

SOUTHEND-ON-SEA BOROUGH COUNCIL

**Digest of the Decisions of Cabinet
held on Tuesday, 27th July, 2021
Place: Council Chamber - Civic Suite**

Present: Councillor I Gilbert (Chair)
Councillors R Woodley (Vice-Chair), L Burton, P Collins, A Jones,
C Nevin and M Terry

In Attendance: Councillors S Habermel and S Wakefield
A Lewis, A Eastgate, T Saunders, T Forster, M Marks, J Williams,
A Lewis, A Barnes, S Brown, S Dolling, A Keating, S Newman,
S Putt, A Richards and K Waters and P Terry.

Start/End Time: 2.00 - 3.52 pm

1 Apologies for Absence

Apologies for absence were received from Councillor Mulroney.

2 Declarations of Interest

There were no declarations of interest at this meeting.

3 Minutes of the meeting held on Tuesday 15 June 2021

Resolved:

That the minutes of the meeting held on Tuesday 15th June 2021, be confirmed and signed as a correct record.

4 Minutes of the special meeting held on Monday 5 July 2021

Resolved:

That the minutes of the special meeting held on Monday 5th July 2021, be confirmed and signed as a correct record.

5 Southend 2050 Refresh

The Cabinet considered a report of the Chief Executive presenting the annual review and refresh of Southend 2050 and set out how the Council will use the evolved Southend 2050 outcomes to drive recovery.

Resolved:

1. That the refresh of the Southend 2050 outcomes and high-level roadmap milestones, be endorsed.

2. That further developed work on the review and refresh of the Southend 2050 outcomes and associated roadmap milestones be presented to Cabinet in September, including the associated outcome success measures.
3. That the planned engagement over the summer and additional Special Cabinet meeting on 7th September 2021, following the Scrutiny Committees, be noted.
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 the performance and measures of success and progress to achieve 2050 will continue to be reported through the Outcome Success Measures Report, reported twice a year to Cabinet.

Reasons for decision:

To ensure the Council is clear on prioritised milestones to achieve the desired outcomes, focusing on response to the pandemic, economic recovery and sustainability – including financial, environmental and transformation as an organisation.

Other options:

Not to review the Council's current ambition and desired outcomes. However, this would mean failing to set out the huge impact the crises has had on the Borough, its people and the Council and its approach to recovery.

Note: This is an Executive Function save that approval of the final decision is a Council Function.

Eligible for call-in to: Referred direct to all three Scrutiny Committees

Cabinet Member: Cllr Gilbert

6 Annual Public Health Report

The Cabinet considered a report of the Executive Director (Children and Public Health) presenting the 2020 Annual Report of the Director of Public Health.

Resolved:

That the 2020 Annual Report of the Director of Public Health, including the highlighted actions, be approved.

Reasons 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

Cabinet Member: Cllr Nevin

7 **Anti-Poverty Strategy**

The Cabinet considered a report of the Executive Director (Adults and Communities) setting out the strategic approach to promoting food justice and tackling poverty in the Borough to enable more effective targeting of interventions, avoid duplication, and support a collective recovery from Covid.

Resolved:

1. That the work to put in place a Food Justice Champion and the related work plan, be extended to address the wider determinants of poverty.
2. That the work to address the wider determinants of poverty takes into consideration the Notices of Motion raised at Council on 4th March 2021 regarding Welfare Assistance and Fuel Poverty.
3. That an Anti-Poverty Plan be developed with partners and key stakeholders and progressed by an officer/partner task and finish group, supported by a project manager.
4. That, to ensure the project is embedded, the Executive Director (Adults and Communities) act as the Senior Responsible Officer and a Head of Service be identified to lead on and be accountable for the implementation of desired outcomes of the strategy.
5. That the officers and teams currently working on community resilience, and anti-poverty activity across the Council, be responsible for delivering the identified Anti-Poverty Plan actions.
6. That the Executive Councillor for Housing and Communities, be the Councillor Level Champion of this work.

Reasons for decision:

To widen the scope of the Food Justice Champion and related Action Plan to provide a strategic approach to promoting food justice and tackling poverty in the Borough. Such an approach will coordinate, prioritise and add value to the breadth of current and future activity and align this work to a set of strategic objectives, and ensure services are integrated to better meet the individual needs of a person or family to lift them out of the many determinants of deprivation, encapsulating all relevant services within the Council.

Other options:

To develop a Food Justice Action Plan focussed solely on issues relating to food.

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

8 Reference from Council, 12 July 2021 - Investigation into SEND Provision

The Cabinet considered a report of the Executive Director (Children and Public Health) seeking approval for the motion agreed at the Extraordinary Council meeting held on 12th July 2021 regarding the commissioning of an independent review of SEND services and the Children with Disabilities Team.

Resolved:

That an independent investigation be undertaken into SEND provision provided by the Council and the Children with Disabilities (CWD) Team based on the SEND Review scoping document, set out at Appendix 1 to the submitted report, discussed with the groups on the Council and agreed between the Executive Councillor for Children and Learning and the Shadow Cabinet Member.

Reasons for recommendations:

To undertake an independent review of SEND as set out in the scoping document agreed by the groups on the Council.

Other options:

To undertake a different form of review or no review at all.

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

9 Reference from Council, 15 July 2021 - Southend New Local Plan

The Cabinet considered a report of the Deputy Chief Executive and Executive Director (Growth and Housing) seeking approval to publish the amended 'Refining the Plan Options' for public consultation as part of the next stage in preparing the Southend New Local Plan which had been referred back from Council held on 15th July 2021.

Resolved:

1. That the amended 'Refining the Plan Options' document, set out at Appendix 1 to the submitted report, which includes the additional text suggested at Full Council on 15th July 2021, by way of clarification, be approved as the second stage of the preparation of the Southend New Local Plan to be published for public consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

2. That the feedback received during the previous stage of consultation, the *Southend New Local Plan Issues and Options Document 2019*, as set out in the accompanying Consultation Statement, set out at Appendix 2 to the report, be noted.

3. That authority be delegated to the Interim Chief Executive and Acting Executive Director (Growth and Housing), in consultation with the Executive Councillor for Environment, Culture, Tourism and Planning, to:

- make minor amendments to the Southend New Local Plan – Refining the Plan Options prior to consultation; and
- take all necessary steps to ensure compliance with the relevant statutory processes and procedures to undertake the consultation.

4. That, in view of the constraints within the Borough and given the potential effects on the Green Belt in meeting our housing needs in full, being consulted upon in Options C and D of the Local Plan Consultation Document, that the assistance of the local Members of Parliament be sought to effect a meeting with the Secretary of State for Housing, Communities and Local Government in order to lay before him the difficulties which the Council finds itself in meeting the housing figures imposed by the Government without impinging on substantial green belt land or over-densification of the urban area and the consequent detrimental effect on the health and wellbeing of residents of the Borough.

Reasons for decision:

To expedite production of a new Local Plan for Southend.

Other options:

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

Note: This is an Executive Function

This matter is not eligible for call-in pursuant to Scrutiny Procedure Rule 15(e)(ii).

Cabinet Member: Cllr Mulroney

10 In-Depth Scrutiny Project - 'How the Council and Councillors Communicate with Local People and Stakeholders.'

The Cabinet considered a report of the Executive Director (Legal and Democratic Services) presenting the final report of the In-depth Scrutiny Project – 'How the Council and Councillors Communicate with Local People and Stakeholders.'

Resolved:

That the report and recommendations arising from the in-depth scrutiny project, be approved.

Reasons for decision:

To approve the report and recommendations from the in-depth Scrutiny Project.

Other options:

To note the report but not progress any of the recommendations.

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

11 In-Depth Scrutiny Project - To improve and increase domestic waste recycling in the Borough

The Cabinet considered a report of the Executive Director (Legal and Democratic Services) presenting the final report of the In-depth Scrutiny Project – ‘To improve and increase domestic waste recycling in the Borough.’

Resolved:

1. That the report and recommendations arising from the in-depth scrutiny project, be approved.
2. That it be noted that approval of any recommendations with budget implications would require consideration as part of future years’ budget processes prior to implementation.

Reasons for decision:

To approve the report and recommendations from the in-depth Scrutiny Project.

Other options:

To note the report but not progress any of the recommendations.

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

12 Corporate Risk Register

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

Resolved:

That the updated Corporate Risk Register summary and the position at June 2021, outlined in Appendix 1 to the submitted report, be approved.

Reasons for decision:

To approve the summary Corporate Risk Register as at June 2021.

Other options:

None

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

13 PSP Southend LLP Update

The Cabinet considered a report of the Executive Director (Finance and Resources) recommending that 4 sites are conditionally opted into PSP Southend LLP for delivery.

Resolved:

1. That it be noted that the high-level business plan, future updates to it and progress against it will be presented to the Shareholder Board in due course, together with the financial performance of PSP Southend LLP (the LLP).
2. That the sites listed in section 3.4 of the submitted report be conditionally opted into the LLP for delivery in line with the objectives set out, subject to the completion of all relevant due diligence required through PSP Stages e2 and e3 (including completion of the best value review by CIPFA). Operational decisions on the development of the sites going forward will be taken by the LLP Partnership Board (through the Council's LLP Representatives).
3. That officers continue to engage with the partnership through regular liaison meetings on the future pipeline of development opportunities to ensure that the business plan can be serviced and there is a continuous pipeline of delivery to optimise and support the viability of the LLP.
4. That it be noted that the £5m identified for the delivery of Ilfracombe Avenue was no longer required and can be released from the Capital Programme and that officers and the LLP are pursuing potential funding via the Homes England ASELA fund to assist with viability and delivery.

Reasons for decision:

It is important for the Council to maintain housing delivery across a range of development sites and types to help meet market demand and to contribute to the overall housing targets. All development also delivers local employment and helps the recovery of the economy.

Other options:

The Cabinet could agree not to opt some or all of the proposed sites into PSP Southend LLP for delivery and to either consider direct delivery (having regard to the scarce internal resources) or alternative delivery vehicles. Either of these options will however delay delivery and it should be noted that the e3 stage requires CIPFA to endorse the projects and that they deliver the best value for the Council before moving to e4 where the land is committed (in legal terms).

Note: This is an Executive Function

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

Cabinet Member: Cllr Woodley

14 Land at Prince Avenue

The Cabinet considered a report of the Executive Director (Finance and Resources) setting out the strategic principles on the way forward for the potential future development of the Council's land north of Prince Avenue.

Resolved:

1. That the development principles set out in section 4.2 of the submitted report, be approved.
2. That the land be appropriated for planning purposes pursuant to s.122 Local Government Act 1972.
3. That future capital receipts from the land be used to finance a budget of £200,000 (Capital) to be applied to the workstreams identified in section 4.9 of the submitted report.
4. That, to the extent that they may fall outside the scope of the delegations in the Constitution, the detailed land transactions for each element be delegated to the Executive Director (Finance and Resources), in consultation with the relevant Executive Councillors.

Reasons for decision:

The proposed development principles set out a strategy for this land which seeks to provide some flexibility whilst also enabling the development objectives and is considered to be the optimal way to bring the land forward to have the greatest impact across a range of Southend 2050 outcomes

Other Options:

The Council could:

- a) seek a new farmer tenant.
- b) look to include the land in the Airport Lease
- c) self-deliver the proposed developments
- d) market the land for sale as it is (whole or parts).
- e) consider alternative uses for all or parts

Note: This is an Executive Function

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

Cabinet Member: Cllr Woodley

15 Adoption of Highways Policies

The Cabinet considered a report of the Executive Director (Neighbourhoods and Environment) presenting new policies relating to Domestic Vehicle Crossovers and Highways Enforcement and new procedures for introducing Traffic Regulation Orders, in line with the outcome of a best practice review of other local authorities, and to make consequential amendments to the Council's decision-making processes and Delegations to Officers.

During consideration of the report the Executive Councillor for Transport, Asset Management and Inward Investment proposed a minor amendment to the Vehicle Crossover Policy to remove the following sentence on page 6, *'We will also refuse an access if the total length of existing accesses is more than 50% of the available kerbside space.'*

Resolved:

1. That the new Domestic Vehicle Crossover Policy set out in Appendix 1 to the submitted report, subject to the removal of the following sentence on page 6 of the Policy, '*We will also refuse an access if the total length of existing accesses is more than 50% of the available kerbside space*', be adopted.
2. That the new Highways Enforcement Policy set out in Appendix 2 to the report, be adopted.
3. That the new procedures for dealing with Traffic Regulation Orders set out in Section 6 of the report, be approved.

Recommended:

4. That the Council be recommended to approve:

- (i) Amendments to the Terms of Reference of the Traffic Regulations Working Party and Cabinet Committee;
- (ii) the establishment of a new panel to deal with appeals against a decision to refuse the installation of a domestic vehicular crossing; and
- (iii) the amendments to the Delegations to Officers (Part 3, Schedule 3 of the Council's Constitution).

Reasons for decision/recommendations:

To improve the way the Council deals with Traffic Regulation Orders, Domestic Vehicle Crossovers and Highway Enforcement and protect damage to the highway and ensure the roads and pavements are safe for use.

Other options:

None

Note: This is an Executive Function save that the recommendations contained in 4 above constitute a Council Function
Eligible for call-in to: Place Scrutiny Committee
Cabinet Member: Cllr Woodley

16 Hamlet Court Road Proposed Conservation Area

The Cabinet considered a report of the Deputy Chief Executive and Executive Director (Growth and Housing) presenting the Hamlet Court Road Conservation Area Appraisal produced for the Council by independent heritage experts, Purcell, proposing that part of Hamlet Court Road (the area south of London Road and north of St Helen's Road) for Conservation Area status, following recent public consultation.

Resolved:

1. That the responses to the consultation on the draft Hamlet Court Road Conservation Area Appraisal, set out at Appendix 3 to the submitted report, be noted.

2. That the Hamlet Court Road Conservation Area Appraisal, set out at Appendix 1 to the report, be adopted and that an area of Hamlet Court Road, as set out in Appendix 2 to the report, be designated as a Conservation Area.

Reasons for decision:

To adopt the proposed Conservation Area (Hamlet Court Road, South of London Road and north of St Helens Road). The area proposed for Conservation Area status meets the requirements of the NPPF (2019) (Paragraph 186) concerning the designation of Conservation Areas.

Other options:

Not to designate Hamlet Court Road as a Conservation Area. This would be contrary to the recommendations of the Conservation Area Appraisal, comments from Historic England and other comments received during the public consultation.

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

17 Feed and Food Service Plan 2021/22

The Cabinet considered a report of the Executive Director (Neighbourhoods and Environment) presenting the Official Feed and Food Control Service Plan 2021/22, as required by the Food Standards Agency (FSA).

Recommended:

That the Official Feed and Food Control Service Plan 2021/22, as set out in Appendix 1 to the submitted report, be approved.

Reasons for recommendation:

To comply with the Food Standards Agency Framework Agreement and statutory requirements to produce a Feed and Food Control Service Plan.

Other options:

None

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

18 Third Party Representations to Planning Applications

The Cabinet considered a report of the Deputy Chief Executive and Executive Director (Neighbourhoods and Environment) setting out proposed changes to the development control system regarding notification of third parties which would remove the right of neighbours and other interested parties to comment on planning applications when they are submitted in areas zoned for growth or renewal.

Resolved:

That the motion proposed by Steven Reed MP, set out at Appendix 1 to the submitted report, be approved.

Reasons for decision:

To highlight the proposed changes to the development control system and add the Council's support to the motion by Stephen Reed MP to retain local residents' right to object to individual planning applications. Without such rights being enshrined, the ability of local communities to shape new development in a manner that best reflects local character and identity will be diminished.

Other options:

Not to support the motion passed by the House of Commons.

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

19 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