

Public Document Pack
SOUTHEND-ON-SEA BOROUGH COUNCIL
Cabinet

Date: Tuesday, 5th November, 2019

Time: 2.00 pm

Place: Committee Room 1 - Civic Suite

Contact: Colin Gamble

Email: committeesection@southend.gov.uk

AGENDA

1 Apologies for Absence

2 Declarations of Interest

3 Minutes of the Meeting held on 17th September 2019

****** HERE AND NOW**

4 Parking Review Scope

Report of Deputy Chief Executive (Place) – to follow

5 Housing and Regeneration Pipeline, Including Acquisitions Programme - Update

Report of Deputy Chief Executive (People) – to follow

6 Housing Management Partnership Agreement

Report of Deputy Chief Executive (People) – to follow

7 Notice of Motion - Green City

Report of Deputy Chief Executive (Place) – to follow

8 Notice of Motion - Dog Poo DNA

9 Notice of Motion - Housing on Fossets Farm

10 Notice of Motion - Kursaal Museum

11 Notice of Motion - Gender Neutral Language in the Council

12 Notice of Motion - White Ribbon

13 Essex Coast Recreational Disturbance Avoidance & Mitigation Strategy

Report of Deputy Chief Executive (Place)

14 Licensing Policy

Report of Deputy Chief Executive (Place)

15 Local Code of Governance

Report of Executive Director (Transformation)

****** PERFORMANCE**

16 Corporate Budget Performance - Period 6

Report of Executive Director (Finance and Resources)

17 Southend 2050 Outcome Success Measures - Quarter 1 Report 2019/20

Report of Executive Director (Transformation)

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

Report of Deputy Chief Executive (People)

19 Treasury Management Report - Mid Year 2019/20

Report of Executive Director (Finance and Resources)

****** MINUTES**

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

Minutes attached.

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

Minutes attached.

****** COUNCIL PROCEDURE RULE 46**

22 Council Procedure Rule 46

Members:

Cllr I Gilbert (Chair), Cllr R Woodley (Vice-Chair), Cllr T Harp, Cllr A Jones, Cllr C Mulroney, Cllr K Robinson and Cllr M Terry

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Cabinet

Date: Tuesday, 17th September, 2019

Place: Committee Room 1 - Civic Suite

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

In Attendance: Councillors J Beck, M Borton, D Cowan, T Cox, M Dent, K Evans, D
Garne and D Jarvis

A Griffin, J K Williams, A Lewis, J Chesterton, J Ruffle, C Gamble,
S Dolling, P Geraghty, G Halksworth, P Jenkinson, T MacGregor,
B Martin, A Richards, L Doe and M Sargood

Start/End Time: 2.00 - 3.50 pm

310 Apologies for Absence

There were no apologies received for the meeting.

311 Declarations of Interest

(a) Councillor Beck – Agenda Item No. 5 (Fire Safety) – Non-pecuniary interest:
Fire safety campaigner for tower block safety.

(b) Councillor Beck – Agenda Item No. 16 (Selective Licensing of the Private
Rented Sector) – Disqualifying Pecuniary Interest: Private Landlord.

(c) Councillor Beck – Agenda Item No. 18 (School Outcomes Summer 2019) –
Non-Pecuniary Interest: Governor/Teacher (Academies)

(d) Councillor Cowan – Agenda Item No. 14 (Lundy Close) – Non-Pecuniary
Interest: Discussed with residents

(e) Councillor Cowan – Agenda Item No. 16 (Selective Licensing of the Private
Rented Sector) – Non-Pecuniary Interest: Private Sector Tenant

(f) Councillor Cowan – Agenda Item No. 17 and 18 (Ofsted Inspection of
Children's Services/School Outcomes Summer 2019) – Non-Pecuniary Interest:
Has a child in LEA School

(g) Councillor Cox – Agenda Item No. 12 (Notice of Motion - Seaway Car Park)
– Pecuniary Interest: Relative works for Stockvale Group who is involved with
Seaways development – withdrew

(h) Councillor Harp – Agenda Item No. 15 (Housing and Regeneration Pipeline) – Disqualifying Non-Pecuniary Interest: Season ticket holder at Southend United Football Club/ Uses Illfracombe Avenue Car Park – withdrew in relation to the Roots Hall discussion

(i) Councillor Jarvis – Agenda Item No. 15 (Housing and Development Pipeline) – Non-Pecuniary Interest: Wife and himself are season ticket holders at Southend United Football Club and he is also a small shareholder – withdrew in relation to the Roots Hall discussion

(j) Councillor Jones – Agenda Item Nos. 18 and 20 (School Outcomes Summer 2019/ Admission Arrangements for Community Schools) – Non-Pecuniary Interest: Has a child in education in Southend

(k) Councillor Mulronev – Agenda Item No. 25 (Budget Performance): Non-Pecuniary Interest: Chairman of North Thames Fisheries Local Action Group

(l) Councillor Robinson – Agenda Item No. 16 (Selective Licensing of the Private Rented Sector) – Non-Pecuniary Interest: Private Sector Tenant

(m) Councillor Terry – Agenda Item No. 15 (Housing and Regeneration Pipeline) – Disqualifying Non-Pecuniary Interest: Season ticket holder at Southend United Football Club – withdrew in relation to the Roots Hall discussion

(n) Councillor Woodley – Agenda Item No. 14 (Notice of Motion – HRA Lundy Close) – Non-Pecuniary Interest: Lead Peer member for East England and East Midlands – LGA

(o) Councillor Woodley – Agenda Item No. 15 (Housing and Regeneration Pipeline) – Disqualifying Non-Pecuniary Interest: Wife is a season ticket holder at Southend United Football Club – withdrew in relation to Roots Hall discussion

(p) Councillor Woodley – Agenda Item No. 19 (Review and Update of Tree Policy) – Non-Pecuniary Interest: Chair of BERA – donates trees to the environment

312 Minutes of the Meeting held on 25 June 2019

Resolved:-

That the Minutes of the Meeting held on 25th June 2019 be confirmed as a correct record and signed.

313 Minutes of the Meeting held on 8 July 2019

Resolved:-

That the Minutes of the Meeting held on 8th July 2019 be confirmed as a correct record and signed.

314 Fire Safety

The Cabinet considered a report of the Deputy Chief Executive (Place) setting out the progress in delivering the Council's Fire Safety Review, which was established following the Grenfell Tower fire on 14th June 2017.

The report also set out the Council's response to the Government Consultation 'Building a Safety Future: Proposals for reform of the building safety regulatory system' that sets out the Government's proposals to implement the Independent Review of Building Regulations and Fire Safety.

Resolved:-

1. That the work undertaken by the Council and South Essex Homes with respect to Fire Safety including independent fire engineer assessments of two typical tower blocks and proposals to undertake Type 4 Fire Risk Assessments in a further two typical blocks be noted and endorsed.
2. That the Council's response to the Government Consultation 'Building a Safety Future: Proposals for reform of the building safety regulatory system' be noted and endorsed.
3. That a further update be provided to Cabinet in spring 2020.
4. That it be noted that a request to increase the Fire Improvement Works capital budget for 2019/20 has been included in the Corporate Budget Performance – July 2019/20 report.

Recommended:-

5. That £750k p.a. be added to the Fire Improvement Works capital budget for the five years from 2020/21 to 2024/25, to be financed by corporate borrowing.

Reasons for Decision

1. The Council has undertaken a fundamental review of its fire safety policies and procedures, reviewed its property stock and put in place appropriate resources (financial and other) to ensure that it maintains its buildings in a safe condition whilst upgrading them where this is appropriate and practicable.
2. The Council has also recognised its 'community leadership' role with respect to fire safety and engaged with partners and the private sector to ensure residents, employees and visitors across the Borough are housed in, work in or visit safe premises.
3. The Council has considered the recommendations of the Independent Review of Building Regulations and Fire Safety and determined that it should take immediate steps to assess and enhance its duty holder requirements and to enhance opportunities for members of the public to raise concerns.

Other Options

1. To maintain all operational properties in their current condition with fire improvement works and, where practicable, to bring them up to the requirements of the latest Building Regulations when they next undergo major alterations and/or extension.
2. To maintain the current arrangements whereby individual building managers are identified as responsible for the buildings within which they operate.
3. To commit to the immediate adoption of all recommendations set out within the Independent Review of Building Regulations and Fire Safety.

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

Called into Place Scrutiny Committee

Cabinet Member: Councillors Gilbert and Terry

315 Council Preparations for Brexit

The Cabinet considered a report of the Deputy Chief Executive (Place) providing an update on the Council's preparations for leaving the European Union (EU) ("Brexit") following the report received by Cabinet on 17th January 2019 and in light of the Secretary of State's letter of 6th August 2019 to council leaders.

Resolved:-

That the work done by the Council to date to prepare for the UK's exit from the European Union (EU) be noted.

Reason for Decision

To enable the Council to respond to Brexit in the services it delivers and as a community leader.

Other Options

1. To reduce or cease the Council's preparations for Brexit.
2. To dedicate further staff time and resources to preparations for Brexit.

Note: This is an Executive Function

Eligible for call in to: Policy & Resources Scrutiny Committee

Cabinet Member: Councillor Gilbert

316 Parking on Seafront and High Street Areas

Further to the meeting of Council held on 18th July 2019 (minute 242) the Cabinet considered a report of the Deputy Chief Executive (Place) setting out recommendations on a number of highway proposals

Resolved:-

1. That the content of the report be noted, including the assessment of the proposals.
2. That the recommendations in respect of each of the highway proposals, be approved.

Reasons for Decision

To respond to the decision of Council.

Other Options

1. Do nothing.
2. To consider other locations around the Borough as part of the parking strategy.

Note: This is an Executive Function

Called in to: Place Scrutiny Committee

Cabinet Member: Councillor Woodley

317 Petition Against New Parking Charges (referred back by Place Scrutiny Committee held 8th July 2019)

At the meeting of the Place Scrutiny Committee held on 8th July 2019, it was agreed to refer back the above petition to Cabinet for consideration (minute 143, refers)

Resolved:-

That no changes be made to the current pricing structure, but that consideration be given to car 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

Not eligible for call in as the matter has already been considered by Place Scrutiny Committee

Cabinet Member: Councillor Woodley

318 Petition relating to High Street and Two Hours Free Parking (referred back by Place Scrutiny Committee held 8th July 2019)

At the meeting of the Place Scrutiny Committee held on the 8th July 2019, it was agreed to refer back the above petition to Cabinet for consideration (minute 144, refers)

Resolved:-

That given the significant lack of income potential, the suggested 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

Not eligible for call in as the matter has already been considered by Place Scrutiny Committee

Cabinet Member: Councillor Woodley

319 Petition relating to Street Lighting and CCTV in Pleasant Road Area

At the meeting of Council held on 18th July 2019, Councillor Collins presented a petition, on behalf of residents, requesting improved street lighting and increased CCTV coverage for the Pleasant Road area.

Resolved:-

1. That subject to the availability of funding, infill street lighting be installed in Hartington Road, Pleasant Road and Hartington Place.
2. That as part of the CCTV upgrade programme, CCTV be included in Hartington Road and Pleasant Road

Note: This is an Executive Function

Called in to: Place Scrutiny Committee

Cabinet Member: Councillor Terry

320 Notice of Motion - Better Queensway

At the meeting of the Council held on 18th July 2019, Councillors received a Notice of Motion relating to the Better Queensway development. The motion was proposed by Councillors Davidson and Garston and supported by 16 other Conservative Councillors (this had been referred to Cabinet in accordance with Standing Order 8.4).

Resolved:-

1. That it be noted that the Council has made a commitment to seek an increase on the current provision of 441 affordable homes (paragraph 3.19 of the report to Cabinet on 12th February 2019, refers)
2. That it be noted that a strong relationship between the two partners has been formed and formalised through the formation of the JV partnership which is the vehicle for delivery of the Project. The details of the partnership, including the financial commitments made by the Council and Swan, are captured in the signed partnership agreement and ancillary legal agreements. Expeditious delivery of the Project is one of the agreed underlying principles of the procurement, though this must be balanced against disruption and financial viability.
3. That in addition to the consideration of reports from the Shareholder Board to Cabinet in reference to the Project, an informal biannual (minimum) update for elected councillors is undertaken through e-newsletters, briefings or similar processes.
4. That it be noted that resident, business and stakeholder communication and engagement is fundamental to the Project and is being captured in a communication and engagement plan for the JV. This will ensure that residents and businesses are kept up to date with the progress of the Project with opportunities to influence and shape it where possible and appropriate.

Reason for Decision

To respond to the Notice of Motion

Note: This is an Executive Function

Eligible for Call in to: Place Scrutiny Committee

Cabinet Member: Councillors Gilbert and Woodley

321 Notice of Motion - Seaway Car Park

At the meeting of Council held on 18th July 2019, Councillors received a Notice of Motion in connection with the Seaway Car Park development. The motion was proposed by Councillors Buck and Davidson 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 to ensure the Council's contractual position is not fettered and that the current planning application can be dealt with through the normal process.
2. That it be noted that consideration is being given to options to create additional parking in the vicinity of Seaway Car Park.

Reason for Decision

To respond to the Notice of Motion

Other Options

None

Note: This is an Executive Function

Called in to: Place Scrutiny Committee

Cabinet Member: Councillors Gilbert and Robinson

322 **Notice of Motion - Climate Emergency Declaration**

The Cabinet received a report of the Deputy Chief Executive (Place) which had been prepared in response to the above Notice of Motion presented to Council on 18th July 2019 by Councillor Mulroney.

Resolved:-

1. That in taking forward the Motion, the current position in respect to the Council's own CO2 emissions which have already been reduced by 75%, be noted. Subject to completion of the current capital programme and that proposed in the 2050 outcomes, the Council is expected to achieve net-zero by 2024/5.
2. That in taking forward the Motion, the implications of the proposed Declaration of Climate Emergency and its potential impact on all areas of the Council, be noted.
3. That in taking forward the Motion, the Council's leadership opportunity be noted, but that achieving net-zero for the Borough by 2030 will require coordinated actions across all parts of the Borough and will be an enormous undertaking which may take resources from other priorities.
4. That Cabinet lobby Government (via LGA) with other Local Authorities to ensure that funds are made available to increase the work towards achieving carbon neutral status.

Reasons for Decisions

Major reductions in emissions are required across the world to mitigate against climate change and hold global warming to less than 2 degrees, preferably 1.5 degrees.

Other Options

None

Note: This is an Executive Function

Called in to: Place Scrutiny Committee

Cabinet Member: Councillor Mulroney

323 Notice of Motion - HRA Lundy Close

At the meeting of Council held on 18th July 2019, Councillors received a Notice of Motion opposing the Lundy Close housing scheme.

Resolved:-

That officers proceed to the next steps of the Land Review project which will include appointing of an Architect and Design Team to provide a more detailed plan for proposals at Lundy Close. Further consultation will take place with both ward councillors and local residents. Any planning application will be subject to public consultation in the normal way.

Reason for Decision

To respond to the Notice of Motion

Other Options

None

Note: This is an Executive Function

Called in to: Policy and Resources Scrutiny Committee

Cabinet Member: Councillor Gilbert

324 Housing and Development Pipeline Update

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

Recommended:-

1. That the progress 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.
2. That the progress on the Acquisitions Programme for Council Housing as set out in Section 3.3 of the report, be noted.
3. That the work undertaken to date on the development land pipeline as set out in Section 3.5 of the report, be noted.
4. That £645,000 be allocated from existing capital reserves held within the General Fund and Housing Revenue Account as appropriate, in the first phase to enable the necessary initial site feasibility, due diligence, survey and high level design work to be commissioned to demonstrate viability (or otherwise) and enable a more detailed assessment of the number of units which could be delivered across the sites and, in relation to those suitable for joint venture opportunities, to establish appropriate objectives and

bundling of sites. Following detailed feasibility, those sites which are proved to be viable will be presented to Cabinet for agreement on the preferred way forward for development in due course.

5. That PSP Southend LLP be invited to undertake the next stage of feasibility (to e2) for sites which the pipeline assessment work has indicated would be suitable for PSP delivery and for the Council to commission valuations for these sites to establish the baseline values. At this stage PSP will work at their risk. Once these sites have been assessed in detail by PSP Southend LLP, recommendations will be made to Cabinet for the sites to be opted in to the LLP for delivery or for alternative approaches to be considered.
6. That negotiations be carried out to progress to update and re-brand PSP Southend LLP as set out in 3.21 of the submitted report. In particular so that the board and reporting structure can be aligned with other Council LLPs and companies, reporting in to the Shareholder Board and to delegate the agreement of the detailed arrangements to the Strategic Directors (Finance and Resources and Legal and Democratic Services) in consultation with the Leader of the Council.
7. That it be noted that the proposed amendments to the Ilfracombe Avenue site, specifically that the Library will not be located within the proposed housing development which is proposed to provide a housing-for-rent scheme which will include a planning policy level of affordable housing for rent (capped at Local Housing Allowance levels). Income from the development will be used to finance the capital borrowing required to complete the necessary condition works at the existing Southchurch Library.

Resolved:-

8. That, in principle, the Council is minded to enter into an income strip lease transaction in relation to the proposed residential development at Roots Hall subject to the completion of the relevant due diligence and to ensuring the long-term financial sustainability for the Council. To note that if a suitable transaction can be agreed, the terms of that transaction will be put to Cabinet for consideration.

Reasons for Decision

1. To update Cabinet on progress on the HRA infill sites and acquisition programme.
2. To allocate funding for the next stages of feasibility work on the pipeline of sites.
3. The updating and re-branding of PSP Southend LLP will enable it to report in to the Shareholder Board in line with the other Council companies.
4. Removing the library from the scheme at Ilfracombe Avenue will significantly improve viability and deliverability and enable investment in to the existing library building.

5. To enable officers to progress negotiations in relation to the Roots Hall development proposals.

Other Options

1. The Council could opt not to use PSP for further developments although in order to continue the delivery of the range of sites, alternative resourcing considerations would be required.
2. The Council could opt not to pursue negotiations for an income strip lease for the development at Roots Hall.

Note: The decisions in 1-7 above constitute a Council Function. The decision in 8 above constitutes an Executive Function.

Called in to: Policy and Resources Scrutiny Committee

Cabinet Member: Councillors Gilbert and Woodley

325 Selective Licensing of the Private Rented Sector

The Cabinet considered a report of the Deputy Chief Executive (People) outlining the preliminary work underway to introduce Selective Licensing in parts of the Borough and to seek agreement for the next steps, including resources required to undertake the preparatory research and other work needed ahead of implementation.

Resolved:-

1. That a one off resource of £50k in order to undertake in-depth preparatory work ahead of any implementation of Selective Licensing within the Borough through a service delivery partner, be approved.
2. That the targeted consultation is progressed on the adoption of powers of Selective Licensing within parts of the Borough identified as experiencing antisocial behaviour (ASB) problems, crime and deprivation associated with poorly managed Private Rented Sector (PRS) accommodation.
3. That following the above work, a further report is brought before Cabinet relating to the introduction of Selective Licensing in parts of the Borough.

Reasons for Decision

To enable further preparatory work to be undertaken.

Other options

Other options for tackling substandard and problematic properties within the Borough are set out in the submitted report.

Note: This is an Executive Function

Called in to: Policy and Resources Scrutiny Committee

Cabinet Member: Councillor Gilbert

326 **Ofsted Inspection of Children's Services**

The Cabinet considered a report of the Deputy Chief Executive (People) on the outcome of the Inspection of Local Authority Children's Services.

Resolved:-

1. That the submitted report be noted
2. That the action plan and revised Strategic Children's Services Improvement Plan is brought to Cabinet in January 2020 to enable Cabinet to provide scrutiny and challenge of, and support for, progress.

Reasons for Decision

None

Other Options

None

Note: This is an Executive Function

Called in to: People Scrutiny Committee

Cabinet Member: Cllr Jones

327 **School Outcomes Summer 2019**

The Cabinet considered a report of the Deputy Chief Executive (People) concerning the early high level performance data from Southend schools following the summer 2019 examinations and tests.

Resolved:-

That the overall performance of Southend schools at each key stage, in particular relative to the emerging national benchmarks, be noted.

Reason for Decision

To receive performance data for Southend schools at each key stage.

Other Options

None

Note: This is an Executive Function

Eligible for call-in to: People Scrutiny Committee

Cabinet Member: Cllr Jones

328 **Review and update of Tree Policy**

The Cabinet received a report of the Deputy Chief Executive (Place) on the development of a new tree policy.

Resolved:-

1. That the adoption of an interim approach to tree management, including planting as set out in Appendix 2 to the submitted report, until the new tree policy for the borough is adopted be approved.
2. That the adoption of a new tree policy as per the approach set out in Appendix 1 of the report, be approved.
3. That the Council promotes and enhances the donated tree scheme working alongside residents, businesses, organisations and other interested parties who would like to support tree planting within the Borough.

Recommended:-

4. That funding (as identified in paragraph 6.3 of the report) be allocated for the planting and maintenance of an additional 1,000 standard trees in the next three planting seasons. This is in addition to the usual c300 replacement trees planted each year.

Reasons for Decision

Reviewing the current policy, adopting an interim approach and subsequently reviewing and adopting a new tree policy once the DEFRA guidance is released will ensure the appropriate continual management of the town's trees, the safety of the public and property and allows interested parties to become involved at different stages.

Other Options

1. Continue managing council trees as per the existing tree policy without review.
2. Continue managing council trees as per the existing tree policy until the guidance from DEFRA is available.

Note: The decisions in 1-3 above constitute an Executive Function. The decision in 4 above constitutes a Council Function.

Called in to: Place Scrutiny Committee

Cabinet Member: Cllr Mulronev

329 **Admission Arrangements for Community Schools**

The Cabinet considered a report of the Deputy Chief Executive (People) setting out the admission arrangements for community schools for the academic year 2021/22 and the proposed the Coordinated Admissions Scheme for 2021/22.

Resolved:-

1. That the proposed Admissions Arrangements for Community Schools for the academic year 2021/22 as set out in Appendix 1 to the submitted report be approved and it be noted that there was no requirement for public consultation as no further changes are proposed.
2. That consultation with governing bodies of community schools takes place on the published admission number (PAN) for community infant, junior and primary schools for September 2020 as set out in the Admission Arrangements in Appendix 1 to the report.
3. That the proposed Coordinated Admissions Scheme for 2021/22 onwards, as set out in Appendix 2 to the report be approved.
4. That the relevant area for schools is reviewed and agreed as follows: Southend, Castle Point and Rochford for the years 2021 and 2022.

Reasons for Decision

The Council has a statutory duty to ensure sufficient places for all statutory school aged children.

Other Options

None

Note: This is an Executive Function
Eligible for call-in to: People Scrutiny Committee
Cabinet Member: Councillor Jones

330 Real Living Wage

The Cabinet considered a report of the Executive Director (Transformation) providing an overview of the Real Living Wage and outlined the financial and non-financial implications of becoming a Real Living Wage employer.

Resolved:-

That the Council declares it is a Real Living Wage employer and actively works towards obtaining the Real Living Wage accreditation.

Reason for Decision

The benefits of becoming an accredited Living wage employer are set out in the submitted report.

Other Options

1. Continue to pay the nationally agreed pay scales
2. Ensure the Council pays the living wage to directly employed employees, but do not seek to obtain the real living wage accreditation

3. Seek the real living wage accreditation and work with arm's length organisations and 3rd party suppliers to ensure that they are paying the real living wage

Note: This is an Executive Function

Eligible for call in to: Policy and Resources Scrutiny Committee

Cabinet Member: Councillor Gilbert

331 Journey of the Child - Annual Report

The Cabinet considered a report of Deputy Chief Executive (People) presenting the "The Journey of the Child" end of year report covering the 2018/19 financial year.

Resolved:-

That "The Journey of the Child" end of year report, as set out at Appendix 1 to the submitted report, be approved.

Reasons for Decision

The overarching report allows for a more holistic oversight of service delivery and gives senior managers and Councillors an ability to see the overall impact for the Council of the work of the children's service.

Other Options

To continue reporting with individual reports through the cabinet cycle.

Note: This is an Executive Function

Eligible for call-in to: People Scrutiny Committee

Cabinet Member: Councillor Jones

332 Council Debt Position to 31 July 2019

The Cabinet considered a report of the Executive Director (Finance and Resources) on the current position of outstanding debt to the Council, as at 31st July 2019.

Resolved:-

1. That the the current outstanding debt position as at 31st July 2019 and the position of debts written off to 31st July 2019 (as set out in Appendices A and B to the submitted report), be noted.
2. That the write offs greater than £25,000 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

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

Cabinet Member: Councillor Gilbert

333 Southend 2050 Outcomes Success Measures Report - Quarter 1 2019/20

The Cabinet considered a report of the Chief Executive outlining the Southend 2050 Outcomes Success Measures for 2019/20 (first quarter).

Resolved:-

That the Quarter 1 performance from 1 April – 30 June 2019 be noted.

Reasons 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

Called in to: All Three Scrutiny Committees

Cabinet Member: Cllr Gilbert

334 Corporate Budget Performance 2019/20 - Period 4

The Cabinet considered a report of the Executive Director (Finance and Resources) on the corporate budget performance 2019/20 (period 4)

Recommended:-

That in respect of the 2019/20 Revenue Budget Performance:



1. The forecast outturn for the General Fund and the Housing Revenue Account as at July 2019, be noted.
2. That the planned budget transfers (virements) of £1,872,260 between portfolio services, be approved.
3. That the transfer of £2,000,000 from the Children's Social Care Reserve previously approved to assist with the increase in demand and cost within this area, be approved.
4. That the transfer of £500,000 from the Interest Equalisation Reserve to fund the additional interest costs due to advance borrowing to take advantage of exceptionally low interest rates, be approved.

That in respect of the 2019/20 Capital Budget Performance:

5. That the expenditure to date and the forecast outturn as at July 2019 and its financing, be noted.
6. That the requested changes to the 2019/20 capital investment programme, be approved.
7. That the requested additions to the Fire Improvement Works budget of £750k p.a. for the five years from 2020/21 to 2024/25 as set out in the Fire Safety Report, be noted.

Reason for Decision

1. The regular reporting of Revenue and Capital Budget Monitoring information provides detailed financial information to members, 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 management action being implemented to address the identified issues.
2. It also informs decision making to ensure that Councillors' priorities are delivered within the agreed budget provision.

Other Options

The Council could choose to monitor its budgetary performance against an alternative timeframe but it is considered that the reporting schedule provides the appropriate balance to allow strategic oversight of the budget by Councillors and to manage the Council's exposure to financial risk.

Note: This is a Council Function

Called in to: Policy and Resources Scrutiny Committee

Cabinet Member: Councillors Gilbert and Woodley

335 Treasury Management - Quarter One 2019/20

The Cabinet considered a report of the Executive Director (Finance and Resources) covering the treasury management activity for the period from April to June 2019.

Recommended:-

1. That it be noted that the 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 June 2019.
2. 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.
3. That it be noted that £0.492m of interest was received during this three month period. The total investment income earned including this interest during this three month period was £0.490m, at an average rate of 1.88%. This is 1.31% over the average 7 day LIBID (London Interbank Bid Rate) and 1.13% over the average bank rate.
4. That it be noted that the level of borrowing from the Public Works Loan Board (PWLb) (excluding debt relating to services transferred from Essex County Council on 1st April 1998) increased from £267.8m to £277.8m (HRA: £77.0m, GF: £200.8m) during the period from April to June 2019.
5. That it be noted that during the quarter the level of financing for 'invest to save' schemes decreased from £8.73m to £8.70m.

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 2019/20 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

Called in to: Policy and Resources Scrutiny Committee

Cabinet Member: Cllr Woodley

336 Governance Update and SIRO Report

The Cabinet considered a report of the Chief Executive providing a summary of the Council's key actions in regard to information governance and management during 2018/19.

Resolved:-

1. That the SIRO's report on Information Governance for 2018/19 be noted.
2. That the key actions taken during 2018/19, and the opportunities and challenges for 2019/20, be noted.

Reason for Decision

To ensure that the Council holds personal data securely, disseminates information effectively, is transparent and enabling in its handling of information and operates within the necessary legal framework.

Other Options

It is a requirement of the Council's Information Management Strategy that an annual report is made to councillors.

Note: This is an Executive Function

Eligible for call in to: Policy & Resources Scrutiny Committee

Cabinet Member: Councillor Terry

337 Annual Comments, Compliments and Complaints

The Cabinet considered a report of the Chief Executive providing performance information about comments, compliments and complaints received across the Council for 2018/19.

Resolved:-

1. That necessary changes be made to the Comments, Compliments and Complaints policy as described in paragraph 5.2 of the submitted report.
2. That the Council's performance in respect of comments, complaints and compliments for 2018/19 be noted and that the report at Appendix A be referred to each Scrutiny Committee and the reports at Appendix B and Appendix C be referred to the People Scrutiny Committee

Reason for Decision

To ensure the Council continues to have transparent and effective complaint procedures and utilises feedback from customers to good effect.

Other Options

The Council is required by legislation to report regarding social care statutory complaints and Local Government and Social Care Ombudsman complaint outcomes. Reporting on the efficacy of a complaint processes is best practice. While the content of the reports is not prescribed, reporting itself is obligatory.

Note: This is an Executive Function

Referred direct to all three Scrutiny Committees (save that appendices B and C to the report be referred only to People Scrutiny Committee)
Cabinet Member: Councillors Terry, Harp and Jones

338 Control Environment Assurance

The Cabinet considered a report of the Executive Director (Finance and Resources) on the proposed revisions to be made to the Control Environment in respect of Risk Management, Counter-Fraud, Bribery & Corruption, Counter Money Laundering, Whistleblowing and the Regulation of Investigatory Powers.

Resolved:-

1. That the revised Risk Management Policy Statement and Strategy set out in Appendix A to the submitted report (including the action plan included at Appendix A of that document) be approved.
2. That the revised Counter Fraud, Bribery & Corruption Policy and Strategy (Appendix B), the revised Counter Money Laundering Policy & Strategy (Appendix C) and the revised Whistleblowing Policy (Appendix D), be approved
3. That the revised Policy and Procedures for undertaking Directed Surveillance and the use of Covert Human Intelligence Sources (Appendix E) and also the detailed procedures for use of a CHIS as set out in the confidential Appendix F, (subject to the inclusion of an additional sentence under paragraph 7.2 in relation to the handling, storage and destruction of material obtained through the use of a CHIS) be approved.
4. That it be noted that:
 - (a) The Council has not used the surveillance powers available to it under RIPA between 1 April 2018 and the 31st March 2019 and neither has it used any CHIS during this period.
 - (b) Thurrock Council has not used any such powers on behalf of Southend-on-Sea Borough Council when undertaking Anti-Fraud work between 1 April 2018 and 31st March 2019.
5. That the staff training undertaken in 2018/19 and proposed training for 2019/20 in connection with RIPA, be noted.
6. That the regulation of CCTV activities be noted.

Reasons for Decision

To comply with the Home Office Codes of Practice and the Investigatory Powers Commissioner's Officer Guidance on RIPA.

Other Options

None

Note: This is an Executive Function

Called in to: Policy and Resources Scrutiny Committee

Cabinet Member: Councillors Gilbert and Woodley

339 Minutes of Meeting of Environment and Planning Working Party, 29th August 2019

Resolved:-

That the Minutes of the Meeting of the Environment and Planning Working Party held on 29th August 2019, be noted.

340 Council Procedure Rule 46

Resolved:-

That the submitted report be noted

Note: This is an Executive Function

Eligible for call in to the relevant Scrutiny Committee

Cabinet Member: As appropriate to the item

341 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 7 of Schedule 12A to the Act and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

342 Control Environment Assurance - Confidential Appendix

Resolved:-

That the confidential appendix, be endorsed (subject to the amendment referred to in minute 338).

Note: This is an Executive Function

Called in to Policy and Resources Scrutiny Committee

Cabinet Members: Councillors Gilbert and Woodley

Chair: _____

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Southend-on-Sea Borough Council

Agenda
Item No.

Report of Deputy Chief Executive (Place)

To
Cabinet
On

5th November 2019

Report prepared by: Mark Sheppard

Essex Coast Recreation disturbance, Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD)

Place Scrutiny Committee (Chair: Councillor Andrew Moring)
Cabinet Member: Councillor Carole Mulrone
A Part 1 Public Agenda Item

1. Purpose of Report

- 1.1 To advise Members of 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.
- 1.2 The RAMS SPD and supporting technical strategy has been prepared in partnership with 12 other Essex local planning authorities¹ with the support of Essex County Council Place Services and Natural England, the government agency responsible for nature conservation.
- 1.3 Member approval is sought to undertake a period of public consultation on the RAMS SPD in accordance with the Council's adopted Statement of Community Involvement and to seek endorsement of the proposed mechanisms for implementing the RAMS project. A period of public consultation will simultaneously be carried out by all the other local authority partners.

2. Recommendations

- 2.1 **That Members agree the Essex Coast Recreation disturbance, Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (Appendix 1) for a 6 week public consultation.**

¹ Castle Point, Chelmsford, Colchester, Basildon, Braintree, Brentwood, Maldon, Rochford, Tendring, Thurrock and Uttlesford.

- 2.2 That Members agree to delegate authority to the Deputy Chief Executive (Place) 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.**
- 2.3 Members note the contents of the RAMS SPD (Appendix 1) which will form an important document supporting the nature conservation policies and provisions of the emerging Southend New Local Plan.**
- 2.4 That Members agree to 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. 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.**
- 2.5 That Members agree 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 Members from each local authority will also be involved with the governance and delivery of the project.**

3. Background

- 3.1 Local planning authorities have a duty as competent authorities to ensure that designated habitat areas are protected in accordance with the Conservation of Habitats and Species Regulations 2017. With increasing recreational pressure on the coast as a result of new housing development, Natural England has identified an urgent need to develop comprehensive strategies to ensure that this pressure is mitigated and does not worsen the favourable status of protected habitat sites.
- 3.2 Natural England has therefore promoted the preparation of RAMS to ensure that local planning authorities, in preparing their local plans, secure a series of mitigation measures that are not only fundable and deliverable but will endure for the lifetime of the plan and beyond. A number of such strategies have already been prepared for sensitive areas of coastline around the country as part of a partnership approach involving a number of local authorities, including the Solent, Severn Estuary, Suffolk Coast and North Kent Coast.
- 3.3 The RAMS and SPD will not take the place of the duties of the Essex Authorities under the Habitats Regulations and Habitats Directive. In particular, it will not replace screening or appropriate assessment. However, it is likely to represent a strong presumption, absent of any contrary evidence, that its provisions are to be followed.
- 3.4 It is clear from a number of recent examinations in public of local plans around the country, that where such mitigation strategies are not in place Natural

England are likely to raise material objections to the plan's planning policy provisions relating to nature and habitat conservation which could be found to be 'unsound' by a planning Inspector. In the light of these circumstances it was resolved by the Essex Planning Officers Association (EPOA) that the best way forward to protect the Essex coastline and to facilitate local plan preparation was to prepare an Essex Coast RAMS strategy.

- 3.5 The successful delivery of the RAMS will contribute to Southend 2050 Pride and Joy outcome 3 'we have invested in protecting and nurturing our coastline, which continues to be our much loved and best used asset.'

4. **Essex Coast RAMS Project**

Preparation of Strategy

- 4.1 The majority of the Essex coastline is protected habitat sites designated as Special Areas of Conservation (SAC), Special Protection Areas (SPA) and international Ramsar sites of national and international importance for bird life stretching from the Blackwater in north Essex to the Thames Estuary as far as Thurrock in south Essex. In Southend the entire foreshore is protected by such designations.
- 4.2 Given the wide geographical spread of protected areas stretching across the Essex coastline, it was agreed by the EPOA that the most effective way of taking a RAMS project forward for the Essex coastline was in partnership.
- 4.3 A Project Steering Group was therefore formed comprising of officer representation from twelve local authorities, namely Castle Point, Chelmsford, Colchester, Basildon, Braintree, Brentwood, Maldon, Rochford, Tendring, Thurrock and Uttlesford. The Steering Group has been administered and supported by Essex County Council Place Services whilst representatives from Natural England have attended meetings to provide guidance and advice.
- 4.4 This joint approach also met the requirements of the 'duty to co-operate' provisions to ensure that local authority cross-boundary issues are adequately addressed in local plan preparation. To take this partnership approach forward a Memorandum of Understanding and Service Level Agreement was agreed and signed by the participating local planning authorities in early 2018.
- 4.5 The project has been prepared in five phases, namely:
- Phase 1: production of project plan to outline the desired outcomes of the RAMS;
 - Phase 2: production of evidence base report using existing survey information provided by the partners and to identify any required future surveys;
 - Phase 3: required surveys to inform the RAMS;
 - Phase 4: production of RAMS using collected survey information; and
 - Phase 5: production of a single joint Supplementary Planning Document.

- 4.6 The first two phases were completed in early 2018. The winter surveys as part of Phase 3 were undertaken in spring 2018. Summer surveys for the Blackwater and in Southend were undertaken in June to August 2018. No other summer surveys were undertaken in the study area as the other protected areas do not have the breed of bird whose nesting habitats can be impacted by recreational pressure in the summer. This approach was supported by Natural England.
- 4.7 For Southend the winter surveys were undertaken at the Old Garrison site in Shoeburyness and the Cinder Path in Leigh. With regard to summer surveys these were undertaken at the Cinder Path in Leigh and at Two Tree Island which experiences habitat degradation during the summer months.
- 4.8 Workshops to engage key stakeholders, including the RSPB and Essex Wildlife Trust were held in February and June 2018 to inform the preparation of the strategy.
- 4.9 A RAMS for Essex will form an important part of the evidence base in supporting the preparation of new local plans for each of the partner local planning authorities. In Southend's case it will support the preparation of the SNLP.

Proposed Mitigation Measures

- 4.10 The draft Essex Coast RAMS SPD together with the supporting technical strategy sets out a number of measures to mitigate the impacts of increased recreational pressure on the coastline (Appendix 1).
- 4.11 In the early stages of the project most of the funding will be allocated towards appointing a Project Delivery Officer to coordinate, manage and deliver the project and Rangers to raise awareness of nature conservation issues and pursue public behavioural changes within the protected areas. Other projects will include site specific visitor management and bird refuge projects; improving interpretation and marketing through new/improved signage, leaflets, quality web design and establishment of twitter/Facebook accounts; new fencing, waymarking and screening projects; implementation of dog projects to influence behaviour of dog owners and to raise awareness of the impact dogs have in wildlife disturbance; partnership working and monitoring.
- 4.12 The EPOA as the Project Delivery Board – see paragraph 5.3 below - would be responsible for determining the priorities for delivering such projects.
- 4.13 A number of these initiatives are to varying degrees already provided in Southend, and it will be important to ensure that as the RAMS project progresses it is managed in a way that adds value and compliments existing provisions. Liaison with other established nature conservation groups will also be important, particularly the RSPB and Essex Wildlife Trust.

Proposed Zone of Influence

- 4.14 To determine what area of land and its associated recreational activity is likely to have the greatest impact on a protected area, local planning authorities who have already developed RAMS have typically established a Zone of Influence.
- 4.15 Utilising the survey data undertaken for the Essex Coast RAMS, Zones of Influence have been calculated. These are based on the distance travelled by 75% of the visitors surveyed to ensure that the zone reflects the majority of local visits and is not skewed by infrequent long distance visitors. This approach has been used in other RAMS and is supported by Natural England.
- 4.16 For Southend, the surveys give a Zone of Influence of 4.3 kilometres from the protected areas. This zone overlaps with the other study area zones to cover the majority of south east Essex – see Map 1. This is a scenario that is already in practice for the unitary authorities of the City of Southampton and Portsmouth City Councils who are partners of the Solent RAMS.

Map 1: Essex Coast RAMS Zone of Influence



Not to Scale

- 4.17 Within the Zone of Influence planning applications received that would increase recreational pressure on the coast would be subject to a tariff to fund the mitigation measures proposed.

Types of Development Affected

- 4.18 It is proposed that all development proposals located within the Zone of Influence that would result in a net increase in residential dwellings would be

subject to a tariff charge, including the conversion of existing houses into smaller flats, or the change of use of other buildings to dwellings. It excludes replacement dwellings (where there is no net gain in dwelling numbers) and extensions to existing dwellings including residential annexes. This would apply to full planning applications, reserved matters planning applications where the outline planning consent was not previously assessed through the Habitats Regulation Assessment process and permitted development.

Level of Tariff and Method of Collection

- 4.19 The draft Essex Coast RAMS SPD proposes to charge a tariff of £122.30 per dwelling. In order to arrive at a per dwelling contribution figure, the strategic mitigation package cost (£8.1m) was divided by the total number of dwellings (79,582 dwellings) which are currently identified to be built in the Zone of Influence over the Local Plan periods until 2038.
- 4.20 Each constituent authority can decide how the money will be collected from developers, with existing examples elsewhere using either Section 106² agreements, unilateral agreements, Community Infrastructure Levy or through Section 111³. Developers have the option of foregoing the levy payment and providing their own mitigation measures in accordance with the RAMS strategy. However, it has been found in other established RAMS that most developers tend to favour paying the levy. The collection and monitoring of tariff monies will be the responsibility of each local authority within the partnership
- 4.21 In the Solent RAMS partnership it has now been established at planning appeals that Inspectors will endorse the principle of the developer contribution or cite the absence of mitigation as a ground for dismissing the appeal.
- 4.22 It is proposed that the monies collected are pooled into one central pot to be administered by the Accountable Body (see paragraph 5.1 below). This 'pot' will then fund all the mitigation proposals as set out in the draft SPD. Accounting procedures will ensure that the funding of 'on the ground' mitigation schemes are spent proportionately along the coast having regard to the area the monies are collected from.
- 4.23 To ensure that mitigation measures are in place for the duration of the impact, Natural England is looking for authorities to secure in perpetuity payments. In the Solent RAMS partnership a proportion of the developer contributions received are set aside to create an investment pot which will fund the partners' mitigation measures in perpetuity for a period of 80 years. This was agreed and accepted by Natural England.

² Town and Country Planning Act 1990 - a mechanism which makes a development proposal acceptable in planning terms, that would not otherwise be acceptable. They are focused on site specific mitigation of the impact of development.

³ Local Government Act 1972 - s111 (1) ... "a local authority shall have power to do anything (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions"

5. Proposed Implementation and Delivery

Accountable Body

- 5.1 To implement the RAMS project an 'Accountable Body' responsible for administrating and accounting for the finances collected by each partner local authority and for HR and administration associated with employing the Project Delivery Officer and Rangers will need to be agreed. This is usually a nominated local authority within the partnership.
- 5.2 This practice has been successfully established and employed in other existing RAMS projects.

Project Delivery Board

- 5.3 It is proposed that initially the EPOA, comprising senior officer representation from all the Essex local authorities, would act as the Project Delivery Board for the Essex Coast RAMS project.
- 5.4 The Board would be responsible for agreeing the mitigation project priorities and overseeing the effective delivery and monitoring of the project. Elected Members from each LPA will also be involved with the governance and delivery of the project (potentially through the expansion of the existing Essex Coastal Forum).

Steering Group

- 5.5 To administer the detailed working and implementation of the Essex Coast RAMS project, it is proposed that the established officer Steering Group, comprising officer representation from all the partner local authorities, continues into the delivery phase.

Branding

- 5.6 As the title 'Recreational disturbance and Avoidance Mitigation Strategy' is a very long winded technical heading that does not truly reflect the purpose of the strategy or lend itself to effective marketing and public understanding and raising awareness of the issues, it is proposed that the branding 'Bird Aware' is adopted for the Essex Coast RAMS project. This has been branded by the Solent RAMS partnership and enables the sharing of materials, data and best practice at minimal cost and provides for a national identity to bird protection. This concept is supported by Natural England.
- 5.7 It is therefore proposed to brand the Essex Coast RAMS as 'Essex Coast Bird Aware' and to adopt the Bird Aware logo to incorporate on documents and web site provision.
- 5.8 Essex County Council have agreed to establish a web site on the Essex Coast Bird Aware project on behalf of the partners and to maintain and update the site as appropriate.

6. Legal Implications

- 6.1 In the preparation of the RAMS SPD there have been several issues raised by partners as to the legality of certain aspects of the RAMS aims and proposed implementation methods, particularly about the levying of the tariff, having regard to planning law and related regulations. These have been considered and incorporated into the draft SPD.

7. Benefits of Adopting an Essex Coast RAMS

- 7.1 There is no doubt that local planning authorities are coming under increasing scrutiny at the examination stage of their local plan preparation process in relation to the protection of habitat sites of international and European importance. Natural England are now requiring strong mitigation measures to be put in place in local plans and realistic and deliverable funding mechanisms to implement these measures.
- 7.2 As such an Essex Coast RAMS would be of significant benefit to Southend in supporting the preparation of the SNLP and in protecting the Southend Foreshore designated sites. Whilst the Southend coastline is currently well managed, it is coming under growing pressure from increasing numbers of visitors and residents and new resources will be required if the natural habitat of the Southend Foreshore is to continue to be adequately protected.
- 7.3 Adopting a Supplementary Planning Document for RAMS also provides the opportunity to bid for other Government resources to mitigate the impacts of increased recreational activity on the coastline. For example, in the Solent RAMS partnership partners managed to secure an additional £1.3m of Government funding from the Local Growth Deal to create and enhance alternative local green spaces (Suitable Alternative Natural Greenspace – SANG) to attract visitors, especially dog walkers, away from the sensitive coastline.

8. Reason for Recommendation

- 8.1 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.

9. Corporate Implications

Contributions to the Council's Vision & Corporate Priorities

- 9.1 The successful delivery of the RAMS will contribute to the fulfilment of several spatial elements of the Council's vision and priorities, for example through Southend 2050 Pride and Joy 'we have invested in protecting and nurturing our coastline, which continues to be our much loved and best used asset.'

Financial Implications

- 9.2 Financial and human resource input is necessary to fulfil the requirements of all statutory stages in the preparation of the SNLP and associated evidence base production, including draft RAMs SPD.
- 9.3 The mitigation measures proposed together with the cost associated with collecting the tariff on relevant planning applications, will be covered by the total money levied from developer contributions.

Legal Implications

- 9.4 To deliver its statutory local planning function, each local authority must engage with adjoining local authorities under the Duty to co-operate provisions set out in the Localism Act. This places a legal duty on local planning authorities to engage constructively, actively and on an on-going basis to maximise the effectiveness of development plan preparation in the context of strategic cross boundary matters. The production of the RAMS SPD depends on joint cross-boundary working if the statutory obligations of meeting the provisions of the Conservation of Habitats and Species Regulations 2017 are to be effectively met.
- 9.5 Local planning authorities must demonstrate how they have complied with the duty at the independent examination of their Local Plans. If a local planning authority cannot demonstrate that it has complied with the duty then the Local Plan will not be able to proceed further in examination.

People Implications

- 9.6 Staff resources from the Strategic Planning Team have and will be required in order to contribute to the preparation, adoption and delivery of the RAMS SPD as a joint partner. Support from the Department of Place Business Support Unit will be required with regard to the public consultation process. As the project moves into the delivery phase there may also be a need to reappraise which staff are the most appropriate to take the project forward.

Property Implications

- 9.8 The RAMS project will contain mitigation projects affecting the Southend Foreshore including land within Council ownership.

Consultation

- 9.9 The RAMS SPD will be subject to a period of 6 weeks public consultation. Partner local authorities will also carry out a similar consultation exercise in their administrative areas.

Equalities and Diversity Implications

- 9.10 An equalities impact assessment will be produced for the SNLP. The public consultation on the RAMS SPD will give the opportunity for different sections of the community to input into the plan making process.

Risk Assessment

- 9.11 If the RAMS SPD were not to be published and taken forward to adoption there would be a real risk that the nature conservation policies of the emerging SNLP would be found to be 'unsound' by an independent Inspector at the Plan's examination in public. In addition, the absence of the mitigation projects are likely to result in increased recreational pressure on the coast to the detriment of the protected areas of natural habitat and in contravention of the Conservation of Habitats and Species Regulations 2017.

Value for Money

- 9.12 There will be significant beneficial impacts on value for money by carrying out the work proposed using in-house resources wherever possible. This will have benefits in terms of building in-house experience and expertise for officers, as well as utilising local knowledge and experience.

Community Safety Implications

- 9.13 The RAMS SPD, as an integral part of the SNLP, will seek to improve the natural environment thereby contributing towards improving community safety.

Environmental Impact

- 9.14 The RAMS SPD will form an important supporting document to the SNLP in detailing the policy provisions in the Plan relating to the protection of the natural habitat.
- 9.15 All iterations of the SNLP will require a Sustainability Appraisal to be undertaken. The Sustainability Appraisal is an assessment of the potential significant social, environmental and economic impacts of development. It forms an integral part of the plan making process. It ensures that all policies and proposals are prepared with a view to contributing to the achievement of sustainable development. The appraisal will be used to assist decision making and identification of the most sustainable policies to take forward.

Environmental Impact – Habitats' Regulations Screening Report

- 9.16 The Habitats screening is an assessment of the potential significant effects of a policy on European Sites designated for their nature conservation importance. These include special Areas of Conservation, Special Protection Areas and international Ramsar sites. In Southend the foreshore is protected by these designations. As the RAMS project seeks to mitigate the environmental impact of increased recreational activity on the foreshore because of increased development pressure, it contributes significantly to habitat protection.

10. Background Papers

- 10.1 The Town and Country Planning (Local Development) (England) Regulations 2012.
- 10.2 Planning and Compulsory Purchase Act 2004.
- 10.3 National Planning Policy Framework 2019.
- 10.4 Draft Essex Coast Recreational disturbance, Avoidance and Mitigation Strategy Report (June 2019)

11. Appendices

- 11.1 **Appendix 1:** Draft Essex Coast Recreational disturbance, Avoidance and Mitigation Strategy Supplementary Planning Document

Appendix 1: Draft Essex Coast Recreational disturbance, Avoidance and Mitigation Strategy Supplementary Planning Document (September 2019)

Essex Coast Recreational disturbance Avoidance and Mitigation Strategy

Supplementary Planning Document (SPD) 2019

DRAFT

Contents

1.	Introduction	3
2.	Summary of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy	4
3.	Scope of the SPD.....	8
4.	Mitigation.....	11
5.	Alternative to paying into the RAMS	17
6.	Monitoring of this SPD	17
7.	Consultation	18
8.	Useful Links.....	18
9.	Glossary	20
10.	Acronyms.....	21
11.	Appendix 1: Strategic Mitigation	22
12.	Appendix 2: Essex Coast RAMS Guidelines for proposals for student accommodation	30

1. Introduction

- 1.1 This Supplementary Planning Document (SPD) focuses on the mitigation that is necessary to protect the wildlife of the Essex coast from the increased visitor pressure associated with new residential development in combination with other plans and projects, and how this mitigation will be funded.
- 1.2 This SPD accompanies the strategic approach to mitigation which is set out in the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (the 'RAMS'). The RAMS provides a mechanism for Local Planning Authorities (LPAs) to comply with their responsibilities to protect habitats and species in accordance with the UK Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations').
- 1.3 This SPD distils the RAMS into a practical document for use by LPAs, applicants and the public and provides the following information:
 - A summary of the RAMS;
 - The scope of the RAMS;
 - The legal basis for the RAMS;
 - The level of developer contributions being sought for strategic mitigation; and
 - How and when applicants should make contributions.
- 1.4 A 'frequently asked questions' (FAQ) document has also been produced to provide further information about the RAMS project. This is available on the Bird Aware Essex Coast website¹.

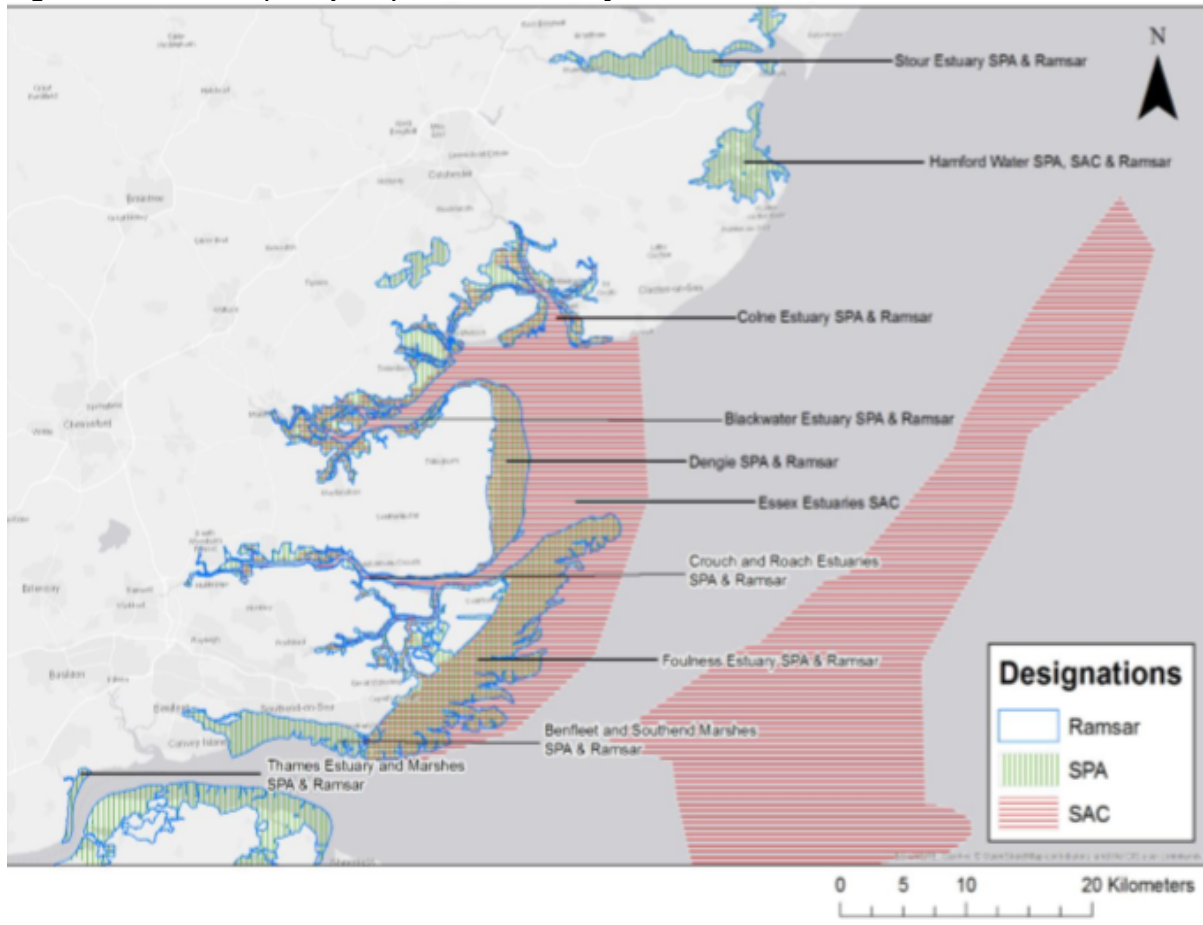
¹ Bird Aware Essex Coast: <https://essexcoast.birdaware.org/home>

2. Summary of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy

The importance of the Essex coast

- 2.1 The Essex coastline is one of importance for people and wildlife. It provides recreational opportunities for Essex residents, and it is home to internationally important numbers of breeding and non-breeding birds and their coastal habitats.
- 2.2 The coast is a major destination for recreational use such as walking, sailing, bird-watching, jet skiing and dog walking. Evidence, described in detail in the RAMS, suggests that the majority of this activity is undertaken by people who live in Essex.
- 2.3 Although only Tendring District, Colchester Borough, Chelmsford City, Maldon District, Rochford District, Southend Borough, Castle Point Borough and Thurrock Councils lie on the coast, residents from, Basildon Borough, Brentwood Borough, Uttlesford District and Braintree District are also likely to travel to the coast for recreational use.
- 2.4 A large proportion of the coastline is covered by international, European and national wildlife designations. A key purpose of these designations is to protect breeding and non-breeding birds and coastal habitats. Most of the Essex coast is designated under the Habitats Regulations as part of the European Natura 2000 network: for the purposes of this SPD these are Special Protection Areas, Special Areas of Conservation and Ramsar sites. These sites are also defined as 'Habitats Sites' in the National Planning Policy Framework (2019).
- 2.5 The Habitats Sites to which this SPD applies are as follows and these are shown overleaf on Figure 2.1:
 - Essex Estuaries SAC
 - Stour and Orwell Estuaries SPA and Ramsar
 - Hamford Water SPA and Ramsar
 - Colne Estuary SPA and Ramsar
 - Blackwater Estuary SPA and Ramsar
 - Dengie SPA and Ramsar
 - Crouch and Roach Estuaries SPA and Ramsar
 - Foulness Estuary SPA and Ramsar
 - Benfleet and Southend Marshes SPA and Ramsar
 - Thames Estuary and Marshes SPA and Ramsar

Figure 2.1: Habitats (European) sites covered by the Essex Coast RAMS



Notes:

- Ramsar sites are areas of wetland which are designated of international importance under the Ramsar Convention (1971).
- Special Protection Areas (SPAs) are sites which support rare, vulnerable and migratory birds.
- Special Areas for Conservation (SACs) are sites which support high-quality habitats and species.

The duties of Local Planning Authorities (LPAs)

2.6 LPAs have the duty, by virtue of being defined as ‘competent authorities’ under the Habitats Regulations, to ensure that planning application decisions comply with the Habitats Regulations. If the requirements of the Habitats Regulations are not met and impacts on Habitats sites are not mitigated, then development must not be permitted.

2.7 Where a Habitats site could be affected by a plan, such as a Local Plan, or any project, such as a new hospital/housing/retail development, then Habitats Regulations Assessment (HRA) screening must be undertaken. If this cannot rule out any possible likely significant effect either alone or in combination on the Habitats site prior to the implementation of mitigation, then an Appropriate Assessment (AA) must be undertaken. The AA identifies the interest features of the site (such as birds, plants or coastal habitats), how they could be harmed, assesses whether the proposed plan or project could have an adverse

effect on the integrity of the Habitats site (either alone or in-combination), and finally how this could be mitigated.

- 2.8 The aim of the HRA process is to **'maintain or restore, at favourable conservation status, natural habitats and species of wild fauna and flora of Community interest'** (The EC Habitats Directive, 92/43/EEC, Article 2(2)).

The requirement for delivery of strategic mitigation

- 2.9 The published Habitats Regulations Assessments (HRAs) for the relevant Local Plans have identified recreational disturbance as an issue for all of the Essex coastal SPAs, SACs and Ramsar sites.
- 2.10 Mitigation measures have been identified in the HRA (screening and/or Appropriate Assessments) for many of the Local Plans. There are similarities in the mitigation measures proposed, reflecting the identification of 'in-combination' effects resulting from planned and un-planned growth in LPA areas. In recognition of this, Natural England² recommended a strategic approach to mitigation along the Essex coast.
- 2.11 Furthermore, each Habitats site or complex of sites in England has a Site Improvement Plan (SIP), developed by Natural England. Recreational disturbance is identified as an issue for all ten of the Habitats sites considered in this strategy.
- 2.12 Mitigation measures are therefore necessary to avoid these likely significant effects in-combination with other plans and projects. Mitigation at this scale, and across a number of LPAs, is best tackled strategically and through a partnership approach. This ensures maximum effectiveness of conservation outcomes and cost efficiency.
- 2.13 Some housing schemes, particularly those located close to a Habitats site boundary or large-scale developments, may need to provide mitigation measures to avoid likely significant effects from the development alone, **in addition to the mitigation** required in-combination and secured for delivery through the RAMS. This would need to be assessed and, where appropriate, mitigated through a separate project level Habitats Regulations Assessment (HRA) (including AA where necessary). The local planning authority, in consultation with Natural England, would advise on applicable cases. Therefore, the implementation of this SPD does not negate the need for an appropriate assessment for certain types of development.
- 2.14 The Essex coast RAMS aims to deliver the mitigation necessary to avoid the likely significant effects from the 'in-combination' impacts of residential

² An executive non-departmental public body and the government's adviser for the natural environment in England

development that is anticipated across Essex; thus protecting the Habitats sites on the Essex coast from adverse effect on site integrity. This strategic approach has the following advantages:

- It is endorsed by Natural England and has been used to protect other Habitats sites across England;
- It is pragmatic: a simple and effective way of protecting and enhancing the internationally important wildlife of the Essex coast and will help to reduce the time taken to reach planning decisions;
- It provides an evidence based and fair mechanism to fund the mitigation measures required as a result of the planned residential growth; and
- It provides applicants, agents and planning authorities with a comprehensive, consistent and efficient way to ensure that appropriate mitigation for residential schemes within the Zone of Influence (see paragraph 3.2 below) is provided in an effective and timely manner.

2.15 The RAMS approach is fair and seeks to mitigate the additional recreational pressure in a way that ensures that those responsible for it, pay to mitigate it at a level consistent with the level of potential harm. It also obeys the 'precautionary principle'³. Existing visitor pressure at Habitats sites would be mitigated through alternative means and any pressure that would arise from different types of development would be addressed through the project HRA.

2.16 The majority of the HRAs produced by Essex LPAs as part of the production of their respective Local or Strategic Plans identified that the level of 'net new' planned housing growth may lead to disturbance of birds in coastal Habitats (European) sites within and beyond each individual LPA boundary.

³ 'In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.' (Principle 15) of Agenda 21, agreed at the Rio Earth Summit, 1992.

3. Scope of the SPD

Where does the RAMS apply?

3.1 The 12 LPAs which are partners in and responsible for the delivery of the RAMS are listed below:

- Basildon Borough Council
- Braintree District Council
- Brentwood Borough Council
- Castle Point Borough Council
- Chelmsford City Council
- Colchester Borough Council
- Maldon District Council
- Rochford District Council
- Southend Borough Council
- Tendring District Council
- Thurrock Borough Council
- Uttlesford District Council

3.2 The SPD applies to new residential dwellings that will be built in the Zone of Influence (Zol) of the Habitats sites. The Zol identifies the distance within which new residents are likely to travel to the Essex coast Habitats sites for recreation.

3.3 The Zol was calculated by ranking the distances travelled by visitors to the coast based on their home town postcode data. Not all postcode data is used as this can skew the results and therefore the Zol is based on the 75th percentile of postcode data. This provides the Zol distance.

3.4 This method has been used for a number of strategic mitigation schemes and is considered by Natural England to be best practice. The distances used to create the zone are illustrated in table 3.1 (below).

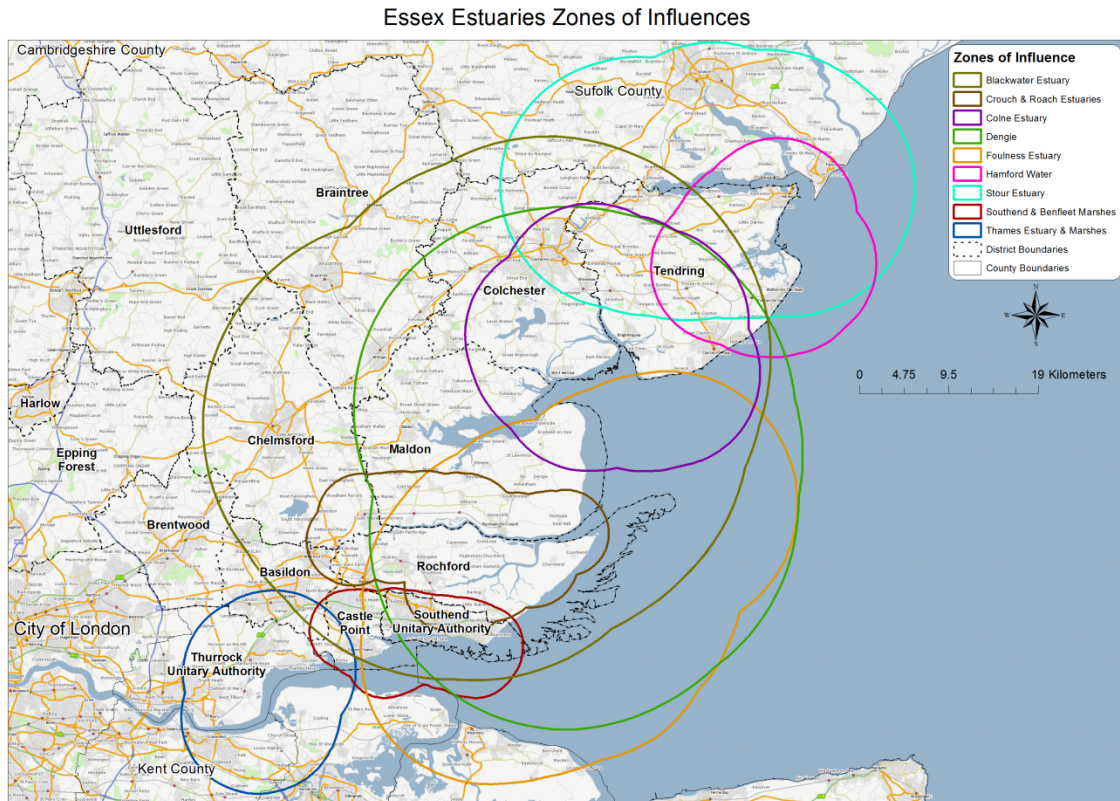
Table 3.1: Zones of Influence for the Essex Coast RAMS

European designated site	Final distance to calculate RAMS Zol (km)
Essex Estuaries SAC	~*
Hamford Water SPA and Ramsar	8
Stour and Orwell Estuaries SPA and Ramsar	13
Colne Estuary SPA and Ramsar	9.7
Blackwater Estuary SPA and Ramsar	22
Dengie SPA and Ramsar	20.8
Crouch and Roach Estuaries Ramsar and SPA	4.5
Foulness Estuary SPA and Ramsar	13
Benfleet and Southend Marshes SPA and Ramsar	4.3
Thames Estuary and Marshes SPA and Ramsar	8.1

* The Essex Estuaries SAC overlaps with the Blackwater Estuary, Colne Estuary, Crouch and Roach Estuaries, Dengie, Foulness and Outer Thames Estuary SPA and Ramsar sites.

- 3.5 The Zol can be accessed via Magic Maps⁴, (where you will find the definitive boundaries). A broad illustration of the extent of the RAMS Zol is shown in Figure 3.1, below.

Figure 3.1: Illustration of the Zones of Influence for the Essex Coast RAMS



What types of dwellings does this apply to?

- 3.6 New residential developments where there is a net increase in dwelling numbers are included in the RAMS. This would include, for example, the conversion of existing large townhouses into smaller flats, or the change of use of other buildings to dwellings. It excludes replacement dwellings (where there is no net gain in dwelling numbers) and extensions to existing dwellings including residential annexes. Applicants are advised to contact the LPA if in any doubt as to whether their development is within the scope of the RAMS.

Does it apply to all schemes?

- 3.7 It applies to all schemes regardless of size. The National Planning Practice Guidance⁵ confirms that local planning authorities may seek planning contributions for sites of less than 10 dwellings to fund measures with the

⁴ MAGIC website: <https://magic.defra.gov.uk/MagicMap.aspx>

⁵ Planning Practice Guidance: <https://www.gov.uk/government/collections/planning-practice-guidance>

purpose of facilitating development that would otherwise be unable to proceed because of regulatory requirements.

3.8 The RAMS and this SPD apply to the following Planning Use Classes:

Table 3.2: Planning Use Classes covered by the Essex Coast RAMS

Planning Use Class*	Class Description
C2 Residential institutions	Residential care homes, boarding schools, residential colleges and training centres.
C2A Secure Residential Institution	Military barracks.
C3 (a) Dwelling houses (a)	- covers use by a single person or a family (a couple whether married or not, a person related to one another with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster child.
C3 Dwelling houses (b)	- up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems.
C3 Dwelling houses (c)	- allows for groups of people (up to six) living together as a single household. This allows for those groupings that do not fall within the C4 HMO definition, but which fell within the previous C3 use class, to be provided for i.e. a small religious community may fall into this section as could a homeowner who is living with a lodger.
C4 Houses in multiple occupation	- Small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom
Sui Generis ***	- Residential caravan sites (excludes holiday caravans and campsites) -Gypsies, travellers and travelling show people plots

Notes:

* *This table is based on Natural England advice (244199 August 2018, which was advisory, not definitive.*

** *Care homes will be considered on a case-by-case basis according to the type of residential care envisaged.*

*** *Sui Generis developments will be considered on a case-by-case basis according to the type of development proposed.*

A guide on student accommodation and RAMS is included as Appendix 2.

- 3.9 Other types of development within the Zofl and not included within the draft SPD, such as visitor accommodation, may be likely to have significant effects on a protected habitat site/sites and will in such cases need to be subject of an appropriate assessment as part of the Habitats Regulations. As part of this assessment any mitigation proposals (including those which address any recreational pressure) will need to be considered separately from this strategy and taken into account by the appropriate authorities.

What types of application does the RAMS apply to?

- 3.10 The RAMS applies to all full applications, outline applications, hybrid applications, and permitted development (see below). This includes affordable housing. Reserved matters applications will be considered on an individual basis having regard to whether the potential effects of the proposal were fully considered when the existing outline was granted or where new information submitted with the reserved matters application would make for a different assessment of effects.
- 3.11 In order to consider RAMS contributions at the outline application stage, the application should indicate a maximum number of dwelling units.
- 3.12 The General Permitted Development Order (GPDO) allows for the change of use of some buildings and land to Class C3 (dwelling houses) without the need for planning permission, with development being subject to the prior approval process. However, the Habitats Regulations also apply to such developments. The LPA is therefore obliged by the regulations to scope in those GPDO changes of use to dwelling houses where these are within the Zol.
- 3.13 In practice, this means any development for prior approval should be accompanied by an application for the LPA to undertake an HRA on the proposed development. The development will need to include a mitigation package which would incorporate a contribution to the RAMS to mitigate the 'in-combination' effects.
- 3.14 The alternative is for the applicant to provide information for a project level HRA/AA and secure bespoke mitigation to avoid impacts on Habitats sites in perpetuity.

4. Mitigation

- 4.1 Measures to avoid and mitigate adverse impacts on the Habitats sites are statutory requirements. Mitigation measures, which are required for any residential development within the areas of the LPAs that falls within a Zone of Influence, are identified in this SPD.

- 4.2 The RAMS identifies a detailed programme of strategic mitigation measures which would be funded by contributions from residential development schemes. These measures are summarised in Table 4.1 (overleaf):

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Table 4.1 – The Essex coast RAMS toolkit

Action area	Examples
Education and communication	
Provision of information and education	<p>This could include:</p> <ul style="list-style-type: none"> • Information on the sensitive wildlife and habitats • A coastal code for visitors to abide by • Maps with circular routes away from the coast on alternative footpaths • Information on alternative sites for recreation <p>There are a variety of means to deliver this such as:</p> <ul style="list-style-type: none"> • Through direct engagement led by rangers/volunteers • Interpretation and signage • Using websites, social media, leaflets and traditional media to raise awareness of conservation and explain the Essex Coast RAMS project. • Direct engagement with clubs e.g. sailing clubs, ramblers clubs, dog clubs and local businesses.
Habitat based measures	
Fencing/waymarking/screening	Direct visitors away from sensitive areas and/or provide a screen such that their impact is minimised.
Pedestrian (and dog) access	<ul style="list-style-type: none"> • Zoning • Prohibited areas • Restrictions of times for access e.g. to avoid bird breeding season
Cycle access	Promote appropriate routes for cyclists to avoid disturbance at key locations
Vehicular access and car	Audit of car parks and capacity to identify hotspots and opportunities for “spreading the load”

Action area	Examples
parking	
Enforcement	<ul style="list-style-type: none"> • Establish how the crew operating the river Ranger patrol boat could be most effective. It should be possible to minimise actual disturbance from the boat itself through careful operation. • Rangers to explain reasons for restricted zones to visitors
Habitat creation	Saltmarsh recharge, regulated tidal exchange and artificial islands may fit with Environment Agency Shoreline Management Plans
Partnership working	Natural England, Environment Agency, RSPB, Essex Wildlife Trust, National Trust, landowners, local clubs and societies.
Monitoring and continual improvement	Birds and visitor surveys with review of effectiveness of measures with new ideas to keep visitors wanting to engage

- 4.3 Appendix 1 contains details of the full mitigation package. The overall cost for the mitigation package is £8,916,448.00 in total from March 2019 until 2038.

What is the tariff?

- 4.4 The current tariff is £122.30 per dwelling as of 2019/20. This will be indexed linked, with a base date of 2019. This will be reviewed periodically and re-published as necessary.
- 4.5 In order to arrive at a per dwelling contribution figure, the strategic mitigation package cost was divided by the total number of dwellings (79,582 dwellings) which are currently identified to be built in the Zol over Local Plan periods until 2038. This includes dwellings which have not received Full/Reserved matters consent. Any dwellings already consented in the Plan period are not included in this calculation. This figure is not definitive and likely to change as more Local Plans progress and are reviewed. As such the figure will be subject to review.

When will the tariff be paid?

- 4.6 Contributions from residential development schemes will be required no later than on commencement of each phase of development. This is necessary to ensure that the financial contribution is received with sufficient time for the mitigation to be put in place before any new dwellings are occupied.
- 4.7 Where development is built in phases this will apply to each phase of house building. A planning obligation will be used to ensure compliance.

How will the tariff be paid?

- 4.8 The statutory framework for planning obligations is set out in Section 106 of the Town and Country Planning Act 1990 (as amended) and Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). In addition, paragraphs 54 to 57 of the National Planning Policy Framework (NPPF) 2019 sets out the Government's policy on planning obligations. The obligation can be a unitary obligation, referred to as a 'Unilateral Undertaking'⁶ or multi party agreement, referred to as a 'Section 106 agreement'⁷. The applicant will be required to enter into a formal deed with the Local Planning Authority (LPA) to secure the payment of the required financial contribution. The RAMS contribution may form a clause within a wider S106 agreement.
- 4.9 This contribution is payable in addition to any Community Infrastructure Levy liability and/or any other S106 or S278 contributions for other types of

⁶ An offer to an Local Planning Authority to settle obligations relevant to their planning application.

⁷ A legal agreement under Section 106 of the Town and Country Planning Act 1990 made between local authorities and developers, and often attached to a planning permission, to make acceptable development which would otherwise be unacceptable in planning terms.

contribution and there may be other site-specific mitigation requirements in respect of Habitats sites and ecology as outlined above.

- 4.10 The mitigation measures identified in this SPD are specifically sought to avoid additional recreational pressures on Habitats sites and do not provide wider benefit or represent the provision of infrastructure. These contributions are not classed as providing infrastructure so can be secured through Section 106 agreements without any restriction on pooling of contributions from 5 or more developments (Regulation 123 of the Community Infrastructure Levy regulations). This approach is consistent with the views of other local authorities across the country in dealing with mitigation requirements for other Habitats sites and has been accepted by Planning Inspectors at appeal/examination.
- 4.11 Planning obligations are legally binding on the landowner (and any successor in title). They enable the LPA to secure the provision of services (or infrastructure), or contributions towards them, which is necessary in order to support the new development i.e. by making an otherwise unacceptable development acceptable in planning terms.
- 4.12 Legal agreements for planning purposes should meet all the following tests in order to be taken into account when determining a planning application:
- They are necessary to make a development acceptable in planning terms;
'LPAs, as competent authorities under the Habitats Regulation, have the duty to ensure that planning application decisions comply with regulations.'
 - They are directly related to the development;
'Evidence in the RAMS demonstrates that visitors come mainly from within the Zol indicated above to the Habitats sites. The 'in-combination' impact of proposals involving a net increase of one or more dwellings within this Zol is concluded to have an adverse effect on Habitats site integrity unless avoidance and mitigation measures are in place.'
 - They are fairly and reasonably related in scale and kind to a development.
The measures put forward in the RAMS represent the lowest cost set of options available which will be both deliverable and effective in mitigating the anticipated increase in recreational pressure from new residential development within the Zol. The costs are apportioned proportionately between all developments dependent on the scale of development. The contributions will be spent on both project-wide

mitigations such as Rangers, and specific mitigations within the Zol in which the contribution was collected. This contribution is therefore fairly and reasonably related in scale and kind to the development.

4.13 Applicants are expected to meet the LPA's legal fees associated with any drafting, checking and approving any deed. These legal fees are in addition to the statutory planning application fee and the contribution itself and must be reasonable. Details of the LPA's current legal fees can be found on the LPA's website. The website addresses for each LPA are included within Section 8 of this strategy.

Schemes under 10 dwellings

4.14 Applicants for schemes which will create up to 10 new units of residential accommodation can use a Unilateral Undertaking (UU). This should be submitted when the planning application is submitted.

4.15 Applicants will need to provide the following documents as part of their planning application where payment will be made through a UU:

- The original UU committing to pay the total RAMs contribution (index linked) before commencement of house building on the site/in accordance with the phasing of the development. This must be completed and signed by those who have a legal interest in the site including tenants and mortgagees;
- A copy of the site location plan signed by all signatories to the UU and included as part of the undertaking;
- Recent proof of title to the land (within the last month) which can normally be purchased from the Land Registry. Please note there are two parts to the proof of title: a Register and a Title Plan, both of which must be submitted.
- If the land is unregistered the applicant must provide solicitors details and instruct them to provide an Epitome of Title to the LPA

4.16 A payment for the LPA's reasonable costs of completing and checking the agreement will be necessary. The LPA will only charge for the actual time spent on this matter if the applicant follows the guidance. These legal fees are in addition to the statutory application fee and any contributions themselves. Please send a separate payment for this fee. This may be increased if the matter is particularly complex.

4.17 The LPA will require a payment towards the LPA's legal costs of completing and checking the UU. Current fees can be found on the respective LPA's website.

Schemes for 10 or more dwellings

- 4.18 In the case of larger or more complicated developments which include planning obligations beyond RAMS contributions, the most appropriate route for securing contributions will be via a multi-party Section 106 Agreement.
- 4.19 Applicants must submit a Heads of Terms document for the Section 106 Agreement, identifying these requirements and specifying their agreement to enter into a planning obligation. Heads of Terms should be provided at the point of submission of the planning application.
- 4.20 Please contact Planning Officers at the relevant LPA at the earliest opportunity to discuss your application and the most appropriate method of paying your RAMS contribution.

5. Alternative to paying into the RAMS

- 5.1 The 12 RAMS partner LPAs encourage mitigation to be secured via the strategic approach and prefer developer contributions to the RAMS. This approach is likely to be simpler, quicker and less costly for applicants. It will also ensure the adequate and timely delivery of effective mitigation at the Habitats sites.
- 5.2 As an alternative, applicants may choose to conduct their own visitor surveys to provide information to support the LPA in preparing project level Habitats Regulations Assessment (HRA) Screening Reports (in order to ensure that they can demonstrate compliances with Regulation 63 of the Habitats Regulations) and secure the bespoke mitigation specified within. Where applicants choose to pursue this option, the LPA will need to consult Natural England on the effectiveness of the mitigation proposed.

6. Monitoring of this SPD

- 6.1 To monitor the effectiveness of the RAMS and this SPD, a strategic monitoring process is in place and will be managed by a dedicated RAMS delivery officer in liaison with each LPA's own monitoring officers.
- 6.2 Monitoring will be undertaken annually and a report will be provided to each LPA to inform their individual Authority Monitoring Report (AMR). As competent authorities under the Habitats Regulations, the delivery of the Essex Coast RAMS is the responsibility of the LPA needing it to ensure their Local Plan is sound and legally compliant.
- 6.3 A representative from each of the partner LPAs, together forming 'The RAMS Steering Group', shall work with the Essex Coast RAMS team to establish a

monitoring process, which will include SMART targets⁸ to effectively gauge progress.

- 6.4 To ensure the monitoring process is fit for purpose, various monitoring activities will be undertaken at different times and at an appropriate frequency. For example, visitor survey updates will be scheduled for after 2 and then 5 years. The monitoring process will be used to inform future reviews of the RAMS and the SPD.

7. Consultation

- 7.1 This draft SPD is published for consultation between x and x in accordance with the planning consultation requirements of each LPA.

- 7.2 Comments should be submitted online at: <INSERT LINK>

- 7.3 Alternatively comments can be emailed or posted to Place Services at:

Place Services,
Essex County Council
County Hall
Chelmsford
Essex
CM1 1QH

<INSERT EMAIL ADDRESS>

- 7.4 Following the close of the consultation all comments will be considered and where necessary amendments made to the draft SPD prior to adoption by each LPA.

8. Useful Links

- Essex Coast Bird Aware - <https://essexcoast.birdaware.org/home>
- Basildon Borough Council (planning and environment) - <https://www.basildon.gov.uk/article/4622/Planning-and-environment>
- Braintree District Council (planning and building) - https://www.braintree.gov.uk/homepage/22/planning_and_building
- Brentwood Borough Council (planning and building control) - <http://www.brentwood.gov.uk/index.php?cid=531>
- Castle Point Borough Council (planning) - <https://www.castlepoint.gov.uk/planning>
- Chelmsford City Council (planning and building control) - <https://www.chelmsford.gov.uk/planning-and-building-control/>
- Colchester Borough Council (planning, building control and local land charges) - <https://www.colchester.gov.uk/planning/>
- Maldon District Council (planning and building control) - https://www.maldon.gov.uk/info/20045/planning_and_building_control

⁸ Targets that are Specific, Measurable, Attainable, Relevant and Timely (SMART)

- Rochford District Council (planning and building) - <https://www.rochford.gov.uk/planning-and-building>
- Southend Borough Council (planning and building) - https://www.southend.gov.uk/info/200128/planning_and_building
- Tendring District Council (planning) - <https://www.tendringdc.gov.uk/planning>
- Thurrock Borough Council (planning and growth) - <https://www.thurrock.gov.uk/planning-and-growth>
- Uttlesford District Council (planning and building control) - <https://www.uttlesford.gov.uk/article/4831/Planning-and-building-control>
- Natural England - <https://www.gov.uk/government/organisations/natural-england>
- MAGIC (Map) - <https://magic.defra.gov.uk/MagicMap.aspx>
- Planning Practice Guidance - <https://www.gov.uk/government/collections/planning-practice-guidance>

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9. Glossary

Appropriate Assessment	Forms part of the Habitats Regulations Assessment
Competent Authority	Has the invested or delegated authority to perform a designated function.
England Coast Path	Natural England are implementing the Government scheme to create a new national route around the coast of England
Impact Risk Zone	Developed by Natural England to make a rapid initial assessment of the potential risks posed by development proposals. They cover areas such as SSSIs, SACs, SPAs and Ramsar sites.
Habitats sites	Includes SPA, SAC & Ramsar sites as defined by NPPF (2018). Includes SPAs and SACs which are designated under European laws (the 'Habitats Directive' and 'Birds Directive' respectively) to protect Europe's rich variety of wildlife and habitats. Together, SPAs and SACs make up a series of sites across Europe, referred to collectively as Natura 2000 sites. In the UK they are commonly known as European sites; the National Planning Policy Framework also applies the same protection measures for Ramsar sites (Wetlands of International Importance under the Ramsar Convention) as those in place for European sites.
Habitats Regulations Assessment	Considers the impacts of plans and proposed developments on Natura 2000 sites.
Natural England	Natural England - the statutory adviser to government on the natural environment in England.
Local Planning Authority	The public authority whose duty it is to carry out specific planning functions for a particular area.
Ramsar site	Wetland of international importance designated under the Ramsar Convention 1979.
Special Area of Conservation	Land designated under Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora.
Special Protection Area	Land classified under Directive 79/409 on the Conservation of Wild Birds.
Supplementary Planning Document	Documents that provide further detail to the Local Plan. Capable of being a material consideration but are not part of the development plan.
Zone of Influence	A designated distance that establishes where development is permitted.

10. Acronyms

AA	Appropriate assessment
GPDO	General Permitted Development Order
HRA	Habitat Regulations Assessment
LPA	Local Planning Authority
RAMS	Recreational disturbance Avoidance and Mitigation Strategy
SAC	Special Area of Conservation
SPA	Special Protection Area
SPD	Supplementary Planning Document
UU	Unilateral undertaking
Zol	Zone of Influence

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11. Appendix 1: Strategic Mitigation

Mitigation package costed for 2018-2038

Priority	Theme	Measure	One off cost?	Annual cost	No. of years	Total cost for developer tariff calculations	Notes
Immediate - Year 1/2	Staff resources	Delivery officer		£45,000	19	£1,027,825	Salary costs include NI and overheads & 2% annual increments
		Equipment and uniform		(small ongoing cost)		£5,000	Bird Aware logo polo shirts, waterproof coats and rucksacks, plus binoculars for Rangers
	Year 2	1 ranger		£36,000	18	£770,843	Salary costs include NI and overheads & 2% annual increments
	Year 2	1 ranger		£36,000	18	£770,843	Salary costs include NI and overheads & 2% annual increments
		Staff training		£2,000	19	£38,000	£500 training for each staff
		Partnership Executive Group		(LPA £1,000)	19	£0	This would need to be an 'in kind' contribution from the LPA as this is a statutory requirement of the competent authorities. NB This is over and above the requirement for S106 monitoring

Priority	Theme	Measure	One off cost?	Annual cost	No. of years	Total cost for developer tariff calculations	Notes
		Administration & audit		(LPA £1,000)	19	£0	As above
	Access	Audit of Signage including interpretation	£1,000			£1,000	Undertaken by Delivery officer/rangers but small budget for travel
		New interpretation Boards	£48,600			£48,600	£2,700 per board, based on HLF guidance. Approx. 9 boards, one per Site. Cost allows for one replacement in plan period
	Monitoring	Levels of new development				£0	No cost as undertaken as part of LPA work in Development Management and s106 or Infrastructure officers
		Recording implementation of mitigation and track locations and costs				£0	No cost as delivered as part of core work by delivery officer
		Collation & mapping of key roosts and feeding areas outside the SPA	£10,000				£10,000

Priority	Theme	Measure	One off cost?	Annual cost	No. of years	Total cost for developer tariff calculations	Notes
		Visitor surveys at selected locations in summer (with questionnaires)	£15,000			£15,000	Focus on Dengie, Benfleet & Southend Marshes and Essex Estuaries saltmarsh; estimated cost £5/Habitats site. Liaise with NE & ECC PROW re England Coast Path
		Visitor numbers and recreational activities	£5,000 (£500/Habitats site/yr)			£5,000	Rangers, partner organisations, LPAs
		Consented residential development within Zol.	£0/ Habitats site/yr)			£0	S106 officers to Track financial contributions for each development for all LPAs; liaise with LPA contributions officers
	Communication	Website set up for Day 1				£0	Essex Coast Bird Aware webpage set up costs £3k to be covered by LPAs.
		Walks and talks to clubs and estuary users groups				£0	Covered by salary costs for Delivery officer
		Promotional materials				£5,000	Use Bird Aware education packs, stationery, dog bag dispensers, car stickers etc.

Priority	Theme	Measure	One off cost?	Annual cost	No. of years	Total cost for developer tariff calculations	Notes
Short to Medium term	Dog related	Set up/expand Dog project in line with Suffolk Coast & Heaths AONB "I'm a good dog" and Southend Responsible Dog Owner Campaign	£15,000			£15,000	Use Bird Aware design for leaflets & website text, liaison with specialist consultants (Dog focussed), liaison with dog owners etc. Liaise with dog clubs & trainers;
	Water sports zonation		£10,000			£10,000	Approx. costs only to be refined when opportunity arises
Year 5	Staff resources	1 additional ranger		£36,000	13	£456,567	Salary costs include NI and overheads & 2% annual increments
		Staff to keep website & promotion on social media up to date		£1,000	19	£19,000	Update/refresh costs spread over plan period and include dog and water borne recreation focussed pages on RAMS/Bird Aware Essex Coast website plus merchandise eg dog leads.

Priority	Theme	Measure	One off cost?	Annual cost	No. of years	Total cost for developer tariff calculations	Notes
	Monitoring	Update Visitor surveys at selected locations in summer (with questionnaires)	£45,000			£45,000	Estimated cost £5000/Habitats site/year for 9 Sites. Liaise with NE & ECC PROW re England Coast Path and LPAs re budgets as some of the survey costs may be absorbed into the budget for the HRAs needed for Local Plans. This could reduce the amount of contributions secured via RAMS which could be used for alternative measures.
		Signage and interpretation	£14,500			£14,500	£14,500 allows for 3 sets of discs - 3 designs, 1500 of each; e.g. paw prints in traffic light colours to show where no dogs, dogs on lead and dogs welcome. This may link with a timetable eg Southend with dog ban 1 st May to 30 th Sept

Priority	Theme	Measure	One off cost?	Annual cost	No. of years	Total cost for developer tariff calculations	Notes
	Water based bailiffs to enforce byelaws	Set up Water Ranger	£50,000	£120,000	15	£2,029,342	<p>Costs need to include jet ski(s), salary & on costs, training and maintenance plus byelaws costs. Priority is recommended for at least 1 Ranger to visit locations with breeding SPA birds e.g. Coine Estuary, Hamford Water and other locations eg Southend to prevent damage during the summer. Explore shared use at different times of year e.g. winter use at other Habitats sites.</p> <p>Given increased recreation predicted.</p>
		Additional River Ranger where needed		£120,000	15	£2,029,342	
	Codes of conduct	For water sports, bait digging, para motors/power hang gliders & kayakers	£5,000			£5,000	Use Bird Aware resources with small budget for printing. Talks to clubs and promotion covered by Delivery officer and rangers
	Habitat creation - Alternatives for birds project – and long term management	Work with landowners & EA to identify locations eg saltmarsh creation in key locations where it would provide benefits and work up projects	£500,000			£500,000	Approx. costs only to be refined when opportunity arises for identified locations in liaison with EA and landowners via Coastal Forum and Shoreline Management Plans.

Priority	Theme	Measure	One off cost?	Annual cost	No. of years	Total cost for developer tariff calculations	Notes
	Ground nesting SPA bird project – fencing and surveillance costs - specifically for breeding Lt Terns, & Ringed Plovers	Work with landowners & partners to identify existing or new locations for fencing to protect breeding sites for Little Tern & Ringed Plover populations	£15,000			£15,000	Check with RSPB, NE & EWT when project is prioritised
Longer term projects	Car park rationalisation	Work with landowners, Habitats site managers & partner organisations	£50,000			£50,000	Approx. costs only to be refined when opportunity arises
	Monitoring	Birds monitoring for key roosts & breeding areas within and outside SPAs		£5,000	10	£50,000	Costs for trained volunteers; surveys every 2 years
		Vegetation monitoring			£5,000	4	£20,000

Priority	Theme	Measure	One off cost?	Annual cost	No. of years	Total cost for developer tariff calculations	Notes
Year 10, 15 & 20	Monitoring	Update Visitor surveys at selected locations in summer (with questionnaires)	£45,000			£135,000	Estimated cost £5/Habitats site. Liaise with NE & ECC PROW re England Coast Path
	Route diversions	Work with PROW on projects	£15,000			£15,000	Approx. costs only to be refined when opportunity arises

TOTAL MITIGATION PACKAGE COSTS	£8,105,862
+10% contingency	£810,586
TOTAL COST	<u>£8,916,448</u>

12. Appendix 2: Essex Coast RAMS Guidelines for proposals for student accommodation

Introduction

A2.1 The Essex coast Recreational disturbance Avoidance and Mitigation Strategy (the “Essex coast RAMS”) aims to deliver the mitigation necessary to avoid significant adverse effects from in-combination impacts of residential development that is anticipated across Essex; thus protecting the Habitats (European) sites on the Essex coast from adverse effects on site integrity. All new residential developments within the evidenced Zones of Influence where there is a net increase in dwelling numbers are included in the Essex Coast RAMS. The Essex Coast RAMS identifies a detailed programme of strategic mitigation measures which are to be funded by developer contributions from residential development schemes.

A2.2 This note includes guidance for proposals for student accommodation to help understand the contribution required. It has been agreed by the Essex Coast RAMS Steering Group. The purpose of this note is to ensure that a consistent approach is taken across Essex when dealing with proposals for student accommodation within the Zones of Influence of the Essex Coast RAMS.

Student Accommodation

A2.3 In their letter to all Essex local planning authorities, dated 16 August 2018, Natural England included student accommodation as one of the development types that is covered by the Essex Coast RAMS.

A2.4 It would not be appropriate to expect the RAMS tariff of £122.30 for each unit of student accommodation. This would not be a fair and proportionate contribution. Nevertheless, Natural England has advised that there needs to be a financial contribution towards the RAMS as there is likely to be a residual effect from student accommodation development even though it will only be people generated disturbance rather than dog related. Natural England has advised that the tariff could be on a proportionate basis. It may also be possible for the on-site green infrastructure provision to be proportionate to the level of impact likely to be generated by the student accommodation, particularly as one of the main reasons for having on site green infrastructure is to provide dog walking facilities, which wouldn't be needed for student accommodation. The general model for calculation, set out below, explains how to obtain a fair and proportionate contribution for student accommodation.

A2.5 In the first instance, 2.5 student accommodation units will be considered a unit of residential accommodation.

A2.6 Secondly, it is recognised that due to the characteristics of this kind of residential development, specifically the absence of car parking and the inability of those living in purpose built student accommodation to have pets, the level of

disturbance created, and thus the increase in bird disturbance and associated bird mortality, will be less than dwelling houses (use class C3 of the Use Classes Order b).

A2.7 Research from the Solent Disturbance Mitigation Project showed that 47% of activity which resulted in major flight events was specifically caused by dogs off of a lead. As such, it is considered that level of impact from student accommodation would be half that of C3 housing and thus the scale of the mitigation package should also be half that of traditional housing.

So, a scheme for 100 student accommodation units would be considered 40 units. 40 units would then be halved providing that future occupiers are prevented from owning a car and keeping a pet:

$$100/2.5 = 40$$

$$40/2 = 20$$

$$20 \times \pounds 122.30 = \pounds 2,446$$

A2.8 Please note that the calculation outlined above is to be used as a guide. The level of contribution would also need to consider the proximity of the accommodation to the Habitats sites in question and the total number of units being built.

Chelmsford City Council

A2.9 Proposals for student accommodation in Chelmsford will have a de minimis effect. Unlike Colchester and Southend, Chelmsford only has a small area of Habitats sites in the far south-eastern part of its administrative area. Purpose built student accommodation generally includes restrictions preventing students from owning a car or a pet. These restrictions will make it extremely unlikely that a student will visit a Habitats site, owing to the difficulty in accessing Essex coast Habitats sites from Chelmsford by public transport. Consequently, proposals for purpose built student accommodation in Chelmsford will not lead to likely significant effects on Habitats sites from increased recreational disturbance.

Southend-on-Sea Borough Council

Agenda
Item No.

Report of Deputy Chief Executive (Place)

to
Cabinet
on
5th November 2019

Report prepared by: Adam Penn,
Regulatory Services Manager

Licensing Act 2003 – Review of Statement of Licensing Policy

Relevant Scrutiny Committee(s)
Executive Councillor: Councillor Terry
Part 1 (Public Agenda Item) / Part 2

1. Purpose of Report

- 1.1 To describe the recent formal consultation process and review the responses received.
- 1.2 To set out a proposed final revision for the Statement of Licensing Policy. **(Appendix 1).**

2. Recommendations

2.1 That the Cabinet recommend to the Council:-

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

3. Background

- 3.1 On 25th June 2019, the Cabinet considered and approved a report which set out a draft of the revised Statement of Licensing Policy, as the basis for a formal consultation process.
- 3.2 The Council's current Statement of Policy under the Act was approved in December 2014, and came into force on 7th January 2015. It can last for a maximum of 5 years but can be reviewed at any time. As that 5 year anniversary is now approaching, it is imperative that the Council undertakes the review process and publishes its Statement of Policy before the beginning of 2020 to avoid breaching its statutory duty.

- 3.3 Formal consultation commenced on 29th July 2019, with a request that responses be received by 8th September 2019. The consultation exercise involved in the following elements:-
- a) The despatch of an explanatory letter to a selection of licensed premises and registered clubs, advising of the review and the availability of the draft document.
 - b) An explanatory email and link to a copy of the draft revision was sent to the statutory "responsible authorities", and to relevant services within the Council. The Community Safety Partnership were specifically notified as were Southend BID / Purple Flag Group and the 3 'pubwatch's' including a link to the draft going to every member of these organisations.
 - c) Officers met individually with the responsible authorities, where requested.
 - d) A letter was sent to known residents' and tenants' groups within the Town, and also to certain legal firms known to act regularly for licensed premises locally.
 - e) Approximately 250 individuals and organisations were directly invited to comment together with those listed above. These included local representative groups such as business and resident Focus Groups, Faith Groups, Equality Groups and other voluntary organisations, the Citizens Advice Bureau, and organisations which have an influence on the night time economy.
 - f) The same material, with a link to the draft review document, was placed on the Council's website in the consultation section.
 - g) Officer presentations to specific groups, including Southend, Leigh and Shoebury Pub watches and the Community Action Group.
 - h) Continuing response to enquiries, and requests for copies of the draft revision.
 - i) Regular entries on corporate Twitter and Facebook accounts.
 - j) The issuing of a press release at the start of the consultation process.
- 3.4 Seven written responses have been received, which compares to twenty-one written responses to the original Policy Consultation in 2004, twelve in 2007, twenty-five in 2010 and eight in 2014. The table at **Appendix 2** shows the key points of the respondents.
- 3.5 The response from the Police supported the Policy.
- 3.6 A round-up presentation was given to the Licensing Committee on 5th September 2019. The Committee examined the proposed Policy section by section and a number of points were clarified by the Licensing Officer. It was resolved that the Policy should be recommended for approval at Cabinet and Council in its present form with a rewording to section 10.4. At the time of this consultation, six responses had been received.
- 3.7 All responses have been acknowledged and carefully assessed. Where that analysis indicates the need for changes to the original draft Policy, such changes have been incorporated in the document now put forward for approval. These changes are outlined in the final column of Appendix 2 and detailed in column 4.

- 3.8 The changes from the 2015 Policy include measures to address the increased reporting of antisocial behaviour in external areas of licensed premises' (and beyond) and clearer guidance on the links between Planning and Licensing. We've made some positive changes and we've listened as a result of the consultation to make sure we have the tools to tackle these issues'

4. 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.

5. 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.

6. Corporate Implications

6.1 Contribution to the Southend 2050 Road Map.

6.1.1 The Council's ambition of 'Safe and Well' is supported by the 'licensing objectives' of the Act. The development of a Licensing Policy establishes how the Council will determine applications therefore supporting the 'Opportunity and Prosperity' ambition. The revised Policy links to the 2050 vision at section 14.8.

6.1.2 The Licensing Policy is a delivery mechanism for the Harmful Behaviours Strategy which is also a key outcome for 'Safe and Well'.

6.2 Financial Implications

6.2.1 The annual licence fees, set by Central Government, form part of the overall budget for the Council.

6.3 Legal Implications

6.3.1 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.

6.4 People Implications

6.4.1 No people implications.

6.5 Property Implications

6.5.1 No property implications.

6.6 Consultation

6.6.1 The consultation arrangements are set out in the Act itself, and are covered in the Home Office statutory guidance to licensing authorities. Consultation procedures were undertaken in accordance with these requirements and are outlined in section 3 of this report.

6.7 Equalities and Diversity Implications

6.7.1 The Policy document has been drawn up in accordance with the requirements of the legislation and the detailed measures contained in the statutory guidance to licensing authorities. An equalities assessment has been undertaken to take account of responses to the consultation process.

6.8 Risk Assessment

6.8.1 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.

6.9 Value for Money

6.9.1 The annual licence fees, set by Central Government, form part of the overall budget for the Council.

6.10 Community Safety Implications

6.10.1 The 'Licensing Objectives' of control of 'prevention of crime and disorder' and 'prevention of public nuisance', are key elements in the effective administration of the legislation. There is a dedicated section of the Policy in respect to the 'protection of children from harm' and this section strongly promotes measures linked to this objective. The Act does not have a specific objective for the protection of vulnerable persons and as such the authority is prevented from addressing this matter directly, however this theme cuts across a number of the other objectives.

6.11 Environmental Impact

6.11.1 None.

7. Background Papers

7.1 The Licensing Act 2003 and associated Regulations.

7.2 The Home Office Guidance to Licensing Authorities, April 2018 edition.

7.3 Responses to the public consultation exercise.

8. Appendices

8.1.1 Appendix 1 - Proposed final Statement of Licensing Policy.

8.1.2 Appendix 2 - Table showing key points of consultation responses.



LICENSING ACT 2003 LICENSING POLICY 2020 – 2024

KEY

RED = changed or new from previous policy on
consultation version

GREEN = changed or new as a result on consultation
responses

BLACK = Unchanged

STRIKETHROUGH = Removed

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Final

CONTENTS

1.0	Preliminary matters
2.0	Description of the borough
3.0	Statement of licensing policy
4.0	Consultation
5.0	Approval of policy
6.0	Exchange of information
7.0	Public register
8.0	Compliance and enforcement
9.0	Introduction to the act
10.0	Prevention of crime and disorder
11.0	Public safety
12.0	Prevention of public nuisance
13.0	Protection of children from harm
14.0	Advice and guidance
15.0	Representations
16.0	Licensing Committee
17.0	Appeals
18.0	Reviews
19.0	Suspension of licences for non-payment of annual fees
20.0	Electronic applications

APPENDICES

Appendix A - Contact details for the Licensing Authority and Responsible Authorities

Appendix B - Scheme of delegations

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Final

1.0 PRELIMINARY MATTERS

1.1 This Statement of Licensing Policy sets out the principles by which Southend-on-Sea Borough Council intends to discharge its functions as the Licensing Authority under the Licensing Act 2003 (referred to in this document as 'the Act').

1.2 The Licensing Authority is responsible for the consideration of applications for the grant of premises licences, club premises certificates, personal licences and processing temporary event notices in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late night refreshment. References in the text to licensed premises should be taken to include club premises, unless the context otherwise requires.

1.3 The planning and licensing regimes involve consideration of different (albeit related) matters. Licensing Committees are not bound by the decisions made by a Planning Committee and vice versa.

1.4 There is no legal basis for a Licensing Authority to refuse a licence because the relevant premises does not have planning permission or where there are conditions on the planning permission of a premise.

1.5 The Licensing Authority liaises with the Planning Authority to ensure they are aware of all new and varied premises licence and club premises certificate applications. This is achieved via a weekly email. This procedure is in addition to the statutory requirement for all applicants to provide a copy of their application to the Planning Authority.

1.6 Applicants are advised that the Planning Authority is a Responsible Authority under the 2003 Act and is able to make representations against all applications on planning grounds relating to, inter alia, public nuisance, and thereby make representations regarding opening and closing hours, and in respect of any of the 4 overriding objectives of the Licensing Act 2003.

~~1.6~~ 1.7 There are circumstances when as a condition of planning permission, a terminal hour has been set for the use of the premises for commercial purposes. Where these hours are different to the licensing hours granted, the earlier closing time must be observed. Premises operating in breach of their planning permission would be liable to enforcement action from the Planning Department, even in circumstances where the licensing permission allowed a later terminal hour.

2.0 DESCRIPTION OF THE BOROUGH

2.1 The Borough of Southend-on-Sea is a densely populated area and has numerous licensed venues and fast food outlets. In many cases, those premises are situated near to residential areas.

2.2 There is a large range and scale of entertainment/alcohol establishments in the town. The development of South Essex College and the University of Essex is having an impact upon the existing infra-structure and town centre facilities.

2.3 The seafront, particularly the central area with its mix of public houses, entertainment establishments, amusement facilities and late-night fast food outlets, is an area drawing large numbers of visitors.

3.0 STATEMENT OF LICENSING POLICY

3.1 The Licensing Authority is required by the Act to publish a Statement of Licensing Policy which contains the principles it proposes to apply when exercising its functions under the Act.

3.2 This Policy must be reviewed and published every 5 years. The Policy must also be reviewed from 'time to time' and any proposed amendments and/or additions must be subject to fresh consultation. The new Policy must then be published.

3.3 This Policy takes effect on 31st January 2015 **2020** and replaces the Policy previously in force.

4.0 CONSULTATION

4.1 In producing this Policy, the Licensing Authority carried out an extensive consultation programme between **29th July 2019** and **8th September 2019**.

4.2 The Act requires that the following parties are consulted by the Licensing Authority:-

- (a) the Chief Officer of Police for the Licensing Authority's area,
- (b) the Fire Authority for that area,
- (c) the Director of Public Health for the Licensing Authority's area,
- (d) such persons as the Licensing Authority considers to be representative of holders of premises licences issued by that authority,
- (e) such persons as the Licensing Authority considers to be representative of holders of club premises certificates issued by that authority,
- (f) such persons as the Licensing Authority considers to be representative of holders of personal licences issued by that authority, and
- (g) such other persons as the licensing authority considers to be representative of businesses and residents in its area.

4.3 In addition, the Licensing Authority chose to consult additional local groups and individuals namely:

- Responsible Authorities under the Act
- Other elements of local government
- Organisations, including faith groups and voluntary organisations, and the Citizens' Advice Bureau;
- Groups which have an influence on the night time economy.

5.0 APPROVAL OF POLICY

5.1 This policy was approved at a meeting of the full Council on ??? 2019 and was published via its website simultaneously. Copies are available on request.

6.0 EXCHANGE OF INFORMATION

6.1 The Licensing Authority is under a duty to protect the public funds it administers, and to this end may use for the prevention and detection of fraud the information provided by applicants. It may also share this information for these purposes with other bodies responsible for auditing or administering public funds.

6.2 In accordance with the provisions of the Crime and Disorder Act 1998, The Licensing Authority may exchange information provided by applicants with law enforcement agencies for purposes connected with the prevention and detection of crime.

7.0 PUBLIC REGISTER

7.1 The Licensing Authority keeps a public register which may be inspected at the offices of the Licensing Authority on Mondays to Fridays (except bank and public holidays) between 10am and 4.00pm. Regulations prescribe what information should be kept in the register. Alternatively the register can be viewed online on www.southend.gov.uk

7.2 The Licensing Authority publish details of applications on the Council's website www.southend.gov.uk

8.0 COMPLIANCE AND ENFORCEMENT

8.1 In exercising its functions with regard to the inspection of premises and to the institution of criminal proceedings for offences committed under the Act, or the calling of a licence review, the Licensing Authority will follow best practice. This requires that actions should be-

- Proportionate - intervention will only take place when necessary. Remedies shall be appropriate to the risk posed and costs identified and minimised.
- Accountability - the Licensing Authority shall ensure it is able to justify its decisions and be subject to public scrutiny
- Consistent - rules and standards shall be joined up and implemented fairly.
- Transparent - enforcement shall be open and regulations kept simple and user friendly.
- Targeted - enforcement shall be focused on the problems and minimise side effects.

8.2 The Licensing Authority will endeavour to avoid duplication with other regulatory regimes, so far as is possible, and will adopt a risk based inspection programme.

8.3 The main enforcement and compliance role of the Licensing Authority is to ensure compliance with the licences and permissions it authorises. Where appropriate, we may conduct joint inspections of licensed premises, or premises which may need a licence, in conjunction with other enforcing authorities.

8.4 Where appropriate complaints will be investigated in accordance with the stepped approach outlined in the Regulatory Services Enforcement Policy. In the first instance we encourage complaints to be raised directly with the licensee or business concerned.

8.5 The Licensing Authority will keep itself informed of developments as regards the work of the ~~Better Regulation Executive~~ **Department for Business, Energy and Industrial Strategy** in its consideration of the regulatory functions of Local Authorities.

8.6 The Licensing Authority will take account of the outcomes and ambitions of The Council's 'Tackling Harmful Behaviours Strategy' where appropriate.

~~8.6~~ **8.7** The Licensing Authority's enforcement/compliance protocols are available on request, as are details of the risk-based approach to inspection.

9.0 INTRODUCTION TO THE ACT

9.1 In exercising its functions under the Act, the Licensing Authority must have regard to and promote the 4 licensing objectives namely:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

9.2 Applicants are advised to consider providing evidence that suitable and sufficient control measures, as detailed in their operating schedule, will be implemented and maintained relevant to the nature and mode of operation of their premises and events.

9.3 The Licensing Authority has certain expectations in respect of applicants and the operating schedules they produce. It is for applicants to decide on the extent of measures to be set out in their operating schedules, but when assessing applications the Licensing Authority must be satisfied that the measures proposed aim to achieve the licensing objectives, as far as is possible.

9.4 Duplication with other regulatory regimes should be avoided. In particular, applicants should have regard to the fact that the Local Authority's licensing function will be discharged separately from its functions as the local planning authority. Normally, applications for premises licences for permanent commercial premises should be from businesses with planning consent for the property concerned.

9.5 This Policy covers a wide variety of premises and activities and for this reason it cannot detail all the factors which influence the achievement of the licensing objectives, nor can it detail all the control measures which may be appropriate.

9.6 Where valid representations are made, the Licensing Authority will make objective judgments as to whether conditions need to be attached to a licence, certificate or permission in order to secure the achievement of the licensing objectives. Any such condition will focus primarily on the direct impact of the activities taking place on the premises on those attending the premises and members of the public living, working or otherwise engaged in normal activity in the area concerned and will cover matters within the direct control of individual licensees.

9.7 Licensing law is not the primary mechanism for the general control of individuals once they are away from licensed premises and therefore beyond the direct control of individual licensees or certificate holders. However, reasonable steps should be taken to prevent the occurrence of crime and disorder and public nuisance immediately outside the premises; for example, on the pavement, or in a smoking area.

Other mechanisms may be utilised to tackle unruly or unlawful behaviour of patrons when beyond the vicinity of the premises. These include:-

- Measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and departments of the Local Authority.
- The provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences late at night, street cleaning and litter patrols.
- Powers to designate parts of the Local Authority area as places where alcohol may not be consumed publicly.
- Police enforcement of the general law concerning disorder and anti-social behaviour.
- The confiscation of alcohol from adults and children in designated areas.
- Police powers to close down licensed premises for a specific period of time.
- The power of the Police or interested parties to seek a review of the licence.
- Other local initiatives which similarly address such problems.

9.8 The Licensing Authority recognises the cultural, social and business importance that premises and events requiring a licence can provide and the diversity of activities which are provided by licence holders. Proper account will be taken of the need to encourage a broad range of entertainments.

9.9 The Licensing Committee will receive reports, where appropriate, on the needs of the local tourist economy and the cultural strategy for the area, so as to ensure these are reflected in its considerations.

9.10 The Licensing Committee will be kept apprised of the employment situation in the area and the need for new investment and employment where appropriate.

9.11 The Licensing Authority is under a legal obligation to have due regard (section 149, Equality Act 2010) to the need to eliminate unlawful discrimination, harassment

and victimisation; to advance equality of opportunity and to foster good relations between persons with different protected characteristics.

Those protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

9.12 The impact of this Policy on the requirements of the Equality Act will be monitored through the Council's Equality and Diversity Scheme.

9.13 When considering applications the Licensing Authority will have regard to the Act and the licensing objectives, this policy, statutory guidance, and all supporting regulations.

10.0 PREVENTION OF CRIME AND DISORDER

10.1 Section 17 of the Crime and Disorder Act 1998 imposes a duty on the Local Authority when carrying out its various functions to do all it reasonably can to prevent crime and disorder in its area.

10.2 When addressing the issue of crime and disorder the applicant is advised to demonstrate in the operating schedule that those factors which impact on crime and disorder have been considered. These may include:

- Underage drinking
- Drunkenness on premises and elsewhere
- Drugs misuse
- Violent behaviour
- Anti-social behaviour
- Control of their patrons while on the premises and as they arrive and depart
- Crime statistics in the locale
- The nature of the local area

10.3 The following examples of control measures are given to assist applicants and are considered to be amongst the most important to be taken into account in an operating schedule. However, it is recognised that this Policy applies to a wide range of premises and activities, and not all the measures will necessarily be relevant to a particular application.

- Effective and responsible management and supervisory control of the premises and associated open areas.
- Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of crime and disorder.
- The keeping of appropriate written training records.
- Adoption of best practice guidance
- Acceptance of 'proof of age' documentation, from time to time recognised by the Licensing Authority.
- Provision of effective CCTV in and around the premises.

- Engagement of door staff. Where door staff are present they must be Security Industry Authority licensed.
- Provision of drinking vessels made from appropriate toughened material.
- The assessment of the use of polycarbonate drinking vessels over toughened ones on certain occasions.
- Proper arrangements to enable the personal licence holder to monitor the activity they have authorised.

10.4 The Licensing Authority expect licensed premises to develop a staff policy and training programme on drug awareness, recognising signs of drunkenness and vulnerability, for example, offering drinking water and advice on refusing customers who appear drunk and discourage company policies that promote bonuses and sales incentives for selling alcohol. The Licensing Authority will expect necessary precautionary processes to restrict drunkenness, e.g. Home Office Licensing Guidance states drinks promotions should not be designed to encourage individuals to drink excessively or rapidly.

10.5 Where licensed premises are suspected of causing nuisance or being associated with disorder or unreasonable disturbance, the review process may be invoked, and powers of revocation or the imposition of conditions may be considered. Conditions may include use of closed-circuit television, licensed door supervisors and earlier closing times. The Committee may consider a suspension of the licence to allow time for new conditions to be enacted.

10.6 It is expected that the Designated Premises Supervisor (DPS) should be able to demonstrate that they have day to day control of the premises. When not on the premises, it will be essential that the DPS is contactable, particularly should problems arise with the premises and that staff are authorised by the DPS.

10.7 The location of violent attacks, anti-social behaviour and hate crime or related incidents may be used to justify closing times.

11.0 PUBLIC SAFETY

11.1 The Licensing Authority is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. Applicants are advised to consider how they can demonstrate in the operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety.

11.2 Factors which may have an impact on public safety may include:

- The number of people frequenting the premises.
- The condition, lay-out and design of the premises.
- The nature of the activities to be provided.
- Customer profile.
- The use of special effects such as lasers, pyrotechnics, foam machines and so on.

11.3 The following examples of control measures are given to assist applicants and are considered to be amongst the most important to be taken into account in an operating schedule. However, it is recognised that this Policy applies to a wide range of premises and activities and not all the measures will necessarily be relevant to a particular application.

- Suitable and sufficient risk assessments.
- Effective and responsible management of premises.
- Provision of a sufficient number of people employed or engaged to secure the safety of all those present.
- Appropriate instruction, training and supervision of those employed or engaged to secure the safety of all those present.
- The keeping of appropriate written training records.
- Adoption of best practice guidance.
- Provision of effective CCTV in an around the premises.
- Provision of drinking vessels made from appropriate toughened material.
- The assessment of the use of polycarbonate drinking vessels over toughened ones on certain occasions.
- Implementation of crowd management measures.
- Proper arrangements to enable the personal licence holder to monitor the activity they have authorised.
- The condition, design and layout of the premises, including the means of escape in an emergency.

12.0 PREVENTION OF PUBLIC NUISANCE

12.1 Licensed premises have a significant potential to impact adversely on communities through public nuisance which can arise through their operation. The Licensing Authority wishes to maintain and protect the amenity of residents and businesses from the potential consequence of the operation of licensed premises.

12.2 The Licensing Authority interprets 'public nuisance' in its widest sense, and takes it to include such issues as noise and disturbance, light, odour, litter and anti-social behaviour.

12.3 Applicants are advised to consider how they can demonstrate in the operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance.

12.4 Factors which may have an impact on public nuisance may include:

- The location of the premises (including open areas associated with them) and proximity to residential and other noise sensitive premises.
- The customer profile.
- The hours of operation.
- The nature of activities provided.
- The design and layout of the premises and in particular the use of noise limiting features.
- The number of people frequenting the premises.

- The availability of public transport and the availability and location of car parks utilised by patrons.
- Any 'wind down period' between the end of the licensable activities and closure of the premises.
- The time of last admission.
- The use of special effects such as lasers, pyrotechnics, and so on.

12.5 The following examples of control measures are given to assist applicants and are considered to be amongst the most important to be taken into account in an operating schedule. However, it is recognised that this Policy applies to a wide range of premises and activities and not all the measures will necessarily be relevant to a particular application.

- Effective and responsible management and supervisory control of premises and associated open areas, including smoking areas.
- Appropriate instructions, training and supervision of staff.
- The keeping of appropriate written training records.
- Control of operating hours for all, or parts of, the premises, including such matters as deliveries and the operation of machinery.
- Adoption of best practice guidance.
- Installation of acoustic insulation, suitably controlled, sited and silenced ventilation or air conditioning systems and (where appropriate) sound limitation devices.
- Signage displayed at premises requesting that patrons leave quietly.
- Management of people (including staff) and traffic (and resulting queues) arriving at and leaving the premises.
- Liaison with transport providers.
- Siting of external lighting, including security lighting.
- Management arrangements for the collection and disposal of litter.
- Proper arrangements to enable the personal licence holder to monitor the activity they have authorised.

12.6 External Areas, Beer Gardens and Smoking Areas

Premises licence holders will be expected to:

- Develop a management plan on how to manage smoking on your premises and ensure that all staff are aware of the contents of this plan, and that it is effectively implemented. Noise from people smoking and talking can be intermittent, vary in character and volume and be intrusive. An effective smoking management plan will help prevent neighbours being disturbed.
- Comply with any planning conditions restricting the use of outdoor areas.
- Ensure that any structures used by smokers comply with the design criteria detailed in the Heath Act 2006 and that any structures, awnings, retractable canopies, etc. have the relevant planning permission.
- Ensure any new lighting to outdoor areas must be designed so as not to cause a light nuisance to neighbours and again have the relevant planning permission and building control consent.

- Ensure that the conditions on the premises licence are complied with. There may be conditions restricting the hours of use of gardens and outdoor areas.
- Licence tables and chairs on the Public Highway under the provisions of the Highways Act 1980. These licences may have conditions restricting the times that the area can be used.
- Ensure drinks, glasses and bottles are not taken onto the highway unless there is a tables and chairs licence permitting use. A system should be adopted to prevent theft and 'spiking' of drinks, and reminding customers not to leave unattended items.
- Discourage smokers remaining in gardens and outdoor areas and determine terminal hours.
- Discourage smokers remaining outside by removing/disabling tables and chairs or prohibiting their use after a certain time. Lights and heaters should also be turned off.
- Introduce a system that after a certain time, the number of smokers outside are restricted to a maximum number. Staff will be needed to manage this restriction.
- Consider employing SIA registered door supervisors to manage doors and control customers and smokers entering and leaving the premises. Staff positioned on the doors can help to encourage customers not to cause a noise problem. It may be that staff are required to manage doors after a certain time, particularly during the hours when neighbouring residents are trying to sleep.
- Ensure door supervisors maintain order outside venues and protect customer safety. The Licensing Authority supports the use of town link Radio and the 'Disc' system, other pager systems and pub watch schemes can be used to provide for rapid Police response and alert other venues where customers and staff are endangered.
- Position signs to remind customers that the premises is in an area where people live. It is not always obvious in busy commercial streets with flats above. By changing the design and wording of signs customers do not forget. Signs can be located in and outside the premises and on tables.
- Use CCTV to manage outside areas.

13.0 PROTECTION OF CHILDREN FROM HARM

13.1 Family friendly premises are to be encouraged but the risk of harm to children remains a paramount consideration when applications are determined.

13.2 The protection of children from harm includes their protection from moral, psychological and physical harm.

13.3 In relation to the exhibition of films, or transmission of programmes or videos, this includes protection from exposure to strong language, sexual expletives and violence. The Licensing Authority will expect licensees to implement measures which restrict children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification.

13.4 In certain circumstances, children are more vulnerable and their needs will require special consideration. This vulnerability includes their susceptibility to

suggestion, peer group influence, inappropriate example, the unpredictability of their actions due to their age, and the lack of understanding of danger.

13.5 Applicants are advised to consider how they can demonstrate in the operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to safeguard children from harm.

13.6 Factors which may have an impact on the safety of children and give particular cause for concern may include:

- Where entertainment or services of an adult or sexual nature are commonly provided.
- Where there have been convictions of members of the current staff at the premises for serving alcohol to minors, or premises with a reputation for underage drinking.
- Proxy sales of alcohol to minors (ie adults purchasing for persons who are underage).
- The premises have a known association with illegal drug taking or dealing.

13.7 The following examples of control measures are given to assist applicants and are considered to be amongst the most important to be taken into account in an operating schedule. However, it is recognised that this Policy applies to a wide range of premises and activities and not all the measures will necessarily be relevant to a particular application.

- Effective and responsible management and supervisory control of premises and associated open areas, including smoking areas.
- Appropriate instruction, training and supervision of staff.
- The keeping of appropriate written training records.
- Adoption of best practice guidance.
- Complete exclusion of children, limitations on the hours when children may be present, restrictions from being in certain parts of the premises, or exclusion from certain activities.
- Imposition of requirements for children to be accompanied by an adult.
- Acceptance of 'proof of age' documentation, from time to time recognised by the Licensing Authority.
- Measures to ensure children do not purchase, acquire or consume alcohol.
- Proper arrangements to be made to enable the personal licence holder to monitor the activity they have authorised.

13.8 Conditions which require the admittance of children to any premises cannot be attached to licences or certificates.

13.9 Where a premises provide gaming facilities licenced or permitted under the Gambling Act 2005, the Licensing Authority will expect measures to be in place to prevent children from accessing gaming machines. This should include the appropriate training of staff and the keeping of training records, as well as measures to ensure machines are appropriately monitored by staff. Such measures should be highlighted in the operating schedule.

14.0 ADVICE AND GUIDANCE

14.1 Pre-application discussions with the responsible authorities are encouraged to assist applicants in developing their proposals and operating schedules. Officers of the Licensing Authority will endeavour to provide guidance at that stage of the process. Where an officer is representing the Licensing Authority in its role as a Responsible Authority, wherever possible another officer will be designated to process the application and provide applicant guidance.

14.2 The Council provides a pre-application service for people seeking advice on prospective planning applications including proposed changes to planning conditions controlling. This may involve, for example, hours of operation. Applicants for licenses are encouraged to consider the benefits of using that advice service in the interests of seeking to ensure their license proposals are, or can be made, consistent with separate planning controls that may apply to their premises. More information about the advice service is at this link

https://www.southend.gov.uk/info/200155/make_a_planning_application_and_planning_advice/365/planning_advice_and_guidance/2

14.3 Where appropriate to do so, officers of the Licensing Authority will assist applicants to work with others who may make representations with a view to resolve areas of concern. Once an application has been lodged there are statutory timescales imposed on the application and determination process which restrict the opportunity for such discussions, liaison and mediation.

14.4 Contact details are set out Appendix A

14.5 The Licensing Authority is obliged by the Act to grant an application unless relevant representations are received. If there are no relevant representations, the application will be dealt with by the Licensing Authority's licensing officers under the scheme of delegation. If there are relevant representations the application will be considered by the Licensing sub-committee at a public hearing.

14.6 Mandatory Conditions are imposed by the Act whether or not the application is opposed.

14.7 In determining applications for garages, (ie forecourt shops) the Licensing Authority must decide whether or not premises are primarily used as a garage and will expect applicants to submit data which establishes the primary use. Where such information is not available (because for example the premises have only just started trading), we may consider imposing a condition requiring this information to be provided to the Licensing Authority on a regular basis for the following years to ensure the premises are not primarily a garage.

14.8 There are strong links between the Council's 2050 Vision and Licensing Policy. Several outcomes can be positively influenced by good licensing controls and a well-

run licensed sector. The Licensing Authority hope that applicants will engage with the 2050 Vision in their applications.

Examples include:-

Safe & Well:

- People in all parts of the Borough feel safe and secure at all times.
- We are all effective at protecting and improving the quality of life for the most vulnerable in our community.
- Southenders are remaining well enough to enjoy fulfilling lives, throughout their lives.

Opportunity and Prosperity:

- The Local Plan is setting an exciting planning framework for the Borough.
- We have a fast-evolving, re-imagined and thriving town centre, with an inviting mix of shops, homes, culture and leisure opportunities.

14.9 The Licensing Authority draws the attention of applicants, licensees and responsible authorities to the Government's online resource for alcohol harm and licensing related data at the following link:-

<https://www.gov.uk/government/publications/alcohol-licensing-data-for-public-health-teams>

15.0 REPRESENTATIONS

15.1 These may be made by either of the following:

(1) Responsible Authorities

A full list of the Responsible Authorities is given in Appendix A.

(2) Any other person

Regardless of their geographical location, providing that the representation is not vexatious and frivolous in the opinion of the Licensing Authority.

15.2 Any representations must relate to the named premises and are restricted to the 4 licensing objectives. The Licensing Authority will need to be satisfied there is an evidential link between the representations made, the licensing objectives and the premises in question. Where a representation simply re-lists the licensing objections without stating why it is considered the grant of the application will undermine or fail to promote them, it may be rejected as invalid.

15.3 The Licensing Act 2003 (hearings) Regulations 2005 require the Licensing Authority to provide the applicant with copies of any relevant representations made. **Any person making a representation to an application should bear in mind that their personal data (such as name and address) will be disclosed to the applicant. The Licensing Authority will not edit your letter of representation before it sends it out.**

15.4 All letters of representation will be contained in the agenda should the matter proceed to a sub-committee hearing. Such hearings are open to the public and may include the presence of members of the media. Furthermore, personal data may be published in the minutes which are distributed to all parties to the proceedings and available on the Council's website.

16.0 LICENSING COMMITTEE

16.1 The Committee is composed of 15 Councillors. A contested application will be heard by a sub-committee comprising 3 members of the Licensing Committee.

16.2 When considering applications, the sub-committee will have regard to this Policy, statutory guidance, the Act and attached regulations and the licensing objectives.

16.3 Each application is considered on its individual merits.

16.4 Should the sub-committee decide to approve the application, the mandatory licence conditions must be applied. In addition, the sub-committee will determine whether it is appropriate to attach other conditions to a licence, certificate or permission to secure achievement of the licensing objectives. Any such conditions will primarily focus on the direct impact of the activities taking place at the premises on those attending the premises and members of the public living, working or otherwise engaged in normal activity in the vicinity of the premises.

16.5 In determining whether a person lives or has business interests sufficiently close to the premises so as to be likely to be affected by the proposed activities, the Licensing Authority will consider factors such as:

- The size of the premises.
- The nature of the premises.
- The distance of the premises from the location of the residence or business of the person making the representations.
- The potential impact of the premises (e.g. the number of customers and routes likely to be taken by its customers).

16.6 Conditions which seek to control the range or nature of activities within the premises, or which are designed to reduce the potential for anti-social behaviour, may be necessary. Such conditions may also seek to directly impact upon the behaviour of customers on, or within the immediate vicinity of, the premises.

16.7 The Licensing Authority will avoid attaching conditions which duplicate other regulatory regimes wherever possible.

16.8 A list of which matters will be dealt with at Committee and those which are delegated to Licensing Officers can be found at Appendix B.

17.0 APPEALS

17.1 An appeal may be made to the Magistrates' Court against a decision of the Licensing Authority. The appeal must be made within 21 days of being notified of the decision to be appealed against. The following may appeal:

- The applicant.
- A Responsible Authority or any person who made relevant representations.
- In the case of a review, the holder of the licence or certificate being reviewed.

18.0 REVIEWS

18.1 A Responsible Authority or any person may ask the Licensing Authority to review a premises licence because of a matter arising at the premises in connection with any of the four licensing objectives.

18.2 The Licensing Authority will not normally engage its role as a Responsible Authority by calling reviews on behalf of other persons, such as local residents or community groups. These individuals and groups are entitled to do so in their own right where there are sufficient grounds.

18.3 Where Responsible Authorities have concerns about problems identified at a premises, the Licensing Authority considers it to be good practice for them to give licence holder's early warning of their concerns and the need for improvement. Where possible and/or appropriate it would be expected that advice and guidance in addressing the issue(s) should be given.

18.4 The Licensing Authority draws the attention of Responsible Authorities to the Home office publication, "The Practical Guide for Preventing and Dealing with Alcohol Related Problems - What You Need To Know".

Summary Reviews (Violent Crime Reduction Act 2006)

18.5 Where premises are associated with serious crime or serious disorder a senior police officer (Superintendent or above) may apply for a summary review of a premises licence.

18.6 If a summary review is applied for, the Licensing Authority must consider the application within 48 hours (time that is not on a working day is disregarded) and determine what interim steps to take, if any, of those listed below:

- The modification of the conditions of the premises licence.
- The exclusion of the sale of alcohol by retail from the scope of the licence.
- The removal of the designated premises supervisor from the licence.
- The suspension of the licence.

18.7 Although the law allows the decision to be determined in the absence of the premises licence holder, the Licensing Authority will endeavour to always notify the licence holder of the application having been made and of the time, date and place that it will be determined, in order to afford the licence holder or representative the opportunity to attend.

18.8 Where the Licensing Authority decide to take any of the interim steps, its decision has immediate effect and an immediate notice of the decision must be given to the licence holder.

18.9 Where the licence holder makes representation in respect of the decision, the Licensing Authority must hold a hearing within 48 hours (time that is not on a working day is disregarded) of receipt of the representations and, unless they are withdrawn, consider those representations and any made by the Police; consider whether the interim steps are necessary for the promotion of the licensing objectives; determine whether to withdraw or modify the steps taken.

18.10 The Licensing Authority must also hold a full review hearing within 28 days.

Closure of Premises

18.11 Under the Anti-Social Behaviour, Crime and Policing Act 2014, Closure Notices can be issued by the Police or Local Authority for 24 hours (and up to 72 hours where necessary) when satisfied there are reasonable grounds:

- That the use of particular premises has resulted or is likely soon to result in nuisance to members of the public; or
- That there has been or is likely soon to be disorder near those premises associated with the use of those premises.

18.12 Closure Orders up to a period of three months can be sought from a Magistrates Court by Police and Local Authorities once a Closure Notice has been issued. The Court may make a Closure Order if it is satisfied:

- That a person has engaged, or is likely to engage, in disorderly, offensive or criminal behavior on the premises; or
- That the use of the premises has resulted, or is likely to result, in serious nuisance to members of the public; or
- That there has been, or is likely to be, disorder near those premises associated with the use of the premises;
- That the order is necessary to prevent the behaviour, nuisance or disorder from continuing, recurring or occurring.

18.13 Breach of a notice or order is a criminal offence and carries the following sentences upon summary conviction:

- Notice: Up to three months in prison.
- Order: Up to six months in prison.
- Both: Up to an unlimited fine for residential and non-residential premises.

18.14 Who Can Appeal?

- Any person who the closure notice was served on.
- Any person who had not been served the closure notice but has an interest in the premises.
- The Council (where closure order was not made and they issued the notice).
- The Police (where closure order was not made and they issued the notice).

19.0 SUSPENSION OF LICENCES FOR NON-PAYMENT OF THE ANNUAL FEE

19.1 The Licensing Authority is under a duty to suspend Premises Licences and Club Premises Certificates where the Licensee has failed to pay the annual fee within a prescribed period. Licences which are suspended shall cease to have effect during the suspension period. Furthermore a licence cannot be transferred during said period.

20.0 ELECTRONIC APPLICATIONS

20.1 In keeping with the Council's Policy on the introduction of e-Government, the Licensing Authority consents to applications and other notices being given electronically where the Act and regulations allow.

20.2 The methods by which the Licensing Authority will accept electronic applications and notices is:-

- via the 'MySouthend' app on the council website www.southend.gov.uk
- by email on licact2003@southend.gov.uk

Appendix A

Contact details for the Licensing Authority and Responsible Authorities

All correspondence for the Licensing Authority should be addressed to:

The Licensing Authority
Southend-on-Sea Borough Council
Civic Centre (Floor 13)
Victoria Avenue, Southend-on-Sea
Essex SS2 6ZG

Telephone: 01702 215005

Email: licact2003@southend.gov.uk

The Responsible Authorities are:

a) The Chief Officer of Police

Licensing Department (Alcohol & Gambling)
Essex Police
Blyth's Meadow
Braintree
Essex CM7 3DJ

Telephone: 101 ext 452035

E:mail licensing.applications@essex.police.uk

b) The Fire Authority

The Divisional Commander
Essex County Fire and Rescue Service
Southend and Rochford Community Command
Sutton Road (Rear of Fire Station)
Southend-on-Sea
Essex SS2 5PX

Telephone: 01702 614433

c) The Health and Safety Enforcing Authority

Either (in respect of premises subject to Local Authority Enforcement)

The Food Safety Team
Public Protection (Floor 13)
Southend-on-Sea Borough Council
Civic Centre, Victoria Avenue
Southend-on-Sea
Essex SS2 6ZG

Telephone: 01702 215005
E:mail environmentalhealth@southend.gov.uk

or (in respect of premises subject to enforcement by the Health and Safety Executive)

The Health and Safety Executive
Wren House
Hedgerows Business Park
Colchester Road
Chelmsford
Essex CM2 5PF Telephone: 01245 706200

d) The Local Planning Authority

The Development Control Section
Department of Place
Southend-on-Sea Borough Council
Civic Centre, Victoria Avenue
Southend-on-Sea
Essex SS2 6ZG

Telephone: 01702 215327

e) The Local Authority with functions related to prevention of risk of pollution of the environment:-

The Environmental Protection Team
Public Protection Division (Floor 13)
Southend-on-Sea Borough Council
Civic Centre, Victoria Avenue
Southend-on-Sea
Essex SS2 6ZG

Telephone: 01702 215005
E:mail environmentalhealth@southend.gov.uk

f) The body recognised by the Licensing Authority as being responsible for matters in relation to the protection of children from harm, and as being competent to advise on such matters:-

The Department of Children & Learning
PO Box 6
Southend-on-Sea Borough Council
Civic Centre
Victoria Avenue
Southend-on-Sea
Essex SS2 6ZG

Telephone: 01702 215000

g) The Weights and Measures Authority

The Trading Standards Team
Public Protection Division (Floor 13)
Southend-on-Sea Borough Council
Civic Centre, Victoria Avenue
Southend-on-Sea
Essex SS2 6ZG

Telephone: 01702 215005

E:mail tradingstandards@southend.gov.uk

h) In relation to vessels only, the Navigation Authority having functions in relation to the waters where the vessel is usually moored or berthed. For this purpose, correspondence should be sent to:

The Navigation Authority
Port of London Authority
London River House
Royal Pier Road
Gravesend
DA12 2BG

Telephone: 01474 562200

i) The Public Health Authority

The Director of Public Health
Southend-on-Sea Borough Council
Civic Centre (floor 6)
Victoria Avenue, Southend-on-Sea
Essex SS2 6ZG

j) The Licensing Authority in its role as a Responsible Authority

The Licensing Authority
Southend-on-Sea Borough Council
Civic Centre (Floor 13)
Victoria Avenue, Southend-on-Sea
Essex SS2 6ZG

Telephone: 01702 215005

Email: licact2003@southend.gov.uk

Applicants are not expected to submit a duplicate copy of their applications for the consideration of the Licensing Authority in its role as a responsible authority (unless the plan is bigger than A3). The copy submitted for administration of the application will be forwarded electronically.

Any further enquiries or assistance can be obtained from the Licensing Authority on the telephone number given above. These addresses were correct at the time of going to press but are subject to change without notice. Any change made will not form part of a review of the Council's Statement of Licensing Policy

Final

Appendix B

The Licensing Committee is responsible for making Licensing (Act) decisions and the scheme of delegation is as follows:

Matter to be dealt with	Full committee	Sub-committee	Officers
Application for a personal licence		If a Police objection is received	If no objection made
Application for premises licence or club premises certificate		If a relevant representation made	If no relevant representation made
Application for a provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence or club premises certificate		If a relevant representation made	If no relevant representation made
Application for a minor variation of a premises licence or club premises certificate			All cases
Application to vary designated premises supervisor		If a Police objection is received	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a Police objection is received	All other cases
Application to review premises licence or club premises certificate		All cases	
Decision on whether a representation is irrelevant, frivolous or vexatious			All cases
Determination of a police objection to a temporary event notice		All cases	

Matter to be dealt with	Full committee	Sub-committee	Officers
Application for interim authority		If a Police objection is received	All other cases
Decision on whether a representation is irrelevant, frivolous, vexatious etc.			All cases
Removal of the requirement for a Designated Premises Supervisor (DPS) and Personal Licence at Community Premises		If a Police objection is received	All other cases

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Appendix 2 - Overview of consultation responses

Response number	Response type	Response	Licensing Authority Comment	Outcome
1	2 separate resident's responses	<p>"No specific reference to 24 hour off licences - The anti-social behaviour, which is often a result of underage youths purchasing and drinking alcohol from such premises, is a concern in my neighbourhood" and</p> <p>"- there is no justification for shops having a licence to sell alcohol 24 hours a day/night - particularly where those shops are located in residential areas. The impact on local residents as a result of the anti-social behaviour caused by the individuals who frequent and purchase alcohol from such shops is immense. The residents of [redacted], SS9 are constantly subjected to sleep deprived nights, damage to homes and gardens, and the accumulation of rubbish/waste left behind by unruly and drunk individuals who gather at [redacted] Supermarket on [redacted] Road to purchase alcohol during the early hours of the morning. This should be reviewed and such licences revoked and not approved"</p>	<p>The law allows applicants to apply for 24 hour licences. Residents have the right to object. Home Office guidance (the guidance) at section 14.10 states 'While statements of policy may set out a general approach to making licensing decisions, they must not ignore or be inconsistent with provisions in the 2003 Act. For example, a statement of policy must not undermine the right of any person to apply under the terms of the 2003 Act for a variety of permissions and to have any such application considered on its individual merits'.</p> <p>The authority is not aware of evidence that 24 hour licences are more likely than any other to attract underage purchasers. Poor management is a more likely cause regardless of the trading hours. Where there is evidence the licensing authority will enact the enforcement protocol outlined in section 8 of the policy. The Licensing Act is written in such a way that it is for the applicant to demonstrate the justification for their proposal rather than the policy to prevent it outright. The review process for individual licences is covered in the policy at section 18.</p>	No change
2	Resident	<p>"Many of the proposed changes are on face value looking good, Noise and anti-social behaviour are at the forefront of the changes. Just how would it be policed ? Self policing does not work anywhere near 100% Drunken noisy person walking /driving home at all hours of the night , Pubs that close at 23:00 often still have customers on the premises well over</p>	<p>The proposed changes alert applicants and licensees to the expectations of the licensing authority for them to have control of their patrons. This includes a new section specifically aimed at external areas and beer gardens. This was inserted because of a rise in complaint levels from such area's. Self policing can work where it is properly implemented and where it isn't enforcement</p>	No change

		45 mins after drinking up times. Often people can be heard having left local pubs up to 00:30. Night clubs chucking out time should be at a max of 02:00 Forget the 05:00 latest means people some in a state of extreme noisiness on the roads walking driving on the build up to rush hours”.	options are available to the responsible authorities. To impose fixed closing times the licensing authority must follow section 14.48 of the guidance which requires that such restrictions are evidence based. At this time there is little evidence.	
3	Licensing Consultant	<p>“10.2 Places an obligation to provide crime stats upon applicants.</p> <p>The stats available to the public are those found on the Police.Uk website. This data does not differentiate the information provided in any useful fashion for example a particular road may have many crimes listed as violent/sexual in nature and yet these may all have been committed in private. The nature of such reported crime cannot be interrogated in any meaningful way. It would be wholly inappropriate to rely on such material as being relevant to a premises licence application. The alternative is to make an FOI request to the police. The quality/detail of such material is variable and subject to the same limitations (above). The time taken to make and receive FOI data is significant especially if - the data is received after 3 weeks and requires further qualification to make any sense or attribute relevance. Have the police been asked re capacity to deal with an uplift in FOI requests?”</p>	<p>10.2 <i>advises</i> that an applicant demonstrates that crime statistics in the locale have been considered. There is no stated obligation for an applicant to provide statistics. It is correct that there is crime information on the police website. While it is accepted that some of the details may be scant it is right to alert an applicant of such matters, especially as ‘the prevention of crime and disorder’ is one of the licensing objectives.</p> <p>Additionally Section 17 of the Crime and Disorder Act 1998 imposes a duty on the Local Authority when carrying out its various functions to do all it reasonably can to prevent crime and disorder in its area. Alerting applicants that crime statistics could be taken into consideration when considering their proposal would fall under that section as a reasonable action.</p>	No change
		<p>“10.5 The phrase 'where licensed premises are found to cause....a review etc' pre-supposes a finding of culpability before facts are tested by a hearing. To avoid claims of un-democratic processes I suggest 'are found' is replaced by 'are suspected'.”</p>	Agreed - The wording could be clearer.	Amended

		<p>“10.7 The location of violence etc. As above the relevance of such incidents and the culpability of licensed premises is far from certain. The mere proximity of such happenings is not enough to justify draconian closure measures. If such claims are made the police will need to supply sufficient detail in good time to all parties.”</p>	<p>10.7 makes it clear that such evidence <i>may</i> be used to justify closing times. The addition of a licensed premises trading into the later hours within a local area already suffering such issues could compound a problem. In such circumstances one would expect a responsible authority, most likely the police, to object. It remains incumbent on all responsible authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.</p>	No change
		<p>“12.6 (11th bullet point about employing SIA) This seems to impose an obligation on all licence holders to employ SIA doorstaff whereas the need for such staff should be on a case-by-case/justification basis. If the intention is to make doorstaff a necessity this has very significant implications for businesses if not, it needs to be re-worded reflect the variability of premises. I would welcome a response to clarify the intention here.”</p>	<p>It is not the intention to compel a licensee to employ door staff in all outside area’s and this section will be reworded to make it clear that this should be a consideration.</p>	Amended
4	Planning Dept	<p>“Respecting the operational division between Licensing and Planning legislation, but trying to promote greater awareness on the part of license applicants that the Council wishes to work in a joined up manner, I’d seek that the following are incorporated into the policy. I appreciate you may wish to rephrase my suggested wording to suit the style of your policy document.</p> <p>Para 9.4 After final sentence add words - Although it is not mandatory, applicants for licenses are encouraged to submit with their applications supporting information which clarifies the related</p>	<p>It is felt that the links (and differences) between Licensing and Planning are already adequately covered in sections 1.3-1.7, 9.4 and the new 14.2 (see next response). As the</p>	No change

		<p>Planning position for example the existence of planning permission for the use subject of the licence and/or how the application responds to, or takes heed of, any planning conditions in place restricting matters such as hours of operation. The provision of such information will not prejudice the objective and independent assessment of the application by Licensing Authority but will enable the Licensing Authority and Responsible Authorities consulted about your proposals to liaise effectively in the interests of dealing with the application in a collaborative and efficient way”.</p>	<p>details of any planning permission are available via public access and the planning department themselves hold the information it would be unnecessarily duplicitous to the other responsible authorities to encourage non mandatory documentation to be provided by applicants.</p>	
		<p>“Insert new Para between 14.1 and 14.2 The Council provides a pre-application service for people seeking advice on prospective planning applications including proposed changes to planning conditions controlling. That may involve, for example, hours of operation. Applicants for licenses are encouraged to consider the benefits of using that advice service in the interests of seeking to ensure their license proposals are, or can be made, consistent with separate planning controls that may apply to their premises. More information about the advice service is at this link https://www.southend.gov.uk/info/200155/make_a_planning_application_and_planning_advice/365/planning_advice_and_guidance/2 “</p>	<p>In the interests of joined up working and assisting businesses this section will be added.</p>	Amended
5	Public Health Dept	<p>“Much of the new sections are really positive steps to improve the policy, including consideration of staff policies and training programmes relating to customer drunkenness and vulnerability and further</p>		

		<p>clarity on requirements for external areas including beer gardens and smoking areas. We also welcome the reference to the measures required to protect children from accessing gaming machines in licenced premises.</p> <p>There are two main area's we felt that further information could be added into the policy; Southend 2050 and the Tackling Harmful Behaviours Strategy.</p> <p><u>Southend 2050:</u> We welcome the link between Southend 2050 and the licencing policy, there are several 2050 outcomes that can be positively influenced through an effective Alcohol Licencing Policy, these include;</p> <p>Safe & Well:</p> <ul style="list-style-type: none"> • People in all parts of the Borough feel safe and secure at all times • We are all effective at protecting and improving the quality of life for the most vulnerable in our community • Southenders are remaining well enough to enjoy fulfilling lives, throughout their lives <p>Opportunity and Prosperity</p> <ul style="list-style-type: none"> • The Local Plan is setting an exciting planning framework for the Borough. • We have a fast-evolving, re-imagined and thriving town centre, with an inviting mix of 	<p>The Licensing Authority agree with this view. A new section has been added at 14.8 outlining the 2050 links highlighted in this response.</p>	<p>Amended</p>
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		<p>shops, homes, culture and leisure opportunities.</p> <p>We feel that the links to Southend 2050 outcomes would benefit from being more explicit, to ensure that we are communicating this with our local businesses and demonstrating that our regulator responsibilities do have a strong part to play in delivering the 2050 ambition.</p> <p><u>Tackling Harmful Behaviours Strategy:</u></p> <p>We welcome the reference to the Tackling Harmful Behaviours Strategy, however we feel that this could be more strongly referenced within the policy, outlining the main relevant focuses within the strategic document:</p> <p>Restricting Supply:</p> <ul style="list-style-type: none"> • Improve collection and analysis of local data to inform alcohol licensing applications and future policies to ensure that all decisions are evidence based and consider the adoption of a Cumulative Impact Policy if the data indicates there is a requirement for one. • Improve processes to gather and develop intelligence which can be used to restrict the supply of illicit alcohol and tobacco sales and inform test purchases at premises to ensure they comply with the law in respect of age 	<p>The Licensing Authority has referenced the Tackling Harmful Behaviours Strategy at 8.6.</p> <p>As the strategy is still developing this reference has been kept deliberately bland so as to embrace the outcomes and ambitions as they mature. At this stage we do not feel it appropriate to explicitly tie the policy to particular strands of the harmful behaviours strategy, but instead have made a clear statement that we will take account of the appropriate elements of it.</p>	<p>No change</p>
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		<p>restricted products</p> <p>The above also aligns closely with the ambition to “Improve Data Quality and Collection”, we would like to see reference to national tools such as “Alcohol harms and licensing: available data” https://www.gov.uk/government/publications/alcohol-licensing-data-for-public-health-teams which can support the Licencing Authority to maximise it’s intelligence about alcohol related harm and inform policy tools such as Cumulative Impact Policies (if appropriate)”.</p>	<p>The Licensing Authority feels that much of the data in this tool is aimed at authorities rather than applicants. However this has not been tested and a reference is included at 14.9.</p>	<p>No change</p>
6	Essex Police	<p>“I have read the draft policy and have only positive comments...</p> <p>Could I ask that the appendix to the policy (Details of Responsible Authorities) is slightly amended to reflect a subtle change in e-mail address for Essex Police.</p> <p>The new address is licensing.applications@essex.police.uk “</p>	<p>The appendix will be updated to reflect this change.</p>	<p>Amended</p>
7	Licensing Committee	<p>Request to reword 10.4 of the draft to include a reference to drug awareness training and to replace the word ‘tips’ with advice.</p>	<p>Agreed.</p>	<p>Amended</p>

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Southend-on-Sea Borough Council

Report of Chief Executive

to

Cabinet

on

5 November 2019

Report prepared by: Tim MacGregor –Policy Manager

A Simple and Effective Governance Framework

Executive Councillor – Councillor Gilbert

Policy & Resources Scrutiny Committee

A Part 1 Public Agenda Item

1. Purpose of Report

- 1.1 To review the Council's Local Code of Governance (now to be called 'A simple and effective governance framework').

2. Recommendations

- 2.1 **To agree the revised Local Code of Governance – A simple and effective governance framework – as set out at Appendix A.**
- 2.2 **Once approved, that the Council's Constitution is updated to reflect the revised framework.**

3. Background

- 3.1 The Council is required to have in place a Local Code of Governance that sets out its governance framework. The framework outlines the Council's approach to good governance and enables the annual review of the effectiveness of internal control to be carried out. This review, a legal requirement, is undertaken via the Annual Governance Statement presented to Audit Committee each year, signed by the Leader and Chief Executive, and is published as part of the annual statement of accounts.
- 3.2 The 1992 Cadbury Committee report, set out recommendations on the arrangement of company boards and accounting systems to mitigate corporate risk and failures and defined corporate governance as the 'system by which organisations are directed and controlled'. Many of these recommendations were adopted by public sector bodies and complemented by the development of the Committee on Standards in Public life 'Nolan principles' to promote ethical standards across the whole of public life in the UK.

- 3.3 A good governance framework for local government was developed by the Chartered Institute of Public Finance and Accountancy (Cipfa) and the Society of Local Authority Chief Executives (Solace) and provides an over-arching framework to local authority local codes of governance. The framework has been revised a number of times, most recently in 2016, and the Council adopted the framework's seven core principles as the basis on which to operate.
- 3.4 In summary, the framework states that 'the overall aim is to ensure that resources are directed in accordance with agreed policy and according to priorities, that there is sound and inclusive decision making and that there is clear accountability for the use of those resources in order to achieve desired outcomes for service users and communities.'
- 3.5 It is part of the Council's Control Environment Assurance, which also includes:
- The risk management strategy
 - The counter fraud, bribery and corruption policy and strategy
 - The Counter money laundering policy and strategy
 - The whistleblowing policy
 - Directed surveillance procedures

4. A Simple and Effective Governance Framework - 2019

- 4.1 The current Local Code of Governance (agreed in 2016) has, therefore, been revised to reflect the direction of the council in recent years. This includes the adoption of Southend 2050 Road Map, the council's new values and behaviours and changes to officer governance arrangements. It has also been simplified to remove (but provide links to) the Cipfa/Solace sub-principles of good governance and the Nolan principles of public life, but otherwise retains the core content of the 2016 LCG.
- 4.2 The revised framework covers the following areas:
- What governance is;
 - The principles, values and behaviours to be adopted, setting the tone for how the organisation operates but also how councillors and officers conduct themselves;
 - The business management processes the Council operates to enable it to successfully deliver desired outcomes;
 - How the principles, values, behaviours and business management arrangements should be implemented.
 - The arrangements to complete the annual review of their adequacy and operation throughout the year, used to support the production of the Governance Statement.
 - Evidencing effective implementation.
- 4.3 It will be necessary to ensure that Internal Audit's Strategy and Audit Plan, the Audit Committee's terms of reference and work programme and the Annual Governance Statement continue to be consistent with the framework.

5. Other Options

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

6. Corporate Implications

6.1 Contribution to the Southend 2050 Road Map

Simple and effective governance is one of the seven transforming together 'conditions', identified as required for the delivery of the Southend 2050 ambition and desired outcomes for 2023.

6.2 Financial Implications - None specific

6.3 Legal Implications

Accounts and Audit (England) Regulations 2015, Section 4 requires that the relevant body must conduct a review at least once in a year of the effectiveness of its system of internal control.

The findings of the review must be considered by Council or by a committee. Following the review, the body or committee must approve an annual governance statement prepared in accordance with proper practices in relation to internal control.

Proper practice in this sense is defined as guidance issued by the relevant professional body, which for local government is the CIPFA / SOLACE Framework (refer background papers). This requires local authorities to produce a Local Code of Governance and sets out the operational framework that it should adopt.

Therefore compliance with this Code satisfies the requirements of the Accounts and Audit (England) Regulations 2015.

6.4 People Implications

All members and staff need to adopt the principles and the values and behaviours outlined in the framework and apply the business management processes required within their service areas.

6.5 Property Implications – None

6.6 Consultation

The relevant stakeholders have been consulted.

6.7 Equalities and Diversity Implications

This is reflected in both the principles, values and business management processes to be adopted.

6.8 Risk Assessment

Failure to operate robust governance arrangements can potentially lead to poor management, performance, stewardship of public money, public engagement and ultimately, poor outcomes for citizens and service users. It increases the risk that corporate priorities will not be delivered.

6.9 Value for Money

This is reflected in both the principles, values and business management processes to be adopted.

6.10 Community Safety Implications - None

6.11 Environmental Impact – None

7. Background Papers

- Chartered Institute of Public Finance and Accountancy (CIPFA) / Society of Local Authority Chief Executives and Senior Managers (SOLACE) publication: Delivering Good Governance in Local Government – Framework (2016).
- Chartered Institute of Public Finance and Accountancy (CIPFA) / Society of Local Authority Chief Executives and Senior Managers (SOLACE) publication: Guidance Note for English Authorities
- The Accounts and Audit (England) Regulations 2015

8. Appendices

Appendix 1 – A simple and effective governance framework – Southend on Sea Borough Council’s Local Code of Governance

A simple and effective governance framework

Southend-on-Sea Borough Council's Local
Code of Governance (Draft)



Produced:
Next Review:
Time table for approval:

Tim MacGregor – Policy Manager
2022
Good Governance Group – 22.8.19
Corporate Management Team – 25.9.19
Audit Committee – 23.10.19
Cabinet – 5.11.19

1. What is governance and good governance?

Governance is defined by CIPFA and SOLACE as 'the arrangements put in place to ensure that the intended outcomes for stakeholders are defined and achieved'. Good governance helps deliver the outcomes desired by an organisation.

The Delivering Good Governance in Local Government Framework, published by CIPFA in association with SOLACE, sets the standard for local authority governance in the UK¹. It does so by stating that: 'To deliver good governance in the public sector, both governing bodies and individuals working for public sector entities must try to achieve their entities objectives while acting in the public interest at all times. Acting in the public interest implies primary consideration of the benefits for society, which should result in positive outcomes for service users and other stakeholders'.

All councils should aim to meet the standards of the best which means governance arrangements should not only be sound but also be seen to be sound. Achieving high standards of governance encourages others to have confidence in engaging with the Council, enabling it to be more effective in undertaking its role of community leader.

2. Purpose of the framework

This framework, adopted by the Council, is in line with good practice guidance, including the principles that underpin it. It is part of the Council's control environment assurance arrangements (outlined further in section 11).

The Council is accountable for the proper conduct of public business. This means ensuring it operates in accordance with the law and proper standards, and that public money is safeguarded, properly accounted for and used economically, efficiently and effectively. In doing this, the governance framework brings together an underlying set of values, legislative requirements, governance principles and management processes that enables effective outcomes.

The framework should be proportionate to the risk environment. As such one of the seven conditions the Council has established as required to achieve its [ambition](#) and desired outcomes is 'simple and effective governance'.

The underlying principles should be considered in the light of the key roles for local authorities identified in the guidance:

¹ [Delivering Good Governance in Local Government: Framework \(2016\)](#) Chartered Institute of Public Finance and Accountancy & Society of Local Authority Chief Executives and Senior Managers

1. To engage in effective partnerships and provide leadership for and with the community;
2. To ensure the delivery of high quality local services whether directly or in partnership or by commissioning;
3. To perform a stewardship role which protects the interests of local people and makes the best use of resources; and
4. To develop citizenship and local democracy.

The framework puts high standards of conduct and leadership at the heart of good governance, placing responsibility on councillors and officers to demonstrate leadership by behaving in ways that exemplify high standards of conduct and so set the tone for the rest of the organisation. The Council discharges accountability for the proper conduct of public business, through the publication of an Annual Governance Statement (AGS) that will make the adopted practice open and explicit.

This AGS also sets out:

- **Accountability** for the governance of the Council, as well as the principles and values by which the Council operates;
- How the **principles** are put into practice to enable service delivery to reflect community need and how evidence is obtained to ensure they operate effectively throughout the year;
- The annual **reporting** process and
- How the framework is **communicated** to councillors, staff and other relevant parties.

3. Accountability

Councillors are collectively responsible for the governance of the Council. Council delegates responsibility for independently checking that an effective governance framework (which includes a sound system of internal control) exists and operates effectively throughout the year, to the Audit Committee.

The Leader of the Council and Chief Executive:

- Are accountable for ensuring good governance in their authority
- Sign the Annual Governance Statement on behalf of the Council.

4. Principles

The Council has adopted the seven core principles from the 2016 [CIPFA/Solace Framework](#) as the basis on which it wants to operate as outlined below.



The CIPFA/Solace governance framework provides more detail on how these core principles should be applied in practice. It provides context, along with the Nolan Principles of Public Life, for the Council's own values and behaviours, agreed in 2019. The adoption and implementation of these values and behaviours by staff and councillors is critical for Council to achieve its ambition and desired outcomes - as set out in the Southend 2050 Road Map.

5. Values and behaviours

In discharging their roles and implementing the principles outlined above at an individual level, councillors and staff are expected to adopt and enact;

- [The Nolan seven principles of public life](#)
- The Council's own values and behaviours:

Council values:

- **Inclusive – we put people at the heart of what we do**
- **Collaborative – we work together**
- **Honest – we are honest, fair and accountable**
- **Proud – we are proud to make lives better**

Behaviours expected of councillors and staff:

- **Driving positive change**
- **Trust and respect**
- **Demonstrating strong leadership**
- **Act with integrity and behaving responsibly**
- **Building relationships to work well together**

Adhering to these values and behaviours will help ensure that councillors and staff conduct complies with the overarching good governance principles.

6. Putting the principles into practice

All organisations, whether public or private, large or small, need to operate core management processes to enable them to deliver their vision, aims and objectives. These processes are outlined below under the Council's main management activities below:

<p>CITIZENS</p> <ul style="list-style-type: none"> • Community participation • Co-design and production with citizens • Customer satisfaction • Consultation and engagement • Complaints, compliments and comments 	<p>PERFORMANCE</p> <ul style="list-style-type: none"> • Outcome based business planning and strategy • Decision making / constitution • Policy framework and procedures • Performance management • Data quality • Risk management, whistleblowing • Business continuity • Information management security • Contract management • Project management • Change / transformation management
<p>RESOURCES</p> <ul style="list-style-type: none"> • Outcome based financial planning & reporting, budgetary control and treasury management • Commissioning • Procurement • Asset Management • Fraud & Corruption and Insurance • Value for Money 	<p>PEOPLE</p> <ul style="list-style-type: none"> • Workforce management & development • Values and behaviours - codes of conduct for members and staff • Staff performance management • Health and safety • Ethical governance

The Council also has a very specific responsibility for ensuring that:

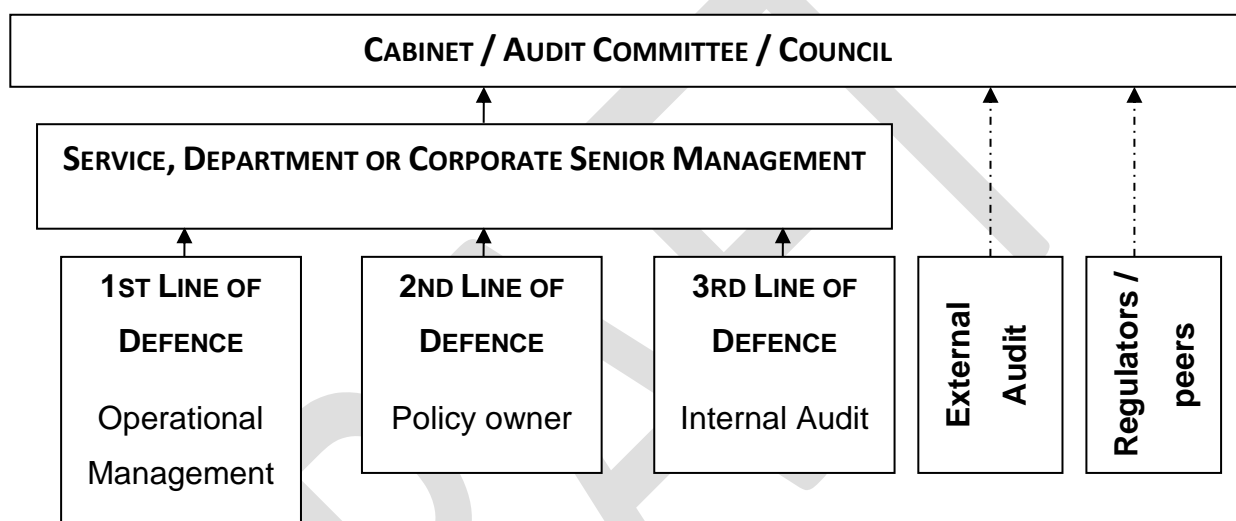
- The financial management of the body is adequate
- It has a sound system of internal control which facilitates the effective exercise of its functions and which includes its arrangements for the management of risk.

All services are responsible for maintaining proportionate but sound operational procedures and processes that adequately mitigate risks that may result in a service failure or the failure to deliver service objectives. Application of the framework outlined should put the Council in a strong position to successfully deliver whatever services it chooses to.

7. Effective implementation

7.1 The approach

In order to ensure that the governance framework set out above is in place and operating properly throughout the year, the Council has adopted the concept contained in the **three lines of defence**² model, as shown below.



Evidence that the governance framework is being applied is obtained via:

7.2 The first line of defence:

Operational management, which is responsible for the effective and consistent application of these requirements in their area of operation. This includes both behavioural as well as procedural arrangements.

7.3 The second line of defence:

The 'owner' or 'sponsor' who is accountable for the overall operation of the corporate management or service specific process and should ensure that:

- It is fit for purpose (for example, based upon relevant good practice), regularly reviewed and approved by senior management and members;

² Based upon general industry good practice, more specifically guidance issued by the European Confederation of Institutes of Internal Auditing "monitoring the effectiveness of internal control, internal audits and risk management systems" September 2010

- It is constructed so that evidence of its application is easily produced, i.e., as 'business as usual';
- There are proportionate and cost-effective mechanisms in place to enable them to confirm that operational managers are applying it effectively and consistently and
- Informative, regular and timely reports are provided to senior management to confirm the process has been operating effectively and consistently, identifying any remedial actions required should this not be the case.

7.4 The third line of defence which is:

Internal Audit who provide **independent assurance** to senior management and the Audit Committee, on how effectively the first and second lines of defence have been operating.

7.5 System of Internal Control

Within this, it is incumbent on all staff to ensure that:

- sufficient checks (controls) are built into all systems, processes and activities to ensure that they consistently and effectively deliver the objectives required of them (e.g. through risk management / mitigation);
- sufficient evidence can be obtained throughout the year (via key management controls) to ensure these checks are operating as they should and, therefore, that the systems, processes and service objectives are being delivered.

7.6 Other potential assurance

This can be obtained from external sources such as external audit, regulators, peers as well as the public and media and can be considered a **fourth line of defence** where any of these sources' activity is relevant and robust.

8. Key Committees

The ('full') Council is responsible for ensuring the organisation has good governance arrangements. It can discharge this duty itself or delegate this role to a committee.

The Council has delegated this function to the Audit Committee. However, there are other key council bodies that have a significant role to play within the governance framework:

- Full Council is responsible for setting the budget and policy framework.
- The **Cabinet** is responsible for the majority of functions of the Council. Executive decisions are taken by the Cabinet collectively or by officers acting under delegated powers. Cabinet leads the Council's drive for value for money, the preparation of the Council's vision, policies and budget and community participation processes. It takes in year decisions on resources and priorities and is the focus for forming partnerships to address local needs.
- **Scrutiny Committees** review decisions made or actions taken in relation to any of the Council's functions, consider any matter affecting the area or its residents and exercise the right to call in, for reconsideration, decisions made by Cabinet, not yet implemented. They undertake reviews of Council policy and practice and suggest ways these could be improved.
- **Audit Committee** is responsible for independently checking that appropriate governance arrangements (including the system of internal control) are in place, operating effectively throughout the year and that actions required to strengthen these arrangements are addressed, in a timely manner. Its work programme is designed to provide it with sufficient evidence to conclude that the Annual Governance Statement accurately reflects the governance arrangements as operated for the year in question.
- The **Standards Committee** is responsible for promoting and maintaining high standards of conduct by councillors and co-opted members, and assisting them to observe the Councillors code of conduct.
- The **Health & Wellbeing Board** provides strategic leadership to improve the health and wellbeing of local people and reduce health inequalities. The Board works to understand the local community's needs, agree priorities and encourage commissioners to work in a more joined up way.
- The **Community Safety Partnership** provides strategic leadership in their statutory responsibility for reducing crime and disorder, substance misuse and re-offending in their area.

It is necessary sometimes for information to go to more than one committee in order for them to discharge their respective responsibilities.

9. Good Governance Group

The Council has an officer Good Governance Group that meets regularly to oversee the delivery of the governance framework. There is a terms of reference for this group and it reports to the Chief Executive and provides reports to the Corporate Management Team and Audit Committee.

In addition to the Corporate Management Team, key officer boards/groups ensure good governance in relation to:

- Investment
- Commissioning
- Growth & infrastructure
- Innovation and change

10. Annual review and reporting

Local authorities are required to undertake an annual review their governance arrangements and evidence that they are:

- Up to date, fit for purpose and comply with the CIPFA/Solace Framework;
- Consistently applied across the organisation at all service levels;
- Being strengthened, as necessary, where improvement opportunities have been identified.

Such reviews are reported to the Audit Committee, within the Council and externally with the published accounts.

11. Evidence and Assurance

Evidence that the governance framework is operating as it should, is obtained in a number of ways. This includes:

Annual assurance obtained from:

- Key elements of the Control Environment Assurance, including the Council's approach to and reporting on:
 - Risk management
 - Counter fraud, bribery and corruption
 - Counter money laundering
 - Whistleblowing
 - Directed surveillance

The owners or sponsors of key management processes, in relation to the adequacy of and compliance with key management arrangements

- Other significant functions / service providers (e.g. project / contract managers) that confirms compliance with the relevant corporate approach or requirements.
- The Good Governance Group reviewing evidence provided, each year, highlighting any areas that require senior management attention. Departmental management teams will review actions requiring attention through the normal performance management process.
- Compliance with the treasury management policy.
- Approval of the financial statements.
- Revenue and capital monitoring.
- Performance management.

12. Independent evidence

Independent evidence primarily takes the form of:

- The Head of Internal Audit's annual report, which includes an opinion on the overall system of internal control and whether the internal audit functions have complied with professional standards.
- The external auditor's Annual Governance Report to those charged with governance.
- External inspections and reviews from regulatory, professional, peer and representative bodies.

13. Annual Governance Statement

The Council's Annual Governance Statement is developed by the Good Governance Group, during the year and will be considered by the Corporate Management Team before being reported to the Audit Committee as part of the annual Statement of Accounts. The Audit Committee considers whether the Annual Governance Statement accurately reflects its understanding of how the Council's governance arrangements have operated for the year in question.

The AGS is signed by the Leader and Chief Executive on behalf of the Council.

14. Communications

This framework forms part of the Council's Constitution which is available on Council's website and, therefore, accessible to all staff, councillors, the public and other stakeholders. The framework is provided to new councillors and content outlined to newly appointed staff as part of the induction process.

Training on aspects of the governance framework or the application of key business management processes is provided as required.

The Head of Internal Audit can be contacted on 01702 215802 and the Policy Manager can be contacted on 01702 534025 with any queries regarding the framework.

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Southend-on-Sea Borough Council

Report of Executive Director (Finance & Resources)
To
Cabinet

On
5 November 2019

Report prepared by:
Pete Bates, Interim Head of Corporate Finance
Caroline Fozzard, Group Manager for Financial Planning and
Control

Agenda
Item No.

Corporate Budget Performance – Period 6
Policy and Resources Scrutiny Committee
Cabinet Members: Councillor Ian Gilbert and Councillor Ron Woodley
Part 1 (Public Agenda Item)

1 Purpose of Report

The corporate budget performance report is a key tool in scrutinising the Council's overall financial performance. It is designed to provide an overview to all relevant stakeholders. It is essential that the Authority actively monitors its budgets throughout the year in order to ensure that the overall financial position is robust and sustainable and that strategic objectives are being achieved. The report highlights any major variations from approved spending plans for 2019/20 to enable corrective action to be taken where necessary.

2 Recommendations

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

- 2.1 Note the forecast outturn and mitigating actions for the General Fund and the Housing Revenue Account as at September 2019;
- 2.2 Approve the planned budget transfers (virements) of £185,875 between portfolio services, as set out in section 3.7;

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

- 2.3 Note the expenditure to date and the forecast outturn as at September 2019 and its financing;
- 2.4 Approve the requested changes to the 2019/20 Capital Investment Programme as set out in Section 2 of Appendix 2;

3 Background and Summary

Revenue – General fund

- 3.1 In February 2019 the Council approved a General Fund revenue budget for 2019/20 of £125.647M. This report provides details of the current projected outturn position for 2019/20 based on information as at the end of September (period 6). In headline terms the Council is currently forecasting a net overspend of £3.6M for 2019/20, which is around 1% of the gross expenditure budget.
- 3.2 The Council is dealing with many of the same financial challenges as most other upper tier Authorities right across the country. The first six months of 2019/20 has also seen the continuation of similar local spending pressures as the previous financial year. Most Local Authorities are experiencing increasing demand in key services which is placing a strain on available resources. Southend-on-Sea Borough Council have responded to this challenge by making available additional ongoing investment into priority areas. Extra investment has gone into Adults and Children social care services and Highways and Transport but the scale of local demand and circumstances is still creating significant financial pressures for the Authority. The strategic decision to join the Essex Business Rates pool has been beneficial as expected. Together with additional Business Rates income, it is estimated that an extra £2M will be generated this year which has been included in this report to reduce the forecast level of overspend for 2019/20.
- 3.3 The major area of financial pressure is within Children Services with a forecast overspend of £4.3M, this is a £1M increase on the position previously reported at the end of July. A recent survey has identified that 90% of Councils are experiencing increasing demand and are also overspending in meeting the needs of children and families. The major driver is the significant increase in the number of looked after children. The Council has experienced a year on year increase for the last 4 years. Due to the high cost of looked after children externally supplied care placements, there is always the risk that the forecast on this provision can move substantially through either increased numbers of children placed in external care or required external placement moves. The service has also seen an increase in the number of families requiring to be accommodated and classified as families with no recourse for public funds. The increased demand has also resulted in increased costs for additional staff cover in social care teams. The service continue to plan to manage this increase in placement demand, by building our local in-house foster care capacity and sourcing local residential care provision. From a staffing perspective the medium to long term strategy is to increase the use of Newly Qualified Social Workers and permanently employed Social Workers, which should result in less reliance on agency staff and the removal of the current range of temporary posts. Mitigation actions of £0.8m have been identified and additional work is being undertaken to try to reduce the forecast overspend further whilst still meeting the needs of children and families.

- 3.4 The Health and Adult Social Care Service is currently forecasting a net overspend of £0.6M, this is a £0.1M increase from the position at the end of July. The main pressures relate to services dealing with Learning Disabilities (transport and supported living placements), interim residential placements and increased demand for physical and sensory impairment equipment. The service are currently pursuing a range of mitigation measures and have commenced an in depth review of all expenditure within Adult Social Care.
- 3.5 The Highways and Transport Service are currently forecasting a £3.1M overspend, this is a £0.5M increase from the position at the end of July. There are a range of financial pressures due to reactive works on the highways. These include damaged street lighting columns, tree maintenance works and defects on footways and carriageways. An increase in the aged debt of parking notices will also result in an increased provision to cover bad and doubtful debts, and the income generated from University Square car park continues to fall as it has since 2017 after a spate of anti-social behaviour. The income generated from street work permits has been reducing for the last 18 months as have penalties for overrun works. Although the Council is now receiving a reduction in income it also means that works are being undertaken promptly which in turn is keeping the highway network free from unnecessary delays. A comprehensive review of all expenditure and income in this service area has commenced.
- 3.6 The approved budget does also include around £3M contingency that has yet to be allocated. This could be used to help meet some of the current forecast level of overspend should the range of management actions and mitigations not succeed in pulling spending back into line within approved allocated budgets. The Council has also deliberately and prudently maintained a sensible level of reserves that could be used as a last resort at the year end.
- 3.7 Positively the Council is currently performing strongly in terms of collecting both Council Tax and Business Rates for the first 6 months of 2019/20, exceeding the target level of collection at this stage of the year by 0.3% and 0.6% respectively.
- 3.8 Overall the Council remains in a strong and resilient financial position, despite the potential impact of the current range of demand and spending pressures. The Council has retained the ability to cope with unexpected challenges including dealing with the residual forecast net overspend position for 2019/20. Every effort will be made to improve the current forecast position and deliver a balanced budget by the end of the year. A further report on the Corporate Budget Performance – Period 8 (end of November) to outline progress will be presented to Cabinet in January 2020.
- 3.9 The Council will continue to monitor the implications of Brexit and any potential financial impact on the provision of Council Services.

Revenue – General Fund Budget Transfers (Virements)

- 3.10 All budget transfer (virements) over £50,000 between portfolios or between pay and non-pay budgets are considered and approved by Cabinet. These budget transfers have a net nil impact on the Council's overall budget. The following budget transfers for Cabinet approval this period are:

<u>£</u>	
62,200	Re-alignment of staffing posts in Adult Social Care
69,700	Re-alignment of staffing budget between HR & Corporate Strategy
<u>53,975</u>	Re-alignment of School Improvement Salary Budgets
<u>185,875</u>	

Revenue – Housing Revenue Account (HRA)

- 3.11 In February 2019 the Council approved a balanced Housing Revenue Account budget for 2019/20. This report details the projected outturn position for this year based on actual activity and financial performance as at the end of September 2019 (period 6).
- 3.12 The Housing Revenue Account is currently forecasting a net surplus of (£270,000) in 2019/20, (around -1%) of gross operating expenditure. It is currently anticipated that this surplus will be transferred to the HRA Capital Investment Reserve at the year end for future planned investment into the housing stock. Potential to use some of the forecast surplus to fund additional revenue contributions to capital is also under consideration.

Capital

- 3.13 Successful and timely delivery of the capital investment programme is a key part of achieving the Southend 2050 ambition and delivering the outcomes. The investment contributes to the five themes in the following way:
- 3.14 Pride and Joy – the key investment areas are: the ongoing refurbishment and enhancement of Southend's historic pleasure pier and the town's cultural and tourism offer, including libraries, museums and theatres.
- 3.15 Safe and Well – the key investment areas are: the construction and acquisition of new council homes and the refurbishment of existing ones via the decent homes programme; social care with the building of a new care facility and day centre to provide high quality services for people with high and complex needs.
- 3.16 Active and Involved – the key investment area is the Cart and Wagon Shed for the coastal community team to use as part of their community interest company.
- 3.17 Opportunity and Prosperity – the key investment areas are: the Airport Business Park to deliver benefits for both local businesses and local communities, creating thousands of job opportunities and attracting inward investment; the secondary schools expansion programme has delivered 120 permanent additional secondary school places for September 2018 and a further 80 for September 2019. This expansion is across eight of the twelve Southend

secondary schools resulting in an additional 1,050 places for 11-16 year old pupils once completed.

- 3.18 Connected and Smart – the key investment areas are: the investment in the borough’s highways and transport network, including the improvements to the A127 Growth Corridor funded by the Local Growth Fund and investment in the Council’s ICT infrastructure and networks to enable and transform outcome focussed service delivery.
- 3.19 In February 2019 the Council agreed a capital investment programme budget for 2019/20 of £74.361M. This budget was revised at June Cabinet to £90.073M and further revised to £83.072M at September Cabinet following approved re-profiles and other amendments. £46.131M of this revised budget is identified as strategic schemes such as the Airport Business Park.
- 3.20 About a third of the programme is financed by Government grants and external developer and other contributions and at the end of September just over a half had been received. The rest of the programme is funded by capital receipts, the use of reserves or by borrowing. Funding schemes by borrowing has a revenue consequence of approximately £70k for every £1M borrowed.
- 3.21 This report details the projected outturn position for 2019/20 based on information as at the end of September (period 6). The report includes details of progress in delivering the 2019/20 capital investment programme and in receiving external funding relating to that year.
- 3.22 Since June Cabinet, capital challenge meetings have been held with the Deputy Leader to ensure that budgets are better aligned to the predicted spend across the years of the programme and to the delivery of the desired outcomes. The changes resulting from those meetings were included in the report to September Cabinet. Further capital challenge meetings are scheduled in November and the changes resulting from those meetings will be included in the report to January Cabinet.
- 3.23 Since the September Cabinet meeting the Investment Board has agreed some proposed new schemes which can progress to Cabinet for consideration. This report includes any proposed budget reprofiles identified since September Cabinet and the proposed new schemes agreed at Investment Board.
- 3.24 The progress of schemes for 2019/20 is detailed in Section 1 of Appendix 2 with Section 2 setting out the resulting requests to:
- Carry forward £3,900,000 of 2019/20 scheme budgets into future years;
 - Bring forward £482,000 of budget from future years into 2019/20;
 - Add scheme budgets totalling £47,000 into 2019/20 where new external funding has been received;
 - Add scheme budgets totalling £125,000 into 2019/20 for new schemes and additions to the capital investment programme;
 - Action virements of budget between approved schemes;
- 3.25 As at the end of September the expected capital outturn for 2019/20 is £79.826M.

- 3.26 The 2019/20 capital budget is part of the wider capital investment programme spanning several years. The table below shows the revised programme if all the above requests are approved:

	2019/20 £(000)	2020/21 £(000)	2021/22 £(000)	2022/23 £(000)	2023/24 £(000)	Total £(000)
At September Cabinet	83,072	95,260	33,110	8,847	7,605	227,894
Amendments	(3,246)	2,076	1,342	0	0	172
Revised programme	79,826	97,336	34,452	8,847	7,605	228,066

4 Other Options

- 4.1 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 members 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.

5 Reasons for Recommendations

- 5.1 The regular reporting of Revenue and Capital Budget Monitoring information provides detailed financial information to members, 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.
- 5.2 It also informs decision making to ensure that the Council's priorities are delivered within the approved budget provision.
- 5.3 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. Members 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.

6 Corporate Implications

- 6.1 Contribution to the Southend 2050 Road Map

The robustness of the Council's budget monitoring processes and the successful management of in-year spending pressures are key determinants in maintaining the Council's reputation for strong financial probity and effective stewardship. This approach also enables the Council to redirect and prioritise resources to ensure the delivery of agreed outcomes for the benefit of local residents, local businesses and visitors to Southend-on-Sea.

6.2 Financial Implications

As set out in the body of the report and accompanying appendices.

6.3 Legal Implications

The report provides financial performance information. It is good governance and sensible management practice for the Council to consider monitoring information in relation to plans and budgets that it has adopted.

Section 3 of the Local Government Act 1999 requires the Council as a best value authority to “make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness”. Monitoring of financial and other performance information is an important way in which that obligation can be fulfilled.

The Council is required by section 151 of the Local Government Act 1972 to make arrangements for the proper administration of its financial affairs. The Council is also required by section 28 of the Local Government Act 2003 to monitor its budget, and take corrective action as necessary. The Council’s chief finance officer has established financial procedures to ensure the Council’s proper financial administration. These include procedures for effective budgetary control. To comply with these best practice arrangements it is important that Cabinet receive information and comment accordingly on the performance of the revenue and capital budgets as set out in the report.

6.4 People Implications

None arising from this report

6.5 Property Implications

None arising from this report

6.6 Consultation

None arising from this report

6.7 Equalities and Diversity Implications

None arising from this report

6.8 Risk Assessment

Sound budget monitoring processes underpin the Council's ability to manage and mitigate the inherent financial risks associated with its budget, primarily caused by the volatility of service demand, market supply and price.

The primary mitigation lies with the expectation on CMT and Directors to continue to take all appropriate action to keep costs down and optimise income. Any adverse variances will require the development of remedial in year savings plans and appropriate spending reductions wherever possible. The ultimate back-stop mitigation would be to draw on reserves to rebalance the budget, but this will only be done at year end and will only be considered should all other in year measures fail.

With the likely scale of funding pressures and future resource reductions continuing, it is important that the Council holds a robust position on reserves and maintains the ability to deal positively with any issues that arise during this and future financial years.

6.9 Value for Money

The approved budget reflects the Council's drive to improve value for money and to deliver significant efficiencies in the way it operates. Monitoring the delivery of services within the budget helps to highlight areas of concern and to assist in the achievement of improved value for money.

6.10 Community Safety Implications

None arising from this report

6.11 Environmental Impact

None arising from this report

7 Background Papers

None

8 Appendices

Appendix 1 Revenue Budget Monitoring Position 2019/20 – September 2019

Appendix 2 Capital Investment Programme Budget Performance 2019/20 – September 2019



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Revenue Budget Monitoring Position

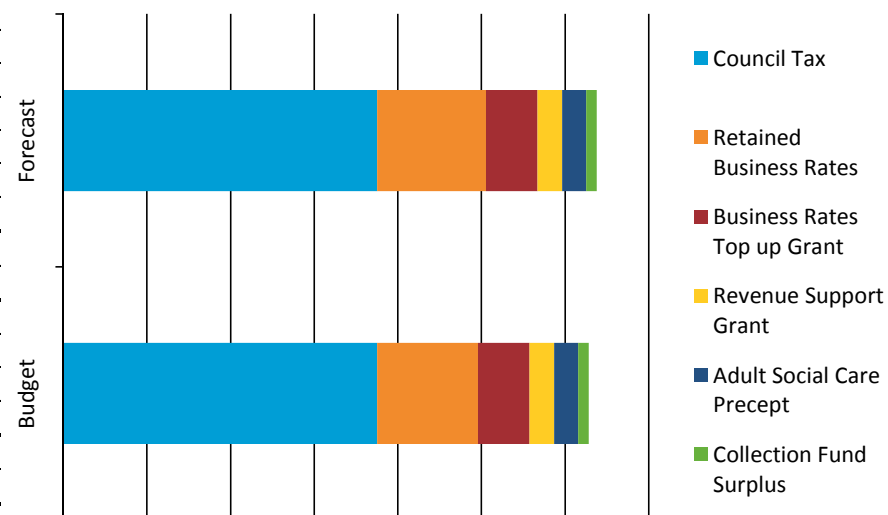
2019/2020 - September 2019

Appendix 1 - Revenue Budget Performance 2019/20 - September 2019

Summary

Last Reported Variance £M	Portfolio	Revised Budget £M	Forecast Outturn £M	Variance £M
0.2	Leader	13.1	13.2	0.1
2.8	Deputy Leader	3.1	6.3	3.2
0.0	Business, Culture and Tourism	5.0	5.0	0.0
3.2	Children and Learning	29.6	33.9	4.3
0.0	Community Safety and Customer Contact	5.4	5.3	(0.1)
(0.6)	Environment and Planning	20.4	19.5	(0.9)
0.5	Health and Adult Social Care	36.9	37.5	0.6
6.1		113.5	120.7	7.2
(1.5)	Corporate Budgets	13.1	11.5	(1.6)
4.6		126.6	132.2	5.6
0.0	Earmarked Reserves	(2.3)	(2.3)	0.0
0.0	Revenue Contribution to Capital	5.0	5.0	0.0
0.0	Non Service Specific Grants	(3.9)	(3.9)	0.0
4.6	TOTAL	125.4	131.0	5.6
2.0	Funding	125.4	127.4	2.0
2.6	NET	0.0	3.6	3.6

Sources of funding



At period 6, increasing service demand continues to place a strain on available resources, despite the additional investment that is being put into priority areas. After applying proposed in-year mitigations, the Council is forecasting a revenue overspend of £3.6M against the approved budget .

Childrens Social Care and Highways continue to be the main areas of pressure, although this is partially offset by higher than budgeted income from business rates of £2M.

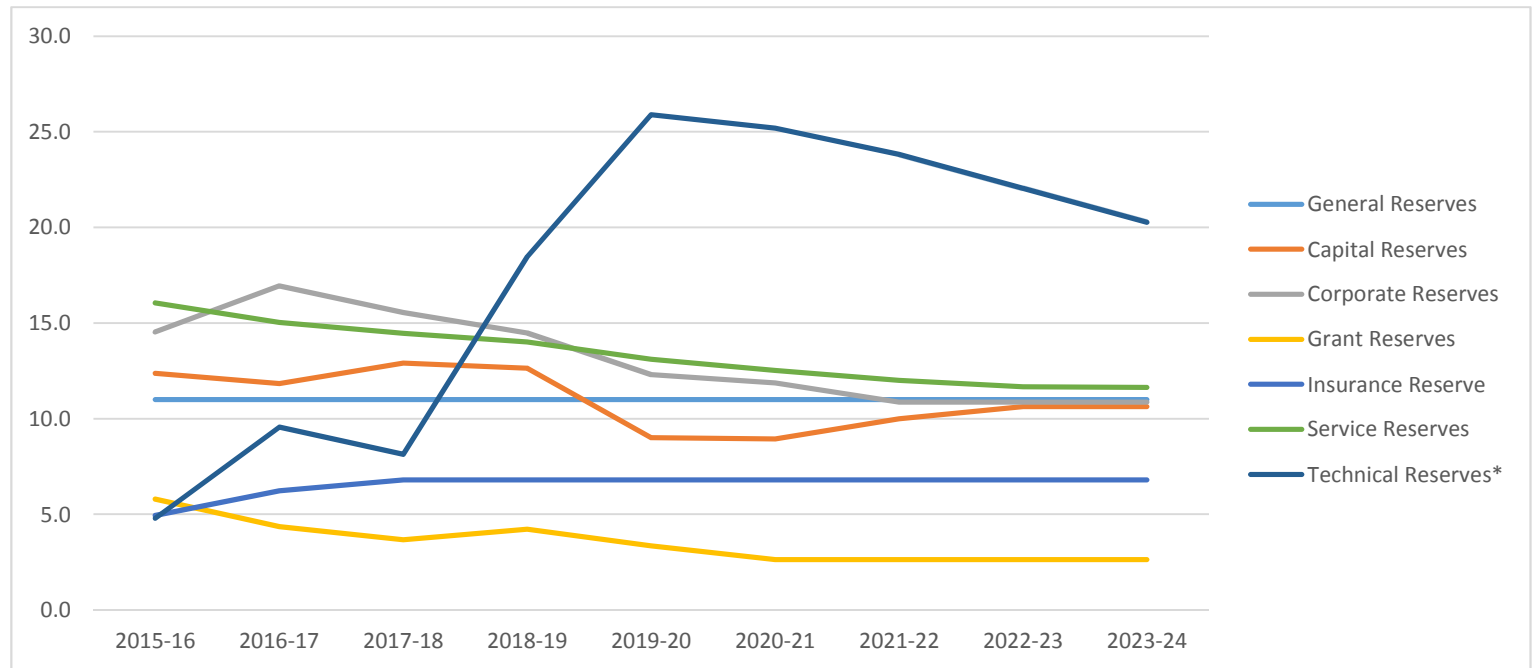
The budget has just under £3M contingency remaining at this stage in the year and it has been assumed in the table above based on historical use, that £1.5M will be released. The table also reflects the release of £2M from the Childrens Social Care reserve as recommended in setting the 2019/20 Council budget and the use of £0.5M from the Interest Equalisation Reserve to meet additional financing costs, as agreed earlier in the year.

In conclusion and despite the current financial pressures being faced, the Council's healthy reserves, financial resilience and ability to cope with unexpected challenges remains robust.

Reserves

The Council maintains General Fund reserves at £11.0M in line with the Medium Term Financial Plan. This provides a working cashflow balance and also allows a degree of financial security in the case of unexpected events or emergencies.

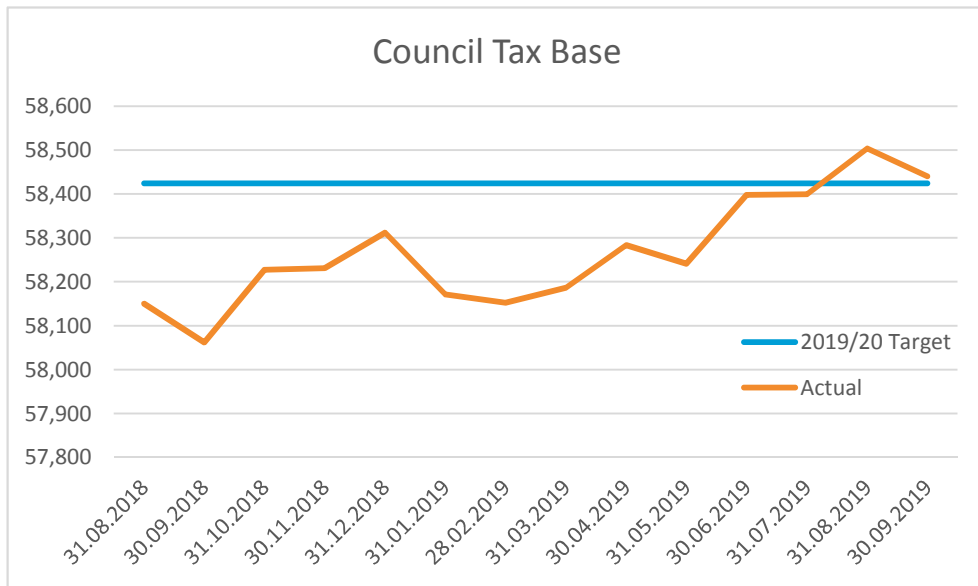
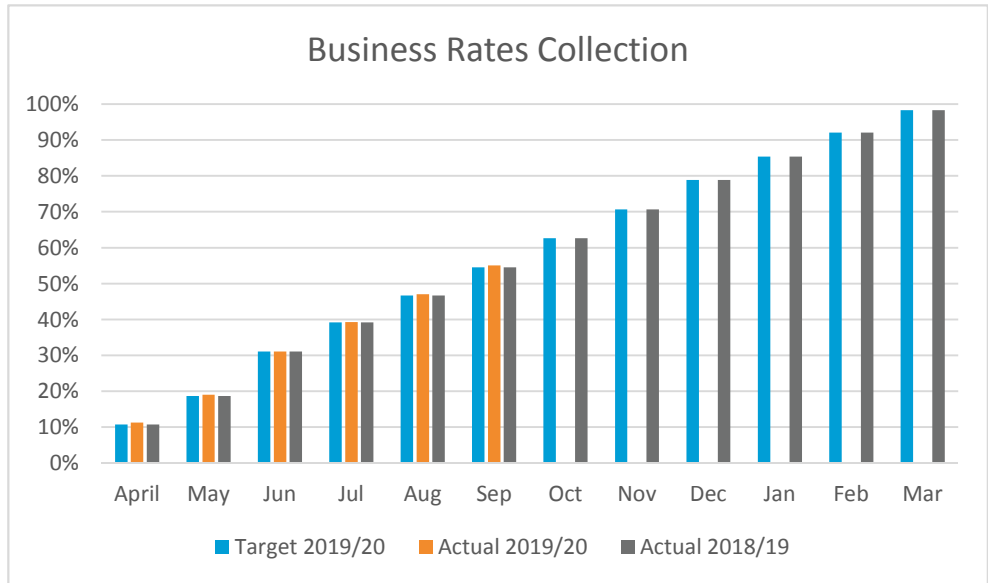
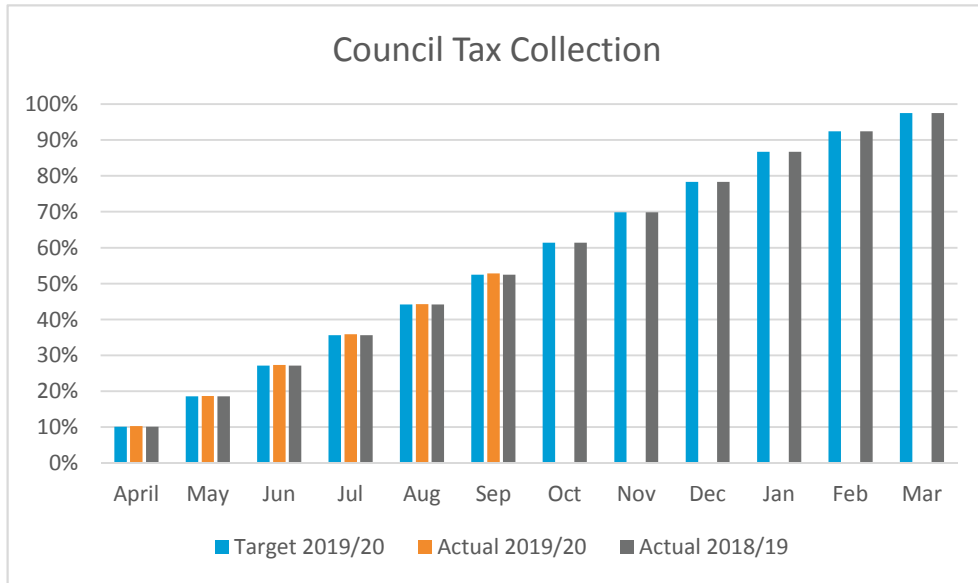
In addition, Earmarked Reserves are set aside to fund future projects and to mitigate specific risk. The level of these reserves will fluctuate as grants are received, risk is realised and projects progress.



	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24
General Reserves	11.0	11.0	11.0	11.0	11.0	11.0	11.0	11.0	11.0
Capital Reserves	12.4	11.8	12.9	12.6	9.0	8.9	10.0	10.6	10.6
Corporate Reserves	14.5	16.9	15.5	14.5	12.3	11.9	10.9	10.9	10.9
Grant Reserves	5.8	4.4	3.7	4.2	3.3	2.6	2.6	2.6	2.6
Insurance Reserve	4.9	6.2	6.8	6.8	6.8	6.8	6.8	6.8	6.8
Service Reserves	16.1	15.0	14.5	14.0	13.1	12.5	12.0	11.7	11.6
Technical Reserves*	4.8	9.6	8.1	18.5	25.9	25.2	23.8	22.0	20.3
	58.5	64.0	61.5	70.6	70.4	67.9	66.1	64.6	62.8

* Technical Reserves are held to even out the Council's finances and reduce in year volatility.

Collection Rates



Collection targets for the current financial year exceed the monthly target on both Council Tax (0.3% above target) and Business Rates (0.6% above target) for this month. Although this has no immediate impact of the financial situation for 2019/20, if maintained it will provide releasable surpluses for future year budget planning.

The Council Tax Baseline exceeds that used to calculate the base at the start of the year by 15 properties; this is expected to continue to grow monthly but has been affected this month by the sharp increase in exemptions awarded. This is representative of this time of the financial year.

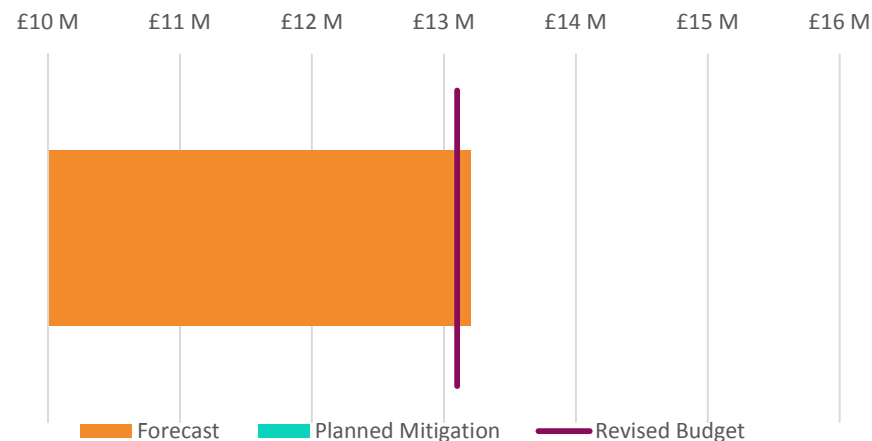
Leader

27.80% of Total Gross Revenue
Service Budget

£0.1M Forecast Revenue
Overspend

0.11% Variance as % of Total Gross Budget
Envelope

Last Reported Variance £M		Revised Budget £M	Forecast Outturn £M	Variance £M
0.0	Strategic Planning and Policy	1.7	1.8	0.1
0.0	Revenues and Benefits	0.9	0.9	0.0
0.0	Housing	3.3	3.1	(0.2)
0.2	Legal and Democratic Services	2.7	2.9	0.2
0.0	Other Services	4.5	4.5	0.0
0.2	TOTAL	13.1	13.2	0.1
	Gross Expenditure	92.1	92.2	0.1
	Gross Income	(79.0)	(79.0)	0.0
	TOTAL	13.1	13.2	0.1



Private Sector Housing is forecasting to underspend by (£150,000) as at the end of period 6. This is because of the vacant posts currently in the team, some of which are being temporarily covered by agency staff. There has recently been a recruitment drive to recruit on a permanent basis.

As a result of the increase in the number of looked after children, there is a forecast £235,000 overspend on barrister's fees for childcare cases, reflecting the overspend last year given that the average number of active cases has not changed.

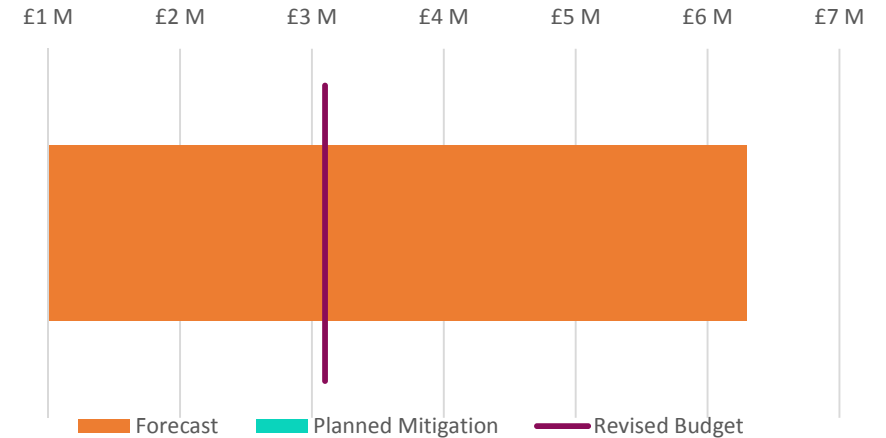
Deputy Leader

5.95% of Total Gross Revenue
Service Budget

£3.2M Forecast Revenue
Overspend

16.24% Variance as % of Total Gross Budget
Envelope

Last Reported Variance £M		Revised Budget £M	Forecast Outturn £M	Variance £M
0.2	Asset and Facilities Management	(0.7)	(0.6)	0.1
0.0	Financial Services	3.5	3.5	0.0
2.6	Highways and Transport	0.3	3.4	3.1
2.8	TOTAL	3.1	6.3	3.2
	Gross Expenditure	19.7	21.9	2.2
	Gross Income	(16.6)	(15.6)	1.0
	TOTAL	3.1	6.3	3.2



Due to the need to maintain or replace damaged street lights and columns, in part due to road traffic collisions, there is a forecast maintenance pressure of £145,000. Processes are in place to attempt to recover these monies if there is any evidence to be followed up.

Tree maintenance costs on the highway in the first half of 19/20 are significantly higher than in the same time period in 18/19. This is likely to be as a result of the storms in March 2019 creating additional damage. The budget area is currently forecasting an overspend of £120,000.

Car parking tariffs are being amended to support businesses in the town centre and the cost impact has been provided for by the use of the contingency budget. University Square car park continues to cost more money than it collects in income. The overall income position across the car parking estate is a forecast deficit of £180,000. Due to instances of anti-social behaviour and managing risk, security costs across all car parks are expected to reach £185,000 at year end, contractor costs are forecast to exceed the budget by £100,000 due to ad-hoc works and parking machine charges and systems are expected to cost an additional £100,000. Card transaction fees are also expected to cost a further £80,000.

Deputy Leader (cont.)

Expenditure on highways maintenance has remained consistent with 18/19 which means an overspend of £650,000 is expected. This was partly offset last year due to the award of the DfT pothole fund which isn't guaranteed for this year. The demand on the service due to potholes is weather dependant, and after cases of extreme hot and cold weather there is a risk that the infrastructure in places may not be as robust as expected. Additional capital investment in 19/20 and 20/21 has been made in an attempt to improve the quality of the most affected surfaces with the aim to reduce the ongoing maintenance requirement.

Although the number of PCN's issued has increased by 9%, it is still forecast that the income collected from these notices will fall short of the income anticipated when the budget was set by £110,000. The contribution to the bad debt provision for historic debts is also expected to be £160,000 higher than the budget provision.

After a transition year regarding the administration of streetwork permits which saw a significant income shortfall in 18/19, there is now a better understanding of the different elements of income anticipated in 19/20. Whilst the income received from permit applications has remained relatively consistent to the end of 2017/18, the income for permits, penalties and section 74 charges has reduced considerably since that time. The income shortfall is forecast to be £500,000 at the end of the year.

Ongoing support for the Symology system is expected to cost the organisation £100,000 this year. Although there are a number of vacant roles in the department, some are currently filled by interim staff which is expected to result in a net budget pressure of £120,000. Some staff are currently being deployed on a number of projects and initiatives which were not anticipated when the budget was set. This is expected to result in a pressure on the revenue budget of a further £250,000.

Unfortunately the Travel Centre has been vandalised on a number of occasions and incidents of anti-social behaviour have resulted in the necessity to provide regular security patrols at the site in order to provide a safe environment for bus users. This security service is estimated to result in an overspend of £90,000.

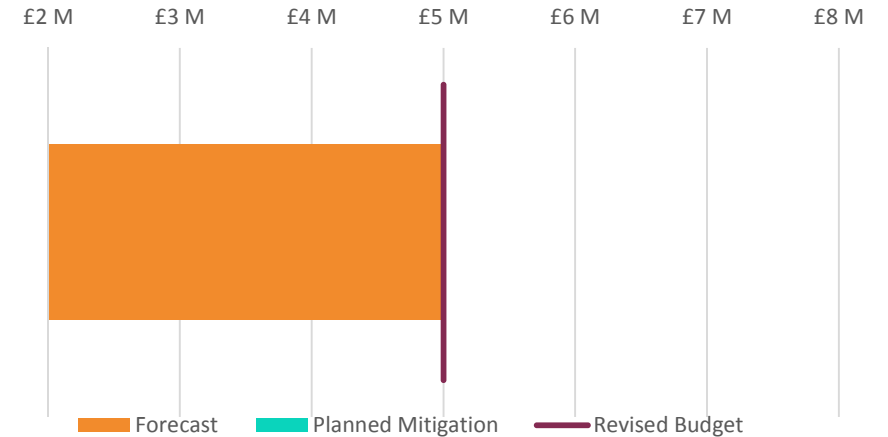
The cost of the cleaning and security contract for the Civic Centre continues to exceed the budget. A saving of £75,000 was agreed in 2017/18 but this hasn't materialised and the current pressure is now £110,000. Attempts have been made to reduce the service without a noticeable impact but this hasn't been possible.

Business, Culture and Tourism

3.08% of Total Gross Revenue Service Budget **(£0.1M)** Forecast Revenue Underspend

-0.98% Variance as % of Total Gross Budget Envelope

Last Reported Variance £M		Revised Budget £M	Forecast Outturn £M	Variance £M
0.0	Culture	3.6	3.7	0.1
(0.1)	Economic Development and Regeneration	0.8	0.8	0.0
0.1	Tourism	0.7	0.5	(0.2)
0.0	TOTAL	5.1	5.0	(0.1)
	Gross Expenditure	10.2	10.3	0.1
	Gross Income	(5.1)	(5.3)	(0.2)
	TOTAL	5.1	5.0	(0.1)



Due to the popularity of the pier, the income received for admissions and associated sales is forecast to be above the income budget by (£150,000). August saw the pier attract a record number of visitors and this is after the new pier entrance was officially opened in June.

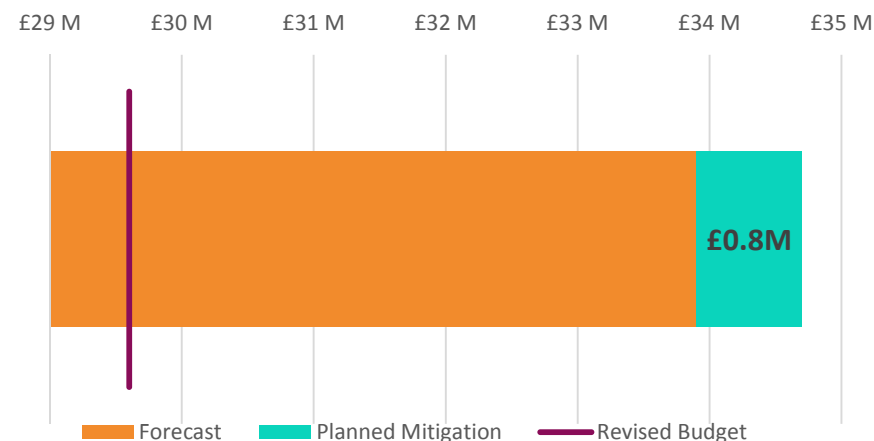
Children and Learning

25.78% of Total Gross Revenue Service Budget

£4.3M Forecast Revenue Overspend

5.04% Variance as % of Total Gross Budget Envelope

Last Reported Variance £M		Revised Budget £M	Forecast Outturn £M	Variance £M
2.9	Childrens Social Care	21.4	25.3	3.9
0.1	Education and Schools	5.4	5.5	0.1
0.0	Maintained Schools Delegated	0.0	0.0	0.0
0.2	Youth and Family Support	2.8	3.1	0.3
3.2	TOTAL	29.6	33.9	4.3
	Gross Expenditure	85.4	89.7	4.3
	Gross Income	(55.8)	(55.8)	0.0
	TOTAL	29.6	33.9	4.3



The total forecast overspend of £4.3M, has mainly been driven by an overall net increase in the required numbers of looked after children (LAC). Over the last 4 years this pattern has continued and has been recognised as a national funding challenge. There has also been an increased case load demand on Social Care teams.

The increased LAC numbers has resulted in an expenditure pressure on private looked after children care placements for both external foster care and residential. This has resulted in a forecast overspend of £2.3M (which includes the approved budget release of £2M put aside in the Children Social Care reserve). The longer term strategy to assist with managing this demand is to continue to build further inhouse foster care capacity, source our own local residential care provision, and continue the work of the Edge of Care team, ensuring children can remain at home where safe.

The resulting increase in case load for our Social Workers has required the use of agency staff, additional newly qualified social workers (NQSWS) and temporary additional posts. This has contributed to a forecast staffing pressure of £900,000. The medium to long term strategy is to increase the use of NQSWS's and permanently employed Social Workers which should result in less reliance on agency staff and the removal of the current range of temporary posts.

Children and Learning (cont.)

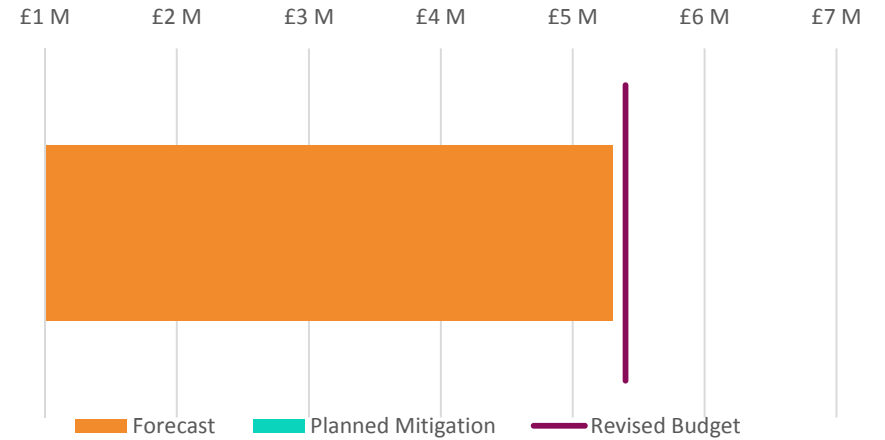
Other spend pressure areas although smaller are also contributing to the overall forecast overspend: Care package support has continued to grow for placements of children with disabilities creating a budget pressure of £120,000. The national issue of Unaccompanied Asylum Seeker care package support being inadequately funded by the Home Office grant is also contributing to a wider budget pressure of £270,000. There is also growing demand for temporary accommodation payments resulting in a forecast overspend of £200,000. This is used to support families, young people and required families under no recourse to public funds that need to be temporarily accommodated. The troubled families service continues to target increased payment by results, the fixed element of this grant funding has reduced, which is resulting in a shortfall of £295,000 against the total grant target this year.

Community Safety and Customer Contact

3.14% of Total Gross Revenue Service Budget **(£0.1M)** Forecast Revenue Underspend

-0.96% Variance as % of Total Gross Budget Envelope

Last Reported Variance £M		Revised Budget £M	Forecast Outturn £M	Variance £M
0.0	Cemeteries and Crematorium	(1.6)	(1.5)	0.1
0.0	Community Safety	1.0	1.0	0.0
0.0	Customer Services	1.9	1.7	(0.2)
0.0	ICT	3.1	3.1	0.0
0.0	Regulatory Services	1.0	1.0	0.0
0.0	TOTAL	5.4	5.3	(0.1)
	Gross Expenditure	10.4	10.2	(0.2)
	Gross Income	(5.0)	(4.9)	0.1
	TOTAL	5.4	5.3	(0.1)



Income raised from Bereavement Services is lower than anticipated at period 6 which correlates with information provided by the Registrations team which is showing a decline in deaths registered during the first six months of the year. A £100,000 pressure at the end of the year is expected.

The Customer Service team are implementing a restructure meaning that they are currently holding a number of vacancies. This will result in a one-off underspend at year-end of (£200,000).

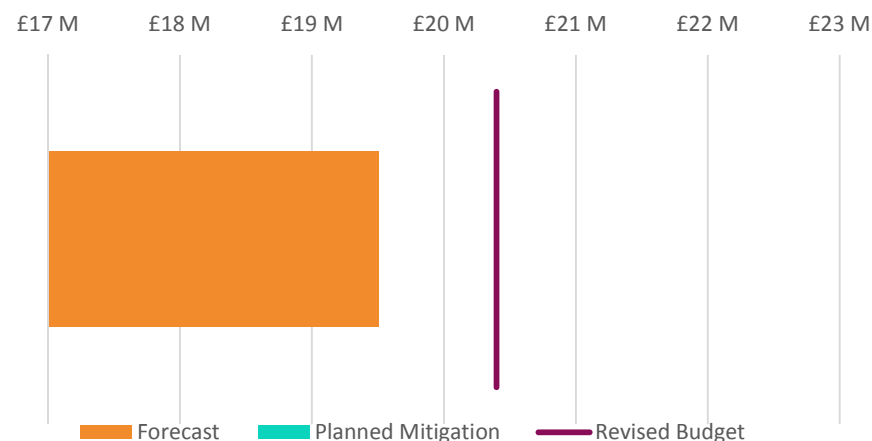
Environment and Planning

6.85% of Total Gross Revenue
Service Budget

(£0.9M) Forecast Revenue
Underspend

-3.96% Variance as % of Total Gross Budget
Envelope

Last Reported Variance £M		Revised Budget £M	Forecast Outturn £M	Variance £M
0.0	Energy	(0.1)	(0.1)	0.0
0.0	Flooding	0.4	0.4	0.0
0.1	Parks and Open Spaces	4.4	4.4	0.0
0.1	Planning	1.0	1.0	0.0
(0.8)	Waste and Street Scene	14.7	13.8	(0.9)
(0.6)	TOTAL	20.4	19.5	(0.9)
	Gross Expenditure	22.7	22.2	(0.5)
	Gross Income	(2.3)	(2.7)	(0.4)
	TOTAL	20.4	19.5	(0.9)



Applications have been made for a number of significant development projects this year and as a result the income received in the Development Control team has been greater than expected, especially in July. The current forecast is that an additional (£100,000) will have been received by the end of the financial year. In order to cope with the increased demand of these projects some additional staff support is in place, and staffing supplements have been agreed to retain talented employees. This is expected to result in additional staffing costs of £125,000.

Due to the Mechanical Biological Treatment plant (MBT) in Basildon continuing to operate within a commissioning phase SBC are able to dispose of residual waste at a lower rate than the original business case. However, due to uncertainty regarding the availability of the plant, alternative disposal methods need to be utilised during periods of closure. The current average cost of disposal at the MBT is £102 per ton, whereas the cost of landfill (including haulage) is £118 per ton. Estimates have been made regarding the probability of disposing of waste at the MBT and at landfill and this is resulting in a forecast underspend of (£650,000). As a result of the revised agreement with Essex County Council relating to the Waste Joint Working Agreement we are continuing to receive a share of the Waste Infrastructure Grant in relation to the MBT. The value of this income in 2019/20 is forecast to be (£230,000).

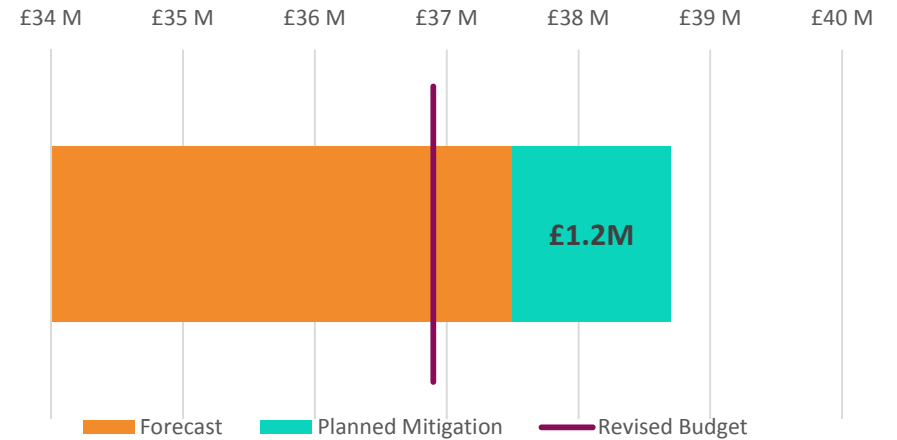
Health and Adult Social Care

22.15% of Total Gross Revenue Service Budget

£0.6M Forecast Revenue Overspend

0.82% Variance as % of Total Gross Budget Envelope

Last Reported Variance £M		Revised Budget £M	Forecast Outturn £M	Variance £M
0.5	Adult Social Care	36.2	36.8	0.6
0.0	Health	0.0	0.0	0.0
0.0	Voluntary and Community Services	0.7	0.7	0.0
0.5	TOTAL	36.9	37.5	0.6
	Gross Expenditure	73.4	74.3	0.9
	Gross Income	(36.5)	(36.8)	(0.3)
	TOTAL	36.9	37.5	0.6



Learning Disabilities (LD) is forecasting a year end overspend of £280,000 assuming delivery of the planned management actions. The overspend mainly relates to LD passenger transport and this will be mitigated once the Joint Venture goes live from January 2020. There is also a demand pressure on LD Supported Living placements. The management actions relate to Supported Living contracts which will be reviewed during the course of the year with a targeted saving of (£200,000).

Older People is forecasting to be £151,000 overspent, assuming the delivery of management actions totalling (£820,000). The pressure is mainly on interim residential placements and the planned mitigation is to reduce the length of time clients are spending in this setting, clients will benefit from returning home quicker with a tailored package of support. The pressure highlighted in 2018/19 has continued into 2019/20.

There is also a pressure of £150,000 on Physical and Sensory Impairment due to an increased demand on the equipment service. Over the last 3 quarters there has been a steady increase on the demand for equipment as more people are supported at home for longer, rather than in residential setting. Investment in equipment is essential to help them with their continuing independence.

An in depth review is being undertaken of all expenditure within Adult Social Care with a view to mitigating the overspend in the service area.

Housing Revenue Account

(£0.3M) Forecast Revenue
Underspend

-1.21% Variance as % of Total Gross Budget
Envelope

	Revised Budget £M	Forecast Outturn £M	Variance £M
Gross Expenditure	24.7	24.7	0.0
Gross Income	(28.0)	(28.3)	(0.3)
NET OPERATING EXPENDITURE	(3.3)	(3.6)	(0.3)
Revenue Contribution to Capital	2.3	2.3	0.0
Contribution to / (from) Earmarked Reserves	1.0	1.3	0.3
TOTAL	0.0	0.0	(0.0)

The HRA budget for 2019/20 anticipated an operating surplus of £3,328,000.

The latest forecast as at period 6 indicates that the HRA will have an operating surplus of £3,618,000, an increase of £270,000 in 2019/20. The approved budget for housing rental income assumed a 4% void allowance across all properties. The actual rental income received up to end of September has been higher due to a lower level of voids. It is anticipated that this strong performance continues for the rest of the year. It is planned that any surplus is transferred into the HRA Capital Investment Reserve for future planned investment into the housing stock.



**Capital Investment Programme
Budget Performance 2019/20**

Period 6

**as at 30th September 2019
Summary by Investment Area**

Capital Investment Programme Performance Report – September 2019

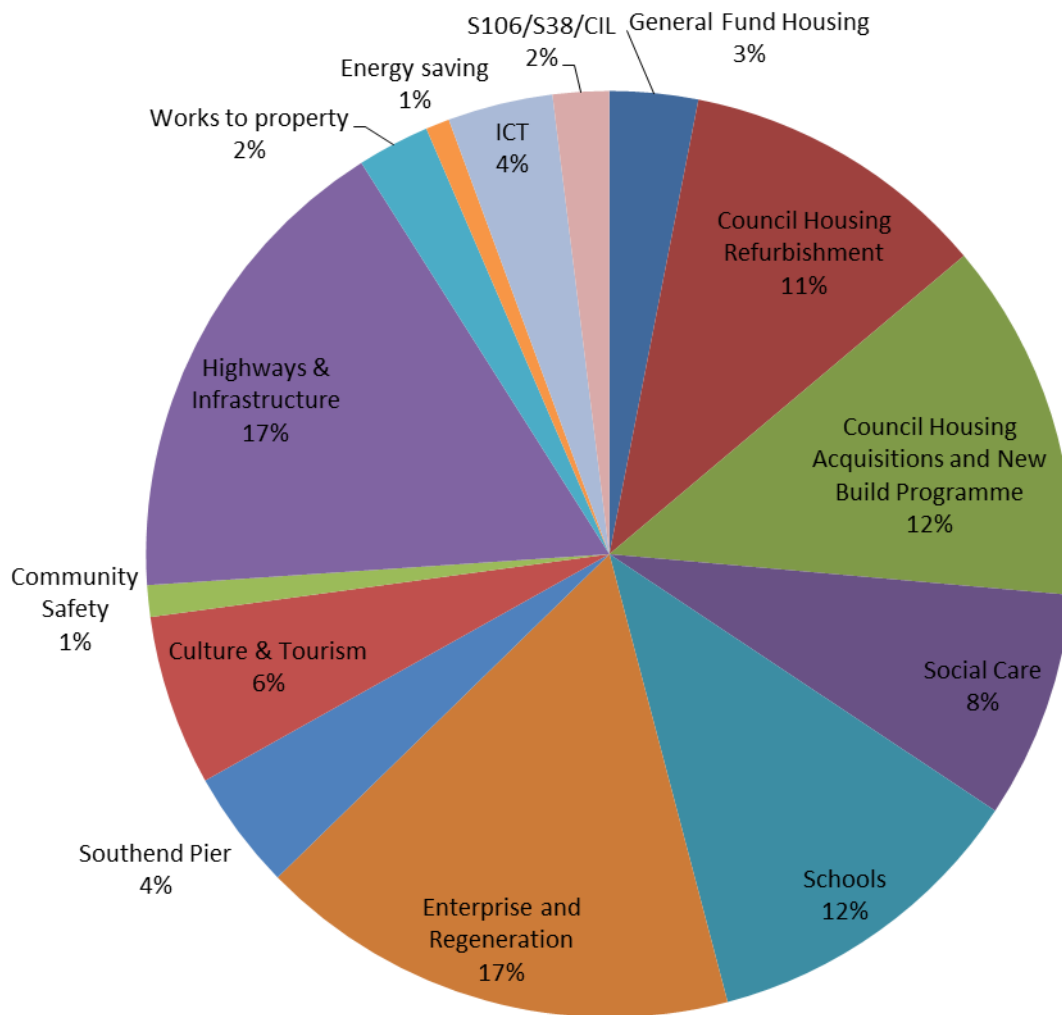
1. Overall Budget Performance by Investment Area

The revised Capital budget for the 2019/20 financial year is £83.072million which includes all changes agreed at September Cabinet. Actual capital spend at 30th September is £24.258million representing approximately 29% of the revised budget. This is shown in Section 3. (Outstanding creditors totalling £0.207million have been removed from this figure).

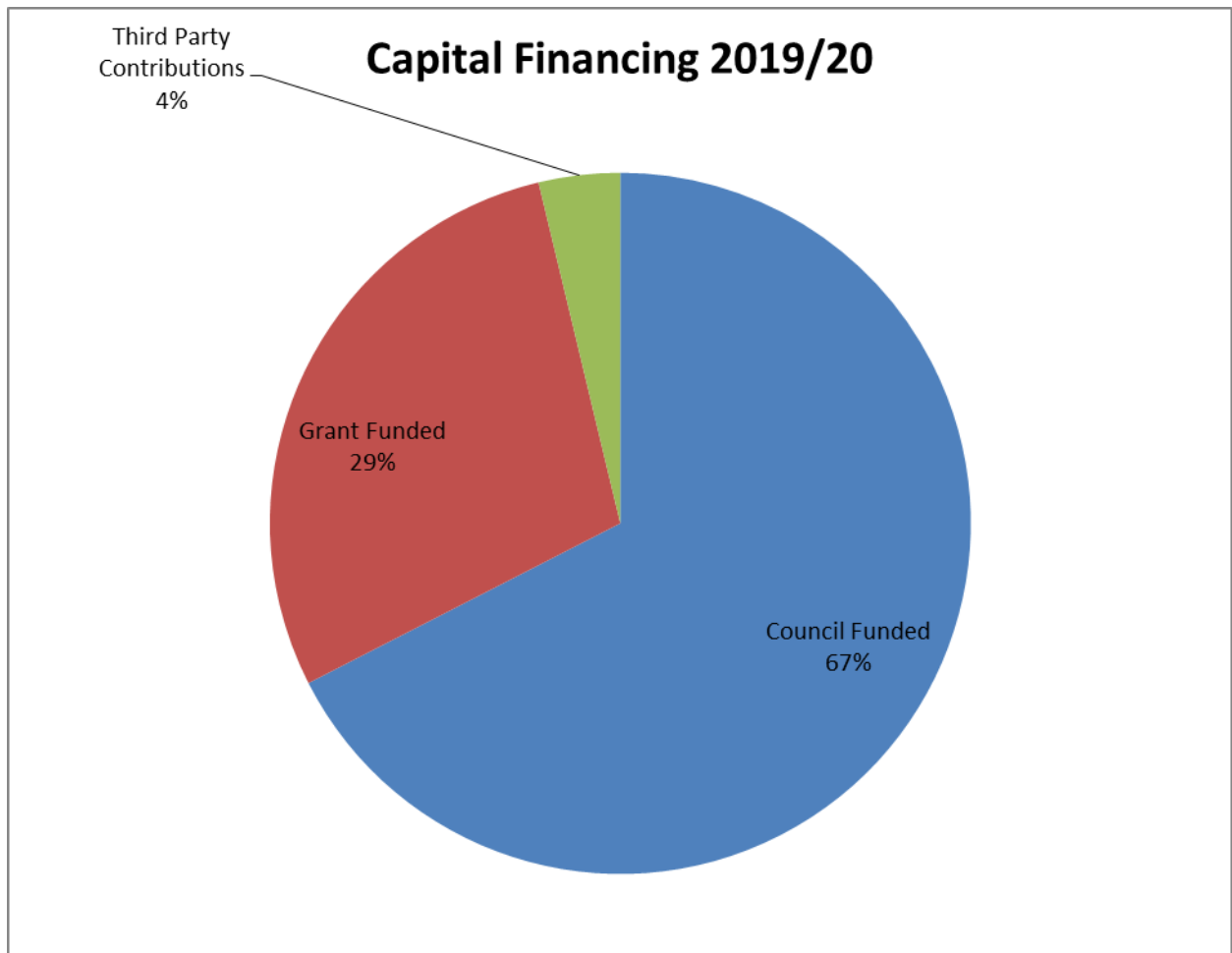
The expenditure to date has been projected to year end and the outturn position is forecast to reflect the Project Manager's realistic expectation. This is broken down by type of investment area as follows:

Investment Area	Revised Budget 2019/20 £'000	Outturn to 30 th September 2019/20 £'000	Expected outturn 2019/20 £'000	Latest Expected Variance to Revised Budget 2019/20 £'000	Amended Budget 2020/21 to 2023/24 £'000
General Fund Housing	2,423	400	2,458	35	1,952
Council Housing Refurbishment	8,843	1,566	8,758	(85)	26,485
Council Housing Acquisitions & New Build Programme	10,947	3,613	9,862	(1,085)	11,876
Social Care	6,340	217	6,340	-	8,100
Schools	9,438	3,823	9,217	(221)	4,033
Enterprise & Regeneration	13,421	4,942	13,421	-	27,505
Southend Pier	3,325	1,813	3,325	-	13,297
Culture & Tourism	4,709	1,701	4,756	47	22,490
Community Safety	880	15	880	-	1,906
Highways & Infrastructure	15,572	4,848	13,632	(1,940)	25,302
Works to Property	2,077	218	2,015	(62)	3,235
Energy Saving	663	1	663	-	1,548
ICT	2,864	1,048	2,929	65	172
S106/S38/CIL	1,570	53	1,570	-	339
Total	83,072	24,258	79,826	(3,246)	148,240

Expected Outturn 2019/20



The capital investment for 2019/20 is proposed to be funded as follows:



Of the £27.025million of external funding expected, £14.654million had been received by 30th September. The outstanding amounts mainly relate to Schools, Forum II, Airport Business Park and A127 Growth Corridor.

Progress of Strategic schemes

Successful and timely delivery of the capital investment programme is a key part of achieving the Southend 2050 ambition and delivering the outcomes.

Although the revised capital investment programme is £83.072million, £46.131million of this relates to strategic schemes.

Following a full review of the capital investment programme, project managers are reporting some expected variances against the revised budget for the A127 Growth Corridor and the HRA Housing Construction scheme. For the HRA Housing Construction scheme, there have been procurement delays for phases 3/4 with a carry forward request of £1.307million. The Modern Methods of Construction (MMC) project is progressing well and preparations are being made to for phases 5/6 feasibility meaning that an accelerated delivery request of £222k is required. Works on the Bridge and Highways maintenance element of the A127 Growth Corridor are not due to commence until March 2020 therefore a carry forward request of £2million is required on this scheme (see commentary below).

Scheme	Revised Budget 2019/20 £000	Outturn to 30th Sept 2019/20 £000	% spent	Comments	Budget 2020/21 to 2023/24 £000
Strategic schemes					
Airport Business Park (including Local Growth Fund)	11,380	4,719	41%	Good progress has been made during September with phase one works due to complete in November 2019. If progress is maintained, it may be necessary to accelerate spend with agreement of SELEP. The planning application has been submitted for the Launchpad and awaiting determination in November.	13,755
Better Queensway - Regeneration	2,041	223	11%	Work is on-going in terms of satisfying the pre-contract conditions for HIF funding. Negotiations have focussed on financial due diligence and clawback provisions within contract. Now looking to sign the contract mid-October. The Business plan is still to be considered through Council governance.	13,500
Forum II – SBC Match Funding to LGF	1,030	313	30%	Currently awaiting determination of planning application.	17,450
Delaware and Priory New Build	5,000	88	2%	Building works have now commenced and expenditure is being monitored to establish an accurate spend profile going forward. It is expected that a reprofile will be requested at a future meeting.	8,100
School Improvement and Provision of School Places	8,300	3,434	41%	Works at the Eastwood Academy, Southchurch High, Shoeburyness High and Wentworth Road are complete. St Thomas More is entering the fit out stage of their new building and Belfairs Academy, Chase High and St Bernard High Schools are progressing on time.	2,662
Southend Pier schemes	3,325	1,813	55%	Works are currently on site and are anticipated to be varied to include additional anchor bays.	13,297
Local Growth Fund - A127 Growth Corridor	4,737	958	20%	This relates to the Bell junction and Bridge and Highway maintenance. Detail design is underway at the Bell and tender documents for the main contractor will be submitted during October. Works on the bridge and highway maintenance are expected to commence in early March 2020.	9,669
HRA Affordable Housing Acquisitions Programme	6,656	3,413	51%	The acquisition programme is now proceeding and 13 properties have been purchased as at the end of September	-
Construction of New Housing on HRA Land	3,662	200	5%	The tender process to procure an Employers Agent is underway for phases 3 and 4 with the first selection stage complete and a short list of possible consultants has been produced to take the process into stage 2. Procurement of an architect is planned for the next stage with the draft tender document to be agreed with procurement. Work on the MMC pilot project on two sites in Shoebury is underway and the tendering for an MMC contractor will be discussed with procurement during October.	11,876
Total Strategic	46,131	15,161	33%		90,309
Other schemes					
Other Capital Investment schemes	36,941	9,097	25%		
TOTAL SCHEMES	83,072	24,258	29%		

Progress of other schemes for 2019/20

General Fund Housing

The Disabled Facilities team have approved a total of 62 grants to date during 2019/20 which is made up of 56 for adults and 6 for children. On average there have been 35-40 assessments received each month and committed spend is expected to increase over the coming months because of this. An initiative to include non-means tested stair lifts for urgent cases is currently being explored.

An initial project meeting has been set up for October to discuss the Private Sector Housing Strategy scheme and to agree a plan going forward. More will be known about the budget profile following this meeting.

12a Ceylon Road is currently void and refurbishment works are required to bring it back to a usable condition. £35k has therefore been transferred from Priory Works to commence these works.

Council Housing and New Build Programme

The Decent Homes programme is progressing in accordance with the revised works programme however some additional expenditure on health and safety and fire improvement works will be incurred in 2019/20 therefore an accelerated delivery request of £260k has been included in this report.

No plans have been made to use the Sheltered Housing budget of £345k in 2019/20 therefore it has been included as a carry forward request in this report until a decision on its use has been made.

Social Care

Plans for the £250k Community Capacity budget for 2019/20 include £150k for the Transformation team, £50k for technology and digital pilots and £50k contribution towards an innovation unit to enhance independence for residents in the local community.

Contributions have been made from the Dementia Friendly Environments scheme towards a Dementia Friendly café in the borough.

Schools

Condition schemes for 2019/20 forecast spend of £502k which has been allocated to address larger condition items in schools where the cost is over the schools capabilities to fund. Most of these works took place over the school summer holidays to minimise disruption. Projects taking place this school year include a new boiler at West Leigh Infant School, a roof replacement at Eastwood Primary School and three Health and Safety projects.

The Devolved Formula Capital is an annual devolution of dedicated capital grant to all schools and is distributed via the local authority for maintained schools. The notified budget for 2019/20 is £101k.

The Department for Education awarded funding totalling £1.172million over a three year period which commenced in 2018/19. The funding is for improvement and expansion of Special Needs places. Consultations are now underway in two primary schools and subject to successful consultation approval in December, the building works will commence in January. Discussions are on-going with a third primary and secondary provider but this is not expected to commence in 2019/20. Budget of £221k has therefore been included as a carry forward request in this report.

Southend Pier

The works on Southend Pier are currently progressing well with no significant issues. A number of works are weather dependent which will be monitored closely over the coming months. Schemes currently underway include the Pier Entrance Enhancement, the Timber Outer Pier Head and the Prince George Extension.

Culture and Tourism

Orders have now been place for the Southend Tree Policy review scheme with a view to plant the new trees over the winter months.

Fire Improvement works are currently being progressed for leisure centres and theatres now that funding has been agreed. These works will continue for the remainder of the financial year.

Resourcing issues may delay the delivery of the Allotment Water Supply scheme this financial year however ways to bring the project back on schedule are currently being investigated. A carry forward request may be required should this be unsuccessful.

Listed building consent is currently being sought as part of the Library Review scheme therefore the works programme for 2019/20 is subject to listed building approval and weather dependency. Installation of windows at Leigh Library is likely to take place in March 2020 and the property team have advised that this will be completed this financial year.

A grant has been secured from the Marine Management Organisation (MMO) to refurbish the Leigh Library Gardens mess room as a communal building for the Leigh on Sea Fishing community. The building will be used for educational, historical and marketing events and to increase engagement with the fishing community and the local community. The grant of £47k will be match funded with £16k from the Property Refurbishment Programme and a request to add this to the capital investment programme has been included in this report.

Community Safety

The final upgrade specification for the CCTV equipment renewal scheme is being agreed during October and then the upgrade contract will go out to tender following that.

Highways and Infrastructure

A programme of works has been published on the website for the Carriageways and Footways Improvement scheme. A three year programme is now being developed for 2020 onwards. It is expected to have this programme ready for publishing in February 2020.

Drainage designs are being undertaken as part of the Southend Central Area Action Plan (SCAAP) scheme for works to commence in January 2020. Feasibility designs have started for the main works and the co-design element of the SUNRISE process will be completed by December 2019.

Chalkwell ramp is situated at Chalkwell Esplanade and it comprises concrete steps to the west and a wooden access ramp to the east. The wooden access ramp was damaged in late 2018 with the wooden ramps being driven out of the beach by tidal uplifting forces. Upon investigation and understanding of the mode of failure a design was put together to put the ramp on the western side. This was designed allowing compliant wheeled access and to accommodate unhindered launching of the Lifeboat by the Chalkwell Lifeguard Club. The damaged lower ramps to the east are to be removed and the top landing altered to allow step access to the beach to the east. A request for budget of £60k to be added to the capital investment programme to action these works in 2019/20 has been included in this report.

Works to Property

All works are now complete on the Belfairs Park Restaurant and Golf Club except from the windows which will need to undergo a planning and tender process.

The CMT Work area is now complete as part of the Civic Campus scheme and the member's area reconfiguration is also complete. Works in next quarter include planning and delivering improvements to committee rooms and works on the 2nd, 8th and 13th floors.

Works are now on hold on the SMAC Eastern Esplanade Slipway scheme pending title rectification work with Land Registry. A carry forward request of £27k has therefore been included in this report.

Energy Saving

The initial trial for the Real Time Air Quality Measurement Feasibility is due to commence during October.

A study to identify locations for the Ultra-Low Emissions Vehicle (ULEV) Taxi Infrastructure scheme has commenced during October.

ICT

The Forum has been surveyed as part of the Extending WIFI in Council Premises scheme and the results are due shortly. There has been a successful proof of concept at Southchurch Library for the provision of staff WIFI.

Draft testing templates have been completed on the Liquid Logic scheme and they are currently under review. Final end user testing and demonstration with supplier is underway.

Two new schemes were agreed at September Cabinet for the Ship Directory IDOX software for £45k and the Employee Engagement Portal (Intranet) for £20k. The IDOX software is a Public Health system which is was not fit for purpose and required some updates to bring it in-line with current requirements. Plans are in place to commission a new provider for the Employee Engagement Portal to make it more engaging with staff.

2. Requested Changes to the 2019/20 Capital Programme

Carry Forwards to Future Years

Scheme	2019/20 £000	2020/21 £000	2021/22 £000	2022/23 £000	2023/24 £000
SMAC Eastern Esplanade Slipway	(27)	27			
Special Provision Capital Fund	(221)	221			
Local Growth Fund A127 Growth Corridor	(2,000)	2,000			
Sheltered Housing	(345)	345			
HRA Housing Construction phase 3	(1,307)	653	654		
HRA Housing Construction phase 4		(2,022)	2,022		
Total Carry Forwards	(3,900)	1,224	2,676		-

Accelerated Deliveries from Future Years

Scheme	2019/20 £000	2020/21 £000	2021/22 £000	2022/23 £000	2023/24 £000
HRA Decent Homes Programme	260	(260)			
HRA Housing Construction MMC	222	1,112	(1,334)		
Total Accelerated Deliveries	482	852	(1,334)	-	-

Proposed New Schemes

Scheme	2019/20 £000	2020/21 £000	2021/22 £000	2022/23 £000	2023/24 £000
Ship Directory IDOX software	45				
Employee Engagement Portal (Intranet)	20				
Chalkwell Ramp	60				
Total Proposed New Schemes	125	-	-	-	-

New External Funding

Scheme	2019/20 £000	2020/21 £000	2021/22 £000	2022/23 £000	2023/24 £000
Leigh Library Gardens Messroom Refurbishment	47				
Total New External Funding	47	-	-	-	-

Virements

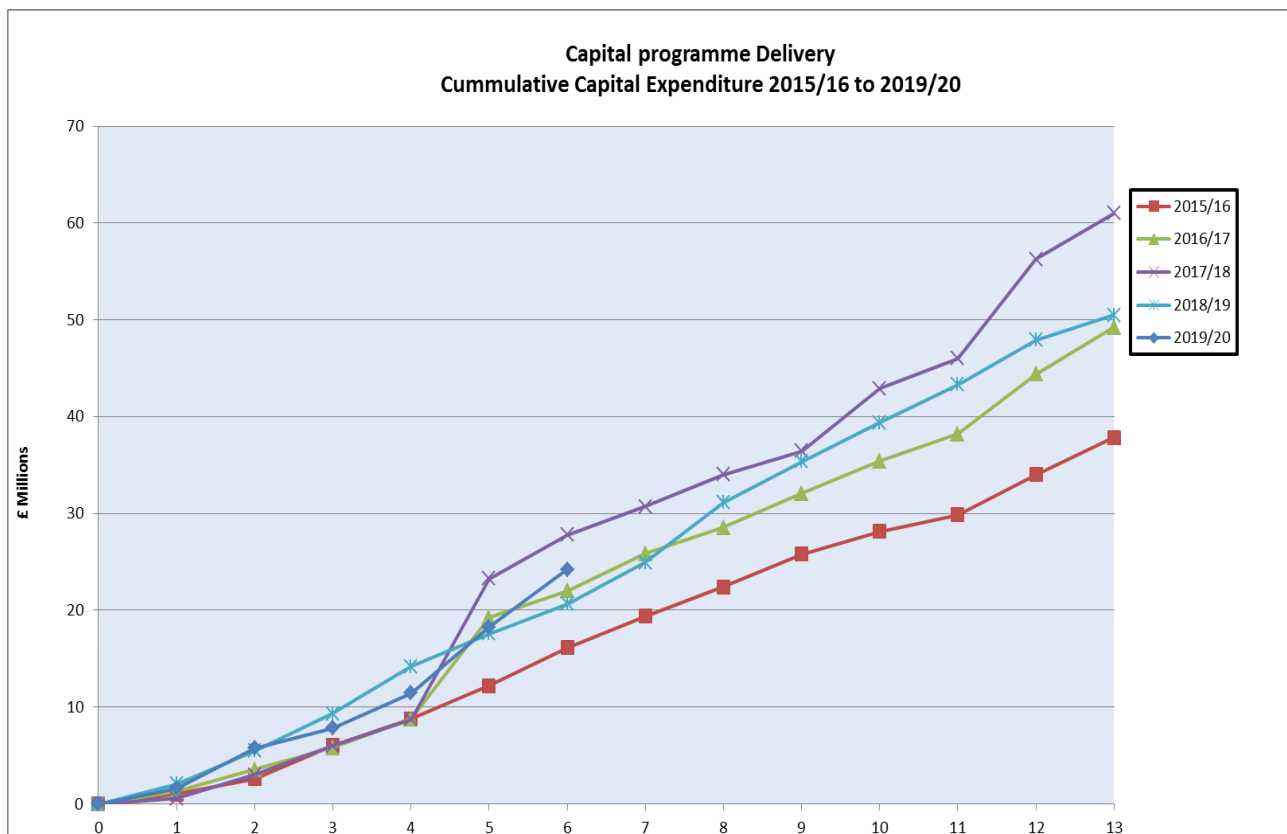
Scheme	2019/20 £000	2020/21 £000	2021/22 £000	2022/23 £000	2023/24 £000
Property Refurbishment Programme	(16)				
Leigh Library Gardens Messroom Refurbishment	16				
Priority Works	(35)				
12a Ceylon Road Refurbishment Works	35				
Total Virements	-	-	-	-	-

3. Summary of Capital Expenditure at 30th September

	Original Budget 2019/20 £000	Revisions £000	Revised Budget 2019/20 £000	Actual 2019/20 £000	Forecast outturn 2019/20 £000	Forecast Variance to Year End 2019/20 £000	% Variance
General Fund Housing	1,695	728	2,423	400	2,458	35	17%
Council Housing Refurbishment	8,049	794	8,843	1,566	8,758	(85)	18%
Council Housing Acquisitions and New Build Programme	4,511	6,436	10,947	3,613	9,862	(1,085)	33%
Social Care	1,016	5,324	6,340	217	6,340	-	3%
Schools	14,218	(4,780)	9,438	3,823	9,217	(221)	41%
Enterprise & Regeneration	15,000	(1,579)	13,421	4,942	13,421	-	37%
Southend Pier	2,468	857	3,325	1,813	3,325	-	55%
Culture & Tourism	5,218	(509)	4,709	1,701	4,756	47	36%
Community Safety	1,741	(861)	880	15	880	-	2%
Highways & Infrastructure	13,548	2,024	15,572	4,848	13,632	(1,940)	31%
Works to Property	1,969	108	2,077	218	2,015	(62)	10%
Energy Saving	1,426	(763)	663	1	663	-	0%
ICT	2,559	305	2,864	1,048	2,929	65	37%
S106/S38/CIL	943	627	1,570	53	1,570	-	3%
	74,361	8,711	83,072	24,258	79,826	(3,246)	29%
Council Approved Original Budget - February 2019	74,361						
General Fund Housing amendments	300						
Council Housing & New Build Programme amendments	7,001						
Social Care amendments	5,000						
Schools amendments	(2,839)						
Enterprise & Regeneration amendments	(485)						
Culture & Tourism amendments	445						
Community Safety amendments	(906)						
Highways & Infrastructure amendments	(80)						
Works to Property amendments	(257)						
Energy Saving amendments	(705)						
ICT amendments	(248)						
S106/S38/CIL amendments							
Carry Forward requests from 2018/19	7,445						
Accelerated Delivery requests to 2018/19	(4,386)						
Budget re-profiles (June Cabinet)	(2,701)						
New external funding	1,127						
Council Approved Revised Budget - June 2019	83,072						

Actual compared to Revised Budget spent is £24.258M or 29%

4. Capital Programme Delivery



Year	Outturn £m	Outturn %
2015/16	37.9	97.0
2016/17	48.8	89.0
2017/18	61.0	95.0
2018/19	50.9	96.7

Southend-on-Sea Borough Council

**Report of Chief Executive
to
Cabinet
on
5 November 2019**

Report prepared by:
Louisa Thomas & Nicola Spencer
Data & Insights Analysts

**Agenda
Item No.**

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

Cabinet Member: Councillor Gilbert

All Scrutiny Committees

A Part 1 Public Agenda Item

1. Purpose of Report

- 1.1 To report on the second quarter of the Southend 2050 Outcome Success Measures for 2019/20.

2. Recommendations

- 2.1 To note the Quarter 2 performance.

3. Background

- 3.1 The Council's Corporate Performance Framework has been reviewed to provide robust and transparent performance management to drive the delivery of the five Strategic Delivery Plans. Cabinet agreed that corporate performance for 2019/20 onwards shall consist of three different functions, to enable the Council to robustly monitor and measure the progression of the desired outcomes against the five themes, which are outlined in the 2050 Road Map. The three functions are:

- A Corporate Performance Dashboard (CMT and Cabinet Members)
- A Southend 2050 Outcome Success Measures Report
- An Annual Place-Based Report.

4. Southend 2050 Outcome Success Measures Report

- 4.1 The Southend 2050 Outcome Success Measures Report is a high level summary of the Council's corporate performance and progression over the quarter on the high level strategic priorities. Outcome Delivery Teams provide a strategic narrative once per quarter on the progress made with the delivery of the Southend 2050 outcomes and activity on the Road Map.

The report also contains a snapshot of key place data which will be updated as available throughout the year.

The agreed timetable for reporting is as follows, with additional reporting aligned to the scrutiny cycle in January.

		To be presented to Cabinet:
Quarter 1	April – June 2019	September 2019
Quarter 2	July – September 2019	November 2019
Quarter 3	October – December	February 2020
Quarter 4	January – March 2020	June 2020

- 4.2 The development of outcome-focused measures is an iterative process, to enable the measures to be reviewed and developed regularly.

5. Further Developments

A number of the measures included in the report have catalysed plans to work collaboratively across the organisation to improve their outcome focus. The development work planned to date is as follows:

5.1 Temporary Accommodation

A working group has been formed to better understand and monitor the outcomes of interventions for those the Council is supporting to access housing. The group is currently working on enhancing the suite of measures that describe the success of the Council's interventions from homelessness prevention to housing supply to allocations.

5.2 Child development and Children's Centres

Further collaboration with the Early Years and Health Visitor services will be undertaken, to develop a set of outcome-focused measures regarding the range and success of interventions and services for children aged between two and five, and the better use of Children's Centres.

5.3 Protecting and nurturing the coastline

Development work is required looking in to litter collections on our beaches especially during the peak months; the protection of nature reserves and sea defences, and educating our children on the nurture and protection of our coastline.

5.4 Fibre broadband and WiFi

The data received from the Council's WiFi supplier has been improved to make it more granular. The datasets on this and Fibre Broadband will continue to be developed to better monitor whether the intended benefits to residents and visitors, in terms of service availability, geographical coverage and speed are being realised.

5.5 Businesses, skills and employment and high street occupancy

This will be a considerable area for collaboration between the Planning, Economic Growth, Revenues, GIS and Insights teams, with an aim to share and / or integrate the data and systems held and used by the teams to provide a meaningful picture of activity and outcomes in the borough to support and

evidence the vision of the Council's Economic Growth Strategy 2017-2022, and to evidence Opportunity and Prosperity outcomes.

5.6 Independent living and care homes

Further work will be done to measure the independency of those living in supported living and care homes across the borough.

5.7 Volunteering

A mapping exercise or survey will be undertaken to ascertain which parts of the Council uses volunteers and to capture the full breadth of volunteering activity, with further plans to broaden the dataset to include demographic data on volunteers, give insight on the barriers and enablers to volunteering, and the inclusion of SAVS data.

5.8 Voters

Development work is planned to map and improve the data and insights available regarding voters' registration rate, turnout, demographic, residential ward, accessibility and other social factors affecting registration.

5.9 Transport

The data currently collected annually via the National Highways and Transport Survey will be developed to increase the frequency of data collection regarding smart signalling, traffic flow optimisation, passenger transfer trends and experience, and the experiences of people who use public transport of all kinds in the borough.

5.10 Air Quality and recycling

At present, data for air quality is available via a live feed but validated on an annual basis to provide an annual mean. Further work will be done to collect data that can indicate the outcomes for residents resulting from the improvement works being undertaken at various major junctions.

5.11 Tree planting and removal

As trees are only planted in the winter months, data is currently reported annually at the end of the planting season. A register of tree removals is maintained on an on-going basis. Further development work will be done with the Parks Management teams to increase the frequency and completeness of data collection on tree planting and removals and to devise meaningful, outcomes-focused measures.

6. Reasons for Recommendation

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

7. Corporate Implications

Contribution to Council's Ambition and corporate priorities:

To strategically monitor the Council's corporate performance and achievements against the 2050 Road Map and Outcomes.

8. Financial Implications

There are no financial implications.

9. Legal Implications

There are no legal implications.

10. People Implications

People implications are included in the monitoring of performance relating to the Council's resources where these relate to the Council's priorities.

11. Consultation

The new performance framework and measures to be included in future performance reporting are included in the Strategic Delivery Plans which were developed through extensive consultation and engagement to articulate the Southend 2050 ambition.

12. Equalities Impact Assessment

The priorities and outcomes contained with the 2050 Five Year Road Map are based upon the needs of Southend's communities. This has included feedback from consultation and needs analyses.

13. Risk Assessment

The Corporate Risk Management Framework shall be managed alongside the new monitoring for corporate performance. This information shall form part of the new corporate risk register that is managed by the Internal Audit team.

14. Value for Money

Value for Money is a key consideration of the Southend 2050 Performance Framework, including the outcome-based investment work, to help assist in identifying Value for Money from services.

15. Community Safety Implications

Performance Indicators relating to community safety are included in the Strategic Delivery Plans as well as the Southend 2050 Annual Place-based Report.

16. Background Papers

- 16.1 Monthly Performance Reports (MPRs) from April 2018 to March 2019 and Outcome Success Measures Report – Quarter 1 2019/20

17. Appendices:

- 17.1 Appendix 1: Outcome Success Measures Report – Period 2 – July-September 2019

OUR
SHARED
AMBITION

SOUTHEND
2050
it all starts here

Outcomes Success Measures Report
Period 2 – July-September 2019

Southend 2050: Five Themes and 23 Outcomes for 2023

Pride & Joy

PJ 01 - There is a tangible sense of pride in the place and local people are actively, and knowledgeably, talking up Southend.

PJ 02 - The variety and quality of our outstanding cultural and leisure offer has increased and we have become the first choice English coastal destination for visitors.

PJ 03 - We have invested in protecting and nurturing our coastline, which continues to be our much loved and best used asset.

PJ 04 - Our streets and public spaces are clean and inviting.

Safe & Well

SW 01 - People in all parts of the borough feel safe and secure at all times.

SW 02 - Southenders are remaining well enough to enjoy fulfilling lives, throughout their lives.

SW 03 - We are well on our way to ensuring that everyone has a home that meets their needs.

SW 04 - We are all effective at protecting and improving the quality of life for the most vulnerable in our community.

SW 05 - We act as a Green City with outstanding examples of energy efficient and carbon neutral buildings, streets, transport and recycling.

Active & Involved

AI 01 - Even more Southenders agree that people from different backgrounds are valued and get on well together.

AI 02 - The benefits of community connection are evident as more people come together to help, support and spend time with each other.

AI 03 - Public services are routinely designed, and sometimes delivered, with their users to best meet their needs.

AI 04 - A range of initiatives help communities come together to enhance their neighbourhood and environment.

AI 05 - More people have active lifestyles and there are significantly fewer people who do not engage in any physical activity.

Opportunity & Prosperity

OP 01 - The Local Plan is setting an exciting planning framework for the Borough.

OP 02 - We have a fast-evolving, re-imagined and thriving town centre, with an inviting mix of shops, homes, culture and leisure opportunities.

OP 03 - Our children are school and life ready and our workforce is skilled and job ready. Leads

OP 04 - Key regeneration schemes, such as Queensway, seafront developments and the Airport Business Park are underway and bringing prosperity and job opportunities to the Borough.

OP 05 - Southend is a place that is renowned for its creative industries, where new businesses thrive and where established employers and others invest for the long term.

Connected & Smart

CS 01 - It is easier for residents, visitors and people who work here to get around the borough.

CS 02 - People have a wide choice of transport options.

CS 03 - We are leading the way in making public and private travel smart, clean and green.

CS 04 - Southend is a leading digital city with world class infrastructure.

Annual Information

Unemployment
3,530 - 3.2%
(April 2018 - August 2018)

4,085 - 3.7%
(April 2019 - August 2019)

£280,867.00
Average House Price Southend

£246,728.00
Average House Price England
(June 2019)

182,500
Mid-year Population Estimate
for Southend
(Nomis July 2018)

1,035
New businesses (2017/18)
1,115
Businesses closed (2017/18)

Teenage conception for under
18's rate of 24.3 per 1,000
(number 70)
(2017)

Transport

National Highways and Transport (NHT)
Public Satisfaction Survey (2018/19)

75% of people found it
easy to get around
the borough

63% of people with a
disability found it
easy to get around
the borough

72% of people who do
not have a car
found it easy to get
around the borough

Early Years Foundation Stage
Profile
Achieving a Good Level of
Development
74.0% 2018/19

Trees

Figures do not include whips

In 2016/17 we planted 322
trees and removed 310

In 2017/18 we planted 279
trees and removed 373

In 2018/19 we planted 384
trees and removed 412

56%
Agree people from different
backgrounds get on well
together*

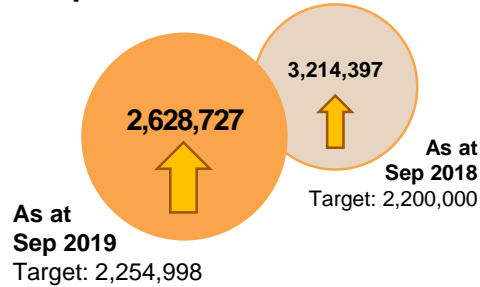
75%
Satisfied with local area
as a place to live*

*2018 residents' perception survey, sample 1239 Southend residents



Participation and attendance at Council owned / affiliated cultural and sporting activities and events and the Pier

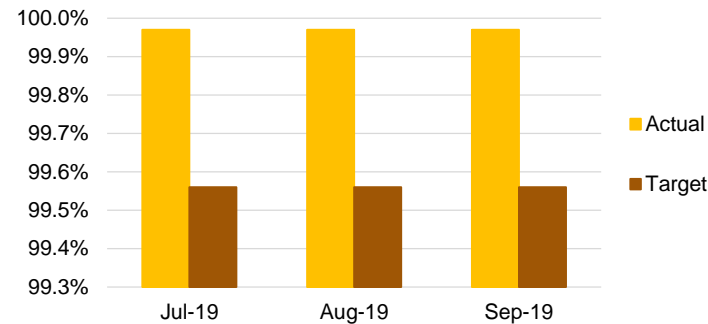
[Cumulative YTD]



Key insights

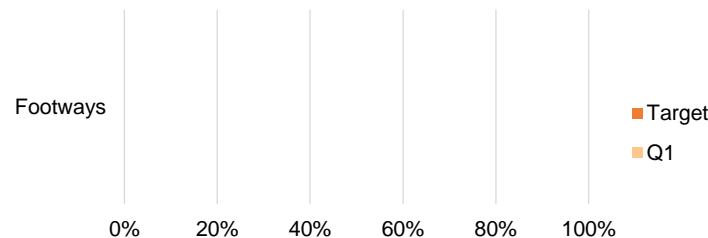
- Our **smaller libraries** (exc. The Forum, for which we are still awaiting data) saw a 50% increase in attendance in Q2, attributed to the Summer Reading Challenge (for children aged 4-11) which ran during the school summer holidays
- **Pier admissions** have normalised again (32,745 in Sep) after the very high admissions figure in Aug (71,140) which may be attributed to the seasonal change and a return to normal opening hours
- **506** Street Champions in place (as at Sep) and four **new litterbins** have been allocated to the new Lagoon decking area to ensure cleansing standards maintained
- **611** reported missed collections in Sep represents 0.03% of 1,816,533 collections per month; on track to meet 2019/20 Annual Target of 99.56%

Percentage of successful waste collections per month



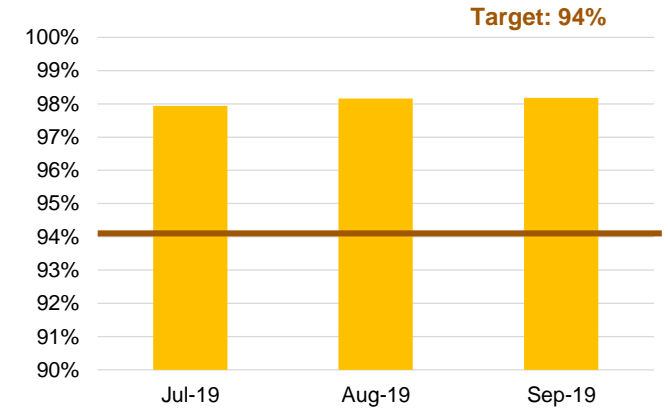
Safety Inspections completed on time

[Awaiting data]



Acceptable standard of cleanliness: litter

[Cumulative YTD]



Social Media Campaigns

50,772

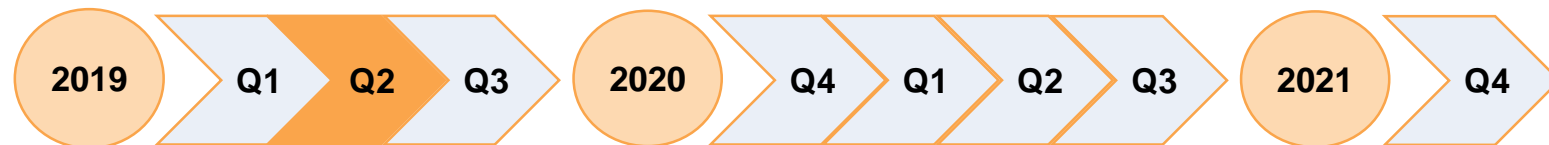
plays of the promotional video used in August's Connexions mini-campaign (cross-cuts with **Opportunity & Prosperity**)

1267

page views of the new Wedding Venues website pages as a result of August's social media campaign on Twitter, Facebook and Instagram

400+

photos of our coastline submitted by the public via social media channels, as part of the #PrideAndJoy Instagram campaign



Quarter 2: Update

Council agreed that the date for the **Seaway Development** contracts to become unconditional will be January 2020. The planning application is being assessed through the usual process.

External funding has been secured to develop a holistic set of interventions for the **Town Centre**, aligned the Town Centre Scrutiny project, including; a consultation on the Sunrise work to develop a scheme to be delivered using Local Growth Fund funding from SELEP; public realm improvements between Warrior Square, Whitegate Road, Tylers Avenue and York Road using National Productivity Investment Fund funding; and Cool Towns funding, to deliver greening and shaded seating. Wider regeneration activity includes the second phase of the Forum (see the Opportunity & Prosperity narrative). A Better Queensway public consultation will be launched by the joint venture in October.

Work to explore creating a visible presence in the **Town Centre** for some of the Council's services is underway. A Chair for the Strategic Town Centre Group has been identified, furthering the opportunities for joint working across the street scape, place branding and signage and public realm projects.

Officers are in touch with the representative for the **Kursaal's** owners as they try to find ways to let the space and bring the building back in to use.

The **Estuary 2020 Festival** (starts 18/09/2020), will bring lesser known or underutilised spaces to life through arts and culture. Various historic structures on the Garrison site have been visited by artists with a view to their involvement in the festival, and Metal (the Festival's organiser) is working with Shoebury Heritage CIC, EWT and SBC staff on the project.

The Council continues to support volunteer-led beach cleaning litter picks. Veolia is building on its 'Street Champions' scheme to support **improved street cleansing** activities. The "My Street Is Your Street" campaign has continued with additional floor promotional materials. A campaign was launched to highlight the problem of pollution in marine environments and as part of this the Council worked in partnership with a local artist to install of a fish sculpture on the Seafont.

Future milestones

20 new cigarette bins will be placed out in the High Street to target smoking litter.

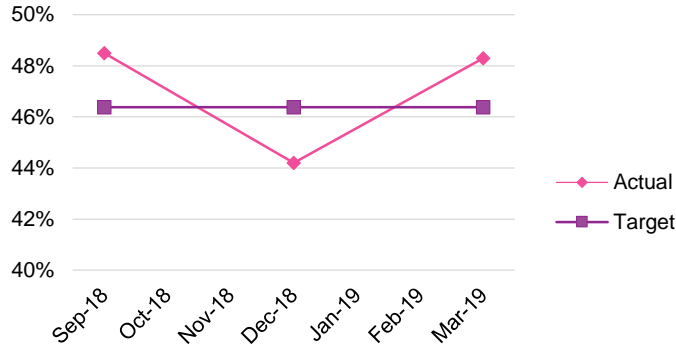
30 additional beach litter bins were ordered to be used to enhance next year's activities

Veolia continues to adjust resources as we move through the seasons, and a further "Southend Champions" newsletter is planned for October 2019.



Percentage of household waste sent for reuse, recycling and composting

[Cumulative YTD]



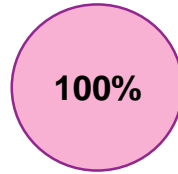
Key insights:

- **194** households are currently in Temporary Accommodation, comprising **592** individuals, equating to a rate of 2.46 per 1000 households as at September 2019 against a target of 3.51.
- A total of **202** street begging / vagrancy / rough sleeping engagements and **314** Anti-Social Behaviour (ASB) Incidents were attended to by the Council's Community Safety Unit team in Q2 2019/20.

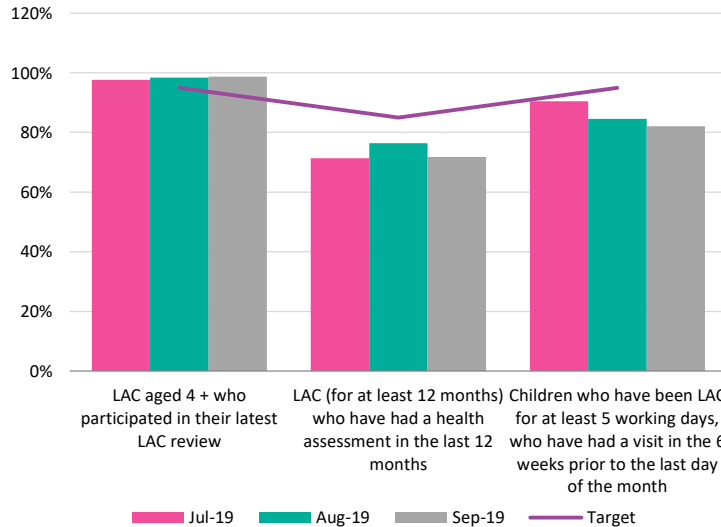
Education Health Care plans issued within 20 weeks excluding exception cases (SEND)

[Cumulative YTD]

Total plans issued (YTD): 77
 Period: as at Sep 2019
 Target: 96%

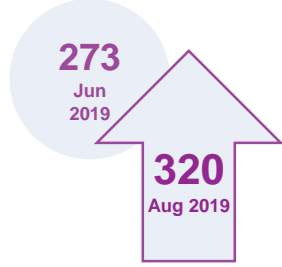
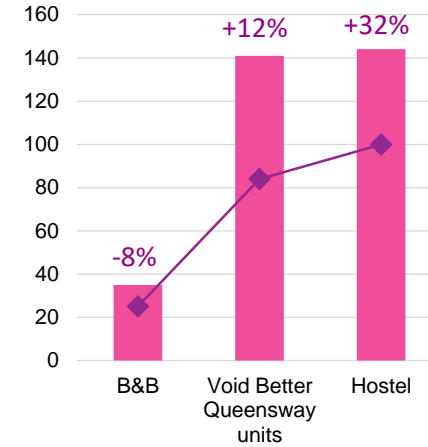


Looked After Children (LAC)



Families in Temporary Accommodation (TA)

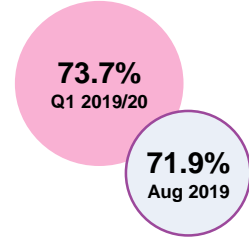
As at Aug 2019, compared to Q1 2019/20



Total number of children in TA
 (data for 2018 not available)

■ No. of children
 ◆ No. of households

Mental Health

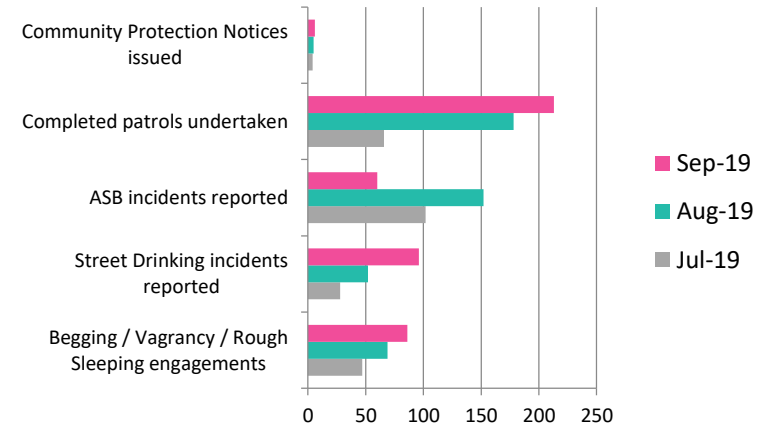


Proportion of adults in contact with secondary mental health services who live independently with or without support (EPUT)

2019/20 target: 74%

The Council's Community Safety Unit activity

This dataset does not include data from the Police or other agencies





Quarter 2: Update

The **Town Centre** Action Group has developed a dynamic action plan to lead on enforcement activity in the Town Centre to deal with the most prolific individuals, plus support and outreach work under the Council's Rough Sleeper Initiative.

The new **Community Safety** Patrol Team, now equipped with a number of enforcement powers, has proved successful, contributing to the marked reduction in town centre issues due to its high visibility presence supporting local policing, which has been strengthened by additional new Police Officers being deployed to Southend Police Station with specific town centre patrol remits. The police teams and Community Safety team work closely together from Southend's Community Safety Hub at Southend Police Station. Numbers of rough sleepers in the Town Centre and complaints linked to street drinking and anti-social behaviour have decreased.

Bimonthly **rough sleeper** counts continue, helping the Council identify seasonal flows and changes. The Council is working closely with partners across the voluntary, faith and public sectors to plan the Church Winter Night Shelter that will commence again in December. A team of rough sleeper navigators and tenancy sustainment officers will be recruited to ensure people have the right support and by taking swift preventative action on tenancy-related issues, possible due to the government's Rapid Rehousing Pathway funding.

There is increased **community-based social work practice** presence at Kent Elms, Highlands and West Road (Shoebury) surgeries. A Social Worker with mental health experience is supporting the Council's Housing Officers with complex cases to maintain tenancies and engage in preventative work. Social work/care coordination and the Dementia navigation team have been collaborating to improve integrated working and relationships.

Initial preliminary work has been undertaken that looked at the potential to introduce **Selective Licensing** in parts of the borough including data assessments, financial modelling and best practice from other local authorities.

The Council's **Sustainability** team are fully engaged with the Better Queensway project team, ensuring that all opportunities for pursuing sustainable options are being explored.

Continued over page...

Future milestones

As part of the next area of focus for Southend 2050, the Council is considering a more integrated multi agency view of using all community assets to the best effect.

A partnership approach will be taken with the Looked After Children team in order to analyse the current need and specific challenges regarding providing suitable local accommodation in order to ascertain what further work will need to be considered.

The Selective Licensing project will undertake further research, consultation and an assessment of the resources required ahead of implementation.

The Community Safety Team will explore options to address increasing demand, potentially this could include:

- Increasing Community Safety Team numbers and widening enforcement powers (such as Fixed Penalty Notices and CPNs)
- working collaboratively with other agencies and council departments to undertake a more visible role in town; this could include support from the BID Rangers, Pier and Foreshore teams, ACPOA and Street Scene teams.



Quarter 2: Update (cont.)

The consultation on the update to the **Local Plan** has been responded to, with ongoing discussions helping to shape the work to ensure that future development in the Borough is sustainable. The Council is delivering an EU project to increase electric vehicle charging points, with the most appropriate locations for the charging points now being determined.

The Council is monitoring the Veolia action plan aimed at delivering an **improved recycling** rate this year, looking to improve services for flats, communicate with residents and Recycling Officers and increase participation in the food waste scheme. The Council has been proactive on the plastic agenda and is now part of PlastiCity, which has secured over €1 million to deliver a new approach to **plastic waste** that will drive up recycling rates. Council officers have reviewed staff's use of the current **recycling arrangements** and this information is now being used to determine what steps need to be taken to reduce the total volume of waste and, of the waste that is generated, maximise the amount that is recycled.

Officers are developing the case to designate Southend as a National Park City, to build **climate resilience** to issues ranging from flooding through to heat stress and support objectives around health and well-being and building community cohesion. Work is underway to replace the Low Carbon Energy and Sustainability Strategy 2015-2020 with the next iteration, to be adopted before April 2020. This version will also reflect the wider areas of focus that have been identified in the Green City agenda.

Work has commenced on-site for the new **Priory Residential and Learning Disability Day care** centre, in line with the implementation plan. A task and finish group has been set up to move forward with the design of the build in line with how the site will support the vision.

A range of work surrounding housing need is continuing to ensure that appropriate outcomes for all residents groups, including **Looked After Children**, are ensured. Key steps, such as consultations on a renewed allocations policy, continue.

The Council is pressing ahead with the next phases of the HRA Land Review Project which will potentially see 56 affordable homes built in two locations in the borough. The required surveys have been undertaken for both sites and a procurement exercise for the appointment of consultancy support is continuing.

Continued over page...

Future milestones

Officers are working with Forward Motion to identify how they can encourage the public to make more **sustainable transport choices**, as part of their wider work on contributing to the delivery of a range of Southend 2050 outcomes.

An event will be held in November with all stakeholders of the new **Priory Residential and Learning Disability Day Care Centre** to share and discuss the Centre's vision and to agree the operational model.



Quarter 2: Update (cont.)

The Council's Modern Methods of Construction pilot is also progressing well with the appointed architect for the scheme preparing the preliminary drawings for both sites with a view to submit an outline planning application later in the year. The Council's Acquisitions Programme for **Council Housing** has been continuing at pace and has seen a number of properties purchased from the open market for the purpose of Council housing.

The Council is progressing with its plans for the **housing development pipeline**. A number of sites are currently progressing which will form the first phase of the pipeline and the project will next undertake site feasibility, a due diligence survey and design work to provide more detailed assessments on future sites. A Regeneration Framework will be produced which will oversee this work. This work is augmented by other approaches to **housing supply** being progressed, including the use of HRA capital and Right-to-Buy receipts to purchase properties on the open market and bring these into use as affordable housing in the borough. By the end of the quarter 19 properties will have an accepted offer, including seven completed purchases.

In July 2019 HARP completed the nine-bed extension to their site at Ceylon Road, which is now fully occupied. HARP's planning application for a 49 bed space development, "Bluebird", on Southchurch Avenue has been agreed. Estuary Housing officially completed their **affordable housing scheme** at Hammond Court in Sutton Road in September, with the provision of 44 affordable homes (26 affordable rent and 18 Shared Ownership).

Future milestones

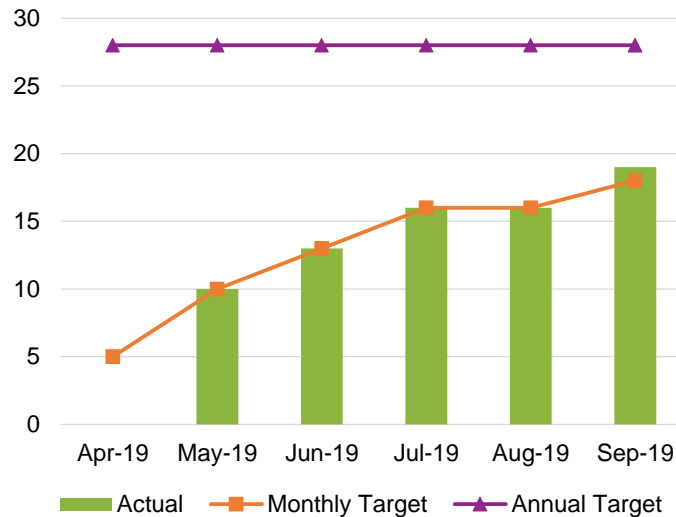


Organisations signed up to Physical Activity-related pledges of the Public Health Responsibility Deal (PHRD)

16 YTD, Q2 2019/20

9 joined in Q2 2019/20

Number of schools signed up for the Daily Mile Programme or equivalent



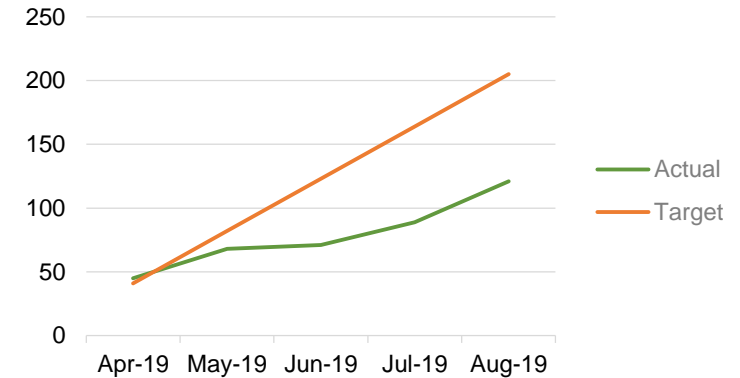
Falls Prevention activity

~12,520 individuals aged 65+ at risk of falling annually in Southend

155

individuals starting 36 week strength and balance programme to date during 2019/20

Number of individuals completing 12 weeks of the Exercise Referral Programme



Number of hours of volunteering within Culture, Tourism and Property (inc. Pier and Foreshore events)

[Cumulative YTD]



Sep 2019
Actual: 11,285
Target: 9,750

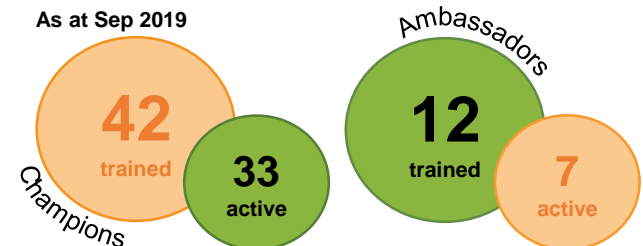
Sep 2018
Actual: 10,555
Target: 9,750

Long trend:



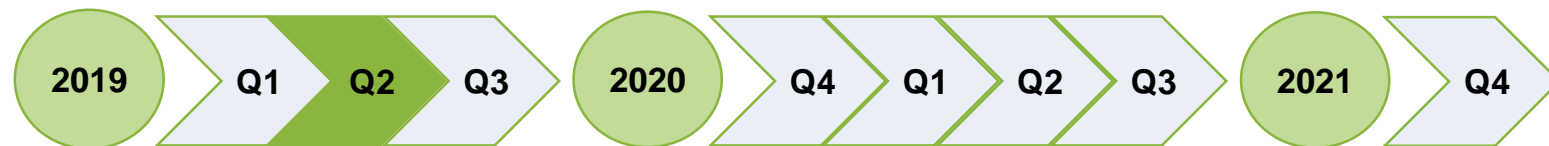
A Better Start Parent Champions and Ambassadors

As at Sep 2019



Key insights:

- **1,192 volunteering** hours (which equates to approx. 50 days) delivered within Culture in September
- **120** individuals are currently active on the 'Staying Steady Programme' for September and **121** individuals completed the 12 week exercise referral programme in August
- A Better Start Southend **Parent Champions and Ambassadors** have been taking part in designing and delivering engagement events, taking part in ABSS governance meetings, promoting and communicating ABSS, research and interviews, co-production workshops and special projects such as the development of a Community Hub at SAVS
- The number of new organisations signing up to the **PHRD** has reduced as we are now in Year 3 of the programme and every year 40+ new businesses sign up, meaning that the number of businesses to recruit from in Southend reduces. There is a particular focus on engaging SME businesses for 2019/20



Quarter 2: Update

Chalkwell Lodge is now anticipated in June 2020, and two additional properties have been agreed through the **acquisitions programme** to date. The acquisition budget is set to increase by £2.3m, and therefore we can expect this number to increase in the next couple of months.

Active Southend will use ActiveEssex funding to support organisations via the Culture and Wellbeing Small Grant's scheme. The ActiveSouthend Strategic Group (ASG) is a multi-agency group made up of organisations and teams for which increasing physical activity levels in the borough contributes to their own organisational goals. The group meets quarterly and reports to the Southend Health and Wellbeing Board. The group also provides regular updates to the Southend Corporate Management Team (CMT) and the Active Essex Board.

Asset Based Community Development workshops have been held between voluntary sector and Southend 2050 outcome leads and officers to develop a shared narrative around individual and community strengths. Conversations and engagement between individual outcome leads/business proposal leads and partners and community continue to achieve shared understanding of the Ambition and input in delivery.

The South East Essex (SEE) Locality Partnership Group has developed relationships across the SEE system, the development and sign off of a SEE Locality Strategy; and the agreement to an Memorandum of Understanding which articulates the ambition for the Partnership and integrated working within SEE, and approval of the Community Dementia Business Case, a service commissioned by Southend and Castle Point & Rochford CCG, and is closely aligned to the restructure of the Dementia Navigator team (a jointly commissioned service across Essex County Council, Southend Borough Council and the CCG).

The work across Integrated Design Teams continues with a focus on developing specific Locality approaches aligned to the Locality Strategy. Examples of developments during the quarter include the establishment of a ninth Dementia Navigator based at the hospital to assist those with dementia and those caring for dementia patients with a smooth and seamless discharge; resource in the community and across Localities to support and signpost those patients with dementia by building community capacity and community resilience; a social worker (jointly funded between ECC and SBC) at the Accident & Emergency department to support the discharge planning process at an earlier stage; continued development of a community asset based around the St Lukes Primary Care Centre (East Central); regular Multi-Disciplinary Team working across each Locality (fortnightly); the development of the 'hub' concept - examples include Victoria hub in East Central and Shoebury hub in East and the publication of a Locality-based newsletter.

Future milestones

Everyone Health and Fusion to develop the Exercise Referral Scheme offer, with an ambition to broaden this to other community based physical activity providers and take a broader South East Essex approach to align with CCG collaborative approaches.

Joint post between SBC, A Better Start Southend and SAVS being created to further work around co-production - to be based at SAVS.

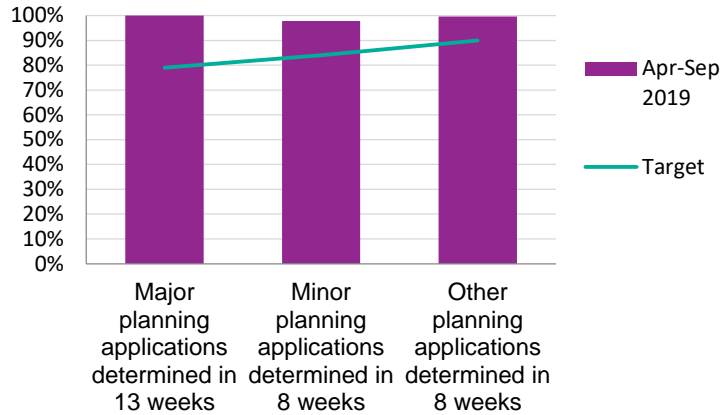
Localities-related future milestones:

- Development of Locality plan, first Locality will be West Central to test the process and pilot an initial plan, Co-design and engagement continues across West Central Locality
- evolve the relationship with EPUT (Community & Mental health) to support the development of Localities
- Southend – review and recommissioning of integrated carers service
- Review and recommissioning of community grants funds
- Development of a Locality 'room' at the Council to facilitate the development of SEE localities
- Restructure of dementia navigator team
- High level discussions with PCN Clinical Director to establish closer working relationship between system and primary care.



Determination of Planning Applications

Number of overall planning applications submitted Apr-Sep 2019: 1,059
 Success of appeals Apr-Sep 2019: 72.7% dismissed or split against a target range of 65-85%



Delivery of the Capital Programme

[Cumulative YTD]

29%
as at
Sep 2019

+2%
vs.
Sep 2018

Child Development at Two Years Old

[Completions of the ASQ at 2 years 9 months]

To be developed to include referral outcomes

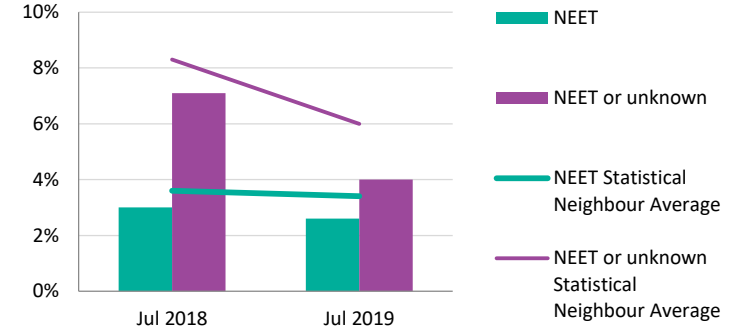
Jul 2019	Aug 2019	Sep 2019
↑	↑	↓
98.7%	95.6%	94.7%
Target: 95%		

Percentage of young people Not in Employment, Education or Training (NEET) or whose situation is not known

Aim to minimise

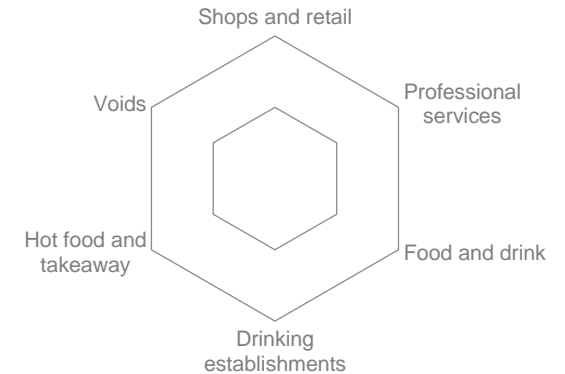
Total number of young people in the borough as at Aug 2019: 3948

Measure to be developed further

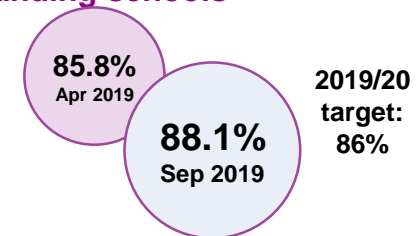


High street occupancy (BID area only)

Awaiting data



Percentage of children in good or outstanding schools

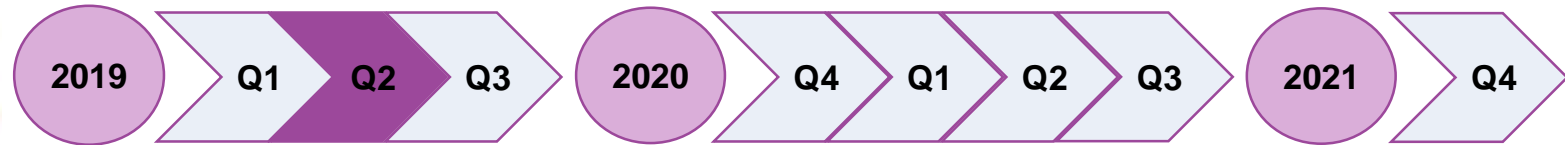


Key insights:

- During the months July to September there are **305 new businesses** open in the borough and **10** businesses have expanded or opened additional premises across the borough
- **35** properties transferred into the Landlord's name as they are now empty during July to September
- **151** additional domestic properties were built during July to September 2019, bringing the total figure this financial year to **377** additional homes built.
- The slight drop in **planning applications** to date vs. the same period last year (1059 vs. 1119) may be due to Brexit related uncertainty impacting on investment, or the fact that the number of applications received last year was a record high. The appeal success rate to date this Financial Year is consistent with national context and reflects the Council's need to balance good appeal performance and a push for quality development in the borough.



OPPORTUNITY & PROSPERITY



Quarter 2: Update

Becoming a living wage employer was considered at Cabinet at their meeting in September. The Council is already a living wage employer in respect of directly employed staff. Work is now underway to explore the benefits and financial implications of becoming an accredited living wage employer. Progress against this plan will be reported to Cabinet in 2020.

The Council's "Connexions" team, have successfully ensured that more students are not classified as NEET (Not in Education, Employment and Training). Work continues between the Education and Skills teams to improve access to apprenticeships.

In line with our energies to support learners in deprived areas, further work on school and locality performance is taking place to identify the relative performance of different groups and their residency. One of the local Teaching Schools have been commissioned to offer training and support for all primary schools. Although the primary and secondary examination results are now in the public domain, the detailed pupil level data is not available from the Department for Education at the time of writing to comment on the gap in 2019. Suffice to say that reducing this gap and supporting learners from disadvantaged families remains the highest priority for both schools and the Council.

Following this, the Council will continue to support and challenge schools and academies where the outcomes in these areas remains low.

The Council has continued to map and analyse available data regarding its duty to supply sufficient good school places for Borough residents. Under the current strategy, expansion in several of our secondary schools is progressing well to meet identified demand. Given the likely pace of demographic growth, it is anticipated that this will be sufficient to meet current and future needs until mid way through the next decade. Through the new Children and Learning Working Party, early discussion will start to explore and identify future solutions that will meet future demand once the policy on additional housing 2020-30 becomes clearer.

Funds have been previously identified to support the Academy Trusts accountable for the three vulnerable secondary schools. This resource is for the academic year 2019-20 to support the schools in their journey to become good, and each Trust is required to account for the improvement in outcomes against the submitted business case. Examination outcomes in 2019 for each of these schools has shown positive improvement against the headline results of some 10% points which is welcomed. It is unlikely that either of these three schools will be respected in the current academic year.

Following the previous two years highly successful initiative to offer Southend residents the opportunity to apply for, pass and attend one of the four outstanding Grammar Schools, further plans are in hand to repeat the awareness campaign this year to encourage parents, where they choose, to apply for a Grammar School place if that is right for their child.

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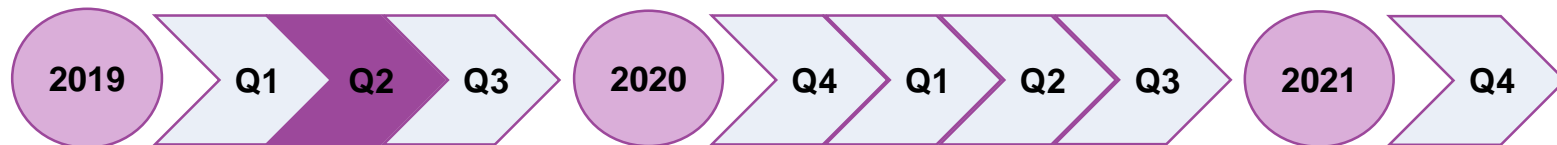
Future milestones

As part of the wider 2050 Opportunity and Prosperity theme, significant work and initiatives are planned and operational to enhance the pathways and provision for school leavers into the world of further education, employment or training.

Results of the planning consultation on Forum 2 development.



OPPORTUNITY & PROSPERITY



Quarter 2: Update

In line with our energies to support learners in deprived areas, further work on school and locality performance is taking place to identify the relative performance of different groups and their residency. Following this, we will continue to support and challenge schools and academies where the outcomes in these areas remains low.

As part of the wider 2050 Opportunity and Prosperity theme, significant work and initiatives are planned and operational to enhance the pathways and provision for school leavers into the world of further education, employment or training. In addition, very successful intervention by our Council “connections” team have ensured that more students follow this path and are not classified as NEET (not in education employment and training). Work continues between the Education and Skills teams to improve access to apprenticeships.

Good progress is being made with Better Queensway which, following the conclusion of the procurement, is led by Porters Place Southend-on-Sea LLP - a joint venture between the Council and a subsidiary of Swan Housing Association. The business plan has been prepared and has been considered by the Council’s Shareholder Board. This will now go through the next democratic cycle.

The current work on improving the utilisation of our nine Children’s Centres continues. We continue to use birth, attendance and footfall data to determine the effectiveness of the provision to support young families. This work includes close working relationships with our stakeholders and partners including A Better Start Southend, SAVs and schools and settings to ensure relevant and high quality services operate from the Children’s Centres.

Forum 2 is progressing through the planning process, with all internal design work completed as part of RIBA Stage 4. The Council’s portion of the building will see a new gallery space for the Focal Point Gallery, delivering a more ambitious exhibition and performance programme, and a suite of digital artist studios, including green screen facility, post production and sound recording, and a new project space for an increased creative learning programme, focusing on creative skills development. This delivers on the 2050 roadmap ambitions for Artist’s Studios, objectives to upskill in digital, creative industry regeneration and increased cultural offer. Public and peer consultation workshops are taking place to involved citizens in how the facility will integrate into the community, the next of which taking place in FPG on 14 November.

A business plan for the revenue budget for running Forum 2 has been put forward as part of the 2050 business plan proposals, currently considered to be a test project. The proposal has in principle approval from the Growth and Infrastructure Board, and is progressing through the way through the Commissioning Board. The business plan has been developed with colleges in finance, and accounts for the entire running of SBC’s portion of the facility, including rates and utilities, as well as uplift in staffing and programme budget for FPG to manage the facility.

Future milestones

As part of the wider 2050 Opportunity and Prosperity theme, significant work and initiatives are planned and operational to enhance the pathways and provision for school leavers into the world of further education, employment or training.

Results of the planning consultation on Forum 2 development.

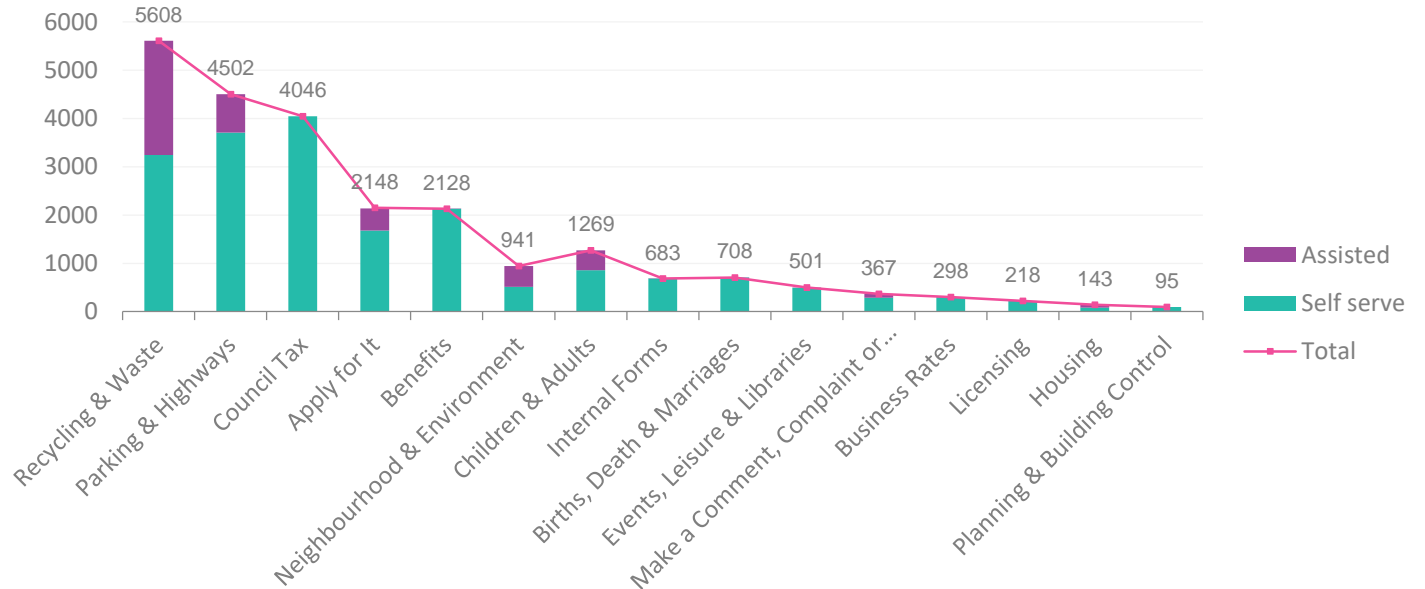


Key insights:

- Total number of registrations for free Wi-Fi: **106,865** (As at the end of September)
- The High Street remains the most popular browsing location to access free Wi-Fi followed by Eastern Esplanade and Hamlet Court Road
- Peak usage of the free Wi-Fi is at 4pm during weekdays, with more females using the service
- Most users are between the ages of **15-24**, with over **15,000** people registered

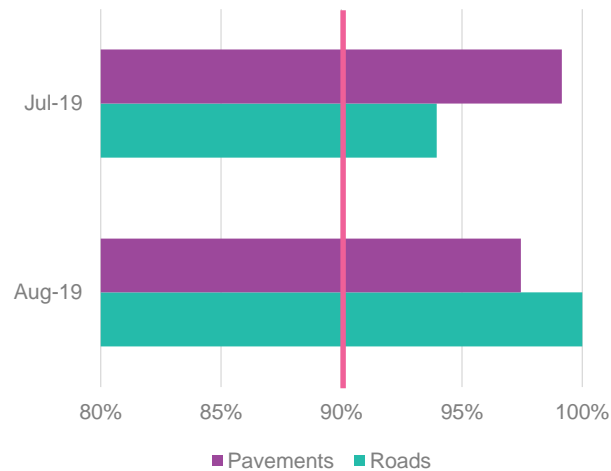
Service Requests submitted via MySouthend

Jul-Sep 2019



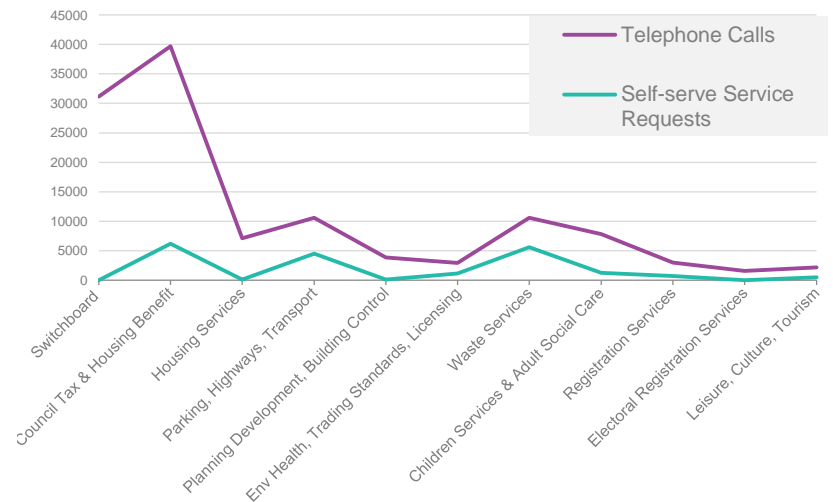
Percentage of CAT1 defects made safe within response times

Target: 90%



Channel Shift

Jul-Sep 2019





Quarter 2: Update

There has been an element of rebranding of the Council's Agile Working Programme which has now become known as 'WorkLife – A way of working tailored to YOU' which encompasses everything relating to how and when we work. Standardised ICT equipment has been signed off by the Council's Corporate Management Team (CMT) which will bring more consistency across the Council in terms of equipment, build and support.

The CMT's Civic Centre working area redesign is now complete, with all members of CMT now working in the open office environment.

A formal agile project management methodology has been rolled out across the Council's Senior Leadership Networks through a one-day workshop. Using this methodology, it has been applied and tested to a number of projects, including WorkLife. This approach maximises skill, collaboration and efficiency across the organisation. A follow up accredited coaching programme is being rolled out in early October for key Transformation and Southend 2050 staff across the organisation. Those completing the coaching will be required to take a test and upon passing and shall be formally recognised as agile coaches by the Public Services Transformation Academy (PSTA).

A significant amount of progress has been made over the summer period in developing a first iteration of a digital solution for the Joint Strategic Needs Assessment (JSNA). We expect the first phase of this project to go live in October 2019. Within this deployment will be an initial set of apps that will allow colleagues, partners and the community to interrogate data themselves. Phase 2 of this work, the Open Data Portal, is currently being progressed and this will increase the functionality available.

A revised Parking Strategy has been drafted and is expected to be ready for consultation in November 2019. The 2019/20 Highways Improvement Programme has been published and the 2020/21-2021/22 Programme is due to be published in January 2020.

Future milestones

An Innovation Area is to be created on Floor 2 of Civic 1 to test and design potential agile working solutions, including technology, prior to rollout.

WorkLife Champions will be visible throughout the organisation with coloured lanyards. These champions will be available and approachable to anyone across the organisation seeking advice on WorkLife or wanting to give feedback.

A review of the Council's flexible working policy will be undertaken with staff to ensure it is as flexible as can be for staff and employer.

Southend-on-Sea Borough Council
Report of Deputy Chief Executive (People)
to
Cabinet
on
5th November 2019

Report prepared by:
Sarah Baker - Interim Director of Adult Social Care

Working to make lives better – How did we do? (Local Account for Adult Social Care Services in Southend 2018-19)

People Scrutiny Committee
Executive Councillor: Councillor Trevor Harp

A Part 1 Public Agenda Item

1. Purpose of Report

- 1.1 To present a draft of our 'Working to make lives better – how did we do?' summary for Adult Social Care in 2018-19.
- 1.2 Our 'Working to make lives better' summary for Adult social care is a revised local name for what is known nationally as the Local Account, and describes the achievements and challenges faced by adult social care as we continue to transform our approach of how we support local people. It is the Council's self-assessment of how it provided support during 2018-19 together with plans for the future which contribute to the overall health and wellbeing of the local community.

2. Recommendation

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

3. Background

- 3.1 This summary is produced as a high level self-assessment which summarises what adult social care has achieved over the past year, how successful the Council have been in supporting people, and what the future priorities are. The Local Account includes the most recent Adult Social Care Outcomes Framework (ASCOF) data for 2018-2019.
- 3.2 The intention of the summary is to promote transparency and enable local people to have a stronger voice. The Local Account provides updates on the key issues people have told us are important to them and we also tell them about the new things we have been developing and are working on.

3.3 The feedback we received from local people led us to change the look of what was the Local Account for 2017/18; we made it more accessible and easier to read. As such we will continue to deliver a shorter, visual document with a link to the more detailed information embedded in the document.

4. Other Options

4.1 No other options are presented.

5. Reasons for Recommendation

5.1 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.

6. Corporate Implications

6.1 Contribution to Council's Vision & Corporate Priorities

Key contributor to the delivery of the Southend 2050 Ambition with links to the safe and well theme, of which further transformation of services is a key priority to improving outcomes for our adult social care users and their families.

6.2 Financial Implications

The cost of production planning will continue to be met within the existing resources for consultation on adult social care. Any new costs arising will need to be considered as part of the relevant annual budget process for the Council.

6.3 Legal Implications

None; Although the production of a 'Working to make lives better' summary assessment allows us to be transparent regarding our adult social care support and allows us to be held to account.

6.4 People Implications

The summary demonstrates how our staff are working in a partnership with residents and public and voluntary organisations within Southend as part of our Southend 2050 and Transforming Together programmes.

6.5 Property Implications

Not applicable

6.6 Consultation

Residents, partners and commissioned service providers were consulted on the design and content of document.

6.7 Equalities and Diversity Implications

Policies for developing adult social care are subject to equality impact analysis.

6.8 Risk Assessment

The document is a report to which risk assessments were applied as part of the Southend 2050 vision and supporting delivery plans.

- 6.9 Value for Money
Financial and performance information has been included within the document as well as how well we are using our joint resources with health more effectively.
- 6.10 Community Safety Implications
Safeguarding information is included within the document. In addition a safeguarding annual report is produced by the Safeguarding Adults board.
- 6.11 Environmental Impact
Not applicable
- 7. Background Papers**
None
- 8. Appendices**
- 8.1 *Appendix: Working to make lives better – how did we do? (Local Account for Adult Social Care 2018-19)*

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Southend 2050, it all starts here

We know that Southend-on-Sea is a great place to live and we promote a preventative approach to support that is empowering and facilitates people to

take control of their own lives rather than being told what is best for them.

As part of our Southend 2050 vision there will be a sense of togetherness and a culture of supporting the community, getting involved and making

a difference. It will be a place where people will have a shared community vision, where we know and support our family, friends and neighbours and share a desire to live well.

Simon Leftley,

Deputy Chief Executive (People),
Southend-on-Sea Borough Council



The **Locality Approach** supports communities by joining up professionals across a range of areas, including health, housing, the voluntary sector and other community providers. Positioning teams directly in the heart of our community instead of council offices has opened up different conversations with people.



Adult Social care prides itself on its strengths based approach that recognises the assets of individuals and supports them with being part of their local community. We know how important it is for people to utilise their strengths and how community led approaches create participation

and inclusiveness. We want people to feel listened to, valued and empowered.

Sarah Baker, Interim Director of Adult Social Care,
Southend-on-Sea Borough Council



Moving in the right direction ▶▶▶

✓ Integrated working – Working with health colleagues

Community social workers continued to develop their links with more GP surgeries to provide seamless social and health care services.

✓ People living in their own homes

The Home First model is important to us, we are working in a strength based way by linking people with local resources and intervening early to prevent crisis.

✓ Community engagement – People having their say

Engagement with the residents and partners in localities continued through events and meetings. This led to practical projects such as new health walks starting and a significant expansion of the network.

✓ Robotics

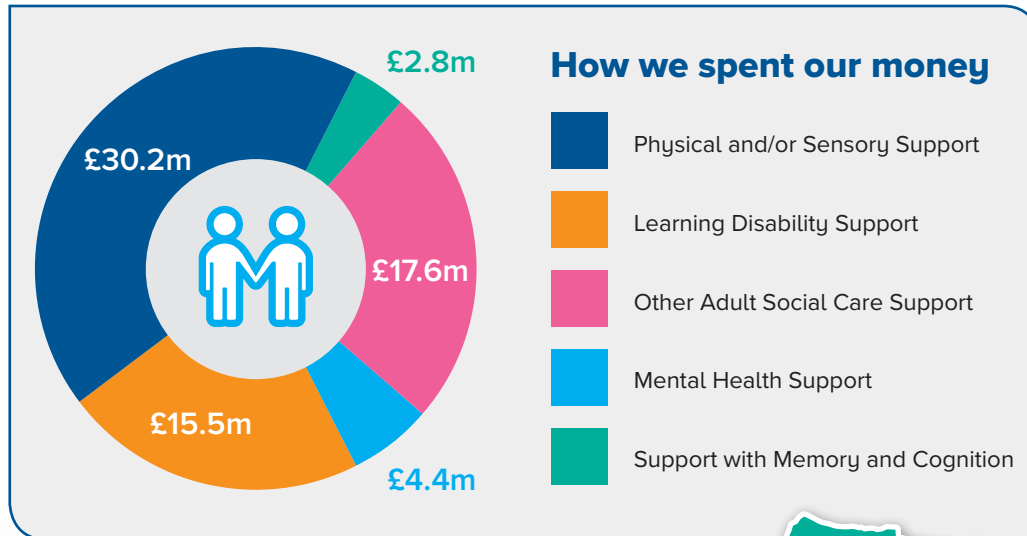
Pepper the robot has continued to work with local residents and groups of different ages and abilities. The work with the families with children who have autism has been recognised by the Department of Health and Social Care with a dedicated film produced.

www.youtube.com/watch?v=Tny2BBVqPH8

For more about statistics and for other information about the quality of local care and support go to:

www.southend.gov.uk/localaccount

We supported **2,372** people
over **65** years old in Adult Social
Care with long term needs



Compared to 2017/18 a higher proportion of people with a learning disability live in their own home or with their family.

Compared to 2017/18 a higher proportion of people who use services who find it easy to find information and support.

Compared to 2017/18 a higher proportion of people who use services say that those services have made them feel safe and secure.

Challenges ahead ▶▶▶

Southend has a growing and ageing population with more complex long term health conditions

Financial pressures mean local authorities need to find more innovative and creative ways of supporting people to have a good quality of life.

We are working closely with our partners to encourage more people to work in health and social care.

We are committed to working more closely with citizens and communities to find the best ways to meet these challenges.



Adults Asset Map

People have told us that they don't always know what is available locally and how it can be difficult to find information, so we have now developed an interactive asset map... **search and discover places near you!**

Visit ▶▶ <https://tinyurl.com/y4b6b8u3>

Future plans ▶▶▶

- ▶ We will work with people to help them remain well enough to enjoy fulfilling lives.
- ▶ We will continue to work with health colleagues and the voluntary sector to enhance the quality of life of people in the community.
- ▶ We will help communities to come together to help, support and spend time with each other.
- ▶ We want people to work with us and have more of a say in how they are supported.



Southend-on-Sea Borough Council

Report of Executive Director (Finance & Resources)
to
Cabinet
on
5 November 2019

Agenda
Item No.

Report prepared by: Caroline Fozzard
Group Manager – Financial Planning and Control

Treasury Management Report – Mid Year 2019/20
Policy and Resources Scrutiny Committee
Cabinet Member: Councillor Ron Woodley
A Part 1 Public Agenda Item

1. Purpose of Report

- 1.1 The Mid-Year Treasury Management Report covers the treasury management activity and compliance with the treasury management strategy for both quarter two and the period from April to September 2019.

2. Recommendations

That the following is approved:

- 2.1 The Treasury Management Mid Year Position report for 2019/20.**

That the following is noted:

- 2.2 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.**
- 2.3 The loan and investment portfolios were actively managed to minimise cost and maximise interest earned, whilst maintaining a low level of risk.**
- 2.4 £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).**
- 2.5 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.

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

3. Background

3.1 This Council has adopted the ‘CIPFA Code of Practice for Treasury Management in the Public Sector’ and operates its treasury management service in compliance with this code. The code recommends that local authorities submit reports regularly as part of its Governance arrangements.

3.2 Current guidance is that authorities should report formally at least twice a year and preferably quarterly. 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. This is the second quarter report for the financial year 2019/20.

3.3 Appendix 1 shows the in-house investment position at the end of quarter two of 2019/20.

3.4 Appendix 2 shows the treasury management performance specifically for quarter two of 2019/20.

4 National Context

4.1 At the time of writing this report there was still a lot of uncertainty with the ongoing debate over how the UK is to achieve Brexit. This is causing uncertainty for business leaders and the financial markets and is leading to investment decisions being delayed.

4.2 The Bank of England have kept the bank base rate at 0.75% and kept their Quantitative Easing (QE) programme at £435bn. The Monetary Policy Committee will continue to wait for an outcome of Brexit before it takes any action. If there is a “no deal” Brexit there may be a requirement to stimulate the economy and in that scenario the markets would expect a rate cut sometime in the next nine months. However, the situation is far from clear.

4.3 Annual CPI was at 1.7% in September, unchanged from August. There was a large upward contribution from restaurants and hotels where prices rose in the year to September, offset by downward contributions from motor fuels and clothing and footwear.

4.4 The unemployment rate for the quarter June to August was at 3.9%, which is lower than a year earlier (4%) but 0.1% higher than the previous quarter.

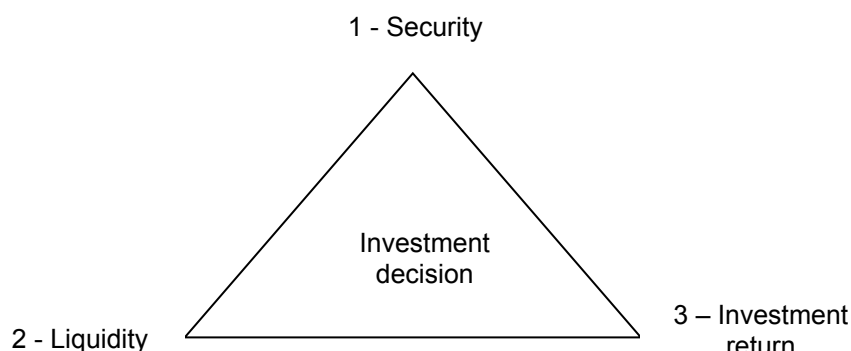
4.5 The economic situation together with the financial market conditions prevailing throughout the quarter continued to provide challenges for treasury

management activities. Due to the low interest rate environment, only monies needed for day to day cash flow activities were kept in instant access accounts.

- 4.6 Low interest rates prevailed throughout the quarter from July to September 2019 and this led to low investment income earnings from the in-house investments.

5 Investments – quarter two (July to September)

- 5.1 A prime objective of our investment activities is the security of the principal sums invested. To ensure this security before a deposit is made an organisation is tested against a matrix of credit criteria. During the period from July to September 2019 investment deposits were limited to those who met the criteria in the Annual Treasury Management Investment Strategy when the deposit was placed.
- 5.2 Other investment objectives are to maintain liquidity (i.e. adequate cash resources to allow the council to operate) and to optimise the investment income generated by surplus cash in a way that is consistent with a prudent level of risk. Investment decisions are made with reference to these objectives, with security and liquidity being placed ahead of the investment return. This is shown in the diagram below:



Security:

- 5.3 To maintain the security of sums invested, we seek to lower counterparty risk by investing in financial institutions with good credit ratings, across a range of sectors and countries. The risk of loss of principal of monies is minimised through the Annual Treasury Management Investment Strategy.
- 5.4 Pie chart 1 of Appendix 1 shows that at the end of quarter two; 13% of our in-house investments were placed with financial institutions with a long term rating of AAA, 52% with a long term rating of A+ and 36% with a long term rating of A.
- 5.5 As shown in pie chart 2 of Appendix 1, these monies were with various counterparties, 87% being placed directly with banks and 13% placed with a range of counterparties via money market funds.
- 5.6 Pie chart 3 of Appendix 1 shows the countries where the parent company of the financial institution with which we have monies invested is registered. For

money market funds there are various counterparties spread across many countries. The cumulative balance of funds held with any one institution was kept within agreed limits.

Liquidity:

- 5.7 At the end of quarter two £17.6m of our in-house monies were available on an instant access basis and £60m was invested in fixed term deposits. The maturity profile of our investments is shown in pie chart 4 of Appendix 1.

Investment return:

- 5.8 During the quarter the Council used the enhanced cash fund manager Payden & Rygel to manage monies on our behalf. An average balance of £5.1m was invested in these funds during the quarter earning an average rate of 1.46%. More details are set out in Table 3 of Appendix 2.
- 5.9 The Council had an average of £85.2m of investments managed in-house over the period from July to September, and these earned an average interest rate of 0.89%. Of the in-house managed funds:
- an average of £4.7m was held in the Council's main bank account over the quarter and earned an average return of 0.12%. Under the new banking contract, interest will only be earned through a sweeper account. This account was opened during quarter two.
 - an average of £37.3m was held in money market funds earning an average of 0.85% over the quarter. These work in the same way as a deposit account but the money in the overall fund is invested in a number of counterparties, therefore spreading the counterparty risk;
 - an average of £43.2m was held in fixed term deposits and earned an average return of 1.00% over the quarter;
- 5.10 In accordance with the Treasury Management Strategy the in-house performance during the quarter is compared to the average 7 day LIBID (London Interbank Bid Rate). Overall, investment performance was higher than the average 7 day LIBID. The 7 day LIBID rate fluctuated between 0.55% and 0.58%. The bank base remained at 0.75% throughout the quarter. Performance is shown in Graph 1 of Appendix 2.

6 Short Dated Bond Funds – quarter two (July to September)

- 6.1 Throughout the quarter medium term funds were invested in two short dated bond funds: Royal London Investment Grade Short Dated Credit Fund and the AXA Sterling Credit Short Duration Bond Fund.
- 6.2 The monies are invested in units in the fund, the fund is then invested as a whole by the fund managers into corporate bonds in the one to five year range. An income distribution will be generated from the coupon on the bond and income distributions are paid to the Council. The price of units can rise and fall,

depending on the value of the corporate bonds in the fund. So these investments would be over the medium term with the aim of realising higher yields than short term investments.

- 6.3 In line with the capital finance and accounting regulations the Council's Financial Instrument Revaluation Reserve will be used to capture all the changes in the unit value of the funds. Members should be aware that investment returns in some quarters will look very good and in other quarters there may be losses reported, but these will not impact the revenue account as only the distributions paid to the Council will impact that.
- 6.4 An average of £7.7m was managed by AXA Investment Managers UK Limited. During the quarter the value of the fund increased by £0.030m due to an increase in the unit value. There was also an income distribution relating to that period of £0.029m. The combined return was 3.01%.
- 6.5 The AXA fund started the quarter at £7.666m and increased in value due to the increase in the value of the units, with the fund at the end of the period at £7.696m. This is set out in Table 2 of Appendix 2.
- 6.6 An average of £7.8m was managed by Royal London Asset Management. During the quarter the value of the fund increased by £0.038m due to an increase in the unit value. There was also an income distribution relating to that period of £0.048m. The combined return was 4.44%.
- 6.7 The Royal London fund started the quarter at £7.775m and increased in value due to the increase in the value of the units, with the fund at the end of the period at £7.813m. This is set out in Table 2 of Appendix 2.

7. Property Funds – quarter two (July to September)

- 7.1 Throughout the quarter long term funds were invested in two property funds: Patrizia Hanover Property Unit Trust and Lothbury Property Trust.
- 7.2 The monies are invested in units in the fund, the fund is then invested as a whole by the fund managers into properties. An income distribution is generated from the rental income streams from the properties in the fund. Income distributions are paid to the Council. There are high entrance and exit fees and the price of the units can rise and fall, depending on the value of the properties in the fund, so these funds are invested over the long term with the aim of realising higher yields than other investments.
- 7.3 In line with the capital finance and accounting regulations the Council's Financial Instrument Revaluation Reserve will be used to capture all the changes in the unit value of the funds. Members should be aware that investment returns in some quarters will look very good and in other quarters there may be losses reported, but these will not impact the revenue account as only the distributions paid to the Council will impact that.
- 7.4 An average of £14.7m was managed by Patrizia Property Investment Managers LLP. During the three month period, the value of the fund decreased by

£0.031m due to the decrease in the unit value. There was also an income distribution relating to that period of £0.188m and this distribution will be confirmed and distributed in quarter two. The combined return was 4.25%.

7.5 The Patrizia fund started the quarter at £14.703m and decreased in value due to the decrease in the value of the units, with the fund at the end of the period at £14.672m. This is set out in Table 1 of Appendix 2.

7.6 An average of £13.6m was managed by Lothbury Investment Management Limited. During the three month period, the value of the fund decreased by £0.006m due to the decrease in the unit value. There was also an income distribution relating to that period of £0.106m and this distribution will be confirmed and distributed in quarter two. The combined return was 2.92%.

7.7 The Lothbury fund started the quarter at £13.610m and decreased in value due to the decrease in the value of the units, with the fund at the end of the period at £13.604m. This is set out in Table 1 of Appendix 2.

8 Investments – quarter two cumulative position

8.1 During the period from April to September 2019 the Council complied with all of the relevant statutory and regulatory requirements which limit the levels of risk associated with its treasury management activities. In particular its adoption and implementation of the Code of Practice for Treasury Management means its treasury practices demonstrate a low risk approach.

8.2 The Council is aware of the risks of passive management of the treasury portfolio and has proactively managed levels of debt and investments over the six month period with the support of its treasury management advisers.

8.3 The table on the next page summarises the Council's investment position for the period from April to September 2019:

Table 1: Investment position

	At 31 March 2019	At 30 September 2019	April to September 2019	
	Actual Balance (£000s)	Actual Balance (£000s)	Average Balance (£000s)	Average Rate (%)
Call accounts [#]	8,080	7,566	3,792	0.08
Fixed term deposits	0	60,000	26,002	1.01
Money market funds	33,000	10,000	40,880	0.87
Total investments managed in-house	41,080	77,566	70,674	0.88
Enhanced Cash Funds	5,066	5,078	5,077	1.47
Short Dated Bond Funds	15,377	15,509	15,427	3.70
Property funds	28,385	28,276	28,396	3.31
Total investments managed externally	48,828	48,863	48,900	3.24
Total investments	89,908	126,429	119,574	1.85

[#]The council's main current account.

8.4 In summary the key factors to note are:

- An average of £70.7m of investments were managed in-house. These earned £0.310m of interest during this six month period at an average rate of 0.88%. This is 0.31% over the average 7 day LIBID (London Interbank Bid Rate) and 0.13% over the average bank base rate.
- An average of £5.1m was managed by an enhanced cash fund manager. This earned £0.037m during this six month period at an average rate of 1.47%.
- An average of £15.4m was managed by two short dated bond fund managers. This earned £0.286m during this six month period from a combination of an increase in the value of the units and income distribution, giving a combined return of 3.70%.
- An average of £28.4m was managed by two property fund managers. This increased in value by £0.471m during this six month period from a combination of a decrease in the value of the units and by income distribution, giving a combined return of 3.31%.

8.5 Some cash balances held by the Council are required to meet short term cash flow requirements and therefore throughout the six month period monies were placed into Money Market Funds 25 times for periods of one year or less. The table below shows the most used counterparties overall and the countries in

which they are based. All deals are in sterling despite the country the counterparties are based in.

Table 2: Counterparties used

Counterparty	Country	No. of Deals	Value of Deals (£m)
Goldman Sachs	Money Market Fund (Various Counterparties)	10	50
BlackRock	Money Market Fund (Various Counterparties)	7	50
Insight Investment Management Ltd	Money Market Fund (Various Counterparties)	6	34
Aberdeen Liquidity Fund	Money Market Fund (Various Counterparties)	2	34

8.6 In addition to the above, use was also made of call accounts during the year, because they provide instant access to funds. This meant that funds were available for unexpected cash flow events to avoid having to pay higher rates to borrow from the market. During the period from April to September 2019 an average of £3.8m was held in such accounts.

8.7 For cash balances that are not needed to meet immediate or very short term cash flow requirements, monies were invested in fixed term deposits of up to one year, depending on the liquidity requirements. The table below shows the fixed term deposits held during quarter two.

Table 3: Fixed Term Deposits

Counterparty	Date of Deposit	Return Date	Number of days	Interest rate (%)	Amount (£m)
Lloyds Bank plc	01/05/2019	05/08/2019	96	0.95	10
Goldman Sachs International	12/06/2019	11/12/2019	182	0.95	10
Santander UK plc	15/07/2019	15/01/2020	182	1.00	10
Goldman Sachs International	15/08/2019	14/02/2020	184	0.90	10
Santander UK plc	14/08/2019	14/08/2020	366	1.15	10
Lloyds Bank plc	14/08/2019	14/08/2020	366	1.10	20

9. Short Dated Bond Funds – quarter two cumulative position

- 9.1 An average of £7.7m was managed by AXA Investment Managers UK Limited. During the period from April to September the value of the fund increased by £0.060m due to an increase in the unit value. There was also an income distribution relating to that period of £0.057m. The combined return was 3.04%.
- 9.2 The AXA fund started this six month period at £7.636m and increased in value due to the increase in the value of the units, with the fund at the end of the period at £7.696m.
- 9.3 An average of £7.8m was managed by Royal London Asset Management. During the period from April to September the value of the fund increased by £0.073m due to an increase in the unit value. There was also an income distribution relating to that period of £0.096m. The combined return was 4.35%.
- 9.4 The Royal London fund started this six month period at £7.740m and increased in value due to the increase in the value of the units, with the fund at the end of the period at £7.813m.

10 Property Funds – quarter two cumulative position

- 10.1 An average of £14.8m was managed by Patrizia Property Investment Managers LLP. During the period from April to September 2019, the value of the fund decreased by £0.153m due to the decrease in the unit value. There was also an income distribution relating to that period of £0.366m and the quarter two part of this distribution will be confirmed and distributed in quarter three. The combined return was 2.88%.
- 10.2 The Patrizia fund started the six month period at £14.825m and decreased in value due to the decrease in the value of the units with the fund at the end of the period at £14.672m.
- 10.3 An average of £13.6m was managed by Lothbury Investment Management Limited. During the period from April to September 2019, the value of the fund increased by £0.045m due to an increase in the unit value. There was also an income distribution relating to that period of £0.213m and the quarter two part of this distribution will be confirmed and distributed in quarter three. The combined return was 3.78%.
- 10.4 The Lothbury fund started the six month period at £13.559m and increased in value due to the increase in the value of the units, with the fund at the end of the period at £13.604m.

11. Borrowing – quarter two

11.1 The Capital Financing Requirement (CFR) is the Council's theoretical need to borrow but the Section 151 Officer can manage the Council's actual borrowing position by either:

- 1 - borrowing to the CFR;
- 2 - choosing to use temporary cash flow funds instead of borrowing (internal borrowing) or;
- 3 - borrowing for future increases in the CFR (borrowing in advance of need)

11.2 The Council began quarter two in the second of the above scenarios, with actual borrowing below CFR.

11.3 With the uncertainty around the expected Brexit leave date, PWLB rates continued to be volatile and reached advantageously low levels in early June and as a consequence a £10m PWLB loan was taken to capture that good rate. With the continued uncertainty around Brexit and the ongoing volatility in PWLB rates it was approved at July Council that the limits on external borrowings were revised to allow the headroom to undertake further borrowing as required given the historic low PWLB rates. It was agreed at July Council that the operational boundary for 2019/20 be increased from £290m to £350m and the authorised limit for 2019/20 be increased from £300m to £360m (see paragraph 12.1). It should be noted that these limits do not indicate the planned levels of borrowing but do allow scope in exceptional circumstances.

11.4 This, together with the Council's cash flow, the prevailing Public Works Loans Board (PWLB) at historically low interest rates and the future requirements of the capital programme, were taken into account when deciding the amount and timing of any further loans. Four new PWLB loans were therefore taken out in August:

- £10m at 1.99% for 45 years and one month;
- £10m at 1.99% for 46 years;
- £10m at 1.84% for 47½ years;
- £10m at 1.84% for 49 years;

Additionally, a £7.5m loan taken out in December 1989 at 9.875% matured in September and was repaid. No debt restructuring was carried out during the quarter.

11.5 The Council does not take out PWLB loans for individual projects but instead uses borrowing as one of the ways to finance the whole of the capital investment programme. This can be achieved by internal borrowing where cash balances are used instead of taking out any loans, or by external borrowing where loans are taken out. In practice these £50m of new loans partly finance the current capital investment programme and partly catch up the under-borrowing from prior years where internal borrowing has been used. The type of capital projects financed by borrowing has included schemes such as the Commercial Property investments and investment in the pier, the culture assets and the Council's ICT infrastructure.

- 11.6 At the beginning of the 2019/20 financial year the average rate of the Council's overall PWLB borrowing was 4.61%. After the above borrowing in 2019 this average rate for 2019/20 has fallen to 3.93%.
- 11.7 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 £277.8m to £310.3m during the quarter. A profile of the repayment dates is shown in Graph 2 of Appendix 2.
- 11.8 The level of PWLB borrowing at £310.3m is in line with the financing requirements of the capital investment programme and the revenue costs of this borrowing are fully accounted for in the revenue budget. The current level of borrowing is also in line with the Council's prudential indicators and is prudent, affordable and sustainable.
- 11.9 Interest rates from the PWLB fluctuated throughout the quarter in response to economic and political events: 10 year PWLB rates between 1.15% and 2.10%; 25 year PWLB rates between 1.73% and 2.58% and 50 year PWLB rates between 1.57% and 2.41%. These rates are after the PWLB 'certainty rate' discount of 0.20%.
- 11.10 Since 1 November 2012 HM Treasury implemented a 'certainty rate' of the Government gilt rate plus 0.8% for those authorities providing improved information and transparency on their locally-determined long-term borrowing and associated capital spending plans. As the cost of borrowing has fallen to record lows and local authorities have been increasing their use of the PWLB in recent months, HM Treasury took the decision to increase the margin that applies to new loans from the PWLB by 1% on top of the usual lending terms, with immediate effect from 9th October.
- 11.11 During quarter two, no short term loans were taken out for cash flow purposes. This is shown in Table 4 of Appendix 2.

12. Borrowing – quarter two cumulative position

- 12.1 The Council's borrowing limits for 2019/20 are shown in the table below:

	2019/20 Original (£m)	2019/20 Revised (£m)
Authorised Limit	290	350
Operational Boundary	300	360

The Authorised Limit is the "Affordable Borrowing Limit" required by the Local Government Act 2003. This is the outer boundary of the Council's borrowing based on a realistic assessment of the risks and allows sufficient headroom to take account of unusual cash movements.

The Operational Boundary is the expected total borrowing position of the Council during the year and reflects decisions on the amount of debt needed for

the Capital Programme. Periods where the actual position is either below or over the Boundary are acceptable subject to the Authorised Limit not being breached.

12.2 The Council's outstanding borrowing as at 30 September 2019 was:

- Southend-on-Sea Borough Council £310.3m
- ECC transferred debt £10.7m

Repayments in the first 6 months of 2019/2020 were:

- Southend-on-Sea Borough Council £7.5m
- ECC transferred debt £0.6m

12.3 Outstanding debt relating to services transferred from Essex County Council (ECC) on 1st April 1998, remains under the management of ECC. Southend Borough Council reimburses the debt costs incurred by the County. The debt is recognised as a deferred liability on our balance sheet.

12.4 The interest payments for PWLB and excluding transferred debt, during the period from April to September 2019 were £5.741m which is the higher than the original budget for the same period of £5.513m due to the rescheduling of planned borrowing.

12.5 The table below summarises the PWLB borrowing activities over the period from April to September 2019:

Quarter	Borrowing at beginning of quarter (£m)	New borrowing (£m)	Re-financing (£m)	Borrowing repaid (£m)	Borrowing at end of quarter (£m)
April to June 2019	267.8	10	0	(0)	277.8
July to September 2019	277.8	40	0	(7.5)	310.3
<i>Of which:</i>					
General Fund	190.8	50	0	(5.5)	235.3
HRA	77.0	0	0	(2.0)	75.0

All PWLB debt held is repayable on maturity.

13 Funding for Invest to Save Schemes

13.1 Capital projects were completed on lighting replacements on Southend Pier and at University Square Car Park and Westcliff Library which will generate on-going energy savings. These are invest-to-save projects and the predicted revenue streams cover as a minimum the financing costs of the project.

- 13.2 To finance these projects the Council has taken out interest free loans of £0.287m with Salix Finance Ltd which is an independent, not for profit company, funded by the Department for Energy and Climate Change that delivers interest-free capital to the public sector to improve their energy efficiency and reduce their carbon emissions. The loans are for periods of four and five years with equal instalments to be repaid every six months. There are no revenue budget implications of this funding as there are no interest payments to be made and the revenue savings generated are expected to exceed the amount needed for the repayments. £0.032m of this loan was repaid during the period from April to September 2019.
- 13.3 At the meeting of Cabinet on 23 June 2015 the LED Street Lighting and Illuminated Street Furniture Replacement Project was approved which was to be partly funded by 25 year reducing balance 'invest to save' finance from L1 Renewables Finance Limited. The balance outstanding at the end of quarter two was £8.56m. A repayment of £0.024m was made during the period from April to September 2019.
- 13.4 Funding of these invest to save schemes is shown in Table 5 of Appendix 2.

14 Compliance with Treasury Management Strategy – quarter two

- 14.1 The Council's investment policy is governed by the CIPFA Code of Practice for Treasury Management in the Public Sector (revised in December 2017), which has been implemented in the Annual Treasury Management Investment Strategy approved by the Council on 21 February 2019. The investment activity during the quarter conformed to the approved strategy and the cash flow was successfully managed to maintain liquidity. This is shown in Table 6 of Appendix 2.

15 Other Options

- 15.1 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.

16 Reasons for Recommendations

- 16.1 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.

17 Corporate Implications

17.1 Contribution to Council's Vision & Critical Priorities

Treasury Management practices in accordance with statutory requirements, together with compliance with the prudential indicators acknowledge how effective treasury management provides support towards the achievement of the Council's ambition and desired outcomes.

17.2 Financial Implications

The financial implications of Treasury Management are dealt with throughout this report.

17.3 Legal Implications

This Council has adopted the 'CIPFA Code of Practice for Treasury Management in the Public Sector' and operates its treasury management service in compliance with this code.

17.4 People Implications

None.

17.5 Property Implications

None.

17.6 Consultation

The key Treasury Management decisions are taken in consultation with our Treasury Management advisers.

17.7 Equalities and Diversity Implications

None.

17.8 Risk Assessment

The Treasury Management Policy acknowledges that the successful identification, monitoring and management of risk are fundamental to the effectiveness of its activities.

17.9 Value for Money

Treasury Management activities include the pursuit of optimum performance consistent with effective control of the risks associated with those activities.

17.10 Community Safety Implications

None.

17.11 Environmental Impact

None.

18 Background Papers

None.

19 Appendices

Appendix 1 – In-House Investment Position as at 30 September 2019

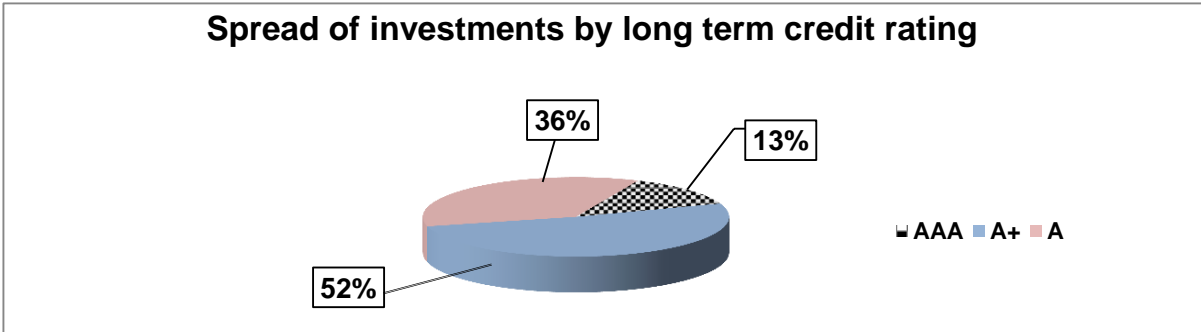
Appendix 2 – Treasury Management Performance for Quarter Two – 2019/20

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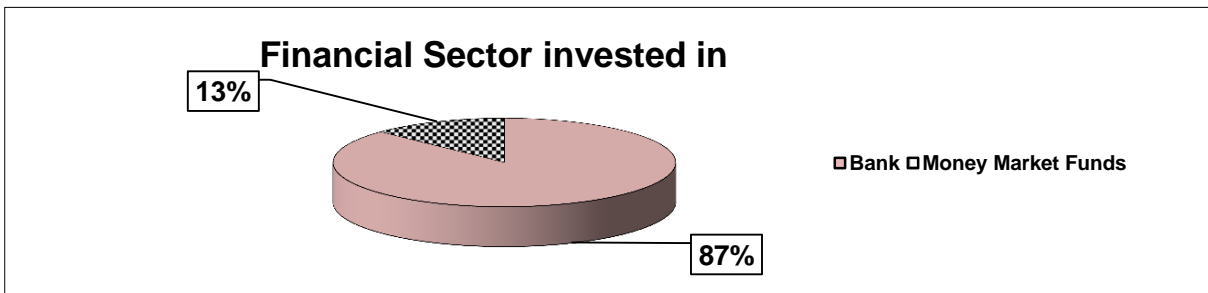
IN-HOUSE INVESTMENT POSITION AS AT 30th September 2019

INVESTMENTS - SECURITY AND LIQUIDITY

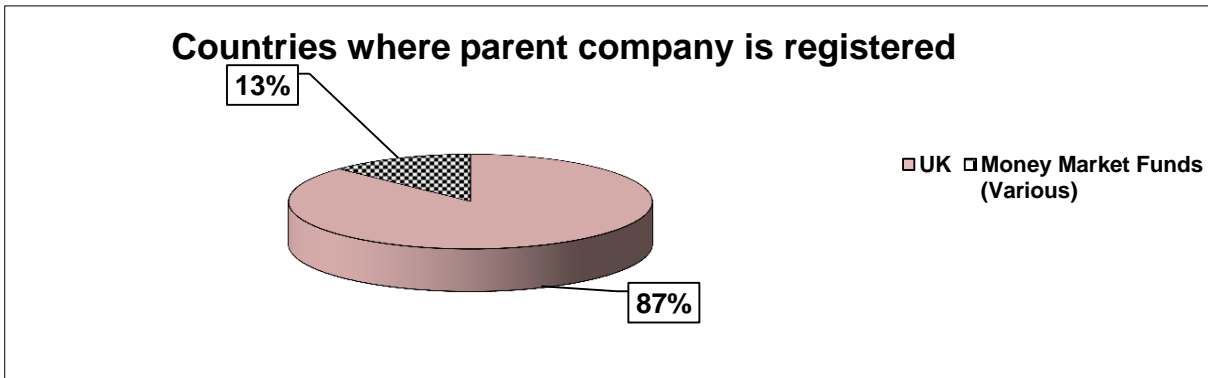
Pie chart 1



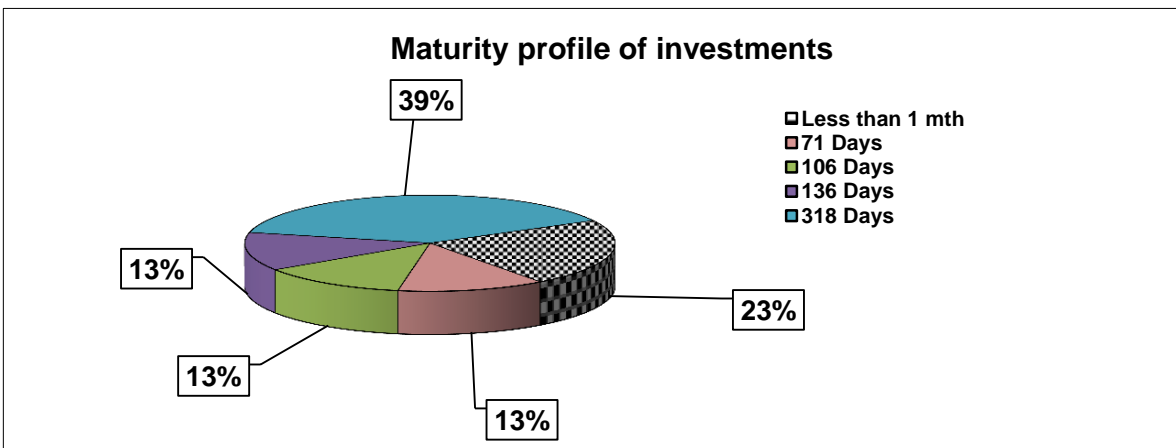
Pie chart 2



Pie chart 3



Pie chart 4



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TREASURY MANAGEMENT PERFORMANCE FOR QUARTER TWO - 2019/20

GRAPH 1 - INVESTMENT RETURN

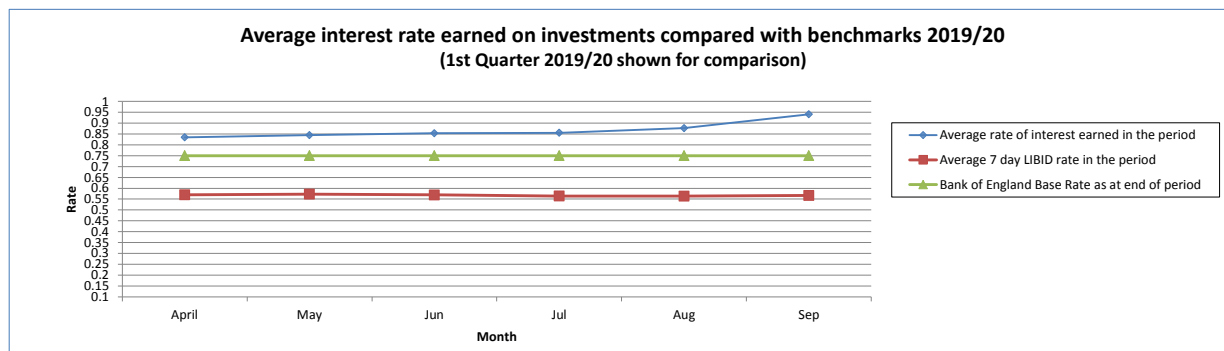


Table 1 - Property Funds

Financial Institution	Quarter	Period of investment	Value of fund at beginning of Qtr £	Number of units in the Qtr Units	Increase / (Decrease) in fund value £	Value of fund at end of Qtr £	Income Distribution in Qtr £	Combined interest Rate %
Patrizia Hanover Real Estate Management Limited	2	5 Years +	14,702,759.00	997	(30,907.00)	14,671,852.00	187,883.40	4.25
Lothbury Investment Management - Property Fund	2	5 Years +	13,609,968.69	6,844.1438	(5,969.46)	13,603,999.23	106,153.53	2.92

Table 2 - Short Dated Bond Funds

Financial Institution	Quarter	Value of fund at the start of Qtr £	Number of shares in in the Qtr Units	Increase / (Decrease) in fund value £	Fund Value at end of Qtr £	Income Distribution during the Qtr £	Combined Interest Rate %
Royal London	2	7,774,522.24	7,751,286.43	38,756.34	7,813,278.58	48,282.65	4.44
AXA	2	7,666,117.68	7,406,876.9870	29,627.51	7,695,745.19	28,549.87	3.01

Table 3 - Enhanced Cash Fund

Financial Institution	Quarter	Value of fund at the start of Qtr £	Number of shares in in the Qtr Units	Increase / (Decrease) in fund value £	Fund Value at end of Qtr £	Income Distribution during the Qtr £	Combined Interest Rate %
Payden & Rygel	2	5,072,141.87	501,591.3500	6,269.89	5,078,411.76	12,439.47	1.46

TREASURY MANAGEMENT PERFORMANCE FOR QUARTER TWO - 2019/20

BORROWING

Table 4

SHORT TERM BORROWING	Counterparty	Rate %	Amount £	From	To
In place during this Quarter	None				
Taken Out This Quarter	None				

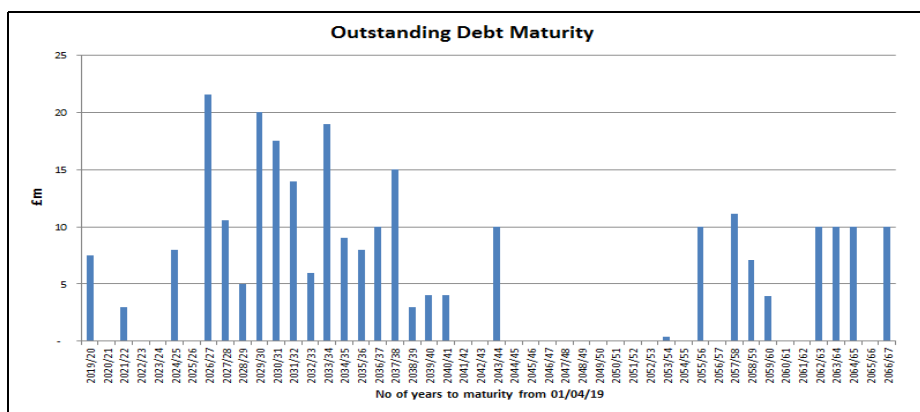
Table 5 - INVEST TO SAVE FUNDING

Financial Institution	Date	Period of loan	Final Repayment date	Amount borrowed £	Amount Repaid to Date £	Closing Balance Qtr 2 £	Rate of interest %
Salix Finance Ltd Energy Efficiency Programme	23/03/2017	5 Years	01/04/2022	82,017	(32,806.80)	49,210.20	0
	22/02/2019	5 Years	01/02/2024	64,148	(6,414.80)	57,733.20	0

L1 Renewables Finance Ltd

- 25 year reducing balance finance
- balance of £8.6m outstanding at the end of quarter one
- £24k Repaid in quarter 2

GRAPH 2 - LONG TERM BORROWING - PWLB



New this quarter

Rate	Amount (£)	From	To
1.99	10,000,000.00	06/08/2019	06/08/2065
1.99	10,000,000.00	06/08/2019	06/09/2064
1.84	10,000,000.00	09/08/2019	09/02/2067
1.84	10,000,000.00	09/08/2019	09/08/2068

Repaid this quarter

None

	Lowest	Highest
Range of 10 years PWLB new loan rates this quarter (inc certainty rate)	1.15	2.10
Range of 25 years PWLB new loan rates this quarter (inc certainty rate)	1.73	2.58
Range of 50 years PWLB new loan rates this quarter (inc certainty rate)	1.57	2.41

TABLE 6 - COMPLIANCE WITH TREASURY MANAGEMENT STRATEGY

All transactions properly authorised	✓
All transactions in accordance with approved policy	✓
All transactions with approved counterparties	✓
Cash flow successfully managed to maintain liquidity	✓
Any recommended changes to procedures	None required

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SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Senior Managers' Pay Panel

Date: Friday, 5th July, 2019

Place: Committee Room 3 - Civic Suite

Present: Councillor I Gilbert (Chair)
Councillors R Woodley and *K Buck

*Substitute in accordance with Council Procedure Rule 31.

In Attendance: A Griffin and S Putt

Start/End Time: 10.00 - 11.15 am

1 Apologies for absence

Apologies for absence were received from Councillors Cox (substitute: Cllr Buck), Davidson and Mulroney (no substitutes).

2 Declarations of Interest

A. Griffin noted a declaration in respect of Item 4 (Senior Managers Pay Award 2019/20).

3 Appraisal and Target Setting

The panel considered a report of the Head of HR and Payroll.

Resolved:

To recommend to Cabinet that they agree the following:

The outcomes of the targets for 2018/19 be noted subject to minor amendments and agreed with the Chief Executive. That the targets for the Senior Managers for 19/20 be noted subject to minor amendments and agreed with the Chief Executive.

4 Senior Managers Pay Award 2019/20

The panel considered a report of the Head of HR and Payroll.

Resolved:

To recommend to Cabinet that they agree the following:

A pay award of 2% is applied to the senior manager grades for 19/20 effective 1 April 2019.

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SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of The Shareholder Board

Date: Wednesday, 16th October, 2019

Place: Committee Room 4a - Civic Suite

Present: Councillor I Gilbert (Chair)
Councillors M Davidson, C Mulroney, R Woodley, K Robinson and
S Wakefield

In Attendance: J Chesterton, E Cooney, G Gilbert, R Harris, S Baker, A Grant
Also in attendance: M Gatrell (SEH), C Vaughan (SEH), R Eastwood
(SEH), S Baker, P Little (Southend Care Ltd), J Manzoni (Southend
Care Ltd), G Reece (SWAN), F Klepping (SWAN), G Tobin (SWAN).

Start/End Time: 6.30 - 8.25 pm

1 Apologies for absence

Apologies for absence were received from Councillors Cox and Nelson (no substitutes).

2 Declarations of Interest

The following Councillors declared interests as indicated:

(a) Councillor Davidson – Agenda Items 4 and 5 (SEH – Receipt of Accounts and Review of Business Plan) – Disclosable non-pecuniary interest – Council appointed Member to the South Essex Homes Board (withdrew);

(b) Councillor Wakefield – Agenda Items 4 and 5 (SEH – Receipt of Accounts and Review of Business Plan) – non-pecuniary interest – has carried out works for SEH.

3 Minutes of the meeting held on 25th September 2018

Resolved:

That the minutes of the meeting held on 25th September 2019 be confirmed as a correct record.

4 South Essex Homes - Receipt of Accounts 2018/19

The Board considered a report from the Executive Director (Finance and Resources) presenting the financial statements of South Essex Homes Ltd for year ended 31 March 2019, together with the report of the auditors.

The Board asked a number of questions which were responded to by the representatives from South Essex Homes Ltd and Council officers.

Resolved:

That the financial statements of South Essex Homes Ltd for the year ended 31 March 2019, together with the report of their auditors, be noted.

5 South Essex Homes - Review of Business Plan

The Board considered a report of the Executive Director (Finance and Resources) presenting the business plans for South Essex Homes Ltd for review.

The Board asked a number of questions which were responded to by representatives from South Essex Homes Ltd and Council officers.

The Board noted that a new partnership agreement was currently under consideration and would be presented to the Shareholder Board for review prior to submission to the Cabinet. This may require a special meeting of the Shareholder Board before consideration by Cabinet on 5th November 2019 (or Cabinet on 25th February 2019).

Resolved:

That the South Essex Homes Ltd Business Plan for 2017/18 to 2021/22, be noted.

6 Southend Care - Receipt of Accounts 2018/19

The Board considered a report of the Executive Director (Finance and Resources) presenting the financial statements of Southend Care Ltd for year ended 31 March 2019, together with the report of their auditors.

The Board asked a number of questions which were responded to by representatives from Southend Care Ltd

Resolved:

That the financial statements of Southend Care Ltd for the year ended 31 March 2019, together with the report of their auditors, be noted.

7 Southend Care - Review of Business Plan

The Board considered a report from the Executive Director (Finance and Resources) presenting the business plans of Southend Care Ltd for review.

The Board asked a number of questions which were responded to by representatives from Southend Care Ltd.

Resolved:

That the Southend Care Ltd Business Plan for 2019/20 and the current 5 year financial forecast to 2024/25, be noted.

8 Porters Place Southend LLP - Adoption of First Business Plan

The Board considered a report of the Strategic Director for Regeneration and Business Development presenting the new business plan for Porters Place Southend-on-Sea LLP. The report also provided clarity and assurance concerning the Business Plan and highlighted the implications for the Council.

The Board asked a number of questions which were responded to by representatives from SWAN and Council officers.

Resolved:

1. That the Business Plan be recommended to Cabinet for approval, subject to the amendments at paragraph 3.8 and Section 2 set out in the confidential Appendix 2 (Part 2 report) being made in the Business Plan.

2. That the updated name of the joint venture (JV) to Porters Place Southend-on-Sea LLP, be noted.

3. That the Cabinet be recommended to authorise the Director of Regeneration and Business Development, in consultation with the Leader, to:

(a) Agree any non-material changes to any Business Plan presented by the JV whereupon any such matters shall be noted for information and reported to the following Shareholder Board.

(b) Approve, agree or action any necessary outcome or product of or from the Business Plan necessary to progress the Better Queensway regeneration project.

(c) Agree with the LLP the principles and process of establishing what constitutes the “final proposals” (as defined in the Partnership Agreement) that are to be submitted to the Council for approval prior to submission of the planning application.

9 Governance Arrangements - Future Work Plan

The Board considered the future work programme for the Shareholder Board.

The Executive Director (Finance and Resources) welcomed any other ideas or areas of shareholder interest which the Board would like to see come forward to future meetings.

Resolved:

That the Shareholder board work programme be noted.

10 Date and time of next meeting

Wednesday 26th February 2020 at 6.30pm.

11 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.

12 Porters Place Southend LLP - Business Plan Confidential Appendices 2 and 3

Resolved:-

That the confidential appendices, be noted.

CABINET

Tuesday, 5th November 2019

COUNCIL PROCEDURE RULE 46

The following action taken in accordance with Council Procedure Rule 46 is reported. In consultation with the appropriate Cabinet Member(s):-

1. The Deputy Chief Executive (Place) authorised:

- 1.1 Hamlet Court Road Heritage Action Zone
The submission of a letter of support for the application by the Chairman of the Hamlet Court Conservation Forum (HCCF) for £1.8m funding from the High Street Heritage Action Zone by the required deadline. The expression of interest proposed a range of activity to enhance the historic value of the Hamlet Court Road area.
- 1.2 The movement of bus stops outside Southend University Hospital to be moved to the western Hospital entrance on Prittlewell Chase
The introduction of an Experimental Traffic Regulation Order for the relocation and consolidation of three bus stops to two to the western Hospital entrance to alleviate the congestion and reduce the risk to bus passengers.
- 1.3 Publication of the Housing Delivery Test Action Plan
The publication of the Housing Delivery Test Action Plan in response to the Housing Delivery Test as required by Government.
- 1.4 Save the London 1665 – Heritage Horizons Award Expression of Interest
The signing of the expression of interest on behalf of the Council as a partner on the London 1665 project to the Heritage Fund for £30m funding. The London is one of only four protected wrecks, and on the Heritage Rick Register, and is the only surviving example of the three warships ordered for Cromwell in 1654.
- 1.5 Introduction of 1 hour charging back into Western Esplanade (pier to The Leas) during winter months
The commencement of the statutory procedures to amend the relevant Traffic Regulation Orders to re-instate the one hour parking band during the winter months in Western Esplanade from the Pier to The Leas. Any representations to the proposed traffic regulation order to be considered by the Traffic Regulations Working Party and Cabinet Committee in the usual way.

1.6 Introduction of parking charges in Pitmans Close and London Road North Car Parks

The commencement of the statutory procedures for the relevant Traffic Regulation Orders to introduce parking charges as a pilot scheme in the Pitmans Close and London Road North Car Parks. The charges to be 20p for up to 30 minutes and 50p for up to 1 hour, maximum stay 1 hour no return in 8 hours. Any representations to the proposed traffic regulation order to be considered by the Traffic Regulations Working Party and Cabinet Committee in the usual way.

2. The Executive Director (Finance & Resources) authorised:

2.1 East Beach Café – Surrender of Lease

Authority to complete a surrender of the lease at East Beach Café to enable the Council to consider its future options for the site.