelled without a seatbelt and without sufficient seating space.

The Panel then considered the level of intent and reached the following conclusions:

- The Panel was satisfied that Mr B had assisted the passengers by placing their luggage and pushchair into the boot of the car prior to driving out of the Railway Station. The Panel concluded that Mr B should and would have seen the number of passengers entering his vehicle.
- The Panel was satisfied that Mr B had checked the passengers' seatbelts before driving away from the Railway Station. The Panel concluded that Mr B should and would have seen the number of passengers inside his vehicle prior to commencing the journey.
- The Panel was satisfied that Mr B had assisted the passengers at the end of the journey as the passengers were exiting the vehicle. The Panel concluded that Mr B should and would have seen the number of passengers exiting his vehicle once the journey was complete.
- The Panel was satisfied that, according to Mr B, one adult was sitting on the front seat of the vehicle and that the other adult was sitting on the passenger side of the back seat. Two children had occupied the middle and the driver's side of the back seat. When questioned by the Panel, Mr B expressed his opinion that the third child would have been sitting on the lap of the adult on the passenger side of the backseat. The Panel concluded this would have given Mr B a clear view of the third child when he checked the passengers' seatbelts.
- The Panel was satisfied that Mr B could not have overlooked the third child on each of those occasions and therefore, on the balance of probabilities, the Panel concluded that Mr B had deliberately carried five passengers.

The Panel then considered the motivation for carrying an excess number of passengers and reached the following conclusions:

- According to Mr B, he had arrived at the Railway Station to collect a gentleman who had pre-booked Mr B's taxi. On his arrival, the gentleman asked Mr B to take the other party home and then to return to collect him. The Panel was satisfied that Mr B complied with the request.
- The Panel was satisfied that the party of five passengers had not booked a taxi and accepted the evidence contained within the complainant's statement in that he had refused the fare when he was asked if he would be prepared to carry five passengers.
- The Panel was satisfied on the balance of probabilities that Mr B's motivation for carrying five passengers in the vehicle was to obtain a fare in addition to the one that had been pre-booked.

The Panel then considered Mr B's character and reached the following conclusions:

- Having concluded that Mr B had deliberately carried five passengers, the Panel was satisfied on the balance of probabilities that Mr B had made false statements to authorised officers during the interview on 8th October 2015.

THE DECISION:

Taking account of the above and having given appropriate weight to the evidence, the Panel was concerned by Mr B's apparent disregard for public safety at the time of the incident. The Panel was also concerned that Mr B had been less honest than the Panel would expect from a licensed driver during his interview with authorised officers. Accordingly, the Panel decided to impose a one month suspension of Mr B's hackney carriage and private hire driver's licence in accordance with section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976. The Panel concluded that this sanction best served the interests of the public to ensure that Mr B did not repeat this action in the future.

The meeting closed at 2.25 pm

Chairman of the Panel

This page is intentionally left blank