

FILEY TOWN COUNCIL

ORDINARY MEETING HELD 14 DECEMBER 2016 AT 7.00pm

Present : Councillor Susan Bosomworth (Chairman) and Councillors Marilyn Anthony, John Casey, Diane Glanvill, John Haxby, Robert Horley, Jacqui Houlden-Banks, Jeff Meek, John Shackleton, Richard Walker, Kevin Wilkie and Marion Wright.

Also present : Boro Cllr Mike Cockerill, Mr L Walker Event Organiser and Representative of Trackrod Rally Yorkshire 17, 2 Technicians RDS Global, Mrs Gina Robinson Town Clerk and Sharon Pogson Administrative Clerk +2 members of the public.

Cllr Bosomworth reminded everyone present of the emergency evacuation procedure in the event of an emergency taking place. She went on to state that the filming and recording of the meeting was taking place and enquired whether anyone did not wish to be filmed, she also enquired whether anyone else wished to record or film the meeting and no response was made. Cllr Bosomworth further mentioned that Councillors will be trialling the use of their new tablet devices for the first time and that assistance was on hand from technicians from RDS Global who would be present throughout the meeting.

NOTICE OF MEETING

RESOLVED : That Public Notice of the meeting had been given in accordance with Schedule 12, para 10(2) of the Local Government Act 1972. 939/016

APOLOGIES

Apologies had been received from Boro Cllr Colin Haddington (family commitment), Cty Cllr Sam Cross (family bereavement) and Mrs Maureen Prentice (ill health)

RESOLVED : That the above apology be duly noted. 940/016

RESOLVED : That the above reasons for absence be accepted. 941/016

COUNCILLOR VACANCY

The Clerk informed the group that the Councillor Vacancy will be advertised on 3 January 2017 with a closing date of 17 January 2017 following all applicants being checked that they meet the criteria for eligibility and if so will be requested to attend a Special Meeting of the Town Council on 30 January 2017 at 7.00 pm where the candidates will all be requested to give a short presentation on 'The Role and Responsibilities of conducting themselves as a Filey Town Councillor'. It was

RESOLVED : That the above information be noted. 942/016

DECLARATIONS OF INTEREST

The Chairman reminded members of the need to consider whether they needed to declare a disclosable pecuniary interest (DPI) or personal interest, as detailed in Appendix A and Appendix B of the Town Council's Code of Conduct. It was

RESOLVED : That it be noted no declarations of interest were made at this point. 943/016

NORTH YORKSHIRE POLICE

Members had been circulated with a copy of the Police Report but due to there being no Police Representative in attendance at the meeting that this item be deferred for questions should the Police Representative arrive at a later point in the meeting. It was

RESOLVED : That the Police Report be deferred until later in the meeting. 944/016

PUBLIC QUESTION TIME

RESOLVED : It be noted that there were no questions from members of the public. 945/016

TRACKROD RALLY YORKSHIRE 17

The Chairman introduced Mr L Walker, Event Organiser who gave an overview of the proposed Trackrod Rally Yorkshire 17 Event planned on the weekend of 29/30th September 2017. He stated that last year 165 competitors had attended the event in Pickering and it was anticipated that this event would attract lots of visitors to Filey being the final round of the British Historic Rally Championship.

TRACKROD RALLY YORKSHIRE 17 continued

Mr Walker stated that the event will take place in the North Yorkshire forests but will start and finish on the seafront along Beach Road, Filey. It is planned to accommodate the Rally Headquarters at the Evron Centre. The event will be covered by the motorsport media on satellite television channels (Sky and Virgin) and every effort will be made to promote Filey and bring lots of spectators and he hoped that local businesses would support it. Cllr Casey commented that he would pass the information on to the Filey Tourism Association and the Filey Chamber of Trade when he attended their meetings in January 2017. Cllr Wright commented that she was pleased to hear of an event planned at Country Park. Cllr Haxby agreed with this and stated that we need to take advantage of the size of Filey Country Park and its superb location to attract major events to Filey. It was

RESOLVED : That Mr Walker be thanked for attending the meeting and for providing the above information and that members of Filey Town Council agreed to give support 'in principle' to the Trackrod Rally Yorkshire 17 Event **946/016**

FILEY SPORTS PROVISION PROJECT

Members had previously been circulated with a copy of the notes from the Filey Sports Provision Working Group meeting which had been held on 6 December 2016. The Town Clerk stated that there had been some positive feedback from the consultation and that this was encouraging for the Working Party to move the project forward and prepare a business plan. Cllr Anthony commented that many of the public were disappointed that the scheme did not include a swimming pool. The Town Clerk responded that the inclusion of a pool had already been explored through a sports needs analysis but this did not support a swimming pool and therefore would not be considered by Sport England for external funding.

Standing Orders were suspended for a member of the public to speak

A member of the public commented that one of the reasons that he was attracted to the area was because Filey had an indoor swimming pool and was disappointed that the proposed Sports provision did not include one.

Standing Orders were re-instated at this point

Cllr Haxby had read the comments from the consultation and asked if some of the comments could be clarified at the next meeting of the Working Group and it was

RESOLVED : That the report be accepted. **947/016**

Mr L Walker left the meeting at this point 7.25pm

TO RECEIVE ITEMS FROM PREVIOUS MINUTES WHICH REQUIRE FURTHER CONSIDERATION

Min 766/016 Sale of Land at Southdene, Filey

Members had been circulated with a copy of the response from Scarborough Borough Council regarding the above. Cllr Wilkie stated that he disagreed with response No 2 which stated that – *'The asset register valuation prior to disposal was an income based valuation. As the annual rental from the tennis facility was low, the capitalised sum was circa £6,000.'* and he stated that Scarborough Borough Council had no idea of how many people used the facility and it was incorrect to class this rental as low. Cllr Shackleton queried if the tennis facility had paid a peppercorn rent would the Borough have given the land away. Cllr Haxby stated that the Town Council were not asking for the names or details of the tenders only the value and he stated that the Borough should have got the maximum potential from that site for the benefit of Filey and not accepting such a low amount. Cllr Horley stated that there is a significant difference of valuing the land as tennis courts to re-valuing it as prime building land and this should have been considered by the Borough Council.

Ordinary Council Meeting held on 14 December 2016 (continued)

Min 766/016 Sale of Land at Southdene, Filey continued

Cllr Haxby pointed out in response No 5 that of course the aspiration of the Tennis Club is to grow but the public can only join the Tennis Club to get a game of tennis and queried the facility being available 24 hours a day is incorrect because the public cannot turn the lights on without prior arrangement with the Tennis Club as the mechanism for the lights is in the Tennis Club. It was requested that the Clerk send a letter to the Chief Executive and a copy be forward to Mr Kevin Hollinrake MP.

RESOLVED : That a letter be sent to the Chief Executive at Scarborough Borough Council to raise the above points with a copy to Kevin Hollinrake MP. 948/016

Response from Mr Kevin Hollinrake MP

Members had previously been circulated with a copy of a response from Kevin Hollinrake MP and noted that he had agreed to progress the Sale of Land at Southdene further. It was

RESOLVED : That the response from K Hollinrake MP be welcomed and further communication from him be awaited. 949/016

Min 878/016 Removal of Telephone Kiosk, Clarence Drive, Filey

The Clerk informed members that this telephone kiosk was not one of the old red telephone boxes but a more modern one and these cannot be adopted in the same way as the red ones although the Council could purchase one for approx. £600 but would need planning permission to site it. Councillors agreed not to pursue this further. It was

RESOLVED : That this matter not be progresses any further. 950/016

TO RECEIVE ITEMS FROM PREVIOUS MINUTES WHICH MAY NOT REQUIRE FURTHER DISCUSSION

RESOLVED : It be noted that no items had been received. 951/016

MINUTES

Ordinary Council meeting held 9 November 2016

RESOLVED : That the Minutes of the above meeting, as circulated and taken as read, be and are hereby approved as a true and correct record of the proceedings thereat and Minutes 842/016 to 892/016 inclusive be accepted by the full Council and action be taken thereon as necessary. 952/016

Strategic Planning Committee meeting held 10 November 2016

RESOLVED : That the Minutes of the above meeting, as circulated and taken as read, be and are hereby approved as a true and correct record of the proceedings thereat and after due consideration of the recommendations made on Minutes 899/016 and 900/016 that Minutes 893/016 to 901/016 inclusive be accepted by the full Council and action be taken thereon as necessary. 953/016

Finance & General Purposes Committee meeting held 16 November 2016

Cllr J Casey declared a personal interest in Recommendation Minute No F915/016 as he is a member of the Filey Lions Club and took no part in the decision thereon. It was

RESOLVED : That Cllr J Casey's personal declaration of interest be noted. 954/016

RESOLVED : That the Minutes of the above meeting, as circulated and taken as read, be and are hereby approved as a true and correct record of the proceedings thereat and after due consideration of the recommendations made on Minutes F910/016, F911/016, F914/016, F915/016 and F919/016 that Minutes F902/016 to F919/016 inclusive be accepted by the full Council and action be taken thereon as necessary. 955/016

Planning Committee meeting held 28 November 2016

RESOLVED : That the Minutes of the above meeting, as circulated and taken as read, be and are hereby approved as a true and correct record of the proceedings thereat and Minutes 920/016 to 926/016 inclusive be accepted by the full Council and action be taken thereon as necessary. 956/016

Ordinary Council Meeting held on 14 December 2016 (continued)

Finance & General Purposes Committee meeting held 30 November 2016

RESOLVED : That the Minutes of the above meeting, as circulated and taken as read, be and are hereby approved as a true and correct record of the proceedings thereat and that Minutes F927/016 to F938/016 inclusive be accepted by the full Council and action be taken thereon as necessary. 957/016

REPORT OF WORKING PARTY MEETINGS

Filey Town Centre

Members had previously been circulated with a copy of the Report of the meeting held on 1 December 2016. Cllr J Houlden-Banks stated that the Filey Chamber of Trade had requested that Cllr J Casey give a presentation at their January 2017 meeting to outline items for inclusion in the expression of interest to the Coastal Communities fund. It was

RESOLVED : That the Report of the meeting be accepted. 958/016

FINANCE

RESOLVED : That members accepted the financial payment schedules for the following accounts and agreed to pay the amounts detailed thereon. 959/016

General Fund:	10 - 30 November 2016	£ 7,455.53
	1 - 14 December 2016	£ 14,652.98

REPORTS FROM COUNCILLORS ON OUTSIDE ORGANISATIONS

Members had been requested to submit a written report if they had attended any meetings of any other outside organisations between 10 November 2016 and 14 December 2016. Cllr Houlden-Banks had submitted 2 reports regarding Discover Filey and Flat Cliffs at Primrose Valley. The Chairman of Discover Filey is hoping to give a presentation to the full council, to be arranged in the New Year. Cllr Walker reported that the Royal British Legion had collected £13,850 to date from the Poppy Appeal. Cllr Shackleton commented that the Remembrance Sunday service was excellent and requested that a letter of thanks be sent.

RESOLVED : That Cllr Houlden-Banks be thanked for her informative reports and the Clerk be requested to send a letter of thanks to the Royal British Legion. 960/016

NORTH YORKSHIRE COUNTY COUNCIL

Report from County Councillor

Cty Cllr Cross had submitted a written report, a copy of which is attached in Appendix 1. The Clerk had received an email from North Yorkshire County Council stating that an 18 month road closure had been applied for to commence on 9 January 2017 to replace the setts on Crescent Hill but an official start date for the works to commence was yet to be received. It was

RESOLVED : That the above information be welcomed and duly noted. 961/016

A1039 Scarborough Road, Filey

Members had previously been circulated with a copy of the map for information only on the proposed carriageway scheme for 2017-2018. Cllr J Haxby queried why the section of the A1039 from Scarborough Road roundabout to the junction of Grove Hill Road had not been included. It was

RESOLVED : That the above information be duly noted and the Clerk be requested to contact NYCC to find out the requested information. 962/016

SCARBOROUGH BOROUGH COUNCIL

Report from Borough Councillor

Borough Cllr Mike Cockerill had previously submitted a report to members of the Town Council which is attached at Appendix 2 and he gave a verbal update to members which is attached at Appendix 2A.

Ordinary Council Meeting held on 14 December 2016 (continued)

Report from Borough Councillor continued

Cllr Cockerill stated that he had contacted Mr Andy Galbraith to request clarification regarding the split of costings for the proposed Sports facility. He informed members that the Cabinet had endorsed all the recommendations for the Filey Flood Alleviation Scheme and this would be put before the Full Cabinet on 9 January 2017. He reported that in the proposed Street Trading Policy all streets within the Borough would be prohibited but a licence for Street Trading could be applied for at a cost of approximately £600. Cllr Wilkie responded that this would not help the businesses in Filey. Cllr Wright enquired if any consultation had been carried out with the Filey Chamber of Trade and Cllr Cockerill replied that this was not the case. It was

RESOLVED : That the above information be duly noted. **963/016**

Designation of a Neighbourhood Development Plan Area

Members had previously been circulated with a copy of the Borough Council report detailing the expression of interest from the Town Council to draw up a Neighbourhood Plan for the whole of the Filey Parish area which has now been accepted by the Borough Council. The Clerk stated that members of the Town Council's Strategic Planning Committee in conjunction with the Planning committee needed to formulate a plan to commence drawing up a neighbourhood plan with community involvement. The Clerk stated that the press recently reported this as if the plan had been created and this was incorrect as the plan was only in the very initial stages. It was

RESOLVED : That the above report and further comments be noted. **964/016**

Fees and Charges

Members had previously been circulated with a copy of the proposed fees and charges for 2017-2018 in respect of the Borough Council's Beach Chalet Service, Filey Brigg Caravan Park, Leisure Amenities, Beaches, Sports Areas and Evron Centre. It was

RESOLVED : That the above information be duly noted. **965/016**

List of Derelict Properties

Members had previously been circulated with a list of derelict properties which had been previously drawn up by the Town Council and sent to Scarborough Borough Council for consideration and this had now been returned and updated with information by Scarborough Borough Council. Cllr Anthony enquired as to why Scarborough Borough Council were unable to take any further action regarding these properties and commented that there was scope within the Section 215 Notice of the Town and Country Planning Act to do something positive about this issue and members requested that the Clerk send a further letter to Scarborough Borough Council about this. It was

RESOLVED : That a letter requesting the above be sent to the Borough Council as stated. **966/016**

Proofing buildings against seagull nests

Members had previously been circulated with a copy of the letter from the Borough Council for information. This letter has been sent to every household in the Borough. It was

RESOLVED : That the above information be duly noted. **967/016**

BATHING WATER IN YORKSHIRE

Members had previously been circulated with an update from the Environment Agency which showed the bathing water quality in Filey as being Good. Cllr Cockerill had provided a briefing note to members and informed them that he had successfully applied for capital funding for data gathering e.g. installation of Sonnes and CCTV to enable further assistance to be given to the ongoing work of the Yorkshire Bathing Water Partnership to improve bathing water quality. Cllr Haxby stated that he hoped that as much effort would be put into improving bathing water quality at Filey as there would be in Scarborough. It was

RESOLVED : That the above information be duly noted. **968/016**

PUBLIC QUESTION & ANSWER SESSIONS

Cllr Casey informed members that 4 members of the public had attended the final Question and Answer session which he had held with Cllr Houlden-Banks at the Library and informed members that he had passed a member of the public's concerns onto the Police and requested that the Clerk send this information again to Sergeant Gosling at North Yorkshire Police. This was an ongoing anti-social issue of youths congregating in the Rose Garden area in the evening. It was
RESOLVED : That the above information be duly noted . **969/016**

TOWN CLERK'S REPORT

Outstanding Items and Actions Log 2016 to date

Members had been circulated with a copy of the updated outstanding log which gave a potted history of any outstanding items and the Clerk went through these items giving updates where necessary. The Clerk updated members in respect of the public conveniences and was awaiting a building condition survey from Scarborough Borough Council. Borough Cllr Cockerill stated that the reports were almost complete and requested that the Cabinet would need to be informed on 17 January 2017 whether the Town Council wished to proceed to take on the devolved responsibility of operating the public conveniences. The Clerk stated that the Council may not be able to meet this deadline as a Special Council Meeting would need to be arranged and Cllr Shackleton stated that the Town Council should not feel pressured or rushed into making this decision. It was

RESOLVED : That the contents of the outstanding log be noted. **970/016**

Diary Dates for Members

Members had been circulated with a list of various dates of meetings and events etc. during the forthcoming month and were requested to note these in their diaries. The Clerk informed members that students from Ebor Academy were to give a presentation regarding the proposed Skatepark project at the next Council meeting. It was

RESOLVED : That these dates be noted. **971/016**

Local Meetings and Events

Cllr Wright reported that the Filey Tourism Association Christmas Weekend held on 10/11 December 2016 had been successful and there seemed to be quite a lot of people in the Town. Members thought that this first event was a good start and could be built up year by year. Cllr Casey stated that he had received good feedback and requested a letter of thanks be sent to Filey Tourism Association. It was

RESOLVED : That this information be noted and the Clerk to send a letter of thanks to the Filey Tourism Association as requested. **972 /016**

Mayors Engagements

Members were circulated with the list of engagements for December 2016 and January 2017.

RESOLVED : That this information be noted. **973/016**

Christmas Card Collection

Members were requested to give a donation to RNLI Filey Lifeboat instead of sending Christmas Cards to staff and other members and the collection box was circulated.

RESOLVED : That monies raised from the collection be sent to RNLI Filey Lifeboat. **974/016**

Events attended by the Clerk and Members of the Town Council

The Town Clerk, Town Mayor and Members attended the Remembrance Day Service on 11 November 2016 and Remembrance Sunday Service on 13 November 2016 at St Oswald's Church and at the War Memorial. Members requested that a letter of thanks be sent to the British Legion to congratulate them on organising the Remembrance Day Services. It was

RESOLVED : That this information be noted and the Clerk to send a letter of thanks to the Filey Branch of the Royal British Legion. **975/016**

Ordinary Council Meeting held on 14 December 2016 (continued)

Schedule of Meetings 2017

Members had been circulated with a new Schedule of Provisional Meetings until June 2017 and the Clerk mentioned that these dates could be added to their calendars on their tablets. It was

RESOLVED : That the new schedule of provisional meeting dates be noted. 976/016

Council Offices

Members were informed that the Council Offices would close on the afternoon of 22 December 2016 for the Christmas break and re-open on Tuesday 3 January 2017.

RESOLVED : That this information be noted. 977/016

Reports on Items Raised at Public Question Time

No questions were raised during Public Question Time at the last meeting.

RESOLVED : That this information be noted. 978/016

The Clerk gave thanks to Sharon Pogson for standing in to take the minutes of the meeting at short notice due to the ill-health of the Deputy Town Clerk, Mrs Maureen Prentice. The Clerk also gave thanks to members for embracing the use of tablets at the meeting for the first time and thanked the representatives from RDS Global who had attended and given support throughout the meeting. Members unanimously agreed to go paperless from 3 January 2017 for all agendas and associated information to be sent to Councillors by electronic format (including Committees). Cllr Haxby commented that documents were better to work with in a PDF format as they could easily be expanded. It was

RESOLVED: That all agendas and associated information in pdf format be sent to members of the Town Council electronically and tablet devices be used to access information for all future meetings. 979/016

On behalf of the Administrative team the Clerk wished all Councillors and their families a very Happy Christmas and all the best for 2017 and this was reiterated by the Town Mayor, Cllr Susan Bosomworth who wished all members a very merry Christmas and a peaceful New Year and she then invited everyone to stay for Christmas refreshments with her after the meeting.

REQUESTS TO OBTAIN OR PRESENT INFORMATION

RESOLVED : It be noted no requests were made. 980/016

Under Section 17 of the Crime & Disorder Act 1998 members considered that none of the above decisions would impact on crime and disorder

The meeting closed at 8.35 pm

Councillor Susan Bosomworth
Chairman & Town Mayor

APPENDIX 1

From: Cllr.Sam Cross
Sent: 13 December 2016 21:09
To: mail@fileytowncouncil.couk
Subject: Monthly Report

Firstly apologies for absence

1 The work on Crescent Hill has been chased ,and I await a response from the officers.

2 The railings on Church Ravine have been completed and will be painted when weathered .

3 At the members seminars the news was about cuts .

council Tax will go up by 1.99% and 2% for the Social Fund and could be more depending on the Local Government Settlement.

4 If Councillors can report any issues regarding roads or footpaths they can now be reported online or myself.

rgds Sam Cross

Access your county council services online 24 hours a day, 7 days a week at www.northyorks.gov.uk.

County Councillor S Cross

MONTHLY STATEMENT from MJC**STREET TRADING**

I am very pleased, at long last, that a report will come before Cabinet this month to start the process to provide more effective control of Street Trading.

After consultation with various agencies, the proposals will be considered by full Council in May next year.

I intend asking questions in regard to how there will be adequate enforcement to control a small number of street traders who continually flout the current regulations.

FILEY FLOOD ALLEVIATION SCHEME

A report is scheduled to go to Cabinet this month with recommendations then going to the Council meeting in January :

1. Approve the construction of the Filey Flood Alleviation Scheme.
2. Accept £2,269,000 Environment Agency grant funding for the Filey Flood Alleviation Scheme.
3. Accept £1,710,000 Local Levy funding for the Filey Flood Alleviation Scheme.
4. Accept £20,000 Filey Town Council funding towards the Filey Flood Alleviation Scheme.
5. Approve the allocation of £369,000 towards underwriting the risk of the scheme to be funded from the £3 million ring-fenced budget for coast protection as approved by Council at its meeting on 26 February 2016 (report ref 16/49 refers).
6. Note that the works are to be constructed on land currently owned by third parties, and delegate authority to Director in consultation with the Portfolio Holder for Finance, Procurement and Legal and the Portfolio Holder for Project Leadership, Harbours, Coast and Flood Protection to conclude all land transactions to enable the works to proceed.
Approve the recommendation of Balfour Beatty as the contractor for the Filey Flood Alleviation works, who have been selected through a competitive tendering exercise via the YorCivils Framework, and subject to the completion of all land transactions in recommendation (6) delegate authority to the Director in consultation with the Portfolio Holder for Finance Procurement and Legal and Portfolio Holder for Project Leadership, Harbours, Coast and Flood Protection to enter into contract with the recommended contractor.
7. Agree to become responsible for the maintenance of the scheme once completed, to be funded from the existing Land Drainage budget.

TRACKROD RALLY YORKSHIRE 2017

I am pleased that things appear to be progressing to bring this event to Filey in late September next year.

I have spoken to the organisers about possible ways in which a greater spectator experience can be created on Country Park.

SALMON LICENCES

There is ongoing discussion with the Environment Agency about the future control of licences for salmon fishing.

The EA are looking to provide additional protection for salmon to ensure that sufficient can still swim north to spawn.

There is a move to stop the tradition of fathers handing down the licence to their sons to continue this type of fishing, some of you may have seen the recent article on TV.

Local fishermen will be having a meeting with the EA and our MP.

I have offered support from the Borough Council and will also be meeting with them in the New Year.

I was pleased to see that the Fisheries Minister agreed to discuss the matter with our MP, Kevin Hollinrake, when he raised the issue of licences in Parliament, both in November and earlier this month.

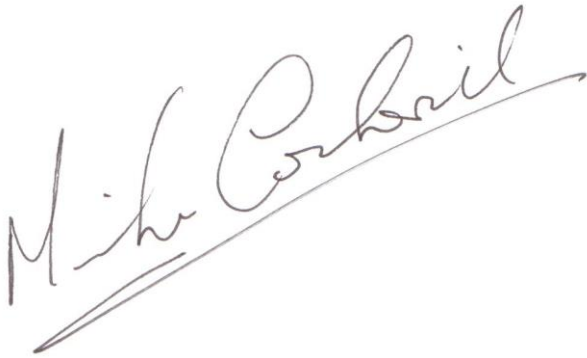
I would like to share a quote from the beginning of our MP's speech –

“Before I begin, I want to plug the town of Filey in my constituency.

I do not know how many hon. Members have visited this beautiful town, but I would strongly recommend it.

It has beautiful beaches and a historic promenade.

It is proudly old fashioned and has fantastic fish and chips.”

A handwritten signature in black ink that reads "Mike Cockerill". The signature is written in a cursive style and is underlined with a single horizontal line.

Borough Councillor M J Cockerill

VERBAL UPDATE from MJC

STREET TRADING

I mentioned my intention, in my written statement, to ask questions at yesterday's Cabinet meeting in regard to the enforcement of the proposed Street Trading Policy.

I did not receive satisfactory answers and suggested that further work was required before being laid before Council in January – this was supported by Cabinet colleagues.

SPORTS PROVISION COSTINGS

I have noted a few extra items on the costings template I had previously supplied as I believe this additional information will facilitate consideration by both FTC and SBC.

It is basically to put more meat on the bones of certain items for greater clarity.

BATHING WATER QUALITY

At your last meeting I mentioned that I was seeking to secure funding for some capital expenditure. I can report that I have secured this to enable further assistance to be given to the ongoing work of the Water Quality Partnership.

FILEY FLOOD ALLEVIATION SCHEME

A funding bid has been made to Yorkshire Water for funding towards enhancing the way the bunds are planted.

Cabinet endorsed all of the recommendations in the report, this now goes to full Council in January.

At your last meeting, following my announcement that the funding had been confirmed, it was suggested that a leaflet be distributed.

As there are still some outstanding matters that aren't likely to be formally completed until the New Year, I have decided that it would be more sensible to hold off sending a Newsletter until all matters have been finalised. I have started preparing the Newsletter in expectation.