

# **SOUTHEND-ON-SEA BOROUGH COUNCIL**

## **Meeting of Cabinet**

**Date: Tuesday, 14th March, 2017**

**Place: Committee Room 1 - Civic Suite**

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

**In Attendance:** Councillors C Mulronee and P Wexham  
J K Williams, A Lewis, A Atherton, J Chesterton, C Gamble, E Cooney, A Fiske, S Houlden, A Keating, J Lansley, Brin Martin and Robinson

**Start/End Time:** 2.00 - 2.45 pm

### **848 Apologies for Absence**

Apologies for absence were received from Councillors Flewitt and Moring

### **849 Declarations of Interest**

- (a) Councillor Holland – Agenda Item No.8 - HRA Development, Future Phases Update - Non-pecuniary interest : Son works for Council.
- (b) Councillor Lamb – Agenda Item No.16 – FLAG Report – Non pecuniary interest : Director of Leigh Port Partnership.
- (c) Councillor Mulronee – Agenda Item No.16 – FLAG Report – Non-pecuniary Interest : Director of Leigh Port Partnership, Chairman of Leigh-on-Sea Town Council, Member of Leigh Coastal Communities Team and Leigh Society.
- (d) Councillor Wexham – Agenda Item No.16 – FLAG Report - Non-pecuniary Interest – Director of Leigh Port Partnership.

### **850 Minutes of the Meetings held on 10th and 19th January and 14th February 2017**

Resolved:-

That the Minutes of the Meetings held on Tuesday 10<sup>th</sup> and Thursday 19<sup>th</sup> January and Tuesday 14<sup>th</sup> February 2017 be confirmed as a correct record and signed.

### **851 Notice of Motion - International Holocaust Remembrance Alliance definition of anti-Semitism**

At the meeting of Council held on 23<sup>rd</sup> February 2017, Members received a Notice of Motion proposing the adoption of the International Holocaust Remembrance Alliance definition of anti-Semitism. The motion was proposed by Councillor Walker and seconded by Councillor Byford (this had been referred to Cabinet in accordance with standing order 8.4).

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 and Resources Scrutiny Committee  
Executive Councillor:- Moring

## **852 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

## **853 Quarter Three Treasury Management Report - 2016/17**

The Cabinet considered a report of the Chief Executive detailing the treasury management activity for both quarter three and the period from April to December 2016.

Recommended:-

1. That the Quarter Three Treasury Management Report for 2016/17, be approved.
2. That The Revised Minimum Revenue Provision Policy 2016/17, as set out at Appendix 3 to the submitted report (the changes to which are set out in Section 14) 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 December 2016.
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 £49.2m of investments were managed in-house. These earned £0.21m of interest during this nine month period at an average rate of 0.57%. This is 0.34% over the average 7 day LIBID and 0.21% over the average bank base rate.
6. That it be noted that an average of £13.1m of investments were managed by our former external fund manager. These earned £0.14m of interest during this nine month period at an average rate of 1.37%. This is 1.14% over the average 7 day LIBID and 1.01% over the average bank base rate.
7. That it be noted that during September 2016 £22.7m was recalled from our former external fund manager and £15m was invested equally across two short dated bond funds and £5m was invested into an enhanced cash fund.
8. That it be noted that an average of £6.1m was managed by two short dated bond fund managers. This earned £0.22m since it was invested from a combination of an increase in the value of the units and income distribution, giving a combined return of 1.32%.
9. That it be noted that an average of £1.7m was managed by an enhanced cash fund manager. This earned £0.007m since it was invested at an average rate of 1.60%.
10. That it be noted that an average of £14.7m was managed by two property fund managers. This earned £0.278m during this nine month period from a combination of an increase in the value of the units and income distribution, giving a combined return of 2.50%.
11. That it be noted that the level of borrowing from the Public Works Loan Board (PWL) (excluding debt relating to services transferred from Essex County Council on 1st April 1998) remained at the same level of £227.8m (Housing Revenue Account (HRA): £77.0m, GF: £150.8m) during the period from April to December 2016.
12. That it be noted that the level of financing for 'invest to save' capital schemes increased from £3.21m to £6.78m during the period from April to December 2016.

#### 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 2016/17 sets 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 and Resources Scrutiny Committee.

Executive Councillor :- Moring

#### **854 Annual Procurement Plan**

The Cabinet considered a report of the Deputy Chief Executive (People) setting out the Council's Annual Procurement Plan for 2017/18.

Resolved:-

That subject to the inclusion of the Water Maintenance Contract, the Annual Procurement Plan 2017/18, as set out in Appendix 1 to the submitted report, be approved.

Reason for Decision

Approval of the Annual Procurement Plan is a requirement of the Council's Constitution.

Other Options

None

Note:- This is an Executive Function.

Eligible for call-in to Policy and Resources Scrutiny Committee.

Executive Councillor :- Moring

## **855 HRA Development - Future Phases Update**

The Cabinet considered a report of the Deputy Chief Executive (People) providing an overview of the future phases of the HRA Land Review Project and sought agreement to progress with the second phase of the project.

Recommended:-

1. That the following sites within Phase 2 of the HRA Land Review Project be brought forward for development:-
  - Rochford Road – 15 units
  - Audleys Close – 1 unit
2. That resident consultation be undertaken and that following completion of such exercise the Deputy Chief Executive (People), in consultation with the Portfolio Holder for Housing, Planning and Public Protection Services, be authorised to finalise the plans and submit a detailed planning application.
3. That the proposed method of funding for the project from the 2017/18 capital programme to be met from the HRA Capital Investment Reserve, be approved.
4. That further feasibility work be undertaken in respect of a number of sites that would form future phases of the HRA Land Review Project.

Reason for Decision

The development will have wider community benefits, ensure a longer term revenue income to the HRA and will meet the Council's ambition for building further affordable housing.

## Other Options

1. Do Nothing – This option considered leaving the existing garage areas in their current underused state. This option would not increase community safety and reduce antisocial behaviour and its associated costs. It also would not meet the Council's ambition of developing further affordable housing in the Borough. Therefore it does not meet the Council's corporate priorities.
2. Transfer Land to a Registered Provider – This option would follow a development route used in previous projects to develop underused garage sites whereby land is transferred to a Registered Provider to develop the site in exchange for nominations rights in perpetuity. This approach means a loss of capital assets and potential future revenue income to the HRA.
3. Sale of Sites on the Open Market – This option would allow some of the sites to be sold on the open market with the receipts reinvested in the HRA, potentially to be used for future housing development phases. This approach would result in a loss of potential future revenue income to the HRA.

Note:- This is a Council Function.

Eligible for call-in to Policy and Resources Scrutiny Committee.

Executive Councillor :- Flewitt

## 856 School Places Report

The Cabinet considered a report of the Deputy Chief Executive (People) providing an update on the progress of a strategy for the provision of secondary school places as overseen by the School Places Working Party.

Resolved:-

1. That the recommendations made at the School Places Working Party (as set out in paragraph 2.2 of the submitted report and in 2-5 below), held on 6th February 2017, be noted and approved.

In order to meet the immediate need for secondary school places by September 2018:-

2. That the expansion discussions with Good and Outstanding Schools, be continued.

In order to meet the additional need for school places for September 2019:-

3. That an initial exploration takes place with a small number of Academy Trusts regarding a secondary free school.
4. That the exploration of expansion opportunities takes place with schools that currently require improvement.

5. That officers continue dialogue with faith schools regarding future expansion, where there is excess demand but places should be for Southend children only.

#### Reason for Decision

1. The need for school places from September 2018 is intended to be met by expansion of 'good or better' secondary schools.
2. Additional need from September 2019 is expected to be met through a successful free school application to the DfE.
3. Additional need from 2020 onwards is aimed to be met from expansions at currently underperforming schools (and faith schools if data evidences an increased cohort of Catholic pupil's resident within Southend).

#### Other Options

As set out in the submitted report.

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

### **857 Admission Arrangements annual update**

The Cabinet considered a report of the Deputy Chief Executive (People) on the admission arrangements for community schools for the academic year 2018/19.

Resolved:-

That the final Admissions Arrangements for Community Schools for the academic year 2018/19, be noted.

#### Reason for Decision

The Council has a responsibility to determine in relation to school admissions the Admission Arrangements for Community Schools.

#### Other Options

None

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

### **858 Annual Education Report**

The Cabinet considered a report of the Deputy Chief Executive (People) on the relative performance of Southend schools in the academic year 2015-16.

Resolved:-

That the draft Annual Education Report (AER), as set out in Appendix 1 to the submitted report, be noted and approved.

Reason for Decision

To ensure that Members are provided with a comprehensive overview of school standards and educational equality.

Other Options

None

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

### **859 School Term Dates**

The Cabinet considered a report of the Deputy Chief Executive (People) setting out the proposed school term and holiday dates for the academic year 2018/19.

Resolved:-

That the school term and holiday dates for 2018/19, as set out in Appendix 1 to the submitted report, be approved.

Reason 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 :- Courtenay

### **860 Smoke & Carbon Monoxide Alarm Enforcement**

The Cabinet considered a report of the Deputy Chief Executive (People) providing an update on new legislation and regulations which have come in to force concerning new duties imposed on relevant landlords to provide and maintain smoke and carbon monoxide (CO<sup>2</sup>) alarms in privately rented properties.

Recommended:-

That all the enforcement powers under the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 be delegated to both the Deputy Chief Executive (People) and the Director of Adult Services and Housing and that paragraph 4.7 of

the Scheme of Delegation in Part 3 Schedule 3 to the Constitution be amended accordingly.

#### Reason for Decision

The Council has a legal responsibility to meet these new Regulations and Officers need to have Members agreement to introduce penalty charges if a landlord is in breach of the Regulations.

#### Other Options

The Council has no alternative but to comply with the Regulations, but it may decide not to introduce a penalty charge. However without the threat of a penalty charge it would weaken the Council's position to enforce the Regulations.

Note:- This is a Council Function.

Eligible for call-in to Policy and Resources Scrutiny Committee.

Executive Councillor :- Flewitt

### **861 Annual Public Health Report**

The Cabinet considered a report of the Deputy Chief Executive (People) presenting the 2016 Annual Report of the Director of Public Health.

#### Resolved:-

That the content and recommendations of the 2016 Annual Report of the Director of Public Health, 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 :- Salter

### **862 Airport Business Park Report**

The Cabinet considered a report of the Deputy Chief Executive (Place) on the progress of the Airport Business Park Southend (ABPS) development, specifically in relation to the Phase 1 works currently underway and the acceleration of Phase 2 works following the announcement of £19.89m from the Local Growth Fund (LGF) on 2 February 2017. The report sought agreement from Members for the appropriate delegations to enable the Phase 2 works to commence.

#### Resolved:-



1. That the progress of the Airport Business Park Southend development, including the commencement of the Phase 1 works, be noted and endorsed.
2. That the announcement of £19.89m Local Growth Fund (round 3) investment to enable the Phase 2 works, be noted.
3. That the following delegations to enable the phase 2 works to progress at pace and in line with funding conditions be approved :-
  - (i) That the Deputy Chief Executive (Place), in consultation with the Leader, be authorised to approve and submit a revised business case in order to draw down the funding from the South East Local Enterprise Partnership (SELEP) at the appropriate time.
  - (ii) That the Deputy Chief Executive (Place), in consultation with the Leader, be authorised to take all necessary steps to deliver the Innovation Centre including: commissioning feasibility work to develop a scheme, submission of a detailed planning application, commissioning construction and procuring an operator.
  - (iii) That the Deputy Chief Executive (Place), in consultation with the Leader, be authorised to agree the detailed planning applications for Phase 2 works and associated evidence and assessments, for submission to Rochford District Council and to enter into any relevant planning or highways agreements necessary to facilitate the development.
  - (iv) That the Deputy Chief Executive (Place), in consultation with the Leader, be authorised to undertake all necessary work to deliver the new rugby club clubhouse and any additional infrastructure as required by the scheme with Henry Boot Developments Ltd and their appointed contractors and to enter into all relevant documentation including the new lease to the Rugby Club to facilitate and complete the relocation of the Club.
4. That the Management Company function be established, as per the Development Management Agreement with Henry Boot Development Ltd, and to commit the necessary resources and appropriate Council representation for the company to commence operation.

#### Reason for Decision

The LGF announcement is significant for Southend not only in its value, as the largest allocation within SELEP, but also the scale of the infrastructure it will allow the Council to deliver and to do so more quickly than would otherwise have been possible or expected. A set of clearly defined delegated responsibilities are therefore needed in order to maintain this pace, meet the funding requirements and to deliver the Phase 2 works.

#### Other Options

None

Note:- This is an Executive Function.

Eligible for call-in to Place Scrutiny Committee.

Executive Councillors :- Lamb, Holland and Moring

## 863 FLAG Report

The Cabinet considered a report of the Deputy Chief Executive (Place) providing an update on the establishment of the North Thames Fisheries Local Action Group (FLAG).

The North Thames FLAG had been awarded £800k over 3 years (2017-2020) to deliver a range of projects against their 5 priority themes.

Resolved:-

1. That the North Thames Fisheries Local Action Group (FLAG) be supported given its potential to make a positive impact on the fisheries sector locally.
2. That the draft Partnership Agreement, as set out in Appendix 1 to the submitted report, be approved in principle and that authority be delegated to the Director of Regeneration and Business Development in consultation with the Portfolio Holder for Culture, Tourism and the Economy to agree the final Partnership Agreement and sign it on behalf of the Council.
3. That FLAG capital projects be forward funded by the Council up to a maximum of £120,000 p.a. (inc VAT) over 3 years which will be fully repaid in arrears and that authority be delegated to the Director of Finance and Resources and Director of Regeneration and Business Development in consultation with the Portfolio Holder for Culture, Tourism and the Economy to agree any financial contribution to the FLAG by the Council on a case by case basis.
4. That the initial Leigh Port feasibility study be funded by the Council at a total cost of £65k to be funded from the Business Transformation reserve which will be reimbursed by the FLAG in arrears following MMO approval.
5. That existing funding which is already within the Council's budget for related projects is used as match funding and/or to lever additional investment for FLAG projects where appropriate and relevant.

Reason for Decision

The fishing industry, while representing a small proportion of Southend's economy, is a significant contributor to the national shell fishing sector and plays an important role in the heritage, community and offer of Leigh-on-Sea. It has not benefitted from investment of this kind previously so this offers a unique opportunity to better tell the story of fisheries in Leigh while deriving the benefits outlined in paragraph 3.5 of the submitted report.

Other Options

The Council has the option to participate in the FLAG as set out in the Partnership Agreement, to seek alterations to the Partnership Agreement or to decline to support the FLAG. The latter of these options does not accord with the Council's prosperous corporate priority or its desire to support and enable community-led economic growth. Nor does it reflect the support provided by Members and officers in securing FLAG status. Officers have considered the Partnership Agreement and believe the roles and responsibilities set out in there are reasonable and that

proportionate and appropriate measures to manage the resource commitment to the FLAG can be put in place so that the partnership agreement can be signed and the FLAG formally supported by the Council.

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

#### **864 Gambling Policy Report**

The Cabinet considered a report of the Deputy Chief Executive (Place) providing an update on the outcome of the formal consultation process in respect of the Gambling Licensing policy and set out a proposed final statement for the purposes of the Gambling Act 2005 (in order to meet the timetable for publication by 24th April 2017)

Recommended:-

1. That the Statement of Gambling Licensing Policy, set out in Appendix 2 to the submitted report, be adopted.
2. That amendments to the local area profile be delegated to the Director of Public Protection.

Reason for Decision

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

Other Options

Should the Council fail to approve a final Statement of Policy, it will be in breach of its statutory duty under Section 349 of The Gambling Act 2005 which requires the policy to be reviewed. It is not considered that another option exists.

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

#### **865 Standing Order 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

#### **866 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.

## **867 Capital Re-development of Delaware, Priory and Viking**

The Cabinet considered a report of the Deputy Chief Executive (People) on the above.

Resolved:-

1. That it be noted that the Outline Business Case (OBC) as set out at Appendix 1 to the submitted report has confirmed that the preferred option is the re-provision of the Viking Learning Disability Day Centre and the construction of a new 60 bed dual registered dementia care home, on a single site (Priory). The existing Avro (Viking) site and the Delaware site could then be sold.
2. That the capital investment and funding requirement for the re-development programme on the Priory site, be noted.
3. That the Local Authority Trading Company (LATC), Southend Care, will operate this new facility on the Priory site under a long term commercial lease from the Council. The Deputy Chief Executive (People) and the Director of Finance and Resources to be given delegated authority to negotiate and agree the lease with Southend Care and to authorise completion of the lease.
4. That the procurement for the design and build of the proposed development on the Priory site be commenced and that the Deputy Chief Executive (People) be granted delegated authority to instruct the contractor(s) in accordance with the award criteria.
5. That it be noted that that the proposed development on the Priory site is dependent upon the adjacent Priory school site being granted relevant permissions from the Department for Education

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 for call-in to People Scrutiny Committee.  
Executive Councillor :- Salter

**Chairman:** \_\_\_\_\_