

CABINET

At a meeting held on Tuesday, 17 November 2015

Present:-

Councillor D J Bastiman (Chairman) in the Chair;
Councillors G A Backhouse, W Chatt, M J Cockerill, Ms M Donohue-Moncrieff,
A Jenkinson, Mrs H F Mallory and J Plant

1. DECLARATIONS OF INTEREST

No declarations of interest were received.

2. MINUTES

RESOLVED that the minutes of the meeting held on 20 October 2015 be approved as a correct record and signed by the Chairman.

3. PUBLIC QUESTION TIME

Members were advised that there was one public question. The question put by Ms Patricia David and the Chairman's response are set out below:

Question: With regard to the sale of Burniston Car Park land for the Water Park, and the Atlantis site for a new cinema and various other developments, please can you tell us when and where these sites were advertised for sale. Also can you please tell us where and when Invitations to Tender for development of these sites were advertised.

Response: The Council gave approval for the marketing of the Sands development site in 1996. The marketing was carried out by Humberts Leisure Limited on behalf of the Council. The marketing campaign was conducted in national, regional, local and specialist press.

4. FORWARD PLAN

The Cabinet considered the Forward Plan (Reference 15/313) noting the following amendments:

- (i) The deferral of Item 10, Resettlement of Syrian Refugees and of Item 11, Revision of the Council's Gambling Policy. Detailed information from the Home Office in respect of the resettlement of refugees was still awaited;
- (ii) The addition of two reports on car parking management for December and one on the provision of public conveniences for January under the Leisure, Tourism and Culture portfolio; and
- (iii) A new item seeking in principle approval to market the Royal Albert Drive Café site for disposal for the December meeting under the Harbours, Assets, Coast and Flood Protection portfolio.

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

5. PROGRESS OF SCRUTINY OF EXECUTIVE DECISIONS

Members were advised that two decisions made by the Cabinet at the meeting on 20 October in respect of the Garden Waste Collection Strategy

and The Living Wage were called in for scrutiny. The first was considered as a matter of urgency by the Environment and Economy Scrutiny Committee on 5 November. That committee asked the Cabinet to reconsider its decision (details below). The second was referred to the next meeting of the Resources Scrutiny Committee on 24 November. With regard to the previous call-in reported at the last meeting of the Portfolio Holder for Harbours, Assets, Coast and Flood Protection's decision to release a restrictive covenant on the Eastfield Public House site, Councillor Cockerill was asked to review his decision by scrutiny and resolved to uphold his original decision.

5.A GARDEN WASTE COLLECTION STRATEGY

The original Cabinet decision dated 20 October 2015 was to approve the implementation of charging for garden waste collections from 1 March 2016 on a voluntary subscription basis with:

- a) detailed promotional literature to all households explaining the scheme and their options;
- b) an annual charge of £38 per licensed bin or £38 for 50 compostable sacks;
- c) a £20 discount in year one for residents who have previously purchased a brown bin from the Council

The Environment and Economy Scrutiny Committee examined the decision at a special meeting on 5 November 2015 and proposed a similar scheme with the following alternative terms for the Cabinet to consider:

- 1) A £38 charge to cover up to two garden waste bins or 70 garden waste bags in year one with a £20 discount to be applied to those who have paid for a garden waste bin previously. This discount can only be applied to one garden waste bin regardless of the number previously purchased by the customer;
- 2) In year two, a charge of £38 to cover up to two garden waste bins or 70 garden waste bags. No discount to be applied in year two;
- 3) In year three, a standard charge of £38 per garden waste bin applied to all customers with multiple garden waste bins.

Members then debated these alternative terms. The Portfolio Holder for Public Health and Housing, Councillor Chatt responded that the proposed charge of £38 to cover up to two garden waste bins for the first two years of the scheme would be administratively unworkable, but accepted that the £38 annual charge could cover 70, instead of the original 50 garden waste bags. After further discussion, Members agreed that this figure should be increased to 100 bags for the annual £38 charge and also clarified other elements of the scheme:

- Garden waste bags would no longer be obtainable from outlets but would be marked with a new colour and delivered by waste collection teams
- A two month grace period for residents to use garden waste bags purchased before the introduction of the scheme
- Monthly updates on take-up of the scheme and any other emerging issues to the Portfolio Holder for Public Health and Housing and to the Portfolio Holder for Finance, Procurement and Legal

- Annual review of the scheme

RESOLVED that the Cabinet's decision dated 20 October 2015 be amended as follows:-

To approve the implementation of charging for garden waste collections from 1 March 2016 on a voluntary subscription basis with:

- detailed promotional literature to all households explaining the scheme and their options;
- an annual charge of £38 per licensed bin or £38 for 100 compostable sacks;
- a £20 discount in year one for residents who have previously purchased a brown bin from the Council.

Reasons

Garden waste collection is a non-statutory service. To protect the service and ensure its continued provision, the recommendation proposes to introduce a subscription (opt-in) charge to offset the cost of providing the service.

6. HOMELESSNESS STRATEGY AND REVIEW 2015-2020

The Cabinet considered a report by the Director (TW) (Reference 15/281) in respect of a new draft Homelessness Strategy which included a review of levels of homelessness within the Borough as well as key actions required over coming years to effectively meet future challenges.

RESOLVED that the Cabinet recommends the approval of a new Homelessness Strategy for the period 2015-20.

Reasons

To ensure that the Council has adequate plans and measures in place to effectively prevent homelessness within the Borough and to meet its legal obligations.

7. CORPORATE EQUALITIES AND DIVERSITY SCHEME

The Cabinet considered a report by the Director (LD) (Reference 15/311) in respect of a new Corporate and Equalities and Diversity Scheme and Action Plan which had been brought before Members for approval following an extensive consultation process. In response to a question, the Senior Performance and Governance Officer confirmed that local disability groups had been involved in the consultation, and regularly worked with the Council through the Customers and Communities Unit.

RESOLVED that the Cabinet approve the Corporate Equalities and Diversity scheme and Action Plan 2015/20 for adoption by full Council.

Reasons

The Corporate Equalities and Diversity Scheme has come to an end and a new scheme is required. This report seeks Members' approval for the proposed Corporate Equalities and Diversity Scheme and Action Plan for 2015/2020.

8. INSPECTION REPORT FROM THE OFFICE OF SURVEILLANCE COMMISSIONERS

The Cabinet considered a report by the Director (LD) (Reference 15/312) in respect of the Inspection Report of the Office of Surveillance Commissioners. Members were advised that this positive report by the OSC provided reassurance that the Council used its investigatory powers appropriately and in compliance with the relevant legislation.

RESOLVED that the Cabinet:

- (i) note the positive Inspection Report from the Office of Surveillance Commissioners; and
- (ii) recommend that Cabinet put forward the amended RIPA policy and procedure document (set out at **Appendix A**) to Full Council for adoption into the Council's policy framework.

Reasons

To apprise Members of the Council's compliance with the Regulation of Investigatory Powers Act 2000 (RIPA) and the outcome of the three yearly routine inspection, and to ensure that the Council's policy remains appropriate.

9. FINANCIAL MONITORING TO SEPTEMBER 2015 (2ND QUARTER)

The Cabinet considered a report by the Director (NE) (Reference 15/303) in respect of the Council's financial performance to the end of the second quarter of 2015/16. Members were informed of the latest budget headlines, notably that despite the Council's challenging financial position, a small budget surplus was expected, which would be used to address the overcommitment on the Council's Capital Development Reserve.

RESOLVED that the Cabinet:

- i) Note the report and in particular that:
 - Despite the setting of an extremely challenging budget and, despite lower than expected levels of income in some areas, a year end surplus will be achieved.
 - The majority of income targets are being achieved but shortfalls will occur at the Open Air Theatre.
 - Although a current year surplus is positive news it can be attributed to areas which are one-off in nature. There are a few problem areas that need to be addressed during the year to ensure that they do not cause budget growth in future years.
 - The capital programme continues to operate within the overall parameters set in terms of contingency levels.
 - The Capital Development Reserve is overcommitted over the ten year period however this is expected to be addressed in the short term through slippage in capital expenditure. The target is to address this shortfall over the short to medium term. All other reserves are in line with their parameters and are considered adequate.
 - £40,000 of the anticipated year end surplus has already been earmarked towards funding the 2016 Tour de Yorkshire event. Any other surplus generated will be transferred to the Capital Development Reserve to address the shortfall outlined within the report.
- ii) Accept the following grants:

- £40,000 (£25,000 from NYCC Stronger communities and £15,000 from Scarborough and Ryedale Clinical Commissioning Group) to support the development of five Community Well Being Hubs at locations across the Borough.
- £78,000 (£60,000 from Welcome to Yorkshire, £8,000 from Ryedale District Council and £10,000 from the North York Moors National Park) to support the delivery of a Local Area Office marketing campaign for 2015/16.

Reasons

To provide information relating to the Council's financial performance for the 2015/16 year.

DEPUTY CHIEF EXECUTIVE

The Chairman ended the meeting by paying tribute to the Deputy Chief Executive, Ms Hilary Jones on the occasion of her retirement, for her professionalism, unfailingly cheerful disposition and dedicated service to the Borough.

Chairman