

CABINET

At a meeting held on Tuesday, 16 July 2019

Present:-

Councillor S Siddons (Chairman) in the Chair;
Councillors Ms E Colling, Mrs J Jefferson and T Randerson

1. DECLARATIONS OF INTEREST

No declarations of interest were received.

2. MINUTES

RESOLVED that the minutes of the meeting held on 18 June 2019 be approved as a correct record and signed by the Chairman.

3. PUBLIC QUESTION TIME

Portfolio Holder, Councillor Colling reported that a series of questions had been submitted about the Yorkshire Coast DBID but the member of the public had not given the required minimum three clear days' notice for questions which did not relate to items on the agenda. The minimum notice period was two clear days for questions concerning items on the agenda. The procedure rules were in place to enable full and considered responses to be made at the meeting. In this case, a written reply would be sent to the questioner.

4. FORWARD PLAN

The Cabinet considered the Forward Plan (Reference 19/152). In respect of Item 14 on the Plan, Futurist Development Phase, the Chairman reminded the meeting that there were three decisions to make, each involving different decision makers: (i) the decision if the development by Flamingo Land was right for the site was for the Planning and Development Committee which was legally independent of this Council whilst its members were bound by law to be independent of their political group; (ii) the decision 'if Public Open Land in St Nicholas Gardens was transferred to a private development' was a separate 'S123' decision and not for this Cabinet; (iii) the decision that this Cabinet and full Council would be asked to make was to finalise the agreement initiated in September 2014 when the then Cabinet agreed to make Bidder B, later identified as Flamingo Land, the preferred bidder for the then Futurist site. The Chairman further advised that the Forward Plan they had inherited was that this year's September Cabinet and Council meetings would appraise that final agreement after seeing an outline of the terms, the valuations, the business plan, the benefit and risk analysis etc. That timing might be overambitious. He added that in May he had promised to look at concerns expressed about that original September 2014 Cabinet preferred bidder agreement. These were not concerns with Flamingo Land per se but with the deal the Cabinet agreed in 2014. He had not yet had all those concerns addressed. The Council Leader at the time of the September 2014 decision assured councillors that further reports to address their diligence concerns would follow. Because the Chairman would expect that every member of the Council would also want those diligence concerns addressed before

proceeding, he added that this Forward Plan should reflect that there may need to be additional scrutiny, whether Audit Committee or Overview and Scrutiny Board involvement or some other checks. He reminded the meeting of his own key concern: the Cabinet gave preferred bidder status to Flamingo Land before £4m was spent demolishing the Futurist Theatre and preparing the site. Others had expressed interest in the cleared site but were not included in the 2014 preferred bidder status process. Why was the site not marketed as 'once cleared'? He also commented that there were several other unexplained concerns to which answers must be sought before moving to the agreement decision. Even if these concerns were not answered, there was also the concern raised by Councillor Donohue-Moncrieff at the Council meeting earlier that month: was the Council locked into a legal agreement following its granting of preferred bidder status? He was therefore seeking clarification on this and the implications of the later decision to spend £4m demolishing the Futurist Theatre and preparing the site. For all these reasons, he proposed that the Forward Plan reflected that additional scrutiny may need to be undertaken before proceeding to a decision on the final agreement.

RESOLVED that, subject to the above, the Forward Plan be approved.

5. PROGRESS OF SCRUTINY OF EXECUTIVE DECISIONS

Members were advised that the Cabinet's decision dated 18 June 2019 in respect of the provision of public conveniences on Royal Albert Drive and South Cliff had been called in for scrutiny and considered by the Overview and Scrutiny Board on 3 July. The Board resolved to uphold the Cabinet's decision.

6. REVIEW OF THE LOCAL PLAN AND THE LOCAL DEVELOPMENT SCHEME (TIMETABLE FOR REVIEW OF THE LOCAL PLAN)

The Cabinet considered a report by the Director (RB) (Reference 19/119) in respect of a review of the Local Plan. Members were advised of the rationale behind the review and the process and timetable involved. A fuller scope of the review would be developed with fuller Member and stakeholder engagement in due course. A presentation to Members was planned before full Council on 16 September. In reply to a question, the Planning Services Manager confirmed that with reference to paragraph 1.4 of the report, the term 'affordable housing' was an umbrella term which covered different tenures and models of housing. The process of gathering evidence for the review would enable the Council to understand the most appropriate models and mix for the Borough which included that of rented social housing.

RESOLVED that the Cabinet:

- i) Agree to the review of the Local Plan and the updated Local Development Scheme covering the period 2019-2023;
- ii) Agree to the creation of a Planning Policy Members Working Group; to be chaired by the relevant portfolio holder, with membership to include the chair and vice chair of Planning and Development Committee and up to 5 other members of the committee broadly representative of the political and geographical landscape of the Borough;

- iii) Note the financial implications of the Local Plan review and Examination in Public and that a one off budget of up to £116k is available to fund these costs.

Reasons

Government guidance requires that Local Plans must be kept up to date and determine if a review is required at least every five years; making plans for such reviews where appropriate. There have been a number of changes in the planning system and national guidance since the adoption of the Scarborough Borough Local Plan that means the need for a review is inevitable. It is therefore proposed to start the process of reviewing the Local Plan by identifying the main issues and options and tailoring any review to only those matters that require attention.

Under the provisions of the Planning and Compulsory Purchase Act (2004) (as amended) local planning authorities are required to set out in a project plan the timetable for the production of various development plan documents for their area. Local planning authorities are encouraged to include details of other documents which form (or will form) part of the development plan for the area, such as neighbourhood plans. The Local Development Scheme is the conduit for this, forming the timetable for the review of the Council's Local Plan and other land-use planning related documents.

The Local Plan Members Working Group was a useful tool during the production of the current Local Plan. The Working Group, which comprised a small number of Members from the different parties and geographic locations across the Borough, gave Members the opportunity to work with officers in a non-binding manner to consider policies and allocations before they were finalised and recommendations made to the various committees and Cabinet. It would be beneficial for officers and Members to work on the review of the Plan in a similar collaborative and co-ordinated manner.

7. PINDAR LEISURE CENTRE: JOINT USE AGREEMENT WITH HOPE TRUST

The Cabinet considered a report by the Director (RB) (Reference 19/118) in respect of a proposed new agreement relating to the management of Pindar Leisure Centre.

RESOLVED that:

- a) The Council enters into an agreement relating to the management of Pindar Leisure Centre with Hope Learning Trust, which updates the previous agreement entered into with George Pindar Community Sports College.
- b) That the Council notes the updated arrangements regarding sinking fund contributions in relation to the newly refurbished 3G pitch at Pindar Leisure Centre.

Reasons

To update existing approvals to enter into contracts in respect of Pindar Leisure Centre following the conversion to academy status the school becoming part of the Hope Learning Trust.

8. FINANCIAL OUTTURN REPORT 2018/19

The Cabinet considered a report by the Director (NE) (Reference 19/138) in respect of the Council's final outturn position for 2018/19 and other financial matters. Introducing the report, the Portfolio Holder, Councillor Jefferson noted that in respect of paragraph 3.11 of the report and the procurement of the Council's cash receipting system, the new product may derive from either the G-Cloud 10 or G-Cloud 11 framework depending on the timing of the contract award. Members were then advised of the different elements of the report: the underspend on the revenue budget, slightly higher than forecast in the Quarter 3 report, the small underspend in the capital programme, the surplus in capital receipts to go into the capital development reserve, the robustness of the Council's reserves, the receipt of a grant from the Ministry of Defence for National Armed Forces Day, and a proposed increase in charge made to insurance companies for providing copies of CCTV footage. The Council's accounts for 2018/19 had been published in May and were being externally audited with a completion audit report to go to the Audit Committee on 25 July. He also referred to the ongoing objection to the Council's accounts in respect of the treatment of Whitby Harbour income which was in the hands of the external auditors.

RESOLVED that the Cabinet:

- (i) Note the report, and in particular:
 - the £279k underspend on the revenue budget for 2018/19 after committing to following budgets during the year:
 - £150k for 2019 Tour de Yorkshire cycle event
 - £84k for the implementation of a trial residents car parking scheme for a period of 12 months;
 - that the £200k budgeted draw from the General Fund was not made during the year
 - the outturn position for capital schemes completed in the period and capital receipts for the 2018/19 year; and
- (ii) Note that Cabinet have previously agreed that any surplus achieved at year end will be transferred to reserves and set aside for the capital strategy / one off priorities;
- (iii) Accept the following grants and contributions:
 - £10k from Ministry of Defence (MoD) towards the costs of the 2019 Armed Forces Day Event;
- (iv) Approve an increase in the charge made to insurance companies for providing copies of CCTV footage to £100 per request.
- (v) Note the Council's partial exemption VAT percentage for 2018/19 was 1.17%, significantly below the 5% limit.
- (vi) Note that the updated Prudential Indicators for Capital Expenditure are included within report (19/151), which will be considered by Full Council on 12 July 2019.

- (vii) Approve entering in to contract for a corporate cash receipting product for the Council following procurement through the G-Cloud 10 framework or G-Cloud 11 framework. The contract will be for a period of two years with the potential for extensions of up to a further two years and the cost of this product will be no higher than the current available budget.

Reasons

1. To update Members on the final outturn position for 2018/19 and approve the acceptance of grants and use of funds in line with the requirements of the Council's constitution.
2. To enable the Council to continue to take payments by card, to achieve PCIDSS compliancy across all payment channels and to improve the customer experience when making payments.

9. INSURANCE TENDER

The Cabinet considered a report by the Director (NE) (Reference 19/138) in respect of the tender of the Council's main insurance programme and Marine Insurance Policy. Updating the report, the Asset and Risk Manager advised that the timeline for the main insurance tender had slipped slightly – the closing date for submissions was now 12 August – but this did not affect the overall timetable.

RESOLVED that the Cabinet:

- (i) note that the Council is undertaking the tender of its main insurance programme through the Crown Commercial Services Insurance II framework;
- (ii) delegate the award of contract(s) to the successful provider(s) for the main insurance programme to Director (NE).
- (iii) approve the undertaking of a compliant tender exercise for the placement of the Council's Marine Insurance Policy;
- (iv) subject to recommendation (iii) delegate the award of contract(s) to the successful provider(s) for the Marine Insurance to Director (NE).

Reasons

The insurance programme forms an integral part of the Council's service delivery.

As the aggregated value of the contract, which is already expenditure budgeted for under the current arrangement, will exceed the EU thresholds for supplies and services the contract tendering must comply with both the EU and Council procurement rules.

The Director (NE) has responsibility within the Constitution to effect appropriate insurance arrangements.

10. AGREEMENT TO ENTER INTO A LIFTING EQUIPMENT FRAMEWORK AND ASBESTOS MANAGEMENT FRAMEWORK (DOMESTIC DWELLINGS)

The Cabinet considered a report by the Director (NE) (Reference 19/088) in respect of two procurement frameworks relating to the delivery of disabled facilities grants.

RESOLVED that the Cabinet:

- (i) Approve the use of The Northern Housing Consortium's Framework for the purchase of Lifting Equipment in relation to the delivery of disabled facilities grants
- (ii) Approve the use of The Northern Housing Consortium's Framework for the purchase of Asbestos Management Surveys in relation to the delivery of disabled facilities grants

Reasons

Due to the volume of stair lifts, through floor lifts and step lifts the Home Improvement Agency installs via disabled facilities grant, it is required to enter into a procured framework.

It is also required to provide Health and Safety information to contractors carrying out work under disabled facilities grants. Again due to the anticipated total cost of surveys to be carried out it is required to enter into a procured framework. As these services are not generally provided by local contractors, it is recommended that the Northern Housing Consortium's frameworks are utilised. Thus reducing the cost and resources required from the Council.

Chairman