

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of The Cabinet

Date: Tuesday 17th March 2015

Place: Civic Suite, Civic Centre, Southend-on-Sea

Present: Councillor R A Woodley (Chairman)
Councillors M Assenheim, I D Gilbert, A P Jones, G E Longley, D A Norman MBE, M W Terry

In Attendance: J K Williams, S Holland, S Leftley, A Lewis, A Atherton, J Chesterton, J Ruffle, J Williams, A Keating and C Gamble

Also present: Councillors Davies, Lamb, Moyies, Mulroney and Salter

Start/End Time: 14:00/14:55

**** **Part I**

1 Apologies for Absence

There were no apologies for absence.

2 Declarations of Interest

The following interest was declared at the meeting:

Councillor Longley – Petition to Save Lollipops Pre-school from Closure – Chair of Community Centre in Eastwood which also runs a nursery – non-pecuniary interest

3 Minutes of the Meeting held on Tuesday 6th January 2015

Resolved:-

That the Minutes of the Meeting held on Tuesday 6th January 2015 be confirmed as a correct record and signed.

4 Minutes of the Meeting held on Tuesday 20th January 2015

Resolved:-

That the Minutes of the Meeting held on Tuesday 20th January 2015 be confirmed as a correct record and signed.

5 Minutes of the Meeting held on Thursday 12th February 2015

Resolved:-

That the Minutes of the Meeting held on Thursday 12th February 2015 be confirmed as a correct record and signed.

6 Pre-Cabinet Scrutiny Items

- Annual Public Health Report

7 Petition – Save Lollipops Pre-school from Closure

At the meeting of Council held on 26th February 2015, Councillor Betson presented a petition on behalf of residents requesting the Council's assistance in keeping the Lollipops pre-school open.

(The petition had been referred to Cabinet in accordance with Council Procedure Rule 15.6).

Resolved:-

1. That support to the provider to secure new premises, be continued.
2. That should a suitable premises be found, the pre-school be supported through advice and guidance on its suitability and future sustainability. In the event that the pre-school has to close, support be provided to parents and staff to find alternative provision and new employment within other childcare settings respectively.

Reason for Decision

To respond to the petition.

Other Options

None.

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

8 Notice of Motion – Towns against Tax Dodging

At the meeting of Council held on 26th February 2015, Members received the following Notice of Motion in relation to Action Aid's campaign 'Towns against Tax Dodging', which was proposed by Councillor Nevin and seconded by Councillor Ware-Lane (this had been referred to Cabinet in accordance with Standing Order 8.4).

"This Council resolves to support Action Aid's campaign TOWNS AGAINST TAX DODGING, for tax justice, supporting the motion:

"While many ordinary people face falling household income and rising costs of living, some multinational companies are avoiding billions of pounds of tax from a tax system that fails to make them pay their fair share. Local governments in developing countries and the UK alike would benefit from a fairer tax system where multinational companies pay their fair share, enabling authorities around the world to provide quality public services. The UK government must listen to the strength of public feeling and act to end the injustice of tax dodging by large

multinational companies, in developing countries and the UK.”

The council notes:

- It has been estimated that the UK Treasury loses as much as £12 billion, although recent estimates from PWC put it much higher at £120billion in tax dodging by multinational companies every year - enough to significantly reduce the UK national deficit which is putting such pressure on Local Council budgets.
- Developing countries lose three times more to tax dodging than they receive in aid each year, enough to give a basic education to the 57 million children currently missing out.
- The UK has a particular responsibility to end tax dodging, in the 1 in 5 world's tax havens in the British Overseas Territories and Crown Dependencies.
- The use of tax havens by UK companies is rife, with 98 of the FTSE 100 companies routinely using tax havens.
- Large multinational companies pay as little as 5% in corporate taxes globally, while smaller businesses pay up to 30%, this cannot be right, or morally justified.

This council believes:

- As a local authority we have a duty to provide the best possible public services. This council has faced significant cuts to services which is set to continue for future years, which is directly impacting disproportionately on the poorest and most deprived wards. Our ability to maintain quality local services would be significantly enhanced by the increased revenues from the Government tackling tax dodging.
- This local authority believes that Southend-on-Sea would benefit from any incoming Government redeployment of public sector staff away from London in supporting of this motion to collect lost tax.
- All who benefit from public spending should contribute their fair share.
- The UK must take a lead role in creating a fairer tax system and combating tax dodging”.

Resolved:-

That the motion be adopted.

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 & Resources Scrutiny Committee
Executive Councillor:- Woodley

9 Monthly Performance Report – January 2015

Resolved:-

That the submitted report be noted.

Note:- This is an Executive Function.
Referred direct to all three Scrutiny Committees.
Executive Councillor:- As appropriate to the item.

10 Corporate Performance Management – 2015/16

The Cabinet considered a report of the Corporate Director for Corporate Services setting out the proposed corporate approach to performance management for 2015/16.

Resolved:-

1. That the corporate performance measures to be monitored via the Monthly Performance Report for 2015/16, as set out in appendix 1 to the submitted report, be approved.
2. That the corporate priority actions, to support implementation of the Council's 2015/16 corporate priorities, as set out in appendix 2 to the submitted report, be approved.

Reason for Decision

To ensure measures and targets are in place by which the Council can assess its performance against its agreed corporate priorities.

Other Options

1. Significantly increasing the numbers of performance measures and indicators. This would place significant pressure on available resources to undertake the necessary monitoring and would result in diverting resources from other priority areas.
2. Not identifying any corporate priority actions or indicators. This would leave the Council unable to monitor its performance against its key priorities or to assess whether resources are appropriately allocated.

Note:- This is an Executive Function
Eligible for call-in to all three Scrutiny Committees
Executive Councillor:- Woodley

11 Mortgage Interest Rate – April 2015 to September 2015

The Cabinet considered a report of the Corporate Director for Corporate Services declaring the Local Average Rate of Interest on the Council's mortgages in compliance with Section 438 of the Housing Act 1985.

Recommended:-

1. That it be noted that the current Local Average Rate of Interest has changed to 4.72% from the previous declared rate of 5.08% for the period from December 2014 to March 2015.
2. That the Local Average Rate of Interest be declared at 4.67% for the period from April 2015 to September 2015.
3. That the Council's mortgage interest rate be decreased from 4.72% to 4.67% for the period from April 2015 to September 2015.

Reason for Decision

To comply with the statutory requirements of the Housing Act 1985.

Other Options

None.

Note:- This is a Council Function

Eligible for call-in to Policy & Resources Scrutiny Committee

Executive Councillor:- Woodley

12 Quarter Three Treasury Management Report – 2014/15

The Cabinet considered a report of the Corporate Director for Corporate Services detailing the treasury management activity for both quarter three and the period from April to December 2014.

Recommended:-

1. That the Quarter Three Treasury Management Report for 2014/15 be approved.
2. That it be noted that treasury management activities were carried out in accordance with the CIPFA (Chartered Institute of Public Finance and Accountancy) Code of Practice for Treasury Management in the Public Sector during the period from April to December 2014.
3. That it be noted that the loan and investment portfolios were actively managed to minimise cost and maximise interest earned, whilst maintaining a low level of risk.

4. That it be noted that an average of £72.1m of investments were managed in-house. These earned £0.30m of interest during this nine month period at an average rate of 0.55%. This is 0.20% over the average 7-day LIBID and 0.05% over bank base rate.

5. That it be noted that an average of £24.7m of investments were managed by fund managers. These earned £0.17m of interest during this nine month period at an average rate of 0.90%. This is 0.55% over the average 7-day LIBID and 0.40% over bank base rate.

6. That it be noted that the level of borrowing from the Public Works Loan Board (PWLB) (excluding debt relating to services transferred from Essex County Council on 1st April 1998) decreased from £250.8m to £240.8m (HRA: £81.7m, GF: £159.1m) during the period from April to December 2014.

Reason for Decision

The CIPFA Code of Practice on Treasury Management recommends that Local Authorities should submit reports regularly. The Treasury Management Policy Statement for 2014/15 set out that reports would be submitted to Cabinet quarterly on the activities of the treasury management operation.

Other Options

There are many options available for the operation of the Treasury Management function, with varying degrees of risk associated with them. The Treasury Management Policy aims to effectively control risk to within a prudent level, whilst providing optimum performance consistent with that level of risk.

Note:-

This is a Council Function

Eligible for call-in to Policy & Resources Scrutiny Committee

Executive Councillor:- Woodley

13 Admission Arrangements for Community Schools 2016

The Cabinet considered a report of the Corporate Director for People concerning published admission numbers and admission arrangements for community schools for 2016/17.

Resolved:-

That the published admission arrangements for community schools for 2016/17, as set out in appendix 1 to the submitted report, be approved.

Reason for Decision

The Council has a duty to determine the admission arrangements for community schools by 15th April each year.

Other Options

None.

Note:- This is an Executive Function
Eligible for call-in to People Scrutiny Committee
Executive Councillor:- A P Jones

14 Annual Procurement Plan 2015/16

The Cabinet considered a report of the Corporate Director for People detailing the proposed Annual Procurement Plan for 2015/16.

Resolved:-

That the Annual Procurement Plan be approved, allowing the Corporate Procurement team to commence with procuring works and services in accordance with the Contract Procurement Rules and Financial Regulations.

Reason for Decision

To comply with the requirements of the Council's constitution.

Other Options

None.

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

15 Annual Report on Implementation of the SEN Strategy

The Cabinet considered a report of the Corporate Director for People on the progress made on the implementation of Southend's strategy for Special Educational Needs (SEN).

Resolved:-

That the submitted report be noted.

Reason for Decision

To inform Members of the progress made in implementing the SEN Strategy.

Other Options

None.

Note:- This is an Executive Function
Eligible for call-in to People Scrutiny Committee
Executive Councillor:- A P Jones

16 DCLG Redress Scheme

The Cabinet considered a report of the Corporate Director for People on the new requirement for all Letting and Managing Agents to register with a Redress Scheme to ensure complaints which are not resolved by the agents can be considered independently.

Resolved:-

1. That Officers be authorised to investigate whether all Letting or Managing Agents operating in the Borough are Members of a nationally recognised Redress Scheme.
2. That the Council take action to prosecute Agents found to have breached the regulations and to impose a monetary penalty of up to £5,000.

Reason for Decision

To comply with new legislation.

Other Options

None.

Note:- This is an Executive Function

Eligible for call-in to Policy & Resources Scrutiny Committee

Executive Councillor:- Norman

17 Drugs, Alcohol and Problem Gambling Strategy

The Cabinet considered a report of the Corporate Director for People on the development of the Drugs, Alcohol and Problem Gambling Strategy.

Resolved:-

1. That subject to wider consultation and further development, the strategy be endorsed.
2. That an implementation group be developed as part of the joint commissioning arrangements with the Clinical Commissioning Group to oversee the final development of the strategy and its implementation.

Reason for Decision

It is believed that by developing both this strategic approach and, more importantly, the arrangements through which to drive its implementation, that more effective commissioning of prevention, treatment and enforcement activity is viable. These improvements will arise both from the elimination of duplication, as well as enhanced understanding of need and opportunities for better aligning delivery with earlier opportunities for intervention. This is found elsewhere to be effective in meeting many people's needs before they become entrenched within destructive drug, alcohol and gambling dependencies requiring costly treatment, criminal justice and social care support. These

arrangements have the potential to deliver better care to more people within existing budgets.

Other Options

None.

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

18 Empty Homes Strategy 2015 – 2020

The Cabinet considered a report of the Corporate Director for People on the draft Empty Homes Strategy.

On behalf of the Cabinet, the Chairman asked that the appreciation of Members be conveyed to Stuart Burrell in recognition of his sterling work on the preparation of the Strategy.

Resolved:-

That the draft Empty Homes Strategy be approved for further consultation with other agencies in the local community.

Reason for Decision

To ensure empty homes are brought back into use.

Other Options

None.

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

19 School Term Dates 2016/17

The Cabinet considered a report of the Corporate Director for People detailing the proposed school term and holiday dates for the 2016/17 academic year.

Resolved:-

That the school term and holiday dates for 2016/17, as set out in appendix 1 to the submitted report, be approved.

Reason for Decision

To determine the school term and holiday dates for the 2016/17 academic year.

Other Options

None.

Note:- This is an Executive Function
Eligible for call-in to People Scrutiny Committee
Executive Councillor:- A P Jones

20 Southend Children & Young People's Plan 2015/16

The Cabinet considered a report of the Corporate Director for People presenting the 2015/16 Children and Young People's Plan (CYPP).

Resolved:-

1. That the 2015/16 CYPP priorities, be approved.
2. That the Corporate Director for People, in consultation with the Portfolio Holder for Children & Learning, be authorised to approve the detailed delivery plan.

Reasons for Decision

1. The CYPP has been developed and endorsed by the Success for All Children Group and supports the Health and Wellbeing Board Strategy aims.
2. The priorities in the CYPP build on previous plans, self-assessment, external assessment and wide consultation and will assist in maintaining or improving the Council's good performance.
3. The Plan gives a clear focus to the work on the Success for All Children Group and enables resources across all agencies to be directed at those actions that will make the biggest improvement in outcomes for children and young people and their families.

Other Options

None.

Note:- This is an Executive Function
Eligible for call-in to People Scrutiny Committee
Executive Councillor:- A P Jones

21 City Deal Update Report

The Cabinet considered a report of the Corporate Director for Place on the current and completed activities in relation to the City Deal.

On consideration of the report, Members of the Cabinet acknowledged the excellent work undertaken in relation to the City Deal and asked that their thanks be conveyed to the officers concerned.

Resolved:-

That the City Deal activity update be noted.

Reason for Decision

To inform Members of the progress of the City Deal activities.

Other Options

None.

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

22 Flood Incident Report

The Cabinet considered a report of the Corporate Director for Place concerning the completion of the formal reports into the flooding on 11th October 2013 and 20th July 2014.

At the meeting, Members received an updated version of the reports.

Resolved:-

1. That the flooding reports (as circulated at the meeting) be noted and approved for publication.
2. That the combined Action Plan, as recommended in the reports, be approved.
3. That the actions taken and work carried out to date to address or investigate identified issues in the highways drainage and sewerage infrastructure, be noted.

Reason for Decision

To publish the flood incident reports as required under the Floods and Water Management Act 2010 and to approve a course of action to minimise future risk.

Other Options

None.

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

23 Kent Elms/A127 Update Report

The Cabinet considered a report of the Corporate Director for Place on the proposed creation of a new surface pedestrian crossing on the A127.

Resolved:-

1. That the installation of a controlled surface pedestrian crossing on the A127 be progressed in advance of the major junction improvements currently being considered.
2. That the preliminary design and the programme for detailed design and construction of the surface crossing, including the advertisement of any necessary traffic regulation orders, be approved.
3. That the Chief Executive and Corporate Director for Place, in consultation with the Portfolio Holder for Public Protection, Waste and Transport, be authorised to agree the detailed design and implementation of the surface crossing, following circulation of these details to all Members and discussions with the Leaders of the opposition parties.
4. That the Chief Executive and Corporate Director for Place, in consultation with the Portfolio Holder for Public Protection, Waste and Transport, be authorised to approve the implementation of the project.

Reason for Decision

The new pedestrian surface access crossing will support the delivery of the final junction improvement works whilst providing access to pedestrians in the immediate future. The new crossing will provide access to local businesses, Kent Elms Health Centre and Library.

Other Options

None.

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

24 Regeneration Priorities

The Cabinet considered a report of the Corporate Director for Place setting out proposed regeneration priorities for the next 10 years together with an updated Regeneration Framework.

Resolved:-

1. That the priorities for regeneration and economic development be confirmed.
2. That the priorities identified in appendix 1 to the submitted report be used to inform a new regeneration framework to 2025.

Reason for Decision

The existing regeneration framework has now been partially delivered. The current context therefore needs to be produced to aid delivery of future priorities.

Other Options

An external assessment of regeneration projects and priorities could be commissioned.

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

25 Regulatory Services Enforcement Policy

The Cabinet considered a report of the Corporate Director for Place proposing the adoption of the Regulatory Services Enforcement Policy.

Recommended:-

That the Regulatory Services Enforcement Policy, as set out in appendix 1 to the submitted report, be approved.

Reasons for Decision

1. There is a duty for Local Authorities to comply with the Regulatory Enforcement Sanctions Act 2008 and the duties imposed through the Better Regulation Delivery Office.
2. There is a requirement for the Local Authority to publish an enforcement policy for Regulators within the scope detailed in Orders made under section 24(2) of the Legislative and Regulatory Reform Act 2006, which takes into account legislation and centrally issued guidance on enforcement activities. The Regulatory Services Enforcement Policy has been prepared taking into account both the legislation and centrally issued guidance.
3. The Regulatory Services Enforcement Policy has been subject to a formal consultation process, of both regulated entities and other interested parties as required by the statutory code of practice for regulators.

Other Options

None.

Note:- This is a Council Function
Eligible for call-in to Place Scrutiny Committee
Executive Councillor:- Assenheim

26 South East Local Enterprise Partnership – Delivery Review

The Cabinet considered a report of the Corporate Director for Place presenting the recommendations of the South East Local Enterprise Partnership's (SELEP) Board following consideration by the Board of their recently completed Delivery Review.

Resolved:-

1. That the introduction by SELEP of an accountability framework be endorsed.
2. That the establishment of an executive joint committee in partnership with Medway and Thurrock Borough Councils and Essex, Kent and East Sussex County Councils, with the membership and terms of reference set out in appendix 1 to the submitted report, be approved.
3. That the Corporate Director for Place, in consultation with the Portfolio Holder for Enterprise, Tourism and Economic Development, be authorised to conclude a joint committee agreement with the other authorities.

Reason for Decision

As set out in the submitted report.

Other Options

None.

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

27 Annual Public Health Report

The Cabinet considered a report of the Director of Public Health presenting the 2014 Annual Report of the Director of Public Health.

Resolved:-

That the content and recommendations of the 2014 Annual Report, be noted.

Reason for Decision

The Health and Social Care Act 2012 requires Directors of Public Health to prepare an annual report on the health of the local population.

Other Options

None.

Note:- This is an Executive Function
Eligible for call-in to People Scrutiny Committee
Executive Councillor:- Gilbert
This matter had previously been subject to pre-Cabinet scrutiny.

28 Southend Joint Health and Wellbeing Strategy Refresh 2015-16

The Cabinet considered a report of the Director of Public Health on the recommended approach to refresh the Joint Health and Wellbeing Strategy for 2015-16 and beyond.

Resolved:-

1. That the Southend Health and Wellbeing Strategy be refreshed in two stages:

Stage 1 - Short term refresh from April 2015 – April 2016

Stage 2 - Longer term priorities to then be developed for 2016-2020.

2. That for 2015-16, the following three new 'broad impact' goals be added to the nine Ambitions within the current Strategy:

a. Increased Physical Activity (prevention)

b. Increased Aspiration and Opportunity (addressing inequality)

c. Increased Personal Responsibility and Participation (sustainability)

Reasons for Decision

As set out in the submitted report.

Other Options

None.

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

29 Council Procedure Rule 46

Resolved:-

That the submitted report, be noted.

Note:- This is an Executive Function
Eligible for call-in as appropriate to the item
Executive Councillor:- As appropriate to the item

30 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 item of business set out below, on the grounds that it 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.

**** **Part II**

31 Council Procedure Rule 46 - Confidential Sheet

Resolved:-

That the submitted report, be noted.

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