

SOUTHEND-ON-SEA CITY COUNCIL

Meeting of Cabinet

Date: Thursday, 12th January, 2023
Place: Committee Room 1 - Civic Suite

Present: Councillor S George (Chair)
Councillors C Mulroney (Vice-Chair), L Burton, P Collins, I Gilbert,
K Mitchell, M Terry and S Wakefield

In Attendance: Councillors K Evans, M Sadza and R Woodley
R Polkinghorne, J Chesterton, M Marks, J Burr, S Meah-Sims, A
Richards, M Sheppard, G Halksworth, K Waters, E Georgeou, N
Laver, S Harrington and R Harris.

Start/End Time: 6.30 pm - 8.12 pm

608 Apologies for Absence

There were no apologies for absence at this meeting.

609 Declarations of Interest

- (a) Cllr Mulroney – Minute 612 (Council Tax Base) – Member of Leigh Town Council;
- (b) Cllr K Evans – Minute 612 (Council Tax Base) – Chair of Leigh Town Council.

610 Minutes of the Meeting held on Tuesday, 8 November 2022

Resolved:

That the Minutes of the Meeting held on Tuesday, 8 November 2022 be confirmed as a correct record and signed.

611 Resourcing Better Outcomes - Financial Performance Report for November 2022 (Period 8)

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

Recommended:

That, in respect of the 2022/23 Revenue Budget Performance, as set out in Appendix 1 to the submitted report:

1. That the forecast outturn for 2022/23 for the General Fund and the Housing Revenue Account as at 30 November 2022, be noted.
2. That the management action taken and to be continued to reduce the forecast overspend of the Council's revenue budget for 2022/23, be noted.
3. That the potential requirement to use earmarked reserves to balance the 2022/23 budget, as set out in Appendix 1 to the submitted report, be noted.

4. That the planned budget transfer (virement) of £456,000 from earmarked reserves, be approved.

That, in respect of the 2022/23 Capital Budget Performance set out in Appendix 2 of the submitted report:

5. That the expenditure to date and the forecast outturn as at 30 November 2022 and its financing, be noted.

6. That the requested changes to the capital investment programme for 2022/23 and future years, set out in Appendix 2 to the report, be approved.

7. That the Southend-on-Sea City Council (SCC) Corporate Plan Performance Report as at 30 November 2022, set out in Appendix 3 to the report, be noted.

Reasons for recommendations:

1. 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.

2. It is important that any adverse variances are addressed in order for the Council to remain within the approved budget provision or where this cannot be achieved by individual service management action, alternative proposals are developed and solutions proposed which will address the financial impact. Councillors will have a key role in approving any actions if the alternative proposals represent significant changes to the service delivery arrangements originally approved by them.

3. The challenge of delivering a balanced financial outturn for 2022/23 is significant. Some positive improvement has been achieved from Period 4 to 6, but further urgent action is needed to try to reduce all non-essential expenditure and/or generate extra income. This priority must be achieved whilst ensuring that our most vulnerable residents are looked after appropriately, and our statutory responsibilities are effectively discharged.

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. More frequent monitoring is undertaken by officers and considered by individual service Directors and the Council's Corporate Management Team (CMT) including the implementation of any necessary remedial actions.

Note: This is a Council Function

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

Cabinet Members: Cllr George and Cllr Collins

612 Council Tax Base and Non Domestic Rating Base 2023/24

The Cabinet considered a report of the Executive Director (Finance and Resources) concerning the calculation of the Council Tax Base for 2023/24 and the submission of the National Non-Domestic Rates (NNDR1) form to the Ministry of Housing, Communities and Local Government (MHCLG) by 31st January 2023.

Members of the Cabinet received a copy of Appendix C (NNDR Form).

Resolved:

In respect of the Council Tax Base:

1. That the amount calculated by Southend-on-Sea City Council as its Council Tax Base for the financial year 2023/24 shall be set at 59,746.14, as set out in Appendix A to the submitted report.
2. That the amount calculated by Southend-on-Sea City Council as the Council Tax Base in respect of Leigh-on-Sea Town Council for the financial year 2023/24 shall be set at 9,135.15, as set out in Appendix B to the submitted report.

In respect of a change in the qualifying period of Council Tax discount entitlement for vacant properties:

3. That from 1 April 2023, Southend-on-Sea City Council reduces the 100% discount available for properties that are unoccupied and unfurnished from one calendar month to 14 days.

In respect that if new legislation receives royal ascent which makes changes to Council Tax for long term empty properties and introduces new second home premiums that:

4. That from 1 April 2024, Southend-on-Sea City Council applies a premium of up to a 100% charge on properties that have been classified as vacant for more than 1 year.
5. that from 1 April 2024, Southend-on-Sea City Council applies a 100% premium charge to properties that are classified as second homes (a furnished property that is not the main residence of any individual).

In respect of the National Non-Domestic Rates Base (NNDR1 Form):

6. That the NNDR1 form for 2023/24, set out at Appendix C to the report, be submitted to DLUHC by 31 January 2023.

Reason for decision:

The setting of the Council Tax Base and National Domestic Rating Base enables the calculation of the core funding derived through local taxation that is used to finance the Council's proposed budget for 2023/24.

Other Options

None

Note: This is an Executive Function

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

Cabinet Member: Cllr George

613 Draft Prioritising Resources to Deliver Better Outcomes - 2023/24 to 2027/28

The Cabinet considered a report of the Executive Director (Finance and Resources) presenting the draft General Fund Revenue Budget and capital investment priorities for 2023/24.

Resolved:

1. That it be noted that a detailed Medium Term Financial Strategy for 2023/24 – 2027/28 will be available for consideration in February 2023 and that the draft Medium Term Financial Forecast and estimated Earmarked Reserves Balances up to 2027/28 (Annexes 1 and 2 to Appendix 1 to the submitted report), be endorsed.
2. That the draft Section 151 Officer's statement on the robustness of the proposed budget, the adequacy of the Council's reserves and the Council's Reserves Strategy (Appendix 2 to the report), be noted.
3. That the appropriation of the sums to earmarked reserves totalling £0.706M (Appendix 3 to the report), be endorsed.
4. That the appropriation of the sums from earmarked reserves totalling £1.953M (Appendix 3 to the report), be endorsed.
5. That the use of £1M from the General Fund balances to support the core 2023/24 revenue budget which will be replenished over the life of the Medium Term Financial Plan (Annex 1 to Appendix 1 to the report), be endorsed.
6. That a General Fund Budget Requirement for 2023/24 of £143.875M and Council Tax Requirement of £97.499M (Appendix 4 to the report) and any required commencement of consultation, statutory or otherwise, be endorsed.
7. That it be noted that the 2023/24 revenue budget has been prepared on the basis of using £2M from accumulated Collection Fund surpluses to support the core budget and to allow for a smoothing of the budget gap.
8. That a Council Tax increase of 4.99% for the Southend-on-Sea element of the Council Tax for 2023/24, being 2.99% for general use and 2.00% for Adult Social Care, be endorsed.
9. That it be noted that the position of the Council's preceptors is to be determined:
 - Essex Police – no indication of Council Tax position
 - Essex Fire & Rescue Services – no indication of Council Tax position
 - Leigh-on-Sea Town Council – proposed Band D precept decrease of 0.71%

10. That no Special Expenses be charged other than Leigh-on-Sea Town Council precept for 2023/24, be endorsed.

11. That the proposed General Fund revenue budget investment of £23.448M (Appendix 5 to the report), be endorsed.

12. That the proposed General Fund revenue budget savings and income generation initiatives for 2023/24 of £9.140M (Appendix 6a to the report), be approved.

13. That the proposed General Fund revenue cost avoidance and overspend reduction initiatives for 2023/24 of £1.628M (Appendix 6b to the report), be endorsed.

14. That the approach proposed for the development and implementation of a new transformation blueprint for the Council (Section 12) and to confirm the use of £1.5m from existing earmarked reserves over the next three years to support this programme of activity, be endorsed.

15. That the implementation of the new Adult Social Care Charging Policy from 1 April 2023 (Appendix 7 to the report), be endorsed.

16. That the proposed range of fees and charges for 2023/24 (Appendix 8 to the report), be endorsed.

17. That the Dedicated Schools Grant budget and its relevant distribution as recommended by the Education Board (Appendix 9 to the report), be endorsed.

18. That the Capital Investment Strategy for 2023/24 to 2027/28 (Appendix 10 to the report) and the Capital Investment Policy (Annex 1 to Appendix 10 to the report), be endorsed.

19. That the following be endorsed:

(i) new schemes and additions to the Capital Investment Programme for the period 2023/24 to 2027/28 totalling £16.1M (£3.6M for the General Fund and £12.5M for the Housing Revenue Account) (Appendix 11 to the report)

(ii) new schemes subject to viable business cases totalling £5.6M for the General Fund (Appendix 11 to the report).

20. That the proposed changes to the current Capital Investment Programme that were considered for approval as part of the Resourcing Better Outcomes – Financial Performance Report – Period 8 earlier on this agenda (Appendix 12 to the report), be noted.

21. That the proposed Capital Investment Programme for 2023/24 to 2027/28 of £116.0M to be delivered by the Council and £53.1M to be delivered by Subsidiary Companies, Partners and Joint Ventures (Appendix 13 to the report) of which £57.8M is supported by external funding, be endorsed.

22. That the Minimum Revenue Provision (MRP) Policy for 2023/24 (Appendix 14 to the report) and the prudential indicators (Appendix 15 to the report), be endorsed.

23. That the operational boundary and authorised limits for borrowing for 2023/24 which are set at £390M and £400M respectively (Appendix 15 to the report), be endorsed.

Reasons for Recommendations:

The recommendations in this report are to comply with statutory requirements and relevant Local Authority codes of practice and to ensure the budgets align to and enable the delivery of the Councils ambition and desired outcomes or to enhance the Councils infrastructure.

Other Options

The Local Government Act requires billing authorities to complete and approve their budgets and set a council tax before 11 March immediately prior to the start of the financial year on 1 April.

Note: This is an Executive Function save that approval of the final budget following Cabinet on 14th February 2023 is a Council Function
Referred direct to Policy and Resources Scrutiny Committee
Cabinet Members: Cllr George/Cllr Collins

614 Draft Housing Revenue Account Budget 2023/24 and Rent Setting

The Cabinet considered a joint report of the Executive Director (Finance and Resources) and the Executive Director (Growth and Housing) setting out the Housing Revenue (HRA) budget and rent setting for 2023/24.

Resolved:

1. That an average rent increase of 7% on all tenancies, be endorsed.
2. That an average rent increase of 7% on shared ownership properties, be endorsed.
3. That an increase of 10.1% for garage rents to £13.98 per week for tenants and £16.77 for non-tenants (being £13.98 plus VAT), a rise consistent with the standard approach taken across the Council's fees and charges (all variants on a standard garage will receive a proportionate increase), be endorsed.
4. That the South Essex Homes core management fee at £7,192,000 for 2023/24, be endorsed.
5. That the South Essex Homes proposals for average increases of 44.29% in service charges to reflect the estimated costs incurred for 2023/24, be endorsed.
6. That the South Essex Homes proposals for an average 104% increase in heating charges for sheltered housing tenants and for hostel tenants to reflect the estimated costs incurred for 2023/24, be endorsed.

7. That the following appropriations be endorsed:

- £60,000 to the Repairs Contract Pensions Reserve.
- £4,047,000 to the Capital Investment Reserve.
- £6,549,000 from the Capital Investment Reserve.

8. That, subject to resolutions 1 to 7 above, the HRA budget for 2023/24, as set out in Appendix 1 to the submitted report, be endorsed.

9. That the value of the Council's capital allowance from 2023/24 be declared as £49,512,000, as determined in accordance with regulation 16 of the Local Authorities (Capital Finance and Accounting) (England) Regulations.

Reasons for decision:

Part of the process of maintaining a balanced budget for the HRA is to undertake an annual rent review and assessment of other service and facilities charges. Full Council will need to approve the HRA budget and any changes to rent and other services prior to the start of the financial year.

Other options:

There are other options available to Councillors in relation to the proposed rent and other services and facilities increases.

Note: This is an Executive Function save that approval of the final budget following Cabinet on 14th February 2023 is a Council Function.

Referred direct to Policy and Resources Scrutiny Committee

Cabinet Member: Cllr Gilbert

615 Parking Strategy (referred back from Place Scrutiny Committee held Monday, 28th November 2022)

The Cabinet considered a report of the Executive Director (Neighbourhoods and Environment) presenting the Southend Parking Strategy 2022-2032 and Southend Parking Implementation Plan 2022-2032 and action plan which had been referred back to the Cabinet by the Place Scrutiny Committee held on 29th November 2022.

Resolved:

1. That the recommendation to agree a programme of works where there was support for them to be considered and items that are continually raised as complaints / concerns, as set out in the submitted report, be noted.

2. That the Southend Vision for Parking, and Southend Parking Implementation Plan 2023-2033 and, Southend Parking Implementation Action Plan 2022-2032, as set out in Appendix 3 to the report, be approved.

3. That the outcomes of the scoping / comprehensive reviews be presented back to Traffic Regulations Working Party for agreement on the way forward.

4. That officers work with the Cabinet Member for Highways, Transport and Parking and Ward Councillors on any of the items to be progressed if they are ward specific.

Reasons for decision:

To adopt the finalised versions of the Southend Vision for Parking, Southend Parking Strategy 2022-2032, Southend Parking Implementation Plan 2022-2032 and Southend Parking Implementation Plan 2022-2032 and Action Plan following comments from the Transport, Asset Management and Inward Investment Working Party and the results of the public consultation.

Other options:

None.

Note: This is an Executive Function

Not eligible for call-in as the matter has previously been the subject of Scrutiny.

Cabinet Member: Cllr Wakefield

616 Use of Section 106 Contributions

The Cabinet considered a report of the Executive Director (Neighbourhoods and Environment) setting out the legality and wider implications of the motion of the Opposition Councillors (“Opposition Business”), referred to Cabinet by the Council on held on 15th December 2022.

Resolved:

1. That it be acknowledged that the Council cannot become involved in relation to decisions relating to individual planning applications presented to Development Control through conflict of roles and that the Development Control Committee is a quasi-judicial function, not a political function.

2. That the provision of public art through the long established, policy and legal framework, of, where appropriate, seeking contributions to funding public art through Section 106 Agreements, continues to be supported and that where a planning application is required in relation to public art this is progressed through the Development Control process in accordance with the procedures set out in the Council’s Constitution.

3. That a review of the policy framework for securing contributions to public art be considered as part of preparing the new Local Plan, when all Councillors, residents and other stakeholders can have input into any changes.

Reason for decision:

The recommendations ensure that planning applications continue to be determined in accordance with the requirements of national legislation and policy and the Council’s own Constitution and adopted policy framework. It also makes certain that contributions to public art which have already been received are not returned to the developer, that new contributions continue to be sought

for public art in accordance with our adopted policy framework and that any change to that framework goes through the appropriate route, allowing all relevant stakeholders to input into the process.

Other Options

The Council could decide to no longer seek planning obligations requiring contributions to public art from developers. However, it does, through policy KP3 in the Core Strategy, have a development plan policy basis to do so in certain circumstances. This is why such sums have been collected previously.

Note: This is an Executive Function

Called-in to: Place Scrutiny Committee

Cabinet Member: Cllr Mulronev

617 Parking Strategy Adoption of Powers to Enforce Moving Traffic Offences by CCTV in Southend

The Cabinet considered a report of the Executive Director (Neighbourhoods and Environment) setting out the background, benefits and issues associated with Moving Traffic Enforcement (MTE) and the new powers available to the Council as part of the Traffic Management Act 2004 allowing local authorities outside of London to enforce moving traffic contraventions.

Resolved:

1. That the submission of an application to the DfT to apply for a Designation Order for Southend City Council to enforce moving traffic offences, when the requirements noted by DfT have been met, be approved.

2. That the Council commission the resource required to undertake and ensure compliance with the tasks required prior to making an application for a Designation Order. These include but are not limited to:

- Surveys of existing road layout including road signs
- One-ways
- HGV / weight restrictions
- Parking pressures
- No right- or left-hand turns
- Schools suitable for School Streets to determine the top priority locations for Southend.

3. That authority be delegated to the Executive Director (Neighbourhoods and Environment), in consultation with the Cabinet Member for Highways, Transport and Parking, to submit the application at the appropriate time for a Designation Order to the DfT.

4. That authority be delegated to the Executive Director (Neighbourhoods and Environment) in consultation with the Cabinet Member for Highways, Transport and Parking to implement City-wide moving traffic enforcement powers under Part 6 of the Traffic Management Act 2004 at the appropriate time.

5. That authority be delegated to the Executive Director (Neighbourhoods and Environment), in consultation with with the Cabinet Member for Highways, Transport and Parking, the management of operational policy regarding camera locations and or any future camera enforcement locations.

6. That the setting of the penalty charge of moving traffic enforcement (when introduced) to be at the higher charge as outlined by DfT, be approved.

7. That it be acknowledged and noted that the required procurement process will be undertaken (where required) to ensure an appropriate provider is selected to undertake the scoping tasks associated for this project.

Reasons for decision:

To enable the Local Authority to apply for and adopt moving traffic enforcement powers for the City.

Other options:

None

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

618 Enhanced Partnership with Bus Operators

The Cabinet considered a report of the Executive Director (Neighbourhoods and Environment) presenting the Enhanced Partnership Plan (EPP) in line with the requirements of the Department for Transport (DfT) National Bus Strategy for England, 'Bus Back Better.'

Resolved:

That the Enhanced Partnership Plan (EPP), to start on 1 April 2023, as set out in Appendix 1 to the submitted report, be approved.

Reason for decision:

To adopt the Enhanced Partnership Plan as required by Government. Having an EPP in place will be a necessary pre-requisite to accessing future discretionary funding released through the National Bus Strategy. This funding could range from transitioning to zero emissions vehicles, to supporting additional services.

Other options:

This Authority could choose not to have an EPP, however this will affect future funding from DfT on any minor and major transport highway schemes, that Southend bids for. This will also affect any funding that DfT allocate to bus operators in the City and any reduction in funding to the operators will affect bus services in Southend.

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

619 Climate Change Programme

The Cabinet considered a report of the Executive Director (Neighbourhoods and Environment) presenting an update to Cabinet on the activities in the Council's Climate Change Programme.

Resolved:

That the update of the Council's climate positive activities as related to the five focus areas of the Green City Action Plan, be noted.

Reason for decision:

To update on the progress of the Climate Change programme.

Other Options:

None

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

620 Heat Stress Strategy

The Cabinet considered a report of the Executive Director (Neighbourhoods and Environment) presenting the first draft of the Urban Heat Strategy, part of the Council's suite of strategy documents that provide guidance on climate adaptation and resilience for development across the city.

Resolved:

1. That the the guidance and recommendations in the strategy, be noted.
2. That public consultation on the draft Urban Heat Strategy be undertaken, as the next step towards formal adoption by the Council, as a corporate strategy.
3. That authority be delegated to the Executive Director (Neighbourhoods and Environment), in consultation with the Cabinet Member for Environment, Culture and Tourism, to adopt the Heat Stress Strategy post consultation.

Reasons for decision:

To go out to public consultation on the Urban Heat Stress Strategy as an important document for the authority, setting a strategic position for climate adaptation.

Other Options

The Urban Heat Strategy does not undergo a public consultation and the document is used as unadopted guidance.

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

621 Grassland Management Policy

The Cabinet considered a report of the Executive Director (Neighbourhoods and Environment) presenting the Grassland Management Strategy which provides a framework for Southend-on-Sea City Council to improve the overall status and reduce losses in the diversity of pollinator species within the City.

Resolved:

1. That the Grassland Management Strategy, as set out at Appendix A to the submitted report, be approved.
2. That areas for grassland management be identified by officers in advance and engagement be undertaken with Ward Councillors, and residents' associations, with wider publicity, on these areas.
3. That greater City-wide publicity to change 'minds and hearts' and encourage a culture change be undertaken.
4. That onsite notices advising of the changes and benefits, be provided.
5. That officers continue to engage with Councillors and communities in areas proposed for grassland management regime changes.

Reasons for decision:

To allow the delivery of the Strategy and its wider action plans, with the outcome that we have a more sustainable environment in Southend-on-Sea and *"To see pollinators thrive, so they can carry out their essential service to people of pollinating flowers and crops while providing other benefits for our native plants, the wider environment, food production and all of us."*

Other options

Do nothing and retain the current management and maintenance standards – the impact would be that mowing regimes would not be conducive to enhancing local biodiversity.

Note: This is an Executive Function

Called-in to: Place Scrutiny Committee

Cabinet Member: Cllr Mulroney

622 Proposed Community Infrastructure Levy (CIL)

The Cabinet considered a report of the Executive Director (Neighbourhoods and Environment) seeking agreement to spend up to £1 million from the Community Infrastructure Levy (CIL) Main Fund on enhancing Children's Play equipment in public parks within the City.

Recommended:

1. That the 'Parks Improvement Programme - Community Infrastructure Levy (CIL) Main Fund Application', as set out in Appendix 1 to the submitted report, be noted.
2. That up to £1 million from the CIL Main Fund to be spent on enhancing children's play provision in public parks within Southend City subject to sign-off of the process as set out in Resolution 3 below, be approved.
3. That authority be delegated to the Director for Planning, in consultation with the Cabinet Member for Environment, Culture and Tourism, to sign-off that the process has complied with the objectives of the CIL Governance Framework (Appendix 3 to the report) when spending the sum agreed under Resolution 2 above.

Reasons for recommendation:

1. The proposed works set out in the Parks Improvement Programme fall within the definition of infrastructure that can be CIL funded in accordance with the CIL Regulations 2010 (as amended) and the provision of children's play equipment was evidenced as an infrastructure priority within the Southend IDP.
2. At a time when the financial position is particularly challenging and funding may not be available from other sources, CIL funding that has previously been secured from new development in the City, can make a significant difference to the well-being of our residents by delivering the infrastructure needed to support development in the area.
3. If the use of CIL funding is agreed, it is the intention to commence works by May 2023. They will deliver substantial improvements to our children's play facilities across the City over a relatively short implementation period.

Other Options

Not to spend up to £1 million from the CIL Main Fund on improving and enhancing children's play provision. Whilst other funding sources may become available at some point, there is no guarantee as to if this would occur, when it would take place and the sums provided.

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

623 Car Cruise PSPO

The Cabinet considered a report of the Executive Director (Neighbourhoods and Environment) highlighting that the existing car cruise injunction expires on 12th April 2023 and seeks consideration whether the Council should apply to extend this injunction or commence statutory consultation on changing this injunction to a Public Spaces Protection Order (PSPO).

Resolved:

1. That consultation be undertaken into the possibility of the Council implementing a Public Spaces Protection Order under Sections 60 & 61 of the Anti-Social Behaviour, Crime and Policing Act 2014 in respect of the area and activities detailed in Appendix 2 to the submitted report.

2. That the proposed consultation process commences as soon as practically possible.

3. That authority be delegated to the Executive Director (Neighbourhoods and Environment) and Director of Public Protection to:

a) Finalise the draft PSPO to form part of the Consultation.

b) Agree the final form of the Consultation.

c) Explore and report back to Cabinet following the consultation additional resource requirements to effectively enforce the PSPO.

Reasons for decision:

1. The existing car cruise injunction is against “persons unknown”, and therefore there could be no realistic way of ensuring every participant in a cruise was aware about the injunction prior to attending the City.

2. The process for recording a breach against a person’s unknown under the current car cruise injunction is time consuming and does not enable a prompt deterrent response when breaches occur. The process of serving an FPN against a breach of a PSPO is dealt with far quicker and is more expedient to serve.

Other options:

1. To apply to the High Court to extend the existing car cruise injunction for a further period.

2. Not to renew the existing car cruise injunction or engage in the consultation process for a PSPO. This would result in the car cruise injunction expiring at midnight on 11th April 2023, 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

624 Southchurch Park Lake - Removal of Post and Rail

The Cabinet considered a report of the Executive Director (Neighbourhoods and Environment) seeking approval to replace small sections of the shin rail around the eastern section of the lake in Southchurch Park based on an agreed risk assessment.

Resolved:

1. That the replacement of small sections of shin rail, with appropriate signage introduced, as identified from a risk assessment of areas of higher risk (e.g duck feeding station and end of path junctions on the eastern section), be approved.
- 2, That it be noted that the western section of the lake does not have a shin rail and is used by the local model boating club.

Reasons for Decision:

The shin rail fence had reached the end of its useful life and research has shown that elsewhere, in similar circumstances, such barriers are no longer deemed essential.

Other Options

1. Replace the entire eastern section with a new shin rail fence at a cost of approximately £25,000
2. Leave the entire eastern section open. This is however, not recommended, based on the attached risk assessment.
3. To use £10,000 of CIL money for the lake to be wholly fenced (as indicated by Ward Councillors).

Note: This is an Executive Function

Called-in to: Place Scrutiny Committee

Cabinet Member: Cllr Mulroney

625 The Private Rented Sector Housing Enforcement Policy 2022

The Cabinet considered a report of the Executive Director (Neighbourhoods and Environment) presenting Southend on Sea City Council's Private Rented Sector Housing Enforcement Policy 2023 (PRSHEP 2023) for adoption following the public consultation.

Resolved:

1. That the consultation summary, set out at Appendix 2, to the submitted report, be noted.
2. That the Private Rented Sector Housing Enforcement Policy 2023, set out at Appendix 1 to the report, be approved.
3. That authority be delegated to the Executive Director (Neighbourhoods and Environment), in consultation with the Cabinet Members for Economic Recovery, Regeneration and Housing and Public Protection, to make minor modifications and updates to the Policy as required.

Reasons for Decision:

1. To ensure that all landlords and managing agents renting out accommodation in the private rented sector are dealt with in a fair, transparent and consistent manner.
2. To target the Council's resources to the areas of greatest demand whilst ensuring that statutory responsibilities are still met with respect to other tenure groups.
3. To strengthen the enforcement response by formally enforcing against substantial Category 2 hazards.
4. To set out how the Council intends to apply penalties under the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 ('the Electrical Safety Standards Regulations).
5. To publish a statement of principle, so as to apply the financial penalties under the Carbon Monoxide Alarm (England) Regulations 2015

Other Options

1. To adopt the Policy in part rather than in full. The Policy is written in such a way that it targets the Council's resources to the areas of greatest demand whilst ensuring that statutory responsibilities are still met with respect to other tenure groups. In addition, it clearly sets out how the Council will exercise its power to deal with significant Category 2 hazards, which includes threats from uncontrolled fire (and smoke), which seeks to protect tenants. There is a risk that part adoption of the Policy will dilute the full effects and have an impact on Regulatory Service's ability to deliver, and ultimately protect those in greatest need.
2. Not to adopt the Policy.

Note: This is an Executive Function

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

Cabinet Members: Cllr Gilbert and Cllr Terry

626 School Arrangements for Community Schools

The Cabinet considered a report of the Executive Director (Children & Public Health) concerning the school admission arrangements for community schools in the City.

Resolved:

1. That the Cabinet determines (i.e formally agrees) the Admission Arrangements for Community Schools as set out in Appendix 1 to the submitted report.
2. That it be noted that the Determined Coordinated Admission Scheme for the academic year 2024/25 was published on 31 December 2022.

Reasons for decision:

The determination of admission arrangements for community schools and the provision of a coordinated scheme is a statutory requirement.

Other options:

None.

Note: this is an Executive Function

Eligible for call-in to: People Scrutiny Committee

Cabinet Member: Cllr Burton

627 Maintained School Term Dates

The Cabinet considered a report of the Executive Director (Children and Public Health) presenting the proposed school term and holiday dates for the academic year 2023/24.

Resolved:

That the school term and holiday dates for 2023/2024, as set out in Appendix 1 to the submitted report, be approved for community schools and as a guide to all schools in the City.

Reason for Decision:

To approve the school term dates.

Other Options:

None

Note: This is an Executive Function

Eligible for call-in to: People Scrutiny Committee

Cabinet Member: Cllr Burton

628 Corporate Debt Management - Position to 30 November 2022

The Cabinet considered a report of the Executive Director (Finance and Resources) providing an update on the current position of outstanding debt to the Council, as at 30th November 2022.

Resolved:

1. That the current outstanding debt position on 30 November 2022 and the position of debts written off to 30 November 2022 (Appendices A & B to the submitted report), be noted.

2. That it be noted that there is no approval requested to write off any individual irrecoverable debts that exceed £25,000 in this report (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.

Other Options

None.

Note: This is an Executive Function

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

Cabinet Member: Cllr Collins

629 Minutes of the Economic Recovery, Regeneration and Housing Working Party held Wednesday, 2 November 2022

The Cabinet considered the recommendations of the Economic Recovery, Regeneration and Housing Working Party held 2nd November 2022, concerning actions related to the cost-of-living emergency.

Resolved:

That the recommendations of the Economic Recovery, Regeneration and Housing Working Party concerning cost-of-living emergency set out below, be approved:

1. That progress against the current range of actions and activities being developed or delivered by the Council and its partners in response to the cost of living emergency, be noted.
2. That a directory of local organisations currently operating donation and/or collection schemes for clothing, goods and products etc., be developed to support vulnerable residents to help mitigate some of the personal impacts of the cost of living emergency.
3. That the publication of appropriate information on the Council's website around 'eating on a budget', to support local residents with initiatives such as smart shopping, batch cooking and generating less food waste, to help address the healthy eating impacts of the cost of living emergency.

Reasons for decision:

To respond to the recommendations of the Working Party

Other options:

None

Note: This is an Executive Function

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

Cabinet Member: Cllr Gilbert

630 Minutes of the Corporate Matters and Performance Delivery Working Party held Wednesday, 7 December 2022

The Cabinet considered the recommendations of the Corporate Matters and Performance Delivery Working Party held 7 December 2022 concerning the Notices of Motion referred to the Working Party by Council.

Resolved:

That the recommendations of the Corporate Matters and Performance Delivery Working Party concerning the Notices of Motion set out below, be approved:

(a) Notice of Motion: Protected Characteristics for Care Experienced People

1. That the Notice of Motion seeking the treatment of care experience as a protected characteristic by the Council, be noted.

2. That it be noted that the points set out in the motion are either already addressed within current working practice or that action be taken to implement additional activity.

3. That it be noted that the following matters already reflect activity addressed within current working practices:

- Recognition that care experienced people are an oppressed group who face discrimination.
- That the Council has a duty to put the needs of care experienced people at the heart of decision-making through co-production and collaboration.
- That the Council proactively seeks out and listens to the voices of care experienced people when developing new policies based on their views.

4. That the following matters be further considered for implementation:

(a) That future decisions, services and policies made and adopted by the Council be assessed through Equality Impact Assessments to determine the impact of changes on people with care experience, alongside those who formally share a protected characteristic.

(b) That in the delivery of the Public Sector Equality Duty, the Council include care experience in the publication and review of Equality Objectives and the annual publication of information relating to people who share a protected characteristic in services and employment.

(c) That the Council treat care experience as if it were a protected characteristic.

(d) That the Council formally call upon all other bodies to treat care experience as a protected characteristic until such time as this may be introduced by legislation.

(e) That the Corporate Parenting Group monitor and review the success of the Council's arrangements to help eliminate discrimination, harassment and victimisation of care experienced people.

Reasons for decision:

To respond to the Notice of Motion.

Other options:

None

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

(b) Notice of Motion - Webcasting of Public Meetings

1. That the Notice of Motion in relation to the webcasting of public meetings held at the Civic Centre, be noted.

2. That it be noted that the Jubilee Room had already been set up to enable the webcasting of public meetings since the receipt of the Notice of Motion and before any public meetings previously held in the Council Chamber had been relocated to the Jubilee Room.

3. That no further action is therefore required in response to the Notice of Motion.

Reasons for decision:

To respond to the Notice of Motion

Other options:

None

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

631 Minutes of the Environment, Culture and Tourism Working Party held Monday, 9 January 2023

The Cabinet considered the recommendations of the Environment, Culture and Tourism Working Party held 9 January 2023 concerning a Notice of Motion referred to the Working Party by Council.

Resolved:

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

Notice of Motion: Play better: A vision for better play facilities in Southend

1. That the Notice of Motion, be noted.
2. That the continued improvement of play areas across the city, using CIL funding (where appropriate and when available), sponsorship and volunteers, be endorsed.
3. That a new 10 year Play Strategy to replace the previous 2007 Southend Play Strategy, be developed.

Reasons for decision:

To respond to the Notice of Motion.

Other options:

None

Note: This is an Executive Function

Eligible for call-in to: Place Scrutiny Committee

Cabinet Member: Cllr Mulroney

632 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.

633 Social Care Arrangements for Adult Mental Health

The Cabinet considered a confidential report of the Executive Director (Adults and Communities) setting out the arrangements for the future delivery of statutory social care support under the Care Act (2014) for adult mental health service users in Southend.

Resolved:

That the recommendations set out in the submitted confidential report, be approved.

Reasons for decision:

As set out in the submitted report.

Other options:

As set out in the submitted report.

Note: This is an Executive Function

Called-in to: People Scrutiny Committee

Cabinet Member: Cllr Mitchell

Chair: _____