

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Cabinet

Date: Tuesday, 9th January, 2018

Place: Committee Room 1 - Civic Suite

Present: Councillor J Lamb (Chair)
Councillors A Holland (Vice-Chair), J Courtenay, T Cox, M Flewitt, A Moring and L Salter

In Attendance: Councillors A Jones, C Mulrone and F Waterworth
A Griffin, J K Williams, S Leftley, A Lewis, J Chesterton, J Ruffle, J Lansley, J O'Loughlin, T MacGregor, A Keating, C Gamble and L Chidgey (Independent Chair – Southend LSCB and SAB)

Start/End Time: 2.00 p.m. - 2.55 p.m.

607 Apologies for Absence

Apologies for absence were received from Councillor Byford.

608 Declarations of Interest

The following interests were declared at the meeting:

(a) Councillor Flewitt – Agenda Item No. 5 (Notice of Motion - UBER Licensing)
Non-pecuniary interest: Ward resident case (withdrew);

(b) Councillor Flewitt – Agenda Item No. 6 (Notice of Motion - Traveller Community) – Non-pecuniary interest: Written about traveller issues;

(c) Councillor Flewitt – Agenda Item No. 10 (Housing Strategy) – Non-pecuniary interest: Friends and family are tenants of South Essex Homes;

(d) Councillor Flewitt – Agenda Item Nos. 16 (Council Procedure Rule 46) and 18 (Council Procedure Rule 46 - Confidential Sheet) – Non-pecuniary interest: Lives in the vicinity;

(e) Councillor Holland – Agenda Item No. 10 (Housing Strategy) – Non-pecuniary interest: Son is working on the housing vision (withdrew); and

(f) Councillor Holland – Agenda Item Nos. 13 (Passenger Transport - Policy Changes) and 14 (Passenger Transport - Operating Model and Procurement Process) – Non-pecuniary interest: President of Southend Stroke Club which uses the Council's Passenger Transport Service.

609 Minutes of the Meeting held on Tuesday 7th November 2017

Resolved:-

That the Minutes of the Meeting held on Tuesday 7th November 2017 be received, confirmed as a correct record and signed..

610 Notice of Motion - Caged Peafowl

At the meeting of Council held on 14th December 2017, Members received a notice of motion calling on the Council to move the caged peafowl in the Chalkwell menagerie to a more humane home.

This had been proposed by Councillor Ware-Lane and seconded by Councillor Willis.

Resolved:

1. That it be noted that the peafowl have been bred in captivity and are in space sufficient for them and are being cared for. They are regularly fed and watered, breeding and show no signs of distress and are in good health. The space that they occupy has been recently improved and the Council is considering further improvements to their surroundings.
2. That the Council continue to review the situation before coming to a decision about the future of the Peafowl and will take advice from independent animal welfare charities, i.e. RSPCA and RSPB.

Reasons for Decision

To respond to the notice of motion.

Other Options

None

Note:- This is an Executive Function

Called-in to Place Scrutiny Committee

Executive Councillor:- Holland

611 Notice of Motion - UBER Licensing

At the meeting of Council held on 14th December 2017, Members received a notice of motion calling on the Council to support the Transport for London in not re-licensing UBER's private hire licence on public safety grounds and to urge Government to update legislation so driver standards are uniformed across the country.

This had been proposed by Councillor Terry and seconded by Councillor Cox.

Resolved:-

1. That the Council supports Transport for London in not re-licensing UBER's private hire licence on public safety grounds.
2. That the Council calls on the Government to update Taxi and Private Hire legislation so driver standards are uniformed across the country and Enforcement Officers are able to inspect all vehicles irrespective of what Borough they have been licensed in.

3. That the Council calls on the Government to introduce national databases so that Licensing Authorities can check if a driver or operator has ever been refused or had a licence revoked in another Borough for failing the 'fit and proper' test.

4. That the Executive Member for Licensing meets with the All Party Parliamentary Group to discuss the issues in relation to Taxi and Private Hire legislation.

Reasons for Decision

To respond to the notice of motion.

Other Options

None

Note:- This is an Executive Function
Eligible for call-in to Place Scrutiny Committee
Executive Councillor:- Cox

612 Notice of Motion - Traveller Community

At the meeting of Council held on 14th December 2017, Members received a notice of motion calling on the Council to support a number of courses of action in relation to the traveller community.

This had been proposed by Councillor Ware-Lane and seconded by Councillor Borton.

Resolved:-

1. That parts 1-4 of the motion be supported.
2. That in respect of part 5 of the motion it be noted that the most recent "Gypsy, Traveller and Travelling Showpeople Accommodation Assessment" found that there is no current or future need and therefore no action is required .

Reason for Decision

To respond to the notice of motion.

Other Options

None

Note:- This is an Executive Function
Called-in to Place Scrutiny Committee
Executive Councillor:- Flewitt

613 Notice of Motion - The Effects of Development in Leigh-on-Sea

At the meeting of Council held on 14th December 2017, Members received a notice of motion calling on the Council to support the proposed courses of action seeking to address the effect of development in Leigh.

This had been proposed by Councillor Mulroney and seconded by Councillor Wexham.

Resolved:-

That the notice of motion be rejected on the basis that the Council has an existing Development Plan which provides the framework for the assessment of development in the Borough. The Council will be embarking on its preparation of a new Local Plan which will provide the opportunity for issues identified in the motion to be considered as part of the formal local plan process.

Reason for Decision

To respond to the notice of motion.

Other Options

None

Note:- This is an Executive Function
Eligible for call-in to Place Scrutiny Committee
Executive Councillor:- Flewitt

614 Notice of Motion - Scrap the Pay Cap

At the meeting of Council held on 14th December 2017, Members received a notice of motion calling on the Council to make representations to the Government in support of the NJC pay claim for 2018.

This had been proposed by Councillor Nevin and seconded by Councillor Borton.

Resolved:-

1. That it be noted that since the notice of motion was submitted, the national employers have made a final pay offer in response to the Trade Union's side pay claim which equates to 2% for all employees at a particular level on the pay spine and between 9.1% and 3.7% to those lower down the pay scale. A similar pay offer for 2019/20 has also been made and will involve a realignment of the pay spine in order to ensure "headroom" from the statutory minimum national living wage rate.

2. That it also be noted that work is underway to calculate the financial impact of the proposed pay award on this Council which will be considered as part of the budget setting process.

3. That the Council will continue to work with the LGA and the regional employers on the national review of the NJC pay spine and the impact on the national living wage.

Reason for Decision

To respond to the notice of motion.

Other Options

None

Note:- This is an Executive Function
Eligible for call-in to Policy and Resources Scrutiny Committee
Executive Councillor:- Moring

615 Monthly Performance Report

Resolved:

That the submitted report be noted.

Note: This is an Executive Function.
Eligible for call in to all three Scrutiny Committees.
Executive Councillor: as appropriate to the item.

616 Housing Strategy

The Cabinet considered a report of the Deputy Chief Executive (People) setting out the work underway to develop a 'vision for housing in Southend', incorporating the preparation of a progressive Housing Strategy and clear work plans and strategies relating to the key areas of homelessness prevention, rough sleeping, South Essex Homes, sheltered housing, allocations, and work with the private rented sector.

Resolved:-

1. That the proposed approach and timescales for the development of the Housing Vision and the Housing Strategy and the approaches and timescales for the development and delivery of other workstreams be endorsed.

2. That the Director of Adult Services and Housing and the Director for Planning and Transport, in consultation with the relevant Executive Councillors and Council staff as appropriate, prepare the draft vision and strategy documents to be submitted to a future meeting of the Cabinet for approval.

Reason for Decision

A collective vision for housing is critical to providing context and coherence for strategy and policy decisions. The need for housing to be considered as an integral component of the Council's work on behalf of local citizens and their changing demographics and needs is clear. Housing is central to the Council's ambitions for economic development and the creation of jobs and enabling of a

workforce, and to its aspirations as an emerging city with a broad and compelling offer

Other Options

None

Note: This is an Executive Function

Called-in to Policy and Resources Scrutiny Committee

Executive Councillors: Flewitt

617 Annual Report on Safeguarding Children and Adults 2016-17

The Cabinet considered a report of the Deputy Chief Executive (People) setting out the annual assurance assessment for the Chief Executive and elected Members in respect of their responsibilities for safeguarding children and adults in Southend. This contributed to the requirements of statutory guidance in Working Together to Safeguard Children 2015 and the Care Act 2014.

Resolved:-

That the report be noted and the actions detailed in Section 6 of the Annual Safeguarding Reports set out in Appendices 1 and 3 to the submitted report, be approved.

Reason for Decision

To keep the Council informed of the position in respect of safeguarding children and adults in Southend.

Other Options

None

Note: This is an Executive Function

Called-in to People Scrutiny Committee

Executive Councillors: Courtenay and Salter

618 Journey of the Child Bi-Annual Report and Updated Statements of Purpose for Adoption & Fostering

The Cabinet considered a report of the Deputy Chief Executive (People) on the activities of Children's Services, 2016/17 and for the first 6 months of 2017/18. The report also provided a review of the updated Statements of Purpose for Adoption & Fostering, in line with Standard 18.3 of the Adoption National Minimum Standards and Standard 16 of the Fostering National Minimum Standards.

It was noted that this was the first report of this nature and covered an 18 month period. Future reports will be provided on a bi-annual basis.

On consideration of the report, the Chairman referred to the excellent children's services and conveyed his thanks to the relevant staff for their sterling work

Resolved:-

1. That the Bi-Annual Report, set out in Appendix 1 to the submitted report, be noted.
2. That the updated Statements of Purpose, set out in Appendices 2 & 3, be approved.

Reasons for Decision

The new format will allow for Fostering and Adoption regulations to be fully met, whilst ensuring that Members have a clear overall picture of children's services in Southend and how these two services are embedded in the wider service. The Adoption and Fostering Statements of Purpose have been updated and require approval.

Other Options

To continue to present a number of independent reports to meet the statutory requirement for fostering and adoption services, to present a report to the Executive twice yearly and to update the Statement of Purpose annually.

Note: This is an Executive Function
Eligible for call-in to People Scrutiny Committee
Executive Councillor: Courtenay.

619 Passenger Transport - Policy Changes

Pursuant to Minute 531 of the meeting of the Policy & Resources Scrutiny Committee held on Thursday, 30th November 2017, the Cabinet considered a revised report of the Deputy Chief Executive (People) setting out proposed changes to policies which were recommended as part of the transport review.

Resolved:-

That the following proposed policies, as per the approach identified in paragraph 3.1 of the submitted report, be adopted::

(a) Home to School Transport for Pre and Post-16 Students with Special Educational Needs and Disabilities (SEND) (effective from 1st September 2018) as follows:

- The Special Educational Needs Travel Assistance Policy (Appendix A) to be implemented as set out in paragraphs 3.1.2 (a) and 3.1.2 (b) of the report. The provision of 'travel assistance' is to be focussed on the promotion of independence and personalisation. As pupils adopt more independent alternative modes of transport then routes will be optimised.

(b) Adults with Learning Disabilities and Older Adults attending Day Centres and Activities (effective from 1st April 2018) as follows:

- The Adult Social Care travel assistance policy (Appendix B) to be implemented as proposed in paragraph 3.1.2 (c) of the report. The focus on maximising independence will mean that travel assistance will only be provided by the Council once all alternative transport options have been considered.

- Where transport is provided by the Council, the contribution from the user is increased to the new charge of £4 per day for a return trip and £5 per day where multiple trips are applicable.

(c) Looked After Children (effective from 1st April 2018) as follows:

- The looked after children and young people travel assistance policy (Appendix C) to be implemented as proposed in paragraph 3.1.2 (d) of the report.

(d) Dial-a-Ride (effective from 1st April 2018) as follows:

- The Dial-a-Ride policy (Appendix D) to be implemented as proposed in 3.1.2 e) of the report.

Reasons for Decision:

(a) Home to School (SEND) transport – to approve some changes to current policy to enable consistency and fairness in decisions regarding eligibility.

(b) Adults with Learning Disabilities and Older Adults attending Day Centres and Activities – To establish a policy that demonstrates how the Council will support individuals by providing travel assistance to access social care activities in a consistent and equitable way.

(c) Looked After Children – To establish policy to enable fairness in decisions about eligibility.

(d) Dial-a-Ride – To establish policy to enable fairness in decisions about eligibility.

Other Options:

None

Note: This is an Executive Function

Referred direct and called-in to People Scrutiny Committee

Eligible for call in to Policy & Resources Scrutiny Committee

Executive Councillors: Courtenay, Moring and Salter.

620 **Passenger Transport - Operating Model and Procurement Process**

Pursuant to Minute 532 of the meeting of the Policy & Resources Scrutiny Committee held on Thursday, 30th November 2017, the Cabinet considered a report of the Deputy Chief Executive (People) setting out the series of processes that need to be undertaken in order to meet the proposed procurement timetable.

Resolved:-

1. That the key elements (set out in Appendices A and C to the submitted report) be approved for inclusion in the procurement documentation to set out the Council's ambitions, parameters and expectations for its Passenger Transport Service and to enable the procurement process.
2. That Competitive Dialogue be approved as the procurement approach to securing a preferred partner.
3. That commencement of the competitive dialogue process, based on the timetable set out in paragraph 4.4 of the report, be approved.
4. That the term "Partnership Approach" via a Corporate Structure be used in defining the approach to be developed by tenderers in response to the Council's objectives and that this be used throughout the procurement documentation.
5. That the proposed Passenger Transport objectives/requirements be approved as an appropriate and comprehensive set of underpinning statements to be included in procurement documentation and to form the basis for evaluation questions.
6. That the Director of Strategy Commissioning and Procurement (in consultation with the Directors of Transformation, Learning, Adults Services, Finance and Resources) be authorised to take decisions during the procurement process, to ensure agile and timely decision making, keeping the procurement to timetable and protecting the Council's position.

Reason for Decision

It is critical that the Council has an agreed, robust and transparent position on each of the matters presented in the report in order to shape the procurement documents and to ensure that the Council's ambitions for its Passenger Transport Service is delivered through the partnership. On 7th November 2017, Cabinet endorsed the recommendation that a JV approach is the best delivery model to achieve sustainable transport provision for the Council. This model offers transparency of costs, visibility of profits and the ability for the Council to have some control in the delivery of the service. This approach, assuming a partner with appropriate experience, existing infrastructure and resources can be found, reduces risk to the Council.

Other Options

None

Note: This is an Executive Function.

Called-in to Policy and Resources Scrutiny Committee

Executive Councillor: Moring

621 Debt Management - Position at 30th November 2017

The Cabinet considered a report of the Chief Executive setting out the current position of outstanding debt to the Council, as at 30th November 2017 and the

debts that had been written off, or are recommended for write off, in the current financial year as at 30th November 2017.

Resolved:-

1. That the current outstanding debt position as at 30th November 2017 and the position of debts written off to 30th November 2017 as set out in Appendices A & B to the submitted report, be noted.
2. That it be noted that there are no write offs greater than £25,000, which require approval by Cabinet.

Reason for Decision

All reasonable steps to recover the debt have been taken, and therefore where write off is recommended it is the only course of action available. If the Council wishes to pursue debts for bankruptcy proceedings, it will follow the agreed and published recovery policy that covers this.

Other Options

None

Note: This is an Executive Function.

Eligible for call in to Policy and Resources Scrutiny Committee

Executive Councillor: Moring

622 Council Procedure Rule 46

Resolved:-

That the submitted report be noted.

Note: This is an Executive Function

Eligible for call in to the relevant Scrutiny Committee

Executive Councillor: as appropriate for the item.

Items 2.1 and 2.2 called-in to Policy and Resources Scrutiny Committee

623 Exclusion of the Public

Resolved:-

That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the items of business set out below, on the grounds that they would involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

624 Council Procedure Rule 46 - Confidential Sheet

Resolved:

That the submitted report be noted.

Note: This is an Executive Function
Eligible for call in to the relevant Scrutiny Committee
Executive Councillor: as appropriate for the item.

Chairman: _____