

OVERVIEW AND SCRUTINY BOARD

At a meeting held on Wednesday, 5th December, 2018

Present: Councillors G Coulson (Vice-Chairman, in the Chair); G W Allanson, D C Jeffels, Mrs J Jefferson, Mrs J E Mortimer, C Pearson, T Randerson and J Warburton

Apologies: Councillors Ms E Colling and G Dennett.

In attendance: Councillors D Cluers, R Moody, J Nock (Cabinet Member for Legal and Governance) and N Price.

1. DECLARATIONS OF INTEREST

Cllr Janet Jefferson declared personal and non-prejudicial interests: in agenda item 5, Update on the Safeguarding Policy as she was the Chair of North Yorkshire County Council's (NYCC) Young People's Overview and Scrutiny Committee; the Chair of NYCC's Children's Safeguarding Strategy Group for Scarborough and Ryedale and also a member of NYCC's Looked After Children and Safeguarding Group; and in agenda item 9, Scarborough Town Centre Strategy as she was President of the Scarborough Chamber of Trade and Commerce, Chair of Scarborough Anti-Theft Group and owner of the Train Shop in Scarborough Town Centre.

Cllr Jane Mortimer declared a personal and non-prejudicial interest in agenda item 5, Update on the Safeguarding Policy as she was a Scarborough Borough Council representative on North Yorkshire County Council's Scrutiny of Health Committee which was looking into the transitional provision of mental health services for children who were moving over to adult support services.

Cllr John Warburton declared a personal and non-prejudicial interest in agenda item 6, Gulls and Kittiwakes Action Plan as he donated a small amount of money to the RSPB and also the Yorkshire Wildlife Trust in memory of his first wife.

Councillor Guy Coulson declared a personal interest in agenda item 7, Cinder Track Task Group as he had a property adjacent to the Cinder Track. He had been given a dispensation in relation to Cinder Track discussions.

2. MINUTES

RESOLVED - That the minutes of the meetings held on 31 October and 12 November 2018 be approved as correct records and signed by the Chairman.

3. PUBLIC QUESTIONS

There were no public questions received.

4. OVERVIEW AND SCRUTINY BOARD - WORK PROGRAMME AND CABINET FORWARD PLAN

The Board considered its remaining Work Programme for 2018/19 which aimed to be balanced and flexible whilst focusing on significant priorities to achieve the best value-added outcomes.

Some changes had occurred since the last meeting with three items being rolled forward. These were the review of the memorial decorations policy and the proposed merger of Scarborough Museums Trust & Creative Industries Centre which would now be considered on 23 January 2019; and the review of future provision of cemeteries would now be considered on 6 March 2019.

The Cabinet had requested the Board to consider the summer 2019 reviews of the Public Spaces Protection Order and car parking (fees & charges etc.)

The two 'task and finish' reviews on the Scarborough Town Centre Strategy and proposed Supporting Volunteers Strategy were progressing with updates provided later on the meeting agenda.

Resolved - That the Work Programme be approved as presented.

5. UPDATE ON THE ADULT, CHILDREN AND YOUNG PEOPLE SAFEGUARDING POLICY

Jo Ireland, Customers, Communities and Partnerships Manager; and Sandra Rees, Community Safety and Safeguarding Manager presented the annual safeguarding update for 2018 covering the Scarborough borough.

The Council had statutory duties to safeguard people from harm, e.g. any form of neglect, abuse or exploitation such as sexual or human trafficking.

Safeguarding was embedded into the Council's policies and procedures and included reviewing procurement practices. A comprehensive training and support programme was in place for elected members and officers, e.g. staff working in a public environment such as 'Customer First' knowing what to do and where to go for reporting any safeguarding concerns.

Training opportunities were also offered to local communities and businesses.

Safeguarding awareness and training focused on organisations which had significant contact with children and vulnerable adults such as taxi drivers, hotels, holiday parks and sports clubs (the sports work had attracted national recognition). Training themes included child sexual exploitation (CSE), criminal exploitation, modern day slavery and 'prevent' (tackling radicalisation) etc.

Events had been commissioned involving external training providers, e.g. the charity 'Hope for Justice' delivered a session on modern day slavery awareness at the Coventry University site in Scarborough. This had been well attended with members and officers participating. A 'hate crime' week had

been held in October 2018 to raise awareness of where people could go if they had concerns or wanted to report incidents.

A proactive multi-agency approach was pursued working closely with partner organisations. The Community Impact Team (CIT), which included the police, had a visible 'on the ground' presence identifying and approaching potentially vulnerable people and referring and sign-posting them to appropriate support. This gave assurance that people would be helped.

Council officers attended safeguarding meetings across North Yorkshire including the Safeguarding Boards for Adults and Children and sub-groups. Safeguarding audits took place across the county as well as for the Council and all recommendations had either been implemented or were progressed.

The countywide safeguarding policy was being reviewed in January 2019 taking into account recent national and local changes such as 'Making Safeguarding Personal' (involving people affected by safeguarding in developing policies, ongoing work and decision-making involving people affected) and would lead to a programme of work and actions.

Safeguarding had a high profile and it was important to ensure it was robust.

Members referred to the challenge of being able to have time to complete traditionally delivered training; however, online options could be more viable. They were advised that online training was being progressed but face-to-face training would still be used when more appropriate.

Members noted that a new strategy for children in care (looked after children) had been approved by North Yorkshire County Council which would be important in supporting vulnerable children in care; there was around 124 looked after children in Scarborough.

Members voiced concerns that sometimes communities did not recognise safeguarding issues and queried whether there were any groups of people or local/deprived areas where there were greater vulnerabilities or risks, e.g. care leavers. They were informed that there were no particular areas. Safeguarding was everyone's responsibility and could impact upon anyone at any time, e.g. 'county lines' (young people used for carrying illegal drugs in different counties) was a growing problem but the Council was working with the police to effectively disrupt illegal activity. Awareness events were also planned for early 2019 with schools including parents, e.g. event at the local Coventry University site on 16 January 2019.

Resolved - That the proactive and planned safeguarding work be endorsed.

6. GULLS AND KITTIWAKES ACTION PLAN

Jonathan Bramley, Environment and Regulation Manager presented a report on actions to tackle the impact of the local herring gulls and kittiwakes population in terms of nuisance to people.

He recalled that the Overview and Scrutiny Board had considered a proposed Action Plan in November 2017 to award a two year contract to pursue a new 'disruption and dispersal' programme. The programme involved taking eggs and nests during the spring/summer (April to August) breeding season.

The programme also included netting on buildings to stop nesting and discouraging people from dropping litter and to stop feeding gulls.

Cabinet approved the proposals in December 2017 and NBC Environmental won the contract starting work early 2018. NBC had previously acted as the contractor during 2017 which had focused on affected areas within the towns of Scarborough and Whitby. The new programme included affected areas within Filey from 2018. The results of the Action Plan for 2018 (to date) and the proposed Action Plan for 2019 were attached as appendices to the report.

Jonathan Bramley added that engagement had taken place with key stakeholders including the RSPCA and RSPB.

He referred to the number of eggs and nests removed during 2018 as well as the number of reported gull 'muggings' on a person. Comparative data for 2017 had also been provided for the areas covered during that period, i.e. Scarborough and Whitby.

The number of eggs and nests removed was significantly lower in 2018 than the previous year. This was for all comparative areas and furthermore for some months there had been no eggs or nests requiring removal. The peak months had been during the summer breeding period. The drop in numbers could have been due to a variety of factors, e.g. effectiveness of the 2017 programme. However, there was no definitive conclusion.

The number of gull muggings had not changed significantly although again it was not possible to conclusively establish patterns mainly because an online reporting form had been introduced in 2016 which was probably more familiar to the public, i.e. increased reporting could be due to awareness of the form.

More definitive conclusions were required and given that the annual budget allocation (£36,000) for the contract was well under-spent, research from Hull University was commissioned to look into herring gull breeding and habits for the Scarborough areas (accounting for 74% of muggings) and the programme effectiveness etc. A number of findings were made but again these were inconclusive due to some particularly cold and hot months during 2018.

The researchers thought that the unpredictable weather patterns may have been most influential in the reduced numbers of nests and eggs requiring removal and gull mugging numbers rather than the programme effectiveness. However, again there was no definitive conclusion.

Aside from the direct action, within the Action Plan for 2018 there had been a programme of trying to work with local businesses and people including

schools to raise awareness of the issues and responsible actions which people could take. Working with NBC, six public information days had been held in the three towns. However, due to limited resources it had not been possible to pursue all the actions for 2018 and it was proposed that they were rolled forward into the Action Plan for 2019.

Jonathan Bramley recommended continuing with the contracted 'disruption and dispersal' programme for 2019 and also commission another research survey round for the coming year. He added that this would be complemented by the educational and awareness raising messages.

Prior to the meeting, the Board had received a letter from the RSPB and Yorkshire Wildlife Trust. The organisations had expressed concerns that the Council's 'disruption and dispersal' programme, which operated under licence, did not comply with the conditions for a General Licence (issued by Natural England). They referred to criteria stipulating significant risk (from gulls) to public safety and public health as well as actions needing to be effective and proportionate. Other concerns had included conservation status of rare birds.

In relation to the letter, Members sought assurance of the legality of the Council's actions. Jonathan Bramley explained that although the issue had not been mentioned in the report, the RSPB had been invited to give a briefing on the issues and options to Members in April 2018. The RSPB's presentation had been circulated to all Members including reference to the General Licence. The licence had been referred to within previous reports.

The Council's position was that the General Licence did apply to the 'disruption and dispersal' programme for removing eggs and nests to reduce risks to public safety and public health, particularly 'hot spots' and where there were higher numbers of incidents, e.g. in the centre of Scarborough.

Members queried whether, after eggs and nests had been removed, birds bred elsewhere locally. They were informed that the programme and research focused on 'hot-spots' (town centres and harbours). Birds tended to drift back to their preferred nesting sites but there was no definite answer to relocation.

Members also referred to international places where prominent notices were displayed not to feed birds etc. coupled with significant fines for failure to comply. They were informed that a proactive education and awareness approach was followed including signage. Some local authorities had introduced local legislation with fines as an enforcement option but those councils tended to still try to talk to people rather than pursue fines.

Members recapped that there was a long history of the impact of gulls and responses going back and referred to the early 1990's. It was recognised that effectiveness over time had also related to other considerations, e.g. change in gull populations, councils used to have more 'direct action' powers so gull impact was more controlled and this had been superseded by General Licence criteria which was more specific etc.

Some Members did query the effectiveness and value for money of the programme and whether any meaningful benchmarking with comparable neighbours had taken place. If the programme had resulted in limited impact then its value needed to be considered and superseded by more concerted effort with education and awareness. Some visitors found the gulls an 'attraction'. Public and residential litter bags, resistant to gull attacks, could be promoted.

Members were informed that some south west councils had undertaken similar programmes. Some had been successful over a similar number of years whilst others had not been pursued due to issues such as funding. Education and awareness were still key approaches.

Councillors Dilys Cluer and Richard Moody were invited to speak. Cllr Cluer was concerned about the programme effectiveness noting the expertise of the RSPB and that educational awareness could be promoted more. Cllr Moody noted that gulls might be protecting their territory which might be interpreted as 'muggings'. Whether there was a correlation between egg/nest removals and numbers of muggings needed to be established. Furthermore there was a need to seek assurance that the programme was legally compliant given the concerns raised by the RSPB. He added that the presentation given by the RSPB had been informative so it was disappointing that they had not been alerted in time for this meeting as they could have provided useful assistance.

Jonathan Bramley confirmed that active engagement did take place with the RSPB and re-iterated earlier points about the validity of the programme. He added that Legal officers could be asked to check the legality concerns.

Board Members referred to safeguarding the health and safety of residents particularly children. They noted that progress had been made but felt that the issues remained and actions needed to be maintained and pursued. However, programme effectiveness in the coming year coupled with more research needed to be robustly reviewed in due course. NBC's contract for the first year ran till the end of March 2019 and was followed by a second year.

Resolved - That the following recommendations be endorsed for:

1. The Action Plan for 2019 including continuation of the 'disruption and dispersal' programme for another year (running to end March 2020) and commissioning further scientific research on gull breeding and habits etc;
2. The Council's Legal officers to check the legality of the 'disruption and dispersal' programme.
3. The effectiveness of the programme and research findings to be considered in one year (late 2019) to inform future options.

7. CINDER TRACK TASK GROUP - FINAL REPORT AND RECOMMENDATIONS

Councillor Jane Mortimer, as a member of the Cinder Track Task Group, and Paul Thompson, Operations, Transport and Countryside Manager presented the final report and recommendations of the review undertaken. Apologies had been received from Councillor Hazel Lynskey, Chair of the Task Group, who was thanked by the Board for her hard work.

Cllr Mortimer thanked officers, the Task Group, the North York Moors National Park Authority and everyone-else (public volunteers and local community groups etc.) who had contributed to the comprehensive review work which had been completed over several months. There had been considerable public consultation with various events in localities close to the route.

The 'Cinder Track' was the old railway line (disused since the 1960's) between Whitby and Scarborough running for 20 miles. It was a 'permissive' path owned by the Council (apart from one viaduct retained by the sustainable transport charity, Sustrans).

The Cinder Track had evolved into a natural habitat for wildlife, meadows etc. and had impressive scenery as a popular leisure route (residents & visitors for walking, cycling, horse riding etc.) as well as 'commuting' potential.

Originally Sustrans had put forward proposals for protecting and developing the route. However, there had been widespread concerns over the sustainability and potential impact of the proposals. The Council had therefore decided to lead on a review to maximise the Track's potential and long-term sustainability which had resulted in the proposed Restoration Plan.

Cllr Mortimer referred to two key recommendations seeking funding. Bids had been submitted for the Council's budget in 2019/20: Revenue Growth Bid for £70,000 (amount required annually to maintain the route in future); and Capital Bid for £20,000 to update ecological surveys.

The importance of the survey work was emphasised given the diversity of features and challenging landscapes along the terrain. The maintenance required to ensure its long-term sustainability was essential. Over time, the condition of the track had eroded, e.g. drainage was very poor. Sections of the track were not navigable for some users, e.g. in wheel-chairs. Therefore significant capital investment funding of £3.5million was being sought to bring the track back to a robust condition which could then be safeguarded through regular maintenance work.

The Cinder Track was captured within the Council's Local Plan as an important asset for development. The proposed Restoration Plan provided the platform for allowing a wide range of people to use the track within a shared 'code of conduct', met many aims such as health & wellbeing and supporting the rural economy, improved grant funding opportunities and also the base for submitting a formal planning application to the National Park.

A management committee, including community representatives, would be responsible for leading on taking forward the Restoration Plan.

The Board welcomed the report and work undertaken by all, in particular the effective community engagement. They supported the proposals recognising that the Cinder Track was a valuable asset in need of significant restoration and sustainable maintenance.

Resolved -That everyone involved with the Cinder Track review and work were thanked for their efforts and that the proposed Restoration Plan was endorsed including the specific funding recommendations (revenue, survey and capital) at paragraph 5.1 of the report.

8. SINGLE USE PLASTICS - FINAL REPORT AND ACTION PLAN

Members were referred to the motion, presented by Councillor Dilys Cluer, which was agreed by Council in January 2018 to reduce and eliminate the use of single use plastics within the Council and to support local communities and businesses to tackle single use plastics.

The motion recognised the wide-ranging damage to marine life and the marine environment through plastics pollutions, in particular seas and sea life being littered with single-use plastics.

The first part of the motion was essentially to eliminate all single-use plastics internally, i.e. council offices and suppliers/contractors. The second part of the motion was to eliminate single-use plastics externally (across the Borough) through education and supporting development of local networks.

The motion actions required immediate response and set a completion target to aim for by the end of 2018. Some other organisations had set a later completion date of 2020 as more viable for similar organisational goals but it was important to promote and pursue robust actions now and provide assurance of actions being deliverable in good time.

Some actions could be achieved through a checklist/toolkit of sustainable alternative product options to single use plastics. Other actions could be developed through adapting actions being undertaken by other organisations.

Over the last year, a small member working group had met a few times and council services had been working together to develop an Action Plan (some actions for the current year, most actions for early 2019)

There had been particularly good engagement with schools including a consultation exercise undertaken in November 2018 of which the results were being gathered. Actions from the schools events include putting forward design (logo) ideas for eliminating single-use plastics. The work with schools had been led by the Council's Policy Team with Cllrs Cluer and Bill Chatt, as one of the relevant portfolio holders, who had proposed a schools

presentation before the Council meeting on 1 March 2019 which would include members judging the logo entries.

Members were referred to the Action Plan and given some further updates.

Objective 1 was to develop a 'robust strategy' although an Action Plan had been developed a strategic policy still needed to be developed.

Objective 3 was to 'provide blue recycling bins for community litter picks and recycle more discarded beverage containers', i.e. securing more recycling from litter clean-ups. Professional officers had identified practical issues such as dropping off and collecting blue bags/bins. Instead a more practical approach would be to continue encouraging a supportive, welcoming approach for litter 'clean-up' volunteers and simply asking them (as an option) on an ad-hoc basis if they want to consider separating litter out for reuse/recycling and blue bags could be available. Details of the nearest (close-by) recycling bins/points would also be provided.

The final action to introduce a water fountain referred to no budget when the Action Plan had been updated for the report but Cllr Cluer had identified potential opportunities, e.g. Yorkshire Water would support communities looking to offer free water fountains or similar options.

Cllr Cluer was invited to speak and thanked everyone involved with taking the work forward and sought continuing support for delivering the Action Plan.

Members queried whether the Council's contractors at events and other outlets could be encouraged to also tackle single use plastics. Members were informed that the Action Plan included relevant procurement actions working with suppliers and contractors. It was also possible that some of these partners might already be implementing effective action.

Members were referred to the outcomes being sought - assurance that the range of actions would help eliminate single-use plastics internally (council offices, suppliers/contractors) and externally (across the Borough) with effective education and support for setting up action networks.

Resolved - That the work undertaken and Action Plan to tackle single use plastics be endorsed and that consideration needed to be given to a single service lead co-ordinating work to ensure delivery of actions.

9. 'TASK AND FINISH' REVIEWS - PROGRESS REPORTS - 'TOWN CENTRE STRATEGY' AND 'SUPPORTING VOLUNTEERS STRATEGY'

Members received progress with the two new 'task and finish' reviews.

The Scarborough Town Centre Strategy review aimed to create a sustainable, buoyant centre for all ages and would mainly be reviewing consultation feedback from stakeholders and the public, considering further evidence and

making recommendations on the value of the identified themes for the proposed Strategy.

The themes included creating a mixed use environment (retail, residential accommodation, community hubs etc.), developing potential as a 'university town', evolving the daytime economy through to a night-time economy, and creating and marketing a Scarborough 'brand'. It linked to other emerging strategies, e.g. Scarborough Harbour.

Public consultation events had taken place at the Royal Hotel for stakeholders on 28 November and the public on 4 December 2018. The former had been very well attended with around 100 people who were enthusiastic recognising that collective partnership action was needed now to create a sustainable centre and that there were numerous challenges, e.g. tracking down absent landlords to help make use of empty properties mainly above shops. The latter event had also attracted good interest with about 60 people present.

People had also been asked to outline what they thought should be the geographical boundaries of the town centre which would aid planning purposes and funding opportunities etc. Numerous ideas had been generated at both events which would be written up to help identify common themes.

The review membership consisted of Cllrs David Jeffels (Chair of the Group), Janet Jefferson, Tony Randerson and Phil Trumper. One meeting scoping the review had been held before the consultation events and the findings would be considered by the review group in mid-January 2019. The group would report its recommendations to the Board at its March 2019 meeting. Cllr Godfrey Allanson had also requested to be on the group. Cllr Mark Vesey had attended the first meeting and the Board Chair had been involved with the stakeholders meeting. The town centre portfolio holder, Cllr Heather Phillips had been involved with the scoping meeting and both public events.

The Supporting Volunteers Strategy review would be looking at recognising the value of existing volunteer groups and support offered by Council services but would mainly be reviewing any gaps, duplication and how volunteers could be best used and supported.

An informal officers' meeting had been held which recognised that services across the council worked a lot with volunteers although there was no council 'pool' of volunteers so there was potential to improve co-ordinated support, communications and information for volunteers and maximise their potential. Volunteers were active with topical themes but there was arguably a shortage with 'day-to-day' type volunteering and some succession planning might be needed. Some local areas struggled to get any volunteers from within their own communities. Other organisations, e.g. North York Moors National Park, had well developed volunteer support strategies which were publicised. Their strategies recognised independence of volunteers and valued their input from the outset including decision-making.

Officers were keen that the scoping of the review ensured that focused, worthwhile outcomes were sought. It was also important to ensure that volunteers' voices were heard early and throughout the review.

The review membership consisted of Cllrs Liz Colling, David Jeffels, John Ritchie, Jane Mortimer and Mark Vesey. The first scoping meeting would be held over the next month with deadlines to report findings to the Board's meeting in March 2019.

Chairman

NOTES