

Committee Administrator: Democratic Services Officer (01609 767015)

Monday, 13 February 2017

Dear Councillor

**NOTICE OF MEETING**

Meeting            **COUNCIL**  
Date                **Tuesday, 21 February 2017**  
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  
To confirm the minutes of the meeting held on 13 December 2016 (C.15 - C.22), attached. 1 - 4
2. APOLOGIES FOR ABSENCE
3. ANNOUNCEMENTS BY THE CHAIRMAN OR CHIEF EXECUTIVE
4. VERBAL STATEMENT OF THE LEADER AND REFERRALS FROM CABINET 5 - 14  

<u>Date of Meeting</u>	<u>Minute Nos</u>
10 January 2017	CA.58
7 February	CA.64 to CA.72
5. CABINET PORTFOLIO STATEMENTS
  - a) Verbal Statement from the Portfolio Holder for Economic Development and Finance
  - b) Verbal Statement from the Portfolio Holder for Leisure
  - c) Verbal Statement from the Portfolio Holder for Governance
  - d) Verbal Statement from the Portfolio Holder for Planning
  - e) Verbal Statement from the Portfolio Holder for Environmental Health, Waste and Recycling
6. QUESTION TIME  
None received.
7. COUNCIL TAX 2017/18 15 - 18  
To consider the Motion as set out in pursuance to Minute CA.69
8. STATEMENT OF PAY POLICY 2017/18 19 - 28  
Report of the Chief Executive
9. MEMBERS' ALLOWANCES SCHEME 2017/18 29 - 44  
Report of the Chief Executive
10. COMMUNITY GOVERNANCE REVIEW - DRAFT TERMS OF REFERENCE 45 - 64  
Report of the Chief Executive

# Agenda Item 1

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

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## Present

Councillor J Noone (in the Chair)

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

Apologies for absence were received from Councillors R A Baker, C Rooke and A Wake

### C.15 **MINUTES**

#### **THE DECISION:**

That the minutes of the meeting held on 13 September 2016 (C.11 - C.14), previously circulated, be signed as a correct record.

### C.16 **ANNOUNCEMENTS BY THE CHAIRMAN OR CHIEF EXECUTIVE**

The Chairman announced that former Councillor Stan Nash had sadly passed away and that there was to be a Service of Remembrance at All Saints Church, Northallerton on Saturday, 17 December 2016 at 2.30pm.

### C.17 **STATEMENT OF THE LEADER AND REFERRALS FROM CABINET**

The Leader moved Cabinet minutes CA.37 – CA.39; CA.44 – CA.45 and CA.50 to CA.54 and made a statement to the Council on the following matters:-

- Restructure of Senior Management Team
- Northallerton Prison Project
- North Northallerton Development
- Dalton Bridge Project
- Former Councillor Tony Hall

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

- Community Libraries

**THE DECISION:**

That the reports, resolutions and recommendations of the following meetings of the Cabinet be received, approved and adopted:-

<b><u>Body</u></b>	<b><u>Date of Meeting</u></b>	<b><u>Minute Nos</u></b>
Cabinet	18 October 2016	CA.37 – CA.39
	1 November 2016	CA.44 – CA.45
	6 December 2016	CA.50 – CA.54

(Note: Councillor G W Dadd wished it to be recorded that he voted against Minute CA.39)

C.18 **REFERRAL FROM THE AUDIT, GOVERNANCE AND STANDARDS COMMITTEE**  
All Wards

**THE DECISION:**

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

<b><u>Body</u></b>	<b><u>Date of Meeting</u></b>	<b><u>Minute Nos</u></b>
Audit, Governance and Standards Committee	20 September 2016	AGS.14
	25 October 2016	AGS.18

C.19 **REFERRAL FROM THE LICENSING COMMITTEE**

**THE DECISION:**

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

<b><u>Body</u></b>	<b><u>Date of Meeting</u></b>	<b><u>Minute Nos</u></b>
Licensing Committee	29 November 2016	LC.6

C.20 **CABINET PORTFOLIO STATEMENTS**

- (a) Councillor P R Wilkinson, Portfolio Holder for Economic Development and Finance made a statement Dalton Bridge; Northallerton Prison project; Vibrant Market Towns; Business Support; Graduates and Apprentices and the Autumn Statement.

- (b) Councillor Mrs B S Fortune, Portfolio Holder for Leisure made a statement regarding the Sports Awards; Grants Update; Bedale Public Art; Tour de Yorkshire; Hambleton Leisure Centre Health & Fitness project; Swim Local Pilot – Sport England and Safer Hambleton.
- (c) Councillor N Knapton, Portfolio Holder for Governance made a statement ICT; Design and Maintenance and Customer Services and Communications.
- (d) Councillor B Phillips, Portfolio Holder for Planning made a statement regarding the Local Plan; Housing Options Service Award and Development Management resources.
- (e) Councillor S Watson, Portfolio Holder for Environmental Health, Waste and Recycling made a statement regarding Green Waste Charges; Route Optimisation; Recycling; Street-Scene; Environmental Health Service Review and Environment Health prosecution.

C.21 **HAMBLETON DEVELOPMENT COMPANY LIMITED - REPLACEMENT OF DIRECTOR**

All Wards

**The subject of the decision:**

This report considered replacing one of the Directors of the Hambleton Development Company Limited.

**Alternative options considered:**

None.

**The reason for the decision:**

To replace the previous Director of the Company.

**THE DECISION:**

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 (1) above.

C.22 **NOTICES OF MOTION**

It was moved by Councillor C A Dickinson and seconded by Councillor D M Blades that:

“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.”

Following a vote the motion was declared carried.

**THE DECISION:**

That the Notice of Motion be supported.

The meeting closed at 2.20 pm

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Chairman of the Council

**Decisions to be considered by  
Full Council on 21 February 2017**

Decisions of the meeting of the CABINET held  
at 9.30 am on Tuesday, 10th January, 2017 at  
COUNCIL CHAMBER, CIVIC CENTRE,  
STONE CROSS, NORTHALLERTON

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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
	Mrs C S Cookman		Mrs I Sanderson
	C A Dickinson		A Wake
	K G Hardisty		Mrs J Watson
	D Hugill		D A Webster

CA.58 **ADOPTION OF THE COUNCIL'S LOCAL ENFORCEMENT PLAN**

All Wards

**The subject of the decision:**

This report sought approval of the Council's Local Enforcement Plan and recommended it to Council for adoption.

**Alternative options considered:**

None.

**The reason for the decision:**

The Local Enforcement Plan required significantly updating and this would assist in managing enforcement proactively in a way that was appropriate to Hambleton.

**THE DECISION:**

That Cabinet approves and recommends to Council that the Local Enforcement Plan as attached at Annex 2 of the report be adopted.

The meeting closed at 10.20 am

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Leader of the Council

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**Decisions to be considered by  
Full Council on 21 February 2017**

Decisions of the meeting of the CABINET held  
at 9.30 am on Tuesday, 7th February, 2017 at  
COUNCIL CHAMBER, CIVIC CENTRE,  
STONE CROSS, NORTHALLERTON

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Present

Councillor M S Robson (in the Chair)

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

Councillor	D M Blades Mrs C S Cookman C A Dickinson D Hugill	Councillor	J Noone C Patmore Mrs I Sanderson D A Webster
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CA.64 **2016/17 Q3 REVENUE MONITORING REPORT**

All Wards

**The subject of the decision:**

This report provided an update on the Revenue Budget position of the Council and the Reserve Funds at the end of December 2016.

**Alternative options considered:**

None.

**The reason for the decision:**

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

**THE DECISION:**

That Cabinet approves and recommends to Council:-

- (1) the budget increase at paragraph 3.2 of the report in quarter 3 of £47,410 which results in a budget of £7,652,400;
- (2) the allocation from the one-off fund at paragraph 6.5 of the report of £153,720;  
and
- (3) a transfer of £100,00 is made from the Council Tax Payers Reserve to the one-off fund.

CA.65 **2016/17 Q3 CAPITAL MONITORING AND TREASURY MANAGEMENT REPORT**

All Wards

**The subject of the decision:**

This report provided the Quarter 3 update at 31 December 2016 on the progress of the Capital Programme 2016/17 and the Treasury Management position. A full schedule of the Capital Programme 2016/17 schemes was attached at Annex A of the report, together with the relevant update on progress of each scheme.

**Alternative options considered:**

None.

**The reason for the decision:**

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

**THE DECISION:**

That Cabinet approves and recommends to Council:-

- (1) the net increase of £251,976 in the capital programme to £19,187,330 and all the expenditure movements as detailed in Annex B and also in the capital programme attached at Annex A of the report;
- (2) the increase in capital expenditure of £60,110 is funded from capital receipts of £19,570 and £40,540 from the Economic Development Fund;
- (3) the funding allocation of the capital programme as detailed in paragraph 3.1 of the report; and
- (4) the treasury management and prudential indicators at Annex E of the report.

CA.66 **FINANCIAL STRATEGY 2017/18 TO 2026/27**

All Wards

**The subject of the decision:**

This report sought consideration of the Financial Strategy 2017/18 to 2026/27. The financial strategy was last approved in September 2016 in order for the Council to sign up to the four year funding settlement and approve the Efficiency Plan that needed to be notified to Government and published by October 2016.

**Alternative options considered:**

None.

**The reason for the decision:**

To ensure there was a long term financial planning mechanism for the Council.

**THE DECISION:**

That Cabinet approves and recommends to Council that the Financial Strategy 2017/18 to 2026/27 attached at Annex A and A(1) of the report be approved.

CA.67 **2017/18 CAPITAL PROGRAMME BUDGET, TREASURY MANAGEMENT STRATEGY STATEMENT AND PRUDENTIAL INDICATORS**

All Wards

**The subject of the decision:**

This report sought approval for the Capital Programme covering the financial years 2017/18 to 2026/27; the 2017/18 Capital Programme and the Treasury Management Strategy Statement, including the Annual Investment Strategy and Minimum Revenue Provision Policy Statement.

It was reported that a Members' Seminar would be arranged to provide further information on the 10 year Capital Programme, including the Financial Strategy.

**Alternative options considered:**

None.

**The reason for the decision:**

To comply with the requirements as set out under the Local Government Act 2003 and the CIPFA Prudential Code.

**THE DECISION:**

That Cabinet approves and recommends to Council that:-

- (1) the 10 year Capital Programme 2017/18 to 2026/27 at £25,359,352 be approved, as detailed in paragraph 2.2 and as attached at Annex A of the report;
- (2) the Capital Programme 2017/18 at £9,554,070 as detailed in Annex B of the report be approved for implementation;
- (3) the Treasury Management Strategy attached at Annex C of the report be approved;
- (4) the Minimum Revenue Provision Policy Statement attached in the body of the Treasury Management Strategy Statement at Annex C of the report be approved;
- (5) the Prudential and Treasury Indicators attached at Annex C in the body of the Treasury Management Strategy Statement be approved;
- (6) the revised Treasury Management Policy Statement at Annex D of the report be approved; and
- (7) the Scheme of Delegation and role of the S151 Officer attached at Annex E of the report be approved.

CA.68 **REVENUE BUDGET 2017/18**

All Wards

**The subject of the decision:**

This report presented at a strategic level the revenue budget proposals for the next financial year 2017/18.

**Alternative options considered:**

None.

**The reason for the decision:**

To take account of the requirements of the Local Government Finance act 1992 to set a balanced budget and monitor the financial position throughout the year.

**THE DECISION:**

That Cabinet approves and recommends to Council the revenue budget for 2017/18 at £7,210,600.

CA.69 **COUNCIL TAX 2017/18**

All Wards

**The subject of the decision:**

This report considered for level of Council Tax for 2017/18 and the policy on reserves. In addition, it provided details of the Council's formula grant settlement for 2017/18 and the Business Rates target for the Retained Business Rates funding mechanism, which was operated as a pool across North Yorkshire.

**Alternative options considered:**

None.

**The reason for the decision:**

To maintain the long term viability of the Council's finances and ensure sustainability by investing in community projects as determined by the Council's priorities and supporting the maintenance and enhancement of service delivery. To maintain the integrity of the Council's financial strategy.

**THE DECISION:**

That Cabinet approves and recommends to Council that:-

- (1) That it be noted that on 15 January Council calculated the Council Tax Base 2017/18:-
  - (a) for the whole Council area as 35,639.62 [Item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended (the "Act")]; and

- (b) for dwellings in those parts of its area to which a Parish precept relates as in the attached Annex A1. Figures will be completed when all precept amounts have been received and will be reported at Council on 21 February 2017.
- (2) That the Council has calculated the Council Tax requirement for the Council's own purposes for 2017/18 (excluding Parish precepts) as £3,545,429.40
- (3) That the following amounts be calculated for the year 2017/18 in accordance with Sections 31 to 36 of the Local Government Finance Act 1992:-

***Figures for Stokesley Parish Council are to be determined on 13 February 2017 and therefore the following figures will be reported at Council on 21 February 2017***

**(a) District/Parish Gross Expenditure**

£ being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish Councils

**(b) District/Parish Gross Income (including Government Grants, use of Reserves and Collection Fund Surpluses etc)**

£ being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act

**(c) District/Parish Net Expenditure**

£ being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council in accordance with Section 31A(4) of the Act, as its Council Tax requirement for the year (Item R in the formula in Section 31B of the Act)

**(d) Basic Amount of Tax (including average Parish Precepts)**

£ being the amount at 3(c) above (Item R) all divided by Item T (1(a) above), calculated by the Council in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish precepts)

**(e) Parish Precepts**

£ being the aggregate of all special items (Parish precepts) referred to in Section 34(1) of the Act (as per Annex 'A')

**(f) Basic Amount of Tax (Unparished Areas)**

£99.48 being the amount at 3(d) above less the result given by dividing the amount at 4(e) above by Item T (1(a) above), calculated by the Council in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates

- (4) **Major Precepting Authorities** That it be noted that the North Yorkshire County Council, the North Yorkshire Fire and Rescue Authority and the Police and Crime Commissioner North Yorkshire will issue precepts to the Council in accordance with Section 40 of the Local Government Finance Act 1992 for each category of dwellings in the Council's area and this will be as indicated in the table below and at Annex 'A'(1).
- (5) **Council Tax Bands for All Councils**  
*Figures for North Yorkshire County Council, North Yorkshire Fire and Rescue Authority and Police and Crime Commissioner North Yorkshire are yet to be determined and will be reported at Council on 21 February 2017.*

That the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the aggregate amounts in the tables below as the amounts of Council Tax for 2017/18 for each part of its area and for each of the categories of the dwellings.

Hambleton District Council

Valuation Bands

A	B	C	D	E	F	G	H
£	£	£	£	£	£	£	£
66.32	77.37	88.43	99.48	121.59	143.69	165.80	198.96

North Yorkshire County Council – excluding Adult Social Care

Valuation Bands

A	B	C	D	E	F	G	H
£	£	£	£	£	£	£	£

North Yorkshire County Council – Adult Social Care

Valuation Bands

A	B	C	D	E	F	G	H
£	£	£	£	£	£	£	£

North Yorkshire Fire and Rescue Authority

Valuation Bands

A	B	C	D	E	F	G	H
£	£	£	£	£	£	£	£

Police and Crime Commissioner North Yorkshire

Valuation Bands

A	B	C	D	E	F	G	H
£	£	£	£	£	£	£	£

- (6) **Excessive Council Tax**  
That the Council determines that the Council's basic amount of Council Tax for 2017/18 (at 3(f) above) is not excessive in accordance with the principles approved under Section 52ZB of the Local Government Finance Act 1992.
- (7) The appropriate amount is transferred to the Council Taxpayers Reserve to support the decision at (3) above.
- (8) The policy on Balances and Reserves at Annex 'C' is approved.

CA.70 **DISCRETIONARY BUSINESS RATE RELIEF POLICY**

All Wards

**The subject of the decision:**

This report sought consideration of a revised Discretionary Rate Relief Policy (DRRP) effective from 1 April 2017 for approval at Council on 21 February 2017.

**Alternative options considered:**

None.

**The reason for the decision:**

To comply with Section 47 of the Local Government Finance Act 1988 which had been amended by subsequent powers which allowed the Council to grant relief under local discretion.

**THE DECISION:**

That Cabinet approves and recommends to Council that the Discretionary Rate Relief Policy be adopted.

CA.71 **EXCLUSION OF THE PUBLIC AND PRESS**

**THE DECISION:**

That under Section 100A(4) of the Local Government Act 1972, the press and public were excluded from the meeting during consideration of the items of business at minute no CA.72 on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act as the Cabinet was satisfied that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

CA.72 **PRISON SITE - APPROVAL OF PRIVATE SECTOR PARTNER AND PROPOSED SCHEME**

All Wards

**The subject of the decision:**

This report provided information on the outcome of the procurement process to identify a private sector development partner for the redevelopment of the prison site and sought approval of a proposed scheme, subject to planning permission.

**Alternative options considered:**

Options for consideration were included within the report.

**The reason for the decision:**

Cabinet was satisfied that the preferred scheme was the most viable option for the Council in delivering the project.

**THE DECISION:**

That Cabinet approves and recommends to Council that:-

- (1) the tenderer as detailed within paragraph 4.1 of the report and their preferred scheme be approved as the Council's preferred scheme for the development of the prison site;
- (2) should the preferred scheme not prove viable, the Chief Executive be authorised to agree the variant bid, subject to consultation with the Leader;
- (3) the Chief Executive be authorised to work with the preferred tenderer to finalise and then complete the Shareholder Agreement, the Development Agreement, the Condition Sale and Purchase Agreement and the Development Services Management Agreement;
- (4) the prison site be transferred to the Joint Venture Company; and
- (5) the Council undertakes an archaeological investigation of the site following immediately after demolition.

The meeting closed at 10.30 am

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Leader of the Council



# Agenda Item 7

COUNCIL TAX 2017/18 - To Consider the following Motion in pursuance of Minute CA.69:-

That Cabinet recommends to Council:-

- (1) That it be noted that on 15 January Council calculated the Council Tax Base 2017/18:-
  - (a) for the whole Council area as 35,639.62 [Item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended (the "Act")]; and
  - (b) for dwellings in those parts of its area to which a Parish precept relates as in the attached Annex A1. Figures will be completed when all precept amounts have been received and will be reported at Council on 21 February 2017.
- (2) That the Council has calculated the Council Tax requirement for the Council's own purposes for 2017/18 (excluding Parish precepts) as £3,545,429.40
- (3) That the following amounts be calculated for the year 2017/18 in accordance with Sections 31 to 36 of the Local Government Finance Act 1992:-

***Figures for Stokesley Parish Council are to be determined on 13 February 2017 and therefore the following figures will be reported at Council on 21 February 2017***

- (a) **District/Parish Gross Expenditure**  
£ being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish Councils
- (b) **District/Parish Gross Income (including Government Grants, use of Reserves and Collection Fund Surpluses etc)**  
£ being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act
- (c) **District/Parish Net Expenditure**  
£ being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council in accordance with Section 31A(4) of the Act, as its Council Tax requirement for the year (Item R in the formula in Section 31B of the Act)
- (d) **Basic Amount of Tax (including average Parish Precepts)**  
£ being the amount at 3(c) above (Item R) all divided by Item T (1(a) above), calculated by the Council in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish precepts)
- (e) **Parish Precepts**  
£ being the aggregate of all special items (Parish precepts) referred to in Section 34(1) of the Act (as per Annex 'A')
- (f) **Basic Amount of Tax (Unparished Areas)**  
£99.48 being the amount at 3(d) above less the result given by dividing the amount at 4(e) above by Item T (1(a) above),

calculated by the Council in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates

- (4) **Major Precepting Authorities** That it be noted that the North Yorkshire County Council, the North Yorkshire Fire and Rescue Authority and the Police and Crime Commissioner North Yorkshire will issue precepts to the Council in accordance with Section 40 of the Local Government Finance Act 1992 for each category of dwellings in the Council's area and this will be as indicated in the table below and at Annex 'A'(1).

- (5) **Council Tax Bands for All Councils**  
***Figures for North Yorkshire County Council, North Yorkshire Fire and Rescue Authority and Police and Crime Commissioner North Yorkshire are yet to be determined and will be reported at Council on 21 February 2017.***

That the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the aggregate amounts in the tables below as the amounts of Council Tax for 2017/18 for each part of its area and for each of the categories of the dwellings.

Hambleton District Council

Valuation Bands

A	B	C	D	E	F	G	H
£	£	£	£	£	£	£	£
66.32	77.37	88.43	99.48	121.59	143.69	165.80	198.96

North Yorkshire County Council – excluding Adult Social Care

Valuation Bands

A	B	C	D	E	F	G	H
£	£	£	£	£	£	£	£

North Yorkshire County Council – Adult Social Care

Valuation Bands

A	B	C	D	E	F	G	H
£	£	£	£	£	£	£	£

North Yorkshire Fire and Rescue Authority

Valuation Bands

A	B	C	D	E	F	G	H
£	£	£	£	£	£	£	£

Police and Crime Commissioner North Yorkshire

Valuation Bands

A	B	C	D	E	F	G	H
£	£	£	£	£	£	£	£

(6) **Excessive Council Tax**

That the Council determines that the Council's basic amount of Council Tax for 2017/18 (at 3(f) above) is not excessive in accordance with the principles approved under Section 52ZB of the Local Government Finance Act 1992.

- (7) The appropriate amount is transferred to the Council Taxpayers Reserve to support the decision at (3) above.
- (8) The policy on Balances and Reserves at Annex 'C' is approved.

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## **HAMBLETON DISTRICT COUNCIL**

**Report To:** Council  
21 February 2017

**From:** Chief Executive

**Subject:** **STATEMENT OF PAY POLICY 2017/18**

All Wards  
Scrutiny Committee

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### **1.0 PURPOSE AND BACKGROUND:**

1.1 The Council is required to adopt a Statement of Pay Policy each year. This report asks Council to approve the Statement of Pay Policy for the year commencing on 1 April 2017.

### **2.0 STATEMENT OF PAY POLICY:**

2.1 The proposed Statement of Pay Policy is attached. It includes all of the matters required by legislation and Government guidance.

### **3.0 LEGAL IMPLICATIONS**

4.1 The Council is required to approve a Statement of Pay Policy by 31 March for the ensuing year. The Council is obliged to take into account any Government guidance.

### **4.0 FINANCIAL IMPLICATIONS**

4.1 The Policy reflects previously agreed decisions on pay awards and reflects the Leader's agreement with the Chief Executive on Senior Officers' remuneration. All sums are budgeted for.

### **5.0 RISK ASSESSMENT:**

5.1 There are no significant risks associated with this report.

### **6.0 EQUALITIES/DIVERSITY ISSUES:**

6.1 There are no significant equalities/diversity issues associated with this report.

### **7.0 RECOMMENDATION:**

7.1 It is recommended that the attached Statement of Pay Policy be adopted with effect from 1 April 2017.

JUSTIN IVES

**Background papers:** None  
**Author ref:** GN  
**Contact:** Gary Nelson  
Director of Law and Governance (Monitoring Officer)  
Ext: 701

**HAMBLETON DISTRICT COUNCIL –  
REVISED STATEMENT OF PAY POLICY 2017/18**

**Introduction**

Sections 38 – 43 of the Localism Act 2011 require that the authority produce a Policy Statement that covers a number of matters concerning the pay of the authority's staff, principally Chief Officers. This Policy Statement meets the requirements of the Localism Act in this regard and also meets the requirements of guidance issued by the Secretary of State for Communities and Local Government to which the authority is required to have regard under Section 40 of the Act. This Policy was considered and approved by the Full Council at the Council meeting which took place in February 2017. This Policy also has some connection with the data on pay and rewards for staff which the authority publishes under the Code of Recommended Practice for Local Authorities on Data Transparency and the data which is published under The Accounts and Audit (England) Regulations (2011). It should be noted that the requirements to publish data under the Secretary of State's guidance, the Code of Practice and the Regulations do differ. The data requirements of the Code of Practice and the Accounts and Audit Regulations are summarised at Annex 1 to this Policy Statement.

**Definition of officers covered by the Policy Statement**

This Policy Statement covers the following posts:

1. Head of the Paid Service, which in this authority is the post of Chief Executive.
2. Statutory Chief Officers, which in this authority are the posts of Monitoring Officer and S151 Officer.
3. Non-statutory Chief Officers, (those who report directly to the Head of the Paid Service) which in this authority are the Director posts.
4. Any Officer appointed to an Acting or Interim role in respect of the posts identified in paragraphs 1 to 3 above.

**Policy on remunerating the Chief Executive and Chief Officers**

The authority's basic approach to remunerating Chief Officers is set out in the schedule that is attached to this Policy Statement at Annex 2. It is the policy of this authority to establish a remuneration package for each Chief Officer post that is sufficient to attract and retain staff of the appropriate skills, knowledge, experience, abilities and qualities that is consistent with the authority's requirements of the post in question at the relevant time.

### **Policy on remunerating the lowest paid in the workforce**

The authority applies terms and conditions of employment that have been negotiated and agreed through appropriate local collective bargaining mechanisms or as a consequence of authority decisions. These are then incorporated into contracts of employment. The lowest pay in this authority is equal to an annual salary of £15,164 and can be expressed as an hourly rate of pay of £7.86 per hour. This pay point and salary was determined by the authority as part of a pay scale for employees employed on Employment Terms and Conditions negotiated nationally with the recognised trade union, UNISON. The pay rate is increased in accordance with any pay settlements which are agreed with the union.

### **Policy on the relationship between Chief Officer remuneration and that of other staff**

The highest paid salary in this authority is currently £115,370 which is paid to the Chief Executive. The average median salary in this authority is £20,868. The ratio between the two salaries, the 'pay multiple' is 5.53:1. This authority does not have a policy on maintaining or reaching a specific 'pay multiple'. The Chief Executive's salary is negotiated with the Leader of the Council and the other Chief Officers' salaries are negotiated with the Chief Executive. All other employees are subject to pay rates determined in accordance with national agreement and the Employment Terms and Conditions. The authority's approach to the payment of all staff is to pay that which the authority needs to pay to recruit and retain staff with the skills, knowledge, experience, abilities and qualities needed for the post in question at the relevant time, and to ensure that the authority meets any contractual requirements for staff including the application of any local collective agreements, or authority decisions regarding pay.

### **Policy on other aspects of Chief Officer remuneration**

Other aspects of Chief Officer remuneration are appropriate to be covered by this Policy Statement. These other aspects are defined as recruitment, pay increases, additions to pay, performance related pay, earn back, bonuses, termination payments, transparency and re-employment when in receipt of an LGPS pension or a redundancy/severance payment. These matters are addressed in the schedule that is attached to this Policy Statement at Annex 3. Information on remuneration of Chief Officers as set out in this Policy is published on the Council's website.

### **Approval of Salary Packages in excess of £100k**

The authority will ensure that, at the latest before an offer of appointment is made, any salary package for any post that is in excess of £100k will be considered by Full Council. The salary package will be defined as base salary, any bonuses, fees, routinely payable allowances and benefits in kind that are due under the contract.

### **Approval of Severance Payments in excess of £100k**

The authority will ensure that any severance payment for any post that is in excess of £100k will be considered by Cabinet and the resolution approved by Full Council. The components of the relevant package, including salary paid in lieu, redundancy compensation, pension entitlements, holiday pay and any bonuses, fees or allowances to be paid will be set out clearly.

### **Flexibility to address recruitment issues for vacant posts**

In the vast majority of circumstances the provisions of Annex 2 will enable the authority to ensure that it can recruit effectively to any vacant post. There may be exceptional circumstances when there are recruitment difficulties for a particular post and where there is evidence that an element or elements of the remuneration package are not sufficient to secure an effective appointment. This Policy Statement recognises that this situation may arise in exceptional circumstances and therefore a departure from Annex 2 can be implemented without having to seek full Council approval for a change of the Policy Statement. Such a departure will be expressly justified in each case and will be approved by the Leader and Chief Executive or in the case of the Chief Executive a special meeting of Cabinet.

### **Amendments to the Policy**

It is anticipated that this Policy will not need to be amended during the period it covers (until the end of March in the current financial year). However, if circumstances dictate that a change of policy is considered to be appropriate during the year then a revised draft Policy will be presented to Cabinet with the resolution sent to Full Council for approval.

### **Policy for future years**

This Policy Statement will be reviewed each year and will be presented to Full Council each year for consideration in order to ensure that a Policy is in place for the authority prior to the start of each financial year.



## Annex 1

The Secretary of State for CLG Code of Recommended Practice for Local Authorities on Data Transparency indicates that local authorities should publish the following data concerning staff:

- Salaries, names (with an option for individuals to refuse to consent to this), job descriptions, responsibilities, budgets (including overall salary cost of staff reporting), and numbers of staff for all staff in receipt of a salary of more than £50,000.
- An organisational chart of the staff structure of the authority including salary bands.
- The 'pay multiple' – the ratio between the highest paid salary and the median average salary of the whole authority workforce.

The Accounts and Audit (England) Regulations 2011 require that the following data is included in the authority's accounts:

- Numbers of employees with a salary above £50k per annum (pro-rata for part-time staff) in multiples of £5k.
- Job title, remuneration and employer pension contributions for senior officers. Senior officers are defined as Head of Paid Service, Statutory Chief Officers and Non-Statutory Chief Officers by reference to Section 2 of the 1989 Local Government & Housing Act.
- Names of employees paid over £150k per annum

For the above remuneration is to include:

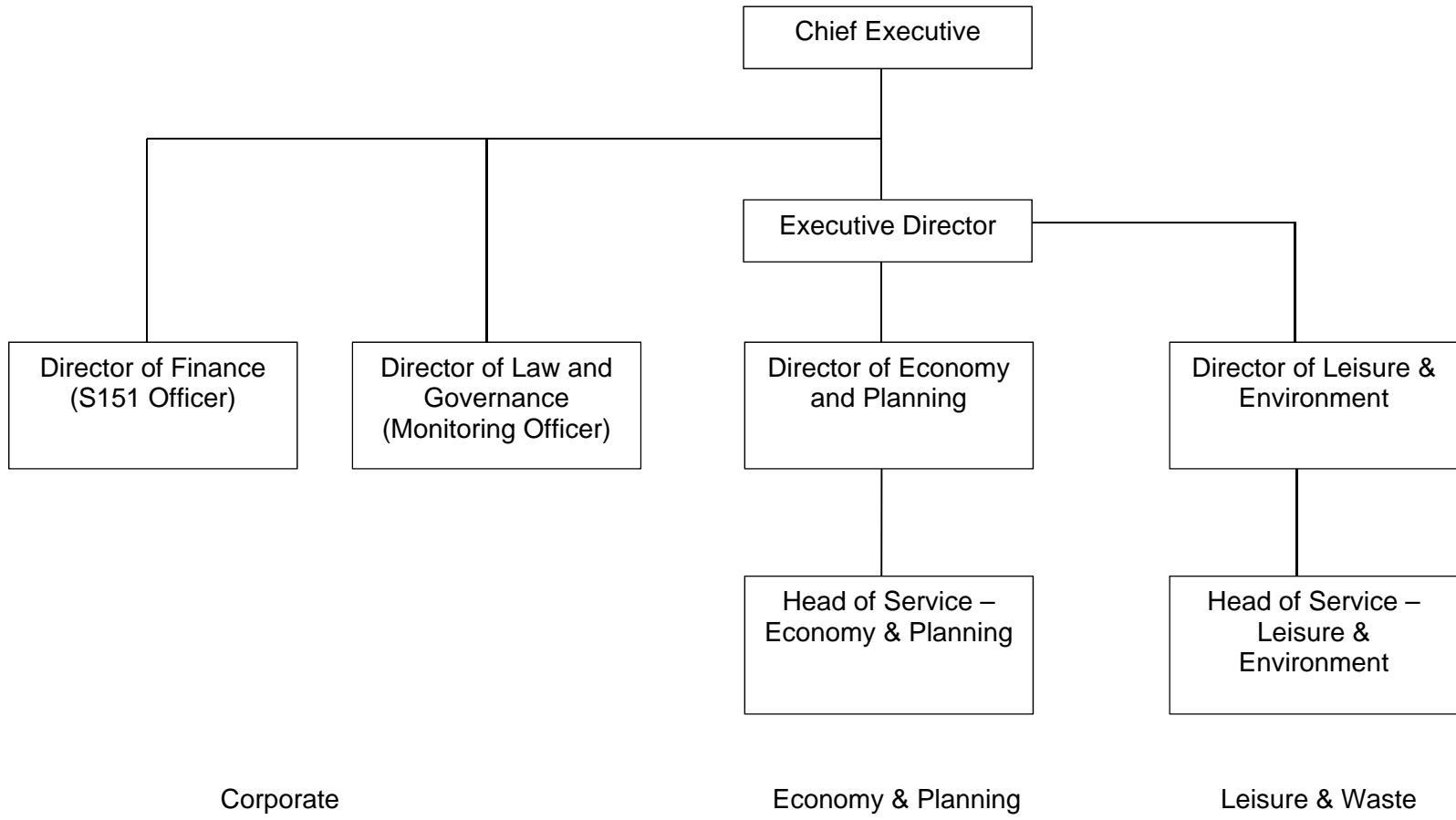
- Salary, fees or allowances for the current and previous year
- Bonuses paid or receivable for the current and previous year
- Expenses paid in the previous year
- Compensation for loss of employment paid to or receivable, or payments made in connection with loss of employment
- Total estimated value of non-cash benefits that are emoluments of the person

For the above pension contributions to include:

- The amount driven by the authority's set employer contribution rate
- Employer costs incurred relating to any increased membership or award of additional pension

Post	Base Salary	Expenses	Bonuses	PRP	Earn-Back	Honoraria	Ex-Gratia Payments	Election Fees	Joint Authority Duties	Severance Arrangements
Chief Executive	£115,370	Travel and other expenses are reimbursed through normal authority procedures	The terms of the contract of employment do not provide for the payment of bonuses	The terms of the contract of employment do not provide for performance related pay	The terms of the contract of employment do not provide for an element of base salary to be held back related to performance	Honoraria payments for any increased duties and responsibilities do not apply	There are no plans for the postholder to receive any ex-gratia payments	Election duty fees are paid when due in connection with a District Election	There are no payments related to joint authority duties	The authority's normal policies regarding redundancy and early retirement apply to the postholder. No payments were made in the last year and none are anticipated for 2017/18.
Executive Director	£95,370	Travel and other expenses are reimbursed through normal authority procedures	The terms of the contract of employment do not provide for the payment of bonuses	The terms of the contract of employment do not provide for performance related pay	The terms of the contract of employment do not provide for an element of base salary to be held back related to performance	Honoraria payments for any increased duties and responsibilities do not apply	There are no plans for the postholder to receive any ex-gratia payments	Election duty fees are paid when due in connection with a District Election	There are no payments related to joint authority duties	The authority's normal policies regarding redundancy and early retirement apply to the postholder. No payments were made in the last year and none are anticipated for 2017/18.

Post	Base Salary	Expenses	Bonuses	PRP	Earn-Back	Honoraria	Ex-Gratia Payments	Election Fees	Joint Authority Duties	Severance Arrangements
Directors x 4	£66,000	Travel and other expenses are reimbursed through normal authority procedures	The terms of the contract of employment do not provide for the payment of bonuses	The terms of the contract of employment do not provide for performance related pay	The terms of the contract of employment do not provide for an element of base salary to be held back related to performance	Honoraria payments for any increased duties and responsibilities do not apply	There are no plans for the postholder to receive any ex-gratia payments	Election duty fees are paid when due in connection with a District Election	There are no payments related to joint authority duties	The authority's normal policies regarding redundancy and early retirement apply to the postholder. No payments were made in the last year and none are anticipated for 2017/18.
Head of Service x 2	£55,000	Travel and other expenses are reimbursed through normal authority procedures	The terms of the contract of employment do not provide for the payment of bonuses	The terms of the contract of employment do not provide for performance related pay	The terms of the contract of employment do not provide for an element of base salary to be held back related to performance	Honoraria payments for any increased duties and responsibilities do not apply	There are no plans for the postholder to receive any ex-gratia payments	Election duty fees are paid when due in connection with a District Election	There are no payments related to joint authority duties	The authority's normal policies regarding redundancy and early retirement apply to the postholder. No payments were made in the last year and none are anticipated for 2017/18.



Aspect of Senior Officer Remuneration	Authority Policy
Recruitment	The post will be advertised and appointed to at the appropriate salary level up to the approved level for the post in question based on skills, knowledge, experience, abilities and qualities.
Pay Increases	The authority will apply any pay increases that are agreed through local negotiations. The authority will also apply any pay increases that are as a result of authority decisions to significantly increase the duties and responsibilities of the post in question beyond the normal duties and responsibilities that are expected in senior posts.
Additions To Pay	The authority would not make additional payments beyond those specified in the contract of employment.
Performance Related Pay	The authority does not operate a performance related pay system as it believes that it has sufficiently strong performance management arrangements in place to ensure high performance from its senior officers. Any areas of under-performance are addressed rigorously
Earn-Back (Withholding an element of base pay related to performance)	The authority does not operate an earn-back pay system as it believes that it has sufficiently strong performance management arrangements in place to ensure high performance from its senior officers. Any areas of under-performance are addressed rigorously.
Bonuses	The authority does not pay bonus payments to senior officers.

Termination Payments	The authority applies its normal redundancy payments arrangements to senior officers and does not have separate provisions for senior officers. The authority also applies the appropriate Pensions regulations when they apply. The authority has agreed policies in place on how it will apply any discretionary powers it has under Pensions regulations. Any costs that are incurred by the authority regarding senior officers are published in the authority accounts as required under the Accounts and Audit (England) Regulations 2011.
Transparency	The authority meets its requirements under the Localism Act, the Code of Practice on Data Transparency and the Accounts and Audit Regulations in order to ensure that it is open and transparent regarding senior officer remuneration.
Re-employment of staff in receipt of an LGPS Pension or a redundancy/severance payment	The authority is under a statutory duty to appoint on merit and has to ensure that it complies with all appropriate employment and equalities legislation. The authority will always seek to appoint the best available candidate to a post who has the skills, knowledge, experience, abilities and qualities needed for the post. The authority will therefore consider all applications for candidates to try to ensure the best available candidate is appointed. If a candidate is a former employee in receipt of an LGPS pension or a redundancy payment this will not rule them out from being re-employed by the authority. Clearly where a former employee left the authority on redundancy terms then the old post has been deleted and the individual cannot return to the post as it will not exist. The authority will apply the provisions of the Redundancy Payments Modification Order regarding the recovery of redundancy payments if this is relevant. Pensions Regulations also have provisions to reduce pension payments in certain circumstances to those who return to work within the local government service.

## **HAMBLETON DISTRICT COUNCIL**

**Report To:** Council  
21 February 2017

**From:** Chief Executive

**Subject:** **MEMBERS' ALLOWANCES SCHEME**

All Wards  
Scrutiny Committee

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### **1.0 PURPOSE AND BACKGROUND:**

1.1 The Local Authorities (Members' Allowances) (England) Regulations 2003 requires the Council to consider its Allowances Scheme before the beginning of each year.

1.2 Councils are required to establish and maintain an Independent Remuneration Panel to provide advice on its scheme and amounts to be paid, amongst other things. Local Authorities must have regard to this advice although are not bound by the recommendations.

1.3 The Independent Remuneration Panel, which was appointed in 2013 for a term of four years, comprises:-

- Michael Holford
- Pat Martin
- Ian Woods

1.4 The Independent Remuneration Panel have carried out a full review of the Members' Allowances Scheme and the report attached at an Appendix A sets out their recommendations for a range of basic and special responsibility allowances (SRA's) for Members of the Council. This report asks Council to consider the report and approve an Allowance Scheme for the 2017/18 Financial Year.

### **2.0 THE REPORT**

2.1 The report seeks consideration of three amendments from the Independent Remuneration Panel to the existing scheme as follows:-

- (1) the quantum for Chair of Scrutiny be reduced from 0.75 to 0.25;
- (2) the quantum for Chair of Planning be increased from 1 to 1.5; and
- (3) paragraph 7.1 of the existing policy be amended to read "Subject to 7.2 all Allowances shall be adjusted with effect from April 2019 and from each subsequent 1 April for the following year in line with any increase agreed Nationally for staff for that year."

### **3.0 THE CURRENT SCHEME:**

3.1 The current Scheme is attached as Appendix B to this report. In accordance with section 7.1 of the Policy "all Allowances shall be adjusted with effect from 1 April 2016 and from each subsequent 1 April for the following year in line with any increase agreed locally for staff for that year." An increase was awarded locally in 2015 which was frozen for the period of the Council, until May 2019.

#### **4.0 THE PROPOSED SCHEME:**

4.2 A copy of the proposed scheme for 2017/18 is attached as Appendix C to this report. Although the actual allowances have been frozen, the Travelling, Subsistence and Accommodation Allowances have been increased in line with payments made to staff. This complies with Section 7.2 of the policy.

#### **5.0 CONCLUSIONS**

5.1 The Independent Remuneration Panel has undertaken a comprehensive review of the current scheme and is satisfied that it has followed a rigorous process.

5.2 The Panel has worked within the fixed budget and has given consideration to comments made by Members.

#### **6.0 FINANCIAL IMPLICATIONS AND EFFICIENCIES:**

6.1 The cost of this proposal will be funded within existing budgetary provision. Carrying forward the existing Scheme is currently budgeted for in the 2017/18 Estimates.

6.2 There are no efficiencies associated with this report.

#### **7.0 LEGAL IMPLICATIONS:**

7.1 The Council cannot operate a Members' Allowances Scheme in 2017/18 without considering this report and passing a formal resolution. The Scheme will have to be publicised.

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

#### **8.0 EQUALITIES / DIVERSITY ISSUES**

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

#### **9.0 RISK IMPLICATIONS**

9.1 There are no risk management issues relevant to this report.

#### **10.0 RECOMMENDATIONS:**

10.1 It is recommended that Council approves the Members' Allowances Scheme as attached at Appendix C of the report for the year 2017/18, subject to consideration of the recommendations of the Independent Remuneration Panel.

JUSTIN IVES

**Background papers:** Report to Independent Remuneration Panel  
**Author ref:** GN  
**Contact:** Gary Nelson  
Director of Law and Governance (Monitoring Officer)  
Direct Line No: (01609) 767012



## Report of the Independent Remuneration Panel

The Independent Remuneration Panel (IRP) was asked to conduct a review of the Members' Allowances Scheme 2016/17. Members of the Panel were Michael Holford, Pat Martin and Ian Woods.

A meeting was held on 27 January 2017 to discuss how to proceed with the review and to consider relevant information in order to inform the review. A meeting was convened on Friday, 27 January 2017 to interview Councillors to help the IRP prepare their recommendations for the biannual review of Allowances for Members of HDC to be presented to Council on 21 February 2017.

### Background

In November 2014 the IRP based their recommendations on a scenario whereby the number of Councillors serving HDC would be reducing from 44 to 28 in May 2015. The recommendation at the time increased the base amount from £4297 to £5500, effective from May 2015. The purpose of this recommendation was to acknowledge the extra work that Councillors would be subject to under the new regime whilst at the same time enabling a saving to be shown against the existing allowance scheme.

Following implementation of the new allowance scheme, the basic figure of £5500 was then increased by 10% in July 2015 (effective April 2016) to give a new figure of £6050. The 10% increase was related to a locally agreed pay increase for staff. Although on its face this increase was higher than previous pay increase, which was in the region of 2%-3% the increase was in line with Paragraph 23 of the November 2014 report which covered Annual Increases, and states *'The Council has previously resolved to freeze allowances. This is a matter for the Council but we feel that it is reasonable to increase the Basic, Special Responsibility' Subsistence, Accommodation and Travel Allowances in accordance with any locally agreed pay increases for staff'*.

However, given that the Council's attempts to implement locally negotiated terms and conditions to staff had been rejected, the IRP believe that Members' Allowances should return to being increased in line with those agreed nationally for staff salaries.

Interviews were conducted on 27 January 2017 with the following Councillors:-

Councillor Mark Robson – Leader of the Council  
 Councillor John Noone – Chairman of the Council  
 Councillor David Webster – Chairman of Planning Committee  
 Councillor Steve Watson – Cabinet Member (Portfolio Holder for Environmental Health, Waste and Recycling)  
 Councillor Isobel Sanderson – Chairman of Licensing Committee (and Chairman of the Licensing & Appeals Hearings Panel)

The Panel's recommendations are as follows:-

Following meetings of the Independent Remuneration Panel held on 12 December 2016 and 27 January 2017, the Independent Remuneration Panel recommends the following:-

1. The quantum for Chair of Scrutiny to be reduced from 0.75 to 0.25
2. The quantum for Chair of Planning to be increased from 1 to 1.5
3. Paragraph 7.1 of the existing policy be amended to read "Subject to 7.2 all Allowances shall be adjusted with effect from April 2019 and from each subsequent 1 April for the following year in line with any increase agreed nationally for staff for that year."

## **MEMBERS' ALLOWANCES SCHEME 2016/17**

### **1.0 INTRODUCTION:**

- 1.1 This Scheme has been adopted for the purposes of the Local Authorities (Members' Allowances)(England) Regulations 2003 ("the Regulations").
- 1.2 The Scheme shall continue in force until amended or revoked by the Council.
- 1.3 The Scheme will apply to all Members of the Council.
- 1.4 All Allowances shall be payable for the period from 1 April 2016 until 31 March 2017 unless specified otherwise.
- 1.5 A Member may by notice in writing to the Chief Executive elect to forego his/her entitlement or any part of his/her entitlement to Allowances.

### **2.0 BASIC ALLOWANCES:**

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

### **3.0 SPECIAL RESPONSIBILITY ALLOWANCE:**

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

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

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

#### **4.0 DEPENDANT' CARER'S ALLOWANCE:**

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

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

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

#### **5.0 TRAVELLING, SUBSISTENCE AND ACCOMMODATION ALLOWANCE:**

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

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

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

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

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

## **6.0 INDEPENDENT PERSONS:**

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

## **7.0 ADJUSTMENT OF ALLOWANCES:**

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

## **8.0 PENSIONS:**

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

## **9.0 CLAIMS AND PAYMENTS:**

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

**PAYABLE WITH EFFECT FROM 1 APRIL 2016****ATTENDANCE ALLOWANCES 2016/17**

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

The Scheme comprises:-

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

The Scheme is as follows:-

	<b>Quantum</b>	<b>Payment £</b>
Basic	N/A	6,050
Leader	4.00	24,200
Deputy Leader	2.00	12,100
Chairman of Council	0.75	4,538
Minority Group Leader (only applicable to a group of 5 or more Members)	0.25	1,512
Chairman of Planning Committee	1	6,050
Chairman of Audit, Governance and Standards Committee	0.25	1,512
Chairman of Scrutiny Committee	0.75	4,538
Chairman of Licensing Committee	0.25	1,512
Cabinet Member	1.50	9,075
Dependant Carer's Allowance	-	National minimum wage (currently £6.70) with a maximum of 10 hours per week
Independent Persons	-	256

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

**No Member can receive more than one Special Responsibility Allowance.**

**SUBSISTENCE RATES**

	<b>£</b>
Breakfast	7.35
Lunch	10.14
Tea (absence after 6.30pm)	3.99
Dinner (absence after 8.30pm)	12.56

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

**ACCOMMODATION RATES**

	<b>£</b>
Other	Up to £81
Major Cities	Up to £105
London	Up to £138
Conferences (National Conferences attended by Members and Chief Officers)	Actual Costs

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

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

Car mileage rate per mile:

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

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

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

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

## **MEMBERS' ALLOWANCES SCHEME 2017/18**

### **1.0 INTRODUCTION:**

- 1.1 This Scheme has been adopted for the purposes of the Local Authorities (Members' Allowances)(England) Regulations 2003 ("the Regulations").
- 1.2 The Scheme shall continue in force until amended or revoked by the Council.
- 1.3 The Scheme will apply to all Members of the Council.
- 1.4 All Allowances shall be payable for the period from 1 April 2017 until 31 March 2018 unless specified otherwise.
- 1.5 A Member may by notice in writing to the Chief Executive elect to forego his/her entitlement or any part of his/her entitlement to Allowances.

### **2.0 BASIC ALLOWANCES:**

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

### **3.0 SPECIAL RESPONSIBILITY ALLOWANCE:**

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

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

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



#### **4.0 DEPENDANT' CARER'S ALLOWANCE:**

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

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

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

#### **5.0 TRAVELLING, SUBSISTENCE AND ACCOMMODATION ALLOWANCE:**

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

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

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

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

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

## **7.0 INDEPENDENT PERSONS:**

6.1 An Independent Person's Allowance as set out in the Annex to this Schedule as amended from time to time shall be payable to the Independent Person(s) appointed by the Council.

6.3 Where the appointment of the Independent Person begins or ends otherwise than at the beginning or end of a year his/her entitlement shall be payment of such part of the Independent Person's Allowance as bears to the whole the same proportion as the number of days during which his/her appointment subsists bears to the number of days in that year.

## **7.0 ADJUSTMENT OF ALLOWANCES:**

7.1 Subject to 7.2 all Allowances shall be adjusted with effect from 1 April 2016 and from each subsequent 1 April for the following year in line with any increase agreed locally for staff for that year.

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

## **8.0 PENSIONS:**

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

## **9.0 CLAIMS AND PAYMENTS:**

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

**PAYABLE WITH EFFECT FROM 1 APRIL 2016****ATTENDANCE ALLOWANCES 2016/17**

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

The Scheme comprises:-

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

The Scheme is as follows:-

	<b>Quantum</b>	<b>Payment £</b>
Basic	N/A	6,050
Leader	4.00	24,200
Deputy Leader	2.00	12,100
Chairman of Council	0.75	4,538
Minority Group Leader (only applicable to a group of 5 or more Members)	0.25	1,512
Chairman of Planning Committee	1	6,050
Chairman of Audit, Governance and Standards Committee	0.25	1,512
Chairman of Scrutiny Committee	0.75	4,538
Chairman of Licensing Committee	0.25	1,512
Cabinet Member	1.50	9,075
Dependant Carer's Allowance	-	National minimum wage (currently £7.50) with a maximum of 10 hours per week
Independent Persons	-	256

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

**No Member can receive more than one Special Responsibility Allowance.**

**SUBSISTENCE RATES**

	<u>£</u>
Breakfast	8.00
Lunch	11.00
Tea (absence after 6.30pm)	5.00
Dinner (absence after 8.30pm)	14.00

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

**ACCOMMODATION RATES**

	<u>£</u>
Other	Up to £81
Major Cities	Up to £105
London	Up to £138
Conferences (National Conferences attended by Members and Chief Officers)	Actual Costs

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

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

Car mileage rate per mile:

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

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

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

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

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## **HAMBLETON DISTRICT COUNCIL**

**Report To:** Council  
21 February 2017

**From:** Chief Executive

**Subject: COMMUNITY GOVERNANCE REVIEW – DRAFT TERMS OF REFERENCE**  
Aiskew, Bedale and Leeming Bar Wards

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### **1.0 PURPOSE AND BACKGROUND:**

- 1.1 The purpose of this report is to seek Council approval to the attached Terms of Reference for a Community Governance Review.
- 1.2 The Local Government and Public Involvement in Health Act 2007 amended the responsibility for Parish Area Reviews from what is now the Local Government Boundary Commission for England to Principal Councils, subject to adherence to regulations and directions from the Department for Communities and Local Government and the Electoral Commission. Principal Councils in this context are specifically District Councils in England.
- 1.3 The process for considering a change is now termed a “Community Governance Review” (CGR).
- 1.4 A CGR is a review of one or more areas of the district to look at one or more of the following:
- creating, merging, altering or abolishing parishes;
  - the naming of a parish and the styling of a new parish (i.e. whether to call it a village, community, or neighbourhood with the Council similarly named as a village Council, community Council or neighbourhood Council)
  - the electoral arrangements for parishes (including Council size, number of Councillors to be elected to the Council and parish warding); and
  - grouping parishes under a common Parish Council or de-grouping parishes.
- 1.5 A CGR may not change Parliamentary, District Ward or County Division boundaries, although it might lead to recommendations being made to the Local Government Boundary Commission for England to make changes to Ward or District boundaries. Reviews of Parliamentary boundaries are undertaken periodically by the Boundary Commission for England.
- 1.6 A CGR must have regard to two key principles:
- (a) Community Governance must reflect the identities and interests of the community;
  - (b) Community Governance must be effective and convenient.
- 1.7 A CGR must also take into account a number of influential factors including:
- the impact of Community Governance arrangements on community cohesion; and
  - the size, population and boundary of a local community or parish.

- 1.8 Consultation must take place with Local Government electors, appropriate Local Authorities and other relevant persons, including local community interest groups. The Council must take into account all representations received.
- 1.9 A CGR may be undertaken by the Council itself where there is a perceived need for it, or triggered in response to a Community Governance Petition (which must comply with a number of requirements).
- 1.10 The procedure for a CGR requires the Council:
- (a) to consult initially on the agreed Terms of Reference for the Review;
  - (b) to take into account representations received, to then publish draft recommendations and consult on those; and
  - (c) to take into account representations received, to then publish the final recommendations and, if required, to make a Community Governance Re-organisation Order to give effect to agreed changes.

## **2.0 COMMUNITY GOVERNANCE REVIEW PETITION:**

- 2.1 The Council has received a Community Governance Petition signed by the requisite number of electors of the area proposed for review.
- 2.2 The petition states:
- 2.2.1 *“We the undersigned, being electors in the parish area of Bedale, call upon Hambleton District Council to conduct a Community Governance Review for the purpose of merging the existing Aiskew Parish Ward of Aiskew with Leeming Bar parish with the parish of Bedale to create a new parish of Bedale with Aiskew which will have a Parish Council called Bedale Town Council.”*
- 2.3 In consequence, the Council is required to undertake a CGR that has terms of reference that allow for the Community Governance Petition to be considered. The Council can however also consider alternative measures as part of the Review. The draft Terms of Reference (see Annex A) includes three options for consultation and consideration, namely:
- The proposal contained in the Petition;
  - An alternative proposal which includes the Leeming Bar ward of Aiskew Parish;
  - A proposal that the existing arrangements remain unchanged.
- 2.4 If, following a CGR, the request in the petition were implemented by the Council the following actions would need to be taken:
- (1) the dissolution of the parishes of Bedale and Aiskew;
  - (2) the creation of a new parish comprising the existing parish of Bedale and the Aiskew ward of Aiskew Parish;
  - (3) the creation of a new parish for Leeming Bar;
  - (4) the creation of a new Parish Council for the new parish of Bedale and Aiskew;
  - (5) the creation of a new parish Council for the new parish of Leeming Bar.



2.5 If, following a CGR, the alternative proposal was implemented by the Council the following actions would need to be taken:

- (1) the dissolution of the parishes of Bedale and Aiskew
- (2) the creation of a new parish comprising the existing parishes of Bedale and Aiskew (which would include the Leeming Bar Ward)
- (3) the creation of a new Parish Council for the new parish of Bedale and Aiskew

2.6 If, following a CGR, the Council decided to retain the existing arrangement then no further action would be required.

2.7 As stated above, the Council must include in its agreed Terms of Reference for the CGR the request made by the petitioners, but the Council may also include such other alternative proposals within the Terms of Reference as it deems appropriate for the purpose of consultation as part of the CGR.

### **3.0 CONSULTATION ON DRAFT TERMS OF REFERENCE FOR THE CGR:**

3.1 The District Council has consulted Bedale Town Council and Aiskew with Leeming Bar Parish Council on the draft terms of reference.

### **4.0 UNDERTAKING A COMMUNITY GOVERNANCE REVIEW:**

4.1 Section 93 of the 2007 Act allows Principal Councils to decide how to undertake a CGR, provided that they comply with a number of duties in that Act which apply to Councils undertaking CGRs. Before undertaking a CGR the Council must notify North Yorkshire County Council that a CGR is to be undertaken and its Terms of Reference.

4.2 In conducting a CGR, the Council must consult with the following:

- all Local Government electors in the area under review;
- the respective Parish Councils,
- any other person or body which appears to have an interest in the Review (for example, local businesses, local residents' associations, community groups, local public and voluntary organisations – such as schools or health bodies).

4.3 It is anticipated that as much of the consultation as possible in respect of the CGR will be carried out on-line and an area of the Council's website will be designated for the Review to keep interested parties up to date. In addition, and in line with best practice, the Council will be writing to all households within the two existing parishes to bring the Review to their direct attention.

4.4 When undertaking a CGR the Council must also:

- have regard to the need to secure that the Community Governance in the area under review:-
  - (a) reflects the identities and interests of the community in that area; and
  - (b) is effective and convenient
- take into account any representations received in connection with the Review.

4.5 A suggested timetable for the conduct of the CGR is set out in the attached Terms of Reference (see Annex A). Given that three proposals are being considered, and in order to avoid unnecessary confusion, the draft Terms of Reference sets out a two-stage consultation process. The first stage will consult on the three proposals. If following that consultation the Council decides to continue with the existing arrangements, then the CGR will not proceed to stage 2. If, however, the Council considers making changes to the existing arrangements, then the consultation will enter the second stage, during which those matters set out in paragraph 6 below will be consulted upon.

## **5.0 RECOMMENDATIONS OF A COMMUNITY GOVERNANCE REVIEW:**

5.1 Following a public consultation on the Terms of Reference, the Council will draw up and publish draft recommendations upon which a further period of public consultation will be undertaken. Following consultation on the draft recommendations, the Council will agree the final recommendations on the CGR.

## **6.0 PROPOSED NEW PARISHES:**

6.1 Under Section 87 of the 2007 Act a CGR must make recommendations as to what new parish or parishes, if any, should be constituted in the area under review. A new parish is constituted in any one of a number of ways including:-

- the aggregation of parts of parishes;
- the amalgamation of two or more parishes;
- the separation of part of a parish.

6.2 If the CGR recommends that a new parish should be constituted, the Council must also make recommendations as to the following.

- name of the new parish;
- whether or not the new parish should have a Parish Council;
- whether or not the new parish should have one of the alternative styles.

### Existing Parishes under Review

6.3 Under Section 88 of the 2007 Act the CGR must also make the following recommendations in relation to each of the existing parishes under review:

(a) the CGR must make one of the following recommendations:

- (1) that the parish should not be abolished and that its area should not be altered;
- (2) that the area of the parish should be altered;
- (3) that the parish should be abolished.

(b) whether or not the name of the parish should be changed;

(c) whether or not the parish should continue to have a Council.

6.4 The CGR may not make any recommendations for the parish to begin to have an alternative style if it does not already have one.

### Electoral Arrangements:

- 6.5 The CGR must also make recommendations as to what electoral arrangements should apply to any new Parish Council and, where the CGR concludes that a parish should continue to have a Parish Council, recommendations as to what changes if any should be made to the electoral arrangements that apply to that Council.
- 6.6 Electoral arrangements in relation to a CGR means all of the following:
- (a) the year in which ordinary elections of Councillors are to be held;
  - (b) the number of Councillors to be elected to the Council;
  - (c) the division (or not) of the parish into Wards for the purpose of electing Councillors;
  - (d) the number and boundaries of any such Wards;
  - (e) the number of Councillors to be elected for any such Ward;
  - (f) the name of any such Ward.
- 6.7 The CGR may make recommendations to the Electoral Commission as to what related alteration (if any) should be made to District Ward boundaries or County Electoral Division boundaries. It would then be a matter for the Electoral Commission to give effect to any such recommendations.

### Grouping or De-grouping Parishes

- 6.8 A CGR may make recommendations as to whether or not grouping or de-grouping provision should be made. If the CGR recommends that grouping or de-grouping provision should be made, those recommendations must in particular include recommendations as to what changes if any should be made to the electoral arrangements that apply to any Council affected by the provision.

## **7.0 PUBLICISING A COMMUNITY GOVERNANCE REVIEW:**

- 7.1 As soon as practicable after the Council has decided to what extent it will give effect to the recommendations made in a CGR, the Council must:
- (a) publish that decision and the reasons for making that decision; and
  - (b) take such steps as the Council considers sufficient to ensure that persons who may be interested in the Review are informed of that decision and those reasons.
- 7.2 If, following a CGR, it is necessary to make a Community Governance Re-organisation Order to give effect to any changes, the Council must as soon as practicable after making the Order, place a copy of the Re-organisation Order, and a detailed map showing the effects of the Order, on deposit at the Council Offices for public inspection. The Council must also publicise that the Order and map are available for public inspection and inform all of the following that the Order has been made:
- (a) the Secretary of State;
  - (b) the Electoral Commission;
  - (c) the Office of National Statistics;
  - (d) the Director General of the Ordnance Survey;
  - (e) North Yorkshire County Council.

## **8.0 COMMUNITY GOVERNANCE RE-ORGANISATION ORDER:**

- 8.1 A Re-organisation Order may include any of the following provisions:

- (a) provision with respect to the transfer and management or custody of property (whether real or personal);
- (b) provision with respect to the transfer of functions, property, rights and liabilities;
- (c) provision with respect to electoral arrangements.

8.2 If the Council makes a Re-organisation Order, the Council must send two copies of the Order to the Secretary of State and two copies to the Electoral Commission.

#### **9.0 LEGAL IMPLICATIONS:**

9.1 The Council must conduct a CGR in accordance with the requirements set out in Chapter 3 of Part 4 of the Local Government and Public Involvement in Health Act 2007 and guidance issued by the Secretary of State under Section 100(4) of the 2007 Act. Section 83(2) of the 2007 Act requires that where the Council receives a Community Governance Petition, it must undertake a CGR that has Terms of Reference that allow for the petition to be considered.

#### **10.0 FINANCIAL IMPLICATIONS:**

10.1 Given existing staff commitments, not least in connection with the County Council election, it has been necessary to engage external support for this project. York City Council is assisting the District Council with the CGR. The costs of that support are likely to be in the region of £3,000 - £4,000. In addition, the disbursement costs of the CGR (e.g. publicising the review, writing to households and interested stakeholders as part of the multi-stage consultation process) are likely to be in the region of £12,000 if the first and second stage consultations are required. The costs will be less if the second stage consultation is not necessary.

#### **11.0 RECOMMENDATION:**

11.1 It is recommended that Council:-

- (1) approves the Terms of Reference for a Community Governance Review (as set out in Annex A to this report) in accordance with the requirements of Chapter 3 of Part 4 of the Local Government and Public Involvement in Health Act 2007;
- (2) approves the publication of the Terms of Reference in respect of the Community Governance Review, including the proposed timetable, as set out in Annex A to this report;
- (3) authorises the Director of Law and Governance to conduct the Community Governance Review on the Council's behalf and to take all necessary action to comply with the Council's statutory obligations in that regard.

JUSTIN IVES

**Background papers:** none

**Author ref:** GN

**Contact:** Gary Nelson - Director of Law & Governance (Monitoring Officer)  
Direct Line No: 01069 767043

# **HAMBLETON DISTRICT COUNCIL COMMUNITY GOVERNANCE REVIEW 2017 TERMS OF REFERENCE**

## **INTRODUCTION**

### **Aims of the review**

Hambleton District Council has resolved to undertake a Community Governance Review (CGR) pursuant to Part 4, Chapter 3 of the Local Government and Public Involvement in Health Act 2007. The CGR shall comply with the legislative requirements and have regard to the associated statutory guidance and will be conducted in accordance with these terms of reference.

### **Why undertake a community governance review?**

The Council is undertaking this Community Governance Review in response to a petition which was submitted to Hambleton District Council.

A CGR provides an opportunity for principal authorities to review and make changes to community governance within their area. Such reviews can be undertaken when there have been changes in population or in reaction to specific or local new issues to ensure that the community governance for the area continues to be effective and convenient and it reflects the identities and interests of the community.

The government has emphasised that recommendations made in CGR ought to bring about improved community engagement, more cohesive communities, better local democracy and result in more effective and convenient delivery of local services.

## **Parish Matters to be considered**

As a consequence of receiving the petition the District Council is consulting on the following three options:

### **OPTION 1 : THE PETITION PROPOSAL**

The petition proposes the merging of the Aiskew Parish Ward (of Aiskew Parish) and Bedale Parish to form a new parish. The Leeming Bar Parish Ward (of Aiskew Parish) is excluded from the proposal and as such would not form part of the new parish. The petition also proposes that both Aiskew with Leeming Bar Parish Council and Bedale Town Council be abolished and a new parish council created for the new parish. Again, Leeming Bar Parish Ward (of Aiskew Parish) is excluded from the proposal.

The proposed new parish and parish council would cover the area shown edged red on the plan annexed to this document and entitled “Community Governance Review Aiskew and Bedale – Petition Proposal”.

If the District Council resolves to implement the petition proposal then the specific details for such an arrangement (such as the name of the parish council, the number of parish councillors, warding arrangements etc) would be explored as part of the second consultation stage of the review and local residents and stakeholders would be asked to comment on those arrangements at that time.

#### **What happens to Leeming Bar Parish Ward?**

Whilst the petition is silent on this point, if the petition proposal came into effect it is proposed that Leeming Bar Parish Ward (as shown edged blue on the plan entitled “Community Governance Review Aiskew and Bedale – Petition Proposal”) would form its own parish with its own parish council. If the District Council resolves to implement this proposal then the specific details for such an arrangement (such as the name of the parish council, the number of parish councillors, warding arrangements etc) would be explored as part of the second consultation stage of the review and local residents and stakeholders would be asked to comment on those arrangements at that time.

### **OPTION 2 : AN ALTERNATIVE OPTION**

An alternative option to the petition proposal is the merger of the parishes of Aiskew (including both Aiskew Parish Ward and Leeming Bar Parish Ward) and Bedale to create a new parish, together with the abolition of Aiskew with Leeming Bar Parish Council and Bedale Town Council and the creation of a new parish council for the new parish.

The proposed new parish and parish council would cover the area shown edged green on the plan annexed to this document and entitled “Community Governance Review Aiskew and Bedale – Alternative Option”.

If the District Council resolves to implement the alternative option then the specific details for such an arrangement (such as the name of the parish council, the number of parish councillors, warding arrangements etc) would be explored as part of the second consultation stage of the review and local residents and stakeholders would be asked to comment on those arrangements at that time.

### **OPTION 3 : CONTINUE WITH THE EXISTING ARRANGEMENTS**

To make no changes to the existing arrangements, namely, retain the existing parishes of Aiskew and Bedale and retain the existing Aiskew with Leeming Bar Parish Council and Bedale Town Council.

The existing parish boundaries are set out on the plan annexed to this document entitled “Community Governance Review Aiskew and Bedale – Existing Arrangements”, which shows Bedale Parish edged blue, Aiskew Parish edged green, and the parish ward boundaries within Aiskew Parish (namely Aiskew Parish Ward and Leeming Bar Parish Ward) identified with a green dotted line.

### **What is a Community Governance Review (CGR)?**

A CGR provides an opportunity for principal authorities to review and make changes to community governance within their area. Such reviews can be undertaken when there have been changes in population or in reaction to specific or local new issues to ensure that the community governance for the area continues to be effective and convenient and it reflects the identities and interests of the community.

The government has emphasised that recommendations made in CGR ought to bring about improved community engagement, more cohesive communities, better local democracy and result in more effective and convenient delivery of local services.

A CGR is a review of the whole or part of the district to consider one or more of the following:

- Creating, merging, altering or abolishing parishes;
- The naming of parishes and the style of new parishes;
- The electoral arrangements for parishes (the ordinary year of election; council size, the number of councillors to be elected to the council, and parish warding), and
- Grouping parishes under a common parish council or de-grouping parishes.

The District Council is required to ensure that community governance within the area under review will be:

- Reflective of the identities and interests of the community in that area; and
- Is effective and convenient.

In doing so the CGR is required to take into account:

- The impact of community governance arrangements on community cohesion; and
- The size, population and boundaries of a local community or parish.

### **Who will undertake the Community Governance Review (CGR)?**

As the principal authority, the District Council is responsible for undertaking any CGR within its electoral area. The body responsible for overseeing this process is the full Council. It will oversee the CGR and produce draft and final recommendations; the District Council would approve the final recommendations before a Community Governance Order is made.

In undertaking the Review, the District Council will be guided by Part 4 of the Local Government and Public Involvement in Health Act 2007, the relevant parts of the Local Government Act 1972, Guidance on Community Governance Reviews issued in accordance with section 100(4) of the Local Government and Public Involvement in Health Act 2007 by the Department of Communities and Local Government and The Electoral Commission in April 2008. Also the following regulations which guide, in particular, consequential matters arising from the Review: Local Government (Parishes and Parish Councils) (England) Regulations 2008 (SI2008/625); Local Government Finance (New Parishes) Regulations 2008 (SI2008/626).

The District Council is required to have regard to Guidance on Community Governance Reviews issued by the Secretary of State for Communities and Local Government. This Guidance was published in April 2008 and it has been considered when drawing up the Terms of Reference.

## **CONSULTATION**

### **How does the District Council propose to conduct consultations during the Review?**

Before making any recommendations or publishing final proposals, the District Council will take full account of the views of local people. The District Council will comply with the statutory consultative requirements by:

- Consulting local government electors for the areas under review.
- Consulting any other person or body (including a local authority) which appears to the District Council to have an interest in the review.
- Notifying and consulting the County Council.
- Taking into account any representations received in connection with the review.



### **Two-stage consultation process**

The District Council will carry out the Review in two stages. The first stage will consult on the three options (as set out above). If the District Council decides to recommend changes to the local arrangements (e.g. it decides to implement either option 1 or option 2), then the practical steps necessary for implementation (e.g. the name of the new parish, the creation of a new parish council, the number of councillors etc.) will be consulted on at stage two. If, however, at the end of the stage one consultation the District Council decides to continue with the existing arrangements, the second stage of the consultation will not be needed.

Information relating to the CGR will be available on the District Council's website and key documents will be on deposit at the District Council's offices at Civic Centre, Stone Cross, Northallerton, DL6 2UU.

When taking account of written representations the District Council must ensure that community governance within the areas under review reflects the identities and interests of the community in that area; and is effective and convenient.

The District Council will publish its recommendations in accordance with the timetable below and take such steps as it considers sufficient to ensure that persons who may be interested in the CGR are informed of the recommendations and the reasons behind them. The District Council will notify each consultee and any other persons or bodies who have made written representations of the outcome of the review.

### **A TIMETABLE FOR THE CGR**

The following is the timetable for the Community Governance Review:

**Start Date:** 22<sup>nd</sup> February 2017

District Council publishes Terms of Reference and notifies stakeholders, clearly defining extent of CGR.

**First Consultation stage:** 22<sup>nd</sup> February 2017 to 21<sup>st</sup> April 2017

Submissions are invited on the three options set out in the Terms of Reference. The District Council invites feedback from local residents and interested stakeholders on future arrangements under the Terms of Reference.

Results of the first consultation stage to be considered by full Council on 23<sup>rd</sup> May 2017 and recommendations made.

### **Recommendation to continue with existing arrangements**

If the District Council recommends continuing with the existing arrangements in Aiskew and Bedale parishes and that no action is to be taken then the District Council will publish draft proposals to that effect on 24<sup>th</sup> May 2017.

Consultation on draft proposals: 24<sup>th</sup> May 2017 – 23<sup>rd</sup> June 2017

Local residents and stakeholders will be consulted on the draft proposals recommending that no changes are made to the existing arrangements. Namely, to retain the existing Aiskew and Bedale parishes and retain the existing Aiskew with Leeming Bar Parish Council and Bedale Town Council.

Final Recommendations published:

Submissions considered on the draft proposals and final recommendations are published for consideration and decision by full Council on 18<sup>th</sup> July 2017.

### **Recommendation to implement either the Petition Proposal or the Alternative Option**

If the District Council considers making changes to the arrangements in Aiskew and Bedale parishes the District Council will make recommendations for a second consultation stage.

Second Consultation Stage: 24<sup>th</sup> May – 23<sup>rd</sup> July 2017

In addition to seeking views on whether to change local arrangements, the second consultation stage will seek local residents and stakeholders views on the specifics of the future local arrangements, such as the name of any new parish council and the number of parish councillors.

Results of the second consultation stage will be considered by full Council on 12<sup>th</sup> September 2017 and recommendations on the future arrangements for the Aiskew and Bedale parishes will also be made.

Consultation on Draft Proposals: 13<sup>th</sup> September 2017 – 12<sup>th</sup> October 2017

The draft proposals are published setting out the proposed future arrangements for the existing Aiskew and Bedale parishes and their respective parish and town councils. Local residents and stakeholders will be consulted on the draft proposals.

Final Recommendations published:

Submissions considered on the draft proposals and final recommendations are published for consideration and decision by full Council on 12<sup>th</sup> December 2017.

Order made

The District Council publishes the Reorganisation Order and requests the Electoral Commission to approve any consequential changes.

**ELECTORATE FORECASTS**

The latest Register of Electors published on 4<sup>th</sup> January 2017 shows the following number of electors within the area subject to the Review: 5558. There are currently 3140 properties.

When the District Council comes to consider the electoral arrangements of the parishes in its area, it is required to consider any change in the number or distribution of the electors which is likely to occur in the period of five years beginning with the day when the review starts. Election forecasts have been made and are detailed below. These are based on the most recent electoral register, planning assumptions and likely growth within the area based on the number of planning permissions granted and the Council's Local Development Framework to provide a five year electorate forecast.

	Households		Electors	
	2017	2022	2017	2022
Electorate*	3140	3474 <sup>(1)</sup>	4786	5387 <sup>(2)</sup>

1. Calculated on the number of additional dwellings due from outstanding granted planning permissions and allocation sites under the Local Development Framework in the areas under review.
2. Calculated on the average rate of 1.8 electorate per household for the areas under review.

**NB**

\* Elections information is based on numbers on register so will not reflect total population

## Parish Areas

This review considers merging the parish of Bedale with one or both of the parish wards of Aiskew Parish. The legislation requires that the District Council must have regard to the need to secure that community governance within the area under review:

- Reflects the identities and interests of the community in that area;
- Is effective and convenient; and
- Takes into account any other arrangements for the purposes of community representation or community engagement in the area.

## Viability of any new Parish

The District Council recognises that parishes should be viable and should possess a precept that enables them to actively and effectively promote the well-being of their residents and to contribute to the real provision of services in their areas in an economic and efficient manner. The District Council is committed to ensuring that the outcome of the Review leads to a parish that is based on the area which reflects community identity and interests and which is viable as an administrative unit.

## A Council for a Parish

The legislation lays down the different duties that the District Council has with regard to the creation of a council for a Parish:

- where the number of electors is 1,000 or more – a Parish Council must be created;
- where the number of electors is 151-999 – a Parish Council may be created, with a parish meeting being an alternative of parish governance; and
- where the number of electors is 150 or fewer – a Parish Council is not created.

## Electoral arrangements

If the District Council resolves to implement the petition proposal or the alternative option, it will need to consider the future electoral arrangements of any new parish and parish council. The District Council will consult on electoral arrangements as part of the second stage consultation which will include the following:

- The ordinary year in which elections are held;
- The number of councillors to be elected to the council;
- The division (or not) of the parish into wards for the purpose of electing councillors;
- The number and boundaries of any such wards;
- The number of councillors to be elected for any such ward; and
- The name of any such ward.

The Local Government Act 1972 states that ordinary election of parish councillors shall take place in 1976, 1979 and every fourth year thereafter (i.e. 2007, 2011, 2015, etc) However, parish elections may be held in other years to coincide with the cycle for the District Council, so that the costs of elections can be shared. If the Review finds that it will be appropriate to hold an election for parish councillors, for a newly formed parish, at an earlier date than the next scheduled ordinary elections, the terms of office of any newly elected parish councillors will be so reduced as to enable the electoral cycle to revert to the normal cycle in the district at the next ordinary elections.

The District Council notes that the number of parish councillors for each parish council shall not be less than five. There is no maximum number and there are no rules relating to the allocation of councillors. There are, however, guidelines that have been published by the Aston Business School which found the following levels of representation:

<b>Electorate</b>	<b>Councillor allocation</b>
Less than 500	5 – 8
501-2,500	6 – 12
2,501 – 10,000	9 – 16
10,001 – 20,000	13 – 27
Greater than 20,000	13 - 31

The Government’s guidance is that “each area should be considered on its own merits, having regard to its population, geography and the pattern of communities.”

Therefore the District Council is prepared to pay attention to existing levels of representation, the broad pattern of existing council sizes and the take up of seats at election time.

## **REORGANISATION OF COMMUNITY GOVERNANCE ORDERS AND COMMENCEMENT**

The Review will be completed when the District Council adopts the Reorganisation of Community Governance Order. Copies of this Order, the map(s) that show the effects of the order in detail, and the document(s) which set out the reasons for decisions that the District Council has taken (including where it has decided to make no change following a Review) will be deposited at the District Council’s Offices, website and Community Offices.

In accordance with the Guidance issued by the Government, the District Council will issue maps to illustrate each recommendation at a scale that will not normally be smaller than 1:10,000.

These maps will be deposited with the Secretary of State at the Department of Communities and Local Government and at the District Council's office at Civic Centre, Stone Cross, Northallerton, DL6 2UU. Prints will also be supplied, in accordance with the regulations, to Ordnance Survey, the Registrar General, the Land Registry, the Valuation Office Agency, the Boundary Commission for England and the Electoral Commission.

It is proposed that any Order will take effect for financial and administrative purposes as soon as practicable.

The electoral arrangements for a new or existing parish council will come into force at the next elections to the parish council which will be on Thursday 2 May 2019.

## **CONSEQUENTIAL MATTERS**

### **General principles**

The District Council notes that a Reorganisation Order may cover any consequential matters that appear to the District Council to be necessary or proper to give effect to the Order. These may include:

- The transfer and management or custody of property; The setting of precepts for new parishes;
- Provision with respect to the transfer of any functions, property, rights and liabilities;
- Provision for the transfer of staff, compensation for loss of office, pensions and other staffing matters.
- Electoral arrangements of any new parish created by the merging of the previous two parishes, including number of councillors, warding structure and naming of the parish.

In these matters, the District Council will be guided by Regulations that have been issued following the 2007 Act.

### **How to submit your views**

You can submit your views online at [www.hambleton.gov.uk](http://www.hambleton.gov.uk) or by writing addressed to:

Louise Hancock  
Democratic Services Officer  
Hambleton District Council  
Civic Centre  
Northallerton  
DL6 5UU

Alternatively your submission may be emailed to:

[cgr@hambleton.gov.uk](mailto:cgr@hambleton.gov.uk)

-

### **How to contact us**

Contact details at the District Council for the duration of the Review are as follows:

Gary Nelson, Director of Law and Governance, Tel. 01609 767012 or Email:  
[gary.nelson@hambleton.gov.uk](mailto:gary.nelson@hambleton.gov.uk)

Laura Venn, Legal Services Manager, Tel. 01609 767004 or Email:  
[laura.venn@hambleton.gov.uk](mailto:laura.venn@hambleton.gov.uk)

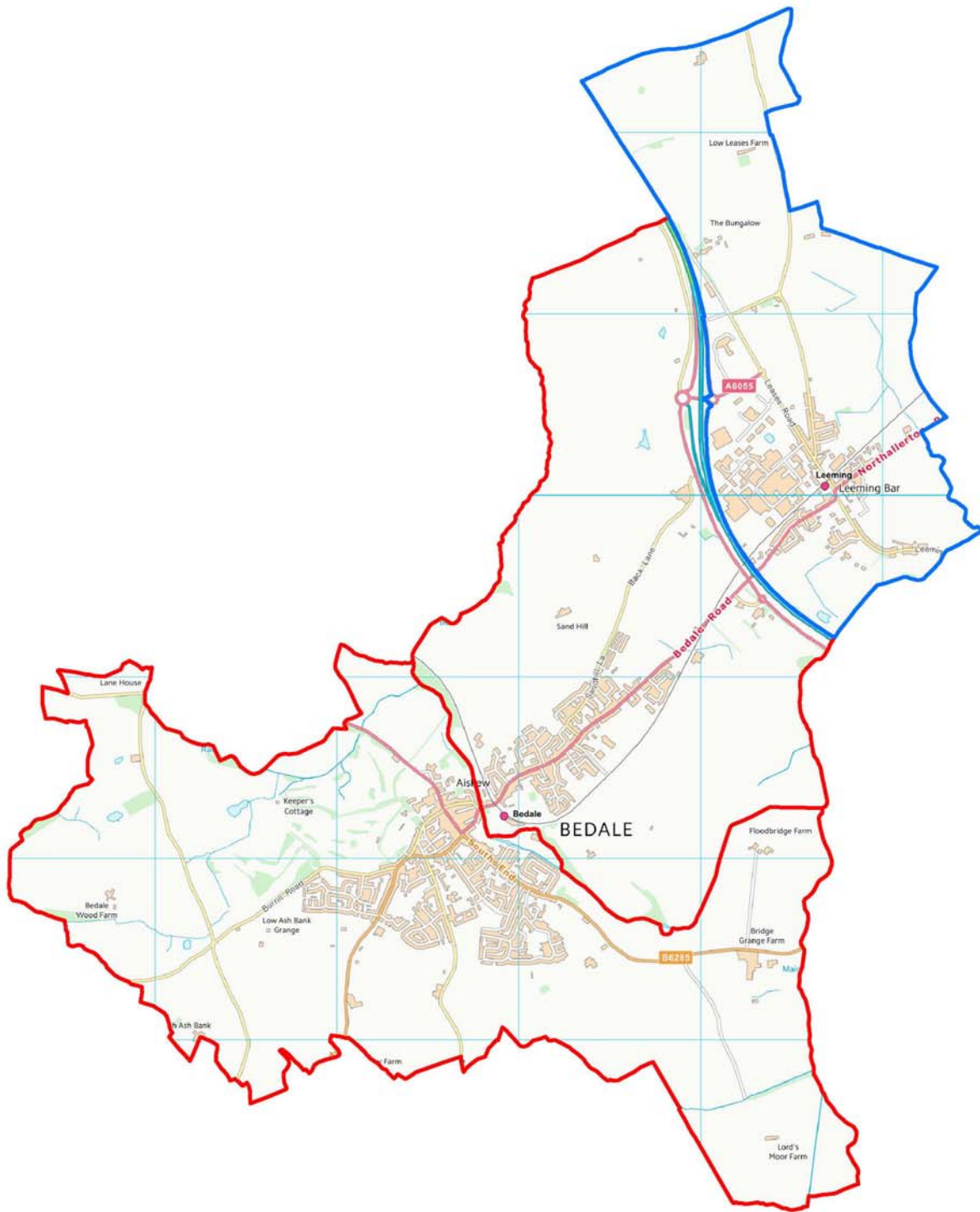
Louise Hancock, Democratic Services Officer, Tel. 01609 767015 or Email  
[louise.hancock@hambleton.gov.uk](mailto:louise.hancock@hambleton.gov.uk)

### **Publication of Terms of Reference**

These Terms of Reference will be published on the District Council web site <http://www.hambleton.gov.uk> and will be available for inspection at the offices at Civic Centre, Stone Cross, Northallerton. DL6 2UU

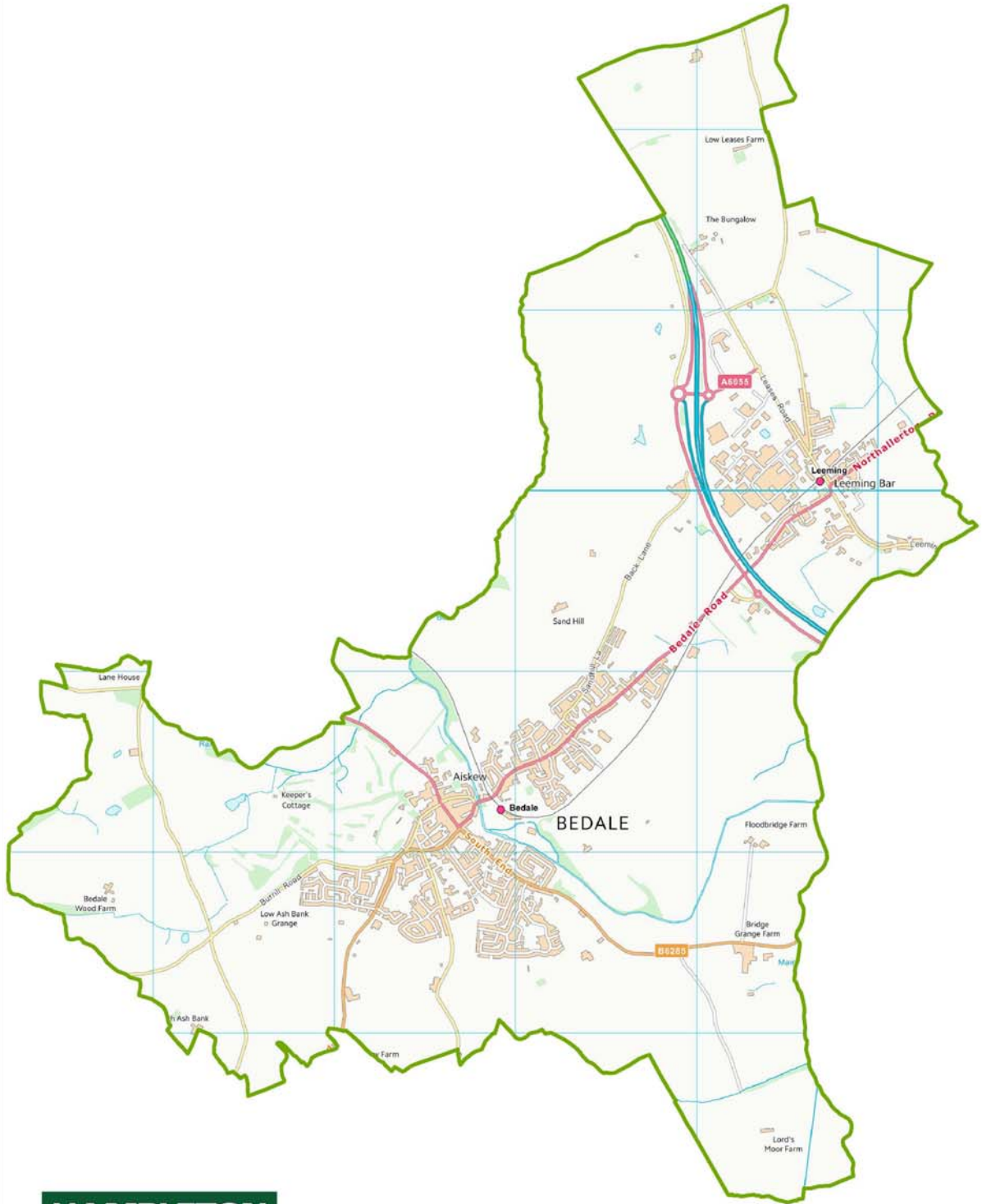
Notices advertising this Community Governance Review and the availability of these Terms of Reference will also be posted within each Parish .

**Community Governance Review Aiskew and Bedale - Petition Proposal**





**Community Governance Review Aiskew and Bedale – Alternative Option**

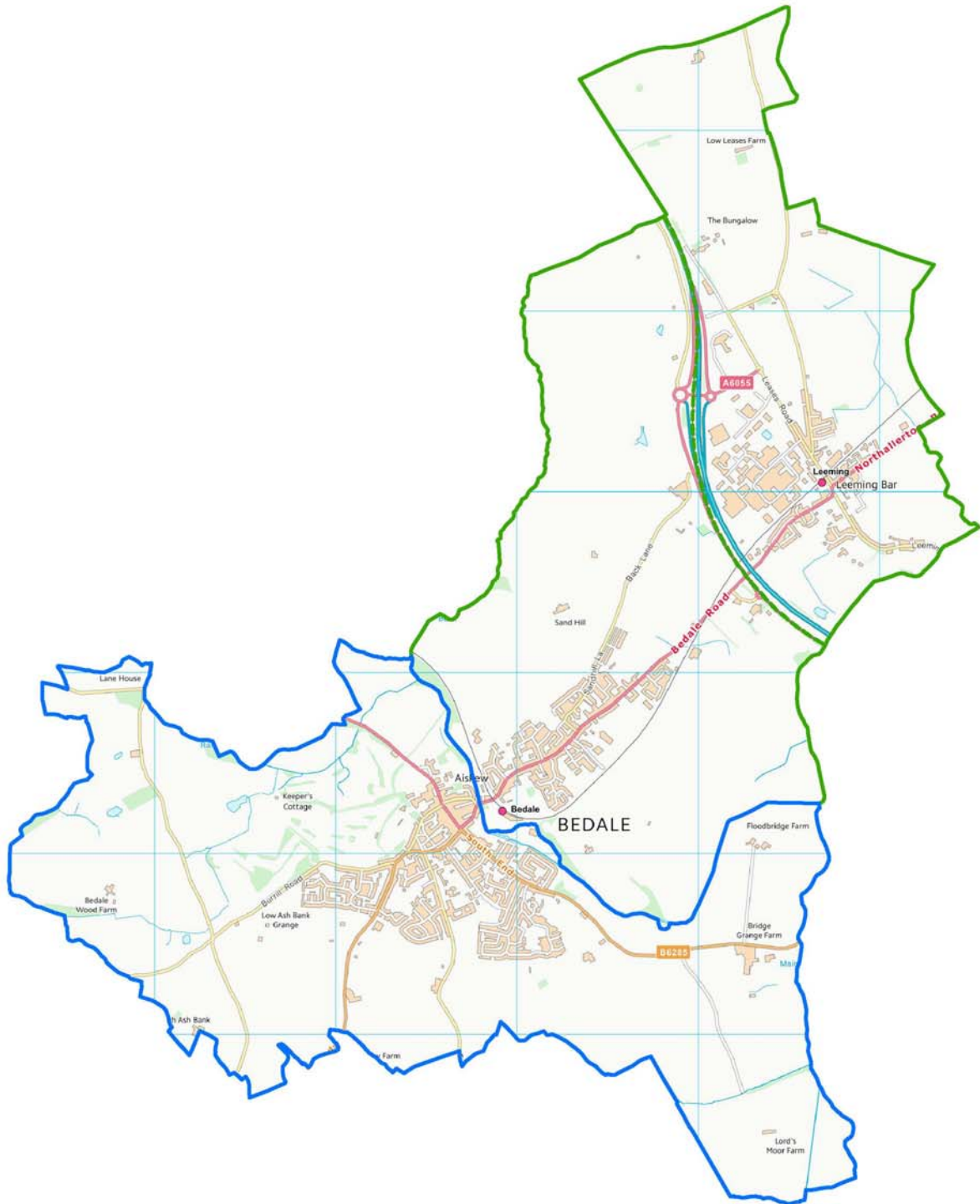


**HAMBLETON**  
DISTRICT COUNCIL

Civic Centre, Stone Cross, Northallerton DL6 2UU  
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**Community Governance Review Aiskew and Bedale - Existing Arrangements**



## **MINUTES FOR INFORMATION**

<u>Committee</u>	<u>Date</u>	<u>Page</u>
Cabinet	10 January 2017 7 February 2017	67 69
Scrutiny Committee	12 January 2017	73
Planning Committee	5 January 2017 2 February 2017	75 81
Audit, Governance and Standards Committee	24 January 2017	85
Extraordinary meeting of Audit, Governance and Standards Committee	24 January 2017	89
Standards Hearings Panel	23 January 2017	91

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**Decisions taken under Cabinet authority  
to take effect on 23 January 2017**

Decisions of the meeting of the CABINET held  
at 9.30 am on Tuesday, 10th January, 2017 at  
COUNCIL CHAMBER, CIVIC CENTRE,  
STONE CROSS, NORTHALLERTON

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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
	Mrs C S Cookman		Mrs I Sanderson
	C A Dickinson		A Wake
	K G Hardisty		Mrs J Watson
	D Hugill		D A Webster

CA.59 **CHAIRMAN'S ANNOUNCEMENT**

Members observed a minute's silence as a tribute to the memory of Diane Henry, the Council's Electoral Services Team Leader, who had passed away suddenly.

CA.60 **MINUTES**

**THE DECISION:**

That the decisions of the meeting held on 6 December 2016 (CA.50 – CA.57), previously circulated, be signed as a correct record.

CA.61 **PUBLIC OPEN SPACE, SPORT AND RECREATION ACTION PLANS**

Tanfield

**The subject of the decision:**

This report sought endorsement of the refreshed Public Open Space, Sport and Recreation Action Plans for Pickhill with Roxby and Sinderby.

**Alternative options considered:**

None.

**The reason for the decision:**

To comply with the Council's legal responsibility to ensure funding is used in a way consistent with the individual S106 Agreements.

**THE DECISION:**

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

CA.62 **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.63 on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act as the Cabinet was satisfied that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

CA.63 **PROPOSAL TO BUY BACK 1.6475 HECTARES (4.071 ACRES) OF EMPLOYMENT LAND AT LEEMING BAR BUSINESS PARK**

Bedale

**The subject of the decision:**

This report provided information on the proposal to buy back 2 acres of employment land at Leeming Bar Business Park.

**Alternative options considered:**

None.

**The reason for the decision:**

To comply with the terms of the buy-back provision within the sale terms.

**THE DECISION:**

That Cabinet notes that the Council will be buying back 2 acres of land at Leeming Bar Business Park before 15 March 2017 and will then re-market the land.

The meeting closed at 10.20 am

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Leader of the Council

**Decisions taken under Cabinet authority  
to take effect on 20 February 2017**

Decisions of the meeting of the CABINET held  
at 9.30 am on Tuesday, 7th February, 2017 at  
COUNCIL CHAMBER, CIVIC CENTRE,  
STONE CROSS, NORTHALLERTON

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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	D M Blades	Councillor	J Noone
	Mrs C S Cookman		C Patmore
	C A Dickinson		Mrs I Sanderson
	D Hugill		D A Webster

CA.73 **MINUTES**

**THE DECISION:**

That the decisions of the meeting held on 10 January 2017 (CA.58 – CA.63), previously circulated, be signed as a correct record.

CA.74 **ADULT WEIGHT MANAGEMENT SERVICE**

All Wards

**The subject of the decision:**

This report sought approval for the Council to submit a joint bid with other partners to operate part of the Adult Weight Management service advertised by North Yorkshire County Council.

**Alternative options considered:**

None.

**The reason for the decision:**

Enhancing the health and well-being of residents was a key priority and delivering this service would be a contributory element to tackling this challenge.

**THE DECISION:**

That:-

- (1) Hambleton District Council forms a consortium with Richmondshire District Council and North Yorkshire Sport and submits a tender for Lot 1 of the Adult Weight Management service; and

- (2) Management Team be responsible for approving the final tender submission.

CA.75 **SUPPORT FOR BUSINESS NETWORKS**

All Wards

**The subject of the decision:**

This report outlined a proposal to develop a grant scheme specifically to support the further development of business networks across the District. The report also sought approval to allocate £40,000 from the Economic Development Fund to support the delivery of this initiative which supported the Hambleton Economic Strategy (2014) themes of Business Support and Vibrant Market Towns.

**Alternative options considered:**

None.

**The reason for the decision:**

Cabinet was satisfied that this project supported the Council's priority to support local economic growth. Further support for business networks was a project which had been included in the Council's Economic Strategy, Hambleton 'A Place to Grow' within the Business Support Priority theme.

**THE DECISION:**

That:-

- (1) the allocation of £40,000 from the Economic Development Fund to establish a delegated grant scheme to support business networks be approved;
- (2) the delegated grant scheme be managed by the Business and Economy Team who will develop detailed guidance and eligibility criteria; and
- (3) subject to the details set out in paragraph 1.4 and 1.5 of the report, the grant criteria be agreed in consultation with the Portfolio Holder.

CA.76 **IMPROVING CONNECTIONS BETWEEN NORTHALLERTON HIGH STREET AND THE PRISON SITE**

Northallerton South

**The subject of the decision:**

This report provided background to work undertaken to date examining the east west connectivity in the town centre between the High Street and the development to take place on the former HMP Northallerton site. Authority was also sought to prepare more detailed proposals for key links.

**Alternative options considered:**

None.



**The reason for the decision:**

Cabinet was satisfied that ensuring strong linkages between the redeveloped prison site and the High Street to maximise their economic potential supported the Council's Vibrant Market Town element of its Economic Development priority.

**THE DECISION:**

That approval be given for the improvement schemes for Zetland Street, New Row and Central Arcade to be worked up in more detail and that a further report be submitted to a future meeting of Cabinet.

The meeting closed at 10.30 am

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Leader of the Council

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Minutes of the meeting of the SCRUTINY  
COMMITTEE held at 9.30 am on Thursday, 12th  
January, 2017 at Main Committee Room, Civic  
Centre, Stone Cross, Northallerton, DL6 2UU

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Present

Councillor S P Dickins (in the Chair)

Councillor	Mrs C S Cookman	Councillor	D Hugill
	M A Barningham		Ms C Palmer
	C A Dickinson		Mrs I Sanderson
	R W Hudson		D A Webster

Apologies for absence were received from Councillors G W Ellis and A Wake.

SC.26 **MINUTES**

**THE DECISION:**

That the minutes of the meeting of the Committee held on 17 November 2016 (SC.21 - SC.25), previously circulated, be signed as a correct record.

SC.27 **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.

Helen Kemp, Director of Economy and Planning, 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 agreed that no further witnesses were required at this stage. The Committee would review any additional information provided and 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 the additional information provided and evidence gathered so far be reviewed at the next meeting of the Committee in order to determine whether to conclude the policy review.

SC.28 **POLICY REVIEW - HEALTH AND SAFETY**

All Wards

As a continuation of this review, 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 was satisfied that it had adequately completed its Review and agreed that it could now prepare its draft final report.

**THE DECISION:**

That the draft final report be prepared for consideration at the next meeting of the Committee.

The meeting closed at 10.30 am

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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
	Mrs B S Fortune		C Rooke
	K G Hardisty		Mrs I Sanderson

Also in Attendance

Councillor	R W Hudson	Councillor	A Wake
	R Kirk		Mrs J Watson
	M S Robson		

An apology for absence was received from Councillor S P Dickins

P.20 **MINUTES**

**THE DECISION:**

That the minutes of the meeting of the Committee held on 8 December 2016 (P.18 - P.19), previously circulated, be signed as a correct record.

P.21 **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) 16/02048/FUL - Revised application for change of use of land to holiday lodge park (54 Lodges) with associated reception building, solar farm, landscaping and amenity ponds, together with formation and alteration of highway access and internal roads and associated car parking at Angrove Park, Winley Hill, Great Ayton for Mr Alan Petch

PERMISSION GRANTED subject to the satisfactory completion of a Section 106 Agreement to secure the future maintenance of the highway verge.

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

(John Fletcher spoke on behalf of Great Ayton Parish Council in support of the application.)

(Steve Barker spoke objecting to the application.)

- (2) 16/01941/FUL - Proposed construction of new dwelling at Edgewold, Easingwold Road, Huby for Miss Caroline Thomson

PERMISSION REFUSED

(The applicant, Caroline Thomson, spoke in support of the application.)

- (3) 16/02136/FUL - Change of use of agricultural land to provide extension of existing caravan park for provision of 49 permanent static unit pitches at Canvas Farm, Moor Road, Knayton for Mr and Mrs Cook

PERMISSION GRANTED subject to an amendment to Condition 18 to specify a minimum of 3 passing places

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

(Barbara Scott spoke on behalf of Knayton with Brawith Parish Council objecting to the application.)

- (4) 16/02127/FUL - Site development to form 3 new dwellings (revision to planning application 16/01540/FUL) at Land to the south of Bravener Court, Newton-on-Ouse for Mrs Toni Johnston

DEFER for further consideration on the impact on protected species and to seek a reduction of the height of the building on Plot 1

(The applicant, Toni Johnston, spoke in support of the application.)

(Andrew Windrum spoke on behalf of Newton-on-Ouse Parish Council objecting to the application.)

(Anthony Scott spoke objecting to the application.)

Disclosure of Interest

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

- (5) 16/02464/FUL - Retention of three existing dwellings located within converted outbuildings to the rear of Framfield House at Framfield House, Main Street, Shipton by Beningbrough for Mrs M Johnson

PERMISSION REFUSED on the grounds that the site is of an inadequate size to make satisfactory provision for vehicle parking and turning, private amenity space for the units and safe pedestrian access for all users.

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

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

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

(Richard Irving spoke objecting to the application.)

- (6) 16/02441/FUL - Construction of a replacement detached domestic garage at Amblers Lodge, Amblers Lane, Shipton by Beningbrough for Mr & Mrs B M Dean

PERMISSION GRANTED

- (7) 16/00529/FUL - Demolition of an outbuilding and the construction of 42 residential units at Station Yard, Mowbray Terrace, West Tanfield for Berkeley DeVeer

PERMISSION GRANTED subject to an additional condition for a retaining structure adjacent to the former railway line; a Section 106 Agreement to secure affordable housing and to allow for the review of affordable housing numbers; and to establish the extent of the adoptable highway

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

The meeting adjourned at 12.10pm and reconvened at 1.30pm.

- (8) 16/01614/OUT - Outline planning application with details of access and layout (all other matters reserved) for residential development and Mrs C M Clift at Land adjacent Church House, Church Wind, Aine for Mr R G Hirst

PERMISSION GRANTED

(Ron Taylor spoke objecting to the application.)

- (9) 16/02163/FUL - Revised retrospective application for change of use from agriculture to temporary mixed use, adding external temporary storage of log cabins and static holiday homes at Sunley Woods Farm, Husthwaite for Mr Ben Duffield

PERMISSION REFUSED

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

(Peter Fox spoke on behalf of Husthwaite Parish Council objecting to the application.)

(Phillip Hewitson spoke objecting to the application.)

- (10) 16/02307/FUL - Change of use of annexe to a dwellinghouse and formation of access at Tatton Lodge, Londonderry for Mr & Mrs J Bleasdale

PERMISSION GRANTED

- (11) 16/02401/FUL - Retrospective application for change of use of agricultural building to general machine/contractor repair at Bye Green Holdings, Low Street, Husthwaite for Mr Thomas Carter

PERMISSION GRANTED subject to an amendment to Condition 3 requiring the doors to be closed during work operations.

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

- (12) 16/02182/FUL - Two storey and single storey extensions to the rear of the dwellinghouse at 22 North End, Hutton Rudby for Mr Kevin Smith

DEFER for further consideration of daylight and sunlight issues

- (13) (a) 16/02242/FUL & (b) 16/02243/LBC - Applications for planning permission and Listed Building Consent for demolition of agricultural buildings, conversion of agricultural building to dwellinghouse, construction of two dwellinghouses and construction of building for parking/storage, construction of replacement garage and alterations to the access drive at Goldswang Farm, The Green, Kirklington for Kirklington (Yorks) Estates

16/02242/FUL - PERMISSION GRANTED

16/02243/LBC - PERMISSION GRANTED

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

- (14) 16/02343/FUL - Formation of new car parking including alterations and improvement to car parking layout with associated landscaping following the removal of existing buildings to the rear of 8-18 Priory Close at Friarage Hospital, Northallerton for South Tees NHS Foundation Trust

PERMISSION GRANTED subject to amendment of Conditions 2 and 10 to provide an additional section of boundary fencing

(The applicant's agent, Joe Biggs, spoke in support of the application).



(Irene Dolman spoke objecting to the application.)

- (15) 16/02339/FUL - Alteration to existing roof height of single storey dwelling to create first floor accommodation and a single storey extension to front of the bungalow and the creation of a new access at Debeviane, Hilton Road, Seamer for Mr & Mrs Simon Evershed

PERMISSION GRANTED

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

(Walter Patterson spoke on behalf of Seamer Parish Council objecting to the application.)

(Derek Winterbotham spoke objecting to the application.)

- (16) 16/01575/FUL - Demolition of substation, office building and garage and construction of 2 detached single storey dwellings with vehicle parking together with modified verge crossing and associated works at Masonic Lane, Thirsk for Mr I Stevenson

PERMISSION GRANTED

- (17) 16/02304/FUL - Proposed alterations and change of use of ground floor to a retail unit, change of use of second floor from dance studio/gym to three apartments and the construction of a detached dwelling to the rear at 2 Castlegate, Thirsk for Mr W Calvert

PERMISSION GRANTED because it was considered that the alterations do not cause harm to the character and appearance of the conservation area and building

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

(The applicant's agent, Paul Walkland, spoke in support of the application).

- (18) 16/02380/FUL - First floor extension to existing dwelling for at The Old Black Bull, Thormanby Mr Peter Gibson

PERMISSION GRANTED

- (19) 16/01951/FUL - Construction of a warehouse in association with the existing business use and two storey ancillary mess facility with associated external access, parking and drainage attenuation pond at Land adjacent Eldmire Lane, Dalton for NTS Dalton

PERMISSION GRANTED

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

The meeting closed at 4.20 pm

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Chairman of the Committee

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Present

Councillor D A Webster (in the Chair)

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

An apology for absence was received from Councillor S P Dickins

P.22 **MINUTES**

**THE DECISION:**

That the minutes of the meeting of the Committee held on 5 January 2017 (P.20 - P.21), previously circulated, be signed as a correct record.

P.23 **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) 16/02467/FUL - Retrospective application to use an existing annexe as a dwellinghouse (for residential renting or for holiday accommodation) at The Annexe at Carthorpe Barn, Carthorpe for Mr Andrew Parker

PERMISSION GRANTED

- (2) 16/02514/OUT - Outline application (all matters reserved) for the construction of 3 dwellings at Land west of Exelby Grange, Exelby for Mr G Clark

PERMISSION GRANTED subject to an additional condition requiring a footway along the front of the site

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

Disclosure of Interest

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

- (3) 16/02575/OUT - Outline planning application for the development of 4 residential dwellings and associated infrastructure with details of access and layout (all other matters reserved) at Land to the north west of Foxholm House, Flawith for Alcuin Homes

PERMISSION REFUSED because the development was contrary to Development Plan Policies that seek to protect the Character of Settlements, the Countryside and the amenity of residents.

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

(The applicant's agent, Paul Butler, spoke in support of the application).

(Paul Scott spoke objecting to the application.)

- (4) 16/02681/OUT - Outline planning permission with some matters reserved (access included) for construction of 3 dwellings and associated vehicular access at Hall Farm, Hornby for Mr T Elsdon

PERMISSION GRANTED

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

- (5) 16/02408/FUL - Application for proposed alterations and change of use from retail to food outlet at Vernons Furniture Warehouse, Shipton by Beningbrough for Mr P Akciecek (Harpers)

PERMISSION GRANTED subject to an additional Highways condition relating to the vehicular access and advanced warning signs.

(The applicant, Lee Harrison, spoke in support of the application.)

- (6) 16/02409/ADV - Application for Advertisement Consent to amend signage to display an illuminated fascia sign at Vernons Furniture Warehouse, Shipton by Beningbrough for Mr P Akciecek (Harpers)

PERMISSION GRANTED

- (7) 16/01511/FUL - Revised application for the demolition of existing motor trade premises and associated paraphernalia and construction of 9 dwellings with associated access together with the construction of domestic garage for existing dwelling at Walkers Garage, South Otterington for Mr Stephen Smith

PERMISSION GRANTED

(Tim Axe spoke objecting to the application.)

- (8) 16/02350/FUL - Construction of two detached dwellings and garages as a replacement of the existing detached dwelling, garage and workshop at The Hawthorns, Main Street, Thornton le Moor for Mr & Mrs M Fortescue

PERMISSION GRANTED

(Brian Myers spoke objecting to the application.)

- (9) 16/02697/FUL - Two storey extension to existing dwelling to form an annexe at The Croft, South Back Lane, Tollerton for Mrs M Hardy

PERMISSION GRANTED subject to additional conditions to control the method of opening of windows, and that access shall only be from South Back Lane.

- (10) 16/02586/FUL - Revised application for a change of use from agricultural to domestic use, involving the construction of single storey steel portal structure to accommodate domestic cars and motorbikes at Well Hall Farm, Bedale Road, Well for Mr Garry Elsworth

PERMISSION REFUSED

(The applicant's agent, Helen Boston, spoke in support of the application).

(Jean Skinner spoke objecting to the application.)

The meeting closed at 3.25 pm

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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,  
24th January, 2017 at MAIN COMMITTEE  
ROOM, CIVIC CENTRE, STONE CROSS,  
NORTHALLERTON

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Present

Councillor R W Hudson (in the Chair)

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

Also in Attendance

Councillor	N A Knapton	Councillor	M S Robson
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AGS.25 **MINUTES**

**THE DECISION:**

That the minutes of the meeting of the Committee held on 25 October 2016 (AGS.18 - AGS.24), previously circulated, be signed as a correct record.

AGS.26 **REGULATION OF INVESTIGATORY POWERS ACT - REVIEW OF ACTIVITY**

All Wards

**The subject of the decision:**

The Director of Law and Governance (Monitoring 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 26 October 2016 to 24 January 2017.

AGS.27 **STATUTORY AUDITOR - ANNUAL AUDIT LETTER 2015/16**

All Wards

**The subject of the decision:**

The Director of Finance (S151 Officer) presented a report on the External Auditor's Annual Audit Letter on the 2015/16 Audit, a copy of which was attached as Annex 'A' to the report. A representative from Ernst & Young LLP was in attendance to answer questions.

**Alternative options considered:**

None.

**The reason for the decision:**

To take account of the External Auditor's audit and inspection work for the financial year 2015/16.

**THE DECISION:**

That the External Auditor's Annual Audit Letter on the 2015/16 Audit be received.

AGS.28 **INTERNAL AUDIT SECOND PROGRESS REPORT 2016/17**

All Wards

**The subject of the decision:**

The Director of 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.29 **STATUTORY AUDITOR - QUARTERLY UPDATE REPORT**

All Wards

**The subject of the decision:**

The Director of 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.30 **DISCRETIONARY BUSINESS RATE RELIEF POLICY**

All Wards

**The subject of the decision:**

The Director of Finance (S151 Officer) presented a report which sought a review of the revised Discretionary Rate Relief Policy (DRRP) effective from 1 April 2017, prior to it being presented to Cabinet on 7 February 2017 for approval at Council on 21 February 2017.

**Alternative options considered:**

None.

**The reason for the decision:**

To seek the Committee's views on the proposed revised Discretionary Rate Relief Policy.

**THE DECISION:**

That consideration of this matter be deferred to enable an in-depth review to take place at the Extraordinary meeting of the Audit, Governance & Standards Committee scheduled to take place at 10.30am on 24 January 2017.

The meeting closed at 10.00 am

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Chairman of the Committee

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Minutes of the Extraordinary meeting of the AUDIT,  
GOVERNANCE AND STANDARDS COMMITTEE  
held at 10.30 am on Tuesday, 24th January, 2017 at  
MAIN COMMITTEE ROOM, CIVIC CENTRE,  
STONE CROSS, NORTHALLERTON

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Present

Councillor R W Hudson (in the Chair)

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

Also in Attendance

Councillor	N A Knapton	Councillor	M S Robson
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AGS.31 **DISCRETIONARY BUSINESS RATE RELIEF FURTHER INFORMATION**

All Wards

**The subject of the decision:**

The Director of Finance (S151 Officer) presented a report which sought a review on the revised Discretionary Rate Relief Policy (DRRP) effective from 1 April 2017 prior to it being presented to Cabinet on 7 February 2017 for approval at Council on 21 February 2017.

The Committee had deferred this matter from the meeting of Audit, Governance and Standards Committee held at 9.30am on Tuesday, 24 January 2017 in order to undertake an in-depth review of the proposals prior to making any recommendations to Cabinet for consideration.

Councillor Wilkinson informed the Committee that he had taken advice from the Director of Law & Governance (Monitoring Officer) with regards to him being the Deputy Leader on Cabinet and also a member of this Committee. It was clarified that Councillor Wilkinson could vote at Audit, Governance & Standards Committee on any issue raised with regards to the Discretionary Rate Relief Policy and would present the report at Cabinet. However, he would not vote on the matter at Cabinet in order to avoid any perception that he had pre-determined the issue at Cabinet.

Members went on to consider issues in relation to the Discretionary Rate Relief Policy, namely:-

- the policy wording and areas included in the policy;
- the policy previously approved in 2006, and organisations that can be allowed mandatory relief under statute;
- the 'matrix' which officers use as an operational tool to determine if an organisation is eligible for Discretionary Rate Relief; and
- the financial implications of granting Discretionary Rate Relief to organisations

It was proposed by Councillor G W Dadd and seconded by Councillor R W Hudson that the wording of the Discretionary Rate Relief Policy be amended to provide for recognition of organisations that facilitate the provision of public services.

Following a vote the motion was not carried.

**Alternative options considered:**

None.

**The reason for the decision:**

To enable the Committee to undertake an in-depth review of the proposed revised Discretionary Rate Relief Policy and make recommendations to Cabinet.

**THE DECISION:**

Members reviewed the Discretionary rate Relief Policy and no amendments were made or recommended to Cabinet.

The meeting closed at 12.10 pm

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Chairman of the Committee

Present

Councillor Mrs C S Cookman Councillor Mrs J Watson  
R W Hudson

Independent Person

Mr B Ferguson

Parish Council Representative

Parish Councillor Mrs C Artingstoll

SHP.4 **ELECTION OF CHAIRMAN**

**THE DECISION:**

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

(Councillor Hudson in the Chair)

SHP.5 **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.6 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.6 **ALLEGATIONS ABOUT A PARISH COUNCIL MEMBER**

Stokesley

**The subject of the decision:**

The Deputy Monitoring Officer presented a report about allegations that a Parish Councillor ("the Councillor") failed to comply with the provisions of the Parish Council's Code of Member Conduct. It was alleged that the Councillor behaved in a disrespectful way towards a member of the public ("the Complainant") during a meeting on 16 September 2016 and again in correspondence on 18 September 2016 and acted in a way that was bullying or intimidatory during a verbal exchange with the Complainant on 23 September 2016.

The Complainant had informed Hambleton District Council that he would not be attending the hearing. No adjournment was sought and the Panel considered the matter in the Complainant's absence.

The Councillor against whom the allegations had been made and the Councillor's wife attended the hearing.

**Alternative options considered:**

The Panel considered making recommendations contained within paragraph 3.3 of the Monitoring Officer's report. However, having concluded, that the Councillor had not breached the Code of Conduct, no further action was necessary.

**The reason for the decision:**

Having considered the Monitoring Officer's report, the written statement of the Complainant, the Parish Council's Code of Conduct, and having heard oral representations from the Councillor and his wife ("W"), the Panel reached the following conclusions:

The Panel noted that the Parish Council Code of Conduct for Members only applies where a parish councillor is acting in their capacity as a Member of the Parish Council and does not apply when a parish councillor is acting in a private capacity.

Both parties presented evidence that a meeting took place between the Complainant and the Councillor on 16<sup>th</sup> September 2016. The Complainant alleged that, at this time, the Councillor had told the Complainant that he was a parish councillor. The Complainant also alleged that the Councillor had used inappropriate language at the meeting. During the hearing, the Councillor told the Panel that, on 16<sup>th</sup> September 2016, he was acting as a mediator (appointed by a third party) on a business matter which involved the Complainant. The Councillor denied telling the Complainant that he was a parish councillor at that meeting. He also denied using inappropriate language. The Councillor told the Panel that the meeting was civilised and centred on the business matter in question. The Panel concluded that the Councillor was acting in a private employment capacity during the meeting and, therefore, he was not subject to the Parish Council Code of Conduct for Members at the material time.

The Complainant alleged that, following the meeting on 16<sup>th</sup> September 2016, the Councillor drove through a road closure claiming authorisation to do so by displaying a parish council identification badge on the dashboard of his vehicle. The Councillor provided to the Panel details of the route he had taken at the time and denied encroaching on the road closure. He told the Panel that his parish council identification badge was kept in the storage well of his car but denies displaying it on his dashboard. The Panel was not satisfied that the Councillor had misused his parish council identification badge. Furthermore, the Panel concluded that the Councillor was not acting in the capacity of a parish councillor during the car journey on 16<sup>th</sup> September 2016 and, therefore, he was not subject to the Parish Council Code of Conduct for Members at the material time.

Both parties presented evidence that text messages were exchanged between the Complainant and the Councillor on 18<sup>th</sup> September 2016. The Complainant alleged that, during this exchange, the Councillor had made reference to the Complainant's personal life. The Councillor told the Panel that he had exchanged approximately four text messages with the Complainant which he stated were in relation to the business

matter only. The Panel concluded that the Councillor was not acting in the capacity of a parish councillor at the time the text messages were exchanged and, therefore, he was not subject to the Parish Council Code of Conduct for Members at the material time.

Both parties presented evidence that a verbal exchange took place between the Complainant and the Councillor on 23<sup>rd</sup> September 2016. The Complainant alleged that the Councillor, during a verbal exchange with the Complainant at a public house, had acted in a way that was aggressive or intimidatory. The Complainant made representations that the Councillor had referred to other parish councillors and stated that "they will all be coming down with me". The Councillor told the Panel that he and his wife had attended a public house in a private capacity on 23<sup>rd</sup> September 2016. The Councillor told the Panel that the Complainant had approached the Councillor and asked the Councillor to leave. The Councillor told the Panel that he had explained to the Complainant that he was there to have a drink with his wife following a visit to a relative in hospital but, in any event, left the premises shortly afterwards. The Councillor denied using any aggressive or intimidatory language. The Councillor further denied referring to other members of the Parish Council in an intimidatory manner. W told the Panel that she was present during the incident on 23<sup>rd</sup> September 2016. She indicated that the conversation between the Councillor and the Complainant was quiet and civilised. W also informed the Panel that the Councillor did not act in an aggressive or intimidatory manner. The Panel concluded that the Councillor was not acting in the capacity of a parish councillor during his verbal exchange with the Complainant on 23<sup>rd</sup> September 2016 and, therefore, he was not subject to the Parish Council Code of Conduct for Members at the material time.

On concluding that the alleged incidents occurred when the Councillor was acting in a private capacity, the Panel did not make any further findings of fact in respect of the allegations.

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

**THE DECISION:**

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

The meeting closed at 10.35 am

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Chairman of the Panel

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