

FILEY TOWN COUNCIL

SPECIAL COUNCIL MEETING HELD 13 FEBRUARY 2017 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, John Thurston, Richard Walker, Kevin Wilkie and Marion Wright.

Also present : Boro Cllr Mike Cockerill, Boro/Cty Cllr Sam Cross, Mr Ken Leathley and Mr Graham Wilkinson Health & Safety Advisors, Mrs Gina Robinson, Town Clerk, Mrs Maureen Prentice, Deputy Town Clerk and 11 members of the public.

Cllr Bosomworth reminded everyone present of the emergency evacuation procedure in the event of an emergency taking place. She enquired whether anyone else did not wish to be filmed, and further enquired whether anyone else wished to record or film the meeting and Mr Nigel Ward indicated that he was recording 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. 167/017

APOLOGIES

RESOLVED : It be noted no apologies had been received as all members of the Town Council were present. 168/017

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 and members declared their interests as follows :

RESOLVED : That the above declarations of interest be duly noted. 169/017

PUBLIC QUESTION TIME

A resident of the Borough commented on the Agenda item regarding a vote of no confidence in the Borough stating that there was a level of unease in the Borough and Filey's voice mattered as the Leader and the Cabinet feel they are beyond reproach. A further Borough resident stated that he had confidence in the Borough Council and considered that the vote should be more specific i.e. the Leader/Cabinet/Chief Executive or the Directorate. Cllr Haxby commented that no proposal had been put forward as yet as the topic was to debate the matter. Two residents and a representative of the Chamber of Trade spoke against the possible loss of toilets in Filey and the effect on families and businesses. Cllr Shackleton commented that at this time there was no proposal to close any toilets.

RESOLVED : That the above comments be duly noted. 170/017

TOWN CLERK/RESPONSIBLE FINANCIAL OFFICER

Members had previously been circulated with a copy of the letter of resignation from Mrs Gina Robinson for reason of retirement. Members spoke of their regret at her decision as her knowledge was unsurmountable and would be sorry to see her go as she would be sorely missed but wished her all the very best for the future and reluctantly accepted her resignation.

RESOLVED : That the letter of resignation from the Town Clerk/RFO be accepted. 171/017

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CLOSURE OF YORKSHIRE BANK

RESOLVED : It be noted that no representative of Yorkshire Bank was present at the meeting.

172/017

SCARBOROUGH BOROUGH COUNCIL

Cllr Haxby read members a prepared statement, a copy of which is attached hereto (Appendix 1), following which a recorded vote was requested on his proposed motion, which was duly seconded by Cllr Shackleton, as follows :

RESOLVED : That Filey Town Council has no confidence in the Chief Executive of Scarborough Borough Council, the Leader of Scarborough Borough Council and the Cabinet of Scarborough Borough Council.

173/017

FOR

Cllrs Anthony, Bosomworth, Casey, Glanvill, Haxby, Horley, Houlden-Banks, Meek, Shackleton, Thurston, Walker and Wilkie

AGAINST

Cllr Wright

RESOLVED : That a copy of Cllr Haxby's statement and a letter be sent to the Chief Executive and Leader of Scarborough Borough Council informing them of the no confidence vote by the Filey Town Council.

174/017

FILEY PUBLIC CONVENIENCES

Members were asked to consider the proposed transfer of this devolved service to the Filey Town Council from Scarborough Borough Council as follows :

Minutes

Property Committee Meeting held 26 January 2017

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 with Minutes 090/017 to 096 /017 inclusive being accepted by the full Council and action taken thereon as necessary.

175/017

Building Condition Summaries, Electrical Installation Condition Reports and Maintenance and Repair Costs

Members had previously been circulated with copies of the above information and were informed that in respect of the building condition summaries, these had been undertaken by an Officer of the Borough Council and were not full structural surveys only visual ones.

At this point the two Health & Safety Advisors, Mr Leathley and Mr Wilkinson, were requested to pass their comments on the above information received to date from the Borough Council and they voiced their concerns as they considered these were totally inadequate and posed more questions than answers.

Members had a full discussion and the Town Clerk circulated 30 emails from both residents and visitors which had been received requesting that the toilets be retained in Filey. Cllr Shackleton pointed out that whilst Filey did need toilets these would come at a huge cost and members had to bear in mind that Town Council monies were already earmarked for other projects in the town and the budget for 2017/18 had already been set. Cllr Anthony considered that the Town Council needed to be more creative to generate income from some of the toilets e.g. Foreshore Superloos. Cllr Houlden-Banks and Cllr Wright were in support of toilets being retained in the town. Cllr Haxby stated he was concerned regarding the level of income required to manage the toilets and the high levels of risk to the Town Council to operate them.

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Cllr Casey commented that members that they had to bear in mind the need to comply with Section 17 of the Crime & Disorder Act regarding anti-social behaviour, as Inspector Short was fearful of an increase in this if toilets were not available. The Clerk stated that she had been requested to contact Mr Edwards at the Borough Council the following morning with an update on the Town Council's position regarding taking on these facilities.

*Standing Orders were suspended at this point
to permit Boro Cllr Cockerill and public to speak*

Boro Cllr Cockerill stated that the meeting being held tomorrow at the Borough Council was not a decision making meeting. A member of the public stated that the Town Council needed time to make a decision and a further member of the public stated that whilst Whitby Town Council were proposing to take on their toilets a Council could not keep putting entry prices up to help recover costs or usage would decline.

Standing Orders were re-instated at this point

It was pointed out that Whitby did have 1m more visitors than Filey had. Cllr Wilkie considered that the Town Council had to go with the figures and information already received, although acknowledged there were many inaccuracies and unknowns which members of the Town Council were being asked to base their decision upon.

EXCLUSION OF PRESS & PUBLIC

RESOLVED : That under the Public Bodies (Admission to Meetings) Act 1960, members of the press and public were excluded for the following item(s) of business in view of the confidential nature of the following items relating to proposals in negotiations for contracts.

176/017

Financial Report

At this point 2 confidential reports were duly circulated to all members who were given time to read same, these were subsequently collected at the end of the meeting.

Members had a full discussion on the financial information and future implications.

Heads of Terms

Members agreed that this was now out of date and would require further negotiations to revise these.

Property Committee Meeting

Members had been circulated with a copy of the confidential report from the above meeting held on 26 January 2017 which contained a recommendation Min 93/017, on being put to the vote it was :

RESOLVED : That Minute 93/017 be unanimously rejected.

177/017

Following further discussion and several amendments being made and subsequently being withdrawn a new proposal was made by Cllr Haxby and seconded by Cllr Wilkie with a recorded vote being requested resulting in 12 for the resolution and 1 against the resolution as below :

FOR

Anthony, Bosomworth, Casey, Glanvill, Haxby, Horley, Houlden-Banks, Meek, Thurston, Walker, Wilkie and Wright.

AGAINST

Shackleton

Special Council Meeting held 13 February 2017 (cont)

RESOLVED : That Filey Town Council submits a counter proposal to the Borough Council in respect of devolving the provision of seven public conveniences in Filey as detailed below :

- 1. That subject to the agreement of Scarborough Borough Council to raise their offer of a Model Agreement payment to £75,000 per annum payable to the Town Council plus a 12½ administration fee as per Model Agreement terms and conditions;**
- 2. In addition a one-off payment of £35,000 from the Borough Council to the Town Council to bring the public conveniences up to an acceptable standard;**
- 3. The Borough Council also to address all electrical issues recommended in the electrical reports and highlighted by the Town Council's Health & Safety Officer**

Should all the above points be acceptable to the Borough Council then Filey Town Council will give due consideration to taking over the running costs of the seven Filey public conveniences, subject to further negotiations to revise the Heads of Terms for agreement and acceptance by both parties. 178/017

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 9.35pm

Councillor Susan Bosomworth
Chairman & Town Mayor

APPENDIX 1

Last Tuesday night Whitby Town Council passed a motion of 'No Confidence' in The Leader of Scarborough Borough Council and his 7 Cabinet members. This motion was passed by 6 votes to four. Of interest is that three of the 6 in favour were past mayors of Whitby, who presumably have had more knowledge and experience of SBC than most.

Scarborough Borough Council has been ridiculed, vilified and in some cases regarded as a joke, in both National Press and Magazines, being referred to as 'The Rotten Borough', 'The Hall of Secrets', 'The Land of Smoke and Mirrors', 'The Clown Hall', 'The Brown Envelope Brigade' and other such derogatory terms, being led by a Chief Executive aptly nicknamed by some, 'Silent Jim'. This does not do Filey, nor any other part of the Borough, any good whatsoever.

I make no apologies for the length of my address tonight. There are new Councillors to whom I need to demonstrate that this is no kneejerk reaction, but is the culmination of many, many years of abuse, neglect and lack of capital spending by Scarborough.

I have sat here for approaching 30 years, and from day 1 have seen this council being permanently locked in conflict and argument with Scarborough. We continually have to plead, beg and implore for the smallest thing to be done, or for the smallest amounts of money to be spent in the town. Requests for information are ignored or at best responded to with incomplete, and at times nonsensical data.

I think the rot really set in with the sale of Deepdene, a former Filey Urban District Council property, taken from us in 1974 by Scarborough under the local government reorganisation. At the time we were, and still are, desperate for community and leisure facilities. SBC promised that 50% of the proceeds of the sale would be ring-fenced for Filey. Subsequently the then Chief Executive, John Trebble, stood at the front there and informed this council that Scarborough had reneged on this promise and that the money had gone into their General Fund for use where there was the highest priority. As Scarborough set the priorities, Filey never saw a penny of this money.

FTC drew up plans for a sports/leisure facility on the Station Avenue car park. Funding to complete the building was almost in place. However, Scarborough refused to assist with the revenue costs of the project and it eventually fell through. Subsequently they assisted in the funding of a sports centre at Pinder School and another at Whitby. No problems with the revenue costs at either of these venues it appears.

We then had the closure of the Sun Lounge. Good riddance some may say, but many argue it was a far better venue for shows and concerts than the current Concert Hall. Filey objected, but for want of £5000 a year it was closed and demolished.

Then came the Single Regeneration Grant, monies amounting to over £3 million awarded by the government to revitalise the town centre of Filey. Murray Street was given a facelift and some shops did receive grants to improve their frontage. However a vast majority of the money went to SBC in administration costs and to renovate the Evron Centre, an existing Scarborough property.

More recently we have the farce over the sale of the tennis courts at Southdene. Land sold for a pittance, without public valuation, to a developer for the building of flats, which could be worth in excess of £4 million. Yes, three hard tennis courts were improved by the developer, BUT, previously, all these courts were accessible to the public 24/7. Now, two are for the sole use of the tennis club, which also has priority use of the third court on two nights of the week. The Chief Executive states that - 'the third court is readily accessible to members of the public during normal daylight hours and during other times of the day with prior

arrangement with the tennis club, accepting the potential for the nights the tennis club may require use'. No details have been agreed by SBC of who to contact, how to contact them, and how this 'arrangement' is going to work. The court lights are controlled by the tennis club. Any member of the public wishing to play tennis at dusk or in the evening has to contact an unknown tennis club member to ask if a member was available to come and turn the lights on, then return later to turn them off. Some chance of this happening.

Good luck to the tennis club, but I would suggest Scarborough have the public of Filey, including our visitors, no favours whatsoever. Filey have locked horns with Scarborough over what we see as irregularities in the tendering and sale of this land, and are currently seeking further details, without much success. However what is puzzling is that in a letter last week from the Chief Executive, he states that 'SBC does not have any statistics on the use of the tennis courts, and SBC recognise that at the time of the sale the tennis club only generated member demand for one court.' How, by giving the tennis club, who he admits only generates demand for one court, the sole use of over two courts, and by severely limiting the public access and use of the third court, does this help the general public and visitors to Filey, many of whom enjoy a game of tennis. However when one considers that Scarborough Tennis club has lost its site. The land on Filey Road being sold to part fund the Weaponess Sports Village. And, no provision has been made at Weaponess for any tennis, the parts start to fall into place. We can now see where the 'smoke and mirrors' starts to make sense.

Next on their hit list is the old Concert Hall, probably destined to become private flats, and the Coble Landing could become a big car park. There is not much of Filey's silver left for Scarborough to sell off to raise money for their mad cap schemes. Their original intention, some 43 years ago was to ensure Filey had no money and was totally beholden to SBC for everything. Fortunately, in 1974, Filey had retained some allotment land on Scarborough Road, which it sold for housing and invested the money. The now small return on this investment enables us to give small annual grants and to carry out some works which Scarborough will not do.

Over the years we have seen the Marine Drive scandal. Resulting in the cost of millions to the local tax payer, the sacking of a Technical Director and the resignation of the Leader of the Council.

More recently the Futurist debacle. £4 million to demolish a building only to sell the site, to a preferred tenderer, for £600000, against the wishes of many.

£1/2 million costs, over the past three years, of bringing the Tour De Yorkshire cycle race to the area. A race which comes nowhere near Filey and brings nothing to the town, yet as tax payers we are part funding it. Scarborough are quick to point out that such initiatives benefit the economy of the Borough as a whole. Why then are we paying one of the highest council taxes in the country, higher than Westminster, Chelsea and Kensington. Where does this money come from. Whenever Filey needs any, there is none available.

The recent 'whistle-blower' case, of which we are all well aware, costing us, the taxpayer, over £200000. A case of mismanagement and ill-advice by SBC. Settled 'out-of-court' to save us, the public of the Borough, any further expense. Surely, if SBC were innocent, as they protested, then there would have been no expense

Filey was selected as a potential venue for the off-shore powerboat races. SBC objected on the grounds that it was dangerous for the public to line the cliffs at the Country Park to watch the races. Yet they are quite happy to take parking money to enable the public to park, picnic on, and enjoy the same cliffs. The races went to, guess where, Scarborough.

Recently we have the public toilet question, which is to be discussed next. Using the Chamber of Trade's own words, SBC wants to offload the toilets onto Filey Town Council.

Toilets which cost a lot of money to run, which is why they want to off-load them. If they made money they would be retained.

We have seen the level of grass cutting deteriorate to such an extent that only the areas readily accessible to the visitor receive any real attention. The rural, local areas such as Willow Close, Copse Hill etc, are just a mass of weeds. Grass being allowed to grow to three foot, then being cut and allowed to rot where cut. I have to say I do not criticise the workforce of SBC. They only do what they are told to do, and they do a very good job, but what they are allowed to do is very limited.

A green waste initiative, 'the brown bin', originally free now costs to use.

The closure of the SBC cash office in Filey, where the elderly and infirm could pay their bills, the closure of the TIC. The list is endless.

However, probably the main problem we face with SBC is communications. Getting timely and accurate information. In fact any information at all would be a bonus. I dread to think how many hundreds of hours the clerk and her staff have spent contacting SBC for information, reminder letters, letters reminding them about reminder letters ad infinitum. How many hours we have spent in this chamber asking if Scarborough has responded to our questions, and asking the clerk to contact yet again, and again, and again. Coming next, as mentioned earlier, is the public toilet debate, a classic example of lack of any meaningful information from Scarborough, inaccurate information. Information this council is expected to make important decisions on. Information we have sought confirmation on many times. Information no sane business man in this chamber would make a decision on.

Mr. Rex Harrison, at the last council meeting, commented on the fact that recently SBC had felled many trees in Church Ravine. Filey had protested to SBC many times in the past on their tree felling policy. We had been assured we would be consulted prior to any further work. However, no-one, not even our own Borough Cllrs. knew these trees were to be cut down.

And now, 43 years since the formation of SBC, Filey is still waiting for its leisure, community centre. Still continually fighting with SBC for any facilities whatsoever. Fighting to retain and not lose facilities. Still waiting for any capital expenditure in the Town. At my last analysis, people in Filey received between 1/8 and 1/12 the capital spend, per person, than the same people in the town of Scarborough. Scarborough is not parished therefore anyone living in Scarborough does not have to pay a local precept as we do in Filey. We are double rated.

Several years ago FTC debated a similar matter. The mayor then, Cllr. Freda Coultas, persuaded the council such motion of no confidence would sour relations between Scarborough and Filey and she would rather try and open dialogue to resolve the problems. At the time the council agreed. We had regular meetings with the Chief Executive, Leader and local Borough Clls. In my opinion these achieved nothing and now I refuse to waste my time listening to the continual rhetoric from Scarborough that there is no money available and Filey will get nothing. Seems funny that money is always available for projects in Scarborough. A £9 million loan to The Sands development. Over £6 million for a new pool at Weaponess. £4 million for the Futurist. £1/2 million for the bike race, skateparks and beachball courts on the Marine Drive etc. etc.

We have waited nearly 20 years for our flood defence scheme to come to fruition, protecting approximately 300 properties. Scarborough certainly has not waited any near this amount of time for the cliff protection works above the Spa, or Whitby for the work on its piers.

Meanwhile Filey's facilities are declining, being eroded and allowed to rot. The Evron centre is a very good example. Hundreds of thousands needs to be spent to bring the building up to a useable standard, let alone to improve the building. Monies for regular routine

maintenance have not been spent, the money having been diverted to other areas such as funding the massive losses at the Spa and Open Air Theatre, and providing more amenities for Scarborough Town. As well as giving hundreds of thousands of pounds of grant to the Stephen Joseph Theatre, and other private ventures.

The new Cabinet system has only made matters worse. The cabinet has far too many devolved powers, taking decision making away from local Cllrs. Cabinet members being placed in charge of portfolios of which they have little or no experience, taking advice from officers apparently lacking similar experience. Decisions being made in secret, without reference to the respective local councils. Hiding behind commercial confidentiality. Far too much power in the hands of the few.

Something needs to change, and it needs to change now, before Filey suffers any further decline and loss of facilities. We need to attract families to the town, offer them jobs and recreational facilities to entice, and keep them here. We need to improve, if not just keep tidy, our tourist facilities. We need to send a firm message to SBC that Filey is very unhappy and deserves better treatment, and we need to support our colleagues in Whitby. A vote of no confidence carries no legal status but will certainly convey a message.

It is with regret and much sadness fellow Cllrs. that I must propose the motion that Filey Town Council has no confidence in The Chief Executive of Scarborough Borough Council, the Leader of Scarborough Borough Council and the Cabinet of Scarborough Borough Council.