

PANNETT PARK | WHITBY | YO21 1RE
TEL: (01947) 820227 | E MAIL: info@whitbytowncouncil.gov.uk

Dear Councillor,

04 August 2021

Your attendance is requested at an advisory meeting of the members of the **TOWN DEVELOPMENT AND IMPROVEMENT COMMITTEE** to be conducted on-line, via Zoom¹, on **Monday 9 August 2021 at 6:00pm**, the agenda for which is set out below.



Michael King
Town Clerk

To: Councillors Dalrymple, Harston, Jackson, Jennison, Nock, Wild and Winspear (Sub. Sumner)

Cc: Councillors Barnett, Coughlan, Derrick, Goodberry, Lapsley, Redfern, Smith and Wilson.

NOTICE OF MEETING – this meeting is held under the town council's adopted scheme of delegation as an advisory meeting for decisions delegated to the Proper Officer.

AGENDA

1. APOLOGIES FOR ABSENCE

To receive and resolve upon apologies for inability to attend.

2. DECLARATION OF INTERESTS AND REQUESTS FOR DISPENSATION

To declare any interests which members have in the following agenda items.

3. PUBLIC PARTICIPATION

Standing Orders will be suspended for up to 15 minutes to allow for questions or statements about business items on the agenda, submitted by members of the public (limited to 3 mins per person).

4. NOTES OF MEETING HELD ON 14 JUNE 2021

(page 3)

To note the record of the advisory meeting held on 14 June and review the list of actions taken under the scheme of delegation.

5. CLERK'S UPDATE ON MATTERS RAISED PREVIOUSLY

Verbal report from the Clerk

¹ Link to join Zoom Meeting

<https://us02web.zoom.us/j/88690043391?pwd=WEhFNnJhOXFCU0E1R2UxK2dRcEN5Zz09>

Meeting ID: 886 9004 3391 Passcode: 941747

Dial by your location: 0203 901 7895 or 0131 460 1196

Agenda

6. TOWN DEAL PEDESTRIANISATION

Update relating to the trial pedestrianisation of the Swing Bridge.

The county council has been reviewing the data collected to date as a result of the part-time closure of the Swing Bridge to motor vehicles. It is anticipated that additional information will be circulated by 9 August on the parameters of the scheme and the continuing data collection to aid the county council's evaluation.

7. OPEN SPACE AT RIVEAULX ROAD WHITBY (page 7)

Consideration of options open to the community in light of the borough council's stated intention to dispose of this land for housing. Members may consider what response is appropriate.

8. ELECTRIC VEHICLE CHARGING POINTS (page 9)

Noting recent correspondence on the lack of electric vehicle (EV) charging points in Whitby.

9. MATTERS OF REPAIR AND MAINTENANCE REQUIRED IN TOWN

Opportunity for members to highlight areas of concern which may be brought to the attention of the appropriate department at either the borough or county council.

WHITBY TOWN COUNCIL

Notes of the advisory meeting of the members of the **Town Development and Improvement** Committee held via Zoom on Monday 14 June 2021 at 6:00pm.

Present: Councillors B Dalrymple, J Harston, G Jackson, T Jennison, J Nock, Mrs L Wild, and C Winspear.

Also: M King, Town Clerk and one member of the press.

NOTICE OF MEETING – was given that the meeting was held under the town council's adopted scheme of delegation as an advisory meeting for decisions delegated to the Proper Officer.

210614/01 ELECTION OF CHAIR

MOVED by Councillor Jennison, seconded by Councillor Mrs Wild and unanimously

ADVISED that Councillor Harston be elected Chair of the committee for the year 2021/22.

210614/02 APOLOGIES FOR ABSENCE

None.

210614/03 ELECTION OF VICE-CHAIR

MOVED by Councillor Harston, seconded by Councillor Mrs Wild and unanimously

ADVISED that Councillor Jackson be elected Vice Chair of the committee for the year 2021/22.

210614/04 DECLARATION OF INTERESTS & REQUESTS FOR DISPENSATION

Councillors Nock and Mrs Wild both recorded a non-pecuniary interest in Whitby Golf Club (item 9).

210614/05 PUBLIC PARTICIPATION

None raised.

210614/06 MINUTES

MOVED by Councillor Jennison, seconded by Councillor Mrs Wild and unanimously

ADVISED that the Minutes of the Town Development and Improvement Committee meeting, held 26 April 2021, be taken as read and confirmed as a correct record and signed by the Chairman.

210614/07 ACTIONS REQUIRED IN ACCORDANCE WITH TERMS OF REFERENCE AT THE FIRST COMMITTEE MEETING OF A NEW COUNCIL YEAR**a) Review of the terms of reference of the Committee.**

MOVED by Councillor Nock, seconded by Councillor Jennison and unanimously

ADVISED that the extant terms of reference of the committee be approved for 2021/22, subject to the addition of reference to the Christmas Lights Sub Committee.

b) Review of the terms of reference of any sub-committee(s) of the Town Development & Improvement Committee and appoint members as required.**i. Allotment Sub Committee.**

MOVED by Councillor Nock, seconded by Councillor Jennison and unanimously

ADVISED a) that the extant terms of reference of the Allotment Sub Committee be approved for 2021/22;
b) that the members of the Allotment Sub Committee for 2021/22 be:
Councillors Dalrymple, Wild, and Winspear; and
c) that additional members be sought from Full Council.

ii. Christmas Lights Sub Committee.

MOVED by Councillor Nock, seconded by Councillor Jennison and unanimously

ADVISED a) that the extant terms of reference of the Christmas Lights Sub Committee be approved for 2021/22;
b) that the members of the Christmas Lights Sub Committee for 2021/22 be:
Councillors Dalrymple, Jackson, Jennison and Wild; and
c) that additional members be sought from Full Council.

c) Review of delegation arrangements to employees and to any sub-committee(s) of the Town Development & Improvement Committee.

MOVED by Councillor Winspear, seconded by Councillor Dalrymple and unanimously

ADVISED that the extant delegation arrangements to employees and sub committees be approved for 2021/22.

d) Review of the anticipated Committee workload for the coming year.

MOVED by Councillor Dalrymple, seconded by Councillor Winspear and unanimously

ADVISED that the schedule of meetings for 2021/22 be noted.

210614/08 CLERK'S UPDATE ON MATTERS RAISED PREVIOUSLY

The Clerk provided a verbal update on the progress of resolutions from the previous meeting, which had been referred to Council and confirmed.

MOVED by Councillor Dalrymple, seconded by Councillor Jennison and unanimously

ADVISED that the information be received.

210614/09 WHITBY GOLF CLUB

Members considered correspondence from the Whitby Golf Club and verbal updates from the Clerk and members on meetings and discussions held on the issue of the absence of a renewed lease between the borough council and the club.

MOVED by Councillor Jennison, seconded by Councillor Nock and unanimously

ADVISED a) that the council should express its wholehearted support for Whitby Golf Club; and
b) that the Clerk write to the Chief Executive of Scarborough Borough Council to urge it, as landlord, to consider writing off the debt owed by the club to the borough council, undertaking repair or otherwise making good the Upgang footbridge and to enter into a new lease with the club to enable it to apply for grant funding.

210614/10 TOWN DEAL PEDESTRIANISATION

Members reviewed the actions undertaken by the county and borough councils to date to implement the trial pedestrianisation of the Swing Bridge with fast-track funding from the Town Deal fund.

There was a consensus view that more needed to be done by NYCC, in particular, to review and to respond to the range of difficulties being experienced by residents as a result of the scheme.

MOVED by Councillor Dalrymple, seconded by Councillor Jackson and unanimously

ADVISED a) that the Clerk write to North Yorkshire County Council to request details of its review process for the trial scheme, what had been learnt to date, what adaptations were planned as a result and what could be done to monitor compliance short of camera enforcement; and
b) that the Clerk should request details of expenditure to date against the allocated £400,000 funding, including the costs of administration.

210614/11 PARKING IN LINKS VIEW

Members considered correspondence from a resident highlighting the problems caused by unregulated parking of large vans on Links View, causing

problems backing up to the mini roundabout junction with Upgang Land/Sandsend Road/Love Lane and restricting access to Dunsley Crescent.

It was noted that land holdings in this area have been disputed and that Dunsley Crescent is thought to be unadopted.

MOVED by Councillor Jackson, seconded by Councillor Nock and unanimously

ADVISED that the Clerk make enquiries of NYCC and SBC with regard adoption of roads and traffic safety measures in this location.

210614/12 MATTERS OF REPAIR AND MAINTENANCE REQUIRED IN TOWN

Opportunity for members to highlight areas of concern which may be brought to the attention of the appropriate department at either the borough or county councils.

1. **Commercial Bins** – There is a commercial bin habitually outside the kitchen door to Papa's on Lion Bank – in apparent contravention of the planning approval for that location.

Commercial bins are also becoming problematical at locations including Fishburn Park and Silver Street.

2. **Update on works identified on the West Cliff** – to establish from SBC what progress is being made with the repair jobs identified on the pathways and railings on the West Cliff below the Pavilion and to the landslips at that location.

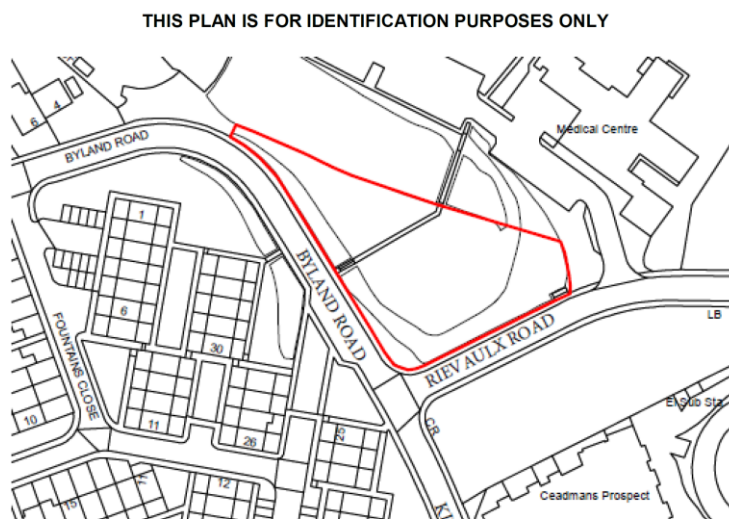
MOVED *en bloc* by Cllr Jackson, seconded by Cllr Mrs Wild and unanimously

ADVISED

- a) That the Clerk write to Scarborough Borough Council in respect of commercial bins to establish whether there is a scheme of enforcement;
- b) That the Clerk raise the apparent planning contravention at Lion Bank with the Planning Department; and
- b) That the Clerk seeks clarification from SBC as to progress being made with the works on the West Cliff.

OPEN SPACE AT RIVEAULX ROAD WHITBY

A public notice was issued by Scarborough Borough Council at the end of April stating that it proposes to dispose of an area of public open space at Rievaulx Road, Whitby shown edged red on the plan below.



The borough council is committed to considering any objections it received before a decision is made as to whether the land will be sold.

The area is green, open space. This raises the possibility that the town council, or the community, could make an application to the county council to register the space as an urban green if there is evidence that it has been used for recreation for a period of twenty years and that the use has been 'as of right'.

Anyone can apply to register land as a town or village green under section 15(1) of the Commons Act 2006. Landowners can apply to register their own land as a green under section 15(8).

The application must show that the land has been used by a significant number of local people for recreation 'as of right' (i.e. without permission, without force and without secrecy) for at least 20 years. That evidence could be photographic and would be backed by individual statements that the activities have been carried out for at least twenty years.

The meaning of 'as of right' is very important because if the land has been made available by SBC under a law then the application will probably fail the 'as of right' test because the use of the land is likely to have been 'by right'.

Once registered, the owner of a green cannot do anything that interferes with the lawful recreational activities of the local inhabitants. Greens in local authority ownership are often managed under the Open Spaces Act 1906 through byelaws or a scheme of regulation under the Commons Act 1899, but the law makes no provision regarding the maintenance of privately owned greens.

Registration of a green is not possible once a trigger event has passed. Intention to dispose is not a trigger, but a planning application would be.

ELECTRIC VEHICLE CHARGING POINTS

The Clerk has received a small number of emails, drawing attention to the lack of EV charging points in Whitby, conventional or rapid. Unfortunately, Whitby Town Council neither owns nor operates public car parking in Whitby. The off-street parking in town is operated by Scarborough Borough Council, as the parking authority, and the Park-And-Ride site on the north-western edge of town is operated by North Yorkshire County Council as the transport authority.

The prime opportunity to provide recharging facilities is the responsibility of the borough council: <https://www.scarborough.gov.uk/home/parking>

Details of the county council's Park-And-Ride provision is here: <https://www.northyorks.gov.uk/whitby-park-and-ride>

Neither website makes reference to any plans to roll-out EV charging.

SBC provides a map of charging points in the borough. That reveals only two charging points (not rapid charge) at Aldi and at Fairfield Way.

At present, the town council does not own any land where public charging facilities could be located.

A recent industry report² concludes that the market to develop public charging infrastructure raises four key considerations:

- EV uptake is a main driver for the implementation of charge points within parking structures as they serve as strategic locations with long dwell times. By 2030 the IEA is forecasting that EVs will reach 30% of EV sales globally.
- As the EV population increases public charging infrastructure is expected to become more important, however there are alternatives to car park charging infrastructure (including; workplace charging, destination charging and the increased use of rapid charging infrastructure) which may directly compete with car park charging business models.
- Before installing charge points within a car park, the local demand for charging (current and predicted) should be considered in order to identify the type and volume of charge points which should be installed.
- Booking, access and payment technologies are developing to drive a better customer experience when using public charge points; however these are still early stage and work is needed to support interoperability between systems.

There is an opportunity for the town council to encourage both principal councils to state clearly what steps are being taken to assess and meet the demand for public charge points in Whitby.

² EV Charging in Car Parks: A Study of Innovative Solutions to Charging EVs in Car Parks commissioned by Innovate UK (2019)