

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Cabinet

Date: Tuesday, 5th November, 2019

Place: Committee Room 1 - Civic Suite

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

In Attendance: Councillors T Cox, M Dent, K Evans, N Folkard, D Garne and
D Jarvis

A Griffin, S Leftley, J K Williams, A Lewis, , J Ruffle, J Chesterton,
R Harris, E Cooney, M Gatrell, P Geraghty and C Robinson

Start/End Time: 2.00 - 2.55 pm

506 Apologies for Absence

Apologies for absence were received from Councillor Terry.

507 Declarations of Interest

(a) Councillor Cox – Agenda Item No. 8 (Notice of Motion – Dog Poo DNA) –
disclosable non-pecuniary Interest: Works for Barking and Dagenham Borough
Council which was mentioned (withdrew);

Officer interests:

A. Lewis declared an interest in Agenda Items 21 and 22 (Minutes of The
Shareholder Board): member of the Porters Place Southend LLP.

A Griffin, A. Lewis, S. Leftley, J. Ruffle, J Chesterton, J. Williams, C. Robinson,
P. Geraghty, E Cooney declared an interest in Agenda Item 20 (Senior
Managers Pay Panel).

508 Minutes of the Meeting held on 17th September 2019

Resolved:-

That the Minutes of the Meeting held on 17th September 2019 be confirmed as
a correct record and signed.

509 Parking Review Scope

The Cabinet considered a report of the Deputy Chief Executive (Place) setting
out an approach and timeline to develop a suite of parking policies using service
design principles, which once completed will form a comprehensive parking
strategy for the Borough.

During consideration of this matter the Cabinet Member for Transport, Capital and Inward Investment highlighted that, as part of the parking strategy, the potential for additional/more Electric Vehicle (EV) docking/charging stations would be explored.

Resolved:

1. That the approach to develop a parking strategy, be endorsed.
2. That the proposed policy objectives, priorities and timetable for introducing policy measures, be approved.

Reason for decisions:

In line with the Council's Vision and Aspirations, the approach ensures that the views and needs of our customers, residents and businesses are at the heart of the new service design and parking approach. Furthermore, the new strategy will align not only with their needs and views but enable a future proof for service innovation, climate change and efficiency.

Other options:

The Council could choose to develop the strategy as a single piece of work but this would delay work which could be progressed at a quicker pace.

Note: This is an Executive function.

Called-in to: Place Scrutiny Committee

Cabinet Member: Cllr Woodley

510 Housing and Regeneration Pipeline, Including Acquisitions Programme - Update

The Cabinet considered a report of the Executive Director (Finance and Resources) and Deputy Chief Executive (People) providing an update on the work underway looking at the pipeline of housing and development opportunities across the Borough and presenting recommendations setting out the proposed way forward.

Resolved:-

1. That the progress on the Acquisitions Programme for Council Housing as set out in Section 3.4 of the submitted report, be noted.
2. That the progress of initial works with PSP Southend LLP in Section 3.17 of the submitted report and of the first phase of housing and development pipeline sites currently in delivery as set out in Section 3.11 of the submitted report, be noted.
3. That the expansion of the MMC Pilot Project to include Archer Avenue as set out in Section 3.12 and the allocation of £450,000 from the Land Assembly Fund to fund the project, be approved.

(These are funds which the Council currently receives from developers in lieu of providing affordable housing directly and which are available for the Council to use in order to develop affordable housing)

Reason for Decision:

1. To update Cabinet on the progress of the HRA infill sites, Acquisition programme and PSP Southend LLP developments.
2. To update Cabinet on the next stages of feasibility work on the pipeline of sites.
3. To seek agreement to expand the MMC pilot project to include a further garage site at Archer Avenue.

Other Options:

1. Alternative arrangements for the Right to Buy spend such as grants to Registered Providers were considered for the Acquisitions Programme however this would not have resulted in the long term benefit to the Council in the way of HRA property.
2. Alternative uses were considered for the site in Archer Avenue earmarked for the expansion of the MMC Pilot Project such as selling on the open market however this option would have resulted in a potential loss of affordable housing and revenue income to the Council.

Note: This is an Executive function.

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

Cabinet Member: Cllrs Gilbert and Woodley

511 Housing Management Partnership Agreement

The Cabinet considered a report of the Deputy Chief Executive (People) providing an update on the progress in drafting new Partnership and Management Agreements for South Essex Homes in order to replace the existing Management Agreement.

The Cabinet also considered the recommendation of the Shareholder Board held on 4th November 2019 concerning the Partnership and Member Agreements to govern the relationship between the Council and South Essex Homes Ltd.

Resolved:-

That the new Partnership and Management Agreements for South Essex Homes Ltd, be endorsed.

Reasons for Decision:

The decision is made on the understanding that the new draft Agreements better reflect the mature nature of the relationship between both parties than the existing Management Agreement, and better capture the required outputs.

Moreover, it is believed that the new agreements better equip both parties to ensure that the partnership is able to progress and deliver high quality housing management and related services to existing tenants. This will be achieved through better client management of South Essex Homes by Southend Council, and will support the delivery of better value for money and better 2050-orientation. The re-organisation of the relationship that these Agreements describe will additionally allow joint exploration of opportunities available to South Essex Homes and South Essex Property Services to take on new work in keeping with the 2050 outcomes.

Other Options:

As it is not a statutory requirement to renew the existing Management Agreement and to replace it with the proposed Partnership and Member Agreements, the existing Agreement could be further extended if required. The proposed approach is to better reflect the needs of both organisations.

Note: This is an Executive function

Eligible for call-in to: Policy & Resources Scrutiny Committee

Cabinet Member: Cllr Gilbert

512 Notice of Motion - Climate Change and Southend-on-Sea - A Green City

At the meeting of Council held on 24th October 2019, Councillors received a Notice of Motion in connection with the Climate Emergency Declaration and the Southend 2050 Green City outcome. The motion was proposed by Councillors Davidson and Bright and supported by 17 other Conservative councillors (this had been referred to Cabinet in accordance with standing order 8.4).

Resolved:-

1. That the work that is being undertaken to tackle Climate Change, which will be used to establish the action plan to achieve net-zero emissions by 2030, be noted.
2. That it be noted that adapting to Climate Change to deal with the impacts of embedded emissions will need to take equal priority with Climate Change mitigation, such as achieving net-zero emissions.
3. That the new Low Carbon and Sustainability Strategy which will be brought forward to 2020 to cover the period 2020-2030, be noted.
4. That the Government (via the LGA) be lobbied with other Local Authorities to ensure that funds are made available to increase the work towards achieving carbon neutral status.

Reason for Decision

To respond to the Notice of Motion

Other Options

The Cabinet could respond to the motion in a different way.

Note: This is an Executive Function

Called-in to: Place Scrutiny Committee

Cabinet Member: Cllr Mulroney

513 Notice of Motion - Dog Poo DNA

At the meeting of the Council held on 24th October 2019, Councillors received a Notice of Motion relating to Dog Waste DNA. The motion was proposed by Councillors Bright and Cox and supported by 16 other Conservative Councillors (this had been referred to Cabinet in accordance with Standing Order 8.4).

Resolved:-

1. That the Notice of Motion is rejected based on the evidence that there is a relatively low number of irresponsible dog owners, DNA testing would be cost prohibitive and have a low take up based on the experiences from LBBB and Thanet District Council and would place an undue obligation on responsible dog owners.

2. That the existing powers with additional targeting of hot-spot areas through enforcement, education and communications activity to address the issues with dog fouling continue to be utilised.

Reason for Decision:

To respond to the Notice of Motion

Other options:

The Cabinet could respond to the motion in a different way.

Note: This is an Executive function

Called-in to: Place Scrutiny Committee

Cabinet Member: Cllr Mulroney

514 Notice of Motion - Housing on Fossets Farm

At the meeting of the Council held on 24th October 2019, Councillors received a Notice of Motion relating to Housing on Fossets Farm. The motion was proposed by Councillors Davidson and Cox and supported by 17 other Conservative Councillors (this had been referred to Cabinet in accordance with Standing Order 8.4).

Resolved:-

That the Council continues to support Homes England with the development of their Fossett's Farm site, which includes the provision of affordable housing and as the scheme progresses through the planning process, the Council will continue to engage with Homes England to maximise and ensure that genuine affordable housing comes forward in line with the Council's Planning Policies.

Reason for Decision:

To respond to the motion.

Other options:

The Cabinet could respond to the motion in a different way.

Note: This is an Executive function

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

Cabinet Member: Cllr Gilbert

515 Notice of Motion - Kursaal Museum

At the meeting of the Council held on 24th October 2019, Councillors received a Notice of Motion relating to the Kursaal Museum. The motion was proposed by Councillors Jarvis and Cox and supported by 17 other Conservative Councillors (this had been referred to Cabinet in accordance with Standing Order 8.4).

Resolved:-

1. That the officers maintain dialogue with the leaseholder and its representatives about their plans for the Kursaal.
2. That the possible opportunities to support evolving plans to enable the building to be let and re-occupied be considered, where appropriate and viable.
3. That it be noted that the current tenant has no plans to sell the leasehold interest at this stage and therefore the suggestions for the Council to purchase the building back for the Prittlewell Prince or any other use are not pursued at this time.

Reason for decision:

To respond to the motion.

Other options:

The Cabinet could respond to the motion in a different way.

Note: This is an Executive function

Called-in to: Policy & Resources Scrutiny Committee

Cabinet Member: Cllr Robinson

516 Notice of Motion - Gender Neutral Language in the Council

At the meeting of the Council held on 24th October 2019, Councillors received a Notice of Motion relating to Gender Neutral Language in the Council. The motion was proposed by Councillor McDonald and seconded by Cllr Dent (this had been referred to Cabinet in accordance with Standing Order 8.4).

Resolved:-

1. That male universals, such as 'chairman', be removed from the constitution, policies and all written and verbal communications and be replaced with gender-neutral terms, such as 'chair'.
2. Desist from making reference to a person's marital status unless they expressly request it is included.
3. That gender-neutral language be used where an individual's sex or social gender are not relevant or not known.
4. That these changes be communicated to all departments and members of staff within Southend-on-Sea Borough Council.

Reason for decision:

To respond to the motion.

Other Options:

The Cabinet could respond to the motion in a different way.

Note: This is an Executive function.

Called-in to: Policy & Resources Scrutiny Committee

Cabinet Member: Cllr Gilbert

517 Notice of Motion - White Ribbon

At the meeting of the Council held on 24th October 2019, Councillors received a Notice of Motion relating to White Ribbon in the Council. The motion was proposed by Councillor Cowan and seconded by Cllr Dent (this had been referred to Cabinet in accordance with Standing Order 8.4).

Resolved:-

1. That the Council recognises the importance of White Ribbon and its contribution as part of a global campaign taking action to stop male violence against women and resolves to become an accredited authority.
2. That the Council commits to making White Ribbon Day (25th November) part of the civic calendar with ambassador-led activities involving staff, members and the public.
3. That the Council agrees to raise awareness of the White Ribbon Campaign through regular updates and features in internal and external communications.
4. That the Council will provide support to staff and members to take the pledge never to commit, excuse or remain silent about male violence against women and to become ambassadors and champions.
5. That the Council work closely with local agencies and organisations involved in tackling male violence against women to work towards making Southend a White Ribbon Borough.
6. That the Council commits to hosting annual awareness training for all Councillors.

Reason for Decision:

To respond to the motion.

Other Options:

The Cabinet could respond to the motion in a different way.

Note: This is an Executive function

Called-in to: Policy & Resources Scrutiny Committee

Cabinet Member: Cllr Terry

518 Essex Coast Recreational Disturbance Avoidance & Mitigation Strategy

The Cabinet considered a report of the Deputy Chief Executive (Place) providing an update on the preparation of an Essex Coast Recreation disturbance, Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) which will support the provisions of the emerging Southend New Local Plan (SNLP) in relation to the protection of important natural habitat sites on the Essex Coast.

Resolved:-

1. That the Essex Coast Recreation disturbance, Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (Appendix 1) for a 6 week public consultation, be approved.
2. That the Deputy Chief Executive (Place) be given delegated authority, in consultation with the Cabinet Member for Environment and Planning, to make necessary minor amendments which may be required as a result of public consultation and to subsequently adopt the RAMS as a Supplementary Planning Document.
3. That the implementation of a development tariff to be collected on all residential planning applications submitted in the Southend Borough as a contribution to funding mitigation proposals on the Essex Coast as defined and set out in the RAMS SPD, be approved. That this tariff charge of £122.30 per dwelling be reviewed on a yearly basis to permit inflation increases in accordance with the Retail Price Index.
4. That the Essex Planning Officers Association (EPOA) act as the RAMS Project Delivery Board responsible for the coordination and monitoring of the project, and that elected Councillors from each local authority will also be involved with the governance and delivery of the project.

Reason for Decision:

To ensure that an appropriate strategy and supporting evidence is put in place to support the nature conservation provisions of the SNLP and to meet the requirements of the Conservation of Habitats and Species Regulations 2017.

Other Options:

None.

Note: This is an Executive function
Eligible for call in to: Place Scrutiny Committee
Cabinet member: Cllr Mulroney

519 Licensing Policy

The Cabinet considered a report of the Deputy Chief Executive (Place) on the recent formal consultation process and set out a proposed final revision of the Statement of Licensing Policy.

Recommendation:

That the Statement of Licensing Policy set out in Appendix 1 to the submitted report be adopted. ||

Reasons for Recommendations:

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:

There are no other options. Failure to fully consult on the draft Policy, or publish the final Policy by 7th January 2020, would put the Council in breach of its statutory duty under the Act.

Note: This is a Council Function

Eligible for call in to: Place Scrutiny Committee

Cabinet Member: Cllr Terry

520 Local Code of Governance

The Cabinet considered a report of the Chief Executive reviewing the Council's Local Code of Governance (now to be called 'A simple and effective governance framework').

Recommended:-

1. That the revised Local Code of Governance – A simple and effective governance framework – as set out at Appendix A to the submitted report, be approved.
2. That the Council's Constitution be updated to reflect the revised framework.
3. That it be noted that the work to help embed the principles of good governance will include a refresh to the Councillor/Officer Relations Protocol, as agreed by the Standards Committee on 3rd October 2019.

Reason for recommendations:

The Council is required to have in place a Local Code of Governance that sets out its governance framework.

Other Options:

Not adopting a revised simple and effective governance framework would mean the Council's governance framework would lack clarity and would hinder delivery of the Southend 2050 outcomes.

Note: This is a Council Function

Eligible for call in to: Policy and Resources Scrutiny Committee

Cabinet Member: Cllr Gilbert

521 Corporate Budget Performance - Period 6

Cabinet considered a report of the Executive Director (Finance and Resources) providing an overview of the corporate budget performance.

Recommended:-

In respect of the 2019/20 Revenue Budget Performance as set out in Appendix 1 to this report:

1. That the forecast outturn and mitigating actions for the General Fund and the Housing Revenue Account as at September 2019, be noted.

2. That the planned budget transfers (virements) of £185,875 between portfolio services, as set out in section 3.7 to the submitted report, be approved.

In respect of the 2019/20 Capital Budget Performance as set out in Appendix 2 of this report:

3. The expenditure to date and the forecast outturn as at September 2019 and its financing, be noted.

4. That the requested changes to the 2019/20 Capital Investment Programme as set out in Section 2 of Appendix 2 to the submitted report, be noted.

Reasons for recommendations:

1. The regular reporting of Revenue and Capital Budget Monitoring information provides detailed financial information to Councillors, senior officers and other interested parties on the financial performance of the Council. It sets out the key variances being reported by budget holders and the associated management action being implemented to address any identified issues.

2. It also informs decision making to ensure that the Council's priorities are delivered within the approved budget provision.

3. It is important that any adverse variances are addressed in order for the Council to remain within the approved budget provision or where this cannot be achieved by individual service management action, alternative proposals are developed and solutions proposed which will address the financial impact. Councillors will have a key role in approving any actions if the alternative proposals represent significant changes to the service delivery arrangements originally approved by them.

Other Options

The Council could choose to monitor its budgetary performance against an alternative timeframe but it is considered that the current reporting schedule provides the appropriate balance to allow strategic oversight of the budget by Councillors and to also formally manage the Council's exposure to financial risk. More frequent monitoring is undertaken by officers and considered by individual service Directors and the Council's Corporate Management Team (CMT) including the implementation of any necessary remedial actions.

Note: This is a Council Function

Called-in to: Policy and Resources Scrutiny Committee

Cabinet Member: Cllrs Gilbert and Woodley

522 Southend 2050 Outcome Success Measures - Quarter 2 Report 2019/20

The Cabinet considered a report of the Chief Executive providing an update on the second quarter of the Southend 2050 Outcome Success Measures for 2019/20.

Resolved:-

That the Quarter 2 performance, be noted.

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

523 Working to make lives better - How did we do? (Local Account Adult Social Care 2018/19)

The Cabinet considered a report of the Deputy Chief Executive (People) presenting a draft of our 'Working to make lives better – how did we do?' summary for Adult Social Care in 2018-19.

Resolved:-

That the draft 'Working to make lives better – how did we do?' be noted as the Council's self-assessment summary for these services.

Reason for Decision:

The publication of the 'Working to make lives better' for 2018-19 ensures the continuity of information for the public about how we are doing. It also sets out our vision for the future.

Other Options:

None

Note: This is an Executive Function

Called-in to: People Scrutiny Committee

Cabinet Member: Cllr Harp

524 Treasury Management Report - Mid Year 2019/20

The Cabinet considered a report of Executive Director (Finance and Resources) covering the treasury management activity and compliance with the treasury management strategy for both quarter two and the period from April to September 2019.

Recommended:-

1. That the Treasury Management Mid-Year Position report for 2019/20, be approved.

That the following be noted:

2. 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 2019.

3. The loan and investment portfolios were actively managed to minimise cost and maximise interest earned, whilst maintaining a low level of risk.

4. £1.067m of interest was received during this six month period. The total investment income earned including this interest during this six month period was £1.104m, at an average rate of 1.85%. This is 1.28% over the average 7 day LIBID (London Interbank Bid Rate) and 1.10% over the average bank rate. (Section 8).

5. 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) increased from £267.8m to £310.3m (Housing Revenue Account (HRA): £75.0m, General Fund: £235.3m) during the period from April to September 2019.

6. The level of financing for 'invest to save' schemes decreased from £8.73m to £8.67m during the period from April to September 2019.

Reasons for Recommendations

The CIPFA Code of Practice on Treasury Management recommends that Local Authorities should submit reports regularly. The Treasury Management Policy Statement for 2019/20 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

Called-in to: Policy and Resources Scrutiny Committee

Cabinet Member: Cllr Woodley

525 Minutes of meeting of Senior Managers' Pay Panel held on 5th July 2019

The Cabinet considered the recommendations of the Senior Managers Pay Panel held on 5th July 2019.

Resolved:

That the recommendations of the Senior Managers Pay Panel held on 5th July 2019, be approved.

Note: This is an Executive Function
Eligible for call-in to: Policy & Resources Scrutiny Committee
Cabinet Member: Cllr Gilbert

526 Minutes of the meeting of the Shareholder Board held on Wednesday, 16th October 2019

The Cabinet considered the recommendations of the Shareholder Board held on 16th October 2019.

During consideration of this matter the Leader of the Council highlighted that early feedback on the Better Queensway scheme as a whole had been extremely positive. However, serious concerns had been raised concerning the proposed highway layout. Ongoing work was taking place to explore a range of options for the layout and all Councillors will be engaged in the process and the final plans will come back to Councillors prior to submission.

Resolved:

That the recommendations of the Shareholder Board held on 16th October 2019, concerning the Business Plans for South Essex Homes Ltd, Southend Care Ltd and Porters Place Southend LLP, be approved.

Note: This is an Executive Function
Called-in to: Policy & Resources Scrutiny Committee
Cabinet Member: Cllr Gilbert

527 Council Procedure Rule 46

Resolved:

That the submitted report be noted.

Note: This is an Executive Function
Called-in to: Policy & Resources Scrutiny Committee
Cabinet Member: as appropriate to the item

528 Minutes of the meeting of The Shareholder Board held on Monday 4th November 2019

The Cabinet considered the recommendations of the Shareholder Board held on 4th November 2019.

Resolved:

That the recommendations of the Shareholder Board held on 4th November 2019 in respect to the Partnership and Member Agreements to govern the relationship between the Council and South Essex Homes Ltd, be approved.
(See agenda item 6 above).

Note: This is an Executive Function
Eligible for call-in to: Policy & Resources Scrutiny Committee
Cabinet Member: Cllr Gilbert

Chair: _____