

COUNCIL

Minutes of the proceedings of a Meeting of the Scarborough Borough Council held in the
on Friday, 1st March, 2019 pursuant to Summons.

Present:-

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

Apologies

Councillors A Abbott, G A Backhouse, L Backhouse, J Dodds, D C Jeffels, Miss R K Murphy, N K Murphy and J Plant

1. DECLARATIONS OF INTERESTS.

Councillor Jefferson declared a personal interest in agenda item 9, Motion in respect of the Yorkshire Coast Destination Business Improvement District (DBID). in her capacity as a local business owner, although not leviable through the DBID, and President of the Scarborough and District Chamber of Trade and Commerce who attends the Welcome to Yorkshire Advisory Board.

2. APOLOGIES FOR ABSENCE.

See above.

3. MINUTES OF THE MEETING OF THE COUNCIL HELD ON 7 JANUARY 2019 TO BE READ OR TAKEN AS READ AS THE CASE MAY BE.

In respect of agenda item 8 in the minutes, and Councillor Donohue-Moncrieff's question about the Government's decision to lift the borrowing cap to enable local authorities to build more homes, she commented that she still had not received a reply. Councillor Donohue-Moncrieff then confirmed in reply to a question, that in respect of agenda item 13 in the minutes and the sexual abuse allegations she had received about a serving Council Member and officer, that the appropriate authorities had been informed.

RESOLVED that the minutes of the meeting held on 7 January 2019 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. TO CONSIDER AND PASS RESOLUTIONS ON THE FOLLOWING 'A' ITEMS:-

(i) Review of Council's Cumulative Impact Assessment (19/003)

The recommendations in the extract minute from the Cabinet were proposed by Councillor Derek Bastiman and duly seconded. The Cabinet Member for Communities, Councillor Turner welcomed the recommendation to retain the Cumulative Impact Zone in Whitby and urged all to continue reporting any incidents to the police.

RESOLVED that the Council:

- a) Note the analysis of the results of the consultation on the Cumulative Impact Assessment including comments received (attached at **Appendix 1**); and
- b) Approve the amended Cumulative Impact Assessment (attached at **Appendix 2**) post consultation.

Reasons

Recent amendments to the Licensing Act 2003 have placed a legal obligation upon Licensing Authorities to review and subsequently consult upon Cumulative Impact Assessments every 3 years. This is to ensure the assessment remains relevant and properly reflects the area to which it applies.

(ii) Update to the Statement of Community Involvement (19/026)

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

RESOLVED that the Council adopt the revised Statement of Community Involvement and that it is used thereafter as the basis for consultation on both the Policy and Development Management elements of Planning.

Reasons

Under the provisions of the Planning and Compulsory Purchase Act 2004 (as amended), local planning authorities must prepare a Statement of Community Involvement (SCI). A local planning authority's SCI is a statement of their policy for involving interested parties in matters relating to development in their area and should be reviewed at least every five years.

Additionally, the Planning Inspector who examined the Local Plan, whilst confirming that all consultation requirements had been met, recommended that in light of comments from consultees that the SCI be reviewed at our earliest convenience.

(iii) Schedule of Meetings 2019/20 (19/010)

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

RESOLVED that the Council adopts the Schedule of Meetings for 2019/20 as set out in Appendix A to the report.

Reasons

To help ensure that Council business is conducted efficiently, provides value for money, quality decision-making and promotes community participation.

(iv) New Protocol for Members on Outside Bodies (19/006)

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

RESOLVED that the Council approves the new Protocol for Members on Outside Bodies appended to the report.

Reasons

To introduce a simpler, and more concise protocol which delivers the four objectives of:

1. Enables Council appointees to understand their responsibilities
2. Enables the Council to have a mechanism for feedback from appointees
3. Maximises transparency to the public by providing more information on the full range of activities undertaken by elected Members – via published information
4. Helps Members who are thinking about taking up a position on an outside body to decide if they want the role

(v) Review of Honorary Aldermen Criteria (19/007)

The recommendations in the extract minute from the Cabinet were proposed by Councillor Derek Bastiman and duly seconded. Members were advised that the purpose of the report was to simplify the criteria for qualifying for the title of Honorary Aldermen in recognition of the Council's reformed governance structure and the reduced opportunities to serve as a committee chair. Councillor Colling proposed an alternate motion that the Council ceasing conferring the title of Honorary Alderman with immediate effect. Councillor Colling was then advised by the Chair that Members could propose an amendment to the recommendations in the report, but not a new motion. Councillor Siddons confirmed the Labour Group's position both against the proposed new criterion which he felt was too broad and against the title itself which he maintained was not appropriate in the modern age: serving on the Council and representing constituents was honour enough. Councillor Cockerill argued against the report's proposals, contending that the new criterion would in fact diminish the honour by not providing sufficient evidence that the former councillor had indeed "rendered eminent services to the council" as described in the Act. Indeed the current criteria were deficient in this regard. Instead he proposed the following alternative criteria supported by a selection process and a properly balanced panel of members to approve the nomination: "Past Members of the Council who have a minimum of 16 years' service with the Borough Council or a predecessor authority and have rendered eminent services to the Borough Council". After being seconded, Councillor Cockerill's amendment was put to the vote and was lost. The substantive motion was then put to the vote and was carried.

RESOLVED that the Council approves a revised criterion for conferring the title of Honorary Alderman, that is:

- Past Members of the Council who have a minimum of 16 years' service with the Borough Council or a predecessor authority

Reasons

Following a review of the Council's current criteria, to ensure a fair, consistent and inclusive approach to recognising 'eminent services' rendered to the Council by past Members in accordance with the powers conferred by Section 249 of the Local Government Act 1972.

(vi) South Cliff Gardens Project (19/004)

The recommendations in the extract minute were proposed by Councillor Derek Bastiman and duly seconded. Citing the Financial Strategy to be considered later on the agenda, Councillor Cockerill raised concerns that by committing the £1.576m funding and proceeding with this project, the Council would put future capital projects, potentially of a higher priority, at risk. Councillor Siddons shared these concerns and called for an investigation into why what was originally estimated to be a Council contribution of some £300K towards Stage 2 of the project had increased significantly to £1.576m. He nevertheless supported the delivery of the scheme. Other Members spoke in favour of the report's recommendations, acknowledging the pressures the Council's proposed contribution would put on the capital budget which would need to be addressed, but also highlighting the implications of rejecting the scheme, which included losing the Heritage Lottery Fund funding of £4.665m, losing the strong goodwill and support from within the local community, and, in essence, wasting a once in a lifetime opportunity to regenerate these much-loved gardens for the benefit of the town's heritage, environment, wellbeing and economy. Moreover, without the HLF and other external funding, it was contended that the Council would struggle financially to reinstate the gardens to an acceptable level after the major cliff stabilisation work. Tributes were also paid to the Council's Project Officer and to the South Cliff Community Group for galvanising the public to get involved in the project. The Leader urged all Members to support the proposals, noting not only the sizeable HLF grant, but also the critical community element, without which the Council could not deliver the project.

RESOLVED that the Council:

- i. Notes and appreciates the work of local community groups in supporting the South Cliff Gardens project to date.
- ii. Approves proceeding to the delivery stage of the South Cliff Gardens project;
- iii. Subject to the approval of the above, approves a scheme budget of £7.032m to cover the capital, project and activity works associated with the project; to be funded as follows: £4.666m Heritage Lottery Fund (HLF) , £1.576m Borough Council resources set aside to progress the capital strategy, £194k match funding from the Spa Coastal Protection scheme budget, £133k from Section 106 contributions, £117k from local fund raising, £235k from additional income, and £111k from in-kind contributions;
- iv. Notes that to progress the scheme the Council must underwrite potential funding and income shortfalls that may arise on the £194k match funding, £133k Section 106 contributions and £235k additional income. Any positive or negative variation in the amounts received from these areas will directly impact the Council's contribution to the scheme;

And notes the Cabinet's decision to:

- v. Accept £4.665m (66%) HLF grant funding for the project and approve entering into the grant funding agreement in Appendix B, noting that this will include the requirement to register a restriction against the Council's title to the gardens;
- vi. Instruct the Council's appointed specialist landscape consultant Southern Green Limited to proceed with the delivery of the project, which will include procurement of a suitable specialist landscape contractor for the works;
- vii. Note that the outcome of the tender of the capital works, and a recommendation to appoint a specialist landscape contractor, will be reported back to Cabinet in due course along with an update on the achievement of income from external funding pledges. The underachievement of income from funding pledges or a higher than anticipated tender price for the capital works may jeopardise the future progression of the scheme;
- viii. Delegate authority to the Director (LD) in consultation with the relevant portfolio holder to enter in to a funding agreement with the South Cliff Community Group to enable the Council to draw down all monies pledged and raised for the project.
- ix. Approve that £15k of eligible Section 106 contributions previously committed to Valley Gardens be reallocated to the South Cliff Garden project;
- x. Approve that £86k of eligible Section 106 contributions, which are already held or due to be invoiced imminently, be committed to the South Cliff Garden project;

Reasons

To save the unique and enchanting heritage of South Cliff Gardens from a point of critical decline and to breathe new life into the Gardens so they appeal to 21st century communities and become a vibrant, financially sustainable and well-used park once again.

(vii) Regeneration Master Planning in Eastfield and the South Scarborough Strategic Growth Area (19/031)

The recommendations in the extract minute were proposed by Councillor Derek Bastiman and duly seconded. Eastfield ward Councillor Randerson supported the report's recommendations but was heavily critical of the Middle Deepdale developers' recent decision not to release the section 106 monies for the much needed works on Westway Road to remove the railings between Westway and the High Street as a vital first step to improve footfall on the High Street in Eastfield.

RESOLVED that the Council:

1. agree the allocation of £35k from capital receipts from the sale of land at Middle Deepdale toward the cost of regeneration master planning activity within the South Scarborough Strategic Growth Area;

And note the Cabinet's decision to:

2. approve the acceptance of up to £36k from the YNYER LEP toward the cost of master planning activity within the South Scarborough Strategic Growth Area (SSSGA).

3. approve the commissioning of a holistic masterplan at a cost of up to £71k for the purposes of facilitating regeneration activity in the SSSGA in accordance with this report and the attached brief at Appendix 1.

Reasons

To facilitate a holistic approach to the regeneration of Eastfield and the wider SSSGA

6. ANY REPORTS GOING DIRECT TO COUNCIL

(i) Financial Strategy and Council Tax Setting 2019/20

The Council considered a report by the Director (NE) (Reference 19/55) which sought approval of (i) the level of Council Tax for 2019/20, (ii) the Financial Strategy, (iii) Council Tax discounts and premiums, (iv) changes to the Discretionary Business Rates Relief Policy, and (v) Environment and Regulation Service fees and charges 2019/20. Introducing the report, the Portfolio Holder, Councillor Mallory thanked Members who had attended the very informative budget briefings and the officers who had organised them. Noting the public misconceptions about the Borough Council's share of the proposed Council Tax evident in the recent budget consultations, Councillor Mallory explained the constituent parts, including the 12.38% of the total for Borough Council services. Councillor Mallory commended the Council's longer term approach to budget planning which had not only enabled the Council to balance the 2019/20 budget whilst allocating funding to address climate change and support projects such as the Cinder Track, but also to make significant strides towards identifying savings opportunities for 2020/21 and beyond. She added that the decision to increase the Borough Council's share of the Council Tax by 2.99% had not been taken lightly but was in response to ongoing cuts in central government funding and inflationary cost rises. The proposed increase would generate in excess of £260K of core funding which would be used to protect and sustain frontline services. There was a strong probability that the Government's current Fair Funding Review (of local government funding post 2020) would be used to redirect scarce public funding to address the escalating costs of adult social care faced by upper tier authorities which would impact significantly on the monies available for other services. It was on this basis that the Council's budget projections assumed that funding cuts would continue over the medium term and that some £5m of savings would have to be identified for the three year period to 2022 to bridge the funding gap. The proposals in the report identified £1.5m of that amount, of which a significant element would have a minimal impact on frontline services. Councillor Mallory noted the Council's strong track record of achieving savings, managing its budgets prudently and protecting services, whilst pursuing an ambitious investment programme to deliver regeneration and economic growth across the borough. The monies available to deliver the Council's Capital Strategy from different funding sources were currently projected to be some £5m plus capital receipts generated from the sale of assets. £1.5m of this was earmarked for the South Cliff Gardens Project. The Capital Strategy would be further developed during the coming year allowing capital resources to be utilised in a planned and structured way to provide the necessary funding to undertake essential works as well as the

priority schemes which would deliver the Council's longer term strategic priorities and objectives, particularly in relation to the regeneration of the Borough. Speaking on behalf of the Labour Group, Councillor Siddons criticised the Council's decision to accept the Government's Council Tax Freeze Grant up to 2015/16 which had decreased the Council's base budget by 65% since 2010. He maintained that if the Council had opted for a 1% rise in Council Tax during these years of freeze, then the Council would now have an extra £1m of revenue funding to spend each year on essential services. Councillor Siddons commended officers for completing the difficult task of balancing the budget for 2019/20, but noted with some concern the small reserve left to deal with unforeseen problems, referring particularly to Brexit. He referred to the Council's position as third from bottom in the financial resilience table of comparator authorities and the significant risk posed by the Council's ambitious programme of coast protection schemes. He noted the unfairness of the Council having to bear the risk of making up the funding for these schemes at the same time as some beneficiaries evaded their responsibilities in this respect, and questioned why in his view the independent review of the definition of beneficiary for these schemes requested by the Council had not been completed to a satisfactory standard. He then highlighted other matters of concern in the budget including the increased costs of temporary housing, and Section 106 monies not received from the Alpacare development. He concluded that the Labour Group could support an increase in Council Tax to protect frontline services, but not the proposed Financial Strategy. The Portfolio Holder for Public Health and Housing, Councillor Chatt commented that there were now fewer people in temporary accommodation funded by the Council than three years ago, but costs had risen because of local authorities' increased responsibilities under the Homelessness Reduction Act 2017. Councillor Broadbent criticised the continuing impact of the Government's austerity measures on Council services, the reduction in funding for Localised Support for Council Tax and the increasing burden of Council Tax on households – for a Band D property an overall rise of £100 in 2019/20. Councillor Donohue-Moncrieff was critical of the Council's Commercial Property Investment Strategy when she felt, given the Government's decision to lift the borrowing cap, the Council should be investing in the construction of much needed social housing. Councillor Barnett questioned what efforts were being made by the Council to challenge the Government's austerity measures. Councillor Dennett congratulated officers for identifying funding to progress the South Cliff Gardens scheme, noting that the Council's capital contribution was equivalent to the savings required for the year ahead, but questioned the sustainability of this approach to managing the Council's budget. He further asked what representations the Council had made to the Government's Fair Funding Review about the proposed removal of deprivation as a factor in the funding needs assessment. Councillor Mallory confirmed that such representations had been made. The recommendations in the report were then put to the vote and were carried as recorded below:

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| For |
| Cllrs Allanson, Bastiman, Mrs Bastiman, Chance, Chatt, Cluer, Cockerill, Coulson, Fox, Green, Inman, Jenkinson, Lynskey, Mallory, Mortimer, Nock, Pearson, Phillips, Smith, Swiers, Trumper, Turner, Vesey, Walsh, Watson |

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| Against |
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| Cllrs Barnett, Broadbent, Colling, P Cross, S Cross, Dennett, Donohue-Moncrieff, Haddington, Jefferson, Maw, Moody, Price, Randerson, Ritchie, Siddons |
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RESOLVED that the Council:

1 COUNCIL TAX RESOLUTION

- (i) Approve a Council Tax increase of 2.99% for the 2019/20 year, the formal Council Tax resolution at Appendix A and:

That in accordance with Section 31A of the Local Government Finance Act 1992 (as amended by Section 74 of the Localism Act 2011) a net **Council Tax requirement of £9,013,696** be approved for the 2019/20 year; which results in a basic amount (**Band D equivalent**) of **Council Tax of £234.75**.

2 FINANCIAL STRATEGY

- (ii) Approve the final Financial Strategy (Appendix B) with particular reference to the following recommendations contained within it:

- Revenue Budget proposals:
 - o A Council Tax increase of 2.99% (£6.82 for a Band D Property), leading to a Council Tax requirement of £9.014m;
 - o Proposed efficiencies/savings totalling £1.544m;
 - o £205k mainstream budget provision for the following essential and priority investment:
 - £109k to increase contributions to the capital programme
 - £30k for Town Hall security
 - £33k for the DBID levy on Council owned properties
 - £15k for a restructure of the Estates service
 - £13k for a restructure of governance roles and responsibilities
 - £5k for the net loss of rental income following the sale of surplus assets
 - o £385k one-off funding for the following essential and priority investment:
 - £22k for Peasholm shows
 - £17k for Peasholm Café
 - £30k for Scarborough Market
 - £33k for Oliver's Mount Race Track
 - £60k for reductions in rental income
 - £38k for increases in recycling processing costs
 - £70k for increases in temporary housing costs
 - £80k to address climate change
 - £30k for the Cinder Track
 - £5k for capital investment

- Capital Budget proposals:-
 - The new capital schemes / contributions recommended for approval within this Strategy have been restricted as an updated Capital Strategy will be presented to members during 2019. The schemes proposed for approval are as follows :-
 - **Scheduled Vehicle and Equipment Replacements** (vehicles £247k, equipment £155k, IT £189k)
 - **Planned Infrastructure Works** (£100k replacement lighting columns)
 - **Statutory Requirements** (£1.448m Disabled Facilities Grants)
 - There are a number of funding sources that are not currently committed within the budget proposals. The monies available from those sources will be utilised to develop a robust, long term capital investment strategy for the Council. The Strategy will integrate the Council's revenue budget projections as well as the Property Asset Management Plan, Commercial Investment Strategy and priority projects. The Capital Strategy will be subject to further reports to Members during 2019.
 - The South Cliff Gardens Project is subject to separate approval on this Council agenda. The scheme requires a Council contribution of £1.576m, which will be funded from the monies earmarked for the Capital Strategy. As the scheme is being considered via a separate Council report it is not included for approval within the Financial Strategy, however pending the Council decision, the Capital Program will be updated.
- The Invest to Save Strategy;
- The Prudential Indicators and Minimum Revenue Provision Policy;
- Treasury Management Strategy and Investment Strategy;
- The Council's Pay Policy Statement.

(iii) Note and endorse the comments contained within the Chief Finance Officers Statutory Statement;

3 COUNCIL TAX DISCOUNTS AND PREMIUMS

- (iv) Approve the following Council Tax discount and premiums for the 2019/20 year, which remain unchanged from amounts previously approved by Council:
- 0% Council Tax discount on Class B second homes;
 - 10% Council Tax discount on Class A second homes;
 - 0% Council Tax discount on properties undergoing major repair or structural alteration;

- 100% Council Tax discount for (Class C) properties which are empty and unfurnished for the first 28 days a property becomes empty, followed by a 0% discount thereafter;
- 100% Council Tax premium for properties that have been empty and unfurnished for more than 2 years for the 2019/20 financial year onwards.

4 DISCRETIONARY BUSINESS RATE RELIEFS

- (v) Approve the changes to the Discretionary Business Rates relief Policy (as detailed in Section 3.3)
- (vi) Approve that the authority to make changes to the Discretionary Business Rates Relief Policy be in future delegated to the Director (NE) in conjunction with the relevant Portfolio Holder

5 ENVIRONMENT AND REGULATION SERVICE FEES AND CHARGES 2019/20

- (vii) Approve the fees and charges administered by the Council's Environment and Regulation service, as itemised in Appendix F, which will come into effect on 1 April 2019;
- (viii) Approve that in future years the authority to approve Environmental and Regulation service fees and charges be delegated to the Portfolio Holder for Public Health and Housing.

Reasons

The Council is required to approve a balanced revenue budget and set its level of Council Tax for 2019/20. The Financial Strategy support the achievement of Corporate Priorities for the Council, and sets out the financial issues facing the Council and how these will be addressed, together with associated risk assessments.

The Chief Finance Officer has a statutory responsibility to ensure a balanced budget is set by Council, and to prepare reports to Members in accordance with the Local Government Act 2003 and other relevant Acts.

Under current delegations the fees and charges listed within Appendix F and discretionary Business Rate discounts must be approved by Full Council prior to their proposed implementation on 1 April 2019.

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

(i) Motion in respect of apprenticeships and the benefits system

The Council considered the following motion which was proposed by Councillor Chatt and seconded by Councillor Turner:

Full Council resolves to:

1. declare an apprenticeship as a positive way of removing dependency from the benefits system
2. agree in the case of an apprentice who is given an allowance that this should not be treated as a wage and should be disregarded from the benefits system. As this allowance is not taxed as a rule (!) we are not supporting a stealth tax on families
3. call on Westminster and Members of Parliament as well as the Local Government Association to change the system to stop taking the apprenticeship allowance away from families' benefits.
4. recognise that a lot of families on benefits could stop their children from taking the opportunity of doing an apprenticeship because of families missing out on benefits, which families need and use to live, and see this as a barrier to prevent their children taking up an apprenticeship.

It was agreed that Council Procedure Rules be suspended for this item to enable the motion to be debated. To provide greater clarity to the motion, Colling proposed an amendment to replace 2. with:

'2. agree that any apprentice receiving the apprentice rate has that treated as an educational allowance (the rate is currently £3.70 an hour rising to £3.90 in April 2019)'

Councillor Chatt welcomed this amendment and then seconded it. There was then further debate among Members about the apprentice rate in question, seeking confirmation that it excluded higher rates and that it was applicable to all apprentices. In reply, Councillor Colling commented that the apprentice rate of £3.70 an hour was that claimed by 16-17 year olds and by apprentices of any age in the first year of their apprenticeship. The motion as amended by Councillor Colling was then put to the vote and was carried.

(ii) Motion in respect of the Yorkshire Coast Destination Business Improvement District (DBID)

The Council considered the following motion which was proposed by Councillor Sam Cross and seconded by Councillor Donohue-Moncrieff: Full Council resolves that in recognition of legitimate criticism of the ballot process underpinning the Yorkshire Coast DBID, to set aside all involvement with this and other DBIDs for a period of five years.

It was agreed that Council Procedure Rules be suspended for this item to enable the motion to be debated. Councillor Vesey questioned the relevance of five years – was not this too long a period of time to prevent the Council and local businesses revisiting the DBID opportunity? Councillor Paul Cross felt the DBID was wrong in principle because of its adverse impact on many small businesses at this challenging time for the high street, and felt it should be rejected. Councillor Turner who represented the east side of Whitby where many businesses affected by the DBID were located, highlighted their serious concerns about the consultation process underpinning the DBID which had excluded some of them. She had shared these concerns with the Leader and other Members of the Cabinet, and as a consequence the Leader had written to the DBID company to suspend the Council's involvement until a definitive response had been received by the Secretary of State for Communities and

Local Government to businesses' request to disregard the result of the ballot. Councillor Turner therefore urged caution about the DBID and voiced her support for the motion. The Portfolio Holder for Legal and Governance, Councillor Nock, although sympathising with businesses' concerns, commented that he could not support the motion in its current form, since the Council did not have the legal authority to enact it, thereby committing the next administration and the one after to inaction on an initiative which may prove ultimately of benefit to local businesses. He therefore proposed the following amendment:

'Full Council resolves that in recognition of legitimate criticism of the ballot process underpinning the Yorkshire Coast DBID, to set aside all involvement with it until such time as the Secretary of State has determined the appeal. We will then consider our position along with the business community and will have the opportunity to take considered advice'. The amended motion was then seconded by the Leader, Councillor Bastiman. In response to a query by Councillor Siddons, the Monitoring Officer, Mrs Dixon confirmed that if the Secretary of State were to reject the appeal, then the DBID would go ahead, and then according to Councillor Nock's amendment, the Council would take considered advice on how to address local businesses' concerns and any other relevant matters. Conversely, should the appeal be upheld, the Council would also re-consider its position, and explore the options available. The Leader, Councillor Bastiman assured Councillor Siddons, that should the appeal be upheld, the matter including the next steps the Council should take based on considered advice, would come back to full Council for determination. Councillor Bastiman also confirmed that he had written to the Chairman of the DBID to suspend the Council's involvement and to the Director of the Mosaic Partnership to relate his concerns about the DBID process – a communication he had copied to the Secretary of State. Other Members then spoke for and against the amendment. Of the arguments against the amendment (and the DBID), including those made by the proposer, Councillor Sam Cross, were that the amendment did not go far enough; the Secretary of State may reject the appeal; the voting process was flawed including the omission of businesses which should have been consulted; the Borough Council was heavily involved in the DBID and the Borough Council had not heeded businesses' concerns; if the votes of constituent local authorities had not been taken into account, then the ballot result would have been to reject the DBID since most local businesses opposed it; the DBID would unfairly levy manufacturing businesses who had no stake in the visitor economy (this proposition was later corrected – only the tourism sector such as accommodation, retail and hospitality were liable to pay the levy); the DBID area was too big; the DBID was an unnecessary layer of bureaucracy when there were already enough resources to promote tourism; it was unfair that all businesses which met the eligibility criteria were compelled to pay the levy. Those arguments in favour of the amendment included that by passing the original motion, the Council would be acting ultra vires, and that the original motion would make no difference to the outcome of the appeal to the Secretary of State, that is, should the appeal be upheld, then the Borough Council would be directed to re-hold the ballot. The motion as amended by Councillor Nock was then put to the vote and was carried.

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

Councillor Derek Bastiman presented his Leader's statement. In reply to questions about progress with the critical junctions scheme, and whether ward councillors and the public would be involved in the consultation exercise in respect of the junction improvements, the Leader confirmed that the previous day the Local Enterprise Partnership had approved funding for the scheme (together with s106, County Council and Borough Council financial contributions). He assured the meeting that through the County Council which would manage the scheme on a phased approach, public and ward councillors would be kept informed through the consultation process.

9. 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 progress with the Selective Licensing Scheme which thus far had generated more licences than expected. He referred to the positive effect of the scheme in driving up standards in private rented accommodation, the Council's use of the new Civil Penalties Policy approved in November, and a film in which he had been involved charting improvements in local housing. In reply to Members' questions, Councillor Chatt confirmed that the InCab video equipment used in refuse vehicles was GDPR compliant, although he could not comment on the provision or not of video footage in Subject Access Requests. He added that he would shortly be confirming the start and end dates of the garden waste collections this year.

Councillor Cockerill presented his statement as Portfolio Holder for Major Projects adding updates on the Whitby Piers and Clock Cafe Chalets projects. Councillor Cockerill was pleased to report that following his concerns raised about the unacceptable appearance of the newly constructed parapet wall on the West Pier in Whitby, and the contractors' failed attempts to redress the appearance of the structure, the concrete wall would be demolished and replaced by a structure consisting solely of stone blocks sourced from the same quarry as the original pier. He felt this represented a solution appropriate to the location, heritage and listed status of the piers. In respect of the Clock Café Chalets, Councillor Cockerill reported that the Council's consultant had prepared a design for the demolition of the chalets and the temporary stabilisation of the area. However, as possibly 50% of the temporary work would have to be removed to allow the construction of the permanent solution the question of value for money had arisen. Therefore, it had been agreed to start demolishing the chalets this month and the area to be left tidy. Further discussions would then take place when the design of the permanent solution was available. Without the design of the permanent stabilisation, Councillor Cockerill was unable to give a timescale for its construction. Members then put questions to Councillor Cockerill about the stability of the Futurist site, South Bay bathing water quality, and the suggestion to install safety railings on the East Pier in Whitby. In response, Councillor Cockerill commented that once the backfilling behind the piling on

the Futurist site had been completed, the consultants had assured him the bank would be stable. There would be no need for the land to stand empty for three years to achieve stability, as had been rumoured. In respect of South Bay bathing water quality, Councillor Cockerill explained that the Yorkshire Bathing Water Partnership (YBWP) consisted of representatives from Scarborough Borough Council (SBC), East Riding of Yorkshire Council (ERYC), Yorkshire Water (YW) and the Environment Agency (EA) with the collective aim of ensuring "all Yorkshire's designated bathing waters exceed the minimum water quality classification of 'Sufficient'" together with the vision of attaining "8 Blue Flags, helping Yorkshire's coastline to be the very best in Europe". The responsibilities of each partner were: Environment Agency (regulator), Yorkshire Water (operator and maintainer of its infrastructure) and the local authorities (limited power but responsible for beach management and applications for awards). In his view, the Borough Council's effective working relationship with the EA and YW had seen a decline over the last 12 months. There was a change in personnel at both agencies last year and he felt the Council was not getting the same degree of input. He was pressing at various levels to try and improve this situation. He added that he had asked officers to prepare a briefing note which he would circulate setting out the case for a small amount of additional funding to make some progress. In the past he had requested such funding, a start of £10k per year would help, but, whilst officers believed this would assist, middle management did not agree. He now believed that the lack of sufficient progress to date strengthened the argument for the use of this £10k. On a similar theme, but with a more positive outcome, Councillor Cockerill was very pleased to report that having enlisted the help of local MP, Kevin Hollinrake, they had persuaded the EA to include Filey in the Pollution Risk Forecasting (PRF) procedure when assessing bathing water quality. This procedure allowed certain sampling results to be discounted when derived from a high volume of rainfall that had overflowed out of the normal drainage system and entered the sea without being treated. It became very apparent last year that if Filey had been covered by this procedure, then it would have had a positive effect on the status of the beach. In respect of the East Pier in Whitby, Councillor Cockerill referred first to a suggestion made by a member of the public that the redundant railings resulting from the Church Street project be used on the East Pier. His reply was that most of the railings did not belong to the Borough Council, and that those railings were unlikely to withstand the ravages of the seas experienced at the seaward side of East Pier. Railings and ladders were not included in the current work specification for the Piers Project and were therefore not included in the budget. He added that the Borough Council could submit a Listed Building application to install railings and ladders along the seaward side of East Pier. However, he remained to be convinced that permission would be granted as the railings would have to be of such a construction that they would be totally out of keeping with the listed structure. Besides, he did not feel this would be a practical proposition because of the aforementioned ravages of the sea. He was satisfied that the Borough Council had taken all reasonable measures to protect the public, but also felt that people needed to take some responsibility for their own safety by using common sense and not putting themselves at unnecessary risk by

going too close to the edge and keeping off the Pier when advised by the warning signs and chains.

Councillor Mallory presented her statement as Portfolio Holder for Corporate Investment. Councillor Donohue-Moncrieff put the following question: 'On 16 January, the Portfolio Holder made comments to Yorkshire Coast Radio about the serious financial difficulties at the Alpamare Waterpark. She stated "this does not affect the Council's ongoing relationship with Benchmark or the security of the loan with them". Yet on 31 January, the Director, Mr Edwards revealed that Benchmark had stepped in to run the Waterpark after Alpamare's UK bank accounts were frozen. This led to a demand for a £580k guarantee to be paid. He also revealed that a repayment in relation to the £9m loan had been missed in December 2018.

1. Has the Council received the £580k?
2. Has Benchmark paid the outstanding loan repayment?
3. Does she not agree that issuing a demand for a guarantee and a loan repayment does affect the Council's ongoing relationship with Benchmark?'

Councillor Donohue-Moncrieff then referred to evidence of a meeting between Alpamare's Chief Executive Officer, Mr Hoefter, and the Council's Chief Executive, Mr Dillon, and of various meetings involving Benchmark's Chief Executive, Mr Duce, Cabinet Members and senior officers, and to details of Mr Hoefter's business background in Germany.

Councillor Mallory provided the following reply:

1. The £580k has not yet been received. However, Benchmark has confirmed that payment will be made as part of the signing of the hotel lease which was predicated on the completion of the Wellness Spa. This was achieved this week when associated ward councillors were invited to view the new facilities. It is therefore anticipated that the hotel lease will be signed in the next weeks, and before legal contracts are concluded, the £580k must be paid.
2. Benchmark has confirmed that the outstanding loan repayment will be made at the same time as the guarantee.
3. The request for the loan guarantee is contractual and does not impact on the Council's ongoing relationship with Benchmark.

Councillor Mallory confirmed that she and other councillors had been involved in meetings with the Council's partners – a sign of a forward thinking council which was open for business. She declined to comment on Mr Hoefter's business background which she did not feel was pertinent to the Council nor to the Waterpark project.

Councillor Nock presented his statement as Portfolio Holder for Legal and Governance, congratulating the Council's Legal Team on recent successes in securing prosecutions for environmental crime.

Councillor Phillips presented her statement as Portfolio Holder for Transformation, highlighting the development of the Scarborough Town Centre Strategy which she hoped would lead to the appointment of a Strategy

Delivery Manager in keeping with other councils, and also the recent interview she had conducted with the Local Government Association about the successful InCab project. Councillor Randerson queried when the new smart passes would be implemented and also raised the shortage of effective induction loops at meeting rooms in the Town Hall. Councillor Phillips understood that ICT services were in the progress of upgrading the Town Hall's meeting rooms and would raise this matter with them. Both Councillor Siddons and Councillor Price expressed dismay at the ongoing delay in the North Bay Cinema project instead proposing a Plan B that a new cinema be developed in the town centre. The Leader shared their frustration in respect of the North Bay Cinema, whilst noting that the Council wished to ensure that new development was properly managed and reminding them that the Council was open for business should a cinema developer for the town centre come forward.

Councillor Smith presented his statement as Portfolio Holder for Leisure. Referring to the increasing problem of human excrement found on pathways on the Castle Headland to the North Bay, Councillor Jefferson requested progress on the provision of new public conveniences on the North Bay. Councillor Smith replied that the developer had agreed to provide public conveniences as part of a new development on the North Bay, and a planning application was expected shortly. Temporary facilities had previously been investigated for the North Bay but were found to be cost prohibitive. Asked whether the Borough Council had been included on Northern Rail's list of consultees in respect of their new timetable to be introduced in May, Councillor Smith confirmed that despite efforts by Members and officers, the Borough Council had not been consulted on the new timetable. However, Councillor Allanson, as the Council representative on the Yorkshire Coast Community Rail Partnership, would raise this matter at the partnership's next meeting in the coming days, in particular in relation to Hunmanby residents' concerns about the frequency of services stopping at their station. In reply to a question about progress with the Sands development and whether the North Bay would be represented on the task group planning for National Armed Forces Day in 2020, Councillor Smith referred the questioner, Councillor Inman to the Leader who was spearheading this project. He further acknowledged that the Council was working with the Sands developer to tidy up the unsightly hoarding on the North Bay. In respect of ongoing work with Whitby Members and officers to mitigate the loss of parking spaces taken by the Pier works and unexpected loss of the Church Street Car Park due to essential Yorkshire Water works, Councillor Smith invited all Whitby councillors, including Councillors Dennett and Barnett to the next meeting on 4 March at 10am. In response to concerns voiced by Councillor Randerson about the dearth of acts so far announced for the 2019 Open Air Theatre season and whether the venue was expected to make a profit this year, Councillor Smith commented that Cuffe and Taylor would be announcing a series of high quality acts with short sell out times in the coming weeks. Councillor Mallory undertook to provide Councillor Randerson with a written reply to his second question. Both Councillor Chatt and Gallows Close Centre Director, Councillor Lynskey highlighted the parlous state of the Multi-Use

Games Area at the Centre which Councillor Smith undertook to raise with officers.

Councillor Turner presented her statement as Portfolio Holder for Communities, commending the Community Safety and Safeguarding Manager and the Community Impact Team for the deserved recognition they had received through the recent North Yorkshire Police, Fire and Crime Commissioner survey of neighbourhood policing. In reply to a question about the Women Against State Pension Inequality (WASPI) campaign against the unfair implementation of the equalisation of the state pension age for women, Councillor Turner confirmed that she would lend support to the campaign by making representations to Government on behalf of the Council. In response to a question about the incidence of hate crimes in the Borough, Councillor Turner commented that reported hate crimes from January 2018 to the present date were 125 incidents, compared to 93 in the same period the previous year. Disability, hate+other, racial, religion, sexual orientation and transphobic were the hate crimes measured in the report with racial abuse the highest reported crime, and sexual orientation coming second. The night time economy and particularly August saw a notable spike in reports with alcohol a key factor. The Community Impact Team continued to work closely with all agencies to reduce the level of all crime throughout the borough. Councillor Turner shared Councillor Chatt's sentiments in urging councillors to give their support to the Borough Eco-Champions Scheme.

10. 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 reminding Members that all were welcome to attend meetings of the Board. Councillor Chatt commended Councillors Colling and Lynskey for the successful Cinder Track Review.

11. 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.

The Chair ended the meeting by thanking councillors for their service to the Borough in the last four years and sending best wishes to the Mayor who could not be present because of illness.

Chairman