

CABINET

At a meeting held on Tuesday, 19 January 2016

Present:-

Councillor D J Bastiman (Chairman) in the Chair;
Councillors G A Backhouse, W Chatt, M J Cockerill, Ms M Donohue-Moncrieff,
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 15 December 2015 be approved as a correct record and signed by the Chairman.

3. PUBLIC QUESTION TIME

Members were advised that there was one public question. The question asked by Ms Patricia David and the Chairman's response are set out below:

Question: The Futurist Campaign have been fortunate in having as their Consultant Advisers two world renowned specialists in theatre and old buildings restoration and renovation (both interior and exterior). Their portfolios include San Francisco Opera House and the London Albert Hall, London Coliseum Theatre, British Crown Properties, amongst many other major restored theatre buildings in America and Europe. According to page 11, para 5.2.6 of the Draft Revenue & Capital Budget 2016/17, the Council has earmarked £4m for 'Futurist'. This sum equates, give or take £0.5m, to the sums that they have estimated to us as needed to completely renovate and restore the Futurist theatre building internally and externally, and add on to the side an entrance to accommodate large trucks and entry for scenery for large touring shows. Could you please define to us what this £4m is to be spent on?

Response: The funds referred to are earmarked for the Futurist redevelopment project based on internal working estimates together with anticipated land value. At present the scope of works, feasibility studies and costings for the demolition are still being undertaken and so further detail and final figures are not available at this time.

4. FORWARD PLAN

The Cabinet considered the Forward Plan (Reference 16/18) noting the following amendments:

- (i) Item 8, Public Convenience Strategy should be listed under the Leisure, Tourism and Culture portfolio;
- (ii) Item 26, Award of YORbuild 2 Construction should be listed under the Finance, Procurement and Legal portfolio.

Cabinet Members also commented on the Council's planning application to remove the planning condition that permission be sought every year to use

the preferred site to accommodate travellers at the Seamer Horse Fair. The Portfolio Holder for Public Health and Housing, Councillor Chatt and Ward Councillor and Cabinet Member, Helen Mallory both welcomed the application, maintaining that the Horse Fair would continue to be managed well by the Council and other agencies, but preferring a three yearly renewal of planning consent.

RESOLVED that, subject to the amendments outlined in (i) and (ii), the Forward Plan be approved.

5. PROGRESS OF SCRUTINY OF EXECUTIVE DECISIONS

Members were advised that the Cabinet's decision dated 15 December 2015 in respect of car parking charges 2016-17 had been called in for scrutiny and was considered at a meeting of the Health and Wellbeing Scrutiny Committee on 14 January. The Portfolio Holder for Leisure, Tourism and Culture then advised the meeting that the scrutiny committee broadly supported the Cabinet's decision with the exception of the proposed consultation on winter charging, and made the following recommendations which he accepted:
That the Cabinet:

- (i) notes the views expressed by the committee;
- (ii) rejects the proposed public consultation on the winter charges outlined in Appendix D of the report;
- (iii) through the Portfolio Holder for Leisure, Tourism and Culture, re-establishes the Car Parking Working Group to inform debate around car parking in the Borough in relation to interchangeable tickets, winter car parking charges and a residents' concessionary scheme as appropriate; and
- (iv) approves the revised Appendix C of the report in respect of all other parking permits (amendments highlighted).

RESOLVED that the Cabinet amend its decision accordingly (see revised Appendix C published with the minutes).

Reasons

To ensure that the Council is able to deliver a balanced parking budget and contribute towards the Council's overall budget strategy.

6. GOVERNANCE REVIEW

The Cabinet considered a report by the Director (LD) (Reference 16/19) which recommended changes to the Council's governance arrangements. The Portfolio Holder, Councillor Donohue-Moncreeff welcomed the report and the proposed new scrutiny model which would ensure scrutiny was fit for purpose and could work better with the Cabinet in developing Council policy, including the draft budget, and responding to the challenges the Council faced. Other Members also voiced their support for a new scrutiny model which would be more proactive, effective, focused, and more inclusive of councillors should they wish to contribute. They commented that the current scrutiny model and the remaining three area committees were tired, and needed replacing by what was a powerful scrutiny tool, which could bring meetings to the different areas of the Borough as appropriate. Other Members commented on the importance of developing the programme of Member briefings and the proposed online library, to keep all councillors abreast of emerging issues.

The Chairman acknowledged the commitment of the Democratic Services Manager working with Members over a long period to develop these proposals.

RESOLVED that the Cabinet recommend to the Council that:

- (i) With effect from the civic year 2016/17, the current structure of four scrutiny committees is replaced by a new model for overview and scrutiny centred on a single nine Member Overview and Scrutiny Board as detailed in paragraph 5.13 and Appendix 1 of the report;
- (ii) The three remaining area committees are discontinued;
- (iii) The Monitoring Officer is given delegated authority to make the necessary changes to the Constitution flowing from the introduction of the new overview and scrutiny model and disbandment of the area committees;
- (iv) An online library of Member briefings is put in place to complement the developing programme of public Member briefing sessions;
- (v) Training on the new structure, processes, and scrutiny skills is delivered to Members as part of the implementation of the new model; and
- (vi) The new scrutiny arrangements are reviewed after the first year's operation.

Reasons

- To improve the governance of the Council
- To deliver a more outcome-focused, responsive and meaningful scrutiny function which gives more fulfilment to Members and improves the Council's reputation

7. REGENERATION OF THE PIER ROAD AND SCOTCH HEAD AREAS - WHITBY HARBOUR

The Cabinet considered a report by the Director (TW) (Reference 16/21) in respect of an invest to save scheme for the renewal, reorganisation and installation of additional kiosk concessions at Pier Road and Scotch Head, Whitby. Members were advised of the different phases and timetable for the proposed scheme which would enhance the appearance of the area, significantly increase revenue for the Council and improve pedestrian safety. In presenting the report, the Portfolio Holder, Councillor Cockerill proposed an amendment to recommendation (iii) that further suitable companies put forward by either the Leader or the Portfolio Holder for Harbours, Assets, Coast and Flood Protection were included in the proposed exemption to the Council's Contract Procedure Rules, and that if ongoing work showed that there were other viable possibilities for kiosks around Whitby Harbour, and provided the overall budget was not exceeded, that authorisation to develop the scheme further was delegated to the Leader and Portfolio Holder for Harbours, Assets, Coast and Flood Protection. Members commended the proposals (as amended) and how well the local community had been consulted, and congratulated officers for the speed in bringing forward the scheme for approval. The Chairman noted that in paragraph 3.5 of the report, it should state that shellfish, and not wet fish, was sold in the Pier Road kiosks.

RESOLVED that the Cabinet approve:

- i. The principle of the proposed invest to save scheme for the renewal, reorganisation and installation of additional kiosk concessions at Pier Road and Scotch Head, Whitby.
- ii. The submission of a planning application for the renewal, reorganisation and installation of additional kiosk concessions at Pier Road Scotch Head, Whitby.

Subject to approval of i and ii:

- iii. Grant an exemption to the Council's Contract Procedure Rules to facilitate the appointment of Transcore Ltd (and further suitable companies put forward by either the Leader or the Portfolio Holder for Harbours, Assets, Coast and Flood Protection) to carry out the scheme and implement Phase 1 of the scheme prior to the commencement of the main trading season 2016; and if ongoing work shows that there are other viable possibilities for kiosks around Whitby Harbour, and provided the overall budget is not exceeded, that authorisation to develop the scheme further is delegated to the Leader and Portfolio Holder for Harbours, Assets, Coast and Flood Protection.

Reasons

To allow progression of the renewal and reorganisation of kiosk concessions at Pier Road and Scotch Head, Whitby, to regenerate these facilities by improving their physical appearance and popularity; and through the installation of additional kiosks increase rental income generation for the Borough Council.

8. TO CONSIDER THE DESIGNATION OF A NEIGHBOURHOOD DEVELOPMENT PLAN AREA IN RESPONSE TO A REQUEST FROM EASTFIELD PARISH COUNCIL

The Cabinet considered a report by the Director (TW) (Reference 16/12) seeking approval for the designation of a neighbourhood development plan area in Eastfield. Ward Councillor Randerson addressed the meeting seeking clarity that the whole of Eastfield parish would be included in the NDP Area as requested by the parish council. This was confirmed by the Forward Planning Manager as the report's recommendation. Members also asked that ward councillors be consulted as part of recommendation (ii).

RESOLVED that the Cabinet:

- (i) approve the application submitted by Eastfield Parish Council for a neighbourhood development plan area covering Eastfield Parish.
- (ii) amend the Scheme of Delegation to delegate authority to the Chair of the Planning and Development Committee and the Cabinet Portfolio Holder after consultation with ward councillors, to designate neighbourhood development plan areas in certain circumstances (where the nationally prescribed deadline for decision does not accord with the committee timetable).

Reasons

Eastfield Parish Council has applied to SBC for designation of Eastfield 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 Eastfield 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 publicised. This deadline was introduced in February 2015 (The Neighbourhood Planning (General) (Amendment) Regulations 2015).

Eastfield Parish Council's application was received on 12 October 2015 and was published on 13 October 2015. Under the Neighbourhood Planning Regulations, the deadline for the application was on Tuesday 8 December 2015. Agenda deadlines meant that the January Cabinet was the earliest practical meeting to receive this report.

In light of the new time limits for the determination of such applications depending on the complexity of the neighbourhood planning area, it is sought to amend the Scheme of Delegation to delegate authority to relevant Cabinet Portfolio Holder – in consultation with the Chair of Planning and Development Committee - to designate neighbourhood plan areas in certain circumstances in the future (where the nationally prescribed deadline for decision does not accord with committee timetable).

9. THE FUTURE OF THE ARTIFICIAL GRASS PITCH AT PINDAR LEISURE CENTRE

The Cabinet considered a report by the Director (TW) (Reference 16/16) in respect of future options for the artificial grass pitch at Pindar Leisure Centre. Members were advised that the preferred option was to refurbish the facility and upgrade to a 3G FIFA 1 Star Standard Pitch on the existing footprint, which was better tailored to current usage, but depended on a successful bid to the Football Foundation.

RESOLVED that the Cabinet note the options available to the Council in respect of the future of the Pindar Pitch and:

- i. Approve that, subject to obtaining a minimum of 50% in external funding, the pitch be upgraded to a 3G (third generation artificial grass) Federation International de Football Association (FIFA) 1 Star Standard facility on the existing pitch footprint;
- ii. Instruct officers to work with Sport and Leisure Management Ltd (the operators of the Interim Indoor Leisure Management Contract) to prepare and submit a grant funding bid to the Football Foundation for the pitch upgrade in the next available funding application window (May 2016);
- iii. Instruct officers to work with SLM on the demand analysis and a Football Development Plan needed to accompany the grant funding bid;
- iv. Approve that a capital budget of £387k be included within the 2016 Financial Strategy for the upgrade, to be funded as follows:
 - £24k from existing reserves set aside for the pitch replacement

- £69k from the savings generated throughout the Interim Indoor Leisure Management Contract with SLM
 - £194k external funding
 - £100k from capital resources;
- v. Approve that a revenue budget of £32k per annum be established to fund annual repair and maintenance costs and sinking fund contributions for future replacement of the pitch; to be funded from the savings derived from the indoor leisure operator contract with SLM;
- vi. Instruct officers to pursue the replacement sand filled carpet option on the existing footprint (excluding some of the items quoted in the Feasibility Study) if external funding bids for the 3G pitch are unsuccessful.

Reasons

The playing surface of the artificial grass pitch at Pindar Leisure Centre is approaching the end of its lifespan and a decision is required regarding the future of the facility.

Earlier reports to Cabinet highlighted that the non-replacement of the pitch would be classed as a Council change under the terms of the Leisure Operating Contract (LOC) for the Council's indoor leisure facilities with SLM and the contract price would be adjusted to reflect the loss of income associated with its closure. This would result in a net loss of £43k per annum for the Council (£50k compensation for lost income less £7k annual maintenance costs). Therefore non-replacement of the pitch is not considered to represent a cost effective solution.

10. DRAFT REVENUE AND CAPITAL BUDGET 2016/17

The Cabinet considered a report by the Director (NE) (Reference 16/27) which outlined the Council's draft revenue and capital budget 2016/17 for public consultation. Members were advised that the outcome of the provisional Local Government Finance Settlement for 2016/17 was a cut in grant funding of 15.3% (£1.093m). In order to set a balanced budget in 2016/17 there was a requirement to identify £2.046m in savings or additional income. The draft budget proposed a draw of £270k from General Fund balances and the savings currently identified for inclusion in the budget (as per Appendix A3) totalling £1.608m. This meant that savings of £169k still needed to be identified before the budget could be approved. A further £2.4m of savings were required for 2017/18, £1.6m in 18/19 and £1.6m in 19/20 as part of a provisional four year funding plan. The Portfolio Holder, Councillor Mallory commended the hard work that had gone into the draft budget, and urged all Members to attend the forthcoming briefing sessions, and to get involved in the work of meeting the Council's financial challenges for 2016/17 and the years ahead. Further aspects of the draft budget were then highlighted, including: requesting authority to approve the NNDR1 Return which the Director asked to do in consultation with the Portfolio Holder; the proposed Council Tax increase of 1.99%; £658k of investment in priority areas; the creation of a £589k Investment Fund in 2016/17 to help the Council deliver its savings targets and provide a resource to drive forward the delivery of future savings; several invest to save proposals; and £1.5m

investment in plant, equipment and IT as part of the capital programme for 2016/17. Councillor Cluer then addressed the meeting querying why the environmental implications of the draft budget had not been recognised in the report, for example, the proposed reduction in staff support for recycling and the Wetland Project. The Director, Mr Edwards noted Councillor Cluer's comments, and added that he had arranged to meet with Councillor Cluer to discuss the draft proposals.

RESOLVED that Cabinet:

- i. approves the Council Tax Base for 2016/17 as 36,935.95 Band D equivalent properties;
- ii. approves that a surplus of £1.580 million be declared on the Council Tax Collection Fund. This surplus will be distributed in proportion to the share of Council Tax attributable to each precepting authority and the Borough Council's share of the surplus will equate to a one-off sum of £210,206;
- iii. approves that authority to approve the NNDR1 Return be delegated to the Director (Nick Edwards) in consultation with the Portfolio Holder for Finance, Procurement and Legal;
- iv. endorses the draft budget proposals set out in the appendices to this report prior to them being re-presented to Cabinet and Full Council for approval in February; with particular attention being given to the proposed 1.99% increase in Council Tax, which is the first increase applied by this Council since 2010, and the savings proposals listed at Appendix A3. If the Council Tax increase or any savings proposals listed are deemed by Members to be unacceptable alternative savings of an equivalent value must be identified;
- v. notes the outcome and details of the provisional Local Government Finance Settlement for 2016/17 and the indicative figures for the following three years to 2019/20; along with the resulting funding gaps of £2.047m in 16/17, £2.4million in 17/18, £1.6million in 18/19 and £1.6million in 19/20;
- vi. notes that the savings identified to date for 2016/17 total £1.608 million and the budget proposes a £270k draw from General Fund balances therefore **savings of £169k still need to be identified in order to set a balanced budget**;
- vii. recommends that Council delegate the authority to approve funding from the 2016/17 'Investment Fund' to the Director's Team in consultation with the Portfolio Holder for Finance, Procurement and Legal;
- viii. subject to the approval of recommendation (iv) agrees that officers enter into a period of consultation on the proposals contained within this report;
- ix. recommends that Council approves the following Council Tax discount and premiums for the 2016/17 year, which remain unchanged from those approved for 2015/16:
 - 0% Council Tax discount on Class B second homes
 - 10% Council Tax discount on Class A second homes
 - 0% Council Tax discount on properties undergoing major repair or structural alteration

- 100% discount for (Class C) properties which are empty and unfurnished for the first 28 days a property becomes empty, followed by a 0% discount thereafter
- 50% Council Tax premium for properties which have been empty and unfurnished for more than 2 years

Reasons

All preceptors use the Council Tax Base figure as the denominator for calculating their Council Tax. It is a statutory requirement for the Council to notify the major Precepting Authorities of the approved Tax Base and any surplus or deficit on the Collection Fund by the 31 January of each year.

It is a statutory requirement to submit the NNDR1 form to the Department for Communities and Local Government and notify North Yorkshire County Council and North Yorkshire Fire & Rescue Service of their respective shares by the 31 January of each year.

Full Council must approve the 2016/17 budget, and associated Council Tax level at its meeting on 26 February 2016. It is important that the Council consults with the public on its budget prior to it being approved, and that the areas identified in the consultation process are taken into consideration in the budget setting process.

11. SCARBOROUGH SPA COAST PROTECTION SCHEME

The Cabinet considered a joint report by the Chief Executive and Director (LD) (Reference 16/28) in respect of the Scarborough Spa Coast Protection Scheme. In presenting the report, the Portfolio Holder, Councillor Cockerill was pleased to advise that he had received confirmation that morning that the final piece of the funding jigsaw for the scheme was in place from the Environment Agency, and a formal letter of approval was now awaited. He also proposed that recommendation (iii) involve the Portfolio Holder.

RESOLVED that the Cabinet:

- i. notes that the Council has been informed that the revised and updated Project Appraisal Report (PAR) has now been technically approved by the Environment Agency's Large Project Review Group (LPRG);
- ii. notes that the decision to award funding for the project now rests with the Directors of the Environment Agency and is close to final sign off.
- iii. in anticipation of a timely sign off and award of grant aid, notes that Peter Brett Associates have developed a proposed communications strategy and approves that officers in consultation with the Portfolio Holder now commence public engagement with residents and businesses of South Cliff who may be affected by the risks.

Reasons

- To update Cabinet on the progress of the application for grant aid.
- To approve engagement with the public affected by the risks.

12. RUNSWICK BAY COASTAL PROTECTION SCHEME - PROJECT APPRAISAL REPORT

The Cabinet considered a report by the Chief Executive (Reference 16/5) in respect of the Runswick Bay Coastal Protection Scheme. Members were advised that the scheme was 100% externally funded and demonstrated the benefits of the Council working closely with other organisations.

RESOLVED that the Cabinet:

- i. Approves the Runswick Bay Coastal Projection Scheme Project Appraisal Report;
- ii. Accepts £1,040,000 FCDGiA (Flood and Coastal Defence Grant in Aid) funding from the Environment Agency and further £100,000 contribution from the Runswick Bay Coast Protection Trust to undertake a coastal protection scheme to the northern seawall, noting that no contribution is required from the Council;
- iii. Approves the appointment of a consultant and a design and build contractor up to the amount of grant offered, selected through a competitive tendering exercise via the YORconsult/YorCivils Framework or Environment Agency WEM Framework;
- iv. Approves entry into a funding agreement with the Runswick Bay Coast Protection Trust.

Reasons

To increase and rejuvenate the coastal erosion protection afforded to the village of Runswick Bay, including better protecting 96 residential and 17 non-residential properties that have been identified to be at high risk of loss should the current seawall fail.

To authorise officers to appoint a consultant and contractor to undertake the required works in a timely fashion to co-ordinate with programmed Yorkshire Water preliminary works on the foreshore.

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 items of business on the grounds that they involve 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. AWARD OF YORBUILD 2 CONSTRUCTION FRAMEWORK

The Cabinet considered a report by the Chief Executive (Reference 16/14) in respect of the YORbuild 2 Construction Framework. Members were advised that the first generation YORbuild framework which now needed to be renewed, had not only delivered substantial efficiency savings, but also other benefits such as regeneration projects and employment and skills opportunities.

RESOLVED that the Cabinet:

- i) Subject to the satisfactory resolution of any outstanding issues and due diligence checks, that the contractors recommended in Appendix B of this report are appointed to the YORbuild2 North Area Framework Agreement.
- ii) In the event that any of the outstanding issues and due diligence checks are not satisfactorily resolved for any company listed, that delegated authority is given to the Director of Democratic and Legal Services to replace that company with another company/companies as necessary to supply the same coverage for the potential workload. Such additional companies would be selected in order of their ranking as detailed in Appendix B.

Reasons

To allow the proposal for the YORbuild2 Framework to be implemented for the Northern Region with Scarborough Borough Council as the contracting authority and lead authority for the region.

15. RESTRICTED MINUTE - RECYCLING CONTRACT

The restricted minute of the meeting held on 15 December 2015 in respect of the Recycling Contract 2016/17 was agreed as a correct record and signed by the Chairman.

Chairman