

37/06 - **MEMBERS' QUESTION TIME:** Pursuant to Standing Order 12, the following questions had been received:-

1. Question to the Leader from Councillor Caroline Bayliss:

Whilst understanding the need for Councils to consult their residents does the Leader think we might be going for overkill in this direction? In a two-week period this month my household of three adults received 7 various survey forms from HBC to fill in – the residents in my house have questioned whether the Council

1. Understand they do have jobs to do apart from filling in Council forms; and

2. Is the Council not spending rather a lot of their money on drawing up forms, buying paper and envelopes, postage and analysis of their replies. Could the Leader please help me answer these residents' concerns?

In responding to the question, the Leader advised that many of the surveys the Council was now obliged to undertake were statutory reflecting the level of interference in local issues by central government and continued to explain the unfortunate combination of reasons which had resulted in Councillor Bayliss's household receiving such a number of questionnaires within a short period. These related to their own development control submission, consultation issued to an agreed representative on the District Panel and random selection.

2. Question to the Leader of the Council from Councillor Kevin Hawkins:

The Parish Consultation Meeting that HBC has each year with Ripon and Knaresborough was recently cancelled at the request of HBC because cabinet members and/or officers were apparently unavailable to attend. Since this date is planned well in advance, and Knaresborough Town Councillors and Ripon City Councillors manage to organise their diaries in order to attend this important meeting will the Leader apologise to Ripon and Knaresborough Councils and reassure them that this meeting will be better organised in future years?

In responding, the Leader challenged the accuracy of the question in that the Parish Consultation meeting had not been cancelled by the Borough Council. Both the Town and City Councils had, in the absence of the Leader, been afforded the opportunity to proceed with the meeting or to rearrange for another date. Both had chosen to rearrange the meeting. The Leader advised that he took his duty very seriously which was reflected by the very limited holiday he had felt able to take over the last two years and that it was unreasonable to expect any member to attend every possible meeting to which they were invited.

In response to a supplementary question from Councillor Hawkins regarding better organisation of the next meeting with the Parish Councils the Leader reiterated his previous answer.

3. Question to Chair of Licensing from Councillor Kevin Hawkins:

Section 13 (3) (b) of the Licensing Act 2003 includes the following as among those 'Interested Parties' who may make representations to the licensing authority on any application for grant, variation or review of the premises licence.

A body representing persons who live in that vicinity

Can he explain why HBC policy does not recognise parish councils as representative bodies for the purposes of premises licensing and will he support this policy being amended to permit parish councils to make representation in future?

Councillor Nash advised that since the Licensing Act 2003 came into force last November, the Council had determined over 700 applications to conform with the Act. This had entailed a big administrative learning curve for all concerned.

The Act was quite specific about representations. Borough Councillors could not in their own right, in their own Ward, make representations but they could act on behalf of one of their constituents who had made a representation.

The Act and, therefore, the Council's policy did not allow a Parish Council to make a representation, but it did allow a Parish Councillor to represent if the person making the representation resided within the vicinity of the applicant and had asked the Parish Councillor to represent them at the relevant sub-committee meeting.

He was aware that during the very busy early period post September 2005 more information would have helped Borough Councillors to be aware of applications in their Wards. To this end the licensing team had for a few weeks been sending to Ward Councillors comprehensive details, in hard copy, of any new applications. However, all applicants for any form of licence, be it liquor, entertainment or late night food takeaway, except those with 'grandfather rights', had to both display a site notice and notify the public by way of a newspaper advertisement, to conform with the Licensing Act 2003. This would have enabled everyone with an interest to be aware of the application. In the public interest, the police, social services, fire service, planning, and environment protection had, amongst other consultees, to make observations from their professional point of view. These observations embraced almost all objections or recommendations.

It would not be possible for Parish Councils, Town Councils or indeed Borough Councils to make a representation as their view point could easily be challenged as not being the view of everyone in their particular area or indeed living in the vicinity of the applicant, which they must do. Further to this, the Licensing Act 2003 did not appoint these bodies as interested parties for consultation so afforded them no representation in their own right.

In response to a supplementary question from Councillor Hawkins as to why the Council had seen fit to consult Parish Councils for applications received under the Gambling Act, the Chair of the Licensing Committee explained that the requirements of the Gambling Act were totally different to those of the Licensing Act as had been explained to the Licensing Committee at its most recent meeting, the Minutes of which he had arranged to be circulated to all Members of the Council.

4. Question to Cabinet Member for Housing from Councillor Trevor Chapman

Will the Cabinet Member explain why during the recent consultation exercise on the redesignation of council homes it was decided to carry out a paper consultation rather than hold public meetings?

Councillor Butterfield advised that given the extent of the consultation, which had involved approximately 5,000 residents in over 60 locations across the District, it was felt that holding public meetings would not be the most effective way to give residents the opportunity to express their opinions on this matter but that consultation was still ongoing on the changes and that public meetings could well be held in certain areas following examination of the initial consultation responses.

In response to a supplementary question from Councillor Chapman, the Cabinet Member reaffirmed that she would consider holding local meetings where any significant local concern had been raised over the proposals.