

## **CABINET**

At a meeting held on Tuesday, 15 January 2019

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**

The Chairman declared a personal and non-prejudicial interest in agenda item 12, Sale of Manor Road Nursery site since one of the bidders for the site was an acquaintance of his.

### **2. MINUTES**

**RESOLVED** that the minutes of the meeting held on 11 December 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 19/024). In respect of his Public Health and Housing portfolio, Councillor Chatt confirmed that all Members were invited to a private technical presentation by the Council's consultants CDSL on future cemetery provision in the Borough on 12 February at 2pm. Further presentations were also planned in Whitby and Filey. Regarding his Leisure portfolio, Councillor Smith advised that the proposed review of the provision of motor caravans would be subsumed within the comprehensive review of on and off-street parking in the Borough mentioned at the December meeting. He also reiterated his commitment to consider the reduction in parking capacity caused by Whitby Piers and Church Street works in this review. In respect of his Legal and Governance portfolio, Councillor Nock advised that a cross-party Constitution Review Group chaired by himself was being established. The Monitoring Officer, Mrs Dixon added in reply to a question that it would not be possible to complete a comprehensive review of the Constitution in time for the new Council in May; however, the intention was to address issues already raised with Members in the next months as a starting point and then continue with a wider review. The Chairman was delighted to announce in connection with the Saving South Cliff Gardens item to be considered in February that the Council had been awarded a £4,665,700 grant by the Heritage Lottery Fund and the Big Lottery Fund towards the cost of this project to restore and improve the historic South Cliff Gardens. Councillor Bastiman paid tribute to all involved in the project, particularly to the South Cliff Community Group and its Chair, Mr David Auton. **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 11 December.

**6. REVIEW OF COUNCIL'S CUMULATIVE IMPACT ASSESSMENT 2019-2022**

The Cabinet considered a report by the Director (LD) (Reference 19/003) in respect of a review of the Council's Cumulative Impact Assessment 2019-2022. Members were advised that the amended Cumulative Impact Assessment reflected the majority of public opinion, highlighting in particular the clear opposition to the original proposal to rescind the Whitby Town Centre Cumulative Impact Zone. This proposal was based on the evidence provided by North Yorkshire Police which suggested a picture of steady improvement year on year in terms of reported crime and disorder incidents in this area. However, the Revised Guidance issued under the Licensing Act 2003 enabled licensing authorities to draw upon a number of information sources when formulating a CIA, including evidence obtained through local consultation. Because this evidence was not as robust as the statistical information provided by the Police and there were a number of concerns raised through the public consultation which required further investigation, it was proposed in the report to undertake further in-depth analysis and consultation within the next three year period to broaden the evidential basis to support the decision to retain the CIZ in Whitby Town Centre. In reply to a question by Falsgrave Park ward Member, Councillor Colling, the Environment and Countryside Manager, Mr Bramley confirmed that a large majority of consultees agreed with the proposal not to include the Falsgrave area within the Scarborough Town Cumulative Impact Zone (CIZ), but should compelling evidence come to light in the intervening three year period before the next statutory review, then the CIA could be reconsidered for this area. The public were therefore encouraged to continue reporting any incidents or concerns to the Police.

**RESOLVED** that the Cabinet:

- a) Note the analysis of the results of the consultation on the Cumulative Impact Assessment including comments received (attached at **Appendix 1**)
- b) Approve the amended Cumulative Impact Assessment (attached at **Appendix 2**) post consultation; and
- c) Recommend its approval by Council for adoption.

**Reasons**

Recent amendments to the Licensing Act 2003 have placed a legal obligation upon Licensing Authorities to review and subsequently consult upon Cumulative Impact Assessments every 3 years. This is to ensure the assessment remains relevant and properly reflects the area to which it applies.

**7. SCHEDULE OF MEETINGS 2019/20**

The Cabinet considered a report by the Director (LD) (Reference 19/010) which proposed a schedule of Council committee meetings for 2019/20. The Portfolio Holder, Councillor Turner advised that the schedule in the report required further review and amendment and proposed that the item be deferred to the next Cabinet meeting on 12 February.

**RESOLVED** that the item be deferred.

**8. REVENUE FUNDING TO SUPPORT NEWBURN HOUSE/OUTREACH SERVICE AND WINTER WATCH**

The Cabinet considered a report by the Director (NE) (Reference 19/005) in respect of the future provision of an intensive housing support service for homeless people and emergency temporary accommodation for homeless people and the Council's financial contribution toward these services. Members were advised that the current contract for the Changing Lives service (an intensive housing support service for the most chaotic homeless people within the Borough) was ending in September 2019. The Council currently contributed £40k pa from its homelessness budget for this service and the County Council contributed £137k pa. As recognised by the recent scrutiny review, there was still a need for such a service but the current form of provision was too ambitious and the service specification and method of delivery needed to change. Subject to necessary approvals, the intention was for a revised service specification along with invitations to tender to be published in March 2019. The County Council had signalled its commitment to continue their funding contribution to this service at existing levels. In respect of the provision of emergency temporary accommodation for homeless people in the winter months, Horton Housing was currently commissioned by the County Council to provide this and other support services for homeless people across the Scarborough Borough and Ryedale areas. However, the County Council had now confirmed that as part of a wider need to find significant savings across the board this service would be decommissioned from September 2019. Instead, the County Council was considering alternative 'in-house' delivery options for a similar support service but at a significantly reduced capacity. Therefore, it was proposed in the report that the £25k the Borough Council currently spent on this service was added to the commissioning pot for the new Newburn House and Outreach Service and that the service specification for that contract was changed to ensure that this service would continue to be delivered by the new service provider. Members discussed the report, expressing great concern at the adverse impact on vulnerable people in the Borough of the County Council's decision to reduce significantly its financial support for homeless support services. In reply to a question, the Housing Manager reminded the meeting that although the Borough Council had statutory responsibilities towards homeless people, there was considerable overlap with the County Council's social care responsibilities.

**RESOLVED** that the Cabinet:

- 1) Agree that £40,000 a year from the Council's homelessness budget is allocated to support the joint commissioning of an intensive housing support service for homeless people from October 2019. This funding is for a three year period with the option to extend for a further 2 years.
- 2) Agree that £25,000 a year from the Council's homelessness budget is allocated to support the provision of emergency temporary accommodation for homeless people from October 2019 (for a three year period from October 2019 with the option to extend for a further 2 years)

and note that the intention is for this service to be included within the commissioning of the above intensive housing support service.

- 3) Agree to enter into a formal agreement with NYCC in respect to the use of these monies to support a procurement exercise to be undertaken by them.
- 4) Give the Portfolio Holder in consultation with the Director the authority to agree to extend the funding for the above services for a further 2 years after the initial 3 year term.

### **Reasons**

The Council has various statutory duties towards the homeless. The recommendations contained within this report support the Council to meet these duties.

## **9. REVIEW OF THE CINDER TRACK (OVERVIEW AND SCRUTINY BOARD)**

The Cabinet considered a report by the Director (LD) (Reference 19/008) in respect of a review of the Cinder Track by the Overview and Scrutiny Board. In presenting her report to the Cabinet, Councillor Lynskey, the Chair of the Task Group, highlighted the depth and breadth of public engagement and the fruitful working relationship with the North York Moors National Park Authority evidenced in this detailed scrutiny review. This was particularly important given the degree of public suspicion which greeted the original Sustrans report that provided the starting point for the review. Councillor Lynskey believed the Council had now won over residents and stakeholders through the review process and hoped the Council could harness this goodwill in the future management and volunteer support for this much-loved leisure and commuting route. She went on to applaud the other members of the task group and the officers who had supported the review. Mr Thompson, the Operations, Transport and Countryside Manager, then commented on the report, echoing the Chair's remarks on the high level of community engagement in the review process, and commending the draft Restoration Plan as a basis for future funding and planning applications to secure the track's future. He also noted that the Plan proposed a number of alternative funding models engaging the voluntary and community sector, and a series of measures which could be introduced to generate an income to offset the future maintenance costs for a restored track. Until a funding model had been established and these income-generating measures had been introduced as part of the capital works, the Task Group recommended an annual revenue grant of £70k to ensure future maintenance was financially sustainable and a further £20k to fund the planned update to the ecological surveys set out in the Plan. Mr Thompson also reported that the Council had received a petition seeking to ban the Staintondale Hunt from using the Cinder Track for their hunts. There would be a meeting with the petition organiser to consider how to address the concerns identified in the petition. Members of the Cabinet welcomed the report and congratulated Councillor Lynskey and others involved in the review for a thorough piece of work. However, since the Cabinet did not have the power to approve mainstream budget provision, it was proposed that recommendations 2. and 3. in the report be reworded as

budget bids for approval by full Council on 1 March 2019. The Director, Mr Edwards explained that these two proposed additions to next year's budget would be incorporated in his draft Financial Strategy report to be considered by the Cabinet in February.

**RESOLVED** that the Cabinet:

1. approve the draft Restoration Plan for the Cinder Track (Appendix A)
2. endorse a bid for mainstream budget provision of £70k pa for the future maintenance of the Cinder Track as part of the Council's Financial Strategy and Revenue Budget for approval to full Council
3. endorse a bid for the allocation of £20k to update the ecological survey of the Cinder Track as part of the Council's Financial Strategy and Revenue Budget for approval to full Council
4. instruct officers to submit external capital funding applications as appropriate to support the implementation of the Restoration Plan and to ensure the Cinder Track remains sustainable for the future.

#### **Reasons**

- Immediate investment in the Cinder Track is necessary to preserve this valued resource for years to come, with all the public health, community, environmental and economic benefits it brings to the Borough outlined in the Restoration Plan.
- Once adopted, the Restoration Plan will form the basis of subsequent planning and funding applications in order to attract significant capital investment in the track to secure its future.

#### **10. TRANSFER OF OPERATIONS FROM MANOR ROAD TO DEAN ROAD**

The Cabinet considered a report by the Director (NE) (Reference 19/017) in respect of the project to transfer Council operations from Manor Road to Dean Road. Introducing the report, the Portfolio Holder, Councillor Cockerill advised how in light of feasibility work, investigations, and an increased scope also to make provision for Council staff from the High Eastfield Farm and former Sports Centre sites, the cost of this project to redevelop Dean Road Depot to co-locate Council operations had increased from an original budget of £560k to £923k. Taking into account contributions from the Capital Development Reserve, One Public Estate funding, High Eastfield Farm receipt and other sources, this left a budgetary shortfall of £100k for a project which would deliver major improvements to the working environment of a large proportion of the Council's workforce.

**RESOLVED** that the Cabinet:

- (i) Note progress with this project;
- (ii) Approve an increase in funding of £100k from the capital contingency reserve to underwrite an increase in project contingency and increased project management costs.

#### **Reasons**

To deliver the Council's aspiration to rationalise the Council's assets and realise efficiencies in the Council's operations by disposing of the Manor Road Nursery site and by locating the Parks Service to Dean Road Depot.

#### **11. 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.

**12. SALE OF MANOR ROAD NURSERY SITE**

The Cabinet considered a report by the Director (RB) (Reference 19/001) in respect of the disposal of the freehold interest of the Manor Road Nursery site, Scarborough.

**RESOLVED** that the Cabinet approve:

- i The freehold sale of Manor Road Nursery Site to Bidder 'A' as outlined in Appendix 1 in accordance with the sealed bid received on 15 November 2018.
- ii The delegation to the Commercial Director in consultation with the Portfolio Holder for Corporate Investment negotiation of the final terms of the sale on the basis of the offer and terms principally contained in Appendix 1.

**Reasons**

- Bids were submitted in accordance with the Council's requirements for the submission of sealed bids. Bidder 'A's offer was higher than the alternative bid.
- Both bidders have submitted offers that are subject to planning consent. Both offers could be reduced in the light of planning costs/ requirements being higher than expected. Bidder 'A' has taken planning advice and consequently is well informed as to the likely costs whereas bidder B has not.
- With Bidder A the capital receipt is more certain and will be received a lot sooner than Bidder B.
- To achieve a capital receipt to assist with the rationalisation and move to Dean Road Depot.

**Chairman**