

## **SOUTHEND-ON-SEA BOROUGH COUNCIL**

### **Meeting of Policy and Resources Scrutiny Committee**

**Date: Thursday, 30th November, 2017**

**Place: Committee Room 1 - Civic Suite**

**Present:** Councillor B Ayling (Chair)  
Councillors C Mulroney\*, D Burzotta, M Davidson, N Folkard,  
D Garston, I Gilbert, R Hadley, D Jarvis\*, D McGlone, J McMahon,  
D Norman MBE, G Phillips, M Terry\*, C Walker, C Willis and  
R Woodley\*

\*Substitute in accordance with Council Procedure Rule 31.

**In Attendance:** Councillors J Lamb, M Flewitt and A Moring (Executive Councillors)  
Councillor S Aylen  
J K Williams, F Abbott, J Chesterton and S Houlden

**Start/End Time:** 6.30 - 9.20 pm

#### **520 Apologies for Absence**

Apologies for absence were received from Councillor B Arscott (substitute Cllr D Jarvis), Councillor D Kenyon (substitute Cllr M Terry), Councillor M Stafford (substitute Cllr R Woodley) and Councillor P Wexham (substitute Cllr C Mulroney).

In the absence of the Vice Chairman, Councillor Mulroney acted as Vice Chair at the meeting.

#### **521 Declarations of Interest**

The following interests were made at the meeting:-

- (a) Councillors Lamb, Flewitt and Moring (Executive Councillors) - interest in the called in items / referred items; attended pursuant to the dispensation agreed at Council on 19th July 2012, under S.33 of the Localism Act 2011;
- (b) Councillor Ayling – disclosable pecuniary interest in agenda item relating to Compulsory Licensing Scheme and Rents Control – attended pursuant to dispensation agreed by the Standards Committee on 21<sup>st</sup> November 2017, under S.33 of the Localism Act 2011 to participate in the debate and vote;
- (c) Councillor Hadley – disclosable pecuniary interest in agenda item relating to Compulsory Licensing Scheme and Rents Control – attended pursuant to dispensation agreed by the Standards Committee on 21<sup>st</sup> November 2017, under S.33 of the Localism Act 2011 to participate in the debate and vote. However, Councillor Hadley confirmed that he would not be exercising his dispensation in terms of voting and would limit his contribution to speaking only;
- (d) Councillor Flewitt - interest in agenda item relating to Compulsory Licensing Scheme and Rents Control – non-pecuniary – family & friends are tenants of South Essex Homes;

- (e) Councillor D Garston - interest in agenda item relating to Compulsory Licensing Scheme and Rents Control – non-pecuniary – Trustee of Trust which owns a rented property in town but has no beneficial interest;
- (f) Councillor McMahon - interest in agenda item relating to Compulsory Licensing Scheme and Rents Control – non-pecuniary – co founder HARP, mentioned in debate; mental health advocate – professional role;
- (g) Councillor McMahon – interest in agenda item relating to Capital Monitoring Report – non-pecuniary – founder member, Fellow of the Saxon King Fellowship, mentioned during debate;
- (h) Councillor Ayling - interest in agenda item relating to Capital Monitoring Report – non-pecuniary – member of Fellowship of Saxon King, mentioned during debate;
- (i) Councillor Mulronev - interest in agenda item relating to Capital Monitoring Report – non-pecuniary – member of Fellowship of Saxon King, mentioned during debate;
- (j) Councillor Phillips – interest in agenda item relating to Council Procedure Rule 46 (item 2.1 refers) – non-pecuniary – son is an assistant leader at 3<sup>rd</sup> Chalkwell Bay Clubs (sailing etc).

## **522 Questions from Members of the Public**

Two written questions had been received from Mr Webb for the meeting. Mr Webb was not at the meeting so the responses will be circulated to him.

## **523 Minutes of the Meeting held on Thursday, 12th October, 2017**

Resolved:-

That the Minutes of the meeting held on Thursday, 12<sup>th</sup> October, 2017 be confirmed as a correct record and signed.

## **524 Reference from Council, Thursday 19th October 2017 - Compulsory Licensing Scheme and Rent Control**

The Committee considered Minute 438 of Cabinet held on 7<sup>th</sup> November 2017 which had been referred direct by Cabinet and also called in to Scrutiny, together with a report of the Deputy Chief Executive (People), requesting consideration of the resolutions of Council (19<sup>th</sup> October 2017) regarding the introduction of a compulsory licensing scheme and rent controls on private sector landlords.

With regard to Resolution 1 of the Cabinet Minute, the Executive Councillor advised that the report to be considered by way of pre-Cabinet scrutiny is in the process of being drafted and will be brought to the next meeting of the Scrutiny Committee.

With regard to Resolution 2 of the Cabinet Minute the Committee received a copy of the draft letter which it is proposed to send to the Secretary of State for Communities & Local Government in connection with rent controls on private sector landlords. The Executive Councillor agreed to amend the draft letter to clarify some of the figures and ensure the table was to scale.

Resolved:-

That the following decisions of Cabinet be noted:-

“1. That the proposal to introduce a compulsory licensing scheme be referred to the Policy & Resources Scrutiny Committee for consideration by way of pre-Cabinet scrutiny.

2. That the Deputy Chief Executive (People) be requested to write to the Secretary of State for Communities and Local Government to ascertain the Government’s view on the introduction of rent controls on private sector landlords letting properties to tenants.”

Note: This is an Executive Function  
Executive Councillor: Flewitt

## **525 Monthly Performance Report**

The Committee considered Minute 439 of Cabinet held on 7<sup>th</sup> November, 2017 which had been referred direct by Cabinet, together with the Monthly Performance Report covering the period to September 2017, which had been circulated recently.

Resolved:-

That the report be noted.

Note:- This is an Executive Function.  
Executive Councillor:- As appropriate to the item.

## **526 Comments, Compliments and Complaints**

The Committee considered Minute 440 of the meeting of Cabinet held on 7<sup>th</sup> November 2017, which had been referred direct by Cabinet to all 3 scrutiny committees and called in to Scrutiny, together with a report of the Chief Executive which presented the annual report on compliments and complaints received throughout the Council for 2016/17. This incorporated separate sections on Adult Social Care Services, Children’s Social Care and a report from the Monitoring Officer on decisions by the Local Government & Social Care Ombudsman.

Resolved:-

That the following decision of Cabinet be noted:-

“That the Council’s performance in respect of compliments, comments and complaints for 2016-17 be noted, including the summary of decisions by the Local Government & Social Care Ombudsman.”

Note:- This is an Executive Function  
Executive Councillors: Courtenay, Cox, Lamb and Salter

## 527 **Alternative Delivery Models - Governance Arrangements**

The Committee considered Minute 442 of the meeting of Cabinet held on 7<sup>th</sup> November 2017, which had been called in to Scrutiny together with a report of the Chief Executive presenting a range of alternative delivery vehicles that the Council controls, the current governance arrangements and proposals on potential ways forward.

Resolved:-

That the following decisions of Cabinet be noted:-

“1. That the current group structure of the Council Companies, Joint Ventures and Charitable Trusts and associated governance arrangements, be noted.

2. That a new advisory forum reporting to Cabinet be established to be called “The Shareholder Board” to provide an effective means of Council governance of the Council Companies and this shall replace the existing Member Advisory Forum (re: Trading Companies).

3. That the terms of reference of the Shareholder Board shall be added as a new section 4.6 in Schedule 2 of Part 3 to the Constitution, as set out in Appendix 3 to the submitted report, with a membership that is politically proportional (5 Conservatives, 2 Independent, 2 Labour) and that includes the following members of Cabinet:

- The Leader
- The Deputy Leader
- Executive Councillor for Corporate & Community Support Services
- One other Executive Councillor

4. That Cabinet receive an annual report on the operation of the Council’s Joint Ventures and Charitable Trusts.”

Note: This is a Council Function  
Executive Councillor: Moring

## 528 **Capital Monitoring for 2017/18 and Revised Capital**

The Committee considered Minute 443 of the meeting of Cabinet held on 7<sup>th</sup> November 2017, which had been called in to Scrutiny together with a report of the Chief Executive setting out the capital expenditure as at 30<sup>th</sup> September 2017 and recommending in-year amendments to the approved Capital Programme for 2017/18 to 2020/21.

Resolved:-

That the following recommendations of Cabinet be noted:-

“1. That the actual capital expenditure position as at 30<sup>th</sup> September 2017 of £27.790 million as shown in Section 4 and Appendix 1 of the submitted report, be noted.

2. That the financial position of the Capital Programme as at 30<sup>th</sup> September 2017, as set out in Section 5 of the report, be noted.

3. That the proposed changes to the Capital Programme as set out in Appendix 6 to the report, be approved.

4. That the revised Capital Programme for 2017/18 to 2020/21 resulting from these changes, as set out in Appendix 7 to the report, be approved.”

Note:-This is a Council Function  
Executive Councillor:- Lamb

## **529 Corporate Debt Management Policy**

The Committee considered Minute 445 of the meeting of Cabinet held on 7<sup>th</sup> November 2017, which had been called in to Scrutiny together with a report of the Chief Executive proposing the adoption of the revised “Debt Collection and Recovery Policy.”

Resolved:

That the following decision of Cabinet be noted:-

“That the revised “Debt Collection and Recovery Policy” set out at appendix A to the submitted report, be approved.”

Note: This is an Executive Function.  
Executive Councillor: Moring

## **530 Discretionary Relief Policy**

The Committee considered Minute 446 of the meeting of Cabinet held on 7<sup>th</sup> November 2017, which had been called in to Scrutiny together with a report of the Chief Executive setting out the required changes to the current Business Rates Discretionary Relief Policy to reflect the new rate reductions announced by the Chancellor in the 2016 Autumn Statement and 2017 Spring Budget.

Resolved:-

That the following decisions of Cabinet be noted:-

“1. That the award of Public House Relief of up to £1,000 to qualifying businesses in occupation of Public Houses which have a rateable value of £100,000 or less in accordance with Discretionary Rate Relief powers for the financial year 1<sup>st</sup> April 2017 to 31<sup>st</sup> March 2018 only, subject to State Aid limits, be approved.

2. That it be noted that the businesses to qualify for the relief must be a ‘Public House’ as detailed in paragraph 4.4 of the submitted report.

3. That it be noted that where a ratepayer demonstrates their entitlement to the Public House Relief, the Revenues Manager has the authority to award the relief.

4. That the award of Local Newspaper Relief of up to £1,500 for office space occupied by local newspapers up to a maximum of one discount per local newspaper title and per hereditament, for the financial years 1<sup>st</sup> April 2017 to 31<sup>st</sup> March 2018 and 1<sup>st</sup> April 2018 to 31<sup>st</sup> March 2019, subject to State Aid limits, be approved.

5. That it be noted that where a ratepayer demonstrates their entitlement to the Local Newspaper Relief, the Revenues Manager has the authority to award the relief.

6. That the award of Supporting Small Business Relief (SSBR) to businesses who as a result of the change in their rateable value at the 2017 revaluation lost some or all of their small business relief, in accordance with guidance given by the Department for Communities and Local Government for the financial years 1<sup>st</sup> April 2017 to 31<sup>st</sup> March 2018 to 1<sup>st</sup> April 2021 to 31<sup>st</sup> March 2022, subject to State Aid limits, be approved.

7. That the scheme and amount of Discretionary Business Rate Relief, in accordance with Section 7 and Appendix G of the revised policy, subject to State Aid limits, be approved.

8. That it be noted that the Council, through the National Non-Domestic Rate return process, will seek full reimbursement of the cost of this relief from Central Government.

9. That the amended Business Rates Discretionary Relief Policy set out at Appendix A to the submitted report, be approved.”

Note: This is an Executive Function.  
Executive Councillor: Moring

## **531 Transport Review (Policy)**

The Committee considered Minute 447 of the meeting of Cabinet held on 7<sup>th</sup> November 2017, which had been called in to Scrutiny together with a report of the Deputy Chief Executive (People) setting out proposed changes to policies which were recommended as part of the transport review.

The Committee had a number of issues concerning impact on vulnerable people; changes to Dial-a-Ride service and operating times and was concerned that the matter had not been considered by the People Scrutiny Committee. The Executive Councillor for Corporate & Community Support Services said that he was happy for the matter to be referred back and that this would be on the basis that the decision of Cabinet would then be open to scrutiny by the People Scrutiny and the Policy & Resources Scrutiny Committees.

Resolved:-

With the concurrence of the Executive Councillor, the matter be referred back to Cabinet for reconsideration and, following such reconsideration, the matter will be eligible for call in to People and Policy & Resources Scrutiny Committees.

Note: This is an Executive Function

Executive Councillors: Salter, Moring and Courtenay.

**532 Transport Review (Delivery Models)**

The Committee considered Minute 448 of the meeting of Cabinet held on 7<sup>th</sup> November 2017, which had been called in to Scrutiny together with a report of the Deputy Chief Executive (People) setting out the potential operating models for the delivery of passenger transport services and sought approval to progress the preferred option to procurement stage to identify a preferred partner.

Resolved:-

That the following decisions of Cabinet be noted:-

“1. That the following key elements to enable procurement activities to commence around this passenger transport review, in parallel with completing the policy consultation with users, be approved:

(a) Procure a partner to develop a ‘For Profit’ JV partnership as the recommended operating model for providing all its passenger transport services;

(b) Use a full procurement procedure (either competitive dialogue or open procedure) to procure a partner to develop a ‘For Profit’ JV partnership as opposed to contracting directly with a local authority owned company under Regulation 12 (the old teckal arrangements);

(c) Implement the new service from 1<sup>st</sup> August 2019 based on the time table set out in paragraph 6.2 of the submitted report;

(d) Grant a tender exemption to extend existing contracts, based on the understanding that market conditions and potential legislative changes have hindered the Council’s ability to procure a partner to develop other types of JV partnership.

2. That a further report be presented to Cabinet in January 2018 that will provide details of the confirmed procurement procedure to procure a partner to develop the JV partnership.”

Note: This is an Executive Function  
Executive Councillor: Moring

**533 Council Procedure Rule 46**

The Committee considered Minute 457 of the meeting of Cabinet held on 7<sup>th</sup> November 2017, which had been called in the Scrutiny, together with a report which summarised the actions taken in accordance with Council Procedure Rule 46.

Resolved:-

That the submitted report be noted.

Note: This is an Executive Function

Executive Councillor: as appropriate for the item.

**534 Summary Report to Scrutiny Committee**

Resolved:-

That the Summary Report update from Councillor Lamb on the Kent & Essex Inshore Fisheries and Conservation Authority, deferred to the next meeting.

**535 In depth scrutiny project - 'Additional enforcement resources for Southend' - update**

The Committee received an oral update on the progress made in respect of the agreed in depth scrutiny project for 2017/18 – 'additional enforcement resources for Southend'. A further meeting of the Member project team will be held on Monday 11<sup>th</sup> December 2017.

Resolved:-

That the update be noted.

Note: This is a Scrutiny Function

**536 Minutes of Chairmen's Scrutiny Forum held Monday 20th November 2017**

Resolved:-

That the Minutes of the meeting of Chairmen's Scrutiny Forum held on Monday, 20<sup>th</sup> November 2017 be received and noted and the recommendations therein endorsed.

Note: This is a Scrutiny Function.

**537 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 items of business set out below, on the grounds that they 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.

**538 Council Procedure Rule 46 - Confidential Sheet**

The Committee considered Minute 462 of the meeting of Cabinet held on 7th November 2017, which had been called in to Scrutiny, together with a report which summarised the actions taken in accordance with Council Procedure Rule 46.



Resolved:-

That the submitted report be noted.

Note: This is an Executive Function  
Executive Councillor: As appropriate to the item

**Chairman:** \_\_\_\_\_