

SOUTHEND-ON-SEA BOROUGH COUNCIL

**Digest of the Decisions of Cabinet
held on Tuesday, 15th September, 2020
Place: Virtual Meeting via MS Teams**

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

In Attendance: Councillors K Evans
A Griffin, A Lewis, J Chesterton, T Forster, L Reed, J Ruffle,
J Williams, S Baker, E Cooney, C Gamble, G Halksworth,
S Harrington, A Keating, M Marks, S Meah-Sims, B Pegram,
A Richards and M Sheppard

Start/End Time: 2.00 - 3.57 pm

1 Apologies for Absence

Apologies for absence were received from Councillor Harp.

2 Declarations of Interest

The following declarations of interest were made at the meeting:

(a) Cllr Terry – Agenda Item No. 19 (Declaration of Air Quality Management Area) – Non-Pecuniary Interest: Season Ticket Holder, Southend United Football Club.

(b) Cllrs Gilbert, Jones, Robinson – Agenda Item No. 19 (Declaration of Air Quality Management Area) – Non-Pecuniary Interest: Know residents in the affected area

(c) Cllr Mulroney – Agenda Item No. 20 (Mid and South Essex Health and Care Partnership MoU) – Non-Pecuniary Interest: Niece works for Mid Essex NHS

(d) Cllr Robinson – Agenda Item No. 20 (Mid and South Essex Health and Care Partnership MoU) – Non-Pecuniary Interest: Employer is mentioned in the MoU

(e) Cllr Jones – Agenda Item No. 21 (Planning White Paper) – Non-Pecuniary Interest: Chairman of Burges Estate Residents Association

(f) Cllr Jones – Agenda Item No. 22 (School Admissions Arrangements for Community Schools 2022/23) – Non-Pecuniary Interest: Has a child still at school age

3 Minutes of the Meeting held on Tuesday 28th July 2020

Resolved:-

That the Minutes of the Meeting held on Tuesday 28th July 2020 be confirmed as a correct record and signed.

4 Covid-19 Financial Update and Medium Term Financial Strategy Impact Assessment

The Cabinet considered a report of the Executive Director (Finance and Resources) providing an updated assessment of the local financial impact of Covid-19 and a range of high level scenarios to illustrate the potential scale of the financial challenge over the short and medium term.

Resolved:-

1. That the Council's updated assessment of the local financial impact of the unprecedented challenges that has been caused by the pandemic, be noted.
2. That the scale of the potential financial challenge summarised in the submitted report, be noted.
3. That the Council's Medium Term Financial Strategy is reviewed and a range of options are developed to ensure continuing financial sustainability.
4. That the Cabinet receive regular reports to future Cabinet meetings, which will provide updated assessments on our financial position and outline any changes to our strategy and range of assumptions.

Reason for decision:

To provide an update on the financial impact of Covid-19

Other Options:

None.

Note: This is an Executive Function

Eligible for Call-in to: All Three Scrutiny Committees.

Executive Member: Cllr Gilbert

5 Resourcing Better Outcomes - Finance Performance Report for July 2020 (Period 4)

The Cabinet considered a report of the Executive Director (Finance and Resources) reviewing the Council's financial performance.

Recommended:-

That, in respect of the 2020/21 Revenue Budget Performance as set out in appendix 1 to the submitted report that:

1. The forecast outturn for the General Fund and the Housing Revenue Account as at July 2020, be noted.
2. The planned budget transfers (virements) of £824,300 between portfolio services, be approved

That, in respect of the 2020/21 Capital Budget Performance as set out in appendix 2 to the report that:

3. The expenditure to date and the forecast outturn as at July 2020 and its financing, be noted.
4. The requested changes to the capital investment programme for 2020/21 and future years, as set out in section 3 and appendix 2 to the report, be approved.

Reason for Decisions:

The regular reporting of Revenue and Capital Budget Monitoring information provides detailed financial information to Councillors, senior officers and other interested parties on the financial performance of the Council. It sets out the key variances being reported by budget holders and the associated management action being implemented to address any identified issues. It also informs decision making to ensure that the Council's priorities are delivered within the approved budget provision.

Other options:

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

Note: This is a Council Function

Eligible for call-in to: Policy and Resources Committee

Executive Members: Cllrs Gilbert and Woodley

6 Southend 2050 Milestones and Measures - Refresh in response to Covid-19

The Cabinet considered a report of the Chief Executive presenting the second stage of the review and refresh of Southend 2050 milestones and measures in response to the Covid-19 pandemic.

Resolved:-

1. That the new format of the outcome success measures report, which presents insight at an outcome level, be noted.
2. That it be noted that the associated measures and insight against each of the outcomes will be used to manage performance against the delivery of Southend 2050.
3. That the Quarter 1 performance (April-June 2020), be noted.
4. 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 the detailed Transforming Together programme of work, be noted.
6. 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 therefore our outcomes will need to be responsive to the changing situations.

7. 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.
8. That the creation of a Covid-19 recovery fund with an initial value of £500,000 to be funded by the Business Transformation Reserve, be approved.

Reason for Decisions:

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

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 crisis 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.

Note: This is an Executive Function.

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

Executive member: Cllr Gilbert

7 Annual Public Health Report

The Cabinet considered a report of the Executive Director (Children and Public Health) presenting the 2019 Annual report of the Director of Public Health.

Resolved:-

That the content and recommendations of the 2019 Annual Report of the Director of Public Health and progress made to-date in regards to the recommendations from the previous report in 2018, be noted.

Reason for decision:

The Health and Social Care Act 2012 requires Directors of Public Health to prepare an annual report on the health of the local population.

Other options:

None

Note: This is an Executive Function

Eligible for call-in to: People Scrutiny Committee

Executive Member: Cllr Harp

8 Fire Safety Report

The Cabinet considered a report of the Deputy Chief Executive and Executive Director (Growth & Housing) setting out the progress in delivering the Council's

fire safety review and the Council's response to the Government's consultation 'Sprinkler and other Fire Safety Measures in New High-Rise Blocks of Flats'.

Resolved:-

1. That the work undertaken by the Council and South Essex Homes in respect to fire safety in high rise residential blocks including progressing the installation of a pilot 'annunciation system' in Longbow residential tower block and a pilot sprinkler system in Cecil Court residential tower block, be noted and endorsed.
2. That the work undertaken by the Council in respect to fire safety across its operational buildings including the completion of all fire stopping and compartmentation works at Chase Sports Centre, Southend Tennis and Leisure Centre and Belfairs Swim Centre, be noted and endorsed.
3. That it be noted that Type 4 Fire Risk Assessments will be undertaken at Quantock and Brecon residential tower blocks with investigation works to be programmed and undertaken in a Covid secure manner and in consultation with residents of the blocks.
4. That it be noted that the Council will be responding to the Home Office's 'Fire Safety' Consultation Document by the consultation deadline of 12 October 2020.
5. That a further update be provided to Cabinet in spring 2021.

Reason for decisions:

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.

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. The Council could maintain the current arrangements whereby individual building managers are identified as responsible for the buildings within which they operate.
3. The Council could commit to the immediate adoption of all recommendations set out within the Independent Review of Building Regulations and Fire Safety.

Note: This is an Executive Function.

Eligible for call-in to: Place Scrutiny Committee

Executive Members: Councillors Gilbert and Terry

9 Better Queensway

This item was deferred to a future meeting of Cabinet.

10 RAMS - Essex Coast Recreation, Disturbance, Avoidance & Mitigation Strategy

The Cabinet considered a report of the Deputy Chief Executive and Executive Director (Growth & Housing) setting out the findings of the public consultation on the draft Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) and Supplementary Planning Documents (SPD) and proposed the adoption of the revised SPD and the publication of the Adoption Statement.

Recommended:-

1. That the contents of the 'You Said We Did' Feedback Report and the proposed amendments to the Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (Appendix 1 to the submitted report), be noted.
2. That the RAMS SPD (Appendix 2), be adopted and the Adoption Statement (Appendix 3), be published in accordance with Regulation 14 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).
3. That the contents of the SEA/HRA Screening Report (Appendix 4 to the report), be noted and be published.
4. That it be noted that the project will be delivered through an Essex Coast RAMS Partnership Agreement between the partner authorities.
5. That the Deputy Chief Executive and Executive Director (Growth and Housing) be authorised in consultation with the Cabinet Member for Environment and Planning, to make necessary minor amendments to the Supplementary Planning Document, Adoption Statement, You Said We Did Feedback Report, and SEA/HRA Screening Report (in Appendices 1 – 4 to the report) should it be necessary before adoption/publication, and to undertake all the necessary legal and procedural adoption processes.
6. That it be noted that in adopting the RAMS SPD Southend Borough Council will collect a tariff charge of £125.58 per dwelling unit (indexed linked) from planning applications and transfer this to the RAMS Accountable Body in accordance with the RAMS Partnership Agreement. The Council will explore and utilise a number of methods in collecting the RAMS tariff to ensure the process is as effective and efficient as possible.

Reason for decision:

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

Other options:

The Council is required to meet the statutory provisions of the Conservation of Habitats and Species Regulations 2017, in relation to the protection of the habitat sites of international and European importance within the Borough from the impacts of new development. An alternative option would be to develop guidance unilaterally, which would be a greater administrative burden than working with neighbouring authorities, and would not necessarily lead to consistency of approach compared with other similar local authorities. Alternatively a do-nothing approach could put the Council at risk of legal challenge.

Note: This is a Council Function
Eligible for call-in to: Place Scrutiny Committee
Executive Member: Cllr Mulroney

11 Association of South Essex Local Authorities (ASELA) Update

The Cabinet considered a report of the Chief Executive providing a general update on ASELA, as well as wider developments including the establishment of an ASELA and Local Government Reform Working Party.

Resolved:-

1. That updates provided in the submitted report be noted, in particular that the ASELA prospectus has now been submitted to the government and the stated position of Essex County Council in relation to Local Government Reform (LGR).
2. That the ongoing programme of work to explore and develop local government reform options with neighbouring councils, be supported.
3. That it be noted that specialist advice will continue to be obtained, under officer delegations and within approved budgets, to support the exploration of options, assess and validate data and help ensure the best outcomes for Southend-on-Sea

Reasons for decision:

To note the update on ASELA, the position of the ASLEA/LGR Working Party and the appropriate next steps in supporting the on-going programme of work to explore and develop local government reform options.

Other options:

Do nothing – this option is not recommended because it is clear that both government and subsequently Essex County Council are proposing significant changes to local government across England, including Essex. It is, therefore, incumbent upon the Council to develop proposals that provide the best possible outcome for Southend's residents while satisfying the government's criteria.

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

12 Parking Review 2020 - Enabling Projects

Further to the meeting of Cabinet held on 16th June 2020, the Cabinet considered a report of the Executive Director (Neighbourhoods and Environment) setting out the enabling projects required to deliver the wider aspirations as set out in the Traffic & Parking Policy Statement, particularly the Administrative Zones, Permit Parking Concessions and Digitisation of services. The report also set out the financial commitments required to deliver the overall Parking Review 2020 project, together with the investment required to support a trial period of a new parking concession for residents, the Southend Pass.

Resolved:-

1. That the following be approved:

a) Parking Administrative Zones (Section 4 of the report)

As described in the submitted report and on the attached plan to the report, to introduce Administrative Zones which will be used to deliver future projects such as a review of Fees & Charges, Permits and the types of regulations (parking restrictions) which will be brought forward to meet the local need. To be delivered by April 2021.

b) Permit Review (Section 5)

To undertake a wider review of parking concessions, based on the core permit types as described in the report, ensuring they remain fit for purpose. To be delivered by April 2021.

c) Southend Pass Trial (Section 6)

To deliver aspirations for a trial period of a new parking concession for residents, enabling pass holders to park for free in certain areas of the Borough, as described in the report. The trial period is to commence in April 2021.

That it be noted that the trial period will be used to monitor the overall impact of the Southend Pass and an evaluation of the trial scheme on a quarterly basis by the Executive Director (Neighbourhoods and Environment) in consultation with the Executive Director (Finance & Resources) and the Cabinet Member for Transport, Capital and Inward investment. This could result in further recommendations coming back to Cabinet to make changes to the scheme during the trial period.

That it be noted that a final comprehensive evaluation report on the Southend Pass will be brought back to Cabinet following the conclusion of the trial period.

d) Service Digitisation (Section 7)

To deliver on the wider Council digitisation programme, in respect of the Parking Service, including transition to digital, rather than paper parking permits, and improvements to the way in which parking permits and paid for parking sessions are administered.

e) Traffic Regulation Order Review (Section 8)

To undertake a review of the TRO database, ensuring it is fit for purpose and helps improve accessibility to public documents.

f) Discounted parking offer

To extend the discounted parking offer of a free hour of parking, once one hour has been purchased, valid in all off street car parks. This was intended to expire in September 2020 but will now be extended until 31 March 2021.

2. That it be noted that the temporary relaxation of enforcement in car parks after 16:00 each day, will expire on 30th September 2020, as originally approved in June 2020.

Recommended:-

3. That the use of up to £635,000 from the Business Transformation Reserve to support the proposals set out in the report, be approved. This includes a £180,000 revenue contribution to the Capital Investment Programme to fund the replacement of signage project.
4. That the addition of £180,000 to the Capital Investment Programme for the replacement of signage project, be approved.

Reason for decisions:

To ensure the Parking Review 2020 and related projects can be delivered within the timescale and to the standards and outputs already directed by Cabinet.

Other options:

To adopt a different approach to delivering the Parking Review 2020, and the related projects as described in the report. However, it is likely this will significantly extend the programme and limit the effectiveness of certain elements.

Note: The decisions in 1-3 above constitute an Executive Function

The decisions in 4-5 above constitute a Council Function

Eligible for call-in to: Place Scrutiny Committee

Executive Member: Cllr Woodley

13 Potential Amalgamation of Chalkwell Infant and Chalkwell Junior Schools - Consultation

The Cabinet considered a report of the Executive Director (Children and Public Health) concerning a potential amalgamation of Chalkwell Hall Infant School and Chalkwell Hall Junior School.

Resolved:-

That a formal consultation on the potential amalgamation of Chalkwell Hall Infants School and Chalkwell Hall Junior School, be approved.

Reason for decision:

It is the Council's policy that consideration be given to the potential amalgamation of the Infant and Junior Schools on the same site when an appropriate opportunity arises.

Other options:

1. The two schools could remain separate entities with their own separate DfE numbers and separate governing bodies as currently constituted.
2. The schools could consider academy status.

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

14 Enabling Major Projects & Recovery

The Cabinet considered a report of the Executive Director (Finance and Resources) seeking to reconfigure existing and secure additional resources to enable delivery of the Council's major projects and recovery journey to support the delivery of the 2050 Ambition, refreshed roadmap, outcomes, administration recovery priorities and to support the financial challenge faced by the Council to ensure that the Council's corporate support is appropriately resourced for the future.

Recommended:-

1. That the additional permanent resources required for this increased staffing capacity of 10 FTE at a revenue impact of £497,000 pa and to be included as part of the budget setting for 2021/22 onwards, be approved.
2. That the estimated requirement to establish the new arrangements and any part year effect of recruitment up to £150,000 in 2020/21 is to be funded from the Business Transformation Reserve.

Resolved:-

3. That it be noted that a consultation will be undertaken with the officers affected in line with employment law and the Council's HR Policies.
4. That it be noted that a combination of internal and external recruitment will be arranged to fill the posts required.

Reason for decision:

The decisions enable, subject to successful recruitment, the Council to resource the corporate enabling services to manage services more effectively and to provide the required advice and support the organisation requires.

Other options:

None, or less additional resource could be agreed for these key areas. The risk with this option is that the service areas will continue to be under resourced and will not be well placed to drive and support the significant growth ambitions and

recovery priorities of the Council and also to meet the significant financial challenge the Council now faces over the medium term.

A reduced ambition and less priorities could be considered which could be met from within existing resources. The Council has, however, fully committed to the delivery of the 2050 Ambition, refreshed roadmap, outcomes and administration recovery priorities and is relying on these to drive the future recovery and growth of the Borough forward.

Note: The decisions in 1-2 above constitute a Council Function. The decisions in 3-4 above constitute an Executive Function

Eligible for call in to: Policy and Resources Scrutiny Committee

Executive Members: Cllrs Gilbert and Woodley

15 The Forum 2

The Cabinet considered a report of report of the Deputy Chief Executive and Executive Director (Growth & Housing) providing an update on the delivery of Forum 2 in the context of the economic impacts of the Covid-19 pandemic, and to seek agreement to the closure of the project in its current form.

Resolved:-

1. That the financial impact of the Covid-19 pandemic on project viability for Forum 2, be noted and that as a result, the project as is currently planned is brought to a conclusion.

Recommended:-

2. That as a result of 1 above, the associated capital expenditure budgets and their financing are removed from the current Capital Investment Programme;
3. That the £6m Local Growth Fund (LGF) money secured for the project is released back to South East Local Enterprise Partnership (SELEP) for re-investment across the SELEP area and the costs incurred to date (c£1.4m) are borne on a 50:50 basis by the Council General Fund and by South Essex College (the College) and that the Council's share of circa £700k is funded from the Business Transformation Reserve;
4. That the outcomes identified for delivery through the project be noted and officers be requested to undertake an options appraisal as to how these could be still delivered in an alternative way, and that £50,000 is set aside in the Business Transformation Reserve to support this work.

Reason for decisions:

The Forum 2 development which had secured planning consent and commensurate funding is not viable as a result of the Covid-19 pandemic and resulting pressures on organisational finances, particularly those of South Essex College. However, both the Council and the College remain committed to delivering the outcomes sought through Forum 2 and therefore should continue to work together to identify other ways in which these may be achieved within a viable budget envelope.

Other options:

1. Alternative options have already been explored in relation to continuing with the development, notably the Council increasing its investment in the project or reducing the size of the scheme and therefore the cost. However, neither of these will be deliverable within the timescales of the LGF funding and present a range of other risks.
2. The Council could decide not to pursue the outcomes which were to be delivered through Forum 2. This would have a detrimental impact on the Southend 2050 ambition and related outcomes.

Note: The decision in 1 above constitutes an Executive Function. The decisions in 2-4 above constitute a Council Function

Eligible for call-in to: Place Scrutiny Committee

Executive Member: Cllr Robinson

16 Housing & Development Pipeline Update

The Cabinet considered a report of the Deputy Chief Executive and Executive Director (Growth & Housing) providing an update on the work underway in relation to the pipeline of housing and development opportunities across the Borough.

Resolved:-

1. That the progress on the Acquisitions Programme for Council Housing as set out in sections 3.6-3.11 of the submitted report, be noted.
2. That the progress towards the development of the MMC pilot projects and HRA Land Review Phase 3 Project on various sites in Southend as set out in sections 3.12-3.17 of the report, be noted.
3. That the work progressing with Southend United Football Club and Citizen Housing in respect to the development of housing at Roots Hall and Fossett's Farm, as set out in section 3.18-3.20 of the report, be noted in particular the proposals relating to the Youth Commemoration Ground Trust land.
4. That the progress underway with PSP Southend LLP and proposed developments at Ilfracombe Road car park and Southchurch Library, as set out in sections 3.21-3.25 of the report, be noted.

Reason for decision:

To update Cabinet on the progress of the Pipeline of Housing & Development opportunities namely the Acquisitions Programme, MMC pilot projects, Phase 3 of the HRA Land Review, PSP Southend LLP and the work with Southend United Football Club and Citizen Housing in respect to Roots Hall and Fossetts Farm.

Other options:

1. Alternative arrangements for the Right to Buy spend such as grants to Registered Providers were considered for the Acquisitions Programme

however this would not have resulted in the long-term benefit to the Council in the way of HRA property.

2. The Council does not need to continue the relational partnering arrangement with PSP however this is a useful non-committal additional delivery option for the Council which will be well placed to assist with capacity and delivery, particularly (but not exclusively) of housing sites, going forward.
3. The Council does not need to pursue either the pilot developments of MMC housing, or the delivery of housing via the HRA Land Review, however these approaches are considered important contributions to the aims of the Housing, Homelessness and Rough Sleeping Strategy and of the 2050 ambitions endorsed by the Council.

Note: This is an Executive Function

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

Executive Member: Cllr Gilbert

17 Rough Sleeper Accommodation Bid Opportunities: Next Steps in Accommodation Programme and Move On Fund

The Cabinet considered a joint report of the Deputy Chief Executive and Executive Director (Growth & Housing) and Executive Director (Adults & Communities) setting out proposals to secure additional funding for permanent and supported accommodation for rough sleepers. Additionally, the report sought agreement to use HRA capital reserves and S.106 funds to support the delivery of this programme.

Recommended:-

1. That the allocation of HRA and S106 funds to enable delivery of the Next Steps in Accommodation project, as set out in sections 3.1 – 3.7 of the submitted report, in the event that the bid submitted to the MHCLG Next Steps in Accommodation Fund is successful, be approved.
2. That the allocation of HRA funds to enable delivery of the Move On project, as set out in sections 3.8-3.10 of the report, in the event that the bid submitted to the Homes England Move On Fund is successful, be approved

Reason for decision:

To inform the Cabinet of the opportunity to secure additional funds to support the provision of 34 additional units of accommodation for rough sleepers (24 through Council acquisitions and 10 via HARP) to endorse both bids and to allocate HRA capital reserves and S.106 funds for this purpose.

Other options:

The action to reduce rough sleeping is a key objective of the Homelessness and Rough Sleeping Strategy.

Note: The decisions in 1 and 2 above constitute a Council Function.

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

Executive Member: Cllr Gilbert

18 HRA Land Review Phase 4 (Lundy Close) Update

The Cabinet considered a report of the Deputy Chief Executive and Executive Director (Growth & Housing) providing an update on the progress of the HRA Land Review Phase (Lundy Close) and set out options to progress the development.

Resolved:-

1. That the progress undertaken to date on HRA Land Review Phase 4 as set out in sections 3.3-3.6 to the submitted report, be noted.
2. That the scheme be progressed on the basis of option 3 as set out in the report.

Recommended:-

3. That the reduction in the associated capital budget for the project, be approved.

Reason for decision:

To update Cabinet on the progress of the HRA Land Review Phase 4 and to take forward the most appropriate option in order to progress the scheme.

Other options:

As set out in the report

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

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

Executive Member: Cllr Gilbert

19 Declaration of Air Quality Management Area No.2

The Cabinet considered a report of the Executive Director (Neighbourhoods & Environment) proposing the declaration of an air quality management area following an assessment of the air quality at the junction of Victoria Avenue, West Street and Princes Crescent A127.

Resolved:-

1. That the outcome of the 2020 Local Air Quality Management Detailed Assessment for Southend-on-Sea Borough Council for nitrogen dioxide exceedences at the junctions of Victoria Avenue, West Street and Priory Crescent, be noted.
2. That the proposed Air Quality Management Area boundaries for nitrogen dioxide, detailed within Appendix 1 to the submitted report as the Air Quality Management Area (No. 2) 2020, be declared and that an Order be made under the Provisions of Section 83(1) of the Environment Act 1995 by formally designating the area as an Air Quality Management Area as detailed in Appendix 2 to the report.

3. That the Air Quality Action Plan adopted by Council in July 2018 be reviewed in order to take into consideration the second AQMA.

Reason for decision:

The Council has a statutory duty to review air quality in the Borough and assess whether standards and objectives are being achieved. Where air quality objectives are not met the Council must declare an AQMA and develop an air quality action plan to try to improve air quality.

Other options:

None

Note: This is an Executive Function

Eligible for call-in to: Place Scrutiny Committee

Executive Member: Cllr Mulroney

20 Mid & South Essex Health & Care Partnership MoU

The Cabinet considered a report of the Executive Director (Adults & Communities) presenting the Mid & South Essex Health & Care Partnership Memorandum of Understanding (MOU).

Resolved:-

1. That the Mid & South Essex Health & Care Partnership Memorandum of Understanding (attached at Appendix 2 to the submitted report), be approved, enabling the Lead Officer to sign the MoU on behalf of the organisation.
2. That it be acknowledged that the Terms of Reference (ToR) for groups outlined in the MoU (the Health & Care Partnership Board, System Finance Leaders, Clinical and Professional Forum, etc) will be considered and approved by the Health & Care Partnership Board. (All ToR will align with the principles of the MoU).

Reason or decision :

To enable the Council to participate and contribute fully in the Mid and South Essex Partnership.

Other options:

None

Note: This is an Executive Function

Eligible for call-in to: People Scrutiny Committee

Executive Member: Cllr Harp

21 Planning White Paper

The Cabinet considered a report of the Deputy Chief Executive and Executive Director (Growth & Housing) on the proposed changes to the planning system set out in the 'White Paper Planning for the Future' and the implications of these for planning in Southend.

Resolved:-

1. That the comments on the 'Planning for the Future' White Paper and associated consultation on planning matters set out in the submitted report and appendices (Appendices 1 and 2) form the basis of the Council's formal response to Government in respect to these consultations.
2. That the Deputy Chief Executive and Executive Director (Growth & Housing) be authorised, in consultation with the Cabinet Member for Environment and Planning, to finalise the Council's detailed response to the Government's consultation.

Reason for decision:

To ensure that the Council provides a fully considered response to these wide ranging and significant changes to the current planning system in England that takes into account the implications for planning and development, climate change adaptation and mitigation and equity in Southend.

Other options:

The proposals set out in the Planning White Paper will radically alter the current planning system in England. Not setting out the Council's concerns with the proposed changes would miss an opportunity to influence the design of the new system in a way that would benefit the Borough.

Note: This is an Executive Function
Eligible for call-in to: Place Scrutiny Committee
Executive Member: Cllr Mulroney

22 Schools Admissions Arrangements for Community Schools 2022/23

The Cabinet considered a report of Executive Director (Children and Public Health) concerning the admission arrangements for community schools for the academic year 2022/23 and the Coordinated Admissions Scheme for 2022/23.

Resolved:-

1. That the proposed Admissions Arrangements for Community Schools for the academic year 2022/23 as set out in Appendix 1 to the submitted report and the requirement for the public consultation on changes, be approved.
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 2022 as set out in the Admission Arrangements in Appendix 1 to the report.

3. That the proposed Coordinated Admissions Scheme for 2022/23 onwards, as set out in Appendix 2 and Appendix 3 of 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 2022 and 2023.

Reason for decision:

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

Other options:

The Council could decide not to consider reducing the PAN of one community school and thus not publicly consult on the 2022/23 Admission Arrangements for Community Schools and Coordinated Admissions Scheme. This would add undue pressure on a small number of local schools for 2022, where a significant surplus of places is forecast, creating financial and organisational challenges.

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

23 Treasury Management - Quarter One 2020/21

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

Resolved:-

1. That The Treasury Management Report for Quarter One 2020/21, be approved.
2. 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 2020.
3. 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.
4. That it be noted that £0.412m of interest and income distributions for all investments were earned during this three month period at an average rate of 1.05%. This is 1.09% over the average 7 day LIBID (London Interbank Bid Rate) and 0.95% over the average bank rate. Also the value of the externally managed funds decreased by a net of £0.589m due to changes in the unit price, giving a combined overall return of (0.45)%.
5. 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) remained at £310.3m (HRA: £75.0m, GF: £235.3m) during the period from April to June 2020.

6. That it be noted that during the quarter the level of financing for 'invest to save' schemes decreased from £8.64m to £8.63m.

Reason for decision:

The CIPFA Code of Practice on Treasury Management recommends that Local Authorities should submit reports regularly. The Treasury Management Policy Statement for 2020/21 set out that reports would be submitted to Cabinet quarterly on the activities of the treasury management operation.

Other options:

There are many options available for the operation of the Treasury Management function, with varying degrees of risk associated with them. The Treasury Management Policy aims to effectively control risk to within a prudent level, whilst providing optimum performance consistent with that level of risk.

Note: This is an Executive Function

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

Executive Member: Cllr Woodley

24 Information Governance Update and SIRO Report

The Cabinet considered a report of the Chief Executive setting out the Council's key actions in regard to information governance and management during 2019/20 and the opportunities and challenges.

Resolved:-

1. That the SIRO's report on Information Governance in Section 4 of the submitted report for 2019/20, be noted.
2. That the key actions taken during 2019/20, and the opportunities and challenges for 2020/21, 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:

None

Note: This is an Executive Function

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

Executive Member: Cllr Gilbert

25 The Regulation of Investigatory Powers Act 2000 (RIPA)

The Cabinet considered a report of the Executive Director (Legal and Democratic Services) on the use of powers available to the Council under the Regulation of Investigatory Powers Act 2000 (RIPA) during the financial year 2019/2020.

Resolved:-

1. That it be noted that the Council has used the surveillance powers available to it under RIPA on one occasion during the period 1 April 2019 – 31 March 2020.
2. That it be noted that the Council has not used any covert human intelligence source (CHIS) during the period 1 April 2019 - 31 March 2020.
3. That it be noted that Thurrock Council has not used any such powers on behalf of Southend-on-Sea Borough Council when undertaking Anti-Fraud work between 1 April 2019 and that the Service Level Agreement between the two Authorities was terminated in October 2019.
4. That the staff training undertaken in 2019/20 and the training proposed for 2020/21 in connection with RIPA, be noted.
5. That the details of the regulation of CCTV activities as detailed in the submitted report, be noted.

Reason for decision:

To comply with the Home Office Codes of Practice and IPCO Guidance on RIPA.

Other options:

None

Note: This is an Executive Function

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

Executive Member: Cllr Gilbert

26 Council Debt Position

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 2020.

Resolved:-

1. That the current outstanding debt position as at 31st July 2020 and the position of debts written off to 31st July 2020 as set out in Appendices A & B to the submitted report, be noted.
2. That it be noted that no write offs greater than £25,000 are requested, as shown in Appendix B to the report.

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 that is left 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

Executive Member: Cllr Gilbert

27 SO46 Report

Resolved:-

That the submitted report, be noted.

Note: This is an Executive Function

Eligible for call-in to the relevant scrutiny committee

Executive Member: as appropriate to item

28 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.

29 SO46 Report - Confidential Sheet

Resolved:-

That the SO46 confidential sheet, be noted.

Note: This is an Executive Function

Eligible for call-in to: Place Scrutiny Committee

Executive Member: Cllr Robinson