

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Cabinet

Date: Tuesday, 8th November, 2016

Place: Committee Room 1 - Civic Suite

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

In Attendance: Councillors C Mulroney and M Butler
R Tinlin, J Williams, J Chesterton, J Ruffle, A Lewis, A Atherton, C
Gamble, T, Row, D Patel, F Abbott, S Houlden, J O'Loughlin and
A Keating

Start/End Time: 2.00 - 3.40 pm

434 Apologies for Absence

Apologies for absence were received from Councillor Salter.

435 Declarations of Interest

There were no declarations of interest.

436 Minutes of the Meeting held on 20th September 2016

Resolved:-

That the Minutes of the Meeting held on Tuesday, 20th September 2016 be confirmed as a correct record and signed.

437 Pre-Cabinet Scrutiny Item

The Local Account of Adult Social Care Services had previously been subject to pre-Cabinet Scrutiny (Minute 450 refers).

438 Notice of Motion - Unaccompanied Children in Calais

At the meeting of Council held on 20th October 2016, Members received a notice of motion requesting the Council to write to the Secretary of State at the Home Office urging the government to urgently send officials to the Calais camp to process legitimate asylum claims that will allow unaccompanied children access to Britain and safety. The motion was proposed by Councillor Nevin and seconded by Councillor Ware-Lane (this had been referred to Cabinet in accordance with Standing Order 8.4).

Resolved:-

1. That the actions of the Government in respect of the unaccompanied refugee Children be noted and that senior officers from this Council are working

across the region with the Home Office and the Department for Education to offer a proportionate level of support.

2. That it be noted that in recognition of the need to ensure this support is given when it is most needed, officers, in consultation with the Executive Councillor for Children and Learning/the Leader of the Council, will take action as is necessary for this Council to help the unaccompanied refugee children whilst ensuring it obtains the best financial support possible from the Government to mitigate the impact on the Council's finances.

3. That a report be prepared for submission to the next meeting of the People Scrutiny Committee on progress.

Reason for Decision

To respond to the Notice of Motion

Note:-This is an Executive function
This item is eligible for call in to People Scrutiny Committee
Executive Councillor:- Courtenay

439 Monthly Performance Report

Resolved:-

That the submitted report be noted.

Note:- This is an Executive function
Referred direct to all three Scrutiny Committees
Executive Councillor:- As appropriate to the item
***Referred direct by Cabinet to all three Scrutiny Committees**

440 In-depth Scrutiny report - 'Control of personal debt and the advantages of employment'

The Cabinet considered a report of the Chief Executive presenting the final report of the in-depth scrutiny project 'Control of personal debt and the advantages of employment'.

Resolved:-

That the report and outcomes from the review from the in depth scrutiny project, attached at Appendix 1 to the submitted report, be approved.

Reason for Decision

To raise awareness about the issue of personal debt.

Other Options

None

Note:-This is an Executive function
This item is eligible for call in to Policy and Resources Scrutiny Committee
Executive Councillor:- Moring
***Called-in to Policy & Resources Scrutiny Committee**

441 In-depth Scrutiny report - 20mph speed restrictions in residential streets

The Cabinet considered a report of the Chief Executive presenting the in-depth scrutiny project – '20mph Speed Restrictions in Residential Streets'.

On consideration of the report, it was noted that the proposals were consistent with the existing practice with regard to the introduction of 20mph speed restriction schemes in the Borough.

Resolved:-

That the report be received and noted.

Reason for Decision

To receive the scrutiny project report.

Other Options

None

Note:-This is an Executive function
This item is eligible for call in to Place Scrutiny Committee
Executive Councillor:- Cox
***Called-in to Place Scrutiny Committee**

442 Capital Redevelopment of Delaware, Priory and Viking - Reference back from People Scrutiny Committee 11th October 2016

The Cabinet considered a report of the Deputy Chief Executive (People) which had been prepared in response to the decision of People Scrutiny Committee on 11th October 2016, to refer back Minute 285 (Capital redevelopment of Priory, Delaware and Viking) for further consideration, and the decision of Council on 20th October to urge Cabinet to proceed with the original plans previously agreed by the Council.

Resolved:-

1. That the Cabinet decision of 20th September 2016 be reaffirmed, namely:
2. That it be noted that the Strategic Outline Case (SOC), set out at Appendix 1 to the submitted report, has found that the preferred option is the re-development of the Viking Learning Disability Day Centre and the New Build of a 60 bed dual registered dementia care home, on a single site (Priory).

3. That the preferred option(s) identified above should be subjected to a fully costed Outline Business Case (OBC) to be presented to Cabinet in February 2017.

4. That it be noted that the Scheme will be financed by the Council and the Local Authority Trading Company, Southend Care, will operate any new facility under a long term commercial lease from the Council.

Reason for Decision

To respond to the decision of People Scrutiny Committee (11th October 2016) and Council (20th October 2016).

Other Options

None

Note:-This is an Executive function

Not eligible for call-in as the matter has already been the subject of the call-in procedure.

Executive Councillor:- Salter

443 Capital Monitoring for 2016/17 and Revised Capital Programme 2016/17 to 2019/20

The Cabinet considered a report of the Chief Executive setting out the capital expenditure as at 30 September 2016 and recommending in-year amendments to the approved Capital Programme for 2016/17 to 2019/20.

Recommended:-

1. That the actual capital expenditure position as at 30 September 2016 of £22.014 million as shown in Section 4 and Appendix 1 of the submitted report, be noted.
2. That the financing position of the Capital programme as at 30 September 2016, 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 2016/17 to 2019/20 that results 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 since the last Cabinet meeting on 28 June 2016.

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:- Moring

444 Mid-Year Treasury Management Report - 2016/17

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 2016.

Recommended:-

1. That the Mid-Year Treasury Management Report for 2016/17, be approved.
2. That the revisions to the Treasury Management Policy for 2016/17, as set out in Section 13 and in Appendix 3 to the submitted report, be approved.
3. 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 2016.
4. 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.
5. That it be noted that an average of £49.9m of investments were managed in-house. These earned £0.15m of interest during this six month period at an average rate of 0.62%. This is 0.34% over the average 7 day LIBID (London Interbank Bid Rate) and 0.20% over the average bank base rate.
6. That it be noted that an average of £19.7m of investments were managed by our former external fund manager. These earned £0.14m of interest during this six month period at an average rate of 1.37%. This is 1.09% over the average 7 day LIBID and 0.95% over the average bank base rate.
7. That it be noted that during September 2016 £22.7m was recalled from the Council's former external fund manager and £15m was invested equally across two short dated bond funds and £5m was invested into an enhanced cash fund.
8. That it be noted that an average of £14.5m was managed by two property fund managers. This reduced in value by £79k during this six month period from a combination of a decrease in the value of the units partially offset by income distribution, giving a combined return of -1.09%.
9. 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 2016.

10. That it be noted that the level of financing for 'invest to save' schemes increased from £3.21m to £5.94m during the period from April to September 2016.

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 2016/17 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 a Council function

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

Executive Councillor:- Moring

445 Office of Surveillance Commissioners - Inspection Report

The Cabinet considered a report of the Chief Executive on the result of a recent inspection carried out by the Office of Surveillance Commissioners (OSC) of the arrangements made by the Council to ensure compliance with the statutory provisions which govern the use of covert surveillance, particularly the Regulation of Investigatory Powers Act 2000.

Resolved:-

1. That the report of the Assistant Surveillance Commissioner dated 8th August 2016, attached at Appendix 1 to the submitted report, be noted.

2. That it be noted that the recommendations in the report will be implemented.

3. That the amendments to the Council's "Policy and Procedures for undertaking Directed Covert Surveillance and the use of Covert Human Intelligence Sources" as recommended by the Assistant Surveillance Commissioner and highlighted in Appendix 2 to the report, be approved.

Reason for Decision

To respond to the recommendations of the OSC inspection.

Other Options

None

Note:-This is an Executive function
This item is eligible for call in to Policy and Resources Scrutiny Committee
Executive Councillor:- Moring

446 Local Code of Governance: Review

The Cabinet considered a report of the Chief Executive presenting the Council's revised Local Code of Governance.

Recommended:-

1. That the revised Local Code of Governance, set out at Appendix 1 to the submitted report, be approved.
2. That the Council's Constitution be updated with the revised Local Code of Governance.

Reason for Decision

To comply with the relevant statutory requirements.

Other Options

Not adopting a revised code that incorporates or reflects the CIPFA/Solace Good Governance Framework for local government would mean the Council's governance framework was not as robust as it could be, leaving the Council more vulnerable to poor management practice and possible legal challenge.

Note:-This is a Council function
This item is eligible for call in to Policy and Resources Scrutiny Committee
Executive Councillor:- Lamb

447 Procurement of Remote Processing for Housing Benefits

The Cabinet considered a report of the Chief Executive proposing the use of a tender process for the appointment of a third party provider to provide assistance during the transition to universal credit for a 3 year period (with an option to extend for a further year).

Resolved:-

That a tender process be used for the appointment of a provider of third party remote processing to support the Housing Benefit Team during the transition to Universal Credit.

Reason for Decision

To assist the service in ensuring a maximum subsidy claim each year in the most reliable and cost effective manner. It will allow a reduction in resource year on year, in line with Universal Credit roll out, through the life of the contract.

Other Options

1. Recruit staff on temporary contracts. It would be difficult to recruit trained staff and it takes up to a year to train a new starter.
2. Try and cover the work using overtime. This will not be sufficient and will lead to significant delays in processing which will result in subsidy qualifications and increased overpayments.
3. Recruit specialist agency staff direct. This would be more expensive than the recommended option and does not deliver the flexibility required.

Note:-This is an Executive function

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

Executive Councillor:- Moring

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

448 Financial Pressures Facing the HRA

The Cabinet considered a report of the Deputy Chief Executive (People) updating Members on various financial pressures facing the Housing Revenue Account (HRA) as a result of recent changes in Government policy.

Resolved:-

That the submitted report be noted.

Reason for Decision

To inform Members of the financial pressures facing the HRA account.

Other Options

None

Note:-This is an Executive function

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

Executive Councillor:- Flewitt

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

449 Success for All Children Annual Report

The Cabinet considered a report of the Deputy Chief Executive (People) presenting a draft of the Success for All Children Group's Annual Report April 2015 – March 2016.

Resolved:-

That the submitted report be noted.

Reason for Decision

To inform Members of the progress made in delivering the overarching objectives for children's services.

Other Options

None

Note:-This is an Executive function

This item is eligible for call in to People Scrutiny Committee

Executive Councillor:- Courtenay

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

450 A Local Account of Adult Social Care Services in Southend 2015-16

The Cabinet considered a report of the Deputy Chief Executive (People) presenting the draft Local Account of Adult Social Care services in 2015-16, including priorities and plans for 2016-17.

Resolved:-

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

Reason for Decision

The publication of the Local Account of adult social care services for 2015-16 ensures the continuity of information for the public about the performance of this service.

Other Options

None

Note:-This is an Executive function

This item is eligible for call in to People Scrutiny Committee

Executive Councillor:- Salter

This item had previously been the subject of Pre-Cabinet scrutiny.

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

451 Sheltered Housing Review

The Cabinet considered a report of the Deputy Chief Executive (People) on the outcome of the review of housing need of older people in the Borough which had been undertaken by Peter Fletcher Associates (PFA).

Resolved:-

1. That the contents of the submitted report and the accompanying PFA Report, be noted.

2. That a series of workshops and working groups be convened for the purpose of exploring in detail the main themes of the report, namely:

- Physical structure of the schemes – including accessibility within Schemes and the size of individual accommodation units.
- Community & Locality – location of Schemes in relation to local facilities (i.e. accessibility to local amenities and transport links) and encouraging community access to Scheme facilities as part of a wider Locality approach to services.
- Meeting Housing, Care and Support needs of older people – how Schemes enable tenants to stay in their homes as they become frailer, developing a criteria for sheltered housing based on need, and developing use of Telecare, Telehealth, and assistive technology options.

3. That the workshops and working groups be convened and facilitated by officers from the strategic housing service, South Essex Homes, and adult social care services, and be supported and attended by elected Members as key stakeholders and decision makers.

4. That the outcome of these workshops and working groups be presented as a follow up Cabinet report in the spring of 2017 with recommended options for developing a model of sheltered housing provision in order to meet the housing need of older people in Southend.

Reason for Decision

The provision of good quality housing for older people is an important issue that is crucial to the successful delivery of the Council's strategic objectives in relation to health and wellbeing, safety, prosperity, and value for money.

Other Options

None

Note:-This is an Executive function

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

Executive Councillor:- Flewitt and Salter

***Called-in to People Scrutiny Committee and Policy & Resources Scrutiny Committee**

452 Gambling Policy Review

The Cabinet considered a report of the Deputy Chief Executive (Place) setting out the draft revised statement of Gambling Licensing Policy as the basis for formal consultation.

Resolved:-

That the draft revised Policy document be endorsed for the purposes of consultation.

Reason for Decision

To comply with the Council's statutory duty under Section 349 of The Gambling Act 2005

Other Options

None.

Note:-This is an Executive function

This item is eligible for call in to Place Scrutiny Committee

Executive Councillor:- Flewitt

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

453 PVX Policy

The Cabinet considered a report of the Deputy Chief Executive (Place) proposing amendments to the existing Permanent Vehicular Crossing (PVX) Policy in light of the outcome of the review.

Resolved:-

1. That the issues identified in Section 5 of the submitted report relating to the PVX Policy, process and procedures, be noted.
2. That the amendments to the PVX Policy set out in paragraphs 5.2(a)-(d) of the report, be approved.
3. That the matters that are not considered to amount to exceptional circumstances, set out in paragraph 5.5 of the report, be approved.
4. That the approach to refusing applications set out in paragraph 5.6 of the report, be approved.
5. That the approach to exceptional circumstances set out in paragraph 5.8 of the report, be approved (acknowledging that each application is different and each exceptional circumstances case will be considered on its own merits).
6. That the recommendations in Paragraph 5.9 of the report be approved (i.e. no changes to remaining policy or criteria).
7. That the approach to fees set out in paragraph 5.11 of the report, be approved.

Recommended:-

8. That the exceptional circumstances PVX applications be included as part of the terms of reference of both the Traffic and Parking Working Party and Cabinet Committee, so as not to preclude the democratic process, with the Cabinet Committee having full delegated powers to determine the applications and that the call-in process shall not apply to the decisions of the Committee to ensure that the applications are dealt with in a timely manner.

9. That, accordingly, the following amendments be made to the Constitution:

(a) Part 3 Schedule 2 – Terms of Reference of Traffic and Parking Working Party. Add the following to the terms of reference of the working party under paragraph 3.6.3: (c) To consider exceptional circumstances PVX applications and make appropriate recommendations to the Cabinet Committee.

(b) Part 3 Schedule 2 – Terms of Reference of Cabinet Committee. Add the following at the end of the terms of reference to the Cabinet Committee under paragraph 2 (b): The Cabinet Committee will consider the recommendations from the Traffic and Parking Working Party in respect of exceptional circumstances PVX applications and determine such applications. The decisions will not be available for call-in.

(c) Part 4(e) – Call-in. Add the following to the list of exceptions to the call-in process under paragraph 15(e): (iv) in respect of exceptional circumstances PVX applications determined by the Cabinet Committee.

Reason for Decision

The changes proposed are in response to feedback from Members and customers.

Other Options

To continue with the system that currently exists.

Note:-The decisions in 1-7 above constitute an Executive function. The decisions in 8 and 9 above constitute a Council function.

This item is eligible for call in to Place Scrutiny Committee

Executive Councillor:- Cox

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

454 Celebrating 125 years of the Borough of Southend-on-Sea

The Cabinet considered a report of the Deputy Chief Executive (Place) proposing a programme of events in 2017 celebrating both the 125th anniversary of the Borough Charter for Southend-on-Sea and the centenary of Priory Park.

Recommended:-

1. That the proposed series of celebrations to mark the 125th anniversary of the signing of the Borough Charter and the centenary of Priory Park, be approved.

2. That the nationally significant award of Poppies: Wave exhibition to Shoeburyness which will form part of the year's celebrations, be noted.

3. That one-off financial support of the collective activity up to £580k and funded from the Business Transformation Reserve across 2016/17 and 2017/18, be approved.

Reason for Decision

To mark the anniversary and for the occasion to be used as an opportunity for community cohesion and for the residents of the Borough to be aware of their own local history and create a sense of Civic Pride.

Other Options

As set out in the submitted report.

Note:-This is a Council function

This item is eligible for call in to Place Scrutiny Committee

Executive Councillor:- Holland

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

455 Minutes of the London Southend Airport Monitoring Working Party held 20th September 2016

Resolved:-

That the Minutes of the meeting of the London Southend Airport Monitoring Working Party held on 20th September 2016 be noted.

Note:- This is an Executive Function

Eligible for call-in to Place Scrutiny Committee

Executive Councillor:- Cox

456 Standing Order 46 Procedure

Resolved:-

That the submitted report be noted.

Note:- This is an Executive Function.

Eligible to call-in to the relevant Scrutiny Committees as appropriate to the item

Executive Councillor:- As appropriate to item

***Called-in to Place Scrutiny Committee (Pier Entrance (West) and 21 Pier Arches only)**

457 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 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.

458 Waste Management PFI

The Cabinet considered the report of the Deputy Chief Executive (Place) on the above.

Resolved:-

That the recommendations in the submitted report be approved.

Reason for Decision

As set out in the submitted report.

Other Options

As set out in the submitted report.

Note:-This is an Executive Function

This item is eligible for call-in to Place Scrutiny Committee

Executive Councillor:- Cox

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

Chairman: _____