

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

## **Meeting of Cabinet**

**Date: Tuesday, 25th June, 2019**

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

**Present:** Councillor I Gilbert (Chair)  
Councillors R Woodley (Vice-Chair), A Jones, C Mulroney, K Robinson  
and M Terry

**In Attendance:** Councillors Boyd, Cowan, Dent, Garne, Jarvis, George, Habermel and  
Wexham  
A Griffin, J K Williams, S Leftley, A Lewis, J Chesterton, J Ruffle,  
F Abbott, S Baker, E Cooney, A Keating, K Ramkhelawon,  
C Robinson, J Blackburn, T Holland, P Warren and K Robertson

**Start/End Time:** 2.00 - 3.20 pm

### **68 Apologies for Absence**

Apologies for absence were received from Councillor T Harp.

### **69 Declarations of Interest**

The following Councillors declared interests as indicated:

(a) Cllr Gilbert – Minute 73 (Town Centre Report) – non-pecuniary interest – place of work is near High Street;

(b) A Griffin – Minute 75 (Southend Town Centre & Seafront Public Spaces Protection Order) – non-pecuniary interest – lives in proposed PSPO area;

(c) Cllr Terry – Minute 75 (Southend Town Centre & Seafront Public Spaces Protection Order) – non-pecuniary interest – lives in proposed PSPO area;

(d) Cllr Robinson – Minute 77 and Minute 79 (Southend Safeguarding Partnership Report, Annual Public Health Report) – non-pecuniary interest – NHS employee in town;

(e) Cllr Mulroney – Minute 90 (Capital Outturn Report) – non-pecuniary interest – member of Leigh Town Council.

### **70 Minutes of the Meeting held on Tuesday, 12th March, 2019**

Resolved:

That the Minutes of the Meeting held on Tuesday, 12<sup>th</sup> March 2019, be confirmed as a correct record and signed.

**71 Revised Southend 2050 - Five Year Road Map**

The Cabinet considered a report of the Chief Executive setting out the content of the revised Southend 2050 Five Year Road Map timeline, following the formation of the Joint Administration at Council on 3 June 2019.

Recommended:

That the revised Southend 2050 Road Map time-line as set out in Appendix 1 to the submitted report be agreed, reflecting the policy objectives of the new Joint Administration.

Reasons for Decision:

To not update the document.

Other Options:

Not adopting the recommended approach would mean that the Council's administration policy objectives would not be fully reflected in the Southend 2050 Road Map.

Note: This is a Council Function  
Referred direct to all three Scrutiny Committees  
Cabinet Member: Cllr Gilbert

**72 In the context of the vision for Southend 2050, what is the vision of young people which improves their lives, and what are the pathways to achieve this**

The Cabinet considered a report of the Strategic Director (Legal & Democratic Services) presenting the recommendations of the 2018/19 scrutiny project '*In the context of the vision for Southend 2050, what is the vision of young people which improves their lives and what are the pathways to achieve this ambition*'.

Cabinet members expressed their thanks and appreciation to the project team and the young people involved in the project for their contributions.

Resolved:

1. That the report and conclusions from the in depth scrutiny project set out at Appendix 1 to the submitted report, be endorsed.
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.

Reasons for Decision:

As set out in the submitted report.

Other Options:

To note the report but not progress any of the recommendations.

Note: This is an Executive Function  
Referred direct to People Scrutiny Committee  
Cabinet Member: Cllr Jones

**73 Reimagining the Town Centre in the Context of 2050**

The Cabinet considered a report of the Deputy Chief Executive (Place) presenting the recommendations of the 2018/19 scrutiny project '*Reimagining the Town Centre in the context of 2050*'.

Cabinet members expressed their thanks and appreciation to the project team, officers, reference group, business community and external guests for their contributions and support.

Resolved:

1. That the report and conclusions from the in depth scrutiny project set out at Appendix 1 to the submitted report, be endorsed.
2. That a multi-organisation task and finish group be established in line with the principles set out in paragraphs 3.11-3.14 of the report and that the Director of Regeneration and Business Development be authorised, in consultation with the Cabinet Member for Business, Tourism and Culture, to agree membership of the group.

Reasons for Decision:

As set out in the submitted report.

Other Options:

To note the report but not progress any of the recommendations.

Note: This is an Executive Function  
Referred direct to Place and Policy & Resources Scrutiny Committees  
Cabinet Member: Cllr Robinson

**74 Cabinet Working Parties**

The Cabinet considered a report of the Chief Executive outlining a revised configuration and composition of Cabinet working parties to help drive the Southend 2050 programme.

A revised Appendix 2 to the report was circulated at the meeting.

Recommended:

1. That the configuration of Cabinet working parties be revised as set out in paragraph 3.10 of the submitted report and the revised Appendix 2.
2. That a vice-chair for each Cabinet Working Party is appointed by the Leader.

3. That the terms of reference for the working parties are reviewed in due course, as appropriate.

Reason for Decision:

To revise the configuration and composition of Cabinet working parties to help drive the Southend 2050 programme.

Other Options:

The Council could retain the current configuration of Cabinet working parties, however, they would not provide the same extent of focus on 2050 outcomes or engage non-Cabinet councillors to the same extent in policy development work.

Note: This is a Council Function

Referred Direct to Policy and Resources Scrutiny Committee

Cabinet Member: Cllr Gilbert

## **75 Southend Town Centre & Seafront Public Spaces Protection Order**

Resolved:

That this matter be deferred to a special meeting of the Cabinet, to be held on Monday 8th July 2019, beginning at 10 am.

## **76 Housing Update**

The Cabinet considered a report of the Deputy Chief Executive (People) providing an update on two key elements of the Housing, Homelessness and Rough Sleeping Strategy, namely housing supply and a proposed Acquisitions Programme for Council Housing.

Resolved:

1. That the work to develop a regeneration framework and pipeline of housing and regeneration projects, including the potential to establish a revolving investment fund to deliver the pipeline, with a report coming forward to Cabinet in September 2019, be agreed.
2. That the process for responding to third party approaches is agreed for implementation.
3. To proceed with the Acquisitions Programme for Council Housing as agreed in the Council's Housing, Homelessness & Rough Sleeping Strategy.
4. That a capital budget of £4.3M be created within the Housing Revenue Account (HRA) capital programme for 2019/20 to facilitate the Acquisitions Programme, funded 30% from retained Right to Buy Capital receipts and 70% from HRA Capital Investment Reserve.

Recommended:

5. That the delegated authority to the S151 Officer for property acquisitions and disposals for the sign off of the property acquisitions in Part 3, Schedule 3, Section 4 of the Constitution be amended to increase the value from £250,000 to £500,000.

Reasons for Decision:

The Acquisitions Programme for additional council housing is recommended as there is an established need for affordable housing within the Borough as demonstrated by the local Strategic Housing Market Assessment (SHMA), and by our own Homes Seeker's Register data.

The formation of an Acquisitions Programme for council housing would result in an increase in the levels of affordable housing in the short term. This increase in the Borough's affordable housing stock may assist in reducing reliance on more expensive temporary accommodation.

Other Options:

Do Nothing – This option considered not creating an Acquisitions Programme. This approach however would result in a repayment of Right to Buy funds to HM Treasury, would not increase council housing stock and would also not help the Council to meet its 2050 Vision or contribute to the 2050 road map.

Transfer the funds as grant to a Registered Provider (RP) – This option would see the Right to Buy funds given to RP's as a grant to build affordable housing, with nomination rights given to the Council. This approach would not however be achievable in the given timescales.

Note: The decisions in 1-4 above constitute an Executive Function. The decision in 5 above constitutes a Council Function.

Referred direct to Policy and Resources Scrutiny Committee

Cabinet Member: Cllr Gilbert

## **77 Southend Safeguarding Partnership**

The Cabinet considered a report of the Deputy Chief Executive (People) which gave an overview of Southend Safeguarding Partners response to the changes in governance required by the "Working Together to Safeguard Children - A guide to inter-agency working to safeguard and promote the welfare of children – July 2018".

Resolved:

That the report be noted and approved.

Reasons for Decision:

As set out in the submitted report.

Other Options:

None.

Note: This is an Executive Function  
Referred direct to People Scrutiny Committee  
Cabinet Members: Cllr Harp and Cllr Jones

## **78 Housing Allocation Policy Review**

The Cabinet considered a report of the Deputy Chief Executive (People) on the Council's Social Housing Allocations Policy review and proposed policy positions.

Resolved:

1. That a consultation upon the proposed policy changes, be approved.
2. That, following consultation, any minor changes to the draft policy be made under delegated authority by the Deputy Chief Executive (People), and the Director for Housing in consultation with the portfolio holder for housing, but that any major proposed changes be returned to Cabinet for decision.

Reason for Decision:

The proposed changes are based on targeted engagement, data insights, legislative requirements and strategic objectives outlined through Southend 2050 and the Housing, homelessness and Rough Sleeper Strategy, and are believed to represent an inclusive and balanced proposal for an updated and amended allocations policy.

Other Options:

None.

Note: This is an Executive Function  
Referred direct to Policy and Resources Committee  
Cabinet Member: Cllr Gilbert

## **79 Annual Public Health Report**

The Cabinet considered a report of the Deputy Chief Executive (People) which presented the 2018-19 Annual Report of the Director of Public Health.

Resolved:

That the content and recommendations of the 2018-19 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  
Referred direct to the People Scrutiny Committee  
Cabinet Member: Cllr Harp

**80 Petition Against New Parking Charges - Referred by Council on 17th April 2019**

At the meeting of Council held on the 17<sup>th</sup> April 2019, Councillor Ayling presented a petition opposing new parking charges. The petition was referred to Cabinet in accordance with Standing Order 15.7 (Minute 874 refers).

Resolved:

That no changes are made to the current pricing structure but consideration be given to parking charges as part of the 2020/21 budget process.

Reason for Decision:

To respond to the petition.

Other Options:

None.

Note: This is an Executive Function  
Referred direct to the Place Scrutiny Committee  
Cabinet Member: Cllr Woodley

**81 Petition Relating to the High Street and Two Hours Free Parking - Referred by Council 17th April 2019**

At the meeting of Council held on 17<sup>th</sup> April 2019, Councillor Ayling presented a petition relating to the high street and 2 hours free parking. The petition was referred to Cabinet in accordance with Standing Order 15.7 (Minute 875 refers).

Resolved:

That the 2 hour free parking in the town centre car parks is not implemented.

Reason for Decision:

To respond to the petition.

Other Options:

None.

Note: This is an Executive Function  
Referred direct to the Place Scrutiny Committee  
Cabinet Member: Cllr Woodley

## **82 Review of Statement of Licensing Policy**

The Cabinet considered a report of the Deputy Chief Executive (Place) that set out the legal obligations on the Council, acting as Licensing Authority, and the timetable for the review of the Licensing Policy. The report also set out a draft revised Policy Statement, as the basis for formal consultation.

Recommended:

That the draft revised Policy document enabling consultation to commence, be endorsed.

Reason for Decision:

To enable the Council to comply with its statutory duty to publish a timely Statement of Policy in accordance with the provisions of Section 5 of The Licensing Act 2003.

Other Options:

None.

Note: This is a Council Function  
Referred direct to the Place Scrutiny Committees  
Cabinet Member: Cllr Terry

## **83 Recruitment of Special Constables**

The Cabinet considered a report of the Deputy Chief Executive (Place) on the process to be undertaken to recruit 34 Special Constables to provide additional support and visibility across all Wards in Southend.

Resolved:

1. That the process to be undertaken for the recruitment of Special Constables for Southend, be noted.
2. That officers continue to liaise with Essex Police to develop a suitable model of recruitment of Special Constables for Southend.

Reason for Decision:

To progress the recruitment of Special Constables.

Other Options:

As set out in the submitted report.

Note: This is an Executive Function  
Referred direct to the Policy and Resources Scrutiny Committee  
Cabinet Member: Cllr Terry

**84 The Official Feed and Food Control Service Plan 2019/20**

The Cabinet considered a report of the Deputy Chief Executive (Place) which outlined the Official Feed and Food Control Service Plan 2019-20 required by the Food Standards Agency (FSA).

Recommended:

That the Official Feed and Food Control Service Plan 2019-20, be approved. ||

Reason for Decision:

To comply with the Food Standards Agency Framework Agreement.

Other Options:

None.

Note: This is a Council Function  
Referred direct to Place Scrutiny Committee  
Cabinet Member: Cllr Terry

**85 Notice of Motion - Traveller incursions in the Borough - Recommendations from Council 13th June 2019**

At the meeting of the extraordinary Council held on the 13<sup>th</sup> June 2019 a Notice of Motion was considered on traveller incursions in the Borough. The Council resolved to recommend to Cabinet that proposals 1 – 3 of the Motion be adopted, but that proposal 4 in relation to a Borough wide injunction not be pursued (Minute 25 refers).

The Cabinet member for Public Protection confirmed that a stakeholder meeting, to include Council officers and the Police, would be held on 9<sup>th</sup> July 2019 to determine the best way forward to gather evidence of future illegal traveller encampments on Council land.

Resolved:

1. That the Council will take a proactive approach and take any additional measures that are required to secure our public open spaces in the Borough by working closely with the business community, councillors and local residents on cost effective, practical and innovative solutions that help prevent illegal encampments whilst maintaining access for residents where possible.
2. That the Council will continue to adopt a strong stance in order to permanently prevent travellers from illegally occupying public spaces in the future.
3. That the Council will take measures to improve communication with local residents when unauthorised encampments do occur, to ensure clear and regular communications that Councillors distribute to residents where such issues have arisen in their wards.

4. That the Council will not pursue an injunction at the present time as the evidence to support such proceedings is insufficient. However, going forward evidence will be systematically gathered in respect of illegal traveller encampments on Council land and the harm caused. Such evidence could then be used to support an application for a borough-wide injunction if such proceedings can be justified.

Note: This is an Executive Function  
Referred direct to Policy & Resources Scrutiny Committee  
Cabinet Member: Cllr Terry

## **86 Year End Performance Report 2018/19**

The Cabinet considered a report of the Strategic Director (Transformation) that outlined the end of year position of the Council's corporate performance for 2018/19.

Resolved:

That the 2018/19 end of year position and accompanying analysis, be noted.

Reason for Decision:

To reflect on the corporate performance for 2018/19 and to now drive the delivery of the Southend 2050 ambition, through robust and strategic performance management arrangements which are mentioned in the Southend 2050 Performance Framework Report.

Other Options:

None.

Note: This is an Executive Function  
Referred direct to all three Scrutiny Committees  
Cabinet Member: Councillor Gilbert

## **87 Southend 2050 Corporate Performance Framework for 2019/20 Onwards**

The Cabinet considered a report of the Strategic Director (Transformation) which outlined the new Southend 2050 Corporate Performance Framework for 2019/20 onwards.

Resolved:

That the proposed Corporate Performance Framework for 2019/20 onwards, as set out in appendix 1 to the submitted report, be adopted.

Reason for Decision:

To drive the delivery of the Southend 2050 ambition through robust and strategic performance management arrangements.

Other Options:

None.

Note: This is an Executive Function  
Referred direct to all three Scrutiny Committees  
Cabinet Member: Cllr Gilbert

**88 Corporate Risk Register**

That Cabinet considered a report of the Strategic Director (Finance and Resources) setting out the 2018/19 Corporate Risk Register year end update together with the proposed approach to refreshing the Corporate Risk Framework.

Resolved:

1. That the 2018/19 Corporate Risk Register and the year end updates, set out in appendix 2 to the submitted report, be noted.
2. That the proposed approach to refreshing the Corporate Risk Management Framework, be endorsed.

Reason for Decision:

To refresh the risk management arrangements.

Other Options:

None.

Note: This is an Executive Function  
Referred direct to all three Scrutiny Committees  
Cabinet Member: Cllr Woodley

**89 Revenue Outturn Report 2018/19**

The Cabinet considered a report of the Strategic Director (Finance and Resources) on the revenue outturn for 2018/19 and the implications of the outturn for the opening budgetary position for 2019/20 budget and beyond.

Recommended:

1. That the in-year surpluses of £1.836M for the General Fund and £1.510M for the HRA for 2018/19, be noted.
2. That the appropriation of revenue funds to and from earmarked reserves, as set out in paragraph 4.6 (General Fund) and paragraph 5.4 (HRA), of the submitted report, be approved.
3. That the initial budgetary position for 2019/20 and beyond, indicated by the 2018/19 outturn, be noted.

Reason for Decision:

As part of the year end processes, Councillors need to approve any appropriations to or from earmarked reserves. This report fulfils that purpose.

Other Options:

None.

Note: This is a Council Function

Referred direct to Policy and Resources Scrutiny Committee

Cabinet Member: Cllr Gilbert

## **90 Capital Outturn Report 2018/19**

The Cabinet considered a report of the Strategic Director (Finance and Resources) concerning the capital investment programme outturn for 2018/19, which sought approval of the relevant budget carry forwards and accelerated delivery requests and in year amendments for the current approved programme.

Recommended:

1. That the expenditure on the capital programme for 2018/19 totalling £50.899m against a revised budget of £52.648m, a delivery of 96.7%, be noted.
2. That the relevant budget carry forwards and accelerated delivery requests totalling a net £3.059m moving into 2019/20, as set out in Appendices 1 and 2 to the submitted report, be approved.
3. That the virements, reprofiles and amendments and new external funding for schemes, as detailed in Appendices 3, 4 and 5 to the report, be noted.
4. That in respect of the A127 Kent Elms Junction Improvements project:
  - (i) That it be noted that the delays to the project have led to an overspend against the scheme budget of £2.446m with £1.075m of this incurred in 2018/19.
  - (ii) That a further budget of £1.371m be added to the capital investment programme to deliver the scheme over the following years, 2019/20 £1.331m and 2020/21 £0.040m, to be financed by borrowing.
5. That in respect of the Priory, Delaware and Viking new build project:
  - (i) That the updated financial business case position, be noted.
  - (ii) That this project be moved from the 'Schemes subject to viable business cases' section into the main capital investment programme.
  - (iii) That the procurement exercise undertaken which has resulted in an additional budget requirement, be noted.
  - (iv) That a further budget of £1.519m is added to the capital investment programme in 2020/21 to be financed by borrowing, to enable the scheme to be delivered.

6. That a budget of £4.3m to be added to the Housing Revenue Account (HRA) capital investment programme in 2019/20 to facilitate the HRA Affordable Housing Acquisitions Programme, funded 30% from retained Right to Buy capital receipts and 70% from the HRA Capital Investment Reserve, be approved.

7. That a budget of £0.250m be added to the capital investment programme, £0.125m in 2019/20 and £0.125m in 2020/21, to undertake a two year programme of street lighting infill, to be financed by borrowing.

8. That the relevant changes to the budget identified since the approved capital investment programme was set at Council on 21 February 2019, as detailed in Appendix 6 to the report, be approved.

9. That it be noted that the above changes will result in an amended Capital Investment Programme of £233.166m for the period 2019/20 to 2023/24, as detailed in Appendix 7 to the report.

10. That the schemes subject to viable business cases for the period 2019/20 to 2021/22 totalling £37m be noted.

11. That the content of the Community Infrastructure Levy (CIL) Annual Financial Report 2018/19 be noted and that the CIL Main Fund receipts from 2018/19 and previous financial years be carried forward until spending plans are reviewed in early 2020/21.

12. That authority be delegated to the Director for Planning and Transport (in consultation with Ward Members and the Executive Councillor for Environment and Planning) to agree how the Ward Neighbourhood Allocations received up until 31st March 2019 (excluding allocation to Leigh Town Council) are to be spent.

Reason for Decisions:

To inform Councillors of the activity in 2018/19.

Other Options:

None.

Note: This is a Council Function

Referred direct to all three Scrutiny Committees

Cabinet Member: Cllr Woodley

## **91 Council Debt Position to 31 March 2019**

The Cabinet considered a report of the Strategic Director (Finance and Resources) that outlined the current position of outstanding debt to the Council, as at 31<sup>st</sup> March 2019; and the debts that have been written off, or are recommended for write off, in the current financial year as at 31<sup>st</sup> March 2019;

The report also sought approval to write off irrecoverable debts that are over £25,000 as set out in Appendix B to the submitted report.

Resolved:

1. That the current outstanding debt position as at 31<sup>st</sup> March 2019 and the position of debts written off to 31<sup>st</sup> March 2019 as set out in Appendices A & B to the report, be noted.
2. That the write offs greater than £25,000, be approved.

Reasons 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 direct to Policy and Resources Scrutiny Committee  
Cabinet Member: Cllr Gilbert

## **92 Treasury Management Report 2018/19**

The Cabinet considered a report of the Strategic Director (Finance and Resources) presenting the Annual Treasury Management Report covering the treasury activity for the period from April 2018 to March 2019.

Recommended:

1. That the Annual Treasury Management Report for 2018/19 and the outturn Prudential Indicators for 2018/19, be approved.
2. That it be noted that the financing of 2018/19 capital expenditure of £50.899m has been funded in accordance with the schedule set out in Table 1 of section 4 in the submitted report.
3. That it be noted that the 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 2018/19.
4. That the revised Operational Boundary of £350m and revised Authorised Limit of £360m for 2019/20 as set out in Section 5 of the submitted report, be approved.
5. That the following be noted in respect of the return on investment and borrowing:
  - (i) The loan and investment portfolios were actively managed to minimise cost and maximise interest earned, whilst maintaining a low level of risk.
  - (ii) £1.588m of interest and income distributions were received during 2018/19. The total investment income (including the movement on the unit price of externally

managed funds) was £2.043m, giving a combined return of 2.93%. This is 2.42% over the average 7 day LIBID rate (London Interbank Bid Rate) and 2.26% over the average bank base rate.

- (iii) The level of borrowing from the Public Works Loan Board (PWLB) (excluding debt relating to services transferred from Essex County Council on 1<sup>st</sup> April 1998) increased from £227.8m to £267.8m (Housing Revenue Account (HRA): £77.0m, General Fund (GF): £190.8m) by the end of 2018/19.
- (iv) The level of financing for 'invest to save' schemes decreased from £8.74m to £8.73m by the end of 2018/19.

Reasons for Decision:

The CIPFA Code of Practice on Treasury Management recommends that Local Authorities should submit reports regularly. The Treasury Management Policy Statement for 2018/19 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  
Referred direct to Policy and Resources Scrutiny Committee  
Cabinet Member: Cllr Woodley

**93 Council Procedure Rule 46**

Resolved:

That the submitted report be noted.

Note: This is an Executive Function  
Referred direct to all three Scrutiny Committees  
Cabinet Member: as appropriate to the item

**94 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.

**95 Standing Order 46 - Confidential Sheet**

Resolved:

That the submitted report be noted.

Note: This is an Executive Function  
Referred direct to Policy & Resources Scrutiny Committee  
Cabinet Member: Cllr Gilbert

**Chair:** \_\_\_\_\_