

CABINET

At a meeting held on Tuesday, 11th April, 2017

Present:-

Councillor Mrs H F Mallory (Chairman) in the Chair;
Councillors J Nock, Mrs S Turner, W Chatt, M J Cockerill, A Jenkinson and J Plant

CHAIRMAN'S OPENING REMARKS

The Chairman advised that the Leader of the Council, Councillor Bastiman was recovering at home after a hospital operation the previous week. On behalf of the Council, she wished him a speedy recovery.

1. DECLARATIONS OF INTEREST

No declarations of interest were received.

2. MINUTES

RESOLVED that the minutes of the meeting held on 14 March 2017 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 Reference was made to a problem with the report template which produced outdated information at the end of the report. This would be addressed.

RESOLVED that, subject to the above correction, 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 14 March.

6. STREET TRADING: INTRODUCTION OF A NEW POLICY AND FEES UNDER SCHEDULE 4 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 (POST-CONSULTATION)

The Cabinet considered a report by the Director (LD) (Reference 17/79) in respect of a new Street Trading Policy for the Borough. Members welcomed this report noting the positive feedback from traders and others in the public consultation. It was noted that the new policy provided the Council with a framework to effectively regulate street trading and when appropriate to prosecute illegal traders. Councillor Cockerill asked whether the public could submit evidence for the Council to enforce the policy, and if so, he felt this ability should be publicised. He also commented on the ineffectiveness of current Council policies in respect of trading on Council owned land, since offenders tended to keep moving their pitches to evade enforcement. The Director, Mrs Dixon confirmed that the Council would accept evidence from

members of the public, provided they would permit their evidence to be used in court. She confirmed that the Council was reviewing its approach to enforcement and offered to discuss Councillor Cockerill's particular concerns with him.

RESOLVED that the Cabinet:

- (i) Note the analysis of the results of the consultation on the Street Trading Policy (attached at **Appendix 1**)
- (ii) Consider the consultation comments and amendments made to the draft Policy as a result (attached at **Appendix 2**)
- (iii) Note the results of the Equality Impact Assessment (attached at **Appendix 3**)
- (iv) Approve the amended draft Street Trading Policy and proposed fees (attached at **Appendix 4**) post consultation; and
- (v) Recommend its approval by Council for adoption
- (vi) Recommend that authority be delegated to the Individual Cabinet Member to review and approve revised fees on a regular basis

Reasons

The Council currently has a limited ability to effectively regulate street trading activities in the Borough, in the form of enforcing parking restrictions or dealing with nuisance complaints. Over recent years there have been growing concerns from existing businesses, particularly during the Spring and Summer seasons, in relation to unauthorised street trading. The adoption of a Street Trading Policy, along with the Resolution made by Cabinet, at its meeting on 14 March 2017, to re-designate all streets in the Borough as 'consent streets' under the Local Government (Miscellaneous Provisions) Act 1982, will provide the Council with the framework to effectively regulate such activities in its area.

7. INTRODUCTION OF A PUBLIC SPACE PROTECTION ORDER FOR SCARBOROUGH

The Cabinet considered a report by the Director (TW) (Reference 17/78) in respect of a new Public Space Protection Order (PSPO) for Scarborough. Members were advised that the new Order had been the subject of an extensive public consultation exercise on a potentially wide number of provisions which had generated a large response. The intention of the PSPO was around prevention and was one of number of tools available to the Council and other agencies. As a consequence of the consultation, and in particular concerns about the effect of some of the provisions on vulnerable people, the offences covered by the PSPO had been limited to three: street drinking, intoxicating substances, and urination and defecation. The proposed area of the PSPO had also undergone minor amendment. With the permission of the Chairman, Councillor Cluer addressed the meeting recording her thanks that the proposals in the report took account of the public's concerns. Asked if the geographical coverage of the PSPO would be extended to other parts of the Borough, the Customers, Communities and Partnerships Manager responded that the proposal to introduce the PSPO in the areas outlined in the report was an evidence-based decision. Should the evidence change and the PSPO be deemed an appropriate tool in other areas, then the Council would be able to vary the PSPO in future.

RESOLVED that the Cabinet recommends that the Council:

- (a) approves the making of the Scarborough Public Spaces Protection Order ('the Order') as set out at Appendix A;
- (b) approves the use of fixed penalty notices for offences under the Order;
- (c) approves that the fixed penalty for offences under the Order be £100;
- (d) delegates authority to the Directors;
 - (i) to issue fixed penalty notices for offences under the Order;
 - (ii) to authorise in writing any Officer of the Council to issue fixed penalty notices for offences under the Order.

Reasons

To provide an additional tool to address the issue of anti-social behaviour in the Borough.

8. SUBMISSION TO THE LOCAL GOVERNMENT BOUNDARY COMMISSION FOR ENGLAND ON COUNCIL SIZE

The Council considered a report by the Chief Executive (Reference 17/81) which presented a submission on Council size to the Local Government Boundary Commission for England (LGBCE) for approval. Members were reminded that in May 2016 the Council had requested that the LGBCE undertake an electoral review of the Borough based on an indicative reduction in councillors from 50 to 40. The two chief reasons put forward for the review were the far reaching changes in the Council's governance since the last review in 1999, and the considerable technological advances which had affected the councillors' representative role. The LGBCE had accepted the Council's request and the preliminary stage of the review was now drawing to a close in which the Council through the Cabinet forwarded its view on what the future size of the Council should be. Members were advised that the initial arguments outlined in the report to the Council in May 2016 had now been developed in accordance with the LGBCE's key criteria for determining the size of the Council and with the support of two important pieces of evidence: electoral forecasts of the Borough in 2023 and a survey of how councillors spend their time working for the authority, with a particular emphasis on their representative role in the local community. Members had raised a number of caveats around the initial proposal of 40 such as the geographical size and rurality of the Borough, the onus on councillors to engage and communicate more with their constituents, and the potential depletion in skills, expertise and experience available to the Council. These concerns had led to the conclusion that a Council size of 45 was in fact a more appropriate figure. With the permission of the Chairman, Councillor Phillips addressed the meeting cautioning against reducing councillors too far in rural areas, citing the planned population growth in some villages, the difficult in finding candidates to stand for election, and that rural people already felt their concerns were neglected. The Democratic Services Manager responded that the proposed submission was based on electoral

forecasts to 2023 which took into account projected population expansion in certain areas. One of the Boundary Commission's obligations when making its recommendations was to deliver electoral equality for voters, and research in the submission demonstrated that should the Council size remain the same, then electoral variances would widen across the Borough by 2023. The review therefore provided the opportunity to provide a more equitable spread of councillors which would still reflect community interests and identities. The Democratic Services Manager further advised that 36 out of 50 councillors had completed the survey. The Chairman expressed her disappointment that 14 councillors had chosen not to provide evidence to this important review. Members supported the submission noting that it was for the LGBCE to make the final decision on Council size.

RESOLVED that the Cabinet authorises the Chief Executive to submit the proposal on Council size set out in Appendix 1 of this report to the Local Government Boundary Commission for England (LGBCE).

Reasons

To enable the Council to express its view on what the size of the Council should be as part of the preliminary stage of the LGBCE's review of the Borough.

Chairman