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Southend-on-Sea Borough Council

Legal & Democratic Services

Strategic Director: John Williams

📍 Civic Centre, Victoria Avenue, Southend-on-Sea, Essex SS2 6ER

☎ 01702 215000

🌐 www.southend.gov.uk

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10 July 2020

THE COUNCIL - THURSDAY, 16TH JULY, 2020 SUPPLEMENTARY PACK – SCRUTINY COMMITTEE MINUTES HELD 6TH, 7TH AND 9TH JULY 2020

Please find enclosed, for consideration at the next meeting of The Council taking place on Thursday, 16th July, 2020, at 6.30pm the following minutes that were unavailable when the agenda was printed.

Agenda Item No

28 **Minutes of Place Scrutiny Committee held Monday, 6th July 2020 (Pages 1 - 6)**

Minutes attached

29 **Minutes of People Scrutiny Committee held Tuesday, 7th July 2020 (Pages 7 - 10)**

Minutes attached

30 **Minutes of Policy and Resources Scrutiny Committee held Thursday, 9th July 2020 (Pages 11 - 14)**

Minutes attached

Robert Harris
Principal Democratic Services Officer
Legal & Democratic Services

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SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Place Scrutiny Committee

Date: Monday, 6th July, 2020
Place: Virtual Meeting via MS Teams

28

Present: Councillor A Moring (Chair)
Councillors B Ayling, J Beck, A Bright, K Buck, L Burton, A Chalk,
D Cowan, T Cox, M Dent, S George, D Jarvis, D Nelson*,
S Wakefield, C Walker, N Ward and P Wexham
*Substitute in accordance with Council Procedure Rule 31.

In Attendance: Councillors I Gilbert, A Jones, C Mulroney, K Robinson and
R Woodley (Cabinet Members)
Councillors M Borton and K Evans
A Lewis, J Chesterton, L Reed, J Williams, E Cooney, S Dolling,
G Halksworth, C Robinson, G Gilbert, A Grant, S Harrington,
N Hoskins, P Jenkinson, T Row, R Harris< N Laver, S Newman and
C Woodcraft

Start/End Time: 6.30 pm - 9.40 pm

116 Apologies for Absence

Apologies for absence were received from Councillor Flewitt (Substitute: Councillor Nelson).

117 Declarations of Interest

The following interests were declared at the meeting:

(a) Councillors I Gilbert, A Jones, C Mulroney, K Robinson and R Woodley (Cabinet Members) - Interest in the called-in items; attended pursuant to the dispensation agreed at Council on 19th July 2012, under S.33 of the Localism Act 2011;

(b) Councillor Buck - Minute No. 121 (Protection of Public Open Space) – Non-pecuniary interest: Member of Belfairs Golf Club which was mentioned in the debate; and

(c) Mr A Lewis – Minute No. 122 (Better Queensway Regeneration Project - Progress Update and Consideration of the Final Proposals) – Non-pecuniary interest: Council appointed representative on the LLP.

118 Questions from Members of the Public

There were no questions from members of the public.

119 Minutes of the Meeting held on Monday, 28th January 2020

Resolved:-

That the Minutes of the Meeting held on Monday, 28th January, 2020 be received, confirmed as a correct record and signed.

120 Parking Review

The Committee considered Minute 67 of Cabinet held on 16th June 2020, which had been called-in for Scrutiny, together with the report of the Executive Director (Neighbourhoods and the Environment) that:

- (a) provided an update on progress made against the Cabinet Report of 5 November 2019;
- (b) explored the risks and opportunities from the COVID-19 emergency;
- (c) sought approval for a new Parking Review 2020 Project Plan; and
- (d) provided an update on the introduction of the Key Worker Permit (temporary).

Resolved:-

That the following decision of Cabinet be noted:

“1. That the updates be noted and the revised Parking Review Project Plan as set out in the submitted report, be approved.

2. That the efforts to expand the function of the Traffic Regulations Working Party to act as a monitoring and advisory panel for the Project Management Team, be supported.”

Note: This is an Executive Function
Cabinet Member: Cllr Woodley

121 Protection of Public Open Space

The Committee considered Minute 68 of Cabinet held on 16th June 2020, which had been called-in for Scrutiny, together with the report of the Executive Director (Neighbourhoods and the Environment) informing Councillors of the increasing pressure on existing public open spaces and the increasing number of requests being received from sports clubs and other organisations to lease public open space and to limit, restrict or reduce public availability. The report proposed to establish clear and consistent guidance which could be applied by officers in dealing with requests for the disposal of public open spaces.

In response to a question regarding the potential scrapping of the proposals for the area of land at Lundy Close, the Leader of the Council undertook to provide a written response to all Councillors on the Committee and the relevant Ward Councillors.

Resolved:-

That the following decisions of Cabinet be noted:

“1. That the general presumption against the disposal of public open space in Southend-on-Sea and the ongoing protection of these areas, be continued.

2. That the existing agreements relating to areas of public open space or buildings within them continue during their term and on renewal or re-letting/procurement can be agreed when applicable.

3. That requests for the Council to dispose (by any means) of areas of open space to enable their enclosure (or any other restrictions on public use) by sports clubs or other organisations and the exclusion of the public from enjoying those spaces are not considered to ensure that free public access to open space is maintained. Whilst exceptions are not expected, should they arise, such exceptions will be a matter for Cabinet to decide upon.

4. That it be noted that from time to time, the granting of easements and wayleaves for services or highway widening or realignment may be required. In these situations, the preferred position is that public access is maintained or replacement land is sought.

5. That in a situation where an area of open space has been identified as a location which could enable the delivery of a key Council outcome, and the Council has determined that the area has no or minimal recognised benefit to the public, or a replacement space of the same or enhanced value can be provided, the disposal will be considered to enable the Council to deliver its outcomes.”

Note: This is an Executive Function
Cabinet Member: Cllr Mulroney

122 The Beecroft Trust

The Committee considered Minute 69 of Cabinet held on 16th June 2020, which had been called-in for Scrutiny, together with the report of the Executive Director (Adults and Communities) proposing improved governance arrangements and decision making for the Beecroft Trust (“the Trust”).

The Cabinet Member for Business, Culture & Tourism undertook to provide written responses to the questions on the following matters:

- (a) a breakdown of external funding which the Council has received to-date in respect of the scheme to convert the Station Road property into artist studios;
- (b) whether the funding in (a) would have to be repaid if the scheme did not proceed; and
- (c) details of any further external funding that had been sought for the scheme.

The Cabinet Member for Business, Culture and Tourism confirmed (subject to the proviso that it was procedurally possible to do so) that the Place Scrutiny Committee should be able to scrutinise any recommendation to Council made by the General Purposes Committee before a decision was taken by Council as trustee of the Beecroft Trust. This would enable the Council to have the benefit of the Scrutiny Committee’s views on relevant trust issues, as well as the recommendation of the General Purposes Committee, when reaching a decision as trustee.

Resolved:-

That the following recommendations of Cabinet be noted:

“1. That the Council’s General Purposes Committee act on behalf of the Trust and make recommendations for full Council to consider.

2. That independent advice be provided to the Beecroft Trustee (“Trustee”) through the General Purposes Committee to fulfil its objectives in the best interest of the Trust.

3. That specific independent advice be sought and provided on the Beecroft Art Gallery site at Station Road, Westcliff (“the Former Gallery”).”

Note: This is a Council Function
Cabinet Member: Cllr Robinson

123 Better Queensway Regeneration Project - Progress Update and Consideration of the Final Proposals (the report will be considered in conjunction with the minutes of the Shareholder Board, 25th June)

The Committee considered Minute 104 of the special meeting of Cabinet held on 30th June 2020, which had been referred direct to Scrutiny, together with a report of the Director of Regeneration and Growth providing an update following the consideration of a report to the Shareholder Board on the 25th June 2020. The Shareholder Board Report specifically considered the submission of the ‘final proposals’ alongside the progress being made in respect of additional affordable housing.

Resolved:-

1. That the matter be referred back to Cabinet for reconsideration, in particular because of concerns about the intention to fill in the Queensway underpass and construct a new road at ground level.

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

Note: This is an Executive Function
Cabinet Member: Cllr Gilbert

124 COVID-19 - Parking Recovery Proposals

The Committee considered Minute 105 of the special meeting of Cabinet held on 30th June 2020, which had been referred direct to Scrutiny, together with a report of the Executive Director (Neighbourhoods and the Environment) setting out how Parking Services could support the Council’s intentions to lead and support its communities and businesses through the Covid-19 crisis and help them towards a sustainable recovery.

In response to questions regarding how these proposals were being funded and the amount of money received from Government to date in respect of the Council’s Covid-19 response, the Cabinet Member agreed to circulate details to the Committee after the meeting.

Resolved:-

That the following decisions of Cabinet be noted:

“1. That the proposed temporary parking concession approach by which the Council will lead and support its communities and businesses as set out in option 2 of the submitted report, noting the relevant financial impact and proposed funding of the option, be approved.

2. That the continuation of the additional 5 Civil Enforcement Officers at an additional monthly cost of £16K up to a maximum of six months (£96K) to support the increased parking pressures being identified as more vehicles are moving around the Borough, which would be self-funded, be approved. The increase of officers will support enforcement in Controlled Parking Zones where complaints are being received due to parking of vehicles without permits.

3. That authority be delegated to the Executive Director (Neighbourhoods and the Environment), in consultation with the Cabinet Member for Transport, Capital & Inward Investment, to remove the schemes as and when the support for extended parking and reduced hours of enforcement are no longer required.”

Note: This is an Executive Function
Cabinet Member: Cllr Woodley

125 In-Depth Scrutiny Projects and Summary of Work 2019/20

The Committee received a report of the Executive Director (Legal & Democratic Services) which provided an update on progress with regard to the in-depth scrutiny projects due to have been completed during the 2019/20 Municipal Year. The report also provided information about the work that had been carried out by each of the Scrutiny Committees during the previous year.

Resolved:-

1. That the Scrutiny Committee note progress with regard to its in-depth scrutiny project due to have been undertaken during the 2019/20 Municipal Year.

2. That the completion of the in-depth scrutiny project be carried forward into the 2020/21 Municipal Year.

3. That no further topic(s) be selected by the Scrutiny Committee for additional in-depth review during 2020/21.

4. That the Committee note the summary of the work undertaken by each of the Scrutiny Committees during 2019/20, attached as Appendix 3.

Note: This is a Scrutiny function.

Chair: _____

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SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of People Scrutiny Committee

Date: Tuesday, 7th July, 2020

Place: Virtual meeting via Microsoft Teams

29

- Present: Councillor L Salter (Chair)
Councillors N Folkard (Vice-Chair), H Boyd, M Borton, A Chalk, A Dear, M Dent, F Evans, D Garne, B Hooper, M Kelly, K Mitchell, C Nevin, I Shead, M Stafford, A Thompson and C Willis
O Richards (Healthwatch Southend), T Watts (Southend Carers Forum) (Co-opted members)
- In Attendance: Councillors T Harp, A Jones, M Terry (Cabinet Members), Councillor K Evans, Councillor S Wakefield, T Forster, M Marks, J Williams, S Baker, E Cook, R Harris, B Leigh, B Martin and S Tautz
M Faulkner-Hatt, S Kebbell (Southend Youth Council) (Observers)
- Start/End Time: 6.30pm - 7.45 pm

126 Apologies for Absence

There were no apologies for absence from the meeting.

127 Declarations of Interest

The following councillors declared interests as indicated:

- (a) Councillors T Harp, A Jones and M Terry (Cabinet Members) - Interest in the called-in item; attended pursuant to the dispensation agreed at Council on 19 July 2012, under S.33 of the Localism Act 2011;
- (b) Cllr L Salter - Minute 131 (East of England Ambulance Service NHS Trust - Shoeburyness Ambulance Station) and Minute 132 (Changes to Clinical Commissioning Groups in Mid & South-Essex) - Husband is consultant surgeon at Southend Hospital; daughter is a consultant at Basildon Hospital; son-in-law is GP in the borough - Non-pecuniary interest;
- (c) Cllr A Jones - Minute 130 (Annual Education Report) - Parent of child in Key Stage 4 education and the Council's representative on governing body of Southend Adult Community College - Non-pecuniary interest;
- (d) Cllr K Mitchell - Minute 130 (Annual Education Report) – Involvement with local schools through employment as a family worker and family member due to start school in September 2020;
- (e) Cllr K Mitchell - Minute 132 (Changes to Clinical Commissioning Groups in Mid & South-Essex) – Involvement with local health services through employment as a family worker - Non-pecuniary interests;
- (f) Cllr M Borton - Minute 130 (Annual Education Report) - Governor at Milton Hall School - Non-pecuniary interest;

- (g) Cllr B Hooper - Minute 130 (Annual Education Report) - Director of Blade Education (a not-for-profit company) and parent of child attending secondary school in Borough - Non-pecuniary interest;
- (h) Cllr M Kelly - Minute 132 (Changes to Clinical Commissioning Groups in Mid & South-Essex) - Employed by Essex Partnership University NHS Foundation Trust - Non-pecuniary interest;
- (i) Cllr C Nevin - Minute 131 (East of England Ambulance Service NHS Trust - Shoeburyness Ambulance Station) and Minute 132 (Changes to Clinical Commissioning Groups in Mid & South-Essex) - Employed at external NHS Trust; family members employed at Mid and South-Essex Trust hospitals - Non-pecuniary interests;
- (j) Cllr T Harp - Minute 130 (Annual Education Report) - Friend employed by 'A Better Start Southend'; Volunteer with Southend Association of Voluntary Services (SAVS) that delivers services for Better Start and wife is an employee of SAVS - Non-pecuniary interest;
- (k) Cllr T Harp - Minute 131 (East of England Ambulance Service NHS Trust - Shoeburyness Ambulance Station) - Friend and future relative employed by the East of England Ambulance Service NHS Trust - Non-pecuniary interest;
- (l) Cllr F Evans - Minute 130 (Annual Education Report) - Director of Belfairs Academy - Non-pecuniary interest; and
- (m) Cllr N Folkard - Minute 132 (Changes to Clinical Commissioning Groups in Mid & South-Essex) - Ambassador for Fund Raising Team at Southend Hospital; relative works at Broomfield Hospital; on the Reading Panel at Southend Hospital - Non-pecuniary interest.

128 Questions from Members of the Public

There were no questions from members of the public relating to the responsibilities of the Committee.

129 Minutes of Meetings Held on 20 & 29 January 2020

Resolved:

That the minutes of the meetings of the Committee held on 20 and 29 January 2020 be confirmed as a correct record and signed.

130 Annual Education Report

The Committee considered Minute 869 of the meeting of the Cabinet held on 25 February 2020, which had been called in to the People Scrutiny Committee, together with a report of the Director of Education and Early Years that presented the Annual Education Report (AER) for 2018/19.

Resolved:

That the following decision of the Cabinet be noted:

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.”

Note: This is an Executive Function
Cabinet Member: Cllr A Jones

131 East of England Ambulance Service NHS Trust - Shoeburyness Ambulance Station

The Committee received an update on the progress of the modelling review being undertaken by the East of England Ambulance Service NHS Trust and was advised that slippage in the modelling exercise had occurred as a result of the COVID-19 pandemic.

In response to questions raised by councillors that couldn't be answered at the meeting, the Chair requested that details be provided to the Cabinet Member for Health and Adult Social Care, in order that written responses to all such matters could be sought from the Trust.

Resolved:

That the report be noted.

132 Changes to Clinical Commissioning Groups in Mid & South-Essex

The Committee received an update on the progress of the merger of the Clinical Commissioning Groups and was advised that NHS England had paused all work on the merger of CCGs as a result of the COVID-19 pandemic.

In response to questions raised by councillors that couldn't be answered at the meeting, the Chair requested that details be provided to the Cabinet Member for Health and Adult Social Care, in order that written responses to all such matters could be sought from Mid and South Essex Clinical Commissioning Groups.

Resolved:

That the report be noted.

133 In-Depth Scrutiny Projects & Summary of Work 2019/20

The Committee received a report of the Executive Director (Legal and Democratic Services), which provided an update on progress with regard to the in-depth scrutiny projects due to have been completed during the 2019/20 municipal year. The report also provided information about the work that had been carried out by each of the scrutiny committees during the previous year.

Resolved:

1. That the Committee note progress with regard to its in-depth scrutiny project due to have been undertaken during the 2019/20 municipal year.
2. That the completion of the in-depth scrutiny project be carried forward into the 2020/21 municipal year.

3. That no further topic(s) be selected by the Committee for additional in-depth review during 2020/21.
4. That the Committee note the summary of the work undertaken by each of the Scrutiny Committees during 2019/20.

Note: This is a Scrutiny function.

Chair: _____

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SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Policy and Resources Scrutiny Committee

Date: Thursday, 9th July, 2020

Place: Virtual meeting via Microsoft Teams

30

Present: Councillor D Garston (Chair)
Councillors D McGlone (Vice-Chair), B Ayling, D Burzotta, D Cowan, T Cox, P Collins, M Davidson, M Dent, S George, S Habermel, H McDonald, D Nelson, I Shead, M Stafford, S Wakefield and P Wexham

In Attendance: Councillors I Gilbert, C Mulroney, K Robinson, M Terry and R Woodley (Cabinet Members), Councilor M Borton, Councillor K Evans, A Lewis, J Chesterton, J Ruffle, J Williams, E Cook, G Halksworth, M Sargood, T Row and S Tautz

Start/End Time: 6.30pm - 7.20 pm

134 Apologies for Absence

There were no apologies for absence from the meeting.

135 Declarations of Interest

The following councillors declared interests as indicated:

- (a) Councillors I Gilbert, C Mulroney, K Robinson, M Terry and R Woodley (Cabinet Members) - Interest in the called-in items; attended pursuant to the dispensation agreed at Council on 19 July 2012, under S.33 of the Localism Act 2011;
- (b) Cllr P Wexham - Minute 138 (Housing and Regeneration Pipeline, Including Acquisitions Programme - Update) - Board member of South Essex Homes - Non-pecuniary interest;
- (c) Cllr M Davidson - Minute 138 (Housing and Regeneration Pipeline, Including Acquisitions Programme - Update) - Non-Executive Director of South Essex Homes - Non-pecuniary interest;
- (d) Cllr S Wakefield - Minute 138 (Housing and Regeneration Pipeline, Including Acquisitions Programme - Update) - Sub-contractor for South Essex Homes - Non-pecuniary interest;
- (e) Cllr D McGlone - Minute 138 (Housing and Regeneration Pipeline, Including Acquisitions Programme - Update) - Previous involvement with residents of Lundy Close - Non-pecuniary interest; and
- (f) Cllr M Borton - Minute 138 (Housing and Regeneration Pipeline, Including Acquisitions Programme - Update) - Board member of South Essex Homes - Non-pecuniary interest.

136 Questions from Members of the Public

There were no questions from members of the public relating to the responsibilities of the Committee.

137 Minutes of the Meeting held on 30 January 2020

Resolved:

That the minutes of the meeting of the Committee held on 30 January 2020 be confirmed as a correct record and signed.

138 Housing and Regeneration Pipeline, Including Acquisitions Programme - Update

The Committee considered Minute 857 of the meeting of the Cabinet held on 25 February 2020, which had been called in to the Policy and Resources Scrutiny Committee, together with a report of the Executive Director (Finance and Resources) and Deputy Chief Executive and Executive Director (Housing and Growth), that provided an update on the pipeline of housing and development opportunities across the borough and presented proposed new arrangements to support housing delivery and wider benefits.

Resolved:

That the following decisions and recommendations of the Cabinet be noted:

“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.”

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

Cabinet Members: Cllr I Gilbert and Cllr R Woodley

139 Seaway Car Park

The Committee considered Minute 866 of the meeting of the Cabinet held on 25 February 2020, which had been called in to the Policy and Resources Scrutiny Committee, together with a report of the Executive Director (Finance and Resources), that provided an update on the current situation in relation to the Seaway Car Park and presented options to enable Cabinet to decide how it wished to proceed in relation to the proposed development of the car park and associated land.

With the agreement of the Committee, the Chair indicated that he intended to take this item together with the following agenda item (Item 7 - Notice of Motion - Seaway Car Park Development), as the two matters were related to similar issues.

Resolved:

1. That the following decision of the Cabinet be noted:

“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.”

2. That the decision of the Cabinet and the Notice of Motion be referred to full Council for consideration in accordance with Council Procedure Rule 39.

Note: This is an Executive Function
Cabinet Member: Cllr R Woodley

140 Notice of Motion - Seaway Car Park Development

This item was taken together with the previous agenda item (Item 6 - Seaway Car Park), as the two matters were related to similar issues.

141 In-Depth Scrutiny Projects & Summary of Work 2019/20

The Committee received a report of the Executive Director (Legal and Democratic Services), which provided an update on progress with regard to the in-depth scrutiny projects due to have been completed during the 2019/20 municipal year. The report also provided information about the work that had been carried out by each of the scrutiny committees during the previous year.

Resolved:

1. That the Committee note progress with regard to its in-depth scrutiny project due to have been undertaken during the 2019/20 municipal year.
2. That the completion of the in-depth scrutiny project be carried forward into the 2020/21 municipal year.
3. That no further topic(s) be selected by the Committee for additional in-depth review during 2020/21.
4. That the Committee note the summary of the work undertaken by each of the Scrutiny Committees during 2019/20.

Note: This is a Scrutiny function.

Chair: _____