

## **CABINET**

At a meeting held on Tuesday, 21 November 2006

Present:-

Councillor T W Fox (Chairman) in the Chair;  
Councillors G W Allanson, D J Bastiman, P R Bull, Mrs B A Christon,  
D C Jeffels and Mrs J E Mortimer

(For Information)

### **1. DECLARATIONS OF INTEREST**

Councillor Bastiman declared a personal and prejudicial interest in item 26 Grant of an option to use land at Scarborough Rugby Club ground for a hospital and doctors surgery and elderly persons housing, as he had a pecuniary interest in the proposed development

Councillor Mortimer declared a personal and non-prejudicial interest in item A6, The Wave, as she had previously been a member of a public arts group, although the group had not met for over a year.

Councillor G Allanson declared a personal and non-prejudicial interest in item, A6 The Wave, as he had sat on the panel that had developed art work for this area.

Councillor Fox declared a personal and non-prejudicial interest in item 21, Making Safe Initiative as he chaired the Local strategic Partnership.

### **2. MINUTES**

**RESOLVED** that the Minutes of the meeting held on 17 October 2006 be approved as a correct record and signed by the Chairman.

### **3. PUBLIC QUESTION TIME**

The Chairman reported that no questions had been submitted.

### **4. THE FORWARD PLAN (CE/06/60)**

**RESOLVED** that the Forward Plan attached to the Chief Executive's report be approved with amendments that were discussed at the meeting.

### **5. PROGRESS OF SCRUTINY OF EXECUTIVE DECISIONS**

The Chief Executive reported that there had been no call-ins from the Cabinet meeting held on 17 October 2006.

(For Approval)

### **A6. THE WAVE**

The Cabinet considered a joint report by the Head of Regeneration Services and Head of Engineering and Harbour Services (Reference HRgn/06/86 and

HEngH/06/84). Cabinet were informed that if "The Wave" was to go ahead, further funding from the private sector would be required. Cabinet were advised of the history of "The Wave" and the reasons for additional costs, which largely related to necessary amendments to the design. It was suggested that the Wave, although controversial, would be a tangible symbol of renaissance in Scarborough. It was noted that the provision of public art was required as a planning condition for the Marine Drive scheme. Representations were received from backbench members who raised concerns about the investment of further time and money in the project. Cabinet discussed the report and accepted that a decision would need to be made upon whether to continue with the project or address the planning condition in an alternate manner at a further meeting in April 2007.

**RESOLVED** that Cabinet:-

- (i) agree to the continuing support for 'The Wave' subject to further funding becoming available from private sponsors or external funding agencies by April 2007 at the latest;
- (ii) support the proposal to actively work in partnership with Create (the local arts development agency) to seek private sector sponsorship and other external funding by April 2007 at the latest; and
- (iii) receive a further report upon progress in securing additional funding in April 2007.

**Reason:**

If 'The Wave' is to go ahead additional funding from private sector sponsorship and from external sources will be required. Progress to date by Create in attracting private sponsorship has been slow and a more proactive approach is now needed. Given the Council's previous in principle support for the project and expenditure to date it is recommended that the Council work in collaboration with Create to actively seek further funding. This approach has the support of Create.

*(Councillor Mortimer declared a personal and non-prejudicial interest in this item as she had previously been a member of a public arts group.*

*Councillor G Allanson declared a personal and non-prejudicial interest in this item as he had sat on the panel which selected the art.)*

**A7. PROPOSAL FOR INITIAL CONSULTATION ON THE ECONOMY DEVELOPMENT PLAN DOCUMENT**

The Cabinet considered a report by the Head of Planning Services (Reference HPIg/06/323). Cabinet were informed that this was part of the Local Development framework. There was a great deal of evidence gathering for the Economy Development Plan Document (EDPD). Planning had now identified the main issues of the EDPD and these were included in the Cabinet report. Formal consultation and Regulation 25 consultation would now commence. Cabinet were also informed that parish councils would be included in the consultation process.

**RESOLVED** that, subject to any changes agreed by Members:-

- (i) the issues identified relating to the economy of the Borough as appended to this report be used as the basis for pre-consultation discussions with the identified Industry and Tourism Groups;

- (ii) following further scoping work and pre-consultation discussions and consideration by the Local Development Framework Members Working Group, the Head of Planning Services be authorised to approve the Issues and Options for consultation under Regulation 25 of the Planning Regulations; and
- (iii) the process highlighted in this report of bringing a list of relevant issues before Members at the commencement of a Development Plan Document for discussion and approval for pre-consultation purposes and formal Regulation 25 consultation purposes be agreed for future DPD production.

**Reason:**

The proposal to carry out additional scoping of the Issues associated with the Economy Development Plan Document is a response to the recent criticism of a number of LDF Documents in other parts of the country that have recently been considered by the Planning Inspectorate. Both Stafford and Lichfield Council's have had Development Plan Documents ruled as being 'unsound' and must start the production of their documents again. There are obviously major cost and time implications associated with such actions. The additional work being proposed at the pre-consultation stage will ensure that a fuller range of issues are considered at the earliest stage, a comprehensive set of options are developed and therefore assist in the production of Development Plan Documents which are based on a sound and comprehensive evidence base within a local context.

**A8. FINANCE AND PERFORMANCE MONITORING**

The Cabinet considered a report by the Strategic Director of Corporate Services (Reference SDCS/06/72). Cabinet were informed that this report contained a review of the progress against the top priorities of the corporate plan; a review of financial performance; and a review of the key performance indicators. Areas of under spend and areas of concern were highlighted in the report. It was noted that performance was in an upward direction of travel. The report would also be taken to the Overview and Scrutiny committee. Cabinet discussed the report. The issue of affordable housing was raised. Cabinet were informed that the Overview and Scrutiny committee were reviewing this issue for the borough.

Officers were thanked for the amount of work they had undertaken in the production of the report.

**RESOLVED** that Cabinet:-

- (i) note the report and the associated actions that are in place to address issues raised in the report; and
- (ii) recommend to Council the allocation of £111,000 from the Capital Contingency fund in respect of the estimated net additional costs of the overall Capital Programme.

**Reason:**

To provide information relating to Council performance for both the first six months of 2006/07 (01.04.06 – 31.09.06) and identify any necessary actions.

**A9. THE FUTURIST THEATRE, FORESHORE ROAD, SCARBOROUGH**

The Cabinet considered a report by the Head of Property Services (Reference HPrp/06/72) regarding a subsidy for the Futurist Theatre. Cabinet were informed that an increase in the subsidy was required to allow the theatre to continue to function until the theatre's long-term future could be determined. Although this was a subsidy, if the theatre made a profit the Council could claw back monies.

**RESOLVED** that Cabinet recommend to Council an increase of £20,000 in the annual subsidy for entertainment in the Futurist Theatre, with this to be incorporated within the 2007/2008 revenue budget.

**Reason:**

To ensure that the theatre can continue to operate and provide an asset for the local community and economy.

**A10. REQUEST FOR AFFILIATION BETWEEN YORKSHIRE UNIVERSITIES ROYAL NAVAL UNIT/HMS EXPLORER AND SCARBOROUGH TOWN**

The Cabinet considered a report by the Chief Executive (Reference CE/06/63). Cabinet were informed that the Council had a long affiliation with naval vessels and this affiliation would bring benefits to the town. It was suggested that Lady Patricia Armstrong's work be acknowledged and a letter of thanks be sent to her.

**RESOLVED** that Cabinet agree to a formal affiliation with HMS Explorer and acknowledge Lady Patricia Armstrong for her role in this affiliation.

**Reason:**

To promote one of the Council's aims of providing safer and stronger communities by encouraging community participation.

**A11. SCARBOROUGH FOOTBALL CLUB**

The Cabinet considered a report by the Head of Property Services (Reference HPrp/06/66) Cabinet were informed that an in-principle decision to release the Council's covenant had been requested by Scarborough Football Club to assist the club with their proposals to creditors under the current voluntary administration. Cabinet discussed this report and suggested that it be deferred until further information was available. It was explained that a deferral may mean that the creditors would wind up the football club. Cabinet indicated that in the absence of further information they considered there was no alternative to deferral. However, if the required information became available Cabinet indicated they were prepared to consider a special meeting of cabinet to consider the matter.

**RESOLVED** that the report be deferred for the purpose of obtaining further information including:

- (a) a comprehensive financial report upon the position of the company,
- (b) a detailed explanation of the proposed financial solution and comment upon the long term viability of the club
- (c) information upon how it is proposed that the trust will operate and its future status
- (d) information upon who would benefit from the release of the covenant and the sale of the land

**Reason:**

To ensure that any decision made is supported by full knowledge of the salient facts.

(For Information)

**12. THE NORTH BAY MINIATURE RAILWAY, SCARBOROUGH**

The Cabinet considered a report by the Head of Property Services (Reference HPrp/06/75). Cabinet were informed that approval of a short-term licence would allow additional off peak attractions such as Santa Specials could be offered. Noted that the report had been to Overview and Scrutiny committee who had recommended the refusal of a licence. Cabinet discussed the report. Noted that this was a decision that required urgent implementation and therefore call in was only two days.

**RESOLVED** that Cabinet approve the grant of a short-term licence to Cleethorpes Coast Light Railway Company to operate the North Bay Miniature Railway until Easter.

**Reason:**

To provide an additional facility and boost to the local economy that would otherwise not be achieved.

Urgent implementation was agreed to ensure that the opportunity of travelling on the railway was made available to residents and visitors in the period leading up to Christmas to complement other Christmas attractions in the town.

**13. SCARBOROUGH BUSINESS PARK**

The Cabinet considered a joint report by the Head of Property Services and Head of Regeneration Services (Reference HPrp/06/70 and HRgn/06/89). Cabinet were informed that the adoption of the road was an integral part of the business park. A major new junction was needed for the Scarborough Business Park. The costs incurred by the council for buying the land from North Yorkshire County Council would be re-couped by the sale of part of the road to the developers.

**RESOLVED** that Cabinet approve:-

- (i) the purchase of a private road from North Yorkshire County Council which forms access to the Seamer Carr landfill site;
- (ii) re-sale of part of that road to Caddick (Scarborough) Ltd or an associated company at an under-value;
- (iii) incorporation of the remainder of the road in the Development Agreement with Caddick (Scarborough) Ltd so that it can be brought up to the required standard and adopted as a highway maintainable at public expense by using funding allocated to the project;
- (iv) acquisition of other land from Caddick (Scarborough) Ltd required for alignment and adoption of the road; and
- (v) the continued appointment of White Young Green to provide project management for the Scarborough Business Park development through to the completion of the works as detailed in the Development Agreement up to a limit of £545,000.

**Reason:**

To facilitate the implementation of the Business Park development which was approved by Cabinet on 20 June 2006.

**14. BOROUGH AND PARISH COUNCIL ELECTIONS**

The Cabinet considered a report by the Head of Legal and Democratic Services (Reference HLDS/06/29) Cabinet were informed that there were amendments to the administration of elections that would incur additional expense. Short term funding had been provided by the Government but longer term the costs would fall on the council. Previously the borough council had subsidised the costs for parish councils, although there was no statutory obligation to do this. Parish councils would be consulted on the recommendations if Cabinet approved the report. Cabinet discussed the report.

**RESOLVED** that Cabinet consult upon charging Parish Councils a proportion of the costs for undertaking elections on their behalf.

**Reason:**

To ensure that there is adequate budgetary provision for the Elections in May 2007.

**15. FRAMEWORK AGREEMENT FOR POSTAL DELIVERY**

The Cabinet considered a report by the Head of Legal and Democratic Services (Reference HLDS/06/69). Cabinet were informed that there was an OGC framework contract that could offer a similar level of service to Royal mail. Subsequently a local supplier had come forward and requested that consideration be given to a procurement exercise in which they could be considered. In line with the council's sustainability policy for the borough it was recommended that the proposed procurement approach be reviewed by the Head of Legal and Democratic Services in consultation with the Cabinet Member for Finance, Legal and ICT.

**RESOLVED** that Cabinet agree to:-

- (i) agree to the procurement of a framework arrangement for postal delivery
- (ii) delegate to the Head of Legal and Democratic Services, in consultation with the Cabinet Member for Finance, Legal and ICT, a decision upon the most appropriate procurement approach
- (ii) grant an exemption from Contract Procedure Rules under CPR 20(2)(i) to use the OGC framework contract for the distribution of mail as required; and
- (ii) authorise any necessary tender exercise to identify the most cost competitive postal provision for the Council.

**Reason:**

To reduce the costs of postal distribution to the Council by procuring a third party mail collection and sorting service for this purpose.

**16. LOCAL DEVELOPMENT FRAMEWORK ANNUAL MONITORING REPORT**

The Cabinet considered a report by the head of Planning Services (Reference HPIg/06/284). Cabinet were informed that this report had three purposes, to give background information about the borough, to monitor the framework's performance, and, the progress on meeting the targets within the Local Plan for the borough. There were national indicators and local indicators to measure progress on targets. Currently targets were generally being met in the borough. The Planning and Development Committee had previously discussed the report. Cabinet discussed the report.

**RESOLVED** that subject to any changes agreed by Members, the Scarborough Borough Local Development Framework Annual Monitoring Report 2006 be agreed for submission to the Department of Communities and Local Government and made available to the public

**Reason:**

An Annual Monitoring Report to report on progress with preparation of the Local Development Framework and implementation of current Local Plan policy is required to be submitted under the provisions of the Planning and Compulsory Purchase Act 2004 and made available to the public.

**17. OBJECTIONS TO PROPOSALS FOR TRAFFIC SAFETY MEASURES ON GREEN LANE/CROSS LANE, SCARBOROUGH**

The Cabinet considered a report by the Head of Engineering and Harbour Services (Reference HEngH/06/81). Cabinet were informed that this was a major scheme that was required to improve safety around Scalby School. It was noted that inappropriate parking rather than excessive speed was the problem in this area. Cabinet discussed this report.

**RESOLVED** that Cabinet introduce a Zebra Crossing on Green Lane, as part of the approved Green Lane Cross Lane Safety Scheme

**Reason:**

The Zebra Crossing is required for Road Safety reasons, to provide a controlled crossing facility for school children at perhaps the busiest crossing point on the route along Green Lane.

**18. SECTION 106 PLANNING OBLIGATIONS - UPDATE 2005/06**

The Cabinet considered a report by the Head of Planning Services (Reference HPIg/06/273). Cabinet were informed that this report gave details of how the commuted sums from section 106 agreements were spent. Additionally the report gave details of the new government guidance on the use of S106 agreements. In the long term s106 may be replaced by a planning gain supplement. It was noted that the process for deciding where the monies should be spent would be improved if priorities were linked to the Community Strategy and the Council's corporate plan. Recommendations for spending would be agreed by Cabinet after discussion at the Planning and development committee.

**RESOLVED** that subject to any changes agreed by Members:-

- (i) the updated information on Section 106 Agreements for the period April 2005 – March 2006 be received and noted;

- (ii) the implications for staff resources of potential changes to the Section 106 system be taken into account in the current review of Planning Service staffing levels agreed by Cabinet on 25 July 2006 (HPIg/06/129); and
- (iii) all future proposals for the allocation of Section 106 Commuted Sums be agreed by Cabinet, following consultation by the Planning and Development Committee and, prior to committee, by the Chair of Planning and Development with the appropriate portfolio holder(s), to allow for greater co-ordination between the allocation of such sums and the Council's priorities as identified within the Council's Capital Programme and the various existing and emerging strategies dealing with Play, Open Space, Recreation, Affordable Housing and any other relevant issues.

**Reason:**

- (i) The monitoring of S106 Agreements and the reporting of that information to Members is a response to previous criticism from the Audit Commission that the process was not sufficiently transparent. Continued reporting of this information and the availability of reports on the Council's website enables the process of collecting, allocating and spending of Commuted Sums to be transparent and the Council more accountable to the electorate.
- (ii) The proposed changes to the system of allocating Commuted Sums and the approval of such recommendations allows for the Council to approach investment in a more co-ordinated manner to ensure that Commuted Sums are spent in accordance with the Borough's needs and the Council's priorities, financial plans and strategies.

**19. NORTH YORKSHIRE COUNTY COUNCIL MINERALS AND WASTE LOCAL DEVELOPMENT FRAMEWORK**

The Cabinet considered a joint report by the Head of Planning Services and Head of Environmental Health Services (Reference HPIg/06/320 and HEHS/06/82). Cabinet were informed that this was a consultation by the County Council on minerals and waste. Seamer Carr could potentially be used for mineral and sand extraction as part of the County Council's Minerals and waste strategy. Operators within the industry had recommended Seamer Carr as a potential site. Cabinet discussed this report. It was noted that not all of the information was currently available to make a decision for offering land for excavation. The archaeological significance of the site was discussed by Cabinet.

**RESOLVED** that, subject to any changes by Members:-

- (i) the response made by officers to the consultation on the North Yorkshire County Council Minerals and Waste Development Framework (MWDF) "Core Strategy Strategic Options Consultation" and "Site Allocations Issues and Options Consultation" be endorsed;
- (ii) support for Waste Management Option 2;
- (iii) preference for Waste Management Facilities Locational Option 3 subject to being able to achieve a regional/cross boundary approach. If this is not possible, option 1 would meet the Borough's requirements;

- (iv) support for the siting of a waste transfer and Mechanical Biological Treatment or pyrolysis facility at Seamer Carr waste disposal and management site;
- (v) support for Aggregate Minerals Option 1;
- (vi) support for Sand and Gravel Option 2; and
- (vii) strong concerns at the environmental implications of the sites suggested for mineral extraction south east of Seamer (M21) and east of Wykeham Quarry (M22), in particular, on the basis of the information submitted Cabinet opposed development of the land south-east of Seamer.

**Reason:**

The locational and site specific options being consulted upon could have significant implications for the Borough's environment and economy. The recommended options are those which it is considered best address those implications and therefore form the basis of the representations to the County Council to influence the content of the eventual Minerals and Waste Development Plan Document.

**20. NEIGHBOURHOOD RENEWAL: THE WAY FORWARD**

The Cabinet considered a report by the head of Regeneration Services (Reference HRgn/06/87). Cabinet were informed that the management pilot would improve Eastfield and the services delivered in that area. It was noted that European funding had been secured for the neighbourhood management team until 2008. The grants from Europe were only available for certain deprived areas of the borough. Cabinet discussed the report. The issue of middle Deepdale was discussed. It was agreed that the local councillors for that area should receive current details of the scheme.

**RESOLVED** that Cabinet approve:-

- (i) the delivery of a Neighbourhood Management pilot in Eastfield, involving the development of a multi-agency neighbourhood agreement focusing on the "Safe, Clean and Green "agenda; and
- (ii) the continuation of the neighbourhood renewal work delivered by the Neighbourhood Regeneration Team through until March 2008.

**Reason:**

To facilitate the ongoing delivery of the neighbourhood renewal agenda.

**21. MAKING SAFE INITIATIVE**

The Cabinet considered a report by the Head of Regeneration Services (Reference HRgn/06/85). Cabinet were informed that funding was available to allow victims of domestic violence to remain within their own home.

**RESOLVED** that as accountable body for the Safer Communities Partnership to:-

- (ii) enter into an agreement to accept funding of £67,218 from North Yorkshire County Council Second Homes Discount Fund for projects under the Making Safe Initiative; and
- (ii) enter into an agreement to accept funding of £20,000 from the Home Office for pump priming of the Independent Domestic Violence Advice Service

**Reason:**

- (i) To enable the Making Safe Initiative to continue for a further year from December 2006.
- (ii) To enable Victim Support to establish a Domestic Violence Advice Service.

*(Councillor Fox declared a personal and non-prejudicial interest in this item as he chaired the LSP.)*

**22. CIVIC PRIDE**

The Cabinet considered a joint report by the Strategic Director of Operations and the Head of Marketing and Communications Services (Reference SDO/06/29 and HMCS/06/07). Cabinet were informed that this was an important area of work for the council. Rectification of offending behaviour was one side of Civic Pride, but there was also positive work taking place in communities that needed to be celebrated. This could be demonstrated by community involvement in the "In Bloom" awards. It was noted that to begin with partnerships at local level would be marketed. A member and officer steering group would be set up to manage the emerging agenda for Civic Pride.

**RESOLVED** that Cabinet:-

- (i) acknowledges the high level of activity across the borough involving community and volunteer groups as set out in the Appendix;
- (ii) supports the civic pride initiative and the proposal to organise an early media campaign to raise awareness, subject to consideration by the Steering Group referred to in 3.11(iii) of this report;
- (iii) agrees to Member representation on the Steering Group that will be set up to take the initiative forward; and
- (iv) receives a further report in February 2007 setting out more detailed proposals.

**Reason:**

Working with partners and local communities the Council has been active in pursuing a broad range of civic pride initiatives. These are summarised in the Appendix to this report. Recent awards such as "In Bloom" provide the platform for celebrating success and further raising the profile of civic pride as part of the marketing strategy for the borough. This report provides a more structured and sustainable framework for doing this.

**23A. URGENT ITEM:**

**SCARBOROUGH PARKING STRATEGY**

The Cabinet considered a joint report by the Head of Engineering and Harbour Services and Head of Legal and Democratic Services (Reference HEngH/06/87 and HLDS/06/71). Cabinet were informed that a full parking assessment was required to ensure there was an integrated approach to car parking within the town of Scarborough that would maintain and develop the economic success of the town. Cabinet discussed this item.

**RESOLVED** that entry into a contract with consultant Mouchel Parkman for development of a comprehensive Scarborough Parking Strategy, at a cost of

£70,000 (funded from existing earmarked reserves) in accordance with the terms of this report be authorised.

**Reason:**

To ensure the Council's financial position is maximised, and ensure an integrated approach to car parking within the borough.

**23. MINUTES (CABINET GRANTS AND RELIEF) SUB-COMMITTEE**

The minutes of the meeting held on 17 October were agreed as a true record

**24. INDIVIDUAL CABINET MEMBER DECISIONS (CE06/60)**

Individual Cabinet Member decisions since the last Cabinet meeting were submitted.

**RESOLVED** that the decisions be noted.

**25. EXCLUSION OF THE PUBLIC**

**RESOLVED** that in accordance with Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information (as defined in Part 1 of Schedule 12A of the Act) relating to the financial affairs of any particular person (including the authority holding that information).

**26. GRANT OF AN OPTION TO USE LAND AT SCARBOROUGH RUGBY CLUB GROUND FOR A HOSPITAL AND DOCTORS SURGERY AND ELDERLY PERSONS HOUSING**

The Cabinet considered a joint report by the head of Legal and Democratic Services and Head of Property Services (Reference HLDS/06/72 and HPrp/06/74).

**RESOLVED** that Cabinet agree to:-

- (i) grant an option to the Scarborough Rugby Club to enter into a deed to permit use of land at Scarborough Rugby Club ground, Scalby Road for specified purposes other than rugby, namely for a private hospital, doctors surgery and elderly persons housing subject to the grant of planning permission, such option to expire on the last day of September 2009; and
- (ii) a premium identified within the report, in connection therewith, indexed linked for the duration of the agreement, become payable upon exercise of the option.

**Reason:**

To ensure that the Council receives adequate consideration in exchange for the grant of an option in connection with the use of the identified land.

**27. DOG WARDEN SERVICE**

The Cabinet considered a report by the head of Environmental Health Services (Reference HEHS/06/82).

**RESOLVED** that:-

- (i) the delivery of the Council's Dog Warden Service be the subject of a formal tender process; and
- (ii) an exemption from Contract Procedure Rules be granted to permit the temporary contract with Animal Wardens Ltd to be extended until the new contract is operational.

**Reason:**

To maintain a dog warden service that will satisfy statutory requirements, performance management targets and public expectations.

**28. ROUTINE PROPERTY TRANSACTIONS**

The Cabinet considered a report by the Head of Property Services (Reference HPrp/06/71), which finalised the transactions in Part II of the Appendix to the report and secured the Council's income.

**RESOLVED** that Cabinet note the property transactions detailed in Part I and approve those detailed in Part II of the Appendix.

**Reason:**

To finalise the transactions in Part II of the Appendix and secure the Council's income.

**Chairman**