

CABINET

At a meeting held on Tuesday, 11 December 2018

Present:-

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

1. DECLARATIONS OF INTEREST

Councillor Smith declared a personal interest in agenda item 7, Scarborough Museums Trust Collections Policy in his capacity as the Borough Council's representative on the Board of Scarborough Museums Trust.

2. MINUTES

RESOLVED that the minutes of the meeting held on 13 November 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 18/302). Councillor Smith under his Leisure portfolio referred to a forthcoming comprehensive review of on and off-street parking in the Borough. He also noted and accepted Councillor Turner's request to review the provision of parking in Whitby in light of the reduction in capacity caused by the Whitby Piers and Church Street works and to involve ward councillors in this review.

RESOLVED that, subject to the above, 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 13 November.

6. AFFORDABLE HOUSING SUPPLEMENTARY PLANNING DOCUMENT 2019 AND ADOPTION

The Cabinet considered a report by the Director (RB) (Reference 18/265) in respect of a revised Affordable Housing Supplementary Planning Document. Members were advised that the revised Supplementary Planning Document took into account changes to the formal definition of affordable housing and revised information on viability and the thresholds for affordable provision in accordance with the latest national planning guidance. The report also set out how the new National Described Space Standards would be reflected in Council policy; that is, these were aspirational but the Registered Provider would be given the opportunity to determine if the proposed design met their own standards and requirements. A minor change was also proposed to the criteria for assessing persons who wished to be added to the self-build register. The Council's financial solvency test approved in November 2017 required the developer to demonstrate that s/he could both afford to buy the

plot and construct a dwelling, but regulations only required the former criterion, which it was proposed to adopt instead.

RESOLVED that the Council be recommended to:

- i) Adopt the revised Affordable Housing Supplementary Planning Document and that the document is thereafter used in the determination of planning applications;
- ii) Amend the criteria for assessing persons who wished to be added to the self-build register as outlined above; and
- iii) Instruct that further research and consultation is carried out into the Discount Sales Market Housing product by Planning and Housing Services and further guidance on this be published as an addendum to the Affordable Housing SPD if necessary.

Reasons

Since the Affordable Housing Supplementary Planning Document (SPD) was updated and adopted earlier this year the NPPF has been revised. It is important that the SPD is a dynamic document that is updated as and when changes take place to national policy and guidance.

7. SCARBOROUGH MUSEUMS TRUST COLLECTIONS POLICY

The Cabinet considered a report by the Director (RB) (Reference 18/284) which proposed minor amendments to the Scarborough Museums Trust Collections Policy in line with Arts Council England accreditation.

RESOLVED that the Council be recommended to approve the revised Scarborough Museums Trust Collections Policy.

Reasons

To ensure the continuing prudent governance of the Borough's Collection by the Museums Trust and adherence with Arts Council England's (ACE) guidance on Collections Development (formally the Acquisition and Disposal) Policy.

8. POLLING DISTRICT AND POLLING PLACE REVIEW

The Cabinet considered a report by the Chief Executive (Reference 18/294) in respect of a review of Polling Districts and Polling Places in the Borough following changes made to the Council's warding arrangements as a consequence of an electoral review by the Local Government Boundary Commission for England.

RESOLVED that the Council be recommended to approve the proposed changes to Polling Districts and Polling Places as set out in Appendix I of the report.

Reasons

- To allow the scheduled May 2019 local Borough Ward and Parish elections to go ahead
- To allow implementation of changes made to the Council's warding arrangements following a review by the Local Government Boundary Commission for England (LGBCE), approved by Parliament in August 2018

- To comply with the statutory requirement under the Electoral Registration and Administration Act 2013 that every local authority must conduct a compulsory review of polling districts and polling places every 5 years. The statutory period for doing this is between 1st October 2018 and 31st January 2020, but giving the above two points, it is pertinent that this be satisfied as part of the post LGBCE changes required.

9. **DRAFT REVENUE BUDGET 2019/20 TO 2021/22**

The Cabinet considered a report by the Director (NE) (Reference 18/300) in respect of the Council's detailed draft revenue proposals for 2019/20 as well as the high level budget proposals and strategy for the period to 2022. Introducing the report, the Portfolio Holder for Corporate Investment, Councillor Mallory commended the draft revenue budget to go out now to consultation, and encouraged councillors and the public to take part in this exercise, before the finalised budget was brought to full Council in March. The Corporate Finance Manager then commented on the report, noting the Council's longer term approach to budget setting which was starting to pay dividends. She added that 2019/20 was the last year of the four year funding settlement, but the Council found itself in a strong position to manage the uncertainty post 19/20. Councillor Cockerill, the Portfolio Holder for Major Projects proposed an additional recommendation concerning the erection of a steel replica statue of a traditional coble on Filey Coble Landing. He explained that the total project had been costed at £30k, including maintenance, with £5k allocated from the Borough's Community Investment Fund. He had now received pledges covering the total cost which had been approved by Filey Town Council the previous month. The recommendation was for the Borough Council, as owner of the statue and responsible for its maintenance, to be the Accountable Body for the project with final approval to accept the monies and spend up to £30k delegated to the Director, Mr Edwards. Councillor Cockerill was advised by the Monitoring Officer, Mrs Dixon that this proposal could be approved in principle by the Cabinet but would need to be the subject of a separate report for a decision by the relevant Portfolio Holder.

RESOLVED that the Cabinet:

1. approve the Council Tax Base for 2019/20 as 38,397 Band D equivalent properties and a one-off Council Tax Collection Fund surplus of £1.29m, the Council's share of which is £165,297;
2. approve that in future years the authority to approve the Council Tax Base and Collection Fund surplus or deficit be delegated to the Council's Section 151 Officer;
3. approve that the authority to approve the NNDR1 Return and Business Rates Collection Fund surplus for 2019/20 and future years be delegated to the Council's Section 151 Officer;

4. endorse the draft revenue budget proposals set out in the appendices to this report prior to them being re-presented to Cabinet and Full Council for approval in early 2019; with particular attention being given to the proposed 2.99% Council Tax increase for a Band D property for the 2019/20 year, the 2019/20 savings proposals listed at Appendix A3 and the proposed strategy to address the projected funding gaps to 2022. If the Council Tax increase or any savings proposals listed are deemed by Members to be unacceptable alternative savings of an equivalent value must be identified;
5. note the following Council Tax discount and premiums for the 2019/20 year, which remain unchanged from those approved by Council for 2018/19:
 - 0% Council Tax discount on Class B second homes
 - 10% Council Tax discount on Class A second homes
 - 0% Council Tax discount on properties undergoing major repair or structural alteration
 - 100% discount for (Class C) properties which are empty and unfurnished for the first 28 days a property becomes empty, followed by a 0% discount thereafter
6. note that the Council Tax premium on properties that have been empty and unfurnished for more than 2 years will increase from 50% to 100% for the 2019/20 year onwards, as approved by Council as part of 2018/19 budget setting process
7. subject to the approval of the above recommendations agree that officers enter into a period of consultation on the proposals contained within this report
8. approve the principle that the Borough Council act as Accountable Body for the Coble replica project on Filey Coble Landing, subject to a final decision being taken on this matter following a detailed report being submitted for a decision by the relevant Portfolio Holder.

Reasons

Full Council must approve the 2019/20 budget, and associated Council Tax level at its meeting on 1 March 2019. It is important that the Council consults with the public on its budget prior to it being approved, and that the areas identified in the consultation process are taken into consideration in the budget setting process.

The extension of the budget setting period to three years will allow savings to be endorsed by members earlier and provide more time for savings to be identified and delivered.

10. LEASE OF LAND TO THE SOUTH OF SCALBY MANOR, SCARBOROUGH TO THE BRADLEY LOWERY FOUNDATION

The Cabinet considered a report by the Director (RB) (Reference 18/271) in respect of the lease of a parcel of land to the Bradley Lowery Foundation. Members enthusiastically endorsed this report as an outstanding opportunity to provide a state of the art holiday home in the Borough for families of children with life threatening illnesses.

RESOLVED that the Cabinet:

- (i) Approve the grant of a long lease to the Trustees of the Bradley Lowery Foundation on the principal terms outlined in Appendix 1, subject to the receipt of planning consent for a change of use, to permit the construction and operation of a holiday home for children with life threatening illnesses; and
- (ii) Delegate authority to the Commercial Director in consultation with the relevant Portfolio Holder to agree the detailed terms of the lease.

Reasons

- To facilitate the Charity in its aim of providing a state of the art holiday home for children with life threatening illnesses and their families.
- To promote and improve the health and social wellbeing of families with children suffering from life threatening conditions, by enabling them to spend time on holiday in the Borough, when they would not otherwise be in a position to do so.
- To promote the Borough's visitor economy.

11. IMPROVEMENTS TO THE FLAMINGOLAND FOOTBALL STADIUM

The Cabinet considered a report by the Director (RB) (Reference 18/305) in respect of proposed improvements to the Flamingoland Football Stadium. Members welcomed this project which would address current shortcomings in the stadium in terms of lack of covered spectator areas, seating capacity, limited sight lines and under provision for disabled spectators.

RESOLVED that the Cabinet approve that:

1. The £100k secured from the naming rights of the Community Football Stadium at the Sports Village is used by SAFC to undertake improvements to the football ground as set out in this report and subject to the conditions contained at 2 below.
2. The use of the naming rights funding be subject to:
 - All necessary permissions being in place;
 - Securing of £150k of grant from the Football Stadium Improvement Fund (funded by the Premier League); and
 - The balance of funding required to complete the scheme to be provided by Scarborough Athletic Football Club (SAFC) and their Supporters Club.
 - Entry into the agreements referred to in 3 below.
3. If the FSIA funding bid is successful delegated authority be granted to the Director (RB) to:
 - Accept the terms of the FSIA bid and enter into the funding agreement to act as accountable body jointly with SAFC (as attached at Appendix 1); and
 - Enter into an appropriate agreement with SAFC and Everyone Active governing the delivery of the improvement works.

Reasons

To undertake improvements to the Community Football Stadium which will improve provision for spectators by providing additional seating and standing capacity that is both raised and covered, as well as increasing capacity for the disabled spectators.

12. PERFORMANCE MONITORING - QUARTER 2 REPORT 2018/19

The Cabinet considered a report by the Director (LD) (Reference 18/288) in respect of the Council's performance for a rolling 12 month period to the end of the second quarter of 2018/19. Presenting the report, the Portfolio Holder for Legal and Governance, Councillor Nock noted that the report now included details of surveillance operations which together with the Council's improved response times to Freedom of Information requests and complaints demonstrated the Council's commitment to openness and transparency. He also noted improvements in bookings at Filey Brigg Caravan Site because of investment in technology, the introduction of higher recycling standards which had affected Council performance, and the negative impact of the County Council's performance on the Borough Council's ability to meet targets for completing local land charge searches.

RESOLVED that the Cabinet note the contents of this report and in particular the good/satisfactory levels of performance being achieved by services at the current time in particular:

1. The good progress being made against the delivery of the Council's Priority Projects Plan;
2. The continuing improvement in response times to complaints and Freedom of Information requests;
3. The increase in compliments received by the Council in relation to the carrying out of its services.
4. That 94% of information requested under Freedom of Information legislation is disclosed in full, and within 8 working days

Reasons

To provide information relating to Council performance for a rolling 12 month period to the end of the second quarter of 2018/19, including monitoring of the Priority Performance Plan, Performance Indicators, Critical Success Factors, Complaints, performance of Significant Partnerships, RIPA authorisations, FOIs, etc.

To ensure that the Council's Corporate Service and Business planning processes are effective.

In accordance with Government guidelines, details on the performance of the Council and its services must be made available through as many mechanisms as possible.

13. MASTERPLAN AND FEASIBILITY STUDY FOR SCARBOROUGH HARBOUR

The Cabinet considered a report by the Director (NE) (Reference 18/293) in respect of a proposed Masterplan and Feasibility Study for Scarborough Harbour.

RESOLVED that the Cabinet approve:

1. The procurement of masterplanning consultants to undertake a feasibility study and Masterplan for Scarborough Harbour in line with the brief identified within the report.
2. Subject to the receipt of compliant tenders within authorised financial limitations, and subject to contract; the delegation of authority to the Director (NE) in consultation with the Portfolio Holder for Harbours to enter into contract for the feasibility study and masterplan for Scarborough Harbour.

Reasons

To enable a holistic approach to the development and regeneration of Scarborough Harbour in accordance with the adopted Port Strategy and Strategic Business Plan for Scarborough Harbour.

14. EXCLUSION OF THE PUBLIC

The Chairman noted that the remaining report on the agenda included a private and confidential appendix 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.

15. SCARBOROUGH CONSTRUCTION SKILLS VILLAGE: ACCEPTANCE OF GRANT FUNDING ON BEHALF OF NORTHERN REGENERATION CIC

The Cabinet considered a report by the Director (RB) (Reference 18/292) in respect of funding for the delivery of an apprentice programme at the Scarborough Construction Skills Village. Members welcomed this excellent news for the Construction Skills Village, for local young people and for the wider economy. The Portfolio Holder for Communities, Councillor Turner responded favourably to a request for an update report in due course on the Community Led Local Development Programme.

RESOLVED that the Cabinet:

1. Approve the acceptance of grant funding of circa £896,568 from Coastal Communities Fund on behalf of Northern Regeneration CIC for the delivery of an apprentice programme at the Scarborough Construction Skills Village whereby SBC will act as accountable body for the funds and be subject to contract and terms and conditions of the grant; and
2. Delegate authority to the Director (RB) in consultation with the relevant Portfolio Holders to enter into an agreement with Northern Regeneration CIC governing payment of the grant and to offset any liabilities contained in the terms and conditions of the grant.

Reasons

To enable Northern Regeneration to effectively cash flow delivery of the apprentice programme relating to the award of funding from the Coastal Communities Fund (CCF) and meet the preference of the funding body the

Ministry of Housing, Communities and Local Government (MHCLG) to have the Local Authority acting as accountable body for the funds.

Chairman