

CABINET

At a meeting held on Tuesday, 11 September 2018

Present:-

Councillor Mrs H F Mallory (Chairman) in the Chair;
Councillors M Smith, W Chatt, M J Cockerill, J Nock and Mrs H Phillips

1. DECLARATIONS OF INTEREST

No declarations of interest were received.

2. MINUTES

RESOLVED that the minutes of the meeting held on 17 July 2018 be approved as a correct record and signed by the Chairman.

3. PUBLIC QUESTION TIME

The Chairman reported that no public questions had been received.

4. FORWARD PLAN

The Cabinet considered the Forward Plan (Reference 18/205). Councillor Chatt under his Public Health and Housing portfolio advised that a report on Hackney Carriage fares would be submitted to the Cabinet meeting in October.

RESOLVED that, subject to the above amendment, the Forward Plan be approved.

5. PROGRESS OF SCRUTINY OF EXECUTIVE DECISIONS

Members were advised that there had been no call-ins of executive decisions since the last meeting on 17 July.

6. TOUR DE YORKSHIRE

The Cabinet considered a report by the Director (RB) (Reference 18/195) in respect of the Tour de Yorkshire 2019. Members were advised that the 2018 Tour De Yorkshire was the fourth time that the Borough had been showcased as part of the event, broadcast in 190 countries and with estimated viewing figures of 12.5 million people in 1270 hours of TV coverage and 4290 separate items of press coverage across the world. The economic benefit to the Borough was estimated at over £11 ½ million in revenue to businesses and the tourist economy that supported around 17,000 jobs and attracted over £500 million to the local economy. Local community group participation was also notable at this year's event, for example, the Big Bike Beat Band project, the decoration of Filey, Filey School and Folk Festival themed events, and the Pindar School/McCain arts project. Updating the report, the Director, Mr Bradley advised that the Women's Race would now be held on 3 and 4 May 2019. He also commended the considerable behind the scenes support by Council services which made the event possible. The Cabinet was recommended to approve the Council's expression of interest with Welcome to Yorkshire in being a host for the 2019 Tour de Yorkshire, with final acceptance of any successful offer being subject to full Council approving the

maximum budget identified within the report. Members welcomed the report, noting the expense of the event, but also the invaluable exposure it gave to the Borough and the boost to the visitor economy.

RESOLVED that the Cabinet:

1. Notes the benefits of the 2018 Tour de Yorkshire event to the region and local economy;
2. Approves that the Council expresses an interest with Welcome to Yorkshire in being a host city / town for the 2019 Tour de Yorkshire, with the final acceptance of any successful offer being subject to Full Council approving recommendation 3 below; and
3. Recommends that the Council approves a maximum budget of £150,000 for the 2019 Tour de Yorkshire, to be funded from anticipated underspends on the 2018/19 budget. Should a surplus not be generated then the cost would need to be funded from the Council's General Fund Balance.

Reasons

To seek members approval for the Council to put forward an expression of interest to Welcome to Yorkshire (WTY) and Amaury Sport Organisation (ASO) for Scarborough to be a "Host city/town" for the Tour De Yorkshire in 2019. In essence this would mean that Scarborough would be either a start or finish location for racing on one of the days of the Tour.

Welcome to Yorkshire is proposing that the 2019 race will take place from 2nd to 5th May. The route will be determined once Welcome to Yorkshire and ASO have looked at the potential host towns and routes. The 2018 Stage 3 route started in Richmond and finished in Scarborough.

The organisers of the Tour de Yorkshire are seeking a financial contribution from the Council to take part in the 2019 event. There will be additional expenditure required to deliver appropriate infrastructure and support for the day itself. Based on the cost of the 2018 event, it is estimated that this will be in the region of £150,000.

In order to meet the timescales required to confirm the route of the race, WTY has informed the Chief Executive that they require the Council to confirm the offer by early September 2018.

To ensure that Council continues to be kept abreast of the benefits from an economic, publicity and community engagement perspective that the Tour de Yorkshire brings to the local economy.

7. PRIVATE SECTOR HOUSING CIVIL PENALTIES POLICY

The Cabinet considered a report by the Director (NE) (Reference 18/190) in respect of a new Private Sector Housing Civil Penalties Policy. Members were advised that housing authorities were given the power to levy fines as an alternative to prosecution for certain specified housing offences through the Housing and Planning Act 2016. Officers in consultation with colleagues across the region had developed a new policy for the use of these powers. The civil penalties were intended to take pressure off the courts system and

required the same burden of proof as for a prosecution. The civil penalties were subject to an appeals process which had been used by landlords in other local authority areas. In reply to Members' questions, the Housing Manager advised that he did not have any national statistics on the amount and success rate of appeals since this was new legislation; and it would be for the Director to determine the size of the penalty in each case based on the policy and file prepared by housing and legal officers.

RESOLVED that the Cabinet recommends to Council the adoption of a Civil Penalty Policy for use by the Residential Regulation Service.

Reasons

New powers were given to local authorities (under the Housing and Planning Act 2016) to impose Civil Penalties up to £30,000 on private landlords for certain offences under the Housing Act.

This report and policy sets out the recommended approach to be adopted by the Council in relation to these new powers.

8. LOCAL SUPPORT FOR COUNCIL TAX SCHEME 2019/20

The Cabinet considered a report by the Director (NE) (Reference 18/186) in respect of the Local Support for Council Tax Scheme 2019/20. Members were advised that the Member Welfare Reform/LSCT Working Group had met to consider the options and financial implications for the 2019/20 LSCT scheme and decided to recommend an unchanged scheme from 2018/19 in accordance with the objectives of the scheme first introduced in 2013/14.

RESOLVED that full Council be recommended to note the contents of the report and

- Approve the LSCT local scheme for 2019/20 in accordance with Schedule 1A Section 13A of the Local Government Finance Act 1992 (Council Tax Reduction Schemes) with no amendments to the current scheme. This means the scheme will retain the following main elements
 - Maximum liability of 87.5%
 - All other elements of the 2018/19 LSCT scheme are retained in the 2019/20 LSCT scheme
 - An Exceptional Hardship scheme to continue.

Reasons

The Council approved and implemented a one year LSCT scheme for 2018/19 and has to agree and set a scheme for providing support for Council Tax in 2019/20 by 11 March 2019. This means that approval will be sought from full Council on 5 November 2018.

The decision will form part of the overall budget-setting process and in designing a scheme due regard has been given to achieving a balanced budget whilst trying to achieve a fair and equitable scheme for the overall benefit of the Borough, its residents and effects on the local economy.

9. TREASURY MANAGEMENT OUTTURN REPORT 2017/18

The Cabinet considered a report by the Director (NE) (Reference 18/197) in respect of the Council's Treasury Management Outturn for 2017/18. Members were advised that that the Treasury Strategy for 2017/18 was based on four expectations: (i) a continuation of a low interest rate environment, (ii) emphasis for investments would be placed on security rather than pure return, (iii) the Council would continue to generate short term savings by maintaining an under borrowed position, and (iv) longer term borrowing and rescheduling of debt would be taken if the rates proved favourable. The actual outturn saw a major shift in the expectation of bank rate rises: +0.25% in November 2017 and a further 0.25% two months ago. The investment activity during the year conformed to the approved strategy with emphasis placed on security, then liquidity and finally return. None of the institutions had difficulty in repaying the investments and interest. Further, new legislation had been introduced or would come into force in the near future aimed at making the banking industry more transparent in their dealings and financially more resilient. The impact around some of this legislation was still to be assessed but would feature in future reports to Members.

RESOLVED that the Cabinet receive the report and note the out-turn position of the Council's Treasury Management function for the 2017/2018 financial year.

Reasons

1. To comply with the CIPFA Code of Practice of Treasury Management in Local Authorities (the Code) by informing the relevant internal bodies of the Council's treasury management activities before 30 September following the end of the financial year that the report relates;
2. To keep Members informed of Treasury Management activities and performance.

10. FINANCIAL MONITORING REPORT 2018/19 - QUARTER 1

The Cabinet considered a report by the Director (NE) (Reference 18/201) which provided an update on the Council's financial position in relation to the revenue and capital budgets, grants, reserves and income collection for the period April to July 2018. Members were advised that the majority of savings identified as part of the 2018/19 budget setting process (£2.1m) were being achieved but there were a small number of areas that still required addressing and these would continue to be monitored. Currently, a year end surplus of £220k was expected which, whilst positive news, was primarily a result of one-off savings, specifically business rates refunds relating to the Council's off-street car parks. The report assumed that the draw from the General Fund (£200k) that was required to balance the budget would still occur. The report sought approval to allocate £21k of Section 106 monies to essential improvements at White Lees Play area and to accept a £4k grant from the NYCC Locality Budget towards the Yorkshire Coast Remembers project. In relation to the retention of business rates, the Council was seeking to participate in the 75% Business Rates Pilot. As part of this potential application, discussions had taken place with other members of the North Yorkshire Business Rates pool together with Harrogate Borough Council (which was part of the Leeds City Region pool), Selby and East Riding. As

part of this decision, the Council must also take into account what would happen if the application were unsuccessful and the effect that that might have on the existing north Yorkshire Business Rates Pool members. Given the imminent deadline for applications, delegated authority was sought to enter into the scheme should the application be successful.

RESOLVED that the Cabinet:

- i) Note the report and in particular that:
 - Despite the setting of an extremely challenging budget a year end surplus of £220k is currently expected to be achieved;
 - The surplus is primarily driven by one-off savings specifically in relation to business rates refunds
 - The majority of income targets are being achieved;
 - The majority of savings identified as part of the 2018/19 budget setting process are being achieved but there are a small number of areas that still require addressing (including some perpetual under achieved budgets). These will continue to be monitored.
 - The capital programme continues to operate within the overall parameters set in terms of contingency levels;
- ii) Note that a separate report on the Cabinet agenda (ref 18/195) proposes that Full Council be asked to consider utilising £150k of the anticipated surplus to fund the 2019 Tour de Yorkshire;
- iii) Approve acceptance of the following grants:
 - £4k from the NYCC Locality Budget towards the Yorkshire Coast Remembers project.
- iv) Approve allocation of £20,548 of Section 106 monies in order to make essential improvements to White Leys Play Area.
- v) Note that the Council is reviewing options to submit an application to become part of a 75% Business Rates Pool Pilot in 2019/20 alongside North Yorkshire County Council, East Riding of Yorkshire Council, Hambleton District Council, Craven District Council, Selby District Council, Richmondshire District Council and Ryedale District Council and potentially Harrogate District Council;
- vi) Delegate the authority for participating in the 75% Business Rates Pilot application, and entering into the scheme should the application be successful, to the Section 151 Officer in conjunction with the Portfolio Holder for Corporate Investment.

Reasons

To provide information relating to the Council's financial performance for the 2018/19 year.

To maximise the Council's income from the Business Rates Retention scheme.

11. OBJECTIONS TO THE PROPOSED INTRODUCTION OF RESIDENTS PARKING CONCESSIONS ON OFF-STREET CAR PARKS IN THE BOROUGH

RESOLVED that this item be deferred to enable officers to consider further issues raised through the public consultation.

12. EXCLUSION OF THE PUBLIC

The Chairman noted that the remaining report on the agenda included private and confidential content which might necessitate moving into private session should Members wish to discuss the sensitive information therein. In the event, the item was considered in public.

13. LEISURE VILLAGE -ENABLING DISPOSAL (FILEY ROAD SITE AND LAND AT COLLEGE AVENUE)

The Cabinet considered a report by the Director (RB) (Reference 18/204) in respect of the outstanding issues associated with the Development Agreements for the Leisure Village, and requesting the permissions necessary to finalise the project. Members welcomed the report and the excellent sports facilities which would be delivered at neutral cost to the Council.

RESOLVED that the Cabinet:

1. Approve the sale of the site of the former Sports Centre on Filey Road to Broadland Properties Limited (Broadland) in accordance with the terms of the Development Agreements relating to the Sports Village development between the Council and Wrenbridge Land Limited (Wrenbridge) and as set out in this report;
2. Approve (both in principle and final) the sale of land at College Avenue (0.96 acres) to Broadland and entry into a deed of surrender with Scarborough College to facilitate the release of the land for sale to Broadland on the terms set out in this report;
3. Approve entry into a community use agreement with Scarborough College on the basis of the broad heads of terms attached at Appendix C relating to the use of off-site tennis and athletics facilities to be constructed by Broadland and delegate authority to the Director (RB) to agree the final terms of the agreement in consultation with the Local Planning Authority and Sport England;
4. Approve the extension of Scarborough College's existing lease of land (less the land disposed of for development) at College Avenue to align to the term of the community use agreement;
5. Note despite the October 2017 Cabinet in principle decision to sell the South Cliff Bowling Club site the land will be retained by the Council under its existing lease to the Bowls Club.

Reasons

- To provide the necessary approvals to enable the Council and Wrenbridge to discharge the remaining obligations contained in the Development Agreements relating to the Sports Village Development.
- To provide the necessary approvals to complete the sale of the former Sports Centre on Filey Road and recover the interim funding provided by the Council for the Sports Village Development.
- To provide the necessary approvals from the Council as landowner to enable Broadland to proceed with its development proposals for residential and sports development on Filey Road and College Avenue.
- To facilitate the provision of community use leisure facilities at College Avenue and Filey Road, Scarborough.

Chairman