

CABINET

At a meeting held on Tuesday, 18 October 2016

Present:-

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

1. DECLARATIONS OF INTEREST

No declarations of interest were received.

2. MINUTES

RESOLVED that the minutes of the meeting held on 13 September 2016 be approved as a correct record and signed by the Chairman.

3. PUBLIC QUESTION TIME

The Chairman reported that no public questions had been received.

4. FORWARD PLAN

The Cabinet considered the Forward Plan (Reference 16/234). In relation to Item 12, Street Trading Policy, the Portfolio Holder, Councillor Plant requested the Director, Mrs Dixon to ask the Overview and Scrutiny Board to clarify at their next meeting whether they would be commissioning a task group to look at street trading as he was conscious that a great deal of work was currently being undertaken by officers on this issue and important reports would be coming forward for decisions by Members in the New Year.

RESOLVED that the Forward Plan be approved.

5. PROGRESS OF SCRUTINY OF EXECUTIVE DECISIONS

Members were advised that there had been no call-ins of executive decisions since the last meeting on 13 September.

6. REVISIONS TO THE CONSTITUTION

The Cabinet considered a report by the Director (LD) (Reference 16/222) in respect of revisions to the Constitution resulting from changes to the governance and management of the Council and increased financial thresholds for the sale and lease of land and property.

RESOLVED that the Cabinet recommends that the Council:

i. notes the amendments to the Constitution resulting from:

- the introduction of the new overview and scrutiny model
- the disbandment of the area committees
- the establishment of the Ports Development Group
- the adoption of the new Corporate Plan
- the reallocation of management responsibilities following the deletion of the post of Deputy Chief Executive; and

- ii. approves the amendments to the Constitution resulting from the increase in financial thresholds for the sale and lease of Council land and property

Reasons

- To clarify for Members the extent of revisions to the Constitution resulting from changes in the governance and management of the Council
- To bring the financial thresholds for the sale and lease of land and property to more realistic levels so to avoid unnecessary bureaucracy and improve the Council's efficiency

7. BETTER CARE FUNDING ALLOCATION AND CHANGES TO DISABLED FACILITIES GRANT POLICY

The Cabinet considered a report by the Director (TW) (Reference 16/86) in respect of the Better Care funding allocation and changes to the Disabled Facilities Grants Policy. The Portfolio Holder, Councillor Chatt thanked the Borough's two MPs and Councillor Mallory for their interventions to secure this capital funding allocation for 2016/17. Members were advised that it would be a challenge to ensure all the allocation – an increase on previous years – was allocated fully within timescales because of the delay, but the increased monies had been awarded to the Home Improvement Agency to increase its range of tasks to better meet local health, social care and housing priorities. Changes to the Disabled Facilities Grants Policy were proposed to reduce red tape, to respond to need more quickly and efficiently, and to provide sufficient resources to enable the HIA to take on this additional work. The Housing Manager assured Members that every effort would be made to use all this year's allocation for the benefit of residents of the Borough, including by re-adjusting the agency's working practices.

RESOLVED that the Cabinet recommends that full Council:

- i Approves the receipt of £1.145M capital funding from the Better Care Fund for the provision of Disabled Facilities Grants (DFGs) and note the level of increase on previous allocations.
- ii Approves a number of changes to the Councils DFG Policy. These are:
 - a) The removal of means tested contributions from clients for all applications where the value of works is less than £5000.
 - b) The removal of all means tested contributions for 'emergency adaptations'.
 - c) The provision of discretionary assistance as part of a DFG application on the terms and conditions highlighted within this report.
 - d) The provision of assistance to help with relocation costs for disabled households where current homes are impractical to adapt.
 - e) The use of private occupational health therapists where NYCC in their role as social services authority are unable to respond to requests for assistance and undertake assessments within a reasonable time period.

- iii Approves an increase of fees levied against capital works undertaken by the White Rose Home Improvement Agency from 12.5% to 15%.

Reasons

To make amendments to the Disabled Facilities Grants Policy following its increased funding allocation to operate more efficiently and better meet a range of shared strategic objectives.

8. INTRODUCTION OF A PUBLIC SPACE PROTECTION ORDER FOR SCARBOROUGH

The Cabinet considered a report by the Director (TW) in respect of the proposed introduction of a Public Space Protection Order (PSPO) in certain areas of Scarborough. Members were advised that in addition to the areas in the report, the proposed PSPO would also cover part of the Stepney ward. The PSPO enabled the Council and partner agencies to deal with different types of anti-social behaviour in a clearer, more effective and streamlined way. The areas had been selected because they were affected by such issues as street drinking, urinating, begging and rough sleeping. Cognisant of Police resource limitations, the Customers, Communities and Partnerships Manager confirmed that extending the enforcement role to certain Council staff would also be explored in due course. Local ward Councillor, Dilys Cluer raised general concerns about the potential breadth and severity of PSPOs which she would highlight through the consultation.

RESOLVED that the Cabinet approve that:

- i officers undertake an 8 week consultation period with local residents and stakeholders in relation to the proposed introduction of a Public Space Protection Order (PSPO) for the areas of Castle, North Bay, South Cliff, Ramshill, Weaponness, Northstead and Central identified on the map attached as Appendix One.
- ii Subject to consultation, the level of the fixed penalty notice be proposed as £100, which would be reduced to £75 if paid within 14 days.
- iii Following the period of consultation the decision as to whether to introduce the PSPO and the level of the fixed penalty notice be delegated to the Portfolio Holder for Democracy, Neighbourhoods, Stronger and Safer Communities, taking into account the outcome of the consultation with local residents and stakeholders and also consultation with the relevant ward Members.
- iv If a decision is taken to introduce a PSPO following consultation, that further work is undertaken to consider the range of staff within the Council for whom it may be appropriate to have designated powers to enforce the PSPO and issue fixed penalty notices.

Reasons

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

9. EASTSIDE COMMUNITY AND OPEN SPACE PROGRAMME (EASTSIDE PARK)

The Cabinet considered a report by the Director (TW) (Reference 16/236) in respect of the development of the Eastside Park scheme. Members welcomed this report which sought to progress a scheme which enjoyed a high level of community support and engagement. It was noted that in recommendation (i) the total value of the improvement works in the park should read £253,000. Members were reminded that the Council had already agreed in principle approval for the use of capital receipt monies and s.106 from Eskdale Park to support the delivery of the Eastside Community and Open Space programme, subject to further approvals and permissions as schemes developed.

RESOLVED that the Cabinet:

- i) Approve the undertaking of improvement works to Eastside Park to a total value of £253,000, including a provision for maintenance for a 10 year period of £1500 per year.
- ii) Accept funding of £5000 from Yorkshire Coast Homes as a contribution towards the scheme.
- iii) Authorise Groundwork to project manage the Eastside Park scheme, under the terms and conditions of the existing agreement for the delivery of projects (approved November 2015)
- iv) Approve an additional £15,500 of capital receipt funding to the Eastside Park project. This can be accommodated within the overall capital receipt allocation for the Eastside Green Spaces Programme, as a previously identified phase two project is no longer proceeding

Reasons

To enable improvements to community and open spaces within the Eastside of Whitby to be progressed.

10. WHITBY PIERS COAST PROTECTION - APPOINTMENT OF CONTRACTOR

The Cabinet considered a report by the Chief Executive (Reference 16/231) in respect of the appointment of a contractor for the early contractor involvement stage of the Whitby Piers Coast Protection Works. Members welcomed this report on a very important and sensitive issue for Whitby, and the decision to discuss it in public. The Portfolio Holder, Councillor Cockerill pledged to continue his efforts to counter any misinformation about the project.

RESOLVED that the Cabinet:

- i) Accept an offer from the Environment Agency to provide a further £62,000 of grant aid, and approve the increase of the budget for the early contractor involvement stage to £357,000; Note that no further financial contribution is required from the Council at this stage;
- ii) Approve that following an EU tender process, Balfour Beatty Civil Engineering Limited be selected as the Preferred Bidder for the early contractor involvement stage of Whitby Piers Coast Protection Works;
- iii) Delegate authority to the Portfolio Holder for Harbours, Assets, Coast and Flood Protection to approve the final terms of all relevant agreements with

Balfour Beatty Civil Engineering Limited for the early contractor involvement stage of Whitby Piers Coast Protection Works (subject to resolution of outstanding issues to the satisfaction of the Section 151 Officer and Monitoring Officer) and authorise entry by the Council into the relevant agreements

Reasons

To manage the risks to people and the developed, natural and historic environments from sea flooding, coastal erosion and coastal instability over the next 100 years.

In order to identify the programme of necessary works for essential upgrading of Whitby Harbour Piers.

To comply with Defra and the Environment Agency best practice on coastal management, including taking into account contemporary guidance, studies and monitoring data.

Chairman