

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Cabinet

Date: Tuesday, 10th November, 2015

Place: Committee Room 1 - Civic Suite

Present: Councillor Woodley (Chair)
Councillors Gilbert (Vice-Chair), Jones, Moyies, Norman MBE and Terry

In Attendance: R Tinlin, J K Williams, S, Holland, S Leftley, A Lewis, A Atherton, J Chesterton, J Ruffle, T MacGregor, I Ambrose, A Keating and C Gamble.

Also Present: Councillors Assenheim, Betson, J. Garston, Folkard, Hambermel, Lamb, Mulroney, Salter.

Start/End Time: 14:00 / 15.10

395 Apologies for Absence

Apologies for absence were received from Councillor Longley.

396 Declarations of Interest

- (a) Councillor Terry – CPO – Land at Roots Hall - Southend United FC season ticket holder - non-pecuniary interest - withdrew.
- (b) Councillor Assenheim - Review of ALMO/Issues facing HRA – Board member of South Essex Homes - non-pecuniary interest.
- (c) Simon Leftley - CPO – Land at Roots Hall - Southend United FC season ticket holder - withdrew.

397 Minutes of the Meeting held on 22nd September 2015

Resolved:-

That the Minutes of the Meeting held on 22nd September 2015 be confirmed as a correct record and signed.

398 Pre-Cabinet Scrutiny Items

The following items had previously been subject to pre-Cabinet scrutiny:

1. Local Account 2014/15.
2. 'Smoke-Free Southend' Strategy.

399 Notice of Motion - Printing and Distribution of Hard Copies of Council Papers

At the meeting of Council held on 22nd October 2015, Members received the following Notice of Motion in relation to the printing and distribution of Council papers, which was proposed by Councillor Hadley and seconded by Councillor Walker (this had been referred to Cabinet in accordance with Standing Order 8.4).

“We the undersigned wish to put before the Council a motion to rescind the decision of this Council to stop the printing and distribution of hard copies of Council papers.”

Resolved:-

That it be noted that there are no plans to cease the general production and distribution of hard copy agendas and reports in the short term.

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

Called-in to Policy & Resources Scrutiny Committee

400 Notice of Motion - Help Refugees Arriving in Europe

At the meeting of Council held on 22nd October 2015, Members received the following Notice of Motion in relation to the arrival of refugees in Europe, which was proposed by Councillor J Garston and seconded by Councillor Flewitt (this had been referred to Cabinet in accordance with Standing Order 8.4).

“This Council recognises the plight of the refugees caught in the Syrian crisis and that this is a real tragedy and genuine help needs to be offered.

We support George Osborne, the Chancellor of the Exchequer, in looking at some of the overseas aid budget as a way of funding financial assistance to the many men, women and children affected and we request funding from the Overseas Aid Budget should this local authority be asked to offer assistance to any of the displaced men, women or children.”

Resolved:-

1. This Council recognises the plight of the refugees caught in the Syrian crisis and that this is a real tragedy and genuine help needs to be offered.
2. It be noted that:
 - (i) On the 18 September the Council wrote to the East of England Strategic Migration Partnership with an initial offer to support 10 refugees, with a preference for families, pending clarification of the resettlement process and the funding.
 - (ii) On 2 October Richard Harrington, the Minister with responsibility for Syrian Refugees, confirmed that the government will provide some funding beyond the first 12 months to ensure local authorities can plan ahead. Full details of the additional funding are still to be known. Once they are, the Council will reassess the numbers of refugees it would be able to support.

(iii) The Council must ensure that whatever the final number of refugees it is able to assist, the appropriate infrastructure is in place to meet their potentially complex needs, not only in the first 12 months, but for the longer term.

(iv) Once more information is known, the Council will work alongside local partners, charities and faith groups in providing a positive response and that it has recently met with faith leaders to coordinate its response to assisting with the crisis.

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:- Gilbert

401 Notice of Motion - Hazard Perception Test

At the meeting of Council held on 22nd October 2015, Members received the following Notice of Motion in relation to the hazard perception test, which was proposed by Councillor McMahon and seconded by Councillor Callaghan (this had been referred to Cabinet in accordance with Standing Order 8.4).

“We call upon Members of Southend on Sea Borough Council, to support a request to write to Her Majesty’s Government with the following request, this being:

‘That consideration be given to include within the ‘Hazard Perception Test’, which is part of the Theory Test for the UK Driving Licence, a digital simulation of the road as visually perceived by users of other types of road transport, namely motorcycles and cycles. This may highlight the perspective(s) that may be misinterpreted by car drivers without experience of using motorcycles or pedal cycles in the mixed highway environment’

This request is to assist the reduction of incidents of an untoward nature involving these types of transport, with particular regard to Southend on Sea’s commitment to ‘Safe Sustainable Transport’ and the reduction of accidents, especially on our gateway roads into Southend, where unfortunately the combination of these types of transport, with low awareness of the others perception, does, on occasions, have untoward consequences”

Resolved:-

That it be noted that the Council is not the responsible authority in these matters, but officers be requested to write to the DVSA to advise them of Members’ suggestions to amend the Hazard Perception Test.

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:- Terry

402 Notice of Motion - HIV Testing

At the meeting of Council held on 22nd October 2015, Members received the following Notice of Motion in relation to HIV testing, which was proposed by Councillor Evans and seconded by Councillor Flewitt (this had been referred to Cabinet in accordance with Standing Order 8.4).

“That this Council:

(i) recognises the importance of local action in co-ordinating and commissioning accessible and effective HIV testing to reach the undiagnosed and reduce the late HIV diagnosis. 107,800 people were living in the United Kingdom with HIV in 2013; 24% were unaware of their status; and 42% of people diagnosed with HIV in 2013 were diagnosed late (with a CD4 count <350mm³). Late diagnosis impacts on individual health, public health and health budgets;

(ii) recognises that Southend-on-Sea has a high prevalence of HIV (over diagnosed per 1000 residents) and commits to strengthening its own provision of HIV testing services through working with local NHS partners, HIV charities and patient groups;

(iii) recognises that late HIV diagnosis is a Public Health Outcomes Indicator in the Public Health Outcomes Framework and that, if diagnosed early, put on a clear treatment pathway and guaranteed access to antiretroviral therapy (ART), people living with HIV can expect to have a near normal life expectancy and live healthy and active lives; and

(iv) recognises the volume and quality of public health and local government guidelines and performance indicators designed to support local authority implementation and monitoring of appropriate and effective testing guidelines.

Recognising the weight of evidence in favour of expanding local HIV testing services, Southend-on-Sea Borough Council:

(i) resolves to:

- act to halve the proportion of people diagnosed late with HIV (with a CD4 count <350mm³) in the Borough of Southend-on-Sea by 2020; and
- act to halve the proportion of people living with undiagnosed HIV in the Borough by 2020.

(ii) Further resolves to:

- ensure that rates of late diagnosed HIV are included as an indicator in its Joint Strategic Needs Assessment (JSNA); and

- ask the Director for Public Health to provide a report outlining what needs to be done locally in commissioning and provision of services in order to halve the late diagnosed and undiagnosed HIV by 2020.”

Resolved:-

That this is a laudable motion and the Council has an on-going commitment to reduce the rates of late and undiagnosed HIV in Southend-on-Sea and ensure that these are as low as possible. However, in these times of reducing budgets from Central Government and forced cuts to services we offer and the limited data about the downward trajectory, it is not possible to commit to a target to halve the rate by 2020 as that would require significant extra expenditure

Reason for Decision

To respond to the Notice of Motion.

Other Options

None.

Note:- This is an Executive Function.

Eligible for call-in to People Scrutiny Committee

Executive Councillor:- Moyies

Called-in to People Scrutiny Committee

403 Review of ALMO - South Essex Homes- Request by Council, 22nd October 2015

The Cabinet considered the reference back of minute 260 by Council on 22nd October 2015 for further consideration of the proposed length of the extension of the management agreement with South Essex Homes.

Members received a further supplementary paper on the matter.

Resolved:-

That the previous decision of the Cabinet to extend the management agreement with South Essex Homes for a further 3 year period from 1st April 2016 to 31st March 2019, be reaffirmed.

Reason for decision

To respond to the reference back from the Council.

Other Options

None.

Note:- this is an Executive Function

Not eligible for call-in as the matter has already been the subject of the call-in procedure.

Executive Councillor :- Norman

404 Monthly Performance Report - September 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

405 Capital Monitoring for 2015/16 and Revised Capital Programme 2015/16 to 2018/19

The Cabinet considered a report of the Corporate Director for Corporate Services setting out the capital expenditure as at 30th September 2015 and proposing in-year amendments to the approved Capital Programme for 2015/16 to 2018/19 and later years.

Recommended :-

1. That the actual capital expenditure position as at 30th September 2015 of £16.128 million as shown in Section 4 and Appendix 1 to the submitted report, be noted.
2. That the financing position of the Capital programme as at 30th September 2015, as set out in Section 5 to the submitted report, be noted.
3. That the proposed changes to the Capital Programme as set out in Appendix 6 to the submitted report, be noted.
4. That the revised Capital Programme for 2015/16 to 2018/19 and later years, that results from the changes, as set out in Appendix 7 to the submitted report, be approved.

Reason for Decision

To approve changes to the Capital Programme as noted at the Capital Board and other proposed changes since the last Cabinet meetings on 23rd June 2015 and 22nd September 2015.

Other Options

None.

Note:- This is a Council Function.

Eligible to call-in to Policy and Resources Scrutiny Committee

Executive Councillor:- Cllr Woodley

Called-in to Policy & Resources Scrutiny Committee

406 Mid-Year Treasury Management Report – 2015/16

The Cabinet considered a report of the Corporate Director for Corporate Services detailing the treasury management activity for both quarter two and the period from April to September 2015.

Recommended:-

1. That the Mid-Year Treasury Management Report for 2015/16, be approved.
2. That the Revised Minimum Revenue Provision Policy 2015/16, as set out at Appendix 3 of the submitted report, be approved.
3. That it be noted that treasury management activities were carried out in accordance with the CIPFA (The Chartered Institute of Public Finance and Accountancy) Code of Practice for Treasury Management in the Public Sector during the period from April to September 2015.
4. 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.
5. That it be noted that an average of £66.0m of investments were managed in-house. These earned £0.20m of interest during this six month period at an average rate of 0.62%. This is 0.26% over the average 7 day LIBID (London Interbank Bid Rate) and 0.12% over bank base rate.
6. That it be noted that an average of £24.9m of investments were managed by our external fund manager. These earned £0.08m of interest during this six month period at an average rate of 0.66%. This is 0.30% over the average 7 day LIBID and 0.16% over bank base rate.
7. That it be noted that an average of £5.0m was managed by a property fund manager. This earned £0.185m during this six month period from a combination of an increase in the value of the units and income distribution, giving a combined return of 7.38%. The fund started the six month period at £4.989m and increased in value with the fund at the end of the period at £5.174m.
8. 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) remained at the same level of £237.8m (Housing Revenue Account (HRA): £80.8m, General Fund: £157.0m) during the period from April to September 2015.
9. That it be noted that the level of financing for 'invest to save' schemes increased from £0.14m to £0.65m during the period from April to September 2015.

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 2015/16 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 to call-in to Policy & Resources Scrutiny Committee

Executive Councillor:- Cllr Woodley

407 CPO Authority re Land at Roots Hall

The Cabinet considered a report of the Corporate Director for Corporate Services on a review of the resolution of the Council made on 1st March 2012 to compulsorily purchase land at Roots Hall pursuant to Section 226 Town and Country Planning Act 1990, in order to facilitate the development of the area.

Recommended:-

That the resolution made by the Council on 1st March 2012 to make a Compulsory Purchase Order in respect of land within the Roots Hall Site (and all earlier CPO resolutions relating to the same site) be withdrawn.

Reason for Decision

There is not a compelling case to confirm the 2012 CPO resolution at this point in time.

Other Options

The Council could confirm the 2012 CPO resolution.

Note:- This is a Council Function.

Eligible to call-in to Policy and Resources Scrutiny Committee

Executive Councillor:- Cllr Woodley

408 Information Governance - Senior Information Risk Owner (SIRO) Annual Report

The Cabinet considered a report of the Corporate Director for Corporate Services, Senior Information Risk Owner (SIRO), providing an overview of the Information Governance work carried out in 2014/15.

Resolved:-

That the SIRO'S report on Information Governance in 2014/15 and the proposed work for 2015/16, be noted.

Reasons for Decision

To receive the SIRO's annual report.

Other Options

None.

Note:- This is an Executive Function.

Eligible to call-in to Policy and Resources Scrutiny Committee

Executive Councillor:- Cllr Woodley

409 Issues Facing HRA

The Cabinet considered a report of the Corporate Director for People on the various financial pressures facing the Housing Revenue Account (HRA).

Resolved:-

1. That the submitted report be noted;
2. That the refund of overpaid heating charges, be approved.
3. That from 2016/17 consideration be given to South Essex Homes being charged with setting and recovering service, heating and water charges directly, and their management fee be reduced accordingly.

Reasons for Decision

1. To bring to the attention of Members, ahead of the HRA budget and rent setting 2016/17 report, various pressures facing the HRA as a result of recent changes in government policy and on-going work to ensure charges are reasonable to tenants.
2. To address issues in relation to service charges.

Other Options

None.

Note:- This is an Executive Function.

Eligible to call-in to Policy and Resources Scrutiny Committee

Executive Councillor:- Cllr Norman

Called-in to Policy & Resources Scrutiny Committee

410 Local Account 14/15

The Cabinet considered a report of the Corporate Director for People presenting a draft of the Local Account of Adult Social Care services in 2014-15, including priorities and plans for 2015-16.

Resolved:-

That the draft Local Account be noted as the Council's self-assessment for these services

Reason for Decision

The publication of the Local Account of adult social care services for 2014/15 ensures the continuity of information for the public about the performance of this service.

Other Options

None.

Note:- This is an Executive Function.

Eligible to call-in to People Scrutiny Committee

Executive Councillor:- Cllr Moyies

This item had previously been the subject of Pre-Cabinet scrutiny.

411 Success for All Annual Report

The Cabinet considered a report of the Corporate Director for People presenting a draft of the Success for All Children Groups Annual Report April 2014-March 2015.

Resolved:-

That the submitted report be noted.

Reason for Decision

To receive the annual report.

Other Options

None.

Note:- This is an Executive Function.

Eligible to call-in to People Scrutiny Committee

Executive Councillor:- Cllr Anne Jones

412 Market Position Statement

The Cabinet considered a report of the Corporate Director for People presenting the draft integrated Market Position Statement for providers of adult health and social care services.

Resolved:-

1. That the commitments for citizens, commissioners and providers, as set out on pages 1 and 2 of the submitted statement, be approved.
2. That the tools to support the market as set out on page 2 of the statement, be noted.
3. That the Council commits to the next steps as set out on page 13 of the submitted statement.
4. That the Director for People and the Chief Accountable Officer of Southend Clinical Commissioning Group (CCG) in consultation with the portfolio holder for Health and Social care, be authorised to publish refreshed and focused chapters.

Reasons for Decision

The Market Position Statement is not a statutory document, but local authorities are expected to have one because it informs providers about the strategic direction for care in the borough.

Other options

None.

Note:- This is an Executive Function.

Eligible to call-in to People Scrutiny Committee

Executive Councillor:- Cllr Moyies

Called-in to People Scrutiny Committee

413 Beecroft Building

The Cabinet considered a report of the Corporate Director for Place presenting the results from the consultation on the future of the former Beecroft Art Gallery Building, Station Road, Westcliff-on-Sea.

Recommended:-

1. That the Council acting as Trustees give permission for officers of the Council to investigate the viability of using the former Gallery Building as artist studios. (This option would further the objects of the Trust and merits further investigation to determine if it would be financially viable and therefore in the best interests of the Trust.)
2. That, if the feasibility study finds that the conversion of the building into artist studios will not be viable, the Trustees should proceed with one of the identified options for disposal (As set out in section 5.1.1 of the submitted report).

Reasons for Decision

To enable the proposed use of the building for an artist studio to be further explored.

Other Options

As set out in section 5.1.1 of the submitted report.

Note:- This is a Council Function.

Eligible to call-in to Place Scrutiny Committee

Executive Councillor:- Cllr Gilbert

Called-in to Place Scrutiny Committee

414 Gambling Policy

The Cabinet considered a report of the Corporate Director for Place on the outcome of the formal consultation process in respect of the Gambling Licensing Policy and set out a final proposed statement for the purposes of the Gambling Act 2005.

Recommended-

That the Statement of Gambling Licensing Policy, as set out in Appendix 2 of the submitted report, be adopted.

Reasons for Decision

To enable the Council to comply with its statutory duty under Section 349 of The Gambling Act 2005.

Other Options

None.

Note:- This is a Council Function.

Eligible to call-in to Place Scrutiny Committee

Executive Councillor:- Cllr Norman

415 **Smoke-free Southend Strategy**

The Cabinet considered a report of the Director for People presenting the 'Smoke Free Southend: A strategy to tackle smoking in Southend-on-Sea 2015-2018'.

Resolved:-

1. That the 'Smoke Free Southend: A strategy to tackle smoking in Southend-on-Sea 2015-2018', be adopted in principle.
2. That the Director of Public Health, in consultation with the portfolio holder for Health and Social Care, be authorised to make any minor amendments to the strategy in response to feedback from the proposed consultation.

Reasons for Decision

1. The 'Smoke Free Southend' strategy and the associated action plan will help to improve the health and wellbeing of the local population and strengthen partnership working across the borough for this agenda.
2. It is also intended to reduce the prevalence of tobacco use in the longer term and therefore generate economies over time by reducing the cost burden of tobacco.

Other Options

'Smoke Free Southend' provides a strategic framework and action plan to strengthen, coordinate and add value to work taking place across the Borough that contributes to the tackling smoking agenda. The other option would be for such work to continue without a strategic framework to guide priorities. This approach would have a slower rate of progress, miss opportunities for the synergy created from joint working and be less efficient.

Note:- This is an Executive Function.

Eligible to call-in to People Scrutiny Committee

Executive Councillor:- Cllr Moyies

This matter had previously been subject to Pre-Cabinet scrutiny.

416 **Council Procedure Rule 46**

Resolved:-

That the submitted report be noted.

Note:- This is an Executive Function.

Eligible to call-in to Policy and Resources Scrutiny Committee and Place Scrutiny Committee

Executive Councillor:- As appropriate to item.

Called-in to Policy & Resources Scrutiny Committee

417 Exclusion of Press and 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 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.

418 21st Century Children's Centres – a Model for Sustainability

The Cabinet considered a report of the Corporate Director for People on the proposed redesign of the management structure of Children's Centres in Southend.

Resolved:-

1. That the model for the delivery of our Children's Centres offer, be revised.
2. That it be noted that a new single delivery model would aim to:
 - (i) Increase efficiency through joined up leadership and management and a single performance management rather than nine.
 - (ii) Develop a strong single leadership and management platform to allow budgetary integration.
 - (iii) Maintain strong service delivery for families whilst providing scope for improvement.
 - (iv) Provide opportunities to jointly bid for outside funding and become a sustainable delivery model.
 - (v) Provide an integrated platform for the delivery of 'A Better Start' services.
3. That as part of the redesign process, the following options be considered :
 - Charitable Trust
 - Company limited by guarantee
 - Company limited by shares
 - Mutual

Reason for Decision

As set out in the submitted report.

Other Options

As set out in the submitted report

Note:- This is an Executive Function.

Eligible to call-in to People Scrutiny Committee

Executive Councillor:- Cllr Jones

Called-in to People Scrutiny Committee

419 Projects- PSP Southend LLP

The Cabinet considered a report of the Corporate Director for Corporate Services providing an update on the projects to be progressed through the Council's partnership PSP Southend LLP.

Resolved :-

1. That the schemes set out in sections 4 of the submitted report be progressed through PSP Southend LLP and that conditional options over the sites are granted to enable the projects to proceed.
2. That it be noted that the granting of conditional options to the LLP means that PSP Southend LLP Members' Board will make all future decisions with regard to the development of these sites and the projects will be managed through the LLP.

Reason for Decision

As set out in the submitted report.

Other Options

As set out in the submitted report.

Note:- This is an Executive Function.

Eligible to call-in to Policy and Resources Scrutiny Committee

Executive Councillor:- Cllr Woodley

Called-in to Policy & Resources Scrutiny Committee

420 HRA Land Review Project

The Cabinet considered a report of the Corporate Director for People on the HRA land review project.

Recommendation:-

1. That the capital budget of the HRA Land Review Project be increased by the sum identified in the submitted report in order to appoint a contractor and progress the project.
2. That the capital programme be amended accordingly (funded as per section 5.3 of the submitted report) and to profile the total budget as set out in the submitted report in 2015/16 and the balance in 2016/17.

Reason for Decision

As set out in the submitted report.

Other Options

As set out in the submitted report.

Note:-This is a Council Function

Eligible to call-in to Policy and Resources.

Executive Councillor:- Cllr Norman

Called-in to Policy & Resources Scrutiny Committee

421 The Acquisition of Land and Buildings for School Improvement and Secondary Places

The Cabinet considered a report of the Corporate Director for People on the above.

Recommended:-

1. That the acquisition of sites A and B as set out in the submitted report (and in appendices 2 and 3) be proceeded with (having noted the conclusion and reconfiguration works required) and that the Corporate Director for People be authorised, in consultation with the Head of Finance and Resources and the Portfolio Holder for Education, to deal with any amendments to the terms arising through negotiations.
2. That an application to the Secretary of State for Education be proceeded with for the appropriation of site C, as identified in the submitted report, from education use for alternative purposes.
3. That the existing £10m budget for school places be re-profiled as set out in section 8.2 of the submitted report.
4. That it be noted that at a cost of £2.5m to £4.5m per form of entry, the requirement of 10 forms of entry across existing secondary schools is likely to cost between 25m and 45m up to 2021 (the range of cost is wide to reflect the very different circumstances and build/reconfiguration requirements and specific costs will not be known until specific opportunities are identified and costed in detail).
5. That it be noted that the additional estimated cost for secondary school places will need to be considered in the relevant capital programme reviews as part of setting the Council's annual budget.
6. That it be noted that the proposed acquisitions provide the opportunity to save significant capital investment by acquiring existing sites rather than building new or extending existing schools.

Reason for Decision

As set out in the submitted report.

Other Options

As set out in the submitted report.

Note:- This is a Council Function
Eligible for call-in to People Scrutiny Committee
Executive Councillor:- Cllr Jones

Called-in to People Scrutiny Committee

Chairman: _____