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Southend-on-Sea Borough Council

Legal & Democratic Services

Strategic Director: John Williams

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04 September 2020

THE COUNCIL - THURSDAY, 10TH SEPTEMBER, 2020 SUPPLEMENTARY MINUTES AND REPORT PACK

Please find enclosed, for consideration at the next meeting of the The Council taking place on Thursday, 10th September, 2020, at 6.30pm, the following minutes and report that were unavailable when the agenda was printed.

Agenda Item No

**20 Minutes of Place Scrutiny Committee held Tuesday 1st September 2020
(Pages 1 - 4)**

Minutes attached

21 Minutes of People Scrutiny Committee held Wednesday 2nd September 2020 (Pages 5 - 8)

Minutes attached

22 Minutes of Policy and Resources Scrutiny Committee held Thursday 3rd September 2020 (Pages 9 - 12)

Minutes attached

37 Changes to the Constitution (Pages 13 - 16)

Report of the Executive Director (Legal & Democratic Services) attached

Robert Harris
Principal Democratic Services Officer

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SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Place Scrutiny Committee

Date: Tuesday, 1st September, 2020
Place: Virtual Meeting via MS Teams

20

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

In Attendance: Councillors C Mulroney, K Robinson and R Woodley (Cabinet
Members)
Councillor K Evans
L Reed, C Robinson, G Gilbert, T Row, S Harrington, R Harris,
N Hoskins, A Smyth and E Cook

Start/End Time: 6.30 pm - 7.00 pm

261 Apologies for Absence

Apologies for absence were received from Councillors Bright (substitute: Councillor Folkard), Flewitt (substitute: Councillor Dear) and Wakefield (no substitute).

262 Declarations of Interest

Councillors C Mulroney, K Robinson and R Woodley (Cabinet Members) declared interests in the called-in items but attended pursuant to the dispensation agreed at Council on 19th July 2012, under S.33 of the Localism Act 2011.

263 Questions from Members of the Public

The Committee noted the responses to questions that had been submitted by Mr Webb to the Cabinet Member for Transport, Capital and Inward Investment and the Cabinet Member for Business, Tourism and Culture. Copies will be forwarded to him as he was not present at the meeting.

264 Minutes of the Special Meeting held on Monday, 15th June 2020

Resolved:

That the Minutes of the special meeting held on Monday, 15th June, 2020 be received, confirmed as a correct record and signed.

265 Minutes of the Special Meeting held on Wednesday 24th June 2020

Resolved:

That the Minutes of the special meeting held on Wednesday, 24th June, 2020 be received, confirmed as a correct record and signed.

266 Minutes of the Meeting held on Monday, 6th July, 2020

Resolved:-

That the Minutes of the meeting held on Monday, 6th July, 2020 be received, confirmed as a correct record and signed.

267 Parking Policy Statement

The Committee considered Minute 206 of Cabinet held on 28th July, 2020, which had been called-in for Scrutiny, together with the report of the Executive Director (Neighbourhoods and the Environment) setting out the short-term aspirations for the service through a Traffic and Parking Policy Statement. This report follows the Parking Review 2020 report approved by Cabinet in June 2020.

Resolved:

1. That the following decisions of Cabinet be noted:

“1. That the adoption of the Traffic & Parking Policy Statement as set out in Appendix 1 to the submitted report be approved and that Officers be directed to implement the commitments as described.

2. That the Traffic Regulation Working Party undertakes a review of the decision making processes and takes on the project board role in respect of the Parking Review.”

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

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

268 Highway Restructure Funding

The Committee considered Minute 207 of Cabinet held on 28th July 2020, which had been called-in for Scrutiny, together with the report of the Executive Director (Neighbourhoods and the Environment) requesting the additional funding required to support the new Traffic and Highways Team service restructure.

Resolved:

That the following recommendations of Cabinet be noted:

1. That the increased budget to fund the new service in line with the Council’s Vision and Aspirations, be approved. This investment will ensure that the views and needs of our customers, residents and businesses are at the heart of the service.

2. That it be noted that the additional request for funding to support the new structure in 2020/21 will be met from the business transformation reserve with future year's expenditure being incorporated as part of the budget setting for 2021/22 onwards.

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

269 In-depth Scrutiny Project - Update

The Committee noted an oral update on the progress that had been made in respect of the in-depth Scrutiny study, entitled "To review the level of domestic waste recycling in the Borough, in order to examine what influences residents in terms of their recycling habits and the barriers to achieving a higher rate of recycling and to consider ways of working with residents to improve domestic waste recycling".

Resolved:

That the report be noted.

Note: This is a Scrutiny function.

Chair: _____

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SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of People Scrutiny Committee

Date: Wednesday, 2nd September, 2020

Place: Virtual Meeting via Microsoft Teams

21

Present: Councillor L Salter (Chair)
Councillors N Folkard (Vice-Chair), M Borton, H Boyd, A Chalk, M Dent, F Evans, M Flewitt*, D Garne, B Hooper, M Kelly, K Mitchell, C Nevin, I Shead, M Stafford and A Thompson
O Richards (Healthwatch Southend), T Watts (Southend Carers Forum) (Co-opted members)

*Substitute in accordance with Council Procedure Rule 31.

In Attendance: Councillors T Harp, A Jones, M Terry (Cabinet Members), Councillor K Evans, T Forster, M Marks, S Baker, R Harris, P Hill, B Leigh, K Ramkhalawon, D Simon, A Smyth, S Tautz and C Woodcraft
M Faulkner-Hatt, E Vlas (Southend Youth Council) (Observers)

Start/End Time: 6.30 pm - 8.25 pm

270 Apologies for Absence

Apologies for absence were received from Councillor A Dear (Substitute: Councillor M Flewitt).

271 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 items; attended pursuant to the dispensation agreed at Council on 19 July 2012, under S.33 of the Localism Act 2011;
- (b) Councillor L Salter - Minute 275 (Care Act Easement) - 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) Councillor C Nevin - Minute 275 (Care Act Easement) - Employed at external NHS Trust; family members employed at Mid and South-Essex Trust hospitals - Non-pecuniary interest;
- (d) Councillor K Mitchell - Minute 275 (Care Act Easement) - Family friend is employed as a Finance Officer by the Council - Non-pecuniary interest;
- (e) Councillor T Harp - Minute 272 (Questions from Members of the Public)) - Friend and future relative employed by the East of England Ambulance Service NHS Trust, Minute 275 (Care Act Easement) - Wife is employed in hospital discharge capacity and Minute 276 (Annual Safeguarding Report (Adults & Children)) - Wife is an employee of Southend Association of Voluntary Services - Non-pecuniary interests;
- (f) Councillor M Flewitt - Minute 275 (Care Act Easement) - Family member employed at an NHS Trust outside the borough - Non-pecuniary interest;

- (g) Councillor M Borton - Minute 275 (Care Act Easement) - Daughter employed in mental health unit at Basildon Hospital - Non-pecuniary interest:
- (h) Councillor N Folkard - Minute 275 (Care Act Easement) - Ambassador for Fund Raising Team at Southend Hospital; relative works at Broomfield Hospital; on the Reading Panel at Southend Hospital - Non-pecuniary interest; and
- (i) Councillor M Kelly - Minute 275 (Care Act Easement) - Employed by Essex Partnership University NHS Foundation Trust - Non-pecuniary interest.

272 Questions from Members of the Public

The Cabinet Member for Health and Adult Social Care responded to a question presented by Ms. T. Cowdrey.

The Committee noted the responses of the relevant cabinet members to questions submitted by Ms. M. Cleary, Mr. P. Marrable and Mr. D. Webb, which would be sent to the questioners as they were not present at the meeting.

273 Minutes of the Special Meeting held on 16 June 2020

Resolved:

That the minutes of the special meeting of the Committee held on 16 June 2020 be confirmed as a correct record and signed.

274 Minutes of the Meeting held on 7 July 2020

Resolved:

That the minutes of the meeting of the Committee held on 7 July 2020 be confirmed as a correct record and signed.

275 Care Act Easement

The Committee considered Minute 210 of the meeting of the Cabinet held on 28 July 2020, which had been called in to the People Scrutiny Committee, together with a report of the Executive Director (Adults and Communities) that presented a framework setting out how the Council would implement the provisions contained within the new Care Act Easements created under the Coronavirus Act 2020.

At the request of the Committee, the Cabinet Member for Health and Adult Social Care agreed to develop an 'easy-read' statement of use for any implementation of the Care Act Easements and to ensure that any such implementation was undertaken with the agreement of the Chief Executive, the Leader of the Council and the Chair of the People Scrutiny Committee.

In response to a question concerning current levels of assessments and carer assessments, the Cabinet Member for Health and Adult Social Care agreed to circulate details to the Committee after the meeting.

Resolved:

That the following decisions of the Cabinet be noted:

"1. That the Care Act Easements framework that sets out how the Council would

implement the provision set out within the new Care Act easements, created under the Coronavirus Act 2020, be approved.

2. That, following engagement with the Chief Executive, the Leader of the Council and the Chair of People Scrutiny Committee, authority be delegated to the Executive Director (Adults and Communities), in consultation with the Cabinet Member for Adult Social Care and Health, to implement the Care Act Easements framework. This would be in line with Government guidance and as referenced in the framework and powers provided by the Care Act Easements under the Coronavirus Act 2020.”

Note: This is an Executive Function
Cabinet Member: T. Harp

276 Annual Safeguarding Report (Adults & Children)

The Committee considered Minute 214 of the meeting of the Cabinet held on 28 July 2020, which had been called in to the People Scrutiny Committee, together with a joint report of the Executive Director (Adults and Communities) and the Executive Director (Children and Public Health), that provided an annual assurance assessment for the Chief Executive and elected members of their responsibilities for safeguarding children and adults in Southend.

At the request of the Committee, the Cabinet Member for Health and Adult Social Care agreed to seek the design and appropriate delivery as soon as possible, of a comprehensive training programme for councillors with regard to their safeguarding responsibilities.

Resolved:

That the following decision of the Cabinet be noted:

“That the submitted report be noted and the actions detailed in Section 6 of the report, be approved.”

Note: This is an Executive Function
Cabinet Member: Cllr T. Harp

277 COVID-19 - Local Update

The Committee received a presentation from the Director of Public Health with regard to the current COVID-19 situation across the Borough.

In response to a question concerning the impact of COVID-19 on the sexual health of local residents, the Cabinet Member for Health and Adult Social Care agreed to circulate any relevant data that was currently available, to the Committee after the meeting.

Resolved:

That the presentation be noted.

278 In-Depth Scrutiny Project 2019/20-2020/21 - Progress

The Democratic Services Officer reported that the Working Party leading the current in-depth scrutiny project for the Committee had recently met and that a draft report for the project was being prepared. Councillors were advised that it was hoped that the report

would be available for consideration by the Committee at its meeting in either October or November 2020.

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, 3rd September, 2020
Place: Virtual Meeting via Microsoft Teams

22

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, M Terry, R Woodley (Cabinet Members), Councillor K Evans, A Lewis, L Reed, J Ruffle, J Williams, M Ambrose (South Essex Homes), E Cook, S Ford, R Harris, T Holland, C Robinson and S Tautz

Start/End Time: 6.30 pm - 7.50 pm

279 Apologies for Absence

There were no apologies for absence from the meeting.

280 Declarations of Interest

The following councillors declared interests as indicated:

- (a) Councillors I Gilbert, C Mulroney, 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) Councillor M Davidson - Minute 284 (Balmoral Estate) - Non-Executive Director of South Essex Homes - Non-pecuniary interest;
- (c) Councillor S Wakefield - Minute 284 (Balmoral Estate) - Sub-contractor for South Essex Homes – Non-pecuniary interest;
- (d) Councillor M Dent - Minute 286 (Notice of Motion: No Overnight Camping in the Borough) - Former member of scouting organisations - Non-pecuniary interest;
- (e) Councillor P Wexham - Minute 284 (Balmoral Estate) - Board member of South Essex Homes - Non-pecuniary interest; and
- (f) Councillor M Terry - Minute 285 (Notice of Motion: Footpath Cycling) - Keen cyclist within the Borough - Non-pecuniary interest.

281 Questions from Members of the Public

The Committee noted the responses of the Cabinet Member for Community Safety and Customer Contact to questions submitted by Mr. D. Webb, which would be sent to the questioner as he was not present at the meeting.

282 Minutes of the Special Meeting held on 11 June 2020

Resolved:

That the minutes of the special meeting of the Committee held on 11 June 2020 be

confirmed as a correct record and signed.

283 Minutes of the Meeting held on 9 July 2020

Resolved:

That the minutes of the meeting of the Committee held on 9 July 2020 be confirmed as a correct record and signed.

284 Balmoral Estate

The Committee considered Minute 209 of the meeting of the Cabinet held on 28 July 2020, which had been called in to the Policy and Resources Scrutiny Committee, together with a joint report of the Deputy Chief Executive and Executive Director (Growth and Housing) setting out a programme of structural and improvement works required at the Balmoral tower blocks (Grampian, Brecon and Blackdown) and seeking agreement to utilise funding from the Housing Revenue Account (HRA) for the works.

In response to questions of councillors with regard to similar works to be undertaken at other properties within the Borough, the Leader of the Council agreed to circulate details of any currently programmed fire safety and structural or improvement works at other high-rise tower blocks, to the Committee after the meeting.

Resolved:

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

“1. That the programme of works to the Balmoral tower blocks, to include both structural and improvement works (structural insulation and heating upgrades), be progressed.

2. That the Council and South Essex Homes undertake full consultation and engagement with affected residents.

Recommended:

3. That a budget of £2.325m to be added to the HRA capital investment programme to be funded from the HRA Capital Investment Reserve, be approved.”

Note: The decisions in 1 and 2 above constitute an Executive function. The decision in 3 above constitutes a Council function

Cabinet Member: Cllr I Gilbert

285 Notice of Motion: Footpath Cycling

The Committee considered Minute 212 of the meeting of the Cabinet held on 28 July 2020, which had been called in to the Policy and Resources Scrutiny Committee, together with a report of the Executive Director (Neighbourhoods and Environment) in response to a Notice of Motion presented to the meeting of the Council on 16 July 2020, concerning cycling on footways.

Resolved:

That the following decisions of the Cabinet be noted:

“1. That the introduction of a legal process at Southend Council which allows Community Safety Officers or other Council Officers designated with CSAS accreditation status (Community Safety Accreditation Scheme) to issue Fixed Penalty Notices to individuals

caught cycling on the footway or in No Cycling zones across the whole Borough (including Southend High Street and Southend seafront from Old Leigh to East Beach), be approved.

2. That cycling on footpaths not be included as an addition to the current PSPO prohibitions.

3. That the Notice of Motion be acknowledged and further consultation be undertaken with stakeholders and local communities before making the final decision.

4. That the new guidance/laws that are due from Government regarding the legal use of electric scooters and return to use of electric scooters on footpaths at a later date, be monitored.”

Note: This is an Executive function
Cabinet Member: Cllr M Terry

286 Notice of Motion: No Overnight Camping in the Borough

The Committee considered Minute 213 of the meeting of the Cabinet held on 28 July 2020, which had been called in to the Policy and Resources Scrutiny Committee, together with a report of the Executive Director (Neighbourhoods and Environment) in response to a Notice of Motion presented to the meeting of the Council on 16 July 2020, concerning no overnight camping in the Borough.

Resolved:

(1) That the following decisions of the Cabinet be noted:

“1. That the proposed Notice of Motion and the current inability of either the Council or the police to enforce a Public Spaces Protection Order as set out in the Notice of Motion, be noted.

2. That the current process by which the Council and Essex Police approach traveller sites/the traveller community in the Borough continues to be supported.”

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

Note: This is an Executive function
Cabinet Member: Cllr M Terry

287 In-Depth Scrutiny Project 2019/20-2020/21

The Democratic Services Officer reported that it was intended that a meeting of the Working Party leading the current in-depth scrutiny project would be arranged in the near future, in order to progress the project that had been carried forward from 2019/20.

Resolved:

That the report be noted.

Note: This is a Scrutiny function.

Chair: _____

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Southend-on-Sea Borough Council

Report of Executive Director (Legal and Democratic Services)

to
Council

on

10 September 2020

Agenda
Item No.

37

Report prepared by: John Williams
Executive Director (Legal & Democratic Services)

Change to the Constitution – New Working Party

Part 1 - Public Agenda Item

1. Purpose of Report

For the Council to establish the ASELA and Local Government Reform Working Party.

2. Recommendations

- 2.1 That the ASELA and Local Government Reform Working Party be established with the terms of reference set out in **Appendix 1**
- 2.2 That Council appoints councillors to the Working Party on a politically proportional basis 3(Con) :2 (Lab) :2 (Indep) :1(LD)

3. Background

- 3.1 A special meeting of the Council was held on 30 July 2020 to consider the Cabinet's proposal to support a collaboration with South Essex Authorities to deliver regeneration across South Essex and to note the intention of ASELA (the Association of South Essex Local Authorities) to immediately engage with Central Government to start negotiations. The Council noted the Cabinet's decision (minute 185 refers).
- 3.2 At the Council meeting on 30 July 2020 referred to in 3.1, the Leader stated that he was prepared to establish a Working Party to have oversight of the on-going work of ASELA and issues coming from the forthcoming White Paper on Devolution.
- 3.3 An informal meeting of this proposed Working Party was held on 2 September 2020, to ensure councillor involvement was not delayed. Prior to this informal meeting, two Councillor Briefing Sessions were held on 26 and 27 August 2020.

- 3.4 The purpose of this report is for the Council to formally establish the ASELA and Local Government Reform Working Party with the terms of reference set out in **Appendix 1.**

These terms of reference were endorsed at the informal meeting referred to in 3.3 above.

If this is agreed, the terms of reference will be added to Part 2 of Schedule 3 to the Constitution.

4. Background Papers

None

5. Appendices

Appendix 1 - Proposed terms of reference of the ASELA and Local Government Reform Working Party.

Appendix 1

The ASELA and Local Government Reform Working Party

Membership

8 Councillors

Substitutes: Permitted in accordance with Standing Order 31

Proportionality: By convention political proportionality shall apply

The Chair shall be the Leader, or such other Cabinet Member as the Leader shall appoint.
The Vice-Chair shall be appointed by the Leader.

Quorum

3

Terms of Reference

1. To monitor and have oversight of the on-going work of the Association of South Essex Local Authorities (ASELA).
2. To consider and advise on matters relating to local government reform, including issues arising from the anticipated White Paper on Devolution.

Status of Meetings

Private

Reports to

The Cabinet

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