

Committee Administrator: Democratic Services Officer (01609 767015)

Monday, 18 July 2022

Dear Councillor

**Notice of Meeting**

Meeting            **Council**

Date                **Tuesday, 26 July 2022**

Time                **2.00 pm**

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: 209 671 180# For further information please contact Democratic Services on telephone 01609 767015 or email [committeeservices@hambleton.gov.uk](mailto:committeeservices@hambleton.gov.uk)

## Agenda

## Page No

1. Minutes 1 - 6  
To confirm the minutes of the meeting held on 17 May 2022 (C.35 - C.37) and the Annual Meeting of Council held on 17 May 2022 (C.1 - C.5), attached.
2. Apologies for Absence
3. Announcements by the Chairman or Chief Executive
4. Statement of the Leader and Referrals from Cabinet 7 - 14  

Date of Meeting	Minute Nos
7 June 2022	CA.1 to CA.2
5 July 2022	CA.9 to CA.12
5. Cabinet Portfolio Statements
  - a) Statement from the Portfolio Holder for Economic Development and Finance 15 - 16
  - b) Statement from the Portfolio Holder for Leisure 17 - 18
  - c) Statement from the Portfolio Holder for Governance 19 - 20
  - d) Statement from the Portfolio Holder for Planning 21 - 22
  - e) Statement from the Portfolio Holder for Environmental Health, Waste and Recycling 23 - 24
  - f) Statement from the Portfolio Holder for Transformation and Projects 25 - 26
6. Question Time  
None received.
7. Changes to Political Group and Allocation of Seats to Committees 27 - 32  
Report of the Chief Executive
8. Notices of Motion  
None received.

# Agenda Item 1

Minutes of the meeting of the Council held at  
2.00 pm on Tuesday, 17th May, 2022 at  
Council Chamber, Civic Centre, Stone Cross,  
Rotary Way, Northallerton, DL6 2UU

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Present

Councillor M A Barningham (in the Chair)

Councillor	A Wake	Councillor	N A Knapton
	P Atkin		C A Les
	P Bardon		J Noone
	G W Dadd		A Robinson
	D B Elders		M S Robson
	Mrs B S Fortune		M G Taylor
	B Griffiths		P R Thompson
	R W Hudson		D Watkins
	K G Hardisty		S Watson
	P A James		D A Webster
	R Kirk		

Apologies for absence were received from Councillors D Hugill, B Phillips, G Ramsden, Mrs I Sanderson and P R Wilkinson and Honorary Alderman J Fletcher and M J Prest

## C.35 Minutes

### The decision:

That the minutes of the meeting held on 5 April 2022 (C.31 - C.34), previously circulated, be signed as a correct record.

## C.36 Announcements by the Chairman or Chief Executive

The Chairman announced that £490 had been raised in support of the Chairman's Charity, the Yorkshire Air Ambulance, during his Term of Office. Linda Stead, the Regional Fundraising Manager was in attendance and thanked the Chairman and the Council for their support.

## C.37 Verbal Statement of the Leader

The Leader a statement to the Council as follows:-

“As Leader of this council I am in no doubt about how much worry and concern there is in the local community and the surrounding areas about the Government's proposal for a centre for asylum seekers in Linton-on-Ouse, and I want to take this opportunity to offer some reassurance and an update.

I know people are understandably concerned and want answers as quickly as possible and I want to be clear that we are working to get these answers as quickly as we possibly can, given the legal process which is underway.

Under delegated authority the Chief Executive for Hambleton District Council has appointed a legal team to provide legal advice and to identify a QC. At this point in time, we are awaiting this urgent legal advice, and we anticipate this imminently.

HDC Officers and Members are in constant and robust dialogue with the Home Office and a letter has been sent and acknowledged. There was also a meeting last Thursday where the issues and concerns were discussed. We anticipate a response to this letter and subsequent meeting, from the Home Office this week.

At a meeting late this morning, we, along with the PFCC and local MP have been told by the Home Office that they intend for 60 people to arrive at the centre at the end of this month. We have in the strongest possible terms asked that the Home Office pause this proposal immediately to allow for consultation to be carried out and are awaiting their response to this ask. Officers and Members continue to take part in multi-agency meetings and support and work closely with the local community and surrounding areas.

Although frustrating and concerning It's very important that anything we do now doesn't prejudice the outcome of the legal process.

We fully appreciate the worries and frustrations around this and want to reiterate that we are taking every action we can as quickly as the legal process allows. Please be assured we are pushing for the legal advice and subsequent ongoing process to get underway and will continue to be in dialogue with the Home Office.

We are committed to keeping everyone up to date and to ensuring our updates are transparent and timely as we go through this process."

The meeting closed at 2.11 pm

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Chairman of the Council

Present

Councillor M A Barningham (in the Chair)

Councillor	A Wake	Councillor	N A Knapton
	P Atkin		C A Les
	P Bardon		J Noone
	G W Dadd		A Robinson
	D B Elders		M S Robson
	Mrs B S Fortune		M G Taylor
	B Griffiths		P R Thompson
	R W Hudson		D Watkins
	K G Hardisty		S Watson
	P A James		D A Webster
	R Kirk		

Apologies for absence were received from Councillors D Hugill, B Phillips, G Ramsden, Mrs I Sanderson and P R Wilkinson and Honorary Alderman J E Fletcher and M J Prest

**C.1 Chairman**

It was proposed by Councillor Mrs B S Fortune and seconded by Councillor K G Hardisty that Councillor A Wake be elected Chairman of the Council for the ensuing year (until the end of the Council on 31 March 2023). There were no other nominations.

**The decision:**

That Councillor A Wake be elected Chairman of the Council for the ensuing year (until the end of the Council on 31 March 2023).

(The Chairman then read out and signed the Declaration of Acceptance of Office and took the Chair).

**C.2 Appointment of Vice-Chairman**

It was proposed by Councillor J Noone and seconded by Councillor M A Barningham that Councillor Mrs B S Fortune be appointed Vice-Chairman of the Council for the ensuing year (until the end of the Council on 31 March 2023). There were no other nominations.

**The decision:**

That Councillor Mrs B S Fortune be appointed Vice-Chairman of the Council for the ensuing year (until the end of the Council on 31 March 2023).

(The Vice-Chairman then read out and signed the Declaration of Acceptance of Office).

**C.3 Announcements by the Chairman or Chief Executive**

The Chairman announced that he would be supporting the Aortic Dissection Charitable Trust as his chosen charity during his term of office.

**C.4 Cabinet Members and Delegation of Functions**

The Chief Executive presented a report which asked the Leader to inform the Council of the appointments to the Cabinet for 2022/23 and asked the Council to approve the Scheme of Delegation for Officers.

**The decision:**

That:-

- (a) the appointments to Cabinet by the Leader for 2022/23 be noted as follows:-

Councillor Peter Wilkinson	- Deputy Leader and Portfolio Holder for Finance and Economic Development
Councillor Paula Thompson	- Portfolio Holder for Leisure
Councillor Mrs Isobel Sanderson	- Portfolio Holder for Governance
Councillor Malcolm Taylor	- Portfolio Holder for Transformation and Projects
Councillor Steven Watson	- Portfolio Holder for Environmental Health, Waste and Recycling
Councillor David Webster	- Portfolio Holder for Planning

- (b) the Scheme of Delegation for Officers be approved.

**C.5 Allocation of Seats and Appointments to Committees and Outside Bodies**

The Chief Executive presented a report which asked Council to approve the allocation to seats and appointments to Committees and Outside Bodies. The Leader announced a change to the membership of the Appeals Committee by replacing Councillor D Hugill with P Bardon and a change to the Licensing Committee by replacing Councillor B Phillips with P A James.

**The decision:**

That:-

- (1) the Council appoints the Committees indicated at Annex 'A' of the report;
- (2) proportionality rules be waived in respect of the membership of the Standards Hearings Panel;
- (3) Membership of the Committees be that shown at Annex 'B' of the report subject to a change to the Appeals Committee by replacing Councillor D Hugill with Councillor P Bardon and a change to the Licensing Committee by replacing Councillor B Phillips with Councillor P A James;
- (4) the Council appoints as the Council's representatives on Outside Bodies identified with an asterisk within Annex 'C' of the report those Members indicated against those Outside Bodies;
- (5) the Scrutiny Committee be responsible for crime and disorder issues;
- (6) the Cabinet Portfolio Holder for Planning be appointed as the representative on the North Yorkshire Building Control Partnership;
- (7) the Deputy Leader of the Council be appointed as the District Council's Member of the North Yorkshire Police and Crime Panel; and
- (8) Councillor N A Knapton be appointed as the representative on The Parking and Traffic Regulation Outside London Adjudication Joint Committee.

The meeting closed at 2.40 pm

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Chairman of the Council

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## Hambleton District Council

**Council Meeting : 26 July 2022**

### **Leader's Statement**

As we move closer to the transition date of the new Council it is even more important that we continue to deliver first class services for our residents, businesses and visitors. This will ensure that on 1<sup>st</sup> April 2023 Hambleton's services will handed over to the new Council as exemplars.

In addition to the first-class services that we operate we are also progressing well on a number of initiatives that will enhance Hambleton in particular; the new Crematorium is functioning well with very positive feedback received from both undertakers and families. The Treadmills project is progressing well and is on track for completion in the Autumn, there has also been strong interest in the restaurants beneath the cinema from prospective tenants.

Over the summer we will be reinvigorating #DiscoverHambleton around our market towns with an emphasis on the markets, shops, dining and events. The aim is to make Hambleton a destination.

Finally, the Councils support for residents in respect of the proposed asylum seekers accommodation at Linton-on-Ouse continues as does dialogue between the Councils Legal Team and the Government.

**Councillor Mark Robson**

Leader of the Council

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**Decisions to be considered by  
Full Council on 26 July 2022**

Decisions of the meeting of the Cabinet held  
at 9.30 am on Tuesday, 7th June, 2022 at  
the Council Chamber, Civic Centre, Stone  
Cross, Rotary Way, Northallerton, DL6 2UU

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Present

Councillor M S Robson (in the Chair)

Councillor	P R Wilkinson Mrs I Sanderson M G Taylor	Councillor	P R Thompson S Watson D A Webster
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Also in Attendance

Councillor	P Bardon M A Barningham D B Elders B Griffiths	Councillor	K G Hardisty N A Knapton G Ramsden A Wake
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**CA.1 Review Local Plan**

All Wards

**The subject of the decision:**

This report sought consideration of the scope and approach for an urgent review of the Hambleton Local Plan to meet the requirements of policy HG6 Gypsies and Travellers, and Travelling Showpeople.

**Alternative options considered:**

None.

**The reason for the decision:**

The Hambleton Local Plan adopted on 22 February 2022 committed the Council, at Policy HG6, to undertake an urgent review within 6 months of adoption.

**The decision:**

That Cabinet will approve and recommend to Council that:-

- (1) a process of seeking tenders to undertake the work is commenced as set out in the conclusion detailed within the report; and

- (2) allocate £30,000 additional budget to cover expected cost of the recommended option 3 for completion of the urgent review.

CA.2 **Housing Supplementary Planning Document Adoption**

All Wards

**The subject of the decision:**

This report sought Cabinet approval and recommendation to Council that the revised Draft Housing Supplementary Planning Document (SPD) is adopted. Annex 'A' of this Cabinet Report contains the revised version of this Supplementary Planning Document.

**Alternative options considered:**

None.

**The reason for the decision:**

Cabinet was satisfied that the Supplementary Planning Document would help implement policies and proposals contained within the Plan supporting the wider Council priorities of Driving Economic Vitality, Enhancing Health and Well-Being, Caring for the Environment and Providing a Special Place to live.

**The decision:**

That Cabinet approves and recommends that Council:-

- (1) adopts the revised Housing Supplementary Planning Document; and
- (2) revokes the previously adopted Affordable Housing Supplementary Planning Document (March 2015) and the Size, Type and Tenure of New Homes Supplementary Planning Document (September 2015).

The meeting closed at 10.07 am

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Leader of the Council

**Decisions to be considered by  
Full Council on 26 July 2022**

Decisions of the meeting of the Cabinet held  
at 9.30 am on Tuesday, 5th July, 2022 at the  
Council Chamber, Civic Centre, Stone Cross,  
Rotary Way, Northallerton, DL6 2UU

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Present

Councillor M S Robson (in the Chair)

Councillor	P R Wilkinson Mrs I Sanderson M G Taylor	Councillor	P R Thompson S Watson D A Webster
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Also in Attendance

Councillor	P Atkin P Bardon M A Barningham D B Elders	Councillor	B Griffiths K G Hardisty R Kirk J Noone
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**CA.9 2021/22 Capital Outturn and Annual Treasury Management Review**

All Wards

**The subject of the decision:**

This report presented the capital outturn position for the year ending 31 March 2022 and also provided an update on the annual treasury management position. Capital expenditure was intrinsically linked with treasury management as the way that the capital programme was funded, directly effected the treasury management arrangements of the Council.

**Alternative options considered:**

None

**The reason for the decision:**

To comply with 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 that Council:-

- (1) notes the 2021/21 capital outturn position of £19,341,809 at paragraph 2.2 of the report with the detail attached at Annex A of the report;
- (2) approves net carry forwards of budget to 2022/23 capital programme of £2,755,992 from quarter 4 detailed in Annex B of the report;
- (3) notes the treasury management outturn position 2021/22 detailed at paragraph 5.1 of the report and Annex C; and
- (4) notes the Prudential Indicators attached at Annex D of the report.

CA.10 **2021/22 Revenue and Reserve Outturn Position**

All Wards

**The subject of the decision:**

This report provided the revenue outturn position for the year 2021/22.

**Alternative options considered:**

None

**The reason for the decision:**

To comply with s25 of the Local Government Act 2003 to set a balanced budget and to monitor the financial position throughout the year.

**The decision:**

That Cabinet approves and recommends to Council that:-

- (1) the final outturn position described in the report be noted;
- (2) the transfer of £305,995 from reserves to meet the overspend in the year be approved; and
- (3) the level of reserves at 31 March 2022 and those identified to support 2022/23 expenditure in line with the budget be noted.

CA.11 **Arts Project**

All Wards

**The subject of the decision:**

This report sought consideration of financial assistance for two arts projects in Northallerton as follows: Imaginosity, a creative arts project that had been delivered at Mill Hill School through financial investment from the developers of Treadmills, which had the potential to roll out to other schools in the district and installation of a piece of public art at Treadmills.

**Alternative options considered:**

None

**The reason for the decision:**

Cabinet was satisfied that the two projects added value to the community as part of the redevelopment of the former prison site and contributed to the Council's Enhancing Health and Wellbeing and Driving Economic Vitality priorities within the Council Plan.

**The decision:**

That Cabinet approves and recommends to Council that:-

- (1) a revenue contribution of £50,000 towards the Imaginosity project is made;
- (2) approval is sought to commission Ray Lonsdale to deliver the Treadmills public art scheme and incur £105,000; and
- (3) an allocation of up to a maximum of £37,760 additional funding to the Treadmills project to fund the public art programme is made.

CA.12 **Domestic Extensions Design Guide Supplementary Planning Document Consultation**

All Wards

**The subject of the decision:**

This report sought approval of the draft Hambleton Design Guide: Domestic Extensions Supplementary Planning Document for public consultation purposes. Annex 'A' of the report contained the draft version of the supplementary planning document.

**Alternative options considered:**

None

**The reason for the decision:**

The proposed Supplementary Document was intended to replace the current Domestic Extensions SPD adopted in December 2009. Cabinet was satisfied that the draft Supplementary Planning Document would help implement policies and proposals contained with the Local Plan.

**The decision:**

That Cabinet approves and recommends to Council the draft Hambleton Design Guide: Domestic Extensions Supplementary Planning Document for public consultation purposes.

The meeting closed at 10.15 am

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Leader of the Council

## Statement by the Cabinet Portfolio Holder for Economic Development and Finance

26 July 2022

### Apprentice Scheme

The Council's Apprenticeship Scheme continues to deliver results. The scheme, which provides £2,000 support to small businesses to take on new apprentices, has helped 240 local people to undertake apprenticeships in the district since its inception in 2012.

During the last financial year 31 grants were awarded, our most successful year to date. Follow up checks with the businesses show a high level of retention too with 24 of the apprentices still being with the businesses after a year. All of course benefit from gaining new skills, experience and qualifications.

Strong interest is already evident for the final year of the scheme. To date, 4 businesses have already had grants approved and there are a further 8 live enquiries. This is even before we have launched our summer PR campaign to give the scheme a fresh push. We will be celebrating ten successful years of supporting young people and local businesses across all of our media channels over coming weeks.

### Heritage Hub

The latest project to be delivered under the High Street Heritage Action Zone for Northallerton is the Heritage Hub. Located at 90 High Street the facility is hosting a range of artifacts, displays and workshops about the history of Northallerton.

Its purpose is to engage people with the heritage of the town and the work of the Heritage Action Zone with focus on a different theme each month. Used as a base for community engagement inviting people to explore the towns past and add their own memories, artefacts and stories it will build a collection of material which can be used for displays and to create a digital depository of information that is accessible through a dedicated website which has been launched as part of the project [www.northallertonheritage.uk](http://www.northallertonheritage.uk)

Since opening its doors on the 18<sup>th</sup> May over 500 people have visited, with an average of 22 visitors a day, market days being the most popular. Historic England, who are providing half of the funding support, have declared it a "fantastic initiative". It is equally popular with local people, visitor book is filled with praise and positive comments, many promising repeat visits and expressing a desire for a permanent facility.

"Interesting project and enthusiastic staff"

"What a welcome addition to the town – may it grow and prosper!"

"So pleased to see we are now shouting about how interesting Northallerton is. More please!"

"Inspiring to see local history of the town"

## **C4DI Northallerton**

As I reported in my last update C4DI Northallerton continues to generate interest which was again demonstrated by the very successful open day held on the 6<sup>th</sup> July. Over 50 businesses visited many with a strong interest in either taking up space or being a community member. Attendees included The Mercer Group part of the Northern Powerhouse and Armstrong Watson, a local company based in Northallerton who offer Accountancy, Business and Financial advice.

The day was well supported by a range of stakeholder and partners including the Y&NY Local Enterprise Partnership, and Barclays Eagle Labs, who were very pleased to have made some good contacts through the event. C4DI Northallerton businesses CSX (Climate Solutions), Ambasad & Frontier Energy were on hand to demonstrate what they do and what it is like to be part of the C4DI community, together with a couple of C4DI Hull businesses such as FireLabs 3D Printing company

The event was also supported by the C@N Partnership, colleagues from University of Sunderland were on site, promoting C@N and what it has to offer from both University of Sunderland and York College and provide tours of the impressive Campus facility.

The open day was further enhanced by members of the public coming to site, including former prison officers, fire fighters and those who had grew up with the prison on their doorstep and were interested in the transformation of the prison. Visitors were also encouraged to visit the high street Heritage Hub, with some great results as this led to donations of a huge collection of photographs and a hefty visitor log book used by prison officers at the gate in the last year of its operation.

The event enabled both businesses and the general public to have a better understanding of what the Council with its delivery partners have achieved so far on the Treadmills site and opportunities which are available.

Councillor Peter Wilkinson  
Portfolio Holder for Economic Development and Finance

## Statement by the Cabinet Portfolio Holder for Leisure

26 July 2022

### Sports Villages

At Sowerby the 3G pitch construction is complete and connection the electricity network has been made. Moody's are the preferred contractor to construct the changing pavilion and a start date will be advised soon.

In Northallerton, the start of Phase 1 of the sports village is imminent and is due to be complete early 2023. These works include improvements to existing paths and creation of new networks, community allotments, a car park, the enhancement of woodlands and landscaping and site preparations for future phases.

### Arts project in Northallerton

Cabinet has recently approved funding to install a piece of public art at Treadmills by internationally renowned sculptor Ray Lonsdale, and to develop the Imaginosity creative arts projects at Mill Hill School and expansion to one other primary school in the district.

### Public Sector Decarbonisation Scheme

The decarbonisation schemes at Bedale, Northallerton and Stokesley are in their final stages, with work at Northallerton concluding at the end of July. Work at Bedale and Stokesley will be completed in early September as essential work is required in the school summer holidays, both sites are adjoined to secondary schools. Once all the work is completed, electricity will be the single source of energy supply at the 3 centres, removing gas will provide an impressive 50% carbon saving.

### Post Covid Leisure Centres

Levels of membership and usage have greatly increased following Covid with Swimming Lessons at 90% and Health & Fitness at 100% of pre Covid levels. Casual swimming is at 75% of pre-pandemic levels. Following nearly 1,500 responses to our recent booking survey, leisure centres have introduced longer swim sessions from July and the option to pre-book or walk-in remains. The need to advance book for the gym has also been removed in response to feedback.

### Staffing at Leisure Centres

- Northallerton Leisure Centre hosted their first Swim England Level 1 Assistant Swimming Teacher course in May, seven candidates successfully completed the training.
- Staff shortages continue to be a significant issue for leisure centres across the UK and in Hambleton. Since the turn of the year x2 digital recruitment campaigns have been delivered, generating over 300 interested candidates and resulting in approximately x50 new starters. In July another recruitment drive will be delivered in partnership with leisure providers in Selby and Harrogate.

- X9 aspiring leisure managers are undertaking the L3 Team Leader Apprenticeships programme. As part of the Council's commitment to support employee career development in the lead up to LGR, the programme supports employee retention, competence and adaptability for future progression.

Councillor Paula Thompson  
Portfolio Holder for Leisure

## Statement by the Cabinet Portfolio Holder for Governance

26 July 2022

### Markets

Following the completion of the improvements in Northallerton High Street, market traders are returning to their normal pitches and work has been done with the communications department to further promote all markets in the district at Bedale, Northallerton, Stokesley, Easingwold and Thirsk. This has included Radio York coming into the area and doing interviews to extol the benefits for people choosing to shop in our excellent markets.

### Car Parking

Resurfacing of the majority of the Forum Carpark is planned to commence on the 25th July and will last 5 days. Surfacing works are also in progress at the Northallerton Depot to provide additional operational vehicle parking and materials storage.

### Communications

Much work has been done to keep the public informed on the ongoing situation at Linton on Ouse where a change of use is proposed by the Government. Hambleton District Council has been robust in its response to these proposals and the public have been kept fully informed of any developments.

Interest is still high in the Treadmills development and the rich mix of occupants on the site. Press releases are put out on a regular basis to satisfy the public's interest in the new Everyman cinema, C4Di and the Campus at Northallerton.

### ICT

The new Disaster Recovery solution is now in place and has been successfully tested. This means that, should we have a major incident resulting in the loss of our ICT infrastructure, we would be able to have everything up and running again very quickly on this new cloud hosted solution.

I believe we are one of the first authorities to implement this technology and a Full Council wide disaster recovery testing is scheduled for the autumn. Well done to all concerned.

### Customer Services

The Energy rebate is the main priority for customer services. A £150 rebate is available on completion of the appropriate forms and not a £150 cash back as some members of the public have interpreted the scheme.

The use of online forms is always encouraged and support given to those who struggle with this option and as such it is important our staff remain well trained and supported for us to offer the best service possible.

### Local Government Reorganisation

Neil Wattis, LGR liaison officer from NYCC, joined ICT in June for 3 days a week to help establish the ICT service desk in the new Unitary Authority.

Councillor Isobel Sanderson  
Portfolio Holder for Governance

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## **Statement by the Cabinet Portfolio Holder for Planning**

**26 July 2022**

### **Planning Policy**

#### **The Local Plan**

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

### **Supplementary Planning Documents**

In support of the new Local Plan new Supplementary Planning Documents (SPDs) are being produced. The Housing SPD has been approved by Cabinet and is to be considered by Council in July 2022.

The Domestic Extension SPD has been drafted and is due to be considered by Cabinet in July 2022 and the Biodiversity Net Gain SPD is at the outline stage and will be progressed when the Government's response to the national consultation is available.

### **Development Management**

Whilst recruitment in the Planning discipline is difficult the Council have been successful in recruiting staff. The vacancy created by the departure of Jon Berry, Chief Planning Officer has been filled by the appointment of Mark Russell, Interim Chief Planning Officer from Capita. There is also a vacant, Senior Planning Officer post in the West Development Management Team, recruitment to this vacancy is ongoing.

### **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.

Councillor David Wilkinson  
Portfolio Holder for Planning

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

26 July 2022

### **Waste and Street Scene**

Garden waste: Year 6 subscriptions are going well at 98% of last year's scheme- which closed at £946,480. Present income is £926,240 and is expected to reach £103% of last year's total.

Diesel: Prices have risen significantly this year. Since April last year there has been an increase of over 0.61p per litre, this continues rise. This had been offset by a significant increase in the recycle prices being received.

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, PPE etc.

LGR- Fleet: This sub-group is determining 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.

LGR Street Scene: Work is being undertaken to establish best practice for all areas such as street lighting, street furniture, fly tipping, pest control and many other areas, this will merge with street sweeping and county street lighting.

LGR Workforce: Arrangements have been made to increase staffing in Waste and Street Scene to allow senior officers to concentrate on LGR, the office staff has been increased and some duties have been re-allocated.

Staff retention: The service has lost some staff to the private sector, though some staff have started to return due to conditions being favourable at Hambleton.

### **Environmental Health**

Food: Work is still underway to catch up with the high priority work as a knock-on effect of Covid.

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.

### **Climate Change**

Queen's Green Canopy: Work is complete.

Outreach: Local climate groups are beginning to meet with the Director of Environment, we are actively seeking ways to engage with the community, for example a briefing was arranged on retrofitting.

Action Plan: Action plan priorities are being progressed in all service areas- such as Public Sector Decarbonisation Scheme in Leisure.

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

## **Statement by the portfolio holder for Transformation and Projects**

26 July 2022

### **Maple Park Crematorium**

Since opening over 170 services have been held. The operational team have coped well and two services had in excess of 300 attendees. There has been overwhelming positive feedback which is a great reflection on the service that is being provided at Maple Park. The café/wake facility operator has been chosen and contracts are currently with solicitors with the facility anticipated to be open by the end of summer.

The grounds and landscaping are becoming established and some remedial planting will take place this autumn. A local family have donated 10 trees which have been planted in the grounds and enhanced the landscaping. A dedicated area has been identified which is to be developed as a children's memorial garden.

A number of friezes have been commissioned featuring the White Horse, a poppy field and other rural scenes which are to be placed in the grounds. A meeting of the Limited Liability Partnership which oversees management of the crematorium was held on 7<sup>th</sup> June. Operational management of the facility has now passed to Leisure and Communities.

### **LGR HR and Workforce Workstream Members Working Group**

The above group has been formed with representatives from all the District Councils. I represent Hambleton District Council and 2 meetings have been held to date with Justine Brooksbank the Assistant Chief Executive for Business Support (incorporating HR functions) at North Yorkshire County Council.

The working group's terms of reference are:-

- Provide member oversight and input into the HR/Workforce workstream
- Consider the work and progress of the workstream
- Enable a two way conduit for ensuring staff concerns and issues in councils are raised and addressed.

The next meeting is scheduled to be held on 3<sup>rd</sup> August and if any members have any issues or concerns that they would like me to raise then please make contact with myself.

**Councillor Malcolm Taylor**  
**Transformation and Projects**

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## **Hambleton District Council**

**Report To:** Council

**Date:** 26 July 2022

**From:** Chief Executive

**Subject:** **Changes to Political Group and Allocation of Seats to Committees**

**Wards Affected:** All Wards

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### **1.0 Summary**

- 1.1 This report provides details of the recalculation of political proportionality of the Council following recent changes to the Conservative Group, and the resulting amendments to the number of places on, and membership of, the Council's committees for the remainder of the 2022-23 municipal year (i.e. up until the end of the Council on 31 March 2022).
- 1.2 The changes are required because Councillor David Hugill is no longer a member of the Conservative Group. Councillor Hugill has not joined any other Group and therefore remains as an unaligned Member for the purposes of calculating political proportionality and the allocation of seats to Committees.

### **2.0 Allocation of Seats**

- 2.1 Committees must be constituted based on available seats being allocated in accordance with the Council's overall political proportionality (so far as is "reasonably practicable") unless some other basis of allocation has been approved without any Member voting against the proposal.
- 2.2 Normally, the allocation of seats on Committees must be in accordance with the principles set out below. In summary they provide that: -
- (i) representation on Committees must, so far as possible, be proportional to the number of Members any political Group has on the Council as a whole;
  - (ii) because seats on Committees and Sub-Committees are allocated to Groups proportionally to the Group's size, the remaining seats on Committees need to be allocated to Members who are not part of a Group.
- 2.3 The allocation of seats is a two-stage process: -
- (i) Council determines seat allocation to each Group further to the rules of proportionality. The allocation is largely self-determining and depends on the size of each Group. Final adjustment is required by Council to ensure that no Group is over-represented. These adjustments are decisions of the Council, which the views of Groups may assist;

- (ii) when the Council has determined the allocation of seats between Groups, the Council must decide which Members sit on which Committees. In carrying out this process the Council must follow the wishes expressed by Groups and can consider (but is not compelled to follow) the wishes of Members who are not part of a Group.

2.4 All political Groups have been notified of their proposed allocations across all Committees as described in this report, which represents the best proportional fit.

2.5 The total number of seats allocated to each Group on all Committees must be in the same proportion as is borne by the number of Members of that Group on the Council. There are 44 seats on Committees of the Council to which the proportionality rules would apply. This would mean seats are allocated to the political groups and non-group Members on the following proportional basis: -

Conservative Group	= 82% of seats	36 seats
Independent Group	= 7% of seats	3 seats
Liberal Democrat	= 4% of seats	2 seats
Labour	= 4% of seats	2 seats
Conservative (unaligned)	= 4% of seats	2 seats

2.6 As the allocation of seats above equates to a total of 45 seats and there are only 44 seats on Committees of the Council, the Conservative Group forfeits one of their allocated seats to ensure, as far as is reasonably practicable, political proportionality and the proportionate allocation of seats to those Members who are not in a political group.

### **3.0 Changes to Committee Places**

3.1 As a result of the changes to the political groups, the number of seats allocated to the Conservative Group have reduced, thus enabling Councillor D Hugill to be allocated two seats (as shown in Annex A). No other political groups have been affected by this change.

3.2 The Leader of the Conservative Group has provided notification of the following changes to the allocation of seats on Committees (as shown in Annex B):

- (1) Investigations and Disciplinary Committee: Councillor C Dickinson is removed and Councillor D Hugill is allocated this seat; and
- (2) Appeals Committee: Councillor D Hugill is already a member of the Appeals Committee and this seat will remain allocated to Councillor Hugill.

### **4.0 Recommendations**

4.1 It is recommended that: -

- (1) the changes to the membership of political groups on the Council and the subsequent recalculation of political proportionality on the Council's Committees be noted;

- (2) Councillor C Dickinson be removed from the Investigations and Disciplinary Committee and Councillor D Hugill is allocated this seat; and
- (3) Councillor Hugill remains on the Appeals Committee.

Dr Justin Ives  
Chief Executive

**Background papers:** None

**Author ref:** JI

**Contact:** Dr Justin Ives, Chief Executive

	<b>Conservative Group</b>	<b>Independent Group</b>	<b>Liberal Democrat</b>	<b>Labour</b>	<b>Conservative (unaligned)</b>	<b>Total</b>
Scrutiny Committee	9	1	0	1	0	<b>11</b>
Planning Committee	10	1	1	0	0	<b>12</b>
Audit, Governance and Standards Committee	6	1	0	0	0	<b>7</b>
Investigations and Disciplinary Committee	5	0	1	0	1	<b>7</b>
Appeals Committee	5	0	0	1	1	<b>7</b>
Total number of seats	<b>35</b>	<b>3</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>44</b>

**Scrutiny Committee (11)**

Conservative Group (9)	Independent Group (1)	Liberal Democrat/Labour/ Conservative (unaligned) (1)
Councillor P Bardon Councillor K G Hardisty Councillor R Hudson Councillor P A James Councillor R Kirk Councillor N A Knapton Councillor J Noone Councillor A Wake Councillor D Watkins	Councillor P Atkin	Councillor G Ramsden (Labour)

**Planning Committee (12)**

Conservative Group (10)	Independent Group (1)	Liberal Democrat/Labour/ Conservative (unaligned) (1)
Councillor P Bardon Councillor M A Barningham Councillor D B Elders Councillor Mrs B S Fortune Councillor K G Hardisty Councillor N Noone Councillor B Phillips Councillor M Taylor Councillor A Wake Councillor D A Webster	Councillor A Robinson	Councillor B Griffiths (Liberal Democrat)

**Audit, Governance and Standards Committee (7)**

Conservative Group (6)	Independent Group (1)
Councillor P Bardon Councillor D B Elders Councillor Mrs B S Fortune Councillor K G Hardisty Councillor R Hudson Councillor N A Knapton	Councillor P Atkin

**Investigations and Disciplinary Committee (7)**

Conservative Group (5)	Liberal Democrat/Labour/ Conservative (unaligned) (2)
Councillor P Bardon Councillor M A Barningham Councillor K G Hardisty Councillor J Noone Councillor P R Wilkinson	Councillor B Griffiths (Liberal Democrat) Councillor D Hugill (Conservative – unaligned)

### Appeals Committee (7)

Conservative Group (5)	Liberal Democrat/Labour/ Conservative (unaligned) (2)
Councillor G W Dadd Councillor D B Elders Councillor N A Knapton Councillor B Phillips Councillor S Watson	Councillor G Ramsden (Labour) Councillor D Hugill (Conservative – unaligned)

### Licensing Committee (10)\* (political proportionality does not apply)

Conservative Group (10)
Councillor P Bardon Councillor M A Barningham Councillor C Dickinson Councillor D B Elders Councillor K G Hardisty Councillor R Kirk Councillor N A Knapton Councillor J Noone Councillor B Phillips Councillor D Watkins

\*The Licensing and Appeals Hearings Panel comprises the Chairman of the Licensing Committee plus two other Members selected on a rota basis.

### Standards Hearings Panel Pool (7)\*

Conservative Group (6)	Independent Group (1)
Councillor P Bardon Councillor D B Elders Councillor Mrs B S Fortune Councillor K G Hardisty Councillor R Hudson Councillor N A Knapton	Councillor P Atkin

\*The Standards Hearings Panel comprises three Elected Members (two from the Conservative Group and one from the Independent Group), one Independent Person and one Parish Council representative, selected on a rota basis.

## Minutes for Information

<b>Committee</b>	<b>Date</b>	<b>Page</b>
Cabinet	7 June 2022 5 July 2022	
Scrutiny Committee	17 May 2022 16 June 2022 28 June 2022	
Planning Committee	17 May 2022 9 June 2022 7 July 2022	
Audit, Governance and Standards Committee	17 May 2022 19 July 2022	To follow
Licensing Committee	17 May 2022 10 June 2022	
Licensing and Appeals Hearings Panel	24 May 2022 13 July 2022	To follow

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**Decisions taken under Cabinet  
authority to take effect on 16 June 2022**

Decisions of the meeting of the Cabinet held  
at 9.30 am on Tuesday, 7th June, 2022 at  
the Council Chamber, Civic Centre, Stone  
Cross, Rotary Way, Northallerton, DL6 2UU

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Present

Councillor M S Robson (in the Chair)

Councillor	P R Wilkinson Mrs I Sanderson M G Taylor	Councillor	P R Thompson S Watson D A Webster
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Also in Attendance

Councillor	P Bardon M A Barningham D B Elders B Griffiths	Councillor	K G Hardisty N A Knapton G Ramsden A Wake
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**CA.3 Minutes**

**The Decision:**

That the decisions of the meeting held on 5 April 2022 (CA.65 – CA.68), previously circulated, be signed as a correct record.

**CA.4 Burneston Public Open Space – Change of Use**

Bedale Ward

**The subject of the decision:**

This report sought consideration of approving a request from Burneston, Swainby with Allerthorpe and Theakston Parish Council (the “Parish Council”) to convert 0.22 hectares of public open space land for use as allotments.

**Alternative options considered:**

None.

**The reason for the decision:**

Cabinet was satisfied that the proposal to convert 0.22 hectares of public open space land for use as allotments supported the Council’s priorities of Enhancing Health and Wellbeing and Providing a Special Place to Live.

**The decision:**

That Cabinet:-

- (1) approves in principle to the land being appropriated for use as allotments as shown shaded in pink on the plan at Appendix 1 of the report on the basis that the parcel of land is no longer required as public open space;
- (2) agrees that the intention to appropriate part of the public open space land is advertised as described in paragraph 5.4 of this report;
- (3) agrees that the Council enter into a Deed of Variation of the lease with the Parish Council in accordance with paragraph 5.3 of this report; and
- (4) delegates authority to the Director of Leisure and Communities to satisfactorily resolve any issues arising from the advertisement(s), to grant consent to the Parish Council to use the land for allotment purposes and to appropriate the land for such use, subject to suitable conditions being agreed by the Parish Council in accordance with paragraphs 5.5 and 5.6 of this report.

CA.5 **Refurbishment of Cobbles and Surrender of Lease - Land at Stokesley**  
Stokesley Ward

**The subject of the decision:**

This report concerned a request by Stokesley Town Council for increased funding from the Council for the refurbishment of the town centre cobbles which is associated with the surrender of the lease between Stokesley Town Council and Hambleton District Council.

**Alternative options considered:**

None.

**The reason for the decision:**

Cabinet did not agree with the request for additional funding on the basis that there was no provision in the budget to cover the additional costs.

**The decision:**

That Cabinet does not agree to the request by Stokesley Town Council for additional funding, over and above that already agreed, for the refurbishment of the Town Centre Cobbles.

CA.6 **Bedale Hall Long Term Lease**

Bedale Ward

**The subject of the decision:**

This report sought approval for the existing long-term lease of Bedale Hall to be surrendered and a new lease granted to Bedale Hall Charitable Incorporated Organisation (CIO).

**Alternative options considered:**

None.

**The reason for the decision:**

Cabinet was satisfied that granting a new lease to give the local community responsibility for the day-to-day management of this asset linked to the Council's Providing a Special Place to Live priority.

**The decision:**

That Cabinet approves that:-

- (1) the Council accepts the surrender of the existing Bedale Hall lease from Bedale Town Council and Aiskew Parish Council;
- (2) the Council accepts the surrender of part of the lease for the adjoining playing fields from Bedale Town Council;
- (3) the Council grants a new lease to Bedale Charitable Incorporated Organisation for Bedale Hall and the additional playing fields land for a peppercorn rent, together with the appropriate restrictions set out in paragraph 5.1.4 of this report;
- (4) the intention to dispose of the playing fields land is advertised as described in paragraph 5.1.1 (b) of the report; and
- (5) subject to the Director of Leisure and Communities satisfactorily resolving any issues arising from the advertisement(s) and satisfying himself that the disposal is Subsidy Control Compliant, that the responsibilities for transferring the assets identified within the report are delegated to the Director of Leisure & Communities.

**CA.7 Exclusion of the Public and Press**

**The decision:**

That under Section 100A(4) of the Local Government Act 1972, the press and public were excluded from the meeting during consideration of the item of business at minute no CA.8 on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 5 of Part 1 of Schedule 12A of the Act. The reasons for this were that Cabinet was satisfied that the item considered information in respect of which a claim for legal professional privilege could be maintained in legal proceedings and the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

**CA.8 Asylum Reception Centre at Linton-on-Ouse**

All Wards

**The subject of the decision:**

Cabinet considered a report which set out the current position in relation to the plans to use RAF Linton-on-Ouse as an Asylum Reception Centre, it describes the actions the Council had taken to this point and sought authority for further potential actions taking into account the advice received on the legal options.

**Alternative options considered:**

None.

**The reason for the decision:**

Cabinet was satisfied with the action taken to date but noted that the response from the Home Office was awaited and therefore a further report be submitted to Cabinet on the assessment of the responses received from the Home Office and the legal advice associated with this for a decision on the Council's next steps, including a decision on submitting a legal challenge.

**The decision:**

That Cabinet:-

- (1) approves the actions which have been taken and which are described in paragraphs 3.1 to 3.6 of the report;
- (2) notes the legal advice from the Council's legal advisers as circulated at the meeting and summarised in paragraph 4.5 of the report;

- (3) approves the commissioning of further legal advice to assess and then advise on the Home Office's response to the Pre-Action Protocol Letter and the Planning Contravention Notice and on any further actions that might be taken by the Home Office on opening the Asylum Accommodation Centre; and
- (4) a further report be submitted to Cabinet on the assessment of the responses received from the Home Office and the legal advice associated with this for a decision on the Council's next steps, including a decision on submitting a legal challenge.

The meeting closed at 10.07 am

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Leader of the Council

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**Decisions taken under Cabinet  
authority to take effect on 15 July 2022**

Decisions of the meeting of the Cabinet held  
at 9.30 am on Tuesday, 5th July, 2022 at the  
Council Chamber, Civic Centre, Stone Cross,  
Rotary Way, Northallerton, DL6 2UU

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Present

Councillor M S Robson (in the Chair)

Councillor	P R Wilkinson Mrs I Sanderson M G Taylor	Councillor	P R Thompson S Watson D A Webster
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Also in Attendance

Councillor	P Atkin P Bardon M A Barningham D B Elders	Councillor	B Griffiths K G Hardisty R Kirk J Noone
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**CA.13 Minutes**

**The Decision:**

That the decisions of the meeting held on 7 June 2022 (CA.1 - CA.8), previously circulated, be signed as a correct record.

**CA.14 Hackney Carriage Table of Fares**

All Wards

**The subject of the decision:**

This report sought consideration and approval of the recommendation from the Licensing Committee, LC.4, Hackney Carriage Table of Fares, which was recommended to Cabinet by the Committee at their meeting held on Friday, 10 June 2022 attached at Annex A to the report.

**Alternative options considered:**

None

**The reason for the decision:**

Cabinet was satisfied that the proposal to increase fares was in keeping with the Council's Driving Economic Vitality priority.

**The decision:**

That Cabinet approves that the Hackney Carriage Table of Fares be varied in accordance with the recommendation from the Licensing Committee as attached at Annex A of the report.

**CA.15 Market Town Investment Plans**

Bedale Ward; Easingwold Ward; Great Ayton Ward; Northallerton North and Brompton Ward; Northallerton South Ward; Romanby Ward; Stokesley Ward; Thirsk Ward

**The subject of the decision:**

This report provided an update on progress made in the development of Market Town Investment Plans for Bedale, Easingwold, Stokesley & Great Ayton and Thirsk; advised on and agreed the priority projects selected by Ward Members to take forward for further business case development; advised and agreed projects selected by Ward Members to utilise a £50k per town capital budget allocated in the 2022/23 Capital Programme approved by Cabinet in December 2021 for Bedale, Easingwold, Stokesley & Great Ayton, Northallerton and Thirsk.

**Alternative options considered:**

None

**The reason for the decision:**

Cabinet was satisfied that the Market Town Investment Plans supported the Council's priority of Driving Economic Vitality, specifically supporting the development of vibrant market towns and the future sustainability of the high streets. The plans also delivered on a number of the measures listed in the Council's Economic Response and Recover Plan.

**The decision:**

That Cabinet:-

- (1) notes progress made in the development of a series of Market Town Investment Plans for Bedale, Easingwold, Stokesley & Great Ayton and Thirsk;
- (2) approves further development of the projects set out in Annex A section 2.1 of the report to business case stage;
- (3) approves the delivery of the projects set out at Annex A section 2.2 of the report using the vibrant market town budget in the 2022/23 Capital Programme; and

- (4) delegates the decision for allocation of the Northallerton £50,000 to the Deputy Chief Executive in consultation with the Deputy Leader.

**CA.16 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.17 on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 1 and 5 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.

Note: Management Team officers left the meeting at 10.01 am prior to any discussion and voting on the following item.

**CA.17 Local Government Reorganisation Staffing Matters**

All Wards

**The subject of the decision:**

This report sought consideration of various issues regarding Local Government Reorganisation staffing matters.

**Alternative options considered:**

Cabinet considered the options set out in the report.

**The reason for the decision:**

Cabinet was satisfied that the proposals contained within the report were necessary regarding Local Government Reorganisation.

**The decision:**

That Cabinet:-

- (1) approves the appointment and retention of Walker Morris and Busola Osibogun as external Legal and HR advisors respectively for the work undertaken to date and to support the next stage of the process;
- (2) approves the actions proposed in the report, particularly consideration of those matters described in section 3 of the report, Next Steps: establishment of principles, potential measures, process and costings;

- (3) approves that detailed proposals and associated costings be submitted to a further Cabinet meeting for consideration (after consultation and the taking of further advice as considered necessary) as soon as reasonably practicable.

The meeting closed at 10.15 am

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Leader of the Council

Present

Councillor A Wake (in the Chair)

Councillor	P Atkin	Councillor	R Kirk
	P Bardon		N A Knapton
	K G Hardisty		J Noone
	R W Hudson		D Watkins
	P A James		

An apology for absence was received from Councillor G Ramsden.

**SC.1 Election of Chairman**

**The decision:**

That Councillor K G Hardisty be elected Chairman of the Committee for the ensuing year (until the end of the Council on 31 March 2023).

(Councillor K G Hardisty in the Chair)

**SC.2 Appointment of Vice-Chairman**

**The decision:**

That Councillor D Watkins be appointed Vice-Chairman of the Committee for the ensuing year (until the end of the Council on 31 March 2023).

The meeting closed at 2.43 pm

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Chairman of the Committee

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Present

Councillor K G Hardisty (in the Chair)

Councillor	P Atkin	Councillor	J Noone
	P Bardon		G Ramsden
	P A James		A Wake
	N A Knapton		D Watkins

Also in Attendance

Councillor M S Robson

An apology for absence was received from Councillor R W Hudson.

**SC.3 Minutes**

**The Decision:**

That the minutes of the meetings of the Committee held on 20 January 2022 (SC.17 – SC.5) and 17 May 2022 (SC.1 - SC.2), previously circulated, be signed as a correct record.

**SC.4 Council Performance 2021/22 (Quarter 4)**

All Wards

The Interim Director of Finance (s151 Officer) presented a report setting out the Quarter 4 Performance for 2020/21. The Committee asked a number of questions which were responded to at the meeting.

**The decision:**

That progress made against the Council Plan for Quarter 4 of 2020/21, as detailed within Annex A of the report, be noted.

**SC.5 Review of Risk Management 2021/22 - Q4**

All Wards

The Interim Director of Finance (s151 Officer) presented the quarterly monitoring report on the Corporate Risks, Corporate Project Risks and Service Risks with a net risk threshold of 12 or above affecting the Council.

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

**The decision:**

That the quarterly report on the Corporate Risks, Corporate Project Risks and Service Risks with a net risk threshold of 12 or above affecting the Council and the actions that are in place to mitigate the impact upon the Council of each risk be noted.

SC.6 **Work Programme 2022/23**

All Wards

The Committee was asked to consider whether to carry out a policy review during 2022/23. Following discussion, the Committee concluded that, due to the current position regarding Local Government Reorganisation, carrying out a policy review during 2022/23 would not be beneficial to the authority.

**The decision:**

That no policy review be undertaken during the period 2022/23 prior to the end of the Council on 31 March 2023.

The meeting closed at 9.50 am

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Chairman of the Committee

Present

Councillor K G Hardisty (in the Chair)

Councillor	P Atkin	Councillor	G Ramsden
	P Bardon		A Wake
	N A Knapton		

Also in Attendance

Councillor	B Griffiths	Councillor	P R Thompson
	M S Robson		S Watson
	Mrs I Sanderson		D A Webster
	M G Taylor		P R Wilkinson

Apologies for absence were received from Councillors R W Hudson,  
P A James, R Kirk, J Noone and D Watkins.

**SC.7 Call-In of Cabinet Decision**

Stokesley Ward

**The subject of the decision:**

Cabinet Decision CA.5 regarding the 'Refurbishment of Cobbles and Surrender of Lease – Land at Stokesley' had been called in by three Members of the Scrutiny Committee. The call-in was concerned with the refusal by the Cabinet to agree to the request by Stokesley Town Council for an increase in the funds which had previously been agreed as part of the negotiations between both councils to surrender the lease over the 'Stokesley Cobbles' land.

The Chief Executive presented a report which outlined the requests for call-in. Copies of the call-in requests, the original Cabinet report and Cabinet's decision, and the protocol for the meeting were also appended to the Chief Executive's report.

Having briefly explained the procedure for the meeting, the Chairman then invited in turn the three Members who had requested the call-in to outline the nature of their requests and to explain their reasons for the call-in of the decision of Cabinet.

Councillor A Wake stated that he had called in the decision of the Cabinet because he did not think the matter was given proper consideration and, further, that the decision should be made at a Full Council meeting after a proper debate.

Councillor P Atkin explained that he had called in the decision of the Cabinet because he also felt that the matter was not given proper consideration, in particular that Cabinet had not fully considered the safety concerns occasioned by the ongoing maintenance issues, nor had the Cabinet properly considered any impacts on the Conservation Area.

Councillor Atkin went on to state that he believed that insufficient weight was given to the arguments put forward by Stokesley Town Council, which had outlined the justification for the additional monies. Councillor Atkin explained that in his view the Town Council had clarified that the request for additional funds was due, in part, to inappropriate maintenance by Hambleton District Council. This had led to further deterioration of the cobbled areas since the initial refurbishment costs were agreed.

Councillor Atkin was also of view with that the matter should be fully debated at the next full Council meeting and that a decision on the matter should be made at that meeting by the full Council, not the Cabinet.

Councillor G Ramsden explained that he had requested the decision be called in because he did not believe the matter was given sufficient consideration by Cabinet and, in any event, the decision should be made by the full Council as the appropriate decision maker. Councillor Ramsden continued by stating that he did not believe that arguments regarding the health and safety of constituents had been properly considered, nor had the arguments highlighted by members of Stokesley Town Council.

Councillor Ramsden concluded by saying that the additional sums required to repair the relevant area should be made available by Hambleton District Council.

The Committee also heard from Councillor B Griffiths as Ward Member for Stokesley. Councillor Griffiths (who was also acting in his capacity as a Stokesley Town Councillor and Trustee for the land in question) highlighted several issues which he believed engaged the District Council's obligations under the lease. Councillor Griffiths stated that the District Council was obliged under the terms of the lease to maintain the relevant land by using replacement cobbles, rather than 'bitmac' repairs. Councillor Griffiths also drew attention to safety concerns from residents caused by the poor state of the cobbles. Councillor Griffiths concluded that the matter should be referred back to the Cabinet for reconsideration.

The Portfolio Holder for Economic Development and Finance (and Cabinet Member) Councillor P R Wilkinson, informed the Committee that the decision taken by Cabinet at their meeting held on 7 June 2022, related to the request by Stokesley Town Council for increased funding from the District Council for the refurbishment of the cobbles, which was directly associated with the surrender of the lease between the respective councils.

Councillor Wilkinson explained that in return for surrendering the lease the District Council had previously agreed to provide a grant to Stokesley Town Council for the Town Council to commission works of refurbishment as part and parcel of the agreement to surrender the lease. These were not separate matters. The sum to be provided had been agreed with the Town Council as part of the negotiations to surrender the lease. Councillor Wilkinson informed the Scrutiny Committee that the Cabinet had been provided with all the necessary and relevant information in order to make an informed decision.

The Leader of the Council, Councillor M S Robson, went on to explain that the decision which had been taken by the Cabinet related to the disposal of an asset. This had been agreed between the District Council and the Town Council four years ago. The ongoing issues regarding who was responsible for the cobbles under the terms of the lease, which were the subject of disagreement between the Councils, were not in his view relevant to the request to call-in this Cabinet decision.

The Council's Chief Executive, in response to the assertions regarding the safety of the repair works undertaken by the Council, stated that the Council does not negate health and safety responsibilities and that the repair works undertaken met relevant health and safety standards.

One of the Committee questioned why those members of the Scrutiny Committee who had called in the decision had not made their representations at the Cabinet meeting at which the decision was made.

Another Member of the Committee reminded the meeting that the Scrutiny Committee was concerned with considering this decision of the Cabinet, rather than seeking to adjudicate on the legal rights and wrongs of the historical approaches taken by both Councils. In his view the relevant information had been before the Cabinet and the Cabinet had understood the issues, including as far as was relevant the background which led to the agreement to surrender the lease. The Committee Member also stated that the Town Council was in a better position than the District Council to secure additional funds (for instance through a public works loan and subsequent precepting) given the imminent abolishment of the District Council.

**Alternative options considered:**

In reviewing the Cabinet decision, the Committee considered the following options: -

- whether to accept the original decision (in which case no further action would be necessary and the decision could be implemented); or
- whether to refer the decision back to Cabinet for reconsideration.

**The reason for the decision:**

Having sought advice the Committee was satisfied that the decision of the Cabinet was not contrary to the Council's Policy Framework, nor was it contrary to (or not wholly in accordance with) the budget. The Committee was further satisfied that the decision did not relate to an excluded function under the relevant functions and responsibilities regulations and, in consequence, it was a matter for the Cabinet.

The Committee was satisfied that in reaching its decision the Cabinet had properly considered relevant matters.

**The decision:**

That the Committee accepts the original decision made by Cabinet and agrees that it can be implemented. No further action is necessary.

The meeting closed at 10.15 am

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Chairman of the Committee

Present

Councillor A Wake (in the Chair)

Councillor	P Bardon	Councillor	K G Hardisty
	M A Barningham		J Noone
	D B Elders		A Robinson
	Mrs B S Fortune		M G Taylor
	B Griffiths		D A Webster

An apology for absence was received from Councillor B Phillips

**P.1 Election of Chairman**

**The decision:**

That Councillor P Bardon be elected as Chairman of the Committee for the ensuing year (until the end of the Council on 31 March 2023).

(Councillor P Bardon in the Chair)

**P.2 Appointment of Vice-Chairman**

**The decision:**

That Councillor J Noone be appointed Vice-Chairman of the Committee for the ensuing year (until the end of the Council on 31 March 2023).

The meeting closed at 2.45 pm

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Chairman of the Committee

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Minutes of the meeting of the Planning Committee held at 1.30 pm on Thursday, 9th June, 2022 in the Council Chamber, Civic Centre, Stone Cross, Rotary Way, Northallerton, DL6 2UU

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Present

Councillor P Bardon (in the Chair)

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

Also in Attendance

Councillor M S Robson

Apologies for absence were received from Councillors Mrs B S Fortune, A Wake and D A Webster

**P.3 Minutes**

**The Decision:**

That the minutes of the meeting of the Committee held on 12 May 2022 (P.29 - P.30) and 17 May 2022 (P.1 - P.2), previously circulated, be signed as a correct record.

**P.4 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) 20/02882/OUT -Outline planning application with access considered for the development of up to 88 dwellings on land at Blind Lane, Aiskew at Store at Old Hatchery, Blind Lane, Aiskew for Blind Lane Land Limited

Defer for further information to be obtained in relation to the adoption of Bluebell Way and Sycamore Avenue, street lighting and surface water drainage, the highways crossing on Blind Lane and compliance with policies HG4 (housing exception) and HG5 (windfall housing development).

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

(Mr Broad spoke objecting to the application.)

- (2) 21/03058/FUL - Construction of 75 dwellings and associated infrastructure at Part OS Field 3541, Bedale, North Yorkshire for Yorvik Homes Ltd

Permission Granted subject to an additional requirement in relation to street lighting.

(The applicant's agent, Vicky Sykes, spoke in support of the application.)

Note: Councillor M S Robson arrived at the meeting at 2.32pm.

- (3) 21/02867/FUL - Application for change of use of car park spaces and land located next to building to site 2 front opening containers, clad in softwood to be used as storage space at 2 Binks Close, Northallerton for Mr Stephen Mee

Permission Granted

- (4) 21/02530/REM - Reserved matters application attached to Planning Application 20/00121/OUT-construction of 1no. dwellinghouse as amended by drawings received 01.02.2022 (Floor Plans and Elevations) and 07.02.2022 (Site Layout) at Land north of Hill Top, Blue Barn Lane, Hutton Rudby or Mr Clarke

Permission Granted subject to additional conditions requiring a package treatment plant and setting a minimum height for the hedge along the Blue Barn Lane boundary.

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

(Richard Webster spoke on behalf of Rudby Parish Council objecting to the application.)

(Julie Cooper spoke objecting to the application.)

- (5) 21/03028/FUL - Construction of 4 dwellings and associated works at Land adjacent to Butter Hill View, Sessay for Mulgrave Developments Ltd

Permission Granted subject to additional conditions in respect of site levels and the removal of permitted development rights.

(The applicant's agent, Mark Lane, spoke in support of the application.)

Note: The meeting was adjourned at 3.51pm and reconvened at 4pm.

- (6) 21/02103/MBN - Application to determine if prior approval is required for the change of use of the agricultural building to 1no larger dwellinghouse and for building operations reasonably necessary for the conversion at OS Field 8400, Vicar Hill Lane, Little Thirkleby for Mr and Mrs Ellis

Permission Granted subject to a landscaping condition. The Committee was satisfied that on the balance of probability the site has been used solely for agricultural and that the conversion of the building would not have a detrimental impact upon the character and appearance of the countryside.

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

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

- (7) 22/00657/FUL - Change of use of land for the temporary (5 years) siting of an agricultural workers mobile home, associated parking and new sewage package treatment plan at South Lodge Piggeries, Station Road, Topcliffe for Mr Martyn Sanderson

Permission Granted

Note: Councillor M S Robson left the meeting at 4.38pm.

- (8) 22/00998/REM - Application for approval of reserved matters (appearance, landscaping, layout and scale) for approved application 20/02791/OUT for the construction of 5No. dwellings at Land on Thornfield Road, Thornfield Road, Nosterfield for Mulgrave Properties

Permission Granted

(The applicant's agent, Mark Lane, spoke in support of the application.)

(Mr Brown spoke objecting to the application.)

The meeting closed at 4.55 pm

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Chairman of the Committee

Minutes of the meeting of the Planning Committee held at 10.00 am on Thursday, 7th July, 2022 in the Council Chamber, Civic Centre, Stone Cross, Rotary Way, Northallerton, DL6 2UU

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Present

Councillor P Bardon (in the Chair)

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

Also in Attendance

Councillor	P A James	Councillor	S Watson
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An apology for absence was received from Councillor A Robinson

**P.5 Minutes**

**The Decision:**

That the minutes of the meeting of the Committee held on 9 June 2022 (P.3 - P.4), previously circulated, be signed as a correct record.

**P.6 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) 20/02882/OUT - Outline planning application with access considered for the development of up to 88 dwellings on land at Blind Lane, Aiskew at Store at Old Hatchery, Blind Lane, Aiskew for Blind Lane Land Limited

Permission refused. The Committee was not satisfied that the highways adoption and maintenance of Bluebell Way could be achieved to protect the residents of the proposed development. The Committee had similar concerns regarding the ability to secure the adoption of street lighting and surface water drainage at Bluebell Way and Sycamore Avenue. The Committee also had significant concerns over the suitability of the width and gradient of the Blind Lane Crossing. In addition, the Committee had concerns regarding the existence of a muck heap within the application site and its impact on the proposed development.

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

(James Proctor spoke on behalf of Aiskew and Leeming Bar Parish Council objecting to the application.)

(Mark Sampson spoke objecting to the application.)

- (2) 22/00331/OUT - Application for Outline Planning Permission with some matters reserved (considering access) for the construction of 4no dwellings at Land East Of Former Shorthorn Inn, Hornby Road, Appleton Wiske for Mr James Baker

Permission Refused. The Committee were not satisfied that the application met criteria a, c and e of Policy HG5. In particular, the Committee had concerns about the site selection having taken into account other sites within the village, that the cumulative impact of the proposed development would extend beyond incremental growth of the village and that the site would have a detrimental impact on the character and appearance of the village and would result in a loss of open

countryside that makes a significant contribution to the character and setting of that part of the village. The Committee also found that the proposed development would be contrary to the Council's Sustainable Development principles as set out in Policy.

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

(The applicant's agent, Rob Crolla, spoke in support of the application.)

(Derek Partington spoke on behalf of Appleton Wiske Parish Council objecting to the application.)

- (3) 21/02226/REM - Application for approval of all reserved matters (considering access, appearance, landscaping, layout and scale) to previously approved application 15/01083/HYB - this is associated with the construction of 62 residential dwellings for Taylor Wimpey and Persimmon Homes (Taylor Wimpey/Persimmons Phase 3) at Land to the east of Darlington Road for Taylor Wimpey

Permission Granted subject to delegation to Officers to appropriately address the issue regarding the layout and relationship of proposed dwellings to Gibraltar House and an informative in relation to the completion of estate roads in a timely manner.

Note: Councillor P James left the meeting at 11.40am.

Note: The meeting adjourned at 11.40am and reconvened at 1.30pm.

- (4) 22/00810/FUL - Revised application for Change of use of land from grazing land to create two secure dog exercise and training paddocks with car parking, boundary fencing and landscaping and tourist accommodation comprising a 12 glamping pods; siting of a caravan for office and staff facilities. Upgraded access at OS Field 4600, East Cowton for Mr Harry Gray

Permission Granted subject to additional conditions; to link the glamping pods and dog exercising and training components of the development; to restrict the use of the static caravan as a site office only; and to prohibit dogs from being left unattended.

(The applicant, Alison Gray, spoke in support of the application.)

(Lesley Taylor (speaking on behalf of a number of residents) spoke objecting to the application.)

Note: Councillor K G Hardisty arrived at the meeting at 1.55pm.

- (5) 21/01302/FUL - Development of 12 Affordable dwellings at OS Field 5532 Hambleton View Tollerton for Diarmaid Kelly

Permission Granted

(The applicant's agent, Gen Kennington, spoke in support of the application.)

- (6) 21/01303/FUL - Development of 5 bungalows reduced to 4 bungalows on 23 March 2022 at OS Field 5532 Hambleton View Tollerton for Diarmaid Kelly

Permission Granted

(The applicant's agent, Gen Kennington, spoke in support of the application.)

- (7) 21/03048/OUT - Outline application with access, layout and scale considered (appearance and landscaping reserved) for 4 dwellings as amended by drawing received 16.05.2022 at Helderleigh, Easingwold Road, Huby for Mr Moore (Period Pine Doors)

Permission Granted subject to a condition requiring the accessway from the highway to be constructed using a bound surface.

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

- (8) 22/00470/MRC - Variation of conditions attached to Application Reference Number: 18/01916/FUL - change of use of agricultural land, demolition of agricultural building for construction of one detached holiday cottage and associated domestic curtilage at Old Oak Cottages, High House Farm, Thwaites Lane, Little Thirkleby for Mr and Mrs Tattersall

Permission Granted

(The applicant's agent, Tessa Fletcher, spoke in support of the application.)

- (9) 22/00927/FUL - Construction of replacement dwelling and demolition of existing dwelling and outbuildings at High Tunstall Farm, Tunstall Lane, Nunthorpe for Mr Mark Barrett

Permission delegated to Officers to negotiate with the applicant a reduction of the site and scale of the proposed development and the provision for the re-use of bricks following the demolition

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

(The applicant, Mark Barratt, spoke in support of the application.)

(Lynne Cullen spoke on behalf of Newby Parish Council in support of the application.)

Note: The meeting adjourned at 3.10pm and reconvened at 3.20pm.

- (10) 21/02957/FUL - Construction of 2no. replacement dwellings at Village Farm, Ellerbeck, Northallerton for Cowesby Estate Ventures

Permission Granted subject to an additional condition requiring re-use of materials.

(The applicant's agent, Tessa Fletcher, spoke in support of the application.)

- (11) 22/00526/FUL - Retrospective application for the construction of timber sleeper styled boundary fencing at Freemasons Arms, Nosterfield, Bedale for Mr Chris Kinsell

Permission delegated to officers. The Committee found that the boundary fencing causes less than substantial harm to the setting of the Listed Building but that this harm is outweighed by the public benefit of ensuring the safety of users of the outside space due to the close proximity of the main road. The Committee concluded that the fence remains in a natural wood appearance. The Committee found that the proposed pergola would cause less than substantial harm to the setting of Listed Building but that in this case there were no justified public benefits that would outweigh the harm that would be caused. The Committee is precluded from issuing a split decision and therefore the application was delegated to officers to seek the removal of the proposed pergola from the application to enable the fencing only to be approved.

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

- (12) 22/01074/REM - Reserved matters application for residential development of 5 dwellings at: Land South West of Smeaton East Farm, Great Smeaton for Mr Joe Starkie

Permission Granted

(The applicant, Joe Starkie, spoke in support of the application.)

(John Evans spoke on behalf of Great Smeaton Parish Council seeking deferral of the application.)

(Andrew Marriott spoke objecting to the application.)

Note: Councillor S Watson left the meeting at 4.35pm

- (13) 22/01347/APN - Application to determine if prior approval is required for a proposed siting of a storage tank to hold liquid fertilizer and the building of a bund at Land at Hall Farm, Warlaby for Mr Paul Phillips

Prior approval not required

**Disclosure of Interest**

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

The meeting closed at 4.40 pm

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Chairman of the Committee

Minutes of the meeting of the Audit,  
Governance and Standards Committee held  
at 2.47 pm on Tuesday, 17th May, 2022 at  
Council Chamber, Civic Centre, Stone  
Cross, Rotary Way, Northallerton, DL6 2UU

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Present

Councillor A Wake (in the Chair)

Councillor	P Atkin	Councillor	K G Hardisty
	P Bardon		R W Hudson
	D B Elders		N A Knapton
	Mrs B S Fortune		

**AGS.1 Election of Chairman**

**The decision:**

That Councillor N A Knapton be elected as Chairman of the Committee for the ensuing year (until the end of the Council on 31 March 2023).

(Councillor N A Knapton in the Chair)

**AGS.2 Appointment of Vice-Chairman**

**The decision:**

That Councillor D B Elders be appointed as Vice-Chairman for the ensuing year (until the end of the Council on 31 March 2023).

The meeting closed at 2.49 pm

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Chairman of the Committee

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Present

Councillor A Wake (in the Chair)

Councillor	P Bardon	Councillor	R Kirk
	M A Barningham		N A Knapton
	D B Elders		J Noone
	K G Hardisty		D Watkins
	P A James		

**LC.1 Election of Chairman**

**The decision:**

That Councillor R Kirk be elected as Chairman of the Committee for the ensuing year (until the end of the Council on 31 March 2023).

(Councillor R Kirk in the Chair)

**LC.2 Appointment of Vice-Chairman**

**The decision:**

That Councillor M A Barningham be appointed Vice-Chairman of the Committee for the ensuing year (until the end of the Council on 31 March 2023).

The meeting closed at 2.47 pm

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Chairman of the Committee

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Minutes of the meeting of the Licensing Committee  
held at 9.30 am on Friday, 10th June, 2022 at  
Council Chamber, Civic Centre, Stone Cross,  
Rotary Way, Northallerton, DL6 2UU

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Present

Councillor R Kirk (in the Chair)

Councillor	M A Barningham	Councillor	N A Knapton
	C A Dickinson		J Noone
	K G Hardisty		D Watkins
	P A James		

An apology for absence was received from Councillor D B Elders.

**LC.3 Minutes**

**The Decision:**

That the minutes of the meetings of the Committee held on 8 December 2021 (LC.5 - LC.6) and 17 May 2022 (LC.1 – LC.2), previously circulated, be signed as correct records.

**LC.4 Hackney Carriage Table of Fares**

All Wards

**The subject of the decision:**

The Licensing and Procurement Manager presented a report which sought consideration of a proposal to make amendments to Hambleton District Council's Hackney Carriage Table of Fares.

**Alternative options considered:**

The Committee considered whether or not to make a recommendation to Cabinet to made amendments to the Hackney Carriage Table of Fares.

**The reason for the decision:**

Members were satisfied that an increase to the initial charge was necessary to allow hackney carriage drivers and proprietors to make a reasonable living from their trade but a balance needed to be found to ensure that members of the public were not discouraged from using taxis in Hambleton.

**The decision:**

The Committee recommended to Cabinet that the Council's Table of Fares be varied as follows:

Tariff 1 (daytime rates)

£5 for the first mile or part thereof (increased from £3.50)  
20p each additional 1/10 mile (unchanged)

Tariff 2 (night-time and public holiday rates)

£6 for the first mile or part thereof (effectively increased from £5.25)  
30p each additional 1/10 mile (effectively unchanged)

Tariff 3 (New Year's Day)

£7 for the first mile or part thereof (effectively unchanged)  
40p each additional 1/10 mile (effectively unchanged)

Tariff 4 (Christmas Day)

£10.50 for the first mile or part thereof (effectively unchanged)  
60p each additional 1/10 mile (effectively unchanged)

The Committee recommended that all other charges on the existing Table of Fares remain in place.

The meeting closed at 10.12 am

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Chairman of the Committee

Present

Councillor R Kirk (in the Chair)

Councillor P Bardon

Councillor D B Elders

LAHP.1 **Application for the Grant of a Premises Licence - The Leven, High Street, Stokesley**

Stokesley Ward

**The subject of the decision:**

The Director of Law and Governance submitted a report seeking consideration of an application for a premises licence in respect of The Leven, 27 High Street, Stokesley. According to Council records, the premises was already subject to an existing premises licence authorising the sale of alcohol and various forms of regulated entertainment between the hours of 11am and 12.30am. The new application sought to authorise a 'shadow premises licence to mirror the existing licence.

**Alternative options considered:**

The Panel considered all of the options in paragraph 7.2 of the officer's report. The Panel did not consider it necessary to reject the application or to impose any additional conditions beyond those already contained within the applicant's operating schedule. The Panel therefore concluded that the alternative options were not appropriate in this instance.

**The reason for the decision:**

The Panel noted that three local residents had initially objected to the grant of a new premises licence but one had withdrawn prior to the hearing. The Panel considered the two remaining representations from local residents, the written and oral submissions made on behalf of the applicant, the relevant case law provided on behalf of the applicant, the Licensing Act 2003 as amended, the Council's Statement of Licensing Policy and the guidance issued under Section 182 of the Licensing Act 2003.

The applicant informed the Panel that the purpose of the application was to protect his company's interests as the owner of the premises. The Panel was informed that the existing premises licence was held by the leaseholder and a shadow licence would provide some security in the event that the primary licence lapses following the death, incapacity or insolvency of the existing licence holder.

The applicant made reference to a High Court case involving Extreme Oyster/Star Oyster Limited and Guildford Borough Council to demonstrate that applications by landlords for 'shadow licences' are compliant with the Licensing Act 2003 and must be determined in the usual way.

The Panel gave appropriate weight to two representations submitted by local residents in relation to alleged drug use on the premises, loud music, customers urinating in nearby gardens, customers fighting and aggressive behaviour in close proximity to local residents.

The applicant invited the Panel to consider paragraph 9.12 of the statutory guidance issued under s182 of the Licensing Act 2003, which states "*it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective ... The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective*". The applicant indicated that any concerns relating to noise nuisance and crime and disorder would generally be the responsibility of Environmental Health and North Yorkshire Police.

The Panel acknowledged that none of the responsible authorities had made representations and, whilst the Panel was unable to draw reliable conclusions with regards to any current concerns based on the information provided by the local residents, it noted that the licence review process provides a mechanism to address any existing adverse impacts on the licensing objectives. According to Council records, the premises in question had not been subject to any review proceedings.

The Panel acknowledged that, in this instance, it was required to consider the likely impact that granting the application would have on the licensing objectives. The Panel noted that, in terms of the proposed activities and conditions, the applicant sought to replicate the current authorisation exactly and therefore the Panel was not satisfied that granting a shadow licence could have any adverse impact that doesn't already exist.

The Panel was satisfied that the relevant authorities would already have adequate powers (in addition to the powers of review under the Licensing Act 2003) to address any legitimate concerns now or in the future. The Panel was confident that appropriate action would be taken to resolve any concerns if it was necessary but, in any case, this application did not provide an opportunity to review the existing licence.

The applicant informed the Panel that he was an experienced licensee with a number of premises in Middlesbrough and he had chaired the local Pubwatch meetings for around seven years. The Panel noted that no responsible authority or interested party had raised any concerns relating specifically to the applicant and therefore concluded that there were no grounds to believe that granting the application was likely to have any adverse effect on the licensing objectives.

**The decision:**

The Panel resolved to grant the application as applied for subject to the relevant mandatory conditions and the conditions consistent with the applicant's operating schedule.

The meeting closed at 10.09 am

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Chairman of the Panel

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