

## **COUNCIL**

Minutes of the proceedings of a Meeting of the Scarborough Borough Council held at  
on Monday, 7th November, 2022 pursuant to Summons.

Present:-

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

### **Apologies**

Councillors S Campbell, J Casey, M J Cockerill, Miss R K Murphy, Ms T Norton,  
N Robinson, G W L Smith, 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 recent deaths of ward member for Scalby and former Mayor, Hazel Lynskey and former councillor, Bob Stead.

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

There were no declarations of interest.

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

See above.

#### **3. MINUTES OF THE MEETING OF THE COUNCIL HELD ON 5 SEPTEMBER 2022 TO BE READ OR TAKEN AS READ AS THE CASE MAY BE**

**RESOLVED** that the minutes of the meeting held on 5 September 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 AND SCHEDULE 3 - SCHEME OF DELEGATION TO OFFICERS, PARA 4.1(V)**

- (i) **Parish Order - temporary appointment of a councillor (Fylingdales Parish Council) - 23 September 2022 (22/211)**

**RESOLVED** that the urgent decision be noted.

## **7. ANY REPORTS GOING DIRECT TO COUNCIL**

### **(i) Appointment of Interim Chief Executive and Head of Paid Service**

The Mayor took the opportunity to wish Mr Edwards well in his new role as Interim Chief Executive.

**RESOLVED** that the decision of the Appointments Committee dated 10 October 2022 be noted.

### **(ii) Changes to the membership of committees**

The Council considered a report by the Director (LD) (Reference 22/216) in respect of changes to the membership of the Council's committees.

**RESOLVED** that the Council:

- (i) Notes the revised political composition of the Council as set out in paragraph 3.3 of the report;
- (ii) Approves the revised membership of the Council's committees as set out in Appendix A of this report; and
- (iii) Approves the extension of Dr Jim Brace's term as a co-optee on the Audit Committee until the dissolution of Scarborough Borough Council on 1 April 2023.

### **Reasons**

To ensure the good governance of the Council.

## **8. 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 expressed his extreme disappointment at the withdrawal of the developer's offer to build a four star hotel on the site of the former indoor swimming pool in Scarborough and at the closure of the Star in the Harbour restaurant in Whitby which he understood the owners had attributed to this Council, and queried why members had not been informed sooner about both these developments, instead of finding out on social media. Following an adjournment of the meeting because of disturbance in the public gallery, the meeting was resumed and the Leader undertook to provide Councillor Chatt with a written reply to his question. Councillor Siddons also undertook to provide a written reply to Councillor Atkinson's request for an update on the Cavendish & Gloucester development on Royal Albert Drive, Scarborough.

## **9. 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. There were no questions.

Councillor Donohue-Moncrieff presented her statement as Portfolio Holder for Environment and Sustainability. Updating her statement, Councillor Donohue-Moncrieff advised that the installation of electric vehicle chargepoints was expected to begin the following week, and a recording of

the recent event to showcase the new Local Area Energy Plan was now available to share with members. In reply to members' questions, the Portfolio Holder advised that two electric vehicle chargepoints had been approved for Robin Hood's Bay and through officers, the Portfolio Holder would provide Councillor Mortimer with an update on the Robin Hood's Bay coastal defence project. Councillor Donohue-Moncrieff undertook to provide Councillor Nock with a written response to his question as to how many properties had benefited to date from the Council's seagull property proofing scheme and how much had been spent on the scheme. The Portfolio Holder commented that there was no evidence for Councillor Nock's contention that since the cessation of the gull disruption and dispersal programme, gull numbers and public nuisance had increased. She maintained that there was no miracle solution to gull public nuisance – there were limits to what the Council could do and factors outside the Council's control - but through regular involvement of the overview and scrutiny function, the Cabinet had sought members' views and input on a difficult issue which tended to polarise public opinion, whilst seeking to strike the right balance in managing the problem through a variety of different measures including gull proofing buildings.

Councillor Grieve presented his statement as Portfolio Holder for Quality of Life. Councillor Atkinson put a question in respect of the bike track at Scalby Beck in his ward. The question and the Portfolio Holder's reply are set out below:

*Q: Two years ago I was contacted by residents in the Scholes Park area of the Northstead Ward about noise and anti-social behaviour emanating from the Scalby Beck. On further investigation I identified that extensive ground works had been carried out at the beck and a bike track had been built and was in use. As I understand it the land is owned by the council, who have not given permission for this work to be carried out and which is therefore an illegal act. Since then, these activities have increased causing much disturbance to the residents whose properties back on to the beck. Although these activities and the problems have increased and the details of which have been regularly been issued to the council, as far as I am aware the council has taken no action at all to address the residents' complaints and the problems suffered, including vehicle noise, unauthorised camping, fires and adverse effect on wildlife. Could I ask why the council has not fulfilled its responsibility in maintaining the land properly and assisting the residents in the problems they have been facing?*

*A: I am familiar with the unauthorised bike track referred to and know that for a number of years this area has been used informally for biking and that more recently local people have constructed some fairly substantial mud ramps in this location. I am aware that there are conflicting views regarding the use of the site by bikers. This is not an easy issue to resolve - on the one hand there is some degree of nuisance being caused and potential conflict with other users of the area. On the other hand we have a facility that has been created by and is no doubt providing enjoyment to a group of local bikers and young people. No doubt there would be many users who would object strongly were the council to dig out the ramps constructed. There would also*

*be a significant cost to removal as the access into the site is limited and the ramps would need to be physically dug out.*

*Officers and Members have considered carefully the complaints about nuisance and anti-social behaviour and have reviewed the calls made to the police over the last few years. There are some sporadic complaints about noise and litter associated with the location, particularly in the summer. However, I am also aware that this location is subject to occasional gatherings/parties etc. irrespective of the presence of the bike track.*

*The council has considered carefully a range of options relating to the presence of the bike ramps. At the present time we are taking pragmatic view and whilst there is no formal permission for the bikers to construct ramps or use the site in this way, we are not intending to actively remove the ramps constructed at this time. Having considered carefully the issues we do not feel that the costs associated with physical removal can be justified at this time.*

Councillor Grieve undertook to reply to Councillor Trumper's query about the poor state of the football pitch which was not open for public use near Whitby Leisure Centre.

Councillor Jefferson presented her statement as Portfolio Holder for Corporate Resources, providing updates on (1) shellfish mortality and (2) Scarborough Harbour Fish Quay sheet piling works.

1. Following a lengthy meeting of Parliament's Environment, Food and Rural Affairs Committee held on 25 October 2022, the Chairman, MP for Scarborough and Whitby Sir Robert Goodwill had written to Therese Coffey, Secretary of State for Environment, Food and Rural Affairs. The Harbour Master had forwarded copies of the letter to Harbour Users and Councillor Jefferson highlighted extracts from the letter which she would share with all members. Two scientific theories regarding the possible cause of the shellfish mortality were presented to the committee: the consequences of the breakdown of an algal bloom or the impact of chemicals (pyridine toxicity) from maintenance dredging of shipping channels. The Committee had reached a series of interim conclusions which were communicated to the Secretary of State including a need for further data and research on the causes of the mass die-off; the urgent appointment of an expert independent scientific panel to review the evidence for both theories; an urgent review of dredging in the Tees; pyridine testing; that maintenance dredging should be kept to the minimum level needed to keep the port operational until the expert panel's investigation was completed; and that the Government should reconsider its position on providing financial support to affected communities. The UK Seafood Fund was not an appropriate vehicle for responding to this incident. A dedicated separate fund should be set up to support affected fishers and potters and the regeneration of crab and lobster stocks. The Portfolio Holder thanked both Sir Robert and the Secretary of State for their work on this issue.

2. A report would be going to Cabinet on 15 November requesting approval of a capital budget of £1.35m in line with the capital infrastructure budget in the 2022-23 Financial Strategy, together with approval of the design and build contractor from the YORcivil framework using a two stage procurement process, and to provide authority to enter into contract with the contractor offering the most economically advantageous tender. The walls of the pier were constructed with a combination of steel sheet piles to the inner harbour and roundhead and a concrete wall to the outer harbour elevation and the subject of this report was the sheet pile wall supports to the inner harbour. Any subsequent failure of the structure would significantly impact upon harbour operations, therefore these planned essential works would safeguard harbour facilities and extend the life of one of the council's most important assets.

Councillor Jefferson also referred to a general clean up undertaken by harbour staff at both Scarborough and Whitby Harbours which included removing any users' unwanted items.

When asked by Councillor Pearson whether the Council had received a good response to the discretionary £150 energy rebate scheme to assist those living in Band E-H properties, Councillor Jefferson undertook to provide a written reply with the precise figures.

In respect of the closure of the Star in the Harbour restaurant in Whitby and the negative publicity for the council surrounding the closure, Councillor Abbott sought reassurance that the council did provide support to the owners to enable the restaurant to stay open. The Portfolio Holder for Inclusive Growth, Councillor Colling responded that she shared Councillor Abbott's disappointment but the council had worked collaboratively with the owners on the issue of rent and had done everything in its power to support the restaurant throughout this challenging period. Councillor Jefferson added that this support had included COVID government grants.

In response to Councillor Abbott, Councillor Jefferson undertook to provide an update on Eskside Wharf and Parkol's operations in her next statement to full Council.

Councillor Carl Maw presented his statement as Portfolio Holder for Stronger Communities and Housing adding his thanks to all those voluntary and community sector organisations taking part in the Warm Welcome initiative, and encouraging even more to get involved. He further reassured the Chamber that the initiative would continue throughout the winter. Councillor Maw also expressed his gratitude to the members and witnesses who took part in the recent scrutiny enquiry day on the cost of living crisis. He clarified that the Home Upgrade Grants and Local Authority Delivery scheme were directed at the private sector; he expected registered social landlords to be

able to access similar funding support through the UK Shared Prosperity Fund.

Councillor Randerson presented his statement as Portfolio Holder for Neighbourhoods, providing the following update on Project Sunshine Phase 2. Many of the smaller scale works had now completed and lots of preparation works continued for the major schemes, with some of the schemes due to commence over the next few weeks. In more detail:

In Scarborough:

- Completed works included the renewed seating opposite the Rotunda and repairs to the seating at Glen Bridge, works to Hairy Bob's Skate Park, North Bay Plaza railings and repairs to the fencing at Falsgrave Community Centre. The Eslan chemical toilet was also now in place.
- The re-instatement of artwork to the Blands Cliff Murals was almost complete
- Initial plans had been drawn for the Sports hub at the old windmill site. The Council had now taken possession of the site and final plans were due to be received in the next days with a view to being submitted for planning shortly. In the meantime the site would be utilised as a compound to support the repairs to the McBean Steps.
- Repairs to the McBean had started. Now the main season had completed, the steps would need to be closed to allow more intensive works. Demolition surveys (asbestos etc) had now been undertaken. Asbestos was present and quotes were being sought for its removal
- Bar Street - pressure washing block paving had been done, benches were being stained ready for install, planters due to arrive shortly for planters and litter bins due in 2-3 weeks
- Remediation work to the Oliver's Mount War Memorial were under way and would be completed by Remembrance Day
- Vernon Road footbridge – traffic management had been scoped, works due to be carried out in February 2023
- Spa pathway tree had been scoped/priced and traffic management was being arranged to allow the works to commence shortly.
- Artwork was being arranged to cover the former Coral bookmakers and L'amour entrance at the top of Westborough.
- Burniston Road approach to Open Air Theatre - prices now received for gates and walling to pathway and landscape improvements
- North Bay Plaza - bollards to prevent parking – awaiting counter terrorism report - survey had been carried out
- Repairs to copings and foliage works - Alexandra Bowls Centre Gardens (adjacent to Peasholm Road) – Progressing well, awaiting further delivery of stone

In Whitby:

- The handrail to Brunswick Street had been replaced.

- Improvements to the path from the Abbey Headland Car Park to Church Street were due to commence shortly.
- New lanterns had been installed on the West Cliff, the painting of these formed part of the overall painting programme for Project Sunshine, which also included painting to Spital Bridge and Khyber Pass.
- Bus station and street cleaning had been undertaken.
- Contractor would be commencing works on site at Whitby Tennis Courts this week. Subject to weather conditions, the bulk of the work should be finished by Christmas with the final coatings (dark/light green) applied in Spring.
- West Cliff paddling pool – designs were been reviewed
- Quotations had been received for the repairs at Airy Hill Play park and works to be ordered shortly
- Communications box (BT)– Baxtergate had now been repaired
- Repair and painting capstans on the Piers – quotes were still being sourced for this specialist work
- Cliff lift – alternative provision was in place for season – £100k funding allocated for repairs – extensive surveys/options appraisals were now required

#### In Filey:

- Eslan Chemical point was installed
- The designs had been finalised for the replacement Dinosaur in Glen Gardens and this was being ordered
- Currently scoping the extent of the works to the wall (café side) of Glen Gardens
- Specifications due to go out to tender shortly for the revamp of the seafront Crazy Golf

#### Villages:

- In Grosmont works had commenced to improve the public conveniences
- Painting of the rails at Staithes formed part of the overall painting programme
- Meetings had been held with Fylingdales Parish Council to support a plan to improve the access to the play park

Finally, the Compactor bins for all three towns were awaiting the outcome of a trial of a new style bin, prior to full installation. Counter terrorism surveys had been undertaken and reports should follow shortly to assist with the planning of the bollards on North Bay Plaza and seating scheme at New Quay Road/Endeavour Wharf. The bike repair points were ready to be installed once final locations had been determined. New sets of Christmas tree lights had been ordered and received for Whitby and Filey and a contribution had been made towards the new columns for the Scarborough Christmas lighting scheme.

Members then commented on the statement. Councillor Goodberry congratulated the Portfolio Holder for the work done to remedy the vandalism at Whitby bus station, and Councillor Mortimer made a plea that the Station Car Park public conveniences in Robin Hood's Bay be reopened for the winter months until Jan/Feb 2023. Councillor Randerson explained that with local government reorganisation on the horizon, the future and operation of facilities such as at Station Car Park remained to be determined. One option was a pay on entry system although he noted that alternative facilities at Bank Top were only six minutes' walk away.

**10. 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. Councillor Jeffels, Chair of the Lives and Homes Overview and Scrutiny Committee echoed Councillor Carl Maw's praise and thanks to members and witnesses at the scrutiny enquiry day on the cost of living crisis held on 26 October 2022 which he had chaired. He noted too that the final year of the Mayor's Community Fund had been inundated with funding applications which far exceeded the funds available. He therefore encouraged members to use their locality budgets to support these organisations. In reply to a question, he confirmed that his committee had endorsed the officers' recommendations in respect of the Better Homes Joint Venture partnership. The report would now be considered by the Cabinet and then onto the County Council Executive for final approval in accordance with Section 24 of the Local Government and Public Involvement in Health Act 2007.

Councillor Coulson, Chair of the Places and Futures Overview and Scrutiny Committee confirmed that the Yorkshire Coast BID Ltd had responded favourably to his request for a meeting following the O&S Committee's consideration of the BID at its meeting on 31 August. He confirmed that he and the Vice-Chair would be involved in the initial meeting which may be opened up to a wider group of councillors in due course.

**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.

**Chairman**



## COUNCIL – 7 NOVEMBER 2022

### QUESTIONS TO THE CABINET WITH THE REPLIES PROVIDED AFTER THE MEETING

#### Councillor Steve Siddons, Leader of the Council

1. Councillor Chatt expressed his extreme disappointment at the withdrawal of the developer's offer to build a four star hotel on the site of the former indoor swimming pool in Scarborough and at the closure of the Star in the Harbour restaurant in Whitby which he understood the owners had attributed to this Council, and queried why members had not been informed sooner about both these developments, instead of finding out on social media.

*The sale of the former indoor pool site was processed through the council's normal procedures of Cabinet and O&S. At all times, members were kept informed of progress. On the day before the project was due to be discussed by the County Council Executive for s24 approval, the developer decided to withdraw from that process. Large complex projects such as this are often protracted and have to overcome some hurdles along the way. Over the next few days, SBC Officers continued to work with the developer to get the project back on track. I informed members of the situation as soon as I realised that this project may not actually go ahead in spite of those discussions. This was in my statement to Council which was published later that same week.*

*In an ideal world, my Council statement and the developer's statement would have been published together but the developer was perfectly entitled to make a statement to suit his own timetable, which he did.*

2. Councillor Atkinson requested an update on the Cavendish & Gloucester development on Royal Albert Drive, Scarborough

*The Cabinet approved an offer from Cavendish & Gloucester back in 2017 which was subject to securing planning permission and final agreement. In October 2020 the Planning and Development Committee considered application ref. 19/00008/RG4 for the erection of a building with restaurant/bar at ground floor and 19 letting rooms at first floor level. The committee was content with the nature and design of the scheme, however a formal decision was deferred pending receipt of a report from the applicant on slope stability and foundation design. That report remains outstanding. In March 2022 a letter was sent to Cavendish & Gloucester by the Council's Estates Service stating that if they did not make contact within 14 days then their offer would be considered to be withdrawn. No response was forthcoming and a final letter was sent in March to confirm that all previous agreements had lapsed.*

**Councillor Michelle Donohue-Moncrieff, Portfolio Holder for Environment and Sustainability**

3. Councillor Mortimer requested an update on the Robin Hood's Bay coastal defence project.

*The Environment Agency has agreed to allow the Council to access its single contractor framework. The Council has signed an access agreement and is now engaged with BAM to progress the pricing of the project.*

4. How many properties had benefited to date from the Council's seagull property proofing scheme and how much had been spent on the scheme?  
(Cllr Nock)

*In general, I would ask you to note the progress that has been made through the overview & scrutiny process in tackling this issue over recent years. With regard to the specific points you raised, I would answer:*

- *Since the seagull property proofing scheme was properly launched in March 2021 (it was delayed by the COVID pandemic) we have provided match funding to proof 24 properties up to the end of September 2022. We have another 5 properties where we have sent out offer letters and are awaiting acceptance from the applicant.*
- *To 30 September in 2022/23, we have spent £9,057.20 on property proofing 6 properties. In 2021/22 (1 April 2021 to 31 March 2022) we spent £24,132.20 on the scheme proofing 18 properties. Therefore, a total of £33,189.40 has been spent on the scheme since it began in March 2021.*
- *Reports have been considered by Overview and Scrutiny on 3 occasions since December 2018: 5 December 2018 –to Overview and Scrutiny Board; Overview and Scrutiny Committee (Lives and Homes) on 15 January 2020 and most recently on 2 November 2021. On all these occasions the agreed action plan was reviewed and changes proposed for the following year based upon up to date research, recent data and expert advice. O&S recommended to discontinue the previous 3 year Disruption and Dispersal programme at its meeting on 15 January 2020 and to replace it with the property proofing scheme.*

**Councillor Jim Grieve, Portfolio Holder for Quality of Life**

5. Councillor Grieve undertook to reply to Councillor Trumper's query about the poor state of the football pitch which was not open for public use near Whitby Leisure Centre.

*The rejuvenation of the Multi Use Games Area (MUGA) at Whitby Leisure Centre is progressing well. The new LED lighting bulbs have arrived and will be installed by in house electricians soon. The court surfacing has been delayed slightly as the Project*

*Lead at Fosse Contractors has been ill, so scheduled meetings have been postponed. Fosse are the contractors who are delivering the tennis court project, so the plan is for them to do both projects whilst onsite. This work is part of Project Sunshine and will be completed by spring next year.*

**Councillor Janet Jefferson, Portfolio Holder for Corporate Resources**

6. When asked by Councillor Pearson whether the Council had received a good response to the discretionary £150 energy rebate scheme to assist those living in Band E-H properties, Councillor Jefferson undertook to provide a written reply with the precise figures.

*Eighteen properties owners have contacted the Council:*

*12 were eligible under pension entitlement*

*6 were eligible under Local Support for Council Tax*

## NOTES