

## **CABINET**

At a meeting held on Tuesday, 16th May, 2017

Present:-

Councillor D J Bastiman (Chairman) in the Chair;  
Councillors J Nock, Mrs S Turner, W Chatt, M J Cockerill, 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 11 April 2017 be approved as a correct record and signed by the Chairman of that meeting, Councillor Mallory.

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

Members were advised that there was one public question in relation to agenda item 10. The question asked by Ms Daphne Barr and the Chairman's response are set out below:

Question: Will you please reconsider your recommendations for some specific toilets listed in your report, as they are important to our town, our visitors and our residents? In particular, Ms Barr voiced her opposition to charging for use of public toilets such as South Cliff Gardens and Vincent Pier.

Response: The Council's Cabinet received a report in February 2016 outlining a draft plan for the future provision of public conveniences across the whole of the Borough. Approval was given to undertake full consultation on the proposals outlined in the plan. Full consultation was subsequently undertaken including meetings between officers and town and parish councils and also the North York Moors National Park. In addition to this, the actions proposed for each public convenience have been subject to robust scrutiny through the Council's Overview and Scrutiny Board under the chairmanship of Councillor Siddons. The proposals were considered by the Overview and Scrutiny Board on 5 April 2017. An extract from the statement given by the Board's Chairman to the Council meeting on 8 May 2017 reads:

"The Board has been consulted on the Council's proposals for all of its public conveniences throughout the Borough, prior to Cabinet's decision on it in May 2017. The requirement to review provision of public conveniences has arisen in the context of decreasing budgets, and surveys have been undertaken to establish cost and public use of each facility. Wherever possible, the aim is to continue to provide public conveniences, but with a far greater emphasis on partnerships and devolution of responsibility to the wider public and private sectors. There are still a number of public conveniences which will require further research to establish the best solution, and these have been allotted to a separate phase of the project. The Board was in agreement with all of the proposals that will be put before Cabinet."

On this basis, I do not believe it necessary for the recommendations to be subject to yet further consideration.

#### **4. FORWARD PLAN**

The Cabinet considered the Forward Plan (Reference 17/93). In respect of the Finance, Procurement and Legal portfolio, Councillor Mallory urged all Members to get involved in the ongoing work to develop a robust budget for 2018/19. In relation to the Public Health and Housing portfolio, Councillor Chatt was critical of misleading coverage in the local press about the disruption and dispersal programme for herring gulls. The establishment of this programme was down to the efforts of Councillor Jenkinson and the South Bay Traders, not the local press. He then reminded the meeting of building owners' responsibilities to net and proof their buildings outside the nesting season to prevent kittiwakes nesting, and shop owners' responsibilities to keep their curtilages clean of kittiwake guano. The Borough Council held wider street cleansing responsibilities. Councillor Jenkinson spoke in support of the herring gull disruption and dispersal programme which he expected to take several years to make an impact, and of the dangers posed by gulls snatching food from people. Councillor Plant added an item under his Strategic Planning and Transformation Portfolio: Review of Whitby Market. He was also pleased to report that Lynn Williams, Home Improvement Agency Manager and Sharon Carey of the Council's Transformation Team had been shortlisted for the national Public Sector Paperless Awards for the most flexible digital system of the year. Councillor Plant and the rest of the Cabinet placed on record their thanks to the Transformation Team for all their work. Councillor Nock, Cabinet Member for Strategic Transport, Transport Services and ICT, commented on the Council's response to the recent global cyber-attack. ICT Services worked over the weekend to ensure the Council's defences were sound, adding security updates. Officers would continue to remain vigilant in case of further attacks. Asked to comment on a report in the Whitby Gazette about the length of time it had taken the Borough Council to repair Whitby Piers and 'how the cost of repair is now greater than originally envisaged', Councillor Cockerill challenged the accuracy of this statement. He acknowledged that it was many years since concerns had been first raised about the piers, but that the system laid down by national Government and its various departments did not allow the Borough Council to undertake the work as quickly as desired. He added that the project costs were presently being collated and when available would be independently validated. Only then would the cost of the work be finally known. Councillor Cockerill urged the media to contact the relevant Portfolio Holder to ascertain the facts before publishing incorrect information. In reply to a question on the performance of the Borough's ports as outlined in a recent Individual Cabinet Member Decision and the progress of the Ports Development Group, Councillor Cockerill confirmed that port operations continued to hold their own and, indeed, make some progress. For both Whitby and Scarborough, the overall income from the landing of white and shellfish showed slight improvement, benefiting from the increased value of the product. Whitby had benefitted from visiting vessels landing high value prawns and scallops. The landing of scallops both by local and visiting vessels together with the recent diversification by a local vessel into the whelk

market had contributed to Scarborough's figures. The report also showed that since the dredger's return earlier this year it had, up to the end of March, removed almost 12,000 tonnes of spoil. The days operating over the same period when compared to 2016 showed a slight decrease but this was totally due to an increase in the days lost to bad weather. Meanwhile the reinvestment in infrastructure and facilities continued. Work was expected to start shortly on the strengthening of part of North Wharf at Scarborough to allow current weigh restrictions on that area to be lifted. This work was being funded totally from the Harbour Reserves that had been built up over the years and prudentially managed, in much the same way that the dredger benefited from the sensible management of that fund. Other projects, largely of a risk management or cost saving nature had also been completed or were in progress. In respect of the Ports Development Group, this had not been as productive as the Portfolio Holder would have expected. He had looked to the PDG to come forward with suggestions as to how the new services and facilities in the port operations could be developed to generate additional income. Following discussion with the Leader and other colleagues, Councillor Cockerill now intended to propose the area of the Borough's port operations as a potential topic for an Overview and Scrutiny Task Group to be raised at a meeting of members of Cabinet with the Chair and Vice Chair of the Overview and Scrutiny Board. Whitby ward councillor and Cabinet Member, Councillor Turner welcomed Councillor Cockerill's clarification in relation to the Whitby Piers and that a staffed TIC had been retained in Whitby whilst enabling the redevelopment of the former TIC site.

**RESOLVED** that 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 April.

**6. POLICY FOR DEALING WITH ABUSIVE AND VIOLENT CUSTOMERS**

The Cabinet considered a report by the Director (TW) (Reference 17/115) in respect of an updated Policy for Dealing with Abusive and Violent Customers. Members were advised that the policy centred on a new 'cautionary contact' workspace a key element of which was a searchable database which would enable customers who posed a risk to both staff and councillors to be more easily identified. Members welcomed this new policy and that it also encompassed councillors given the risks they faced.

**RESOLVED** that the Cabinet recommends that Council adopts the updated Policy for Dealing with Abusive and Violent Customers as part of the Council's Policy Framework.

**Reasons**

The Council has a duty to ensure that as far as possible it reduces the risk of violent, aggressive or threatening behaviour towards staff during the course of their work. It also has a duty to ensure that recording and retaining information relating to incidents is dealt with in accordance with the Data Protection Act. This policy sets out the framework and processes for recording, investigating and reviewing such incidents and includes new provisions, including the introduction of the cautionary contact register that will improve staff safety.

**7. SCARBOROUGH MUSEUMS TRUST: COLLECTIONS POLICY**

The Cabinet considered a report by the Director (TW) (Reference 17/111) in respect of a revised Collections Development Policy for the Scarborough Museums Trust including themes and priorities for future collecting, and themes for future disposal and rationalisation.

**RESOLVED** that the Cabinet recommends that Council approves the revised Scarborough Museums Trust Collections Development Policy.

**Reasons**

To ensure the continuing prudent governance of the Borough's Collection by the Museums Trust and adherence with Arts Council England's (ACE) guidance on Collections Development (formally the Acquisition and Disposal) Policy.

**8. DISPOSAL OF LAND ADJACENT TO BURTON RIGGS NATURE RESERVE, SCARBOROUGH**

The Cabinet considered a report by the Director (NE) (Reference 17/99) in respect of the proposed disposal of this site. Updating the report, the Portfolio Holder, Councillor Plant and the Director, Mr Watson advised that the County Council would soon be commencing a study of the development potential of Seamer Station in recognition of its strategic importance to the regeneration of Scarborough, and this report would consider options for increased parking in the vicinity. Councillor Cockerill then commented that he saw no reason to delay this decision since it was an approval in principle to market and dispose of the land, but suggested that a further (iv) be added to encourage other agencies to examine land adjacent to the station for its development opportunities in respect of the station, car parking and other associated facilities. Members welcomed this addition.

**RESOLVED** that the Cabinet:

- (i) approve, in principle, the freehold disposal of land at Burton Riggs, Scarborough totalling approximately 0.53 acres as outlined red in the attached plan (Appendix 1);
- (ii) approve a marketing and disposal budget of £6,000 to be funded from the Capital Development Reserve;
- (iii) note that a further report will be presented to Cabinet for final approval following the conclusion of the marketing exercise; and
- (iv) encourage other agencies to consider land adjacent to the station for its development opportunities in respect of the station, car parking and other associated facilities.

**Reasons**

- (i) To achieve a capital receipt from the sale of the site to be used to assist the Council in meeting its corporate objectives;
- (ii) To comply with the Council's Constitution;
- (iii) To facilitate development of the site.
- (iv) To fund the marketing of the site

**9. YORKSHIRE COAST DESTINATION BUSINESS IMPROVEMENT DISTRICT (DBID)**

The Cabinet considered a report by the Director (TW) (Reference 17/80) in respect of the creation of a Yorkshire Coast Destination Business Improvement District (DBID). Members were advised that this private-sector led delivery model for growing the local visitor economy marked a fundamental shift away from the traditional public sector dependent model which was no longer sustainable. The Welcome to Yorkshire Coast Tourism Advisory Board had commissioned the initial feasibility work which now brought the project to the next Proposition Stage. The WTYCTAB had requested that the Council be the accountable body for the DBID scheme, together with making a cash grant of £15k and to cover the ballot costs, estimated at £6.5k. Examples of other DBIDs in the country and the significant initiatives they had funded were also given in the report. Members welcomed this proposal in light of the importance of the visitor economy to the Borough's future prosperity.

**RESOLVED** that the Cabinet supports the request from the Welcome to Yorkshire Coast Tourism Advisory Board and:

- a) a contribution of £15,000 towards the establishment of a Destination Business Improvement District for the Yorkshire Coast to be funded from tourism operational reserves;
- b) Subject to recommendation c) To delegate authority to the Director with management responsibility for tourism in consultation with the Portfolio holder for Tourism and Culture to agree the terms upon which the Council will be the accountable body for the scheme and make arrangement to carry out the ballot; and
- c) Notes that a further report will be brought back to Cabinet for approval in due course should the DBID body seek to be incorporated as a private limited company

### **Reasons**

The establishment of a Destination Business Improvement District (DBID) will provide a sustainable model from which to promote and develop a high quality visitor economy offer on the Yorkshire Coast.

The establishment of a DBID, if developed along similar lines to those in other areas will provide support to the development of tourism events, promotion and small scale place making projects, thus reducing the pressures on Local Authorities to fund all new initiatives.

Many other resorts are implementing or have implemented DBID schemes. There are now in excess of 240 established across the UK, a number of which have been formed along England's coastline. The establishment of DBID's has come about as a result of diminishing public sector resources and the drive from private sector businesses to shape the industry.

## **10. PLAN FOR THE PROVISION OF PUBLIC CONVENIENCES - UPDATE**

The Cabinet considered a report by the Director (NE) (Reference 17/113) providing an update of the plan for the provision of public conveniences in the Borough. Introducing the report, the Portfolio Holder, Councillor Jenkinson countered comments in a recent letter in the Whitby Gazette that the reputation of the Borough was at stake by losing its first class status as a

holiday destination. With reference to the new Tourist Information Centre in Whitby, he noted that to date the usage figures were very encouraging. In respect of public conveniences in Whitby, he welcomed Whitby Town Council's participation in securing their future and the Council's investment in these facilities including the new public toilets at Khyber Pass. In respect of other facilities, he maintained that it would be prohibitively expensive to provide temporary public conveniences on Royal Albert Drive, and drew Members' attention to the new public toilets in Scarborough Market Hall. He paid tribute to the staff who worked in the service noting that these proposals would improve their working environment and that there would be no compulsory redundancies as a result of the plan. A proportion of the proposed 40 charge would be reinvested in the maintenance of the service to ensure its sustainability. Finally, Councillor Jenkinson noted the Overview and Scrutiny's Board thorough review of, and support for the plan. The Director, Mr Edwards then reminded the meeting of the background of the plan and its purpose: the complete transformation of the public convenience service both to improve its quality and to make its sustainable through the four phase hierarchical approach of:

- Consider a business case for the implementation of pay-on-entry
- Devolve the provision of certain toilets to Town and Parish Councils
- Engage with the private sector to redevelop toilet facilities
- Close (last resort)

This plan needed to be set within the current context of a service which provided a range of facilities of very mixed quality and cost the Council £0.5m a year. The report marked the end of Phase 1 and the recommendation that several facilities be considered for Phase 2 where further work was required. The proposals included that £207k be used from the Investment Fund to redevelop a range of public conveniences across the Borough, including on Vincent Pier as part of the provision of new harbour facilities. Mr Edwards then summarised the recommendations in the report. Members welcomed the report and the efforts of officers and others, including parish councils in bringing these proposals to fruition. The proposed 40p charge was deemed reasonable to help support a sustainable maintenance regime. The Chairman echoed these comments, noting in particular the mature engagement of Whitby Town Council in this process. Councillor Chatt commended the new disabled toilets in the Scarborough Market Hall, expressing the aspiration that changing facilities also be developed for disabled people in the same location. The Chairman added that such facilities for disabled people would be provided at the Leisure Village. Councillor Cockerill then put questions about the public conveniences at Runswick Bay Bank Top, Robin Hoods Bay Bank Bottom, and St Helen's Square, also noting that the new harbour facilities at Vincent Pier may include provision for vessels to discharge their foul water in accordance with the Revised Bathing Water Directive. In relation to staffing, Mr Edwards confirmed that the new pay on entry superloos proposed would not be attended, but there was sufficient flexibility in the service to avoid any enforced redundancies. With the permission of the Chairman, Councillor Cluer addressed the meeting, lamenting that any public conveniences had to close, but noting the difficult economic environment in which councils operated. Mr Edwards clarified that the new public toilets in the Market Hall would have the same opening times as the building. Councillor Mortimer also

addressed the meeting, noting the many years the Council had spent grappling with this issue, commending the maintenance provisions in the plan, voicing her opposition to the possible closure of the facilities in the Station Car Park in Robin Hoods Bay (which were part of Phase 2), and welcoming the proposed investment in the facilities at Bank Bottom in the same village. The Chairman ended the discussion by commending the proposals in the report which sought to address a difficult and longstanding issue through a clear strategy and implementation plan based on improving the quality of public conveniences whilst making them sustainable into the future.

**RESOLVED** that the Cabinet:

- a) Note project progress and approve an extension to the project timeline to deliver stage two.
- b) Approve the transfer of the toilets identified in paragraph 5.13 to Whitby Town Council together with a capital payment of £25,000 from the Investment Fund.
- c) Approve the transfer of Cayton Bay toilets to Cayton Parish Council together with a capital payment of £5,000 from the Investment Fund.
- d) Approve the payment of £5,000 from the Investment Fund to Eskdaleside-cum-Ugglebarnby Parish Council.
- e) Approve the closure of Runswick Bay Bank Top, Lealholm, Danby, St Helen's Square and Holbeck Clock toilets.
- f) Approve expenditure of £207,000 from the Investment Fund to redevelop toilets at: North Bay, St Nicholas and West Pier attended toilets; Vincent Pier; Staithes Bank Top; Robin Hoods Bay bank bottom; Sandsend North.
- g) To introduce a charge of 40p at the pay on entry public conveniences.

#### **Reasons**

The recommendations move forwards the delivery stage of the Borough Council's plan for the provision of public conveniences. The recommendations move forwards the delivery stage of the Borough Council's plan for the provision of public conveniences.

#### **11. SALE OF HOLLY TREE COURT NURSERY, WHITBY**

The Cabinet considered a report by the Director (NE) (Reference 17/114) in respect of the disposal of this site. Member welcomed this report, the proposed use of the site and the progress that had been made following a series of difficulties.

**RESOLVED** that the Cabinet:

- (i) accept the offer from Bidder 'A' as detailed in the private and confidential document (Appendix P&C1) and grant final approval for the freehold disposal of the site edged red on the attached plan (Appendix 2) for a housing development (subject to planning);
- (ii) approve the disposal and marketing fees of £5,000 to be funded from the capital receipt.

#### **Reasons**

- (i) To accept the financial offer for the land.
- (ii) To achieve a capital receipt from the sale;
- (iii) To release the site for housing;

- (iv) To note that the offer is subject to the bidder obtaining planning consent;
- (v) To approve the disposal costs incurred to conduct the tender exercise.

**Chairman**