

CABINET

At a meeting held on Tuesday, 14th March, 2017

Present:-

Councillor D J Bastiman (Chairman) in the Chair;
Councillors J Nock, Mrs S Turner, 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 14 February 2017 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 17/64). In respect of Councillor Mallory's portfolio and the Council's budget and Financial Strategy approved the previous week, Councillor Mallory echoed Councillor Chatt's disappointment at the poor representation at the Council meeting of Filey councillors and the political group to which they belonged, given the importance of this Financial Strategy. Councillor Mallory confirmed that since 2011, £35m had been invested in the Council's capital programme, and despite protestations to the contrary, the largest spend per head of the population had been in the Whitby area. She maintained that the Council's resources were not unfairly weighted towards Scarborough, but were directed to the areas that would benefit the Borough and residents as a whole, not to specific locations. Councillor Mallory undertook to provide further details of this spend by area to the Cabinet. In respect of his Tourism and Culture portfolio, Councillor Jenkinson was pleased to report that new signs were being rolled out in Whitby, as had been done in Filey. There were similar plans for new signs in Scarborough. In response to comments made at the Council meeting on 10 March about the authority's adoption of the Living Wage, Councillor Jenkinson confirmed that last November, the Cabinet had approved that the Council continue to pay the Living Wage Supplement and increase the rate to £7.85 per hour. This remained above the National Living Wage set by the Government in April 2016 at £7.20 per hour for employees aged 25 and over which was set to rise to £7.50 per hour in April this year. The payment of the LWS should also be viewed in the context of the other benefits the Council provided to its employees such as a generous pension scheme, sick pay and holiday entitlement. With the permission of the Chairman, Councillor Cluer addressed the meeting to clarify that her remarks at the Council meeting were in connection with the Living Wage as set by the Living Wage Foundation which was currently £8.45 per hour. In respect of his Strategic Transport, Transport Services and ICT portfolio, Councillor Nock

commented that in May the new General Data Protection Regulation would be replacing the provisions of the Data Protection Act 1998. This change would be the subject of a report to the Cabinet. In relation to Item 19, the Community Led Local Development Programme, the Portfolio Holder, Councillor Turner undertook to check how widely affected town councils and ward councillors had engaged with the programme through the Local Action Group amidst concerns that some of these stakeholders had not accepted the invitation to attend meetings. With regard to Item 22 on the Forward Plan, Dean Road/Manor Road Depots, the Portfolio Holder, Councillor Cockerill shared other Cabinet Members' frustration at the slow progress of this scrutiny review. This criticism was extended to the scrutiny function in general, that despite some good pieces of work, for example, on changes to the green waste collection scheme, was failing to engage properly with the Cabinet Forward Plan, and to undertake enough pre-decision scrutiny and policy development work. Their comments would be reported back to the Chair of the Overview and Scrutiny Board.

RESOLVED that, subject to the above, 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 14 February.

6. STREET TRADING - RESOLUTION TO DESIGNATE STREETS AS 'CONSENT STREETS' UNDER SCHEDULE 4 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

The Cabinet considered a report by the Director (LD) (Reference 17/63) in respect of the designation of all streets within the Borough as 'consent streets' to provide a clear and consistent framework to regulate and authorise street trading. Members were further advised that the new designation would come into effect at the same time as the new Street Trading Policy and enforcement regime which supported it.

RESOLVED that:

- i) the designations of all streets within the Borough of Scarborough be changed from their existing designation as at the date of this resolution, to the designation of consent street, under the terms of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 ('the 1982 Act');
- ii) for the avoidance of doubt, where streets in the Borough of Scarborough have not previously been designated under the 1982 Act they shall by this resolution be designated as consent streets;
- iii) the changes in designation of the said streets shall take effect on 9th May 2017; and
- iv) the action plan outlined at para 7 of this report be approved.

Reasons

To ensure that the Council has in place a clear legal framework through which to authorise and regulate street trading and to enable it to take robust enforcement action in respect of unauthorised street trading.

7. PUBLIC SPACE PROTECTION ORDER FOR ENVIRONMENTAL OFFENCES

The Cabinet considered a report by the Director (NE) (Reference 17/8) in respect of the introduction of a Public Spaces Protection Order (PSPO) covering the entire Borough specifically in relation to dog ownership and responsibly exercising dogs within the Borough. Members were advised that in accordance with the Anti-Social Behaviour, Crime and Policing Act 2014, the PSPO would replace the current Dog Control Orders which would expire in October 2017. In reply to a Member's question, the Recycling Officer, Mr Briggs confirmed that the maximum Fixed Penalty Notice which could be imposed was £100 for a PSPO offence. It was felt that this should be reserved for the more serious offence of dog fouling, whilst the lesser offences of dogs entering exclusion zones or not being on the lead when required should be punishable by an FPN of £75, although this proposal was subject to public consultation. With the permission of the Chairman, Councillor Vesey addressed the meeting by communicating the concerns of members of the Friends of South Cliff Gardens that owners be required to keep their dogs on a lead throughout all of this area. Mr Briggs was aware of these concerns, noting that as currently proposed, only the formal areas of South Cliff Gardens were subject to this restriction. He added that it would be difficult to enforce this restriction over a wider area but he welcomed the public's views on the proposals.

RESOLVED that in accordance with section 72 of the Anti-Social Behaviour, Crime and Policing Act 2014 the Cabinet authorise the commencement of the necessary:

- i. consultation (for a period of 8 weeks from 20 March 2017);
- ii. publicity; and
- iii. notification to;
 - (a) all Parish Councils within the Borough; and
 - (b) the North Yorkshire County Council;

in relation to the draft Public Spaces Protection Order set out at Appendix A of the report.

Reasons

To seek authority to commence consultation, publicity and notification in relation to a Public Spaces Protection Order covering dog ownership and responsibly exercising dogs within the Borough.

8. EXCLUSION OF THE PUBLIC

The Monitoring Officer explained that this motion was on the agenda because of potentially sensitive information in respect of sickness absence levels in Appendix 3 of the following report. However, it had been deemed that this information did not reveal the identity of specific individuals and therefore, along with the rest of the report, could be considered in public session.

9. PERFORMANCE MANAGEMENT FRAMEWORK - QUARTER 3 REPORT 2016/17

The Cabinet considered a report by the Director (LD) (Reference 17/62) in respect of the Council's performance for a rolling 12 month period to the end of December 2016. Councillor Turner applauded the excellent performance in responding to Freedom of Information requests, and, noting the two Customer Services indicators at risk in connection with answering the telephone, she queried whether the Council's transformation programme was placing undue pressure on this service, and whether the some of the savings accrued from the programme could be reinvested in Customer First. The Portfolio Holder for Strategic Planning and Transformation, Councillor Plant commended how much progress the Council's transformation programme had made and undertook to respond to Councillor Turner's query. With reference to sickness absence levels, Councillor Chatt requested that they continue to be closely monitored, in particular in the context of staff reductions and staff acquiring additional responsibilities.

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 refer any areas of performance to the Overview and Scrutiny Board 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 2016/17, including monitoring of Performance Indicators, Critical Success Factors and the Council's Significant Partnerships.

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.

Chairman