

# North Yorkshire Council

## Scarborough and Whitby Area Committee

Minutes of the meeting held on Friday, 29 November 2024 commencing at 10.00 am.

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

Officers present: Chris Bourne, Scott Chapman (remote), Stuart Clark, St John Harris, Rachel Joyce, Dr Gill Kelly (remote), Dora Machaira (remote), Stewart Rowe, Andrew Stewart (remote), and Louise Wallace (remote)

Other Attendees: Gary Hardcastle (Deputy Head of Business Intelligence, York and Scarborough Teaching Hospitals NHS Foundation Trust) and Simon Morrith (Chief Executive, York and Scarborough Teaching Hospitals NHS Foundation Trust)

Apologies: Councillors David Chance and Roberta Swiers

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### Copies of all documents considered are in the Minute Book

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#### 101 Apologies for Absence

Apologies noted (see above).

#### 102 Minutes of the Meeting held on 3 October 2024

##### Resolved

That the Minutes of the meeting held on 3 October 2024, having been printed and circulated, be taken as read and confirmed and signed by the Chair as a correct record.

#### 103 Declarations of Interest

The Chair declared a personal interest in Minute 108, Hospital travel and attendance data since she was appointed by North Yorkshire Council to the Board of Governors of York and Scarborough Teaching Hospitals NHS Foundation Trust.

#### 104 Feedback from previous meetings - Chair's report

The Chair provided updates on two matters arising from the last meeting.

##### Whitby Promenade

With reference to the parking issues being reported along Whitby Promenade it is recognised that there is a bylaw in place to prosecute offending vehicles. The previous authority, Scarborough Borough Council, had taken the view that the process was too laborious and time consuming to be used on anything approaching a frequent basis. Specific prosecutions would have resulted in the need for an application to the Magistrates Court and this had deterred it being seen as a useful tool to deal with the issue. Post Local Government Reorganisation, the situation had not changed. Also, discussions with North

Yorkshire Council's Environmental Enforcement Team had revealed that this type of enforcement did not fall under their remit.

Whilst the Promenade did not form part of the network that the local Highways Office maintained, they did have the ability to install Traffic Regulation Orders on land not forming part of the Highway Maintainable at Public Expense (HMPE). Plans would be considered by the local Highways Office to carry out some consultation over potential prohibitions to gauge the various needs of people currently using the Promenade. Initial comments received from some of the users made it clear that there were conflicting views on whom or what should be allowed along the Promenade. It was clear that this would not be simple to implement. Currently, given the existing workload of the local Highways Area Office, it was not possible to offer a date by when this initial consultation would commence.

Members commented that the situation on Whitby Promenade had deteriorated since the pandemic and given the health and safety risks, demanded a speedy resolution. It was therefore

**Resolved** that the committee urge the local Highways Office to address the parking issues on Whitby Promenade as a priority and commence the consultation on the Traffic Regulation Order in January.

#### Use of Section 106 monies on infrastructure enhancements on Esk Valley Railway

Network Rail were continuing their work to finalise the designs for the infrastructure enhancements to the Esk Valley Line that would facilitate additional services on the line and that work was expected to be completed by the end of 2024.

Work on implementing the infrastructure enhancements would then commence in 2025 and additional services were currently planned to commence in 2026.

North Yorkshire Council officers were also in the process of drawing down the remaining Section 106 funds from Anglo American which would confirm the funding available to both deliver the infrastructure enhancements and support the running of the additional train services.

## **105 Public Participation**

There were no public questions or statements.

## **106 Harbours update**

Considered a report of the Corporate Director of Environment providing an update on general matters relating to the council's harbours. In presenting the report, the Head of Harbours and Coastal Infrastructure, Chris Bourne advised that the council had begun to develop a new Harbour Strategy and Investment Plan the outline of which was set out in Appendix A of the report, which would seek to optimise opportunities for the harbours, for example from the emerging offshore windfarm industry. He cited both a crew transfer vessel operator and a guard boat operator who were interested in basing their operations locally. The new strategy would be developed in consultation with members, harbour users and other stakeholders and a draft would be submitted to the committee for comment in due course. Mr Bourne then turned to challenges around harbour infrastructure notwithstanding the significant historical investment by Scarborough Borough Council. He referred to the damaging impact of accelerated low water corrosion on harbour infrastructure, and the need for repairs of Eskside Wharf, West Pier Inner Pile Wall, timbering and fendering of Fish Quay, and the roundhead of West Pier and Lighthouse Pier. Mr Bourne acknowledged that the delay in dredging operations was unacceptable, but the council was trying to address this by bringing the operation inhouse

following the external firm ceasing operations. There were also delays in securing a dredging licence, in part because of the increased scrutiny by statutory consultees in the aftermath of the devastating mass shellfish die-off.

Members then discussed the report raising the following points:

- Continuing concern over the mass shellfish die-off. The original expert enquiry had concluded that none of the possible reasons attributed for the die-off were viable, suggesting instead that an unknown pathogen could be responsible. The council's current position was to press for a full public enquiry which Councillor Bastiman and others were pursuing.
- Disappointment at the delay in progressing the offshore renewables agenda, the regeneration of Scarborough West Pier and the completion of Whitby Maritime Hub
- Disappointment at the delay in developing a new Harbour Strategy to replace the former Scarborough Borough Council strategy
- Ongoing concern at the impact on the harbours of the suspension of dredging operations

In reply to their questions, members were advised that:

- It was regrettable that the dredging licence was allowed to expire, but the council was now addressing this matter as a priority
- Harbour depths were constantly monitored to ensure channels remained navigable in the harbours, but a fuller reply would be provided to the committee
- The dredger *Sands End* was owned by North Yorkshire Council
- The installation of a boat hoist was critical to attracting the offshore renewables sector. The project was currently being costed to ensure that the associated infrastructure works could be delivered to enable the boat hoist to be installed. These particular infrastructure works were isolated from the wider improvements to ensure one project was not dependent on the other, since the boat hoist project was at a more advanced stage. Not all the funding had yet been identified for the boat hoist but the council was working with the Mayoral Authority and other agencies to achieve this.
- The council was actively engaging with the offshore renewables sector to identify the infrastructure improvements which needed to be made to the harbours (including the boat hoist) to attract their business
- Mr Bourne would address concerns about the sinkhole at Scarborough Lighthouse and the poor state of the building on Whitby Fish Quay with the council's Property Service
- The new Harbour Strategy was deliberately sparse at this outline stage to allow a fresh start and the views of stakeholders to inform its development. Mr Bourne would also make use of preparatory work undertaken by the previous Assistant Director
- The new refresh of Scarborough Coastal Strategy was another important piece of work which would take into account the predicted rise in sea levels and the works required to protect coastal assets

**Resolved** that:

- i. the report be received and the contents noted; and
- ii. the committee make representations to the Leader of the Council as follows:
  - the committee recognises that the council's harbours are a key part of the local economy, culture, heritage and prosperous future of Scarborough, Whitby and Filey;
  - the committee is extremely concerned about the lack of progress in the strategic development of the harbours since local government reorganisation, as evidenced by the delay in attracting investment by the offshore renewables sector in Scarborough and Whitby harbours, the delay in the regeneration of Scarborough West Pier, and the completion of the new Whitby Maritime Hub and therefore can only conclude that the new council does not grasp the importance of the harbours to the local and wider economy;

- the committee therefore urges the council to fully support the harbour team with sufficient resource to deliver a new Harbour Strategy and Investment Plan to secure the ongoing success of the harbours for generations to come; and
- asks the Leader to consider appointing a Harbour Member Champion to help progress these matters

## **107 Annual Report of Performance Against the Safety Plan (Port Marine Safety Code)**

Considered a report of the Corporate Director of Environment providing an annual assessment of the performance of the council's harbours against the Safety Plan. Presenting the report, the Head of Harbours and Coastal Infrastructure, Chris Bourne advised that the council's Safety Management System, along with the Safety Policy and Safety Plan, set out how the harbours are to be managed in accordance with the national Port Marine Safety Code (PMSC) and the Guide to Good Practice published by the Maritime and Coastguard Agency (MCA). The Duty Holder, Corporate Director of Environment, published a Statement of Compliance to the Chief Executive of the MCA every three years which was last submitted on 1 April 2023. The MCA was responsible to the Secretary of State for Transport in advising on the composition and application of the PMSC to all ports in the UK. This included but was not limited to the conducting of health checks and the monitoring of compliance of harbour authorities against the code. The MCA generally endeavoured to conduct health checks of eight harbour authorities per annum and North Yorkshire Council as the harbour authority was the subject of a health check in March 2024. This health check confirmed compliance with the code and highlighted a number of 'good practice' areas which had since been shared with other authorities around the UK. Notwithstanding the good performance of the ports outlined in the report, Mr Bourne commented there was no room for complacency and the multiple ways in which the ports' performance against the code was assessed would continue with the same rigour.

Members commended the report, and even though there had been no recent pollution incidents recorded in Whitby Harbour, Mr Bourne undertook at a member's request to engage with Yorkshire Water around concerns about sewage discharges in the harbour and report back to the committee.

**Resolved** that the committee accept and acknowledge the Harbour Authority's report of performance against the recommendations of the Port Marine Safety Code (PMSC).

## **108 Hospital travel and attendance data**

Considered a presentation by Simon Morritt, Chief Executive, York and Scarborough Teaching Hospitals NHS Foundation Trust and Gary Hardcastle, Deputy Head of Business Intelligence, on local hospital travel and attendance data. Members were advised that this relatively new data tool for collecting information around patients who did not attend face to face outpatient hospital appointments provided very useful insights to help the Trust plan its services. The Trust as a whole performed well nationally (in the top decile) in relation to 'do not attends' (DNAs). The bulk of the presentation focused on nine east coast area postcodes and DNAs at Scarborough Hospital. Since April 2021 the DNA rate had shown a marked improvement which was attributed to the introduction of text messaging reminders to outpatients. The data could be further broken down by postcode sub-districts, Index of Multiple Deprivation (IMD) deciles and specialties. For local IMD 1 postcodes (in 10% most deprived areas in the country) which had a higher rate of DNAs, the majority of these patients lived within three miles of Scarborough Hospital. This raised questions about whether there were other barriers than transport to consider such as communication and engagement methods. The service itself and how it was delivered may also be a factor.

Members then discussed the presentation requesting the local data for missed appointments at York Hospital and noting that within a single postcode or division there was sometimes a huge discrepancy in average life expectancy and deprivation.

In reply to questions and comments, Mr Morrith would feed back to the Integrated Care Board the inconvenience to patients of not being given precise times for telephone appointments since this often concerned GP appointments, and noted too that some hospital specialties were better than others in advising patients of the likely duration of their appointments and that it would be of great benefit for all outpatients to have this information beforehand.

In view of the complexity of the data and the factors that may deter an outpatient attending a hospital appointment, it was proposed to hold an informal seminar for members with Messrs Morrith and Hardcastle at which they could answer specific questions about particular localities, specialties and other issues in respect of local outpatient attendance at all the Trust's hospitals of Scarborough, York, Malton, Bridlington and Selby. Asked if something similar could be held with Humber Teaching NHS Foundation Trust (for Whitby Hospital) and South Tees Hospitals NHS Foundation Trust (for James Cook Hospital), the Chair undertook to look into this through the Principal Democratic Services Officer, Mr Harris, but there was no guarantee that these Trusts would collect this data in the same way.

At the request of Councillor Maw, Mr Morrith addressed the matter of the ongoing industrial action at Scarborough Hospital. The dispute centred on the workload of staff and the claimed degradation of service following the closure of the biomedical facility at Scarborough Hospital in 2022. Mr Morrith explained that one of the two laboratory floors at Scarborough Hospital was closed in 2022 on safety grounds after the discovery of RAAC concrete. Despite the closure of the floor, the Trust had maintained a microbiology service at the hospital with a consultant visit once a week and a microbiologist on call 24/7. Only the previous week, the Trust had received capital funding from NHS England to replace some of the building constructed of RAAC and to work up a plan to build a new laboratory facility on site. In terms of the industrial action, Mr Morrith advised that the Trust was working very constructively with ACAS to resolve the dispute and was hopeful of soon reaching an agreement including measures to support the workload of Scarborough Hospital staff. In reply, Councillor Maw alluded to complaints made by staff about lack of equipment including two autoclaves and the need for a larger cold room. Concerns had also been expressed about the time taken to transfer blood cultures from Scarborough to York and the potentially dangerous delay in investigating blood cultures showing positive, for example, for suspected cases of sepsis. Mr Morrith responded that he was not aware of any deterioration in quality of care arising from these changes in service but would provide a more detailed reply.

**Resolved** that:

- i. the presentation be received; and
- ii. an informal seminar for members be arranged with the Trust to explore the data tool in greater depth through councillors' individual questions about hospital site, locality, specialty and other matters.

## **109 Health in Coastal Communities - update by Director of Public Health**

Considered a presentation by Louise Wallace, Director of Public Health and her colleagues Dr Gill Kelly, Consultant in Public Health, Dora Machaira, Public Health Manager, Scott Chapman, Service Manager Living Well Smokefree, and Andrew Stewart, Public Health Officer which provided an overview of health in North Yorkshire's coastal communities together with initiatives in a variety of areas to tackle health challenges and inequalities and to secure improvements.

In the area of children and young people, intelligence from a strong Local Care Partnership with a Children and Young People's subgroup was used to inform very innovative approaches to address the needs of local populations. This included mental health support teams operating in schools, virtual reality talking therapies, specific work to enhance community support for young parents, a project to map mental health support and levels of absence in schools, early interventions with parents to provide support for children's speech and language development, and work to address safety concerns of young women. The Prevent, Access and Treatment initiative to promote oral health, the Babi Scarborough project bringing together multiple sources of routine data to answer health-based questions, and Asthma Friendly Schools were among the other initiatives mentioned.

In terms of protecting health, members were advised about the general autumn vaccination programme, the programme focused on frontline social care staff, and work specific to the Scarborough area to increase uptake of vaccinations, for example, in refugee, asylum seeker and migrant populations and uptake of cancer screening programmes. Reference was also made to initiatives to improve sexual health awareness and work with young parents.

Lastly, members were advised about the local Know Your Numbers campaign to improve awareness of blood pressure and increase the number of people having their blood pressure checked, free heart health checks, and details of the proposed Tobacco Control Strategic Framework, the current Stop Smoking Service and the increased capacity within the service as a result of Government funding to realise the ambition of a smoke-free generation. The new framework to deliver this objective was based on Public Health evidence of local stop smoking interventions and had a focus on strengthening resources, capacity and enhancing infrastructure.

Members then discussed the presentation. In reply to questions, members were advised that:

- there was a cross-directorate attendance alliance set up to improve school attendance figures in North Yorkshire, with added work in the Scarborough area to address mental and physical health and other factors which may affect the numbers
- Smoking prevalence in Scarborough and Ryedale was 15.5% (higher than the North Yorkshire rate) but young people taking up smoking was under control and not driving this relatively high figure
- Public Health supported the parliamentary bill to ban the sale of single-use vapes. A task force had been set up to address the problem of children accessing vapes with the overarching ambition to make young people nicotine free. The incidence of children accessing vapes was much higher than cigarettes.
- The most recent Children and Young People's Annual Report had highlighted the pressure children felt to use social media with its often harmful effect on their mental health. The newly released results of the Growing Up in North Yorkshire survey would reveal more detail about this across different areas of the county. The impact of the Australian ban on all children 16 or younger using social media would be followed with interest.

**Resolved** that:

- i. the presentation be received; and
- ii. the Director of Public Health be invited back to the meeting on 21 March 2025 to present her Annual Report on Healthy Ageing and its implications for the

Scarborough and Whitby area.

#### **110 Scarborough Cross-Council Task Force**

Considered a briefing note by Rachel Joyce, Assistant Chief Executive Local Engagement on the new Scarborough Cross-Council Task Force to oversee the coordination of North Yorkshire Council activity to address a variety of priorities in the town.

Members were advised that the Task Force was set up to coordinate activity and work across multiple council services in order to challenge themselves to identify how services could better come together to tackle the long-term issues which affected Scarborough.

To focus the initial activities of the Task Force, three key issues had been identified as the priority areas:

1. Improving the 'on-street' look and feel of the town centre.
2. Enabling residents and visitors to feel safer in Scarborough.
3. Identifying how services can be better joined up to support young or vulnerable residents.

The Task Force was meeting monthly, had completed an audit of all the projects and programmes currently running within Scarborough, and was now drawing together an action plan to tackle these specific areas. The Chair drew attention to problems recently raised by Dial A Ride about finding safe places to drop off disabled people in the town centre, and more generally about disabled access which she requested the Task Force to address in its work.

In reply to members' questions and comments, they were advised that:

- it was too early to assess the impact of the recent Public Space Protection Order (PSPO) but Rachel Joyce would bring a fuller report about the implementation of the Action Plan including this matter to the next area committee meeting on 21 March 2025
- the Community Safety Team was working hard with other services to ensure the PSPO was enforced but further information would be provided in the March update
- the Task Force was principally focused on the town centre whilst aware that some issues also impacted on outlying estates
- the Task Force would take into account the important work of Scarborough Anti-Theft Group in tackling anti-social behaviour in the town

**Resolved** that the information in the briefing be noted.

#### **111 Scarborough Open Air Theatre Performance Report 2024**

Considered a report of the Corporate Director Community Development accompanied by a presentation which provided an overview of the impact of the 2024 season at Scarborough Open Air Theatre. In delivering his presentation, the Head of Venues and Attractions, Stuart Clark advised that 2024 marked another chapter in the growing success of the Open Air Theatre with the highest ticket sales of any year since the venue was redeveloped, the joint highest number of concerts in any season (18), significant improvements to the venue, and according to the STEAM model, an estimated value to the local economy in excess of £8.5million this year. Further, the budget for the theatre's operation for 2024/25 was £171,500. However, the forecast after Q2 was of a spend of £135,021 against budget giving an underspend of £36,479. This forecast included an estimated figure for the annual profit share that was due to the council as part of the contract with Live Nation. This figure had not yet been finalised and was likely to be more

than the estimate included in Q2 reporting. Therefore, the overall cost of the venue would reduce further once this has been finalised.

In reply to their questions, members were advised that:

- The contractual arrangement with Live Nation (this took all risk away from the council in booking acts) and having to fit in with performers' touring schedules were two factors which limited to a degree the number of events that could be held in any season, but securing 18 events in 2024 was a real positive and the council's increasing profit share demonstrated that the OAT was moving in the right direction.
- Mr Clark was happy to look into improving signage for the venue in the town and to liaising with taxi firms to see if the public's access to taxis could be improved after concerts
- The venue's offer continued to develop with the first food and drink festival to be held there next April. Efforts were being made to secure a West End show too.
- Mr Clark could not guarantee that the venue would ever be cost-neutral to the council since there would continue to be unavoidable costs such as security, safety and medical teams but this money spent on the OAT was of direct benefit to the local economy. The higher the profit share, the lower the cost to the council, and this relatively modest investment generated millions of pounds for the local economy.

Members commended the growing success of the venue and the entrepreneurial vision of the former Scarborough Borough Council which brought the OAT back into use and made it such an asset to the town and wider county.

**Resolved** that the committee:

- i. note the impact and performance of the Open Air Theatre; and
- ii. record their thanks and wholehearted support to Mr Clark and his team.

## **112 Area Committee Economic Development, Regeneration, Tourism and Transport Project Development Fund Updates - November 2024**

Considered a report of the Corporate Director of Community Development which provided an update on the projects endorsed by the committee. The Chair confirmed that in respect of paragraph 3.2 of the report and offshore economic opportunities, it was the Whitby Maritime Hub which had signed the Heads of Terms for the largest workshop.

**Resolved** that the report be noted.

## **113 DEFRA Consultation on Reform of the Bathing Water Regulations 2013**

Considered a presentation by Stewart Rowe, Principal Coastal Officer on the current DEFRA consultation on the proposed reform of Bathing Water Regulations 2013. Members were advised that the Government consultation had been prompted by changes in how and where people used bathing waters since the regulations were introduced. In their current form, the regulations adopted a generally 'one-size-fits-all' approach to bathing water designations, water quality monitoring and the de-designation process. There may be advantages to reforming the regulations to allow for greater consideration of site-specific factors in these processes. Mr Rowe proceeded to explain the three core reforms of removing the automatic de-designation from the regulations, including the feasibility of improving a site's water quality to at least 'sufficient' as a criterion for final designation, and removing the fixed dates of the monitored bathing season from the regulations. There were in addition two wider reforms - clarification and expansion of the definition of 'bathers' to include other water users and use of multiple monitoring points at



each bathing water site where useful to classify water quality - and a number of technical amendments.

Members then discussed Mr Rowe's presentation and asked questions. In response, they were advised that:

- it appeared that the Environment Agency would determine the length of the season in conjunction with stakeholders, whether this was for individual beaches or regionally or nationally was unclear.
- although extending the season would allow for further testing of water quality and collection of data there would be practical and cost implications, for example extending dog restrictions and additional provision of lifeguards
- it was not clear from the consultation how the classification process would include any additional monitoring points.

**Resolved** that the committee:

- i. Receives the presentation; and
- ii. Endorses the three core reforms and the two wider reforms in recognition of (i) the swimmers, surfers, paddleboarders etc who use the South and North Bays outside the summer season (ii) these users deserve to know the quality of the water in which they are bathing and (iii) the more data, the better, to enable the council and other authorities to address the problem of bathing water pollution and to ensure the safety of bathers.

#### **114 Scarborough & Whitby Area Committee Work Programme 2024/25**

Considered the latest draft of the committee's work programme for 2024-25. The Chair confirmed the following additions made to the work programme during the meeting:

- (i) Update on Scarborough Cross-Council Task Force Action Plan and Public Space Protection Order (21 March 2025);
- (ii) Director Public Health Annual Report - Healthy Ageing and Growing Up in North Yorkshire survey results (21 March 2025)
- (iii) Harbour Strategy and Investment Plan update – date to be determined

The Chair advised that in view of the substantial agenda for the next meeting on 21 March 2025, consideration would be given to arranging a half hour lunch break.

**Resolved** that the work programme be updated to reflect the decisions made during the meeting.

#### **115 Future venues and livestreaming**

The Chair advised that to ensure consistency of approach across the council's area committees henceforth all formal meetings of this Area Committee would be livestreamed. The only caveat was that currently there was not a North Yorkshire Council venue in Whitby where livestreaming and remote attendance was possible. Because of the high level of public interest in the Mayor of York and North Yorkshire's attendance at the next meeting on 21 March 2025, the Chair had decided that this meeting be held at Scarborough Town Hall where the meeting could be livestreamed. However, the question remained about future meetings of the committee. The Chair was concerned that although Whitby residents could watch the Area Committee on a livestream, they would still be required to travel to the meeting in Scarborough to ask a question or make a statement. It was also noted that the current Whitby venue – the Undercroft at Whitby Pavilion – did not have an integrated induction loop system and could not support the

remote attendance of report presenters which restricted somewhat the content of the agenda. Reference was made to the Area Committee's previous decision to alternate meetings between Scarborough and Whitby and disappointment that the committee was reneging on this commitment for technological reasons.

**RESOLVED** that the committee:

- (i) place on record its intention to return to Whitby for a future meeting; but
- (ii) communicate its dissatisfaction to Democratic Services about the failure despite repeated requests to equip a North Yorkshire Council venue in Whitby with sufficient Information and Communications Technology to livestream meetings, allow remote attendance and to aid the hard of hearing through an integrated induction loop system.

**116 Any Other Items**

There was no urgent business.

**117 Date of Next Meeting**

21 March 2025

**118 Reports circulated for information only**

**118 North Yorkshire Police Rural Crime Report Scarborough/Whitby District**

**a**

**118 Climate Change activity in the Scarborough and Whitby Area**

**b**

**118 Providing public vehicular access to Oliver's Mount, Scarborough update**

**c**

The Chair added to the update that the Highways service was committed to finding a solution to providing public vehicular access to Oliver's Mount on race days, was exploring options, but had nothing definitive to report at this point.

**118 Whitby Cliff Lift update**

**d**

The meeting concluded at 2.15 pm.