

CABINET

At a meeting held on Tuesday, 15 March 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

Councillor Plant declared a personal and prejudicial interest in agenda item 5, Progress of Scrutiny of Executive Decisions, since his brother-in-law worked in Customer First in Whitby.

2. MINUTES

RESOLVED that the minutes of the meeting held on 16 February 2016 be approved as a correct record and signed by the Chairman.

3. PUBLIC QUESTION TIME

Members were advised that a number of questions had been received in respect of (i) the proposed amalgamation of Eskdale School and Caedmon College, and (ii) the future of tourist information provision in Whitby. Details are set out below.

(i) Proposed amalgamation of Eskdale School and Caedmon College

Dr Jon Brown – Question - I am sure some of the Cabinet are aware of the proposal, put forward by the Children's and Young Persons Department of North Yorkshire County Council, to amalgamate the two secondary schools in Whitby, namely Eskdale School and Caedmon College. This proposal is being forced on the parents of pupils of Eskdale School, and has provoked much public opposition. Although the Schools Service is not the responsibility of Scarborough Borough Council, the effect of the closure of Eskdale School on the people of Whitby should be of concern to the Borough Council. The County Council's proposal document fails to mention any consideration of the community use of Eskdale School and the effect of the loss of Eskdale School. If Eskdale School closes there will be much larger impact on the local community than just the children having to go to another school.

Currently, there are a number of community and sport groups which use the Eskdale School site:

- ABRSM music exams
- Fishburn Park Football Club 1st& 2nd teams
- Fishburn Park kids football (3 teams)
- Football Clubs – Fylingdales, Lealholm and Whitby RC (various times during year)
- Fylingdales netball - various times through the year
- Methodist Church group (various times per year)
- Motorhome rallies (2 per year)

- Onomy - Young church group
- Orchestra/Music club
- Tennis Club
- Ultimate Soccer
- Volleyball Club
- Whitby Christian Fellowship
- Whitby Ladies football
- Whitby Company of Archers
- Whitby Rugby Club
- Young Farmers Basketball

The most notable loss for the consideration of Scarborough Borough Council would be both the loss of football and tennis facilities.

Eskdale School has 3 junior (11v11) and 2 mini (7v7) pitches. An additional pitch is adjacent to Eskdale School, Broomfield Park, which uses Eskdale School to access their site. According to Scarborough Borough Council's Scarborough Playing Pitch Strategy 2013, 'Currently Eskdale School site is overused by +1 match equivalent session.' Further demand has been placed on the site since the removal of a pitch at Whitby Rugby Club. Eskdale School was also identified as a possible site for a 4G pitch. If Eskdale School is closed and the site is sold by NORTH YORKSHIRE COUNTY COUNCIL where are all these teams going to play/train? Further is the effect on the Tennis Courts. According to the Scarborough Playing Pitch Strategy 2013, there were 11 tennis courts in Whitby; however since then I believe the two tennis courts at the Leisure Centre have been removed. Which leaves 9 in Whitby in total and 4 of those are at Eskdale School. The club has an average of 100 members, making it consistently, the second largest in the Borough of Scarborough. It is the only club in Whitby providing club play and coaching for young people aged 6 to 16 years.

I would like to ask Scarborough Borough Council to engage with North Yorkshire County Council about the community use of the Eskdale School, inform North Yorkshire County Council of the vital importance of Eskdale School to the local community. Demand that North Yorkshire County Council rethink the sale of Eskdale School site, the sale of which would be a huge loss to the local community. If the site closed, who would finance the cost of replacing the facilities elsewhere and where are they going to be moved to? I would ask Scarborough Borough Council to respond to the North Yorkshire County Council consultation and state in the strongest possible manner that the proposal to amalgamate Eskdale School and Caedmon College is ill conceived, has been poorly thought out and the wider consequences have not been considered.

Ms Gillian Teanby – Question – Further to Dr Brown's points, we wish to raise three other issues in particular which will affect the welfare and safety of young people in Whitby, if these proposals go ahead: traffic congestion, distance to alternative schools, and lack of choice. There is already a significant increase in traffic and pedestrians at the start and end of the school day in Whitby. School transport coaches cannot access the main site of the

old Whitby Community College, so have to park on nearby Mayfield Road causing chaos. This situation will only get worse with the reduction of three sites to two. If the amalgamation takes place, there will be no alternative choice to Caedmon College for parents and children unless they wish to undertake a 40 mile round trip to Guisborough, Pickering or Scarborough, across the moor road which can be inaccessible in winter. Other small market towns such as Malton may only have one secondary school, but alternative schools are much closer.

Chairman's response – Thank you for taking the time to raise your concerns about the proposed merger with Members of this Council. Although this Council is not an education authority, the provision of outstanding fit for purpose education facilities for our young people is of utmost importance for us. I can assure you that the Borough Council will respond to the consultation, in particular in respect of leisure and sports provision and takes on board your concerns. With regard to your other points, we will ensure that they are shared with the County Council. I would particularly ask that, where appropriate, the dual hatted members of the Cabinet and Council take due note of the concerns expressed by their constituents including Ms Teanby and Dr Brown, and ensure that these are taken into account by the County Council in their decision making process. Personally I support all the comments that have been made regarding the facilities on this site. What in my mind is most important is that a child should be settled and happy when receiving their education, and this is well proven at Eskdale School.

County Councillor and Borough Councillor Cabinet Member, Councillor Plant also voiced his support for the retention of Eskdale School. For clarity, he declared that his wife worked at Whitby Community College (a disclosable pecuniary interest) but he had been granted a dispensation by the County Council to represent the views of his constituents. He noted in particular that Eskdale School was located in Streonshalh ward, among the 20% most deprived areas in the country, and that without Eskdale School, there would be no educational provision of this kind on Whitby's East Side. He also referred to the economic opportunities for Whitby presented by the potash and windfarm industries which were expected to increase the town's population and demand for school places. The Chairman endorsed these comments.

(ii) Future of tourist information provision in Whitby

Ms Deryn Gray – Question - The Council proposes that technology can replace the face to face services provided by the Tourist Information Centre. I would dispute this.

Do you agree with me that technology provides an excellent tool for research but has not reached the point where it can interact on a personal basis with the user? Technology provides a COMPLEMENTARY service not a stand alone service.

Visitors may well have done some research before arriving but will often want to find out more from somebody with personal knowledge of an area

regarding the suitability of venues according to their personal circumstances. Often the devil is in the detail and it is the detail that face to face interaction provides, allowing visitors to get the most out of their visits to Whitby and come back again.

Chairman's response - The Council does not suggest that technology can replace the face to face service but highlights that the demand in the use of technology both for planning ahead and accessing information in the destinations is growing exponentially. The Council in this report is recommending that in order to ensure that it is equipped to deal with the technological advances that resources are made available to ensure that the Council can develop systems and processes to deal with this. Digital information provision is just one of the marketing mix that this report suggests the Council looks to provide. The Council and its partners will continue to provide information through a range of media including face to face, telephone, print, PR and digital whilst at the same time ensuring that it can achieve the necessary savings required.

Ms Gray then put the supplementary question of why an e-petition she requested through the Council's website on Friday still had not gone live, nor had she received any response as to why it had not yet been activated. The Director, Mrs Dixon replied that she was aware of the request, and would ensure it was actioned as quickly as possible. Ms Gray commented that in the lieu of the e-petition, another one had been started requesting that tourist information provision be retained in the current site in Whitby. This had already attracted 1,796 signatures.

Councillor Heather Coughlan, Town Mayor of Whitby – Question - Whitby Town Council wrote to both the Cabinet member for Tourism and the Director with that responsibility, in July 2015 and again in November 2015. They asked for participation in the TIC review; queried whether consultation had taken place with other organisations in the town; and asked for an update on progress of the review and the plans being considered for the future use of the Whitby TIC building. The one and only meeting with Whitby Town representatives of Whitby Town Council and representatives of two other tourism organisations in the town, did not take place until 16th January 2016 – four weeks after the Cabinet decision on the future of the TIC had been scheduled to be take place.

Does the Leader consider that process constituted “*full and proper consultation*” with a town whose TIC has a footfall approaching half a million visitors per year?

Chairman's response - Although there was not a full public consultation process, the Council engaged in discussions with the key stakeholders across the three resort towns: Yorkshire Coast Tourism Advisory Board, Scarborough Hospitality Association, South Bay Traders, Confotel Groups, North Yorkshire County Council, Filey Town Council, Filey Tourism Association, Whitby Town Council, and Whitby and District Tourism Association. Further, we believe that the Cabinet's decision takes into account local stakeholders' views.

Mr Charles Forgan – Question - There is no agreement between the industry and the Council on the statistics of footfall and enquiry type, and more work needs to be done. The availability of the expert knowledge of the tourism industry has not been fully utilised. Does the Cabinet accept that until the basic figures have been thrashed through and agreed, there can be no meaningful consultation with industry and professional bodies?

Chairman's response - The statistics contained within the report are as accurate a representation as is available to the Council and whilst it is accepted that statistics fluctuate year on year since 2006 there has been a steady decline in visitors to the Whitby TIC and without the introduction of new services such as Customer First and the recent Parking initiative the decline would have been far greater. The size of the building also lends itself to attracting large numbers of visitors who browse or take shelter and have not necessarily visited the site specifically to seek the Tourist Information or a Customer First service. The continuation of a face to face facility either within, adjacent to or in the Harbour Office, introduction of Tourist Information Points, installation of maps and key contact numbers, installation of 24 hour self-help touch screen kiosk in Whitby will all support the visitor in accessing Tourist Information once within the destination.

Mr Forgan then put the following supplementary question: the report to the Cabinet 18 months ago which authorised the review of tourist information provision, described the collapse in Whitby TIC footfall from 970,000 to 425,000 in three years, but for the 970k, officers forgot to divide beam activations by two to arrive at footfall. This was a blunder which must have affected the Cabinet's whole approach to TICs. Are all Cabinet Members now aware of this error and its negative effect on their perceptions of the TICs?

The Cabinet Member for Leisure, Tourism and Culture, Councillor Backhouse replied that this error had been addressed in the most recent report to the Cabinet of 16 February, which had recalculated the footfall figures, and also disaggregated them by type of enquiry.

Ms Joyce Stangoe – Question - What has been the contribution of the retail sales to the operating costs of Whitby TIC over the last 3 years?

Chairman's response – The total net income from retail sales at Whitby TIC over the last three years had been £251,573 made up of £96,308 in 2012/13, £71,557 in 2013/14, and £83,708 in 2014/15.

Ms Stangoe then put the following supplementary question: Councillor Backhouse described Whitby TIC as a key retail site. Why then isn't the Council making a much larger surplus from retail sales on that site? Shouldn't this be explored first before disposing of this key retail site?

In reply, Councillor Backhouse confirmed that he did recognise the site of Whitby TIC as a key retail site in Whitby, and further, that a TIC in that area of Whitby was essential. This was reflected in the Cabinet report.

Mr Niall Carson on behalf of Mr John Freeman, Chair of Whitby and District Tourism Association – Questions – (i) Why is there such a rush to put this through and why is it so imperative that all due and proper procedures have been totally abandoned? (ii) Why have you not explored the shared use of the building i.e. the TIC plus another or community use? It was obvious at the Spa meeting that Mr Watson had not factored in this option for discussion (not that there was any meaningful discussion that evening) (iii) The practicality of the site options put forward, and the lack of costings involved indicate the ultimate abandonment of a TIC presence as either option rapidly proves to be impractical.

Chairman's response – (i) The Council has carried out its duties in line with policy, it has consulted with key bodies and the review of the service across the Borough's TICs has been undertaken with officer recommendations made to the Cabinet. (ii) The potential for shared use of the building is being explored under item 1 which looks to approve the marketing of a leasehold interest for either exclusive use or for uses incorporating part of the site for use as a small Tourist Information Centre and a North York Moors National Park interpretation area. (iii) Costings for re-location to the Harbour Office have been undertaken and are contained within the report. Costings are also being looked at for the relocation of the service into the adjacent storage facility to the side of the current TIC facility.

Mr Carson then put the following supplementary question: how can you justify the Borough Council talking at half a dozen Whitby people for two hours in January 2016, six months after the request for consultation by Whitby Town Council, and one month after the Cabinet report was deferred, as meaningful consultation?

In reply, the Director, Mr Watson commented that the Borough Council's consultation with Whitby Town Council and local stakeholders had been both appropriate and proportionate, and the views expressed at that meeting had been taken into account in the Cabinet report's recommendations. Councillor Backhouse added that he was disappointed by Mr Freeman's comment that there had been no meaningful discussion at the meeting, since, as Mr Watson, he believed the Cabinet report had reflected local stakeholders' views, including that a manned TIC should remain in Whitby, either in or near the current site.

Ms Sue Boyce – Question - The wording of the motion approved by the Cabinet at their meeting on 16th February was to: "*Approve the marketing of a leasehold interest in the existing TIC/Customer First site in Whitby for a term of less than 25 years...*" What is the justification for including the qualifying clause "*less than 25 years*", other than to exclude the disposal of the premises from the provisions of the Communities Act 2011?

Chairman's response - It is intended that expressions of interest be sought for leases not exceeding 25 years in duration. By limiting the duration of the lease this retains reasonable control of the future use of the buildings by the Council and ensures flexibility for the future regeneration potential of the harbour areas.

Ms Boyce then put the following supplementary question: in that case, since it appears there was no intention to avoid the provisions of the Communities Act, and that was an unfortunate and unintended consequence of your actions, would you please assure us that this will be corrected by the removal of the clause 'less than 25 years' before that decision is ratified?

The Director, Mrs Dixon responded that the matter of whether the Cabinet wished to amend its original decision in light of the scrutiny committee's recommendations, was for Item 5 on this meeting's agenda, Progress of scrutiny of executive decisions.

4. FORWARD PLAN

The Cabinet considered the Forward Plan (Reference 16/78) noting the following amendments:

- (i) Under the Leisure, Tourism and Culture portfolio, the addition of the review of public conveniences report at the June meeting;
- (ii) The deferral of Item 28, Coast Protection Finance Strategy from March to June

In reply to a query, the Chairman confirmed that he would endeavour to ensure that where possible private and confidential items on the Forward Plan would be considered in public, by placing the commercially sensitive information in private and confidential appendices.

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 16 February 2016 in respect of the future provision of Tourist Information / Customer First Services had been called in for scrutiny and was considered at a meeting of the Health and Wellbeing Scrutiny Committee on 8 March. In the absence of the Chair of the Health and Wellbeing Scrutiny Committee, Councillor Jeffels, who unfortunately could not be present at this meeting, the Director, Mrs Dixon read the following statement on his behalf:

'I would like to thank all of the persons who attended the scrutiny committee and contributed to the debate about the provision of tourist information in the Borough.

I would particularly like to thank those members of the public who took the time to attend the meeting and put forward their views with such clarity and conviction.

Cabinet will be aware that the resolution of the committee was that the Cabinet:

- (i) Reconsiders its decision in relation to the Tourist Information Centres in the Borough by marketing the Whitby and Scarborough TIC sites on the basis that part of the current Whitby site should be reserved for use by a manned TIC/Customer First facility, and a manned TIC should be retained in Scarborough;
- (ii) Carries out more widespread consultation throughout the Borough including villages in the North York Moors National Park;
- (iii) Carries out a reassessment of the statistics used in the report to enable a rigorous cost/benefit analysis of the options proposed; and

- (iv) Explores a wider range of creative options which should include encouraging local groups to develop a Community Right to Bid under the Localism Act 2011, with the necessary six month moratorium period to allow such bids to come forward.

This resolution was informed by a variety of views put forward both by members of this Council and members of the public who had registered to speak at that meeting. Key concerns raised were as follows:

1. Other options should have been considered that could be equally cost effective, but would offer a better local, face to face service as in Harrogate and Thirsk.
2. There was a lack of consultation with members and local communities before the officers' report and recommendations were submitted to Cabinet for decision.
3. The decision was based on incomplete information and estimated statistics. The costings did not include all the financial facts that should have been considered
4. No risk assessment was carried out on the possible adverse effects on local attractions and businesses and local tourism economies.

Mr Charles Forgan from the Captain Cook Museum and a representative on the Yorkshire Coast Tourism Advisory Board, pointed out that over the last decade, employment in tourism in Whitby had increased by 40%, well ahead of Scarborough, other seaside towns and England generally. He maintained that a key component of the marketing mix was a welcoming TIC in the best location, and that the rise in internet usage did not replace print nor diminish the demand for the face to face welcome and the provision of information by TICs.

Mr John Freeman, Chair of Whitby and District Tourism Association, was of the opinion that both of the alternative proposals for the Whitby TIC were inadequate, noting the sites were too small, not prominent enough, both had flooded in the recent tidal surge, and that the Harbour Office was in a dangerous location for pedestrians. He felt that the people of Whitby should be given more time to come up with ideas, and that the Cabinet's decision to limit the leasehold interest in the existing TIC site to less than 25 years, precluded the possibility of a Community Asset Transfer.

Ms Sue Boyce, of Whitby Area Development Trust, criticised the scant consideration of benefits in the Cabinet report, other than saving money, and challenged the assertion that the proposals would save £50k per year. Ms Boyce underlined Whitby's key reliance on day visitors (some 3m a year), and that the TIC was essential to serve their needs as a visitor centre, not as an accommodation booking service, since this function had moved to the internet. She acknowledged that the TIC could not continue running in its

present form, and the need for savings, but called on the Council to explore alternative options.

Both Mr Peter Croft and Mr Rob Sim were critical of the lack of consultation and also noted the limited broadband and mobile signal in Staithes.

The Director, Mr Trevor Watson then responded to these concerns, commenting in particular on a constructive meeting with Whitby Town Council and Whitby and District Tourism Association at which the following key points had emerged:

- A recognition that the Borough Council needed to make significant efficiency savings, and that this did not only involve changing the way services were delivered, but also raising revenue from capital assets
- The TIC should rely less on retail (which currently took up 60% of the space) when Whitby already offered an extensive retail offer through its private sector businesses
- The TIC was too large for the needs of the service, and therefore there was an opportunity to lease all or part of the site for alternative uses
- Whitby needed to retain a staffed TIC and this should be in or near the current site

Mr Watson considered that the Cabinet's decision took account of these points. He noted that by seeking expressions of interest, the Council was allowing both current and new uses of the building to come forward. In respect of Scarborough and Filey, the Cabinet's decision was to provide tourist information points in other facilities and upskill other employees to provide visitors with information. Further, the Council had also received widespread support from the local tourism industry to secure and sustain its core destination marketing and tourism bureau service and focus resources on improving digital information provision and driving additional visitors to the area through the development of events and conferences.

Mr Watson understood the concerns about the consultation process, but was satisfied that it had been proportionate by capturing the key stakeholders. He defended the footfall statistics for Whitby TIC in the February report, which had corrected erroneous figures in earlier reports.

I asked the Cabinet Member for Leisure, Tourism and Culture, Councillor Andrew Backhouse to comment on the debate in light of the Cabinet decision. He defended the Cabinet decision; he understood that at the meeting in Whitby, both the Town Council and the local tourism association had spoken on behalf of local interest groups. He had noted the concerns expressed by all present but was still of the opinion that the Cabinet's decision was in the best interests of the Borough.'

Councillor Backhouse then provided a statement in response to the scrutiny committee's recommendation (i):

'We have reconsidered our decision in light of the call-in and the scrutiny committee's deliberations and now respond to each recommendation in turn.

Firstly, let me say that I welcome the debate and input from the scrutiny committee which I was permitted to attend.

In response to the first recommendation of the scrutiny committee, I would like to say that if Cabinet were to reconsider its position in relation to the provision of Tourist Information Centres, I would expect this to encompass the whole of the Borough and not just Whitby and Scarborough and find it disappointing that the Overview and Scrutiny Committee saw fit to exclude the important sister destination of Filey, from its conclusions. I believe that Filey should be treated on an equal footing with its sister resorts of Scarborough and Whitby.

In relation to the suggestion that part of the current Whitby site should be reserved for use by a manned TIC/Customer First facility, the Cabinet resolution of 16 February 2016 allows for the possibility of retaining a TIC facility on the existing site. If this is not feasible the resolution provides that a manned TIC facility will be provided from the Council's Harbour Office or at a disused storage facility, both less than 200 metres away from the existing TIC site. I repeat, a manned TIC facility will be retained in the centre of Whitby less than 200 metres away from the existing site. Provision has also been made for the retention of a Customer First facility in a location with disabled access in the centre of the town.

With regard to the request that a manned TIC should be retained in Scarborough, the report upon which Cabinet made its resolution states that Open Air Theatre Box Office staff will be trained to offer tourist services from the new North Bay facility. Negotiations are ongoing with the RNLI in relation to the provision of an unstaffed point in the new lifeboat house building together with a courtesy phone with a direct link to the Tourism Bureau. This, together with the existing tourist facility at the Stephen Joseph Theatre, the provision of a 24 hour touch screen information kiosk and training of outdoor leisure staff, will actually increase the provision of tourist information in the Borough, and give a more even spread across the most popular tourist areas.

On this basis I would suggest, Members, that there is no reason for this Cabinet to alter the resolution it made in February.'

Councillor Donohue-Moncrieff provided a statement in turn in response to the scrutiny committee's recommendations (ii) and (iii):

'As already alluded to, the Council's consultation has engaged with the key stakeholders across the three resort towns. The consultation brought forward concerns which were considered prior to the conclusion of the Cabinet decision. Indeed, many of these concerns were raised yet again at the scrutiny committee meeting. With no new issues highlighted we would not expect further consultation (including with villages outside the Borough) to bring forward any fresh issues which have not already been through the previous consultations or considered at Cabinet or at the scrutiny committee.

We are of the opinion that these concerns have been listened to and dealt with and that yet further consultation will not add to this process.

In respect of the request to reassess the statistics used in the report, the statistics included in the report to the Cabinet on 16 February are entirely accurate and informed the report's assessment and recommendations. We recognise that the current Whitby TIC is the most used by some margin of the Council's staffed TICs, and therefore that a manned TIC should remain in Whitby either on or near the current site and this is what we propose. However, generally face to face demand is reducing, and the web and new digital service delivery channels are fast becoming the preferred method of contact. This is only expected to grow as residents and visitors have access to improved mobile technology and become increasingly digitally aware. It is imperative that sustainable resources are provided to support the new ways of accessing information. This is not to say that we are diminishing the importance of pamphlets and brochures. But these can be displayed in a wide range of outlets in addition to a staffed, dedicated TIC.'

The Cabinet Member for Finance, Procurement and Legal then provided a financial perspective on the debate in the following statement:

'Councillors are aware of the significant financial pressures facing the Council in coming years and the need to make ongoing savings in excess of £5.5m over the period 2018 – 2020. As a result the Council must inevitably make difficult decisions in relation to service provision, particularly in relation to discretionary services such as Tourist Information Centres.

The review of TIC provision highlights that customer demands have changed in recent years, which in turn has reduced footfall and income across the sites and increased the net running cost of the service. Currently the service costs £141k per annum to run; £31k of which has no base budget provision. To maintain a status quo operating position the Council would therefore need to cut other service costs by £31k and possibly even further if income at the sites continues to deteriorate. In addition the opportunity cost of utilising buildings situated in prime locations across the Borough cannot be ignored in the decision making process.

Although proposals to make reductions in service provision are always difficult to make the following facts pertaining to this decision cannot be ignored:

- The Council will not have to identify £31k savings needed to fund the unbudgeted cost of maintaining a status quo operation across the sites;
- The Council is expected to generate rental income of £105k per annum from letting out the sites. This income will be a new source of funding for the Council and can be used to support the costs of future service provision;
- The proposal will direct £65k of base budget funding towards the sustainability of the Destination Marketing Service and Welcome to Yorkshire Partnership which is critical in ensuring the ongoing promotion of the Borough and the development of festivals and events,

for which there is no current base budget and which is funded from reserves and through external grant which poses a huge risk.

- The proposal is expected to generate annual savings of around £64k, which will be used to reduce the 2018/19 funding gap of £2.4m.

Given the extent of the Council's funding gap to 2020 it is clear that this is one of the first in many difficult decisions that councillors will be asked to make in the coming years.

This decision allows for the continuation of Destination Marketing using a wide ranging marketing mix including face to face, telephone, digital, print, PR and advertising. I along with Councillor Backhouse see no reason why the Cabinet's original decision should be overturned.'

In conclusion, the Cabinet Member for Harbours, Assets, Coast and Flood Protection, Councillor Cockerill provided a statement in response to the scrutiny committee's recommendation (iv):

'First, I would like to thank Councillor Backhouse who in his response referred to the fact that the scrutiny committee failed to consider the situation in Filey to be of sufficient note to be included in its resolutions. We are often told we are part of one Borough.

The tender process proposed will be open to all who seek to participate. We will actively encourage creative proposals to come forward as this will enhance the tourism offering within our Borough, as this is within all our interests. Rather than being a threat, we see this as an opportunity to be grasped. This tender process will not be driven by price alone, but by a recognition of the importance of the Borough's unique tourism offering from each of the three towns together with the hinterland.

Despite the views of witnesses to the scrutiny committee, I confirm that the proposals in the report accepted by the Cabinet are emphatically about improving and transforming services within the very limited resources we have at our disposal. All our consultees agree that the Council should look to secure and sustain its core destination marketing and tourism bureau service whilst focusing decreasing resources on improving digital information provision and driving additional visitors to the area through the development of events and conferences. Furthermore, the Cabinet's decision is about extending the number of points and outlets which can provide tourist information and literature, whilst challenging the assumption that this can only take place through a staffed and dedicated TIC. In the case of Scarborough, we believe that the face to face welcome which is so important to our stakeholders and visitors, can just as well be delivered at the Open Air Theatre Booking Office in its new, improved location, and the Stephen Joseph Theatre, and through all those who work within the hospitality trade itself, as at a dedicated TIC.

In conclusion, whilst being grateful for the deliberations of the scrutiny committee and the contributions of the various witnesses, and after careful consideration of the scrutiny committee's recommendations and for the reasons I have given, I put to the Cabinet that our original decision is upheld.'

Councillor Cockerill's motion was then seconded, put to the vote, and carried unanimously.

(In accordance with his declaration under Minute 1, Councillor Plant left the meeting during the debate and determination of the above item.)

6. SCHEDULE OF MEETINGS 2016/17

The Cabinet considered a report by the Director (LD) (Reference 16/39) in respect of the Council's Schedule of Meetings 2016/17 taking into account the new scrutiny arrangements approved at full Council. Members asked that the dates of the new Overview and Scrutiny Board be reviewed before the schedule was approved at full Council to ensure optimum efficiency in the working relationship between the Cabinet and the Board, and that the Board sit under the Cabinet in the schedule to reflect its importance. It was also noted that the schedule may undergo further change in light of proposals to be considered by the Audit Committee to merge the Standards and Audit Committees.

RESOLVED that, subject to appropriate revisions, the Cabinet recommends full Council to adopt the Schedule of Meetings for 2016/17 as set out in Appendix A to the report.

Reasons

Approval of the Schedule of Meetings will ensure that Council business is conducted efficiently.

7. PERFORMANCE MANAGEMENT FRAMEWORK - QUARTER 3 REPORT 2015/16

The Cabinet considered a report by the Director (LD) (Reference 16/71) in respect of the Council's performance for a rolling 12 month period to the end of December 2015. In relation to paragraph 4.6 and Choices4Energy, Members welcomed that the service had now been transferred to the Home Improvement Agency, and its new focus which meant that footfall was no longer an appropriate PI. In respect of sickness absence levels, the Corporate Performance Officer reported that affected services were working closely with Human Resources to address higher levels, and undertook to include details of long term sickness absence in future reports. It was also noted that in the section of the report on Critical Success Factors, it should state that the appropriate CSFs were unlikely to be completed within current target times.

RESOLVED that the Cabinet note the contents of this report and in particular the good/satisfactory levels of performance being achieved by services at the current time and consequently not to refer any areas of performance to Overview and Scrutiny at the current time.

Reasons

To provide information relating to Council performance for a rolling 12 month period to the end of the third quarter of 2015/16, including monitoring of Performance Indicators, and Critical Success Factors.

To ensure that the Council's Corporate Service and Business planning processes are effective.

In accordance with Government guidelines, details on the performance of the Council and its services must be made available through as many mechanisms as possible.

8. 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 item of business on the grounds that it involves 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).

9. SANDS DEVELOPMENT - CONSTRUCTION OF A PUBLIC HOUSE/RESTAURANT

The Cabinet considered a report by the Director (NE) (Reference 16/80) in respect of the construction of a public house / restaurant on the Sands Development.

RESOLVED that the Cabinet:

1. Approve entry into a Supplemental Agreement and Lease with Benchmark Leisure Limited and Benchmark Properties Limited to facilitate the construction of a public house / restaurant by Marston's Inns and Taverns on land adjoining Burniston Road Car Park on terms principally contained within this report.
2. Subject to 1 above, delegate authority to the Director (NE) in consultation with the relevant portfolio holders to agree terms and enter into an agreement with Benchmark Leisure Limited relating to the operation of Burniston Road Car Park in conjunction with the Water Park Car Park once the works to the public house / restaurant and car park have been completed.

Reasons

To provide the necessary authorisations to enable the Council and the developer to move forward with the Sands Development, in particular the construction of the public house / restaurant phase.

Chairman