

COUNCIL

Minutes of the proceedings of a Meeting of the Scarborough Borough Council held in the Town Hall, Scarborough on Monday, 4th September, 2017 pursuant to Summons.

Present:-

The Mayor (Councillor Martin Smith) in the Chair;
Councillors A Abbott, G W Allanson, L Backhouse, R Barnett, Councillor D J Bastiman, Mrs L Bastiman, D L Billing, E Broadbent, D A Chance, W Chatt, M J Cockerill, Ms E Colling, G Coulson, P Cross, S Cross, G Dennett, Ms M Donohue-Moncrieff, T W Fox, S B Green, C Haddington, Ms V Inman, D C Jeffels, Mrs J Jefferson, A Jenkinson, Mrs H Lynskey, C D Maw, R Moody, Mrs J E Mortimer, J Nock, C Pearson, Mrs H Phillips, J Plant, N Price, Mr T Randerson, J Ritchie, S Siddons, Ms R Swiers, P H Trumper, Mrs S Turner, J Warburton and Mrs M Watson

Apologies

Councillors G A Backhouse, Mrs D V Cluer, J Dodds, Mrs H F Mallory, Miss R K Murphy, N K Murphy, M T Vesey and C Walsh

MAYOR'S OPENING REMARKS

The Mayor invited all those present to stand in silence as a mark of respect following the recent death of the former Mayor, and Honorary Alderman, Miss Sheila Kettlewell.

1. DECLARATIONS OF INTERESTS.

Councillor Plant declared a personal interest in agenda item 6, Review of the Parks Nursery (Overview and Scrutiny Board) (17/167). since he was on the management committee of the Friends of Pannett Park.

Councillor Jefferson declared a personal interest in agenda item 6, Review of the Parks Nursery (Overview and Scrutiny Board) (17/167) since she was Chair of Scarborough In Bloom.

Councillor Turner declared a personal interest in agenda item 6, Review of the Parks Nursery (Overview and Scrutiny Board) (17/167) since she was on the management committee of the Friends of Pannett Park.

Councillor Sam Cross declared a personal interest in agenda item 8, Financial and Treasury Outturn Report 2016/17 (17/170) since he was a member of Filey Lions.

Councillor Mortimer declared a personal interest in agenda item 8, To receive a statement by the Leader and deal with any questions arising from that statement in respect of Councillor Randerson's question to the Leader about Yorkshire Coast Homes since she was a member of the Board of YCH.

Councillor Fox declared a personal interest in agenda item 8, To receive a statement by the Leader and deal with any questions arising from that statement in respect of Councillor Randerson's question to the Leader about Yorkshire Coast Homes since his wife was Chair of the YCH Board.

Councillor Randerson declared a personal interest in agenda item 8, To receive a statement by the Leader and deal with any questions arising from that statement in respect of his question to the Leader about Yorkshire Coast Homes since his daughter worked for YCH.

2. APOLOGIES FOR ABSENCE.

See above.

3. MINUTES OF THE MEETINGS OF THE COUNCIL HELD ON 26 JUNE AND 3 JULY 2017 TO BE READ OR TAKEN AS READ AS THE CASE MAY BE.

Councillors Barnett, Randerson and Siddons questioned the accuracy of the minutes of the meeting held on 26 June 2017, objecting that the public's applause was described as a 'disturbance', and that the minutes did not reflect that only Cabinet Members had been permitted to speak to the motion, and that members of the public had been prevented from filming the meeting. On being put to the vote, it was decided by a majority to adopt the minutes as a correct record.

RESOLVED that the minutes of the meetings held on 26 June and 3 July 2017 be taken as read and signed by the Chairman as a correct record.

4. TO CONSIDER ANY ANNOUNCEMENTS BY THE CHIEF EXECUTIVE.

There were no announcements.

5. QUESTIONS (IF ANY) OF WHICH NOTICE SHALL HAVE BEEN GIVEN.

The Chief Executive advised that no questions had been received.

6. TO CONSIDER AND PASS RESOLUTIONS ON THE FOLLOWING 'A' ITEMS:-

(i) Review of the Parks Nursery (Overview and Scrutiny Board) (17/167)

In moving the recommendations in the extract minute from the Cabinet, Councillor Cockerill commended a thorough, excellent piece of work by the Overview and Scrutiny Board and its Task Group. The report demonstrated that the outsourcing of plants was necessary to maintain the quality displays across the Borough and was a viable alternative to growing them in house, whilst ensuring that the vital work with community and educational groups would continue, and valuable staff skills would be retained. The recommendations also secured much needed investment in Dean Road Depot through the amalgamation and creation of more efficient operations on one site. The Chair of the Task Group, Councillor Randerson highlighted the commitment to retaining nursery staff in the report, and that this well-

resourced review marked a turning point for the scrutiny function which he hoped boded well for the future. Other councillors commended the idea of a community hub in Peasholm Park, and made a plea that the nursery service continue to engage with schools and to support apprenticeships. Member of the Task Group, Councillor Inman, was highly critical of the Task Group's (and consultants') report, maintaining that the recommendations were based on economic reasons alone, would affect the Council's variety of plants and heritage stock, and that the report had dismissed the views of volunteer groups. She contended that the consultants' report was full of contradictions, that the economics were flawed, and called for a further review including a briefing for councillors. She was also disappointed that she had not been permitted to give a presentation to the Overview and Scrutiny Board at the same time the Task Group's report had been presented. Chair of Scarborough In Bloom, Councillor Jefferson was similarly critical of the consultants' financial evaluation of the Manor Road Nursery, and of their support for an alternative outsourced service, arguing for more evidence. Chair of the Overview and Scrutiny Board, Councillor Siddons expressed his thanks to the Task Group and to the Cabinet Members for their comments, adding that this review demonstrated what could be achieved by a properly resourced scrutiny function. He challenged Councillor Inman's assertion about the meeting of the Overview and Scrutiny Board, commenting that she was given and took the opportunity to present her views to the Board, albeit not in the form of a Powerpoint. The recommendations in the extract minute were then seconded, put to the vote and carried. Councillor Jefferson asked it to be recorded that she voted against the recommendations.

RESOLVED that the Council:

- (i) approve the closure and disposal of the Manor Road Nursery, and to outsource the supply of plants for the Nursery Service;
- (ii) approve the ring-fence of the capital receipt from the sale of Manor Road Nursery to ensure the redevelopment of Dean Road Depot to a suitable condition, the construction of a new holding facility on this site as well as the construction of an educational hub to facilitate the delivery of a range of services in the future.
- (iii) adopt transitional arrangements for the Nursery Service until the opening of the new holding facility, and commence a procurement process with a view to buying in finished plants from spring 2018 and utilising the existing nursery as a temporary holding facility; and
- (iv) approve development work including public consultation to establish horticultural community and educational facilities and activities in Peasholm Park with the necessary staff support.

And more specifically in respect of the Task Group's recommended disposal of Manor Road Nursery and capital works:

- (v) approve, in principle, the freehold disposal of land and buildings that form the existing Manor Road Nursery, Scarborough as edged red on the attached plan (Appendix 3);
- (vi) approve a disposal and marketing budget of £10,000 to be funded from the Capital Development Reserve;

- (vii) note that a further report will be presented to Cabinet following the completion of the marketing campaign for the sale of Manor Road Nursery;
- (viii) approve a budget of £550,000 for the redevelopment of Dean Road depot and community hub in Peasholm Park in advance of the relocation of the Manor Road Nursery functions;
- (ix) authorise Officers to appoint an architect to obtain the necessary permissions for the development works at Dean Road depot and Peasholm Park;
- (x) authorise Officers to tender for the necessary works to Dean Road depot and in Peasholm Park in compliance with the Council's Constitution;
- (xi) delegate to Director (NE) in consultation with the Portfolio Holder for Project Leadership, Harbours and Flood Protection to enter into relevant contracts for the development works at Dean Road depot and in Peasholm Park;
- (xii) note that the Council will be undertaking the development of Dean Road depot and the community hub in Peasholm Park at financial risk as the works will need to be completed prior to obtaining a capital receipt for the freehold disposal of Manor Road Nursery.

Reasons

- To deliver the Council's plant requirements in the most cost effective way in sufficient quantity and within product specification.
- To rationalise the Council's assets and realise efficiencies in the Council's operations by disposing of the Manor Road Nursery site and by locating the Nursery service in the form of a new plant holding facility at Dean Road Depot
- To continue to provide support to local volunteer groups and educational and community activities in respect of the Council's parks and green spaces including through the creation of a new community hub in Peasholm Park, subject to further consultation and feasibility work

(ii) Financial and Treasury Outturn Report 2016/17 (17/170)

The recommendations in the extract minute from the Cabinet were proposed by Councillor Derek Bastiman and duly seconded. In respect of the Whitby Piers works, Councillor Siddons was critical of the delay in progressing this project, maintaining that the current Government funding formula according to which financial contributions were required from beneficiaries put undue burden on the Council Tax payer and put the project at risk. The Portfolio Holder, Councillor Cockerill was pleased to report that the previous Thursday, he had received the formal quotation for the remedial work on the piers, which would now be considered and independently validated. The quotation which was broadly in line with previous estimates, provided sufficient confidence in the overall cost of the project to enter further discussions with other potential sources of funding. A second round bid to the European Structural and Investment Fund was also being prepared. Following validation of the quotation and further discussions, a report would be presented for approval to move to the final phase of implementation of the works. He shared Members'

and others' frustration with the project's progress, noting the bureaucratic systems with which they were dealing. Detailed financial information would become available when the quotation had been validated; however, it was already known that, to date, £4.8m grant aid had been secured. Councillor Plant countered the view that the works should have been undertaken when the Government provided 100% funding, noting that at that time the investigative work was still in its early stages. He expressed his disappointment that local Labour Group councillors had not attended meetings of the Whitby Piers Working Group. In respect of this and other coastal defence projects, the Director, Mr Edwards commented that the proposed increase of the Council's budget for coast protection works from £3m to £5m was a positive step forward to enable these schemes to progress. In reply to a question about the naming rights for Scarborough football stadium which had been secured by Flamingo Land, he was still not in a position to disclose the fee the Council had received because of commercial sensitivities, however, at some point this money would become available for the Council to spend.

RESOLVED that the Council:

- (i) Note the report, and in particular:
 - the £603k underspend on the revenue budget for 2016/17;
 - the £1.733m funding that was identified in the 2017 Financial Strategy as likely being available but could not be quantified with certainty until the 2016/17 outturn had been finalised;
 - that additional funding of £537k has been identified from various sources and can now be directed towards funding areas of priority expenditure;
 - the outturn position for capital schemes completed in the period and capital receipts for the 2016/17 year; and
 - the outturn position of the Council's Treasury Management function for the 2016/2017 year.

- (ii) Note the Cabinet's decision to approve the utilisation of £40k from the existing £3m Coastal Protection Works budget in order to carryout load testing and flow readings at the Whitby Piers.

- (iii) Note the Cabinet's decision to accept the following grants and contributions:
 - £10k from the Filey Lions for the provision of 5 pieces of outdoor gym equipment;
 - £75 from East Ayton Parish Council, £250 from West Ayton Parish Council, £449 from North Yorkshire National Parks Authority and £325 from private contractors for the installation of an interpretation panel for Ayton Castle;
 - £50k (plus indexation) per year (during the period of construction of the Woodsmith Polyhalite mine near Whitby and for the following ten years following its completion) from the North Yorkshire Moors National Park s106 contributions in respect of the development for the promotion of Whitby as a tourism destination;

- £40k (plus indexation) per year (during the period of the construction of the Woodsmith Polyhalite mine near Whitby) from the North Yorkshire Moors National Park s106 contributions in respect of the development for the purpose of preparing local people for opportunities arising from the development.
- (iv) Note that, following a competitive tender process, the Director (s151) has accepted monies for the naming rights to the Football Stadium at Scarborough Sports Village.
- (v) Approve the following schemes, to be funded from the £2.873m identified above (comprising the £603k, £1.733m and £537k identified in recommendation (i)):
- £30k: to upgrade boilers at the Town Hall;
 - £50k: for a replacement Building Management System at the Town Hall;
 - £250k: to fund permanent works to the 'little' stage at Scarborough Spa;
 - £300k: earmarked for works at Peasholm Park, including a new boat deck, kiosk, dredging of the lake and a play area, noting that this will be subject to further reports prior to the works commencing;
 - £125k: earmarked for the provision of a new waiting area at the Crematorium including a pathway and a lighting scheme which will allow later services in the Winter months;
 - £50k: to create a Community Fund, which will provide funding for 'small' improvement schemes across the Borough;
 - £68k: contribution to the Council's Investment Fund;
 - £2m: to fund the cost of Coast Protection Works across the Borough; increasing the Council's overall budgeted contribution towards the works to a total of £5m.
- (vi) Approve the revised Prudential Indicators for Capital Expenditure and the Capital Financing Requirement.

Reasons

- To utilise the year end surplus in a way that helps the Council to address essential, priority areas of expenditure and future year funding reductions.
- To earmark available resources for essential Coast Protection Works in order to minimise future borrowing requirements.
- 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.
- To keep Members informed of Treasury Management activities and performance.

7. ANY REPORTS GOING DIRECT TO COUNCIL

(i) Tour de Yorkshire 2018

The Council considered a report by the Chief Executive (Reference 17/188) in respect of the Tour de Yorkshire 2018 event. The recommendations in the report were moved by Councillor Derek Bastiman and duly seconded. The Portfolio Holder for Tourism and Culture, Councillor Jenkinson expressed his full support for the event which brought enormous economic benefits to the Borough and showcased the Borough on the international stage as a cycling destination. Other councillors objected to the cost of the Borough hosting the event, querying if this cost could be reduced, and maintaining that it did not benefit all of the Borough, indeed it caused disruption for some local businesses, and that the money could be better spent supporting frontline services. Others commented that the event provided excellent value for money in terms of the total economic impact on the Borough's economy (estimated to be some £1m on the final day's stage alone), the international media coverage, and the effect on the villages along the route, some of which organised fundraising and community events to coincide with the race. Councillor Ritchie requested more detailed socio-economic analysis of the impact of the event, for example in relation to local cycling initiatives, the wider health benefits and business income, which the Leader, Councillor Bastiman also supported. Filey ward councillor and Cabinet Member, Councillor Cockerill commented how he was now more disposed towards the event having witnessed the large amount of spectators en route this year, and having pressed the case for Filey to be included in the itinerary with the organisers next year.

RESOLVED that the Council:

- i. Note The benefits of the 2017 Tour de Yorkshire event to the region and local economy; and
- ii. Give approval for the Council to accept Welcome to Yorkshire's offer to be a host city/town for the 2018 Tour de Yorkshire at a maximum cost of £150,000 to be funded from anticipated surpluses from car parking revenue in the current financial year (2017/18).

Reasons

To inform members of the offer from Welcome to Yorkshire (WTY) and Amaury Sport Organisation (ASO) for Scarborough to be a "Host city/town" for the Tour De Yorkshire in 2018. In essence this would mean that Scarborough would be either a start or finish location for racing on one of the days of the Tour.

Welcome to Yorkshire is proposing that the 2018 race will take place from 4th to 6th May. The route will be determined once Welcome to Yorkshire and ASO have looked at the potential host towns and routes. The 2017 Stage 1 route started in Bridlington and finished in Scarborough.

The organisers of the Tour de Yorkshire are seeking a financial contribution from the Council to take part in the 2018 event. There will be additional expenditure required to deliver appropriate infrastructure and support for the day itself. Based on the cost of the 2017 event, it is estimated that this will be in the region of £150,000.

In order to meet the timescales required to confirm the route of the race, WTY has informed the Chief Executive that they require the Council to confirm the offer by early September 2017.

To ensure that Council continues to be kept abreast of the benefits from an economic, publicity and community engagement perspective that the Tour de Yorkshire brings to the local economy.

(ii) Changes to membership of committees

The Council considered a report by the Director (LD) (Reference 17/180) in respect of changes to the membership of the Council's committees.

RESOLVED that the Council:

- i. Notes the new political composition of the Council, of the Planning and Development Committee and the Licensing Committee as set out in section 3 of the report; and
- ii. Approves the appointment of Councillor Watson to both the Planning and Development Committee and to the Licensing Committee.

Reasons

To ensure the good governance of the Council.

8. TO RECEIVE A STATEMENT BY THE LEADER AND DEAL WITH ANY QUESTIONS ARISING FROM THAT STATEMENT.

Providing an update on the Sands development, the Leader was pleased to report that 'Light Cinema' had now signed contracts to become the operator of the new multi-screen cinema. He expected to present details of the construction phase to the Cabinet shortly. The fit-out of the equipment for the luxury spa at the waterpark would commence in the next few weeks, in readiness for opening by Christmas. He added that officers were in discussion with Benchmark regarding the future use and redevelopment of the former indoor pool, which would be the subject of a report to the Cabinet shortly. In relation to the redevelopment of the Futurist site, a planning application for the demolition of the theatre and stabilisation of the site had now been received and would be considered by the Planning and Development Committee in the next weeks. Members then put questions on the following matters: the ownership of the former indoor pool and its redevelopment; would the Leader consider introducing the Real Living Wage in light of Scarborough Borough coming bottom in the national list of mean employee gross salaries according to the just published Social Market Foundation report, *Living on the Edge: Britain's coastal communities*; in light of the recent flash flooding in Peasholm Gap, could the overflow drain in Peasholm Park be re-assessed; what could be done to address the poor standard of grass cutting in Eastfield and Osgodby; and a request for further information on Yorkshire Coast Homes' proposed merger with Coast and Country Housing and why. In response, Councillor Bastiman undertook to look into both the Real Living Wage and Peasholm Park drainage issues and report back. With regard to the former indoor pool, this area adjoined land which came under the Development Agreement with Benchmark. The Council would therefore look to enter into a special purchaser agreement with

Benchmark which would enable the Council to dispose of the site at market value. In respect of grass cutting, the North Yorkshire County Council Highways grass cutting contract with the Borough Council was to expire this year, providing an opportunity for review in light of this and other concerns about service quality in some parts of the Borough. In relation to Yorkshire Coast Homes, Councillor Bastiman commented that with the departure of its Chief Executive earlier this year, YCH was duty-bound to review its governance structure. The current proposals under development were part of this review. In its strategic housing role, the Council retained its share of voting rights on the Board of YCH, and any proposed changes would also come through the Council's decision-making processes.

9. TO RECEIVE STATEMENTS FROM EACH OF THE CABINET MEMBERS AND DEAL WITH ANY QUESTIONS ARISING FROM THOSE STATEMENTS.

Councillor Chatt presented his statement as Portfolio Holder for Public Health and Housing. Members then asked him about the herring gull disruption and dispersal programme and could the publicity day take place sooner in the summer, and if Councillor Chatt had figures for footfall at Scarborough Market Hall. In reply, Councillor Chatt commented how pleased he was with the disruption and dispersal programme – some 1000 eggs from nests and 500 nests had been removed – which he intended to roll out to Filey next year. He also referred to the increasing popularity of the Market Hall, now an evening venue and attracting new businesses.

Councillor Cockerill presented his statement as Portfolio Holder for Project Leadership, Harbours, Coast and Flood Protection, commenting on the serious flooding incident in Scarborough on 23 August. The flash flood backed up drains and made conditions almost impossible for drivers. North Yorkshire Fire and Rescue received 60 reports of flooding in the space of two hours. Due to the large number of calls, a multi-agency Bronze Hub was set up, which allowed for life risk incidents such as people stuck in cars in floodwater and flooding to properties involving vulnerable people to be prioritised. Following the end of the storm, recovery work continued to be undertaken by both the County and Borough Councils to deal with problems with highways and any clean up required. Councillor Cockerill commended the Bronze Hub, in particular Council staff for their excellent work. He added that the basic cause of the flooding in Scarborough was exactly the same as experienced in Filey, namely the inability of the Victorian surface water drainage system to handle effectively intense rainfall over a relatively short period. He wished to dispel rumours that the new Coventry University and UTC developments had somehow contributed to the flooding and that parts of the town's drainage system did not work as they should have done. Rather, the new development on a brownfield site had improved matters because of the new surface water drainage provided, in addition to some new permeable areas, and more importantly the new underground attenuation tanks. Further, both Borough Council and Yorkshire Water engineers had confirmed that the drainage system did operate as intended and, specifically, the Flap Valve at Aquarium Top did open. Members then put questions to him about the impact of the planned development of the McCain's factory on the volume of effluent

discharged into the sea, the ongoing delay in the publication of the report and analysis of pollution in Scarborough South Bay, and a recent accident in Scarborough harbour involving the Council's dredger. In reply, Councillor Cockerill confirmed his frustration that he still had not received a timescale for the publication of the report on Scarborough South Bay. He referred to a draft version issued by the Environment Agency and a draft Executive Summary which identified a number of sources of bacteria impacting on the bathing water quality. He quoted the key conclusions thus:

"The final effluent discharging from the Wheatcroft outfall contains high numbers of bacteria and that these were found on occasion, but not consistently, in the bathing water at Scarborough South. There is a strong indication that sea bird droppings are likely to be contributing to overall bacterial contamination of the bathing water at Scarborough South. A marker associated with human pollution was consistently detected in the bathing water at Scarborough South. A marker associated with dogs was found in two of the samples taken from Scarborough South. None of the samples taken from either Scarborough South or North Bays contained markers associated with ruminant animals (cows/sheep)."

He added that he did not expect the report to provide the solution to the problem, but rather to point to further investigative work and actions which needed to be taken. In respect of the McCain's factory, he welcomed the news from an employment perspective that the site was going to have significant investment over the next few years. He commented that the impact of the development in terms of increasing the volume of discharge into the North Sea, together with the content of that discharge was largely a technical matter for Yorkshire Water and the Environment Agency. He was not surprised by the proposal to install an additional water treatment plant facility using an anaerobic process to ensure the discharge remained within consent levels. Councillor Cockerill was pleased that Councillor Randerson had arranged a site meeting in October and would welcome feedback from it; however he had not made contact with McCain's since the very probable extra discharge volume from their site was a matter for Planning, Yorkshire Water and the Environment Agency. With regard to the dredger, Councillor Cockerill confirmed that on the morning of 14 August the authority's dredger *Sandsend* was involved in a minor incident where contact was made between the vessel and two motor yachts berthed on the inner harbour pontoons. *Sandsend* had been returning from the spoil ground during which voyage she had developed a mechanical fault with the starboard engine. The vessel was operating under her normal crewing levels with the addition of the Deputy Harbour Master who was engaged in training and familiarisation on board. On entering the harbour, the vessel made her normal turn to port to approach the North Wharf and was unfortunately caught by the prevailing wind which carried her towards the marina pontoons. Attempts were made to manoeuvre away from the pontoons but the conditions prevented effective action from being taken with the vessel's engines alone. Identifying this, the decision was taken to drop the vessel's spud legs to halt her movement towards the pontoons. The swift action of the vessel's crew allowed the forward leg to be successfully dropped, halting the bow's movement; however the aft leg could not be dropped in time. Contact was then unfortunately made with two vessels which both sustained damage. Both owners were notified

immediately and an inspection was conducted to ascertain the damage and confirm any immediate actions. Neither vessel required any emergency actions to be taken. One vessel sustained superficial damage which was repaired a few days later and the second vessel sustained damage to her bathing platform which would require the vessel to be removed from the water for repair. The incident was reported to the Marine Accident Investigation Branch, as per national regulations and they have chosen not to conduct any additional investigation. Consequently, it was not classed as a serious incident. The authority and its insurers were currently working with both owners with regard to the damage and both had expressed their understanding that accidents do happen. Repairs were still awaited and without the submission of subsequent invoices, the final cost of the incident could not be assessed. Councillor Cockerill thanked the crew of the *Sandsend*, as without their quick thinking and actions the incident could have ended up with far more damage being sustained.

Councillor Jenkinson presented his statement as Portfolio Holder for Tourism and Culture, also providing a round-up of a thriving summer season in the Borough's three main resorts, including the 'Return of the Dragon' and steampunk events in Filey, a string of music festivals in Whitby, and the Seafest and forthcoming Goldwings event in Scarborough. He also commended the four Council parks and their Friends Groups for recently maintaining their prestigious Green Flag status, and the Whitby in Bloom Committee after he had met the judges at Whitby in Bloom. Members then put questions to Councillor Jenkinson about the new Scarborough Football Stadium: the problems with antisocial behaviour before matches including urinating in residents' gardens; the call for match day parking restrictions because of pressure on residents' parking; the need for handrails because of the steepness of the main seating area; and was the club required by the licensing authority to pay for stewarding as this seemed an unnecessary financial burden? In reply, Councillor Jenkinson undertook to meet with the Police, the club and any other relevant parties to consider how to tackle the problems with antisocial behaviour outside the ground. He felt that the parking issue would resolve itself since there was ample parking at the ground, and supporters needed to be encouraged to use it. He undertook to look into the queries about railings and stewards. In respect of the loss of public conveniences on Marine Drive, Councillor Jefferson commented that portable toilets had been erected for an event at the skatepark. She also reported problems in accessing the public conveniences in the Market Hall. Councillor Randerson commented on the disappointing duration of the Scarborough Cricket Festival and asked if it could be extended as in previous years. Councillor Jenkinson noted these comments, adding that the second day of the Yorkshire v Essex match had attracted Yorkshire's highest crowd of the season. In reply to a further question about the First World War Centenary, Councillor Jenkinson confirmed that the Council would be working with local community organisations to arrange commemorations to mark the centenary of the end of the First World War next year.

Councillor Nock presented his statement as Portfolio Holder for Strategic Transport, Transport Services and ICT, noting that a local authority had

recently been fined £70k for a data protection breach. He encouraged Members to attend the training to be arranged on the new General Data Protection Regulation. He noted that ICT Services had provided an agile ICT solution to enable Planning Services to continue running after their offices were flooded on 23 August. He also reported that South Bay traders were working with the County Council to try and address the problem of seafront and pavement obstructions, that the Council was monitoring the demand for charging points for electric powered cars before committing to this investment, and officers had helped alleviate certain traffic problems at the Open Air Theatre in readiness for the 2018 season. Members then put questions to Councillor Nock about the Considerate Parking Initiative and whether it could be extended to Eastfield because of the problems there, the potential impact of future A64 improvements on traffic congestion in Scarborough, whether the provision of disabled parking bays in Scarborough town centre could be improved, and the Borough Council's omission as a consultee in the recent Northern Rail consultation on proposals to alter the timetable from Scarborough to Hull, in particular the proposed reduction in services stopping at Hunmanby. In reply, Councillor Nock was happy to consider extending the Considerate Parking Initiative to Eastfield, in particular to meet with ward Councillor Randerson to identify specific locations, assess activity to enforce restrictions and determine future actions. He explained that the A64 Growth Partnership was a private sector led group supported by local authorities and the North Yorkshire and East Riding Enterprise Partnership which lobbied for long-term investment in the road including dualling and road safety improvements. It was launched on 7 July at FERA Science complex at Sand Hutton and welcomed a feasibility study by Highways England recommending the dualling of the road between Hopgrove roundabout and Barton le Willows. He appreciated concerns about potential gridlock, but the partnership was not yet at the stage of looking at terminal dispersion of traffic from the A64. Councillor Nock believed that parking provision for disabled motorists in Scarborough town centre was adequate: 11 disabled parking spaces off street and 23 on street. Disabled motorists had to pay to park off street but could park for an unlimited time on street. Therefore, all pay and display bays, disabled bays and yellow lines (for up to 3 hours) were available. However, he was happy to meet with Councillor Moody to investigate his specific concerns. In respect of Northern Rail, Councillor Nock had complained that the Council had only found out at a late stage about the proposals to reduce services stopping at Hunmanby station; however as a result of his and others' representations, this proposal had been withdrawn. Whilst he recognised that North Yorkshire County Council was the preferred consultee for Northern Rail, he was working to have the Borough Council recognised in the same way for future consultations, and would keep Members informed of progress.

In her absence, the Leader presented Councillor Mallory's statement as Portfolio Holder for Finance, Procurement and Legal. There were no questions.

Councillor Plant presented his statement as Portfolio Holder for Strategic Planning and Transformation. When questioned about progress in implementing the motion passed at the Council last year to limit the

proliferation of takeaways, Councillor Plant commented that the Planning section had been carrying out a thorough assessment of the planning implications of this issue. Wider involvement was seen as key since this was not solely a planning matter. Work to date had also involved input from County Council (Trading Standards) and Safer Communities. The aim was to bring a report to the Planning and Development Committee in October. In respect of a proposed new housing development in Eastfield, Councillor Plant concurred with Councillor Randerson's view that ward councillors should be consulted at an early stage.

Councillor Turner presented her statement as Portfolio Holder for Human Resources, Democracy, Stronger and Safer Communities. There were no questions.

10. TO RECEIVE A STATEMENT FROM THE CHAIR OF THE OVERVIEW AND SCRUTINY BOARD AND DEAL WITH ANY QUESTIONS ARISING FROM THAT STATEMENT

The Chair of the Overview and Scrutiny Board, Councillor Siddons presented his report, encouraging councillors to put their names forward for the two scrutiny reviews to be commissioned by the Board on rough sleeping and the requirements of the fishing sector in Scarborough Harbour.

11. TO RECEIVE MINUTES OF THE COUNCIL'S EXECUTIVE AND COMMITTEES PUBLISHED SINCE COUNCIL LAST MET AND APPENDED HERETO.

RESOLVED that the minutes of the meetings be received.

12. TO CONSIDER AND PASS RESOLUTIONS ON THE FOLLOWING 'A' ITEMS:-

(i) Open Air Theatre (17/161)

The recommendations in the extract minute were proposed by Councillor Derek Bastiman and duly seconded. Although the report contained commercially sensitive information, the Council agreed to consider the report in public session.

RESOLVED that the Council:

1. note the successful season at the Open Air Theatre ("OAT") to date, including the benefits offered by the increase in capacity at the OAT by the installation of decking across the lake in front of the stage, and the proposals within this report to consolidate the success of the OAT to date and build for the future long term sustainability of the OAT as a recognised venue for high profile and large scale entertainment.
2. note the Cabinet's decision to approve a variation to the Council's existing agreement ("Agreement") with the promoters of shows at the OAT (formerly known as Cuffe and Taylor) to allow the assignment of the Agreement to Live Nation Music (UK) Limited ("Live") recognising that this improves the strength of the Council's partner in delivering shows at the OAT both in terms of corporate standing and ability to

attract large scale and high profile shows for the benefit of the Borough;

3. note the Cabinet's decision conditional upon the Council making the resolution below, and noting the exemption requested, to delegate authority to the Director (LD) in consultation with the Portfolio Holder for Tourism and Leisure and the Portfolio Holder for Finance, Procurement and Legal to:
 - i enter into a contract to vary the terms of the Agreement to reflect the terms set out in this report and such other terms as they deem appropriate; and
 - ii enter into a contract for the construction of the permanent decking following on from a tendering process and identification of the most cost effective permanent decking solution
4. note that a separate report will be taken to the Overview and Scrutiny Board on the performance of the OAT during the 2017 season in due course

And that the Council approve:

1. a capital budget of [restricted figure] for the building of permanent decking at the OAT and the funding of these costs through borrowing on the proviso that these will be recovered over the course of the Agreement either by recovery from any profit received by the Council from the staging of shows at the OAT, or should no profit be receivable, by direct payment from Live; and
2. that the Council's Prudential Indicators be updated to reflect the additional borrowing in respect of this scheme.

Reasons

To consolidate the success of the OAT to date and build for the future sustainability of the OAT as a recognised venue for high profile and large scale entertainment whilst reducing the long term revenue impact on the Council:

- to enable permanent decking to be put in place at the OAT thereby increasing capacity and the ability to draw in high profile artists
- to ensure that the OAT continues to build on its success to date and attracts big name acts by using an established external promoter with a global presence in the entertainment industry

Chairman