

## **CABINET**

At a meeting held on Tuesday, 12 July 2016

Present:-

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

### **1. DECLARATIONS OF INTEREST**

No declarations of interest were received.

### **2. MINUTES**

**RESOLVED** that the minutes of the meeting held on 14 June 2016 be approved as a correct record and signed by the Chairman.

### **3. PUBLIC QUESTION TIME**

The Chief Executive reported that Mrs Judy Clark, Clerk to Lythe Parish Council had registered to ask a question in respect of Agenda item 13, Plan for the Provision of Public Conveniences. Mrs Clark prefaced her question with a statement outlining Lythe Parish Council's opposition to the closure of Sandsend public toilets. Mrs Clark alluded to the high usage of the facilities (some 40,000 users three years ago) in a very popular seaside tourist resort, the limited options for alternative provision, the inability of the parish council to take over the running of the facilities which would result in a 500% increase in parish precept based on a 20p charge, and that it was also unrealistic for the toilets to be provided by the private sector. She referred to the serious health issues which would arise from closing the facilities, and that Sandsend's Blue Flag status would also be put at risk.

Question: 'To what extent is the Cabinet aware of Lythe Parish Council's strong opposition to the closure of the public conveniences in Sandsend as their views do not appear to be in the final consultation report?'

The Chairman's reply: 'The public conveniences consultation received over 450 responses, each of which has been considered in turn. Comments made in stakeholders' letters are detailed in the general comments section of the consultation analysis document. Officers met in person with representatives from Lythe Parish Council and the parish council's subsequent written reply is included on page 168 of the consultation document.'

### **4. FORWARD PLAN**

The Cabinet considered the Forward Plan (Reference 16/158). Under the Leader's Portfolio, the Chairman reported good progress in relation to the proposed new Northern Cyber Research Campus. The Council was working in partnership with Coventry University and GCHQ Scarborough to secure public funding for the new facility and an outline bid had been submitted for Government Growth Deal funding. The bid was approved by the Local Enterprise Partnership Infrastructure Board last week and would shortly be submitted to Government. Alongside the new potash mine and the emerging offshore wind sector, these three projects would help create hundreds of new,

well paid, high value jobs in the local economy over the coming years. Two amendments to the Forward Plan were also noted: the addition of an item on a new Mortgage Rescue Scheme under the Public Health and Housing portfolio for later in the year and the deferral of the Coast Protection Finance Strategy to September.

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

**5. PROGRESS OF SCRUTINY OF EXECUTIVE DECISIONS**

Members were advised that following the update provided at the Cabinet meeting in June, Cllr Cockerill would consider a report based on the Overview and Scrutiny Board's recommendation in respect of the former Sandside TIC and make a decision this Friday, 15 July.

**6. UPDATED POLICIES ON THE GRANTING OF RATE RELIEF**

The Cabinet considered a report by the Director (NE) (Reference 16/156) in respect of a new updated policy for the granting of business rate relief which brought all the types of rate relief administered by the Borough Council into a single document. Members were also advised that a full review of the discretionary rate relief for charities and non-profit making organisations policy was planned, with any changes to take effect from 1 April 2018.

**RESOLVED** that full Council be recommended to:

- i) Approve the amalgamated policy for the granting of Business Rate reliefs;
- ii) Approve in principle the future granting of Discretionary Rate Relief for publicly owned public conveniences from April 2018;  
and
- iii) Note the recommendations for the future review of the Discretionary Rate Relief Policy for Charities and Non-Profit making organisations.

**Reasons**

To provide an updated policy for the granting of Business Rate reliefs to include all the areas of discretion currently available to the Council and to provide for the future review of these.

**7. COMPLAINTS POLICY AND CUSTOMER SERVICE STANDARDS**

The Cabinet considered a report by the Director (LD) (Reference 16/141) in respect of a newly updated Complaints Policy and Customer Service Standards. In presenting the report, the Portfolio Holder for Democracy, Neighbourhoods, Stronger and Safer Communities, alluded to some concerns around officer response times to councillors' queries which were being addressed and would be considered by the Governance Working Group.

**RESOLVED** that the Cabinet recommends that the Council approves:

- i The amendments to the Council's Complaints Policy as set out in appendix 1 of the report
- ii The Customer Service Standards as set out in appendix 2 of the report

**Reasons**

The Council's Complaints Policy and Customer Service Standards have been reviewed. This report seeks Members' approval for revisions to the Council's Complaints Policy and the proposed Customer Service Standards.

**8. THE YORKSHIRE COAST GROWTH PLAN**

The Cabinet considered a report by the Director (TW) (Reference 16/153) in respect of the Yorkshire Coast Growth Plan which provided a context to take regeneration projects forward at a time of significant growth potential in the Borough and surrounding area. In response to Members' comments, the Economic Development Manager undertook to amend the Plan to make it clear that the three coastal service providers of Scarborough, Whitby and Bridlington were driving growth across the entire Borough, and that the Ports Development Group concerned all three harbour undertakings in the Borough. **RESOLVED** that the Cabinet approve the Plan as a framework document for the delivery of regeneration projects targeted at the Yorkshire Coast Growth towns.

**Reasons**

To provide the Council with an approved strategic framework Plan within which it can develop partnerships across the public, private and third sectors, create joint delivery mechanisms and maximise regeneration funding opportunities to deliver the ongoing regeneration and economic diversification of the Yorkshire coast economy.

**9. TO CONSIDER THE DESIGNATION OF A NEIGHBOURHOOD DEVELOPMENT PLAN AREA IN RESPONSE TO THE REQUEST RECEIVED FROM CAYTON PARISH COUNCIL**

The Cabinet considered a report by the Director (TW) (Reference 16/146) in respect of the requested designation of a neighbourhood development plan area covering Cayton Parish. It was confirmed that no responses had been received to the consultation on the proposed designation.

**RESOLVED** that the Cabinet approve the application submitted by Cayton Parish Council for a neighbourhood development plan area covering Cayton Parish.

**Reasons**

Cayton Parish Council has applied to SBC for designation of Cayton Parish as a Neighbourhood Area. This is the first step in the process of preparing a Neighbourhood Development Plan (NDP). The NDP would be prepared by the Parish Council and could, amongst other things, set out planning policies for Cayton Parish.

Under the Neighbourhood Planning Regulations, the Local Planning Authority is obliged to publicise the application as soon as possible after receipt, to those living, working and doing business in the Parish. In this instance, this type of application needs to be determined within 8 weeks of being first received. This deadline was introduced in February 2015 (The Neighbourhood Planning (General) (Amendment) Regulations 2015).

Cayton Parish Council's application was received on 8 June 2016 and was published/advertised on the same day. Under the Neighbourhood Planning Regulations, the deadline for the application is Wednesday 3 August 2016.

In light of the time limits for determining such applications it requires that the report be considered at this meeting even though the consultation period does not expire until noon of the day of the Planning & Development Committee.

**10. LEASE OF PREMISES, LANGBORNE ROAD, WHITBY**

The Cabinet considered a report by the Director (NE) (Reference 16/162) in respect of the lease of premises on Langborne Road, Whitby. Members welcomed this report which progressed the lease of the premises currently used as the Tourist Information Centre whilst providing an exciting opportunity for Whitby.

**RESOLVED** that the Cabinet:

- (i) note that the marketing of the Council premises currently used as a Tourist Information Centre on Langborne Road, Whitby, as edged red on the attached plan at Appendix 1, has concluded and the tenders received are being evaluated;
- (ii) note that the tenders received have requested use of a proportion of adjoining land for outdoor tables and chairs under a separate Licence; and
- (iii) approve a consultation exercise to be conducted with Streonshalh Ward Councillors and Whitby Town Council to discuss the use of the adjoining land for outdoor tables and chairs provision;
- (iv) following the consultation exercise detailed in recommendation (iii) to delegate the final decision as to whether or not to permit the use of the adjoining land for outdoor tables and chairs and if so, on what terms including the area and size to the Portfolio Holder for Harbours, Assets, Coast and Flood Protection;
- (v) delegate authority to Director (NE) in consultation with the Portfolio Holder Councillor for Harbours, Assets, Coast and Flood Protection to
  - (a) seek clarification of the tenders received and the terms of those tenders and
  - (b) complete the tender evaluation; and
  - (c) conclude the tender process by agreeing the final terms of the legal documentation with the successful tenderer and entering into the appropriate legal agreements.

**Reasons**

- (i) To make Members aware of the outcome of the marketing campaign;
- (ii) To ensure that sufficient and appropriate consultation is conducted prior to any decision being made on the use of land adjoining the Council premises for outdoor tables and chairs;

- (iii) To provide a mechanism for the decisions to be determined by the Director (NE) and relevant Portfolio Holder;
- (iv) To comply with the Council's Constitution;
- (v) To achieve a market income for the Council's assets.

**11. COAST PROTECTION FINANCE STRATEGY**

This item was deferred to a future meeting.

**12. PLAN FOR THE PROVISION OF PUBLIC CONVENIENCES**

The Cabinet considered a report by the Director (NE) (Reference 16/155) which sought approval to implement a Plan for the Provision of Public Conveniences in the Borough following an extensive public consultation exercise. The Portfolio Holder, Councillor Jenkinson advised that the Plan aimed to deliver a high quality, sustainable service fit for the 21<sup>st</sup> century, noting the three stage assessment process, and that people felt very strongly about some of the proposals. The Operations, Transport and Countryside Manager, Mr Thompson commented that there had been a significant response to the consultation (detailed in the report), which had also involved meetings with the County Council, National Park Authority, and various parish and town councils. As a consequence, checks and balances had been incorporated in the Plan, including the proposed use of the authority's Community Asset Transfer framework when appropriate. The Chairman reminded the meeting that the report concerned the overall strategy, not individual facilities, and that no final decisions had yet been made. Other Members commented on the report. Councillor Cockerill asked that the timetable for completion of the Plan be brought forward to earlier than the end of March, so that in the case of most facilities, a course of action could be determined well before the start of the high tourist season. He commended a positive and realistic review. As a member of the North York Moors National Park Authority, Councillor Jeffels welcomed the report and the National Park's engagement in the process, and hoped the National Park would be able to provide support to some parish councils to maintain public toilets in their villages. Councillor Allanson, who had chaired several reviews of public conveniences over the years, also endorsed the Plan, noting the Lake District National Park's proactive approach to the provision of such facilities, which he hoped the North York Moors could emulate. He supported charging for public toilets to guarantee cleanliness, quality and safety. Councillor Nock was very critical of the Plan and the consultation exercise, commenting that feedback had been omitted and manipulated to support the Plan. He asked whether a key stakeholder such as the Mulgrave Estate had been approached, and argued that closure of public toilets in some areas of the Borough would put a fragile visitor economy at risk. In response, the Director, Mr Edwards defended the consultation analysis which had been carried out independently in the Council, and noted the very positive discussions ongoing with the North York Moors National Park Authority, Filey and Whitby Town Councils. The Plan aimed to keep as many public toilets open as possible whilst recognising that the way the service was delivered had to change, both to improve the quality of the facilities and reduce the cost to the Council. He also referred to

other positive developments: the dowry given to Egton Parish Council to take over the public convenience in the village, the private sector providing the facility at Hunmanby Gap, and the recent Council decision to replace the poor Khyber Pass toilets with a new, state of the art facility. Councillor Mortimer made a plea for the small seaside resort facilities in the northern area which received large numbers of visitors every year, and should be given appropriate recognition in the Plan. Councillor Plant welcomed the engagement of the County Council's Director of Public Health in the consultation, and given public toilets' importance in this respect, he hoped that the County Council would provide financial assistance to this non-statutory service. Councillor Donohue-Moncreeff reminded the meeting that this was a Plan for the whole Borough, adding that the tourist industry in Hunmanby (in her ward) was booming without a public convenience in the village. However, she understood people's concerns, and urged parish councils and local communities to engage creatively and constructively with the Borough Council to help secure a sustainable future for public toilets. The Chairman thanked both Cabinet and non-executive members for their comments.

**RESOLVED** that the Cabinet:

- a) Approve the implementation of the plan for the provision of public conveniences, to be found at Appendix 3 to this report;
- b) Note the progress of on-going discussions with Town and Parish Councils and approve the use of the Community Asset Transfer framework to facilitate this work stream;
- c) Set a deadline date of 31 October 2016 for the receipt of detailed service devolution requests from Town and Parish Councils;
- d) Request that Officers provide regular progress reports to the Council's Cabinet as each phase of the plan is implemented.

### **Reasons**

The plan and associated actions set out how the Borough Council's approach to the provision of public conveniences will be delivered over the next 5 years.

### **13. EXCLUSION OF THE PUBLIC**

**RESOLVED** that in accordance with Section 100A(4) of the Local Government Act 1972 (and subject to consideration of the public interest under Paragraph 10 of Part 2 of Schedule 12A of the Act) the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information (as defined in Part 1 of Schedule 12A of the Act), namely information;

- (a) relating to any individual;
- (b) which is likely to reveal the identity of an individual; and/or
- (c) relating to the financial or business affairs of any particular person (including the authority holding that information).

### **14. WIDER AREA NETWORK COLLABORATION AGREEMENT**

The Cabinet considered a report by the Chief Executive (Reference 16/166) in respect of a Wide Area Network Collaboration Agreement.

**RESOLVED** that the Cabinet approve the entry into a collaboration agreement with North Yorkshire County Council, North Yorkshire District Councils (Craven, Harrogate, Richmondshire, Ryedale and Selby), North

Yorkshire National Parks Authorities (North York Moors and Yorkshire Dales) and North Yorkshire Fire and Rescue Authority in respect of the provision of a Wide Area Network (WAN) through the NYnet Public Sector Connectivity.

**Reasons**

To ensure continued provision of Wide Area Network (WAN) ICT interconnectivity to and across the Council.

**Chairman**