

AGENDA

Committee Administrator: Democratic Services Officer (01609 767015)

Monday, 5 September 2016

Dear Councillor

NOTICE OF MEETING

Meeting **COUNCIL**
Date **Tuesday, 13 September 2016**
Time **2.00 pm**
Venue **Council Chamber, Civic Centre, Stone Cross, Northallerton**

Yours sincerely

J. Ives.

Dr Justin Ives
Chief Executive

To: All Members of Hambleton District Council

**PLEASE NOTE THAT THERE WILL BE A MEMBERS' SEMINAR ON
THE FINANCIAL STRATEGY AT 1.00PM IN THE COUNCIL CHAMBER**

AGENDA

Page No

1. MINUTES

1 - 4

To confirm the minutes of the meeting held on 19 July 2016 (C.6 - C.10), attached.

2. APOLOGIES FOR ABSENCE

3. ANNOUNCEMENTS BY THE CHAIRMAN OR CHIEF EXECUTIVE

4. VERBAL STATEMENT OF THE LEADER AND REFERRALS FROM CABINET

Date of Meeting

Minute Nos

6 September

To follow

5. CABINET PORTFOLIO STATEMENTS

- a) Verbal Statement from the Portfolio Holder for Economic Development and Finance
- b) Verbal Statement from the Portfolio Holder for Leisure
- c) Verbal Statement from the Portfolio Holder for Governance
- d) Verbal Statement from the Portfolio Holder for Planning
- e) Verbal Statement from the Portfolio Holder for Environmental Health, Waste and Recycling

6. QUESTION TIME

None received.

7. APPOINTMENT TO COMMITTEES

5 - 6

Report of the Chief Executive

8. NOTICES OF MOTION

None received.

Agenda Item 1

Minutes of the meeting of the COUNCIL held at
2.00 pm on Tuesday, 19th July, 2016 at Council
Chamber, Civic Centre, Stone Cross, Northallerton

Present

Councillor J Noone (in the Chair)

Councillor	D Hugill	Councillor	R Kirk
	R A Baker		N A Knapton
	P Bardon		C A Les
	M A Barningham		Ms C Palmer
	D M Blades		C Patmore
	G W Dadd		B Phillips
	S P Dickins		M S Robson
	C A Dickinson		C Rooke
	G W Ellis		Mrs I Sanderson
	Mrs B S Fortune		Mrs J Watson
	K G Hardisty		S Watson
	R W Hudson		P R Wilkinson

Apologies for absence were received from Councillors Mrs C S Cookman, A Wake and D A Webster

C.6 **MINUTES**

THE DECISION:

That the minutes of the meeting held on 17 May 2016 (C.36 - C.38) and the Annual Meeting of Council held on 17 May 2016 (C.1 – C.5), previously circulated, be signed as correct records.

C.7 **STATEMENT OF THE LEADER AND REFERRALS FROM CABINET**

The Leader moved Cabinet minutes CA.1 – CA.5 and CA.14 – CA.16 and made a statement to the Council on the following matters:-

- Three month consultation to be undertaken by the Hambleton, Richmondshire and Whitby CCG on 'Transforming our Communities'.

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

- Future of the Lambert Hospital, Thirsk

Members also asked questions relating to recovering benefit fraud; the Referendum; the improvements to the Hambleton Leisure Centre and Green Waste Charging which the Leader responded to at the meeting.

THE DECISION:

That the reports, resolutions and recommendations of the following meetings of the Cabinet be received, approved and adopted, subject to Minute CA.5 being amended to read £1,200,000:-

<u>Body</u>	<u>Date of Meeting</u>	<u>Minute Nos</u>
Cabinet	7 June 2016	CA.1 - CA.5
Cabinet	5 July 2016	CA.14 – CA.16

C.8 **REFERRAL FROM THE AUDIT, GOVERNANCE AND STANDARDS COMMITTEE**

THE DECISION:

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

<u>Body</u>	<u>Date of Meeting</u>	<u>Minute Nos</u>
Audit, Governance and Standards Committee	14 June 2016	AGS.3

C.9 **CABINET PORTFOLIO STATEMENTS**

- (a) Councillor P R Wilkinson, Portfolio Holder for Economic Development and Finance made a statement regarding Dalton Bridge progress; Prison site progress; Vibrant Market Towns; Bedale Gateway Car Park; Hambleton Strategic Business Forum; Hambleton Business Awards and Tour de Yorkshire. Councillor Wilkinson reported that the Hambleton Business Awards had been a highly successful event and on behalf of the Council wished to congratulate the officers and the Award winners for an excellent awards evening. Councillor Wilkinson also referred to the Tour de Yorkshire and the legacy this event had left in the Market Towns and again congratulated the officers, volunteers and organisers for an excellent event.
- (b) Councillor Mrs B S Fortune, Portfolio Holder for Leisure made a statement regarding running groups; grants update; Hambleton Club night; Celebrating Ability day; Tour de Yorkshire; Quest at Hambleton Leisure Centre; Sport England funding for Hambleton Leisure Centre and Sporting Memories.
- (c) Councillor N Knapton, Portfolio Holder for Governance made a statement regarding ICT and Cyber Security; new pitch fees for the markets; electric bollards for Northallerton Market; car parking and Health and Safety training.
- (d) Councillor B Phillips, Portfolio Holder for Planning made a statement regarding the Local Plan; Building Control Awards; Housing Options Service Award; Development Management Resources and Neighbourhood Plans. Councillor Phillips wished to congratulate the staff on their achievement in being awarded the Silver Standard in the Housing Options Service Award.

- (e) Councillor S Watson, Portfolio Holder for Environmental Health, Waste and Recycling made a statement regarding Green Waste Charges; route optimisation and performance of the new Recycling Service. A question was raised regarding Green Waste Charges which was responded to at the meeting.

C.10 **APPOINTMENT TO COMMITTEES**

All Wards

The Chief Executive asked Council to approve a request from the Conservative Group to appoint a Member to the vacant seat on Scrutiny Committee and a request to change the membership of Planning Committee.

THE DECISION:

That:-

- (1) Councillor Caroline Dickinson be appointed as a member of Scrutiny Committee; and
- (2) Councillor Mrs Janet Watson be replaced by Councillor Mike Barningham on Planning Committee.

The meeting closed at 2.40 pm

Chairman of the Council

This page is intentionally left blank

HAMBLETON DISTRICT COUNCIL

Report To: Council
13 September 2016

From: Chief Executive

Subject: **APPOINTMENT TO COMMITTEES**

All Wards
Scrutiny Committee

1.0 PURPOSE AND BACKGROUND:

- 1.1 The purpose of this report is to consider a request by the Conservative Group to change the membership of the Scrutiny Committee.
- 1.2 In accordance with the Local Government Act 2000, "An overview and scrutiny committee of a local authority, or a sub-committee of such a committee, may not include any member of the authority's executive."

2.0 ALLOCATION OF SEATS:

- 2.1 The Conservative Group has requested that Councillor Nigel Knapton, a member of the Council's Cabinet, be replaced by Councillor Andy Wake on the Scrutiny Committee.

3.0 LEGAL IMPLICATIONS:

- 3.1 The Council is obliged to comply with the Local Government Act 2000 regarding membership of Overview and Scrutiny Committees.

4.0 FINANCIAL IMPLICATIONS:

- 4.1 There are no Financial Implications associated with this report.

5.0 EQUALITIES IMPLICATIONS:

- 5.1 Equality and Diversity Issues and have been considered however there are no issues associated with this report.

6.0 RECOMMENDATIONS:

- 6.1 It is recommended that Councillor Nigel Knapton be replaced by Councillor Andy Wake on the Scrutiny Committee.

JUSTIN IVES

Background papers: Notification of membership of political groups.
Author ref: GN
Contact: Gary Nelson
Head of Service – Legal and Information (Monitoring Officer)
Direct Line No: 01069 767012

This page is intentionally left blank

MINUTES FOR INFORMATION

<u>Committee</u>	<u>Date</u>	<u>Page</u>
Cabinet	6 September	To follow
Scrutiny Committee	28 July	9
	1 September	11
Planning Committee	21 July	13
	18 August	17
Licensing and Appeals Hearings Panel	4 August	23
	9 August	31
	31 August	33

This page is intentionally left blank

Minutes of the meeting of the SCRUTINY
COMMITTEE held at 9.30 am on Thursday, 28th
July, 2016 at Main Committee Room, Civic
Centre, Stone Cross, Northallerton, DL6 2UU

Present

Councillor S P Dickins (in the Chair)

Councillor	Mrs C S Cookman C A Dickinson D Hugill	Councillor	Ms C Palmer Mrs I Sanderson D A Webster
------------	--	------------	---

Also in Attendance

Councillor	M S Robson A Wake	Councillor	Mrs J Watson
------------	----------------------	------------	--------------

Apologies for absence were received from Councillors M A Barningham, R W Hudson and N A Knapton.

SC.9 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 9 June 2016 (SC.3 - SC.8), previously circulated, be signed as a correct record.

SC.10 **HAMBLETON, RICHMONDSHIRE AND WHITBY CCG - TRANSFORMING OUR COMMUNITIES: PUBLIC CONSULTATION**

All Wards

Abigail Barron, Head of Strategy/Community Care, Hambleton, Richmondshire and Whitby CCG, attended the meeting to outline a consultation that was being undertaken on the 'Transforming our Communities' programme and specifically a public consultation relating to the Lambert Hospital in Thirsk and 9 Community rehabilitation beds on the Rutson Ward in Northallerton. The Committee had received a copy of the summary document which provided more detail about the options included within the consultation prior to the meeting.

A number of questions were asked regarding the Rutson Ward in Northallerton; the Lambert Hospital in Thirsk and the consultation process which were responded to at the meeting.

THE DECISION:

That Abigail Barron, Head of Strategy/Community Care, Hambleton, Richmondshire and Whitby CCG be thanked for her presentation.

SC.11 **POLICY REVIEW - HEALTH AND SAFETY MANAGEMENT**

All Wards

The Chairman reported that the Committee had agreed that its next review should be on Health and Safety Management and presented a draft Project Plan for the consideration.

THE DECISION:

That:

- (1) the Project Plan, at Annex A, be approved; and
- (2) Mick Jewitt, Executive Director and Dominic Passman, Health and Safety Risk Manager, be invited to attend the next meeting of the Committee on 1 September 2016.

SC.12 **POLICY REVIEW - CIVIL PARKING ENFORCEMENT**

All Wards

The Chairman reported that the Committee had agreed a second Policy review which would be on Civil Parking Enforcement and presented a draft Project Plan for the consideration.

THE DECISION:

That:

- (1) the Project Plan, at Annex A, be approved; and
- (2) Dave Goodwin, Executive Director and Helen Kemp, Head of Service – Customer and Economy, be invited to attend the next meeting of the Committee on 1 September 2016.

The meeting closed at 10.35 am

Chairman of the Committee

Minutes of the meeting of the SCRUTINY
COMMITTEE held at 9.30 am on Thursday,
1st September, 2016 at Main Committee
Room, Civic Centre, Stone Cross,
Northallerton, DL6 2UU

Present

Councillor S P Dickins (in the Chair)

Councillor	Mrs C S Cookman	Councillor	C A Dickinson
	M A Barningham		Ms C Palmer
	G W Ellis		D A Webster

Also in Attendance

Councillor J Noone

Apologies for absence were received from Councillors R W Hudson, D Hugill, N A Knapton and Mrs I Sanderson.

SC.13 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 28 July 2016 (SC.9 - SC.12), previously circulated, be signed as a correct record.

SC.14 **POLICY REVIEW - HEALTH AND SAFETY**

All Wards

A report of the Chairman of the Committee was considered which reminded the Committee of the terms of reference of the review and of information which had been identified in the Project Plan.

Mick Jewitt, Executive Director and Dominic Passman, Health and Safety Risk Manager, North Yorkshire County Council, attended the meeting to provide evidence.

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

The Committee was satisfied with the information provided, but considered it needed more information on issues raised and additional evidence in order to progress the review.

THE DECISION:

That:-

- (1) the information provided so far be received;

- (2) Paul Staines, Head of Service Environment, and Peter Marshall, Health and Safety Officer, North Yorkshire County Council, be invited to the next meeting of the Committee.

SC.15 **POLICY REVIEW - CIVIL PARKING ENFORCEMENT**

All Wards

A report of the Chairman of the Committee was considered which reminded the Committee of the terms of reference of the review and of information which had been identified in the Project Plan.

David Goodwin, Executive Director, attended the meeting to provide evidence.

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

The Committee was satisfied with the information provided, but considered it needed more information on issues raised and additional evidence in order to progress the review.

THE DECISION:

That:-

- (1) the information provided so far be received;
- (2) Helen Kemp, Head of Service Customer and Economy and Clive Thornton, Corporate Facilities Manager, be invited to the next meeting of the Committee.

The meeting closed at 11.05 am

Chairman of the Committee

Present

Councillor P Bardon (in the Chair)

Councillor	M A Barningham	Councillor	J Noone
	D M Blades		B Phillips
	S P Dickins		C Rooke
	Mrs B S Fortune		Mrs I Sanderson
	K G Hardisty		

Also in Attendance

Councillor	Mrs J Watson	Councillor	S Watson
------------	--------------	------------	----------

Apologies for absence were received from Councillors D A Webster and C Patmore

P.7 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 23 June 2016 (P.5 - P.6), previously circulated, be signed as a correct record.

P.8 **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 Executive 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) 16/00398/OUT - Outline planning permission for a residential development with all matters reserved at Shorthorn Inn, Hornby Road, Appleton Wiske for Mr M Robinson

PERMISSION GRANTED

(Mrs Duffield spoke in support of the application.)

(Barry Pope spoke in respect of the application on behalf of Appleton Wiske Parish Council.)

- (2) 16/00906/FUL - Change of use of agricultural land and the siting of a log cabin and associated parking for holiday accommodation at Leake Greens Farm, Long Lane, Borrowby for Mr B Peacock, G E Peacock & Son

PERMISSION GRANTED subject to an additional condition limiting occupation to holiday lettings.

- (3) 16/00511/FUL - Proposed construction of 27 dwellings with associated garaging, car parking and landscaping to existing road layout at Willow Bridge Lane, Dalton for Whitfield Homes Limited

DEFER for further consideration of viability.

- (4) 16/00006/TPO1 - Report following objection to the making of TPO 2016 No: 6 at Stepping Stones, Dalton

TPO 2016 NO:6 BE CONFIRMED AS VARIED

- (5) 16/00933/FUL - Change of use of gallery space into single dwelling to include the installation of new roof window and associated car parking at Lund Gallery, The Lund, Easingwold, North Yorkshire YO61 3PA for Mr & Mrs Steve Pomfret

PERMISSION GRANTED

(The applicant, Steve Pomfret, spoke in support of the application.)

- (6) 16/00935/FUL - Change of use of gallery and dwelling to a live-work unit and incorporating new ramped access and associated landscaping at Wren Cottage, The Lund, Easingwold, North Yorkshire YO61 3PA for Mr & Mrs Steve Pomfret

PERMISSION GRANTED

- (7) 16/00411/OUT - Outline application with all matters reserved for the construction of 3 bungalows and associated garages at Land to rear of The Shieling, York Road, Easingwold for Ambleside Homes

PERMISSION GRANTED subject to an additional condition relating to proposed ground and finished floor levels.

- (8) 16/00579/FUL - Siting of a log cabin for use as a dwelling at Swallow House, Brownmoor Lane, Huby for Mrs Sylvia Robinson

PERMISSION REFUSED

(The applicant, Sylvia Robinson, spoke in support of the application.)

- (9) 16/00812/FUL - Construction of new three bedroom dwelling and associated parking, garden and vehicle turning area at Hill Top, East Side, Hutton Rudby for Mr & Mrs S Bury

PERMISSION GRANTED

- (10) 16/00565/OUT - Outline permission for a detached dwelling with access and layout at Land adjacent to 1 Swaledale Court, Morton on Swale for Mr S Clayton

PERMISSION REFUSED

(The applicant, Simon Clayton, spoke in support of the application.)

The meeting was adjourned at 3.25pm and reconvened at 3.35pm.

Note: Councillor S P Dickins left the meeting at 3.25pm and did not return to the meeting.

- (11) 16/01240/FUL - Proposed side extension to existing dwelling at 11 Millfield Crescent, Northallerton for Mr and Mrs P Sunley

PERMISSION GRANTED

- (12) 16/01079/FUL - Demolition of existing agricultural buildings and the construction of dwellinghouse, detached annexe building and associated works at Land off Craddock Row, Sandhutton for Mr & Mrs Park

PERMISSION GRANTED

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

- (13) SKUTTERSKELE - Change of use of land to allow the siting of a larger caravan as an extension to the approved private gypsy site for one family at OS Field 5045, Skutterskelfe for Mr Thomas Foster

PERMISSION GRANTED

- (14) 16/00491/MRC - Variation of Condition attached to Application 05/01968/FUL (Alterations and extensions to existing agricultural buildings and dovecote to form 2 dwellings) to allow unrestricted occupancy of manager's dwelling at Snape Castle Mews, Snape for Mr David Shipp

PERMISSION GRANTED

- (15) 16/01287/FUL - Extension to existing agricultural building for the accommodation of pigs at Willow Grange, Worlds End, Sandholmes Lane, Sowerby for Mr & Mrs D Sanderson

PERMISSION GRANTED

Disclosure of Interest

Councillor Mrs I Sanderson disclosed a pecuniary interest and left the meeting prior to discussion and voting on this item and did not return to the meeting.

- (16) 15/01667/FUL - Part demolition, change of use, alterations and extensions to existing public house to form 3 dwellings and erection of detached dwelling with associated garaging and accesses at Blackwell Ox, Huby Road, Sutton on the Forest for Howardian Developments

PERMISSION GRANTED

- (17) 16/01383/FUL - Revised application to planning permission 15/02403/FUL for the demolition of an existing bridge and construction of a new bridge over Cod Beck, site compound and associated works relating to Dalton Lane and Eldmire Lane and installation of flood protection measures at Dalton Bridge, Dalton for Hambleton District Council

PERMISSION GRANTED

- (18) 16/01286/FUL - Extension to existing agricultural building – pig housing at Hallikeld Farm, Brompton for Mr and Mrs D Sanderson

PERMISSION GRANTED

The meeting closed at 4.25 pm

Chairman of the Committee

Present

Councillor D A Webster (in the Chair)

Councillor	P Bardon	Councillor	K G Hardisty
	D M Blades		J Noone
	M A Barningham		C Patmore
	S P Dickins		B Phillips
	Mrs B S Fortune		Mrs I Sanderson

Also in Attendance

Councillor	D Hugill	Councillor	M S Robson
------------	----------	------------	------------

An apology for absence was received from Councillor C Rooke

P.9 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 21 July 2016 (P.7 - P.8), previously circulated, be signed as a correct record.

P.10 **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 Executive 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) 15/01240/OUT - Outline application for up to 105 dwellings with all matters reserved at Wilbert Farm, Sandhill Lane, Aiskew for Mr Robin Stead

PERMISSION GRANTED subject to a minimum of 28% affordable housing to be provided as part of the development.

(The applicant's agent, Rawdon Gascoigne, spoke in support of the application).

(Michael Chaloner spoke objecting to the application.)

- (2) 16/01300/FUL - Retrospective application for extending of an industrial unit at Unit 1, Bank Top Yard, Bedale Road, Aiskew for Mr Charles Knight

PERMISSION GRANTED

(Mr Tinker spoke objecting to the application.)

- (3) 16/01288/FUL - Extension to existing agricultural building to provide manure store at Westholme Farm, Islebeck Lane, Islebeck for Mr & Mrs D Sanderson

PERMISSION GRANTED

Disclosure of Interest

Councillor Mrs I Sanderson disclosed a pecuniary interest and left the meeting prior to discussion and voting on this item.

- (4) 16/01477/OUT - Outline application for 2 dwellings (all matters reserved) at 16 Thornlands, Easingwold for Mr & Dr Boyd

PERMISSION GRANTED

The decision was contrary to the recommendation of the Executive Director. The Committee concluded that the proposed development would not be detrimental to the character and appearance of the area or significantly harm residential amenity.

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

- (5) 16/00293/FUL - Demolition of existing agricultural buildings and construction of 2 dwellings together with ancillary works at Town End Farm, East Harlsey for Mr Michael Ward

PERMISSION GRANTED subject to an additional condition removing permitted development rights.

(Nick Barnard spoke on behalf of East Harlsey Parish Council objecting to the application.)

(Peter Gardner spoke objecting to the application.)

- (6) 16/01308/FUL - Construction of dwellinghouse with attached domestic garage, formation of new vehicular access and associated parking at Land to the south of Southfields, Silver Street, Hackforth for Mr & Mrs Neasham

PERMISSION GRANTED

- (7) 16/01330/MRC - Application for the removal of condition 10 of 16/01656/FUL (affordable housing provision) relating to the construction of 4 new dwellings and associated access road and parking at Land adjacent 4-5 Brookside, Hackforth for Mr Graeme Newton

PERMISSION GRANTED

- (8) 16/01180/MRC - Variation of conditions 2 (drawing numbers), 9 (parking, turning and access areas) & 17 (materials) of planning permission 15/00325/FUL - redevelopment of garage to provide convenience store, ATM, customer car park and associated petrol filling station at Spar 36 Garbutts Lane, Hutton Rudby for James Hall and Company

PERMISSION GRANTED

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

- (9) 16/01422/FUL - Alterations and two storey extension to the rear of the dwellinghouse at 5 East Side, Hutton Rudby for Mr M Hill

PERMISSION GRANTED

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

- (10) 16/00872/FUL - Change of use from annexe to separate dwelling at Moo Lodge, The Meadows, Kirkby in Cleveland for Mr and Mrs Emmerson

PERMISSION GRANTED

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

- (11) 15/02246/FUL - Demolition of buildings, construction of 5 dwellings with associated access, garaging and parking and private amenity space and change of use of part of the land from agricultural to domestic, change of use of part of the site from agricultural to allotments, change of use of part of the site from agricultural to recreational keeping and grazing of horses and construction of one stable building at Kirkby House Farm, Hill Road, Kirkby in Cleveland for Mr and Mrs Rowland Holmes-Smith

PERMISSION GRANTED subject to additional conditions for the retention of the closed hedge on the boundary and in relation to external lighting.

(Mary Frew spoke on behalf of Kirkby in Cleveland Parish Council in support of the application.)

- (12) 16/01221/OUT - Outline application for the construction of 2 dwellings to consider access and layout at Church View, Myton on Swale for Mr & Mrs Glew

PERMISSION REFUSED

(Julie Midsomer spoke on behalf of Myton-on-Swale Parish Meeting objecting to the application.)

- (13) 16/01323/FUL - Change of use of agricultural land to equestrian and the formation of an all-weather private equestrian arena at Land west of Beeches Farm, Newton on Ouse for Mr & Mrs C Rooke

PERMISSION GRANTED

- (14) 16/00808/OUT - Outline application with some matters reserved (access to be considered) for the construction of four dwellings at Land east of Amberleigh House, Lowfields Lane, Pickhill for Pickhill Top Ltd.

PERMISSION GRANTED

(The applicant's agent, Alex Cowling, spoke in support of the application).

- (15) 16/01041/FUL - Construction of detached dwelling following demolition of existing storage building and change of use of existing buildings to ancillary domestic outbuildings to the new dwelling and associated works at 10 Cooper Lane Potto for Mr and Mrs K Davison

PERMISSION REFUSED

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

(Andrew Wilde spoke on behalf of Potto Parish Council objecting to the application.)

- (16) 16/01419/FUL - Alterations and subdivision of dwelling to form two dwellings at The Old Post Office, Sinderby for Mrs Rosina Gilboy

PERMISSION GRANTED

(The applicant, Rosina Gilboy, spoke in support of the application.)

- (17) 16/00712/OUT - Outline application with some matters reserved for a detached dwelling at Hill Farm, Skipton on Swale for Mr P Robinson

PERMISSION GRANTED

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

(Audrey Kitching spoke on behalf of Skipton-on-Swale Parish Meeting supporting the application.)

The decision was contrary to the recommendation of the Executive Director. The Committee concluded that the proposed development was compliant with Interim Policy Guidance and other relevant Local Development Framework policies.

- (18) 16/01421/FUL - Creation of 7 additional touring caravan pitches within the existing caravan site, and the change of use of land to create a touring caravan storage area and new visitor car park at Canada Fields, Moor Lane, Yafforth for Mr Kevin Tiplady

DEFER for additional information and a site visit.

- (19) 16/01157/FUL & 16/01158/LBC - Construction of porch to front elevation of the dwellinghouse at Prospect House, West Tanfield for Mr & Mrs A Cumming

PERMISSION REFUSED

The meeting closed at 5.25 pm

Chairman of the Committee

This page is intentionally left blank

Present

Councillor Mrs I Sanderson (in the Chair)

Councillor P Bardon

Councillor S Watson

LAHP.4 **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.5 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.5 **APPLICATION FOR A HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE**

The subject of the decision:

The Panel was asked to consider whether to grant or refuse an application for a hackney carriage and private hire driver licence submitted by the applicant ("Mr H").

Alternative options considered:

The Panel considered the options outlined in the Executive Director's report. The Panel was not satisfied that Mr H was a fit and proper person to hold a hackney carriage and private hire driver licence. In accordance with section 51(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976, the licensing authority cannot grant a licence where it is not satisfied the applicant is fit and proper person.

The reason for the decision:

The Panel considered the Executive Director's report, Mr H's application for a hackney carriage and private hire driver licence, the Disclosure and Barring Service enhanced criminal record check for Mr H, oral representations from Mr H, the Council's Hackney Carriage and Private Hire Licensing Policy and the relevant legislation.

The Panel reached the following conclusions:

- The Panel noted that Mr H had incorrectly declared on his application that he had only been convicted of one offence and that he failed to disclose all his previous convictions. Mr H told the Panel he had forgotten about the other offences. Despite the convictions for these offences occurring over ten years ago the Panel did not accept Mr H's submission that he had forgotten those convictions when completing the application for a hackney carriage and private hire driver licence.

The Panel concluded that it was very unlikely that conviction of a criminal offence could be easily forgotten with the passing of time and Mr H's failure to disclose these convictions gave rise to concern as to Mr H's fitness and propriety.

- The Panel considered the Disclosure and Barring Service enhanced criminal record check for Mr H and was satisfied that the offences relating to dishonesty and driving under the influence of alcohol were relevant for determining an application for a hackney carriage and private hire driver licence. The Panel acknowledged that the offences occurred over ten years ago, however, the nature of offences gave the Panel concern about Mr H's fitness and propriety to hold a driver licence.
- When invited to make oral representations at the hearing Mr H told the Panel about his employment history and his reasons for applying for a driver licence. Mr H made no other submissions in support of his application whether written or oral.
- The onus is on the applicant to demonstrate he is a fit and proper person to hold a hackney carriage and private hire driver licence. The Panel concluded that Mr H did not provide sufficient evidence in support of his application to demonstrate that he is a fit and proper person to hold a 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 not satisfied Mr H was a fit and proper person to hold a hackney carriage and private hire driver licence and the application was refused.

The meeting closed at 10.00 am

Chairman of the Panel

Present

Councillor Mrs I Sanderson (in the Chair)

Councillor P Bardon

Councillor S Watson

LAHP.6 **APPLICATION FOR THE GRANT OF A PREMISES LICENCE, ODANA CAFE AND TAKEAWAY, NORTHALLERTON**

The subject of the decision:

The Executive Director submitted a report seeking consideration of an application for a premises licence in respect of Odana Café and Takeaway, 6 Friarage Street, Northallerton DL6 1DP. The application sought to authorise the provision of late night refreshment between the hours of 11pm and 2am every day.

Alternative options considered:

- (1) To reject the whole or part of the application.
- (2) To grant the licence as applied for.
- (3) To grant the licence subject to alternative conditions.

The Panel was satisfied that the licensing objectives were not likely to be adversely affected provided appropriate conditions were imposed. Therefore, it was not appropriate to reject the application or to impose any alternative conditions other than those detailed below.

The reason for the decision:

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

The Panel gave appropriate weight to the representation relating to the licensing objectives, namely; the prevention of crime and disorder; public safety; the prevention of public nuisance and the protection of children from harm. The representations related to concerns in respect of child protection, public order, anti-social behaviour, noise nuisance, littering and the applicant's ability to carry out licensable activities without causing significant adverse effect on the licensing objectives.

Child Protection

The Panel gave appropriate weight to representations submitted by North Yorkshire Police in relation to child protection.

The Panel concluded that many of the concerns in this regard were not related to licensable activities.

The Panel considered representations made in respect of children travelling in the applicant's delivery vehicle. The Panel was satisfied that such activities would have a likely adverse effect on the protection of children from harm objective. The Panel was satisfied that the licensing objectives could be adequately promoted by imposing a condition to prohibit persons under the age of 18 years being carried as passengers in a delivery vehicle.

The Panel considered representations relating to children congregating at the premises. The Panel concluded that the issue of congregation of children gave rise to concern. However, the Panel noted that there was no evidence to suggest the congregation of children was likely after 11pm. The Panel was satisfied that the likelihood of adverse effects on the protection of children from harm objective would be reduced from 11pm onwards (the time at which late night refreshment becomes licensable). The Panel was satisfied that any concerns relating to the congregation of children after 11pm could be addressed by imposing a condition that no person under the age of 18 years shall work at the premises after 11pm. The Panel was satisfied that this condition would ensure that children are not further encouraged to congregate at the premises after 11pm.

Public Order and Anti-Social Behaviour

The Panel gave appropriate weight to representations submitted by North Yorkshire Police in relation to public order and anti-social behaviour.

The Panel was not satisfied that a negative inference could be drawn against the applicant in relation to incidents where damage had allegedly been caused to the exterior of the premises and the delivery vehicle by members of the public.

The Panel considered evidence of alleged public order incidents involving fighting and disputes between members of the public and members of staff inside and outside the premises. The Panel noted that there was no evidence that formal action had been taken in respect of these alleged incidents. Although the Panel was not satisfied that sufficient evidence had been provided to demonstrate culpability on the part of the applicant and his staff, the Panel had concerns regarding these allegations. The Panel was satisfied that conditions could be imposed to alleviate these concerns when licensable activities are carried out.

The conditions include:

- the use of CCTV equipment to cover inside the public area of the premises and the immediate frontage of the premises;
- restrictions on public access to parts of the premises;
- the requirement for all the seating in the customer area of the premises to be non-moveable furniture; and
- the frontage of the premises to be lit during hours of darkness.

The Panel was satisfied in light of the evidence relating to public order and anti-social behaviour that it was appropriate to require the installation of a colour digital CCTV system with time and date generation with coverage of all public areas and the frontage of the property. The Panel was also satisfied that a condition restricting the access to non-public parts of the premises was appropriate to give practical effect to the CCTV requirements. The Panel was not satisfied that daily accuracy checks needed to be carried out (as proposed by North Yorkshire Police) and that regular checks would be sufficient. The Panel was satisfied that the recordings should be retained for a minimum of 28 days. The Panel was not satisfied that conditions relating to the

disclosure of images would be appropriate because the conditions relating to CCTV are imposed to prevent crime and disorder rather than to detect crime or apprehend offenders. The Panel also noted that existing legislation makes provision for the relevant authorities to make requests for data and therefore additional conditions in this respect would not be appropriate.

The Panel was satisfied that any seating in the customer waiting area should be fixed non-moveable structures in order to reduce the risk to public safety.

The Panel was satisfied that the frontage of the premises should be lit in order to increase visibility in and around the premises thereby reducing the risk to public safety.

Noise Nuisance and Littering

The Panel considered representations submitted in relation to noise nuisance and littering.

Representations were made in respect of potential noise nuisance in the vicinity of the premises from customers and the use of delivery vehicles. The Panel concluded that there was insufficient evidence to indicate a significant adverse effect on the prevention of public nuisance objective. The Panel was satisfied that the proposed hours for licensable activities would not create an unacceptable level of nuisance during the weekend but in light of the proximity to residential properties the Panel concluded that it would be appropriate to restrict licensable activities on weekdays.

The Panel was satisfied that the licensing objectives would be adequately promoted by only permitting the provision of late night refreshment from 11pm to midnight Sunday to Thursday and 11pm to 2am Friday and Saturday.

The Panel considered representations made in respect of littering outside the premises. The Panel noted that the applicant's operating schedule made reference to the issue of littering and the Panel was therefore satisfied that the prevention of public nuisance objective would be adequately promoted by imposing a condition to keep the frontage of the premises clear of litter during trading hours.

Applicant's Suitability

The Panel considered representations made in respect of the applicant's ability to carry out licensable activities without causing significant adverse effects on the licensing objectives.

The Panel concluded that many of the concerns in this regard were not related to licensable activities.

The Panel was not satisfied that a negative inference could be drawn against the applicant in relation to the incident where a missing child was located in the premises.

The Panel considered representations relating to the alleged purchase of age restricted products on behalf of underage children. The Panel noted that no formal enforcement action had been taken in this regard. The Panel gave little weight to the evidence in relation to this matter as it was not considered to be of great significance to an application seeking to authorise the provision of late night refreshment.

The Panel noted that the Licensing Act 2003 places an obligation on the premises licence holder to ensure compliance with all conditions attached to his/her premises

licence. On that basis the applicant will be required to ensure compliance with the licence conditions and therefore it would not be appropriate to impose additional conditions in relation to staff training as proposed by North Yorkshire Police. However, the Panel did acknowledge the benefits of staff training and recommended that the applicant implement a documented staff training programme in respect of licence conditions and objectives with such records being kept for one year. Compliance with this recommendation will not be mandatory.

THE DECISION:

The Panel resolved to grant the application for licence subject to amended hours as follows:

The provision of late night refreshment:

Friday and Saturday between 11pm and 2am (the following day)

Sunday to Thursday between 11pm and 12am (midnight)

Opening hours:

Friday and Saturday between 3pm and 2am (the following day)

Sunday to Thursday between 3pm and 12am (midnight)

The Panel resolved to impose the following conditions:

- 1) A colour digital CCTV system shall be installed at the premises and be operational and recording at all times when licensable activities take place.
- 2) The CCTV equipment shall have constant time and date generation which must be checked on a regular basis for accuracy.
- 3) CCTV cameras shall be installed to provide adequate coverage of all public areas inside the premises and the frontage immediately outside the premises.
- 4) Recordings must be retained for a minimum of 28 days.
- 5) Customers and members of the public shall only be permitted entry to the 'customer waiting area' as defined on the premises plan.
- 6) All seating in the 'customer waiting area' shall be fixed non-moveable structures.
- 7) Persons under the age of 18 years shall not be carried as passengers either in or on vehicles being used by the business for food delivery purposes.
- 8) No persons under the age of 18 years shall work at the premises when licensable activities take place.
- 9) The frontage of the premises shall be lit during the hours of darkness (trading hours only).
- 10) The premises owner is responsible for keeping the frontage of the property clear of waste packaging and discarded takeaway food throughout the hours of trading.

The meeting closed at 12.35 pm

Chairman of the Panel

Present

Councillor Mrs I Sanderson (in the Chair)

Councillor P Bardon

Councillor S Watson

LAHP.7 **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.8 **RENEWAL OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE**

The subject of the decision:

The Panel was asked to consider whether the licence holder (Mr W) was a fit and proper person to continue to hold a hackney carriage and private hire driver licence and whether to grant or refuse an application to renew Mr W's licence.

Alternative options considered:

The Panel considered the options outlined in the Executive Director's report and it was satisfied that a written warning was a proportionate response and it was not necessary to refuse to renew Mr W's licence.

The reason for the decision:

The Panel considered evidence of an allegation that Mr W had made inappropriate remarks in the presence of a 16 year old female passenger.

The Panel considered the report of the Executive Director, the written and oral submissions made by and on behalf of Mr W and had due regard to the Council's Hackney Carriage and Private Hire Licensing Policy and the relevant legislation.

The Panel considered the contents of the written character references and noted that Mr W had not been the subject of any formal enforcement action in the past. The Panel accepted that Mr W had a good history and reputation with his employer.

The Panel was satisfied that the remarks that were made by Mr W would have likely caused the passenger to feel uncomfortable however the Panel did not conclude that those remarks would have caused the passenger to be concerned for her safety. The Panel was satisfied that the incident referred to was an isolated incident.

THE DECISION:

Taking account of the above and having given appropriate weight to the evidence, the Panel was concerned about the remarks made and, in order to ensure that this behaviour would not be repeated in future, it sought to issue Mr W with a written warning about his future conduct.

The meeting closed at 1.30 pm

Chairman of the Panel

Present

Councillor Mrs I Sanderson (in the Chair)

Councillor M A Barningham

Councillor D M Blades

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.10 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 **APPLICATION FOR THE RENEWAL OF A HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE**

The subject of the decision:

The Panel was asked to consider whether the licence holder (Mr G) was a fit and proper person to continue to hold a hackney carriage and private hire driver licence and whether to grant or refuse an application to renew Mr G's hackney carriage and private hire driver licence.

Alternative options considered:

The Panel considered the options outlined in the Executive Director's report and it was satisfied that it was not necessary to refuse to renew Mr G's licence.

The reason for the decision:

The Panel considered the report of the Executive Director, the written and oral submissions and had due regard to the Council's Hackney Carriage and Private Hire Licensing Policy and the relevant legislation.

The Panel considered evidence in relation to Mr G's medical history which referred to an ischaemic stroke suffered by Mr G in 2011. The Panel accepted Mr G's submissions that he had been prescribed stroke prevention medication for a number of years without incident.

The medical documentation also referred to an incident in October 2015 and included in the documentation was a report that Mr G had attempted suicide. The Panel considered and gave appropriate weight to a report provided by the Tees, Esk & Wear Valleys NHS Foundation Trust's Department of Mental Health at the time of the incident. The Panel also considered a letter from Mr G's doctor dated 1 August 2016. The letter was produced in reference to Mr G's application for a hackney carriage and private hire driver licence and provided the Panel with an up-to-date report on Mr G's health.

On the basis of the information provided by the medical professionals, the Panel was satisfied that Mr G's health was stable and that he did not pose a risk to the safety of the public.

The Panel concluded that in light of the evidence regarding Mr G's medical history, a licence should only be granted for one year and a further medical assessment should be submitted in advance of any decision to renew Mr G's licence in 2017. The Panel concluded that the additional requirements were necessary to ensure that the Council could monitor whether there had been any change to Mr G'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 that Mr G 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 driver licence for one year. Any application to renew the licence in 2017 must be accompanied by a medical assessment that complies with the requirements of the Council's Hackney Carriage and Private Hire Licensing Policy.

The meeting closed at 10.30 am

Chairman of the Panel

Present

Councillor Mrs I Sanderson (in the Chair)

Councillor S P Dickins

Councillor D Hugill

LAHP.11 **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.12 on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act as the Panel was satisfied that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

LAHP.12 **APPLICATION FOR A HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE**

The subject of the decision:

The Panel was asked to consider whether to grant or refuse an application for a hackney carriage and private hire driver licence submitted by the applicant ("Mr P").

Alternative options considered:

The Panel considered granting the licence but, in accordance with section 51(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976, the licensing authority cannot grant a licence where it is not satisfied that the applicant is a fit and proper person.

The reason for the decision:

The Panel considered the Executive Director's report, Mr P's application for a hackney carriage and private hire driver licence, the Disclosure and Barring Service enhanced criminal record check for Mr P, written and oral representations from and on behalf of Mr P, the Council's Hackney Carriage and Private Hire Licensing Policy and the relevant legislation.

The Panel reached the following conclusions:

The Panel considered the Disclosure and Barring Service enhanced criminal record check for Mr P, particularly in relation to:

- the relevance of the offences;
- the seriousness of the offences;
- the dates of the offences and convictions;
- the sentences imposed by the courts; and
- the applicant's age at the time of the convictions.

The Panel was satisfied that the offences relating to theft, criminal damage, public order, perjury and breaches of court orders were relevant for determining an application for a hackney carriage and private hire driver licence.

The Panel had concerns in respect of a conviction in January 2001 for an offence under the Perjury Act 1911. Mr P told the Panel that the conviction was in relation to an incident where he lied in court after he was found in charge of a vehicle under the influence of alcohol. The Panel took a serious view of the 33 month detention in a young offenders' institution imposed by the court.

The Panel had general concerns about a number of offences relating to dishonesty, particularly in light of the Council's Hackney Carriage and Private Hire Licensing Policy. The Panel noted that in accordance with the policy a licensed driver is expected to be a trustworthy person. They deal with cash transactions and valuable property may be left in their vehicles. Taxi drivers are required to deposit such property with police within 24 hours. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal or agreed fare, etc. Overseas visitors can be confused by our currency and may be vulnerable to an unscrupulous driver. For all these reasons, a serious view is taken of any conviction involving dishonesty.

The policy indicates that a licence will not normally be granted if an applicant has more than one conviction for a dishonesty offence. The Panel was satisfied that Mr P had several convictions for dishonesty offences and that he was unable to convince the Panel that his specific circumstances justified making an exception to the policy.

The Panel acknowledged that the offences occurred over ten years ago and that Mr P was aged between 17 years and 20 years at the time he was convicted. The Panel accepted Mr P's submission that he was immature and that he is now a father of three with a very different lifestyle. However, the Panel was not satisfied that Mr P had provided sufficient evidence in support of his application to demonstrate that he was a fit and proper person to hold a hackney carriage and private hire driver licence. The Panel noted that the onus is on the applicant to demonstrate he is a fit and proper person.

THE DECISION:

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

The Panel was not satisfied that Mr P was a fit and proper person to hold a hackney carriage and private hire driver licence and the application was refused.

The Panel noted that Mr P would be entitled to make a future application in which case the Panel would expect Mr P to produce more supporting evidence as to his fitness and propriety.

The meeting closed at 10.30 am

Chairman of the Panel