

Committee Administrator: Democratic Services Officer (01609 767015)

Monday, 5 December 2016

Dear Councillor

NOTICE OF MEETING

Meeting **COUNCIL**
Date **Tuesday, 13 December 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

AGENDA

Page No

1. MINUTES 1 - 4
To confirm the minutes of the meeting held on 13 September 2016 (C.11 - C.14), attached.
2. APOLOGIES FOR ABSENCE
3. ANNOUNCEMENTS BY THE CHAIRMAN OR CHIEF EXECUTIVE
4. STATEMENT OF THE LEADER AND REFERRALS FROM CABINET 5 - 10

<u>Date of Meeting</u>	<u>Minute Nos</u>
18 October 2016	CA.37 to CA.39
1 November 2016	CA.44 to CA.45
6 December 2016	To follow
5. REFERRAL FROM THE AUDIT, GOVERNANCE AND STANDARDS COMMITTEE 11 - 14

<u>Date of Meeting</u>	<u>Minute Nos</u>
20 September 2016	AGS.14
25 October 2016	AGS.18
6. REFERRAL FROM THE LICENSING COMMITTEE 15 - 16

<u>Date of Meeting</u>	<u>Minute Nos</u>
29 November 2016	LC.6
7. CABINET PORTFOLIO STATEMENTS
 - a) Statement from the Portfolio Holder for Economic Development and Finance 17 - 18
 - b) Statement from the Portfolio Holder for Leisure 19 - 20
 - c) Statement from the Portfolio Holder for Governance 21 - 22
 - d) Statement from the Portfolio Holder for Planning 23 - 24
 - e) Statement from the Portfolio Holder for Environmental Health, Waste and Recycling 25 - 26
8. QUESTION TIME
None received.
9. HAMBLETON DEVELOPMENT COMPANY LIMITED - REPLACEMENT OF DIRECTOR 27 - 28
Report of the Chief Executive

10. NOTICES OF MOTION

To be moved by Councillor C A Dickinson and seconded by Councillor D M Blades:

“NHS acute services across the Tees Valley, South Durham and the northern part of North Yorkshire are currently being reviewed as part of ‘The Better Health Programme’. The Review includes 24 hour accident and emergency (A&E) services, 24 hour consultant-led maternity services and 24 hour consultant-led paediatric services.

These services are accessed at the Darlington Memorial Hospital by Hambleton residents and the 24/7 consultant-led maternity and paediatric services at the hospital were specifically committed by the NHS as an important alternative provision when the similar services were downgraded at The Friarage Hospital in 2014.

Hambleton District Council:

calls upon the Better Health Programme review to take into account the needs of its residents and communities, many of them rural in nature, that rely upon these critical care services remaining at the Darlington Memorial Hospital.

And expects the Review to honour the commitment to maintain them at the Darlington Memorial Hospital in line with the assurances given to residents in the District during the review of services provided at the Friarage in 2014.”

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Agenda Item 1

Minutes of the meeting of the COUNCIL held at 2.00 pm
on Tuesday, 13th September, 2016 at Council Chamber,
Civic Centre, Stone Cross, Northallerton

Present

Councillor J Noone (in the Chair)

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

Also in Attendance

Honorary Alderman M J Prest

Apologies for absence were received from Councillors P Bardon and S P Dickins

C.11 **MINUTES**

THE DECISION:

That the minutes of the meeting held on 19 July 2016 (C.6 - C.10), previously circulated, be signed as a correct record.

C.12 **VERBAL STATEMENT OF THE LEADER AND REFERRALS FROM CABINET**

The Leader moved Cabinet minutes CA.22 – CA.25 and CA.27 – CA.31. The Leader reported that Cabinet minute CA.26 would be referred to the Audit, Governance and Standards Committee for consideration prior to a decision being ratified by Council in December 2016. The Leader made a statement to the Council on the following matters:-

- Demolition of the Prison was expected to commence at the end of September and be demolished by Christmas.
- Para-rower Laurence Whiteley took the gold medal in Rio for the trunks and arms mixed double sculls, rowing in the British team with Lauren Rowles. The 25 year old from Northallerton had been the latest to achieve success for the District. In order to honour their success, along with those who had won previous medals, such as Nicola Wilson who took a silver for equestrian team eventing and Kat Copeland of Stokesley won a gold in the rowing in the 2012 Olympics, Northallerton's Town Square was to be renamed 'Olympic Square' in honour of the District's Olympians and Paralympians.

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

- The renaming of Northallerton's Town Square.

THE DECISION:

That:-

- (1) 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	6 September 2016	CA.22 – CA.25 CA.27 – CA.31

- (2) Minute CA.26, Sector Led Body for the Appointment of External Auditors – Opt-in 2016/17, be referred back to Audit, Governance and Standards Committee for consideration at their next meeting prior to making a recommendation to Council in December 2016.

Note: Councillor G Dadd wished it to be recorded that he voted against Minute CA.31.

C.13 **CABINET PORTFOLIO STATEMENTS**

- (a) Councillor P R Wilkinson, Portfolio Holder for Economic Development and Finance made a statement on the Members' Seminar held on the Financial Strategy. A copy of the presentation was to be circulated to all Members and any questions were to be forwarded to the Head of Finance – s151 Officer, Louise Branford-White. The Dalton Bridge scheme would commence in February 2017. One business had already made enquiries regarding expansion and also a number of other businesses had made enquiries regarding relocation. With regard to Vibrant Market Towns, two additional members of staff would be recruited to lead this initiative.
- (b) Councillor Mrs B S Fortune, Portfolio Holder for Leisure made a statement on Laurence Whiteley's recent Gold medal in Rio and other sporting achievements such as Doug Roberts success in the Scottish Open Triathlon and Sessay Cricket Club who won the 2016 Davidstow Village Cup trophy at Lord's. Councillor Fortune reminded Members that nominations for the Sports Awards could be submitted up to 22 September and also reported on the Perfect10 loyalty reward scheme that had been running within the sports centres which had been very successful.
- (c) Councillor N Knapton, Portfolio Holder for Governance made a statement on developments within the old canteen in the Civic Centre which would be turned into a laboratory for Environmental Health. Also, that the new IT Server Room was expected to be complete and operational by the end of September. Councillor Knapton reported that issues around ICT security continued to be monitored and systems were upgraded to deal with problems such as phishing emails. A report would be submitted to Cabinet in October regarding Car Park Improvements. Improvements had been made to the card payment system used

to pay for Council services. New District boundary signs were being manufactured to replace the existing signs. Freedom of Information requests were being managed more efficiently now that Veritau had taken over responsibility for dealing with the management of requests.

- (d) Councillor B Phillips, Portfolio Holder for Planning made a statement on the current progress with the signing of the S106 Agreements for the North Northallerton Development and that there would be a report to Cabinet in October on the Preferred Options for consultation for the new Local Plan.
- (e) Councillor S Watson, Portfolio Holder for Environmental Health, Waste and Recycling made a statement regarding the introduction of charging for collection of green waste. Information regarding the introduction of the scheme had been published on the Council's website and further briefings would be held for Members in due course. A Stray Dogs Policy had recently been approved which was available on the Council's website. Also, this week in September was National Recycling Week. Councillor Watson, on behalf of the Council, wished to thank the residents of Hambleton as there had been a significant increase in the recycling collected.

C.14 **APPOINTMENT TO COMMITTEES**

All Wards

The Chief Executive asked Council to approve a request from the Conservative Group to change the membership of Scrutiny Committee.

THE DECISION:

That Councillor N Knapton be replaced by Councillor A Wake on the Scrutiny Committee.

The meeting closed at 2.25 pm

Chairman of the Council

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STATEMENT BY THE LEADER OF THE COUNCIL

13 December 2016

2016 has been a year of change as well as development

The **Senior Management Team** has seen significant changes with the departure of Chief Executive Phil Morton in February after 20 years' service with this Authority (three of those as Chief Executive) and Dave Goodwin, Executive Director, in September after 29 years' service. Dr Justin Ives was promoted to the position of Chief Executive and, following further Senior Management changes last month, he now leads a strong team with Mick Jewitt, Executive Director, four newly-appointed Directors Louise Branford-White, Helen Kemp, Paul Staines and Gary Nelson, supported by two Heads of Service Steve Lister and Mark Harbottle.

Meanwhile, three key projects continue to move forward –

Two developers are currently under scrutiny to take forward the **Northallerton Prison Project**, with the final choice being made in February 2017.

After nearly two years the Section 106 permission has been signed and we are now in the final stages before work commences on the **North Northallerton Development**. This is a priority for this Authority as £6million Local Enterprise Partnership funding needs to be drawn down by April 2017.

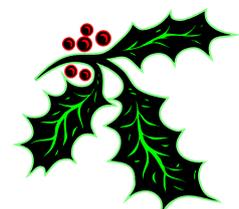
Work is expected to start on the **Dalton Bridge Project** in early Spring. This will enable 365-day around-the-clock access to the industrial estate which will safeguard the existing 900 jobs and could potentially create a further 900 in the future.

Finally -

Back in April we lost one of our valued members and friends, Councillor Tony Hall. After 17 years as a member for Northallerton he leaves behind a lasting legacy of his untiring hard work for the town.

I would like to take this opportunity to thank all Council members and staff for their hard work and contribution throughout 2016 and I wish you all a very Merry Christmas and Happy New Year

Councillor Mark Robson
Leader of the Council



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**Decisions to be considered by
Full Council on 13 December 2016**

Decisions of the meeting of the CABINET held
at 9.30 am on Tuesday, 18th October, 2016 at
COUNCIL CHAMBER, CIVIC CENTRE,
STONE CROSS, NORTHALLERTON

Present

Councillor M S Robson (in the Chair)

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

Also in Attendance

Councillor	P Bardon	Councillor	R W Hudson
	M A Barningham		J Noone
	D M Blades		Ms C Palmer
	Mrs C S Cookman		C Patmore
	S P Dickins		Mrs J Watson
	C A Dickinson		D A Webster
	K G Hardisty		

CA.37 **ENVIRONMENTAL HEALTH ENFORCEMENT STRATEGY AND POLICY V5.0**

All Wards

The subject of the decision:

This report sought approval of the Environmental Health Enforcement Strategy and Policy.

Alternative options considered:

None.

The reason for the decision:

To take account of changes to national codes of practice and legislation.

THE DECISION:

That Cabinet approves and recommends to Council that the revised Environmental Health Enforcement Strategy and Policy be approved and adopted.

CA.38 **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 item of business at minute no CA.39 on the grounds that it involved the likely disclosure of exempt information as

defined in paragraph 1 of Part 1 of Schedule 12A of the Act as the Cabinet was satisfied that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

CA.39 **ENVIRONMENTAL HEALTH SERVICE REVIEW**

All Wards

The subject of the decision:

This report sought consideration of the Environmental Health Service Review.

Alternative options considered:

None.

The reason for the decision:

To ensure that the structure of the service was efficient and effective.

THE DECISION:

That Cabinet approves and recommends to Council that:-

- (1) the proposed Environmental Health restructure be agreed; and
- (2) the redundancy and pension costs amounting to £123,792 be paid from the One-Off Fund as detailed within paragraph 4.2 and 4.3 of the report.

The meeting closed at 10.10 am

Leader of the Council

**Decisions to be considered by
Full Council on 13 December 2016**

Decisions of the meeting of the CABINET held
at 9.30 am on Tuesday, 1st November, 2016 at
COUNCIL CHAMBER, CIVIC CENTRE,
STONE CROSS, NORTHALLERTON

Present

Councillor M S Robson (in the Chair)

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

Also in Attendance

Councillor	M A Barningham	Councillor	J Noone
	D M Blades		C Patmore
	S P Dickins		Mrs J Watson
	C A Dickinson		D A Webster
	K G Hardisty		

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 item of business at minute no CA.45 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 Cabinet was satisfied that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

CA.45 **STAFFING ISSUES**

All Wards

The subject of the decision:

This report sought consideration of various staffing issues and a revised Pay Policy for approval.

Alternative options considered:

None.

The reason for the decision:

Proposed amendments to the Council's Pay Policy Statement were required to be considered by Cabinet before being submitted to Council for approval.

THE DECISION:

That Cabinet approves and recommends to Council that the amended structure and the revised Pay Policy Statement attached at Annex A of the report be agreed.

The meeting closed at 10.00 am

Leader of the Council

**Decisions to be considered by
Full Council on 13 December 2016**

Minutes of the meeting of the AUDIT,
GOVERNANCE AND STANDARDS
COMMITTEE held at 9.30 am on Tuesday,
20th September, 2016 at MAIN COMMITTEE
ROOM, CIVIC CENTRE, STONE CROSS,
NORTHALLERTON

Present

Councillor R W Hudson (in the Chair)

Councillor	C Patmore	Councillor	Mrs J Watson
	R A Baker		P R Wilkinson

Apologies for absence were received from Councillors Mrs C S Cookman and G W Dadd

AGS.14 **SECTOR LED BODY FOR APPOINTMENT OF EXTERNAL AUDITORS - OPT IN**

All Wards

The subject of the decision:

This report sought consideration and approval of the proposal from the Local Government Association (LGA) that Public Sector Audit Appointments Ltd (PSAA) was appointed as the sector-led body to procure future External Audit contracts for Local Government.

Alternative options considered:

None.

The reason for the decision:

To comply with Section 7 of the Local Audit and Accountability Act 2014 which required a relevant authority to appoint a local auditor to audit its accounts for a financial year not later than 31 December in the preceding year.

THE DECISION:

That Audit, Governance & Standards Committee approves and recommends to Council to Opt-in to an approved sector led body, specifically Public Sector Audit Appointments Ltd, to act as the Appointing Person for the appointment of External Auditors for the Council.

The meeting closed at 10.15 am

Chairman of the Committee

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**Decisions to be considered by
Full Council on 13 December 2016**

Minutes of the meeting of the AUDIT,
GOVERNANCE AND STANDARDS COMMITTEE
held at 9.30 am on Tuesday, 25th October, 2016 at
MAIN COMMITTEE ROOM, CIVIC CENTRE,
STONE CROSS, NORTHALLERTON

Present

Councillor R W Hudson (in the Chair)

Councillor	C Patmore	Councillor	G W Dadd
	Mrs C S Cookman		Mrs J Watson

Also in Attendance

Councillor	K G Hardisty	Councillor	N A Knapton
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Apologies for absence were received from Councillors R A Baker and P R Wilkinson

AGS.18 **ANNUAL REVIEW OF THE AUDIT, GOVERNANCE AND STANDARDS
COMMITTEE'S TERMS OF REFERENCE**

All Wards

The subject of the decision:

The Head of Service Finance (s151 Officer) presented a report following 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 and the Constitution be amended accordingly.

The meeting closed at 10.15 am

Chairman of the Committee

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**Decisions to be considered by
Full Council on 13 December 2016**

Minutes of the meeting of the LICENSING
COMMITTEE held at 9.30 am on Tuesday,
29th November, 2016 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		S Watson

Also in Attendance

Councillor Mrs J Watson

Apologies for absence were received from Councillors D M Blades, S P Dickins and R Kirk.

LC.6 **LICENSING ACT 2003 STATEMENT OF LICENSING POLICY**

All Wards

The subject of the decision:

This report sought approval for the revision of the Licensing Act 2003 Statement of Licensing Policy.

Alternative options considered:

The Licensing Committee considered the revised Policy attached to the report and considered making further amendments, however, no further amendments were deemed necessary.

The reason for the decision:

To ensure that the Council complies with its obligations under section 5 of the Licensing Act 2003 by publishing an up-to-date policy within the statutory timescales.

THE DECISION:

That the Licensing Committee approves the revised Licensing Act 2003 Statement of Licensing Policy and recommends to Council that the revised policy be adopted.

The meeting closed at 10.05 am

Chairman of the Committee

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Statement by the Cabinet Portfolio Holder for Economic Development and Finance

13 December 2016

Dalton Bridge progress

- Orders are about to be placed for diversion of utilities alongside the commencement of the tender process.

Prison site progress

- The procurement process continues with final submissions expected mid-December.
- Demolition of the site is well underway which has included the safe removal of large amounts of asbestos; time lapse cameras are recording the process. Archaeological surveys will commence in the New Year with public engagement opportunities included as part of the study.

Vibrant Market Towns

- The Vibrant Market Towns Officer has been appointed and commenced his post in early December. The initial focus will be to draft an initial 12-month delivery programme and build engagement with businesses and communities in each of the market towns.
- The Northallerton BID proposal has been approved with the majority of Business ratepayers in the proposed BID area who voted, voting for the proposal. We will work with the BID group as part of the Vibrant Market Town strategy.

Business Support

- A number of established activities such as Lunch and Learns, Breakfast Briefings and Innovation Breakfasts continue to be delivered. Businesses engage very positively with these events and are proving so popular that certain events now have waiting lists for attendance.
- As part of a continuous review of what can be offered to support businesses, the Council now holds Business Surgeries across the District offering business and funding advice in the heart of the business community.

Graduates and Apprentices

- The Apprentice scheme continues to be popular with 37 applications received by the mid-year point, 25 of which have been approved.
- Business and Economy are providing a 6-week placement for a university graduate, who will experience opportunities throughout the Council as well as delivering a project within the Economic Development Strategy.

Autumn Statement

The Autumn Statement delivered by the Chancellor on 23rd November 2016 raised a number of issues that will impact on Local Government as a sector. However, until the statement is digested into policy the detail remains unclear. Some of the key points include:

- The government no longer seeks budget surplus by 2019-20.
- Departmental spending plans set out in 2015 are to remain unchanged, signalling no further reductions beyond those already envisaged.
- National Living Wage to be raised from £7.20 to £7.50 in April.
- No further cuts to welfare benefits for this parliament.
- £2.3bn housing infrastructure fund to be created to help build housing in areas of high need.
- £1.4bn to deliver 40,000 extra affordable homes.
- £1.8bn from local growth fund to English Regions, it is unclear as whether this will go to all LEP's or areas with Combined Authorities.
- 100% Rural Relief for small business in rural areas.

Councillor Peter Wilkinson
Portfolio Holder for Economic Development and Finance

Statement by the Cabinet Portfolio Holder for Leisure

13 December 2016

Sports Awards

A very successful ceremony took place on the 2 November. The Council received the most ever nominations (44 in total). In light of the increased popularity of this event, and the Community Awards, the venue is being changed to The Forum in Northallerton for the 2017 ceremonies.

Grants Update:

In October Cabinet approved 29 'Making a Difference' grants totalling £125,000.

Olympic Square

4 Yorkstone tablets were unveiled on the 1 December in Olympic Square, Northallerton High Street, commemorating the achievements of our Olympians and Paralympians Kat Copeland, Nicola Wilson and Laurence Whiteley. The tablets have been designed and fabricated by Dales of Thirsk.

Bedale Public Art

Work is underway to commission a piece of public art in Bedale as part of the gateway car park scheme. £15,000 from the Arts Council has been granted to match £35,000 from section 106 funds. A steering group representing the community has been set up and they have appointed Brian Fell to produce the installation.

Tour de Yorkshire

The route for the 2017 Tour was announced by Welcome to Yorkshire on 8 December. It will be announced when known.

Hambleton Leisure Centre Health & Fitness Project:

The procurement of a development partner for the HLC project has now been concluded with Alliance being appointed. Alliance have undertaken similar schemes across the country. Further details including the timescale for delivery will be confirmed shortly.

Swim Local Pilot - Sport England

Hambleton District Council has applied for £335,000 worth of revenue funding to address a number of issues identified by the people of Hambleton around swimming participation. The funding will be used to support the following areas; improving cleanliness, revenue support for two swimming activators, improved technology and a revenue support for some new products. The team will be presenting this application in London on the 14 December 2016 where hopefully we will be awarded the funding.

Safer Hambleton

On 1 November Community Safety staff were transferred to the Council from Richmondshire District Council and as from 1 December a new Safer Hambleton structure was implemented which integrates Community Safety with the Council's CCTV function.

Councillor Mrs Bridget Fortune
Portfolio Holder for Leisure

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Statement by the Cabinet Portfolio Holder for Governance

13 December 2016

ICT

The ICT Server Room build has been completed and will be fully operational early in the New Year.

ICT support for the Green Waste Project and CRM (Customer Relationship Management) system implementation continues. Customer Services Officers have completed their training on the new system in late November and will be supported through a soft launch. The CRM system will officially commence on 1 February to enable Green Waste licences to be managed efficiently.

Design & Maintenance

A programme of Health and Safety training is well underway with officers achieving recognised qualifications in Asbestos Management. This complements the Asbestos Management Plans that Design and Maintenance are developing for all Council premises and the corporate lead they are taking on managing Legionella.

Significant work has been taking place throughout the Civic Centre in response to a fire risk assessment which took place earlier this year. This has included a range of measures such as installing new fire doors, amending evacuation processes and improving housekeeping. A new secure area for storing refuse externally at the Civic Centre has been designed and will commence development in January.

Design work has been completed on an accessibility improvement scheme which will see the ramp into the Civic Centre being adapted to comply with new regulations. It is expected that works will be completed in March.

The replacement of the existing street lighting units with LED units continues. Approximately 400 of the 1200 units have already been replaced. The LED units are significantly cheaper to run and have a much extended life. They also negate the need for part night lighting thus offering a higher level of service. Also ongoing is the replacement of old concrete columns.

Customer Services and Communications

Customer Services have recently reviewed the GovMetric system that is used to obtain customer feedback; updating the questions that are asked of customers at each contact point.

Councillor Nigel Knapton
Portfolio Holder for Governance

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Statement by the Cabinet Portfolio Holder for Planning

13 December 2016

Local Plan

Work on the Local Plan is progressing well with a series of public consultation events completed throughout November, right across the District. An online portal used for the consultation process has also seen a good number of returns.

The Planning Policy and Business and Economy teams are now meeting fortnightly to facilitate joint working on the Local Plan; this should assist with establishing a strong evidence base in relation to employment issues.

Consultation on the Preferred Options ended yesterday, 12th December.

Housing Options Service Award

The Housing Options Service remains at Silver Standard under a national accreditation scheme for housing services administered by Government. The service has just received notice that it has successfully achieved its ninth standard, demonstrating excellent quality of service in 'actively engaging in preventing mortgage repossessions.

A final standard is currently being marked and is expected to pass before Christmas; this will signify an achievement of Gold Standard.

Development Management Resources

The recruitment process is being completed for a Senior Planning Officer who is expected to take up post early in the New Year. This will complement the existing team, with the aim of assisting the drive to improve quality and customer service.

Further improvements are being sought through the use of technology to change working practices and make the processes more efficient and customer focussed.

Councillor Brian Phillips
Portfolio Holder for Planning

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Statement by the Cabinet Portfolio Holder for Environmental Health, Waste and Recycling

13 December 2016

Waste Services

Green Waste Charges

The project is on track to be operational from 1 April 2017. A successful seminar for members was held on 1 November and a further one is planned for January 2017. It is anticipated that residents will be able to pay for the service from February 2017. Extra temporary staff have been taken on in Waste and Street Scene and in Customer Services to cope with the extra demands that delivery of this service will bring.

Route optimisation

This project seeks to further address inefficiencies in the waste and recycling collection rounds. There has been a delay with the implementation, originally planned for 1 September 2016, this is due to availability of staff and production of the data required to build the rounds. A revised date has been set for 20 February 2016. This may involve changes to the days of the weeks residents have their waste collected.

Recycling

The new recycling service continues to deliver a valued and enhanced service that has seen recycling increase to almost 55% for the year to date. However, levels of contamination have been increasing as residents get used to the scheme. Waste and Street Scene Officers and Operational Crews will be cracking down on levels of contamination and will be putting stickers onto contaminated bins. A publicity campaign will run alongside this to encourage and educate people to place the correct materials in their boxes and bins. Common forms of contamination include heavy metal items, such as golf clubs, disposable nappies, wood, polystyrene and plastic bags. Further information is available on the website.

Street-Scene

I'm sure Members will join me in sending the Council's condolences to the family of the late Robert (Tommy) Walburn. Tommy died suddenly at home and will be sadly missed by all his work colleagues. Tommy was always first to volunteer and last to leave and his commitment to his duties was a shining example to all.

Environmental Health Service

Service Review

The restructure in Environmental Health will become complete in the New Year with the retirement of the part time manager and the redundancy of the project officer. A full time manager will be in place by the end of February with extra staff resources also being allocated to food inspection and enforcement work.

Pending Prosecution

A recent case regarding food standards was due to be heard in court in November but has been put back till December as the defendant claims he had not received certain papers. This is incorrect and the case will be heard on the 20 December.

Councillor Stephen Watson
Portfolio Holder for Environmental Health, Waste and Recycling

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HAMBLETON DISTRICT COUNCIL

Report To: Council
13 December 2016

From: Chief Executive

Subject: HAMBLETON DEVELOPMENT COMPANY LIMITED - REPLACEMENT OF DIRECTOR

All Wards

1.0 PURPOSE AND BACKGROUND:

1.1 The purpose of this report is to consider replacing one of the directors of the Hambleton Development Company Limited.

2.0 HAMBLETON DEVELOPMENT COMPANY LIMITED:

2.1 In 2015 the Council set up a company limited by shares called Hambleton Development Company Limited ("the Company"). The Council is the sole shareholder in the Company. Two directors were appointed to the Company, namely Mr Phil Morton and Dr Justin Ives.

2.2 As Members are aware Mr Morton has retired from the Authority and will have no further involvement in the Company. This necessitates his replacement as a director. In the circumstances, it is proposed that Mr Morton is replaced as a director of the Company by the portfolio holder for Economic Development and Finance, Councillor Peter Wilkinson.

3.0 LEGAL IMPLICATIONS:

3.1 Certain statutory steps are required by shareholders to formally replace directors of a company. However, these can be delegated by the Council to Dr Ives as a director of the Company.

4.0 FINANCIAL IMPLICATIONS:

4.1 There are no financial implications associated with this report.

5.0 EQUALITIES IMPLICATIONS:

5.1 Equability and Diversity issues have been considered. However, there are no issues associated with this report.

6.0 RECOMMENDATIONS:

6.1 It is recommended that:-

- (1) Councillor Peter Wilkinson be appointed as a director of the Company in place of Mr Phil Morton; and
- (2) Authority be given to Dr Justin Ives (as a director of the Company) to take any and all necessary steps on behalf of the Council as shareholder to formally implement the change of director recommended at point (i) above.

GARY NELSON

Background papers: None

Author ref: GN

Contact: Gary Nelson
Director of Law and Governance (Acting)
Direct Line No: 01069 767012

MINUTES FOR INFORMATION

<u>Committee</u>	<u>Date</u>	<u>Page</u>
Cabinet	18 October 2016	31
	1 November 2016	35
	6 December	To follow
Scrutiny Committee	20 October 2016	39
	17 November 2016	43
Planning Committee	15 September 2016	47
	13 October 2016	53
	10 November 2016	57
	8 December 2016	To follow
Audit, Governance and Standards Committee	20 September 2016	63
	25 October 2016	65
Licensing Committee	29 November 2016	69
Licensing and Appeals Hearings Panel	26 September 2016	71
	26 September	73
	14 November 2016	75
Standards Hearings Panel	26 September 2016	81

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**Decisions taken under Cabinet authority
to take effect on 31 October 2016**

Decisions of the meeting of the CABINET held
at 9.30 am on Tuesday, 18th October, 2016 at
COUNCIL CHAMBER, CIVIC CENTRE,
STONE CROSS, NORTHALLERTON

Present

Councillor M S Robson (in the Chair)

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

Also in Attendance

Councillor	P Bardon	Councillor	R W Hudson
	M A Barningham		J Noone
	D M Blades		Ms C Palmer
	Mrs C S Cookman		C Patmore
	S P Dickins		Mrs J Watson
	C A Dickinson		D A Webster
	K G Hardisty		

CA.40 **MINUTES**

THE DECISION:

That the decisions of the meeting held on 6 September 2016 (CA.22 – CA.36), previously circulated, be signed as a correct record.

CA.41 **MAKING A DIFFERENCE GRANTS**

All Wards

The subject of the decision:

In June 2016 Cabinet agreed to re-invest windfall savings back into the community and create another one-off 'Making a Difference' community grants scheme. This report sought consideration of the recommendations from each of the five decision making panels made up of Elected Members from each of the sub-areas.

Alternative options considered:

None.

The reason for the decision:

Cabinet was satisfied that the recommendations from the panels supported the Council's priorities and adhered to the principles of the grants programme which would make a difference to the quality of life for the residents of Hambleton.

THE DECISION:

That the proposals detailed in Annex A of the report be approved.

CA.42 **CAR PARK IMPROVEMENTS**

All Wards

The subject of the decision:

This report explored the possibility of making a range of car parking improvements, including provision for electric cars, across the District. It was thought that a feasibility study was needed to take the exploratory work forward and Members were being asked to scope the feasibility work.

Alternative options considered:

None.

The reason for the decision:

Cabinet was satisfied that the proposals for the exploratory work were suitable to take the feasibility work forward.

THE DECISION:

That the scope of the feasibility study be endorsed subject to the results being brought back to Cabinet.

CA.43 **HAMBLETON LOCAL PLAN PREFERRED OPTIONS DOCUMENT FOR CONSULTATION**

All Wards

The subject of the decision:

This report presented the Hambleton Local Plan Preferred Options document for approval for consultation purposes.

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 the Preferred Options Document be approved for public consultation for a period of six weeks.

Declaration of Interest

Councillor B Phillips declared a personal interest as the land owner of a piece of land which had been considered for inclusion within the Preferred Options document. As no discussion took place regarding the allocations, Councillor Phillips remained in the meeting and took part in the discussion and voting on this item.

The meeting closed at 10.10 am

Leader of the Council

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**Decisions taken under Cabinet authority
to take effect on 14 November 2016**

Decisions of the meeting of the CABINET held
at 9.30 am on Tuesday, 1st November, 2016 at
COUNCIL CHAMBER, CIVIC CENTRE,
STONE CROSS, NORTHALLERTON

Present

Councillor M S Robson (in the Chair)

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

Also in Attendance

Councillor	M A Barningham	Councillor	J Noone
	D M Blades		C Patmore
	S P Dickins		Mrs J Watson
	C A Dickinson		D A Webster
	K G Hardisty		

CA.46 **MINUTES**

THE DECISION:

That the decisions of the meeting held on 18 October 2016 (CA.37 – CA.43), previously circulated, be signed as a correct record.

CA.47 **INWARD INVESTMENT**

All Wards

The subject of the decision:

This report provided background to the proposed activity which sought to support the Hambleton Economic Strategy (2014) themes of Inward Investment and Drive Growth.

Alternative options considered:

None.

The reason for the decision:

Cabinet was satisfied that this decision supported the Council's priority of driving economic vitality.

THE DECISION:

That:-

- (1) the draft Hambleton Industrial Estates Action Plan be approved with a direction to prioritise:-

- (a) the investigation of removing infrastructure constraints; and
 - (b) the development of 'A Place to Grow' web resource to promote the District and provide information to assist local business growth;
- (2) the approach to establish centres of excellence relating to key industry clusters, including advance manufacturing at Stokesley and food manufacturing at Leeming Bar; and
- (3) that an Inward Investment Action Plan be developed and reported back to Cabinet.

CA.48 **NORTHALLERTON BUSINESS IMPROVEMENT DISTRICT**

All Wards

The subject of the decision:

This report set out the proposals for a Northallerton Business Improvement District (BID). The District Council had received notification that postal ballot votes had been sent out to those eligible to vote for return by no later than 17 November 2016. This report sought approval for the Chief Executive to be delegated to vote 'Yes' in the upcoming postal ballot.

Alternative options considered:

None.

The reason for the decision:

The District Council was legally required to carry out the BID ballot on behalf of the BID consortium.

THE DECISION:

That the BID proposal be agreed and the Chief Executive be authorised to vote 'Yes' in the upcoming postal ballot.

CA.49 **TRANSFER OF THE HERRIOT CENTRE**

All Wards

The subject of the decision:

This report sought consideration of a proposal to transfer the Council assets of 23-25 Kirkgate, Thirsk (World of James Herriot) to the World of James Herriot Ltd.

Alternative options considered:

None.

The reason for the decision:

Cabinet was satisfied that the decision to transfer the Council assets of 23-25 Kirkgate was in the economic interests of the local community provided that the activities of the operation of a visitor attraction in the premises were maintained.

THE DECISION:

That:-

- (1) the transfer of the title of 23-25 Kirkgate, Thirsk to the World of James Herriot Ltd. be agreed on condition that it continues to be utilised as a visitor attraction;
- (2) legal agreements relating to the artefacts utilised by the attraction and museum are reviewed to ensure they are appropriately safeguarded under the new arrangements; and
- (3) a further report be submitted to Cabinet on the details of the legal agreement.

The meeting closed at 10.00 am

Leader of the Council

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Minutes of the meeting of the SCRUTINY
COMMITTEE held at 9.30 am on Thursday, 20th
October, 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	R W Hudson
	M A Barningham		Mrs I Sanderson
	G W Ellis		A Wake
	C A Dickinson		D A Webster

An apology for absence was received from Councillor Ms C Palmer.

SC.16 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 1 September 2016 (SC.13 - SC.15), previously circulated, be signed as a correct record.

SC.17 **COUNCIL PERFORMANCE 2016/17 (QUARTER 1)**

All Wards

The Chief Executive submitted a report setting out the Council Performance for Quarter 1 of 2016/17 which provided details on progress against the Council's priorities and information on actions to address under performance.

The Head of Service – Finance (s151 Officer) 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 1 of 2016/17 be noted.

SC.18 **HEALTH AND SAFETY QUARTER 2 2016/17**

All Wards

The Executive Director presented a report providing an update on the Health and Safety Performance at Quarter 2 2016/17. The Health and Safety Risk Manager, Mr D Passman, was also in attendance to answer questions.

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 Health and Safety Action Plan at Quarter 2 2016/17 be noted.

SC.19 **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.

Paul Staines, Head of Service – Environment and Peter Marshall, 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) Steve Lister, Head of Service Leisure and Communities and Dominic Passman, Health and Safety Officer, North Yorkshire County Council, be invited to the next meeting of the Committee.

SC.20 **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.

Clive Thornton, Corporate Facilities Manager, attended the meeting to provide evidence. 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.

(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 and agreed that no further witnesses were required at this stage. The Committee would review the evidence gathered at their next meeting to determine whether it had received all the information it required to conclude the review.

THE DECISION:

That:-

- (1) the information provided so far be received; and
- (2) the evidence gathered so far be reviewed at the next meeting of the Committee in order to determine whether to conclude the policy review.

The meeting closed at 11.30 am

Chairman of the Committee

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Minutes of the meeting of the SCRUTINY
COMMITTEE held at 9.30 am on Thursday,
17th November, 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	Ms C Palmer
	M A Barningham		A Wake
	C A Dickinson		

Apologies for absence were received from Councillors G W Ellis, R W Hudson and Mrs I Sanderson.

SC.21 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 1 September 2016 (SC.13 - SC.15), previously circulated, be signed as a correct record.

SC.22 **COUNCIL PERFORMANCE 2016/17 (QUARTER 2)**

All Wards

The Director of Finance (Acting) (s151 Officer) submitted a report setting out the Council Performance for Quarter 2 of 2016/17 which provided details on progress against the Council's priorities and information on actions to address under performance.

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 2016/17 be noted.

SC.23 **REVIEW OF RISK MANAGEMENT**

All Wards

The Director of Finance (Acting) (s151 Officer) submitted a report presenting a quarterly update 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 report included the two key improvements requested by Audit, Governance & Standards Committee as detailed in the Annual Governance Statement at the June 2016 meeting:

- a) Strategic risks fully identified
- b) Project strategic risks are determined

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 quarterly report reviewed the strategic risks and project strategic risks affecting the Council together with the actions that are in place to mitigate the impact upon the Council of each risk be noted.

SC.24 **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.

Stephen Lister, Head of Service – Leisure and Communities 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 and agreed that no further witnesses were required at this stage. The Committee would review the evidence gathered at their next meeting to determine whether it had received all the information it required to conclude the review.

THE DECISION:

That:-

- (1) the information provided so far be received; and
- (2) the evidence gathered so far be reviewed at the next meeting of the Committee in order to determine whether to conclude the policy review.

SC.25 **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.

The Committee considered the memorandum of evidence attached to the report and identified some further questions it would like to address before concluding the review. The Committee requested that a further meeting be arranged if possible prior to Christmas in order to discuss these matters and that the Director of Economy and Planning (Acting) be invited to attend that meeting.

THE DECISION:

That:-

- (1) Mrs Helen Kemp, Director of Economy and Planning (Acting) be invited to the next meeting of the Committee to assist with the Policy Review; and
- (2) the evidence gathered so far be reviewed at the next meeting of the Committee in order to determine whether to conclude the policy review.

The meeting closed at 11.10 am

Chairman of the Committee

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Minutes of the meeting of the PLANNING
COMMITTEE held at 10.30 am on Thursday,
15th September, 2016 at Council Chamber,
Civic Centre, Stone Cross, Northallerton

Present

Councillor D A Webster (in the Chair)

Councillor	M A Barningham	Councillor	C Patmore
	Mrs B S Fortune		B Phillips
	K G Hardisty		C Rooke
	J Noone		Mrs I Sanderson

Also in Attendance

Councillor	R A Baker	Councillor	N A Knapton
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Apologies for absence were received from Councillors P Bardon, D M Blades and S P Dickins

P.11 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 18 August 2016 (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 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) 16/00373/FUL - Demolition of existing farm buildings and construction of 4 new dwellings, conversion of existing chapel building to a dwelling and ancillary works, associated parking and formation of new access at Ainderby Hall, Ainderby Quernhow for T M Jopling & Partners

PERMISSION GRANTED

The decision was contrary to the recommendation of the Executive Director. The Committee concluded the development would secure significant improvement to the environment in accordance with CP4.

(The applicant's agent, Mr Malcolm Tempest, spoke in support of the application).

- (2) 16/01470/FUL - Change of use of ancillary accommodation to separate residential dwelling unit at 2 Aiskew Crossing, Bedale Road, Aiskew for Mr & Mrs Curtis

PERMISSION GRANTED

(The applicant's agent, Mr Rod Hepplewhite, spoke in support of the application).

- (3) 16/01207/FUL - Construction of industrial building, service yard, security fencing and associated car park at Plot 1A Conygarth, Leeming Bar Industrial Estate for Lifetime Home Improvements Limited

PERMISSION GRANTED

- (4) 16/01468/OUT - Construction of 3 dwellings with provision of new access to the public highway at West View, Bagby Lane, Bagby for Mrs Debbie Price

PERMISSION GRANTED

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

- (5) 16/00887/FUL - Proposed replacement dwelling and construction of detached dwelling at Rosedene, Carthorpe for Mr I Lancaster

PERMISSION GRANTED

- (6) 16/00511/FUL - Proposed construction of 27 dwellings with associated garaging, car parking and landscaping to exiting road layout at Willow Bridge Lane, Dalton for Whitfield Homes Limited

PERMISSION GRANTED

- (7) 16/01263/OUT - Outline planning permission with some matters reserved (appearance, landscaping, layout and scale) for construction of one detached dwellinghouse at Thornflatt Cottage, East Harlsey for Mr & Mrs Allick

PERMISSION REFUSED

(The applicant's agent, Mr Fahim Farooqui, spoke in support of the application).

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

The meeting was adjourned at 12.15pm and reconvened at 1.30pm.

- (8) 15/02856/FUL - Construction of a retirement village (Use Class C3) comprising 80 1 and 2 bedroom apartments and associated community facilities (element of extra-care) at Cleveland Lodge, Great Ayton for Mr Jonathan Raistrick

DEFER to enable further consultation with the applicant on issues raised regarding over development beyond allocation, design not in keeping with character of locality (in particular height, size and massing), affordable housing, access and car parking.

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

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

(Kelly Dunn spoke objecting to the application.)

- (9) 16/01387/FUL - Change of use of annexe to dwelling house at Annexe at Glebe Farm, Low Street, Kirkby Fleetham for Mrs Lynn Ryder

PERMISSION REFUSED

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

(Alison Booth spoke on behalf of Kirkby Fleetham Parish Council in support of the application.)

- (10) (a) 16/01540/FUL - Construction of four dwellings with associated access, parking and landscaping at land to the south of Bravener Court, Newton on Ouse for Mrs Toni Johnston

(b) 16/00009/TPO2 - Confirmation of Hambleton District Council (Newton on Ouse) Tree Preservation Order 2016 No: 9 at land fronting Back Lane opposite junction with Sills Lane, Newton on Ouse

16/01540/FUL - PERMISSION REFUSED

16/00009/TPO2 - CONFIRMED

(The applicant's agent, Mr Ian Atkinson, spoke in support of the application).

(Mr Reginald Parr spoke objecting to the application.)

Disclosure of Interest

Councillor(s) Rooke disclosed a personal interest and left the meeting prior to discussion and voting on this item.

- (11) 16/01560/FUL - Change of use from office (B1) to private physiotherapy clinic (D1) at Suite 1 Evolution Business Centre Unit 6, County Business Road, Darlington Road, Northallerton for Mr Andrew Wilston

PERMISSION GRANTED

- (12) 16/00393/FUL - Conversion and alterations to former agricultural building to form a four bedroom dwellinghouse with detached garage, associated parking, access drive and demolition of Dutch barn to form garden at Pigeoncote Farm, Raskelf for Ms Caroline Lane

PERMISSION GRANTED

- (13) 16/00870/TPO - Works to trees subject to Tree Preservation Orders 1996/14 & 1997/02 at The Avenue, Snape for Snape with Thorp Parish Council

PERMISSION GRANTED with no obligation to replant the felled trees subject to the application.

The decision was contrary to the recommendation of the Executive Director. The Committee concluded that the works were appropriate for the management, quality and appearance of the landscape. The Committee considered and approved a further recommendation to make a Tree Preservation Order in respect of the 'young avenue' of trees.

(Ms Edna Kirby spoke objecting to the application.)

- (14) 16/01472/FUL - Change of use of a holiday unit to a dwelling at Parr Cottage, Snape for Mr D Shipp

PERMISSION GRANTED

- (15) 16/00883/OUT - Outline application (all matters reserved) for of 5 bungalows, car ports, car parking and associated infrastructure at Land south of White Bear Farm, South Back Lane, Stillington for Ambleside Homes

PERMISSION GRANTED

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

The meeting was adjourned at 3.32pm and reconvened at 3.42pm.

- (16) 16/00876/FUL - Construction of two storey dwelling and detached garage at Land adjacent to The Hawthorns, Thornton le Moor for Mrs Myers

PERMISSION GRANTED

(The applicant's agent, Mr Brian Myers, spoke in support of the application).

- (17) 16/01421/FUL - Creation of 7 additional touring 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

PERMISSION GRANTED subject to amendments to condition 5.

- (18) 16/01391/FUL - Change of use of agricultural land to domestic and construction of 4 dwellinghouses, with associated parking, visitors parking, turning area and bin collection enclosure at Thrintoft Grange, Thrintoft for Pilcher Homes Ltd

PERMISSION GRANTED

(The applicant's agent, Mr Maurice Cann, spoke in support of the application).

- (19) 16/01612/OUT - Outline application with all matters reserved for the demolition of office/warehouse building and construction of four dwellings at R Thompson Joinery Limited, South Back Lane, Tollerton for Mr N R Thompson & Mr N C Thompson

PERMISSION GRANTED

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

- (20) 16/00755/FUL - Outline planning application for the construction of a detached dwelling with garage and access drive at The Laurels, Main Street, Tollerton for Miss Lynne Dawson

PERMISSION GRANTED subject to prior completion of a planning obligation to secure visibility at the proposed access.

- (21) 16/01347/FUL - Extension to The Croft to create an ancillary annexe and creation of a new two storey dwelling on hardsurfacing to the northeast with vehicular access via the neighbouring private drive together with associated works at The Croft, South Back Lane, Tollerton for Mrs M Hardy

PERMISSION REFUSED

The decision was contrary to the recommendation of the Executive Director. The Committee concluded the proposed new dwelling was out of character for the conservation area in siting, size and design and the proposed access to the new dwelling would not provide easy access to all potential users.

(Sharon Olliver spoke objecting to the application.)

- (22) 16/00953/OUT - Outline planning application with all matters reserved for construction of detached single storey dwellinghouse at Land adjacent to Sunnyside, Welbury for Mr and Mrs L Meynell

PERMISSION GRANTED

- (23) 16/00602/OUT - Outline application for the construction of a single dwelling at Glebe Farm, Tofts Lane, Welbury for David Moore

PERMISSION GRANTED

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

The meeting closed at 5.15 pm

Chairman of the Committee

Minutes of the meeting of the PLANNING
COMMITTEE held at 1.30 pm on Thursday,
13th October, 2016 at Council Chamber, Civic
Centre, Stone Cross, Northallerton

Present

Councillor D A Webster (in the Chair)

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

Also in Attendance

Councillor	Mrs C S Cookman	Councillor	N A Knapton
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An apology for absence was received from Councillor Mrs B S Fortune

P.13 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 15 September 2016 (P.11 - P.12), previously circulated, be signed as a correct record.

P.14 **UPDATE ON IMPLEMENTATION OF PUBLIC RIGHT OF WAY RISK ASSESSMENT AND MITIGATION CONDITION - FORMER YORK TRAILERS SITE, YAFFORTH ROAD, NORTHALLERTON (13/01956/FUL)**

Northallerton North and Brompton

The subject of the decision:

This report provided an update on the progress with details required by the planning condition imposed in response to concerns about public safety relating to use of a Public Right of Way (PRoW) crossing the East Coast Main Line (ECML) close to the development site.

Alternative options considered:

None.

The reason for the decision:

To take account of the current position and proposed course of action prior to submission of a further report to Committee.

THE DECISION:

That the report be noted and a further update report be brought to the next meeting of the Planning Committee.

P.15 **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) 16/01531/FUL - Alterations and extensions to existing flats and demolition of pizza shop and construction of a detached building to provide 5 flats for Mr J Costandi at 5 Northallerton Road, Leeming Bar

DEFER for further consultation on revised drawings

- (2) 16/01677/MRC - Proposed removal of condition 11 (provision of affordable housing) for application reference number: 15/01499/OUT - construction of five dwellings for Mr K Almond at Land opposite Church Close and on the east side of Church Lane, Bagby

PERMISSION GRANTED

- (3) 16/01723/FUL - Construction of a new car park (including provision for coach, caravan/motorhome, motorcycle and bicycle parking), including access, associated infrastructure and landscaping for Hambleton District Council at Land to the south east of Bedale BALB Roundabout (A684 North End), Bedale

PERMISSION GRANTED

(The applicant's agent, Emma Gomersal, spoke in support of the application).

(Mr Jerry Choat, representing Bedale Estate, spoke objecting to the application.)

- (4) 16/01364/FUL - Construction of an agricultural livestock building for Mr John Bullock at Low Moor Acres Farm, North Moor Road, Easingwold

PERMISSION GRANTED

(The applicant's agent, Davina Fillingham, spoke in support of the application).

(Mr Chris Jackson spoke on behalf of Easingwold Town Council objecting to the application.)

(Mr David Clegg spoke objecting to the application.)

- (5) 16/01787/FUL - Construction of dwellinghouse and attached double domestic garage and the formation of new access for Mr & Mrs John Clark at The Old Forge, Exelby

PERMISSION GRANTED

- (6) 16/01370/FUL - Retrospective change of use of ancillary land associated with public house for use as staff car park with secure enclosure and proposed construction of 2m high close boarded fence

16/01721/FUL - Retrospective application for construction of a storage area covered by a flat roof with double external doors; between kitchen and external stores for Provenance Inns Ltd at The Carpenters Arms, Felixkirk

PERMISSION GRANTED subject to a condition requiring measures to reduce the noise from the car park surface

(The applicant's agent, Diane Baines, spoke in support of the application).

- (7) 15/01474/FUL - Construction of single storey dwelling and garage for Mr & Mrs Ian Harper at Black Bull Cottage, the Nookin, Husthwaite

PERMISSION GRANTED

- (8) 16/01853/FUL - Revised design for the alterations and extensions to dwelling (original design approved under reference 15/00990/FUL dated 24th September 2015) for Mr & Mrs T Weston at Holiday Cottage 1, Dromonby House, Kirkby in Cleveland

PERMISSION GRANTED

- (9) 16/01110/FUL - Revised proposal for the construction of 46 luxury holiday lodges, clubhouse and associated infrastructure for The Luxury Lodge & Holiday Company Ltd at Land to the east of Willow Dene, Sutton on the Forest

PERMISSION REFUSED

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

(Mr Michael Kitchen spoke objecting to the application.)

- (10) 16/01362/FUL - Change of use of agricultural farm yard to domestic use; demolition of existing building and construction of a single storey building for use as a domestic garage/store for Mr Gary Elsworth at Well Hall Farm, Bedale Road, Well

PERMISSION REFUSED because the development was contrary to Policy CP4 and would give rise to harm to neighbours due to noise

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

(Mr Mark Glatman spoke objecting to the application.)

The meeting closed at 4.15 pm

Chairman of the Committee

Present

Councillor D A Webster (in the Chair)

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

Also in Attendance

Councillor	C A Dickinson	Councillor	Mrs J Watson
	R Kirk		

P.16 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 13 October 2016 (P.13 - P.15), previously circulated, be signed as a correct record.

P.17 **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) 16/01531/FUL - Alterations and extensions to existing flats and demolition of pizza shop and construction of a detached building to provide 5 flats at 5 Northallerton Road, Leeming Bar Mr J Costandi

PERMISSION REFUSED because the design and scale of the development were out of character to the village and the loss of the existing business.

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

- (2) 16/01933/OUT - Application for outline planning permission (considering access only) for proposed residential development comprising 5 dwellings at Land adjacent to Fren Dene and Primrose Hill, Dalton for DH Land Strategy

PERMISSION GRANTED

The decision was contrary to the recommendation of the Executive Director. The Committee concluded that the proposed scheme of bungalows would not cause demonstrable harm to the character of the village.

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

- (3) 15/02666/FUL - Construction of an agricultural storage building at Longbridge House Farm, Stillington Road, Easingwold for Mrs Jane Grant

DEFER to enable consideration of documents submitted in respect of the agricultural need justification.

(The applicant's agent, Mr Bob Beal, spoke in support of the application).

Disclosure of Interest

Councillor C Rooke disclosed a personal interest and left the meeting prior to discussion and voting on this item.

- (4) 16/02053/FUL - Amended application for the continued use of land and buildings for MOT and car sales (to include retention of an office building) (resubmission of application 16/00685/FUL) at Longbridge House Farm, Stillington Road, Easingwold for Grants Pro-Agri Ltd

PERMISSION GRANTED

(The applicant's agent, Mr Bob Beal, spoke in support of the application).

Disclosure of Interest

Councillor C Rooke disclosed a personal interest and left the meeting prior to discussion and voting on this item.

- (5) 15/02856/FUL - Construction of a retirement village (Use Class C3) comprising 80 1 and 2 bedroom apartments and associated community facilities (element of extra-care) at Cleveland Lodge, Great Ayton for Mr Jonathan Raistrick

PERMISSION REFUSED because of, scale and massing of the proposed development is not in keeping with the character of the village, the scheme does not deliver the requirements of SH4 of very sheltered housing with an element of close/extra care and inadequate parking provision as part of the scheme.

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

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

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

(Mrs T Little spoke objecting to the application.)

- (6) 16/01885/OUT - Outline planning application with all matters reserved for construction of a detached dwelling at Land adjacent to Field View House, Hornby for Mr Andrew Edwards

PERMISSION GRANTED

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

- (7) 16/02064/FUL - Proposed Development of a detached dwelling with associated works at Part OS 8471 and 9170, Gracious Street, Huby for Mr I Robinson

PERMISSION GRANTED

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

(Mr Peter Shaw spoke objecting to the application.)

The meeting adjourned at 3.24pm and reconvened at 3.34pm.

- (8) 16/01771/FUL - Construction of detached dwelling at Highfield, 12 Enterpen, Hutton Rudby for Mr & Mrs D Preston

PERMISSION GRANTED

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

- (9) 16/01594/OUT - Construction of 3 two storey dwellings including garages, parking area and gardens at Nags Head, Pickhill for Mr Geoff Simpson

PERMISSION GRANTED subject to appropriate conditions and a mechanism of securing funding from the development to be reinvested in the public house.

The decision was contrary to the recommendation of the Executive Director. The development would be acceptable as the investment in the community facility outweighs being contrary to development plan and the impact on local character.

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

- (10) 16/01446/FUL - Alterations and change of use of former Methodist Chapel to a dwellinghouse and 16/01447/LBC - Listed Building Consent for alterations and change of use of Methodist Church to a dwellinghouse and Northallerton Circuit at Methodist Chapel, Sandhutton for The Methodist Church Thirsk

PERMISSION GRANTED – 16/01446/FUL
PERMISSION GRANTED – 16/01447/LBC

- (11) 14/02558/MRC - Application to vary conditions 18 and 19 and remove conditions 20 and 21 of approved scheme 14/00141/FUL at Norish Limited, Station Lane, Shipton by Beningbrough for Wernick Group Ltd.

PERMISSION GRANTED

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

Note: Councillor Mrs I Sanderson left the meeting at 4.50pm.

- (12) 16/01640/FUL - Construction of 4 dwellings with garages, alterations to existing boundary wall and formation of vehicular access at: Land off Bellingham Close, Thirsk for K Baker Design & Development Ltd.

PERMISSION GRANTED

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

(Mr David Young spoke objecting to the application.)

- (13) 16/01641/LBC - Application for listed building consent for alterations to boundary wall at: Land off Bellingham Close, Thirsk for K Baker Design & Development Ltd.

PERMISSION GRANTED

- (14) 16/01498/FUL - Alterations to former joiners workshop and cottages into two live-work dwellings at Former Old Joinery, Flawith Road, Tholthorpe for Mr Andrew Holmes

PERMISSION GRANTED

- (15) 16/02246/APN - Application for prior notification for the construction of an agricultural store for the storage of slurry and other forms of fertiliser material at Mowbray Hill Farm, Well for Mr S Webster

PERMISSION GRANTED

Disclosure of Interest

Councillor D A Webster disclosed a pecuniary interest and left the meeting prior to discussion and voting on this item.

(Councillor P Bardon in the Chair).

The meeting closed at 5.20 pm

Chairman of the Committee

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Minutes of the meeting of the AUDIT,
GOVERNANCE AND STANDARDS
COMMITTEE held at 9.30 am on Tuesday,
20th September, 2016 at MAIN COMMITTEE
ROOM, CIVIC CENTRE, STONE CROSS,
NORTHALLERTON

Present

Councillor R W Hudson (in the Chair)

Councillor	C Patmore	Councillor	Mrs J Watson
	R A Baker		P R Wilkinson

Apologies for absence were received from Councillors Mrs C S Cookman and G W Dadd

AGS.15 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 14 June 2016 (AGS.3 - AGS.13), previously circulated, be signed as a correct record.

AGS.16 **STATUTORY AUDITOR - REPORT TO THE AUDIT COMMITTEE ON THE 2015/16 AUDIT**

All Wards

The subject of the decision:

This report presented the Statutory Auditor Results Report for the year ended 31 March 2016, the Management Representation Letter and the Council's Financial Report 2015/16 for approval.

Members noted the good relationship that exists between the Corporate Finance Department and the External Auditor to enable the Statement of Accounts to be finalised in an efficient manner and also noted the high standard of the accounts produced.

Alternative options considered:

None.

The reason for the decision:

The National Audit Office's Code of Audit Practice (The Code) for Local Government Bodies required a report to be issued from the External Auditor (Ernst & Young LLP) to those charged with governance, on the work carried out during the audit, to discharge Ernst & Young's statutory responsibilities, together with any governance issues identified.

THE DECISION:

That:-

- (1) the 'Audit Results Report – IAS 260' presented to the Audit, Governance and Standards Committee for the 2015/16 audit as prepared by Ernst & Young LLP attached at Annex A to the report be accepted;
- (2) the signing of the Management Representation Letter at Annex B of the report by the Council's Head of Finance, acting in the capacity of s151 Officer; be approved and
- (3) the audited Statement of Accounts for 2015/16 at Annex C of the report be approved.

AGS.17 **QUARTER 1 2016/17 REVENUE MONITORING UPDATE**

All Wards

The subject of the decision:

This report raised awareness of the quarterly revenue monitoring process and provided Members with an increased understanding as to how the quarterly revenue monitoring reports during the year related to the annual Financial Report which included the Statement of Accounts.

Alternative options considered:

None.

The reason for the decision:

To comply with a request from the Audit, Governance & Standards Committee to receive this report.

THE DECISION:

That the report be noted.

The meeting closed at 10.15 am

Chairman of the Committee

Minutes of the meeting of the AUDIT,
GOVERNANCE AND STANDARDS COMMITTEE
held at 9.30 am on Tuesday, 25th October, 2016 at
MAIN COMMITTEE ROOM, CIVIC CENTRE,
STONE CROSS, NORTHALLERTON

Present

Councillor R W Hudson (in the Chair)

Councillor	C Patmore	Councillor	G W Dadd
	Mrs C S Cookman		Mrs J Watson

Also in Attendance

Councillor	K G Hardisty	Councillor	N A Knapton
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Apologies for absence were received from Councillors R A Baker and P R Wilkinson

AGS.19 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 20 September 2016 (AGS.14 - AGS.17), previously circulated, be signed as a correct record.

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

All Wards

The subject of the decision:

The Head of Service Finance (s151 Officer) 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 it be noted that no RIPA authorisations were made by the Council during the period 15 June to 25 October 2016.

AGS.21 **INTERNAL AUDIT FIRST PROGRESS REPORT 2016/17**

All Wards

The subject of the decision:

The Head of Service Finance (s151 Officer) presented a report informing Members of progress made to date in delivering the Internal Audit Plan for 2016/17 and any developments likely to have an impact on the plan throughout the remainder of the financial year.

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

All Wards

The subject of the decision:

The Head of Service Finance (s151 Officer) presented a report following an annual review of the Council's risk management process. The report 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 comply with the Committee's Terms of Reference as detailed within the Constitution.

THE DECISION:

That the revised risk management guidance be approved.

AGS.23 **STATUTORY AUDITOR - QUARTERLY UPDATE REPORT**

All Wards

The subject of the decision:

The Head of Service Finance (s151 Officer) presented a report which provided an update on the Council's statutory auditor, Ernst & Young LLP, activities to date.

A representative from Ernst & Young LLP attended the meeting to provide the update and answer questions.

Alternative options considered:

None.

The reason for the decision:

To take account of the work undertaken to date by the Council's statutory auditor.

THE DECISION:

That the quarterly report from the external auditor be noted.

AGS.24 **CUSTOMER FEEDBACK AND COMPLAINTS PROCEDURE**

All Wards

The subject of the decision:

The Head of Service Finance (s151 Officer) presented a report on the Customer Feedback and Complaints Procedure.

Alternative options considered:

None

The reason for the decision:

To comply with the Committee's Terms of Reference as detailed within the Constitution.

THE DECISION:

That the Customer Feedback and Complaints procedure be confirmed as fit for purpose and that no further amendments are required at this stage.

The meeting closed at 10.15 am

Chairman of the Committee

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Minutes of the meeting of the LICENSING
COMMITTEE held at 9.30 am on Tuesday,
29th November, 2016 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		S Watson

Also in Attendance

Councillor Mrs J Watson

Apologies for absence were received from Councillors D M Blades, S P Dickins and R Kirk.

LC.7 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 31 May 2016 (LC.3 - LC.5) and the minutes of the meetings of the Licensing and Appeals Hearings Panel held on 30 June, 4 August, 9 August, 31 August, 26 September and 14 November (LAHP.1 – LAHP.3, LAHP.4 – LAHP.5, LAHP.6, LAHP.7 - LAHP.8, LAHP.9 - LAHP.10, LAHP.11 – LAHP.12, LAHP.13 – LAHP.14, LAHP.15 – LAHP.16 and LAHP.17 – LAHP.18 respectively), previously circulated, be signed as correct records.

LC.8 **STREET TRADING POLICY**

All Wards

The subject of the decision:

This report sought approval to a revision of the Council's Street Trading Policy.

Alternative options considered:

The Licensing Committee considered the revised Policy attached to the report and considered making further amendments, however, no further amendments were deemed necessary.

The reason for the decision:

To ensure that the Council's Street Trading Policy does not have unintended adverse effects on community events conducted by not-for-profit organisations.

THE DECISION:

That the revised Street Trading Policy be approved and that the new provisions take immediate effect.

LC.9 **HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY**

All Wards

The subject of the decision:

This report sought approval for a revision to the Council's Hackney Carriage and Private Hire Licensing Policy.

Alternative options considered:

The Licensing Committee considered the revised Policy attached to the report and considered making further amendments, however, no further amendments were deemed necessary.

The reason for the decision:

To take account of the Driver and Vehicle Standards Agency's withdrawal of the practical assessment for hackney carriage and private hire drivers and to provide additional information relating to signage on licensed vehicles.

THE DECISION:

That the revised Hackney Carriage and Private Hire Licensing Policy be approved to take effect from 1 January 2017.

The meeting closed at 10.05 am

Chairman of the Committee

Present

Councillor Mrs I Sanderson (in the Chair)

Councillor S P Dickins

Councillor R Kirk

LAHP.13 **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.14 on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act as the Panel was satisfied that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

LAHP.14 **APPLICATION FOR 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 and it was satisfied that Mr H was a fit and proper person to hold a hackney carriage and private hire driver's licence. Therefore, it was not necessary to refuse the application.

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, written and oral representations from Mr H, a character reference submitted on behalf of 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 failed to disclose a number of convictions on a hackney carriage and private hire application form in March 2016. This application was subsequently refused on the basis that Mr H had failed to provide sufficient evidence to demonstrate that he was a fit and proper person. On the current application form before the Panel Mr H disclosed all of his previous convictions. The Panel considered representations from Mr H that he did not disclose all of his convictions on the previous application as he could not recall the exact details of

the offences. Although the Panel was not satisfied that the convictions could be easily forgotten with the passing of time, it did accept that the exact details may have been difficult to recall. However, the Panel concluded that an explanation should have been offered on the application form. In any event, the Panel was satisfied that Mr H was aware that there would be an enhanced criminal record check, which would reveal his previous convictions, and as such Mr H had not attempted to conceal these from the Council.

- The Panel considered the Disclosure and Barring Service enhanced criminal record check for Mr H and was satisfied that the offences relating to theft, fraud and driving under the influence of alcohol were relevant for determining an application for a hackney carriage and private hire driver licence. The Panel noted that the convictions took place many years in the past. The Panel noted that the convictions were recorded between 1997 and 2004 and, therefore, the Panel had regard to the conviction-free period since 2004 and the present day.
- The Panel considered the written and oral representations made in respect of Mr H's character since his last conviction in 2004. In particular the Panel considered Mr H's circumstances at the time of the convictions and his representations regarding his reformed character. The Panel noted Mr H's voluntary work for a charity and as an accredited escort for children in vehicles transporting children to and from school. The Panel considered the content of the character reference of the taxi operator for whom Mr H currently volunteers as a school contract escort and who would employ Mr H should he be successful in his application. The Panel gave appropriate weight to this support.

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 H is a fit and proper person to hold a hackney carriage and private hire driver licence and the application was granted.

The meeting closed at 2.20 pm

Chairman of the Panel

Present

Councillor Mrs I Sanderson (in the Chair)

Councillor S P Dickins

Councillor R Kirk

LAHP.15 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.16 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.16 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 G").

Alternative options considered:

The Panel considered the options outlined in the Executive Director's report. The Panel was not satisfied that Mr G 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 G's application for a hackney carriage and private hire driver licence, the Disclosure and Barring Service ("DBS") enhanced criminal record check for Mr G, oral representations from Mr G, 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 G and was satisfied that the racially-aggravated offence, which Mr G received a caution for in 2013, was relevant for determining an application for a hackney carriage and private hire driver licence. The Panel noted that the Council's Hackney Carriage and Private Hire Licensing Policy guidelines state that a licence will not normally be granted where the applicant has a conviction for a racially-aggravated offence in the five year period prior to the date of the application and that cautions will be taken into consideration in the same way that they would be if there was a conviction.

- Mr G informed the Panel that the racially-aggravated offence in 2013 was as a result of Mr G being subject to an inappropriate comment of a racist nature. Before a caution can be administered, the police would not only need to be satisfied that the offence could be proved beyond reasonable doubt but they must also be satisfied that there has been an admission of guilt. Mr G's mitigation was not therefore accepted by the Panel. Furthermore, the Panel noted that there was evidence of an allegation of Mr G making a similar racist comment in 2012 which provides some corroborative evidence that the 2013 offence was not a one-off incident and that Mr G does speak to the public in such a manner. The Panel was concerned that both of these incident involved Mr G's passengers and therefore the potential risk to the public had to be considered when determining Mr G's application.
- The Panel considered the evidence in relation to Mr G's licensing history. The Panel noted that Mr G was referred to Stockton Borough Council's Licensing Committee on four separate occasions between 2007 and 2013. During this period, the Committee considered Mr G's conduct, his short temper and his attitude towards women and members of the public. It also considered a fixed penalty notice for swearing at a police officer, a non-molestation order issued by the County Court and the caution for a racially-aggravated offence as shown on his DBS disclosure. These matters twice led to the revocation of Mr G's licence.
- Mr G apologised for his previous behaviour and insisted that he had learnt his lesson. The Panel noted that attendance on an anger management course in 2010 had not prevented Mr G from displaying aggressive behaviour including swearing at a police officer, committing a racially-aggravated offence and being subject to a non-molestation order. The Panel was not satisfied on the balance of probabilities that Mr G had demonstrated sufficient evidence to support his assertions that he was a reformed character.
- The onus is on the applicant to demonstrate that he is a fit and proper person to hold a hackney carriage and private hire driver licence. The Panel concluded that Mr G had not provided sufficient evidence to demonstrate any exceptional circumstances which would convince the Panel to depart from the Council's policy to refuse applications within five years of a conviction for a racially-aggravated offence. Furthermore the Panel had serious concerns about Mr G's short temper and attitude toward women and members of the public and it was not satisfied that Mr G had demonstrated 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 that Mr G 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 3.10 pm

Chairman of the Panel

Present

Councillor Mrs I Sanderson (in the Chair)

Councillor R A Baker

Councillor D M Blades

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

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

LAHP.18 **HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE**

The subject of the decision:

The Director of Leisure and Environment (Acting) asked the Panel to consider whether the licence holder ("D") was a fit and proper person to continue to hold a hackney carriage and private hire driver licence.

The Panel was made aware that D had informed the Council's officers prior to the hearing that he had further evidence from another taxi driver to support his case. According to D, the driver had overheard a conversation between two other licensed drivers in relation to an incident involving D on 6th August 2016. D had not produced any evidence in this regard and therefore he was asked by the Chair if he would like to seek an adjournment of the hearing to enable him to produce this further evidence. D declined and wished for the hearing to proceed.

Alternative options considered:

The Panel considered the options in paragraph 6.1 of the officer's report but, having concluded that D was not a fit and proper person to hold a hackney carriage and private hire driver licence, the only suitable option was to revoke D's licence.

The Panel was satisfied that nothing less than revocation, including issuing a warning or a suspension, would adequately serve the interests of the public and address the concerns raised.

The reason for the decision:

The Panel considered the officer's report, the written and oral representations of the Council's Enforcement Officer and another licensed driver ("X"), D's written and oral representations and D's character references. The Panel also had due regard to the Council's Hackney Carriage and Private Hire Licensing Policy and the relevant legislation.

The Panel considered evidence from the Council's Licensing Enforcement Officer who had investigated complaints made by D and X regarding an incident at Thirsk Railway Station on 6th August 2016 where both taxi drivers (D and X) and two passengers ("Mr and Mrs Y") were present.

D raised concerns about the delay between his complaint being made and the Enforcement Officer making contact with Mrs Y. The Panel noted that the Enforcement Officer had spoken to Mrs Y on 10th August 2016, which was the same day that D made the complaint. Mrs Y had asked the Enforcement Officer to call back on 15th August 2016 as she was on holiday until then. The Enforcement Officer spoke to Mrs Y on 15th August 2016 who provided the Officer with her account of the incident on 6th August 2016. Mrs Y had initially agreed to give her account in writing but, on 17th August 2016, she insisted that she had already told the Enforcement Officer the facts and she subsequently disengaged from the process. The Panel was satisfied that the Enforcement Officer was a reliable witness and had acted appropriately in carrying out his investigation. The Panel was satisfied that the Enforcement Officer had made reasonable attempts to obtain a written account and that he had accurately conveyed Mrs Y's verbal account of the incident.

The Panel noted that another taxi driver ("Z") provided a written account of what Mr and Mrs Y had told Z in relation to the incident on 6th August 2016. The Panel accepted that the account provided by Z supported the account provided by the Enforcement Officer and, as there was no reason to doubt the integrity of the source in either case, the Panel accepted the indirect evidence as accurate representations of Mrs Y's account of the incident.

The Panel noted paragraph 5.8 of the officer's report and was satisfied that it is entitled to rely on any evidential material which might reasonably and properly influence the making of a responsible judgment in good faith on the question in issue. Gossip, speculation and unsubstantiated innuendo would be rightly disregarded but the evidence provided by the Enforcement Officer and Z, albeit hearsay, carries a greater degree of credibility by virtue of its source, nature and inherent probability.

The Panel considered evidence in respect of an alleged incident, which occurred on 6th August 2016. The Panel considered written complaints made by D and X in respect of each other. The Panel was given three accounts of the incident as set out under the headings below.

D's version of events

D provided his evidence in the form of written and oral representations as follows:

X was dragging Mrs Y by her bag towards his vehicle, X "*flew out of his car*" and physically pushed Mrs Y before telling her and her partner to "*fuck off*". X threatened D by telling him "*to mind [his] back as [X] would sort [him] out*". D denies swearing and insists his version of events is accurate. D denies attempting to influence Mrs Y and insists he made contact with the passengers to ensure that they were "*okay*" and subsequently to enquire about their return journey.

X's version of events

X provided his evidence in the form of written and oral representations as follows:

D used bad language, acted in an aggressive and intimidating manner and threatened to report X as he was on his "*last warning*". D continually acts in a racist manner towards X. X denies using any bad language and he denies touching Mrs Y's bag. X insists he did not get out of his vehicle at any point.

Mrs Y's version of events

Mrs Y's version of events was derived from evidence provided by the Enforcement Officer and Z as follows:

D was the only person acting aggressively and using bad language at the time of the incident. X did not leave his vehicle and "*did nothing wrong*". D contacted Mrs Y to encourage her to support him when he reports the incident to the Council.

The Panel noted that X and Mrs Y had given their accounts separately. The Panel was satisfied that X's account was consistent with Mrs Y's account in that D was the only person acting aggressively and using bad language at the time of the incident. The Panel was also satisfied by X's consistency of evidence during the hearing.

The Panel noted that there was some inconsistency with D's evidence. D stated in his written and oral representations that X "*flew out of his vehicle*" and pushed Mrs Y out of the way to get to D. However, during the hearing D insisted that X was already out of his vehicle when he was dragging Mrs Y's bag towards his vehicle. When asked about the inconsistency by the Panel, D confirmed that the latter account was the accurate version but he could not provide an explanation for the inconsistency in his evidence.

Taking account of all of the evidence the Panel was satisfied on the balance of probabilities that X's account of the incident was accurate and that D's account was at least to some extent fabricated. The Panel was satisfied that, if D's account was accurate (i.e. that Mrs Y was pushed, sworn at and had her bag dragged away from her) she would have complained to the police and/or the Council, particularly when she was specifically asked about the incident by the Council's Enforcement Officer.

In light of Mrs Y's account the Panel was satisfied that no reasonable person could have concluded that D's version of events was accurate. Accordingly, the Panel concluded that D had acted in an aggressive manner during the incident and that he provided a false account of the incident to the Council.

The Panel was concerned by Mrs Y's suggestion that D had encouraged her to support his account by contacting her on more than one occasion after the incident. The Panel noted that when asked about his contact with Mr and Mrs Y, D told the Panel that he had contacted them after the incident at the station and again later in the week to enquire about a return journey. The Panel was satisfied that passengers usually initiate any arrangements for hire with taxi drivers and D's repeated contact with Mrs Y was not only to secure a return fare or to check on the passengers' wellbeing but it was to influence Mrs Y and secure her support for his case. The Panel concluded that D provided Mrs Y's contact details to the Council because he believed that he had obtained the support of the passengers. The Panel was also satisfied that D's repeated contact with Mrs Y ultimately led to her disengaging with the Enforcement Officer's investigation.

The Panel noted that D made oral representations about the credibility of Mrs Y as her discussion with the Enforcement Officer took place nine days after the event and she had been under the influence of alcohol at the time of the incident. When questioned by the Panel, D stated that Mr Y seemed to have had more to drink than Mrs Y but neither was drunk. The Panel was satisfied that the account given by Mrs Y to the Enforcement Officer was not distorted by the passing of time. The Panel concluded that, whilst Mrs Y may have consumed alcohol on the train, this would not have adversely affected her ability to recall the incident with accuracy to the Enforcement Officer given that the incident occurred at approximately 1.45pm. The Panel also noted that D had not raised any concerns about Mr and Mrs Y's sobriety at the time of making the complaint (when D still believed that the passengers would support his account).

The Panel considered the evidence provided by X and was satisfied that it was an accurate account of the incident. The Panel concluded that D believed that an allegation of verbal and physical abuse against a driver who he believed was on his last warning would place that driver at great risk of revocation of his licence. The Panel concluded that the allegation made by D against X was a calculated attempt to implicate X by providing a false account. The Panel also concluded that the allegation was made with malicious intent.

The Panel considered evidence from X that D's inappropriate and aggressive behaviour at the time of the incident was part of an on-going pattern of conduct towards X which X stated was racist. When asked by the Panel why X believed D's behaviour to be racist, X explained that the comments made by D towards him, including "*on your bike*", were a reflection of D's perceived superiority over X. X explained that D made him feel different and that D did not want him driving a taxi in Thirsk. The Panel was satisfied that X believed that D's behaviour was racist in manner. However, the Panel was not satisfied that the explanation provided by X was evidence of racist behaviour and, therefore, this element of the complaint was unsubstantiated.

The Panel noted the evidence given in respect of a complaint about D failing to engage his meter on a journey. The Panel was satisfied that, whilst D denied failing to engage his meter, D had accepted that there were circumstances where drivers do fail to engage the meter by mistake. The Panel concluded that D had not purposefully failed to engage his meter and it was satisfied that this matter had been appropriately addressed by officers.

The Panel considered a complaint made in respect of D carrying separate fare-paying passengers in his vehicle without obtaining the consent of all parties. The Panel was satisfied that, when interviewed about this complaint by the Enforcement Officer, D had told the Officer that he had informed the person making the second booking that there would be another customer in the vehicle. During the hearing, D stated that he always secured the consent of both customers when carrying separate fare-paying passengers. The Panel was satisfied that, if any offences had been committed in this regard, it was not intentional. In any event, the Panel was satisfied that the matter had been addressed by officers and that future compliance had already been secured.

In light of the above, the complaints relating to D's meter and passenger-carrying practices did not contribute to the Panel's findings.

The Panel considered D's history as a licensed driver and it was satisfied that he had not been the subject of any complaints relating to his character. However, the Panel was extremely concerned by D's conduct both during and after the incident on 6th August 2016.

The Panel concluded that D had breached his licence conditions and the Hackney Carriage Byelaws by failing to behave in a civil and orderly manner. The Panel also concluded that a person who is capable of making a false allegation with malicious intent and one who seeks to influence witnesses cannot be regarded as a fit and proper person to hold a hackney carriage and private hire driver licence.

Summary of findings:

The Panel was satisfied that D had acted in an aggressive manner, that he had used bad language in public, that he provided an inaccurate account of the incident, that he made a false allegation against a licensed driver with malicious intent and that he attempted to influence witnesses to the detriment of the Council's investigation. The Panel was satisfied that this gave rise to serious concerns about D's character. The Panel noted paragraph 5.4 of the officer's report, in reference to the Council's Hackney Carriage and Private Hire Licensing Policy, emphasising the importance of a licensed driver's honesty and integrity.

THE DECISION:

Taking account of the above and having attached appropriate weight to the evidence, the Panel concluded that D was not a fit and proper person to hold a hackney carriage and private hire driver licence. The Panel was not satisfied that any sanction less than revocation would be sufficient to enable D to regain his fitness and propriety. The Panel, therefore, resolved to revoke D's licence for 'any reasonable cause' in accordance with section 61 of the Local Government (Miscellaneous Provisions) Act 1976.

The meeting closed at 11.30 am

Chairman of the Panel

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Minutes of the meeting of the STANDARDS
HEARINGS PANEL held at 9.00 am on Monday,
26th September, 2016 at Main Committee Room,
Civic Centre, Stone Cross, Northallerton

Present

Councillor R A Baker
R Kirk

Councillor C Patmore

Independent Person

Mr R C Pennington

Parish Council Representative

Parish Councillor G Lidster

SHP.1 **ELECTION OF CHAIRMAN**

THE DECISION:

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

(Councillor R A Baker in the Chair)

SHP.2 **EXCLUSION OF THE PRESS AND PUBLIC**

THE DECISION:

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

SHP.3 **ALLEGATIONS ABOUT A DISTRICT COUNCILLOR**

The subject of the decision:

The Deputy Monitoring Officer presented a report which had been submitted by the Monitoring Officer with regard to an allegation that a Hambleton District Councillor ("the District Councillor") had failed to comply with the provisions of the Council's Code of Member Conduct by conducting himself in a manner which could reasonably be regarded as bringing the authority or his office as a Member of the Authority into disrepute.

Alternative options considered:

The Panel concluded that the District Councillor had not breached the Code of Conduct and as a result no further action was necessary.

The reason for the decision:

Having considered the Monitoring Officer's report, the written and oral submissions of the complainant and the oral submissions of the District Councillor the Panel reached the following conclusions:

The Panel noted that the allegation was in relation to a conversation the District Councillor had in June. The Panel noted that the Code of Conduct for Members applies only where a Councillor is acting in their capacity as a Member of the Authority and does not apply when a Councillor is acting in a private capacity. The Panel found that both parties gave evidence that the District Councillor was in attendance at the premises where the conversation took place in a personal employment capacity. The Panel was satisfied that at all material times the District Councillor was acting in a private capacity as part of his employment and not as a Member of the Authority.

However, the Panel concluded that even if the District Councillor had been acting in his capacity as a Member at the time of the incident, there still had not been a breach of the Code of Conduct. The Panel considered evidence presented by the complainant which alleged the District Councillor entered into a conversation to gain information regarding a planning application. The Panel found that the conversation occurred between the District Councillor and two other people. The District Councillor provided his account of the conversation during the hearing. The complainant made representations about the contents of that conversation to the Panel although the other two people who were present during the conversation did not attend nor provide any evidence for consideration at the hearing. The Panel gave more weight to the District Councillor's version of events as it was a first-hand account and the Panel concluded on the balance of probabilities that it was an accurate description of the conversation which took place. The Panel concluded that the District Councillor had not entered into a conversation to gain information in respect of a planning application. The Panel found the District Councillor had during that conversation, when asked, answered questions about two planning applications but his answers were limited to information which was in the public domain.

THE DECISION:

It follows from the above that the allegation that the District Councillor brought the Authority or their office into disrepute is not upheld.

The meeting closed at 10.35 am

Chairman of the Panel