

Committee Administrator: Democratic Services Officer (01609 767015)

Monday, 10 October 2022

Dear Councillor

Notice of Meeting

Meeting	Council
Date	Tuesday, 18 October 2022
Time	11.00 am
Venue	Council Chamber, Civic Centre, Stone Cross, Rotary Way, Northallerton, DL6 2UU

Yours sincerely

J. Ives.

Dr Justin Ives
Chief Executive

To: All Members of Hambleton District Council

Note: Members of the press and public are also able to observe the meeting virtually via Teams. Please click on the link on the website or dial 020 3855 5195 followed by the Conference ID: 315 984 018# For further information please contact Democratic Services on telephone 01609 767015 or email committeeservices@hambleton.gov.uk

Agenda

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1. Minutes 1 - 4
To confirm the minutes of the meeting held on 16 August 2022 (C.10 - C.12), attached.
2. Apologies for Absence
3. Announcements by the Chairman or Chief Executive
4. Statement of the Leader and Referrals from Cabinet 5 - 14

Date of Meeting	Minute Nos	
6 September 2022	CA.18 – CA.20	
4 October 2022	CA.26	

 - a) 4 October 2022 - Minute CA.27 - Local Government Staffing Matters and Cabinet Report 15 - 28
 - b) Exclusion of the Press and Public

To consider passing a resolution under Section 100A(4) of the Local Government Act 1972 excluding the press and public from the meeting during consideration of item 4(c) on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1 and 3 of Part 1 of Schedule 12A to the Act.
 - c) 4 October 2022 - Local Government Staffing Matters - Annex 1 to the Cabinet Report 29 - 30
5. Cabinet Portfolio Statements
 - a) Statement from the Portfolio Holder for Economic Development and Finance 31 - 34
 - b) Statement from the Portfolio Holder for Leisure 35 - 36
 - c) Statement from the Portfolio Holder for Governance 37 - 38
 - d) Statement from the Portfolio Holder for Planning 39 - 40
 - e) Statement from the Portfolio Holder for Environmental Health, Waste and Recycling 41 - 42
 - f) Statement from the Portfolio Holder for Transformation and Projects 43 - 44

6. Question Time

None received.

7. Notices of Motion

None received.

8. Appointment of Aldermen

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Report of the Chief Executive

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Agenda Item 1

Minutes of the meeting of the Council held at
10.00 am on Tuesday, 16th August, 2022 at
Council Chamber, Civic Centre, Stone Cross,
Rotary Way, Northallerton, DL6 2UU

Present

Councillor A Wake (in the Chair)

Councillor	P Atkin	Councillor	G Ramsden
	P Bardon		M S Robson
	D B Elders		Mrs I Sanderson
	Mrs B S Fortune		M G Taylor
	K G Hardisty		P R Thompson
	P A James		D Watkins
	N A Knapton		S Watson
	J Noone		D A Webster
	B Phillips		P R Wilkinson

Apologies for absence were received from Councillors M A Barningham, G W Dadd, B Griffiths, R W Hudson, R Kirk and C A Les

C.10 **Minutes**

The decision:

That the minutes of the meeting held on 26 July 2022 (C.6 - C.9), previously circulated, be signed as a correct record.

C.11 **Verbal Statement of the Leader**

The Leader made a statement to the Council on the following matters:-

- York and North Yorkshire Devolution Deal which had been signed on 1 August 2022.
- Visit by the Rt Hon Greg Clark, Secretary of State for Levelling Up, Housing and Communities, to various projects in Northallerton.
- RAF Linton-on-Ouse Asylum Reception Centre - The Leader announced that the Council had been informed that RAF Linton-on-Ouse was no longer being considered as an Asylum Reception Centre. The Authority was still awaiting formal notification by the Home Office and the MoD and that, until this was received, the legal work remained ongoing.

The Leader wished to applaud local Ward Members and the community residents for their support. This was an excellent outcome for the residents of Linton-on-Ouse and all those living in the surrounding areas as well as Hambleton District Council.

The Leader stated that, had the Council not intervened with this proposal and challenged the Government when it was first made aware of its plans, he firmly believed that there would already be asylum seekers on site, with the numbers steadily building up week by week.

- CCTV – Arson attempt - Tesco Supermarket – The Leader reported that a CCTV operative had assisted in avoiding a near disaster at the rear of Tesco Supermarket as an arson attempt was made by two young people who had set alight some pallets at the rear of the supermarket. This achievement would be recognised appropriately by the Authority and hopefully by the supermarket accordingly.
- North Northallerton Sports Village – The Leader reported that work was underway with the infrastructure for the sports village and that the project would be completed prior to 31 March 2023, by the end of the Council.

A number of statements were made based on the Leader's statement.

Members wished to record their gratitude to the Leader and the Council for their backing regarding the Linton-on-Ouse Asylum Reception Centre. The Community were extremely grateful for their support and the outcome was a significant achievement for the Leadership Team.

The Chairman of Council wished to record special thanks to the CCTV operative who had assisted in avoiding the arson attack at the rear of Tesco Supermarket.

Declaration of Interest

The Chief Executive declared a personal interest and left the meeting at 10.11am prior to any discussion and voting on the following item.

C.12 **Appointment of Section 151 Officer - Management Team Restructure of Responsibilities**

All Wards

The Deputy Chief Executive presented a report seeking approval for the appointment of the Chief Executive (Head of Paid Service) to the role of Section 151 Officer until 31 March 2023 and for the reallocation of the wider non-section 151 functions of the Director of Finance and Commercial.

The decision:

That Council approves that:-

- (1) The Chief Executive is appointed as Section 151 Officer until 31 March 2023;
- (2) authority is delegated to the Deputy Chief Executive to commission independent external advice and support, in the event that the Chief Executive acting as Head of Paid Service and/or Section 151 Officer may be considered to have a conflict of interest on the basis described in this report; and
- (3) the Chief Executive is authorised to allocate any remaining services of the Director of Finance and Commercial amongst the senior management team.

The meeting closed at 10.15 am

Chairman of the Council

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Hambleton District Council

Council Meeting : 18 October 2022

Leader's Statement

This is the first Council meeting since the passing of Her Majesty Queen Elizabeth II. I would like to place on record my gratitude to all of our staff who worked tirelessly to ensure that commemorative locations and events in the District were supported and kept to the highest standard.

This month sees the commencement of higher education courses at Campus@Northallerton. Our Business and Economy team have been working in partnership with training providers and adult learning colleagues at North Yorkshire County Council to ensure it is a success.

The final phase of the Treadmills development continues to move forward with expected completion in the New Year. There continues to be significant interest in the four restaurant units.

As we enter the final six months of Hambleton District Council, our officers are fully engaged and committed to ensuring the new North Yorkshire Council is a success and that the legacy of Hambleton is continued.

Councillor Mark Robson
Leader of the Council

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**Decisions to be considered by
Full Council on 13 September 2022**

Decisions of the meeting of the Cabinet held
at 9.30 am on Tuesday, 6th September, 2022
at the Council Chamber, Civic Centre, Stone
Cross, Rotary Way, Northallerton, DL6 2UU

Present

Councillor M S Robson (in the Chair)

Councillor	P R Wilkinson	Councillor	S Watson
	M G Taylor		D A Webster
	P R Thompson		

Also in Attendance

Councillor	P Atkin	Councillor	Mrs B S Fortune
	M A Barningham		G Ramsden
	D B Elders		

An apology for absence was received from Councillor Mrs I Sanderson

CA.18 York and North Yorkshire Devolution Deal

All Wards

The subject of the decision:

This report advised Cabinet of the proposed devolution deal to allow Members to review the deal; approve the required governance review; and approve the move to public consultation on the deal during Autumn 2022.

Alternative options considered:

None.

The reason for the decision:

Legislation provided that the constituent authorities of the proposed Combined Authority (York City Council and the new North Yorkshire Council) must carry out a governance review of the area and, dependent of the result of the review, prepare and consult with the public on a scheme to implement the proposals to create the Combined Authority. The Constituent authorities must consent to the creation of the Combined Authority. Although Hambleton District Council was not a constituent authority of the proposed Combined Authority due to its abolition on 31 March 2023, Members were asked to note and support the steps being taken by City of York Council and North Yorkshire County Council to support its creation.

The decision:

That Cabinet approves and recommends to Council:-

- (1) the proposed Devolution Deal;
- (2) the proposed Governance Review for the devolution deal and the establishment of a Combined Mayoral Authority for York and North Yorkshire; and
- (3) that a public consultation on the Scheme be undertaken during Autumn 2022.

CA.19 **2022/23 Q1 Capital Monitoring and Treasury Management Report**

All Wards

The subject of the decision:

This report provided the Quarter 1 update at 30 June 2022 on the progress of the Capital Programme 2022/23 and the Treasury Management position. A full schedule of the Capital Programme 2022/23 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 that:-

- (1) the net increase of £404,149 in the capital programme to £21,572,865 and all expenditure movements as detailed in Annex B and also in the capital programme attached at Annex A of the report;
- (2) the increase of capital expenditure of £556,592 funded as follows: £483,018 is from external grants/contributions and £73,574 from borrowing; and
- (3) the funding allocation to the capital programme as detailed in paragraphs 3.1 and 3.2 of the report.

CA.20 **2022/23 Q1 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 June 2022.

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) that £200,000 of the Quarter 1 underspend is transferred to the Local Government Reorganisation Reserve as detailed in paragraph 3.2 of the report; and
- (2) the department budget movements as detailed within paragraph 3.6 of the report.

The meeting closed at 9.55 am

Leader of the Council

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**Decisions to be considered by
Full Council on 18 October 2022**

Decisions of the meeting of the Cabinet held
at 9.30 am on Tuesday, 4th October, 2022 at
the Council Chamber, Civic Centre, Stone
Cross, Rotary Way, Northallerton, DL6 2UU

Present

Councillor M S Robson (in the Chair)

Councillor	P R Wilkinson	Councillor	S Watson
	Mrs I Sanderson		D A Webster
	P R Thompson		

Also in Attendance

Councillor	P Atkin	Councillor	K G Hardisty
	M A Barningham		J Noone
	B Griffiths		A Wake

An apology for absence was received from Councillor M G Taylor

CA.26 **Domestic Extensions Design Guide Supplementary Planning Document
Adoption**

All Wards

The subject of the decision:

This report sought approval and recommended to Council that the revised draft Hambleton Design Guide: Domestic Extensions Supplementary Planning Document is adopted. Annex 'A' of this report contained the revised version of the Supplementary Planning Document.

Alternative options considered:

None.

The reason for the decision:

Cabinet was satisfied that the Supplementary Planning Document supported the implementation of policies in the Hambleton Local Plan.

The decision:

That Cabinet approves and recommends to Council that:-

- (1) the revised Domestic Extensions Supplementary Planning Document be adopted; and

- (2) the previously adopted Domestic Extensions Supplementary Planning Document (December 2009) be revoked.

CA.27 **Local Government Reorganisation - Staffing Matters**

All Wards

The subject of the decision:

This report sought authorisation to enter into a settlement agreement with the Chief Executive Officer as part of the implementation of the transition to a Unitary Authority for the County of North Yorkshire and approval of the terms thereof.

Alternative options considered:

None.

The reason for the decision:

Cabinet was satisfied that the proposed settlement and in particular the redundancy and termination payments complied with the powers of the Council under the Local Government (Early Termination of Employment) Discretionary Compensation (England and Wales) Regulations 2006 (Compensation Regulations), the Council's own policies and procedures and represented a reasonable proportionate and necessary response to secure the objectives identified in the report.

The decision:

That Cabinet:-

- (1) approves that the Council enters into a Settlement Agreement with the Chief Executive Officer on the proposed terms;
- (2) delegates power to the Deputy Chief Executive and the Director of Law and Governance (Monitoring Officer) jointly in consultation with the Leader to approve any subsidiary matters necessary to finalise the Agreement provided such matters do not contravene any of the matters set out in this report;
- (3) fund any payments under the Agreement in the current financial year from the Council's Local Government Review Reserve; and
- (4) recommends that the Council approve it as the appropriate response of the Council and passes similar resolution and makes the necessary amendments to any Pay Policy Statement, Redundancy and Restructuring Procedures or Retirement Policy that may be required to implement the agreement as set out in Appendix 2 of the report.

CA.28 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.29 on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 1 and 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.29 Local Government Reorganisation - Staffing Issues - Appendix 1

All Wards

The subject of the decision:

Cabinet considered Appendix 1 as referenced to in the public report regarding Local Government Reorganisation Staffing Matters (Minute CA.29 above refers).

Alternative options considered:

None.

The reason for the decision:

Cabinet was satisfied with the information contained with Appendix 1 of the report.

The decision:

That the information detailed within Appendix 1 of the report be noted.

The meeting closed at 10.15 am

Leader of the Council

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CA.27 Local Government Reorganisation - Staffing Matters

All Wards

The subject of the decision:

This report sought authorisation to enter into a settlement agreement with the Chief Executive Officer as part of the implementation of the transition to a Unitary Authority for the County of North Yorkshire and approval of the terms thereof.

Alternative options considered:

None.

The reason for the decision:

Cabinet was satisfied that the proposed settlement and in particular the redundancy and termination payments complied with the powers of the Council under the Local Government (Early Termination of Employment) Discretionary Compensation (England and Wales) Regulations 2006 (Compensation Regulations), the Council's own policies and procedures and represented a reasonable proportionate and necessary response to secure the objectives identified in the report.

The decision:

That Cabinet:-

- (1) approves that the Council enters into a Settlement Agreement with the Chief Executive Officer on the proposed terms;
- (2) delegates power to the Deputy Chief Executive and the Director of Law and Governance (Monitoring Officer) jointly in consultation with the Leader to approve any subsidiary matters necessary to finalise the Agreement provided such matters do not contravene any of the matters set out in this report;
- (3) fund any payments under the Agreement in the current financial year from the Council's Local Government Review Reserve; and
- (4) recommends that the Council approve it as the appropriate response of the Council and passes similar resolution and makes the necessary amendments to any Pay Policy Statement, Redundancy and Restructuring Procedures or Retirement Policy that may be required to implement the agreement as set out in Appendix 2 of the report.

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Hambleton District Council

Report To:	Cabinet
Date:	4 October 2022
Subject:	LGR Staffing Matters
Portfolio Holder:	Leader of the Council Councillor M Robson
Wards Affected:	All Wards

1.0 PURPOSE

- 1.1 The purpose of this report is to seek authorisation to enter into a settlement agreement with the Chief Executive Officer as part of the implementation of the transition to a Unitary Authority for the County of North Yorkshire and approval of the terms thereof.
- 1.2 Under the agreement, the Chief Executive will remain employed by the Council until 31st March 2023 but, as requested by North Yorkshire County Council, his employment will cease on that date and he will not transfer to North Yorkshire Council on the transition date of 1st April 2023.
- 1.3 The arrangement is part of measures to ensure for the benefit of the people of Hambleton, the efficient and effective exercise of the Council's functions for the remaining period of its being and a well-managed handover to North Yorkshire Council.
- 1.4 Cabinet is asked to approve the proposed settlement and to recommend that Council approve it at its meeting on 11th October 2022.

2.0 BACKGROUND AND CURRENT POSITION

- 2.1 On 1st April 2023, Local Government Reorganisation (**LGR**) for the County of North Yorkshire will be implemented under the North Yorkshire Structural Changes Order 2022. Hambleton District Council will cease to exist and North Yorkshire Council will assume responsibility for this Council's functions, and those of the other Districts and the County Council in North Yorkshire, as the unitary authority for North Yorkshire.
- 2.2 Under Regulation 3 of the Local Government (Structural and Boundary Changes) Staffing Regulations 2008 ("the 2008 Regulations") all employees, including the Chief Executive and the Chief Officers, employed by the Council immediately before 1 April 2023 will automatically have their employment transferred on their existing terms and conditions to North Yorkshire Council on that day.

- 2.3 Notwithstanding that, implementation of LGR is causing uncertainty and concern to many members of our staff at all levels and is thus having an increasingly detrimental impact on the Council's ability to sustain high quality services, delivery of its major initiatives and Capital Programme. The Council has, because of LGR and the review preceding it, lost a number of senior posts, which has already put strain on the Chief Officer Group. These include the Director of Economy and Planning, the Director of Finance and Commercial, and the Chief Planning Officer.
- 2.4 At the Cabinet meeting on 5th July 2022, it was proposed that retention arrangements be implemented comprising an Employee Incentive Scheme designed to retain not just the Chief Officer Group but also to consider extending this to selected other senior staff.
- 2.5 In order to avoid any potential conflict of interest in looking at the issues arising for senior officers, there have been appointed independent, external advisers to provide advice on staffing, legal and finance issues arising from LGR who have advised me in relation to this proposal. They are:
- HR- Busola Osibogun
 - Finance – Peter Lewis
 - Legal - Walker Morris LLP who have also sought advice of a leading QC, Dan Stilitz
- 2.6 On reconsideration with the external advisors including Counsel, the view taken is that a more focused proposal, compared to that suggested on 5th July, aimed at the Chief Officer Group as an identifiable group at greatest risk (in terms of any suitable role and the risk of leaving before the transition date) is likely to be substantially more resilient. The earlier proposition, even with a more limited range of post-holders, was too extensive and risked challenge on equality and other grounds in its application. Accordingly, a different strategy was required to ensure value for money and fairness. The rationale for this is based on a number of factors:
- 2.6.1 it is apparent that staff below Senior Management Team level are much more likely to gain comparable roles in the North Yorkshire Council;
- 2.6.2 conversely, the position in relation to the Chief Officer Group and their prospects of obtaining comparable and suitable employment in North Yorkshire Council is a much more challenging prospect.
- 2.7 Central Government's Guidance encourages Councils affected by LGR to use powers available to them under retirement and other compensation provisions to help manage an orderly transition particularly where it concerns post holders where there is a real risk that they are likely to lose their post and/or are real concerns that nothing suitable will be available in the new organisation i.e. commensurate position, seniority, remuneration and role. This is particularly relevant to the Chief Officer Group.
- 2.8 This report focuses on the position of the Chief Executive because the implementation of LGR by North Yorkshire has progressed to a stage where his future position with North Yorkshire Council is clear.

- 2.9 On 21st July 2022, as Leader of the Council, I received a letter from the Leader of the County Council (for the new North Yorkshire Council) which amongst other things encouraged this Council to make its Head of Paid Service/Chief Executive redundant prior to the transition date.
- 2.10 Further, on 22nd July 2022, the Council's independent legal and HR advisors met with senior officers of NYCC. NYCC officers reiterated that request.
- 2.11 North Yorkshire Council on 17th August, following a competitive process, appointed the current NYCC Chief Executive (Richard Flinton) as the Chief Executive for the unitary Council.
- 2.12 Although it is the firm view of the independent legal advisors and the QC that all staff of the Council, including the Chief Executive, would transfer under TUPE on their existing terms and conditions, given the stance of North Yorkshire County Council and the appointment of a Chief Executive for the unitary County, it was felt that it would be sensible and prudent to hold negotiations with the Chief Executive to establish terms on which he might be prepared to leave the employment of the Council on 31st March 2023 and forgo his right to transfer to the North Yorkshire Council on 1st April. These negotiations have been led by the independent HR advisor with support from the other independent advisors and this report sets out below the proposed settlement reached because of those discussions.
- 2.13 In reaching the terms of the proposed settlement account has been taken of the relevant legal powers of the Council, of the terms and conditions of the Chief Executive's employment contract, and of the Council's relevant current policies set out in its Pay Policy Statement, its Restructure and Redundancy Policy and Procedure, its Retirement Policy and Procedure and its LGPS Employer Discretion Policy, although those policies were not drafted with LGR in anticipation.
- 2.14 Equally, the requirements to secure value for money and to ensure the continued efficient delivery of the Council's functions have been taken into account. The proposed settlement will secure that we retain the Chief Executive until the Council ceases to exist and that he will be able to provide the management needed during the transition to ensure effective delivery. Further, it will avoid any dispute with the County during this transition period and/or after implementation of LGR regarding his employment status, which would potentially be a distraction from delivery of the current Council's services as well as the County's existing services to the people of Hambleton.
- 2.15 It is anticipated that following the appointment of the Chief Executive of the unitary authority the future structure to be implemented will start to be developed and in particular that the management structure and post holders will become known in the Autumn. At that point, it will be possible to establish the impact on other members of Hambleton staff and in particular on the current Chief Officers of the Council. As that becomes clearer, if it is considered appropriate, further discussions will be held with affected staff and further reports may be brought to Cabinet and then submitted to Council.

3.0 PROPOSED ARRANGEMENTS WITH THE CEO

- 3.1 The proposal is that the Council will enter into a legally binding Settlement Agreement with the Chief Executive Officer.
- 3.2 Under that Agreement, it is proposed that the Chief Executive will remain in post until 31st March 2023 (the proposed Termination Date) and will continue to work and be paid in accordance with his current contract of employment.
- 3.3 His employment with the Council will therefore terminate on 31st March 2023 and he will waive any right to transfer to North Yorkshire Council under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE).
- 3.4 He will receive on termination a redundancy payment calculated with reference to Hambleton's discretionary redundancy policy as outlined in the Council's Restructure and Redundancy Policy. In addition, in consideration for signing a compromise agreement an additional sum, the Termination Payment, will be paid. There will also be payment for any outstanding holiday accrued and not taken at the date of termination. The calculation of these payments is set out in Appendix 1 (contained in the confidential section of the agenda) and the total cost to the Council is in paragraph 5.4. There are no associated pension costs as this member of staff is not of pensionable age.
- 3.5 In consideration of the Termination Payment, the Chief Executive will waive relevant legal claims against the Council and/or North Yorkshire Council arising from the termination of his employment including his ability to enforce any claim in respect of TUPE. Any payments received are therefore in full and final settlement of any employment related claim that as an employee he may have.
- 3.6 The agreement will be signed once approved but will require to be reaffirmed at the Termination Date to ensure that any claims that could arise between signing the agreement and the Termination Date are waived. The Chief Executive will also receive independent legal advice as to the terms and effect of the agreement (this is a legal requirement of a valid settlement agreement and a contribution towards legal fees is included as a term of the agreement).
- 3.7 The Termination Payment (or part thereof) will be conditional on the terms of the Settlement Agreement, most notably that the Chief Executive remains in post until 31st March 2023 and continues to meet the performance standards set for that year.

4.0 COMMENTS OF INDEPENDENT HR CONSULTANT

- 4.1 The redundancy payment shown above has been calculated with reference to Hambleton's discretionary redundancy policy as outlined in the Council's Restructure and Redundancy Policy.

- 4.2 The Employment Rights Act stipulates that a statutory formula should be applied when calculating redundancy payments. However, in line with the Local Government (Early Termination of Employment) (Discretionary Compensation) England and Wales Regulations 2006 (as amended) the Council has the authority to make discretionary redundancy payments up to a maximum of 104 weeks based on an employee's actual weekly pay at the point of being made redundant.
- 4.3 NYCC have made it very clear that Hambleton should make its Chief Executive, Head of Paid Service, redundant as the North Yorkshire Council has now appointed a new Chief Executive. The sum resulting from the calculation in paragraph 3.4 is the entitlement due under Hambleton's redundancy provisions
- 4.4 In consideration for signing a compromise agreement, which will protect Hambleton and North Yorkshire Council against any claims at tribunal, the proposal is to pay an additional compensation payment, identified as the Termination Payment in paragraph 3.4 above.
- 4.5 The calculations for these sums are in Appendix 1 (contained in the confidential section of the agenda).

5.0 COMMENTS OF INDEPENDENT FINANCIAL ADVISER

- 5.1 There are two broad matters that Members need to consider in forming a view about the recommendations set out in this report: firstly, as mentioned in paragraph 6.13 below, is the benefit of the proposed settlement commensurate with the cost; secondly, are there sufficient funds within the Council's budget and/or reserves to make the payments without impacting services?
- 5.2 In considering the first matter (benefit commensurate with cost), Members are asked to take account of the following factors:
1. The Chief Executive Officer has a six-month notice period and has already proven his commitment over many years to HDC. Leaving without giving six months' notice is a breach of contract.
 2. North Yorkshire County Council, while forming North Yorkshire Council, has clearly indicated that it wishes predecessor authorities to seek to make their respective Chief Executives redundant.
 3. The Council is negotiating this settlement agreement in the context of the safety net of the TUPE regime. Therefore, should it not be possible to arrive at a suitable agreement with the Chief Executive Officer, he may leave HDC within the next six months, perhaps for another role; he may transfer to the NYC on existing terms and conditions; he may seek an alternative exit route.
 4. If the Chief Executive did transfer to the new authority and was made redundant then some of the costs referred to in this report would be a cost to the public purse anyway.

5. There is a Performance Related Pay (PRP) scheme in place, which provides for a payment of up to 20% of salary for those chief officers, including the Chief Executive, who are in post at the year-end and have met the pre-agreed performance criteria. This does, to a limited extent, operate as a retention incentive.
 6. To give some context, the maximum statutory compensation for an unfair dismissal, is currently capped at £93,878, for the worst cases, where an employer has been found to have ignored policy and process in the treatment/dismissal of members of staff.
 7. The potential negative reputational impact on the Council of apparently large sums being paid to individuals upon leaving the Council.
 8. Whether the additional costs of a settlement package bring commensurate additional certainty of outcome for the Council.
 9. That this proposed settlement agreement is likely to set a precedent for any other agreements particularly for the chief officers of the Council – see 2.15 above.
- 5.3 It is for Members to consider and debate these matters in the context of their intimate knowledge of the strategic and operating environment of the Council before coming to a conclusion.
- 5.4 The second matter is funding the proposed settlement agreement, while also taking a future view as to how other such agreements for the chief officers might be funded. This settlement will cost the Council approximately £225,000 including an estimate of National Insurance Contributions (NICs). Funding for this can be found from the Local Government Reorganisation Reserve (LGRR), which currently has a balance of £497,000. £200,000 from salary underspends was added to this reserve as at the first quarter monitoring report – Cabinet 6th September 2022 – and it is intended to add further sums as the opportunity arises. However, this will be influenced by budget being released by the departure of staff offset by the need to secure temporary additional staff, which generally cost more than permanent staff. Therefore there is no guarantee that this reserve will grow.
- 5.5 While there is reserve funding for this proposed settlement, should similar agreements be reached with other chief officers then funding for these may need to be drawn from the General Reserve if the LGRR is not sufficient at that time.
- 5.6 Other LGR commitments known at this time are backfill for staff being released early to set up the new unitary authority and the consultancy support engaged to assist with this report and related matters. At this time, it is expected that the sum required for both purposes will not exceed £0.5m, which can be contained within the General Reserve sum.

5.7 Therefore, it can be concluded that there are sufficient funds available to make a payment for this and potential future settlements, while highlighting that, of course, those funds, once spent, will not be available to either Hambleton District Council or to North Yorkshire Council for the provision of services.

6.0 COMMENTS OF INDEPENDENT LEGAL ADVISOR

6.1 The proposed settlement and in particular the Redundancy and Termination Payments comply with the powers of the Council under the Local Government (Early Termination of Employment) Discretionary Compensation (England and Wales) Regulations 2006 (**Compensation Regulations**). The Compensation Regulations provide that local authorities have discretionary powers to award compensation to employees who are eligible for the Local Government Pension Scheme and whose employment has terminated by reason of redundancy or in the interest of efficiency. Such payments must not exceed in total 104 weeks' pay including any redundancy payment and enhanced redundancy payment under the Compensation Regulations.

6.2 The Compensation Regulations provide that the Council be required to formulate and keep under review a policy, which applies in relation to both redundancy payments and lump sum compensation. The Council's policies on such matters including the Council's Restructure and Redundancy Policy (Redundancy Policy), its Retirement Policy and Procedure (Retirement Policy) and its LGPS Employer Discretion Policy have been reviewed in this context.

6.3 The Retirement Policy is not relevant in this case.

6.4 The Redundancy Policy provides that an enhanced redundancy payment under Regulation 5 of the Compensation Regulations can be made, based on actual weekly pay (rather than the capped statutory formula) and, depending on age, an employee could be entitled to three weeks' pay for each full year of service. Redundancy payments are capped at 104 weeks' pay.

6.5 Although the Redundancy Policy currently does not provide for compensation under Regulation 6 of the Compensation Regulations its LGPS Employer Discretion Policy does so.

6.6 The Council is also required under Section 38 of the Localism Act 2011 (2011 Act) to prepare for each financial year a Pay Policy Statement (PPS) which must include inter alia:

(f) The approach to the payment of chief officers on their ceasing to hold office under or to be employed by the authority, “

6.7 Section 41 of the 2011 Act provides that, in making a determination relating to “the remuneration of or other terms and conditions applying to a chief officer of the authority” the authority “must comply with its pay policy statement for the financial year in making the determination”.

- 6.8 The Council's current PPS states that payments on ceasing to hold office will be made in accordance with the Redundancy Policy. It also states that no such payments are anticipated in the current financial year. Accordingly, we would suggest that in addition to revising the Redundancy Policy as indicated in paragraph 6.5 to refer to payments of compensation under the LGPS Employer Discretion Policy, the PPS is amended to clarify that payments may arise from LGR. These proposed amendments are set out in Appendix 2.
- 6.9 There is also the Government Guidance on Special Severance Payments (SSP Guidance) to consider when assessing any severance arrangements.
- 6.10 The Guidance does not apply to statutory and contractual redundancy payments or payments made in accordance with policies made under Regulation 7 of the Compensation Regulations such as the Redundancy Policy and the Employer Discretion Policy. Therefore, it would only be strictly relevant in respect of matters outside of those areas.
- 6.11 Where the Guidance applies, it states that there needs to be a convincing case for making such a payment and that such payments are in the interests of taxpayers. One of the circumstances listed under the SSP Guidance for an exceptional Special Severance Payment includes the circumstance where the existing statutory or contractual entitlements, or both, are insufficient to facilitate an exit or to offer sufficient compensation for loss of employment or office.
- 6.12 It is arguable that the settlement proposal circumstances are exceptional in that they seek to maintain the effective management necessary to maintain the Council's functions up to its ceasing to exist and that they also seek to assist a smooth transition to the new structure.
- 6.13 The Council must act properly in the exercise of its powers – both as to the process of making decisions as well as the facts and law it has regard to. The Council's decisions must be lawful and in this context must have close regard to the Council's fiduciary obligation to its taxpayers and be able to demonstrate it has acted appropriately to secure demonstrable value for the Council and that the payments made are proportionate to the benefit to be obtained and are not gratuitous in nature.
- 6.14 The Council should assume that approval of any settlement proposal and its implementation would attract scrutiny in part because this is a substantial sum however; such matters are normally confidential in accordance with the terms of a Settlement Agreement.
- 6.15 The Council must be satisfied in any decision to approve a settlement proposal that it is soundly based in law, is based on sound financial advice for which budget provision can be made available and that it is a necessary and proportionate response to the concerns raised in this Report and the objectives sought. In the latter regard, the Council's external HR Advisor has provided the relevant assessment and expertise to suggest the settlement proposal on the grounds referenced in this Report is a necessary and proportionate response.

- 6.16 Having regard to each of the above, the Council has the power to consider implementing retention arrangements including the use of voluntary exit arrangements. On the basis that the need for and terms and scope of the proposed arrangements have been thoroughly assessed and evidenced by the external HR Consultant who considers the same to be reasonable and proportionate and necessary to secure the objectives identified in this Report, then it is open to Cabinet to consider implementing those arrangements that are within its authority and recommending any others to Council for adoption.
- 6.17 The Monitoring Officer has been consulted in connection with this Report and is satisfied that relevant legal and procedural matters have been addressed.

7.0 EQUALITY/DIVERSITY ISSUES

- 7.1 Equality and Diversity Issues have been considered however, there are no issues associated with this report. We have considered the Equality and Diversity impact of introducing retention arrangements and or exit arrangements for the Chief Officer Group, however, there are no issues associated with this report.

8.0 HEALTH AND SAFETY ISSUES

- 8.1 Local Government reorganisation will bring with it concerns as to additional workload, stress, anxiety as to future role, change in organisational culture and future prospects. This will likely raise well-being concerns for staff, particularly those that may be most at risk in terms of a change in their role, remuneration or loss of post.

9.0 RECOMMENDATIONS

- 9.1 That Cabinet:

- (1) approves that the Council enters into a Settlement Agreement with the Chief Executive Officer on the proposed terms;
- (2) delegates power to the Deputy Chief Executive and the Director of Law and Governance (Monitoring Officer) jointly in consultation with the Leader to approve any subsidiary matters necessary to finalise the Agreement provided such matters do not contravene any of the matters set out in this report;
- (3) funds any payments under the Agreement in the current financial year from the Council's Local Government Review Reserve; and
- (4) recommends that the Council approve it as the appropriate response of the Council and passes similar resolution and makes the necessary amendments to any Pay Policy Statement, Redundancy and Restructuring Procedures or Retirement Policy that may be required to implement the agreement as set out in Appendix 2.

Cllr M Robson
Leader of the Council

Background Papers: Statement of Pay Policy 2022/23
Restructure and Redundancy Policy and Procedure
LGPS Employer Discretion Policy

Author ref: MR

Contact: Marie Woodhouse

Appendix 2 – Potential Amendments to Pay Policy Statement and to Restructure and Redundancy Policy

Pay Policy

In respect of each [Chief Officer /Member of the Senior Management Team] the entry regarding Severance Arrangements will be amended to read as follows:

“Normal policies regarding redundancy and early retirement apply to the post holder. No payments were made in the last financial year. It is anticipated that payments may be made for this financial year 2022/23 arising from LGR “

Restructure and Redundancy Policy and Procedure

Paragraph 19.3 to be amended to read

19.3 However in line with the Local Government (Early Termination of Employment) (Discretionary Compensation) England and Wales Regulations 2006 (as amended) the council has the authority to make additional severance payments. This includes the ability to pay an enhanced severance payment up to 104 weeks’ pay (including the statutory redundancy payments or discretionary redundancy payments) to an eligible employee. In addition, the council can calculate redundancy payments on an employee’s actual weekly pay. Consequently, the council operates a more generous redundancy scheme than that set out in the Employment Rights Act. The right hand column in the table below sets out the council’s discretionary formula for calculating redundancy payments and illustrates the differences between the council’s scheme and the less generous statutory formula. In addition the Council will in respect of the [Chief Officers/Members of the Senior Management Team] who remain in service with the Council up to its abolition under the North Yorkshire (Structural Changes) Order 2022 but who do not transfer to North Yorkshire County Council under TUPE consider compensation under Regulation 6 of the 2006 Regulations as referred to in in the Council’s LGPS Employer Discretion Policy provided all payments are within the statutory limit.

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By virtue of paragraph(s) 1, 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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Statement by the Cabinet Portfolio Holder for Economic Development and Finance

18 October 2022

Heritage Hub

The High Street Heritage Action Zone Heritage Hub, located at 90 High Street, has received over 1200 visitors since opening its doors in May. The facility is hosting a range of artefacts, has rotating displays and has delivered a range of themed workshops about the history of Northallerton.

It has excelled in its purpose to engage people with the heritage of the town and the work of the Heritage Action Zone and is being promoted by Historic England as an example of good practice.

In terms of community engagement its benefit goes beyond allowing people to explore the town's past. It is providing an opportunity for people to contribute their own memories, artefacts and stories building a rich collection of material. In addition, it is helping to reduce social isolation and combat loneliness. A number of outreach sessions in conjunction with local groups are being planned to extend the hub's reach and benefit.

School parties have also visited the hub and it has had equal appeal to the younger generation with pupils fascinated by the history of their home town.

The materials that have been gathered are being curated and posted in the digital depository, a dedicated website which has been launched as part of the project www.northallertonheritage.uk

As the initial phase of the project has been so successful, an extension for a further 6 months has been secured taking the project through to the end of April 2023. We are now investigating both the potential of volunteer support for the hub as well as future funding streams which may be able to support its delivery in the longer term.

Augmented Reality Heritage Trail

Included as part of our High Street Heritage Action Zone is another project which aims to help residents and visitors to uncover the hidden heritage of Northallerton through technology. A new smartphone based app is being developed 'Discover Northallerton' which utilises augmented reality (AR) to bring to life a series of sites around the town.

Working with York Archaeological Trust a number of key sites are being digitally reconstructed to show how they would have looked in medieval times. These include the Bishops Palace, the original Medieval Market Place and Tickle Toby yard. Peel Interactive have been appointed to use the 3D digital reconstructions and develop an app which allows users to walk around the town and investigate these sites in situ. Other points of interest will feature text/photos/sound/film based information on their history. For younger users there will also be a range of animal themed animated characters to discover along the route.

The trail and app are due to be completed by the end of the year - providing historic information and encouraging exploration of the town as well as increasing footfall and extending dwell time to support the local economy.

Supporting the Markets Campaign – May – August 22

During the summer we ran a two-phase campaign to promote the markets across the District. Working with York Mix Radio, this included radio advertisement campaigns and outside radio broadcasts within all the market towns, PR, magazine advertorials, a new markets leaflet and ongoing market related social media content via the Council and #DiscoverHambleton platforms.

We designed the activity to raise awareness, to push shop local /independent shopping and to support the High Streets. This was an opportunity to reinforce the message that the towns are very much open for businesses and stress the significance of the welcome across our towns and great customer service on the stalls. The campaign adapted the phrase, ***Discover Hambleton, discover shopping, and discover our markets*** to tie in with recent campaign work with #Discover Hambleton.

Each campaign reached an audience of over 40,000 with the audience hearing the ad an average of 5 times per listener. The outside broadcasts were well supported by ward members, local traders, town councillors and local businesses were interviewed by York Mix, with the whole show being broadcast from the locations. It was a great way to demonstrate support for the markets and really address the importance of the markets to the towns.

The campaign was very well received in the towns, great local support was received from all involved. Here are a few comments made directly to the team at York Mix following the activity

- A listener calling the studio after hearing the Easingwold Broadcast who visited on market day to Easingwold for a walk about and an ice cream.
- A market trader at Selby who had heard us promoting the markets in Hambleton, thought it was great publicity for the markets and wondered how we could do it for Selby.
- A lady called the studio to tell the station about her trip out with a friend for lunch in Stokesley after listening and seeing our video on the socials then deciding to visit as had never been before.

Campus@Northallerton

As York College and University of Sunderland continue to refine their offer at C@N the focus of recent activity has been around engagement, with the aim of ensuring that people understand what the campus offers. Every month the doors open for a Coffee and Cake event, offering free provision in exchange for discussion about potential courses.

The partnership recently ran a business surgery drop in event, attempting to pair local businesses with stakeholders within the industry. The event was attended by University of Sunderland, York College, HDC, the YNY LEP, FSB, Trading Standards, C4DI, Barclays Eagle Labs and Northallerton BID and a number of potential leads were generated from the networking opportunity.

The University of Sunderland have launched a business survey, sent to over 5,000 businesses within the local area to gain a further understanding of where the potential skill gaps are. The results will help shape a course catalogue to assist with upskilling the local area.

As the brand awareness builds through these events, our online reach and presence also grows with social media posts now having a combined reach of over 100,000. Alongside work on social media a C@N newsletter has been launched to assist with future communication and awareness raising.

C4DI Northallerton

Following my last update officers from the Business & Economy team, together with C4DI & Barclays Eagle Labs attended the Great Yorkshire Show, resulting in further interest in C4DI and what it has to offer and follow up meetings taking place including with large corporate organisations such as Morrisons.

The membership base continues to grow - as of the 4th October 9 offices have been taken and 9 offices are available to let. Corporate Memberships and Community Memberships are also increasing. A targeted campaign to encourage the Community Membership offer promoting the advantages of being a Community Member and the opportunity to working from a high quality and inspiring workspace as opposed to working from home is being developed.

Further events planned at C4DI Northallerton include:

16th October -recognising Black History month, with key speakers from the world of business and finance

2nd November - Agri-tech farming event held in conjunction with Dr Sam Hoste & Isobel Eames Knowledge Exchange Manager (Cereals & Oilseeds) from the AHDB

16th November - in conjunction with the Supply Chain Network and businesses from the region

Councillor Peter Wilkinson
Portfolio Holder for Economic Development and Finance

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Statement by the Cabinet Portfolio Holder for Leisure

18 October 2022

Sports Villages

At Sowerby, the 3G pitch has been handed over by the contractor and came into use in September. Construction of the changing pavilion has started and is due to be completed by early 2023. Across the road at Thirsk School the artificial turf pitch, used mainly by the successful hockey club, has also been fully resurfaced during the summer holiday period.

In Northallerton, work on Phase 1 of our scheme has commenced with the footpath on the western side of the beck having been re-surfaced and new trails created amongst the woodland. Paths around the lower pitches (to the rear of the leisure centre) and upper pitch (at the side of the car park) have also been constructed. Work has now commenced on the new land to the north of Stone Cross where further trails, a car park and allotments will be constructed.

Public Sector Decarbonisation Scheme

The decarbonisation programme has now been completed at Northallerton Leisure Centre with a range of improvements having taken place. These include the heating supply which is now entirely provided by electricity through air source heat pumps, resulting in an impressive 50% carbon saving. External power supply works have been completed at Bedale Leisure Centre and final connection work will be completed at the end of October. Work at Stokesley Leisure Centre has been delayed due to unforeseen connection problems with NPG, we expect the programme to be completed by early December.

Maple Park Crematorium

There have now been over 350 services in total since opening and the new directional signage is finally in place.

The café opened on the 5th September with mourners now able to arrive before and stay after services. The wake facility has also opened and there have already been more than a dozen wakes at Maple Park with lots of positive feedback being received. A children's memorial area is planned and there will be a Service of Dedication ceremony in mid-November to which all our Councillors will be invited.

Tour of Britain

The cycle race successfully navigated its way through northern areas our district on the 7 September, on its way from Redcar to Helmsley, with many local residents coming out to watch the world class riders as they passed through. There was a 'Sprint' section in Stokesley and a 'King of the Mountains' section on Carlton Bank. This leg was the final section of the race, with the tour being abandoned the next day following the death of the Queen.

Councillor Paula Thompson
Portfolio Holder for Leisure

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Statement by the Cabinet Portfolio Holder for Governance

18 October 2022

Car Parking

This year's festive parking concession applicable in Hambleton off-street pay and display car parks is set to operate from Monday 19th December 2022 to Monday 2nd January 2023 inclusive. Our pay and display machines will be covered over to prevent use and our parking application disabled.

Markets

Power supplies consisting of 4 bollards, each with 2 hook-up points, are now live in the High Street Northallerton and proving popular with traders. An adaption to the supplies is now being implanted to allow traders with high power requirements to use the supplies.

Electric Vehicle Charging Points

Works to install electric vehicle charging points in our remaining large communities of Bedale, Easingwold, Great Ayton and Stokesley in addition to our existing chargers at Northallerton and Thirsk are nearing completion. Main power supplies have now been provided in all the car parks with the groundworks to provide sockets and cable ducting in progress. The bollard installations are also in progress with surface marking and signage all being scheduled for completion during October with the "Go live " to follow.

A joint bid which includes Hambleton District Council as part of North Yorkshire County group of authorities has been successful as one of the eight pilot schemes in gaining £2million pounds of local electric Vehicle Infrastructure funding from Government. The pilot schemes are aimed at providing EV's in rural areas. Each district and Borough has identified two communities to install infrastructure and has to devise imaginative ways to generate power and involve the local community.

In Hambleton the two communities initially identified are Swainby and Osmotherley. The scheme aims to complete by the end of 2023 and is seen as key to the wider installation of EV's in rural areas.

Elections

The annual canvas of households is underway to ensure all those entitled to vote are registered and should be completed shortly.

Communications

Work is continuing to promote "Discover Hambleton " as a place to come and visit. It is hoped that the new authority will continue to support this brand which it is now accepted as recognisable to visitors and helps in attracting tourists to our area.

As always the department are pleased to share any good news that Councillors may have in their wards, to the wider community, so please contact Anna Wilkes with any news.

Councillor Isobel Sanderson
Portfolio Holder for Governance

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Statement by the Cabinet Portfolio Holder for Planning

18 October 2022

Planning Policy

The Local Plan

The adoption of the new Hambleton Local Plan has now passed the period for Judicial Review without challenge.

For the Local Plan review the 8 authorities involved with LGR are considering whether to continue with local plan reviews in light of legal advice on local plan preparation for the new Council.

A report will be going to members of new Council that recommends not continuing with the Hambleton review and also stopping reviews for most other authorities, except Selby, Ryedale and the new settlement DPD for Harrogate, all of which are well advanced.

Local Plan Review – Gypsy and Travellers and Travelling Show People Policy

A report on the Local Plan review went to Cabinet on 7 June which proposed outsourcing the work to consultants. This was approved by Cabinet and was subsequently approved at full Council on the 26 July 2022.

Supplementary Planning Documents

In support of the new Local Plan new Supplementary Planning Documents (SPDs) are being produced. The Domestic Extensions SPD is going to cabinet on 4th October 2022 for adoption

Domestic Extension SPD – this is out for public consultation following approval by Cabinet on 5 July 2022 and at Full Council on the 26 July. The public consultation is for 6 weeks and expires on the 9 September 2022.

Development Management

Recruitment in the Planning discipline is difficult at the moment. As set out in the previous Statement the departure of Jon Berry, Chief Planning Officer has been filled by the appointment of Mark Russell, Interim Chief Planning Officer from Capita.

It is hoped that the vacant Senior Planning Officer post in the West Development Management Team following the departure of Kate Williams will be filled with an internal member of staff currently at Planning Officer level.

Nutrient Pollution

Following the advice from Natural England of nutrient pollution affecting the Teesmouth and Cleveland Coast Special Protection Area (SPA) that breaches the Habitat Regulation and requires action, Stockton on Tees Borough Council have been identified as the lead local authority for the catchment.

Officers continue to work proactively with applicants to address the issues. Tim Wood of the Council is leading on this. Additionally, a Strategic Mitigation Scheme – which is designed to unlock house building is soon to be announced. This is based on developers being able to purchase nutrient credits. It is anticipated that the Scheme could commence January 2023.

Tim Wood will provide a briefing note on the subject with a follow up of a Management Team report in due course.

Councillor David Webster
Portfolio Holder for Planning

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

18 October 2022

Waste and Street Scene

Garden waste

Year 6 garden waste subscription- as at 24 August 2022 the income total is £946,080 – 99.5 % of year 5 income

Recruitment

Recruitment is underway for 5 waste operatives; this will ensure the resilience of the service for the immediate future.

Performance

Performance is strong with recycling at 53%.

LGR- Waste: An approach has been agreed where the minimum changes will be made to the service at day 1. A lot of work is going into establishing and measuring best practice, health and safety, branding, PPE etc. Work is being undertaken to ensure that web and phone customer access channels are seamless for customers.

LGR- Fleet: This sub-group is examining the best option for fleet renewal and replacement and maintenance, the preference being for owned vehicles and in-house maintenance at present. This area will merge with North Yorkshire County Council fleet operations. Vehicles will likely be rebranded, with vinyl panels displaying new logos etc.

Environmental Health

Food: Work is still underway to catch up with the high priority work as a knock-on effect of Covid, this work is well underway and targets are being met.

New Management Information System: The new system is implemented and will provide a strong platform going to LGR.

LGR: The service is preparing detailed plans for day 1 including Food, Residential and Safety Advisory Group work.

Avian Influenza

An outbreak has been recorded in the Easingwold area. NYCC Trading Standards Service are working with Animal & Plant Health Agency to undertake foot patrols of the protection zone (3km radius from the infected premises) to identify all poultry keepers in the zone. This task involves door knocking at every property (farm and residential), inspecting buildings, allotments, etc. At present there are no actions for Hambleton, but support has been offered.

Emergency Planning

The passing of Her Majesty Queen Elizabeth II

Following the sad announcement of the death of the Queen, council officers were able to follow well-rehearsed and meticulous plans for Operation London Bridge, or actions the Council needed to take following the death of the monarch. This was a complex task involving working with partners in town and village communities and many other agencies.

Officers from across the council including Environmental Health, Waste and Street Scene, Customer Services, Facilities, Communications and the PAs, were able to ensure that everything went as smoothly as possible and that Hambleton marked the death of the Queen in a dignified, respectful and professional manner.

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

Statement by the portfolio holder for Transformation and Projects

18 October 2022

HR Workforce Members Working Group

At the latest HR Members Working Group an update was given on staff communication and reassurance for District staff as we move towards vesting date of the new North Yorkshire Council in April 2023. Plans for TUPE consultation which commenced in August were outlined. A presentation is to be given at the next meeting from Mike James from NYCC central communications team on how key messages and information is to be delivered to staff. A number of consultations are taking place in key areas including hybrid working, with a focus on flexibility for staff and the harmonisation of pay dates.

It was outlined that a key focus area was the greater opportunity for the recruitment of apprentices to develop the existing workforce and for them to progress into professionally qualified roles e.g. Degree apprentice social worker. Training and developing the existing workforce in house in roles where recruitment is challenging is being progressed.

Engagement sessions are being held with staff across all the District Council areas and Employee Health and Wellbeing is being enhanced and further progressed.

Councillor Malcolm Taylor
Transformation and Projects

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Hambleton District Council

Report To: Council
18 October 2022

From: Chief Executive

Subject: **Appointment of Honorary Aldermen**

Wards Affected: All Wards

Scrutiny Committee

1.0 Background

1.1 The Council's Constitution makes provision for the appointment of Honorary Aldermen. This normally takes place following the election of a new Council.

1.2 This report asks Council to consider the recommendations of the Member Working Group and arrangements for the appointment of Honorary Aldermen.

2.0 Practice and Criteria

2.1 Section 249 of the Local Government Act 1972 ("the Act") enables the Council to confer the title of Honorary Alderman on those who in the Council's opinion have rendered "eminent service" to the Council as past Members and who are no longer Councillors at the time of conferment. The Act contains no definition of what constitutes "eminent service", but it is clear it means service to the Council rather than to the community or other authorities.

2.2 Regulation 32 of the Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008, amended the Act and enables a Council that is to be dissolved as a result of local government reorganisation to elect not only past Members as Honorary Alderman but also serving Members. Honorary Alderman of a dissolved council become on the reorganisation date Honorary Alderman of the successor single-tier council. However, no Honorary Alderman shall, whilst serving as a Member of the single-tier authority, be entitled to be addressed as Alderman or to attend or take part in any civic ceremonies of that council as an Alderman.

2.3 The criteria used for consideration are that nominees must have: -

- served at least five consecutive full terms (a minimum of 20 years); or
- served at least four consecutive full terms (a minimum of 16 years) and served as Chairman of at least two Committees or been a Member of the Cabinet during that period.

3.0 Procedures

- 3.1 The process for recommending the appointment of Aldermen involves a Working Group of Members. This is a reasonable and appropriate forum for discussing the merits of potential candidates. The Chief Executive, at the request of the Leader, convened a Working Group made up of one Member nominated by each political group plus the Deputy Leader of the Council.
- 3.2 Those fulfilling the eligibility criteria have been considered by the Working Group and the following principles applied: -
- The award be non-political and recognise the personal contribution made by the Councillor;
 - the award recognises an outstanding contribution to the work of the Council.
- 3.3 The procedure stipulates that the Working Group will make recommendations to Council which will determine the appointment of Aldermen.

4.0 Recommendations of the Working Group

- 4.1 The Working Group comprising Councillors P Atkin, P Thompson and P R Wilkinson met on Tuesday, 28 June 2022 and recommended that Councillors David Webster, Mark Robson, Brian Phillips and Mrs Bridget Fortune, be conferred with the title of Honorary Alderman at a special meeting of Council convened for this purpose.

5.0 Legal Implications

- 5.1 Recommendations for Honorary Alderman can be made by a Sub-Committee or Working Group. However, it is only the Council that can confer the title provided a resolution is passed by not less than two-thirds of the Members voting at a meeting of the Council specially convened for the purpose.

6.0 Equality/Diversity Issues

- 6.1 Equality and Diversity Issues have been considered. However, there are no issues associated with this report.

7.0 Financial Implications

- 7.1 There are no financial implications associated of this report.

8.0 Recommendation

- 8.1 It is recommended that: -

- (1) Council considers and approves the recommendations of the Working Group for the appointment of Honorary Alderman; and

- (2) a special meeting of the Council be arranged to confer the title of Honorary Alderman of the District of Hambleton upon Councillors David Webster, Mark Robson, Brian Phillips and Mrs Bridget Fortune.

Dr Justin Ives
Chief Executive

Background papers: None
Author ref: JI
Contact: Dr Justin Ives
Chief Executive

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Minutes for Information

Committee	Date	Page
Cabinet	6 September 2022	35
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Planning Committee	4 August 2022	41
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	29 September 2022	51
Audit, Governance and Standards Committee	27 September 2022	57
Licensing Committee	8 September 2022	63
Licensing and Appeals Hearings Panel	6 October 2022 (9.30am)	65
	6 October 2022 (10.30am)	To follow

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**Decisions taken under Cabinet
authority to take effect on
14 September 2022**

Decisions of the meeting of the Cabinet held
at 9.30 am on Tuesday, 6th September, 2022
at the Council Chamber, Civic Centre, Stone
Cross, Rotary Way, Northallerton, DL6 2UU

Present

Councillor M S Robson (in the Chair)

Councillor	P R Wilkinson	Councillor	S Watson
	M G Taylor		D A Webster
	P R Thompson		

Also in Attendance

Councillor	P Atkin	Councillor	Mrs B S Fortune
	M A Barningham		G Ramsden
	D B Elders		

An apology for absence was received from Councillor Mrs I Sanderson

CA.21 Minutes

The Decision:

That the decisions of the meeting held on 5 July 2022 (CA.9 – CA.17),
previously circulated, be signed as a correct record.

CA.22 Hackney Carriage Table of Fares

All Wards

The subject of the decision:

This report asked Cabinet to consider the four objections to the proposed
Hackney Carriage Table of Fares.

Alternative options considered:

The options that were considered were as detailed within the report.

The reason for the decision:

To comply with the requirements of section 65 of the Local Government
(Miscellaneous Provisions) Act 1976 and section 9D of the Local Government
Act 2000 regarding the setting of Hackney Carriage Fares.

The decision:

That Cabinet approves that the Hackney Carriage Table of Fares contained in Annex A to the report be approved to take effect from 1st October 2022.

CA.23 **Annual report on the Audit, Governance and Standards Committee's activities for 2021/22**

All Wards

The subject of the decision:

This report provided an analysis of the work undertaken by the Audit, Governance and Standards Committee up to 31 March 2022.

Alternative options considered:

None.

The reason for the decision:

To comply with the Council's Constitution and the Terms of Reference of the Audit, Governance and Standards Committee to report annually to Cabinet.

The decision:

That the report of the Audit, Governance and Standards Committee be endorsed.

CA.24 **Discretionary Council Tax Rebate Scheme - Support for Energy Bills**

All Wards

The subject of the decision:

This report set out the proposed Discretionary Council Tax Rebate Discretionary scheme criteria that was being recommended for approval.

Alternative options considered:

None.

The reason for the decision:

To comply with the Department for Levelling Up, Housing and Communities 'Support for Energy Bills – The Council Tax Rebate 2022-23: Billing Authority Guidance' which set out how authorities should administer the Council Tax Rebate and associated Discretionary Fund for households as part of a package of support for rising energy costs.

The decision:

That Cabinet:-

- (1) approves the proposed Council Tax Rebate Discretionary Fund 2022-23 scheme as set out in the report; and
- (2) delegates authority to the Council's Section 151 Officer to make amendments to the Council Tax Rebate Discretionary Scheme eligibility criteria to ensure that government funding is directed to support vulnerable households, if needed.

CA.25 **Business Rates - S47 Discretionary Rate Relief – Heat Network Relief**
All Wards

The subject of the decision:

This report sought approval for the changes to the Discretionary Rates Relief policy to reflect the introduction of a Discretionary Rate Relief scheme giving business rate relief for properties that were used for the purpose of a heat network.

Alternative options considered:

None.

The reason for the decision:

To take account of the expectation from Central Government that billing authorities use their discretionary relief powers under Section 47 of the Local Government Finance Act 1988 to award this relief where a business meets the eligibility criteria as determined by Central Government.

The decision:

That Cabinet approves the adoption of the heat network rate relief for 2022/23 only and to the change to the Non Domestic Discretionary Relief policy to include the new heat network rate relief for 2022/23 as per Government guidance.

The meeting closed at 9.55 am

Leader of the Council

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**Decisions taken under Cabinet authority
to take effect on 13 October 2022**

Decisions of the meeting of the Cabinet held
at 9.30 am on Tuesday, 4th October, 2022 at
the Council Chamber, Civic Centre, Stone
Cross, Rotary Way, Northallerton, DL6 2UU

Present

Councillor M S Robson (in the Chair)

Councillor	P R Wilkinson	Councillor	S Watson
	Mrs I Sanderson		D A Webster
	P R Thompson		

Also in Attendance

Councillor	P Atkin	Councillor	K G Hardisty
	M A Barningham		J Noone
	B Griffiths		A Wake

An apology for absence was received from Councillor M G Taylor

CA.30 **Minutes**

The Decision:

That the decisions of the meeting held on 6 September 2022 (CA.18 - CA.25), previously circulated, be signed as a correct record.

CA.31 **Grant for Refurbishment of Cobbles at Stokesley**

Stokesley Ward

The subject of the decision:

This report concerned a grant the Council approved for the refurbishment of the town centre cobbles at Stokesley Town Centre which was associated with the surrender of the lease between Stokesley Town Council and Hambleton District Council. Specifically, the report considered whether the grant offer should now be withdrawn because of lack of progress.

Alternative options considered:

None.

The reason for the decision:

Cabinet was satisfied that the withdrawal of the grant offer to Stokesley Town Council was justified due to lack of progress.

The decision:

That Cabinet approves that the grant offer to Stokesley Town Council of £110,944 for remedial works on the cobbles be withdrawn.

The meeting closed at 10.15 am

Leader of the Council

Minutes of the meeting of the Planning Committee held at 10.00 am on Thursday, 4th August, 2022 in the Council Chamber, Civic Centre, Stone Cross, Rotary Way, Northallerton, DL6 2UU

Present

Councillor P Bardon (in the Chair)

Councillor	M A Barningham	Councillor	B Phillips
	D B Elders		A Robinson
	Mrs B S Fortune		M G Taylor
	B Griffiths		D A Webster
	K G Hardisty		

Also in Attendance

Councillor	P A James	Councillor	M S Robson
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Apologies for absence were received from Councillors J Noone and A Wake

P.7 Minutes

The Decision:

That the minutes of the meeting of the Committee held on Thursday, 7 July 2022 (P.5 - P.6), previously circulated, be signed as a correct record.

P.8 Planning Applications

The Committee considered reports of the Deputy Chief Executive 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 Deputy Chief Executive had delegated authority to add, delete or amend conditions and reasons for refusal.

In considering the report(s) of the Deputy Chief Executive 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 Deputy Chief Executive, unless shown otherwise:-

- (1) 22/00924/FUL - Proposed Residential Conversion of Existing Church Premises, Construction of Energy Hub Outbuilding, New Site Access, Car Parking, Turning, Site Boundary Works and Amenity Areas at St Andrews Church, Todd Lane, Great Fencote for Mr Ian Shipley

Permission Granted subject to additional conditions set out in the supplementary information update list.

In addition there was an amendment to condition 8 in respect of visibility splays and an amendment to condition 11 as set out in the supplementary information update list.

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

(Councillor Chris Walker spoke on behalf of Kirkby Fleetham with Fencotes Parish Council objecting to the application.)

(Alison Booth on behalf of Kirkby Fleetham with Fencotes History Group spoke objecting to the application.)

- (2) 21/01362/FUL - Proposals for the installation of a solar photovoltaic array/solar farm with associated infrastructure at OS Field 6800, Fence Dike Lane, Scruton for Lightrock Power Ltd

Permission Refused. The Committee had concerns that the proposal would result in the loss of grade 2 best and most versatile agricultural land. The Committee was not satisfied that this loss could be justified and was therefore not supported by the Council's policies which encourages the siting of large scale solar farms on previously developed and non-agricultural land. The Committee felt that there were suitable sites within the district with lower classified land status and had concerns that there would be a negative cumulative impact if this application was approved.

The decision was contrary to the recommendation of the Deputy Chief Executive.

(Chris Sowerbutts (on behalf of the applicant) and Rory Clarke spoke in support of the application.)

(Councillor Syd Nye spoke on behalf of Scruton Parish Council objecting to the application.)

(Harry Shepherd and Morris Daley spoke objecting to the application.)

In accordance with paragraph 14.5 of the Council Procedure Rules, Councillor B Griffiths requested a recorded vote on the motion, Members present were recorded as voting as follows:

For the motion of refusal: Councillors P Bardon, M A Barningham, D B Elders, Mrs B S Fortune, B Griffiths, K G Hardisty, A Robinson and M Taylor (8)

Against the motion of refusal: Councillors B Phillips and D A Webster (2)

Note: Councillor P A James and Councillor M S Robson left the meeting at 11.51am.

The meeting was adjourned at 11.51 am and reconvened at 1.30pm.

- (3) 20/01687/OUT - Outline planning application with access to be considered (all other matters reserved) for residential development (Use Class C3) of up to 145 homes, engineering and site works, car parking, access, landscaping, drainage and other associated infrastructure at Land North of Mowbray Road East Side of Stokesley Road Northallerton for Church Commissioners for England

Permission Granted subject to additional conditions relating to foul water drainage and site levels.

(The applicant's agent, Nolan Tucker, spoke in support of the application.)

(Councillor Paul Cornfoot spoke on behalf of Northallerton Town Council raising concerns regarding aspects of the development.)

(Mr Mathers spoke objecting to the application.)

- (4) 21/02482/FUL - Construction of 17 dwellings and associated highway works at Land rear of The Manor House, Main Street, Linton On Ouse for Mulberry Homes Yorkshire

Defer for further information. The Committee requested further information to be provided in respect of the matters outlined in paragraph 5.44 of the officer's report and additional information to be provided on the affordable

housing tenure (social rent), the removal of a horse chestnut tree, an assessment of housing need, details on boundary treatment and a density report on the siting of the proposed dwellings.

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

- (5) 22/00166/FUL - Demolition of existing structures and construction of 9 dwellings and associated parking and landscaping at Land to the south of Station Road, Thirsk for Frontline Estates Ltd

Defer for further consideration of the size and type of the proposed dwellings on Plots 8 and 9 to seek to lower the height of the dwellings and reduce the proximity to the bungalow on Olivette Crescent.

(Sue Bolton spoke objecting to the application.)

Note: The meeting was sojourned at 3.26pm and reconvened at 3.36pm.

- (6) 21/02712/FUL - Construction of 3 detached dwellings with garages and access at Part OS Field 1745, Back Lane, Tollerton for Messrs' N & M Ramsden & Foster

Permission Granted

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

- (7) 22/01061/REM - Application for approval of reserved matters considering appearance, landscaping, layout and scale (in addition the size, type and mix) following outline approval 21/01762/OUT (allowed on appeal) for Application for Outline Planning Permission with some matters reserved (considering access and landscaping) for a development of 5no dwellings at Part OS Field 0038, Foss Syke Lane, Sandhutton for Mr Wheatley

Permission Refused with additional reasons in relation to site levels and drainage.

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

(Councillor Ian Corner spoke on behalf of Sandhutton Parish Council objecting to the application.)

- (8) 22/00004/TPO2 - Hambleton District Council (Stillington Parish) Tree Preservation Order 2022 No 4. at Weddells Cottage, Main Street, Stillington

To be varied and confirmed

The meeting closed at 4.23 pm

Chairman of the Committee

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Minutes of the meeting of the Planning Committee held at 1.30 pm on Thursday, 1st September, 2022 in the Council Chamber, Civic Centre, Stone Cross, Rotary Way, Northallerton, DL6 2UU

Present

Councillor P Bardon (in the Chair)

Councillor	M A Barningham	Councillor	B Phillips
	D B Elders		A Robinson
	B Griffiths		M G Taylor
	J Noone		D A Webster

Also in Attendance

Councillor	P A James	Councillor	Mrs I Sanderson
	M S Robson		S Watson

Apologies for absence were received from Councillors Mrs B S Fortune, K G Hardisty and A Wake

P.9 **Minutes**

The Decision:

That the minutes of the meeting of the Committee held on Thursday, 4 August 2022 (P.7 - P.8), previously circulated, be signed as a correct record.

P.10 **Planning Applications**

The Committee considered reports of the Deputy Chief Executive 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 Deputy Chief Executive had delegated authority to add, delete or amend conditions and reasons for refusal.

In considering the report(s) of the Deputy Chief Executive 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 Deputy Chief Executive, unless shown otherwise:-

- (1) 21/00966/REM - Amended plans Received- Reserved matters application pursuant to outline permission 16/01142/OUT for landscape, appearance, layout and scale for the construction of 28 dwellings for Faulkner at OS Field 0046 Brafferton to West Moor, Brafferton

Defer for further consideration of the application in response to concerns raised regarding the housing mix, design and layout of the site.

(The applicant's agent, Stuart Natkus, spoke in support of the application).

(Nigel Dennison spoke on behalf of Brafferton and Helperby Parish Council objecting to the application.)

Note: Councillor M S Robson arrived at the meeting at 1.46pm.

- (2) 21/01579/FUL - Development of 8 dwellings, access road and associated infrastructure. (Amended Plans received to show the retention of Cote House, amended access and design amendments) for c/o Agent Paul Butler at Land South of Spring Garth, The Nookin, Husthwaite

Permission Refused

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

(Cameron Smith spoke objecting to the application.)

Note: Councillors P A James and M S Robson left the meeting at 2.28pm

- (3) 21/02338/FUL - Retrospective change of use of potato store to aggregate bagging depot, with no alterations to existing buildings for Mr James Ford, Greenford Haulage & Aggregates Limited at Greenford Haulage & Aggregates Depot, Unit 5, Dalton Gates, Dalton on the Tees

Defer to obtain further information on the site and its usage, the use of neighbouring sites and for a comprehensive highways report.

(Neil Tucker spoke objecting to the application.)

- (4) 22/01263/FUL - Construction of a garden room to the rear elevation of the dwelling for Mrs Hanson at Snape Castle Barn, Snape

Permission Granted subject to there being no alteration to the first-floor window height in the host building. The Committee was satisfied that the proposed design would not have a harmful impact on the architectural merit of the heritage asset.

The decision was contrary to the recommendation of the Deputy Chief Executive.

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

Note: Councillor Mrs I Sanderson arrived at the meeting at 3pm.

- (5) 22/01264/LBC - Listed Building Consent for the construction of a garden room to the rear elevation of the dwelling for Mrs Hanson at Snape Castle Barn, Snape

Permission Granted. The Committee was satisfied that the proposed design would not have a harmful impact on the architectural merit of the heritage asset.

The decision was contrary to the recommendation of the Deputy Chief Executive.

Note: The meeting adjourned at 3.13pm and reconvened at 3.24pm.

Councillor M S Robson arrived at the meeting at 3.24pm.

- (6) 22/01350/FUL - Full planning application for the change of use of an agricultural field to a private dog walking field with associated fencing and car parking for South Acres Ltd at Land opposite Southend and Linton House, Stockton Road, South Kilvington

Permission Granted subject to an amendment to condition 3 to vary the operating hours to 7am-9pm, an amendment to the wording of condition 4 to require compliance with the Management Plan once approved, and an additional condition regarding maintenance of boundary hedgerows.

(The applicant, Matt Bell, spoke in support of the application.)

(Nicky Dowell spoke objecting to the application.)

Note: Councillor M S Robson and S Watson left the meeting at 3.52pm.

- (7) 22/01740/FUL - Application for change of use of land to domestic and the construction of replacement farmhouse for Mr and Mrs Wilson Park Hills Farm, Danby Wiske

Permission Granted subject to a requirement that the existing dwelling is removed.

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

Note: Councillor Mrs I Sanderson left the meeting at 3.58pm.

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

P.12 21-02217-FUL - Wheatsheaf House, Winton, Northallerton

- (8) 21/02217/FUL - Retrospective planning permission for the change of use of agricultural land to domestic for the retention of a mobile home used solely as ancillary accommodation. Renew access gates for Mrs G Norton at Wheatsheaf House, Winton, Northallerton

Permission Granted subject to an additional condition that requires the removal of the mobile home if it is unoccupied for 6 months or more.

The meeting closed at 4.20 pm

Chairman of the Committee

Minutes of the meeting of the Planning Committee held at 1.35 pm on Thursday, 29th September, 2022 in the Council Chamber, Civic Centre, Stone Cross, Rotary Way, Northallerton, DL6 2UU

Present

Councillor P Bardon (in the Chair)

Councillor	D B Elders	Councillor	A Robinson
	Mrs B S Fortune		M G Taylor
	K G Hardisty		A Wake
	B Phillips		D A Webster

Also in Attendance

Councillor	M S Robson	Councillor	S Watson
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Apologies for absence were received from Councillors M A Barningham, B Griffiths and J Noone

P.13 Minutes

The Decision:

That the minutes of the meeting of the Committee held on 1 September 2022 (P.9 - P.10), previously circulated, be signed as a correct record.

P.14 Planning Applications

The Committee considered reports of the Deputy Chief Executive 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 Deputy Chief Executive had delegated authority to add, delete or amend conditions and reasons for refusal.

In considering the report(s) of the Deputy Chief Executive 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 Deputy Chief Executive, unless shown otherwise:-

- (1) 20/02047/OUT - Application for Outline planning permission with some matters reserved (except for access) for the demolition of existing buildings and erection of up to 32 dwellings, with public open space, landscaping, and sustainable drainage system (SuDS) and vehicular access point from The Avenue at Prices Paving And Tiles Limited, The Manor House, Snape, DL8 2SZ for Prices Paving & Tile Ltd

Defer to obtain further information on drainage, highways access and eligibility for vacant building credit.

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

(John Duck spoke on behalf of Snape with Thorp Parish Council objecting to the application.)

(David Smith spoke objecting to the application.)

- (2) 20/02464/FUL - Construction of 2no detached dwellings for use as short-term holiday lets with associated parking spaces at Land to the rear of the Duke of Wellington, Welbury for Mr Stephen Watson

Permission Refused subject to an amendment to the reasons for refusal to include reference to policy EG8.

(Julie Armstrong spoke objecting to the application.)

Note: Councillor S Watson left the meeting at 2.42pm.

- (3) 22/00321/FUL - Application for the erection of a steel framed building for use as a light industrial workshop, utilising existing access as amended by plans received by Hambleton District Council on 24 May 2022 at Field House Equestrian, Field House, Hamhall Lane, Scruton for R Wright

Permission Granted subject to an additional condition to remove Permitted Development Rights.

(Nikki Cooper, on behalf of the applicant, spoke in support of the application.)

(Sarah Wright spoke objecting to the application.)

- (4) 21/02458/FUL - Change of use of an agricultural building to a dwelling and associated works, including demolition of single-storey outbuildings at Agricultural Building, Land Adjacent to Rawcliffe, Cooper Lane, Potto for Mr and Mrs R Hill

Permission Granted subject to a condition in relation to boundary treatment.

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

(Catherine Young spoke objecting to the application.)

Note: The meeting was adjourned at 3.36pm and reconvened at 3.47pm

- (5) 21/02482/FUL - Construction of 19 dwellings and associated highway works (amended details received 22.08.22 and 23.08.22) at Land rear of The Manor House, Main Street, Linton On Ouse for Mulberry Homes Yorkshire

Defer with delegation to officers to grant permission subject to outstanding matters relating to biodiversity net gain, drainage, noise implication of the proposed pumping station and acoustic fencing being addressed.

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

- (6) 22/00509/MRC - Removal or variation of condition 4 from previously approved application 16/01716/FUL - Change of use of agricultural land and the construction of a replacement dwellinghouse with associated parking and landscaping at Foxhall Farm, Knayton, Thirsk, for Mr Julian Potter

Permission Granted

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

Note: Councillor M S Robson arrived at the meeting at 4.08pm.

- (7) 20/02700/CLP - Application for a Lawful Development Certificate for a proposed permanent use of play area for the siting of up to 18 static caravans without restriction on the layout of the land or number of caravans sited on it at White Rose Caravan Park, Hutton Sessay YO7 3BA for W Harrison

Permission Refused. The Committee had concerns regarding lack of open space, health and safety and detriment to the safety of residents and that the applicant had insufficient evidence to prove use of the site as a caravan park.

The decision was contrary to the recommendation of the Deputy Chief Executive.

(Steve Prentice spoke on behalf of Hutton Sessay Parish Council objecting to the application.)

(Guy Musgrove spoke objecting to the application.)

- (8) 21/02011/MRC - Application to vary condition 2 of 97/50736/M (2/97/074/0001Y) to allow for up to 30 static caravans to be sited on land (OS Field 4775) comprising part of the approved caravan site which is currently used for touring caravans, also to vary condition 2 to allow for the proposed static caravans to operate all year round, and to vary condition 3 to allow for the caravans approved and sited in OS Fields 3900, 4700, 5190 and 5376 to operate all year round at White Rose Caravan Park, Hutton Sessay YO7 3BA for W Harrison

Permission Refused. The Committee had concerns that there was no detailed proposals for foul drainage, and was not satisfied that the proposals would adequately address the issues with Sessay Pumping Station (where sewerage would be sent) particularly at times when the station becomes overwhelmed by excessive rain. The Committee found that the application did not meet Policy IC3 of the Local Plan as the proposal does not include any open space or recreational facilities to support the health and well-being of the occupants of the proposed static caravans. The Committee felt that the proposed removal of the night warden static caravan to use the area to enhance a current play area (swimming pool) was inappropriately located next to the entrance road and would pose a health and safety risk. The Committee also had concerns that the proposal would increase reported issues of dog fouling in the village as the site has no dog exercise area and would extend the impacts all year round. The Committee found that the proposal to allow for year round opening would have a detrimental impact on the amenity of residents in the village. The Committee was also concerned that by allowing the site to open for the three additional months (December – March) the car parking provision would be inadequate. Currently site users park their cars on grass, adjacent to caravans. The Committee was not satisfied, given the number of caravans on site, that sufficient parking provisions would be available during the winter months when adverse weather would prevent cars from parking on grass. The Committee also

found that the application did not meet Policy E1 as the proposed layout of the caravans in two rows with the constructed bases indicating a 5m separation distance created overdeveloped and crowded living conditions and ultimately failed to achieve high standards of design.

The decision was contrary to the recommendation of the Deputy Chief Executive.

(Steve Prentice spoke on behalf of Hutton Sessay Parish Council objecting to the application.)

(Guy Musgrove spoke objecting to the application.)

The meeting closed at 5.45 pm

Chairman of the Committee

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Minutes of the meeting of the Audit,
Governance and Standards Committee held at
9.30 am on Tuesday, 27th September, 2022 at
Council Chamber, Civic Centre, Stone Cross,
Rotary Way, Northallerton, DL6 2UU

Present

Councillor N A Knapton (in the Chair)

Councillor	P Atkin	Councillor	Mrs B S Fortune
	P Bardon		K G Hardisty
	D B Elders		

AGS.7 Minutes

The decision:

That the minutes of the meeting of the Committee held on 19 July 2022 (AGS.3 to AGS.6), previously circulated, be signed as a correct record.

AGS.8 Regulation of Investigatory Powers Act - Review of Activity

All Wards

The subject of the decision:

The Director of Law and Governance (Monitoring Officer) submitted 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 March 2022 to 27 September 2022.

AGS.9 Annual Review of the Committee's Terms of Reference

All Wards

The subject of the decision:

The Chief Executive (s151 Officer) presented a report following a review of the Committee's Terms of Reference.

Alternative options considered:

None.

The reason for the decision:

To fulfil the Audit Commission's good practice requirement to the annual review and incorporate the audit terms of reference suggested by CIPFA.

The decision:

That the Committee approves and recommends to Council that:

- (1) the annual review of the Audit, Governance and Standards Committee's terms of reference be noted; and
- (2) the terms of reference for the Audit, Governance and Standards Committee as set out in Annex A of the report be approved.

AGS.10 Annual Review of Risk Management

All Wards

The subject of the decision:

The Chief Executive (s151 Officer) presented a report which provided the Committee with an annual review of the Council's risk management process.

Alternative options considered:

None.

The reason for the decision:

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

The decision:

That the Committee note the Corporate Risks and the Service Risks with a net risk threshold of 12 or above attached at Annex A and B of the report respectively.

AGS.11 **Internal Audit and Counter Fraud First Progress Report 2022/23**

All Wards

The subject of the decision:

The Chief Executive (S151 Officer) presented a report informing Members of progress made on audit work planned and undertaken and counter fraud activity since the last report to the Committee.

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 and the Counter Fraud Team in the year to date be noted.

AGS.12 **Draft Financial Report 2019/20 Statement of Accounts**

All Wards

The subject of the decision:

The Chief Executive presented a report on the Draft Council's Finance Report (Statement of Accounts) 2019/20 and provided an update on the latest position on the Financial Report 2019/20 and the audit of this.

Alternative options considered:

None.

The reason for the decision:

To comply with the Local Audit and Accountability Act 2014 and the Accounts and Audit Regulations 2015 as well as the Code of Audit Practice issued by the National Audit Office in 2020.

The decision:

That:-

- (1) the draft Statement of Accounts for 2019/20 as detailed within Annex A of the report be noted; and
- (2) it be noted that there was no set date when the audit for 2019/20 would be completed due to the awaited Ernst & Young working group decision in respect of the consultation on CIPFA LASAAC infrastructure assets reporting.

AGS.13 Annual Governance Statement for 2020/21

All Wards

The subject of the decision:

The Chief Executive presented the Annual Governance Statement for 2020/21. Due to a number of factors, the hand over between the departing and incoming s151 Officers and the fact that the audit had not yet commenced, this had not been presented to the Committee last year as a stand alone item. For completeness this was now presented to the Committee.

Alternative options considered:

None.

The reason for the decision:

To comply with Regulation 4(2) of the Accounts and Audit Regulations which requires authorities to conduct a review at least once a year of the effectiveness of its system of internal control and to prepare a statement on internal control in accordance with proper practices.

The decision:

That the Committee:-

- (1) agree with the conclusion of the review of the system of internal control; and
- (2) approve the content of the Annual Governance Statement attached at Annex A of the report, which is published within the Annual Finance Report – Statement of Accounts 2020/21.

AGS.14 Draft Financial Report 2020/21 Statement of Accounts

All Wards

The subject of the decision:

The Chief Executive presented a report on the Draft Council's Finance Report (Statement of Accounts) 2020/21 and provided an update on the latest position on the Financial Report 2020/21 and the audit of this.

Alternative options considered:

None.

The reason for the decision:

To comply with the Local Audit and Accountability Act 2014 and the Accounts and Audit Regulations 2015 as well as the Code of Audit Practice issued by the National Audit Office in 2020.

The decision:

That:-

- (1) the draft Statement of Accounts for 2020/21 as detailed within Annex A of the report be noted;
- (2) it be noted that the audit is due to commence in September 2022; and
- (3) Hambleton District Council met the amended legislation to publish the draft Statement of Accounts 2020/21 on or before 31 July 2021 as stated in paragraph 1.4 of the report.

AGS.15 **Annual Governance Statement for 2021/22**

All Wards

The subject of the decision:

The Chief Executive presented the Annual Governance Statement for 2021/22.

Alternative options considered:

None.

The reason for the decision:

To comply with Regulation 4(2) of the Accounts and Audit Regulations which requires authorities to conduct a review at least once a year of the effectiveness of its system of internal control and to prepare a statement on internal control in accordance with proper practices.

The decision:

That the Committee:-

- (1) agree with the conclusion of the review of the system of internal control; and

- (2) approve the content of the Annual Governance Statement attached at Annex A of the report, which is published within the Annual Finance Report – Statement of Accounts 2021/22.

AGS.16 **Draft Financial Report 2021/22 Statement of Accounts**

All Wards

The subject of the decision:

The Chief Executive presented a report on the Draft Council's Finance Report (Statement of Accounts) 2021/22 and provided an update on the latest position on the Financial Report 2021/22 and the audit of this.

Alternative options considered:

None.

The reason for the decision:

To comply with the Local Audit and Accountability Act 2014 and the Accounts and Audit Regulations 2015 as well as the Code of Audit Practice issued by the National Audit Office in 2020.

The decision:

That:-

- (1) the draft Statement of Accounts for 2021/22 as detailed within Annex A of the report be noted;
- (2) it be noted that the audit is due to commence in early 2023; and
- (3) Hambleton District Council met the amended legislation to publish the draft Statement of Accounts 2021/22 on or before 31 July 2022 as stated in paragraph 1.4 of the report.

The meeting closed at 10.28 am

Chairman of the Committee

Present

Councillor R Kirk (in the Chair)

Councillor	M A Barningham	Councillor	P A James
	D B Elders		N A Knapton
	C A Dickinson		J Noone

Apologies for absence were received from Councillors P Bardon, K G Hardisty and D Watkins.

LC.5 **Minutes**

The Decision:

That the minutes of the meeting held on 10 June 2022 (LC.3 - LC.4) and the meetings of the Licensing and Appeals Hearings Panel held on 5 January 2022 (LAHP.15); 1 February 2022 (LAHP.16 – LAHP.18); 13 April 2022 (LAHP.19); 24 May 2022 (LAHP.1) and 13 July 2022(LAHP.2), previously circulated, be signed as accurate records.

LC.6 **Hackney Carriage and Private Hire Licensing Policy**

All Wards

The subject of the decision:

The Licensing and Procurement Manager presented a report which sought consideration of some proposed revisions to the Hackney Carriage and Private Hire Licensing Policy in light of recent legislative changes.

Alternative options considered:

None.

The reason for the decision:

To comply with the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 and section 167 of the Equality Act 2010.

The decision:

That the revised Hackney Carriage and Private Hire Licensing Policy as amended be adopted.

The meeting closed at 9.50 am

Chairman of the Committee

Present

Councillor R Kirk (in the Chair)

Councillor P A James

Councillor D Watkins

LAHP.3 **Application for the Renewal of a Hackney Carriage Vehicle Licence – Mr Martin Coleman - HC242**

All Wards

The subject of the decision:

The Director of Law and Governance asked the Panel to consider whether to grant or refuse an application for the renewal of a private hire vehicle licence, a Renault Traffic vehicle registration mark P1 AFX.

Alternative options considered:

The Panel considered granting the application but concluded that the specific circumstances of the case were not sufficient to justify a departure from the Council's Hackney Carriage and Private Hire Licensing Policy.

The reason for the decision:

The Panel considered the officer's report, the applicant's representations, the Council's Hackney Carriage and Private Hire Licensing Policy and the relevant legislation.

The Panel noted that the vehicle in question satisfied the mechanical standards set out in the Council's Policy. However, the vehicle reached the general ten-year age limit (as prescribed by the Policy) in August 2022.

The applicant invited the Panel to consider the exceptional circumstances of his case on the basis of the vehicle's condition and the difficulty in finding a suitable replacement vehicle.

The applicant informed the Panel that the renewal of the licence would enable the vehicle to be used as a reserve for school transportation in order to satisfy the requirements of a contract, which required an 8-seater vehicle to be kept on stand-by. The applicant acknowledged that, if the licence was granted, the vehicle would not be subject to any restrictions in terms of the journeys it would be permitted to undertake.

The Panel considered the impact that the recent COVID-19 pandemic had on the applicant and, whilst it understood the challenges posed by the current situation, it did not find that the applicant's circumstances were exceptional. The Panel concluded that many individuals and businesses would have been adversely affected by the pandemic and any general relaxation of the policy on this basis would be a matter for the full Licensing Committee.

The Panel noted that the last recorded mileage on the vehicle was over 300,000 miles, including 57,000 miles over the last two years. The Panel also considered the vehicle's MOT history, which identified several advisory notices and a number of major defects in recent years.

The applicant informed the Panel that the taxi operator now employs two full-time mechanics and assured Members that whatever work is needed on the vehicle would be done. The applicant also indicated that the mechanical fitness of the vehicle meets the required standard.

The Panel noted that the vehicle recently satisfied the mechanical standards set out by the policy. However, on the basis of the MOT history, the Panel concluded that the vehicle had been maintained to the minimum regulatory standards and therefore could not reasonably be described as exceptionally well-maintained.

The Panel noted that the general ten-year age limit on licensed vehicles was imposed in April 2016 to promote public safety, reliability, comfort and improved high standards of hackney carriage and private hire service in the district. The applicant confirmed that he was aware of the policy age limits when he purchased the vehicle in question and the intention at that time was to replace the vehicle before it reached the age of 10 years.

The Panel noted that the policy will be applied in the majority of cases but each application must be considered on its individual merits. The Panel acknowledged that it was entitled to exercise its discretion to allow exceptions where the applicant has demonstrated that the policy objectives can still be met and the specific circumstances justify a departure from the policy.

Ultimately, the Panel was asked to consider whether or not to grant a licence in respect of a vehicle that exceeded the general age limit prescribed by the Council's Policy.

The Panel was not satisfied that a Renault Traffic with a mileage in excess of 300,000 and a history of mechanical defects could reach the required threshold on the basis of quality and condition.

The Panel concluded that the licence could not be renewed in this instance without undermining the policy objectives.

The Decision:

Taking account of the above and having given appropriate weight to the evidence, the Panel decided to refuse to renew the licence under section 60 of the Local Government (Miscellaneous Provisions) Act 1976.

The meeting closed at 10.26 am

Chairman of the Panel

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