

North Yorkshire Council

Scarborough and Whitby Area Constituency Committee

Minutes of the meeting held on Friday, 9th June, 2023 commencing at 10.30 am.

Councillor Liz Colling in the Chair plus Councillors Derek Bastiman, Eric Broadbent, David Chance, David Jeffels, Janet Jefferson, Rich Maw, Clive Pearson, Heather Phillips, Tony Randerson, John Ritchie, Subash Sharma, Roberta Swiers, Phil Trumper and Neil Swannick.

In attendance: Councillor George Jabbour.

Officers present: Will Baines, Christian Brennan, Lily Hamilton, Nic Harne, St John Harris, Dr Gill Kelly, Emma Lonsdale, Alex Richards.

Other Attendees: Claire Campbell and Claire Barrow (both from the Environment Agency)

Apologies: None

Copies of all documents considered are in the Minute Book

14 Election of a Chair

St John Harris, Democratic Services for North Yorkshire Council welcomed everyone to the meeting, and confirmed that as it was the first meeting of the committee in 2023-24, the first item of business would be the election of a Chair.

There were two nominations for the position of Chair of the committee - Councillors Liz Colling and Clive Pearson. Votes were taken and on a show of hands Councillor Liz Colling was elected as Chair of the committee for the ensuing municipal year.

Resolved –

That Councillor Liz Colling be appointed Chair of the committee for the ensuing municipal year.

15 Minutes of the Meeting held on 24 March 2023

Resolved –

That the Minutes of the meeting held on 24 March 2023, having been printed and circulated, be taken as read and confirmed and signed by the Chair as a correct record.

16 Election of a Vice-Chair

The Chair, Councillor Colling invited nominations for the position of Vice-Chair of the committee for 2023-24.

There were two nominations: Councillors Janet Jefferson and Clive Pearson. Votes were taken and on a show of hands Councillor Janet Jefferson was elected as Vice-Chair of the committee for the ensuing municipal year.

Resolved –

That Councillor Janet Jefferson be appointed Vice-Chair of the committee for the ensuing municipal year.

17 Apologies for Absence

There were no apologies for absence.

18 Declarations of Interest

Councillors Derek Bastiman and David Chance each declared an interest in agenda item 10 (Development of former Indoor Swimming Pool site, Scarborough) as each was an Executive member who would be a future decision maker on the proposals in the report. Each recused himself from the debate and determination of this item.

Councillor Janet Jefferson declared an interest in agenda item 11 (Area Constituency Committees in the new North Yorkshire Council) since one of the committee's delegated powers was to consult with Chambers of Commerce. Councillor Jefferson was President of Scarborough Chamber of Trade and Commerce.

Councillor John Ritchie declared an interest in agenda item 10 (Development of former Indoor Swimming Pool site, Scarborough).

19 Public Participation

Since all three of the following questions concerned Item 9, Environment Agency – bathing water quality update, they were presented at the start of item 9. The answers to the questions were then covered in the presentation by the Environment Agency.

Guy Smith

It is difficult to comprehend that Scarborough established itself as Britain's oldest seaside resort and people travelled to it to take the Spa water and bathe in the south bay for medicinal purposes and we have such adverse publicity to our tourist industry today.

Several years ago the Scarborough Borough Council Cabinet member for environmental issues identified a number of factors allegedly contributing to the poor water quality. He was interviewed on Yorkshire Coast radio and clearly identified these to be litter, seabird fouling, dog fouling and donkey fouling. It was subsequently noted that the Environment Agency laboratory had received samples of donkey faeces from the donkey sanctuary in Devon and no traces whatsoever, were found in the South Bay water. No retraction was ever given by him. Following this, a few years ago, I recall laboratory technicians were taking half hour test samples every day from 1 May to 30 September. I believe they were commissioned to do this by the Environment Agency and Yorkshire Water. Their van was parked daily behind the lifeboat house on West Pier. Please can you tell me if the information retrieved from their investigations made any observations and conclusions, as I cannot remember seeing any subsequent reference to their findings. Please could you also clarify what effect the weather has on results.

Steve Crawford

I run a surf hire and lesson business from the Spa on South Bay. I've been made redundant because of the current issue with water quality and the red/ no flags state of the bay and haven't been able to work since the 6th May. Why have you not made Yorkshire Water accountable for their repeated failures? Microbial spot testing of bacteria found in the bay proved the source was the industrial waste. Your own data has proven that South Bay will never achieve a good status whilst this persists. How can a licence be given to an outfall pipe that was known to be a source of test positive bacteria? This was a wholly avoidable situation. I've spoken about this with the council, the EA and Yorkshire Water on numerous occasions over the years and they are fully aware of the problems. Mike Cockerill, who was a Scarborough Borough Councillor involved with water quality was as exasperated as I am. He acknowledged that the Council had no direct responsibility for the bathing water quality but supported the work of the agencies who did have responsibility, primarily the Environment Agency and Yorkshire Water, and lamented that the good working relationship between the Council and these agencies had seen a decline.

Jean Spink

How regularly are the Environment Agency sampling the water quality at South Bay Beach and does this sampling cover testing for anti-microbial/ antibiotic resistant bacteria?

20 Proposal to change the start time of future committee meetings from 10.30am to 10am

The Chair introduced this proposal to align the start time of this Area Constituency Committee with others across North Yorkshire and to ensure that by commencing earlier, the committee did not affect councillors' afternoon engagements. Members discussed the proposal agreeing an amendment that the venue of future meetings alternate between Scarborough and Whitby. Councillor Randerson expressed his extreme disappointment that there was no Hearing Induction Loop at this venue – a matter which would be rectified at future venues.

Resolved – That future meetings of the committee commence at 10.00am and that the venue of the meeting alternate between Scarborough and Whitby.

21 North Yorkshire 0-19 Healthy Child Service

Considered – a presentation by Dr Gill Kelly, Public Health Consultant, and Emma Lonsdale, Head of Public Health, Children and Families, about the work of the Healthy Child 0-19 Service and local provision in the Scarborough and Whitby constituency. The presentation centred on the four pillars of the newly modelled Healthy Child Service launched in July 2021 and the work involved including local statistics in the delivery of each pillar: 0-6 years old (on which the service was most focused); safeguarding and children in care; emotional health and resilience; and infant feeding, family diet and nutrition. Reference was made to both successes such as the increase in antenatal contact in the constituency, and challenges such as efforts to promote take up locally of the Healthy Start Scheme which provided a nutritional safety net, and to promote the practice of breastfeeding, for example, through identification of breastfeeding-friendly venues.

Following the presentation, questions from members concerned:

- Support for children's mental health in the face of reduced resources and significant demand
- Suicide prevention work

- Support for children with autism
- Promotion of sport and physical activity to improve wellbeing
- Delivery of the 6-8 week review of new born children through both virtual and face to face contact and how the service reached the most deprived households
- The use of libraries as breastfeeding-friendly venues e.g. Selby
- The lack of provision of baby weighing clinics in Eastfield causing anxiety among parents
- Further explanation of the developmental screening ASQ – Communication Domain figures for Scarborough which were less than Whitby and less than the average for all areas
- The wait time for children to access services

In reply, members were advised that:

- Children’s mental health was a key area of concern in the service’s work. The service worked with schools, nurseries, families and the wider community to create a culture of positive mental wellbeing, for example through the My Happy Mind programme. However, the need for mental health support was vast and much work was underway to address capacity issues. For example, a second mental health support team had been designated for schools in the constituency area. Further research was also required to assess local need. Officers worked closely with other services as part of a coordinated approach in North Yorkshire to address suicide prevention through the monitoring and analysis of data around clusters and appropriate interventions.
- A new autism strategy for North Yorkshire was under development. Autism was just one example of neurodiversity which the service sought to address along with mental health needs in schools. The needs of each individual child were identified on diagnosis.
- A new pilot of social prescribing for children including sport and physical activity had been recently launched
- New birth visits were always face to face at which point a risk assessment would be made around the frequency and nature of future contacts – face to face or virtual. Face to face contacts would be made for digitally excluded households or those with poor wifi. Persistent efforts were made to contact households.
- The use of libraries was being encouraged not only for breastfeeding, but also as venues where mothers could meet to support each other, and as free vitamin distribution sites for the Healthy Start Scheme
- Certain myths surrounded baby weighing. Up to 6 months, a baby should not be weighed more than once a month, and more frequent visits may increase anxiety. Contact with other mothers and peer support was as important as baby weighing and a request to have one’s baby weighed could be made at a virtual or face to face meeting with the health visitor. The issue around baby weighing in Eastfield may well be a cultural one which needed to be addressed through better promotion of support available.

At the request of the Chair, the presenters agreed to provide more detailed responses to the committee on all these matters after the meeting.

Resolved – That the presentation be noted.

22 Environment Agency - Bathing Water Quality update

Considered – A presentation by Claire Barrow, North Yorkshire Area Environment Manager, and Claire Campbell, Yorkshire Bathing Water Technical Lead at the Environment Agency (EA) providing an update on bathing water quality on the North Yorkshire coast.

Members were advised about the statutory framework in which the EA operated and the detailed investigations undertaken at Scarborough South Bay in 2016. In accordance with the Bathing Water Regulations 2013, the EA regularly tested during the bathing water season for two types of bacteria: E.coli and Intestinal Enterococci (not for antibiotic resistant bacteria). At Scarborough South Bay, one sample a week was taken at different times and different days of the week, and the results published based on a four year rolling average. The classification was currently poor. The EA also undertook daily pollution risk forecasts due to weather and other predictable factors since heavy downpours may cause more bacteria to be washed into the sea. The EA no longer provided pollution risk forecasts at Scarborough South; this stopped for 2022 as the model was very poor at predicting water quality issues at the site, which underlays the complexity of the issue. However, it did provide this service at Filey, Sandsend and Robin Hoods Bay on the North Yorkshire coast. The 2016 study found that the picture at Scarborough South Bay was complex with multiple sources of bacteria, including seabirds and humans, contributing to the poor water quality, but did not add much to EA's knowledge about the South Bay. Evidence of industrial effluent was only found 10-20% of the time and was difficult to quantify using the analysis techniques available, and pollution from livestock and donkeys was not an issue. The EA would undertake further detailed investigations of Scarborough South Bay in 2024, subject to availability of funding. This year these investigations were focused on Bridlington South Bay and the River Wharfe. Details were also provided of the EA's regulatory work in which water discharge activities and source groundwater activities were regulated with an environmental permit. A generic approach was adapted to the specific discharge, its location and receptors. The EA had a regulatory responsibility to assess compliance against the conditions in permits and to take appropriate enforcement action where they were breached. This action depended on the impact of the breach and any mitigation measures taken by the operator, in accordance with the EA Enforcement and Sanctions Policy. The overall bathing water quality in the region was improving with significant additional resources put into agricultural inspections and the EA now requiring water companies to monitor their storm overflows to capture information on how they were performing. The EA now published water companies' annual data on storm overflow spills on a yearly basis to hold the companies to account. These and other steps had significantly driven up monitoring and transparency from water companies in recent years.

Members then commented on the presentation and asked questions to which the EA provided replies. Below are the salient points:

- Profound concern at the poor bathing water quality of Scarborough South Bay and its effect on the reputation of the country's first seaside resort and the local visitor economy. The need for immediate action
- The suggestion of a connection between the effluent discharged from the Wheatcroft Long Sea Outfall and the poor bathing water quality in Scarborough South Bay. The acknowledgement that other sea outfalls in the area may also have an adverse effect on bathing water quality.
- The Wheatcroft Outfall has an application in the process and if approved, it would

meet the standards as described.

- The impact of the seabird population would be investigated along with the popularity of the beach/human impact in the study next year. Further factors requiring investigation were the impact of harbour structures and nearby coastal defence works. The EA should be consulted on any proposed coastal defence projects.
- Although pollution from agricultural sources was not an issue in the 2016 study, this could not be ruled out altogether in respect of Scarborough South Bay, and was certainly significant in other locations and led to the de-designation of Staithes as a bathing beach

Whilst the answers to the public questions were covered in the presentation, Steve Crawford put a supplementary question querying why the planned investigation of Scarborough South Bay could not be brought forward to this year. In reply, it was confirmed that the EA's resources and priorities determined the scheduling of the investigation.

Members agreed to adjourn the meeting to refine the wording of a motion originally proposed by Councillor Rich Maw which would then command the support of the committee. Upon the meeting's resumption, it was:

Resolved –

- (i) That the presentation be noted; and
- (ii) That this Area Constituency Committee commits to communicate our deep concern at the current situation regarding poor water quality in South Bay to all relevant agencies with a focus on accurately measuring the effluent from all sea outfall pipes at their source area across both North and South Bays. In addition, to request a formal response on how the coastal defence works have affected the currents in the Scarborough area.

23 Development of former Indoor Swimming Pool Site, Scarborough

Considered – A presentation by Alex Richards, Economic Development and Regeneration Services on proposals to facilitate the development of the former Indoor Swimming Pool site, Scarborough. Members were advised that despite the withdrawal of the previous developer, there remained significant interest in the site for the purposes of high quality hotel development which would be intrinsic to realising the overall objectives of the North Bay Masterplan. It was proposed that to demonstrate best value for the council that the site be advertised via an open market competitive tender process to identify a development partner which would enable the council to meet its specific requirements.

Members welcomed this approach raising various questions which elicited the information below:

- Subject to member approval, the site would be put out to market at the end of the summer. Public consultation would be integral to development process
- North Bay Masterplan would feature strongly in the development specification
- Among other clientele, the hotel would be aimed at Open Air Theatre artistes and spectators
- Other development sites in the North Bay would be marketed in due course
- The former Scarborough Borough Council social value tools had been adopted by North Yorkshire Council. This may prolong the procurement process but for

optimum benefit

Resolved – That the presentation be noted.

24 Area Constituency Committees in the new North Yorkshire Council

Considered – A report of the Assistant Chief Executive (Legal and Democratic Services) in respect of the next iteration of the new council's area constituency committees. Members were advised that the committees' terms of reference and ways of working had been developed following consultation with the ACC chairs and included new elements such as mid-cycle briefings and the ability to make recommendations to the Corporate Director of Community Development in respect of seed funding for local projects which as an example could aid economic development. Members commended the new approach.

Resolved – That the report be noted.

25 Appointments to Committees and Outside Bodies

Considered – A report of the Assistant Chief Executive (Legal and Democratic Services) which invited the committee to make appointments, on behalf of the council, to various outside bodies. Members were advised that the two outside bodies listed of British Destinations and British Ports Association had been re-categorised as executive appointments which would fall to the relevant Portfolio Holder, Councillor Derek Bastiman. Members queried whether Esk Valley Railway Development Company should have an additional council representative and whether Scarborough United Scholarships Foundation with the John Kendall Trust should have not a substitute but an additional representative (Councillor Roberta Swiers).

Resolved –

(i) That the following members be appointed to the outside bodies listed below:

North Bank Local Enterprise Partnership Cllr Derek Bastiman

North Yorkshire and Cleveland Coastal Forum Executive Committee Cllr Derek Bastiman
Cllr David Chance

Raincliffe Woods Community Enterprise Cllr David Jeffels
Cllr Heather Phillips

Scarborough & District Sports Council Cllr Rich Maw
Cllr Heather Phillips

Scarborough & Ryedale Home Improvement Agency Cllr Liz Colling

The Scarborough Municipal Charity Cllr Eric Broadbent
Cllr Janet Jefferson
Cllr Rich Maw
Cllr Subash Sharma

Whitby United Charities Cllr Clive Pearson
Cllr Neil Swannick
Cllr Phil Trumper

- (ii) That the committee defer its decision in respect of Esk Valley Railway Development Company and Scarborough United Scholarships Foundation with the John Kendall Trust pending the resolution of the committee's queries
- (iii) That the Category 3 appointments at Appendix B of the report be noted and endorsed
- (iv) That a review of outside bodies take place within the next 12 months.

26 Scarborough & Whitby Area Constituency Committee Work Programme 2023/24

Considered -

The report of the Assistant Chief Executive (Legal and Democratic Services) asking Members to review the Work Programme, taking into account the outcome of discussions on previous agenda items and any other developments taking place across the area. Councillor Ritchie advised that following his proposal, the Children and Families Overview and Scrutiny Committee would commission a scrutiny review of SEND provision in the Scarborough and Whitby area which would report its findings back to the O&S committee and this committee later in the year.

The following matters were proposed for the work programme:

- Council review of public conveniences and how this affects the constituency area
- Scarborough and Whitby Area Constituency profile report based on latest data and 2021 census
- Government proposals to address the proliferation of short-term holiday lets through registration and the planning system (for a mid-cycle briefing)
- Evaluation of POMOC scheme providing support to the Eastern European community in the constituency area (22 September 2023).
- Use of Social Value Engine tool

Resolved - That Democratic Services update the work programme to reflect the decisions made during the meeting.

27 Any Other Items

There was no urgent business.

28 Date of Next Meeting

Friday, 22 September 2023

The meeting concluded at 1.37 pm.