

CABINET

At a meeting held on Tuesday, 16 October 2018

Present:-

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

1. DECLARATIONS OF INTEREST

The Chairman declared a personal interest in agenda item 6, Works to four critical junctions in Scarborough: business case to Local Enterprise Partnership, 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 11 September 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 18/242).

RESOLVED that the Forward Plan be approved.

5. PROGRESS OF SCRUTINY OF EXECUTIVE DECISIONS

Members were advised that the Urgent Key Decision of the Director (RB) dated 17 September 2018 in respect of the acquisition of the Travelodge Hotel, St Nicholas Cliff, Scarborough was called in for urgent scrutiny and considered by the Overview and Scrutiny Board on 18 September.

The Board resolved to:

- (i) uphold the Urgent Key Decision of the Director (RB) dated 17 September 2018 in respect of the acquisition of the Travelodge Hotel, St Nicholas Cliff, Scarborough; and
- (ii) recommend that updates on the activity of the Property Investment Governance Board and the implementation of the Council's Commercial Property Investment Strategy be included in the relevant Portfolio Holder's statement to full Council, whilst acknowledging that specific detail may be commercially sensitive and not suitable for inclusion in the statement.

The Cabinet noted the call-in and the Portfolio Holder for Corporate Investment, Councillor Mallory accepted the Board's recommendation in (ii). The Chair of the Overview and Scrutiny Board, Councillor Colling was then invited to comment. She recorded her thanks to Mr Bradley for providing such a thorough explanation of his decision at the O&S Board meeting which satisfied the Board, and to Councillor Mallory for accepting recommendation (ii). The latter had been prompted by a wish to keep all Members more informed about the implementation of the Commercial Property Investment

Strategy, subject to constraints of commercial sensitivity. The Chairman, Councillor Bastiman thanked Councillor Colling for the way the call-in had been handled, whilst noting that the decision had been made as a matter of urgency according to correct procedure.

**6. WORKS TO FOUR CRITICAL JUNCTIONS IN SCARBOROUGH:
BUSINESS CASE TO LOCAL ENTERPRISE PARTNERSHIP**

The Cabinet considered a report by the Director (RB) (Reference 18/200) in respect of proposed mitigation work at four critical junctions in Scarborough. Members were advised that the Business Case to be submitted to the Local Enterprise Partnership provided a solution to anticipated levels of housing and economic growth, as identified in the Local Plan that without intervention would lead to capacity issues in relation to the four junctions in the report. The risks of not approving the Business Case concerned the increased congestion at the junctions which could lead to the Highway Authority objecting to planning applications which, in turn, could jeopardise the delivery of the Local Plan and Yorkshire Coast Growth Plan. The risks of approval concerned cost over-runs which would be mitigated through the proposed service level agreement between the Borough and County Councils. Councillor Cockerill queried why the Borough Council should contribute £150k to the scheme which was clearly the responsibility of the Highway Authority. In reply, Mr Bradley acknowledged this and the funding challenges faced by both local authorities, but reiterated that without the recommended financial contribution which would lever in £3.5m from the Local Enterprise Partnership and £150k from the County Council, then the delivery of the Local Plan and Yorkshire Coast Growth Plan could be put at risk.

RESOLVED that the Cabinet:

1. Approves that the joint Business Case for mitigation work at the four identified critical junctions as prepared between Scarborough Borough Council and North Yorkshire County Council (NYCC) is submitted to the Local Enterprise Partnership for consideration;
2. Subject to (ii) below and the bid to the Local Enterprise Partnership being successful, delegates authority to the Director (RB) to accept the grant funding for the scheme and enter into a funding agreement with the Local Enterprise Partnership and NYCC; and
3. Approves that the Council enters into a Service Level Agreement with NYCC so that the project is undertaken by NYCC (and its contractors) with measures to deal with construction cost over-run as set out in this report.

And recommends that the Council:

1. Approves a contribution of £150,000 towards improving the four critical junctions in Scarborough (£3.875m), funded from the Council's Capital Investment Strategy, matching the financial committed made by NYCC.
2. Notes that whilst a significant contingency is included within the total cost of this scheme, the Council remains at risk for 50% of any overspend up to a total scheme cost of £4.075m (a maximum further contribution of £100,000). Any overspends will be reported to Cabinet and initially funded from the Capital Contingency Reserve.

Reasons

Planning decisions, both in terms of applications and allocations within the newly adopted Local Plan mean that Scarborough is likely to experience significant levels of growth in housing and the economy. To further facilitate this there is an opportunity to generate external funding (via the Local Economic Partnership) to deliver targeted infrastructure improvements to mitigate potential capacity issues on 4 no. junctions that are located in central Scarborough. Without mitigation either:

1. the capacity of the identified junctions will be surpassed and the experience of the road user will be adversely affected with higher levels of queueing and congestion. There could be a subsequent knock on to local business and their continued viability to remain in the town and a negative impact on encouraging inwards investment; or
2. objections to planning proposals will be received from the Local Highway Authority which could prevent/delay further development of housing and other forms of development from proceeding on highways capacity grounds, putting pressure of the Highway Authority to bring forward and fund improvements itself.

7. SELECTIVE LICENSING WITHIN PARTS OF THE NORTH BAY, CASTLE AND CENTRAL WARDS

The Cabinet considered a report by the Director (NE) (Reference 18/226) in respect of the introduction of a Selective Licensing Scheme in the 'Scarborough Central' area. Members were advised that the majority of residents and stakeholders in the recent consultation supported the proposals in the report, whilst the majority of landlords were against. However, given the strong level of support and need for the scheme, the recommendation was to proceed. Further, analysis of the impact of the first Selective Licensing Scheme 'Scarborough North' was very encouraging as reviewed by the Overview and Scrutiny Board in April 2018. The report also recommended a few amendments to the scheme which had arisen from recent case law. Members welcomed the new scheme and details of the high numbers of tenants who had been assisted by the current scheme to lift their standard of accommodation. The Chairman noted the involvement of the Overview and Scrutiny Board in reviewing the first designation, and looked forward to their further involvement in reviewing the impact of the second designation, before proceeding to the third proposal, 'Scarborough South.'

RESOLVED that the Cabinet:

- 1) Note the feedback from the public consultation exercise on the Selective Licensing of private rented accommodation.
- 2) Recommend to Council the introduction of a Council led scheme for the Selective Licensing of Private Rented Accommodation in the area defined as 'Scarborough Central'. This area incorporates parts of the North Bay, Castle and Central Wards as shown on the map in **Appendix B** of the report.
- 3) Approve the proposed fee structure along with recommended discounts and exemptions.

- 4) Recommend to Council that agreement is given to prepare and publish a Public Notice of designation under sections 80 and 83 of the Housing Act 2004. This Notice shall allow for the designation of the chosen area for the introduction of a Selective Licensing Scheme.
- 5) Instruct officers to begin working up the Business Case for the potential introduction of the next phase of Selective Licensing in the area defined as Scarborough South. This area incorporates parts of the Ramshill Ward as shown in **Appendix C** of the report.
- 6) Recommend to Council amendments to its policy for the Selective Licensing of Private Rented Accommodation as highlighted within the report.

Reasons

The Council has been operating a scheme for the Selective Licensing of Private Rented Accommodation in parts of the North Bay and Castle Wards since July 2017.

In May 2018 Cabinet considered report 18/097 and approved the business case for the introduction of a second phase of Selective Licensing within parts of the Castle, Central and North Bay Wards. Officers were instructed to undertake a public consultation exercise on these proposals.

This report provides an overview of the consultation responses. The report seeks approval to introduce Selective Licensing in an area defined as 'Scarborough Central' (see appendix B). The report seeks approval for the adoption of the fee structure. Approval is also required in order to take forward the formal designation of the proposed area. In addition a further recommendation is needed in order to start working up the Business Case for the next proposed phase of the scheme.

Finally the report also seeks approval to make some minor amendments to the Council's Selective Licensing Policy. These amendments are needed to ensure that policy reflects recent case law.

8. REVIEW OF COUNCIL'S STATEMENT OF LICENSING POLICY - GAMBLING ACT 2005

The Cabinet considered a report by the Director (LD) (Reference 18/220) in respect of a revised Gambling Policy. Members were advised that as part of the statutory review and consultation process, there was general support for the Policy. However, a small number of matters had been highlighted which had resulted in minor amendments to the Policy document.

RESOLVED that the Cabinet:

- a) Note the analysis of the results of the consultation on the Statement of Licensing Policy including comments received (attached at **Appendix 1**)
- b) Approve the amended Statement of Licensing Policy (attached at **Appendix 2**) post consultation; and
- c) Recommend its approval by Council for adoption.

Reasons

In accordance with the Gambling Act 2005 the Licensing Authority is required to publish a statement of policy every successive three year period from the first appointed day which was 31 January 2007. The Policy is now due to be revised to cover the next successive 3 year period: January 2019 to January 2022.

9. REVIEW OF COUNCIL'S STATEMENT OF LICENSING POLICY - LICENSING ACT 2003

The Cabinet considered a report by the Director (LD) (Reference 18/221) in respect of a revised Licensing Policy. Members were advised that the large majority of comments received in response to the consultation were in favour of the revised Policy.

- a) Note the analysis of the results of the consultation on the Statement of Licensing Policy including comments received (attached at **Appendix 1**)
- b) Approve the amended Statement of Licensing Policy (attached at **Appendix 2**) post consultation; and
- c) Recommend its approval by Council for adoption

Reasons

In accordance with the Licensing Act 2003 the Licensing Authority is required to publish a statement of policy every successive five year period. The Policy is now due to be revised to cover the next period: November 2018 to November 2023.

10. APPLICATION FOR FARE INCREASE FROM SCARBOROUGH AND DISTRICT TAXI ASSOCIATION

The Cabinet considered a report by the Director (LD) (Reference 18/222) in respect of a proposed increase in Hackney Carriage fares. Asked to comment on the long period which had elapsed since the last fare increase, the Senior Licensing Officer advised that the Licensing Committee had previously rejected a request for a fare increase by the Scarborough and District Taxi Association in 2015.

RESOLVED that the Cabinet approve a request made by the Scarborough and District Taxi Association for an increase in Hackney Carriage fares. A recommendation that Cabinet approve the request was made by the Licensing Committee at its meeting of 10 September 2018.

Reasons

The last fare increase was approved over 5 years ago on 18 March 2013. In light of this the Scarborough and District Taxi Association has now requested a fare increase and amendment to the structure of the hackney carriage fare table.

11. GARDEN WASTE SUBSCRIPTION SERVICE

The Cabinet considered a report by the Director (NE) (Reference 18/231) in respect of the Garden Waste Subscription Service. Members were advised that the Council had received formal notification from North Yorkshire County Council that it intended to remove the payment of recycling credits for garden waste (currently £51.51 per tonne) used to offset the costs of the service from

April 2019, and to replace the credits with a lower value green waste incentive payment scheme. The impact of this loss of financial support for the Council's Garden Waste Subscription Service had been previously taken into account in the pricing structure approved in principle by the Portfolio Holder in December 2017 and set out in the report. Members noted the negative impact of previous price increases on take-up of the scheme, and that the recommended further 15% increase for 2020/21 was perhaps a step too far. It was therefore proposed to defer consideration of the annual charge for the financial year 2020/21 pending review of the Subscription Service in 2019/20 by the Overview and Scrutiny Board.

RESOLVED that the Cabinet:

1. Note the reduction in financial support from North Yorkshire County Council for garden waste collections.
2. Approve the subscription charges set out below as previously agreed in principle by the Cabinet Portfolio Holder (report ref: 17/299);
 - a) Financial year 2019/20 - An annual charge of £33 per licensed bin or £33 per property for a sack collection.
 - b) A £15 administration charge for a new brown bin.
 - c) A £15 charge for seven rolls of 10 garden waste sacks if required.
3. Defer consideration of the annual charge for the financial year 2020/21 pending review of the Subscription Service in 2019/20 by the Overview and Scrutiny Board
4. Authorise the Director (NE), in conjunction with the Cabinet Portfolio Holder, to finalise terms and enter into contract with NYCC in relation to the new green waste incentive payment scheme.

Reasons

Garden waste collection is a non-statutory service funded through licence subscriptions and recycling credits. North Yorkshire County Council has indicated that it intends to significantly reduce its financial support for the scheme through a reduction in the payment of recycling credits. In order to protect the service and ensure its continued provision, the recommendations propose that the Borough Council accepts the reduced Green Waste Incentive payment from the County Council and increases the subscription (opt-in) charge to offset the cost of providing the service.

12. DEVELOPMENT OF SCARBOROUGH TOWN CENTRE STRATEGY

The Cabinet considered a report by the Director (RB) (Reference 18/234) in respect of a new Scarborough Town Centre Strategy. Members were reminded of the challenges faced by UK high streets amidst major chains falling into administration, and others implementing store closure programmes. Whilst Scarborough performed comparatively well in terms of footfall and shop vacancy rates, it was felt the time was right to consult on the future role and direction of Scarborough Town Centre. This centred on a vision to transform the town centre to become a hub of leisure, learning and living by building on the town's rich heritage, culture and traditional retail and leisure offer. Members were advised that the Overview and Scrutiny Board had given its support to the strategic framework, and it was now proposed to

undertake a public and stakeholder consultation in conjunction with the Overview and Scrutiny Board to develop further and inform the strategy prior to formal adoption and implementation. It was also proposed to adopt a similar approach to Whitby and Filey town centres following completion of this strategy. Members welcomed this report and looked forward to seeing the strategy come to fruition. They also registered their concerns at the way the recent public consultation on the review of acute services at Scarborough Hospital had been conducted by the local NHS, and confirmed their opposition to any reduction in services at Scarborough Hospital. At the invitation of the Chairman, both Councillors Abbott and Jefferson addressed the meeting. Councillor Abbott raised the challenge of competition with online retailers and how this would be addressed in the strategy, and Councillor Jefferson reminded the meeting of how local businesses in Scarborough used to pay a subscription to help fund the position of a Town Centre Manager, and that this funding model should be reconsidered.

RESOLVED that the Cabinet approve:

- i. the strategic framework within this report as the basis for a Scarborough Town Centre Strategy
- ii. the undertaking of public and stakeholder consultation, in conjunction with the Council's Overview and Scrutiny Board (O&S Board), to further develop and inform the strategy prior to formal adoption and implementation.

Reasons

To enable the Council to draft a strategy and associated action plan for Scarborough Town Centre which will provide a framework for the future direction of the town centre and which is informed by a wide range of stakeholder interests.

13. AMENDMENTS TO THE PROPOSED INTRODUCTION OF RESIDENTS PARKING CONCESSIONS ON OFF-STREET CAR PARKS IN THE BOROUGH FOLLOWING CONSULTATION

The Cabinet considered a report by the Director (LD) (Reference 18/237) in respect of the proposed introduction of an amended scheme of residents' parking concessions in the Borough. Members were reminded that this item had been deferred at the previous Cabinet meeting in September, to allow officers further time to review the scheme in light of comments received in the consultation, in particular in revising the scheme to remove the initial cost of subscription. This had been achieved in the current proposals to introduce a 'virtual' residents' car parking permit, thereby removing the administrative costs and the original £10 fee. The recommendation to introduce a nominal winter car parking charge of £1 for 24 hours remained to offset the costs of securing a discount for residents. Members welcomed the proposed scheme, noting the important consideration it gave to the Borough's residents, and how it brought the authority into line with other local authorities such as City of York. Councillor Cockerill voiced support for winter charging in general but raised concerns that the introduction of such a charge at Filey Coble Landing and Filey Station Avenue would be counterproductive causing displacement to nearby Church Ravine and Tesco car park respectively. With the

permission of the Chairman, Councillor Jefferson and local hotelier representative, Mrs Smith both addressed the meeting. Councillor Jefferson expressed her opposition to the removal of free winter parking, expressing concern at the effect on local businesses at the quietest time of the year, and also at the additional cost to the Council of enforcement. Mrs Smith commented that the new residents scheme was overly complicated, the reduction for residents was insignificant, whilst the increase for visitors was punitive. She also maintained that free winter parking was very popular and helped support a range of shops and businesses. In light of the objections raised about the introduction of winter charging and other concerns, it was proposed to review the new scheme and its impacts after one year.

RESOLVED that the Cabinet:

1. consider the objections received to the proposed introduction of residents' parking concessions in the Borough;
2. after considering the objections approve the implementation of the proposed scheme on the terms set out in this report; and
3. refer the scheme for review by the Overview and Scrutiny Board after one year.

Reasons

To provide Residents Parking concessions on the Borough Council's Off Street Car Parks and to encourage usage and longer stays to help support the local economy.

14. PERFORMANCE MANAGEMENT FRAMEWORK QUARTER 1 REPORT 2018/19

The Cabinet considered a report by the Director (LD) (Reference 18/233) in respect of the Council's performance for a rolling 12 month period to the end of the first quarter of 2018/19. The Portfolio Holder, Councillor Cockerill, made several suggestions for improving the Priority Projects Plan in the report and looked forward to working with officers to achieve this. These changes included numbering the projects for ease of reference, adding financial comments to Progress column in the table, clarifying what 'On target' meant for certain projects when in fact no target had been set.

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 good progress being made against the delivery of the Council's Priority Projects Plan
2. The sustained reduction in the levels of sickness absence across the Council
3. The continuing improvement in response times to complaints and Freedom of Information requests; and
4. 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 first quarter of 2018/19, including monitoring of the Priority Performance Plan, Performance Indicators, Critical Success Factors, FOIs and Complaints.

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.

15. PROTOCOL ON EXECUTIVE / OVERVIEW AND SCRUTINY RELATIONS

The Cabinet considered a report by the Director (LD) (Reference 18/225) in respect of a new Protocol on Executive / Overview and Scrutiny Relations. The Portfolio Holder, Councillor Turner welcomed the new protocol and the opportunity it presented to develop a strong and fruitful working relationship between the Executive and Overview and Scrutiny. The Chair of the Overview and Scrutiny Board noted the independence of Overview and Scrutiny from the Executive, and although there could be a difference of view between the two arms of the Council, the Overview and Scrutiny Board would endeavour to provide the Executive with as much information as possible to help strengthen the Cabinet's decisions.

RESOLVED that the new Protocol on Executive/ Overview and Scrutiny Relations be noted.

Reasons

To clarify the relationship between the Executive and Overview and Scrutiny, help ensure the smooth conduct of Overview and Scrutiny business and encourage effective communication between these two arms of the Council.

16. DOCK END REPAVING, WHITBY

The Cabinet considered a report by the Director (NE) (Reference 18/235) in respect of a project to repave Dock End, Whitby. The Portfolio Holder, Councillor Cockerill commended the report and the fact that these much needed works would be carried out in a timely way after Remembrance Sunday. He also suggested that consideration be given to raising the financial threshold in the Individual Cabinet Member Delegation Scheme to £0.25m so such contractor appointments could be made by the Portfolio Holder in future.

RESOLVED that the Cabinet approves:

- That the Council enters into a contract with Wilf Noble (Construction) Ltd to carry out the repaving, in natural York stone, of Dock End, Whitby.
- The allocation of £181,500 of the previously approved budget to complete the works.

Reasons

To facilitate the carrying out of the repaving of Dock End.

17. EXCLUSION OF THE PUBLIC

The Chairman noted that the remaining report on the agenda included a private and confidential appendix which might necessitate moving into private session should Members wish to discuss the sensitive information therein. In the event, the item was considered in public.

18. DISPOSAL OF 10 SKINNER STREET, WHITBY

The Cabinet considered a report by the Director (RB) (Reference 18/164) in respect of the disposal of 10 Skinner Street, Whitby.

RESOLVED that the Cabinet

- (i) approve the financial offer from bidder A, subject to planning permission being granted, as detailed in the private and confidential Appendix 1.

Reasons

To achieve a capital receipt from the disposal and reduce the Council's maintenance liability noting the loss of on-going rental income.

To accept the financial offer for the building.

Chairman