

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Policy and Resources Scrutiny Committee

Date: Thursday, 11th July, 2019

Place: Committee Room 1 - Civic Suite

Present: Councillor D Garston (Chair)
Councillors D McGlone (Vice-Chair), B Ayling, K Buck*, 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
*Substitute in accordance with Council Procedure Rule 31.

In Attendance: Councillors I Gilbert, C Mulroney, K Robinson and R Woodley
(Cabinet Members)
Councillors L Burton and D Garne
A Griffin, J K Williams, F Abbott, J Ruffle, J Chesterton, E Cooney,
S Ford, T Holland, N O'Keeffe, T Breckels and M Sargood

Start/End Time: 6.30 p.m. - 9.20 p.m.

180 Apologies for Absence

Apologies for absence were received from Councillor D Burzotta (substitute Cllr K Buck).

181 Declarations of Interest

The following interests were declared at the meeting:-

- (a) Councillors Gilbert, Mulroney, Robinson and Woodley (Cabinet Members) – interest in the referred items; attended pursuant to the dispensation agreed at Council on 19th July 2012, under S.33 of the Localism Act 2011;
- (b) Councillor Gilbert – agenda items relating to - Town Centre Scrutiny Report; Southend Town Centre & Seafront Public Spaces Protection Order – non-pecuniary – place of work is within the boundary of the PSPO;
- (c) A Griffin – agenda item relating to Southend Town Centre & Seafront Public Spaces Protection Order – non-pecuniary – lives within the boundary of the PSPO;
- (d) Councillor McDonald – agenda item relating to Southend Town Centre & Seafront Public Spaces Protection Order – non-pecuniary – place of work is within the boundary of the PSPO;
- (e) Councillor Dent - agenda item relating to Southend Town Centre & Seafront Public Spaces Protection Order – non-pecuniary – lives near to the proposed PSPO area;
- (f) Councillor Wakefield - agenda item relating to Southend Town Centre & Seafront Public Spaces Protection Order – non-pecuniary – has business in the proposed PSPO area;
- (g) Councillor Dent – agenda item relating to Capital Outturn – non-pecuniary – lives opposite a property mentioned in report;

- (h) Councillor Davidson – agenda items relating to – Cabinet Working Parties; Housing Update; Risk Register; Debt Management - Non-Executive Director South Essex Homes;
- (i) Councillor Wexham - agenda items relating to – Cabinet Working Parties; Housing Update; Risk Register; Debt Management - Non-Executive Director South Essex Homes;
- (j) Councillor Mulroney - agenda item relating to Capital Outturn – non-pecuniary – member of Leigh Town Council;
- (k) Councillor Ayling – agenda item relating to Recruitment of Special Constables – non-pecuniary – son is a Special Constable.

182 Questions from Members of the Public

The responses to the questions submitted by Mr Webb to the Cabinet Member for Community Safety and Customer Contact will be forwarded to him as he was not present at the meeting.

183 Minutes of the Meeting held on Wednesday, 10th April, 2019

Resolved:

That the Minutes of the Meeting held on Wednesday, 10th April, 2019, be confirmed as a correct record and signed.

184 Revised Southend 2050 - Five Year Road Map

The Committee considered Minute 71 of Cabinet held on 25th June 2019, which had been referred direct by Cabinet to all three Scrutiny Committees together with a report of the Chief Executive setting out the content of the revised Southend 2050 Five Year Road Map timeline, following the formation of the Joint Administration at Council on 3 June 2019.

Resolved:

That the following recommendation of Cabinet be noted:

“That the revised Southend 2050 Road Map time-line as set out in Appendix 1 to the submitted report be agreed, reflecting the policy objectives of the new Joint Administration.”

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

185 Reimagining the Town Centre in the Context of 2050

The Committee considered Minute 73 of Cabinet held on 25th June 2019, which had been referred direct by Cabinet to Scrutiny together with a report of the Deputy Chief Executive (Place). This presented the recommendations of the 2018/19 scrutiny project ‘*Reimagining the Town Centre in the context of 2050*’.

Resolved:

That the following decisions of Cabinet be noted:

“1. That the report and conclusions from the in depth scrutiny project set out at Appendix 1 to the submitted report, be endorsed.

2. That a multi-organisation task and finish group be established in line with the principles set out in paragraphs 3.11-3.14 of the report and that the Director of Regeneration and Business Development be authorised, in consultation with the Cabinet Member for Business, Tourism and Culture, to agree membership of the group.”

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

186 Cabinet Working Parties

The Committee considered Minute 74 of Cabinet held on 25th June 2019, which had been referred direct by Cabinet to Scrutiny together with a report of the Chief Executive, which outlined a revised configuration and composition of Cabinet working parties to help drive the Southend 2050 programme.

A revised Appendix 2, showing the proposed Terms of Reference of the Cabinet Working Parties had been circulated at the Cabinet meeting.

With reference to the revised Appendix 2, some questions were asked about the proposed Terms of Reference of the Environment & Planning Working Party in terms of considering major planning applications with conservation implications (3.1.3 (e) refers). The Cabinet Member for Environment and Planning said that although this wording did replicate the terms of reference of the existing Conservation Working Party, there was merit in the Working party considering such applications whether referred by officers or Development Control Committee.

Resolved:

That the following recommendations of Cabinet be noted:

“1. That the configuration of Cabinet working parties be revised as set out in paragraph 3.10 of the submitted report and the revised Appendix 2.

2. That a vice-chair for each Cabinet Working Party is appointed by the Leader.

3. That the terms of reference for the working parties are reviewed in due course, as appropriate.”

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

187 Housing Update

The Committee considered Minute 76 of Cabinet held on 25th June 2019, which had been referred direct by Cabinet to Scrutiny together with a report of the Deputy Chief Executive (People) which provided an update on two key elements of the Housing, Homelessness and Rough Sleeping Strategy, namely housing supply and a proposed Acquisitions Programme for Council Housing.

Resolved:

That the following decisions of Cabinet be noted:

1. That the work to develop a regeneration framework and pipeline of housing and regeneration projects, including the potential to establish a revolving investment fund to deliver the pipeline, with a report coming forward to Cabinet in September 2019, be agreed.
2. That the process for responding to third party approaches is agreed for implementation.
3. To proceed with the Acquisitions Programme for Council Housing as agreed in the Council's Housing, Homelessness & Rough Sleeping Strategy.
4. That a capital budget of £4.3M be created within the Housing Revenue Account (HRA) capital programme for 2019/20 to facilitate the Acquisitions Programme, funded 30% from retained Right to Buy Capital receipts and 70% from HRA Capital Investment Reserve."

Resolved:

That the following recommendation of Cabinet be noted:

5. That the delegated authority to the S151 Officer for property acquisitions and disposals for the sign off of the property acquisitions in Part 3, Schedule 3, Section 4 of the Constitution be amended to increase the value from £250,000 to £500,000."

Note: The decisions in 1-4 above constitute an Executive Function. The decision in 5 above constitutes a Council Function.

Cabinet Member: Cllr Gilbert

188 Housing Allocation Policy Review

The Committee considered Minute 78 of Cabinet held on 25th June 2019, which had been referred direct by Cabinet to Scrutiny together with a report of the Deputy Chief Executive (People) on the Council's Social Housing Allocations Policy review and proposed policy positions.

In response to questions concerning the changes to the 'local connection' criteria - people living out of borough but working in the town - the Leader said that he would provide statistics on the numbers of people who are on the current register who would be impacted the changes.

Resolved:

That the following decisions of Cabinet be noted:

“1. That a consultation upon the proposed policy changes, be approved.

2. That, following consultation, any minor changes to the draft policy be made under delegated authority by the Deputy Chief Executive (People), and the Director for Housing in consultation with the portfolio holder for housing, but that any major proposed changes be returned to Cabinet for decision.”

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

189 Recruitment of Special Constables

The Committee considered Minute 83 of Cabinet held on 25th June 2019, which had been referred direct by Cabinet to Scrutiny together with a report of the Deputy Chief Executive (Place) on the process to be undertaken to recruit 34 Special Constables to provide additional support and visibility across all Wards in Southend.

Resolved:

That the following decisions of Cabinet be noted:

“1. That the process to be undertaken for the recruitment of Special Constables for Southend, be noted.

2. That officers continue to liaise with Essex Police to develop a suitable model of recruitment of Special Constables for Southend.”

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

190 Notice of Motion - Traveller incursions in the Borough - Recommendations from Council 13th June 2019

The Committee considered Minute 85 of Cabinet held on 25th June 2019, which had been referred direct by Cabinet to Scrutiny. This concerned the Notice of Motion on traveller incursions in the Borough, considered at the extraordinary Council meeting held on 13th June 2019. The Council resolved to recommend to Cabinet that proposals 1 – 3 of the Motion be adopted, but that proposal 4 in relation to a Borough wide injunction not be pursued (Minute 25 refers).

The Leader stated that although the legal advice was that the evidence base did not provide grounds for seeking a Borough-wide injunction, he would nevertheless ask officers to undertake a high-level review of recent incursions. Any useful information collected would be recorded. While such information would not provide the comprehensive information required as the basis for a Borough-wide injunction, it could form part of the general evidence base – and going forward comprehensive information would be systematically gathered as per Cabinet Resolution 4.

Resolved:

1. That the following decisions of Cabinet be noted:

- “1. That the Council will take a proactive approach and take any additional measures that are required to secure our public open spaces in the Borough by working closely with the business community, councillors and local residents on cost effective, practical and innovative solutions that help prevent illegal encampments whilst maintaining access for residents where possible.
 2. That the Council will continue to adopt a strong stance in order to permanently prevent travellers from illegally occupying public spaces in the future.
 3. That the Council will take measures to improve communication with local residents when unauthorised encampments do occur, to ensure clear and regular communications that Councillors distribute to residents where such issues have arisen in their wards.
 4. That the Council will not pursue an injunction at the present time as the evidence to support such proceedings is insufficient. However, going forward evidence will be systematically gathered in respect of illegal traveller encampments on Council land and the harm caused. Such evidence could then be used to support an application for a borough-wide injunction if such proceedings can be justified.”
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 Terry

191 Year End Performance Report 2018/19

The Committee considered Minute 86 of Cabinet held on 25th June 2019, which had been referred direct by Cabinet to all three Scrutiny Committees together with a report of the Strategic Director (Transformation) that outlined the end of year position of the Council’s corporate performance for 2018/19.

Resolved:

That the following decision of Cabinet be noted:

“That the 2018/19 end of year position and accompanying analysis, be noted.”

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

192 Southend 2050 Corporate Performance Framework for 2019/20 Onwards

The Committee considered Minute 87 of Cabinet held on 25th June 2019, which had been referred direct by Cabinet to all three Scrutiny Committees together with a report of the Strategic Director (Transformation) which outlined the new Southend 2050 Corporate Performance Framework for 2019/20 onwards.

Resolved:

That the following decision of Cabinet be noted:

“That the proposed Corporate Performance Framework for 2019/20 onwards, as set out in appendix 1 to the submitted report, be adopted.”

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

193 Corporate Risk Register

The Committee considered Minute 88 of Cabinet held on 25th June 2019, which had referred direct by Cabinet to all three Scrutiny Committees together with a report of the Strategic Director (Finance and Resources). This set out the 2018/19 Corporate Risk Register year end update together with the proposed approach to refreshing the Corporate Risk Framework.

Resolved:

That the following decisions of Cabinet be noted:

- “1. That the 2018/19 Corporate Risk Register and the year end updates, set out in appendix 2 to the submitted report, be noted.
2. That the proposed approach to refreshing the Corporate Risk Management Framework, be endorsed.”

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

194 Revenue Outturn Report 2018/19

The Committee considered Minute 89 of Cabinet held on 25th June 2019, which had been referred direct by Cabinet to Scrutiny together with a report of the Strategic Director (Finance and Resources) on the revenue outturn for 2018/19 and the implications of the outturn for the opening budgetary position for 2019/20 budget and beyond.

Resolved:

That the following recommendations of Cabinet be noted:

- “1. That the in-year surpluses of £1.836M for the General Fund and £1.510M for the HRA for 2018/19, be noted.
2. That the appropriation of revenue funds to and from earmarked reserves, as set out in paragraph 4.6 (General Fund) and paragraph 5.4 (HRA), of the submitted report, be approved.
3. That the initial budgetary position for 2019/20 and beyond, indicated by the 2018/19 outturn, be noted.”

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

The Committee considered Minute 90 of Cabinet held on 25th June 2019, which had been referred direct by Cabinet to all three Scrutiny Committees together with a report of the Strategic Director (Finance and Resources). This concerned the capital investment programme outturn for 2018/19, which sought approval of the relevant budget carry forwards and accelerated delivery requests and in year amendments for the current approved programme.

Resolved:

That the following recommendations of Cabinet be noted:

“1. That the expenditure on the capital programme for 2018/19 totalling £50.899m against a revised budget of £52.648m, a delivery of 96.7%, be noted.

2. That the relevant budget carry forwards and accelerated delivery requests totalling a net £3.059m moving into 2019/20, as set out in Appendices 1 and 2 to the submitted report, be approved.

3. That the virements, reprofiles and amendments and new external funding for schemes, as detailed in Appendices 3, 4 and 5 to the report, be noted.

4. That in respect of the A127 Kent Elms Junction Improvements project:

- (i) That it be noted that the delays to the project have led to an overspend against the scheme budget of £2.446m with £1.075m of this incurred in 2018/19.
- (ii) That a further budget of £1.371m be added to the capital investment programme to deliver the scheme over the following years, 2019/20 £1.331m and 2020/21 £0.040m, to be financed by borrowing.

5. That in respect of the Priory, Delaware and Viking new build project:

- (i) That the updated financial business case position, be noted.
- (ii) That this project be moved from the ‘Schemes subject to viable business cases’ section into the main capital investment programme.
- (iii) That the procurement exercise undertaken which has resulted in an additional budget requirement, be noted.
- (iv) That a further budget of £1.519m is added to the capital investment programme in 2020/21 to be financed by borrowing, to enable the scheme to be delivered.

6. That a budget of £4.3m to be added to the Housing Revenue Account (HRA) capital investment programme in 2019/20 to facilitate the HRA Affordable Housing Acquisitions Programme, funded 30% from retained Right to Buy capital receipts and 70% from the HRA Capital Investment Reserve, be approved.

7. That a budget of £0.250m be added to the capital investment programme, £0.125m in 2019/20 and £0.125m in 2020/21, to undertake a two year programme of street lighting infill, to be financed by borrowing.

8. That the relevant changes to the budget identified since the approved capital investment programme was set at Council on 21 February 2019, as detailed in Appendix 6 to the report, be approved.
9. That it be noted that the above changes will result in an amended Capital Investment Programme of £233.166m for the period 2019/20 to 2023/24, as detailed in Appendix 7 to the report.
10. That the schemes subject to viable business cases for the period 2019/20 to 2021/22 totalling £37m be noted.
11. That the content of the Community Infrastructure Levy (CIL) Annual Financial Report 2018/19 be noted and that the CIL Main Fund receipts from 2018/19 and previous financial years be carried forward until spending plans are reviewed in early 2020/21.
12. That authority be delegated to the Director for Planning and Transport (in consultation with Ward Members and the Executive Councillor for Environment and Planning) to agree how the Ward Neighbourhood Allocations received up until 31st March 2019 (excluding allocation to Leigh Town Council) are to be spent.”

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

196 Council Debt Position to 31 March 2019

The Committee considered Minute 91 of Cabinet held on 25th June 2019, which had been referred direct by Cabinet to Scrutiny together with a report of the Strategic Director (Finance and Resources). This outlined the current position of outstanding debt to the Council, as at 31st March 2019; and the debts that have been written off, or are recommended for write off, in the current financial year as at 31st March 2019;

The report also sought approval to write off irrecoverable debts that are over £25,000 as set out in Appendix B to the submitted report.

Resolved:

That the following decisions of Cabinet be noted:

“1. That the current outstanding debt position as at 31st March 2019 and the position of debts written off to 31st March 2019 as set out in Appendices A & B to the report, be noted.

2. That the write offs greater than £25,000, be approved.”

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

197 Treasury Management Report 2018/19

The Committee considered Minute 92 of Cabinet held on 25th June 2019, which had been referred direct by Cabinet to Scrutiny together with a report of the Strategic Director (Finance and Resources). This presented the Annual Treasury Management Report covering the treasury activity for the period from April 2018 to March 2019.

Resolved:

That the following recommendations of Cabinet be noted:

“1. That the Annual Treasury Management Report for 2018/19 and the outturn Prudential Indicators for 2018/19, be approved.

2. That it be noted that the financing of 2018/19 capital expenditure of £50.899m has been funded in accordance with the schedule set out in Table 1 of section 4 in the submitted report.

3. That it be noted that the Capital Financing and Treasury Management were carried out in accordance with statutory requirements, good practice and in compliance with the CIPFA (The Chartered Institute of Public Finance and Accountancy) Prudential Code during 2018/19.

4. That the revised Operational Boundary of £350m and revised Authorised Limit of £360m for 2019/20 as set out in Section 5 of the submitted report, be approved.

5. That the following be noted in respect of the return on investment and borrowing:

- (i) The loan and investment portfolios were actively managed to minimise cost and maximise interest earned, whilst maintaining a low level of risk.
- (ii) £1.588m of interest and income distributions were received during 2018/19. The total investment income (including the movement on the unit price of externally managed funds) was £2.043m, giving a combined return of 2.93%. This is 2.42% over the average 7 day LIBID rate (London Interbank Bid Rate) and 2.26% over the average bank base rate.
- (iii) The level of borrowing from the Public Works Loan Board (PWLb) (excluding debt relating to services transferred from Essex County Council on 1st April 1998) increased from £227.8m to £267.8m (Housing Revenue Account (HRA): £77.0m, General Fund (GF): £190.8m) by the end of 2018/19.
- (iv) The level of financing for ‘invest to save’ schemes decreased from £8.74m to £8.73m by the end of 2018/19.”

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

198 Council Procedure Rule 46

The Committee considered Minute 93 of Cabinet held on 25th June 2019, which had been referred direct by Cabinet to Scrutiny, concerning action taken under Standing Order 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

199 Southend Town Centre and Seafront Public Spaces Protection Order

The Committee considered Minute 133 of the special Cabinet held on 8th July 2019, which had been referred direct by Cabinet to Scrutiny together with a report of the Strategic Director (Legal and Democratic Services) requesting that consideration be given to whether the Council should proceed with the making of a Public Spaces Protection Order (PSPO) under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014, taking into consideration the results of the statutory consultation and further evidence.

A revised Draft Order and an amended plan showing the exact location of the proposed restricted area had been circulated at the Cabinet meeting.

Resolved:

That the following decisions of Cabinet be noted:

“1. That the Council makes a Public Spaces Protection Order (PSPO) over the areas identified in the submitted report and in the form annexed at Appendix 3 (as amended).

2. That the existing Designated Public Place Order (DPPO) from 2002 ceases to be enforced following implementation of the new PSPO.”

Note: This is an Executive Function
Cabinet Member: Councillor Terry

200 Reconfiguration of Corporate Management

The Committee considered Minute 134 of the special Cabinet held on 8th July 2019, which had been referred direct by Cabinet to Scrutiny together with a report of the Chief Executive. This set out proposals for a reconfigured corporate management structure.

Resolved:

That the following recommendations of Cabinet be noted:

“1. That the reconfigured corporate management structure to spearhead the cultural transformation and increase capacity to deliver Southend 2050 outcomes, as set out in sections 3.6 – 3.14 of the submitted report, be approved.

2. That the new reporting lines for third tier officers, as set out in the report, be approved.
3. That consultation be undertaken with the officers affected in line with employment law and the Council's HR policies.
4. That the arrangements for individual officers as detailed in the confidential part 2 Appendix 3 to the report, be approved.
5. That external recruitment be arranged for the vacant Executive Director posts.
6. That as part of the Council's commitment to developing its own talent, the vacant Director posts be advertised on an internal basis initially, and only if posts remain unfilled would the Council go to market.
7. That the Chief Executive, in consultation with the Leader, be authorised to make further adjustments to the corporate management structure, following the consultation process."

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

201 In depth Scrutiny Projects and Summary of Work

The Committee considered a report by the Strategic Director (Legal & Democratic Services) concerning the possible in depth scrutiny project to be undertaken by the Scrutiny Committee in 2019/20. The report also attached some information about the work carried out by the Committee in the 2018/19 Municipal year.

Resolved:

1. The in depth project for 2019/20 will be – "How the Council and Councillors communicate with local people and stakeholders".
2. To note that the following Councillors have been appointed to the Project Team which will manage the in depth project – Councillors M Davidson, S Habermel, C Walker, M Dent, H McDonald, B Ayling, I Shead and P Collins.
3. That the information attached at Appendix 3 to the report, the summary of work of the three Scrutiny Committees during 2018/19, be noted.

Note: This is a Scrutiny Function.

202 Statutory Scrutiny Guidance

The Committee considered a report by the Strategic Director (Legal & Democratic Services) which advised about the publication of the Statutory Scrutiny Guidance on 7th May 2019 ('the 2019 Guidance'). The 2019 Guidance was produced following a commitment that Government made in early 2018 following on from the Communities & Local Government Select Committees' inquiry into overview and scrutiny and supersedes guidance published in 2006.

The 2019 Guidance, a copy of which was attached at Appendix 1 to the report, does not require the Council to change any of its scrutiny arrangements but does provide the opportunity to enhance the scrutiny processes. Section 4.5 of the report

set out some areas to be explored further – namely around greater use of local experts, developing an Executive / Scrutiny Protocol and encouraging great use of ‘information bulletin’s / briefings’ to reduce pressure of items on Committee agendas.

Resolved:

That the approach, set out in paragraph 4.5 of the report, be agreed.

Note: This is a Scrutiny Function.

203 Minutes of the Meeting of Chair's Scrutiny Forum held on, Tuesday, 18th June, 2019

Resolved:

That the Minutes of the meeting on the Chair’s Scrutiny Forum held on Tuesday, 18th June, 2019 be received and noted.

Note: This is a Scrutiny Function.

204 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 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.

205 Standing Order 46 - Confidential Sheet

The Committee considered Minute 95 of Cabinet held on 25th June 2019, which had been referred direct by Cabinet to Scrutiny, concerning action taken under Standing Order 46 – Confidential sheet.

Resolved:

That the following decision of Cabinet be noted:

“That the submitted report be noted”.

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

206 Reconfiguration of Corporate Management

The Committee considered Minute 136 of Cabinet held on 8th July 2019, which had been referred direct by Cabinet to Scrutiny together with a confidential appendix to the report of the Chief Executive.

Resolved:

That the following recommendation of Cabinet be noted:

“That the confidential appendix, be endorsed.”

II

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

Chair: _____