

CABINET

At a meeting held on Tuesday, 17 July 2018

Present:-

Councillor D J Bastiman (Chairman) in the Chair;
Councillors W Chatt, M J Cockerill, Mrs H F Mallory, J Nock, Mrs H Phillips, M Smith
and Mrs S Turner

1. DECLARATIONS OF INTEREST

The Chairman declared a personal interest in agenda item 7, Enhancing Scarborough Construction Skills Village, in his capacity as a member of the York, North Yorkshire and East Riding LEP Infrastructure and Joint Assets Board.

2. MINUTES

RESOLVED that the minutes of the meeting held on 12 June 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. However, he had received a question from Councillor Inman who was unable to attend the meeting to put it to the Chairman. The question and response are set out below:

Q: I note from the last full Council meeting, Councillor Siddons asked about the £120k needed towards the South Cliff Heritage Lottery funded scheme of c. £5m. I note there is no provision in the output return or forward plan. My question is: what is the plan, if any, to raise this £120k? I note this is the same amount deemed saved by the Parks Nursery Task Group.

A: Yes, it states in the Phase 1 bid that £125k would come from voluntary donations and fundraising from the public.

4. FORWARD PLAN

The Cabinet considered the Forward Plan (Reference 18/161). In respect to his Public Health and Housing portfolio, Councillor Chatt made several comments: he reminded the meeting that property owners should also bear some of the responsibility for reducing and cleaning the gull droppings outside their premises made worse through the recent spell of dry weather; he deplored the large amounts of litter dropped on Marine Drive where there were adequate bins; and he noted that the Borough's Public Space Protection Order introduced last year would be subject to a light touch review at the end of the summer. Under his Leisure portfolio, Councillor Smith commented that the Cinder Track Public Enquiry Day organised by the scrutiny task group had been deferred from August to September. At the suggestion of Councillor Turner, he also undertook to add an item reviewing the provision of Park and Ride facilities. Councillor Nock made two amendments to the Forward Plan for his Legal and Governance portfolio: the addition of Performance Management Framework Quarter 1 report 2018/19 for September, and that Item 11 on this meeting's agenda on fuel provision should switch from Public

Health and Housing to his portfolio. Councillor Cockerill reported an additional item under his Major Projects portfolio concerning the Addendum to agenda item 6, Financial Outturn report 2017-18, namely the £120k contribution from Whitby Town Council to the East Pier Footbridge replacement works which by making up the shortfall in funding, would enable this long wished for project to proceed. He welcomed Whitby Town Council's decision which demonstrated their confidence in working with the Borough Council to deliver improvements, as also exemplified by their decision to take over responsibility for the provision of public conveniences in the town. Local ward Member and Portfolio Holder, Councillor Turner and the Chairman, Councillor Bastiman both echoed these sentiments.

RESOLVED that the Forward Plan be approved.

5. PROGRESS OF SCRUTINY OF EXECUTIVE DECISIONS

The Chief Executive reported that the Leisure Portfolio Holder's decision dated 13 June 2018 in respect of the introduction of Residents' Parking Concessions was called in for scrutiny and considered by the O&S Board on 4 July. The O&S Board made two recommendations:

- (i) that the Portfolio Holder reconsiders his decision to enable consultation with the Car Parking Working Group and the O&S Board;
- (ii) the proposal that in future all CPWG matters come to the O&S Board before the Cabinet be referred to the Governance Working Group for consideration.

In response, Councillor Mallory expressed her bafflement at the reasons for the call-in, in particular the democratic nature of the decision, when the decision was to approve the advertising of a Statutory Notice for public consultation with regard to the introduction of residents' parking concessions on the Borough Council's off-street car parks. Councillor Mallory had reported the addition of this item to the Forward Plan in January and then provided a verbal update at the February Cabinet meeting, including that the scheme would be specific to Council-owned car parks for the benefit of residents. It would encourage them to stay longer in car parks 52 weeks a year which would help support local businesses. She supported this decision to consult widely on the proposals, the feedback from which would then be assessed by the Portfolio Holder before a final decision was made. However, Councillor Mallory accepted the O&S Board's second recommendation that the working of the CPWG be referred to the Governance Working Group, since she was concerned at the poor attendance of Members at this and other working groups which were constituted by Members nominated through the political groups and met informally. Other Cabinet Members spoke in support of the original Individual Cabinet Member decision for the same reasons.

RESOLVED that the Cabinet:

- (i) confirm the original Leisure Portfolio Holder decision dated 13 June 2018; and
- (ii) refer the proposal that in future all CPWG matters come to the O&S Board before the Cabinet to the Governance Working Group for consideration, in addition to the broader issue of the working of the CPWG.

6. FINANCIAL OUTTURN REPORT 2017-18

The Cabinet considered a report by the Director (NE) (Reference 18/155) in respect of the Council's final outturn position for 2017/18 in addition to the acceptance of various grants and contributions and related matters. Members were advised of the £10k underspend on last year's revenue budget following commitments to the Tour de Yorkshire and General Fund and of the new capital scheme to replace the East Pier Footbridge outlined in the Addendum to the report made possible by a contribution from Whitby Town Council to make up the funding shortfall. The Chairman commented on his ongoing efforts to lobby ministers to mandate beneficiary utility companies to contribute financially to coastal and flood defence schemes.

RESOLVED that the Cabinet:

- (i) Note the report, and in particular:
 - the £10k underspend on the revenue budget for 2017/18 after committing to following budgets during the year:
 - £150k for 2018 Tour de Yorkshire cycle event
 - £500k transfer to the General Fund which would be utilised to balance the revenue budget for the period 2018 to 2021;
 - the outturn position for capital schemes completed in the period and capital receipts for the 2017/18 year; and
- (ii) Approve the transfer of the £10k year end revenue underspend to a one-off events reserve;
- (iii) Accept the following grants and contributions:
 - £3k from a member of the public towards the purchase of a Sea bin to be used at Scarborough Harbour;
 - £10k from Ministry of Defence (MoD) towards the costs of the 2018 Armed Forces Day Event;
 - £220,219 of Marine Management Organisation (MMO) funding as a contribution to the East Pier Footbridge and Structural works;
 - £120,000 of funding from Whitby Town Council as a contribution to the East Pier Footbridge and Structural works and provide delegated authority to Director (NE), in consultation with the Portfolio Holder for Major Projects, to agree the payment profile of the funding.
- (iv) Approve the allocation of £1,870 Section 106 monies to the Friends of Oriel Cricket and Recreation Ground to undertake remediation works to sections of the boundary wall and removal of two trees.
- (v) Approve the revised Prudential Indicators for Capital Expenditure noting that the Operational and Authorised Boundary (borrowing) limits remain unchanged from those approved by Full Council in May 2018 (18/87).
- (vi) Delegate authority to the Portfolio Holder for Major Projects in consultation with the Director (NE) to approve and enter into a Design and Build NEC3 Engineering and Construction Short Contract with Lochshell Engineering Ltd to undertake the East Pier Footbridge works

and to approve that this project is managed as one of the Council's Coast Protection capital schemes.

Reasons

To update members on the final outturn position for 2017/18 and approve the acceptance of grants and use of funds in line with the requirements of the Council's constitution.

7. ENHANCING SCARBOROUGH CONSTRUCTION SKILLS VILLAGE

The Cabinet considered a report by the Director (RB) (Reference 18/159) in respect of the expansion of Scarborough Construction Skills Village. The Chairman and other Members of the Cabinet commended the ongoing development of this project and the benefits it brought to the Borough, noting how impressed they were with the commitment of all involved on a recent site visit. However, they deplored the recent theft of tools from the site, and in reply to a request from ward Councillor Randerson, the Chairman confirmed that the Council, partners on York, North Yorkshire, York and East Riding LEP, and Northern Regeneration CIC were in discussions about funding replacement tools. On a separate matter, the Chairman shared Councillor Randerson's frustration that a new housing development on Middle Deepdale had been named 'Cayton Reach' when it was clearly in Eastfield, and asked the Portfolio Holder for Public Health and Housing, Councillor Chatt, to raise the matter of the names of housing developments reflecting community identities at the York, North Yorkshire and East Riding Housing Board.

RESOLVED that the Cabinet:

- (i) Approve the acceptance of grant funding from Advantage Coast CLLD and from York, North Yorkshire and East Riding Local Enterprise Partnership (YNYER LEP) totalling £400,000, to enable the expansion of the existing Scarborough Construction Skills Village (SCSV) site and to renovate the former High Eastfield Farm House, Eastfield as a Construction Business Centre, subject to the conditions set by the said funding bodies.

- (ii) Delegate authority to the Director (RB), in consultation with the Portfolio Holder for Corporate Investment, to agree terms and enter into a 10 year lease for the Eastfield Farm House and associated outbuildings with Northern Regeneration CIC.

Reasons

- The grant funding will enable the enhancement of activities delivered at the Construction Skills village. It will increase the capacity for local

engagement of learners and help tackle skills shortage issues in the construction industry locally.

- The grant funding will also enable the creation of a Construction Business Centre within the former High Eastfield Farm House and will support the creation of additional skills training in curriculum areas that cannot be delivered at the main Skills Village site e.g. scaffolding
- Once completed the Construction Business Centre will support local construction businesses with a range of packages to help develop their businesses and encourage micro and small businesses to become part of the supply chain for larger organisations

8. COMMUNITY HOUSING FUNDING FOR DEVELOPMENT OF COMMUNITY-LED HOUSING BY ST HILDA'S ALMSHOUSES TRUST

The Cabinet considered a report by the Director (NE) (Reference 18/154) in respect of a community-led housing development in Hinderwell. Members were advised that this was the first scheme to come forward for funding approval from the new Community Housing Fund. Members welcomed the report and noted that its recommendation should be amended to 'grant funding of **up to** £60,000' and that the final amount should be agreed in consultation with the Portfolio Holder, Councillor Chatt. In the reply to questions, the Housing Strategy and Development Officer advised that should the final cost of the scheme exceed the budget, then the developer, St Hilda's Almshouses Trust, had access to funds to make up the shortfall, although detailed feasibility work had been undertaken and there was a contingency built into the scheme's budget. In respect of liaison with parish and town councils about the Community Housing Fund, Members were informed that prior to the establishment of the CHF in 2016, consultants had undertaken initial research contacting every parish/town council in the sub-region. Further, the Council had held an awareness raising event in Whitby earlier this year with the support of consultants to which all parish/town councils were invited. Members requested that all parish/town councils be approached again about the CHF, using this scheme as an example of what could be achieved through the programme.

RESOLVED that the Cabinet approve grant funding of up to £60,000 (the final amount to be agreed in consultation with the Portfolio Holder for Public Health and Housing) from the Community Housing Fund to St Hilda's Almshouses Trust in Hinderwell for the development of two units of community-led housing.

Reasons

To enable the development of two new units of community-led housing.

9. REVIEW OF ROUGH SLEEPING IN SCARBOROUGH BOROUGH (OVERVIEW AND SCRUTINY BOARD)

The Cabinet considered a report by the Director (LD) (Reference 18/158) which presented the findings and recommendations of a scrutiny review of rough sleeping in Scarborough Borough. The Portfolio Holder for Public Health and Housing, Councillor Chatt commended the thoroughness of this review which demonstrated how much Members had understood the challenge of addressing rough sleeping in the Borough. He expressed his pride at the good work done in the Borough to prevent rough sleeping by the Council and its partners, but acknowledged the threats to this effective partnership working by funding uncertainties and the increased obligations of the Homelessness Reduction Act. The Portfolio Holder for Transformation, Councillor Phillips, who prior to her appointment to the Cabinet had chaired this review, commented how much she had learned through her participation on this Task Group, about the scrutiny process – how working together across the political divide Members could produce an effective report – and about Homelessness Services – how hard officers worked with partner organisations and with limited resources to help some of the most vulnerable people in the Borough. She added that the resulting report was very much about raising awareness among Borough and County councillors, and central government in regard to the threats to the future of these excellent support services. The Chairman wholeheartedly endorsed the report, going further by proposing that the Portfolio Holder for Public Health and Housing invite all MPs with coastal constituencies from Redcar to Hull to a meeting at the Town Hall, so he and Councillor Phillips could share the findings of the scrutiny review and consider the issues facing councils along the coast in respect of rough sleeping, and make representations to central government about the funding predicament. Councillor Chatt welcomed this proposal and undertook to arrange this meeting with officers.

RESOLVED that:

- a. The Portfolio Holder for Public Health and Housing:
 - (i) make representations to North Yorkshire County Council to extend its funding beyond 2019 for the projects that it supports, such as Changing Lives/Horton Housing, and ask NYCC to consider funding in longer cycles in order to retain staff and provide continuity for service users, and to enlist the help of the Council's dual-hatted members in these representations
 - (ii) lobby central government to emphasise what the real issues are regarding problems with rough sleeping in a rural coastal location. Invite the Borough's MPs to visit and see the true picture of what is going on, and to challenge them to consider the effectiveness of the

Homelessness Reduction Act 2017 in the light of the overall funding situation.

b. The Cabinet:

(i) instruct officers to:

- revise the Changing Lives model as identified in this report to deliver better outcomes;
- work with NYCC to look at options around improving dual diagnosis;
- review and re-instantiate the 'No Second Night Out' protocol;
- consider ways of raising awareness among the public as to what help can be given to rough sleepers, and who to report identified rough sleepers to; and
- consider ways of raising awareness of rough sleeping issues amongst Scarborough Borough Councillors e.g. by inviting them to attend tasking groups and homelessness prevention forums.

Reasons

To protect and improve the existing services which support the prevention of rough sleeping, and to raise awareness of the associated issues.

10. OBJECTIONS TO PROPOSED AMENDMENTS TO CAR PARKING ORDERS - WHITBY

The Cabinet considered a report by the Director (LD) (Reference 18/160) in respect of objections received to proposed amendments to parking orders to prohibit motor caravan parking overnight on Marina Back and Marina Users car parks in Whitby. In addition to the four objections outlined in the report, further comments had been received from Whitby Boating Association the previous week which had been circulated to Cabinet Members. Members were reminded that historically the Council had taken the view that overnight parking of motor caravans in Council car parks was an undesirable practice given the number of facilities designed for motor caravans in the Borough. Existing prohibitions of motor caravan overnight stays in other Council car parks had caused migration to the car parks outlined in the report prompting a number of complaints from members of the public. Councillor Cockerill, whose portfolio encompassed harbours, proposed an amendment to the report's recommendations, that 'in respect of the Marina Users car park, motor caravans are only allowed to park within the area clearly marked for

marina users – this would mean that motor caravans belonging to permit holders are not allowed to park elsewhere if the spaces allocated are all taken and that the owners of these motor caravans are required to leave their curtains open to show that they are not being used for camping and that in good time for next year the situation is reviewed’. The Portfolio Holder for Leisure, Councillor Smith accepted Councillor Turner’s request to put provision for motor caravans on his Forward Plan given their increasing popularity and the problems they caused if not managed effectively.

RESOLVED that the Cabinet, having considered the objections to the proposals, approve the changes to parking orders, to prohibit motor caravan parking overnight on various Off Street Car Parks as advertised and implement these changes from 1 August 2018 with the following amendment:

‘in respect of the Marina Users car park, motor caravans are only allowed to park within the area clearly marked for marina users – this would mean that motor caravans belonging to permit holders are not allowed to park elsewhere if the spaces allocated are all taken and that the owners of these motor caravans are required to leave their curtains open to show that they are not being used for camping and that in good time for next year the situation is reviewed’.

Reasons

To ensure appropriate measures are put in place to enable the Council to take enforcement action to control overnight sleeping on the selected car parks outlined in the report.

11. REVIEW OF FUEL PROVISION TO THE COUNCIL

The Cabinet considered a report by the Director (NE) (Reference 18/132) in respect of the supply of fuel and provision of fuel cards to the Council following the expiry of the previous fuel card contract.

RESOLVED that the Cabinet:

- (i) Authorise Officers to enter into contracts through an EU procurement compliant framework for the supply of various grades of fuel at retail forecourts, based on price and network, all purchased via fuel cards.

- (ii) Authorise Officers to enter into contracts from an EU procurement compliant framework, for the supply of bunkered fuels and additional liquids – such as AdBlue [an exhaust solution].

Reasons

- (a) Ensure an uninterrupted supply of fuel for essential service delivery.
- (b) Comply with EU Public Procurement Regulations;
- (c) Comply with the Council’s Financial and Contract Procedure Rules;

- (d) Ensure the appointment of a competent supplier to provide the services;
- (e) Deliver financial savings.

Chairman