

## **CABINET**

At a meeting held on Tuesday, 13 March 2018

Present:-

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

### **OPENING REMARKS**

The Portfolio Holder, Councillor Plant, thanked the ICT team for their work over the weekend to remedy significant ICT connection issues. The ICT Delivery Manager, added his thanks to staff across the organisation for their contribution to this work, and to senior management and councillors for their support.

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

The Chairman declared a personal and prejudicial interest in agenda item 6, Financial Monitoring Report 2017/18 - Quarter 3, in her capacity as Chairman of Seamer Parish Council in respect of recommendation (iii) in the report to approve an allocation of £15,330 of Section 106 monies to Seamer Parish Council in order to make improvements to the village green. The Chairman reported that she had been granted a dispensation to take part in the consideration of this item.

#### **2. MINUTES**

**RESOLVED** that the minutes of the meeting held on 13 February 2018 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 18/61). Various matters were raised under the portfolios. In respect of the Council's ongoing efforts to recover the £10k legal costs from Save the Futurist Ltd, the Director, Mrs Dixon, confirmed that in addition to seeking the monies from Save the Futurist Ltd, the Council was looking at alternative ways of recovering the costs, should the company not have sufficient funds. In respect of the Council's enforcement work to tackle dog fouling, the Portfolio Holder, Councillor Chatt commended the Council's robust approach, citing a recent report in the local newspaper about a man fined for letting his dog enter a seasonally restricted area on the beach which exemplified this approach. Councillor Chatt also referred to the latest enforcement information available on the Council's website which he would share with councillors. In respect of several new items under her portfolio, Councillor Turner commented that whilst the Council had statutory obligations to use the press to advertise notices, the Council was looking at alternative options to save money. With the regard to the new Communications Strategy, the Council was looking to

make improvements to reach different sectors of the population more effectively. Councillor Turner cited the youth democracy event on 28 March when schools would be debating in the Council Chamber whether to lower the minimum voting age, and urged local schools to take up the spare place available at this event. In respect of the Council's support for the local shellfish catching sector in Scarborough, the Portfolio Holder, Councillor Cockerill undertook to investigate the possible development of a lobster hatchery which had been considered and rejected some years ago.

**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 February.

## **6. FINANCIAL MONITORING REPORT 2017/18 - QUARTER 3**

The Cabinet considered a report by the Director (NE) (Reference 18/23) in respect of the Council's financial performance at the end of Quarter 3. The Director summarised the key messages in the report, noting that despite severe funding cuts the revenue budget for the year was expected to be achieved with a small projected year end surplus. He also referred to the new five year contract to be negotiated with the County Council for the Borough Council to carry out highway grass cutting, tree works and weed spraying and that a one year supplement of £70k had been allocated in the 2018/19 budget to assist with the delivery of this service to ensure that grass was maintained to a high standard across the Borough despite funding reductions from the County Council. In reply to a request by Members, the Director, Mr Bradley undertook to provide a detailed assessment of the economic impact on the Borough of the forthcoming Tour de Yorkshire event.

**RESOLVED** that the Cabinet:

- i) Note the report and in particular that:
  - Despite the setting of an extremely challenging budget a year end surplus of £24k is currently expected to be achieved;
  - The majority of income targets are being achieved;
  - The majority of savings identified as part of the 2017/18 budget setting process are being achieved but there are a small number of areas that still require addressing (including some perpetual under achieved budgets). These will continue to be monitored.
  - The capital programme continues to operate within the overall parameters set in terms of contingency levels;
- ii) Approve acceptance of the following grants:
  - £6k from Ichoosr towards campaign materials to encourage households to switch to cheaper energy providers.
  - £448k from the Environment Agency to fund coastal protection works at Runswick Bay.
  - £50k of funding from the Governments Land Release Fund in order to assist with the remediation of contaminated land for the development at Dean Road Depot.

- £78k additional funding from the Environment Agency in order to extend the current Scarborough Coastal Risk management Programme by a further two and a half years.
- iii) Approve allocation of £15,330 of Section 106 monies to Seamer Parish Council in order to make improvements to the village green.
  - iv) Note that £206k of the Council's £5m Coastal Protection budget has been committed to carryout essential repairs and maintenance to the Spa Sea Wall.
  - v) Delegate authority to Director (NE) to enter into a 5 year contract with North Yorkshire County Council for the delivery of highway grass cutting, tree works and weed spraying.
  - vi) Approve an increase in the budget for the strengthening of a section of North Wharf from £140k to £159k. These costs will be funded from existing Scarborough Harbour Reserves and;

Provide authorisation to the Director (NE), after consultation with the Portfolio holder for Project Management, Harbours, Coast and Flood Protection, to enter into contract with the preferred Contractor to carry out the works, who has been selected from the Council's approved list and assessed as offering the most economically advantageous competitive tender.

### **Reasons**

To provide information relating to the Council's financial performance for the 2017/18 year.

## **7. UPDATE ON SECTION 106 PLANNING OBLIGATIONS**

The Cabinet considered a report by the Director (RB) (Reference 18/51) providing an update on contributions to infrastructure secured through Section 106 planning obligations since February 2017. Introducing the report, the Portfolio Holder, Councillor Plant noted that circa £3m was currently awaiting expenditure, the majority of which was committed. £5.5m was still to be triggered by developments not yet having reached the appropriate stage. 157 affordable housing units provided was an increase since the last report, although there was a downward trend in the amount of affordable housing secured through new planning permissions. The £1.8m collected from developers marked a significant increase on the last report. In reply to a question, the Senior Planning Officer, Mr Smith commented that it was disappointing that the Highway Authority had not managed to spend the £62,853 from Sainsbury for the proposed cycle/pedestrian improvements to Stainsacre Lane within the required five year period despite repeated reminders from the planning authority. However, the Highway Authority, Sainsbury and the planning authority were still in negotiations about the proposed scheme, although the supermarket was no longer obliged to provide the funding. The Portfolio Holder for Public Health and Housing, Councillor Chatt commended the breadth and detail of the report which illustrated how

much badly needed affordable housing had been created through the Section 106 process. In a reply to a question, Mr Smith assured the meeting that the pause to the development of land east of Muston Road, Filey would not jeopardise the payment of Section 106 monies provided the development proceeded. With the permission of the Chairman, Derwent Valley ward Councillor Heather Phillips addressed the meeting, citing concerns at the lack of consultation with West Ayton parish council in respect of the development of local open space facilities as a result of the Farside Road development. In reply, Mr Smith explained that officers would usually consult with the Council's Sports Development Officer and the local parish council to identify potential schemes to benefit from Section 106 monies as appropriate; however, it was important that the parish council got involved at the earliest opportunity, ideally at the pre-application consultation stage. Parish councils were also statutory consultees through the planning application process. Both Councillor Turner, who was leading work on the Council's communications and the Portfolio Holder, Councillor Plant undertook to examine this example to see how communications could be improved.

**RESOLVED** that the updated information on Section 106 (S106) planning obligations be received and noted.

#### **Reasons**

The monitoring of S106 planning obligations and the reporting of that information to Members is required to ensure that the process is transparent. Continued reporting of this information and the availability of reports on the Council's website enables the process of collecting, allocating and spending of commuted sums to be transparent and the Council more accountable to the electorate.

#### **8. FILEY FLAT CLIFFS URGENT SLOPE STABILISATION SCHEME**

The Cabinet considered a report by the Chief Executive (Reference 18/62) in respect of the Filey Flat Cliffs Urgent Slope Stabilisation Scheme.

**RESOLVED** that the Cabinet appoint Transcore (the Council's Term Maintenance Contractor) to undertake urgent slope stabilisation and drainage works at Filey Flat Cliffs.

#### **Reasons**

- To undertake the maintenance works in a timely manner in line with the urgent status of the scheme to counter the visible signs of movement in the slope.
- To provide reassurance to residents that urgent intervention works are being delivered for the 45 properties currently facing loss of the sole access road.

#### **9. EXCLUSION OF THE PUBLIC**

The Chairman noted that the two remaining reports on the agenda included a private and confidential appendix (for Item 10) and private and confidential content in the main body of the report (for Item 11), 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.

**10. PERFORMANCE MANAGEMENT FRAMEWORK - QUARTER 3 REPORT 2017/18**

The Cabinet considered a report by the Director (LD) (Reference 18/50) in respect of the Council's performance for a rolling 12 month period to the end of the third quarter of 2017/18.

**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:

1. The continuing improvement in response times to complaints and Freedom of Information requests; and
2. 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 third quarter of 2017/18, including monitoring of Performance Indicators, Critical Success Factors, response times to complaints and Freedom of Information requests.

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.

**11. LAND TRANSACTION AT WHITBY BUSINESS PARK**

The Cabinet considered a report by the Chief Executive (Reference 18/62) in respect of a land transaction at Whitby Business Park.

**RESOLVED** that the recommendations in the report be approved which are recorded in the Council's Restricted Minute Book.

**Reasons**

For the reasons given in the report and recorded in the Council's Restricted Minute Book.

**Chairman**