

SOUTHEND-ON-SEA BOROUGH COUNCIL

**Digest of the Decisions of Cabinet
held on Tuesday, 23rd February, 2021
Place: Virtual Meeting – MS Teams**

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

In Attendance: Councillors D Cowan and K Evans
A Griffin, A Lewis, J Chesterton, J Williams, S Moore, T Saunders,
T Forster, A Griffin, J Williams, A Lewis, J Chesterton, J Ruffle,
C Gamble, G Halksworth, A Keating and C Robinson, L White and O
Brown.

Start/End Time: 2.00 - 3.00 pm

1 Apologies for Absence

There were no apologies for absence at this meeting.

2 Declarations of Interest

The following Councillors declared interests as indicated:

(a) Cllr Mulroney – Agenda Item 8 (HRA Land Review Phase 4 Lundy Close) – Non-pecuniary interest: Development Control Committee member;

(b) Cllr Jones – Agenda Item 7 (Selective Licensing Designation Report) – Non-pecuniary interest: lives in one of the designation areas as a resident;

(c) Cllr Cowan – Agenda Item 8 HRA Land Review Phase 4 Lundy Close) – Non-pecuniary interest: Development Control Committee member; Agenda Item 10 (Modern Methods of Construction Foundation 200 Project) – Disclosable interest: lives in close proximity to Juniper Road (withdrew);

(d) Cllr K Evans – Agenda Item 10 (Modern Methods of Construction Foundation 200 Project) – Disclosable interest: Benefactor of Salvation Army (withdrew);

(e) Cllr Terry – Agenda Item 9 (Dog Control Public Spaces Protection Order) – Non-pecuniary interest: lives opposite the beach on Eastern Esplanade;

(f) Cllr Woodley – Agenda Item 7 (Selective Licensing Designation Report) – Non-pecuniary interest:

3 Minutes of the Meeting held on Thursday 14th January 2021

Resolved:

That the minutes of the meeting held on Thursday 14th January 2021 be confirmed as a correct record and signed.

4 Outcome Success Measures Report

The Cabinet considered a report of the Chief Executive presenting the Southend 2050 Outcome Success Measures for 2020/21, covering the period 1 September 2020 to 31 December 2020.

Resolved:

1. That the progress made on delivery of the Southend 2050 outcomes and activity on the roadmap as at 31 December 2020, be noted.

2. That the continuing impact of Covid-19 and the iterative review of the Southend 2050 Roadmap, be noted.

3. That the revised reporting schedule of the Southend 2050 Outcome Success Measures Report (as set out at section 4.3 of the submitted report), be approved.

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

Eligible for call in to: All three Scrutiny Committees

Cabinet Member: Cllr Gilbert/As appropriate to the item

5 ASELA

The Leader of the Council advised that a decision had been taken in December 2020 by the Leaders of the respective Councils to endorse, in principle, the establishment of a Joint Committee of the ASELA authorities. However, participation by Southend Borough Council in such joint arrangements would need to be agreed by the Full Council. The matter had been considered at the meeting of the ASELA and Local Government Reform Working Party held on 11th

February 2021 and a report on the governance arrangements would come forward in due course.

In referring to the transformation programmes included within the ASELA Growth and Recovery Prospectus, agreed in July 2020, the Chief Executive highlighted the progress of some of the key projects.

Resolved:

That the current position with regard to the development of appropriate governance arrangements for ASELA, be noted.

Reasons for decision:

To receive an update on the development of governance arrangements for ASELA.

Other options:

None

Note: This is an Executive Function

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

Cabinet Member: Cllr Gilbert

6 Southend New Local Plan

The Cabinet considered a report of the Deputy Chief Executive and Executive Director (Growth & Housing) presenting a revised and updated Local Development Scheme (LDS), which set out the future programme for the preparation of the Southend New Local Plan.

Recommended:

1. That, in order to take forward the Southend New Local Plan in a timely, coordinated and efficient manner the updated and revised Local Development Scheme (set out at Appendix 1 to the submitted report), be approved.
2. That authority be delegated to the Deputy Chief Executive and Executive Director Growth and Housing, in consultation with the Cabinet Member for Environment and Planning, to agree any future updates to the Local Development Scheme (Appendix 1 to the report) as required.

Reasons for decision:

To ensure the expeditious production of a New Local Plan for Southend and associated evidence base to manage and guide future growth and development in the Borough and its hinterland in a positive and timely manner, where the Council has control of decision making in the public interest as representatives of the local community.

Other options:

1. The failure to prepare a new local plan for Southend would result in its current plans becoming increasingly out of date and the Council becoming increasingly unable to positively influence the scale, nature and location of development within the Borough.

2. An out-of-date local plan also brings the potential risk of “planning by appeal” with the responsibility for decision making increasingly being passed from the Council and the local community to the Planning Inspectorate and the Secretary of State, as the Council’s existing local plan becomes further out of date.

Note: This is a Council Function

Eligible for call-in to: Place Scrutiny Committee

Cabinet Member: Cllr Mulrone

7 Selective Licensing Designation Report

The Cabinet considered a joint report of the Deputy Chief Executive and Executive Director (Growth and Housing) and Executive Director (Neighbourhoods and Environment) presenting the results of the public consultation on the proposal to introduce a Selective Licensing Scheme within specific neighbourhoods in the wards of Milton, Kursaal, Victoria and Chalkwell and setting out the basis for recommending Selective Licensing Designation and the work that is needed to move this forward.

Resolved:

1. That the findings of the public consultation as set out in section 4 of the submitted report, be noted.

2. That the introduction of Selective Licensing Scheme Designation in the proposed neighbourhoods, be approved.

3. That it be noted that a further report will be presented back to Cabinet for consideration in June or September 2021, containing a comprehensive financial assessment and clear recommendations on how the scheme could be delivered.

4. That the use of up to £50,000 from the Business Transformation Reserve to support the design and associated financial modelling of a future Scheme, be approved.

Reasons for Decision

To address the impact of poorly rented properties on the local environment and to improve housing conditions.

Options

None

Note: This is an Executive Function

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

Cabinet Member: Cllr Gilbert

8 HRA Land Review Phase 4 (Lundy Close)

The Cabinet considered a report of Deputy Chief Executive & Executive Director (Growth and Housing) providing an update on the progress of the HRA Land Review Phase (Lundy Close) following the Public Notice for the appropriation of land on the North Site of Lundy Close and set out the next steps for this development for consideration..

Resolved:

1. That the responses received following a Public Notice and the considerations and mitigations in regards to these as detailed in section 3.6-3.14 of the submitted report, be noted.
2. That the development of the north site of Lundy Close for Council Housing based on the conclusion detailed in section 3.15 of the report, be approved.

Reasons for decision:

To provide an update on the progress of the HRA Land Review Phase 4 and to progress the scheme following the responses received to the Public Notice.

Other Options

1. Not to proceed with the development of the North site, due to the objections raised. However after careful consideration it was felt that the concerns raised to the development were mitigated against. Also if the Council were not to pursue the housing development the long-term benefits of increasing housing supply and reducing homelessness would not be achieved.
2. The Council does not need to pursue delivery of Council housing via the HRA Land Phases Review. However, these approaches are considered important contributions to the aims of the *Housing, Homelessness and Rough Sleeping Strategy* and of the Southend 2050 ambitions endorsed by the Council.

Note: This is an Executive Function

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

Cabinet Member: Cllr Gilbert

9 Dog Control Public Spaces Protection Order

The Cabinet considered a report of the Interim Executive Director (Neighbourhoods and Environment) setting out the results of the public consultation undertaken in respect of dog controls and recommendations in respect of controls to be included in the Dog Controls Public Spaces Protection Order.

Resolved:

1. That the Southend on Sea (Dog Controls) Public Spaces Protection Order contained at Appendix 3 to the submitted report, be adopted.
2. That a decision on the designation of a dog friendly beach area throughout the year, be deferred pending further research on concerns raised in the consultation.

Reasons for decision:

1. To adopt the Dog Controls Public Spaces Protection Order (PSPO). This will enable continued necessary control of relevant matters relating to dogs and the ability for officers to issue Fixed Penalty Notices where breaches of the Order are witnessed and those responsible are identified.

2. To defer a decision on whether to designate a dog friendly beach area throughout the year. The full length of beaches in Southend are increasingly becoming very heavily used throughout the summer months by families and this is set to increase with staycationing and warmer summers. There are concerns about the potential health risks for families, and children in particular and issues surrounding the control of dogs and resources required. There are also a number of alternative locations across the borough that dogs are allowed to be walked and exercised throughout the year.

Other options:

1. Not to adopt the PSPO and have no dog controls in place in the Borough. This would leave the whole Borough without any dog controls in place.

2. Dog Friendly Beach – designate an area of beach in a specific location to trial a dog friendly beach area from 1 May 2021 to 30 September 2021 to monitor, review and make further recommendations. Given the investigative work required this is not a feasible option in the timeframe.

3. Dog Friendly Beach – designate a specific dog friendly beach area that can be used throughout the year. Given the investigative work required this is not a feasible option and further investigation into suggested beaches is also required.

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

10 Modern Methods of Construction Foundation 200 Project

The Cabinet considered a report of the Deputy Chief Executive and Executive Director (Growth and Housing) presenting the Modern Methods of Construction (MMC) Foundation 200 and sought approval to progress the redevelopment of the Juniper Road garage site.

Resolved:

1. That the MMC Foundation 200 Project be progressed, which will see a maximum of 8 single unit homes developed on the Juniper Road garage site for this purpose.

2. That authority be delegated to the Director of Property and Commercial for the formal approval of the land transaction for the Juniper Road garage site.

Reasons for decision:

To meet the Council's ambition for increasing the supply of affordable housing in the Borough.

Other options:

1. Do nothing - This option considered leaving the existing garage areas in their current underused state. This option would not increase community safety and reduce antisocial behaviour and its associated costs. It also would not contribute to the Council's priority of increasing the supply of affordable housing in the borough nor meet the Council's Southend 2050 ambitions.

2. Sell the land on the open market – This option considered selling the land on the market in order for it to be privately developed. This option was not considered as it was felt that the site would not be attractive to developers due to the noted site constraints, would not increase the supply of affordable housing in the borough and would therefore not meet the Council's Southend 2050 ambitions.

3. Develop the land for Council housing – This option considered the Council developing the site itself for Council Housing. Given the constraints of the site and that it is not in proximity to any other suitable housing sites, the site would be unviable as it would not achieve economies

Note: This is an Executive Function

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

Cabinet Member: Cllr Gilbert

11 Annual Procurement Plan 2021/22

The Cabinet considered a report of the Executive Director (Finance and Resources) presenting the annual procurement plan for 2021/22 in terms of those procurements with a contract value in excess of £1m which require Cabinet approval prior to commencement.

Resolved:

1. That those procurements provided in the attached Appendix to the submitted report for 2021/22 (£1m+ contract value), be approved.

2. That the Council's procurement procedures be amended (pending legal advice and for as long as the PPN remains in place) to allow use of PPN 11/20 and the reservation of below threshold contracts for 'Local Suppliers' (note that following legal advice 'Local' in the PPN is defined by County but under law Southend is defined as a County due to its Unitary status and so we can utilise the Borough boundary).

3. That the tiered approach to the delivery of the 2021-22 procurement plan, should the Council need to apply a flexible use of resource again to support the pandemic response and associated priorities, be approved.

4. That it be noted that the full procurement plan for 2021/22 (contracts with a value of £25k and above) will be listed at <http://seattle/Pages/Contracts-Register.aspx> by the end of March.

5. That it be noted that the capital projects approved by Cabinet as part of the capital programme and with a value of over £25k, will also form part of the final procurement plan for 2021/22.
6. That the development and contents of the corporate contracts register which is publicly available via the Council website at the above link, be noted.
7. That it be noted that the development of the 3 year procurement pipeline plan (2021-24) will be finalised by the end of March 2021 and hosted at the above web-link.
8. That the flexible approach taken to the delivery of the procurement plan during 2020-21 due to the pandemic, competing priorities and the need to re-distribute Council resources (for context 73 of the 320 Procurements/contracts on the plan were either extended or deferred to 2021/22), be noted.
9. That it be noted that the spend with local suppliers in 2019-20 was 35% (out of a spend of c£150m) and that this will continue to be monitored each financial year (the current spend during 2020-21 is detailed in Section 5 of the submitted report).
10. That the continued implementation of our Corporate Contract Management system, be noted.
11. That it be noted that training to local suppliers on how to access and bid for Public Sector contracts will continue to be provided as spend across the sector is £290Bn per annum (versus c£150m by Southend).
12. That it be noted that, although Brexit has taken place, the Public Contract Regulations 2015 are still part of UK Law and there remains the requirement to award contracts in an open, fair and transparent way. The Council's Contract Procedure Rules are already set to support local spend as far as the law allows and so the above PPN 11/20 is the other opportunity the Council has.

Reasons for Decision:

Approval of the Council's annual procurement plan is required under Part 4g of the Council's Constitution.

Other options:

1. The Council could choose to not embed the PPN 11/20 into our Council procurement procedures but the Council may lose the opportunity to further support the economic recovery.
2. The Council could choose to not apply a tiered approach to the delivery of the procurement plan during 2021-22 but this will potentially reduce the flexibility of the Council's workforce (especially those within corporate procurement, commissioning teams and contract managers across the Council).

Note: This is an Executive Function

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

Cabinet Member: Cllr Woodley

The Cabinet considered a report of the Executive Director (Finance and Resources) presenting the Quarter Three Treasury Management Report covering the treasury management activity and compliance with the treasury management strategy for both quarter three and the period from April to December 2020.

Resolved:

1. That The Quarter Three Treasury Management Report for 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 December 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 £1.226m of interest and income distributions for all investments were earned during this nine month period at an average rate of 1.07%. This is 1.13% over the average 7 day LIBID (London Interbank Bid Rate) and 0.97% over the average bank rate. Also the value of the externally managed funds decreased by a net of £0.183m due to changes in the unit price, giving a combined overall return of 0.91%. (Section 8 of the submitted report).

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 (Housing Revenue Account (HRA): £75.0m, GF: £235.3m) during the period from April to December 2020.

6. That it be noted that the level of financing for 'invest to save' capital schemes decreased from £8.64m to £8.58m during the period from April to December 2020.

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 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

Cabinet Member: Cllr Woodley

Wednesday 20th January 2021

The Cabinet considered the recommendations of the Environment and Planning Working Party held on 20th January 2021 concerning the Notices of Motion referred to the Working Party by Cabinet on 3rd November 2020.

Resolved:

That the recommendations of the Environment and Planning Working Party concerning the Notices of Motion set out below, be approved:

1. Ban barbeques on beaches and public open spaces

- a) That the Notice of Motion Note relating to the use of barbeques on beaches, parks and open spaces, be noted.
- b) That officers review the potential use of existing byelaws to address barbeques in inappropriate locations.
- c) That officers develop a robust policy for the management of barbeques to support use at suitable locations.
- d) That consultation be undertaken via YourVoice Southend on the use of barbeques on the beaches and public spaces in the Borough.

2. Make our Gardens and Open Spaces to RHS Britain in Bloom Standard

- a) That the Notice of Motion to make our Gardens and Open Spaces to RHS Britain in Bloom Standard, be noted.
- b) That the parks that meet the criteria continue to be entered for the Green Flag awards.
- c). That it be noted that the Parks Team continue to work with friends groups and volunteers.
- d). That, if a community group wishes to set up as an In Bloom Committee to enter the Borough in Britain in Bloom, the relevant sections in the Council will liaise with the group.
- e). That it be noted that the planting and management of the Borough's parks and green spaces will continue to adapt to the changing climate and environment, to support biodiversity, and help meet the varied needs of citizens.
- f). That consultation be undertaken on Your Voice Southend to provide up-to-date information about how people use the town's parks and green spaces and how they would like to use them in the future.

3. Water Fountains and Water Bottle Refill Points

- a) That the Notice of Motion on water fountains and water refill points, be noted.
- b) That no new public water fountains be installed at this stage.

c). That the water bottle refill schemes that are available continue to be promoted, with a view to increasing access points for these schemes.

Reasons for decision:

To respond to the recommendations from the Environment and Planning Working Party in relation to the Notices of Motion.

Other options:

None

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

14 Minutes of Transport, Capital and Inward Investment Working Party held on Thursday 7th January 2021

The Cabinet considered the recommendations of the Transport, Capital and Inward Investment Working Party held on 7th January 2021 concerning the Notices of Motion referred to the Working Party by Cabinet on 3rd November 2020.

Resolved:

That the recommendations of the Transport, Capital and Inward Investment Working Party concerning the Notices of Motion set out below, be noted:

1. Cycling Strategy

a) That an update on the LTP4, including the development of a cycling strategy, be presented to the Working Party at a meeting later in the year

b) That a report / briefing be added to the Agenda for the next/future meeting of the Working Party providing an update on the progress of the Transport Strategy to date and what the next steps are.

2. Ekco Park Estate

That a Development Control training session be arranged on the planning rules regarding adoption of highways.

3. Tyre Pump Stations

That Portsmouth City Council be contacted to ascertain their experiences on the installation of communal bike pumps in the City as part of the feasibility study to provide similar facilities in the Borough.

Reasons for decision:

To respond to the recommendations of the Transport, Capital and Inward Investment Working Party concerning the Notices of Motion.

Other options:

None

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

15 Minutes of Community Safety and Customer Contact Working Party held on Thursday 28th January 2021

The Cabinet considered the recommendations of the Community Safety and Customer Contact Working Party held on 28th January 2021 concerning the Notices of Motion referred to the Working Party by Cabinet on 3rd November 2020.

On consideration of the recommendations regarding the Notice of Motion on the special constables, the Cabinet member for Community Safety and Customer Contact advised that Community Special Constables were only available to parish councils, but that the Council could support the recruitment of regular Special Constables. He added that there were no operational differences between the two types of constables and proposed an amendment to the recommendations to reflect the position.

Resolved:

That subject to an amendment to the second recommendation of the Community Safety and Customer Contact Working Party in relation to the Notice of Motion on Special Constables, the following recommendations be approved:

1. No Driving on Parks and Open Spaces

- a) That the Notice of Motion relating to driving in, parks and open spaces, be noted.
- b). That Officers consider the options to record reports of drivers acting in an antisocial manner in our parks and green spaces.
- c). That at parks where persistent confirmed reported problems of vehicles driving on the grass, signs are erected advising people of the byelaws.
- d). That Officers review current byelaws and the enforcement of these will be considered as part of the current enforcement review.
- e). That the continued use of defensive measures be considered at parks and green spaces where confirmed ongoing problems with vehicles accessing grass areas have been recorded.

2. Recruit the Two Special Constables Per Ward

- a) To work with Essex Police to develop a marketing campaign to attract new Community Special Constable recruits to Southend.

b) That the Council commits to supporting the Police recruitment of regular Special Constables in Southend, through a joint Council and Police local recruitment campaign, to include the Employer Supported Scheme.

Reasons for decision:

To respond to the recommendations from the Community Safety and Customer Contact Working Party in relation to the Notices of Motion.

Other options:

None

Note: This is an Executive Function

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

Cabinet Member: Cllr Terry

16 Minutes of Housing and Communities Working Party held on Monday 15th February 2021

The Cabinet considered the recommendations of the Housing and Communities Working Party held on 15th February 2021 concerning the Notices of Motion referred to the Working Party by Cabinet on 3rd November 2020.

Resolved:

That the recommendations of the Housing and Communities Working Party concerning the Notice of Motion set out below, be approved:

Food Justice Champion

a) That the Notice of Motion seeking the appointment of a Food Justice Champion be noted.

b) That a project for the establishment of a member-level Food Justice Champion, or similar role be approved.

c) That dedicated officer support and resources be provided to ensure that the proposed Food Justice Champion (or similar) is fully supported in the delivery of their objectives and priorities.

d) That the proposed Food Justice Champion (or similar) is fully able to co-ordinate existing interventions to address issues of food poverty in the Borough in conjunction with local voluntary and public sector partner organisations, and to identify likely future demand on current arrangements to reduce food poverty.

e) That progress with regard to the ongoing work programme of the proposed Food Justice Champion (or similar) to identify, understand and address issues that contribute to local food poverty, be reported to the Working Party on a regular basis.

Reasons for decision:

To respond to the recommendations from the Housing and Communities Working Party in relation to the Notices of Motion.

Other options:

None

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

17 Minutes of Transport, Capital and Inward Investment Working Party held on Thursday 18th February 2021

The Cabinet considered the minutes of the meeting of the Transport, Capital and Inward Investment Working Party held on 18th February 2021 concerning London Southend Airport.

Resolved:

That the minutes of the meeting of the Transport, Capital and Inward Investment Working Party be noted.

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

18 SO46 Report

Resolved:

That the submitted report be noted.

Note: This is an Executive Function
Eligible for call-in to: Relevant Scrutiny Committee
Cabinet Member: As appropriate to the item.

19 Exclusion of the Public

20 SO46 Report Confidential Sheet

Resolved:

That the submitted report be noted.

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