

CABINET

At a meeting held on Tuesday, 12 December 2017

Present:-

Councillor D J Bastiman (Chairman) in the Chair;
Councillors W Chatt, M J Cockerill, A Jenkinson, Mrs H F Mallory, J Nock, 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 14 November 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 17/291). One addition to the Forward Plan was noted: an update on the draft budget proposals to the January meeting. In respect of Councillor Chatt's Public Health and Housing portfolio, Councillor Cockerill reported the receipt of a petition about the ongoing problem of dog fouling and asked if Councillor Chatt would accept the petition and look into the matter. In response, Councillor Chatt commended the work of the Council's 2.5 dog wardens, in particular the three recent prosecutions for dog related offences, and undertook to establish if the Council could afford to invest any more in the dog warden service. With the permission of the Chairman, both Councillors Vesey and Randerson raised the issue of bathing water quality in Scarborough's South Bay and pressed for action by the Council to improve quality. Councillor Cockerill and the Chairman responded that councillors had been kept informed of the ongoing efforts of Yorkshire Bathing Water Partnership led by the Environment Agency to identify and address the causes of pollution in the South Bay, and the Overview and Scrutiny Board would receive an update on this issue in the near future. In respect of his Strategic Planning and Transformation Portfolio, Councillor Plant commended the work of planning and audit officers in helping to secure the conviction of a Whitby-based solicitor for planning fraud. The Chairman noted how swiftly the Council had taken action on this matter. In respect of his Tourism and Culture portfolio, Councillor Jenkinson commented how pleased he was with the Open Air Theatre's growing success: to date 13,056 tickets had been sold for next summer's season. In respect of Councillor Nock's Strategic Transport, Transport Services and ICT portfolio, Councillor Chatt sought clarification of the Council's policy for dealing with unreasonable complainants which had received recent media coverage. Councillor Nock confirmed the Council's duty of care towards staff and that a robust policy was in place which entailed that in the event that a complainant was declared unreasonable, then their emails to Council addressees – both

staff and councillors – were redirected to a dedicated mailbox first for assessment. Currently, only a small number of people, 4, had been categorised as unreasonable. The Monitoring Officer and Director, Mrs Dixon provided further details of the procedure including the initial warning, the designation as unreasonable, and the complainant's right of appeal to the Local Government Ombudsman. Staff and councillors would then be notified of the designation. She added that these steps were not taken lightly, but in some instances had followed considerable distress caused to staff. With the permission of the Chairman, Councillor Randerson addressed the meeting, expressing his opposition to the inclusion of councillors' email addresses in the policy, and adding that he was not aware that he had received notification of the identities of any unreasonable complainants.

RESOLVED that, subject to the above addition, 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 November.

6. REVIEW OF THE LIVING WAGE

The Cabinet considered a report by the Chief Executive (Reference 17/268) in respect of the Council's Living Wage pay supplement. Introducing the report, the Portfolio Holder, Councillor Turner, noted that this item was before Members following the motion at full Council in November. However, since the report had been published, the National Employers had made a 2% pay offer to the trade unions and a higher increase for workers on lower salaries, which if accepted, would affect the pay differentials within the Council and the determination of the Living Wage supplement. In light of this, the Chairman proposed that the report be deferred to enable a more substantive report to come back to the Cabinet and Council.

RESOLVED that this item be deferred.

7. REVISIONS TO THE CONSTITUTION

The Cabinet considered a report by the Chief Executive (Reference 17/273) which proposed changes to the Constitution as a result of the new senior management structure and the revised Individual Cabinet Member Delegation Scheme.

RESOLVED that the Council be recommended:

- (i) to note the amendments to the Individual Cabinet Member Delegation Scheme in Schedule 2 of the Constitution as outlined in Appendix B of the report;
- (ii) to note that amendments are required to the Constitution, principally to the Scheme of Delegation to Officers, resulting from changes to the responsibilities of senior management in connection with the creation of the new Director (Commercialisation) position; and
- (iii) to delegate authority to the Monitoring Officer to finalise the detail of these amendments.

Reasons

- To notify Members of the revised Individual Cabinet Member Delegation Scheme
- To clarify for Members the extent of revisions required to the Constitution resulting from changes in the Council's management structure
- To seek authority from Members to finalise the detail of these amendments

8. **DRAFT REVENUE BUDGET 2018/19 TO 2020/21**

The Cabinet considered a report by the Director (NE) (Reference 17/286) in respect of the Council's draft Revenue Budget 2018/19 to 2020/21.

Introducing the report, the Director, Mr Edwards described how this report built on the Council's Efficiency Plan, Medium Term Financial Plan, and the Budget Strategy, now providing more detail of the draft Revenue Budget for 2018/19 and more indicative proposals for the ensuing two years. He emphasised that the budget was still subject to change, for example the impact of the recent 2% national pay offer (higher than anticipated) and the as yet unknown outcome of the 100% Business Rates Pilot application, but he outlined the principal elements as the basis for public consultation. Councillor Plant commended the recent budget briefings held for councillors, and praised the ongoing work of staff in delivering the Council's Budget Strategy and Transformation Programme. Mr Edwards assured the meeting that sufficient flexibility had been built into the budget proposals for 2019/20 and 2020/21, which allowed for further savings to be identified if required.

RESOLVED that the Cabinet:

- (i) endorse the draft revenue 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 £5 Council Tax increase for a Band D property for the 2018/19 year, the 2018/19 savings proposals listed at Appendix A3 and the proposed strategy to address the projected funding gaps to 2021. 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; and
- (ii) agree that officers enter into a period of consultation on the proposals contained within the report.

Reasons

Full Council must approve the 2018/19 budget, and associated Council Tax level at its meeting on 2 March 2018. 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.

The extension of the budget setting period to three years will allow savings to be endorsed by members earlier and provide more time for savings to be identified and delivered.

9. LOCAL GULL POPULATIONS AND PUBLIC NUISANCE PROJECT - EVALUATION OF ACTION PLAN IN 2017 AND PROPOSED ACTION PLAN FOR 2018

The Cabinet considered a report by the Director (LD) (Reference 17/266) in respect of the Local Gull Populations and Public Nuisance Project. Members were reminded that the Herring Gull Disruption and Dispersal Programme this summer had been effective and well-received by the public, reducing the public nuisance caused by gulls. The proposed Action Plan now sought to extend the programme to 2019 through a tendering/procurement process, in addition to a range of other initiatives including developing the project's awareness raising and educational work, for example through outreach activities in schools. Members commended the project, noting the positive feedback they had received from residents. As well as seafront locations in Filey identified in the report for the Disruption and Dispersal Programme, Councillor Cockerill also suggested Crescent Gardens in the town.

RESOLVED that the Cabinet:

- (i) Note the Local Gull Populations and Public Nuisance Project Action Plan for 2017; and
- (ii) Approve the Action plan for 2018.

Reasons

The purpose of this report is to provide feedback on the delivered action plan for 2017 and agree an action plan the Council can take forward into 2018 to continue addressing the ongoing public nuisance issues caused by the local gulls' population.

10. ENFORCING THE MEMORIAL DECORATION POLICY IN THE COUNCIL MANAGED CREMATORIUM AND CEMETERIES - PROPOSED ACTION PLAN

The Cabinet considered a report by the Director (LD) (Reference 17/267) in respect of current issues around the enforcement of the Council's Memorial Decorations Policy in cemeteries managed by the Council, and proposed an Action Plan to address these issues. Introducing the report, the Portfolio Holder, Councillor Chatt described some of the problems caused by breaches of the Memorial Decorations Policy, from overgrown shrubs to unsightly LED lights and plastic flowers. Councillor Chatt recognised the acute sensitivities around this issue, but commended the Action Plan as a means to ensure the Memorial Decorations Policy was sympathetically and consistently enforced for the benefit of all. Although the Action Plan and Policy only applied to Council-managed cemeteries, Councillor Cockerill also suggested that the Borough Council liaise with Filey Town Council which managed the cemetery in Filey under a Model Agreement.

RESOLVED that the Cabinet approve the implementation of an Action Plan to improve/address current issues over enforcement of the Council's policy on memorial decorations at the crematorium and cemeteries it manages.

Reasons

There are issues around effective enforcement of the existing memorial decorations policy, especially with regard to the Woodlands Drive cemetery site in Scarborough.

11. EXCLUSION OF THE PUBLIC

The Chairman noted that the following two reports both included private and confidential appendices which might necessitate moving into private session should Members wish to discuss the sensitive information therein. In the event, both items were considered in public.

12. SALE OF FORMER PUBLIC CONVENIENCES, KHYBER PASS, WHITBY

The Cabinet considered a report by the Director (RB) (Reference 17/256) in respect of the disposal of former public conveniences at Khyber Pass, Whitby.

RESOLVED that the Cabinet:

- (i) note the offers received following the marketing exercise which are detailed within the Private and Confidential Appendix (P&C1);
- (ii) provide final approval for the freehold disposal of the old public convenience building on Khyber Pass, Whitby as shown edged red in Appendix 2 (the Property) to Bidder A subject to obtaining satisfactory planning permission.

Reasons

- To achieve a capital receipt from the disposal and reduce the Council's maintenance liability.
- To obtain final approval for the freehold disposal in accordance with the Council's Constitution
- To provide a regeneration opportunity for this prime sea front site.
- To provide Bidder A with the reassurance needed to progress to the planning stage for the proposed demolition and redevelopment.

13. PERFORMANCE MANAGEMENT FRAMEWORK - QUARTER 2 REPORT 2017/18

The Cabinet considered a report by the Director (LD) (Reference 17/290) in respect of the Council's performance for a rolling 12 month period to the end of September 2017.

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 in particular:

- i The continuing improvement in response times to complaints and Freedom of Information requests; and
- ii The increase in compliments received by the Council in relation to the carrying out of its services.

Reasons

To provide information relating to Council performance for a rolling 12 month period to the end of the second quarter of 2017/18.

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