QUESTIONS AND REQUESTS TO THE LEADER AND CABINET MEMBERS WITH THE REPLIES AND UPDATES PROVIDED AFTER THE MEETING

The Leader, Cllr Steve Siddons

1. A financial update on the Whitby Piers project was requested (Cllr Trumper)

*The Council has a budget of £9m and to date has spent £7.32m.*

*The Council and its supplier are currently agreeing and finalising the final accounts and also the grant funding income, and final information will be available once this process is concluded.*

2. An update on the Whitby Church Street Flood Defence Scheme was requested (Cllr Goodberry)

*Works have recommenced on site after the Christmas break. The temporary lighting remains in-situ with power having been restored to the pontoon on 19 December. Works intended for this month include:*

- Complete remainder of cut off trench works
- Commence casting base slabs south of pontoon
- Precast wall units will start being installed towards the end of January
- Non-return valves will start being installed at the beginning of February

*Works are anticipated to be completed by end of April / early May.*

Cabinet Member for Economy, Communities & Commercial, Cllr Liz Colling

1. With reference to several ongoing issues in Reighton and Flixton, and an issue Cllr Donohue-Moncrieff raised about a business operating from a residential property, Cllr Donohue-Moncrieff reported local concerns about a perceived lack of planning enforcement by Scarborough Borough Council in her ward. What reassurances can the Portfolio Holder give to residents in Hunmanby ward that the Council will act on legitimate concerns regarding planning enforcement? (Cllr Donohue-Moncrieff)

*Whilst it is not possible to divulge details about the specific case raised, planning officers did undertake a detailed investigation though did not find any evidence of a breach of planning in this particular instance.*
In terms of the approach towards enforcement generally, as you would expect the Planning Service conducts its investigations in accordance with national guidance and our own Enforcement Strategy which was adopted by this Council in 2014, and which is due for review this year. As a Council, we do not condone any individual or party who undertakes development without the correct permissions.

However, we must be mindful that where development takes place without the benefit of planning permission, this is not in and of its own right enough to justify formal enforcement action. For example, paragraph 011 of the National Planning Policy Framework which states that:

‘Enforcement action should be proportionate to the breach of planning control to which it relates and taken when it is expedient to do so. Where the balance of public interest lies will vary from case to case.

In deciding, in each case, what is the most appropriate way forward, local planning authorities should usually avoid taking formal enforcement action where:

•there is a trivial or technical breach of control which causes no material harm or adverse impact on the amenity of the site or the surrounding area;

•development is acceptable on its planning merits and formal enforcement action would solely be to regularise the development

•in their assessment, the local planning authority consider that an application is the appropriate way forward to regularise the situation, for example, where planning conditions may need to be imposed.’

In their investigations, planning officers must assess whether a breach of planning control is taking place (and this in and of its own right is not always straightforward), and where a breach found, determine whether substantive harm is being caused such as to warrant formal intervention. I fully appreciate the frustration that this can cause, to councillors and members of the public, as investigations and negotiations can take some time, and even where formal notices are issued they do not necessarily have an immediate effect. And I do appreciate the concern that people can be seen to be evading the necessary planning application process, often inadvertently, sometimes deliberately.

2. Whitby Town FC and Scarborough Athletic FC play in the same football league. Please can you explain why Whitby Town FC pays business rates and Scarborough Athletic FC does not. (Cllr Trumper)
Whitby Town Football Club is assessed separately as a football ground and premises and receives small business rate relief as well as 50% discretionary rate relief. 80% rate relief can be offered to Community Amateur Sports Clubs (CASCs), however the Club is not registered as a CASC therefore is not currently eligible for this relief.

The facilities rented by Scarborough Football Club have been assessed by the Valuation Office as part of the whole assessment for Scarborough Leisure Village. As such the liable party for the whole premises is Everyone Active so Scarborough Football Club do not receive a separate Business Rate account for the ground.

Cabinet Member for Legal, Democratic & Governance, Cllr Tony Randerson

1. Please can you review the Council's Unreasonably Persistent Complainants and Unacceptable Behaviour Policy, in particular to consider giving certain barred individuals on the list a reprieve, and to give councillors the discretion either to opt in or out of communication with barred individuals. (Cllr Chatt and Cllr Donohue-Moncrieff)

In accordance with the policy adopted by full Council, every person directed to a single point of contact due to their unreasonable or persistent behaviour has this decision reviewed on a six monthly basis by EMT. Those subject to this restriction are also informed of their right of appeal to the Ombudsman. Having undertaken further research into this policy and its operation myself, as well as reviewing the policies and processes adopted by other Councils, I am satisfied that this Council’s actions are proportionate and reasonable and that there is already sufficient means in place, as agreed by full Council, to review each individual case. With regard to the discretion to opt in or out, as I stated before, this policy has been agreed by full Council and officers inform me that, not only would this prove technically difficult, it would also potentially put the Council in a position where it is in breach of its duty of care to staff.

2. Amidst concerns about recent vandalism in the Borough, in particular in the Northstead ward, and in respect of the proposed new community building in Peasholm Park, what provision is being made for CCTV coverage in Peasholm Park to protect the new community building and other assets? (Cllr Smith)

There is currently a review of CCTV coverage in Scarborough town including locations in Peasholm Park. Members will be kept fully informed of progress.

3. On the weekend of 4/5 January, a member of the public tried to report a lost dog at risk of being run over in Stepney ward, and was helped eventually on the out of hours phone number by a member of the Council’s CCTV team.
Please can you ensure that more information is made available on the website to make it easier to report and make safe lost dogs. (Cllr Phillips)

Thank you for your suggestion. A fuller statement of how to deal with stray dogs has now been added to the Council’s website thus:

The Council’s dog wardens’ primary function is to apprehend and deal with matters relating to stray, lost and found dogs.

Stray dogs which are seized or collected are held for a minimum of seven days during which time the dog may be reclaimed by the owner on payment of a release fee plus kenneling fees and any veterinary fees. Please remember most lost dogs can be reunited with the owner if they have an up to date collar and tag and microchip, without the involvement of the dog warden. Having a collar/tag and up to date microchip for your dog is a legal requirement for all owners.

After this seven day period if the dog is unclaimed then we always endeavour to rehome the dog, unfortunately in a small number of circumstances if rehoming is not suitable due to serious/terminal illness or if the dog exhibits aggression then we regrettably have to euthanise and cremate the dog. In practice, very few dogs are destroyed although in some circumstances the animal’s health or temperament may be such that it not considered suitable for re-homing.

For dealing with stray dogs the normal operating hours for the dog warden are;

Monday to Friday 9am - 5pm excluding Bank Holidays

If you are able, Cliff Top Kennels are open to receive stray dogs between 8:00am and 21:00 seven days per week. Please note you can only collect your dog from Cliff Top Kennels between 9:00am and 17:00 Monday to Saturday and upon payment of the fees incurred by the Council. The address for the Councils’ contracted kennels is – Cliff Top Kennels, Rocks Lane, Burniston, Scarborough YO13 0HX

If you have found a dog outside of these hours, and it is safe to do so, please keep the dog until the kennels reopen or the dog warden is next on duty.

4. Are there any events planned by the Council to mark the 75th anniversary of VE Day? If not, please can the Portfolio Holder look into this idea. (Cllr Trumper)

The Council is not planning any events itself to mark the 75th anniversary of VE Day, since resources are focused on preparations for the Armed Forces Day National Event in June. However, the Council will provide as much support as possible (but not financial) to community events.