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SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Cabinet

Date: Tuesday, 25th February, 2020
Place: Committee Room 1 - Civic Suite

- Present:** Councillor I Gilbert (Chair)
Councillors R Woodley (Vice-Chair), T Harp, A Jones, C Mulroney, K Robinson and M Terry
- In Attendance:** Councillors K Evans, N Folkard, D Garne, D Jarvis and D McGlone
A Griffin, J K Williams, A Lewis, J Chesterton, J Ruffle, C Gamble, E Cooney, T Forster, P Geraghty, A Keating, B Martin, M Murphy and A Richards
- Start/End Time:** 2.00 - 3.15 pm

854 Apologies for Absence

There were no apologies for absence.

855 Declarations of Interest

The following declarations were made at the meeting:

- (a) Councillor K Evans - Agenda Item No. 8 (Southend Crematorium Refurbishment) – Non-Pecuniary Interest: Occasional work undertaken for funeral director who uses the crematorium.
- (b) Councillor Gilbert – Agenda Item No. 5 (Southend Central Area Transport Scheme) – Non-Pecuniary Interest: Place of work is in the town centre.
- (c) Councillor Harp – Agenda Item No. 14 (Outcome Success Measures Report Quarter 3 2019/20) - Non-Pecuniary Interest: SAVS mentioned in report – wife is employed by SAVS.
- (d) Councillor Robinson – Agenda Item No. 14 (Outcome Success Measures Report Quarter 3 2019/20) – Non-Pecuniary Interest: Work for mental health trust which supplies services to CCG.

856 Fire Safety Update Report

The Cabinet considered a report of Deputy Chief Executive and Executive Director (Growth & Housing) setting out the progress in delivering the Council's Fire Safety Review (established following the Grenfell Tower fire on the 14th June 2017) and the Council's response to the Government Consultation 'Sprinklers and other Fire Safety Measures in New High-Rise Blocks of Flats'.

Resolved:

1. That the Council's response to the Government Consultation 'Sprinklers and other Fire Safety Measures in New High-Rise Blocks of Flats', be noted and endorsed.
2. That the work undertaken by the Council and South Essex Homes in respect to Fire Safety including the installation of a pilot 'annunciation system' in Longbow residential tower block, and the installation of photo-luminescent signage within high rise residential blocks, be endorsed.
3. That a further update be provided to Cabinet to autumn 2020.

Recommended:-

4. That the installation of a full sprinkler system in one high rise residential block as a pilot with a view to informing the development of a full programme of sprinkler installations across the high rise residential estate, be endorsed and that £400,000 be added to the HRA capital investment programme (to be funded from the HRA reserves) to fund the work.

Reasons for Decision

1. The Council has undertaken a fundamental review of its fire safety policies and procedures, reviewed its property stock, and put in place appropriate resources (financial and other) to ensure that it maintains its buildings in a safe condition whilst upgrading them where this is appropriate and practicable.
2. The Council has also recognised its 'community leadership' role in respect to fire safety and engaged with partners and the private sector to ensure residents, employees and visitors across the Borough are housed in, work in or visit safe premises.
3. The Council has considered the recommendations of the Independent Review of Building Regulations and Fire Safety and determined that it should take immediate steps to assess and enhance its duty holder requirements and to enhance opportunities for members of the public to raise concerns.

Other Options

1. To maintain all operational properties in their current condition with fire improvement works and, where practicable, to bring them up to the requirements of the latest Building Regulations when they next undergo major alterations and/or extension.
2. To maintain the current arrangements whereby individual building managers are identified as responsible for the buildings within which they operate.
3. To commit to the immediate adoption of all recommendations set out within the Independent Review of Building Regulations and Fire Safety.

Note: The decisions in 1-3 above constitute Executive Functions. The decision in 4 above constitutes a Council Function.

Cabinet members: Cllrs Gilbert and Terry

**857 Housing and Regeneration Pipeline, Including Acquisitions Programme
- Update**

The Cabinet considered a report of the Executive Director (Finance and Resources) and the Deputy Chief Executive and Executive Director (Housing and Growth) providing an update on the work underway on the pipeline of housing and development opportunities across the Borough. The report set out the proposed new arrangements for PSP Southend Limited Liability Partnership (the LLP), including the use of the PSP Housing Model to support housing delivery and support wider benefits.

Resolved:-

1. That the progress on the Acquisitions Programme for Council Housing as set out in sections 3.5 – 3.9 of the submitted report, be noted.
2. That the progress of the first phase of housing and development pipeline sites currently in delivery as set out in sections 3.10 – 3.13 of the report, be noted.
3. That it be noted that the new arrangements for the LLP have been settled and the legal work is being completed to establish the new arrangements pursuant to minute 324 of Cabinet 17 September 2019 and Policy and Resources Scrutiny Minute 404 on 10 October 2019.

Recommended:-

4. That the proposed new arrangements for the LLP including (i) to (viii) below, be approved:
 - (i) The updated aims and objectives for the LLP for 2020-2030 as set out in sections 3.13 to 3.34 of the report, including the housing model.
 - (ii) Establishing the new Procedure Agreement and Members Agreement between PSP Facilitating Limited (1), Southend on Sea Borough Council (2) and the LLP (3) and delegating authority to the Executive Director (Legal and Democratic Services) to finalise and complete the Agreement.
 - (iii) Delegate authority to the Chief Executive, including dealing with any future changes to such appointments, to:
 - a. Appoint the Council representatives to the LLP Partnership Board.
 - b. Appoint the members of the Partnership Board and the Partnership Executives.
 - (iv) Delegate authority to the Partnership Board, to:
 - a. Agree the re-branding of the LLP (creation of a new trading name),
 - b. The commitment (on behalf of the Council) to funds for feasibility and project delivery within budgets already approved for housing and development delivery,
 - c. Following a Cabinet decision to opt land in to the LLP for the delivery of agreed objectives, to progress the development of the land through the LLP in accordance with the objectives for that land subject to each project clearing the required financial and legal due diligence tests.

(v) Delegate authority to the Director of Property & Commercial to request that the LLP consider the initial feasibility of sites following their appraisal through the development pipeline process (noting that Cabinet approval will be required prior to any site being legally opted in to the LLP for delivery).

(vi) That any necessary amendments be made to the Constitution to reflect the recommendations in 4 above.

(vii) That it be noted that the matters identified in Appendix 1 to the report are matters which will be reserved for the Shareholder Board.

5. That, subject to Council approval, an initial budget of £5 million be identified in the Capital Programme for the delivery of housing through the LLP and authority be delegated to the Executive Director (Finance and Resources) to finalise the terms and make loans to the LLP within the allocated budget to enable delivery of development in accordance with the principles of the PSP Housing Model and subject to any schemes delivering an appropriate and sustainable return on investment.

Reasons for decisions:

1. To provide an update on the progress of the Pipeline of Housing & Development opportunities namely, Phases 3 & 4 HRA infill sites, acquisition programme and LLP developments.

2. To provide an update on the pipeline and regeneration framework.

3. To provide an update on progress in establishing the LLP for the next 10 year period and to enable the new LLP arrangements to be established to provide additional delivery capacity to help the Council meet housing delivery targets.

Other options:

As set out in the submitted report

Note: The decisions in 1-3 above constitute Executive Functions. The decisions in 4-5 above constitute Council Functions.

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

Cabinet Members: Cllr Gilbert and Cllr Woodley

858 Southend Central Area Transport Scheme

The Cabinet considered a report of Executive Director for (Neighbourhoods and Environment) providing an update on the progress of the 'Southend Central Area Transport Scheme (S-CATS).

Resolved:-

1. That the proposed design options for Phase 3 London Road and Victoria Circus be endorsed and that either of the two options may be taken forward to construction.

2. That delegated authority be given to the Chief Executive and Executive Director (Neighbourhoods and the Environment), in consultation with the Leader of the Council, to agree the final detailed design option based upon the Option 1 preliminary design.

(This confirmation will allow the selected option to be taken forward to implementation with a programmed commencement in Spring 2020 as proposed with key stakeholders prior to the production of the report, together with the advertisement of any necessary Traffic Regulation Orders.)

Reasons for Decision

High quality public realm enhancements will create spaces within the Town Centre to attract more people to the area, encourage activities in the public spaces and revitalise the commercial areas.

Other Options

This scheme is a critical element of a wider improvement to support planned growth in the Southend Central Area.

Note: This is an Executive Function

***Called-in to Place Scrutiny Committee**

Cabinet Member: Cllr Woodley

859 Footway Resurfacing Policy Change

The Cabinet considered a report of Executive Director (Neighbourhoods and Environment) seeking approval to amend the policy regarding the materials used for resurfacing of the footpaths in the Borough.

Resolved:-

1. That the content of the submitted report, be noted.
2. That the officer recommendations for the change of material for the resurfacing of footpaths, be approved.
3. That the 2020/21 programme set out at appendix 1 to the report, be approved.

Reason for Decision

To address concerns about the existing approach for the resurfacing of footways.

Other Options

None

Note: This is an Executive Decision

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

Cabinet Member: Cllr Woodley

860 Skills Update Report

The Cabinet considered a report of the Deputy Chief Executive and Executive Director (Growth and Housing) providing an update on the skills development work being undertaken by the Council.

Resolved:-

That the progress of the skills development work and its contribution to the 2050 ambition and outcomes, be noted.

Reason for Decision

The skills support activity undertaken by the Council and partners makes a demonstrable impact and important contribution to the achievement of the Southend 2050 ambition and outcomes.

Other Options

1. To take no action at this point.
2. To reduce investment in this area of the Council's work.
3. To increase investment in the area of skills development.

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

861 Southend Crematorium Refurbishment

The Cabinet considered a report of the Deputy Chief Executive and Executive Director (Growth and Housing) highlighting the limited remaining operational lifespan of the cremators and associated equipment at Sutton Road Crematorium and the potential use of electric cremators along with the funding requirements for the refurbishment of the facility.

Resolved:-

1. That the provision of crematorium facilities within Southend-on-Sea, be continued.
2. That the problems with the existing facilities as set out in Appendix 1 to the submitted report, be noted.
3. That it be noted that without the replacement of the cremators and works to the building the provision of a crematorium service in the short to medium term will not be possible.
4. That the potential environmental benefits that the installation of electric cremators could bring and the additional capital expenditure that this would require (exact level of investment to be determined), be noted.

5. That the option of electric cremators and other options that would have environmental benefits be considered during the project development.

6. That the predicted cost to fund the replacement of the cremators, associated plant and building refurbishments as outlined in paragraph 6.3 of the submitted report, be noted.

7. That authority be delegated to the Executive Director of Neighbourhoods and Environment to carry out the refurbishment and replacement of the cremators.

Reasons for Decision

A comprehensive refurbishment of the crematorium facilities will ensure that Southend can continue to provide a high quality of service to people at a time that many find emotional and distressing.

Other Options

1. Decommission the crematorium and stop providing cremation services to residents and others.

2. Build a new crematorium and public facing facilities on the crematorium car park.

Note: This is an Executive Function

Eligible for call-in to: Place Scrutiny Committee

Cabinet Member: Cllr Mulronee

862 Conservation Area Appraisals - Consideration of Chelmsford Avenue Almshouses for Conservation Area Designation

The Cabinet considered a report of Deputy Chief Executive and Executive Director (Growth and Housing) setting out the initial work, and subsequent recommendations, undertaken by heritage consultants, Purcell, on behalf of the Council, to review the potential of Chelmsford Avenue Almshouses for Conservation Area status.

Resolved:-

That the initial report and accompanying plan (Appendix A and B to the submitted officer report) from Purcell, which sets out a potential area to consider for Conservation Area designation (Chelmsford Avenue Almshouses) be noted and that this report and the plan be subject to an initial stage of public consultation.

Reason for Decision

To facilitate public consultation on the initial report from independent heritage experts Purcell, and to seek the views of local residents on the proposal to consider Chelmsford Avenue Almshouses for designation as a Conservation Area.

Other Options

That the initial report from independent heritage experts Purcell is not publically consulted on, and further work into the potential for a Conservation Area designation at Chelmsford Avenue Almshouses is not progressed.

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

863 **Southend Adult Community College - Governance Arrangements**

The Cabinet considered a report of the Deputy Chief Executive and Executive Director (Growth and Housing) providing an update the governance arrangements in relation to Southend Adult Community College ("the College") following the Council's senior management restructure.

Resolved:-

1. That the updated Scheme of Delegation at Appendix 1 to the submitted report, be approved.

Recommended:

2. That the Cabinet Member with responsibility for learning be approved as the Council representative on the College's Governing Body. ||

Reason for Decision

The College is part of the Council and the Scheme of Delegation sets out the governance relationship for the College in relation to the rest of the Council. An up-to-date Scheme of Delegation and representation on the Governing Body are good practice.

Other Options

There is an existing Scheme of Delegation (dated November 2018) which could be retained however this would not be up-to-date and an accurate reflection of the Council-College relationship.

Note: The decision in 1 above constitutes an Executive Function. The decision in 2 above constitutes a Council Function.

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

Cabinet Member: Cllr Jones

864 **School Transport Policy**

The Cabinet considered a report of Executive Director for Children and Public Health proposing amendments to the existing Education Transport Policy to align it with both existing practice and Department for Education statutory guidance.

Resolved:-

1. That the proposed Home to School Transport policy wording (Appendix 1, to the submitted report), in order that the Local Authority are fulfilling their statutory duties to make such travel arrangements as they consider necessary to facilitate attendance at school for eligible children, be approved.
2. That the proposed Home to School Transport Appeals Process Flowchart (Appendix 2 to the report), such that the Local Authority's process is aligned with the Department for Education recommended model, be approved.

Reason for Decision

1. By incorporating the practice of providing travel assistance to children in to policy, the Local Authority are embedding the current practice in to policy. By not doing so, it leaves the Local Authority open to challenge as to the legality of their Education Transport Policy.
2. By adopting the proposed appeals process, the Local Authority will be compliant with Department for Education statutory guidance, specifically with regard to appellants having the option to appear in person at the Stage Two appeal.

Other Options

To continue the practice of regarding children receiving high rate DLA or enhanced rate PIP for mobility as being unable to walk to school without incorporating it in to policy. Alternatively, the Local Authority can use a different means of identifying such children – for example, by conducting (or commissioning the conducting of) individual assessments for each child at the time of application for travel assistance.

To continue with the current process of considering appeals for travel assistance, without adopting the format recommended by the Department for Education. Alternatively, a fresh process could be produced and implemented, again without adopting the recommended DfE format.

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

865 Statement of Purpose - Fostering & Adoption Annual Report

The Cabinet considered a report of Executive Director for Children & Public Health on the updated Statements of Purpose for Adoption & Fostering in line with Standard 18.3 of the Adoption National Minimum Standards and Standard 16 of the Fostering National Minimum Standards.

Resolved:-

That the updated Statements of Purpose, as at Appendices 1 & 2 to the submitted report, be approved.

Reason for Decision

To update the Adoption and Fostering Statements of Purpose.

Other Options

None.

Note: This is an Executive Function

Eligible for call-in to: People Scrutiny Committee

Cabinet Member: Cllr Jones

866 Seaway Car Park

The Cabinet considered a report of Executive Director (Finance and Resources) presenting options for Cabinet to decide how it wishes to proceed in relation to the proposed development of the Seaway Car Park and associated land (“the development”) and the agreement for Lease and Sale dated 10th December 2014 made between the Council and Turnstone Southend Ltd (“Turnstone”) (and subsequently varied on 2nd May 2019 pursuant to Minute 605 of Cabinet held 17th January 2019, Minute 668 of Policy and Resources Scrutiny Committee held 30th January 2019 and Minute 734 of Full Council 21st February held 21st February 2019).

On consideration of the report, the Leader drew attention to an email he had received from Murray Foster, on behalf of Southend Business Partnership (and the businesses who are members), in support of the Seaway Development.

Resolved:

1. That option 2 set out in the submitted report be approved, namely the Council maintains its support for the Development and does not serve notice to terminate the Agreement at least until such time as the final decision has been made on the planning application 18/02302/BC4M.

Such support would be maintained on the basis of:

- The economic case including the significant job opportunities that the development will bring;
- The contribution to the Council’s published Ambition and Outcomes;
- The level of commitment made by the Council and Turnstone;
- The desire to maintain the currently committed tenants;
- The progress which has been made to date;
- The reduced risk of the Homes England funding claw back.

2. That while the planning appeal is running, negotiations be progressed with Turnstone about the possibility of a lease-wrapper/income strip lease model to accelerate delivery and provide additional rent for the Council through a different model and any other matters which would accelerate delivery.

Reasons for decisions:

To determine a way forward in relation to the proposed development of seaways car park and associated land.

Other options:

1. The Council does not serve notice to terminate and maintains its support for the Development but does not seek to secure any benefits by renegotiation. This option is not dealt with in detail because it does not do anything to help or accelerate delivery.

2. The Council serves notice to terminate (recommendation 2.2(a) of the report) and then separately enters into negotiations with Turnstone for alternative arrangements. This option is not dealt with in detail in the report because terminating the Agreement will put current sub-tenant commitments at risk and would only cause complications.

Note: This is an Executive Function

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

Cabinet Member: Cllr Woodley

867 Outcome Success Measures Report - Quarter 3 2019/20

The Cabinet considered a report of the Chief Executive reporting on the third period of the Southend 2050 Outcome Success Measures for 2019/20.

Resolved:-

That the Period 3 (October – December 2019) performance, be noted.

Reason for Decision

To drive the delivery of the Southend 2050 ambition through robust and strategic performance management arrangements.

Other Options

None

Note: This is an Executive Function

***Called-in to All Three Scrutiny Committees**

Cabinet Member: Cllr Gilbert

868 Treasury Management

The Cabinet considered a report of the Executive Director (Finance and Resources) on the treasury management activity for both quarter three and the period from April to December 2019.

Resolved:-

1. That the Quarter Three Treasury Management Report for 2019/20, be approved.
2. That it be noted that the treasury management activities were carried out in accordance with the CIPFA (The Chartered Institute of Public Finance and Accountancy) Code of Practice for Treasury Management in the Public Sector during the period from April to December 2019.
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 £1.654m of interest was received during this nine month period. The total investment income earned including this interest during this nine month period was £1.456m (due to the decrease in value of the property funds), at an average rate of 1.56%. This is 0.99% over the average 7 day LIBID (London Interbank Bid Rate) and 0.81% over the average bank rate.
5. That it be noted that the level of borrowing from the Public Works Loan Board (PWLB) (excluding debt relating to services transferred from Essex County Council on 1st April 1998) increased from £267.8m to £310.3m (Housing Revenue Account (HRA): £75.0m, GF: £235.3m) during the period from April to December 2019.
6. That it be noted that the level of financing for 'invest to save' capital schemes decreased from £8.73m to £8.67m during the period from April to December 2019.

Reason for Decision

The CIPFA Code of Practice on Treasury Management recommends that Local Authorities should submit reports regularly. The Treasury Management Policy Statement for 2019/20 set out that reports would be submitted to Cabinet quarterly on the activities of the treasury management operation.

Other Options

There are many options available for the operation of the Treasury Management function, with varying degrees of risk associated with them. The Treasury Management Policy aims to effectively control risk to within a prudent level, whilst providing optimum performance consistent with that level of risk.

Note: This is an Executive Function

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

Cabinet Member: Cllr Woodley

869 Annual Education Report

The Cabinet considered a report of Executive Director (Children and Public Health) presenting the Annual Education Report (AER) 2018/19.

Resolved:

1. That the new digital format for the AER, be approved.

2. That the Annual Education Report, recognising the very positive outcomes for learners across all Key Stages, be approved.

3. That the AER in future years forms part of the normal annual reporting framework.

Reason for Decision

Irrespective of the format of the report, recognition of the very strong performance of Southend Schools should be celebrated. It is hoped that the new AER will allow more people to access their achievements.

Other Options

None.

Note: This is an Executive Function

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

Cabinet Member: Cllr Jones

870 Minutes of the meeting of Transport, Capital, Inward Investment Working Party held on 21st November 2019

The Cabinet considered the minutes of the Transport, Capital and Inward Investment Working Party held on 21st November 2019.

Resolved:

That the minutes of the Transport, Capital and Inward Investment Working Party held on 21st November 2019, be noted.

Note: This is an Executive Function

Eligible for call-in to: Place Scrutiny Committee

Cabinet Member: Cllr Woodley

871 Council Procedure Rule 46

Resolved:

That the submitted report be noted.

Note: This is an Executive Function

Eligible for call-in to: Place Scrutiny Committees

Cabinet Member: Cllr Woodley

Chair: _____

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