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SOUTHEND-ON-SEA CITY COUNCIL

Meeting of Cabinet

Date: Friday, 1st July, 2022
Place: Council Chamber - Civic Suite

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

In Attendance: Councillors T Cox, K Evans and N Folkard
A Lewis, J Chesterton, J Burr, S Dolling, C Gamble, G Gilbert,
S Meah-Sims and A Richards

Start/End Time: 11.00 am - 12.05 pm

60 Apologies for Absence

Apologies for absence were received from Councillors Burton and Gilbert.

61 Declarations of Interest

The following interests were declared at the meeting:

(i) Minute 64 Southend City Centre, Seafront and Adjoining Areas Public Spaces Protection Order Extension and Variation – Councillor Terry: Lives near the seafront;

(ii) Minute 65 – PSPO Dog Friendly Beach - Councillor Terry: Lives near the seafront;

(iii) Minute 67 – City Music Festival – Councillors George and Mulroney – Members of the Town 2 City Partnership; and

(iv) Minute 69 – Minutes of the meeting of the Senior Managers Pay Panel held on Friday 1st July 2022 – All Senior Managers.

62 Levelling-Up Fund Round 2

The Cabinet received a report of the Interim Executive Director (Growth and Housing) setting out the proposed approach to applications to the Government's Levelling-Up Fund (LUF) round 2 and the outcomes that would be achieved by successful bids.

On consideration of the report, the Cabinet was informed that the Department for Levelling Up, Housing and Communities had confirmed an extension to the deadline for the submission of bids.

Resolved:

1. That a bid be submitted to the Levelling-Up Fund (LUF) for highways and the associated capital and revenue costs, be noted.
2. That a bid be submitted to the Levelling-Up Fund (LUF) for culture-led city centre regeneration and the capital and revenue costs for the Council, be noted.
3. That, if these bids are successful, the relevant legal agreements are entered into to draw down the funding.

Recommended

4. That if bids are successful, they be included in the Capital Investment Programme, subject to a reprioritisation of the existing programme to ensure that there is no additional net cost to the capital investment programme after including the LUF schemes

Reasons for Decisions

The bids are based on stakeholder feedback, contribution to Southend 2050 outcomes and recovery priorities. They are grounded in extensive work setting out the nature of the work to be done and the impact it will have.

Other Options

There is no requirement to submit LUF applications. The Council could decide not to submit bids. This would ease pressure on the capital programme. However, not making applications would be detrimental to Southend as it would then miss potential external funding to deliver existing Southend 2050 and economic recovery priorities. It could also be reputationally damaging if the Council is not seen to be pursuing funding for levelling-up which can realise growth ambitions.

Note: Resolutions 1 to 3 are an Executive function. Recommendation 4 is a Council function

Referred direct to Place Scrutiny Committee for consideration

Cabinet Member: Cllr Gilbert and Collins

63 Seaway Leisure

The Cabinet received a report of the Deputy Chief Executive & Executive Director (Finance and Resources) providing an update on Seaway Leisure legal documentation.

The Cabinet was updated at the meeting on Counsel's advice to note the different nature of the transaction. In particular, that the arrangement is now confined to sale, leases and underlease. It no longer includes provisions that allow the Council to enforce construction obligations.

It was asked to note that the deliverability of construction is dealt with in the agreement between the funder and Turnstone and the agreements between sub-tenants and Turnstone. The Council will also exercise its statutory powers through its planning and building control functions. Under the new structure, the Council is not obliged to take the annuity lease until the

development has been completed therefore the new suite of documents are confined to the sale, lease and underlease and do not control construction.

Resolved:

That the preparation of a final clean suite of legal documents for the Seaway Leisure scheme, be approved.

Reasons for Decision

To enable the proposition to be presented clean, current documents for the funding market and to reduce procurement risk.

Other Options

The updated transaction could be documented by way of the approved variations but this is not considered to be optimal either in terms of managing risk or presentation to the funding market.

Note: This is an Executive function

Referred direct to Policy & Resources Scrutiny Committee for consideration

Cabinet Member: Cllrs Gilbert and Collins

64 Southend City Centre, Seafront and Adjoining Areas Public Spaces Protection Order Extension and Variation

The Cabinet received a report of the Executive Director (Strategy, Change and Governance) proposing the extension of the Southend Town Centre, Seafront and Adjoining Areas Public Spaces Protection Order (“the PSPO”) for three years and to include the proposed variations identified in this report under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) taking into consideration the results of the statutory consultation and further evidence as detailed in this report.

Resolved:

1. That the Council varies the Public Spaces Protection Order (PSPO) over the restricted area in the form annexed at Appendix A and plan at Appendix B to the submitted report and extend it to run for a further three years.

2. That the Director of Public Protection, in consultation with the Director of Legal Services, explore further options for authorising third parties, including South Essex Property Services (SEPS), to enforce the PSPO and take the necessary steps to implement and ensure that training is provided in accordance with the enforcement policy at Appendix C of the submitted report.

3. That the Council extends the Drinking Control Area to include the Queensway Estate.

Reasons for Decisions

A PSPO covering the Town Centre, Seafront, Southchurch Hall Gardens,

Hamlet Court Road and York Road is believed to be an appropriate additional tool to tackle persistent and unreasonable anti-social behaviour (“ASB”) which is taking place. It can help provide realistic and proportionate enforceability to help reduce the ASB which discourages and prevents the law-abiding majority from feeling safe in, and subsequently using and enjoying, these public spaces.

The overwhelming majority of respondents to the Consultation supported the necessity and continuation of the PSPO including the New Restrictions

The Council considers that the requirements in S.59 of the 2014 Act are met and that the prohibitions are reasonable ones

Other Options

The Council could choose not to continue with the PSPO, however, this would lose the opportunity to continue this measure to tackle ASB which is having a damaging effect on our City Centre, Seafront and other areas identified in this report. Additionally, following the support of the PSPO that has been displayed in the consultation, choosing to not implement the Order could negatively impact the reputation of the Council within the communities worst affected by the ASB.

Alternatively, the Council could retain the current PSPO and not include the additional restrictions concerning cycling and e-scooters, or not extend the Drinking Control Zones as proposed at Queensway and adjacent to the Seaway car park.

Note: This is an Executive function
Referred direct to Policy & Resources Scrutiny Committee for consideration
Cabinet Member: Cllr Terry

65 PSPO Dog Friendly Beach

The Cabinet received a report of the Executive Director (Adults and Communities) that provided an update on proposals for a dog friendly beach in Southend.

Resolved:

1. That a dog friendly beach is not introduced at Shoebury East Beach.
2. That the Dog Friendly Beach consultation feedback be noted and the situation regarding an appropriate location be reviewed .

Reasons for Decisions

Compelling feedback from residents in the immediate area and environmental representation has been drawn from the consultation to inform the recommendation.

Other Options

The dog friendly trial could proceed however this is not recommended given the strength of feeling from local residents through the consultation process and the environmental representations.

Note: This is an Executive function
Referred direct to Place Scrutiny Committee for consideration
Cabinet Member: Cllr Mulroney

66 City Council Branding Refresh (Engagement)

Pursuant to Minute 802 of the meeting of the Policy & Resources Scrutiny Committee held on 16th March 2022, the Cabinet received a report of the Executive Director (Strategy, Change & Governance) setting out the opportunities connected to updating the corporate branding for the Council and re-presents options for consideration, and for those options to be engaged on more widely.

Resolved:

1. That the four branding concepts to go out to wider engagement, as set out in section 4.1 of the submitted report be approved.
2. That the timeframe of engagement of 4 weeks be approved.
3. That the feedback be used as an evidence-base to inform the final decision on the council's new corporate branding.

Reasons for Decisions

To enable the Council to take an active lead in responding to the new city status for Southend, with a fresh step into a new identity for the Council.

Other Options:

None

Note: This is an Executive Function
Not eligible for call-in by virtue of section 15(e)(ii) of Part 4(e) of the Council's Procedure Rules.
Cabinet Member: Cllr George

67 City Music Festival

The Cabinet received a report of the Executive Director (Adults and Communities) that sought approval for, and for the Council to partially underwrite, Southend hosting a major music festival as part of its city year celebrations. The Cabinet also had before it a confidential financial forecast for the event.

Resolved:

1. That a proposed major festival with world class artists be supported to lever in significant benefits to the Southend community.
2. That it be noted that commercial sponsorship has already been secured for the festival.
3. That the Council underwrites the cost base of the festival by £125,000 and if required will be funded by the Council's event budget;

4. That the Director of Culture and Tourism, in consultation with the Cabinet Member for Environment, Culture & Tourism, be authorised to agree the final arrangements and continue negotiations with partners on further sponsorship.

Reasons for Decisions

The City year is a unique opportunity for Southend to present its capabilities on an increased level of profile. The proposed venue and type of festival can create change in perceptions of place and support local skills infrastructure in event delivery and aligns with several long-term objectives. Feedback from residents on several occasions including 2050 and culture vision surveys has been to develop more major music festival activity. City year would be an ideal opportunity to implement this change. The potential of setting a precedent for bigger events and interest in the festival community in Southend after this first year would be transformational.

Other Options

The event programme could continue with lower profile activity but would not have the step change around Southend's festival capability in this inaugural City year.

Note: This is an Executive function

Referred direct to Place Scrutiny Committee for consideration

Cabinet Member: Cllr Mulrone

68 Integrated Care Partnership

The Cabinet received a report of the Executive Director (Adults and Communities) setting out the reforms to NHS structures and the establishment of integrated care systems in accordance with the new Health and Care Act 2022.

Resolved:

1. That Southend City Council makes arrangements to become a member of a new statutory joint committee (to be known as an Integrated Care Partnerships, or ICPs) between NHS integrated care boards and Essex County Council and Thurrock Council, the relevant upper tier authorities in the areas affecting Mid and South Essex (covering Basildon, Braintree, Brentwood, Castle Point, Chelmsford, Maldon and Rochford plus the unitary authorities of Southend and Thurrock).

2. That the terms of reference for the joint committee as appended to the submitted report be approved and that authority be delegated to the Monitoring Officer, in consultation with the Leader, to agree on behalf of Southend City Council any final amendments to the constitution/terms of reference of the joint committee.

3. That the Chief Executive, in consultation with the Leader, will:

(i) Nominate representative(s) to sit on the new NHS Integrated Care Board and will work with other authorities to agree joint nominations where possible; and

(ii) Agree and confirm who will be the statutory nominee of Southend City Council on the Integrated Care Partnership; and

4. That the Executive Director (Adult and Communities), in consultation with the relevant Cabinet Member, be authorised to update, amend, transfer or replace existing section 75 arrangements between the Council and Essex clinical commissioning groups to the new NHS integrated care boards.

Recommended:

5. That the Southend Health and Wellbeing Board update and refresh its membership to reflect changes to NHS organisations and structures. ||

Reasons for Decisions

The Council has little choice following the abolition of CCGs but to participate in ICPs and ICBs. Both are public bodies carrying out public functions, meaning that they must have robust decision-making processes and therefore need to agree their terms of reference.

Other Options

None

Note: Resolutions 1-4 above are an Executive function. Recommendation 5 is a Council function

Referred direct to People Scrutiny Committee for consideration

Cabinet Member: Cllr Mitchell

69 Minutes of the meeting of the Senior Managers' Pay Panel held on Friday 1st July 2022

The Cabinet considered the recommendation of the Senior Managers' Pay Panel held on 1st July 2022.

Resolved:

That the recommendation of the Senior Managers Pay Panel held on 1st July 2022, be approved.

Note: This is an Executive Function

Referred direct to Policy & Resources Scrutiny Committee for consideration

Cabinet Member: Cllr George

70 Vecteo (Part 2 Report) - Statement by Chief Executive

The Chief Executive referred to the confidential report (Minute 72, refers) concerning SEND children which had been uploaded onto "Twitter" in advance of the Cabinet meeting and emphasised that the confidentiality of the document should have been respected. He added that the consequences of this breach are yet to be fully known but advised it may have serious financial and reputational issues for the Council and could significantly impact upon services to SEND children. He further advised that he was working with the Monitoring officer to

agree what actions are necessary to seek to ensure that exempt and confidential council documents in the future remain confidential.

71 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.

72 Vecteo

The Cabinet received a report of the Interim Director of Highways, Parks and Open on the London Hire Community Services (LHCS) and Southend Travel Partnership (Vecteo) Year 2 Financial Performance.

Recommended:

1. That the request for providing a working capital interest free cash injection to the Joint Venture Company Vecteo, as requested in their letter of the 7th June 2022 (Appendix A to the submitted report) and provided by 31st July 2022 at the latest which will be funded by the Business Transformation Reserve, be approved.
2. That the update regarding the initial exploration of alternative options for future service delivery, be noted.

Reasons for Decision

As set out in the submitted report

Other Options

As set out in the submitted report

Note: This is an Council function

Referred direct to the Policy & Resources Scrutiny Committee for consideration

Cabinet Member: Cllr Wakefield

Chair: _____