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Southend-on-Sea Borough Council

Legal & Democratic Services

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02 December 2021

THE COUNCIL - THURSDAY, 9TH DECEMBER, 2021 SUPPLEMENTARY MINUTES PACK

Please find enclosed, for consideration at the next meeting of The Council taking place on Thursday, 9th December, 2021, the following Minutes that were unavailable when the agenda was printed.

Agenda No	Item
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13.	<u>Minutes of the meeting of Place Scrutiny Committee held Monday, 29 November 2021 (Pages 1 - 4)</u>
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Minutes attached

14	<u>Minutes of the meeting of People Scrutiny Committee held Tuesday, 30 November 2021 (Pages 5 - 8)</u>
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Minutes attached

15	<u>Minutes of the meeting of Policy and Resources Scrutiny Committee held Wednesday, 1 December 2021 (Pages 9 - 14)</u>
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Minutes attached

Robert Harris
Principal Democratic Services Officer

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SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Place Scrutiny Committee

Date: Monday, 29th November, 2021
Place: Council Chamber - Civic Suite

13

- Present:** Councillor N Folkard (Vice-Chair, in the Chair)
Councillors C Walker, K Buck, A Bright, D Cowan, T Cox*, K Evans,
S George, D Jarvis, A Line*, K Mitchell, D Nelson*, K Robinson,
S Wakefield, N Ward, J Warren and P Wexham
(*Substitute in accordance with Council Procedure Rule 31.)
- In Attendance:** Councillors I Gilbert, C Mulroney and R Woodley (Cabinet Members)
G Gilbert, J Burr and T Row
- Start/End Time:** 6.30 pm - 6.40 pm

487 Apologies for Absence

Apologies for absence were received from the Chair, Councillor Moring (substitute: Councillor Nelson) and from Councillors Dent (substitute: Councillor Line) and F Evans (substitute: Councillor Cox).

488 Declarations of Interest

The following interests were declared at the meeting:

(i) Councillors Gilbert, Mulroney and 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.

489 Questions from Members of the Public

There were no questions from members of the public.

490 Minutes of the Meeting held on Monday, 4th October 2021

Resolved:-

That the Minutes of the meeting held on Monday, 4th October, 2021 be received, confirmed as a correct record and signed.

491 Minutes of the Special Meeting held on Tuesday, 12th October 2021

Resolved:-

That the Minutes of the special meeting held on Tuesday, 12th October 2021 be received, confirmed as a correct record and signed.

492 Annual Report - Comments, Complaints and Compliments 2020/21

The Committee considered Minute 424 of Cabinet held on Tuesday, 2nd November 2021, which had been referred direct to all three scrutiny Committees for consideration. The Committee also had before it the report of the Executive Director (Legal and Democratic Services) providing performance information about comments, complaints and compliments received across the Council for 2020/21.

Resolved:-

That the following decision of Cabinet be noted:

“1. That the Council’s performance in respect of comments, complaints, and compliments and Ombudsman investigations for 2020/21, be noted.

2. That the matter be referred to all three Scrutiny Committees (Sections 4 and 5 of the submitted report referred to the People Scrutiny Committee only).”

Note: This is an Executive Function

Cabinet Members: Cllr Collins (overarching), Cllr Nevin (Section 4) and Cllr Burton (Section 5).

493 SO46 Report

The Committee considered Minute 429 of Cabinet held on Tuesday, 2nd November 2021, which had been called-in to scrutiny, together with the report summarising out the actions that had been taken under Council Procedure Rule 46.

Resolved:-

That the following decision of Cabinet be noted:

“That the submitted report be noted”.

Note: This is an Executive Function

Cabinet Member: as appropriate to the item

494 Joint In-depth Scrutiny Project 2021/22

The Committee noted an oral update on the progress that had been made in respect of the joint in-depth Scrutiny study, entitled ‘Enabling Councillors to be Effective’.

During the debate of this item, Councillors expressed concern at the rising levels of Covid, including the increase in the levels of the new Omicron variant, and the potential risks that holding physical meetings brings. It was therefore suggested a letter be sent to the Secretary of State for Levelling Up, Housing and Communities urging him to consider the re-instatement of the provisions for remote and/or hybrid meetings.

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: Tuesday, 30th November, 2021

Place: Council Chamber - Civic Suite

14

Present: Councillor L Salter (Chair)
Councillors H Boyd (Vice-Chair), B Beggs, M Berry, J Courtenay, T Cowdrey, A Dear, K Evans, D Garne, B Hooper, J Lamb, A Line, K Mitchell, I Shead, M Stafford and A Thompson

In Attendance: Councillors L Burton, C Nevin (Cabinet Members), T Watts (Southend Carers Forum (Co-opted Member)), S Kebbell (Southend Youth Council (Observer)), L Coyle (Mid & South Essex Clinical Commissioning Group), DCS A Packer (Essex Police), J Wilson, A Vowles (Mid & South Essex Community Collaborative), T D'orsi (South East Essex Alliance Director), Dr S Zaidi (Clinical Lead), C Hankey (Mid & South Essex Health & Care Partnership) S Baker, J Burr, P Hill, M Marks, S Tautz and J Williams

Start/End Time: 6.30 pm - 8.15 pm

495 Apologies for Absence

Apologies for absence were received from O. Richards (Healthwatch Southend (Co-opted Member)).

496 Declarations of Interest

The following interests were declared at the meeting:

- (a) Councillors L Burton and C Nevin (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) Councillors L Burton and C Nevin (Cabinet Members) - Interest in the referred item; attended pursuant to the dispensation agreed at Council on 19 July 2012, under S.33 of the Localism Act 2011.
- (c) Councillor L Salter - Minute No. 500 (Community Inpatient Beds in Mid and South Essex) - Husband is a consultant surgeon at Southend Hospital - Non-pecuniary interest.
- (d) Councillor B Beggs - Minute No. 502 (Home to School and Vulnerable Adult Transport Services) - Family member has Special Educational Needs and Disabilities (SEND) and is in receipt of Educational Health Care Plan - Non-pecuniary interest.
- (e) Councillor B Hooper - Minute No. 499 (Annual Safeguarding Report) and Minute No. 502 (Home to School and Vulnerable Adult Transport Services) - Director of a not-for-profit company that works with SEND children; Acquainted with the learning Disabilities Mortality Review Manager - Non-pecuniary interests.

- (f) Councillor L Burton - Minute No. 502 (Home to School and Vulnerable Adult Transport Services) - Employed as a teacher at a school outside the Borough - Non-pecuniary interests.
- (g) Councillor C Nevin - Minute No. 499 (Annual Safeguarding Report) and Minute No. 501 (Annual Report - Comments, Complaints and Compliments 2020/21) - Employed at external National Health Service Trust; Family members employed at Mid and South-Essex Trust hospitals - Non-pecuniary interests.

497 Questions from Members of the Public

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

498 Minutes of the Meeting held on 5 October 2021

Resolved:

That the minutes of the meeting of the Committee held on 5 October 2021 be confirmed as a correct record and signed.

499 Annual Safeguarding Report

The Committee considered Minute 425 of the meeting of the Cabinet held on 2 November 2021, 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) presenting the report of the Southend Strategic Safeguarding Partnership for 2020/21 on the annual assurance assessment for the Council in respect of its responsibilities for safeguarding adults and children.

The Executive Director (Children and Public Health) undertook to provide written responses to questions raised by members of the Committee with regard to:

- Improvement activity around the provision of training for managers and front-line officers to ensure that supervision arrangements are robust and effective.
- The background to the reported increase in the number of individuals and overall numbers of adult safeguarding concerns raised during 2020/21.
- Current delays being experienced in the processing of applications and the hearing of family court cases as a result of the COVID-19 pandemic.

Resolved:

“That the following decision of the Cabinet be noted:

That the annual report from the Southend Strategic Safeguarding Partnership, be noted.”

Note: This is an Executive Function

Cabinet Members: Councillors L Burton and C Nevin

500 Community Inpatient Beds in Mid and South Essex

The Committee considered a report of the Transformation Director for the Mid and South Essex Community Collaborative, that provided an update on the current provision of community inpatient beds across Mid and South Essex following changes that had been implemented as a result of the response to the COVID-19 pandemic.

The report also advised the Committee of the intention of the Collaborative to commence a period of targeted engagement on the future function and location of community inpatient beds and set out the outline programme for the proposed engagement and consultation process. The Committee welcomed the intention of the Collaborative to work with the Council on the development of a plan and timetable for appropriate public and stakeholder consultation following the finalisation of the business case identifying the main issues and options arising from the commencement of the targeted engagement activity in December 2021.

Resolved:

- (1) That the plans set out in the report for the commencement of engagement on the future focus and location of community inpatient beds in Mid and South Essex, be noted.
- (2) That regular updates on this matter be made to the Committee by the Mid and South Essex Health and Care Partnership.
- (3) That the possible future request for the establishment of a Joint Health Overview and Scrutiny Committee with Essex County Council and Thurrock Borough Council to consider the future focus and location of community inpatient beds in Mid and South Essex, be noted.

501 Annual Report - Comments, Complaints and Compliments 2020/21

The Committee considered Minute 424 of the meeting of the Cabinet held on 2 November 2021, which had been referred directly to each of the three scrutiny committees, together with a report of the Executive Director (Legal and Democratic Services that provided performance information about comments, complaints and compliments received across the Council for 2020/21.

The Executive Director (Children and Public Health) undertook to provide a written response to questions raised by members of the Committee, with regard to the provision of advocacy support for young people that had made a formal service complaint.

Resolved:

That the following decisions of the Cabinet be noted:

“1. That the Council’s performance in respect of comments, complaints, and compliments and Ombudsman investigations for 2020/21, be noted.

2. That the matter be referred to all three Scrutiny Committees (Sections 4 and 5 of the submitted report referred to the People Scrutiny Committee only).”

Note: This is an Executive Function

Cabinet Members: Councillor P Collins (Overarching), Councillor C Nevin (Section 4) and Councillor L Burton (Section 5).

502 Home to School & Vulnerable Adult Transport Services

The Committee received an update from the Interim Director of Highways, on the current position with regard to the provision of transport services for Special Educational Needs and Disabilities (SEND) children and vulnerable adults.

The Committee was advised that a detailed improvement plan for the transport service had been developed and that the delivery of the service had improved, although some issues

remained. It was reported that PricewaterhouseCoopers had been commissioned to undertake an independent investigation into the delivery of the transport contract and that Internal Audit were investigating issues relating to the award of the contract, and that the reports of both investigations would be considered by the Audit Committee in the first instance, alongside a 'lessons learnt' report that was currently being prepared by the Interim Director of Highways.

The Executive Director (Children and Public Health) undertook to provide a written response to questions raised by members of the Committee, with regard to the number (if any) of children that had transferred to a model of elective home education as a result of difficulties experienced with the provision of home to school transport services since the commencement of the new contract arrangements.

Resolved:

That the report be noted.

503 Independent SEND Peer Review

The Committee received a further update on the progress of the independent peer review of Special Educational Needs and Disability (SEND) service provision, which had recently been completed.

The Committee was advised that it was anticipated that the formal report and recommendations arising from the peer review would be issued during the week commencing 13 December 2021, in order that it could be considered by the Cabinet in January 2022.

Resolved:

That the report be noted

504 Joint In-Depth Scrutiny Project 2021/22

The Committee received a report of the Executive Director (Legal and Democratic Services) on progress with regard to the joint in-depth scrutiny project for 2021/22.

It was reported that work on the in-depth scrutiny project had been delayed as a result of recent events and that the next meeting of the Project Team was due to be held on 15 December 2021 when members would receive presentations around the improvement of the 'My Southend' platform and the Council's website. The Committee was advised that it might also be necessary for the Project Team to review the timescale for the delivery of the scrutiny project.

Resolved:

That the report be noted.

Note: This is a Scrutiny function

Chair: _____

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SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Policy and Resources Scrutiny Committee

Date: Wednesday, 1st December, 2021

Place: Council Chamber - Civic Suite

15

Present: Councillor D Garston (Chair)
Councillors S Habermel (Vice-Chair), A Bright*, D Cowan, J Courtenay*,
T Cox, M Dent, S George, M Kelly, D McGlone, K Mitchell*, J Moyies,
D Nelson, I Shead, A Thompson, S Wakefield and P Wexham

*Substitute in accordance with Council Procedure Rule 31.

In Attendance: Councillors I Gilbert, P Collins, C Mulroney and R Woodley (Cabinet Members), P Bates, A Richards, J Williams and S Tautz

Start/End Time: 6.30 pm - 10.35 pm

505 Apologies for Absence

Apologies for absence were received from Councillor S Buckley (Substitute: Councillor J Courtenay), Councillor T Cowdrey (Substitute: Councillor K Mitchell) and Councillor M Davidson (Substitute: Councillor A Bright).

506 Declarations of Interest

The following interests were declared at the meeting:

- (a) Councillors I Gilbert, P Collins, C Mulroney 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) Councillors I Gilbert, P Collins, C Mulroney and R Woodley (Cabinet Members) - Interest in the referred items; attended pursuant to the dispensation agreed at Council on 19 July 2012, under S.33 of the Localism Act 2011.
- (c) Councillor D Nelson – Minute 510 (Seaway Leisure) – Member of a team that competes in a visually impaired tenpin bowling league - Non-pecuniary interest.
- (d) Councillor P Wexham – Minute 513 (SO46 Report) Trustee of Beecroft Art Trust - Non-pecuniary interest.

507 Questions from Members of the Public

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

508 Minutes of the Meeting held on 7 October 2021

Resolved:

That the minutes of the meeting of the Committee held on 7 October 2021 be confirmed as a correct record and signed.

509 Annual Report - Comments, Complaints and Compliments 2020/21

The Committee considered Minute 424 of the meeting of the Cabinet held on 2 November 2021, which had been referred directly to each of the three scrutiny committees, together with a report of the Executive Director (Legal and Democratic Services that provided performance information about comments, complaints and compliments received across the Council for 2020/21.

Resolved:

That the following decisions of the Cabinet be noted:

“1. That the Council’s performance in respect of comments, complaints, and compliments and Ombudsman investigations for 2020/21, be noted.

2. That the matter be referred to all three Scrutiny Committees (Sections 4 and 5 of the submitted report referred to the People Scrutiny Committee only).”

Note: This is an Executive Function

Cabinet Members: Councillor P Collins (Overarching), Councillor C Nevin (Section 4) and Councillor L Burton (Section 5).

510 Seaway Leisure

The Committee considered Minute 417 of the meeting of the Cabinet held on 2 November 2021 that had been called-in to the Policy and Resources Committee, together with a joint report of the Deputy Chief Executive and Executive Director (Finance and Resources) that proposed a financial and commercial structure to enable the delivery of the Seaway Leisure development whilst also providing greater ownership and an improved, long-term sustainable commercial return for the Council.

The Leader of the Council undertook to provide a written response to questions raised by members of the Committee prior to the next meeting of the Council, with regard to any requirement for the seasonal closure of some car parking facilities at the proposed Seaway Leisure development specified in the grant of planning permission for the development.

Resolved:

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

“1. That the significant economic benefits that the proposed Seaway Leisure development will bring as outlined in the approved 25 February 2020 Cabinet report and that the project is a clear Council commitment and a Southend 2050 Roadmap project, be noted.

2. That it be noted that the Council has commissioned CBRE to undertake a review of the development, specifically in relation to the elements at a) to c) below:

a) Undertake financial due diligence on Turnstone Estates Ltd (and its company structure, including Turnstone Southend Ltd, the subsidiary special purpose vehicle for Seaway Leisure) and to advise on their suitability as a partner for the Council;

b) Review the proposed Seaway development and its appropriateness including reviewing the anticipated economic benefits; and

c) Look at the most suitable and deliverable funding models for the development and consider the risks and benefits associated with them.

3. That officers proceed with the final negotiations of terms with Turnstone Southend Limited (TSL), and Turnstone Estates Ltd (as parent company guarantor as appropriate) to enable the proposition to be presented to the funding market on the basis set out in sections 7.12 to 7.15 of the submitted report and at the same time proceed to secure the necessary legal and financial advice on those terms to robustly protect the Council's position.

4. That it be noted that officers will update terms with Homes England in relation to the grant funding associated with the Rossi Factory, 1-3 and 29 Herbert Grove, having regard to the proposed revisions.

5. That it be noted that officers will look to identify grant funding opportunities which enable the Council's proposed equity investment to be reduced and/or replaced with grant funding.

6. That authority be delegated to the Executive Director (Finance and Resources), in consultation with the Leader of the Council and the Cabinet Member for Corporate Services and Performance Delivery, to:

a) approach the market for funding at the relevant time;

b) finalise and agree (with independent advice as required) any final terms following responses to the proposition from the funding market; and

c) authorise any relevant actions including the execution of all necessary documentation including that arising from the decisions in 2 to 5 above and recommendation 8 below.

7. That it be noted that the Executive Director (Finance and Resources) will report the exercise of the above specific delegations to a relevant Cabinet meeting.

Recommended:

8. That the use of up to a maximum of £10m (Ten Million Pounds) of the Council's capital reserves as equity in the proposed development to enable the different and significantly improved commercial terms as illustrated in the Financial Implications section of the report, and thereby significantly reduce the Council's financial risk and an improved annual income stream, be approved." ||

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

Note: This is an Executive Function save that the recommendation in 8 above constitutes a Council Function.

Cabinet Members: Councillor I Gilbert and Councillor P Collins

511 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 (Seaway Leisure - Confidential Matters), on the grounds that it would involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

512 Seaway Leisure - Confidential Matters

The Committee considered confidential matters in relation to Minute 510 above. The Committee moved into Part 2 business in order that the confidential matters concerning the proposed Seaway Leisure development could be discussed. The Committee moved back into Part 1 for the decision on these matters and the remaining items of business.

513 SO46 Report

The Committee considered Minute 429 of the meeting of the Cabinet held on 2 November 2021, which had been called-in to the Policy and Resources Scrutiny Committee, together with a report setting out action that had been taken in accordance with Council Procedure Rule 46 in respect of the former Beecroft Art Gallery building in Station Road, Westcliff.

The Executive Director (Legal and Democratic Services) expressed a preliminary view that the decision taken under Council Procedure Rule 46 (CPR 46) not to exercise the right of first refusal to purchase the former gallery building, did not constitute a key decision. The Executive Director agreed that the position would be confirmed to all members of the Committee and that the full CPR 46 consultation letter would also be circulated.

During consideration of the matter the hour of 10.00pm having been reached the Committee, in accordance with Standing Order 44.2, agreed to proceed with the remaining business on the agenda.

Resolved:

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

“That the submitted report, be noted.”

(2) That the Committee notes with concern that the executive decision not to exercise the right of first refusal to purchase the former Beecroft Gallery building in Station Road was dealt with under CPR46, rather than as a decision of the Cabinet.

(3) That the Cabinet be recommended that all future reports advising of action that has been taken in accordance with CPR46, should include the full decision letter prepared for consultation with the relevant Cabinet Member(s), rather than just a summary of the action taken.

Note: This is an Executive function
Cabinet Member: As appropriate to the item

514 Association of South Essex Local Authorities - Joint Committee

The Committee received the draft minutes of the meeting of the Joint Committee of the Association of South Essex Local Authorities (ASELA) held on 28 October 2021.

Resolved:

That the draft minutes of the meeting of the Joint Committee of the Association of South Essex Local Authorities held on 28 October 2021, be noted.

515 Joint In-Depth Scrutiny Project 2021/22

The Committee received a report of the Executive Director (Legal and Democratic Services) on progress with regard to the joint in-depth scrutiny project for 2021/22.

It was reported that work on the in-depth scrutiny project had been delayed as a result of recent events and that the next meeting of the Project Team was due to be held on 15 December 2021 when members would receive presentations around the improvement of

the 'My Southend' platform and the Council's website. The Committee was advised that it might also be necessary for the Project Team to review the timescale for the delivery of the scrutiny project.

Resolved:

That the report be noted.

Note: This is a Scrutiny function

Chair: _____

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