

North Yorkshire Council

Corporate and Partnerships Overview and Scrutiny Committee

Minutes of the remote meeting held on Monday, 11 August 2025 commencing at 10.30 am.

Councillor Andrew Williams in the Chair. Plus Councillors Karl Arthur, Kevin Foster, Tim Grogan, Robert Heseltine, David Ireton, Tom Seston, Subash Sharma, Phil Trumper, Caroline Dickinson, Roberta Swiers and Peter Wilkinson.

In attendance: Councillor Carl Les.

Officers present: Karl Battersby, Chris Bourne, Barry Khan, Gary Fielding and Melanie Carr.

Other Attendees: Councillors Janet Jefferson and Liz Colling.

Apologies: Councillors Bryn Griffiths, Chris Aldred, Derek Bastiman, Nick Brown and Greg White.

Copies of all documents considered are in the Minute Book

62 Apologies for Absence and Notification of Substitutes

Apologies for absence were received from Councillors Chris Aldred, Derek Bastiman, Nick Brown, Bryn Griffiths and Greg White. A number of substitutes attended as follows:

- Councillor Roberta Swiers substituted for Councillor Greg White
- Councillor Caroline Dickinson substituted for Councillor Nick Brown
- Councillor Peter Wilkinson substituted for Councillor Derek Bastiman

63 Minutes of the Meetings held on 9 June 2025 and 16 June 2025

Resolved – That the Minutes of the meetings held on the 9th and 16th June 2025 be confirmed and signed by the Chair as a correct record.

64 Declarations of Interest

There were no declarations of interest made.

65 Public Participation

There were no public questions or statements received.

66 Chair's Introduction

The Chair welcomed members to the meeting and drew attention to the report which detailed the reason why the call-in meeting had been arranged.

He confirmed the Committee was required to determine whether the Executive's decision should be upheld, requiring no further action to be taken, or referred back to the Executive

for review, or referred to Full Council. He also confirmed the process the meeting would undertake and the order in which he would invite the attendees to speak.

67 Call-in of the Executive Decision - Harbour Infrastructure West Pier Inner Sheet Piling Strengthening award of Contract

Considered – A report of the Corporate Director for Environment seeking a decision on whether to refer the Executive decision of 15 July 2025 back to the Executive; to refer it to Full Council; or to take no further action.

The Chair invited Cllr Janet Jefferson, as signatory of the Call-In notice, to present her reasons for the call-in. Cllr Jefferson thanked members for attending the meeting, and confirmed she had wanted to raise her concerns at the Executive meeting at which the original decision had been taken on 15 July 2025, but was unable to participate as a result of technical issues with joining the meeting remotely. She went on to read out the following statement:

“My call in today (together with my supporters) relates to the fact that we do not believe that North Yorkshire Executive were made aware within the Legacy Harbour Project of the alternative option of replacing steel sheet piling which would have extended the life of the West Pier from 10 to 50 years and the added advantages this would bring,

The Executive appeared to have little information with regard to the potential of a 10 year repair and a 50 year replacement - This was a Scarborough Borough Council (SBC) legacy project dating back to 2021 (four years ago) and we are a new Unitary Authority – We need a lasting legacy for Scarborough Harbour with long term plans to bring sustainability and secure employment – we need security for 50 years not 10 years.

The West Pier, formed using steel sheet piling, dates back to the late 1980's – it is not only the main fish landing area in Scarborough Harbour and where the vessels are moored, but also provides load bearing with a combination of the weight of the land that the wall retains together with the weight of the buildings on the pier – with additional buildings and infrastructure proposed under the West Pier Development. If they had seriously considered replacement of the steel sheet piles, this would not only have secured 50 extra years life of the Pier but also taken on board the introduction of the 'Blue Sky Thinking Project' and the essential infrastructure needed for the boat hoist.

Executive Members should have been informed of the various survey reports dating back to the 2011 Whitby and Scarborough Harbour Walls Diving Survey and Report, the Northern Divers report of 2021(which is what the SBC Legacy report took on board) and the Neom (PM Diving Services) partial survey/report of 2023 - emphasising how over the past 45 years existing steel sheet piles had suffered with corrosion because of harsh salt water and the phenomenon known as ALWC (Accelerated low water corrosion) which seriously caused deterioration of the steel pile and thus reducing the structures lifespan.

The report referred to the Harbour Account being in deficit with insufficient funds to pay for the Legacy Project and confirmed that an interest free loan would have to be provided, What about the £15 plus million that was transferred by SBC for legacy projects. Also and most important, bearing in mind my query with regard to the Whitby Court ruling, I have been given to understand as Castle Division Councillor, that there are further challenges to the Council's accounts and that the quantum of the Scarborough Harbour reserve is being challenged and if predictions are correct, monies that could be owed to Scarborough Harbour are substantial and will in turn pay for replacement steel sheet piling and other infrastructure plans.

The report also stated that the Scarborough Harbour had limited opportunities for revenue generation. I queried within the call in, if this was the case, why the Council were proposing to appropriate Building number one from Scarborough Harbour to general funds (which would have taken away potential revenue)? Apparently this is not now the case as the Council no longer requires the appropriation – stating the Whitby Court case concluded ancillary uses such as a restaurant could operate – concluding that if it did become a Restaurant rental income from such use would be ring-fenced to the harbour authority account. I also asked within the call-in, if the Council would confirm that it is progressing new opportunities for income generation and the sustainability of Scarborough Harbour such as offshore wind energy and the introduction of a boat hoist. Officers stated that the reason for the call-in did not relate to the decision taken by the Executive with regard to Steel Sheet Piling – Well I am afraid it does. However the response is that the Council has confirmed on numerous occasions that it is pursuing new opportunities for income generation and sustainability of the Harbour. This opens up another question – what new opportunities is the Council actually pursuing? Are these included within the awaited harbour strategy and is there a business case to support?

We seem to have more questions than answers, including the monies that should have apparently been ring-fenced over a long period into the Scarborough Harbour Account. The stabilisation of the West Pier by replacement of new steel sheet piling as stated will extend the life of the pier by 50 years, so vital to our Fishing and Leisure craft industry and the town's economy – it will also help implement the Blue Sky Initiative and provide the infrastructure for the Boat Hoist and wind farm energy connections which together with the new sponsored Maritime Engineering Courses at our UTC will secure future generational employment, local skilled employment and make Scarborough Harbour sustainable.

Members should have received an email with copies of the Survey reports from Bob Roberts a harbour user, together with an email from Robin Gray on behalf of members of Scarborough Harbour Advisory Board, of which he is chairman – setting out through experience/knowledge their views on this and future Scarborough Harbour Development.

Should the issue of steel sheet piling be paused/deferred until we see exactly what the financial situation is with regard to the reserves of the Harbour Authority Account at Scarborough – bearing in mind also the proposed Scarborough Harbour Strategy which will be going forward to the Scarborough and Whitby Area Constituency Committee and proposed West Pier Development Plans.”

The Chair thanked Councillor Jefferson for her statement and invited Karl Battersby - Corporate Director for Environment, to respond. The main points of his response were as follows:

- The proposed scheme was for repair of 15 piles, in line with the legacy scheme inherited from SBC.
- The pier as a whole was not at the end of its service life.
- The cost of repairing the faulty piles was £1.8m, whereas the cost of replacement would be c£5m.
- The Council had all the appropriate technical data to back up the proposal to repair.
- In principle the Council had no issue with undertaking a wider scheme, but as yet there were no costings for such a scheme, and it would take some time to work up those costs during which time the damaged piles would further deteriorate.
- It made sense to repair the faulty piles now to prevent further corrosion.
- The proposed repairs would last 10 years allowing sufficient time to consider the future of Scarborough Harbour.
- The consideration of future opportunities for income generation were not related to the decision called-in.

The Chair invited Councillor Mark Crane, the Executive Member for Open to Business to respond, and the points he raised are summarised below:

- The alternative schemes being raised, such as the Blue Sky Scheme, were not related to the decision that had been called in.
- The called in decision was specifically about the emergency repairs needed to West Pier, not about the need for a wider regeneration scheme.
- The Council did not have the necessary funding available to consider a wider regeneration scheme at this time.
- The Council would welcome the opportunity to regenerate the Scarborough Harbour area in the future, subject to the required funding being externally sourced.

Councillor Liz Colling, a Scarborough Councillor, confirmed she had attended the July meeting of the Executive at which the decision had been taken, and she confirmed her support for that decision to ensure the continued use of the harbour.

The Chair invited debate and comment from the committee, and in response to members' questions, officers confirmed the following:

- Three detailed surveys had been undertaken to identify the thickness of each pile and the size of the voids behind them, but the exact size of the voids behind the holes in the damaged piles was not clear.
- Every day the holes were getting larger as a result of tidal erosion.
- The advice from specialist engineers was that the repairs were needed now.
- It was not clear whether further damage would be identified once the repairs works were underway, or whether the voids behind the damaged piles would be found to be larger than expected.
- The works would be undertaken by specialist marine engineers and as part of their contract they would be liable for any additional works identified as necessary to repair the holes and fill the voids.
- No design had been prepared for a longer term fix involving replacement of the damaged piles. Replacement would involve inserting new piles a metre in front of the existing piles and then backfilling behind them with concrete.
- It would take a year+ to design and agree a contract for a replacement scheme, during which time the damaged piles could fail resulting in harbour closure.

Councillor Jefferson suggested too much emphasis had been given to the cost of the Blue Sky Initiative and that it was being used to divert from the fact that the steel sheet piling needed replacing not repairing, which would not only extend the life of the West Pier but help future initiatives to develop, such as the Blue Sky Initiative and provision of a boat hoist.

She emphasised her work in Construction at Director level for over 20 years, albeit not Marine construction and that she had been a member of the Scarborough Harbour Users since 1999 and was also during that period Cabinet Member for Harbours for some 4 years. She also drew attention to the Harbour account and the legacy SBC reserves which had since transferred into North Yorkshire Council reserves.

In reference to the legacy SBC project from 2021 to replace the Steel Sheet pilings, Councillor Jefferson raised concerns that it had taken four years to reach the stage where the repair work was to start, and expressed concern that the proposed repair work may not fulfil the job needed and may exceed the costings.

Gary Fielding, Director for Resources provided clarity on the financial position by confirming:

- Based on the recent Whitby Harbour judgement, the income and spending from harbour related activities had been ringfenced for both Whitby and Scarborough harbours.

- There was currently circa £700K ring-fenced funding for Scarborough harbour.
- The cost of the repair scheme approved by the Executive in July 2025 was £1.84m.
- Regardless of the recent Whitby harbour judgement, the Executive had agreed to help finance the Scarborough harbour repair scheme by underwriting the project using NYC's other reserves. This would be repayable to the Council once there was sufficient funds available within the Scarborough Harbour account.
- As it currently stood, there was insufficient ring-fenced funding to fund a wider regeneration scheme in the future. Any such future scheme would only be possible with the help of additional funding either externally or from the Council's general fund.

In summing up her views, Councillor Janet Jefferson confirmed she was not satisfied with the feedback from officers and suggested the proposed approach was shortsighted and a potential waste of the £1.8m.

The Executive Member for Open to Business reiterated there was insufficient funding to enable a replacement scheme even if officers were given a year to work up an appropriate scheme and agree a contract. He also reiterated that NYC did not currently have the necessary funding for a longer term wider harbour regeneration scheme such as the Blue Sky Scheme, regardless of its merits.

Taking all of the information provided into account, the Chair asked Members to vote on the call-in. Based on a show of hands (11 in favour and 1 against) it was agreed that it was necessary to progress the planned repair scheme to prevent the potential for further damage leading to the closure of the harbour, and that the Executive had made a sound decision based on the appropriate evidence being considered. It was therefore

Resolved: That the decision of the Executive taken on 15 July 2025 be upheld and no further call-in action be taken.

As a result, the decision made at Executive on 19th March 2024 came into immediate effect.

68 Date of Next Meeting - 29 September 2025

The meeting concluded at 11.20 am.