

## **COUNCIL**

Minutes of the proceedings of a Meeting of the Scarborough Borough Council held in the  
on Monday, 7th January, 2019 pursuant to Summons.

Present:-

The Mayor (Councillor Joseph Plant) in the Chair;  
Councillors A Abbott, G W Allanson, G A Backhouse, L Backhouse, R Barnett, D J Bastiman, Mrs L Bastiman, E Broadbent, D A Chance, W Chatt, Mrs D V Cluer, M J Cockerill, Ms E Colling, G Coulson, P Cross, S Cross, J Dodds, Ms M Donohue-Moncrieff, T W Fox, S B Green, Ms V Inman, D C Jeffels, Mrs J Jefferson, A Jenkinson, Mrs H Lynskey, Mrs H F Mallory, C D Maw, R Moody, Mrs J E Mortimer, N K Murphy, J Nock, C Pearson, Mrs H Phillips, N Price, T Randerson, J Ritchie, S Siddons, M Smith, Ms R Swiers, P H Trumper, Mrs S Turner, M T Vesey, C Walsh, J Warburton and Mrs M Watson

### **Apologies**

Councillors D L Billing, G Dennett, C Haddington and Miss R K Murphy

### **MAYOR'S OPENING REMARKS**

The Mayor invited all those present to stand in silence as a mark of respect following the recent death of former councillor, Ms Mary Helliwell.

#### **1. DECLARATIONS OF INTERESTS.**

Councillor Smith declared a personal interest in agenda item 10, Scarborough Museums Trust Collections Policy (18/284) since he had been appointed by the Council as a Director on the Board of Scarborough Museums Trust.

#### **2. APOLOGIES FOR ABSENCE.**

See above.

#### **3. MINUTES OF THE MEETING OF THE COUNCIL HELD ON 5 NOVEMBER 2018 TO BE READ OR TAKEN AS READ AS THE CASE MAY BE.**

**RESOLVED** that the minutes of the meeting held on 5 November 2018 be taken as read and signed by the Chairman as a correct record.

#### **4. TO CONSIDER ANY ANNOUNCEMENTS BY THE CHIEF EXECUTIVE**

There were no announcements.

#### **5. QUESTIONS (IF ANY) OF WHICH NOTICE SHALL HAVE BEEN GIVEN.**

The Chief Executive reported that no questions had been received. The Monitoring Officer and Director, Mrs Dixon advised that a member of the public had requested to ask a question at this meeting, but since there was currently no provision for public questions at full Council meetings, the

individual had been referred to their ward councillors to put the question on their behalf. However, Mrs Dixon was willing to review the current arrangements through the Governance Working Group should Members be so minded.

**6. TO CONSIDER AND PASS RESOLUTIONS ON THE FOLLOWING 'A' ITEMS:-**

**(i) Progress of scrutiny of executive decisions -  
Objections/amendments to the proposed introduction of  
Residents' Parking Concessions on off-street car parks in the  
Borough**

The recommendations in the extract minute from the Cabinet were proposed by Councillor Derek Bastiman and duly seconded. The Portfolio Holder for Leisure, Councillor Smith proposed an amendment to the recommendations that, given the time that had elapsed since this matter was considered by the Cabinet and Overview and Scrutiny Board, the start date for the implementation of the residents car parking discount scheme move from 1 March to 1 April 2019.

**RESOLVED** that:

- (i) The Council implements the proposed residents car parking discount scheme for a trial period of 12 months from 1 April 2019. This would be at an estimated cost of £84k to be funded from the predicted 2018/19 outturn underspend.
- (ii) The proposal to implement the winter charging scheme is deferred
- (iii) The Chair of the Overview and Scrutiny Board is requested to establish a Member/Officer Task Group to holistically review car parking charges in the context of the Council's budgetary pressures, and the outcomes of the implementation of the residents car parking discount scheme, specifically the impact on the future Town Centre Strategy. The Task Group would be mindful that the cost of implementing the residents car parking discount scheme for 2019/20 is estimated to be £84k and that funding would be provided for one year, and therefore the Overview and Scrutiny Board's recommendations must look to bridge the funding gap plus any other budgetary pressures to ensure future financial sustainability. Further, the Overview and Scrutiny Board would be required to report to the Cabinet with its recommendations before November 2019, to enable winter charging to be introduced in 2019/20 if required.

**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.
- To assess the impact of the residents car parking discount scheme and to investigate and identify ways to make it financially sustainable

## **7. INTERIM REVIEW OF PUBLIC SPACE PROTECTION ORDER - DOG CONTROL (18/303)**

The recommendations in the extract minute from the Cabinet were proposed by Councillor Derek Bastiman and duly seconded. Introducing the report, the Portfolio Holder, Councillor Chatt explained that this interim review had been triggered by particular concerns around the expansion of the seasonal dog exclusion zone on Whitby beach. The revised PSPO had taken these concerns into account, but also, following further public consultation, had relaxed a range of other restrictions, which he and the Cabinet felt needed further examination, notably in relation to play areas. Councillor Chatt proposed that this further review involve ward councillors, parish/town councils and other stakeholders. Other Members commented on the report asking that the seasonal nature of the beach exclusions be reconsidered since children played in the sand on beaches all year round and noting that for play areas without perimeters or fences it was difficult to define the extent of the exclusion area. Another Member commented that the majority of dog owners were responsible and so should not be penalised for the anti-social actions of the few. Councillor Chatt noted these points which would be taken into account in the further review work.

**RESOLVED** that the Council:

- I. Approve the variation of the 2017 Dog Control Public Spaces Protection Order ('the Order') that the 2017 restriction for the Whitby beach area be reinstated, subject to no challenge being made during the expiry of the statutory appeals process;
- II. Defer other proposed variations of the 2017 Dog Control Public Spaces Protection Order pending further examination; and
- III. Approve a full consultation exercise on the entire Public Spaces Protection Order in Summer 2020, to include input from the Council's Overview and Scrutiny Board.

### **Reasons**

To ensure the Authority's controls remain fair and proportionate and reflect both Council and the public's priorities.

## **8. AFFORDABLE HOUSING SUPPLEMENTARY PLANNING DOCUMENT 2019 AND ADOPTION (18/265)**

The recommendations in the extract minute from the Cabinet were proposed by Councillor Derek Bastiman and duly seconded. Introducing the report, the Portfolio Holder, Councillor Phillips proposed two further minor amendments to the Supplementary Planning Document which had come to light since the report was considered by the Cabinet and which would enable officers to request further information when undertaking viability appraisals if and when required, namely in Appendix 2:

- A note added stating that '*The list of information required below under a Viability Appraisal is not exhaustive and further information may be required in certain instances*'
- And a second addition stating in a footnote that '*In certain circumstances a cashflow sheet will be required to set out costs and*

*revenues of the proposal over the duration of the build that clarifies the monthly and overall finance costs’.*

Members commented on the report. The Labour Group Leader, Councillor Siddons called on the Council to lobby central government about the problems caused by the government reducing the requirements on developers to provide affordable housing through national planning policy. Councillor Randerson asked the Council to put pressure on developers to provide affordable housing for rent for which there was particular need. Councillor Barnett urged a more imaginative approach by the Council, for example, to address the large numbers of second home holiday lets in Whitby, which other councils had adopted. Councillor Phillips recognised the continuing acute need for affordable housing in the Borough, and although the definition, quantity and quality of affordable housing was identified in national planning policy, the Council would continue to monitor developers’ obligations to provide as much affordable housing as possible through the planning system. She added that the Borough Council was no longer had its own housing stock, but would continue to support Beyond Housing and other social landlords to deliver more social housing. Opportunities would also be taken to lobby central government about the housing shortages in the Borough. Councillor Donohue-Moncrieff asked what the Council’s response was to the government’s decision in October to lift the borrowing cap to enable local authorities to build more homes. Councillor Phillips undertook to provide Councillor Donohue-Moncrieff with a full written reply.

**RESOLVED** that the Council:

- i) Adopt the revised Affordable Housing Supplementary Planning Document (with the noted further amendments) and that the document is thereafter used in the determination of planning applications;
- ii) Amend the criteria for assessing persons who wished to be added to the self-build register as outlined above; and
- iii) Instruct that further research and consultation is carried out into the Discount Sales Market Housing product by Planning and Housing Services and further guidance on this be published as an addendum to the Affordable Housing SPD if necessary.

### **Reasons**

Since the Affordable Housing Supplementary Planning Document (SPD) was updated and adopted earlier this year the NPPF has been revised. It is important that the SPD is a dynamic document that is updated as and when changes take place to national policy and guidance.

### **9. SCARBOROUGH MUSEUMS TRUST COLLECTIONS POLICY (18/284)**

The recommendations in the extract minute from the Cabinet were proposed by Councillor Derek Bastiman and duly seconded. Councillor Chance felt in relation to the disposal of items in the Museums Trust’s collection, that the Portfolio Holder should also sign off the disposal. Other Members supported this amendment to the policy.

**RESOLVED** that, subject to the above amendment, the Council approve the revised Scarborough Museums Trust Collections Policy.

### **Reasons**

To ensure the continuing prudent governance of the Borough's Collection by the Museums Trust and adherence with Arts Council England's (ACE) guidance on Collections Development (formally the Acquisition and Disposal) Policy.

### **10. POLLING DISTRICT AND POLLING PLACE REVIEW (18/294)**

The recommendations in the extract minute from the Cabinet were proposed by Councillor Derek Bastiman and duly seconded.

**RESOLVED** that the Council approve the proposed changes to Polling Districts and Polling Places as set out in Appendix I of the report.

### **Reasons**

- To allow the scheduled May 2019 local Borough Ward and Parish elections to go ahead
- To allow implementation of changes made to the Council's warding arrangements following a review by the Local Government Boundary Commission for England (LGBCE), approved by Parliament in August 2018
- To comply with the statutory requirement under the Electoral Registration and Administration Act 2013 that every local authority must conduct a compulsory review of polling districts and polling places every 5 years. The statutory period for doing this is between 1st October 2018 and 31st January 2020, but giving the above two points, it is pertinent that this be satisfied as part of the post LGBCE changes required.

### **11. TO CONSIDER THE FOLLOWING MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN IN ACCORDANCE WITH PARAGRAPH 12.1 OF THE COUNCIL PROCEDURE RULES:-**

The Council considered the following motion which was proposed by Councillor Cluer and seconded by Councillor Vesey:

#### **Motion to declare a Climate Emergency and commit to action to achieve carbon neutrality**

##### **Full Council notes:**

1. Humans have already caused irreversible climate change, the impacts of which are being felt around the world. Global temperatures have already increased by 1 degree Celsius from pre-industrial levels. Atmospheric CO<sub>2</sub> levels are above 400 parts per million (ppm). This far exceeds the 350 ppm deemed to be a safe level for humanity;
2. In order to reduce the chance of runaway Global Warming and limit the effects of Climate Breakdown, it is imperative that we as a species

reduce our CO<sub>2</sub>eq (carbon equivalent) emissions from their current 6.5 tonnes per person per year to less than 2 tonnes as soon as possible;<sup>1</sup>

3. Individuals cannot be expected to make this reduction on their own. Society needs to change its laws, taxation, infrastructure, etc., to make low carbon living easier and the new norm;
4. Carbon emissions result from both production and consumption;
5. Scarborough Borough Council has already shown foresight when it comes to addressing the issue of Climate Breakdown, having signed the Nottingham Declaration on Climate Change, written an Environment Sustainability Policy and Action Plan, and having employed a Sustainability Officer and an Energy Manager for several years, leading to substantial improvements in energy use in our buildings.
6. Unfortunately, our current plans and actions are not enough. The world is on track to overshoot the Paris Agreement's 1.5°C limit before 2050;<sup>2, 3</sup>
7. The IPCC's Special Report on Global Warming of 1.5°C, published in the autumn of 2018, describes the enormous harm that a 2°C rise is likely to cause compared to a 1.5°C rise, and told us that limiting Global Warming to 1.5°C may still be possible with ambitious action from national and sub-national authorities, civil society, the private sector, indigenous peoples and local communities<sup>3</sup>;
8. City Councils around the world are responding by declaring a 'Climate Emergency' and committing resources to address this emergency.<sup>4</sup>

**Full Council believes that:**

1. All governments (national, regional and local) have a duty to limit the negative impacts of Climate Breakdown, and local governments that recognise this should not wait for their national governments to change their policies. It is important for the residents of the Borough of Scarborough and the UK that local authorities commit to carbon neutrality as quickly as possible;
2. The consequences of global temperature rising above 1.5°C are so severe that preventing this from happening must be humanity's number one priority; and,
3. Bold climate action can deliver economic benefits in terms of new jobs, economic savings and market opportunities (as well as improved well-being for people worldwide).

**Full Council resolves to:**

1. Declare a 'Climate Emergency';

2. Pledge to do everything within the Council's power to make the Borough of Scarborough carbon neutral by 2030.
3. Call on Westminster to provide the powers and resources to make the 2030 target possible;
4. Work with other governments (both within the UK and internationally) to determine and implement best practice methods to limit Global Warming to less than 1.5°C;
5. Continue to work with partners across the borough and region to deliver this new goal through all relevant strategies and plans;
6. Submit a bid as part of the Council's budget setting process for an additional £80,000 to fund a 'Sustainability' Officer Post for a two year period to champion the scoping and delivery of the Borough Council's Carbon Neutral 2030 commitment.

It is proposed that the additional cost is funded from the overachieved budget savings in 2019/20 currently held in the budget proposals as a contingency.

Additionally this Council calls on the Leader of the Council to write to North Yorkshire County Council urging them to recognise the climate emergency and take a lead, both in their own operations and in working with the Districts, to move as rapidly as possible to carbon neutrality.

It was agreed that Council Procedure Rules be suspended for this item to enable the motion to be debated. Councillor Cluer introduced the motion, stressing the urgency of this issue, and noting that the Climate Emergency demanded action of all, from individuals up to international organisations. In 2018 it was estimated that globally some 5,000 people died as a result of extreme weather events and some 29 million needed emergency assistance or humanitarian aid. Councillor Cluer listed the consequences of inaction in the Borough of Scarborough including increased risks of flash flooding, crop failure, food shortages, coastal flooding and erosion. She added that other local authorities had already declared a Climate Emergency and her motion provided the opportunity for this council to join them, to work with partners which already had good schemes and to initiate meaningful action in the Borough. Crucially, the motion identified funding to employ a Sustainability Officer to help drive this forward, which could be approved through the forthcoming budget process. She concluded that hitherto the challenge of climate change had not been tackled with sufficient resolve and this may be the last chance. The Deputy Leader, Councillor Mallory expressed her full admiration for Councillor Cluer's continued commitment to climate change issues and agreed with the motion in principle. However, having discussed the motion with other Portfolio Holders, Councillor Mallory felt that a more effective outcome and better use of resources would be to tackle this global issue through a regional response, working with other agencies, and specifically North Yorkshire County Council and other district councils. She

added that the Chair of the Overview and Scrutiny Board was keen to include the content of the motion as a future agenda item. Therefore Councillor Mallory had asked the relevant Portfolio Holder to commence dialogue with the County Council before reporting back to Members. Until reasonable feedback had been received and the Overview and Scrutiny Board had considered the full implications of the motion, Councillor Mallory recommended that the funding commitment be deferred. She therefore proposed an amendment to the motion that 'full Council resolves to ask the Overview and Scrutiny Board to consider the implications and issues arising from the motion with a view to reporting back to full Council in due course.' Councillor Derek Bastiman seconded the amendment. Other Members commented on the motion. The Chair of the Overview and Scrutiny Board supported the original motion, maintaining that the Council needed to commit the monies now, and that the joint work with the County Council and district councils should commence promptly, but that the implications and costs of the motion also needed to be examined carefully so a robust plan could be put in place. Councillor Colling was happy for the Overview and Scrutiny Board to contribute towards the development of this plan, but after the elections in May. Councillor Randerson highlighted the role of dual hatted Members of the Council in facilitating dialogue between the Borough and County Council in this regard, whilst Councillor Chance who served on the County Council's Executive undertook to raise the motion with the County Council's senior management. Other councillors agreed that the urgency of the motion and the fact that the Council was already paying for the impacts of climate change, necessitated a funding commitment now, which would also send a clear signal to the Council's partner agencies and local authorities. The Portfolio Holder for Public Health and Housing, Councillor Chatt queried the impact of the appointment of a Sustainability Officer, when the Council's environmental initiatives had continued without one over the previous 18 months, but noted the gravity of the situation and that the Council needed to work in partnership with other agencies and councils to rise to this challenge. Councillor Cluer recognised the role of Overview and Scrutiny to do further work on this issue, but given the timing of the budget cycle, she felt it was critical that the Council committed the monies now for the next two years. In response to a perceived lack of clarity about Councillor Mallory's amendment, Councillor Mallory explained that she was recommending that Overview and Scrutiny be asked to consider the implications and issues arising from the motion with a view to reporting back to full Council in due course before a funding commitment was made, and that dialogue between the Borough and County Council commence immediately. On being put to the vote, the amendment was lost. The original motion was then put to the vote and was carried.

## **12. TO RECEIVE A STATEMENT BY THE LEADER AND DEAL WITH ANY QUESTIONS ARISING FROM THAT STATEMENT.**

Councillor Derek Bastiman presented his Leader's statement also providing updates on the Review of Local Enterprise Partnerships and regional devolution. He advised that York, North Yorkshire and East Riding Enterprise Partnership was in early discussions in respect of merging with Leeds City Region Enterprise Partnership, and he would strive to ensure that the east coast continued to be represented on the new LEP. He added that 18 Council



Leaders across the county were still pressing the Government for a One Yorkshire devolution deal; however, the Government's preference was for devolution deals for the four cities of Leeds, York, Hull and Sheffield. Members then put questions to the Leader about Business Rate Relief support to shops in Scarborough town centre, why the opposition group was not invited to the recent Select Committee visit, and what support at Director and Cabinet Member level would now be given to ensure the Climate Emergency motion was implemented as a priority. Councillor Bastiman responded that he was more than happy to consider applications for non-domestic rate relief from other businesses, noting that the extent and definition of Scarborough town centre was currently under review. He apologised to Councillor Siddons that the opposition group was not invited to the Select Committee visit, but he was not responsible for the invitations. Councillor Bastiman also confirmed that he would be meeting with officers to consider the implementation of Councillor Cluer's motion. Councillor Donohue-Moncrieff asked the Leader to justify why it required himself, the Chief Executive and two other individuals from the Borough Council to travel to Paris to be guests of Welcome to Yorkshire at the Tour de France finish at a cost of £2319.42 and why this was not declared at the last Council meeting when the discussion about the Tour de Yorkshire took place. She also asked the Leader to explain why he accepted hospitality at York Races from a gambling company Skybet given the immense damage caused by gambling in the Borough, quoting the recent resignation letter of Sports Minister Tracey Crouch in respect of fixed-odds betting machines. Councillor Donohue-Moncrieff added that the Leader stated that he networked with MPs and other leaders and businessmen. Who were these individuals? Did they have any interests in the Borough of Scarborough? Referring to the investigation of a potential breach of Data Protection in relation to the email sent in October to all councillors regarding the individuals listed as unreasonable complainants, Councillor Donohue-Moncrieff also sought assurance that the leak had not come from either of the two Cabinet members Nigel Ward of North Yorkshire Enquirer claimed to have regular contact with, or indeed from the Leader himself who was rumoured to have met with Mr Ward in person. Councillor Bastiman responded that the positions of Leader and Chief Executive regularly required them to attend a range of events in an ambassadorial and social capacity to promote the interests of the Borough, network and develop relationships which often resulted in economic investment and creating future events in the Borough. These activities were a fundamental and frequent part of their roles and therefore there was no requirement or expectation to report such activities to a meeting of the Council. He added finally that the investigation to which Councillor Donohue-Moncrieff referred was confidential and he confirmed that he had never met Mr Ward on his own.

**13. TO RECEIVE STATEMENTS FROM EACH OF THE CABINET MEMBERS AND DEAL WITH ANY QUESTIONS ARISING FROM THOSE STATEMENTS.**

Councillor Chatt presented his statement as Portfolio Holder for Public Health and Housing highlighting the excellent work undertaken by the White Rose

Home Improvement Agency in Scarborough and Ryedale. Members then put questions to Councillor Chatt about whether the opportunity had been taken during ongoing works on the Spa Footbridge to protect the structure against nesting gulls, the similar need to proof St Thomas Hospital, certification available to property owners in the selective licensing scheme and raising public awareness around recycling so as to reduce contamination of blue bins. In reply, Councillor Chatt commented that Borough Council officers had held discussions with County Council officers several years ago about proofing the Spa Footbridge, but it was felt that doing so would displace the nesting kittiwakes, which were currently identified as a conservation priority, to another part of the town. Local County Councillor Janet Jefferson added that she had also requested that the footbridge be proofed but had not obtained a response. Councillor Chatt recognised the similar issue at St Thomas Hospital which he referred the Portfolio Holder for Transformation, Councillor Phillips. In respect of the selective licensing scheme, Councillor Chatt commented that compliant landlords were issued with certificates; however, unlike with Houses in Multiple Occupation, there were no common areas in which to display the certificate. He also distinguished between compliance with the scheme (a minimum achieved after an inspection) and accreditation through the National Landlords' Accreditation Scheme which the Council supported and promoted to landlords. Councillor Chatt acknowledged that educational stickers on blue bins needed to be reviewed in the coming year.

Councillor Cockerill presented his statement as Portfolio Holder for Major Projects adding an update on the Whitby Piers project. Members were advised of Councillor Cockerill's extreme dissatisfaction with the quality and appearance of the parapet wall adjacent to the link bridge to the West Pier Extension which had been rebuilt as the first part of the project. He reassured Members that the contractors shared his view and would be working now to improve the visual aspect of the wall appropriate to its heritage status and location. If these works failed, then the wall would have to be demolished and rebuilt. Members thanked Councillor Cockerill for his intervention in this matter which had caused much anger in Whitby and asked how it was allowed to happen. Councillor Cockerill reassured the meeting that the project would continue to be closely monitored. In reply to Members' questions, he confirmed that Staithes Harbour Commissioners would be consulted on the Staithes Coastal Defence Strategy and provided an update on the South Bay Chalets: consultants, Royal Haskoning had been engaged to undertake the design of the work necessary to stabilise the area and would act as Project Manager. They had been in discussions with a contractor with the aim of demolishing the chalets early February - the first phase. Royal Haskoning would consider various methods to stabilise the area and construct a new wall. It was likely that a listed planning application would be required after the design of the retaining wall had been decided. However, it was too soon to give any firm timescale for subsequent phases of work.

Councillor Jefferson then put a question to Councillor Cockerill about the ongoing sheet piling works taking place on the Futurist site, which had commenced without prior warning to residents, despite assurances given by the contractors, Willmott Dixon and the Borough Council at a meeting with the

residents of Blands Cliff and Prospect Place in August 2017. Councillor Jefferson was very concerned about the severe stability issues caused by the piling as evidenced by cracks appearing in walls on the inside and outside of properties in these areas. Councillor Jefferson requested that the sheet piling stop forthwith until further investigations and assurances could be given to the property owners, residents and businesses of Blands Cliff and Prospect Place. Councillor Jefferson went on to voice concerns about the insurance implications of the ongoing works – not only public liability which officers advised was for a 12 year period, but also the property owners' personal property insurance cover, since they now had to advise their insurance companies that in fact piling was taking place. She suggested instead safer pile driving techniques such as hydraulic rams, and called on the Council and the contractors to underwrite the insurance policies of the said property owners of Blands Cliff and Prospect Place until the execution of these works were completed by a safe and secure means. In reply, Councillor Cockerill advised that the priority of both the Borough Council and contractor, Willmott Dixon, was to deliver the safest possible solution to maintain the stability of the slope and protect the properties surrounding and adjacent to the site. However, with engineering projects of this scale, sometimes changes to what was originally planned were unavoidable to achieve the required outcome. Willmott Dixon had originally proposed to construct a concrete retaining wall to stabilise the slope behind the Futurist. The decision to use steel sheet pile walls as an alternative construction method had to be taken in December in order to provide necessary additional stability to the slope at the rear of the site. Piling work would continue for approximately one more week, and there was a full regime of movement and vibration monitoring being carried out during the works, both within the site and on surrounding properties. A number of different methods of installing the sheet piles were investigated, and Willmott Dixon had properly sought and obtained the necessary statutory consents to install the piles using the current method (vibration and driving). Whilst news of the method change was covered by local press and media in late November and was added to both the news section and planning section of the Council's website at the same time, it was regrettable that direct correspondence to neighbouring residents and businesses about the change in method was late in reaching them. At the start of the project the respective responsibilities under the Communications Plan had been agreed with Willmott Dixon who was tasked with updating adjacent property owners in regard to progress and any developments. Willmott Dixon sincerely apologised for the oversight and would ensure that any further updates necessary in the New Year were issued in a timely manner. There was extensive knowledge of the ground conditions within the site, and whilst the hydraulic ramming method was considered by Willmott Dixon, consultant engineers Arup, together with the specialist piling contractor, this was not deemed possible since the ground conditions were too stiff and the long length of the piles (18m) which would be bent. Willmott Dixon had carried out condition surveys of all of the surrounding properties prior to commencement of the works and if any damage was caused it would be rectified by Willmott Dixon. Willmott Dixon was also carrying satisfactory levels of insurance as reported at the beginning of the project. Councillor Cockerill referred residents to Willmott Dixon should they have any issues arising from the

piling. He added that the costs of the project were still within the £4m budget approved by Council; however if the Council were now to instruct works not to recommence then the Council would become responsible for payment of additional delay costs and the budget would be exceeded.

Councillor Mallory presented her statement as Portfolio Holder for Corporate Investment. Councillor Donohue-Moncrieff then queried, in light of recent concerns expressed by CIPFA at the level of borrowing councils had made to invest in commercial property, whether the Council's commercial strategy risked the authority becoming dependent on commercial income, taking out too much debt relative to net service expenditure or taking on debt to finance commercial investments. In reply, Councillor Mallory commented that the Property Investment Strategy was intended to generate net financial returns for the Council in order to help maintain valued service provision to the Borough's residents, businesses and visitors and to help create and support economic development activity that contributed to the growth of the Borough. This was in the context of the significant financial challenges faced by the Council as was evidenced during the recent finance updated presented to Cabinet. The PIS offered innovative and creative solutions as a means of narrowing the projected £5 million budget gap over the next three years as an alternative to simply making further budget cuts leading to reduced levels of service provision. The strategy was indelibly linked to the Corporate Plan, ensuring the PIS contributed toward agreed Council priorities and objectives. The strategy made specific reference to the latest statutory guidance from the Ministry of Housing, Communities and Local Government and the strategy report made it very clear that the Council would take full regard of the recommendations contained within the updated guidance. Officers rightly took extensive legal and financial advice when compiling the strategy that Council approved in May 2018. The strategy report set out both the legal framework in which the PIS would operate as well how the strategy was aligned to the Council's Financial Strategy, Capital Investment Strategy and Treasury Management Strategy. Updated Prudential Indicator information was contained within the report that detailed, amongst other indicators, how the strategy was financed and the revenue implications of the Council's Capital Investment Strategy Programme. The amount of finance required to deliver on these savings, relative to net expenditure was reasonable and sound and enabled the Council to receive an income stream net of borrowing costs. The strategy also responded to guidance recently issued by central government on local government investments and the activity within this strategy would ensure the Council took full regard of the recommendations contained within the updated guidance. The report considered by Members in April and May 2018 described the due consideration of risk, how these risks were to be mitigated and what actions were to be put in place so that the Council was risk aware, not risk averse. Member briefing sessions were provided on the 8/9 May 2018. The PIS would deliver £600,000 of the £5million budget gap, so Members were assured this was a reasonable and prudent proportion of the overall budget gap when Members approved the strategy with cross party support in its entirety on 14 May 2018, including the financial indicators. Councillor Mallory therefore did not consider that the Council was solely reliant on this strategy to deliver the necessary budget

savings. Members also agreed governance arrangements that were clear and robust, and included regular updates to Members of the Audit Committee such as the meeting held on 27 September 2018. Members of the Overview and Scrutiny Board had also played a key role in the delivery of the strategy through vigorous challenge and scrutiny, evidenced at the meeting held on 18 September 2018. And as a final proposal to safeguard clear and robust governance arrangements, Members also agreed on how the strategy was linked to the Council's Property Asset Management Plan, which would be presented to Full Council later this year and then on an annual basis. Councillor Mallory also drew Members' attention to the article which appeared in the professional journal Room 151 in June 2018 which cited Scarborough Borough Council as providing a good example of a well-defined approach to developing the Investment Strategy and so gave external, independent validation by trusted experts in this area.

Councillor Nock presented his statement as Portfolio Holder for Legal and Governance. Asked by Councillor Colling whether he agreed that as a democratic organisation the Council should allow members of the public to address the Council meeting by raising relevant, timely issues on the Council agenda and what steps he would take to achieve this, Councillor Nock confirmed that currently there was no mechanism for the public to ask questions or comment at full Council, regardless of whether they related to the agenda or not. However, he noted that the agenda was available in the public domain about a week before the meeting, and ward councillors could and did put public questions to Portfolio Holders on their constituents' behalf. He therefore did not feel that democracy was being debased. He warned too of the risks of public questions or lengthy statements in respect of particularly sensitive matters disrupting Council proceedings and so corroding the democratic process. He added that the Governance Working Group had considered this matter previously and decided it was not necessary to include public questions/statements on the Council agenda in common with other local authorities. However, he was willing to refer the issue back to the Governance Working Group should Members wish. Councillor Colling confirmed she would like him to do this, citing examples of other local authorities in the region which made this provision.

Councillor Phillips presented her statement as Portfolio Holder for Transformation. Councillor Colling then put the following question on behalf of a constituent:

'Does the full council hold with the proposed closure of the Crown Post Office and franchised operation to W H Smith in Westborough bearing in mind that the Crown Post Office has operated from its current position for 108 years and is a much valued and recognised feature of central Scarborough?

Further, if there is a common consensus that this will not be to the full benefit of the residents of Scarborough for the foreseeable future, is the council able and willing to make a representation to the Post Office Management urging them to retain the existing post office in its entirety?'

In reply, Councillor Phillips commented that the Council did not have any direct control over a commercial organisation's strategies but may be able to influence what would work well for the local community - the Post Office

consultation had ended on 28 December. To this end, senior Post Office representatives had been invited to an informal public Member Briefing on 21 January at 3pm. The development of a new Town Centre Strategy had already shown the need for a dynamic strategy and partnership working to ensure the very best use of all local facilities. This partnership included the Post Office, Royal Mail, W H Smith and the public. In response to a further question, Councillor Phillips acknowledged the error in the Council's opening times over the festive season listed on the internet, and assured the meeting that this error would not be repeated. Councillor Donohue-Moncrieff then expressed concerns at the number of empty properties and businesses closing in Scarborough town centre, and the inadequacy of Council explanations for this trend, questioned the timing of the DBID levy, and asked if the Council would be applying to the Future High Street fund for support. She was also very concerned by the Planning and Development's recent decision to approve a significant development at The Bay near Filey which was not included in the Local Plan, and the implications of this decision for the planning of public services in her ward and for any future applications for development coming forward outside the sites in the Local Plan. In response, Councillor Phillips confirmed that the Council would be applying to the Future High Street fund – one of a number of measures included in the Government's budget statement to support high streets. She added that as at October 2018 the vacancy rate in Scarborough town centre was 13.5%, lower than the regional average of over 15%. Councillor Phillips acknowledged that the reasons for empty shops were varied, but this Council had taken a proactive approach by commissioning the Overview and Scrutiny Board to develop a Town Centre Strategy. This was not a question of too little, too late but was a proportionate response engaging with the stakeholders themselves. She commended the recent public engagement events in this respect. Councillor Phillips then rebutted Councillor Donohue-Moncrieff's criticism of the members of the Planning and Development, referring to their depth of experience and training, and defended their decision on this application which was in accordance with officer recommendations following refusal of an earlier application which had required amendment. Councillor Siddons requested footfall figures for Scarborough town centre in the run up to Christmas in light of shops' reports of a drop in business, and queried why it was decided to hold the Scarborough Sparkle event at the Open Air Theatre, thereby taking footfall away from the town centre. He went on to criticise the Christmas lights, to refer to the threat of closure of national chains such as M&S and Debenhams and asked what was being done to avert the catastrophic failure of the town centre's retail offer. Councillor Phillips cited an 8% reduction in footfall in Scarborough town centre in December, not 23% as reported in the local media. She commended the Scarborough Sparkle event which was very well attended, provided an opportunity for many small, independent retailers who did not have a presence in the town centre, and benefited from a special bus service from Eastfield via the town centre to the event. Councillor Phillips disputed Councillor Siddon's contention that the Sparkle event contributed to a decrease in town centre footfall, maintaining that the additional bus service may have increased visitor numbers. She defended the evolving Town Centre Strategy which had top priority. Councillor Chatt defended the

Christmas lights explaining that they had been replaced several years ago by low energy bulbs and were rotated every season by the Council's contractor.

Councillor Smith presented his statement as Portfolio Holder for Leisure referring to the success of the Scarborough Sparkle event which over the three days had attracted 26,572 visitors. He was also encouraged that most of the stallholders wanted to return this year. In reply to a question about parking enforcement in Hunmanby raised by the local parish council, Councillor Smith reported that there were 126 visits by civil enforcement officers in 2018 and 27 penalty charge notices issued. The Council's limited resources in respect of this service were deployed where there were most offences; however, the civil enforcement officers tried to attend the southern area at least two days per week. In reply to a question about the Yorkshire Coast Destination Business Improvement District, Councillor Smith explained that this was not being led by the Council, but by a group of private sector businesses.

Councillor Turner presented her statement as Portfolio Holder for Communities. In reply to a question about data protection and the Council's Customer First Team handling calls on behalf of Scarborough and Ryedale Clinical Commissioning Group, Councillor Turner explained that in 2016 the Council had won a contract to provide communications, engagement and support services to S&RCCG and all Customer First staff had been fully trained in respect of processing personal data. In reply to Councillor Donohue-Moncrieff, Councillor Turner apologised that she had not sent a response to her question put at the Council meeting on 5 November about the Jay Enquiry into Child Sexual Abuse, but it would not be appropriate for her to comment in any detail on an ongoing investigation. Councillor Donohue-Moncrieff also asked Councillor Turner to comment on criticism North Yorkshire Police had incurred recently in the national media about a sexual exploitation campaign. With reference to the allegations Councillor Donohue-Moncrieff said she had received about a serving Council Member and officer, Councillor Turner urged all to report any concerns through the correct channels. Councillor Mallory rose to support Councillor Turner's response stating that with regard to safeguarding concerns these should always be reported to the appropriate authority, including the police. Finally, Councillor Turner undertook to give full support to Councillor Chatt's campaign to accord apprenticeships the same status as educational courses in light of the evidence he had received in his ward that families on benefits were deterred from enrolling their children on apprenticeships because of the adverse impact on their household income.

#### **14. TO RECEIVE A STATEMENT FROM THE CHAIR OF THE OVERVIEW AND SCRUTINY BOARD AND DEAL WITH ANY QUESTIONS ARISING FROM THAT STATEMENT**

Councillor Colling presented her statement as Chair of the Overview and Scrutiny Board. There were no questions.

15. **TO RECEIVE MINUTES OF THE COUNCIL'S EXECUTIVE AND COMMITTEES PUBLISHED SINCE COUNCIL LAST MET AND APPENDED HERETO.**

**RESOLVED** that the minutes of the meetings be received.

**Chairman**