

## **CABINET**

At a meeting held on Tuesday, 13 September 2016

Present:-

Councillor D J Bastiman (Chairman) in the Chair;  
Councillors W Chatt, M J Cockerill, J Plant and Mrs S Turner

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

No declarations of interest were received.

### **2. MINUTES**

The Chairman recorded his thanks to Councillor Mallory for taking the Chair at the last meeting whilst he was in hospital.

**RESOLVED** that the minutes of the meeting held on 12 July 2016 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 16/215). In respect of Item 12, Better Care Funding Allocation, the Portfolio Holder for Public Health and Housing, Councillor Chatt was pleased to report that he had received notification from the County Council that it would be providing these monies which would be the subject of a report to the October meeting. Two amendments to the Forward Plan were also noted: the addition of an item, Transformation Review under the Strategic Planning and Transformation portfolio, and the deferral of Item 35, Disposal of Premises at Royal Albert Drive.

**RESOLVED** that, subject to the above amendments, 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 12 July.

### **6. COUNCIL MOTION, 9 MAY 2016 - UK MEMBERSHIP OF THE EUROPEAN UNION**

The Cabinet considered the motion in respect of the UK's membership of the European Union which had been referred to the Cabinet by full Council. Since the outcome of the EU Referendum had been decided, the Cabinet deemed that no debate on this matter was appropriate.

### **7. FINANCIAL AND TREASURY OUTTURN REPORT 2015/16**

The Cabinet considered a report by the Director (NE) (Reference 16/206) in respect of the Council's financial and treasury outturn position for 2015/16, together with recommendations as to how the Council's revenue budget underspend would be allocated. In outlining the recommendations, Mr

Edwards proposed that with regard to the £15k loan to Fylingdales Parish Council to refurbish Bank Top toilets and provide office accommodation / storage, the final terms be subject to agreement by himself in consultation with the Portfolio Holder, Councillor Mallory.

**RESOLVED** that the Cabinet:

(i) Note the report, and in particular:

- the £765k underspend on the revenue budget for 2015/16
- the outturn position for capital schemes completed in the period and capital receipts for the 2015/16 year; and
- the outturn position of the Council's Treasury Management function for the 2015/2016 year.

(ii) Approve that £626k of the revenue budget underspend be transferred to the Council's Investment Fund and note that the remaining £139k will be used to fund the following areas, which were approved by Director's Team:

- £65k – Electricity Upgrade for Filey Country Park
- £37k – South Bay underground Car Park repair works
- £12k – Khyber Pass Public Conveniences initial marketing and planning consent budget
- £15k – Contribution to the Local Enterprise Partnership for 2016/17
- £10k – One-off materials budget for Community Environment Team to generate further value from the team

(iii) Approve a loan of £15k to Fylingdales Parish Council to facilitate the refurbishment of Bank Top toilets at Robin Hoods Bay and provide office accommodation / storage, subject to final terms being agreed by the Director (S151) in consultation with the Cabinet Member for Finance, Procurement and Legal.

(iv) Recommend that Council approve the revised Prudential Indicators for Capital Expenditure and the Capital Financing Requirement.

### **Reasons**

- (i) To utilise the year end surplus in a way that helps the Council to address future year funding reductions.
- (ii) To comply with the CIPFA Code of Practice of Treasury Management in Local Authorities by informing Cabinet of the Council's treasury management activities before 30 September following the end of the financial year that the report relates.
- (iii) To keep Members informed of Treasury Management activities and performance.

## **8. ANNUAL REPORT AND IMPROVEMENT PLAN FOR 2016/17**

The Cabinet considered a report by the Director (LD) (Reference 16/205) which presented the Annual Report and Improvement Plan 2016/17 for Member approval.

**RESOLVED** that the Cabinet recommends that:

- (i) Approval be given for publication of the Annual Report and Improvement Plan 2016/17
- (ii) The publication and distribution arrangements be approved

### **Reasons**

Current best practice and rules on Data Transparency require the Council to publish its performance information and to make the details available to the public and partners in as many formats as possible.

## **9. SELECTIVE LICENSING OF PRIVATE RENTED ACCOMMODATION IN PARTS OF THE NORTH BAY AND CASTLE WARDS**

The Cabinet considered a report by the Director (TW) (Reference 16/202) in respect of the introduction of Selective Licensing of private rented accommodation in parts of the North Bay and Castle wards. Members were advised that the comprehensive public consultation exercise showed that the proposed scheme enjoyed the support of the majority of residents and businesses, the key statutory agencies and partners, but not the majority of landlords. Before the scheme could be finalised, there were several matters to be explored further, such as the level of fees and an alternative private sector led/ co-regulatory delivery model. Members welcomed the report and thanked officers for all their work in developing these proposals.

**RESOLVED** that the Cabinet:

1. Note the feedback from the public consultation exercise on the Selective Licensing of private rented accommodation in parts of the North Bay and Castle Wards.
2. Agree in principle to take forward Selective Licensing for this area.
3. Instruct officers to work up a final scheme for consideration by Cabinet in October 2016, subject to full Council agreement in November 2016.

### **Reasons**

In April 2016 Cabinet approved a Business Case for the potential introduction of Selective Licensing of Private Rented Accommodation in an area identified as Scarborough North. This area incorporated parts of the North Bay and Castle Wards. Officers were instructed to undertake a comprehensive public consultation exercise on this proposal.

This report highlights the outcome of that consultation. It recommends that further to this exercise that Cabinet agrees in principle to take forward a scheme of Selective Licensing within the identified area.

The report highlights a number of key issues that arose from the consultation and recommends that officers are instructed explore these issues to help

shape a final scheme for consideration by Cabinet and Council in October/November.

**10. QUARTER 1 MONITORING REPORT 2016/17**

The Cabinet considered a report by the Director (NE) (Reference 16/207) 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 2016. Members were advised that the £1.8m of savings identified in the 2016/17 budget were being delivered, with currently no causes for concern, and there may no longer be a need to draw on the General Fund Balance as had been anticipated. In respect of the Market Hall refurbishment, this externally funded £2.78m project was expected to be complete by Christmas; however, there may be a need for additional Council expenditure to help maximise revenue from the Market. Regarding grants, the Chairman recorded his appreciation especially to the Andrew McGowan Legacy Trust for agreeing to contribute to the costs of warning and information signs on various beaches in the Borough.

**RESOLVED** that the Cabinet:

i) Note the report and in particular that:

- Despite the setting of an extremely challenging budget a year end surplus looks likely to be achieved.
- The majority of income targets are being achieved.
- Although a current year surplus is positive news it can largely be attributed to areas which are one-off in nature and the Garden Waste scheme exceeding financial expectations
- The capital programme continues to operate within the overall parameters set in terms of contingency levels.
- The Capital Development Reserve is fully committed to progress schemes such as the Leisure Village

ii) For Cabinet to note the loss of £50k squash grant funding for the Leisure Village scheme and approve that the squash court facilities included in the venue's original facilities mix be replaced by a multi-use activity area, which should significantly increase participation levels and improve the financial sustainability of the venue. The additional costs associated with these works (£57k) will be fully funded by Sports & Leisure Management Limited;

iii) Accept the following grants:

- £15,781.29 from Waste Recycling Environmental Ltd (WREN) for restoration work at Ayton Castle.
- £99,000 from the Environment Agency to monitor the retreat of cliffs at Cowbar Lane.
- £4,385 from Andrew McGowan Legacy Trust and up to £10,000 from RNLI towards the costs of beach safety signs.

**Reasons**

To provide information relating to the Council's financial performance for the 2016/17 year.

**11. BUDGET STRATEGY AND EFFICIENCY PLAN 2016-17 TO 2019-20**

The Cabinet considered a joint report by the Director (NE) and Chief Executive (Reference 16/194) in respect of changes in Government funding policy including a new multi-year funding settlement and Council Efficiency Plan. Members were advised that the Council's acceptance of the Government's funding settlement covering the 2017/18, 2018/19 and 2019/20 financial years was conditional on the production of an Efficiency Plan to the end of 2019/20. Although the settlement showed an anticipated net Government funding reduction of £2.319m over the next three years, it gave the Council certainty in relation to future funding streams, and reduced the risk of further funding cuts being applied. The Government offer fixed the amounts of revenue support grant, rural services and transitional grants which were all being phased out over the period. In July 2016, the Government issued a consultation document on a new funding model for local government based on the retention of 100% of business rates income. A 'Fair Funding Review' of councils' relative needs and resources had also been announced, the outcome of which would determine this Council's baseline level of retained business rates income under the 100% business rates retention scheme. In recent years the Council had fared particularly badly through the settlement process; therefore it was hoped that the review of the needs analysis would address this. Members were further informed that the Council faced a projected funding gap of £4.982m over the three year period to 2019/20. There were a range of elements in the Council's strategy to address the funding gap as outlined in the Efficiency Plan, including income inflation, transformational efficiencies and commercialisation, investment to support economic growth, and a strategic review of the Council's role in the delivery of services and use of assets. The Plan built on the Council's strong track record of delivering savings of £14.9m from its annual revenue budget since 2010, whilst improving performance, protecting frontline services and continuing to be proactive in stimulating and facilitating economic regeneration and housing growth in the Borough. One of the benefits of this regeneration was an upturn in business rates income, which would become increasingly important to the Council's finances. Members welcomed the report and the proposed Efficiency Plan, and hoped the Government's review would bring a fairer funding formula for the Borough.

**RESOLVED** that the Cabinet:

- (i) Approve the Council's Efficiency Plan (2017 to 2020);
- (ii) Approve the acceptance of the Government's multi-year settlement offer covering the 2017/18, 2018/19 and 2019/20 financial years;
- (iii) Note the details contained within the government consultation documents for the 100% retention of business rates income and Fair Funding Review; and
- (iv) Note the Council's anticipated funding gap for the period from 2017 to 2020 and the proposed strategy for addressing the funding gap

### **Reasons**

To accept the Government's multi-year finance settlement offer for the 2017/18, 2018/19 and 2019/20 financial years and protect the Council against possible further cuts in Central Government funding over that period.

## **12. DEVELOPMENT OF A PORTS STRATEGY**

The Cabinet considered a joint report by the Directors (NE and TW) (Reference 16/203) which presented an overarching strategic statement for the operation and development of the Borough's harbours for Members' approval. In introducing the report, the Portfolio Holder clarified that the Ports Strategy was the single page document on page 9 of the pack.

**RESOLVED** that the Cabinet:

- (i) Approve the mission, vision and strategic objectives contained at Appendix A as the Ports Strategy for the harbours of the Borough;
- (ii) Approve undertaking a programme of public and stakeholder consultation to inform the further development of the Ports Strategy and the development of individual business plans for the ports of the Borough of Scarborough (Whitby and Scarborough) and Filey Coble Landing;
- (iii) Note that Members will receive further reports on the further development of the Ports Strategy and individual port business plans developed within the framework of the Ports Strategy contained at Appendix A.

### **Reasons**

To provide a documentary plan to aid the strategic management of the ports of the Borough of Scarborough and Filey Coble Landing and which encompass and articulate the views and ideas of stakeholders.

## **13. COAST PROTECTION FINANCE STRATEGY**

The Cabinet considered a report by the Chief Executive (Reference 16/72) which set out how monies from the Council's £3m fund could be allocated to allow all of the Borough's major coast and flood protection projects to proceed. It was noted that the Council was not under a duty to fund these schemes and was not the only body with a responsibility to contribute to them. However the Council considered these schemes critical for the wellbeing of the Borough and would work with other beneficiaries to the schemes, including public sector partners, to ensure that the schemes proceeded as soon as practicable.

**RESOLVED** that the Cabinet approve the Coast and Flood Protection Finance Strategy as set out in the report and use the Council's allocation of £3m to underwrite risk and make contributions to enable all of the Council's current coast and flood protection projects to proceed when matched with grants and contributions from other beneficiaries.

### **Reasons**

To ensure continued funding and underwriting of essential coast and flood protection works.

**14. PERFORMANCE MANAGEMENT FRAMEWORK - QUARTER 1 REPORT 2016/17**

The Cabinet considered a report by the Director (LD) (Reference 16/204) in respect of the Council's performance for a rolling 12 month period to the end of June 2016. Members were informed that for the first time this regular report included data on complaints response times and compliments.

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

**Reasons**

To provide information relating to Council performance for a rolling 12 month period to the end of the first quarter of 2016/17.

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.

**15. REVIEW OF THE COUNCIL'S TAXI AND PRIVATE HIRE POLICY**

The Cabinet considered a report by the Director (LD) (Reference 16/187) which presented a draft revised Taxi and Private Hire Policy to go out to public consultation. In introducing the report, the Portfolio Holder noted that an independent review had found the Borough's taxi services to be among the best in the country.

**RESOLVED** that the Cabinet approve the draft revised Policy for consultation and the action plan as outlined at paragraph 7.1 of the report. A copy of the revised Policy is attached at **Appendix A**.

That following the consultation period the Policy (together with a summary of key consultation comments) is brought back to Cabinet in December 2016 for approval. The final policy will then be presented to Full Council for formal adoption.

**Reasons**

It is a requirement that Councils regularly review and update policies to reflect changes in legislation, local circumstances and relevant safeguarding issues. A comprehensive review of the Policy has now taken place resulting in a number of key changes and amendments.

**16. WHITBY BUSINESS PARK LAND SALE**

The Cabinet considered a report by the Director (NE) (Reference 16/211) in respect of the sale of a vacant plot of land on Whitby Business Park. In presenting the report, the Portfolio Holder highlighted the need to adjust the financial thresholds for the disposal of land and property to more realistic

levels, so as to avoid unnecessary bureaucracy and wasting time and officer resources.

**RESOLVED** that the Cabinet approve the sale of land at the highest price outlined in Appendix 1 and identified in Appendix 2 of the report.

#### **Reasons**

- To utilise a vacant plot of land and to support the growth of businesses and employment in Whitby.
- To obtain a capital receipt.
- To comply with the Council's Constitution.

#### **17. TO APPROVE THE COUNCIL'S WITHDRAWAL OF MEMBERSHIP OF GROUNDWORK NORTH YORKSHIRE AND THE DEVELOPMENT OF A STRATEGY FOR THE FUTURE DELIVERY OF SCHEMES TO ENHANCE THE ENVIRONMENTAL REGENERATION OF THE BOROUGH**

The Cabinet considered a joint report by the Directors (LD and TW) (Reference 16/214) in respect of the Council's membership of Groundwork North Yorkshire and the future delivery of schemes to contribute to the environmental regeneration of the Borough. Members were advised that the challenging economic climate had meant that Groundwork had had to scale back its presence on the Yorkshire coast, refocus its operations in West Yorkshire and restructure its governance and business model accordingly. These changes offered the natural opportunity to review the ongoing support to the projects Groundwork had previously supported. Groundwork's position had led the Council to reassess its own requirements and drivers for the future sustainable delivery of important environmental projects across the Borough. It was proposed therefore to task officers in conjunction with the relevant Portfolio Holders to develop a strategy to ensure the future delivery of such schemes, including in the pipeline, Eastside Community Centre, South Cliff Gardens, and Cinder Track. The Director, Mrs Dixon confirmed that the proposed transitional arrangements would ensure that the above projects stayed on track, and that support would be provided to local community groups to get more involved as required. Both Councillors Chatt and Turner paid tribute to Groundwork's considerable achievements in the Borough and their own wards. Councillor Turner asked that consideration be given to the community being given a role in the project management of the Eastside scheme in Whitby and Mrs Dixon agreed to consider how this might be achieved in consultation with the Director, Mr Watson and Cllr Turner.

**RESOLVED** that the Cabinet:

- i note the proposals for Groundwork North Yorkshire in relation to the restructuring of the Groundwork group and approve withdrawal of the Council's membership of the group
- ii note the proposals for the continuing delivery of schemes currently project managed by Groundwork North Yorkshire within the Borough
- iii task officers to develop a strategy for the future delivery of schemes to enhance the environmental regeneration of the Borough

#### **Reasons**



To recognise changes within the Groundwork group and to ensure the continuing delivery of schemes which contribute to the environmental regeneration of the Borough.

**Chairman**