

## **CABINET**

At a meeting held on Tuesday, 15 November 2016

Present:-

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

### **1. DECLARATIONS OF INTEREST**

No declarations of interest were received.

### **2. MINUTES**

**RESOLVED** that the minutes of the meeting held on 18 October 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 16/252). With the permission of the Chairman, Councillor Cluer addressed the meeting making a plea for Item 2, Futurist Redevelopment and Item 25, Dean Road / Manor Road Depots both to be held in public session. In response, it was confirmed that every effort would be made for the reports to be considered in public session. However there may be a need for sensitive commercial and legal information to be kept confidential. It was also noted that the title of Councillor Cockerill's portfolio required updating.

**RESOLVED** that, subject to the above amendments, 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 18 October.

### **6. DESIGNATION OF A NEIGHBOURHOOD PLAN AREA FOR FILEY PARISH AND FUTURE REPORTING OF SUCH REQUESTS**

The Cabinet considered a report by the Director (TW) (Reference 16/242) in respect of Filey Town Council's request to designate Filey Parish as a Neighbourhood Development Plan Area, and proposed amendments to the Scheme of Delegation following new neighbourhood planning regulations. It was pointed out that the new regulations applied to designations corresponding to parish boundaries, and not Borough Council ward boundaries.

**RESOLVED** that the Council be recommended to:

- (i) note the application submitted by Filey Town Council for a neighbourhood development plan area covering Filey Parish and its subsequent approval.

- (ii) amend the Scheme of Delegation to delegate authority to the Planning Services Manager and Forward Planning Manager in consultation with the relevant Portfolio Holder to designate a neighbourhood area only where it is proposed by a Parish Council and follows the parish boundary.

### **Reasons**

Filey Town Council has applied for the designation of Filey 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 Town Council and could, amongst other things, set out planning policies for Filey Parish.

Under the Neighbourhood Planning Regulations (The Neighbourhood Planning (General) Regulations 2012), the Local Planning Authority was obliged to publicise the application as soon as possible after receipt, to those living, working and doing business in the Parish. Furthermore, the application had to be determined within 8 weeks of being first publicised.

On 1<sup>st</sup> October 2016, new regulations ("The Neighbourhood Planning (General) and Development Procedure (Amendment) Regulations 2016") came into force. This amended previous Regulations and stated that in cases where a parish council applies for designation of the whole of their parish as a neighbourhood area, then the LPA must exercise their powers to designate the specified area as a neighbourhood area. In such a case, the previous 8 week time period, with 4 weeks of publicity, no longer applies.

Filey Town Council's application was received on 7 October 2016, covering the whole of their area and, in line with the amended Regulations, and has been informed that the neighbourhood area is designated and that this will be reported to Cabinet.

The amendment to the Scheme of Delegation is proposed to both reflect the latest changes to the Neighbourhood Planning Regulations (referred to above) and to enable the designation of a neighbourhood area to be signed or approved in the appropriate timeframe thereby allowing quicker production of neighbourhood development plans.

## **7. MOTOR EVENTS ON OLIVER'S MOUNT**

The Cabinet considered a report by the Director (TW) (Reference 16/259) in respect of a proposed extension to the number of race days on Oliver's Mount following a one year trial. With the permission of the Chairman, Mr Scott Beaumont, Marketing Director of the Auto 66 Club addressed the meeting, alluding to the great success of this year's season which had seen a growth in visitor numbers and TV coverage, and the implementation of mitigation measures by the Club to meet the concerns of local residents including improved traffic management and communications. The report demonstrated that the majority of residents backed Auto 66 Club's plans. The Portfolio Holder for Leisure, Tourism, and Culture, Councillor Jenkinson commended Mr Beaumont's enthusiasm and commitment, and Auto 66 Club's

achievements during the one year trial. Councillor Jenkinson proceeded to move the recommendations in the report for the period 2017-2023 with the proviso that the policy amendment be revoked should problems arise as a consequence of the extra race days granted. The Director, Mr Watson then made a point of clarification concerning paragraph 4.13 of the report which wrongly attributed comments to Mr David Auton of South Cliff Community Group. Mr Watson apologised to Mr Auton for the error. The comments were in fact from an individual representing a number of other local residents. Councillors had now received a copy of South Cliff Community Group's comments which were generally supportive of Auto 66 Club's programme and which raised issues covered in the officer report. Mr Watson therefore believed that the omission of SCCG's particular comments in the report did not affect the report's recommendations. Mr Beaumont confirmed that Auto 66 Club was happy to meet with residents and community groups to discuss their concerns and issues. Other Cabinet Members spoke highly of Auto 66 Club's professionalism and the importance of the Oliver's Mount events to the visitor economy. With the permission of the Chairman, Councillor Vesey addressed the meeting, requesting that Auto 66 Club assess the environmental impact of the race events with a view to offsetting the CO2 used, and consider working with Scarborough Athletic to prevent races clashing with match days and so minimise traffic congestion. In reply, Mr Beaumont confirmed that the Auto 66 Club had no influence over FA fixtures, but should a race coincide with a match day, then they would work with the football club to alleviate any traffic issues. Similarly, the Club was willing to work with the Council and other bodies to investigate and implement carbon offsetting measures.

**RESOLVED** that the Cabinet, following the one year trial, approve the request from Auto 66 to extend the number of days for Motor Events on Oliver's Mount until 2023, as detailed in section 5.5 of this report, with the additional clause (f) 'with the ability for these additional days to be revoked if there is failure to comply with the terms of the licence, or if there is substantial cause for concern raised by residents which cannot be resolved by Auto 66 to the reasonable satisfaction of the Council.'

### **Reasons**

To ensure the sustainability of Motor Racing at Oliver's Mount.

## **8. ANNUAL REVIEW OF THE LIVING WAGE**

The Cabinet considered a report by the Chief Executive (Reference 16/230) which reviewed the Council's Living Wage pay supplement. Members were reminded of the background to the Council's payment of the Living Wage supplement and that at the last review in 2015, the Cabinet agreed to maintain the supplement at the existing rate of £7.65 per hour. This had been for reasons of affordability, the potential impact on pay differentials and the ongoing national pay debate in local government arising from the introduction of the National Living Wage. Since then, the National Employers had agreed with the Trade Unions a final two-year pay offer for 2016/17 and 2017/18 of 1% each year, in addition to increasing the bottom pay points to take account of the National Living Wage introduced in April 2016. The report before Members now recommended that the Living Wage pay supplement be

increased to £7.85 per hour for similar reasons cited in the previous review but including the impact of the two-year pay award, comparisons with other councils in the region, and the additional benefits the Council provided to employees. The proposed increase would affect 47 employees and would generate an additional cost to the authority of approximately £11,925 pa. The Portfolio Holder, Councillor Backhouse commended the robust and balanced stance in the report which had enjoyed support at the Employee Joint Consultative Committee meeting held the previous week.

**RESOLVED** that the Cabinet approve the continuation of the payment of the Living Wage pay supplement and increase the rate to £7.85 per hour noting the issues raised in the report.

### **Reasons**

This report provides an update on the implementation of the UK Living Wage and invites Members to consider a number of issues as part of the annual review that is required to be undertaken in relation to the continued payment of the UK Living Wage and the payment of the increased hourly rate.

## **9. TREE AND WOODLAND STRATEGY**

The Cabinet considered a report by the Director (NE) (Reference 16/251) which presented a new Tree and Woodland Strategy for approval. Members were advised that in light of best practice and a lead from central government, the strategy sought to establish a clear, practical, sustainable and risk-based approach to dealing with tree issues, whilst ensuring public safety and preventing trees being felled unnecessarily. The strategy enshrined principles rather than prescribed measures and followed close collaboration with the National Park Authority and the County Council and a public consultation exercise. The Portfolio Holder, Councillor Jenkinson commended a clear, informative report which corrected a number of myths about trees. Members then discussed the report and asked questions. The Operations, Transport and Countryside Manager, Mr Thompson undertook to provide details to Members of responsibilities in respect of the tree stock in Raincliffe Woods following the Community Asset Transfer. Members highlighted the role of the Highway Authority, the County Council in respect of street trees, and the Chair of the Sustainability Working Group, Councillor Cluer welcomed the strategy and hoped county councillors would read it. Mr Thompson also confirmed the Council's commitment to the Cinder Track, a linear park with many trees, as part of the ongoing regeneration of the Borough.

**RESOLVED** that the Cabinet approve the adoption of a new Tree and Woodland Strategy for the period 2016-2030.

### **Reasons**

To ensure that the Council has adequate plans in place to manage trees and woodlands within the Borough, in line with residents' views.

## **10. GREEN WASTE**

The Cabinet considered a report by the Director (NE) (Reference 16/255) which proposed revisions to the green waste collection scheme for 2017. Introducing the report, the Portfolio Holder, Councillor Chatt, welcomed the Overview and Scrutiny Board's input into the review of the 2016 scheme, and

proposed that the Board be involved in future reviews. Councillor Chatt commended the report and the scheme which had attracted over 17,000 subscribers, significantly more than expected. Members were further informed that the scheme had not led to an increase in fly-tipping of green waste, nor an increase in household waste diverted to landfill. In respect of unused sacks, the Operations, Transport and Countryside Manager, Mr Thompson confirmed that there would be a grace period for residents to use up this year's sacks after the restart of the scheme next year, and this use could continue provided residents subscribed to the 2017 scheme. Otherwise, refunds would be provided for multiples of ten sacks returned.

**RESOLVED** that the Cabinet:

- (i) Approve a revised pricing structure for garden waste collections from 1 March 2017 on a voluntary subscription basis with:
  - a) an annual charge of £25 per licensed bin or £25 per property for a sack collection;
  - b) a £15 administration charge for a new brown bin if required
  - c) a £15 charge for seven rolls of 10 sacks if required
- (ii) Delegate the responsibility to set prices in future years to the relevant Director in conjunction with the relevant Cabinet Portfolio Holder following consultation with the Overview and Scrutiny Board.

### **Reasons**

Garden waste collection is a non-statutory service. To protect the service and ensure its continued provision, the recommendations propose a revised subscription (opt-in) charge for 2017 to offset the cost of providing the service.

## **11. FINANCIAL MONITORING TO SEPTEMBER 2016 (2ND PERIOD)**

The Cabinet considered a report by the Director (NE) (Reference 16/249) which outlined the Council's financial performance at the end of Quarter 2. The Director reported encouraging performance in relation to both revenue and capital budgets, that a small surplus was likely to be achieved by the end of the year, and the projected £270k draw from the General Fund would not be required.

**RESOLVED** that the Cabinet:

- i) Note the report and in particular that:
  - Despite the setting of an extremely challenging budget a year end surplus looks likely to be achieved.
  - The majority of income targets are being achieved.
  - The majority of savings identified as part of the 2016/17 budget setting process are being achieved but there are some exceptions which still require addressing.
  - The £270k draw from the General Fund outlined within the Financial Strategy will not be required this year.
  - The capital programme continues to operate within the overall parameters set in terms of contingency levels.
  - The Capital Development Reserve is fully committed to progress schemes such as the Leisure Village

- ii. Accept the following grants:
- £11,000 from Durham University for the upgrade of the electricity supply to Whitby East Pier
  - £62,000 from the Environment Agency as additional funding towards the Whitby Harbour Piers Coast Protection Scheme.
  - £45,738 from various sources towards funding the Community Safety team.

**Reasons**

To provide information relating to the Council's financial performance for the 2016/17 year.

**12. RUNSWICK BAY COASTAL PROTECTION SCHEME**

The Cabinet considered a report by the Chief Executive (Reference 16/250) in respect of the Runswick Bay Coastal Protection Scheme. The Portfolio Holder, Councillor Cockerill commended the report and this scheme which was 100% funded by the Environment Agency and the Runswick Bay Homeowners' Association.

**RESOLVED** that the Cabinet:

- (i) Approve the appointment of ESH as the stage 1 scheme designer and stage 2 build contractor for the Runswick Bay coastal protection works, who have been selected through a competitive tendering exercise via the YorCivils Framework.
- (ii) Delegate authority to the Project Leadership, Harbours Coast & Flood Protection Portfolio Holder to instruct the commencement of the stage 2 construction, and the final programme for the works, following satisfactory completion of stage 1 by ESH.

**Reasons**

ESH have been assessed and recommended as the contractor based on a combined assessment of price and quality which resulted in them scoring 90.4% out of 100%.

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

**Chairman**