

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Cabinet

Date: Tuesday, 22nd February, 2022

Place: Council Chamber - Civic Suite

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

In Attendance: Councillors K Buck, T Cox and K Evans
A Lewis, T Forster, J Williams, J Chesterton, C Gamble, J Burr,
S Dolling, I Kazalbash and B Leigh

Start/End Time: 2.00 pm - 3.35 pm

721 Apologies for Absence

There were no apologies for absence at this meeting.

722 Declarations of Interest

The following declarations of interest were made:

(a) Cllr Mulroney – Agenda Item 3 (20 mph Neighbourhoods – Reference back from Place Scrutiny Committee held 7th February 2022) - Disqualifying non-pecuniary interest: resident in one of the proposed roads/areas of the scheme (withdrew);

(b) Cllr Woodley - Agenda Item 3 (20 mph Neighbourhoods – Reference back from Place Scrutiny Committee held 7th February 2022) – Non-pecuniary interest: Thorpe Ward Councillor and Chair of Residents Association.

(c) Councillor Nevin – Agenda Item 7 (Corporate Risk Register) and Agenda Item 12 (Adult Social Care Strategies) - Non-pecuniary interest: NHS Employee in external Trust; 2 sons and stepsister are NHS employees;

(d) Councillor Jones – Agenda Item 4 (Outcome Success Measures Report) – Non-pecuniary interest: Son works for SEGA3, HALO and PAVE team;

(e) Councillor Collins – Agenda Item 6 (Parking Strategy and Parking Implementation Plan) – Non-pecuniary interest: son is a blue badge holder and could be impacted by a future strategy;

(f) Councillor Terry – Agenda item 13 (Innovation Resilience Fund Outline Business Case) – Non-pecuniary interest: lives on Eastern Esplanade;

(g) Councillor Cox – Agenda Item 6 (Parking Strategy and Parking Implementation Plan) – Non-pecuniary interest: wife is a blue badge holder;

(h) Councillor K Evans – Agenda Item 4 (Outcome Success Measures Report) – Non-pecuniary interest: Ex- serviceman and benefactor of the Salvation Army; Agenda Item 6 (Parking Strategy and Parking Implementation Plan) – Non-pecuniary interest: family member is a blue badge holder); Agenda Item 8 (Dog Control PSPO Variation) – Non-pecuniary interest: Dog owner; Agenda Item 3 (20 mph Neighbourhoods – reference back from Place Scrutiny Committee held 7th February 2022) – Non-pecuniary interest: Leigh Town Council Councillor

723 20 mph Neighbourhoods - Reference Back from Place Scrutiny Committee held Monday, 7 February 2022

The Cabinet received a report of the Executive Director (Neighbourhoods and Environment) which had been prepared in response to the decision of Place Scrutiny Committee at its meeting held on 7th February 2022 to refer the 20mph neighbourhoods scheme back to Cabinet for further consideration.

Resolved:

1. That separate consultation exercises be undertaken in respect of (a) the proposed experimental scheme for a 20mph speed limit in Leigh/West Leigh and (b) the proposed scheme for a 20mph zone in Thorpe.
2. That delegated authority be given to the Executive Director for Neighbourhoods and Environment, in consultation with the Cabinet Member for Transport, Asset Management and Inward Investment, to agree the advertisement of any necessary traffic regulation orders.

Reasons for decision:

To respond to the reference back and recommendations from the Place Scrutiny Committee and to support the Council's 2050 Shared 'Safe and Well' Ambition, to ensure "people in Southend-on-Sea feel safe in all aspects of their lives".

Other options:

None

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

724 Outcome Success Measures Report

The Cabinet considered a report of the Executive Director (Transformation) concerning the second period of the Southend 2050 Outcome Success Measures for 2021/22, covering 1 July – 31 December 2021.

Resolved:

That the Period 2 performance covering 1 July to 31 December 2021, be noted.

Reasons for Decision:

To drive the delivery of the Southend 2050 ambition through robust and strategic performance management arrangements and 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 our transformation as an organisation.

Other options:

The Council could choose not to review its current ambition and desired outcomes. This would mean failing to set out the huge impact the crises have had on the Borough, its people and the Council and the Council's approach to recovery. The Council has committed to undertake an annual review of the outcomes and milestones.

Note: This is an Executive Function

Eligible for call-in to: All three Scrutiny Committees

Cabinet Member: Cllr Gilbert

725 Waste Collection Contract

The Cabinet considered a report of the Executive Director (Neighbourhoods and Environment) presenting two options for securing the future service provision of the Recycling, Waste and Cleansing Contract, with the express aim of supporting the Council's declared Climate Emergency, the Southend 2050 Ambition and meeting the changing requirements of environmental legislation and the growing environmental demands of the Borough's residents.

During consideration of the report the Cabinet resolved to go into Part 2 to enable questions to be raised on the commercial aspects of the matter.

Resolved:

1. That a Recycling, Waste and Cleansing contract be procured for a period to be determined via the competitive dialogue process (Option B).
2. That an early market engagement exercise be undertaken to explore:
 - a) The viability of maintaining a full weekly service whilst still delivering the aims and parameters set out in Resolution 4 below.
 - b) The market's appetite for any potential contract.
3. That the findings of the early market engagement exercise be used to inform the draft contract specification/requirements which will then be submitted to Cabinet for review/approval.
4. That the aims and requirements of any new contract should:
 - Recognise the requirement for bidders to take into account the Council's preference for a weekly collection service;

- Recognise the declaration by the Council of a Climate Change Emergency in 2019 and the need to significantly reduce residual waste;
- Comply with the Environment Act 2021 and its promulgated requirements for recycling (likely to be 65% by 2035) and other environmental matters and adaptability to further changes in legislation;
- Satisfy the financial imperatives for the Council to ensure value for money principles are adhered to;
- Follow the principles of the Waste Hierarchy;
- Maximise the use of zero or low emission plant and fleet in the operation of the services;
- Provide the best customer and digital experience for residents; and
- Consider the inclusion of a commercial waste offering.

5. That all bidders be required (in the second tier of requirements) to use to the full their experience and knowledge of the industry and future trends in service provision, both in the UK and abroad, in order to show that they have fully considered alternative operating regimes and to give clear reasoning in their bids for their chosen submissions, as opposed to those other regimes. In addition bids will be required to respond to the following:

- The maximisation of the use of sustainable fuels and vehicles;
- The employment of local residents;
- A fully intuitive education programme in respect of recycling and related environmental procedures;
- A comprehensive assessment of the need for social protection systems to be put in place for vulnerable residents; and
- A comprehensive interpretation of the nature of Southend Borough and its different residential aspects and needs.

6. That an indicative annual budget envelope for the contract be established and forms part of the invitation to tender.

7. That authority be delegated to the Executive Director (Neighbourhoods and Environment) and Executive Director (Finance and Resources), in consultation with the Cabinet Member for Environment, Culture, Tourism and Planning, to negotiate a short term extension to the Veolia contract from October 2023, if required, to enable the Council to maintain a waste collection service until the procurement process for a new contract has concluded and that this is contained within the financial sums identified in the report.

8. That the outcome of the tender process and its associated financial implications be reported to a future Cabinet meeting with a recommendation as to the award of the contract.

9. That up to £1.5m be allocated from the Waste reserve to support the one-off costs of the procurement.

10. That it be noted that any additional financial costs for the extension of the current Waste contract from October 2023 are reflected in the budget setting for 2023/24.

11. That it be noted that the current levels of recycling are significantly below the future targets set by the Government, and the significant environmental and economic benefits that reducing residual waste, and increasing recycling will bring to the Borough. (Action is therefore required to secure a future service provision that is capable of meeting the Council's own targets and obligations).

12. That authority be delegated to the Executive Director (Neighbourhoods and Environment) and the Executive Director (Finance and Resources), in consultation with the Cabinet Member for Environment, Culture, Tourism and Planning, to:

a) Procure sector specific engagement and communications support, at a cost of up to £250,000 to run a dedicated and comprehensive engagement, information and education programme to support the aims of Option B to be funded by the Waste reserve.

b) Employ a Contract Manager at a cost of £75,000pa to support the management and effective performance of the contract by the Contractor to be funded by the Waste Reserve in 2022/23 and for consideration as part of the budget setting for 2023/24 onwards.

13. That cross-party Councillor oversight of the procurement process be through the Environment, Culture, Tourism and Planning Working Party.

Reasons for Decision:

1. To evidence that best value has been achieved by undertaking a thorough market exercise;

2. To engage with the market to properly consider the viability of maintaining the existing service model into the future, whilst delivering against the Council's stated aims and objectives;

3. To explore alternative collection models and innovative solutions for Southend other than is currently offered under Option A which could better meet the needs of residents;

4. To enable greater engagement with members and the residents and provide greater transparency in securing a future service which touches and concerns every household in the Borough; and

5. To explore solutions that could limit the commercial risk to the Council

Other Options:

As set out in the submitted report.

Note: This is an Executive Function

Called-in to: Place Scrutiny Committee

Cabinet Member: Cllr Mulroney

726 Parking Strategy and Parking Implementation Plan

The Cabinet considered a report of the Executive Director (Neighbourhoods and Environment) setting out the results and analysis of the public consultation and presented the finalised Parking Strategy and Parking Implementation Plan.

Cabinet noted that the report was also presented to the Traffic Regulations Working Party at its meeting held on 21st February 2022. The Cabinet also received the minutes of the Working Party.

Resolved:

That the matter be referred to the Transport, Asset Management and Inward Investment Working Party for consideration.

Reasons for decision:

To receive the views of the Transport, Asset Management and Inward Investment Working Party.

Other options:

As set out in the submitted report.

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

727 Corporate Risk Register

The Cabinet considered a report of the Executive Director (Finance and Resources) presenting the updated summary Corporate Risk Register.

Resolved:

That the updated summary Corporate Risk Register and the position at January 2022, set out at Appendix 1 to the submitted report, be noted.

Reasons for decision:

To note the updated summary Corporate Risk Register.

Other options:

None

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

728 Dog Control PSPO Variation

The Cabinet considered a report of the Executive Director (Adults and Communities) seeking approval to commence a statutory consultation relating to dog controls in respect of the proposed designation of dog friendly areas between 1 May and 30 September 2022.

On consideration of the report, members of the Cabinet noted that the proposed consultation applied only to East Beach.

Resolved:

1. That consultation to vary the dog control Public Spaces Protection Order (PSPO) and trial a dog friendly beach during the 2022 bathing season at East Beach, as defined in Appendix 2 to the submitted report, be approved.
2. That it be noted that a further report on the next steps will be made once the consultation process has been completed. (At that stage, the Cabinet may be asked to vary the PSPO statutory criteria to designate dog friendly areas. No decision or recommendation is made on that at this stage).

Reasons for decision:

The establishment of a dog friendly beach, if supported by specific consultation in a trial, will allow the Council to consider long term options.

Other Options:

Not to undertake the consultation.

Note: This is an Executive Function
Eligible for call-in to: Place Scrutiny Committee
Cabinet Members: Cllrs Terry and Mulroney

729 PSPO Consultation

The Cabinet considered a report of the Executive Director (Adults and Communities) on whether the Council should commence statutory consultation on extending and varying the Public Spaces Protection Order (Southend Town Centre, Seafront and Adjoining Areas) No 1 of the 2019 PSPO.

Resolved:

1. That a consultation be undertaken into the possibility of the Council extending and varying (and/or making a new) Public Spaces Protection Order (PSPO) under Sections 59, 60 & 61 of the Anti-social Behaviour (ASB), Crime and Policing Act 2014 in respect of the area and activities detailed in the submitted report.
2. That the proposed consultation process commences as soon as practically possible.

3. That delegated authority be given to the Assistant Director for Legal Services in consultation with the Cabinet Member for Environment, Culture, Tourism & Planning to:

- a) Finalise the draft PSPO to form part of the consultation;
- b) Settle the final form of the consultation; and
- c) explore and report back to Cabinet following the consultation any additional resource requirements to effectively enforce the PSPO.

Reasons for decision:

Whilst the 2019 PSPO has provided authorised council officers with an additional tool to tackle ASB, there has been a growing number of other complaints received in the last three years about the following:

- Cycling on the footway and e-scooters, particularly in the Town Centre area.
- ASB associated with the use of personal water crafts.
- ASB associated with use of BBQs on beaches.

Therefore the Council proposes to consult on all these activities and to bring the findings back to Cabinet in a report along with a summary of findings and evidence of the operation of the 2019 PSPO to then decide whether to extend and vary the 2019 PSPO or progress with any new PSPO.

Other options:

The Council could choose not to engage in the consultation process. This would result in the current PSPO expiring at midnight on the 10th July 2022 and this enforcement power would no longer be available to Essex Police and the Council's authorised officers for tackling ASB in the restricted area.

Note: This is an Executive Function

Called-in to: Policy and Resources Scrutiny Committee

Cabinet Member: Cllr Terry

730 **Equality Objectives - 2022-2026**

The Cabinet considered a report of the Executive Director (Transformation) presenting a new statement-led set of Equality Objectives based on the findings from the recent consultation exercise.

Resolved:

1. That the new Equality Objectives be sharper, smarter and conducive to demonstrate progress in equalities policies and practice across the Council.
2. That the new Equality, Diversity and Inclusion (EDI) Statement and Equality Objectives that have been formed and shaped by responses to a Your Say Southend Survey and meetings with multiple community organisations to gain

their views, recognising that the impact of the Covid-19 pandemic has brought inequalities across communities into sharp relief, be approved.

3. That, in addition to the required 4-yearly refresh, the Equality Objectives be reviewed on an annual basis by the Corporate Equality Steering Group (CESG) as per its Terms of Reference, as set out at Appendix 1 to the submitted report, in order to keep the objectives at the forefront of Council equalities policy making and practices, thereby evidencing the Council's fulfilment of the Public Sector Equality Duty.

4. That commitments be set against each objective to demonstrate progress made on an annual basis, with the Commitments to be reviewed/reset by CESG at their annual review.

5. That the Equality Objectives be referenced in the Corporate Plan with the intention that the Council will report on its performance against the new Equality Objectives.

6. That it be noted that this process is seen as foundational and iterative demonstrating the scale of the Council's ambition across the 4-year period, prior to the renewal of the objectives in 2026.

Reasons for decision:

To comply with the Public Sector Equality Duty as set out in the Equality Act 2010 which requires public sector organisations to abide by a set of Equality Objectives that are to be renewed every 4 years.

Other options:

None

Note: This is an Executive Function

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

Cabinet Member: Cllr Gilbert

731 Social Value Policy

The Cabinet considered a report of the Executive Director (Transformation) presenting the refresh of the Council's Social Value Policy, which has been applied across all Council commissioning and procurement activities since June 2018.

Resolved:

1. That the refreshed Social Value Policy and its stated aims, objectives and principles, be approved.

2. That enhanced performance monitoring of social value, be endorsed.

3. That the Commissioning Board act as the collective corporate sponsor for social value.

Reasons for decision:

To approve a refreshed Social Value Policy to continue to deliver wider social, economic and environmental benefits whilst delivering optimal value for money.

Other options:

None

Note: This is an Executive Function

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

Cabinet Member: Cllr Jones

732 Adult Social Care Strategies (Living Well, Aging Well, Caring Well)

The Cabinet considered a report of the Executive Director (Adults and Communities) presenting three Adult Social Care (ASC) five-year (2022-2027) strategies for Ageing Well, Living Well and Caring Well.

Resolved:

That the Adult Social Care (ASC) five-year 2022-2027 strategies for Ageing Well, Living Well and Caring Well, as set out in Appendices 1 to 3 to the submitted report, be approved.

Reasons for decision:

To approve the Adult Social Care five year (2022-2027) strategies for Ageing Well, Living Well and Caring Well.

Other options:

None

Note: This is an Executive Function

Eligible for call-in to: People Scrutiny Committee

Cabinet Member: Cllr Nevin

733 Innovation Resilience Fund - Outline Business Case

The Cabinet considered a report of the Executive Director (Neighbourhoods and Environment) presenting the Catchment to Coast Outline Business Case (OBC) submitted to DEFRA.

Resolved:

1. That the bid awarded to the Catchment to Coast partnership by DEFRA on 25 October 2021 for £672,000 of grant funding, be noted.

2. That the submission of the Outline Business Case to DEFRA to seek a further £5.463 million of grant funding to the Catchment to Coast partnership over the following 5 financial years (April 2022 to March 2027), be noted.

Reasons for decision:

The Catchment to Coast project provides a unique, grant funded opportunity to make Southend a national exemplar in flood and coastal erosion risk management using innovative flood risk and coastal erosion measures.

Increasing flood and coastal erosion resilience through the measures delivered by the Catchment to Coast project will not only improve the resilience of Southend and neighbouring communities but will also seek to empower and support communities socially with the setting up of tools and processes that promote wider education and skills development within both local communities and schools.

Other options:

None.

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

734 Civil Penalties Policy for Housing Offences

The Cabinet considered a report of the Executive Director (Neighbourhoods and Environment) setting out the draft policy for the use of civil penalties for certain specified offences under the Housing Act 2004.

Resolved:

That the Civil Penalties Policy for Housing Offences, set out at Appendix 1 to the submitted report, with the implementation date of 1st April 2022, be approved.

Reasons for decision:

The adoption of a Civil Penalties policy provides a transparent and consistent approach to the regulation of the private sector housing market.

Other options:

The alternative option would be to disregard the powers made available to the Council. This would reduce the tools available to Officers to enforce against rogue landlords who knowingly rent out unsafe and substandard accommodation and may harm the reputation of the Council in regulation of the private rented sector.

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

735 City Council Branding

This item was withdrawn. A report on the matter would be subject to a special meeting of Cabinet.

736 Treasury Management Report - Quarter Three 2021/22

The Cabinet considered a report of the Executive Director (Finance and Resources) presenting the 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 2021.

Resolved:

1. That the Quarter Three Treasury Management Report for 2021/22, 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 2021.
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 £1.123m of interest and income distributions for all investments were earned during this nine-month period at an average rate of 0.94%. This is 0.83% over the average bank rate for that period. Also, the value of the externally managed funds increased by a net of £2.654m due to changes in the unit price, giving a combined overall return of 3.15%.
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) increased by £40m to £350.3m (Housing Revenue Account (HRA): £75.0m, General Fund (GF): £275.3m) during the period from April to December 2021.
6. That it be noted that the level of financing for 'invest to save' capital schemes decreased from £8.53m to £8.45m during the period from April to December 2021.

Reasons for Decisions:

The CIPFA Code of Practice on Treasury Management recommends that Local Authorities should submit reports regularly. The Treasury Management Policy Statement for 2021/22 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 Collins

737 Minutes of Economic Recovery and Regeneration Working Party held Tuesday, 11 January 2022

The Cabinet considered the minutes of the Economic Recovery and Regeneration Working Party held on 11th January 2022 relating to the arrangements for the City Status ceremonies and events. Subsequent to the meeting of the Working Party the Special Council meeting arranged for Wednesday, 16 February 2022 was cancelled.

Resolved:

That the arrangements for the City Status ceremonies and events proposed, be noted.

Reasons for decision:

To note the arrangements for the City Status ceremonies and events.

Other options:

None

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

738 Minutes of Economic Recovery and Regeneration Working Party held Wednesday, 19 January 2022

The Cabinet considered the recommendations of the Economic Recovery and Regeneration Working Party held on 19th January 2022 relating to the arrangements for the City Status ceremonies and events and the Council's future corporate identity and branding.

Resolved:

1. That the arrangements for the City Status ceremonies and events proposed, be noted.

2. That it be noted that the Council's future corporate identity and branding would be subject to a report for submission to a special meeting of Cabinet.

Reasons for decision:

To note the arrangements for the City Status ceremonies and the Council's future corporate identity and branding.

Other options:

None

Note: This is an Executive Function

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

Cabinet Member: Cllr Gilbert

739 Minutes of Environment, Tourism, Culture and Planning Working Party held Tuesday 15 February 2022

The Minutes of the above-mentioned Working Party were considered in conjunction with Agenda Item 7 (Waste Collection Contract) above.

Note: This is an Executive Function

Eligible for call-in to: Place Scrutiny Committee

Cabinet Member: Cllr Mulronev

740 Minutes of Traffic Regulations Working Party held Monday, 21 February 2022

The minutes of the above-mentioned Working Party were considered in conjunction with Agenda Item 8 (Parking Strategy and Parking Implementation Plan) above.

Note: This is an Executive Function

Eligible for call-in to: Place Scrutiny Committee

Cabinet Member: Cllr Woodley

741 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 items of business set out below, on the grounds that they 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.

742 Waste Collection Contract - Confidential Appendix

The confidential report of the Executive Director (Neighbourhoods and Environment) concerning the Waste Collection Contract was considered in conjunction with agenda item no. 7 (Minute No. 725 above refers).

Resolved:

That the confidential report, be noted.

Note: This is an Executive Function
***Called-in to: Place Scrutiny Committee**
Cabinet Member: Cllr Mulroney

Chair: _____