

COUNCIL

Minutes of the proceedings of a Meeting of the Scarborough Borough Council held at
Town Hall, Scarborough
on Monday, 5th September, 2022 pursuant to Summons.

Present:-

The Mayor (Councillor Eric Broadbent) in the Chair;
Councillors A Abbott, J Atkinson, A Bailey, D J Bastiman, S Campbell, W Chatt,
Ms E Colling, G Coulson, S Cross, Ms M Donohue-Moncrieff, G Goodberry,
S B Green, J Grieve, D C Jeffels, Mrs J Jefferson, P Kershaw, Mrs H F Mallory,
C D Maw, R Maw, Mrs J E Mortimer, Miss R K Murphy, J Nock, Ms T Norton,
C Pearson, Mrs H Phillips, T Randerson, P Riley, N Robinson, S Siddons,
G W L Smith, M Stonehouse, Ms R Swiers and P H Trumper

Apologies

Councillors G A Backhouse, J Casey, M J Cockerill, W Forbes, N Heritage,
Mrs H Lynskey, Ms J Maw, Mrs E Murphy, S Sharma, Ms S Tucker and
Mrs M Watson

MAYOR'S OPENING REMARKS

The Mayor invited all those present to stand in silence as a mark of respect following the death of the former councillor, John Armsby.

1. DECLARATIONS OF INTERESTS

There were no declarations of interest.

2. APOLOGIES FOR ABSENCE

See above.

3. MINUTES OF THE MEETINGS OF THE COUNCIL HELD ON 4 JULY AND 28 JULY 2022 TO BE READ OR TAKEN AS READ AS THE CASE MAY BE

RESOLVED that the minutes of the meetings held on 4 and 28 July 2022 be taken as read and signed by the Chairman as a correct record.

4. PUBLIC QUESTION TIME

There were no public questions.

5. TO CONSIDER ANY ANNOUNCEMENTS BY THE CHIEF EXECUTIVE

There were no announcements.

6. REPORTS ON URGENT DECISIONS IN ACCORDANCE WITH ACCESS TO INFORMATION RULE 16.

7. PROPOSED LEASE OF LAND AT ENDEAVOUR WHARF, WHITBY OLD TOWN HALL, WEST PIER, FORMER COMET BUILDING AND PAVILION HOUSE - 15 AUGUST 2022 (22/139)

RESOLVED that the urgent decision be noted.

8. ANY REPORTS GOING DIRECT TO COUNCIL

9. DEVOLUTION DEAL FOR YORK AND NORTH YORKSHIRE

The Council considered a report by the Chief Executive (Reference 22/194) in respect of the proposed Devolution Deal for York and North Yorkshire and the steps being taken towards the creation of a Mayoral Combined Authority (MCA) for the sub-region. Introducing the report, the Leader reminded Members that following local government reorganisation which would culminate in the vesting of the new unitary authority of North Yorkshire Council in April 2023, the Secretary of State for Levelling Up, Housing and Communities had announced on 1 August 2022 a Devolution Deal with York and North Yorkshire under which the region would benefit from £540 million of new Government investment to spend on local priorities to produce growth, together with a range of devolved powers in areas such as regeneration, affordable housing, and regional transport. The Deal was dependent upon the City of York Council and North Yorkshire County Council establishing a Combined Authority for the area with an elected Mayor. Having undertaken a governance review which evidenced that the MCA would meet the statutory test of improving the exercise of statutory functions in the sub-region, the two constituent councils of City of York and North Yorkshire County Council had prepared a scheme setting out proposals for the creation, governance and functions of the new MCA which would be subject to public consultation. The Borough Council's consent was not required to create the MCA since it was not a constituent council; however, members were recommended to note and support the steps being taken by City of York Council and North Yorkshire County Council towards the potential creation of the new MCA. Other Members then commented on the report. Some Members expressed disappointment with the amount of funding pledged by Government through the Deal, although there was acknowledgement that this funding could well attract additional monies and investment in future, as had been the case with other MCAs in the country. The heightened profile and powers of the elected mayor and their access to Government were also cited as an advantage. There was concern that in spite of the greater population of North Yorkshire, that the new North Yorkshire Council would have the same number of elected representatives as City of York Council on the proposed MCA. There was also concern that the imminent unitarisation of North Yorkshire would leave coastal communities underrepresented; however, the Community Governance Review of the Scarborough urban area and the potential creation of a new town council was seen as a way to address this. Other Members noted that this was the only deal on the table, and that as such the Borough Council should support it for the clear opportunities it presented to enhance social and economic prosperity and increasing the wellbeing of our communities.

RESOLVED that the Council note and support the steps being taken by City of York Council and North Yorkshire County Council (the Constituent

Councils) towards the creation of a Combined Authority for York and North Yorkshire as set out in this report and in particular to note:

- (a) the 'minded' to Devolution Deal;
- (b) the Governance Review as identified in Appendix 1; and
- (c) the Scheme which has been prepared for consultation in Appendix 2.

Reasons

To ensure Members are kept informed in relation to the proposed Devolution Deal and the next steps being taken towards the creation of a Combined Authority for York and North Yorkshire.

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

Councillor Siddons presented his Leader's statement. Councillor Chatt asked if in light of Government predictions of an up to eightfold increase in energy prices, the Council would suspend the collection of the Yorkshire Coast BID levy until such time as the courts and HMRC had ruled respectively on the legality of the levy and the imposition of VAT. In reply, the Leader appreciated the concerns around increasing energy prices, and undertook to refer Councillor Chatt's request to the Yorkshire Coast BID Company; however, the Council was under a statutory obligation to collect the BID levy, so any decision on suspension would be a matter for the Yorkshire Coast BID Company. Further, at Councillor Chatt's suggestion, Councillor Siddons undertook to seek a meeting with the Chief Executive and Chair of the Yorkshire Coast BID Company to explore this matter further.

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

Councillor Colling presented her statement as Portfolio Holder for Inclusive Growth. In respect of the Whitby Old Town Hall and Whitby Maritime Hub Town Deal projects, Councillor Abbott noted that both properties were on harbour land, and therefore queried what implications the ongoing legal action in respect of the Council's treatment of income received from this land, had for both these development projects. Councillor Colling undertook to provide a written reply to Councillor Abbott through the Deputy Monitoring Officer. In response to a query about North Yorkshire County Council's position on the Better Homes Joint Venture, Councillor Colling confirmed that this matter would fall under Section 24 of the Local Government and Public Involvement in Health Act 2007 and therefore following Cabinet approval would be referred to the County Council Executive for decision.

Councillor Donohue-Moncrieff presented her statement as Portfolio Holder for Environment and Sustainability. There were no questions.

Councillor Grieve presented his statement as Portfolio Holder for Quality of Life. Updating his statement, Councillor Grieve confirmed that a contractor was now in place to commence works to reinstate Whitby West Cliff tennis works. These would begin in early October with a projected completion date of early spring. In reply to Members' questions and comments, he acknowledged the effect of the closure of the Spa Cliff lift on attendance figures for the Scarborough Spa Orchestra which would be taken into account along with other factors in planning for next summer. Councillor Grieve noted too the disappointing number of concerts at the Open Air Theatre this summer which he attributed to the prolonged uncertainty around the COVID pandemic which had affected planning for 2022, and led to acts reducing and cancelling performances not only at the OAT but across the country. The Council would be working with Cuffe and Taylor to aim to deliver 30 concerts next season in what he hoped would be a return to normal circumstances.

Councillor Jefferson presented her statement as Portfolio Holder for Corporate Resources. Updating her statement, Councillor Jefferson added further detail to her earlier reply to Councillor Bastiman about the proposed boat hoist at Scarborough Harbour, noting that the planned new bait shed in the regeneration plans would not impact on the space requirement for the hoist and that further funding sources would be investigated outside the Town Deal Funded projects. In respect of Scarborough Harbour Fish Quay, Councillor Jefferson reported that engineers were now working with a contractor to design a scheme for the repair of the Fish Quay section of sheet piling. In the coming weeks, ground investigations would be conducted to aid the design of the scheme which could then be costed appropriately. In regard to Scarborough Lighthouse, repairs to the flat roof would be undertaken shortly, prior to the winter weather setting in. A scheme of repair for the lamp room was currently being compiled and would be undertaken as soon as possible.

Councillor Jefferson then presented the following statement on shellfish mortality off the north east coast:

'As Portfolio Holder for Harbours, bearing in mind questions I received from members at Full Council and discussions at the Harbour Executive and Scarborough and Whitby Harbour User Groups, I wanted to update all members on Shellfish Mortality which many of you will recall in October 2021, our coast saw large wash-ups of deceased or dying shellfish with the greatest impact towards the North of our Borough and our fishing communities reporting that there simply wasn't anything left to catch in the inshore zone, confirmation of which showed in the extremely low landing figures across the Borough's fishing fleets. This in turn led to fishers being unable to support their families, career fishermen forced to leave the industry and seek alternative employment together with issues within the wider industries that support and are fed by our fishing Industry

A Joint multi-agency Government report was produced involving:-

- DEFRA

- Environment Agency
- CEFAS - Centre for Environment, Fisheries and Aquaculture Science
- NEIFCA - North Eastern Inshore Fisheries and Conservation Authority
- MMO - Marine Management Organisation
- FSA - Food Standard Agency
- UKHSA - UK Health Security Agency

This Joint multi-agency report which was published in May 2022 concluded that the cause was an unusual algal bloom.

However, further occurrences of shellfish mortality have been reported and evidence obtained in an independent study commissioned by Whitby Commercial Fishing Association to review relevant environmental data made available by members of the Joint Government Agency review in response to a number of FOI submissions, does not support the May 2022 report, indicating that a toxic chemical pyridine could be one of the causes.

Given the scale of the devastation to our fishing communities and following on from the motions recently proposed and accepted by Middlesbrough, Redcar and Cleveland and Hartlepool Councils, it is the intention of Scarborough Borough Harbour Executive to write a letter to the Minister of State for Farming, Fisheries and Food and copying in Sir Robert Goodwill our MP for Scarborough and Whitby – requesting

- (1) That the original joint Government agency investigation be re-opened to re-examine the issue including an examination of the potential contributory role of pyridine
- (2) Steps are taken to prevent re-occurrence of mass crustacean death
- (3) Measures taken to re-stock our seas and ensure a sustainable and thriving fishing fleet
- (4) In line with concerns already raised with our MP, Sir Robert Goodwill, that proposals are brought forward to support our fishing communities along the North Yorkshire and Teesside coasts who have been so severely impacted by these events.'

The Portfolio Holder then replied to councillors' questions.

Councillor Jefferson undertook to provide a written reply to the following question by Councillor Nock:

'Now that Hornsea 2 has come on stream, can the Portfolio Holder state whether any approach has been made to the operators of the offshore windfarm to use the port facilities of Scarborough and Whitby to service their vessels? And if no approach has been made, why not?'

In respect of the impact of the steep increase in energy prices on the Council, Councillor Jefferson responded that the Council had set up an internal working group to assess the cost of energy prices, available financial contingencies and other options to consider to mitigate price increases. Consideration would also be given to any imminent announcements from Government. Information would be reported to members through the Financial Outturn and Quarterly Budget Monitoring reports.

In regard to the Council's discretionary £150 energy rebate scheme which was designed largely to assist those living in Band E-H properties on lower incomes and those living in properties where there was a liability for fuel costs but no Council Tax liability, the Portfolio Holder undertook to ensure the discretionary scheme was better publicised through the Council's website and social media channels.

Lastly, Councillor Jefferson undertook to provide Councillor Trumper with a written reply to his query about timescales for the maintenance and repair of Whitby Fish Pier and Eskside Wharf.

Councillor Carl Maw presented his statement as Portfolio Holder for Stronger Communities and Housing. He welcomed the Council's overview and scrutiny committees' work in identifying measures to assist the Borough's residents in managing the cost of living crisis and reported that the next round of grants of the recently established North Yorkshire Coast Local Fund would be focused on supporting community organisations to provide assistance to local residents through this crisis, for example, by the potential creation of warm spaces. Members commended these initiatives and noted the breadth of the population affected by the cost of living crisis.

Councillor Randerson presented his statement as Portfolio Holder for Neighbourhoods, commending the progress with Project Sunshine 2 across the Borough and adding the resurfacing of the Multi-Use Games Area in Whitby to the list of projects. Members then put questions and requests to Councillor Randerson. Councillor Randerson was disappointed to learn of the graffiti on the information boards at Whitby bus station which would be reported to the County Council. The issue of congestion and other problems caused by camper vans parking in unauthorised areas was also raised. Councillor Randerson acknowledged this Borough wide issue, which the Borough Council had been working with the County Council to address for some time. Other members welcomed the popularity of the Borough with camper vans, and the economic opportunities this presented, commending the facilities which had already been provided for them, and calling for more facilities and parking areas.

Councillor Randerson undertook to provide written responses to the following questions:

- Have any applications for Project Sunshine funding been received from areas outside Scarborough, Whitby and Filey? (Councillor Phillips)

- Have Project Sunshine monies been allocated for the repair of Whitby Cliff Lift? (Councillor Nock)
- What is being done to address the problem of unauthorised camping and open fires on Marine Drive? (Councillor Phillips)

12. TO RECEIVE STATEMENTS FROM EACH OF THE CHAIRS OF THE TWO OVERVIEW AND SCRUTINY COMMITTEES AND DEAL WITH ANY QUESTIONS ARISING FROM THOSE STATEMENTS

The Council received both Chairs' statements. Following his committee's recent consideration of the Yorkshire Coast BID company, Councillor Coulson, Chair of the Places and Futures O&S Committee, voiced his support for Councillor Chatt's request that the Leader seek a meeting with the Chief Executive and Chair of the BID company. He also confirmed that at its meeting on 31 August, the committee had reviewed and upheld the Cabinet's decision dated 26 July in respect of the disposal of the former Indoor Swimming Pool site.

13. 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.

MIKE GREENE

On behalf of the Council, the Mayor expressed sincere gratitude to the Chief Executive for his work during one of the most challenging and exciting periods in the Borough Council's history, and wished him well in his new role at Stockton-on-Tees Borough Council.

Chairman

NOTES

COUNCIL – 5 SEPTEMBER 2022

QUESTIONS TO THE CABINET WITH THE REPLIES PROVIDED AFTER THE MEETING

Councillor Liz Colling, Portfolio Holder for Inclusive Growth

1. In respect of the Whitby Old Town Hall and Whitby Maritime Hub Town Deal projects, Councillor Abbott noted that both properties were on harbour land, and therefore queried what implications the ongoing legal action in respect of the Council's treatment of income received from this land, had for both these development projects.

The 1906 Strickland Conveyance is supplemental to the Whitby Urban District Council Act 1905 and conveys to Whitby Urban District Council certain lands including Whitby Market Hall, Town Hall and Market Place as well as associated market rights. This is considered outside of the Council's application in respect of the treatment of income relating to the harbour undertaking.

The Whitby Maritime Training Hub may be affected by the Council's court application. As indicated in the recent urgent Leader report seeking in principle approval to disposal of sites forming part of the Whitby Towns Fund project this will be considered further as the project progresses and on determination of the Council's application.

Councillor Janet Jefferson, Portfolio Holder for Corporate Resources

2. Now that Hornsea 2 has come on stream, can the Portfolio Holder state whether any approach has been made to the operators of the offshore windfarm to use the port facilities of Scarborough and Whitby to service their vessels? And if no approach has been made, why not? (Councillor Nock)

The Authority has not made any recent direct approach to operators of the Dogger Bank windfarm project but is working with a number of companies supplying services to the windfarm who have approached us. As a result, a number of vessels have so far utilised Whitby Harbour with discussions taking place about further operations from the Port.

3. What are the timescales for the maintenance and repair of Whitby Fish Pier and Eskside Wharf? (Councillor Trumper)

Solutions for the repair of both structures are currently under consideration. An agreement is currently pending with the RNLI to progress repairs to the Fish Pier and it is hoped that works will commence in the near future. Eskside Wharf is currently under further monitoring with work taking place to establish a way forward with regard to its repair. No timescales are currently available.

Councillor Tony Randerson, Portfolio Holder for Neighbourhoods

4. Have any applications for Project Sunshine funding been received from areas outside Scarborough, Whitby and Filey? (Councillor Phillips)

£54,800 is currently allocated for specific projects in Robin Hoods Bay, Grosmont and Staithes.

5. Have Project Sunshine monies been allocated for the repair of Whitby Cliff Lift? (Councillor Nock)

A budget allocation of £100k has been made from the Project Sunshine 2 budget towards the repair works required at Whitby Cliff Lift.

6. What is being done to address the problem of unauthorised camping and open fires on Marine Drive? (Councillor Phillips)

Tents

There are a number of people camping in tents across the Borough. These are a mixture of people who are rough sleeping, and people who are “tourists” and are wild camping. This is an issue experienced every year and there are more “tourist tents” during the summer, although rough sleepers are evident all year round. Currently there seem to be more issues with tents and officers are spending considerable amounts of time trying to deal with them.

In terms of the rough sleepers, these are dealt with by the rough sleeping team (part of the Community Impact Team). The team work with the occupants, alongside other agencies including mental health services and voluntary sector support agencies to try and resolve their housing situation, however, inevitably these are generally complex cases and can take a while to resolve. Cases are considered carefully on a case by case basis but in general enforcement action wouldn't be taken against a rough sleeper, unless there were other associated issues with anti-social behaviour or other issues regarding the location. To put this into context the team are currently dealing with 65 cases where people are either street homeless or at risk of, with complex needs (not all of these are in tents), so the demands on a small team are considerable. The chronic shortage of rented accommodation within the Borough exacerbates the problem.

For “tourist tents” – a new streamlined process has been introduced to try and move people on quickly where they are camping on Council land. Members who become aware of tents should report these to the Councils estates team estates@scarborough.gov.uk. Estates will then check ownership and liaise with the rough sleeping team to establish if they are known. If they are not identified as a rough sleeper then a Council Officer (the Council's Bailiff) undertakes a visit. During

this visit checks will be made to assess whether there are any vulnerabilities or safeguarding issues and any wider concerns or issues would be passed on to the relevant agencies. If there are no welfare issues identified a letter would be served advising the occupants to pack up and leave immediately.

Most of the tourist tents move on after a few days but if they don't the legal powers are relatively limited in practice, cases would be risk assessed and the most appropriate powers would be considered on a case by case basis.

Motor Caravans/Camper Vans on Marine Drive

Regarding the issue of people sleeping overnight in motor caravans, the Marine Drive from the Toll house up to the skate park (cobbled area) is classed as a Borough Council Car Park, whilst the remaining section northwards to Peasholm Gap is Royal Albert Drive and is a public highway belonging to North Yorkshire County Council (NYCC).

The Marine Drive car park is covered by the prohibition of motor caravans between the hours of 11pm and 7am. The Royal Albert Drive does not have a prohibition as it was removed from Traffic Regulation Order by North Yorkshire County Council in 2016. NYCC are responsible for the management of Traffic Regulation Orders and associated signage on public highways. Civil Enforcement Officers can serve Penalty Charge Notices (PCN) to motor caravans on the Marine Drive parking after 11pm, but as the prohibition on Royal Albert Drive has been removed, all vehicles are permitted between to wait between 11pm and 7am.

On either stretches of parking areas a vehicle will be issued with a PCN if it parks over more than one bay if a parking ticket has not been purchased for the number of bays taken up.

NOTES