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SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Cabinet

Date: Tuesday, 7th November, 2017

Place: Committee Room 1 - Civic Suite

Present: Councillor J Lamb (Chair)
Councillors A Holland (Vice-Chair), T Byford, J Courtenay, T Cox,
M Flewitt, A Moring and L Salter

In Attendance: Councillors N Folkard, C Mulronev and R Woodley
A Griffin, J K Williams, S Leftley, A Lewis, J Chesterton, J Ruffle,
C Gamble, I Ambrose, E Cooney, S Houlden, A Keating, J Lansley,
T MacGregor, J O'Loughlin, C Robinson and V Smith

Start/End Time: 2.00 p.m. - 2.55 p.m.

435 Apologies for Absence

There were no apologies for absence at this meeting.

436 Declarations of Interest

The following Members declared interests as indicated:

(a) Councillor Flewitt – Agenda Item 8 (Alternative Delivery Models – Governance Arrangements) – Non-pecuniary interest – friends and family are tenants of South Essex Homes Ltd;

(b) Councillor Flewitt – Agenda Item 21 (Airport Business Park) – Non-pecuniary interest – lives in the vicinity of London Southend Airport;

(c) Councillor Holland – Agenda Item 13 (Transport Review – Policy) and Agenda Item 14 (Transport Review – Delivery Models) – Non-pecuniary interest – president of Southend Stroke Club which uses the Council's passenger transport services;

(d) Councillor Salter – Agenda Item 4 (Reference from Council – Compulsory Licensing Scheme and Rent Controls) – Disclosable Pecuniary Interest – private landlord in the borough (withdrew).

437 Minutes of the Meetings held on Tuesday 19th September and Tuesday 10th October 2017

Resolved:-

That the Minutes of the Meetings held on Tuesday 19th September and Tuesday 10th October 2017 be confirmed as a correct record and signed.

438 Reference from Council, Thursday 19th October 2017 - Compulsory Licensing Scheme and Rent Control

The Cabinet considered a report of the Deputy Chief Executive (People) requesting consideration of the resolutions of Council (19th October 2017) regarding the introduction of a compulsory licensing scheme and rent controls on private sector landlords.

Resolved:

1. That the proposal to introduce a compulsory licensing scheme be referred to the Policy & Resources Scrutiny Committee for consideration by way of pre-Cabinet Scrutiny.

2. That the Deputy Chief Executive (People) be requested to write to the Secretary of State for Communities and Local Government to ascertain the Government's view on the introduction of rent controls on private sector landlords letting properties to tenants.

Reason for Decision:

To respond to the resolutions of Council.

Other Options:

None.

Note: This is an Executive Function

The decision in 1 above is referred direct to Policy & Resources Scrutiny Committee

The decision in 2 above is eligible for call in to Policy & Resources Scrutiny Committee

Executive Councillor: Flewitt

***Called in to:- Policy & Resources Scrutiny Committee**

439 Monthly Performance Report

Resolved:

That the submitted report be noted.

Note: This is an Executive Function.

Eligible for call in to all three Scrutiny Committees.

Executive Councillor: as appropriate to the item.

***Referred direct to all three Scrutiny Committees**

440 Comments, Compliments and Complaints

The Cabinet considered a report of the Chief Executive presenting the annual report on compliments and complaints received throughout the Council for 2016/17, incorporating separate sections on Adult Social Care Services,

Children's Social Care and a report from the Monitoring Officer on decisions by the Local Government & Social Care Ombudsman.

Resolved:

That the Council's performance in respect of compliments, comments and complaints for 2016-17 be noted, including the summary of decisions by the Local Government & Social Care Ombudsman.

Reason for Decision

To inform Members of the comments, compliments and complaints received throughout the Council.

Other Options

None

This is an Executive Function

Executive Councillors – Courtenay, Cox, Lamb and Salter

***Referred direct and called-in to all three scrutiny committees**

441 Information Governance and the GDPR

The Cabinet considered a report of the Chief Executive which provided an update on the Council's approach to information governance and management and presented the Senior Information Risk Owner's (SIRO) Annual Report 2016/17.

Resolved:

1. That the SIRO's report on Information Governance for 2016/17, be noted.
2. That the introduction of the General Data Protection Regulation (GDPR) from 25th May 2018 and the publication of the Data Protection Bill along with related implications of these measures for the Council, be noted.
3. That the action being taken to prepare for the GDPR and Data Protection Bill, be noted.

Reason for decision:

To comply with the requirement for the SIRO to provide an annual report and to note the actions being taken to prepare for the impending new legislation on data protection and information management.

Other options:

None.

Note: This is an Executive Function.

Eligible for call in to Policy & Resources Scrutiny Committee

Executive Councillor: Moring

442 Alternative Delivery Models - Governance Arrangements

The Cabinet considered a report of the Chief Executive presenting a range of alternative delivery vehicles that the Council controls, the current governance arrangements and proposals on potential ways forward.

Resolved:

1. That the current group structure of the Council Companies, Joint Ventures and Charitable Trusts and associated governance arrangements, be noted.
2. That a new advisory forum reporting to Cabinet be established to be called "The Shareholder Board" to provide an effective means of Council governance of the Council Companies and this shall replace the existing Member Advisory Forum (re: Trading Companies).
3. That the terms of reference of the Shareholder Board shall be added as a new section 4.6 in Schedule 2 of Part 3 to the Constitution, as set out in Appendix 3 to the submitted report, with a membership that is politically proportional (5 Conservatives, 2 Independent, 2 Labour) and that includes the following members of Cabinet:
 - The Leader
 - The Deputy Leader
 - Executive Councillor for Corporate & Community Support Services
 - One other Executive Councillor
4. That Cabinet receive an annual report on the operation of the Council's Joint Ventures and Charitable Trusts.

Reasons for decision:

To provide a common unified governance structure between the Council and Council Companies, Joint Ventures, and to ensure proper exercise of its role as trustee of its Charitable Trusts.

Other options:

To retain the current ad-hoc arrangements by which the Council exercises its shareholder role or to establish other arrangements.

Note: This is a Council Function

Eligible for call in to Policy & Resources Scrutiny Committee

Executive Councillor: Moring

***Called-in to: Policy & Resources Scrutiny Committee**

443 Capital Monitoring for 2017/18 and Revised Capital Programme 2017/18 to 2020/21

The Cabinet considered a report of the Chief Executive setting out the capital expenditure as at 30th September 2017 and recommending in-year amendments to the approved Capital Programme for 2017/18 to 2020/21.

Recommended:

1. That the actual capital expenditure position as at 30th September 2017 of £27.790 million as shown in Section 4 and Appendix 1 of the submitted report, be noted.
2. That the financial position of the Capital Programme as at 30th September 2017, as set out in Section 5 of the report, be noted.
3. That the proposed changes to the Capital Programme as set out in Appendix 6 to the report, be approved.
4. That the revised Capital Programme for 2017/18 to 2020/21 resulting from these changes, as set out in Appendix 7 to the report, be approved.

Reason for decision:

To approve proposed changes to the Capital Programme.

Other options:

The proposed Capital Programme is made up from a number of individual projects, any of which can be agreed or rejected independently of the other projects.

Note:-This is a Council Function

This item is eligible for call in to Policy and Resources Scrutiny Committee

Executive Councillor:- Lamb

***Called-in to:- Policy & Resources Scrutiny Committee**

444 Mid-Year Treasury Management Report 2017/18

The Cabinet considered a report of the Chief Executive detailing the treasury management activity for both quarter two and the period from April to September 2017.

Recommended:

1. That the Mid-Year Treasury Management Report for 2017/18, be approved.
2. That the revisions to the Minimum Revenue Provision Policy for 2017/18 and prior years as set out in Section 14 and in Appendix 3 of the submitted report, be approved.
3. That these revisions to the Minimum Revenue Provision Policy are applied retrospectively to 2016/17 and prior years as appropriate.
4. That it be noted that 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 September 2017.

5. 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.
6. That it be noted that an average of £46.9m of investments were managed in-house. These earned £0.099m of interest during this six month period at an average rate of 0.42%. This is 0.31% over the average 7 day LIBID (London Interbank Bid Rate) and 0.17% over the average bank base rate.
7. That it be noted that an average of £5.0m was managed by an enhanced cash fund manager. This earned £0.012m during the six month period at an average rate of 0.48%.
8. That it be noted that an average of £15.2m was managed by two short dated bond fund managers. This earned £0.078m during the six month period from a combination of an increase in the value of the units and income distribution, giving a combined return of 1.02%.
9. That it be noted that an average of £16.1m was managed by two property fund managers. This increased in value by £0.845m during this six month period from a combination of an increase in the value of the units and by income distribution, giving a combined return of 10.47%.
10. That it be noted that the level of borrowing from the Public Works Loan Board (PWLB) (excluding debt relating to services transferred from Essex County Council on 1st April 1998) remained at the same level of £227.8m (Housing Revenue Account (HRA); £77.0m, General Fund: £150.8m) during the period from April to September 2017.
11. That it be noted that the level of financing for 'invest to save' schemes increased from £7.90m to £8.82m during the period April to September 2017.

Reasons for Decision:

The CIPFA Code of Practice on Treasury Management recommends that Local Authorities should submit reports regularly. The Treasury Management Policy Statement for 2017/18 sets 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 a Council Function.

Eligible for call in to Policy and Resources Scrutiny Committee
Executive Councillor: Moring

445 Corporate Debt Management Policy

The Cabinet considered a report of the Chief Executive proposing the adoption of the revised "Debt Collection and Recovery Policy."

Resolved:

That the revised “Debt Collection and Recovery Policy” set out at appendix A to the submitted report, be approved.

Reasons for Decision:

To adopt the revised policy which will ensure consistent level of service and collection across a range of public services.

Other Options:

None.

Note: This is an Executive Function.

Eligible for call in to Policy & Resources Scrutiny Committee

Executive Councillor: Moring

***Called-in to:- Policy & Resources Scrutiny Committee**

446 Discretionary Relief Policy

The Cabinet considered a report of the Chief Executive setting out the required changes to the current Business Rates Discretionary Relief Policy to reflect the new rate reductions announced by the Chancellor in the 2016 Autumn Statement and 2017 Spring Budget.

Resolved:

1. That the award of Public House Relief of up to £1,000 to qualifying businesses in occupation of Public Houses which have a rateable value of £100,000 or less in accordance with Discretionary Rate Relief powers for the financial year 1st April 2017 to 31st March 2018 only, subject to State Aid limits, be approved.

2. That it be noted that the businesses to qualify for the relief must be a ‘Public House’ as detailed in paragraph 4.4 of the submitted report.

3. That it be noted that where a ratepayer demonstrates their entitlement to the Public House Relief, the Revenues Manager has the authority to award the relief.

4. That the award of Local Newspaper Relief of up to £1,500 for office space occupied by local newspapers up to a maximum of one discount per local newspaper title and per hereditament, for the financial years 1st April 2017 to 31st March 2018 and 1st April 2018 to 31st March 2019, subject to State Aid limits, be approved.

5. That it be noted that where a ratepayer demonstrates their entitlement to the Local Newspaper Relief, the Revenues Manager has the authority to award the relief.

6. That the award of Supporting Small Business Relief (SSBR) to businesses who as a result of the change in their rateable value at the 2017 revaluation lost some or all of their small business relief, in accordance with guidance given by the Department for Communities and Local Government for the financial years 1st

April 2017 to 31st March 2018 to 1st April 2021 to 31st March 2022, subject to State Aid limits, be approved.

7. That the scheme and amount of Discretionary Business Rate Relief, in accordance with Section 7 and Appendix G of the revised policy, subject to State Aid limits, be approved.

8. That it be noted that the Council, through the National Non-Domestic Rate return process, will seek full reimbursement of the cost of this relief from Central Government.

9. That the amended Business Rates Discretionary Relief Policy set out at Appendix A to the submitted report, be approved.

Reasons for Decision:

To grant relief to qualifying ratepayers and amend the current business rates discretionary relief policy to enable the granting of the new relief benefits in accordance with Central Government expectations.

Other Options:

The Council could choose not to grant the relief. However, not awarding the relief would mean the funding being returned to Government.

Note: This is an Executive Function.

Eligible for call in to Policy and Resources Scrutiny Committee

Executive Councillor: Moring

***Called-in to:- Policy & Resources Scrutiny Committee**

447 Transport Review (Policy)

The Cabinet considered a report of the Deputy Chief Executive (People) setting out proposed changes to policies which were recommended as part of the transport review.

Resolved:

1. That the following proposed policies, as per the approach identified in paragraph 3.1 of the submitted report, be adopted:

(a) Home to School Transport for Pre and Post-16 Students with Special Educational Needs and Disabilities (SEND), effective from 1st September 2018:

The Special Educational Needs Travel Assistance Policy (set out in Appendix A of the report) be implemented as set out in paragraphs 3.1.2 a) and 3.1.2 b) of the report. The provision of 'travel assistance' to be focussed on the promotion of independence and personalisation. As pupils adopt more independent alternative modes of transport then routes will be optimised.

(b) Adults with Learning Disabilities and Older Adults attending Day Centres and Activities, effective from 1st April 2018:

The Adult Social Care travel assistance policy (set out in Appendix B to the report) be implemented as set out in paragraph 3.1.2 c) of the report. The focus on maximising independence will mean that travel assistance will only be provided by the Council once all alternative transport options have been considered.

Where transport is provided by the Council, the contribution from the user be increased to the new charge of £4 per day for a return trip and £5 per day where multiple trips are applicable.

(c) Looked After Children, effective from 1st April 2018:

The looked after children and young people travel assistance policy (set out in Appendix C to the report) be implemented as set out in paragraph 3.1.2 d) of the report.

(d) Dial-a-Ride, effective from 1st April 2018:

The Dial-a-Ride policy (set out in Appendix D to the report) be implemented as set out in paragraph 3.1.2 e) of the report.

Reasons for Decision:

(a) Home to School (SEND) transport – to approve some changes to current policy to enable consistency and fairness in decisions regarding eligibility.

(b) Adults with Learning Disabilities and Older Adults attending Day Centres and Activities – To establish a policy that demonstrates how the Council will support individuals by providing travel assistance to access social care activities in a consistent and equitable way.

(c) Looked After Children – To establish policy to enable fairness in decisions about eligibility.

(d) Dial-a-Ride – To establish policy to enable fairness in decisions about eligibility.

Other Options:

None

Note: This is an Executive Function

Eligible for call in to Policy and Resources Scrutiny Committee

Executive Councillors: Salter, Moring and Courtenay.

***Called-in to:- Policy & Resources Scrutiny Committee**

448 Transport Review (Delivery Models)

The Cabinet considered a report of the Deputy Chief Executive (People) setting out the potential operating models for the delivery of passenger transport services and sought approval to progress the preferred option to procurement stage to identify a preferred partner.

Resolved:

1. That the following key elements to enable procurement activities to commence around this passenger transport review, in parallel with completing the policy consultation with users, be approved:

(a) Procure a partner to develop a 'For Profit' JV partnership as the recommended operating model for providing all its passenger transport services;

(b) Use a full procurement procedure (either competitive dialogue or open procedure) to procure a partner to develop a 'For Profit' JV partnership as opposed to contracting directly with a local authority owned company under Regulation 12 (the old teckal arrangements);

(c) Implement the new service from 1st August 2019 based on the time table set out in paragraph 6.2 of the submitted report;

(d) Grant a tender exemption to extend existing contracts, based on the understanding that market conditions and potential legislative changes have hindered the Council's ability to procure a partner to develop other types of JV partnership.

2. That a further report be presented to Cabinet in January 2018 that will provide details of the confirmed procurement procedure to procure a partner to develop the JV partnership.

Reasons for Decision:

It is critical that the Council has an agreed, robust and transparent position on each of the matters presented in the report in order to shape the procurement approach and ensure that the ambitions for passenger transport are delivered through the partnership. Not reaching a decision on any of these matters risks delaying the procurement process.

Other Options:

None

Note: This is an Executive Function

Eligible for call in to Policy and Resources Scrutiny Committee

Executive Councillor: Moring

***Called-in to:- Policy & Resources Scrutiny Committee**

449 Careline Consultation

This item was withdrawn.

Note: This is an Executive Function.

Eligible for call in to People Scrutiny Committee

Executive Councillors: Salter

450 Mid-Year Adoption Report & RAA Update

The Cabinet considered a report from the Deputy Chief Executive (People) on the activities of the Southend Adoption Service between April and September 2017.

On consideration of the report, the Chairman referred to the excellent work undertaken by the Adoption Team and conveyed his thanks to the staff concerned.

Resolved:

That the submitted report be noted.

Reasons for Decision:

To note the activities of the Southend Adoption Service in the first six months of 2017/18.

Other Options:

None

Note: This is an Executive Function
Eligible for call in to People Scrutiny Committee
Executive Councillor: Courtenay

***Called-in to:- People Scrutiny Committee**

451 Corporate Parenting Annual Report

The Cabinet considered a report of the Deputy Chief Executive (People) presenting the annual report on the work of the Corporate Parenting Group (CPG) regarding the progress and outcomes of children who are looked after by the Council.

In referring to the report, the Chairman expressed his appreciation to the staff concerned for their contribution towards the achievement of the positive outcomes for children.

Resolved:

1. That the annual report set out at Appendix 1 to the submitted report, be noted.
2. That the overarching priorities set for 2017/18 set out at Appendix 2 to the report, be approved.
3. That the Corporate Parenting Strategy for Looked After Children 2017/18 set out at Appendix 3 to the report, be approved.

Reasons for Decision:

None.

Other Options:

None.

Note: This is an Executive Function
Eligible for call in to People Scrutiny Committee
Executive Councillor: Courtenay
***Called-in to:- People Scrutiny Committee**

452 Local Account

The Cabinet considered a report from the Deputy Chief Executive (People) presenting the Local Account of Adult Social Care services in 2016-17, including the priorities and plans for 2017-18.

Resolved:

That the Local Account of Adult Social Care services in 2016-17 be noted as the Council's self-assessment for these services.

Reasons for Decision:

The publication of the Local Account of Adult Social Care Services for 2016-17 ensures the continuity of information for the public about the performance of this service.

Other Options:

None.

Note: This is an Executive Function.
Eligible for call in to People Scrutiny Committee
Executive Councillor: Salter
***Called-in to:- People Scrutiny Committee**

453 Annual Report of Implementation of SEN Strategy

The Cabinet considered a report of the Deputy Chief Executive (People) setting out the progress of the first year (financial year April 2016-March 2017) of the implementation plan of the strategy for children with Special Educational Needs and/or Disabilities.

Resolved:

1. That the progress and areas that require further improvement as indicated in the submitted report for the first year of "Working together to improve outcomes", be noted.
2. That a full review of the provision for SEND area and refresh of the current strategy, with a view to presenting the updated version to Cabinet by the end of the current financial year, be approved.

Reasons for Decision:

To undertake a review of the SEND provision and refresh the strategy.

Other Options:

None.

Note: This is an Executive Function
Eligible for call in to People Scrutiny Committee
Executive Councillor: Courtenay
***Called-in to:- People Scrutiny Committee**

454 Success for All Annual Report

The Cabinet considered a report of the Deputy Chief Executive (People) which presented the draft Success for All Children Group's Annual Report for April 2016 – March 2017.

Resolved:

That the report be noted.

Reasons for Decision:

To note the Annual Report.

Other Options:

None.

Note: This is an Executive Function
Eligible for call in to People Scrutiny Committee
Executive Councillor: Courtenay

455 Airport Business Park

The Cabinet considered a report of the Deputy Chief Executive (Place) providing an update on the progress of the Airport Business Park Southend (ABPS) development, specifically in relation to the phase 2 Local Growth Fund (LGF) allocation.

Resolved:

That the progress of the development of the Airport Business Park Southend, be noted.

Reasons for Decision:

To note the positive progress made in delivering the ABPS project and the significant opportunity it presents to increase economic growth, employment and skills.

Other Options:

None.

Note: This is an Executive Function
Eligible for call in to Place Scrutiny Committee
Executive Councillors: Lamb, Holland and Moring.

456 Low Carbon Strategy

The Cabinet considered a report of the Deputy Chief Executive (Place) presenting the updated annual report on the Council's Low Carbon Energy and Sustainability Strategy 2015-2020.

Resolved:

That the Low Carbon Energy and Sustainability Strategy updated Annual Report, be approved.

Reasons for Decision:

To continue to position the Council as a leading local authority in the East of England with regard to the UK's transition to the low carbon economy. The Strategy continues to provide an excellent opportunity for the Council to make a real contribution in delivering local objectives around health and wellbeing, housing, fuel poverty, air quality, transport, education, economic development and community cohesion.

Other Options:

None.

Note: This is an Executive Function.
Eligible for call in to Place Scrutiny Committee
Executive Councillor: Holland

457 Council Procedure Rule 46

Resolved:

That the submitted report be noted.

Note: This is an Executive Function
Eligible for call in to the relevant Scrutiny Committee
Executive Councillor: as appropriate for the item.

***Called-in to:- Place Scrutiny Committee and Policy & Resources Scrutiny Committee**

458 Minutes of the Conservation Working Party held Tuesday 26th September 2017

The Cabinet considered the recommendations of the Conservation Working Party held on 26th September 2017 concerning proposals to investigate the potential

designation of Hamlet Court Road (and associated streets) as a Conservation Area.

Resolved:

That the potential designation of Hamlet Court Road (and associated streets) as a Conservation Area be investigated by officers and a report be submitted to a future meeting of the Conservation Working Party.

Note: This is an Executive Function
Eligible for call in to Place Scrutiny Committee
Executive Councillor: Flewitt
***Called-in to:- Place Scrutiny Committee**

459 Minutes of the Public Transport and Buses Working Party held Monday 23rd October 2017

The Cabinet considered the recommendations of the Public Transport and Buses Working Party held on 23rd October 2017 concerning proposals to investigate the potential for introducing a wider park and ride scheme for the Borough.

Resolved:

That it be noted that an analysis of the pilot park and ride scheme would be undertaken and the results would be taken into account in the development of a parking strategy.

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

460 Minutes of the London Southend Airport Monitoring Working Party held Tuesday 24th October 2017

Resolved:

That the minutes of the meeting of the London Southend Airport Monitoring Working Party held on 24th October 2017, be noted.

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

461 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.

462 Council Procedure Rule 46 - Confidential Sheet

Resolved:

That the submitted report be noted.

Note: This is an Executive Function
Eligible for call in to the relevant Scrutiny Committee
Executive Councillor: as appropriate for the item.

***Called-in to:- Place Scrutiny Committee and Policy & Resources Scrutiny Committee**

Chairman: _____