

# Public Document Pack

## Southend-on-Sea City Council

### Legal & Democratic Services

Executive Director: John Williams

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24 March 2022

### THE COUNCIL - THURSDAY, 24TH MARCH, 2022 SUPPLEMENTARY TABLED MINUTES PACK

Please find enclosed, for consideration at the next meeting of the Council taking place on Thursday, 24th March, 2022, the following tabled minutes that were unavailable when the agenda was printed.

Agenda No	Item
18	<b><u>Minutes of the meeting of Special Cabinet held Tuesday, 22 March 2022 (Pages 1 - 4)</u></b>  Minutes attached
19	<b><u>Minutes of the meeting of Special Place Scrutiny Committee held Tuesday, 22 March 2022 (Pages 5 - 8)</u></b>  Minutes attached
20	<b><u>Minutes of the meeting of Standards Committee held Wednesday, 23 March 2022 (Pages 9 - 12)</u></b>  Minutes attached

Robert Harris  
Principal Democratic Services Officer



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SOUTHEND-ON-SEA CITY COUNCIL

Meeting of Cabinet

Date: Tuesday, 22nd March, 2022  
Place: Council Chamber - Civic Suite

18

**Present:** Councillor I Gilbert (Chair)  
Councillors A Jones, C Mulrone, M Terry and S Wakefield

**In Attendance:** Councillors K Evans, N Folkard and D Garne  
J Williams, A Richards, E Cooney, A Grant, N Hoskins and T Row

**Start/End Time:** 12.00 - 12.25 pm

**833 Apologies for Absence**

Apologies for absence were received from Councillors Burton, Collins and Nevin.

**834 Declarations of Interest**

The following interest was declared at the meeting:

(a) Mr A Richards – Minutes 835 (Minutes of the meeting of the Shareholder Board) and 836 (Porters Place Southend-on-Sea LLP Budget/Final Reserved Matters Application Extension Request and LLP Final Statements Year End March 2021) – Non-pecuniary interest: Council appointed representative on the Porters Place LLP Board.

**835 Minutes of the meeting of the Shareholder Board held on Monday 21st March 2022**

The Cabinet received the Minutes of the meeting of the Shareholder Board that had taken place on 21st March 2022, in respect of the report referred to in Minute 836 below.

Resolved:

That the Minutes of the meeting of the Shareholder Board held on 21st March 2022 be noted.

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

**\*Referred direct to: Place Scrutiny Committee**

**836 LLP Budget/Reserved Matters Application Extension Request and LLP Financial Statements Year End March 2021**

The Cabinet received a report of the Director Regeneration and Growth which:

(i) sought approval to a time extension to the Porters Place Southend-on-Sea LLP budget period, which was previously extended following a report to the Shareholder Board on 6<sup>th</sup> December 2021;

(ii) sought approval of a request from Porters Place Southend-on-Sea LLP to continue with the Reserved Matters Application Phase 1a (RMA) beyond 31<sup>st</sup> March 2022 to keep the project on target;

(iii) sought approval of the Porters Place Southend-on-Sea LLP Annual Report and Financial Statements 2020/21, in order that they can be filed by the LLP at Companies House by 31<sup>st</sup> March 2022, subject to no material adjustments at the final audit sign-off. The revised and updated Annual Report and Financial Accounts were presented at the meeting.

(iv) sought approval to the signing of the South-East Local Enterprise Partnership (SELEP) back-to-back agreement, between the Council and the LLP to enable funds to be drawn down from this funding stream.

(v) Provided an update on progress of the Better Queensway project including assurances relating to recent announcements by the Council's partner, Swan Housing Association.

The Cabinet also received the latest Annual Report and Financial Statements for the year ended 31<sup>st</sup> March 2021, which reflected only a small change of interest rate which had no material bearing compared to the draft accounts presented in Appendix 1 of the report.

The matter had been considered by the Shareholder Board at its meeting held on 21<sup>st</sup> March 2022 and the recommendations from the Board were before the Cabinet for consideration (Minute 835 above refers).

The Cabinet noted that the Shareholder Board had made two further recommendations in respect of this matter, which were set out resolutions 6 and 7 of the tabled Minutes. The Cabinet concluded that resolution 6 was reasonable, subject to revised wording, but resolution 7 was untenable and would prevent the scheme from proceeding.

Resolved:-

1. That the extension for Porters Place Southend-on-Sea LLP budget period be approved until the revised Business Plan, budget and viability assessment is approved or 31<sup>st</sup> December 2022, whichever is the earlier.

2. That the LLP continue working with the Local Planning Authority on the Reserved Matters Application Phase 1a, until determination and thereafter until the revised Business Plan and updated viability assessment is approved on or before 31<sup>st</sup> December 2022, whichever is the earlier.

3. That the amended Annual Report and Financial Statements and auditors report for the LLP, year ending 31<sup>st</sup> March 2021 be noted and be submitted to

Companies House, subject to no material changes being raised at the final audit sign-off.

4. That the Executive Director (Finance and Resources) be authorised to complete the South-East Local Enterprise Partnership (SELEP) back-to-back agreement with the LLP and authorise funds to be drawn from that grant to fund works in line with the current Business Plan.

5. That the progress of the Better Queensway project, including assurances relating to recent announcements by the Council's partner, Swan Housing Association, be noted.

6. That only the physical work set out in the report at 3.3.2 is progressed under the budget extension until a revised viable business plan has been agreed by Porters Place Southend-on-Sea LLP, and the Council acting as Shareholder of the LLP and that as part of the viable business plan assessment the Council undertakes the appropriate financial and company due diligence of the relevant entities to ensure their appropriateness as partners in the scheme.

Reasons for Decision

As set out in the submitted report

Other Options

As set out in the submitted report

Note: This is an Executive Function

Cabinet Member: Cllr Gilbert

**\*Referred direct to: Place Scrutiny Committee**

**Chair:** \_\_\_\_\_

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## SOUTHEND-ON-SEA CITY COUNCIL

### Meeting of Place Scrutiny Committee

**Date:** Tuesday, 22nd March, 2022  
**Place:** Council Chamber - Civic Suite

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**Present:** Councillor A Moring (Chair)  
Councillors N Folkard (Vice-Chair), M Berry\*, D Cowan,  
M Davidson\*, M Dent, F Evans, K Evans, D Jarvis, K Mitchell,  
J Moyies\*, K Robinson, C Walker, N Ward, J Warren and P Wexham  
(\*Substitute in accordance with Council Procedure Rule 31.)

**In Attendance:** Councillors I Gilbert, C Mulroney and S Wakefield  
J Williams, J Chesterton, A Richards, E Cooney, A Grant, N Hoskins,  
T Row, Mr G Kauders (Swan Housing) and Mr J Vickers (Swan  
Housing)

**Start/End Time:** 7.00 pm - 7.35 pm

#### 837 Apologies for Absence

Apologies for absence were received from Councillors Buck (substitute: Councillor Moyies), Cox (substitute: Councillor Davidson) and George (substitute: Councillor Berry).

#### 838 Declarations of Interest

The following interests were declared at the meeting:

(i) Councillors Gilbert, Mulroney and Wakefield (Cabinet Members) – Interest in respect of Minute 840 and 841 (items referred direct); attended pursuant to the dispensation agreed at Council on 19th July 2012, under S.33 of the Localism Act 2011;

(ii) Mr A Richards – Minutes 840 (Minutes of the meeting of the Shareholder Board) and 841 (Porters Place LLP Budget/Final Reserved Matters Application Extension Request and LLP Final Statements Year End March 2021) – Non-pecuniary interest: Council appointed representative on the Porters Place LLP Board; and

(iii) Mr J Vickers – Minutes 840 (Minutes of the meeting of the Shareholder Board) and 841 (Porters Place LLP Budget/Final Reserved Matters Application Extension Request and LLP Final Statements Year End March 2021) – Non-pecuniary interest: Member of the Porters Place LLP Board.

#### 839 Questions from Members of the Public

There were no questions from members of the public.

**840 Minutes of the meeting of the Shareholder Board held on Monday, 21st March 2022**

The Committee considered Minute 835 of Cabinet, which had been referred direct to scrutiny for consideration. This related to the Minutes of the meeting of the Shareholder Board that had taken place on 21st March 2022, in respect of the report referred to in Minute 841 below.

Resolved:

That the following decision of Cabinet be noted:

“That the Minutes of the meeting of the Shareholder Board held on 21st March 2022 be noted.”

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

**841 LLP Budget/Reserved Matters Application Extension Request and LLP Financial Statements Year End March 2021**

The Committee considered Minute 836 of Cabinet, which had referred direct to scrutiny for consideration, together with the report of the Director Regeneration and Growth which:

(i) sought approval to a time extension to the Porters Place Southend-on-Sea LLP budget period, which was previously extended following a report to the Shareholder Board on 6<sup>th</sup> December 2021;

(ii) sought approval of a request from Porters Place Southend-on-Sea LLP to continue with the Reserved Matters Application Phase 1a (RMA) beyond 31<sup>st</sup> March 2022 to keep the project on target;

(iii) sought approval of the Porters Place Southend-on-Sea LLP Annual Report and Financial Statements 2020/21, in order that they can be filed by the LLP at Companies House by 31<sup>st</sup> March 2022, subject to no material adjustments at the final audit sign-off. The revised and updated Annual Report and Financial Accounts were presented at the meeting.

(iv) sought approval to the signing of the South-East Local Enterprise Partnership (SELEP) back-to-back agreement, between the Council and the LLP to enable funds to be drawn down from this funding stream.

(v) Provided an update on progress of the Better Queensway project including assurances relating to recent announcements by the Council’s partner, Swan Housing Association.

The Committee also had before it the latest Annual Report and Financial Statements for the year ended 31<sup>st</sup> March 2021, which reflected only a small change of interest rate which had no material bearing compared to the draft accounts presented in Appendix 1 of the report. This matter had been considered by the Shareholder Board at its meeting held on 21<sup>st</sup> March 2022 and Cabinet at its meeting held on 22<sup>nd</sup> March 2022. The recommendations from the Board were before the Committee for consideration (Minute 840 above refers).



The Committee noted that the Shareholder Board had made two further recommendations in respect of this matter, which were set out resolutions 6 and 7 of the tabled Minutes. The Cabinet had, however, concluded that resolution 6 was reasonable, subject to revised wording, but resolution 7 was untenable and would prevent the scheme from proceeding.

Resolved:-

1. That the following decisions of Cabinet be noted:

“1. That the extension for Porters Place Southend-on-Sea LLP budget period be approved until the revised Business Plan, budget and viability assessment is approved or 31st December 2022, whichever is the earlier.

2. That the LLP continue working with the Local Planning Authority on the Reserved Matters Application Phase 1a, until determination and thereafter until the revised Business Plan and updated viability assessment is approved on or before 31st December 2022, whichever is the earlier.

3. That the amended Annual Report and Financial Statements and auditors report for the LLP, year ending 31st March 2021 be noted and be submitted to Companies House, subject to no material changes being raised at the final audit sign-off.

4. That the Executive Director (Finance and Resources) be authorised to complete the South-East Local Enterprise Partnership (SELEP) back-to-back agreement with the LLP and authorise funds to be drawn from that grant to fund works in line with the current Business Plan.

5. That the progress of the Better Queensway project, including assurances relating to recent announcements by the Council's partner, Swan Housing Association, be noted.

6. That only the physical work set out in the report at 3.3.2 is progressed under the budget extension until a revised viable business plan has been agreed by Porters Place Southend-on-Sea LLP, and the Council acting as Shareholder of the LLP and that as part of the viable business plan assessment the Council undertakes the appropriate financial and company due diligence of the relevant entities to ensure their appropriateness as partners in the scheme.”

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

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

## 842 **Vote of Thanks**

The Committee thanked the Chair for the able way in which he had conducted the business of the meetings over the municipal year. The Chair took the opportunity to thank his Vice-Chair for deputising in his absence and the Committee and officers for their support.

**Chair:** \_\_\_\_\_

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SOUTHEND-ON-SEA CITY COUNCIL

Meeting of Standards Committee

Date: Wednesday, 23rd March, 2022  
Place: Council Chamber - Civic Suite

20

**Present:** Councillor I Shead (Chair)  
Councillors B Hooper (Vice-Chair), K Buck (Minutes 843-846),  
T Cowdrey, T Cox (Minutes 843-846), A Moring (Minutes 843-846)  
and J Moyies (Minutes 843-846)\*

\*Substitute in accordance with Council Procedure Rule 31.

**In Attendance:** Councillor J Healey (Leigh Town Council), J Morgan, J Tetley  
(Independent Persons)  
S Tautz and J Williams

**Start/End Time:** 5.00 pm - 6.25 pm

**843 Apologies for Absence**

Apologies for absence were received from Councillor D Cowan (no substitute) and Councillor D Nelson (Substitute: Councillor J Moyies).

**844 Declarations of Interest**

The following interests were declared at the meeting:

- (a) Councillor I Shead - Minute 847 (Complaints Against a Councillor – References 22/001, 22/002 and 22/003) - Non-pecuniary interest: Knows the councillors subject of the complaints as fellow councillors.
- (b) Councillor B Hooper - Minute 847 (Complaints Against a Councillor - References 22/001, 22/002 and 22/003) - Non-pecuniary interest: Knows the councillors subject of the complaints as fellow councillors.
- (c) Councillor Cowdrey - Minute 847 (Complaints Against a Councillor - References 22/001, 22/002 and 22/003) - Non-pecuniary interest: Knows the councillors subject of the complaints as fellow councillors.
- (d) Councillor T Cox - Minute 847 (Complaints Against a Councillor - References 22/001, 22/002 and 22/003) - Non-pecuniary interest: Knows the councillors subject of the complaints as fellow councillors.
- (e) Councillor K Buck - Minute 847 (Complaints Against a Councillor - References 22/001, 22/002 and 22/003) - Non-pecuniary interest: Knows the councillors subject of the complaints as fellow councillors.
- (f) Councillor A Moring - Minute 847 (Complaints Against a Councillor - References 22/001, 22/002 and 22/003) - Non-pecuniary interest: Knows the councillors subject of the complaints as fellow councillors.

(g) Councillor J Moyies - Minute 847 (Complaints Against a Councillor - References 22/001, 22/002 and 22/003) - Non-pecuniary interest: Knows the councillors subject of the complaints as fellow councillors.

(h) Councillor J Healey (Leigh Town Council) - Minute 847 (Complaints Against a Councillor - References 22/001, 22/002 and 22/003) - Non-pecuniary interest: Knows the councillors subject of the complaints.

#### **845 The New LGA Model Councillor Code of Conduct**

The Committee considered a report of the Executive Director (Legal and Democratic Services) presenting a new Model Councillor Code of Conduct produced by the Local Government Association (LGA), with a view to making a recommendation to Council to adopt the same Code.

The Committee asked a number of questions which were responded to by the Executive Director (Legal and Democratic Services).

Resolved:

1. That the Council be recommended to adopt the Model Councillor Code of Conduct (May 2021 version) produced by the Local Government Association (LGA) as attached at appendix 1 to the submitted report, with effect from the commencement of the 2022/23 municipal year, to replace the existing Members' Code of Conduct in Part 5a of the Constitution.
2. That, if the new Code of Conduct is adopted, appropriate training be provided for all councillors.
3. That a review of the current Complaints against Members Rules set out in Part 4(i) of the Constitution should commence without delay, overseen by the Standards Committee.

#### **846 Exclusion of the Public**

Resolved:

That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the item of business set out below, on the grounds that it would involve the likely disclosure of exempt information as defined in paragraphs 1 and 2 of 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.

#### **847 Complaints Against a Councillor - Reference 22/001, 22/002 and 22/003**

The Committee considered a report of the Executive Director (Legal and Democratic Services) and Monitoring Officer requesting that it undertake an initial review and assessment of standards complaints reference 22/001, 22/002 and 22/003 and determine the next steps with regard to each complaint.

The Committee received additional information submitted by the complainant in respect of complaint reference 22/002, which had been received by the Monitoring Officer since the publication of the agenda for the meeting.

Councillors asked a number of questions which were responded to by the Monitoring Officer. The Committee also sought and took into consideration the views of the Independent Persons.

Resolved:

1. That standards complaints reference 22/001 and 22/002 be referred for formal investigation.
2. That standards complaint reference 22/003 does not require any further steps or investigation.

**Chair:** \_\_\_\_\_

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