

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Cabinet

Date: Tuesday, 28th July, 2020
Place: Virtual Meeting - MS Teams

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

In Attendance: Councillors D Cowan and K Evans
A Griffin, T Forster, M Marks, J Williams, A Lewis, J Chesterton,
L Reed, J Ruffle, C Gamble, A Barnes, G Halksworth, S Harrington,
A Keating, S Meah-Sims, P Hill, S Newman, S Rollason, D Pye and
N Hoskins

Start/End Time: 2.00 pm/2.50pm

199 Apologies for Absence

Apologies for absence were received from Councillor Terry.

200 Declarations of Interest

The following declarations of interest were made:

Cllr Harp – Agenda Item 11 (Balmoral Estate) – non-pecuniary interest: volunteer with Turning Tides at Balmoral Community Centre and knows some of the residents.

201 Minutes of the meeting held on Tuesday 25th February 2020

Resolved:

That the minutes of the meeting held on Tuesday 25th February 2020 be confirmed and signed as a correct record.

202 Minutes of the meeting held Tuesday 9th June 2020

Resolved:

That the minutes of the meeting held on Tuesday 9th June 2020 be confirmed and signed as a correct record.

203 Minutes of the meeting held Tuesday 16th June 2020

Resolved:

That the minutes of the meeting held on Tuesday 16th June be confirmed and signed as a correct record.

204 Minutes of the meeting held Tuesday 30th June 2020

Resolved:

That the minutes of the meeting held on Tuesday 30th June 2020 be confirmed and signed as a correct record.

205 Southend 2050 Update

The Cabinet considered a report of the Executive Director (Transformation) presenting the first stage of the review and refresh of Southend 2050 in response to the Covid-19 pandemic and set out how the Council will use the Southend 2050 and Transforming Together programmes to drive recovery and build on some positive aspects of the pandemic, including community mobilisation, adaptation of services and more effective remote working.

Resolved:

1. That, in the light of the impact of Covid-19, the proposed review and refresh of the Southend 2050 outcomes and high-level roadmap milestones, including the use of the Southend 2050 programme to drive the Borough and Council's recovery phase, be approved.

2. That the associated programme of work, Transforming Together, which is a transformation group and programme of activity, internal to the Council, be noted.

3. That Cabinet receives further developed work on the review and refresh of the Southend 2050 outcomes and associated roadmap milestones at the September meeting.

2.4. That it be noted that the Southend 2050 roadmap milestones will form part of future reports that update on Southend's recovery journey in order for responsive developments.

5. That it be noted that Covid-19 is presenting lots of unknowns, as a result 2050 needs to be flexible to deal with the challenges and therefore our outcomes will need to be responsive to the changing situations.

6. That the performance and measures of success and progress to achieve 2050 continue to be reported through the quarterly Outcome Success Measures Report, reported 4 times a year to Cabinet.

Other options:

The Council could choose not to review its current ambition and desired outcomes. This would mean failing to set out the huge impact the crises has had on the Borough, its people and the Council and the Council's approach to recovery. A review of the current 2050 ambition and outcomes would most likely be required in any case, given they were agreed in 2018.

Reasons for Recommendations:

To ensure the Council has an opportunity to review action taken to date to tackle the Covid-19 crises and to consider the appropriate approach to be taken to enable the Borough and Council to recover.

Note: This is an Executive Function

Eligible for call-in to: All three Scrutiny Committees

Cabinet Member: Cllr Gilbert

206 Parking Policy Statement

The Cabinet considered a report of the Executive Director (Neighbourhoods and Environment) setting out the short-term aspirations for the service through a Traffic and Parking Policy Statement. This report follows the Parking Review 2020 report approved by Cabinet in June 2020.

Resolved:

1. That the adoption of the Traffic & Parking Policy Statement as set out in Appendix 1 to the submitted report be approved and that Officers be directed to implement the commitments as described.

2. That the Traffic Regulation Working Party undertakes a review of the decision making processes, and takes on the project board role in respect of the Parking Review.

Other Options

To amend any of the priorities and commitments described in the Traffic & Parking Policy Statement or reject it.

Reasons for recommendations

1. To help deliver on the Council priorities, particularly the Southend 2050 vision and RoadMap.

2. In respect of the Traffic Regulation Working Party, the proposals are designed to ensure councillors have adequate oversight of the service, and to delegate business as usual decisions to officers, improving the service to customers.

Note: This is an Executive Function

Called-in to Place Scrutiny Committee

Cabinet Member: Cllr Woodley

207 Highway Restructure Funding

The Cabinet considered a report of the Executive Director (Neighbourhoods and Environment) requesting the additional funding required to support the new Traffic and Highways Team service restructure.

Recommended:

1. That the increased budget to fund the new service in line with the Council's Vision and Aspirations, be approved. This investment will ensure that the views and needs of our customers, residents and businesses are at the heart of the service.
2. That it be noted that the additional request for funding to support the new structure in 2020/21 will be met from the business transformation reserve with future year's expenditure being incorporated as part of the budget setting for 2021/22 onwards.

Other options

Not to approve the additional funding required to support the new Traffic and Highways Team restructure – the implications of this are set out in the submitted report.

Reasons for Recommendations

To approve the additional funding for the new Traffic and Highways Team restructure.

Note: This is a Council Function

Called in to: Place Scrutiny Committee

Cabinet Member: Cllr Woodley

208 Southend Pass

This item was withdrawn.

209 Balmoral Estate

The Cabinet considered a joint report of the Chief Executive and Executive Director (Growth and Housing) setting out a programme of structural and improvement works required at the Balmoral Tower blocks (Grampian, Brecon and Blackdown) and to sought agreement to utilise HRA funds for these works.

Resolved:

1. That the programme of works to the Balmoral tower blocks, to include both structural and improvement works (structural insulation and heating upgrades), be progressed.
2. That the Council and South Essex Homes undertake full consultation and engagement with affected residents.

Recommended:

3. That a budget of £2.325m to be added to the HRA capital investment programme to be funded from the HRA Capital Investment Reserve, be approved.

Other Options

1. Do nothing – This would not be appropriate as it would not meet the needs of tenants and leaseholders and would not be in line with achieving our 2050 outcomes nor the aims of the Housing, Homelessness & Rough Sleeping Strategy; and
2. Only undertake structural works – This would not be appropriate as it would not meet the needs of our tenants and leaseholders and would not be in line with our 2050 Green City outcomes.

Reasons for Recommendations

1. To improve the structural integrity and energy efficiency of three of the Council's tower blocks and also ensure that residents are fully engaged throughout this project.
2. In terms of the funding of this project, South Essex Homes have commissioned external professional Quantity Surveyors to produce the costs and associated budget requirements and the Council's Finance team has confirmed the HRA Capital Reserves as the most appropriate method of funding these works.

Note: The decisions in 1 and 2 above constitute an Executive Function. The decision in 3 above constitutes a Council Function

Called in to: Policy and Resources Scrutiny Committee

Cabinet Member: Cllr Gilbert

210 Care Act Easement

The Cabinet considered a report of Executive Director (Adults and Communities) presenting the framework that sets out how the Council would implement the provision set out within the new Care Act easements, created under the Coronavirus Act 2020. This far reaching legislation had been enacted in response to the challenges arising from COVID -19. The Government had also published a range of guidance to support this unprecedented situation.

Resolved:

1. That the Care Act Easements framework that sets out how the Council would implement the provision set out within the new Care Act easements, created under the Coronavirus Act 2020, be approved.
2. That, following engagement with the Chief Executive, the Leader of the Council and the Chair of People Scrutiny Committee, authority be delegated to the Executive Director (Adults and Communities), in consultation with the Cabinet Member for Adult Social Care and Health, to implement the Care Act Easements framework. This would be in line with Government guidance and as referenced in the framework and powers provided by the Care Act Easements under the Coronavirus Act 2020.

Other Options

Do nothing. However, if any of the trigger points were reached and the decision was not to enact the necessary easements then it is likely to result in urgent or acute needs not being met, potentially risking life.

Reasons for Recommendations

To ensure that the Council had an agreed framework that can be implemented if challenges resulting from covid-19 reach a critical level. Having a transparent process, that is underpinned by the Ethical Framework, with a clear rationale for any recommended actions will enable the Council to continue to safeguard vulnerable adults.

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

211 Corporate Risk

The Cabinet considered a report of the Chief Executive presenting the revised updated summary Corporate Risk Register.

Resolved:

That the revised presentation of the updated summary Corporate Risk Register and the position at June 2020 outlined in Appendix 1 to the submitted report, be approved.

Other options:

None

Reasons for recommendations:

As set out in the submitted report.

Note: This is an Executive Function
Eligible for call-in to: All three Scrutiny Committees
Cabinet Member: Cllr Woodley

212 Notice of Motion: Footpath Cycling

The Cabinet considered a report of Executive Director (Neighbourhoods and Environment) which had been prepared in response to the Notice of Motion, presented to the last meeting of Council, concerning cycling on footways.

Resolved:

1. That the introduction of a legal process at Southend Council which allows Community Safety Officers or other Council Officers designated with CSAS accreditation status (Community Safety Accreditation Scheme) to issue Fixed Penalty Notices to individuals caught cycling on the footway or in No Cycling zones across the whole Borough (including Southend High Street and Southend seafront from Old Leigh to East Beach), be approved.

2. That cycling on footpaths not be included as an addition to the current PSPO prohibitions.

3. That the Notice of Motion be acknowledged and further consultation be undertaken with stakeholders and local communities before making the final decision.

4. That the new guidance/laws that are due from Government regarding the legal use of electric scooters and return to use of electric scooters on footpaths at a later date, be monitored.

Other options

None

Reasons for Recommendations

The Notice asks that the prohibition of cycling on footpaths be included in the current PSPO (public space protection order). This was not included as a recommendation, as the consultation required to effect such, (compulsory under the PSPO legislation which would include both public and stakeholder), takes a considerable time (even if a locality is adding another prohibition to a current Order). Furthermore, the PSPO can only be area specific. For example, Chalkwell Esplanade, where a lot of footpath cycling takes place, is not covered within the PSPO footprint, nor is the Cinder Path. Therefore, the quicker route to achieve this would be via CSAS accredited officers (which the CSO's are) and establishing an internal legal process, rather than adding to the current PSPO prohibitions.

Note: This is an Executive Function

Called in to: Policy and Resources Scrutiny Committee

Cabinet Member: Cllr Terry

213 Notice of Motion: No Overnight Camping in the Borough

The Cabinet considered a report of Executive Director (Neighbourhoods and Environment) which had been prepared in response to the Notice of Motion, presented to the last meeting of Council, concerning no overnight camping in the Borough.

Resolved:

1. That the proposed Notice of Motion and the current inability of either the Council or the police to enforce a Public Spaces Protection Order as set out in the Notice of Motion, be noted.

2. That the current process by which the Council and Essex Police approach traveller sites/the traveller community in the Borough continues to be supported.

Other options

None

Reasons for Recommendations

Introducing a Borough wide PSPO to prohibit overnight camping (primarily aimed at the traveller community) would be extremely difficult to secure and to enforce. The PSPO process in itself is a lengthy process which involves wide stakeholder and public consultation. Furthermore, courts across the nation rarely allow, if ever, locality wide PSPO prohibitions. Locality wide PSPO's if being considered are often rigorously challenged by various groups such as Liberty.

Note: This is an Executive Function

Called in to: Policy and Resources Scrutiny Committee

Cabinet Member: Cllr Terry

214 Annual Safeguarding Report (Adults & Children)

The Cabinet considered a joint report of Executive Director (Adults & Communities) and Executive Director (Children & Public Health) presenting the annual assurance assessment for the Chief Executive and Councillors regarding their responsibilities for safeguarding children and adults in Southend.

Resolved:

That the submitted report be noted and the actions detailed in Section 6 of the report, be approved.

Other Options

None

Reasons for Recommendations

To keep the Council informed of the position in respect of safeguarding children and adults in Southend.

Note: This is an Executive Function

Called in to: People Scrutiny Committee

Cabinet Member: Cllr Harp

215 Council Procedure Rule 46

Resolved:

That the submitted report, be noted.

Note: This is an Executive Function

Eligible for call-in to: People Scrutiny Committee

Cabinet Member: Cllr Harp

Chair: _____