

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Cabinet

Date: Tuesday, 6th November, 2018

Place: Committee Room 1 - Civic Suite

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

In Attendance: Councillors D Garne, A Jones, H McDonald, D McGlone and C Mulroney
A Griffin, S Leftley, A Lewis, J K Williams, J Chesterton, J Ruffle, P Geraghty, C Robinson, S Houlden, J O'Loughlin, G Halksworth, T MacGregor, R Sharp, A Butteriss, A Keating and C Gamble

Start/End Time: 2.00 - 3.40 pm

420 Apologies for Absence

Apologies for absence were received from Councillor Boyd.

421 Declarations of Interest

The following interests were declared as indicated:

(a) Councillor Cox – Agenda Item 12 – Notice of Motion Fire Safety – Disclosable Non-Pecuniary Interest – Grenfell Tower tragedy was mentioned – he was involved in the recovery and could be called as a witness to give evidence at the Public Enquiry (withdrew);

(b) Councillor Flewitt – Agenda Item 5 – Housing, Homelessness and Rough Sleeping Strategy - non-pecuniary interest - friends and family are tenants of South Essex Homes;

(c) Councillor Mulroney – Agenda Item 13 – Notice of Motion – Fossil Fuels – non-pecuniary interest – member of the Essex Pension Fund;

(d) Councillor McDonald – Agenda Item 10 – non-pecuniary interest – Member of a range of organisations/charities which campaign against the sex industry and support services for women in the sex industry (Trustee of Essex Feminist Collective, Management Committee of Nordic Model Now! and on the Unison Eastern Region Women's Committee) and works as a Children's Independent Sexual Violence Advisor at a local charity.

Officers interests:

Alison Griffin declared an interest in Agenda Item 8 (PSPO) – lives in the area of the draft PSPO Order.

A. Lewis, S. Leftley, J. Ruffle, J. Chesterton, J. Williams, C. Robinson, P. Geraghty, J O'Loughlin and S. Houlden declared an interest in item 22 (Senior Managers Pay Panel) and withdrew. A. Griffin also declared an interest, but remained in the meeting to respond to questions.

422 Minutes of the Meeting held on Tuesday, 18th September 2018

Resolved:-

That the Minutes of the Meeting held on Tuesday 18th September 2018, be confirmed as a correct record and signed.

423 Southend 2050 - Draft Ambition, Desired Outcomes and Road Map

Following a presentation by the Leader of the Council/Chief Executive, the Cabinet considered a report of the Chief Executive setting out the findings of the Southend 2050 engagement programme, together with the proposed draft Ambition, Themes and Outcomes and Southend 2050 Five Year Road Map.

Resolved:

1. That the findings of the Southend 2050 engagement programme be welcomed and noted.

2. That the Ambition, Themes & Outcomes and the Southend 2050 Five Year Road Map, as set out in Appendices A, B and C to the submitted report, be endorsed.

3. That the Transforming Together programme, outlined in paragraph 6 of the submitted report, be noted and endorsed.

4. That the matter be referred direct to the Policy & Resources, Place and People Scrutiny Committees.

Reason for decision:

To propose a new ambition and set of themed desired outcomes for the Borough, providing the context for the Council's key planning documents.

Other options:

Not adopting the recommended approach would mean that the Borough's vision contained in the 2010-20 Community Plan would be nearly 10 years old and the Council's vision, aims and priorities nearly 13 years old, all of which have become, or will quickly become very dated.

Note: This is an Executive Function save that the final approval of the Southend 2050 Ambition, Themes & Outcomes and Five Year Road Map is a Council Function.

Referred direct to: all three Scrutiny Committees

Cabinet Member: Cllr Lamb

424 **Housing, Homelessness and Rough Sleeping Strategy**

The Cabinet considered a report of the Deputy Chief Executive (People) which sought approval for the submitted Housing, Homelessness and Rough Sleeping Strategy.

Resolved:

1. That the Housing, Homelessness & Rough Sleeping Strategy, be approved.
2. That the proposed dynamic and continuous approach to engagement and consultation in order to support ongoing development of the action plan and its implementation, be approved.
3. That the design work and the approach to ensuring that the strategy works alongside other key priorities continues to develop following Cabinet, be approved.
4. That authority be delegated to the Corporate Management Team, in conjunction with the Cabinet Member for Adults and Housing and other Directors as required, for the implementation and delivery of the Strategy.

Reasons for decision:

The strategy integrates the need for a clear and ambitious direction for housing, homelessness and rough sleeping which operates wholly in line with the broader strategic work being pursued by the Council and its partners, such as Southend 2050, and which will support the economic vibrancy of the Borough.

Other options:

None

Note: This is an Executive Function

Called-in to: Policy & Resources Scrutiny Committee

Cabinet Member: Cllr Cox

425 **Adoption of a Low Emission Strategy (part of the Air Quality Action Plan)**

The Cabinet considered a report of the Deputy Chief Executive (Place) proposing the adoption of the submitted Low Emission Strategy.

Resolved:

That the Low Emission Strategy as set out in Appendix 3 to the submitted report, be approved.

Reason for decision:

The Council has a statutory duty to adopt an Air Quality Action Plan. Taking action to improve air quality via a Low Emission Strategy is part of the air quality action process, and crucial in order to improve the health of Southend-on-Sea residents.

Other options:

None.

Note: This is an Executive Function

Called-in to: Place Scrutiny Committee

Cabinet Member: Cllr Flewitt

426 **High Street Summit**

The Cabinet considered a report of the Chief Executive providing an update on work being undertaken following the High Street Summit which took place on 24th September 2018, including the emerging action plan and approaches being organised through which to coordinate and drive this work.

Resolved:

1. That the progress being made be endorsed.
2. That the additional officer resource already aligned to support the implementation and delivery of this project, be endorsed.

Reasons for decision:

This project is recognised as strategically important for Southend, both from a business and public service perspective.

Other options:

None

Note: This is an Executive Function

Called in to:: Place and Policy & Resources Scrutiny Committees

Cabinet Members: Cllrs Lamb, Courtenay and Flewitt

427 **Southend Town Centre & Seafront Public Spaces Protection Order**

The Cabinet considered a report of the Strategic Director (Legal & Democratic Services) requesting that consideration be given to whether the Council should commence statutory consultation on the making of a Public Spaces Protection Order (PSPO) under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014.

In introducing the item, the Leader of the Council explained that the Cabinet had no pre-determined view on the matter and that the recommendation was for consultation to be undertaken before consideration of the possibility of making a PSPO.

It was noted that any PSPO introduced must be focused on anti-social behaviour and that statutory guidance had been taken into account in preparing the report.

Resolved:

1. That consultation be undertaken into the possibility of the Council making a Public Spaces Protection Order (PSPO) under Section 59 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 be as set out in section 3.5(e) of the report.

3. That the consultation process to also cover the revocation of the existing Designated Public Place Order /PSPO as outlined in section 3.5(g) of the report.

Reasons for decision:

A PSPO covering the Town Centre and Seafront areas could be a useful additional tool to tackle persistent and unreasonable anti-social behaviour (ASB) which is taking place and would help ensure that the law-abiding majority can use and enjoy these public spaces, safe from ASB.

Other options:

The Council could choose not to look at introducing a PSPO, but this would lose the opportunity to introduce a new measure to tackle ASB which is causing nuisance/harm to many people and having a damaging effect on the Town Centre and Seafront areas.

Note: This is an Executive Function

Called-in to: Policy & Resources Scrutiny Committee

Cabinet Member: Cllr Flewitt

428 The Bell Junction

The Cabinet considered a report of the Deputy Chief Executive (Place) providing an update on the work undertaken to progress the Bell Junction Improvement Project together with details of the preferred scheme option (2) which had been developed taking into account a number of factors, including the outcome of public consultation, feedback, cost and deliverability.

Resolved:

1. That option 2, without a footbridge, be taken forward as the preferred option, taking into consideration comments from the public consultation, utility constraints, programming, environmental mitigations and deliverability within the Local Growth Fund deadline.

2. That authority be delegated to the Chief Executive and Deputy Chief Executive (Place), in consultation with the Cabinet Member for Infrastructure, to agree the final option to be taken forward to detailed design, implementation, advertisement of any necessary traffic regulation orders, any land transfer and planning permissions following circulation of these details to all Councillors and discussions with Group Leaders.

3. That authority be delegated to the Chief Executive and Deputy Chief Executive (Place), in consultation with the Cabinet Member for Infrastructure, to implement any experimental orders to inform the final option to be implemented.

4. That following South East Local Enterprise Partnership Accountability Board approval of the Bell Junction Improvement Business Case, the project proceed to detailed design and procurement of the Design and Build Contractor.

5. That, following the outcome of the public consultation, should the Southend capital contribution increase more than the additional £2.144m being requested, a further report on the funding shall be presented to Cabinet.

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

Eligible for call-in to: Place Scrutiny Committee

Cabinet Member: Cllr Moring

429 Sex Establishment Venues Policy

The Cabinet considered a report of the Deputy Chief Executive (Place) proposing the adoption of the submitted Sex Establishment Licensing Policy which had been prepared following the completion of the formal consultation process.

Recommended:

That the draft Statement of Licensing Policy (Sex Establishments) set out in Appendix 1 to the submitted report, be approved. ||

Reasons for Decision:

To allow the Council to update the policy giving clearer guidance to applicants and objectors.

Other options:

The Licensing Authority is not legally required to publish a Statement of Licensing Policy but is doing so as a matter of good practice. The policy sets out the expectations of the Licensing Authority in determining applications and is a useful guidance tool for applicants and those wishing to object.

Note: This is a Council Function

Eligible for call-in to: Place Scrutiny Committee

Cabinet Member: Cllr Flewitt

430 Gambling Policy

The Cabinet considered a report of the Deputy Chief Executive (Place) concerning the submitted Gambling Licensing Policy which had been prepared following the completion of the formal consultation process.

Recommended:

That the Statement of Gambling Licensing Policy, set out in Appendix 1 to the submitted report, be adopted. ||

Reasons for decision:

To comply with the statutory duty under Section 349 of the Gambling Act 2005.

Other options:

None.

Note: This is a Council Function

Called in to: Place Scrutiny Committee

Cabinet Member: Cllr Flewitt

431 Notice of Motion to Council,, 18th October 2018 - Fire Safety

At the meeting of Council held 18th October 2018, Members received a notice of motion calling on the Council to review fire safety in all its tall buildings with a level 4 risk assessment and install automated fire alarms and sprinkler systems.

This had been proposed by Councillor Ware-Lane and seconded by Councillor Nevin.

Resolved:

1. That the Council and South Essex Homes continue their pro-active, evidence and risk based approach to delivering fire safety enhancements across their respective property portfolios.
2. That the Council and South Essex Homes maintain their active dialogue with Essex Fire and Rescue in relation to any changes that may be taken forward to enhance fire safety measures across their respective property portfolios.
3. That the Council write to the Secretary of State for the Housing, Communities and Local Government requesting that the Department progress its formal response to the Independent Review of Building Regulations and Fire Safety and, in particular, any changes to Approved Document B. This will enable the Council to fully assess whether additional resources are required to meet the changes enacted and to plan accordingly.

Reason for decision:

To respond to the Notice of Motion.

Other options:

None.

Note: This is an Executive Function

Called-in to: Place Scrutiny Committee

Cabinet Member: Cllr Flewitt

432 Notice of Motion to Council, 18th October 2018 - Invest in the Future/Divest from Fossil Fuels

At the meeting of Council held 18th October 2018, Members received a notice of motion calling on the Council to request the Essex Pensions Committee to divert investment away from fossil fuels.

This had been proposed by Councillor Ware-Lane and seconded by Councillor Dent.

Resolved:

1. That it be noted that the Essex Pension Fund has advised that it has a fiduciary duty to ensure it has sufficient funds to pay pensions on behalf of more than 150,000 people. Investment decisions must therefore be directed towards achieving what is best for the financial position of the Fund. In order to maximise returns, the Fund has a diverse range of investments including investment attributed to the energy/mining sector.
2. That the approach adopted by the Essex Pension Fund, be endorsed.

Reason for decision:

To respond to the Notice of Motion.

Other options:

None

Note: This is an Executive Function

Called-in to: Policy & Resources Scrutiny Committee

Cabinet Member: Cllr Lamb

433 Monthly Performance Report

Resolved:

That the submitted report be noted.

Note: This is an Executive Function

Referred direct to all three Scrutiny Committees

Cabinet Member: as appropriate to the item

434 Success for All Children/CYPP Annual Report

The Cabinet considered a report of the Deputy Chief Executive (People) presenting the draft Success for All Children Group's (SFAG) Annual Report from April 2017 to March 2018 and draft Children and Young People Plan (CYPP).

Resolved:

That the submitted report be noted.

Reasons for decision:

To receive the draft SFAG Annual Report and CYPP.

Other options:

None.

Note: This is an Executive Function

Eligible for call-in to: People Scrutiny Committee

Cabinet Member: Cllr Boyd

435 Local Account Annual Report 2017/18

The Cabinet considered a report of the Deputy Chief Executive (People) presenting the draft of the Local Account of Adult Social Care in 2017-18.

Resolved:

That the draft Local Account as the Council's self-assessment for these services, be noted.

Reasons for decision:

The publication of the Local Account of adult social care services for 2017-18 ensures the continuity of information for the public about the Council's performance. It also sets out the Council's vision for the future.

Other options:

None.

Note: This is an Executive Function

Called-in to: People Scrutiny Committee

Cabinet Member: Cllr Cox

436 Revenue and Capital Budget Monitoring 2018/19 to 30 September 2018

The Cabinet considered a report of the Strategic Director (Finance & Resources) setting out the Council's revenue and capital budgetary performance as at September 2018.

Recommended:

In respect of the 2018/19 Revenue Budget Monitoring, as set out in Appendix 1 to the submitted report:

1. That the forecast outturn for the General Fund and Housing Revenue Account, as at September 2018, be noted.

1.2 That the planned management actions of £3,230,000 to achieve that forecast outturn, be noted.

1.3 That the planned budget transfers (virements) of £2,610,170, be approved.

1.4 That the potential transfer of £1,293,000 from the Business Transformation Reserve in respect of the forecast General Fund overspend unless further management action and savings are identified to rebalance the budget, be noted.

1.5 That the potential transfer of £93,000 to the HRA Capital Investment Reserve in respect of the forecast HRA underspend, be noted.

In respect of the 2018/19 Capital Budget Monitoring, as set out in Appendix 2 to the submitted report:

1.6 The expenditure to date and the forecast outturn as at September 2018 and its financing, be noted.

1.7 That the requested changes to the 2018/19 capital programme as set out in Section 2 of Appendix 2, be approved.

Reasons for decision:

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.

Other options:

The Council could choose to monitor its budgetary performance against an alternative timeframe but it is considered that the reporting schedule provides the appropriate balance to allow strategic oversight of the budget by councillors and to manage the Council's exposure to financial risk.

Note: This is a Council Function

Called-in to: All three Scrutiny Committees

Cabinet Member: Cllr Lamb

437 Treasury Management - Mid Year Review

The Cabinet considered a report of the Strategic Director (Finance & Resources) detailing the treasury management activity and compliance with the treasury management strategy for both quarter two and the period from April to September 2018.

Recommended:

1. That the Treasury Management Mid Year Position report for 2018/19, be approved.
2. 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 2018.
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 £1.285m of interest was earned during this six month period at an average rate of 3.70%. This is 3.26% over the average 7 day LIBID (London Interbank Bid Rate) and 3.12% over the average bank rate (the breakdown of this overall investment position is set out in Section 8 of the submitted report).
5. That it be noted that the level of borrowing from the Public Works Loan Board (PWLB) (excluding debt relating to services transferred from Essex County Council on 1st April 1998) remained at the same level of £227.8m (Housing Revenue Account (HRA): £77.0m, General Fund: £150.8m) during the period from April to September 2018.
6. That it be noted that the level of financing for 'invest to save' schemes decreased from £8.74m to £8.70m during the period from April to September 2018.

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 2018/19 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 & Resources Scrutiny Committee

Cabinet Member: Cllr Lamb

438 Capital Programme - Mid Year Review

The Cabinet considered a report of the Strategic Director (Finance & Resources) recommending in-year amendments to the approved Capital Programme for 2018/19 to 2021/22.

Recommended:

1. That the current approved Programme for 2018/19 to 2021/22 of £215.0m, as set out in Appendix 1 to the submitted report, be noted.
2. That the changes to the approved Programme set out in Appendix 2, be approved.
3. That the proposed new schemes and additions to the Capital Programme for 2018/19 to 2021/22 totalling £1.4m (Appendices 6 and 7), be approved.
4. That it be noted that the proposed new schemes and additions (Appendices 6 and 7) and other adjustments (Appendix 2) will result in a proposed capital programme of £213.6m for 2018/19 to 2021/22 (Appendix 8).
5. That it be noted that of the total programme of £213.6m for the period 2018/19 to 2021/22, the level of external funding supporting this programme is £98.9m.
6. That it be noted that a mid-year review has been undertaken on the 2018/19 projected outturn and that the results have been included in the report.
7. That the revised Capital Programme for 2018/19 to 2021/22 that results from these changes (Appendix 8), be approved.

Reasons for decision:

To approve proposed changes to the Capital Programme since the last Cabinet meeting on 19th June 2018.

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

Called-in to: Policy & Resources Scrutiny Committee

Cabinet Member: Cllr Lamb

439 The Shareholder Board, 25th September 2018

The Cabinet considered the minutes of the Shareholder Board held on 25th September 2018 concerning the receipt of accounts and business plans for South Essex Homes Ltd and Southend Care Ltd.

Resolved:

That the minutes of the Shareholder Board held on 25th September 2018, be noted.

Note: This is an Executive Function
Eligible for call in to: Policy & Resources Scrutiny Committee
Cabinet Member: Cllr Lamb

440 The London Southend Airport Monitoring Working Party, 16th October 2018

Resolved:

That the minutes of the London Southend Airport Monitoring Working Party held on 16th October 2018, be noted.

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

441 The Senior Managers Pay Panel, 22nd October 2018

The Cabinet considered the recommendations of the Senior Managers Pay Panel held on 22nd October 2018.

Resolved:

That the recommendations of the Senior Managers Pay Panel held on 22nd October 2018, be approved.

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

442 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
Cabinet Members: as appropriate to the item

Chairman: _____