

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Cabinet

Date: Tuesday, 28th June, 2016

Place: Committee Room 1 - Civic Suite

Present: Councillor Lamb (Chair)
Councillors Holland (Vice-Chair), Courtenay, Cox, Flewitt and Salter

In Attendance: Councillors M Butler, Jones and Mulroney
R Tinlin, S Holland, J K Williams, A Lewis, A Atherton, J Chesterton,
J Ruffle, C Gamble, S Leftley, M Sargood.

Start/End Time: 2.00 pm - 3.30 pm

41 Apologies for Absence

Apologies for absence were received from Councillor Byford and Councillor Moring.

42 Declarations of Interest

(a) Councillor Flewitt – Annual report – Regulation of Investigatory Powers- JP on East London bench – Non-pecuniary interest.

(b) Councillor Lamb – Council Procedure Rule 46 (West Leigh Junior School) – School Governor of the school – Non-pecuniary interest.

(c) Councillor Mulroney – Council Procedure Rule 46 (Elm Road Development Brief) – Member of Leigh Town Council – Non-pecuniary interest.

43 Minutes of the Meeting held on 15th March 2016

Resolved:-

That the Minutes of the Meeting held on 15th March 2016 be confirmed as a correct record and signed.

44 Petition - Alcohol Free Zone Westcliff Library

At the meeting of Council held on the 21st April 2016, Councillor Willis presented a petition comprising 775 signatures requesting the Council to introduce an Alcohol Free Zone around Westcliff Library on London Road, Westcliff on Sea.

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

Resolved:-

That the matter be reviewed in 6 months to identify if there is sufficient evidence to prove the activities highlighted in the petition are of a persistent and continuing nature to warrant the making of a Designated Public Place Order.

Reason for Decision

To respond to the petition.

Other Options

None.

Note:- This is an Executive Function.
Referred directly to Place Scrutiny Committee.
Executive Councillor:- Flewitt

45 Petition - Dual Diagnosis Worker

At the meeting of Council held on 21st April 2016, Councillor Salter presented a petition containing 726 signatures requesting the employment and funding of a dual diagnosis worker.

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

Resolved:-

That additional dual diagnosis support is provided through the service developments rather than via recruitment of a “dual diagnosis worker” post, given that dual diagnosis work is not the exclusive province of a specific profession but rather a combined effort of the multi-disciplinary team.

Reason for Decision

To respond to the petition.

Other Options

None.

Note:- This is an Executive Function.
Referred directly to People Scrutiny Committee.
Executive Councillor:- Salter

46 Petition - PlayFootball Licenced Hours

At the meeting of Council held on 21st April 2016, Councillor Courtenay presented a petition containing 33 signatures requesting the Council to reconsider the licensed hours of trade of PlayFootball in Prittlewell Chase.

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

Resolved:-

1. That it be noted that the Council is unable to take any formal action in respect of the operating hours of the PlayFootball facility in Prittlewell Chase.
2. That the Council assists in facilitating mediation between PlayFootball and the local residents to improve the understanding of the concerns of each other and develop a voluntary code of conduct for use outside.

Reason for Decision

To respond to the petition.

Other Options

None.

Note:- This is an Executive Function.
Referred directly to Place Scrutiny Committee.
Executive Councillor:- Flewitt

47 Notice of Motion - Trade Union Bill

At the meeting of Council held on 21st April 2016, Members received a notice of motion requesting the Council to support the campaign against the Trade Union Bill.

Resolved:-

1. That it be noted that the Trade Union Bill has been passed and is a legal requirement on all employers
2. That it also be noted that the Council will continue to work in partnership with trade union colleagues to facilitate productive working relationships.

Reason for Decision

To respond to the Notice of Motion

Other Options

None

Note:- This is an Executive function
Referred directly to Policy and Resources Scrutiny Committee
Executive Councillor : - Lamb

48 In Depth Scrutiny Report - Transition arrangements from Children's to Adult Life

The Cabinet considered a report of the Corporate Director for Corporate Services presenting the final report of the in-depth scrutiny project 'Transition arrangements from Children's to Adult Life'.

On behalf of members of the Cabinet, the Leader of the Council thanked the relevant Members and Officers for their contribution towards the production of an excellent report.

Resolved: -

1. That the report and recommendations from the in depth scrutiny project as set out in Appendix 1 to the submitted report, be approved.
2. That it be noted that approval of any recommendations with budget implications will require consideration as part of future years' budget processes prior to implementation.

Reason for Decision

To achieve improved outcomes for young people.

Other Options

None.

Note:- This is an Executive function
Referred directly to People Scrutiny Committee
Executive Councillor : -Courtenay

49 Corporate Plan and Annual Report - 2016

The Cabinet considered a report of the Chief Executive presenting the Council's draft Corporate Plan and Annual Report for 2016.

Recommended:-

That the draft Corporate Plan and Annual Report 2016, be approved. ||

Reason for Decision

To ensure the Corporate Plan and Annual Report reflects the needs of the organisation and the borough's communities.

Other Options

None.

Note:- This is a Council Function
Referred directly to all three Scrutiny Committees
Executive Councillor:- Lamb

50 2015/16 Year End Performance Report

The Cabinet considered a report of the Chief Executive detailing the end of year position of the Council's corporate performance.

Resolved:-

That the 2015/16 end of year position and accompanying analysis be noted.

Reason for Decision

To note the Council's corporate performance for 2015/16.

Other Options

None.

Note:- This is an Executive Function
Referred directly to all three Scrutiny Committees
Executive Councillor:- Lamb

51 Information Management Strategy

The Cabinet considered a report of the Corporate Director for Corporate Services presenting the Council's revised Information Management Strategy.

Resolved:-

That the Council's Information Management Strategy, as set out at Appendix 1 to the submitted report, be approved.

Reason for Decision

To ensure the Council's information security and data protection policies and practices are as robust as possible and that the Council is making best use of its information.

Other Options

Not updating the strategy and related action plan could mean the Council's information security and data protection arrangements will not be as robust as required. This could leave the Council vulnerable to malicious use of its information and heavy fines from the Information Commissioners Office.

Note:- This is an Executive Function
Referred directly to all three Scrutiny Committees
Executive Councillor:- Lamb

The Cabinet considered a report of the Corporate Director for Corporate Services detailing the treasury activity for the period from April 2015 to March 2016 and reviewed performance against the Prudential Indicators for 2015/16.

Recommended:-

1. That the Annual Treasury Management Report for 2015/16 and the outturn Prudential Indicators for the period from April 2015 to March 2016, be approved.
2. That it be noted that the financing of capital expenditure of £37.850m has been funded in accordance with the schedule set out in Table 1 of section 4 of the submitted report, with a reduced financing requirement of £1.287m.
3. That it be noted that Capital Financing and Treasury Management were carried out in accordance with statutory requirements, good practice and in compliance with the CIPFA (The Chartered Institute of Public Finance and Accountancy) Prudential Code during 2015/16.
4. That, in respect of the return on investment and borrowing, the following be noted:
 - (a) The loan and investment portfolios were actively managed to minimise cost and maximise interest earned, whilst maintaining a low level of risk.
 - (b) That £1.22m of interest was earned during the whole of 2015/16 at an average rate of 1.27%. This is 0.91% over the benchmark of the 7 day LIBID (London Interbank Bid Rate) and 0.77% over bank base rate.
 - (c) That an average of £60.6m of investments were managed in-house. These earned £0.40m of interest during the year at an average rate of 0.65%. This is 0.29% over the average 7 day LIBID and 0.15% over the bank base rate.
 - (d) That an average of £24.1m of investments were managed by our external fund manager. These earned £0.18m of interest during the year at an average rate of 0.76%. This is 0.40% over the average 7 day LIBID and 0.26% over bank base rate.
 - (e) That an average of £10.7m was managed by two property fund managers. This earned £0.64m during the year from a combination of an increase in the value of the units and income distribution, giving a combined return of 5.95%.
 - (f) 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 £237.8m to £227.8m (Housing Revenue Account (HRA): £78.0m, General Fund (GF): £149.8m) by the end of 2015/16.

(g) That the level of financing for 'invest to save' schemes increased from £0.14m to £3.21m by the end of 2015/16.

Reason for decision

To comply with the CIPFA Code of Practice for Treasury Management in the public sector and the CIPFA Prudential Code.

Other Options

None.

Note:- This is a Council Function
Referred directly to Policy & Resources Scrutiny Committee
Executive Councillor:- Moring

53 Debt Management - Position to 31 March 2016

The Cabinet considered a report of the Corporate Director for Corporate Services informing Members of the current outstanding debt to the Council as at 31st March 2016 and debts that had been or are recommended for write-off in the current financial year.

It was noted that in Appendix A of the report (summary of outstanding debt) under the column titled 'libraries' (Debt Position in respect of 2015/16), the figure of '280' should be deleted and replaced by '28'.

Resolved:-

1. That the current outstanding debt position as at 31st March 2016 and the position of debts written off to 31st March 2016 as set out in Appendices A and B to the submitted report, be noted.
2. That the write-off as set out in Appendix B to the submitted report, be approved.

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
Referred directly to Policy & Resources Scrutiny Committee
Executive Councillor:- Moring

54 **Provisional Capital Outturn 2015/16**

The Cabinet considered a report of the Corporate Director for Corporate Services outlining the capital programme outturn for 2015/16 and sought approval for the relevant budget carry forwards, accelerated delivery requests and in-year amendments to the current approved programme.

Recommended:-

1. That it be noted that the expenditure on the capital programme for 2015/16 totalled £37.850m against a budget of £39.137m, a delivery of 96.7%.
2. That the relevant budget carry forwards and accelerated delivery requests totalling a net £1.411m as set out in Appendices 1 and 2 to the submitted report, be approved.
3. That the virements, re-profiles and amendments and new external funding for schemes, as detailed in Appendices 3, 4 and 5 to the submitted report, be noted.
4. That the relevant changes to the budget identified since the approved capital programme was set at Council on 25th February 2016, as detailed in Appendix 6 to the submitted report, be approved.
5. That it be noted that the above changes will result in an amended Capital Programme of £191.656m for the period 2016/17 to 2019/20, as detailed in Appendix 7 to the submitted report.

Reason for Decision

To inform Members of the activity in 2015/16.

Other Options

None.

Note:- This is a Council Function
Referred directly to Policy & Resources Scrutiny Committee
Executive Councillor:- Lamb

55 **Provisional Revenue Outturn 2015/16**

The Cabinet considered a report of the Corporate Director for Corporate Services on the provisional revenue outturn for 2015/16.

Recommended:-

1. That the provisional revenue outturn for the General Fund and HRA for 2015/16 be noted.
2. That the appropriation of revenue funds to and from earmarked reserves, as set out in paragraph 4.6 and paragraph 5.4 to the submitted report, be approved.

Reason for Decision

To advise Members of the financial position of the Council and to approve the appropriation of funds to and from earmarked reserves.

Other Options

None.

Note:- This is a Council Function

Referred directly to Policy & Resources Scrutiny Committee

Executive Councillor:- Lamb

56 Annual Report - Regulation of Investigatory Powers Act 2015/16

The Cabinet considered a report of the Corporate Director for Corporate Services on the Council's use of the surveillance powers available to it under the Regulation of Investigatory Powers Act 2000 ("RIPA") in respect of the period 1st April 2015 to the 31st March 2016 and set out the Council's "Policy and Procedures for undertaking Directed Covert Surveillance and the use of Covert Human Intelligence Sources".

Resolved:-

1. That it be noted that the Council has not used the surveillance powers available to it under RIPA between 1st April 2015 and the 31st March 2016 and neither has it used any covert human intelligence sources during this period.
2. That the Council's "Policy and Procedures for undertaking Directed Covert Surveillance and the use of Covert Human Intelligence Sources" set out at Appendix 1 to the submitted report with the amendments highlighted, be endorsed.

Reason for Decision

To comply with the Home Office Codes of Practice re RIPA.

Other Options

None

Note:- This is an Executive Function

Referred directly to Policy & Resources Scrutiny Committee

Executive Councillor:- Moring

57 Proposal to Establish a Southend Education Board

The Cabinet considered a report of the Corporate Director for people on the proposed establishment of an Education Board for Southend on Sea.

Recommendation :-

1. That the establishment of the Education Board be approved.
2. That officers be requested to work with the current Schools Forum to ensure the efficient transition to a new Board.

Reason for Decision

The rationale for the establishment of the Board is set out in the submitted report (paragraph 5 of the report refers).

Other Options

It would be possible in the short term to retain the Schools Forum as it currently stands, although with National Funding it will increasingly lack influence. The Schools Forum will eventually no longer exist, and any formal relationship with schools and education providers would be lost at that point.

Note:- This is a Council Function
Referred directly to People Scrutiny Committee
Executive Councillor:- Courtenay

58 Hackney Carriage Unmet Demand Survey

The Cabinet considered a report of the Corporate Director for Place presenting the conclusions of a Hackney Carriage Demand Study 2015 undertaken by CTS Traffic & Transportation on behalf of this Authority.

Recommended:-

That the authority maintains the current entry control and limit of 276 Hackney Carriages.

Reason for Decision

That the Unmet Demand Survey 2015 has identified that there is no evidence of significant unmet demand for Hackney Carriages in Southend.

Other Options

The Unmet Demand Survey 2015 report recommends that the current limit on licences remains in place. However, there are other options the authority could consider, including agreeing to issue any number of additional plates as it sees fit, either in one allocation or a series of allocations or to remove the numerical restriction currently in place.

Note:- This is a Council Function
Referred directly to Place Scrutiny Committee
Executive Councillor:- Flewitt

59 Preparation of New Southend Local Plan for Southend on Sea

The Cabinet considered a report of the Corporate Director for Place on the preparation of a new Local Plan for Southend on Sea.

Recommended:-

1. That the preparation of the new Southend-on-Sea Local Plan as a corporate priority, which will provide a positive planning framework to manage and guide regeneration and development in Southend on Sea over at least the next 15 year period, be approved.
2. That it be noted that preparation of a new Local Plan for Southend-on-Sea will include a financial and human resource commitment on behalf of the Council to facilitate delivery of a robust, long term strategic planning policy document, in a timely manner.
3. That it be noted that the new Southend-on-Sea Local Plan will replace, once adopted, the Core Strategy and associated local development documents, where indicated.
4. That a number of key evidence based documents be produced to support the preparation of the new Southend-on-Sea Local Plan, including an environmental constraints and green belt review at an early stage.
5. That the Corporate Director for Place, in consultation with the Executive Councillor for Housing, Planning and Public Protection, in conjunction with the LDF Working Party, be authorised to make the necessary amendments which may be required, and agree a draft Local Plan and associated documentation for all statutory public consultation under Regulation 18 of the Town and Country Planning Regulations (Local Planning) (England) 2012.

Reason for decision

To ensure the expeditious production of a new Local Plan for Southend-on-Sea and associated evidence base to manage and guide future growth and development in Southend on Sea in a positive and timely manner, where the Council has control of decision making in the public interest as representatives of the local community.

Other Options

1. A failure to undertake the preparation of a new Local Plan would result in the Council becoming increasingly unable to positively influence the scale, nature and location of change within Southend on Sea. This would lead to the potential increase in the risk of “planning by appeal” with the responsibility for decision making in effect being passed from the Council and the local community to both the Planning Inspectorate and the Secretary of State. It would also be likely that the Council would also incur increasing costs in attempting to defend refusals of planning permission based on an increasingly older Core Strategy and evidence base.

2. The preparation of a new Southend on Sea Local Plan is the only option which would allow for the proper consideration of a range of spatial options and policies which address more recent changes in national and regional planning policy, including the need to identify land to meet future housing and employment land requirements.

Note:- This is a Council Function
Referred directly to Place Scrutiny Committee
Executive Councillor:- Flewitt

60 Southend Central Area Action Plan

This item was withdrawn (this will be considered at the September meeting of the Committee)

61 Feed and Food Safety Service Plan 2016/17

The Cabinet considered a report of the Corporate Director for Place presenting the Official Feed and Food Controls Service Plan 2016/17 required by the Food Standards Agency (FSA).

Recommended:-

That the Official Feed and Food Controls Service Plan 2016/17 set out in Appendix 1 to the submitted be approved. ||

Reason for Decision

To comply with the Food Standards Agency Framework Agreement and the Food Standards Agency audit findings reported to Cabinet on 18th June 2013.

Other Options

The Food Standards Agency Framework Agreement sets out the statutory duty for Southend on Sea Borough Council in developing the Service Plan. There is no alternative to the statutory duty.

Note:- This is a Council Function
Referred directly to Place Scrutiny Committee
Executive Councillor:- Flewitt

62 Community Infrastructure Levy Financial Report 2015/16

The Cabinet considered a report of the Corporate Director for Place presenting the (CIL) Community Infrastructure Levy Annual Financial Report for the financial year 2015/16.

Recommended :-

That the content of the CIL Annual Financial Report 2015/16 be noted, and that the CIL receipts to date (except Leigh Town Council Neighbourhood Allocation and 5% administrative expenses) be carried forward to the next financial year (2017/18), when spending plans will be reviewed. ||

Reason for Decision

The CIL receipts to date are relatively nominal sums of money. More significant CIL receipts are anticipated over the next two years and it may be more beneficial to wait until these receipts are received before deciding how to apply them to infrastructure projects.

Other Options

To spend the 2015/16 receipts in 2016/17.

Note:- This is a Council Function
Referred directly to Place Scrutiny Committee
Executive Councillor:- Flewitt

63 Former Beecroft Art Gallery Building - Artist Studios Feasibility Study

The Cabinet considered a report of the Corporate Director for Place providing an update on the outcome of the feasibility study for using the Station Road, Westcliff building for artist studios and sought approval for further work to be undertaken.

Recommended:-

1. That the potential for a viable business case to support the creation and management of artist studios within the former gallery building be acknowledged (by the Council acting as the Beecroft Art Gallery Trustees).
2. That the preparation of a formal bid to Arts Council England's Capital Grant funds and other external funding sources to undertake the works, be approved (by the Council acting as Trustees).

Resolved: -

3. That a grant of £20k for the preparation of the bid be made to the Trust to be met from the Council's contingency.

Reason for Decision

To enable the proposed use of the building as artist studios to be progressed.

Other Options

None

Note:- The recommendations in 1 and 2 above constitute a Council Function. The decision in 3 above constitutes an Executive Function
Referred directly to Place Scrutiny Committee
Executive Councillor:- Flewitt

64 **Devolution**

The Cabinet considered a report of the Corporate Director for Place outlining the recent activity in relation to the devolution negotiations.

Resolved :-

1. That the position and activity in relation to devolution negotiations, be noted.
2. That the emergence of the Thames Estuary 2050 Growth Commission, be noted.

Reason for Decision

To update members on the devolution negotiations.

Other Options

None

Note:- This is an Executive Function
Referred directly to Place Scrutiny Committee
Executive Councillor:- Lamb

65 **Physical Activity Strategy**

The Cabinet considered a report of the Director of Public Health presenting the Southend-on-Sea Physical Activity Strategy 2016-2021

Resolved:-

That the Southend-on-Sea Physical Activity Strategy 2016-2021 and associated action plan, be approved.

Reason for Decision

The Southend-on-Sea Physical Activity 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.

Other options

The Southend-on-Sea Physical Activity Strategy provides a strategic framework and action plan to increase participation in physical activity for everyone and reduce the level of physical inactivity. The other option would be for such work to continue without a strategic framework to guide priorities.

Note:- This is an Executive Function
Referred directly to People Scrutiny Committee
Executive Councillors:-Salter/Holland

66 Senior Management Arrangements

The Cabinet considered a report of the Chief Executive proposing amendments to the senior management structures and departmental arrangements to reflect continuing reductions in staff numbers, budget pressures and the need to consolidate the public health service in the wider Council structure.

Recommended:-

1. That the proposed amendments to the senior management numbers and structures be approved and that, subject to no substantive adverse response to consultations, the implementation of the proposals be delegated to the Chief Executive in consultation with the Leader of the Council.
2. That the Chief Executive be delegated the authority to make the necessary adjustments to responsibilities and duties as a result of these changes and that appropriate amendments be made to the Constitution to reflect the new senior management structure once implemented.
3. That it be noted that the Chief Executive will bring forward a second report in the Autumn to address the outcome of the review of the public health function and to address other structural issues to facilitate recruitment and retention and succession planning and that the Chief Executive, in consultation with the Leader of the Council, be authorised to take other decisions to facilitate the recommendations in the report.

Reasons for Decision

To ensure that the overall reductions in staffing are appropriately reflected in the senior structure, that the peer review recommendations to review and re-site the public health function are carried through, that specific activities within the public health function which relate to similar activities elsewhere in the Council are better aligned, and in a report to come forward in the Autumn, that the Council begins to address issues of retention and succession.

Other Options

1. Given the slim and competitive current senior management structure the Council could decide to not amend and reduce the number of senior management posts, allowing continued capacity to address and deliver the challenges facing the Council. This alternative option would, however, not reflect the continued reduction in staffing overall within the Council as a result of financial challenges.
2. The Council could decide to not review and refresh the public health function but this would not address the recommendations of the Peer Review and would not properly ensure the targeted and effective functioning of the service.

3. The Council could carry out a complete review of the entire senior leadership structure but this is not considered necessary, and would cause unnecessary and potentially damaging uncertainty and disruption to the delivery of services. A wholesale review would also ignore that the current and proposed structures reflect best practice across unitary councils.

Note:- This is a Council Function

Referred directly to Policy and Resources Scrutiny Committee

Executive Councillor:- Lamb

67 Council Procedure Rule 46

Resolved:-

That the submitted report, be noted.

Note:- This is an Executive Function

Referred directly to the relevant Scrutiny Committee as appropriate for the item

Executive Councillor:- As appropriate to the item

68 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.

69 Southend Clinical Commissioning Group – Invest to Save Support

The Cabinet considered a report of the Corporate Director for Corporate Services on a proposal to offer financial support to Southend Clinical Commissioning Group for their invest to save programme.

Resolved :-

1. That the investment of the sum, identified in the submitted report, into Southend Clinical Commissioning Group's 2016/17 Invest to Save Programme, be approved.
2. That the repayment profile through return on investment be noted.

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
Referred directly to People Scrutiny Committee
Executive Councillor:- Salter

70 Waste Disposal - Contract Issues

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

Resolved:-

That the submitted report be noted.

Reason for Decision

As set out in the submitted report

Other Options

None

Note:- This is an Executive Function
Referred directly to Place Scrutiny Committee
Executive Councillor:- Cox

71 Council Procedure Rule 46 - Confidential Sheet

Resolved:-

That the submitted report, be noted.

Note:- This is an Executive Function
Referred directly to Policy and Resources Scrutiny Committee
Executive Councillor:- Moring

Chairman: _____