

## **COUNCIL**

Minutes of the proceedings of a Meeting of the Scarborough Borough Council held in the Town Hall, Scarborough on Monday, 3rd July, 2017 pursuant to Summons.

Present:-

The Mayor (Councillor Martin Smith) in the Chair;  
Councillors A Abbott, G W Allanson, R Barnett, Councillor D J Bastiman, Mrs L Bastiman, D L Billing, E Broadbent, W Chatt, Mrs D V Cluer, M J Cockerill, E Colling, G Coulson, P Cross, S Cross, G Dennett, 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, J Nock, C Pearson, Mrs H Phillips, J Plant, Mr T Randerson, J Ritchie, S Siddons, Ms R Swiers, Mrs S Turner, M T Vesey and J Warburton

### **Apologies**

Councillors L Backhouse, D A Chance, C Haddington, Mrs J E Mortimer, Miss R K Murphy, N K Murphy, N Price, P H Trumper and C Walsh

A the start of the meeting, a promotional video of the Borough, *Scarborough – A Place to Work, Live and Invest* was shown to Members.

The Mayor congratulated the Council's Community Project Officer, Mr Roger Burnett on his recent award of the British Empire Medal for his services to the local community.

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

Councillor Donohue-Moncrieff declared a personal and prejudicial interest in agenda item 9, Adoption of the Scarborough Borough Local Plan 2011-2032 (17/127) in her capacity as a member of Hunmanby Parish Council which owned a site specifically referred to in the Local Plan.

Councillor Jeffels declared a personal interest in agenda item 6(ii) Scarborough Museums Trust: Collections Policy in his capacity as the Borough Council representative on the Scarborough Museums Trust.

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

See above.

### **3. MINUTES OF THE MEETINGS OF THE COUNCIL HELD ON 8 AND 18 MAY 2017 TO BE READ OR TAKEN AS READ AS THE CASE MAY BE.**

**RESOLVED** that the minutes of the meetings held on 8 and 18 May 2017 be taken as read and signed by the Chairman as a correct record.

With reference to the minutes of the meeting held on 8 May, Councillor Mallory made a statement regarding the letter from a resident of her ward

read out by Councillor Sam Cross, which Councillor Norman Murphy had also read out at a previous Council meeting. Councillor Mallory reminded Members that having taken legal advice, she had been unable to comment on the contents of the letter at that time. She apologised for this, but was now in a position to report the reasons why. Save the Futurist Ltd Scarborough had applied to the courts for permission to proceed with a judicial review with regard to the decisions taken by the Council on 9 January, Councillor Mallory had attended the very lengthy hearing at Leeds High Court and reported that there were eight grounds for judicial review submitted by the barrister, Justine Thornton QC. Two of these grounds were withdrawn; the judge dismissed the others as unarguable. Ground 7 argued that councillors were misled by Councillor Mallory's statement about costs. The judge stated that there were frequently arguments about the financial aspects and cost implications of proceeding or not with a decision. Having considered the transcript, the judge said that Councillor Mallory's argument was not focused on the precise quantum, but on the need to cease incurring it in the future. He noted that in any event the figure Councillor Mallory used was in the region of, not an actual figure. The judge then went on to award costs payable to the Council of £10,000. Payment was still awaited. There was also a separate independent appeal to the Local Government Ombudsman which had not been determined at the time of that Council meeting. A complaint was lodged about the Council's decision to spend £4m to demolish the theatre and clear the site. Councillor Mallory reminded Members that the role of the Ombudsman was to investigate complaints of maladministration or service failure. The Ombudsman could not question whether a Council's decision was right or wrong simply because the complainant disagreed with it; rather she must consider whether there was a fault in the way the decision was reached. The Ombudsman determined that the complaint would not be pursued further since there was no evidence of fault in the process leading to the decision to demolish the theatre. Since both of these challenges were ongoing at the time of the Council meeting on 8 May, it would not have been appropriate for Councillor Mallory to pass comment at that meeting.

**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 advised that no appropriate questions had been received. The Leader of the Labour Group, Councillor Siddons then reported that he had submitted a question under this procedure rule, but it had been deemed inappropriate because it implied criticism of the Mayor. Councillor Siddons explained that his question had not intended any criticism of the Mayor by him or his Group, but rather of the way the meeting on 26 June had been conducted generally. He therefore sought the Mayor's permission to put his question, having amended it in accordance with the Chief Executive's advice. The Mayor did not grant permission since he felt the matter had already been addressed by the written advice Councillor Siddons had received from the Chief Executive. After attempting to put his question,

Councillor Siddons commented that he felt that local democracy was not being served by the Mayor's decision, and withdrew from the meeting in protest. The following also withdrew from the meeting on the same grounds: Councillors Randerson, Broadbent, Barnett, and Moody.

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

**(i) Policy for Dealing with Abusive and Violent Customers (17/115)**

The recommendations in the extract minute from the Cabinet were proposed by Councillor Derek Bastiman and duly seconded. In reply to a Member's question, the Portfolio Holder, Councillor Turner reassured the Chamber that the updated policy was supported by a strong safeguarding team at the Council who would ensure that shared data remained protected and that vulnerable people who had family members on the cautionary contact register would not be prejudiced by the new policy.

**RESOLVED** that the Council adopts the updated policy for dealing with abusive and violent customers as part of the Council's Policy Framework.

**Reasons**

The Council has a duty to ensure that as far as possible it reduces the risk of violent, aggressive or threatening behaviour towards staff during the course of their work. It also has a duty to ensure that recording and retaining information relating to incidents is dealt with in accordance with the Data Protection Act. This policy sets out the framework and processes for recording, investigating and reviewing such incidents and includes new provisions, including the introduction of the cautionary contact register that will improve staff safety.

**(ii) Scarborough Museums Trust: Collections Policy (17/111)**

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

**RESOLVED** that the Council approves the revised Scarborough Museums Trust Collections Development 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.

**(iii) Adoption of the Scarborough Borough Local Plan 2011-2032 (17/127)**

The recommendations in the extract minute from the Cabinet were proposed by Councillor Derek Bastiman and duly seconded. In introducing the Local Plan, the Portfolio Holder, Councillor Plant thanked all those involved in its production over a considerable time. He noted the Plan's importance in realising the Council's vision, aims and objectives; the substantial stakeholder consultation and involvement behind it; details of the independent Planning Inspector's examination and hearing sessions; and how the Plan had been produced in accordance with the relevant rules and regulations. Councillor

Plant acknowledged that a Plan of this ambition entailed some difficult decisions, which meant that not all elements would please everyone. Councillor Cluer echoed Councillor Plant's gratitude to officers and Members, and was pleased that in respect of sustainability, the Plan went as far as Government policy would allow. Councillor Plant undertook to provide a written response when asked to comment by Councillor Billing on the reduction in affordable housing requirements for new developments determined by Government policy.

**RESOLVED** that the Council approve the adoption of the Scarborough Borough Local Plan 2011/32 under Regulation 26 of The Town & Country Planning (Local Planning) (England) Regulations 2012.

### **Reasons**

The Planning and Compulsory Purchase Act (2004) and the National Planning Policy Framework (NPPF) require local planning authorities to prepare and adopt local plans documents that form part of the statutory development plan and are the basis for land use decisions, allocations and the determination of planning applications. Following the completion of the examination in public into the Local Plan, the appointed Planning Inspector has concluded that, subject to a series of recommended modifications, the Plan provides an appropriate basis for the planning of the Borough.

Following the Council's decision to adopt the Local Plan, Councillor Plant informed the Chamber that the Government training and advisory body, the Planning Advisory Service had approached officers to request that the Scarborough Borough Local Plan be used as a case study from which other local planning authorities could draw lessons, in particular in relation to the cross-party approach to its production.

*(In accordance with her declaration under Minute 1, Councillor Donohue-Moncrieff left the meeting during the debate and determination of the above item.)*

### **(iv) Housing Strategy 2017-2021 (17/082)**

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 noted the Council's recent success in exceeding its affordable housing targets, the increasing work of the Home Improvement Agency in supporting elderly and vulnerable people, and the challenges posed by the new Homelessness Reduction Act. In reply to a Member's question about how the Council ensured that local people were given priority for lets in new developments of affordable housing, Councillor Chatt referred to the Local Lettings Agreements adopted for developments in Whitby and other areas.

**RESOLVED** that the Council approve the adoption of the new Housing Strategy for the Borough for the period 2017-2021.

### **Reasons**

To ensure the Council has a robust plan in place to help meet housing need within the Borough.

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

Providing an update on the Sands development, the Leader reported that the clearance of the old Atlantis site continued which would make way for the construction of the new cinema and commercial units. He had nothing further to add to Councillor Mallory's update on the demolition of the Futurist. Members then put questions on the following matters: whether there were properties at risk in the Borough in light of the Grenfell Tower disaster; the welcome news of the Highways Agency feasibility study on the A64 which supported the dualling of the road from Hopgrove roundabout to Barton Hill, and Kevin Hollinrake MP's work in progressing this issue; when the Mazars report on the Marriott case would be circulated to all councillors; were there plans available for the new Flamingoland development on the Futurist site as shown in the promotional video, and how could the video promote this new attraction when at the recent hearing at Leeds High Court, Bevan Brittan who acted on behalf of the Council and the judge both pointed to the possibility that the Council may not proceed with its decision to demolish the Futurist and stabilise the site, and planning consent had not yet been obtained; whether local businesses had contributed to the cost of the promotional video; and progress with three sets of doors promised for the Market Vaults as protection against the elements. In reply, the Leader had asked the Portfolio Holder, Councillor Chatt to provide a full written statement on the fire safety of Council properties in the Borough following advice taken from North Yorkshire Building Control. Councillor Bastiman welcomed the Highways Agency feasibility study on the A64 and commended the efforts not only of Kevin Hollinrake MP, but also of Robert Goodwill MP and of the County Council, Ryedale District Council and this Council which had funded previous feasibility work. The Leader pledged that when the Mazars report was finalised it would be circulated to all councillors. Members of the Audit Committee and other councillors had meanwhile been involved in consideration of the draft report. He referred the question on the Market Vaults to Councillor Chatt. Councillor Bastiman was not aware of any new plans for the Flamingoland development other than the drawings already published. In respect of the promotional video for the Borough, the Deputy Monitoring Officer, Mr Kitson explained that even though the Flaminogland development was still conditional on planning permission and other factors, the Council was nevertheless permitted to promote its plans for the site with the preferred bidder as part of this video. Referring to his previous advice to councillors, Mr Kitson added that this promotion did not constitute pre-determination for which the bar was set very high. The Chief Executive advised that the cost of the promotional video amounted to some £5k, and that as the authority with chief responsibility for the economic development and regeneration of the Borough, it was appropriate for the Council to bear the costs. The Leader ended his statement by congratulating Councillor Fox, as Chairman of the Armed Forces Day Steering Group, for a very successful event on 24 June. The Mayor invited Councillor Fox to provide further details including about the Mayor's special guest for the day, six year old, Bradley Lowery.

**8. 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, noting the significant EU funding for the Market Hall redevelopment in Scarborough. Members then put questions to him on the following matters: the implications of the Grenfell Tower disaster for the Borough including the adequacy of Yorkshire Coast Homes' checks of their properties' smoke alarms; the three doors planned for the Market Vaults; and a request for scrutiny involvement in the development of future cemetery provision in the Borough since officers had already started preparatory on a new site in Whitby. In reply, Councillor Chatt undertook to check with the Economic Development Manager about the provision of doors at the Market Vaults, and with Yorkshire Coast Homes about their smoke alarm testing regime and to report back. Councillor Chatt then provided a statement of advice from North Yorkshire Building Control to owners of social housing buildings, whether local authorities or social landlords. They were advised to assess their own buildings to ensure that all appropriate fire risk assessments had been carried out and were current. The first investigation was to ascertain the type of cladding used especially on high rise buildings over 18m in height, and as such central government had arranged for testing facilities to carry out tests of samples of cladding material that were sent to them from local authorities or social landlords. There had been much media coverage regarding Councils' actions and the difficult decisions they had had to make on the evening of Friday 23 June to evict residents from tower blocks in London; however, although the full details were not available, it was understood that they found more concerns with these buildings in terms of fire safety other than the cladding material. North Yorkshire Building Control was working with North Yorkshire Fires and Rescue Service which could provide advice to building owners following their own assessments; however it should be noted that the building regulations only applied to buildings that were subject to building work or were being altered, not retrospectively to existing buildings. There would be more relevant guidance/requirements contained within other legislation such as the Housing Act and the Regulatory Reform (Fire Safety) Order, as these were the relevant enforcing acts when considering existing buildings containing flats and were implemented by the local authority and the Fire Service respectively. Councillor Chatt also referred to the official guidance issued by DCLG on 22nd June 2017 which provided a more detailed response should building owners discover that their buildings contained cladding similar to that found in Grenfell Tower. He would circulate the North Yorkshire Building Control statement and the DCLG guidance to all councillors. In respect of Council owned buildings where they may be a fire risk as a result of cladding, Councillor Cockerill advised that the Futurist building had cladding panels on its frontage. These were chrysotile asbestos cement tiles installed in the 1960s. Whilst the asbestos panels were generally considered to be non-flammable and non-combustible in normal conditions, their fire performance today was generally unknown. Some panels had been replaced by either fibreglass or metal sheet painted to match the originals. The sheets covering The Mermaid were predominantly timber.

As an unoccupied, non-residential detached building of less than 18m in height, the Futurist's cladding needed to be considered on a risk basis. Currently, there were no plans to test the cladding panels. In respect of other properties in the Borough, and in particular the new Leisure Village which had been the subject of a Freedom of Information request, Councillor Cockerill advised that the cladding material used on this building had a Class O fire performance rating. In relation to future cemetery provision in the Borough, Councillor Chatt believed this would be suitable topic for scrutiny involvement, and undertook to raise the matter with officers. The Vice-Chair of the Overview and Scrutiny Board, Councillor Lynskey also undertook to pursue this matter.

Councillor Cockerill presented his statement as Portfolio Holder for Project Leadership, Harbours, Coast and Flood Protection, providing further information on the Whitby Piers. He began by referring to the findings of a report published around the turn of the millennium which raised doubts as to the ability of the piers to continue to withstand the ravages of Mother Nature in the long term. The report suggested that major work would be necessary within ten years. Since that time there had been a number of further investigations and reports of varying intensity and complexity. The current work programme showed a start of work date in 2018. Councillor Cockerill noted the high degree of concern in Whitby as to how long the piers would continue to protect the town, particularly harbour side dwellings and businesses as well as the harbour itself. The current investigative work was the most intensive and used the most technologically advanced equipment: so much so, that last month, significant new information in relation to the original construction of the walls of the piers was brought to a meeting in the Town Hall. This information was allowing far more efficient use of the allocated funding to be considered. Over the last two months he had attended two workshops with the Borough Council officers, consultants and contractors. The next major milestone would be when a firmer cost of the project was put forward by the contractor for independent verification later in the year. Having this firm cost would then allow Councillor Cockerill to approach other potential contributors which included all three tiers of local government. Finally, it had been erroneously suggested that the whole piers were in imminent danger of collapse –the latest surveys categorically proved that this was not the case. Members then put questions to Councillor Cockerill on the following matters: the Council's ongoing dredging operations in light of the recent incident of a newly launched vessel keeling over on its side on a sandbank in Whitby Harbour; whether it was safe to bathe in the South Bay and progress made in improving the bay's water quality; responsibility for the Borough's harbours and their strategic development; an update on the South Cliff Gardens Heritage Lottery Fund project; whether the Environment Agency continued to be supportive of the Whitby Piers project following its recent funding programme refresh; and whether there was any positive news to report from the project's potential funders. Thanks were also extended to Councillor Cockerill for his support for the Filey Flat Cliffs Stabilisation Scheme. In reply, in respect of the newly launched vessel in Whitby Harbour, Councillor Cockerill reported that the vessel's owners were aware of the existence of the sandbank. The area off Eskside Wharf was a priority for the newly configured

dredger which was back in operation and had already received plaudits for its work; there was however still a backlog of work for the dredger to complete in the Borough's harbours. In relation to the South Cliff Gardens scheme, a Project Manager had now been appointed to take the project forward. Councillor Cockerill was pleased to report that the Overview and Scrutiny Board had agreed to assist in the development of the harbours' strategic plans, following the disappointing performance of the Ports Development Group which had been affected by poor attendance and changes in membership. Councillor Cockerill confirmed that the Environment Agency remained supportive of the Whitby Piers project and, as he had stated, the financial profile of the scheme including beneficiaries' contributions would only become clearer once the costs had been quantified.

Finally, in respect of the bathing water quality in the South Bay, Councillor Cockerill provided two responses. The first was in the form of a reply to a question forwarded by Councillor Vesey from a Mr Roberts:

"Following receipt of the question Mr Dillon arranged for one of my officers to speak to the lifeboat station management and brought the letter to their attention. We generally agree that it is a good point regarding the RNLI running courses where participants enter the sea in the South Bay where the current advice is against bathing. It is fair to say that the RNLI did not appear to have considered Bathing Water Quality in their risk register when running these courses. The suggestion of using the North Bay will be considered however when assessing risk other factors also need to be considered such as sea state, tides, rocks and currents etc. I, as Portfolio Holder, am fully aware that intensive investigations and pollution prevention inspections are ongoing by the Environment Agency and partners of the Yorkshire Bathing Water Partnership around South Bay in order to better understand and minimise background levels of pollution. In regard to specific bullet points raised in the letter:

1. I would therefore ask of you as the Portfolio Holder for Coastal Protection, if when allowing or promoting these courses with the SBC contractor, the RNLI, if the schools from which they come are aware of the current status of the Bathing Water Quality in the South Bay?

*The Borough Council does not hold this information. The courses are offered by the RNLI and this is a matter for them to determine the appropriate course content.*

2. Are the parents of the participating children and education authorities made aware of the poor Bathing Water Quality in the South Bay that the RNLI choose to utilise for these courses?

*The Borough Council does not hold this information. The courses are offered by the RNLI and this is a matter for them to determine the appropriate course content.*

3. Do you consider that SBC as a council have done enough to inform the public and more importantly custodians and parents of visiting children of the health risks of allowing very

young children to expose themselves to the health risks that arrive without prior notice in our bathing waters?

*Yes. The Borough Council has three signs within the Bay at beach access points clearly showing information on the bathing water quality classification and which display the advice against bathing symbol. Information is also available on websites such as the Environment Agency and the Marine Conservation Society's Good Beach Guide.*

4. Does the Borough Council/RNLI provide health/injury insurance indemnity for participants of these courses, and if so are the insurance companies aware of the current status of the Bathing Water Quality in South Bay?

*The Borough Council does not as these courses are offered by the RNLI. I am not able to answer if insurance companies are aware of BWQ in the South Bay.*

5. Finally, I would ask does the Borough Council as a corporate body, take a different viewpoint to the Environment Agency of the risks posed to these children and vulnerable adults alike, and if so, is that based on a different risk matrix or on different water quality samples and analysed from the South Bay waters?

*SBC works closely with the Environment Agency within the Bathing Water Partnership. The standards are clearly specified in the Bathing Water Directive."*

The second response was to a question put by Councillor Moody who was no longer present at the meeting. Councillor Cockerill communicated his, the Leader's and other Members' view that the continuing delay in the publication of the Environment Agency report on bathing water quality in the South Bay was unacceptable. He had conveyed that feeling to Yorkshire Water and the Environment Agency in the strongest of terms. With regard to the McCain permit to discharge, this was a decision for the Environment Agency which he understood was under consideration. He then related the Environment Agency's official statement in respect of their awaited report thus:

"I understand the delay in producing the reports is frustrating, however it does highlight the highly complex nature of the investigations and subsequent lab analysis. Although frustrating it is essential we undertake due process to ensure that we fully understand what the evidence is telling us and not draw conclusions on misleading raw data. The latest position is that the Environment Agency report is due by the end of July, as I have said, I understand the frustration that this is more than three months later than originally intended, however I refer you to my previous comments regarding due process. With regard to an action plan, the Agency, Yorkshire Water and other partners in the bathing beach partnership are not sitting back and waiting for the report before any action is taken. It is important to clarify that the report will indicate what is causing the beach to fail, however as I mentioned in the December meeting, the aim is not to get the beach back to sufficient, it is to return the beach to excellent and obtain a blue flag. To this

end, the Agency is continuing to work with Scarborough B Council, McCain, Yorkshire Water and the other partners to tackle all the issues required to achieve excellent bathing water quality. This includes the re-permitting of Wheatcroft, improvements to industrial and sewage discharges, operations within the harbour. We are also working to understand and mitigate the contribution of seabirds, donkeys and dogs in water quality. The Yorkshire Bathing Water Partnership is using the results of new research to identify what needs to be done to improve water quality at Scarborough South Bay.

- The Environment Agency has carried out cutting-edge DNA profiling on water samples to help identify different sources of pollution.
- We are now using this data to better understand what can be done to improve water quality at Scarborough South Bay.
- Laboratory analysis of the samples shows that a number of different factors must be tackled to improve Scarborough South Bay's water, including birds, sewage, and industrial effluent.
- The data suggests that no single factor is responsible for lowering Scarborough South Bay's water quality.
- Achieving 'sufficient' will require more than one source to be tackled. Achieving 'excellent' will require all sources to be tackled.

We believe that everybody can play their part in helping to improve Scarborough South Bay's water quality.

- People can help improve water quality by following some simple steps such as disposing of litter properly, picking up after their dogs and not feeding seabirds.
- People involved in harbour operations can help by ensuring that their practices do not impact on the bathing water in any way.
- Look after your property's drains by collecting fats and throwing them in the bin. Drains can be blocked by fats, oils, nappies, or wipes, and when they are blocked they can overflow into the street and streams which then flow into bathing waters.
- Learn about misconceptions and how to fix them by visiting the [www.connectright.org.uk](http://www.connectright.org.uk) website.

The Yorkshire Bathing Water Partnership remains committed to achieving 'excellent' bathing water standard at all of Yorkshire's resort beaches and will continue working in partnership to attain this goal.

- Scarborough South Bay is a great place to visit and we, as a partnership, encourage people to enjoy the facilities and activities it offers.
- In 2014, Yorkshire Water completed a £50 million investment aimed to improve bathing water quality at Scarborough South Bay.
- We are working with businesses to ensure that commercial activities do not impact on water quality.

- The Bathing Water Partnership continues to work on further investigations into pollution sources and potential remedies to improve water quality.”

Lastly, Councillor Cockerill added that the Council was currently investigating potential issues at both Filey and Reighton that were preventing those beaches achieving excellent status and the Blue Flag.

Councillor Jenkinson presented his statement as Portfolio Holder for Tourism and Culture, providing updates on the very-well attended Scarborough Swimming Club Gala and Filey Food Festival, tickets sales at the Open Air Theatre which were approaching 71,000, and the rising membership of the Leisure Village which was almost at 1500 people. In reply to a Member's question which expressed concern at the provision of squash facilities in Scarborough, Councillor Jenkinson provided the following response: 'The decision to approve that the squash court facilities be replaced by a multi-use activity area, was made by Cabinet in September 2016. This decision was made following consideration of all the factors, not just financial. A feasibility study was undertaken prior to making the decision and this highlighted the declining participation in squash locally and the absence of any local teams playing competitive squash in the Hull or York leagues. The squash courts were replaced in the Sports Village with multi-use areas, which provide for greater flexibility in use, allowing for a wider range of opportunities and uses. On balance, the Council felt that the multi-use area was more likely to encourage participation and to provide a more flexible facility, likely to be used by a greater proportion of the local community and as such improve the financial sustainability of the Sports Village.

However, the Council recognises the needs of the squash community. Officers from the Council and SLM have met with the management of Scarborough Rugby Club who have agreed to work with SLM and England Squash to develop squash at the club and encourage participation. Scarborough Rugby Club also has ambitions to expand the squash facilities at the Club and to develop additional courts and new facilities. The Council is supportive of this, as it will increase the sporting offer locally and discussions are ongoing between the Council and the Rugby Club regarding the support required for the new facility which will encourage participation and enhance community access to sport within the Borough. This may include financial support, although, once discussions are concluded this would be subject to the usual decision making processes of the Council.'

In response to a plea by a Member to reconsider a decision to discontinue the provision of public conveniences on Royal Albert Drive, Councillor Jenkinson acknowledged that this decision may inconvenience some, but there were alternative facilities in the vicinity.

Councillor Mallory presented her statement as Portfolio Holder for Finance, Procurement and Legal. In reply to a request for a progress report on the new Business Development Zones, and details of outputs achieved, Councillor Mallory advised that the BDZs were established primarily in preparation for

forthcoming supply chain investment which was anticipated to be generated through the development of the potash mine and the emerging offshore wind sector. Both of these projects were now moving forwards. The objective of the BDZ designation was to ensure that the two prime business parks had a competitive offer. In partnership with the landowners at these sites the Council had yet to formally launch and actively market these sites. It would be a waste of scarce resources investing in expensive marketing literature before the market opportunity was available. The Council was however, in ongoing discussion with the supply chains and they were alert to the offer. So, the direct answer to the questions was that no outputs had been delivered to date. That said, market conditions were changing and officers had recently been discussing a formal summer launch of the BDZ at Scarborough Business Park with Caddick Developments. Members had earlier viewed the Council's new Inward Investment promotional video. A "Yorkshire Coast – Open for Investment" event was being organised with Scarborough Business Ambassadors and the East Riding of Yorkshire Council, which would be held in Leeds later this year to promote commercial, retail, leisure and residential opportunities in the Borough. If all this intensive work went to plan, then Councillor Mallory would expect the first BDZ investments to be announced later this year. In respect of progress with signing off the Council's accounts for 2015/16, the Director, Mr Edwards advised that the 2015/16 accounts were in order apart from the one point of contention in respect of Whitby Harbour land. The detailed legal advice the Council had received on this matter had now been forwarded to the Council's external auditors, Mazars, who were seeking their own legal advice before signing off the accounts for publication. The 2016/17 accounts were similarly awaiting Mazars' opinion on the same matter before finalisation.

Councillor Nock presented his statement as Portfolio Holder for Strategic Transport, Transport Services and ICT, providing the following further information. He commended the work of staff in maintaining cyber security, adding that the Council's current policy was under review and would be considered by the Audit Committee in September. He also congratulated ICT staff for the management of the control room during Armed Forces Day – a model which was to be followed by other local councils. In respect of parking meters, he advised that their modification to accept the new £1 coins was expected to be complete by mid-July. Regarding complaints that payment by credit or debit cards did not work in some meters, Councillor Nock encouraged the public to report any issues. He added that only Payment Card Industry engineers could repair the meters, not Council staff, and that card transactions were reliant on data processing via cellular data, essentially a SIM card providing a mobile phone signal. Officers could check retrospectively whether the meter was working at any given time, and the advice to the public, in the event that payment was not possible by credit/debit card and they were without cash, was to leave a note on the windscreen. Each case would be reviewed on its merits.

Councillor Plant presented his statement as Portfolio Holder for Strategic Planning and Transformation, noting that since the completion of works on Westborough, there had been a 22.6% increase in footfall compared to June

2016. He was also pleased to report the implementation of InCab within the next weeks in refuse vehicles which would be used as a digital tool for providing information to collection crews and for them to report real time issues with collections. In reply to two questions about the new planters on the shopping precinct and the excessive amount of delivery traffic, Councillor Plant advised that the planters would have both trees – the Himalayan Silver Birch - and shrubs. He added that the area of Westborough and Newborough from the junction with St Nicholas Street up to York Place was for pedestrian access only between 1100 and 1600 hours. Outside these hours, vehicles were permitted to enter this area including the paved areas. The tarmac strip was intended to be the main thoroughfare for vehicles, although frustratingly some did stray onto the stone slabs. Barriers were not used as they were considered as a hindrance to the flow of pedestrians and as an increase in street clutter. The new signage had been installed in accordance with the Traffic Signs Regulations and General Directions 2016. One of the elements of these new regulations was to declutter the streetscape whilst imparting the information adequately. Officers were working with colleagues at the County Council to start a programme of informing retailers about these changes so this information could also be shared with their delivery and collection providers. In time, these regulations may need to be enforced and this would be done with colleagues in Parking Services. Councillor Jefferson, whose County Council division encompassed the shopping precinct then commented that she understood that enforcement of vehicle movements was a police matter, and that she had contributed through her Locality Budget to the new planters.

Councillor Turner presented her statement as Portfolio Holder for Human Resources, Democracy, Stronger and Safer Communities. In reply to a question seeking an update on the Council's Prevent Strategy and operations in the light of the recent spate of terrorist attacks, Councillor Turner reminded Members that the Prevent Strategy was part of the Council's Safeguarding Policy. She had every confidence in the Safeguarding Team and that appropriate safeguarding processes were in place through which any concerns raised about individuals could be reported. For audit purposes, there was a secure system to ensure that all safeguarding referrals were monitored and records kept. Recently, an event was held in Scarborough called Notice, Check and Share which was attended by the different agencies within the Borough. This was seen as a model of good practice and had now been rolled out across the country. The local Community Impact Team had been part of this process and agencies were encouraged to check and report if it was not clear that the matter involved a straight referral through to safeguarding. The Prevent multi agency Bronze Group, chaired by the Council's Community and Safeguarding Manager, had developed an action plan for the borough. Activities were monitored through this Group which was then monitored by the North Yorkshire Strategic Prevent Board. Councillor Turner urged Members to attend the forthcoming safeguarding and Prevent training so they remained fully informed of policy and practice.

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

In the absence of the Chair of the Overview and Scrutiny Board, the Vice-Chair, Councillor Lyskey presented his report noting the Board's recent progress after a slow start, and in particular the work near completion on the Nursery service, and the work to commence on the Strategic Plans for the Borough's harbours. The Portfolio Holder, Councillor Turner commented how pleased she was at Councillor Lyskey's recent appointment, emphasising the importance of the Board and encouraging Members to get involved in its work.

**10. 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**