

Committee Administrator: Democratic Services Officer (01609 767015)

Monday, 5 December 2022

Dear Councillor

Notice of Meeting

| | |
|---------|--|
| Meeting | Council |
| Date | Tuesday, 13 December 2022 |
| Time | 2.15 pm (or on the rising of the Special meeting of Council, whichever is the sooner) |
| 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: 648 340 742# For further information please contact Democratic Services on telephone 01609 767015 or email committeeservices@hambleton.gov.uk

Agenda

Page No

1. Minutes 1 - 2
To confirm the minutes of the meeting held on 22 November 2022 (C.21 - C.23), attached.
2. Apologies for Absence
3. Announcements by the Chairman or Chief Executive
4. Statement of the Leader and Referrals from Cabinet 3 - 4

| Date of Meeting | Minute Nos |
|-----------------|------------|
| 6 December 2022 | To follow |
5. Cabinet Portfolio Statements
 - a) Verbal Statement from the Portfolio Holder for Economic Development and Finance
 - b) Verbal Statement from the Portfolio Holder for Leisure
 - c) Verbal Statement from the Portfolio Holder for Governance
 - d) Verbal Statement from the Portfolio Holder for Planning
 - e) Verbal Statement from the Portfolio Holder for Environmental Health, Waste and Recycling
6. Question Time
None received.
7. Notices of Motion
None received.

Agenda Item 1

Minutes of the meeting of the Council held at
11.00 am on Tuesday, 22nd November, 2022
at Council Chamber, Civic Centre, Stone
Cross, Rotary Way, Northallerton, DL6 2UU

Present

Councillor A Wake (in the Chair)

| | | | |
|------------|-----------------|------------|-----------------|
| Councillor | P Atkin | Councillor | N A Knapton |
| | P Bardon | | J Noone |
| | M A Barningham | | B Phillips |
| | G W Dadd | | G Ramsden |
| | C A Dickinson | | A Robinson |
| | D B Elders | | M S Robson |
| | Mrs B S Fortune | | Mrs I Sanderson |
| | B Griffiths | | M G Taylor |
| | R W Hudson | | P R Thompson |
| | D Hugill | | S Watson |
| | K G Hardisty | | D A Webster |
| | R Kirk | | P R Wilkinson |

Apologies for absence were received from Councillors P A James and D Watkins

C.21 **Minutes**

The decision:

That the minutes of the meeting held on 18 October 2022 (C.13 - C.20), previously circulated, be signed as a correct record.

C.22 **Statement of the Leader and Referrals from Cabinet**

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

- the decision of the Home Office not to use Allerton Court as a Refugee Centre; and
- future reports which would be submitted to Cabinet for consideration at the meeting in December on the Community Infrastructure Levy and Warm Spaces and Foodbanks.

The Leader moved Cabinet minutes CA.32 – CA.34 (22 November 2022).

The Decision:

That the reports, resolutions and recommendations of the meeting of Cabinet held on 22 November 2022 be approved as an accurate record.

C.23 **22 November 2022 - Local Government Staffing Matters Cabinet Report**

The Leader presented a report seeking authorisation to enter into a settlement agreement with such of the Hambleton Chief Officer group that did not wish to transfer to North Yorkshire Council as part of the implementation of the transition to a Unitary Authority for the County of North Yorkshire and approval of the terms thereof. This report had been debated and subsequently approved at a meeting of Cabinet (minute CA.33, 22 November 2022 refers).

The Decision:

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

| Body | Date of Meeting | Minute Nos |
|-------------|------------------------|-------------------|
| Cabinet | 22 November 2022 | CA.33 |

The Leader requested a named vote in relation to Minute CA.33. Members present were recorded as voting as follows:

For the motion: Councillors P Atkin, P Bardon, Mrs B S Fortune, K G Hardisty, N A Knapton, J Noone, B Phillips, A Robinson, M S Robson, Mrs I Sanderson, P R Thompson, A Wake, S Watson, D A Webster and P R Wilkinson (15)

Against the motion: M A Barningham, G W Dadd, C A Dickinson, D B Elders, B Griffiths, R Hudson, D Hugill, R Kirk, G Ramsden and M G Taylor (10)

The motion was declared carried.

Declarations of Interest

Councillor M G Taylor declared a personal interest as his wife is an employee of the authority.

Councillors G Dadd, C Dickinson, Mrs B S Fortune, B Griffiths, M G Taylor, S Watson, D A Webster and P R Wilkinson declared a personal interest as members of North Yorkshire County Council.

The meeting closed at 11.57 am

Chairman of the Council



Leaders' Statement

December Council 2022

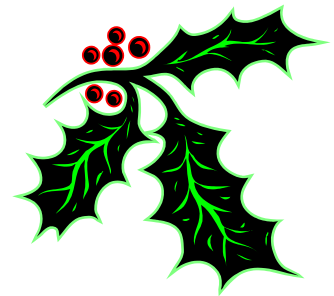
As Christmas approaches and another year reaches its conclusion, I would like to take this opportunity to thank you all for your continued support, not only to me as Leader, but also the Council as a whole.

Although we have faced many challenges in the last 12 months and unprecedented changes ahead, I am proud of all we have achieved as a strong, effective and customer-oriented local authority, and this is down to your collective support and dedication throughout.

Wishing you and your families a Merry Christmas and a safe, happy New Year.

Mark Robson

Leader of the Council



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Minutes for Information

| Committee | Date | Page |
|--------------------------------------|-------------------------------------|-------------|
| Cabinet | 6 December 2022 | To follow |
| Scrutiny Committee | 20 October 2022 | 7 |
| Planning Committee | 27 October 2022 24 November 2022 | 9 15 |
| Licensing and Appeals Hearings Panel | 3 November 2022 | 21 |

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Present

Councillor K G Hardisty (in the Chair)

| | | | |
|------------|-----------|------------|-----------|
| Councillor | P Atkin | Councillor | R Kirk |
| | P Bardon | | G Ramsden |
| | P A James | | A Wake |

Apologies for absence were received from Councillors R W Hudson,
N A Knapton, J Noone and D Watkins.

SC.8 Minutes

The Decision:

That the minutes of the meetings of the Committee held on 16 and
18 June 2022 (SC.3 - SC.6 and SC.7), previously circulated, be signed as
correct records.

SC.9 Safer Hambleton Hub

All Wards

Lisa Wilson, Service Manager (Communities) presented a report which provided
an update on community safety issues affect the Hambleton District and the
work of the Safer Hambleton Hub to demonstrate how the Council was meeting
its statutory duties as a named Responsible Authority under the Crime and
Disorder Act 1998. A number of questions were asked by the Committee and
responded to at the meeting.

The Committee wished to record special thanks to the CCTV team and all of the
staff involved in the Safer Hambleton Hub for all of their continued hard work
and excellent service.

The decision:

That the content of the report and the achievements summarised in Appendix 1
of the report be noted.

The meeting closed at 10.00 am

Chairman of the Committee

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Minutes of the meeting of the Planning Committee held at 10.00 am on Thursday, 27th October, 2022 in the Council Chamber, Civic Centre, Stone Cross, Rotary Way, Northallerton, DL6 2UU

Present

Councillor P Bardon (in the Chair)

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

Also in Attendance

| | | | |
|------------|-----------|------------|-----------------|
| Councillor | P A James | Councillor | Mrs I Sanderson |
|------------|-----------|------------|-----------------|

An apology for absence was received from Councillor B Phillips (morning session)

P.15 Minutes

The Decision:

That the minutes of the meeting of the Committee held on 29 September 2022 (P.13 - P.14), previously circulated, be signed as a correct record.

P.16 Planning Applications

The Committee considered reports of the Deputy Chief Executive relating to applications for planning permission. During the meeting, Officers referred to additional information and representations which had been received.

Except where an alternative condition was contained in the report or an amendment made by the Committee, the condition as set out in the report and the appropriate time limit conditions were to be attached in accordance with the relevant provisions of Section 91 and 92 of the Town and Country Planning Act 1990.

The abbreviated conditions and reasons shown in the report were to be set out in full on the notices of decision. It was noted that following consideration by the Committee, and without further reference to the Committee, the Deputy Chief Executive had delegated authority to add, delete or amend conditions and reasons for refusal.

In considering the report(s) of the Deputy Chief Executive regard had been paid to the policies of the relevant development plan, the National Planning Policy Framework and all other material planning considerations. Where the Committee deferred consideration or refused planning permission the reasons for that decision are as shown in the report or as set out below.

Where the Committee granted planning permission in accordance with the recommendation in a report this was because the proposal is in accordance with the development plan the National Planning Policy Framework or other material considerations as set out in the report unless otherwise specified below. Where the Committee granted planning permission contrary to the recommendation in the report the reasons for doing so and the conditions to be attached are set out below.

The Decision

That the applications be determined in accordance with the recommendation in the report of the Deputy Chief Executive, unless shown otherwise:-

- (1) 22/00032/FUL - Conversion of former agricultural buildings to one farm workers dwelling for Mr and Mrs David Hugill at Dromonby Grange Farm, Kirkby in Cleveland

Permission Granted

- (2) 21/00730/FUL - Change of use and extension of existing agricultural building and land to mixed agricultural and commercial use for Mrs R Stephenson at Skate Beck Farm, Great Busby, TS9 5LB

Permission Granted subject to the conditions proposed by Environmental Health in relation to amenity and a condition for additional landscaping. The Committee was satisfied that, subject to the landscaping condition, the proposal would not have a harmful impact to character of the area. The Committee also found that there was an exceptional justification to grant the application having considered information regarding the lack of suitable alternative sites for this proposal due to the constraints on the applicant's existing business and the necessity for close proximity to its existing client base.

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

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

- (3) 21/02643/FUL - Construction of 6 no. poultry buildings, associated infrastructure, attenuation pond, new access track and hardstanding for Mr Henry Dent at Land north of Hag Lane, Raskelf

Defer to request the presence of a Local Highways Authority Officer at a Planning Committee meeting in order to answer questions on specific highways concerns and to obtain further information on the economic and amenity impact of the proposal.

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

(Keith Ibbotson spoke on behalf of Tholthorpe Parish Meeting objecting to the application.)

Note: The meeting adjourned at 11.37am and reconvened at 1.30pm.

Note: Councillor Mrs I Sanderson arrived at the meeting at 1.30pm.

- (4) 22/00739/FUL - Application for change of use of land for an additional 6no Gypsy/Traveller pitches comprising 6 no. static caravans, 6no day rooms, 6no touring caravans, and associated works for Ms C Bird at Land to the rear of The Workshop, Stokesley Road, Brompton

Permission Refused subject to an additional reason for refusal on the basis that the applicant failed to provide a non-mains foul drainage assessment in accordance with Policy RM1.

- (5) 22/00011/TPO2 - TPO three trees, objection received on behalf of the owner of Thirsk Furniture Products Ltd at Eastern Boundary, Unit B Johnson Way, Thirsk Industrial Park, Thirsk

That Tree Preservation Order 2022 No. 11 is not confirmed. The Committee was not satisfied that the trees had significant amenity value given their location and species and furthermore the Committee found that the trees were not under immediate threat of removal.

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

(The landowner, Chris Blair, spoke objecting to the confirmation of the Order.)

- (6) 22/00139/FUL - Revised application for construction of 2 No. free range egg units with associated hardstandings, feed bins, access roads, attenuation ponds and landscaping (amended scheme of 21/00794/FUL) for Mr Steven Tweddle at Land east of Pillrigg Lane track and south-east of Moor Lane, Thornton Le Beans

Permission Refused subject to an amendment to the first reason for refusal to include harm to the openness of the landscape; and additional

reasons for refusal in relation to the detrimental impact on amenity, light pollution, detrimental impact to amenity and highways safety for users (particularly pedestrians and cyclists) of Allerton Wath Road, potential pollution of the watercourse occurring from waste of roaming livestock and potential air pollution as a result of an inadequate ventilation system.

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

(Helen Hamilton spoke on behalf of Thornton le Beans Parish Council objecting to the application.)

(Fred Wachsberger spoke on behalf of Borrowby Parish Council objecting to the application.)

(David Brown and Norman Boden spoke objecting to the application.)

Disclosure of Interest

Councillor A Robinson disclosed a personal interest as a resident of Borrowby.

Note: Councillor Mrs I Sanderson left the meeting at 3.41pm

Note: The meeting was adjourned at 3.41pm and reconvened at 3.53pm

- (7) 22/00010/TPO2 - Hambleton District Council (Knayton With Brawith Parish Council) Tree Preservation Order 2022 No 10 at North of Stone House, Knayton Thirsk

That Tree Preservation Order 2022 No. 10 is confirmed

(The neighbour, Sarah Lane, spoke objecting to the confirmation of the Order.)

- (8) 18/00097/OUT - Outline Application (with all matters reserved) for the conversion of agricultural buildings to provide up to 3 residential dwellings for Newburgh Priory Estate at High Lions Farm, Yearsley, North Yorkshire, YO61 4SN

Permission Granted

(The applicant's agent, Lucy Stephenson, spoke in support of the application.)

- (9) 18/00144/OUT - Outline application for the redevelopment of the site for up to 9 residential dwellings (Class C) for Mr Stephen Wombwell at Oulston Hall, Oulston, North Yorkshire YO61 3RA

Permission Granted subject to the reserved matters application being brought back for determination by Planning Committee.

(The applicant's agent, Lucy Stephenson, spoke in support of the application).

(Nick Eleanor spoke on behalf of Oulston Parish Meeting objecting to the application.)

Note: Councillor P James left the meeting at 4.52pm

- (10) Item 10 - 22/01474/OUT - Outline application with all matters reserved except access for employment development comprising industrial uses (class B2/E(g)(iii)) and/or storage & distribution uses (class B8), including ancillary office space, with associated infrastructure and landscaping, and demolition of existing structures (additional Highways Technical Note and amended FRA and Drainage Assessment received on the 24.08.2022 and 25.08.2022 respectively) for Mr R Bannister (PG Lime Dalton Limited) at Eldmire Farm, Eldmire Lane, Dalton, YO7 3HE

Defer to allow for further consultation.

(The applicant's agent, Hamish Robertshaw, spoke in support of the application.)

(Jamie Moores spoke on behalf of Topcliffe Parish Council objecting to the application.)

- (11) 22/02301/TPO - Works of reduction and maintenance work to trees subject of TPO 1959/07 and removal of two trees for Sowerby Parish Council at The Village Green, Front Street, Sowerby

Permission Granted

Disclosure of Interest

Councillor P Bardon disclosed a personal interest as Vice-Chairman of Sowerby Parish Council and left the meeting prior to discussion and voting on this item.

Councillor J Noone in the Chair.

Note: Councillor A Robinson left the meeting at 5.16pm

Councillor P Bardon returned to the meeting prior to any discussion and voting on Item 12 on the agenda (Councillor P Bardon in the Chair).

- (12) 21/02619/FUL - Demolition of all existing buildings and the construction of 10 no. dwellings for Mulgrave Developments Ltd at Shipton Service Station Main Street, Shipton by Beningborough

Permission Granted

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

The meeting closed at 5.30 pm

Chairman of the Committee

Minutes of the meeting of the Planning Committee held at 10.00 am on Thursday, 24th November, 2022 in the Council Chamber, Civic Centre, Stone Cross, Rotary Way, Northallerton, DL6 2UU

Present

Councillor P Bardon (in the Chair)

| | | | |
|------------|-----------------|------------|------------|
| Councillor | M A Barningham | Councillor | B Phillips |
| | D B Elders | | A Robinson |
| | Mrs B S Fortune | | M G Taylor |
| | K G Hardisty | | A Wake |
| | J Noone | | |

Also in Attendance

| | | | |
|------------|------------|------------|----------|
| Councillor | M S Robson | Councillor | S Watson |
|------------|------------|------------|----------|

Apologies for absence were received from Councillors B Griffiths and D A Webster

P.17 Minutes

The Decision:

That the minutes of the meeting of the Committee held on 27 October 2022 (P.15 - P.16), previously circulated, be signed as a correct record.

P.18 Planning Applications

The Committee considered reports of the Deputy Chief Executive relating to applications for planning permission. During the meeting, Officers referred to additional information and representations which had been received.

Except where an alternative condition was contained in the report or an amendment made by the Committee, the condition as set out in the report and the appropriate time limit conditions were to be attached in accordance with the relevant provisions of Section 91 and 92 of the Town and Country Planning Act 1990.

The abbreviated conditions and reasons shown in the report were to be set out in full on the notices of decision. It was noted that following consideration by the Committee, and without further reference to the Committee, the Deputy Chief Executive had delegated authority to add, delete or amend conditions and reasons for refusal.

In considering the report(s) of the Deputy Chief Executive regard had been paid to the policies of the relevant development plan, the National Planning Policy Framework and all other material planning considerations. Where the Committee deferred consideration or refused planning permission the reasons for that decision are as shown in the report or as set out below.

Where the Committee granted planning permission in accordance with the recommendation in a report this was because the proposal is in accordance with the development plan the National Planning Policy Framework or other material considerations as set out in the report unless otherwise specified below. Where the Committee granted planning permission contrary to the recommendation in the report the reasons for doing so and the conditions to be attached are set out below.

The Decision

That the applications be determined in accordance with the recommendation in the report of the Deputy Chief Executive, unless shown otherwise:-

- (1) 22/02265/FUL - Extension to the rear of the property for Mrs Tracy Price at Valentine Cottage, Back Lane, Borrowby, Thirsk, North Yorkshire, YO7 4QQ

Permission Granted

- (2) 21/00966/REM - Reserved matters application pursuant to outline permission 16/01142/OUT for landscape, appearance, layout and scale for the construction of 28 dwellings - Amended Plans Received 28.10.2022 for Brafferton Manor Farmers at OS Field 0046, Brafferton to West Moor, Brafferton

Permission Granted

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

- (3) 22/01835/MRC - Application for the modification of condition 2, for previously approved application 20/00898/REM -Remove drawing RFM-XX-00-DR-L-001 - New Drawings received 0780-RFM-02-00-DR-L-0001-S3-P02 - Northern Area Detailed General Arrangement Plan 1 of 2, 0780-RFM-02-00-DR-L-0002-S3-P02 - Northern Area Detailed General Arrangement Plan 2 of 2, 0780-RFM-01-00-DR-L-0001-S3-P02 - Southern Area General Arrangement Plan 1 of 2, 0780-RFM-01-00-DR-L-0002-S3-P02 - Southern Area General Arrangement Plan 2 of 2 for Mr Steven Lister at Taylor Wimpey Thurstan Park Development, North Northallerton Phase 1A Land at Stokesley Road Northallerton

Permission Granted subject to additional conditions relating to the discharge of surface water and improvement works to the footpath and bus stop adjacent to the access.

Note: Councillor S Watson left the meeting at 10.45am.

- (4) 22/02223/FUL - Two storey extension to rear of house, Single storey extension to side and rear of house, Porch to front elevation, Loft conversion, Render full building and new gravel drive area for Mr Graham Castle-Ward at 1A Bridge Street, Great Ayton, Middlesbrough, North Yorkshire, TS9 6NP

Permission Granted

- (5) 22/02194/FUL - Proposed attic conversion, 2no. dormers window to the front elevation, and 3no. Velux rooflights to the rear elevation for Mr K Ashbridge at Silton House, Lead Lane, Nether Silton Thirsk, YO7 2JZ

Permission Granted subject to a condition requiring replacement like for like natural slates to be used. The Committee found that the proposed development would have minimal harm to the character of the building and conservation area and that any harm was outweighed by public benefit.

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

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

Note: The meeting adjourned at 11.27am and reconvened at 1.30pm.

- (6) 22/01668/MRC – Variation of conditions attached to Planning Application Reference Number: 76/0609/FUL (2/128/36/PA)- Construction of an Agricultural general purpose storage building for Mr M Nichols at Land and Buildings at Tanton Road, Seamer

Permission Granted subject to a condition requiring an operational management plan. The Committee was satisfied that the proposed development is in accordance with the Local Plan and that the provision of the operational management plan would mitigate any harm to the residential amenity.

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

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

- (7) 21/02612/FUL - Retrospective application for the siting of external apparatus and soil bund and proposed application for siting of dust storage building for Mr D Sanderson at Sandholme Farm, Skipton on Swale

Permission Granted subject to amendments to conditions 1 and 4 to reflect the correct submitted plans, no amendment to condition 3 and an amendment to condition 8 to permit the retention of two external generators for use only in the event of an emergency.

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

- (8) 22/00166/FUL - Demolition of existing structures and construction of 9 dwellings and associated parking and landscaping for Frontline Estates Ltd at Land to the south of Station Road, Thirsk

Defer to enable the collation of photographs and documentation relating to the relationship between Plots 8 & 9 and 45 & 46 Olivette Crescent.

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

(Yvonne Hewson spoke objecting to the application.)

- (9) 21/02959/FUL – Construction of 43no dwellings, garages, access roads and ancillary services (As Amended - Revised Site Layout and Enclosures Layout Plans received 27.09.2022; Ecological Impact and BNG Assessments received 07.10.2022) for Ms Samantha Barker at Rybeck House, Stoneybrough Lane, Thirsk

Permission Refused subject to two additional reasons for refusal relating to the impact of the proposed development on the public sewerage network and biodiversity net gain.

(The applicant's agent, George Wright, spoke in support of the application).

Note: Councillor M Robson arrived at the meeting at 3.04pm

Note: The meeting adjourned at 3.10pm and reconvened at 3.19pm.

- (10) 22/01474/OUT - Outline application with all matters reserved except access for employment development comprising industrial uses (class B2/E(g)(iii)) and/or storage & distribution uses (class B8), including ancillary office space, with associated infrastructure and landscaping, and demolition of existing structures (additional Highways Technical Note and amended FRA and Drainage Assessment received on the 24.08.2022 and 25.08.2022 respectively) for Mr R Bannister at Eldmire Farm, Eldmire Lane, Dalton, Thirsk

Permission Granted

(The applicant's agent, Hamish Robert-Shaw, spoke in support of the application).

(Jamie Moores spoke on behalf of Topcliffe Parish Council objecting to the application.)

The meeting closed at 3.46 pm

Chairman of the Committee

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Present

Councillor R Kirk (in the Chair)

Councillor C A Dickinson

Councillor D B Elders

LAHP.5 Exclusion of the Public and Press

That under Section 100A(4) of the Local Government Act 1972, the press and public were excluded from the meeting during consideration of the item of business at minute no LAHP.6 on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act as the Panel was satisfied that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

LAHP.6 Application for the renewal of a Hackney Carriage & Private Hire Driver Licence

All Wards

The subject of the decision:

The Director of Law and Governance (Monitoring Officer) asked the Panel to consider whether the licence holder (“D”) was a fit and proper person to continue to hold a hackney carriage and private hire driver licence.

Alternative options considered:

The Panel considered renewing the licence but, having concluded that D had not been able to meet the Group 2 Medical Standards, the only suitable option was to refuse to renew the licence. The Panel was satisfied that there were no suitable alternative options.

The reason for the decision:

The Panel considered the officer’s report, the oral representations of D, the Council’s Hackney Carriage and Private Hire Licensing Policy and the relevant legislation.

The Panel noted that all licensed drivers are required to meet the requirements of the DVLA’s Group 2 Medical Standards in order to demonstrate their medical fitness to drive licensed vehicles.

The Panel was informed that officers had requested a medical assessment from D in March 2022 but received no response.

The Panel was also informed that D contacted officers in July 2022 to discuss the renewal of his licence.

The Panel noted that, following these discussions, D had submitted an application for renewal of his licence on 30 July 2022 along with a medical assessment. The Panel noted that D had not completed a declaration on the application form in relation to his medical fitness. According to the medical assessment, D was experiencing learning difficulties, episodes of confusion and depression, which had apparently led to a three month ban from driving.

The Panel noted that officers had tried and failed to obtain further information from D with regards to his medical conditions. Officers had also tried and failed to obtain a DVLA check code from D in order to verify the accuracy of the examining doctor's statement in relation to D's DVLA driving licence.

D informed the Panel that he had sent the officer's correspondence to his doctor but he was not sure if any action was taken as a result. The Panel was satisfied that the information in the officer's report comprised all relevant material provided by or on behalf of the applicant and the onus was on the applicant to secure the delivery of anything further.

The Panel considered the contents of a letter from DVLA that had been submitted by D in July 2022. According to the letter, D had been asked to either surrender his DVLA driving licence or to give consent to further investigations being carried out in relation to his medical fitness by completing and returning a medical questionnaire within 14 days. The applicant was unable to confirm whether or not he had been disqualified by DVLA but he did confirm that he had been advised to cease driving.

The Panel acknowledged that, in the absence of further information from the applicant, it was not possible to check whether or not D's DVLA driving licence had been disqualified. However, the Panel was satisfied that D had been advised not to drive any vehicles for three months due to depression.

The Panel noted that, in accordance with DVLA Medical Standards, individuals must not drive any motor vehicle for three months following severe anxiety or depression. The Panel noted that no such timeframe is specified by DVLA in instances of mild or moderate anxiety or depression. Accordingly, in the absence of any further information from the applicant, the Panel was satisfied on the balance of probability that D's condition had been regarded as severe by the relevant medical professionals.

The Panel therefore concluded that D would not be permitted to drive any Group 1 vehicles (cars and motorcycles) until he had been well and stable for at least three months. Furthermore, D would not be permitted to drive any Group 2 vehicles (buses and lorries) until he had been well and stable for at least six

months. The Panel noted that the Group 2 criteria applied to licensed vehicles in Hambleton by virtue of the Council's Hackney Carriage and Private Hire Licensing Policy and therefore the six-month period would be applicable in this instance.

The Panel had sympathy for the applicant's medical conditions and it was satisfied that D had been given additional support in this regard. However, the Panel acknowledged its obligations to give priority to public protection in reaching decisions on licensing matters.

The Panel was satisfied, on the basis of the information provided, that D did not meet the requirements to hold a hackney carriage and private hire driver licence. The Panel noted that the Council cannot grant a licence unless it is satisfied that the applicant is a fit and proper person and, for public safety reasons, medical fitness was a critical feature of this assessment. The Panel was not satisfied that D was a fit and proper person at this time and therefore decided to refuse the application for renewal.

The Panel noted that the applicant would be entitled to apply for a new licence in future and D was advised to make enquiries with the Licensing Team if he believed that he could satisfy the application criteria.

The decision:

The Panel refused to renew D's licence for 'any reasonable cause' in accordance with section 61 of the Local Government (Miscellaneous Provisions) Act 1976.

The meeting closed at 10.17 am

Chairman of the Panel

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