

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Place Scrutiny Committee

Date: Monday, 10th April, 2017

Place: Committee Room 1 - Civic Suite

Present: Councillor K Robinson (Chair)
Councillors P Wexham (Vice-Chair), A Bright, D Burzotta,
T Callaghan, M Davidson, F Evans, N Folkard, J Garston,
S Habermel, D Jarvis, D Kenyon, H McDonald, D McGlone, M Terry
and C Willis

In Attendance: Councillors T Cox, M Flewitt, A Holland and J Lamb (Executive
Councillors)
Councillors C Mulroney and J Ware-Lane
A Lewis, J K Williams, E Cooney, P Mathieson, T MacGregor C Burr,
and T Row

Start/End Time: 6.30 p.m. - 8.45 p.m.

944 Councillor Assenheim

The Committee stood in silent tribute in memory of Councillor Mike Assenheim, who had sadly passed away last week.

945 Apologies for Absence

There were no apologies for absence.

946 Declarations of Interest

The following interests were declared at the meeting:

(a) Councillors Cox, Flewitt, Holland and Lamb (Executive Councillors) – interests in all the called-in/referred items; attended pursuant to the dispensation agreed at Council on 19th July 2012, under S.33 of the Localism Act 2011;

(b) Councillor Burzotta – Agenda Item No. 7 (Better Queensway: Process to appoint a preferred project partner) – Disclosable non-pecuniary interest: Non-Executive Director of South Essex Homes – attended pursuant to the dispensation agreed by the Standards Committee on 28th February 2017, under S.33 of the Localism Act 2011 to participate in the debate and vote;

(c) Councillor Callaghan – Agenda Item No. 7 (Better Queensway: Process to appoint a preferred project partner) – Non-pecuniary interest: Friends are tenants of South Essex Homes Ltd;

(d) Councillor Davidson – Agenda Item No. 7 (Better Queensway: Process to appoint a preferred project partner) – Disclosable non-pecuniary interest: Non-Executive Director of South Essex Homes – attended pursuant to the dispensation agreed by the Standards Committee on 28th February 2017, under S.33 of the Localism Act 2011 to participate in the debate and vote;

(e) Councillor Flewitt – Agenda Item No. 7 (Better Queensway: Process to appoint a preferred project partner) – Non-pecuniary interest: Friends and family are tenants of South Essex Homes Ltd;

(f) Councillor Holland – Agenda Item No. 5 (Monthly Performance Report: page 37 item (d)) – Non-pecuniary interest: Member of the Forum Board;

(g) Councillor Holland – Agenda Item No.6 – North Thames Fisheries Local Action Group (FLAG) – Non pecuniary interest: Proposed Council appointee to the Board;

(h) Councillor Lamb – Agenda Item No.6 – North Thames Fisheries Local Action Group (FLAG) – Non pecuniary interest: Director of Leigh Port Partnership;

(i) Councillor Mulroney – Agenda Item No.6 – North Thames Fisheries Local Action Group (FLAG) – Non-pecuniary Interest : Director of Leigh Port Partnership, Chairman of Leigh-on-Sea Town Council, Member of Leigh Coastal Communities Team and Leigh Society;

(j) Councillor Terry – Agenda Item No.6 – North Thames Fisheries Local Action Group (FLAG) – Non pecuniary interest: Contacts and friends in the fishing industry; and

(k) Councillor Wexham – Agenda Item No.6 – North Thames Fisheries Local Action Group (FLAG) – Disqualifying non-pecuniary Interest – Director of Leigh Port Partnership (withdrew).

947 Questions from Members of the Public

The Executive Councillor for Culture, Tourism and the Economy and the Executive Councillor for Transport, Waste and Cleansing responded to written questions from Mr Webb.

948 Minutes of the Meeting held on Monday 23rd January 2017

Resolved:-

That the Minutes of the Meeting held on Monday 23rd January 2017 be received, confirmed as a correct record and signed.

949 Monthly Performance Report (MPR)

The Committee considered the Monthly Performance Report (MPR) covering the period to end February 2017, which had been circulated recently.

Resolved:-

That the report be noted.

Note:- This is an Executive Function.

Executive Councillor:- As appropriate to the item.

950 North Thames Fisheries Local Action Group (FLAG)

The Committee considered Minute 863 of the meeting of Cabinet held on 14th March 2017, which had been called-in to Scrutiny, together with the report of the Deputy Chief Executive (Place) providing an update on the establishment of the North Thames Fisheries Local Action Group (FLAG).

The North Thames FLAG had been awarded £800k over 3 years (2017-2020) to deliver a range of projects against their 5 priority themes.

Resolved:-

That the following decisions of Cabinet be noted:

“1. That the North Thames Fisheries Local Action Group (FLAG) be supported given its potential to make a positive impact on the fisheries sector locally.

2. That the draft Partnership Agreement, as set out in Appendix 1 to the submitted report, be approved in principle and that authority be delegated to the Director of Regeneration and Business Development in consultation with the Portfolio Holder for Culture, Tourism and the Economy to agree the final Partnership Agreement and sign it on behalf of the Council.

3. That FLAG capital projects be forward funded by the Council up to a maximum of £120,000 p.a. (inc VAT) over 3 years which will be fully repaid in arrears and that authority be delegated to the Director of Finance and Resources and Director of Regeneration and Business Development in consultation with the Portfolio Holder for Culture, Tourism and the Economy to agree any financial contribution to the FLAG by the Council on a case by case basis.

4. That the initial Leigh Port feasibility study be funded by the Council at a total cost of £65k to be funded from the Business Transformation reserve which will be reimbursed by the FLAG in arrears following MMO approval.

5. That existing funding which is already within the Council's budget for related projects is used as match funding and/or to lever additional investment for FLAG projects where appropriate and relevant.”

Note:- This is an Executive Function.

Executive Councillor :- Holland

951 Better Queensway: Process to appoint a preferred project partner

The Committee considered Minute 892 of the meeting of Cabinet held on 28th March 2017, which had been referred direct to Scrutiny by Cabinet, together with the report of the Deputy Chief Executive (Place) which sought approval to progress the Better Queensway project to procurement stage to identify a preferred partner(s) and set out a series of processes that need to be undertaken in order to meet the proposed procurement timetable. The Committee also received a Powerpoint presentation which summarised the traffic modelling for the scheme and the preferred option for the road transport layout.

Resolved:-

1. That the following recommendations of Cabinet be noted:

“1. That the following key elements be included in the procurement documentation to set out the Council’s ambitions, parameters and expectations of Better Queensway and to enable the procurement process:

Finance

(i) That the intention for the Council to act as senior lender be approved and included in the procurement documentation while clearly stating that the Council will assess the position at the time to ensure that this meets the Council’s best interests.

Procurement

(i) That Competitive Dialogue be approved as the procurement approach to securing a preferred project partner(s).

(ii) That commencement of the competitive dialogue process, based on the timetable set out in paragraph 5.4 of the submitted report, be approved.

(iii) That the term “Partnership Approach” be used in defining the approach to be developed by tenderers in response to the Council’s objectives and that this be used throughout the procurement documentation.

(iv) That the proposed Better Queensway objectives/requirements be approved, in principle, as an appropriate and comprehensive set of underpinning statements to be included in procurement documentation and to form the basis for evaluation questions and that the Deputy Chief Executive (Place) and the Deputy Chief Executive (People) shall each be individually authorised, in consultation with the Portfolio Holder for Culture, Tourism and the Economy, to refine and confirm the final objectives and requirements.

(v) That the outline evaluation criteria and weightings be approved, in principle, and that the Deputy Chief Executive (Place) and the Deputy Chief Executive (People) shall each be individually authorised, in consultation with the Portfolio Holder for Culture, Tourism and the Economy, to refine and confirm the final evaluation criteria.

Governance

(i) That a sponsoring group be established within the project structure including the Leader of the Council, Portfolio Holder for Culture, Tourism and the Economy, Chief Executive, Deputy Chief Executive (Place) and Deputy Chief Executive (People).

(ii) That the Deputy Chief Executive (Place) and the Deputy Chief Executive (People) each be individually authorised, in consultation with the Portfolio Holder for Culture, Tourism and the Economy, in the context of the sponsoring group, to take decisions during the procurement process to ensure agile and timely

decision making keeping the procurement to timetable and protecting the Council's position.

(iii) That the Deputy Chief Executive (Place) and the Deputy Chief Executive (People) each be individually authorised, in consultation with the Portfolio Holder for Culture, Tourism and the Economy, and the Director of Finance and Resources to negotiate to purchase residential and commercial properties which become available within the 'Better Queensway' site if this offers value for money and proves to be advantageous to the project.

Planning

(i) That the draft site boundary, as per the plan set out in Appendix 1 to the report, be approved as the preferred regeneration area for which a partner(s) is sought but in order that adjustments, which may be required to optimise the final scheme, can be made the Deputy Chief Executive (Place) and the Deputy Chief Executive (People) shall each be individually authorised, in consultation with the Portfolio Holder for Culture, Tourism and the Economy, to approve the final site.

(ii) That a preference for buildings of no more than 12 storeys is reflected in the procurement documentation.

(iii) That a preference for a minimum of 1:1 residential parking is reflected in the procurement documentation.

(iv) That the outline for the Design Code be approved and authority delegated to the Deputy Chief Executive (Place), in consultation with the Portfolio Holder for Housing, Planning and Public Protection Services to approve the final document.

(v) That the demolition of the towers, as per the decision taken at Cabinet in September 2016 (Minute 261, item 4 refers), be approved as a minimum criterion in the procurement documentation.

Housing

(i) That a minimum of 441 affordable homes is included in the specification and that the composition of tenancy type for the remaining housing units (private sale and private rented) is finalised through competitive dialogue.

(ii) That the overall total number of housing units to be provided on the scheme, subject to compliance with Council planning policies, will be finalised through competitive dialogue.

(iii) That a viable mix of 1, 2 and 3 bed residences will be developed as part of the overall Better Queensway scheme and finalised through competitive dialogue.

(iv) That Assured Tenancies, containing the same terms and conditions as current Secure Tenancies, must be offered to returning current Council tenants.

(v) That the option of offering a 'Right To Buy' clause for returning Council tenants should be retained.

(vi) That the partnership approach procured should entail the whole funding, development and management approach for all elements of the Better Queensway scheme (affordable, private, commercial and community).

(vii) That the Council's tender documentation encourages tenderers to consult with South Essex Homes (SEH) as the Council's existing Arm's Length Management Organisation (ALMO) and managers of the Council's existing housing stock with regards to their approach to the scheme.

Transport

(i) That the plan, as set out in Appendix 2 to the report, be approved as the preferred road transport layout for the regeneration area but in order that adjustments can be made, which may be required to optimise the road layout, authority be delegated to the Deputy Chief Executive (Place), in consultation with the Portfolio Holder for Transport and Waste, to approve the final layout.

Land

(i) That land and premises outside the Council's ownership, but which may be of strategic significance for the project, are identified and considered on a case by case basis for acquisition.

Communication

(i) That the communication and engagement activity includes the wider resident base, business community and stakeholders.

(ii) That a general public awareness event be held prior to the submission of an outline planning application.

Quality of Place

(i) That a sustainable energy and environment approach is taken in the design and development of Queensway, to be determined by the market.

(ii) That a Smart Cities approach is taken in regards to Queensway, designing in current and future-proofed capability to ensure that the site benefits from cutting-edge technology for the benefit of residents, businesses and in its management.

(iii) That local skills and employment benefits be sought where possible from the design, development and delivery of Queensway.

(iv) That external funding be sought for as many elements of the project as possible noting that external funding often requires match funding which may be able to be found in the partnership, but which may need to come back to Cabinet for approval as part of future budget rounds.

(v) That the principle of a community fund, to maximise participative community development and integration, be included in the procurement documentation for development through competitive dialogue.

(vi) That roads surrounding the regeneration site (excluding primary highway roads) are considered for 'home zone' or equivalent treatment.

2. That, on the basis of the objectives, expectations and processes set out in 1 above, commencement of the procurement process in accordance with the timetable set out, be approved.

3. That a further £1.25m financial support to the project, as set out in paragraph 15.2 of the report, be approved.

4. That in agreeing the additional financing for the project there is approval for an addition to the capital programme of £1m and an adjustment to reserves of £0.25m to fund these costs.

5. That it be noted that the costs of any Sustainable Urban Drainage System (SUDS) interventions and relevant highways works beyond those directly related to the project be considered as part of the review of the Capital Programme in the 2018/19 budget setting.

6. That it be noted that there may be additional funding requests for the Capital Programme in respect of commercial and residential acquisitions during 2017/18.

7. That the status of the financial viability of the project as, set out in paragraphs 4.1 to 4.3 of the report, be noted.”

2. That, in accordance with Council Procedure Rule 39, the matter be referred to full Council for decision.

Note: This is a Council function
Executive Councillor:- Holland

952 Revocation of Pier Cycling Byelaw

The Committee considered Minute 893 of the meeting of Cabinet held on 28th March 2017, which had been referred direct to Scrutiny by Cabinet, together with the report of the Deputy Chief Executive (Place) requesting that consideration to be given to the proposed revocation of byelaw 18 of the Council byelaws regulating and governing the riding or use of bicycles or other wheeled vehicles on Southend Pier.

Resolved:-

1. That the following recommendation of Cabinet be noted:

“That authority be given for the preparation of all necessary draft orders, undertaking of consultation and to seek confirmation of the Secretary of State for the Department of Communities and Local Government where required to enable members to determine whether or not to revoke byelaw 18.”

2. That, in accordance with Council Procedure Rule 39, the matter be referred to full Council for decision.

Note: This is a Council function
Executive Councillor: Holland

953 In-depth Scrutiny Project - 'To investigate the case for additional enforcement resources for Southend'

The Committee considered a report by the Chief Executive which sought formal approval to the draft final report and recommendations from the joint in-depth scrutiny project with the Policy & Resources Scrutiny Committee for 2016/17 entitled 'To investigate the case for additional enforcement resources for Southend'.

Resolved:-

1. That, subject to concurrence of the Policy & Resources Scrutiny Committee, the draft report and the recommendations from the in-depth scrutiny project be endorsed for submission to Cabinet, with the amendment to recommendation 1.2 to include the words "with the support of the Police & Crime Commissioner for Essex" to the end of the recommendation.
2. That the Chairman of the Policy & Resources Scrutiny Committee, in consultation with the Chairman of the Place Scrutiny Committee, be authorised to agree any final minor amendments to the draft report.
3. That in accordance with Scrutiny Procedure Rule 10 (Part 4 (e) of the Constitution), to agree that the Chairman of the Project Team present the final report to a future Cabinet meeting.
4. That the Members and Officers involved with the study be thanked for their hard work.

Note: This is a Scrutiny Function.

954 Industrial Strategy Green Paper

The Chairman agreed that this item be considered at this meeting as an urgent additional item to enable the comments of the Scrutiny Committee to be included in the Council's response to the Green Paper prior to its submission before the required deadline.

The Committee considered a report of the Deputy Chief Executive (Place) that set out the Council's proposed response to the recently published 'Building our Industrial Strategy Green Paper January 2017'. A copy of the Green Paper was attached to the report at Appendix 1. The report also sought Members' input, comment and endorsement of the proposed consultation response (attached at Appendix 2 to the report) prior to its submission to the Department for Business, Energy and Industrial Strategy by the deadline of 17th April 2017.

Resolved:-

1. That the 'Building Our Industrial Strategy Green Paper January 2017', attached to the report at Appendix 1, is noted.

2. That, subject to the inclusion of any comments by Members before Thursday 13th April 2017, the proposed consultation response (attached at Appendix 2 to the report) be submitted to the Department for Business, Energy and Industrial Strategy.

Note:- This is an Executive function.
Executive Councillor:- Holland

Chairman: _____