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SOUTHEND-ON-SEA BOROUGH COUNCIL

Policy and Resources Scrutiny Committee

Date: Thursday, 26th November, 2020

Time: 6.30 pm

Place: Virtual Meeting via Microsoft Teams

Contact: S. Tautz (Principal Democratic Services Officer)

Email: committeesection@southend.gov.uk

AGENDA

- 1 **Apologies for Absence**
- 2 **Declarations of Interest**
- 3 **Questions from Members of the Public**
- 4 **Minutes of the Meeting held on 15 October 2020** (Pages 1 - 4)
- **** **ITEMS CALLED-IN/REFERRED DIRECT BY CABINET - 3 NOVEMBER 2020**
- 5 **Resourcing Better Outcomes - Financial Performance Report - Period 6** (Pages 5 - 46)
Minute 512 (Cabinet Agenda Item No. 4 refers)
Called-in by Councillors Cox and Davidson
- 6 **Annual Comments, Compliments and Complaints Report** (Pages 47 - 64)
Minute 515 (Cabinet Agenda Item No. 7 refers)
Referred direct to all three Scrutiny Committees and called-in by Councillors Cox and Davidson
Appendices B and C to the report referred only to the People Scrutiny Committee
- 7 **Petition - Old Leigh Alcohol Free Zones** (Pages 65 - 70)
Minute 522 (Cabinet Agenda Item No. 14 refers)
Called-in by Councillors Cox and Davidson
- 8 **Census** (Pages 71 - 76)
Minute 523 (Cabinet Agenda Item No 15 refers)
Called-in by Councillors Cox and Davidson
- 9 **EU Exit** (Pages 77 - 84)
Minute 524 (Cabinet Agenda Item No. 16 refers)
Called-in by Councillors Cox and Davidson
- 10 **Notice of Motions (Referred by Council, 10th September 2020)** (Pages 85 - 96)
Minute 526 (Cabinet Agenda Item No. 18 refers)
The following Notices of Motion fall within the remit of this Scrutiny Committee:
Appendix C – Covid-19 Local Recognition Scheme
Appendix E – Withdrawal of EasyJet
Appendix H – Recruit the Two Special Constables per Ward
Appendix I – No Driving on Parks and Open Spaces PSPO
Called-in by Councillors Cox and Davidson

**** **ITEM REFERRED DIRECT BY CABINET - 24 NOVEMBER 2020**

11 Roots Hall and Fossetts Farm

Cabinet Agenda Item No. 3 refers

Referred direct to the Policy and Resources Scrutiny Committee
Report of Executive Director (Finance and Resources) to follow

**** **OTHER SCRUTINY MATTERS**

12 Refresh of Protocol on Councillor/Officer Relations (Pages 97 - 128)

Report of Chief Executive attached

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

To receive an update on the progress of the in-depth scrutiny project.

Members:

Cllr D Garston (Chair), Cllr D Nelson (Vice-Chair), Cllr B Ayling, Cllr D Burzotta, Cllr D Cowan, Cllr T Cox, Cllr P Collins, Cllr M Davidson, Cllr M Dent, Cllr S George, Cllr S Habermel, Cllr H McDonald, Cllr D McGlone, Cllr I Shead, Cllr M Stafford, Cllr S Wakefield and Cllr P Wexham

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SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Policy and Resources Scrutiny Committee

Date: Thursday, 15th October, 2020

Place: Virtual Meeting via Microsoft Teams

4

Present: Councillor D Garston (Chair)
Councillors D Nelson (Vice-Chair), B Ayling, D Burzotta, D Cowan, T Cox,
P Collins, M Davidson, M Dent, S George, S Habermel, H McDonald,
D McGlone, I Shead, M Stafford, S Wakefield and P Wexham

In Attendance: Councillors I Gilbert, C Mulroney, M Terry and R Woodley (Cabinet Members), Councillor K Evans, A Griffin, A Lewis, J Chesterton, L Reed, J Ruffle, J Williams, E Cook, G Halksworth, S Meah-Sims, S Newman, T Row, M Sargood and S Tautz

Start/End Time: 6.30 pm - 7.40 pm

444 Apologies for Absence

There were no apologies for absence for the meeting.

445 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; and
- (b) Councillor D McGlone - Minute 446 (Questions from Members of the Public) - Previous involvement with residents of Lundy Close - Non-pecuniary interest.

446 Questions from Members of the Public

The Committee noted the responses of the relevant cabinet members to questions submitted by Ms. L Newman, which would be sent to the questioner as she was not able to be present at the meeting.

447 Minutes of the Meeting held on 3 September 2020

Resolved:

That the minutes of the meeting of the Committee held on 3 September 2020 be confirmed as a correct record and signed.

448 Updated Local Financial Assessment & Illustration of the Potential Impact of Covid-19 on the Council's Medium-Term Financial Strategy 2020/21-2024/25

The Committee considered Minute 375 of the meeting of the Cabinet held on 15 September 2020, which had been called in to each of the three scrutiny committees, together with a report of the Executive Director (Finance and Resources) providing an updated assessment of the local financial impact of the COVID-19 pandemic and a range of high-level scenarios to illustrate the potential scale of the financial challenge over the short and medium-term.

The Leader of the Council undertook to provide a written response to a question with regard to the level of support provided to local authorities by the Government, as part of the current three-tier COVID-19 alert system.

Resolved:

That the following decisions of the Cabinet be noted:

- “1. That the Council’s updated assessment of the local financial impact of the unprecedented challenges that has been caused by the pandemic, be noted.
2. That the scale of the potential financial challenge summarised in the submitted report, be noted.
3. That the Council’s Medium-Term Financial Strategy is reviewed and a range of options are developed to ensure continuing financial sustainability.
4. That the Cabinet receive regular reports to future Cabinet meetings, which will provide updated assessments on our financial position and outline any changes to our strategy and range of assumptions.”

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

449 Southend 2050 Milestones & Measures: Refresh in response to Covid-19

The Committee considered Minute 377 of the meeting of the Cabinet held on 15 September 2020, which had been called in to the Policy and Resources Scrutiny Committee, together with a report of the Chief Executive presenting the second stage of the review and refresh of the Southend 2050 milestones and measures in response to the COVID-19 pandemic.

At the request of the Committee, the Leader of the Council agreed to consider options for the circulation of the monthly Corporate Performance Dashboard to all members of the Council.

Resolved:

That the following decisions of the Cabinet be noted:

- “1. That the new format of the outcome success measures report, which presents insight at an outcome level, be noted.
2. That it be noted that the associated measures and insight against each of the outcomes will be used to manage performance against the delivery of Southend 2050.
3. That the Quarter 1 performance (April-June 2020), be noted.
4. That the Southend 2050 roadmap milestones will form part of future reports that update on Southend’s recovery journey in order for responsive developments.
5. That the detailed Transforming Together programme of work, be noted.
6. That it be noted that Covid-19 is presenting lots of unknowns, as a result 2050 needs to be flexible to deal with the challenges therefore our outcomes will need to be responsive to the changing situations.

7. That the performance and measures of success and progress to achieve 2050 continue to be reported through the quarterly Outcome Success Measures Report, reported 4 times a year to Cabinet.

8. That the creation of a Covid-19 recovery fund with an initial value of £500,000 to be funded by the Business Transformation Reserve, be approved.”

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

450 Association of South Essex Local Authorities (ASELA) Update

The Committee considered Minute 382 of the meeting of the Cabinet held on 15 September 2020, which had been called in to the Policy and Resources Scrutiny Committee, together with a report of the Chief Executive providing a general update on the Association of South Essex Local Authorities (ASELA), as well as wider developments including the establishment of the new ASELA and Local Government Reform Working Party.

At the request of the Committee, the Leader of the Council agreed that a link to the publication of minutes of meetings of ASLEA be provided to all councillors on an ongoing basis, that such minutes be received by the new Working Party as a standing item and that options to enable the minutes to be available for scrutiny be considered.

Resolved:

That the following decisions of the Cabinet be noted:

“1. That updates provided in the submitted report be noted, in particular that the ASELA prospectus has now been submitted to the government and the stated position of Essex County Council in relation to Local Government Reform (LGR).

2. That the ongoing programme of work to explore and develop local government reform options with neighbouring councils, be supported.

3. That it be noted that specialist advice will continue to be obtained, under officer delegations and within approved budgets, to support the exploration of options, assess and validate data and help ensure the best outcomes for Southend-on-Sea.”

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

451 Enabling Major Projects and Recovery

The Committee considered Minute 385 of the meeting of the Cabinet held on 15 September 2020, which had been called in to the Policy and Resources Scrutiny Committee, together with a report of the Executive Director (Finance and Resources) seeking to reconfigure existing and secure additional resources to enable the delivery of the Council’s major projects and recovery journey to support the 2050 Ambition, refreshed roadmap, outcomes and administration recovery priorities, and to support the financial challenge faced by the Council to ensure that it’s corporate support was appropriately resourced for the future.

Resolved:

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

“1. That the additional permanent resources required for this increased staffing capacity of 10 FTE at a revenue impact of £497,000 pa and to be included as part of the budget setting for 2021/22 onwards, be approved.

2. That the estimated requirement to establish the new arrangements and any part year effect of recruitment up to £150,000 in 2020/21 is to be funded from the Business Transformation Reserve.

3. That it be noted that a consultation will be undertaken with the officers affected in line with employment law and the Council’s HR Policies.

4. That it be noted that a combination of internal and external recruitment will be arranged to fill the posts required.”

Note: The decisions in 1-2 above constitute a Council Function. The decisions in 3-4 above constitute an Executive Function

Cabinet Members: Councillors I Gilbert and R Woodley

452 SO46 Report

The Committee considered Minute 398 of the meeting of the Cabinet held on 15 September 2020, which had been called in to the Policy and Resources Scrutiny Committee, together with a report setting out action with regard to applications made to the Government for funding to provide permanent accommodation for rough sleepers, that had been taken in accordance with Council Procedure Rule 46.

Resolved:

That the following decision of the Cabinet be noted:

“That the submitted report be noted.”

Note: This is an Executive Function

Cabinet Member: Councillor I Gilbert

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

The Democratic Services Officer reported that a meeting of the Project Team leading the current in-depth scrutiny project for the Committee was to be held on 9 November 2020.

Resolved:

That the report be noted.

Note: This is a Scrutiny Function

Chair: _____

Southend-on-Sea Borough Council

Report of Executive Director (Finance & Resources)

To

Cabinet

On

3 November 2020

Agenda
Item No.

5

Report prepared by:
Pete Bates, Interim Head of Corporate Finance
Caroline Fozzard, Group Manager for Financial Planning and
Control

Resourcing Better Outcomes - Financial Performance Report – Period 6
Policy and Resources Scrutiny Committee
Cabinet Members: Councillor Ian Gilbert and Councillor Ron Woodley
Part 1 (Public Agenda Item)

1 Purpose of Report

The Resourcing Better Outcomes financial performance report is a key tool in scrutinising the Council's financial performance. It is designed to provide an overview to all relevant stakeholders. It is essential that the Council monitors its budgets throughout the year to ensure that it is meeting its strategic objectives and that corrective action is taken where necessary.

2 Recommendations

That, in respect of the 2020/21 Revenue Budget Performance as set out in appendix 1 to this report, Cabinet:

2.1 Note the forecast outturn for the General Fund and the Housing Revenue Account as at September 2020.

2.2 Approve the planned budget transfers (virements) of £296,000 between pay and non-pay budgets, as set out in section 4.13;

That, in respect of the 2020/21 Capital Budget Performance as set out in appendix 2 of this report, Cabinet:

2.3 Note the expenditure to date and the forecast outturn as at September 2020 and its financing;

2.4 Approve the requested changes to the capital investment programme for 2020/21 and future years, as set out in section 3 of appendix 2.

3 COVID-19 Impact and Implications

3.1 It is still too early to assess the overall health and economic impact of COVID-19. The challenge is clearly worldwide, and national governments continue to wrestle with putting in place the right package of measures to save lives and to try to minimise the spread of the virus and its impact across the population. Consideration has now turned to how they can safely get their respective economies working again.

3.2 These plans have been disrupted more recently by major concerns of a resurgence in the virus and the potential impact of a second wave of the pandemic. Clearly there has been a significant rise in the number of confirmed positive cases and several areas across the UK have had additional lockdown measures imposed locally to try and contain and reduce the spread and impact of the virus. This is particularly concerning as we move into the colder months of the year.

3.3 The pandemic continues to have a huge direct operational and financial impact right across the Local Government Sector. All local authorities are struggling with the challenges of uncertainty, large financial pressures and concerns for their residents and local areas in such unprecedented times. Most of the demand and financial pressures highlighted in this report are still inextricably linked directly or indirectly to COVID-19.

3.4 Effectively managing the short and medium term financial challenges that COVID-19 has brought to the Borough will be an important factor in our future success. This report focuses on providing some detail and commentary of the financial variances at a portfolio level that are currently forecast for 2020/21. This is based on the best information that we currently have available.

4 Revenue – General fund

4.1 In February 2020, the Council approved a General Fund revenue budget requirement for 2020/21 of £130.429M. This report provides details of the current projected outturn position for 2020/21 based on information as at the end of September 2020 (Period 6).

4.2 The Prime Minister announced on 12th October 2020 that an additional £1 Billion COVID-19 emergency grant funding would be made available for local authorities. This was later clarified and adjusted to reveal that £100M of this new national allocation would be ‘top-sliced’ and targeted specifically to support local leisure arrangements. At the time of writing this report no further details were available to show how this £100m will be allocated.

4.3 The total national value of COVID-19 emergency grant funding announced so far in 2020/21 is now £4.6 Billion. On 22nd October, Southend-on-Sea received notification of its share of the 4th tranche of funding - £2,443,745. This brings our total emergency grant funding allocation for the year to £14,471,638. The total £4.6 Billion emergency grant funding has now been distributed to individual local authorities based on the Relative Needs Formula (RNF). Although the Council has not yet actually received this 4th tranche of funding – it has been built into this report and the financial forecast for 2020/21 updated accordingly.

- 4.4 In headline terms the Council is now forecasting a net overspend of £5.9M for 2020/21, which is around 2.5% of the gross expenditure budget. The forecast overspend has reduced by around £4.4M from the £10.3M that was reported at Period 4. This is due to the additional COVID-19 emergency grant (£2.444M) that we have been recently allocated, together with the inclusion of our first claim of £2.683M against the Government's income guarantee scheme for sales, fees and charges. A further saving of around £0.8M is predicted due to a reduction in planned external borrowing for the Capital Investment Programme. After taking these positive developments into account it shows that the financial forecast for most service areas for 2020/21 has deteriorated (in total by around £1.5M) over the past 2 months.
- 4.5 The other major financial support initiative previously announced by the Government was to provide an opportunity for local authorities to spread collection fund deficits over the next three years. The impact of this proposal has not yet been assessed or included within this report because the technical details and specific guidance required on the collection fund accounting arrangements has not yet been released.
- 4.6 The Council is trying to deal with many of the same uncertainties and financial challenges that all other upper tier authorities right across the country are experiencing. It is still incredibly difficult to untangle and isolate specific demand and cost pressures that are prevalent across the Authority now due to the impact of COVID-19. It appears that part of the financial challenge is a continuation of some of the service pressures that were prevalent in 2019/20. This should have been minimised though by the extra investment that was approved for key services as part of the budget setting process for 2020/21. Where required some service recovery plans have been developed but it has proved impossible to fully implement them effectively due to the continuing response and challenges caused by the COVID-19 crisis.
- 4.7 The 2020/21 approved budget did include a one-off £3M earmarked support for Children's Services which has not yet been released or included in the forecast outturn assessment at this stage of the year. This would clearly reduce the current forecast level of overspending in this area. The Council also has a general contingency of around £1.5M which is still available and currently uncommitted, but again given all the uncertainty it has been decided not to release any of this amount at the halfway point in the year. The situation will continue to be carefully monitored and further consideration and assessment will be provided as part of the Period 8 financial monitoring report. This is scheduled to be reported to Cabinet in January 2021.

- 4.8 A clear area of continuing major concern is the impact COVID-19 is having on income collection and the potential increases in bad and doubtful debts right across all our main income sources. Based on our latest analysis and assessment we are continuing to forecast a £1.5M deterioration in our collection of Business Rates. Increasing numbers of benefit claimants – particularly those eligible for working age Local Council Tax Support have increased from 7,700 to 9,377 by the end of September 2020 (a 22% increase this year), which directly reduces our Council Tax base. This impact together with the additional challenges for collection generally means that we are still forecasting a £3.6M shortfall in Council Tax income collected for 2020/21. It is hoped that our total forecast collection fund deficit of £5.1M (£1.5M + £3.6M) should be slightly offset by a circa £0.5M benefit from our continued participation in the Essex business rates pool. The forecast position for our collection fund at the end of September 2020 remains the same as it did at the end of July 2020.
- 4.9 The Council’s new ‘Getting to Know Your Business’ programme has now started to be implemented. This programme will help to establish a baseline for all services in terms of their costs, income generation potential, value for money and performance. This data will highlight key lines of enquiry where benchmarking may suggest that either our costs or income levels are above or below average. This will lead to potential changes in operation or highlight areas for Cabinet to consider a review of existing policies and service delivery arrangements.
- 4.10 Services are also continuing to develop further recovery and mitigation plans to try to improve the current financial situation. Adult Social Care will undergo a comprehensive independent diagnostic later this month to identify areas for review and improvement. All services are being challenged to try to improve efficiency and productivity to ensure that the resourcing of better outcomes for our residents are achieved, whilst also representing the best value for money for the local taxpayer.
- 4.11 Clearly, we are all still living with the virus without a current proven and available vaccine and any new spikes that result in a local lockdown or a further tightening of the current arrangements will create additional challenges that we will need to respond proportionately and appropriately to. The Council has also deliberately and prudently maintained a sensible level of reserves that could be used as a last resort at the year end.
- 4.12 Despite the clear and obvious financial challenges highlighted in this report the Council remains in a much stronger and resilient financial position than many other Local Authorities. We will continue to lobby Central Government with our other Essex local authorities for extra resources to both help with our local response but also the transition, preparation, and implementation of our recovery. We will also continue to assess the impact of any future Government announcements and analyse the implications of the collection fund initiative when the details are eventually finalised and released. This could help to improve the current overall forecast financial position for 2020/21.

- 4.13 All budget transfers (virements) over £250,000 between portfolios or between pay and non-pay budgets are considered and approved by Cabinet. These budget transfers have a net nil impact on the Council’s overall budget. The following budget transfer for Cabinet approval this period is:

£ 296,000	Re-alignment of BCF/iBCF budgets between Employee Costs and 3 rd Party Payments
<u>£296,000</u>	<u>TOTAL</u>

5 Revenue – Housing Revenue Account (HRA)

- 5.1 In February 2020, the Council approved a balanced 2020/21 Housing Revenue Account budget for 2020/21. This report provides the details of the projected outturn position for this year based on actual activity and financial performance as at the end of September 2020 (Period 6).
- 5.2 Despite the challenges of COVID-19 the current forecast for the HRA indicates that it will have a net surplus of (£0.428M) in 2020/21, (around -1.8%) of gross operating expenditure. This positive position is predominantly due to increased levels of rental income received due to a lower level of voids within the Housing stock, which demonstrates good housing management practice. There is a risk to the levels of increasing rent arrears due to the impact of COVID-19 on tenant’s income and their continuing ability to pay. An initial £0.250M provision has been included as part of the current forecast. This situation will be kept under constant review and work is ongoing with tenants to try and provide appropriate support to mitigate any impact.
- 5.3 A range of additional expenditure pressures have been experienced, primarily to clear the backlog of works on voids and gas appliances. These extra costs are directly attributed to the impact of COVID-19. There are also other potential expenditure implications which are still under discussion with South Essex Homes.
- 5.4 It is currently anticipated that any surplus will be transferred to the HRA Capital Investment Reserve at the year-end for future planned investment into the housing stock. Potential to use some of the forecast surplus to fund additional revenue contributions to capital is also under consideration.

6 Capital

- 6.1 Successful and timely delivery of the capital investment programme is a key part of achieving the Southend 2050 ambition and delivering the outcomes. The investment contributes to the five themes in the following way:
- 6.2 Pride and Joy – the key investment areas are: the ongoing refurbishment and enhancement of Southend’s historic pleasure pier and the town’s cultural and tourism offer, including libraries, museums and theatres.

- 6.3 Safe and Well – the key investment areas are: the construction and acquisition of new council homes and the refurbishment of existing ones via the decent homes programme; social care with the building of a new care facility and day centre to provide high quality services for people with high and complex needs.
- 6.4 Active and Involved – the key investment area is the Cart and Wagon Shed for the coastal community team to use as part of their community interest company.
- 6.5 Opportunity and Prosperity – the key investment areas are: the Airport Business Park to deliver benefits for both local businesses and local communities, creating thousands of job opportunities and attracting inward investment; the secondary schools expansion programme has delivered 120 permanent additional secondary school places for September 2018 and a further 80 for September 2019. This expansion is across eight of the twelve Southend secondary schools and will result in an additional 1,050 places for 11-16 year old pupils once completed.
- 6.6 Connected and Smart – the key investment areas are: the investment in the borough’s highways and transport network, including the improvements to the A127 Growth Corridor funded by the Local Growth Fund; investment in the Council’s ICT infrastructure and networks to enable and transform outcome focussed service delivery.
- 6.7 In March 2020 the Council agreed a capital investment programme budget for 2020/21 of £70.957M. The outturn for 2019/20 showed a final spend of £59.5M against a revised budget of £71.0M, an underspend of £11.5M. The proposed budget carry forwards, accelerated delivery requests and other budget re-profiles and amendments initially resulted in a revised budget for 2020/21 of over £124M. It was clear that the programme needed to be reduced and a preliminary review was conducted which concentrated on the key strategic schemes’ ability to deliver in the new environment and taking into consideration the position on external funding aligned to those schemes. This reduced the 2020/21 budget to £94.6M.
- 6.8 Despite the challenges to the delivery of the capital investment programme as a result of the global pandemic, the Council’s ambition to deliver better outcomes is not diminished. So in line with the approach where schemes can enter the programme during the financial year and not just annually at budget setting, there were a number of priority projects that were approved at the June, July and September Cabinet meetings for inclusion into the capital investment programme. Also the Forum 2 scheme budget was removed as a result of the decision to bring this project to a conclusion. This had the net effect of decreasing the 2020/21 budget to £92.2M
- 6.9 £40.978M of this budget is identified as strategic schemes such as the Airport Business Park, Southend Pier schemes and the Delaware and Priory new build.

- 6.10 Since the last report for the position as at July, the first stage of the capital investment programme review has been underway. Capital challenge sessions have taken place with project managers to ascertain more realistic budget profiles based on expected delivery timescales. The resulting requested changes to the capital investment programme for 2020/21 and future years are included in section 3 of appendix 2.
- 6.11 As the next stage of the review continues, progress of schemes will be re-assessed in light of the Council's updated outcomes, refreshed roadmap and six recovery priorities (where major projects are in the capital investment programme these are included as strategic schemes). Schemes will be reviewed to ensure they still represent value for money and that resources are in place to deliver projects within agreed timescales. The overall programme will be reviewed to achieve a more even investment profile across the years, to ensure it is realistic and affordable.
- 6.12 Just under a quarter of the programme is financed by Government grants and external developer and other contributions and at the end of September approximately two thirds had been received. The rest of the programme is funded by capital receipts, the use of reserves or by borrowing. Funding schemes by borrowing has a revenue consequence of approximately £70k for every £1M borrowed.
- 6.13 This report details the projected outturn position for 2020/21 based on information as at the end of September (period 6). The report includes details of progress in delivering the 2020/21 capital investment programme and in receiving external funding relating to that year.
- 6.14 Since September Cabinet the Investment Board has agreed some proposed new schemes can progress to Cabinet for consideration. The ICT technology capital budgets have also been reviewed in the light of the response to Covid-19 and other critical issues and risks, and the resulting need for change delivery including the increase in remote working services. As a result of the above and the ongoing review, this report includes any virements between schemes, re-profiles across years, new external funding, proposed new schemes and proposed scheme deletions.
- 6.15 The progress of schemes for 2020/21 is detailed in sections 1 and 2 of Appendix 2 with Section 3 setting out the resulting requests to:
- Carry forward £31,579,000 of 2020/21 scheme budgets into future years;
 - Bring forward £1,605,000 of budget from future years into 2020/21;
 - Add scheme budgets totalling £353,000 into 2020/21 where new external funding has been received;
 - Add scheme budgets totalling £200,000 into 2020/21, £136,000 into 2021/22 and £300,000 into 2022/23 for new schemes and additions to the capital investment programme;
 - Action virements of budget between approved schemes;
 - Remove £472,000 from 2020/21, £750,000 from 2021/22 and £1,125,000 from 2022/23 for scheme budgets no longer required;
 - Transfer £2,400,000 from the 'Subject to Viable Business Case' section to the main Capital Investment Programme in 2022/23;

- Add a new section ‘Subject to grant re-profiling’ outside of the main capital investment programme for the £15M Housing Infrastructure Fund budgets;

6.16 As at the end of September the capital outturn for 2020/21 is currently estimated at £62,275,000. This is expected to reduce further as the review of the capital investment programme continues as highlighted in paragraph 6.11. An updated assessment will be included in the Period 8 performance report and presented to Cabinet in January 2021.

6.17 The 2020/21 capital budget is part of the wider capital investment programme spanning several years. The table below shows the revised programme if all the above requests are approved:

	2020/21 £(000)	2021/22 £(000)	2022/23 £(000)	2023/24 £(000)	2024/25 £(000)	Total £(000)
At September Cabinet	92,168	66,546	23,324	13,270	16,835	212,143
Amendments	(29,893)	(980)	23,032	3,740	5,143	1,042
Revised programme	62,275	65,566	46,356	17,010	21,978	213,185

7 Other Options

7.1 The Council could choose to monitor its budgetary performance against an alternative timeframe but it is considered that the current reporting schedule provides the appropriate balance to allow strategic oversight of the budget by members and to also formally manage the Council’s exposure to financial risk. More frequent monitoring is undertaken by officers and considered by individual service Directors and the Council’s Corporate Management Team (CMT) including the implementation of any necessary remedial actions.

8 Reasons for Recommendations

8.1 The regular reporting of Revenue and Capital Budget Monitoring information provides detailed financial information to members, senior officers and other interested parties on the financial performance of the Council. It sets out the key variances being reported by budget holders and the associated management action being implemented to address any identified issues.

8.2 It also informs decision making to ensure that the Council’s priorities are delivered within the approved budget provision.

8.3 It is important that any adverse variances are addressed in order for the Council to remain within the approved budget provision or where this cannot be achieved by individual service management action, alternative proposals are developed and solutions proposed which will address the financial impact. Members will have a key role in approving any actions if the alternative proposals represent significant changes to the service delivery arrangements originally approved by them.

9 Corporate Implications

9.1 Contribution to the Southend 2050 Road Map

The robustness of the Council's budget monitoring processes and the successful management of in-year spending pressures are key determinants in maintaining the Council's reputation for strong financial probity and effective stewardship. This approach also enables the Council to redirect and prioritise resources to ensure the delivery of agreed outcomes for the benefit of local residents, local businesses and visitors to Southend-on-Sea.

9.2 Financial Implications

As set out in the body of the report and accompanying appendices.

9.3 Legal Implications

The report provides financial performance information. It is good governance and sensible management practice for the Council to consider monitoring information in relation to plans and budgets that it has adopted.

Section 3 of the Local Government Act 1999 requires the Council as a best value authority to "make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness". Monitoring of financial and other performance information is an important way in which that obligation can be fulfilled.

The Council is required by section 151 of the Local Government Act 1972 to make arrangements for the proper administration of its financial affairs. The Council is also required by section 28 of the Local Government Act 2003 to monitor its budget and take corrective action, as necessary. The Council's chief finance officer has established financial procedures to ensure the Council's proper financial administration. These include procedures for effective budgetary control. To comply with these best practice arrangements, it is important that Cabinet receive information and comment accordingly on the performance of the revenue and capital budgets as set out in the report.

9.4 People Implications

None arising from this report

9.5 Property Implications

None arising from this report

9.6 Consultation

None arising from this report

9.7 Equalities and Diversity Implications

None arising from this report

9.8 Risk Assessment

Sound budget monitoring processes underpin the Council's ability to manage and mitigate the inherent financial risks associated with its budget, primarily caused by the volatility of service demand, market supply and price.

The primary mitigation lies with the expectation on CMT and Directors to continue to take all appropriate action to keep costs down and optimise income. Any adverse variances will require the development of remedial in year savings plans and appropriate spending reductions wherever possible. The ultimate back-stop mitigation would be to draw on reserves to rebalance the budget, but this will only be done at year end and will only be considered should all other in year measures fail.

With the likely scale of funding pressures and future resource reductions continuing, it is important that the Council holds a robust position on reserves and maintains the ability to deal positively with any issues that arise during this and future financial years.

9.9 Value for Money

The approved budget reflects the Council's drive to improve value for money and to deliver significant efficiencies in the way it operates. Effectively monitoring the delivery of services within the budget helps to highlight areas of concern and to assist in the achievement of improved value for money.

9.10 Community Safety Implications

None arising from this report

9.11 Environmental Impact

None arising from this report

10 Background Papers

Approved 2020/21 Budget – Report to Council 20 February 2020
Medium Term Financial Strategy 2020/21 – 2024/25

11 Appendices

Appendix 1 Period 6 – September 2020 Revenue Budget Performance
2020/21

Appendix 2 Period 6 – September 2020 Capital Investment Programme
Performance 2020/21

Appendix 1

Budget Monitoring & Reporting 2020/2021

Period 6 - September 2020 Revenue Budget Performance

15

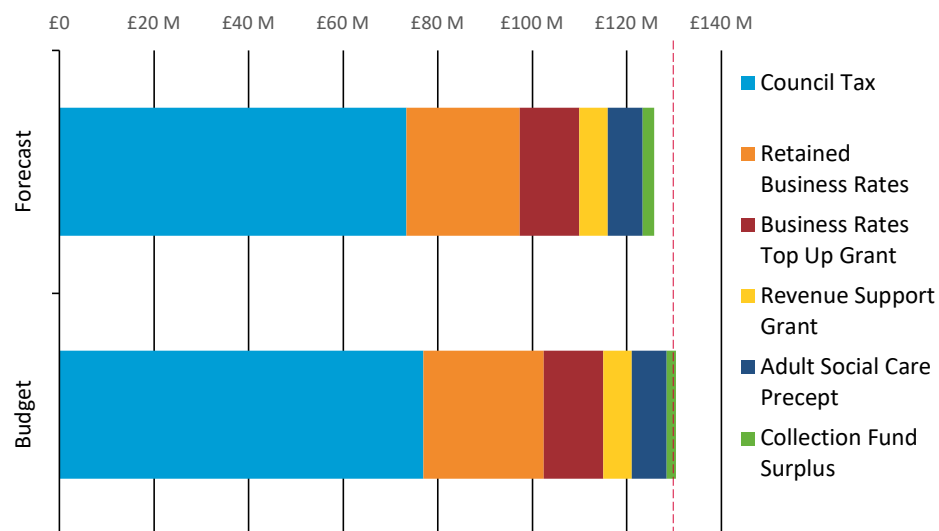


Summary

Last Reported Portfolio
Variance £M

		Revised Budget £M	Forecast Outturn £M	Variance £M
1.737	Leader: Housing, ICT, Revenues & Benefits	17.236	19.236	2.000
3.064	Deputy Leader: Assets, Highways and Transport	4.719	8.341	3.622
1.017	Business, Culture and Tourism	4.897	6.069	1.172
4.534	Children and Learning	31.229	36.092	4.863
0.095	Community Safety and Customer Contact	4.297	4.342	0.045
1.483	Environment and Planning	18.578	20.408	1.830
4.047	Health and Adult Social Care	39.006	42.828	3.822
15.977		119.962	137.316	17.354
0.400	Corporate Budgets	25.353	24.993	(0.360)
16.377		145.315	162.309	16.994
0.000	Contribution to / (from) earmarked reserves	(8.642)	(8.642)	0.000
0.000	Revenue Contribution to Capital	0.363	0.363	0.000
0.000	COVID-19 Income Compensation	0.000	(2.683)	(2.683)
(10.638)	Non Service Specific Grants	(6.607)	(19.614)	(13.007)
5.739	TOTAL	130.429	131.733	1.304
4.600	Funding	(130.429)	(125.829)	4.600
10.339		0.000	5.904	5.904

Sources of funding (£s)



16

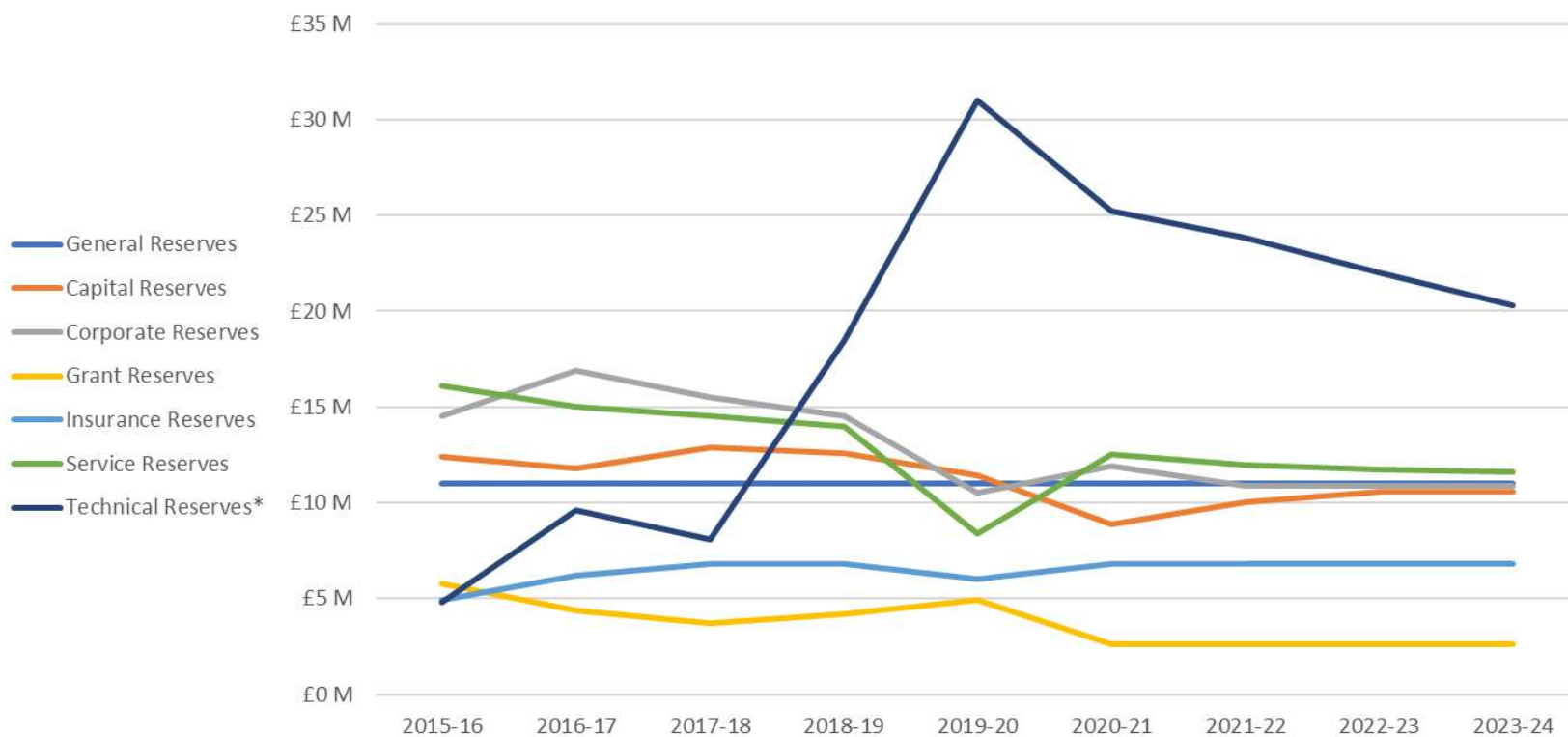
This detailed financial performance report for 2020/21 builds on the information provided at Period 4 and summarises the forecast position as at the end of September 2020 (Period 6). All local authorities right across the country continue to wrestle with the unprecedented circumstances and challenges caused by the impact of COVID-19 on both their operations and finances. All services have been directly or indirectly affected by the pandemic. Our understanding and confidence in predictions, spending patterns, income activity levels and behaviours were increasing each week/month as further data became available. The recent expansion of the number of confirmed cases nationally though and the potential threat of a second wave of the virus and possible impact of further lockdown measures has now created added uncertainty over our financial forecast for the year. This report includes our first claim against the Government's income guarantee scheme (£2.683M compensation). No detailed technical guidance has yet been received to enable the spreading of Collection Fund deficits over three years, so an assessment of this opportunity has been excluded from this report. The corporate budgets variance (£0.360M) is an improvement of £0.760M from Period 4 and is due to a reduction in the level of planned borrowing relating to the Council's Capital Investment Programme. This total saving has been reduced by the forecast loss in investments caused directly by COVID-19. The non-service specific grants positive variance of (£13.007M) is the remaining amount of unapplied COVID-19 emergency grant that we have received and the funding line variance of £4.600M highlights the net negative impact on our Collection Fund for Business Rates and Council Tax.

In conclusion, and despite the effects of COVID-19 and the corresponding financial impact, the Council remains in a relatively strong position compared to many other upper tier authorities across the country. This is because of its level of sensible reserves, financial resilience, and ability to cope with unexpected challenges.

Reserves

The Council maintains General Fund reserves at £11.0M in line with the Medium Term Financial Forecast. This provides a working cashflow balance and allows a degree of financial security in the case of unexpected events or emergencies.

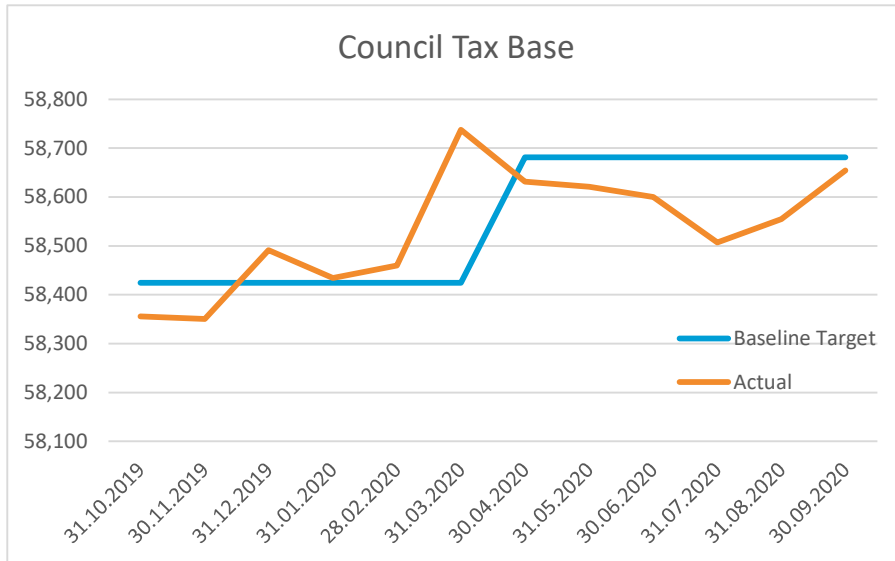
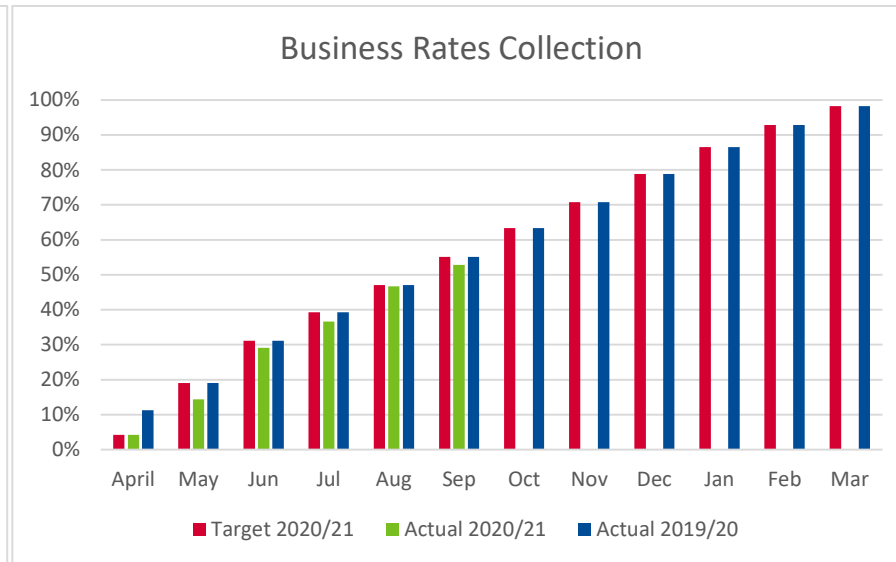
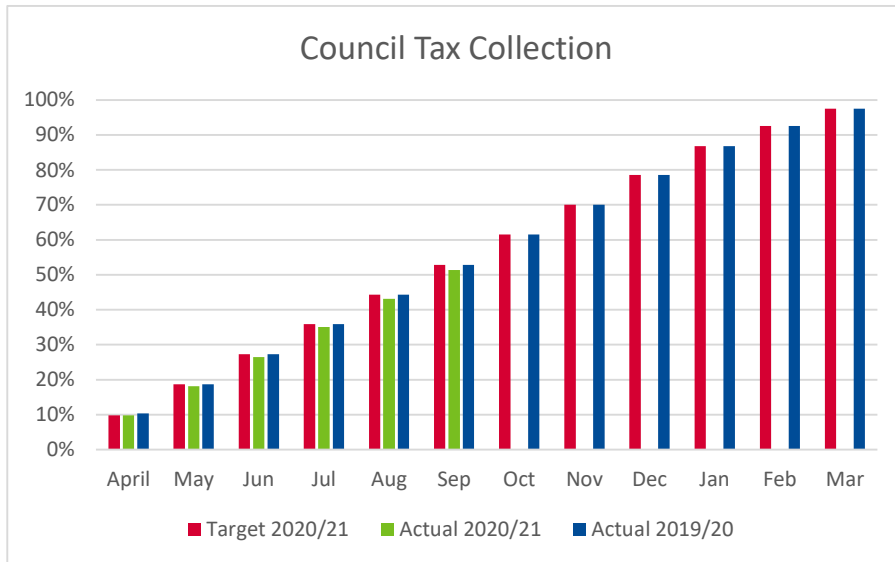
In addition, Earmarked Reserves are set aside to fund future projects and to mitigate specific risk. The level of these reserves will fluctuate as grants are received, risk is realised and projects progress.



	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24
Reserves in £M	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24
General Reserves	11.0	11.0	11.0	11.0	11.0	11.0	11.0	11.0	11.0
Capital Reserves	12.4	11.8	12.9	12.6	11.4	8.9	10.0	10.6	10.6
Corporate Reserves	14.5	16.9	15.5	14.5	10.5	11.9	10.9	10.9	10.9
Grant Reserves	5.8	4.4	3.7	4.2	4.9	2.6	2.6	2.6	2.6
Insurance Reserves	4.9	6.2	6.8	6.8	6.0	6.8	6.8	6.8	6.8
Service Reserves	16.1	15.0	14.5	14.0	8.4	12.5	12.0	11.7	11.6
Technical Reserves*	4.8	9.6	8.1	18.5	31.0	25.2	23.8	22.0	20.3
	69.5	74.9	72.5	81.6	83.2	78.9	77.1	75.6	73.8

* Technical Reserves are held to even out the Council's finances and reduce in year volatility

Collection Rates



Collection rates for the current financial year are below the monthly target on both Council Tax (1.4% below) and Business Rates (2.3% below). The reduction in performance and impact on the collection fund is directly due to COVID-19.

The Council Tax Baseline also reflects a decrease of 26.93 band D properties. The Local Council Tax Support Scheme has increased significantly since the setting of the baseline due to COVID-19 with an increase of 1,155 band D equivalents in claimants (including removal of 849 band D equivalents due to the £150 hardship scheme).

The NDR Baseline is reflecting a decrease of £12.2m, however this is covered by the increased S31 grant received from Government to compensate the council for the passporting on of increased rate relief to eligible businesses due to COVID-19.

Leader: Housing, ICT, Revenues & Benefits

28.34%

of Total Gross Revenue
Service Budget

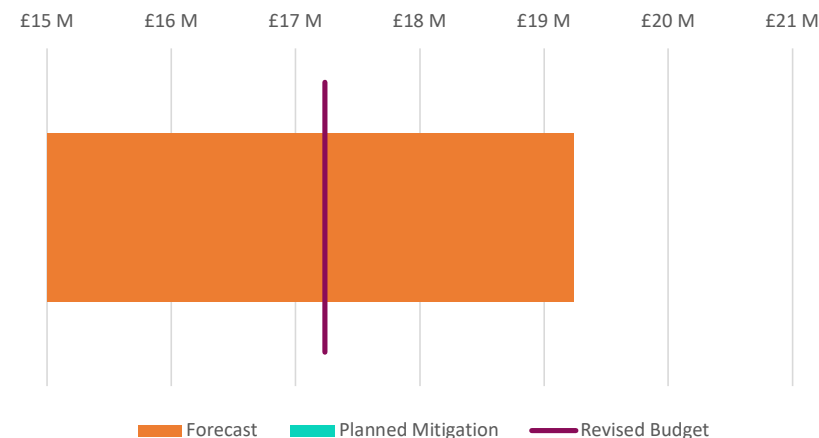
£2.0M

Forecast Adverse Variance

0.64%

Variance as % of Total Gross
Budget Envelope

Last Reported Variance £M	Service Area	Revised Budget £M	Forecast Outturn £M	Variance £M
0.427	Housing	3.422	4.015	0.593
0.350	ICT	3.271	3.565	0.294
(0.075)	Legal and Democratic Services	2.929	2.879	(0.050)
0.110	Other Services	4.642	4.802	0.160
0.941	Revenues and Benefits	1.141	2.144	1.003
(0.016)	Strategic Planning and Policy	1.831	1.831	0.000
1.737		17.236	19.236	2.000
1.182	Gross Expenditure	88.419	89.784	1.365
0.555	Gross Income	(71.183)	(70.548)	0.635
1.737		17.236	19.236	2.000



19

All rough sleepers have been placed in temporary accommodation during the period of the COVID-19 emergency. This has resulted in a pressure on Bed and Breakfast spend. The team are moving clients on to permanent accommodation where possible. The anticipated pressure assumes the numbers of rough sleepers in Bed and Breakfast will be reducing over the course of the financial year as more rough sleepers move on to permanent accommodation.

The pressure on temporary accommodation is being slightly offset by an underspend in the Private Sector Housing team due to vacancies. There is a planned recruitment drive to try to fill these vacant posts, together with the potential of engaging agency cover to clear the current backlog of work.

The approved ICT restructure has required a significant recruitment drive to attract the necessary skills, expertise, and experience to the Council and this has resulted in a one-off cost to engage with the specialist market effectively. To ensure robust network connectivity during the extended period of working remotely there have also been additional one-off costs to bring equipment and support arrangements up to date.

Due to COVID-19 there has been an embargo on the issuing of any summons for unpaid council tax and business rates debts. As a result of this reduction in court appearances there is now £0.5m less income received by SBC from court fees. There is also an unfunded gap between the subsidy received from central government and the value of benefits paid to claimants. COVID-19 has seen an increase in the number of working age benefit claimants and this pressure may increase further by the end of the year. Welfare reform changes over the past few years have been managed via our reserves. There will now be a requirement for a permanent increase in the Council's revenue base to deal with the net expenditure that remains after applying the benefits subsidy received from the Government. This increase will form part of the development of the Council's future Medium Term Financial Strategy.

Deputy Leader: Assets, Highways and Transport

6.30%

of Total Gross Revenue
Service Budget

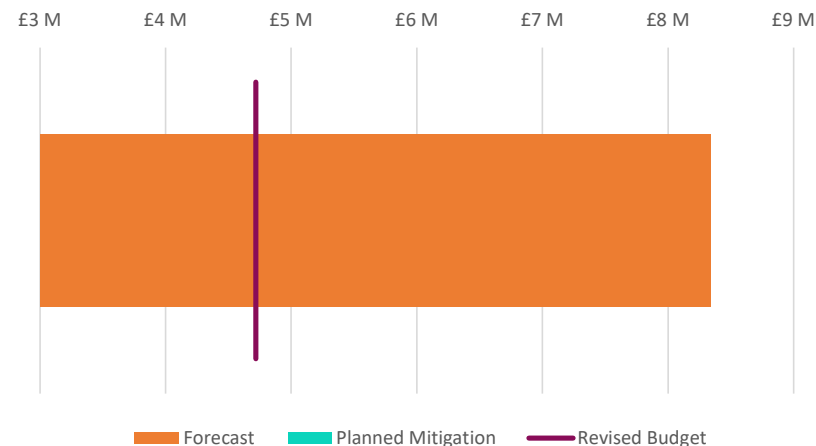
£3.6M

Forecast Adverse Variance

1.16%

Variance as % of Total Gross
Budget Envelope

Last Reported	Service Area	Revised Budget	Forecast Outturn	Variance
Variance £M		£M	£M	£M
(0.010)	Asset and Facilities Management	(0.461)	(0.409)	0.052
(0.070)	Financial Services	3.717	3.487	(0.230)
3.144	Highways and Transport	1.463	5.263	3.800
3.064		4.719	8.341	3.622
0.157	Gross Expenditure	19.656	19.977	0.321
2.907	Gross Income	(14.937)	(11.636)	3.301
3.064		4.719	8.341	3.622



20

COVID-19 and the associated lockdown and social restrictions have placed an enormous strain on the parking income of the authority during the traditionally busiest time of the year for the town. A reduction in travel has resulted in a reduction in both pay and display income and enforcement activity. There are also a number of expenditure pressures in the parking service including variable contractor works, security costs and the merchant and transaction fees in relation to cashless parking solutions.

There continues to be increased costs associated with the security and cleaning in the Travel Centre. Street lighting columns are replaced when damaged and although there is a continued increase in insurance claims to recover monies where possible there remains a financial pressure in the service overall.

Fixed term interim resources have been deployed to deliver on a range of policies and strategies within parking and transport. Once these policies are in place the recently approved highways and transport staffing structure will be delivered and the temporary staffing pressures should subside.

The overall Financial Services position has improved from Period 4 due to the rescheduling of some audit work into 2021/22 and the intentional holding of several vacant posts to help with the financial challenge across the wider business.

Business, Culture and Tourism

2.36%

of Total Gross Revenue
Service Budget

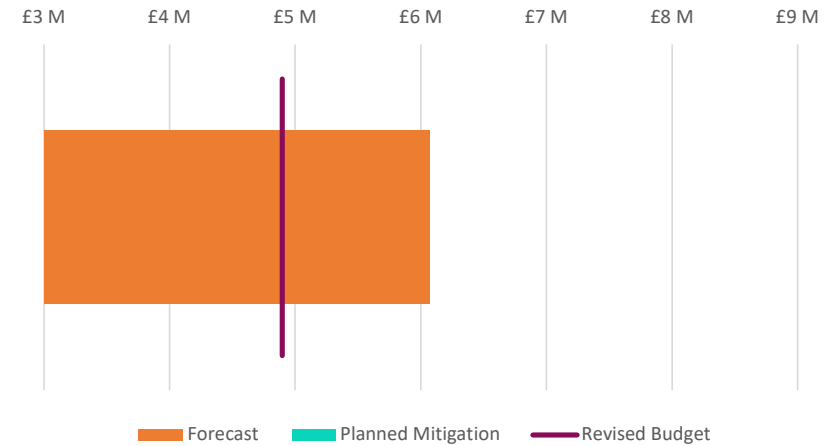
£1.2M

Forecast Adverse Variance

0.38%

Variance as % of Total Gross
Budget Envelope

Last Reported Variance £M	Service Area	Revised Budget £M	Forecast Outturn £M	Variance £M
0.336	Culture	3.643	4.112	0.469
(0.009)	Economic Development and Regeneration	0.599	0.618	0.019
0.690	Tourism	0.655	1.339	0.684
1.017		4.897	6.069	1.172
(0.100)	Gross Expenditure	7.348	7.296	(0.052)
1.117	Gross Income	(2.451)	(1.227)	1.224
1.017		4.897	6.069	1.172



21

The financial pressures faced within culture and tourism are entirely due to COVID-19. Our leisure provider has been fully supported during the pandemic and as a result no management fee will be received by the council in 2020/21. There has also been no income received from any libraries this financial year to date. The tourism sector was badly affected at the beginning of the pandemic but was starting to show signs of recovery. As a result of the pier being closed for the first quarter of the year and a reduced and socially distanced train service being in operation thereafter, there will be a significant reduction in admission income collected on this key tourist attraction.

Children and Learning

29.05%

of Total Gross Revenue
Service Budget

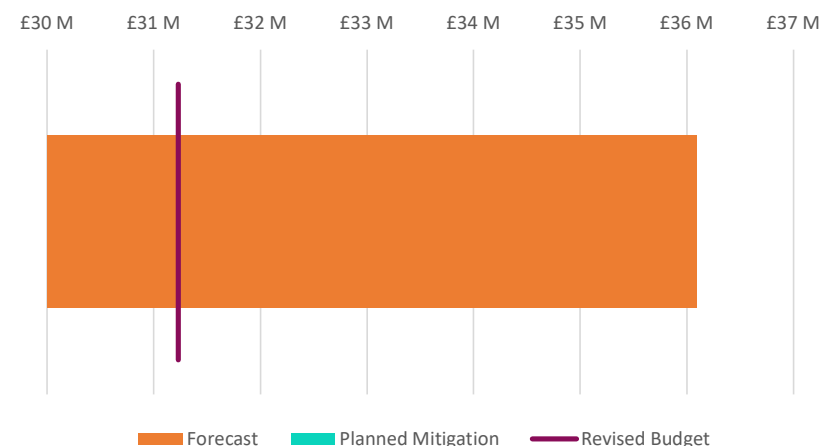
£4.9M

Forecast Adverse Variance

1.56%

Variance as % of Total Gross
Budget Envelope

Last Reported Variance £M	Service Area	Revised Budget £M	Forecast Outturn £M	Variance £M
4.530	Childrens Social Care	23.230	28.006	4.776
0.004	Education and Schools	4.951	4.956	0.005
0.000	Maintained Schools Delegated	0.000	0.000	0.000
0.000	Youth and Family Support	3.048	3.130	0.082
4.534		31.229	36.092	4.863
4.594	Gross Expenditure	90.640	95.326	4.686
(0.060)	Gross Income	(59.411)	(59.234)	0.177
4.534		31.229	36.092	4.863



22

As expected, Children Services remains a significant pressure area forecasting a £4.9M overspend, excluding the one off £3M put aside to support the service as part of the approved 2020/21 budget. Looked After Children (LAC) numbers have currently reduced from their peak in 2019/20, following three consecutive years of increases. This reduction has not yet been experienced on our LAC external care placements though. This is the most expensive provision and there are currently 100 ongoing care packages compared to an average of 81 in 2019/20, this is an increase of 10 placements (7 external fostering and 3 external residential care) since the Period 4 report. External care placements remain the most significant cause of the cost pressures but there is also continued spending pressures on the leaving care and unaccompanied asylum seeker care placements too. Pressures on social work staffing (although reduced from 2019/20) and independent professional assessment fees are also having an impact. Like nearly every service area there are also increased costs related to COVID-19 resulting from both placement extensions and additional staffing to respond to the crisis. COVID-19 has also naturally impacted on some areas of our traded income activity with Schools.

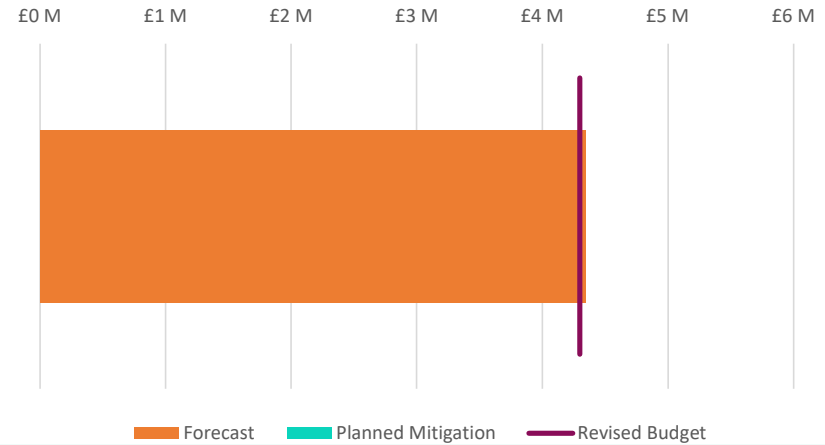
It is positive for the financial position that the LAC numbers have currently reduced, and this is benefiting the inhouse care provision and will be assisting to mitigate previous in-house fostering capacity issues. The service has also reduced reliance on agency staff which is again having some positive impact within the forecasts.

The intention to continue to build capacity within the inhouse foster care provision remains as a key priority. This will not only benefit the outcomes of the child, but also help to alleviate external care spend pressures moving forward. There is always a risk to these forecasts that one or two extra residential or additional secured placements can have a significant cost impact and would increase the current predicted level of spending forecasts considerably.

Community Safety and Customer Contact

1.76% of Total Gross Revenue Service Budget **£0.05M** Forecast Adverse Variance **0.00%** Variance as % of Total Gross Budget Envelope

Last Reported	Service Area	Revised Budget £M	Forecast Outturn £M	Variance £M
Variance £M				
0.031	Community Safety	1.268	1.278	0.010
0.085	Customer Services	1.901	1.961	0.060
(0.021)	Regulatory Services	1.128	1.103	(0.025)
0.095		4.297	4.342	0.045
0.010	Gross Expenditure	5.494	5.338	(0.156)
0.085	Gross Income	(1.197)	(0.996)	0.201
0.095		4.297	4.342	0.045



23

Due to the restrictions on wedding services there has been a significant reduction in the use of our wedding venues in 2020/21 resulting in a £100k loss to fees and charges. A number of these services have been re-scheduled for future years but the opportunity to generate revenue from these venues has now passed for this financial year, resulting in a loss of income.

Staffing vacancies in Customer Services are off-setting part of the loss in income, however the vacancies relate to posts that previously provided Customer Services to South Essex

Environment and Planning

7.75%

of Total Gross Revenue
Service Budget

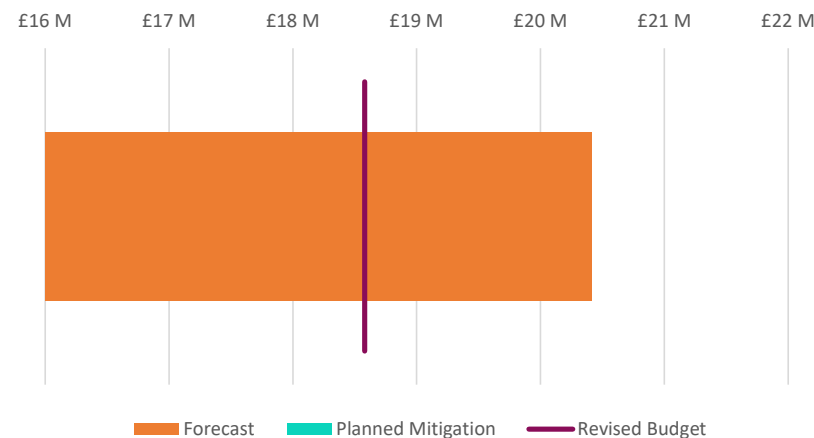
£1.8M

Forecast Adverse Variance

0.38%

Variance as % of Total Gross
Budget Envelope

Last Reported Variance £M	Service Area	Revised Budget £M	Forecast Outturn £M	Variance £M
0.033	Cemeteries and Crematorium	(1.615)	(1.601)	0.014
0.000	Energy	0.106	0.129	0.023
0.265	Flooding	0.401	0.666	0.265
0.106	Parks and Open Spaces	4.510	4.718	0.208
0.129	Planning	1.108	1.256	0.148
0.950	Waste and Street Scene	14.068	15.240	1.172
1.483		18.578	20.408	1.830
1.279	Gross Expenditure	24.188	25.762	1.574
0.204	Gross Income	(5.610)	(5.354)	0.256
1.483		18.578	20.408	1.830



24

Storms early in 2020 have resulted in damage along our shoreline, both immediately and via increased repairs and maintenance identified during inspections of the coastline. This running list of repairs across one of our most valuable assets continues to result in a budget pressure for the service.

Due to COVID-19 and the restrictions in place regarding organised outdoors sports there has been a reduction in the income received from sports pitches and park event bookings. This position has deteriorated further since the forecast at Period 4. There was also a reduction in the number of planning and building applications particularly in the first two months of the year resulting in a further reduction of income for the authority.

As a result of the measures implemented to reduce the spread of COVID-19, residents have remained at home for a substantial period. Many people are working from home now and will continue to do so for the foreseeable future. One by-product of this change in how people are living is a significant increase in the volume of household waste which is being collected and disposed of. As a waste disposal authority, the financial implication of this is borne by council.

Health and Adult Social Care

24.43%

of Total Gross Revenue
Service Budget

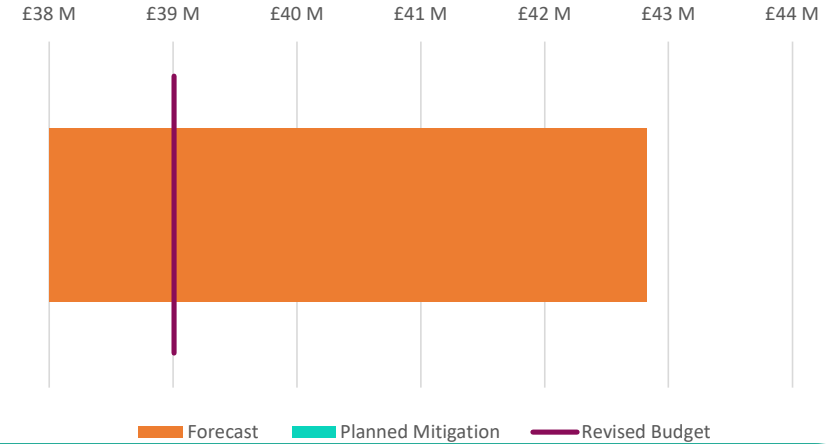
£3.8M

Forecast Adverse Variance

1.23%

Variance as % of Total Gross
Budget Envelope

Last Reported Variance £M	Service Area	Revised Budget £M	Forecast Outturn £M	Variance £M
3.748	Adult Social Care	38.077	41.600	3.523
0.303	Health	0.228	0.531	0.303
(0.004)	Voluntary and Community Services	0.701	0.697	(0.004)
4.047		39.006	42.828	3.822
3.604	Gross Expenditure	76.218	79.575	3.357
0.443	Gross Income	(37.212)	(36.747)	0.465
4.047		39.006	42.828	3.822



25

There continues to be a pressure on Adult Social Care services, with £3.5M being the forecast year end variance as at period 6. This is a slight improvement from period 4's forecast position. The main pressures remain in Older People's interim residential placements, home care and reablement services. Extra investment was provided as part of setting the budget for 2020/21 but the impact of COVID-19 and the additional demands and response to the crisis has made it very difficult to fully implement previous recovery plans and develop new mitigation proposals. Extra investment has also been made into the provider market as part of our COVID-19 response.

There also remains a significant pressure on the Learning Disabilities (LD) service. In 2019/20 we saw an increasing demand on LD Supported Living placements, more than the usual transitions increase. We had more families where parents were older, and it was necessary for Social Care to support their loved ones to move to an environment that continued to provide the appropriate level of support but also maximised their independence. This pressure anticipates further demand increases in 2020/21 and this is being closely reviewed with the service. There is also a pressure on services provided to those with a social care need but have No Recourse to Public Funds.

In response to the COVID-19 emergency additional Personal Protective Equipment (PPE) has been made available to care providers across the borough. This has resulted in a pressure on the Public Health budget.

Housing Revenue Account

(£0.4M)

Forecast Favourable Variance

-1.8%

Variance as % of Gross Operating Expenditure

Last Reported Variance £M	Service Area	Revised Budget £M	Forecast Outturn £M	Variance £M
0.000	Gross Expenditure	23.335	23.643	0.308
(0.300)	Gross Income	(28.522)	(29.258)	(0.736)
(0.300)	NET OPERATING EXPENDITURE	(5.186)	(5.614)	(0.428)
0.000	Revenue Contribution to Capital	8.708	8.708	0.000
0.300	Contribution to / (from) Earmarked Reserves	(3.522)	(3.094)	0.428
0.000	TOTAL	0.000	0.000	0.000

Despite the challenges of COVID-19 the current forecast for the Housing Revenue Account (HRA) indicates that it will have a net surplus of (£428,000) in 2020/21, a positive variance of around (-1.8%) of gross operating expenditure. It must be noted that there is a risk to the levels of rent arrears due to the impact of COVID-19 on tenants' income and their ability to pay. An estimate of £250,000 anticipated pressure has been built into the current forecast and used to increase our provision for potential bad and doubtful debts. The situation will continue to be closely monitored. There has also been extra cost pressures on staffing required to clear the backlog of works on voids and gas appliances directly due to the impact of COVID-19. There are other potential expenditure implications which are still under discussion with South Essex Homes. Any agreed changes will be included in the Period 8 report.

Positively the anticipated rental income is higher than originally budgeted. This position is predominantly due to increased levels of rental income received as a result of lower level of voids within the housing stock. This demonstrates good housing management practice. As the acquisitions programme progresses into quarter 3 there is an anticipated increase in the numbers of units within the housing stock that will further increase the HRA's rental income stream.

It is currently anticipated that any surplus will be transferred to the HRA Capital Investment Reserve at the year-end for future planned investment into the housing stock. Potential to use some of the forecast surplus to fund additional revenue contributions to capital is also under consideration.

Budget Monitoring & Reporting 2020/21

Period 6 – September 2020 Capital Investment Programme Performance



Capital Investment Programme Performance Report

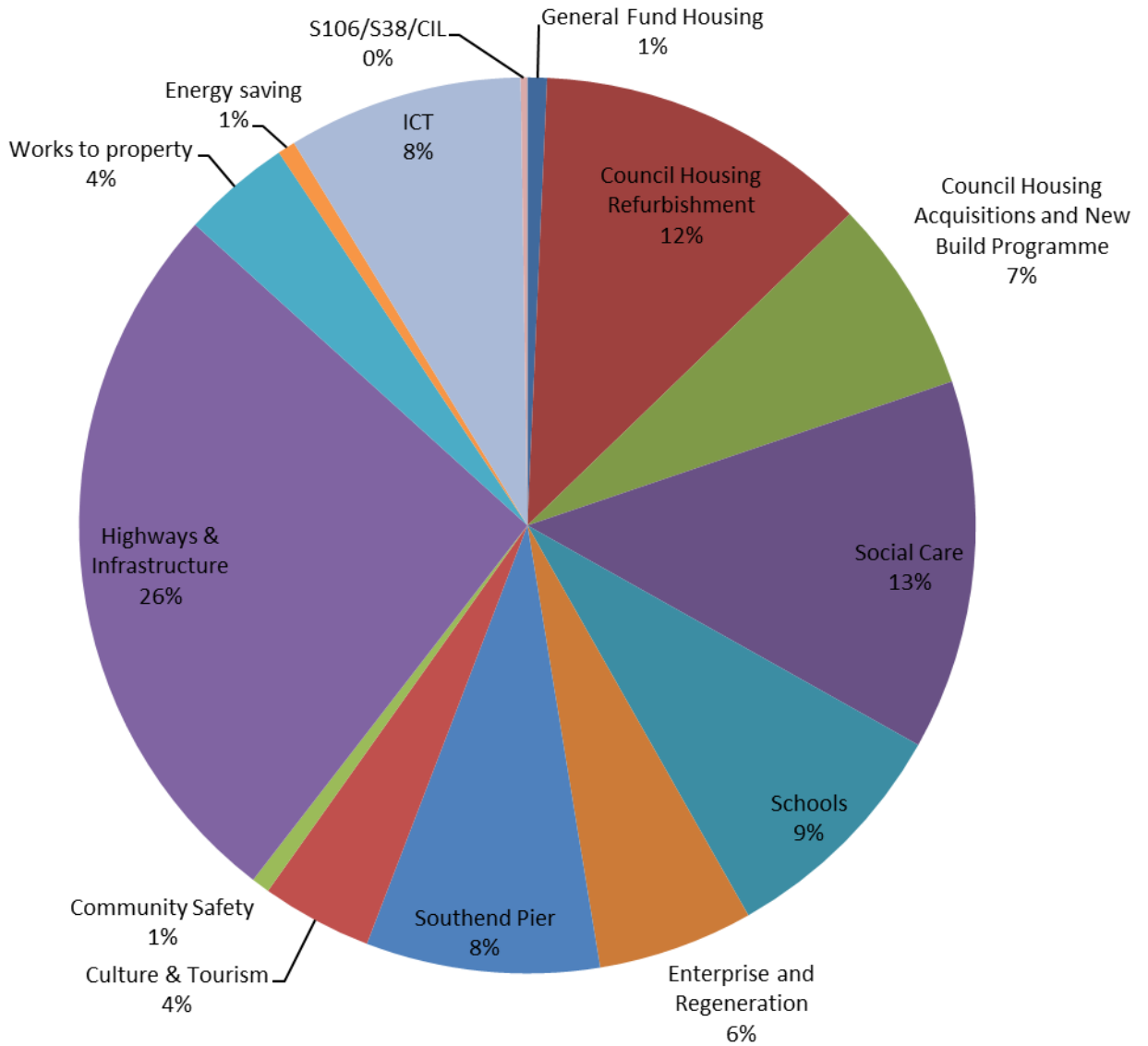
1. Overall Budget Performance by Investment Area

The revised Capital budget for the 2020/21 financial year is £92.168million which includes all changes agreed at September Cabinet. Actual capital spend at 30th September is £18.121million representing approximately 20% of the revised budget. This is shown in Section 3. (Outstanding creditors totalling £0.384million have been removed from this figure).

The expenditure to date has been projected to year end and the outturn position is forecast to reflect the Project Manager's realistic expectation. This is broken down by type of investment area as follows:

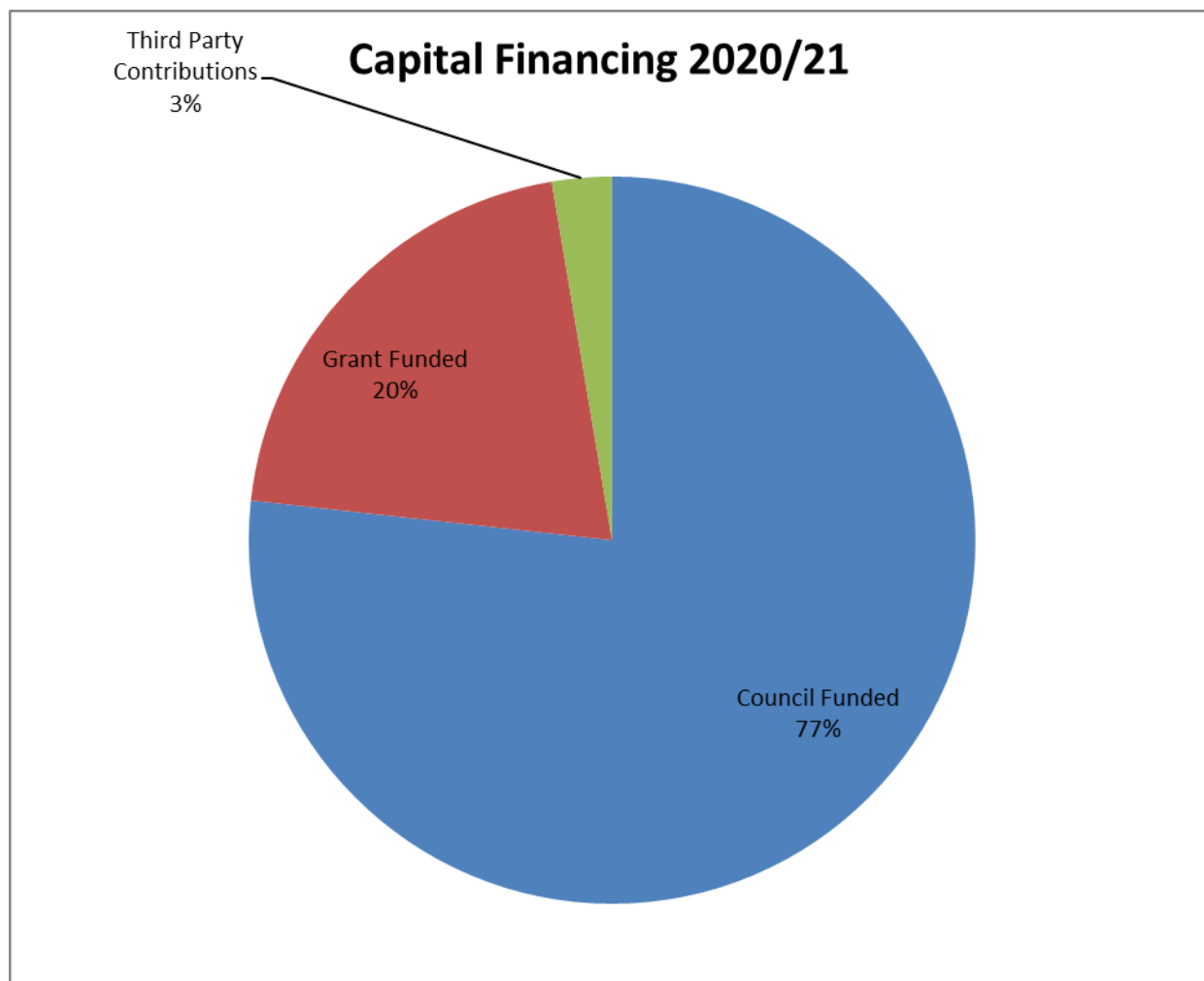
Investment Area	Revised Budget 2020/21 £'000	Outturn to 30 th September 2020/21 £'000	Current Variance to 30 th September 2020/21 £'000	Expected outturn 2020/21 £'000	Latest Expected Variance to Revised Budget 2020/21 £'000	Amended Budget 2021/22 to 2024/25 £'000
General Fund Housing	2,470	170	(2,300)	435	(2,035)	5,094
Council Housing Refurbishment	10,460	1,951	(8,509)	7,518	(2,942)	30,913
Council Housing Acquisitions & New Build Programme	8,885	509	(8,376)	4,371	(4,514)	22,672
Social Care	9,298	1,864	(7,434)	8,319	(979)	4,235
Schools	5,496	3,522	(1,974)	5,387	(109)	3,001
Enterprise & Regeneration	9,781	2,514	(7,267)	3,491	(6,290)	28,581
Southend Pier	7,550	1,254	(6,296)	5,247	(2,303)	13,203
Culture & Tourism	3,001	869	(2,132)	2,486	(515)	977
Community Safety	1,809	50	(1,759)	410	(1,399)	2,265
Highways & Infrastructure	22,542	3,141	(19,401)	16,335	(6,207)	20,541
Works to Property	4,985	1,211	(3,774)	2,450	(2,535)	13,917
Energy Saving	1,185	8	(1,177)	397	(788)	1,762
ICT	4,233	1,021	(3,212)	5,277	1,044	3,141
S106/S38/CIL	473	37	(436)	152	(321)	608
Total	92,168	18,121	(74,047)	62,275	(29,893)	150,910

Capital Investment Programme Budget 2020/21



*S160/S38/CIL percentage has been rounded from 0.22%

The capital investment for 2020/21 is proposed to be funded as follows:



* Third party contributions are non-grant funding from external sources such as S106 contributions.

Of the £21.436million of external funding expected, £14.392million had been received by 30th September. The outstanding amounts mainly relate to Local Growth Fund schemes.

Progress of Strategic schemes

Successful and timely delivery of the capital investment programme is a key part of achieving the Southend 2050 ambition and delivering the outcomes.

Although the revised capital investment programme is £92.168million, £40.978million of this relates to strategic schemes and approximately 23% spend has been achieved to date for these strategic schemes.

Investment Area	Scheme	Revised Budget	Outturn to	Expected	Latest	Budget
		2020/21	30th September	outturn	Expected	2021/22 to
		£000	£000	£000	Variance to Revised Budget	2024/25
					£000	£000
Strategic schemes						
Enterprise and Regeneration	Airport Business Park (including Local Growth Fund)	6,500	1,209	1,500	(5,000)	13,401
Enterprise and Regeneration	Airport Business Park - Acquisition	1,200	-	200	(1,000)	1,000
Enterprise and Regeneration	Better Queensway - Programme Management	681	305	641	(40)	830
Enterprise and Regeneration	Better Queensway - Loan to Joint Venture	1,150	1,000	1,150	-	13,100
Social Care	Delaware and Priory New Build	8,199	1,744	7,199	(1,000)	4,200
Schools	School Improvement and Provision of School Places	3,689	3,218	3,689	-	600
Southend Pier	Southend Pier schemes	7,550	1,254	5,247	(2,303)	13,203
Works to Property	Civic Campus - Efficient use of Space	197	90	133	(64)	214
Highways and Infrastructure	Local Growth Fund - A127 Growth Corridor	3,272	280	3,272	-	6,929
Council Housing Acquisitions	HRA Affordable Housing Acquisitions Programme	4,976	359	3,500	(1,476)	5,976
Council Housing New Build Programme	Construction of New Housing on HRA Land	2,481	41	499	(1,982)	13,840
Council Housing Acquisitions	Acquisition of Tower Block Leaseholds - Queensway	1,083	106	200	(883)	2,683
Total Strategic		40,978	9,606	27,230	(13,748)	75,976
Other schemes						
Other Capital Investment schemes		51,190	8,515	35,045	(16,145)	74,934
TOTAL SCHEMES		92,168	18,121	62,275	(29,893)	150,910

Enterprise and Regeneration

The determination of the planning applications for the specification scheme and Costa at the Airport Business Park has been delayed and the matter is now being chased.

Procurement for the Launchpad construction commenced at the end of September. The current budget profile has been reconsidered and carry forward requests totalling £1.0m for the acquisition to be moved into financial year 2021/22 and £7.8m in relation to the main scheme to be moved into financial year 2022/23 have been included in this report to bring the spend profile in line with the revised schedule.

Final proposals for the Better Queensway scheme were submitted to planning in September and have now been validated with various media and resident communications to advise what can be expected. The current profile has been revised and a carry forward request of £40k into 2021/22 in relation to Programme Management and £1.5m into 2024/25 in relation to the Loan to Joint Venture have been included in this report.

The Council had successfully bid for £15m from the Housing Infrastructure Fund which will be used to carry out highways changes as part of the overall Better Queensway redevelopment. As part of this report the £15m has been added as a new section 'Subject to grant re-profiling' outside of the main Capital Investment Programme. The profile is subject to change and the budgets will be moved to the main programme at the appropriate time.

Social Care

Work is progressing on the new care home build in line with the revised timetable. Steelwork, the substructure for the substation and the two lift pits are now complete and the block work has now commenced. Implementation and fit out planning is progressing well. In line with the revised timetable £1.0m is included within this report as a carry forward moving budget into 2021/22.

Schools

The Secondary School Improvement and Provision scheme is in the final stages with St Bernard's now handed over. One element of the project at St Thomas More is remaining and Chase High are working through the final stages. Schemes at Belfairs and Shoeburyness are now complete.

Southend Pier

The fender works have been undertaken on the Prince George Extension scheme and further works have been identified as a result. The bollards have been inspected and this inspection has failed therefore materials have been ordered in preparation to increase the thickness of the concrete soffits. Cost forecasting to retest and certify for insurance purposes is in progress. £1.0m of budget has been carried forward from 2020/21 and 2021/22 into 2022/23 to reflect project programmes.

The scheme to replace the pier trains is at risk of some slippage due to availability of key components given the effect of Covid-19 on keys supply chains. £308k of the current year budget is therefore included as a carry forward request in this report.

Carry forward requests for other pier schemes totalling £837k into 2021/22 and a further £3.0m into financial year 2022/23 have been included as a carry forward request to allow for potential bad weather disruption over the winter months.

Works to Property

The Civic Campus Efficient Use of Space scheme is currently under review following Covid-19 and the change of operational requirements. The remaining budget of £64k has been included as a carry forward request into 2021/22 while the review takes place.

Highways and Infrastructure

The Bell scheme on the A127 is progressing well and the footbridge was removed during the weekend of 18th September involving two overnight road closures. Works have now

commenced on Hogleythick Lane to construct the new pedestrian island. During these works the contractor will be providing school crossing patrol officers across the A127 during term time.

Council Housing Acquisitions and New Build Programme

Feedback has now been received following the outcome of the pre-application meeting for phase 3 of the Housing Construction scheme. Final designs are now being agreed prior to planning. The resident consultation is complete and has received a positive outcome.

Planning permission for Saxon Gardens as part of the Modern Methods of Construction scheme has now been received. Archer Avenue is currently out to tender to procure a contractor and the tender documents for Saxon Gardens are in the process of being reviewed.

A review of the budgets required for 2020/21 has been carried out and a carry forward request of £1.982million is included in this report in relation to the Council Housing New Build Programme.

A review of the HRA Affordable Housing Acquisitions Programme has resulted in a carry forward request of £1.5m to be moved to financial year 2022/23.

One property purchase has taken place on the Acquisition of Tower Block Leaseholds scheme for Queensway with some others in the pipeline. It is unlikely that the full budget will be required in 2020/21 therefore £883k has been included as a carry forward request in this report to be moved to financial year 2022/23 and a further £1.8m to be split equally and moved to 2023/24 and 2024/25.

2. Progress of other schemes for 2020/21

General Fund Housing

The Private Sector Housing Strategy budget has been split into two £785k pots and they are to be used to allocate grants to landlords and owner-occupiers to encourage improvements to the housing stock in the area. A policy is yet to be developed on how the funding can be accessed together with robust governance around the award of such grants therefore both budgets are included as carry forward requests in this report. A further request to carry forward £65k into 2021/22 in relation to the Pipeline feasibility project for the General Fund is also included within this report.

Expenditure for the Disabled Facilities Grant is below target due to Covid-19 although contractors are now working on site using the appropriate PPE and observing social distancing. £400k from 2020/21 and then a further £400k in each of the following financial years up to and including 2023/24 is included as a carry forward request within this report to transfer a total of £1.6m to 2024/25 to reflect reduced expenditure.

Council Housing Refurbishment

Progress of works on the HRA Disabled Adaptations is improving and jobs have now been issued to contractors for the remainder of the financial year. £986k of the 2020/21 budget is included as a carry forward in this report to allow for works delayed at the start of the year.

The £345k budget for Sheltered Housing DDA works has been carried forward to 2022/23 as they are currently no firm plans in place.

Work on Decent Homes were delayed due to Covid-19 but the programme is beginning to resume with contractors now on site. Budgets totalling £1.221m for Common Areas, Roofs and Windows and Doors are included as a carry forward request in this report due to the initial delays.

£390k of the Sprinkler System Installation Pilot are included as a carry forward request as it is unlikely that works will progress until next financial year.

£725k budget for the Balmoral Estate Works has been carried forward into 2022/23 due to a review of the project.

Council Housing Acquisitions and New Build Programme

Further site feasibilities have been scheduled as part of the Housing and Development Pipeline Feasibility scheme under the HRA. It is forecast that only part of the 2020/21 budget will be required therefore £173k of the budget is included as a carry forward request in this report.

Social Care

There are currently no firm plans under the Mental Health Funding scheme therefore the full budget of £32k has been carried forward in this report.

The SEND module and Integration with Liquid Logic is now complete and the remaining £12k budget has been removed from the capital programme.

A new scheme was presented to October Investment Board to introduce additional portals to the existing Liquid Logic system. These portals are Liquid Logic Children's and Adults Autonomy Portal and Delegation Portal and they will allow professionals, the client and family members to access information they need as well as complete forms without needing access to the full system. A virement is included in this report to transfer budget from Priority Works for £65k in 2020/21 and £3k in 2021/22.

Schools

Work on Chalkwell Infants Insulation is now scheduled for 2021/22 therefore the full budget of £109k is included as a carry forward request in this report.

Enterprise and Regeneration

The implementation of works on the Housing Infrastructure Feasibility scheme are aligned to the preparation of the new Local Plan and this workstream is due to commence in 2021/22. The full budget of £250k is therefore included as a carry forward request in this report.

Culture and Tourism

Roofing works are now complete at Leigh Library as part of the Library Review. Further works are programmed to commence in February 2020/21 therefore £98k of the current year budget has been included as a carry forward request in this report.

The Joint Theatres and Leisure Centres Asbestos scheme is in place to deal with any asbestos as and when it is found. The 2020/21 budget of £115k has been carried forward and will only be brought back if any asbestos is identified before the end of the financial year.

No expenditure is expected on the Energy Improvements in Culture Property Assets during 2020/21 therefore the full budget of £24k has been included as a carry forward request in this report.

Installation of the new booking system for the tennis courts gates has taken place during October at Chalkwell Park. The remaining £17k budget has been carried forward to continue any further works in 2021/22.

The Cliffs Pavilion Auditorium Air Handling Unit works are on-going and are expected to complete during 2021/22. £21k has been carried forward in this report to support the remaining works.

As part of a review of projects, budgets in relation to Shoebury Common regeneration and the replacement of playground gates totalling £285k have been requested to be carried forward into financial year 2021/22 and are included within this report.

The first phase of the Allotments Water Supply Upgrade scheme is now complete and additional works are expected to take place during 2020/21. An accelerated delivery request of £56k is included in this report to carry out these works.

Various budgets are no longer required in the capital programme because either the scheme is no longer going ahead or it has completed under budget. These include the Southchurch Park Bowls Pavilion for £20k, Inflatable Planetarium for £35k, Pump Priming for £132k, Cliffs Pavilion Boiler Flues for £6k and the Palace Theatre Air Handling Units for £68k.

A new scheme was presented to October Investment Board for a Bar Conversion at the Pier Pavilion. The proposal is to introduce permanent bar and restaurant facilities at the end of the pier to use the available space more effectively and enhance the customer experience. The works are anticipated for February 2021 and the total budget requirement of £336k has been included in this report with £300k in 2020/21 and the remaining £36k in 2021/22.

A virement is included in this report for £50k taken from Priority Works for the Relocation of a Badger Sett.

Community Safety

The specification is complete for the CCTV Equipment Renewal scheme and the tender has now been published. There will be a two stage procurement process and the new contract is likely to be let towards the end of this calendar year. £989k of the 2020/21 budget is therefore included as a carry forward request as the works will continue into next financial year.

A vehicle dynamic assessment has been completed on the High Street as part of the Security Measures scheme and all locations have been assessed for appropriately rated bollards by the Highways Contractor. A survey of the cabling network is currently taking place which will enable the contractor to provide quotes for the CCTV links and civil works. A similar assessment has also taken place on the central seafront area identifying the vulnerable locations and required product ratings. Installations are likely to be a mix of bollards to control delivery access and static measures such as planters, seating areas and artistic installations. Once cost estimates are obtained, further capital funds will be required. A small amount of expenditure is expected in 2020/21 but the majority of the budget will be required next financial year. A carry forward request of £410k has therefore been included in this report.

Highways and Infrastructure

Empty units have been identified as part of the Town Centre Interventions Programme and viewings are in the process of being arranged to host activities. A project manager has now

been appointed to provide a dedicated resource to initiate and implement the project. A further reprofiling exercise as taken place and £500k has been requested to be carried forward.

Only a small amount of expenditure is expected on the Challenge Fund Bridge Strengthening scheme this financial year therefore a carry forward request of £817k has been included as a carry forward request to profile works into 2021/22 and 2022/23.

£2.990m from the Belton Way Highways Protection works has been carried forward in this report leaving £500k to progress the works in 2020/21. £2.0m is to be carried over to 2021/22 and the remaining £990k to be carried over to 2022/23.

A carry forward request of £1.0m into 2021/22 in relation to the Local Growth Fund Scheme -Extension of London Road Public Realm Improvement to Victoria Cross has been included in this report as a result of delays in obtaining materials impacting the completion of the project in this financial year. Confirmation has been given that the project will spend the required budget by September 2021 in line with funding conditions.

A number of infrastructure and improvement schemes have been reviewed and in light of actual spend and updated project timescales a request to carry forward these funds into future financial years have been included in this report. These include £115k in relation to the Traffic Signs Upgrade works and £260k in relation to the Southend Transport Model moving into 2021/22. £250k in relation to the Junction Protection Scheme and £100k for Car Park Resurfacing moving into 2022/23 and a further £100k for Zebra Crossing Surfacing moving into 2023/24.

It has been requested that £174k in relation to Coastal Defence Scheme be moved into 2022/23.

A small amount of budget has been spent on the Flood Prevention Works in 2020/21 therefore an accelerated delivery request of £7k has been included in this report.

£198k has been removed from the capital programme in 2020/21 in relation to relation to the Parking Strategy as funding has been identified within existing projects.

Virements included within this report include moving £50k being moved from The Local Transport Plan – Traffic Control Systems to Town centre Redevelopment Improvements in order to reflect expenditure.

Some additional funding of £290k has been received as part of the Emergency Active Travel Fund. A budget has been added to the capital programme.

Works to Property

Options work has been completed on the 62 Avenue Road Coach House scheme following the tender process and a report is now being prepared for members to agree which option to progress. The scheme is on hold until a decision has been made therefore £39k of the 2020/21 budget has been included as a carry forward request.

Commencement of the Aviation Way car park scheme is expected towards the end of the financial year therefore it is unlikely that any of the £400k budget will be spend in 2020/21. A carry forward request for the full budget has been included in this report.

The Civic Centre Boiler scheme is currently under review following Covid-19 and the change of operational requirements. The remaining budget of £971k has been included as a carry forward request into 2021/22 while the review takes place.

The Futures Demolition scheme is on site and underway. The demolition will be finished within the next few months and £50k of the 2020/21 budget is included as a carry forward request in case there are any final issues next financial year.

Three other schemes are not progressing in 2020/21 therefore the budgets are carried forward in this report. These include SMAC Eastern Esplanade Slipway for £27k, Seaways HCA Condition Funding for £170k and Public Toilet Provision for £699k.

A budget of £2.4m has been transferred from the 'subject to viable business' section of the capital programme for the refurbishment of the Southend Crematorium. A further £300k has been added to the budget in-line with the proposed business case totalling £2.7m. The refurbishment is to include the replacement of the three existing cremators and associated plant, reconfiguration of the back of house to accommodate new equipment and facilitate better working, rebuilding of the chimney stack, structural and roof works, reconfigure and upgrade some front of house areas including the installation of a viewing area to accommodate different faiths and beliefs and to resurface the parking area. The budget has currently been profiled into 2022/23.

Virements included in this report include £4k allocated from Priority Works to hoarding works at 569 Prince Avenue to increase security and £20k allocated from Priority Works to a new project for the installation of external lighting at Prittlewell Chapel. A request to vire £12k from the Property Refurbishment Programme to support the Garons Under Floor Heating scheme is also included within this report.

Energy Saving

There are some potential schemes in the pipeline to utilise both the Energy Efficiency and Solar PV budgets and some work is currently underway preparing some business cases. It is unlikely that any firm plans will progress this financial year therefore budgets of £252k and £536k are included as carry forward requests.

ICT

The profile of the ICT capital programme has been under consideration to support the authorities response to Covid-19 and more specifically to maintain and uplift remote working services. There is also a need to respond to critical issues and risks that have been identified by on-going discovery exercises. Some virements have taken place between schemes and the overall effect on the ICT budgets is an accelerated delivery of £1.044m which has been included in this report.

S106/S38/CIL

Various S106, S38 and CIL schemes have been reviewed and there are no plans for works to be carried out this financial year. Carry forward requests totalling £383k have been requested and a further £1k budget has been removed from the capital programme.

S106 funding has been received in regard to the Bellway Homes contribution from Hall Road Development. This is expected to be spent by the end of 2020/21 therefore a budget of £63k has been added to the capital programme.

3. Requested Changes to the Capital Investment Programme

Carry Forwards to Future Years

Scheme	2020/21 Budget £000	2021/22 Budget £000	2022/23 Budget £000	2023/24 Budget £000	2024/25 and future years Budget £000
Private Sector Housing Strategy	(785)	250	250	285	
Private Sector Housing Strategy - Empty Homes	(785)	262	261	262	
Housing and Development Pipeline Feasibility - GF	(65)	65			
Disabled Facilities Grant	(400)	(400)	(400)	(400)	1,600
HRA Disabled Adaptations	(986)	70	70	70	776
Mental Health Funding Stream	(32)	32			
Delaware and Priory New Build	(1,000)	1,000			
Airport Business Park	(5,000)	(2,800)	7,800		
Airport Business Park - Acquisition	(1,000)	1,000			
Better Queensway - Programme Management	(40)	40			
Better Queensway - Loan to Joint Venture		(500)	(500)	(500)	1,500
Security Measures	(410)	410			
CCTV Equipment Renewal	(989)	989			
62 Avenue Road - Coach house	(39)	39			
Aviation Way car parking	(400)	400			
Civic Campus - Efficient Use of Space	(64)	(36)	100		
Civic Centre Boilers	(971)	(150)	1,121		
Futures Demolition	(50)	50			
SMAC Eastern Esplanade Slipway	(27)	27			
Seaways - HCA Condition Funding	(170)	170			
Public Toilet Provision	(699)	0	699		
Energy Efficiency Projects	(252)		252		
Solar PV Projects	(536)	(200)	400	336	
Southend Pier - Prince George Extension (Phase Two)	(858)	(150)	1,008		
Southend Pier - Replacement of Pier Trains	(308)	308			
Southend Pier - Bearing Refurbishment (Phase One)	(706)	706			
Southend Pier - Pier Entrance Enhancement	(131)	131			
Southend Pier - Timber Outer Pier Head	(300)	(2,742)	3,042		
Playground Gates	(100)	100			
Shoebury Common Regeneration	(185)	185			
Library Review	(98)	98			
Joint Theatres and Leisure Centres – Asbestos	(115)	115			
Energy Improvements in Culture Property Assets	(24)	24			
Chalkwell Park and Priory Park Tennis Courts	(17)	17			
Cliffs Pavilion – Auditorium Air Handling Unit	(21)	21			
Coastal Defence (Shoebury Common Sea Defence Scheme)	(174)	(3,445)	3,619		
Bridge Strengthening - Challenge Fund	(817)	400	417		
Local Growth Fund - Southend Town Centre Interventions	(500)	500			
Zebra Crossing Surfacing Replacement	(100)	(50)	(50)	200	
Junction Protection	(250)	(38)	288		
Belton Way Highways Protection	(2,990)	2,000	990		
Traffic Signs Upgrade	(115)	115			
Car Park Resurfacing	(100)		100		
Local Growth Fund - Extension of London Road Public Realm Improvement to Victoria Cross	(1,000)	1,000			
Southend Transport Model	(260)	260			

Carry Forwards to Future Years – Continued

Scheme	2020/21	2021/22	2022/23	2023/24	2024/25
	Budget	Budget	Budget	Budget	and future
	£000	£000	£000	£000	years
					Budget
					£000
N3 Connectivity in Civic Building	(39)	39			
ICT - Application Transformation	(459)	(3)	(1,291)	1,753	
Housing Infrastructure Feasibility	(250)	250			
Chalkwell Hall Infants replace relocatables (SBC 50%)	(109)	109			
Special Provision Capital Fund			(562)	300	262
Sprinkler System Installation Pilot	(390)	390			
Sheltered Housing DDA works	(345)		345		
Housing Construction Scheme - Modern Methods of Construction (MMC)	(582)	582			
Housing Construction Scheme - Land Assembly Fund (S106)	(1,400)	468	466	466	
Housing and Development Pipeline Feasibility - HRA	(173)	173			
Acquisition of tower block leaseholds - Queensway	(883)	(1,800)	883	900	900
Common Areas Improvement	(226)	338	124	(74)	(162)
Roofs	(182)	105	21	29	27
Windows and Doors	(813)	379	282	78	74
Balmoral Estate Improvement and Structural Works		(725)	725		
HRA Affordable Housing Acquisitions Programme	(1,476)		1,476		
S106 3-5 High Street 1501496AMDT - affordable housing	(24)	24			
S106 Ajax Works 0300130ful - landscaping maintenance	(5)	1	1	1	2
S106 Avenue Works 1401968AMDT - Public Art	(15)	15			
S106 Former Balmoral 1400914FULM – public art contribution	(1)	1			
S106 Garrison 0000777 Deposit - CCTV	(1)	1			
S106 Garrison 0000777 Deposit - information boards	(2)	2			
S106 Garrison 0000777 Deposit - Junior Play Area maintenance	(10)	10			
S106 Garrison 0000777 Deposit - Toddler Play Area maintenance	(6)	6			
S106 Lifstan Way 0000273 Out - Open Space Maintenance	(74)	4	4	4	62
S106 North Shoebury Road 0301504out - Shoebury Park Enhancement	(25)	25			
S106 North Shoebury Road 0301504out - Shoebury Park Maintenance	(21)	(141)	30	30	102
S106 22-23 The Leas 0700820FULM - bus service contribution	(43)	43			
S106 Essex House 1500521FULM - bus stop improvement	(3)	3			
S106 Former College 1500803BC4M - parking survey contribution	(10)	10			
S106 North Road and Salisbury Ave 1200056 - Highway Works Contribution	(2)	2			
S106 Sunlight Ldry 1400411FULM - Highway Works	(2)	2			
S106 Seec 0200500ful - Highway Works	(104)	104			
S106 Univ H-Way0401561ful	(2)	2			
S38/S278 Airport 0901960 Fulm	(26)	26			
S38 Bellway Homes 14/00943/fulm	(3)	3			
S38 Fossetts Farm Bridleway	(1)	1			
CIL Ward NA – Milton – Milton Park improvements	(2)	2			
CIL Ward NA – Milton – Park Street replacement bollards	(1)	1			
Total Carry Forwards	(31,579)	725	21,971	3,740	5,143

Accelerated Deliveries

Scheme	2020/21 Budget £000	2021/22 Budget £000	2022/23 Budget £000	2023/24 Budget £000	2024/25 and future years Budget £000
Flood Prevention Works - Seaways	7	(7)			
ICT - Technology Device Refresh	739	(225)	(514)		
ICT - Stabilise the Estate	803	(803)			
Allotments Water Supply Upgrade	56	(56)			
Total Accelerated Deliveries	1,605	(1,091)	(514)	0	0

Removed Budgets

Scheme	2020/21 Budget £000	2021/22 Budget £000	2022/23 Budget £000	2023/24 Budget £000	2024/25 and future years Budget £000
Southchurch Park Bow ls Pavillion	(20)				
Inflatable Planetarium	(35)				
Pump Priming Budget	(132)				
Cliffs Pavilion – Boiler Flues	(6)				
Palace Theatre - Air Handling Units	(68)				
Parking Strategy	(198)				
SEND Module and Integration w ith Liquid Logic	(12)				
Flood Prevention Works - Seaw ays		(750)	(1,125)		
S106 Sunlight Ldry 1400411FULM - Public Art	(1)				
Total Schemes Removed from Programme	(472)	(750)	(1,125)	0	0

Virements

Scheme	2020/21	2021/22	2022/23	2023/24	2024/25 and
	Budget	Budget	Budget	Budget	future
	£000	£000	£000	£000	years
					Budget
					£000
Disaster Recovery Replication	(41)				
ICT - Digital Enablement	41				
ICT – Cyber Security/Public Services Network	(93)				
ICT - Security & Resiliency	93				
Extending WiFi in Council Premises	(30)				
ICT - Technology Device Refresh	30				
ICT - Technology Device Refresh			514		
ICT - Application Transformation	421	378	1,291		
ICT - Digital Enablement	(81)	(239)	(450)		
ICT - Security & Resiliency	(340)	(110)	(300)		
ICT - Stabilise the Estate		(29)	(1,055)		
Property Refurbishment Programme	(12)				
Garons Under Floor Heating	12				
Palace Theatre - Power Supply Equipment	(70)				
Cliffs Pavilion - Power Supply Equipment	70				
Local Transport Plan - Traffic Control Systems	(50)				
Town Centre Redevelopment Improvements - Highways (NPIF)	50				
Bathroom Refurbishment	7	6	7	6	8
Central Heating	1,196	15	14	8	6
Common Areas Improvement	(200)	178		(172)	(184)
Environmental - H&S works	(6)	85	85	85	69
Kitchen Refurbishments	(129)	72	71	46	72
Rewiring	(276)	23	19	27	29
Roofs	(592)	(77)			
Windows and Doors		(302)	(196)		
Priority Works	(65)	(3)			
Liquid Logic Portals	65	3			
Priority Works	(20)				
Prittlewell Chapel external lighting	20				
<u>Virements already actioned</u>					
Priority Works	(54)				
Relocation of Badger Sett	50				
569 Prince Avenue	4				
Total Virements	0	0	0	0	0

New External Funding

Scheme	2020/21 Budget £000	2021/22 Budget £000	2022/23 Budget £000	2023/24 Budget £000	2024/25 and future years Budget £000
Emergency Active Travel Fund	290				
S106 Bellway Homes contribution from Hall Road Development	63				
Total New External Funding	353	0	0	0	0

Transfer from 'Subject to Viable Business Case' to main Capital Investment Programme

Scheme	2020/21 Budget £000	2021/22 Budget £000	2022/23 Budget £000	2023/24 Budget £000	2024/25 and future years Budget £000
Crematorium Refurbishment			2,400		
Total Transfer from 'Subject to Viable Business Case'	0	0	2,400	0	0

Additions to the Programme

Scheme	2020/21 Budget £000	2021/22 Budget £000	2022/23 Budget £000	2023/24 Budget £000	2024/25 and future years Budget £000
Pier Pavilion Bar Conversion	200	136			
Crematorium Refurbishment			300		
Total Additions to the Programme	200	136	300	0	0

New section outside main Capital Investment Programme: 'Subject to grant re-profiling'

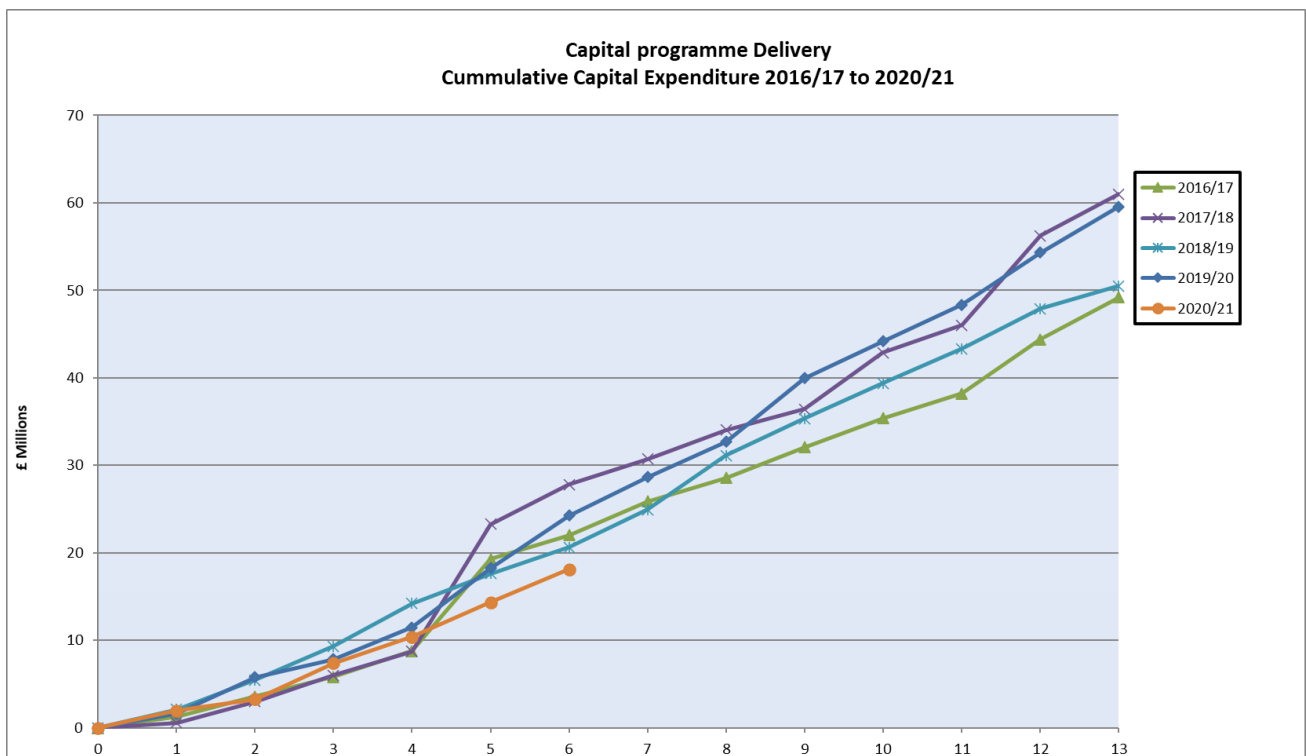
Scheme	2020/21 Budget £000	2021/22 Budget £000	2022/23 Budget £000	2023/24 Budget £000	2024/25 and future years Budget £000
Housing Infrastructure Funding (profile subject to change)	3,000	7,000	5,000		
Total 'Subject to grant re-profiling'	3,000	7,000	5,000	0	0

4. Summary of Capital Expenditure at 30th September

	Original Budget 2020/21 £000	Revisions £000	Revised Budget 2020/21 £000	Actual 2020/21 £000	Forecast outturn 2020/21 £000	Forecast Variance to Year End 2020/21 £000	% Variance £000
General Fund Housing	1,375	1,095	2,470	170	435	(2,035)	7%
Council Housing Refurbishment	7,365	3,095	10,460	1,951	7,518	(2,942)	19%
Council Housing Acquisitions and New Build Programme	13,240	(4,355)	8,885	509	4,371	(4,514)	6%
Social Care	11,672	(2,374)	9,298	1,864	8,319	(979)	20%
Schools	5,564	(68)	5,496	3,522	5,387	(109)	64%
Enterprise & Regeneration	11,601	(1,820)	9,781	2,514	3,491	(6,290)	26%
Southend Pier	7,859	(309)	7,550	1,254	5,247	(2,303)	17%
Culture & Tourism	16,059	(13,058)	3,001	869	2,486	(515)	29%
Community Safety	1,700	109	1,809	50	410	(1,399)	3%
Highways & Infrastructure	21,738	804	22,542	3,141	16,335	(6,207)	14%
Works to Property	4,934	51	4,985	1,211	2,450	(2,535)	24%
Energy Saving	1,568	(383)	1,185	8	397	(788)	1%
ICT	4,220	13	4,233	1,021	5,277	1,044	24%
S106/S38/CIL	101	372	473	37	152	(321)	8%
	108,996	(16,828)	92,168	18,121	62,275	(29,893)	20%
Council Approved Original Budget - February 2020	108,996						
Council Housing & New Build Programme amendments	100						
Enterprise & Regeneration amendments	110						
Culture & Tourism amendments	(7,634)						
Highways & Infrastructure amendments	4,605						
Works to Property amendments	345						
S106/S38/CIL amendments	8						
Carry Forward requests from 2019/20	9,805						
Accelerated Delivery requests to 2019/20	(2,528)						
Budget re-profiles (June Cabinet)	(24,063)						
New external funding	2,424						
Council Approved Revised Budget - June 20	92,168						

**Actual compared to Revised Budget spent is
£18.121M or 20%**

5. Capital Programme Delivery



Year	Outturn £m	Outturn Against Budget %
2016/17	48.8	89.0
2017/18	61.0	95.0
2018/19	50.9	96.7
2019/20	59.5	83.8

Southend-on-Sea Borough Council

Report of Chief Executive
to

Executive Briefing - 20 October 2020

Cabinet - 3 November 2020

Agenda
Item No.

6

Report prepared by:

Val Smith – Knowledge and Information Manager
(Overarching report and Appendix A and D)
Charlotte McCulloch – Customer Service & Complaints
Manager (Appendix B)
Michael Barrett – Complaints Officer (Appendix C)

Cabinet Member (overarching) - Cllr Terry
Cabinet Member Appendix B Report – Cllr Harp
Cabinet Member Appendix C Report – Cllr Jones

Annual Report – Comments, Complaints and Compliments – 2019/20

All Scrutiny Committees

A Part 1 Public Agenda Item

1. Purpose of Report

1.1 This report is to:

- Provide performance information about comments, complaints and compliments received across the Council for 2019/20
- Fulfil the Council's statutory duty to produce an annual report concerning compliments and complaints received about its Children and Adult social care functions.
- Fulfil the duty of the Monitoring Officer to report to councillors on the findings of certain Local Government and Social Care Ombudsman investigations

2. Recommendations

2.1. To note the Council's performance in respect of comments, complaints, and compliments for 2019/20. To refer the report to all Scrutiny Committees (Appendix B and C to the People Scrutiny Committee only).

2.2 That authority is given for the changes recommended to be made to the corporate Comments, Complaints and Compliments policy as detailed in Section 4.3 of the Corporate Comments, Complaints and Compliments Report (Appendix A).

3. Background

3.1. Complaints which do not have an alternative bespoke process are considered under the corporate Comments, Complaints and Compliments process. It is good practice for the Cabinet to receive an annual report on the operation of the process and insight arising from it; this report is attached at **Appendix A**.

3.2. Legislation requires that statutory processes be in place to deal with complaints relating to children and adults social care and to produce annual reports concerning them. These reports also need to be shared with the Care Quality Commission and the Department of Health. These reports are provided as **Appendices B and C** to this report.

3.3. Under section 5(2) of the Local Government and Housing Act and the Local Government Act 1974, the Monitoring Officer is required to report a summary of the findings of the Local Government and Social Care Ombudsman with regard to cases considered by them which relate to the Council. This report is provided at **Appendix D**.

3.4. The table below sets out the total number of Comments, Complaints and Compliments (Corporate and Statutory) processed in 2019/20 in comparison with the previous three years.

Type	2016/17	2017/18	2018/19	2019/20
Complaints (including Statutory)	866	681	603	608
Comments and Compliments	2441	2230	2138	1825
Grand Total	3307	2911	2741	2433

There has been no substantial change in the levels of feedback received. Analysis of the data gathered is included in the reports at Appendix A to C.

4. Lessons Learnt and Service Improvements

4.1 Whilst responding to feedback in a timely manner is a priority, it is also important for Council services to reflect on lessons learnt and improving outcomes. This is recognised by the Local Government and Social care Ombudsman's principles of good complaints handling as being customer focused, putting things right and seeking continuous improvement.

- 4.2 As the Council seeks to redesign and transform its services, data from Comments, Complaints and Compliments is a valuable source of information about how those services are received in practice. Feedback from users of our services is used to remedy individual instances and also to inform service design, revise practices and procedures and provide insight to service areas about how their delivery is experienced in practice.

Examples of service improvements are contained within the individual reports at Appendix A to D.

5. Future developments

- 5.1 In the coming year we will seek to strengthen the learning from insight provided by customers through complaints. We will do this by providing quantitative and qualitative information to service areas, service redesign initiatives, internal audit and others which enables them to hear what service users are saying and take action upon it.
- 5.2 During 2019/20 the senior management structure altered considerably. The corporate Comments, Complaints and Compliments process requires amendment to better reflect the revised structure and the management responsibilities within it. See section 4.3 of the Corporate Comments, Complaints and Compliments Report (Appendix A).

6. Other Options

The Council is required by legislation to report regarding social care statutory complaints and Local Government and Social Care Ombudsman complaint outcomes. Reporting on the efficacy of a complaint processes is best practice. While the content of the reports is not prescribed, reporting itself is obligatory.

7. Reason for Recommendation

To ensure the Council continues to have transparent and effective complaint procedures and utilises feedback from customers to good effect.

7. Corporate Implications

7.1 Contribution to Southend 2050 Road Map

Feedback both positive and negative is a direct source of information about how services provided by the Council are being experienced in practice. It also provides information about the type of services the Council's customers would like to have.

This insight may relate to any of the themes and outcomes of the Southend 2050 road map.

7.2 Financial Implications

Service improvements continue to result in meaningful outcomes for customers. A robust complaint process with thorough investigation and a positive approach reduces the likelihood of financial remedies being recommended by the LGSCO.

7.3 Legal Implications

These reports ensure compliance with statutory complaints processes and reporting obligations.

7.4 People Implications

Effective complaint handling is resource intensive but benefits the organisation by identifying and informing service improvements, development needs and managing the process for customers who are dissatisfied.

7.5 Property Implications

None specific

7.6 Consultation

The Advocacy Services and Representations Procedure (Children) (Amendment) Regulations 2004 confer a duty on local authorities to provide information about advocacy services and offer help to obtain an advocate to a child or young person wishing to make a complaint. All children and young people wishing to make a complaint are offered the services of an advocate.

7.7 Equalities and Diversity Implications

The complaints process is open to all and has multiple methods of access for customers. Adjustments to the process are made for those who require it because of a protected characteristic.

Although most commonly the process is accessed through e-mail and on-line forms, traditional methods such as post are available and where necessary a complaint can be transcribed over the telephone or be made in person.

This supports those who might otherwise be inhibited from using the process, perhaps through vulnerability.

7.8 Risk Assessment

Personal data regarding comments, complaints and compliments are recorded in approved centralised systems which can only be accessed by nominated officers.

7.9 Value for Money

Resolving a complaint as early as possible in the process reduces officer time spent dealing with concerns as well as providing the opportunity to improve service delivery.

7.10 Community Safety Implications

None specific

7.11 Environmental Implications

None specific

8. Background Papers - None

9. Appendices

Appendix A - Corporate Comments, Complaints and Compliments

Appendix B - Compliments, Concerns and Complaints – Adult Social Care

Appendix C - Compliments and Complaints – Children’s Social Care

Appendix D – Monitoring Officer report regarding investigations of the LGSO

Corporate Comments, Complaints and Compliments Report

1. Purpose of Report

- 1.1 To report on the performance relating to the Corporate Comments, Complaints and Compliments (non-statutory) procedure and to provide comparisons with previously reported results.

2.0 Recommendations

- 2.1 To note performance relating to the Corporate Comments, Complaints and Compliments process between 1st April 2019 and 31st March 2020.
- 2.2 To endorse in principle that the process be revised to:
- Reflect the revised configuration of the senior management structure of the Council
 - Deliver good quality responses within achievable timescales.

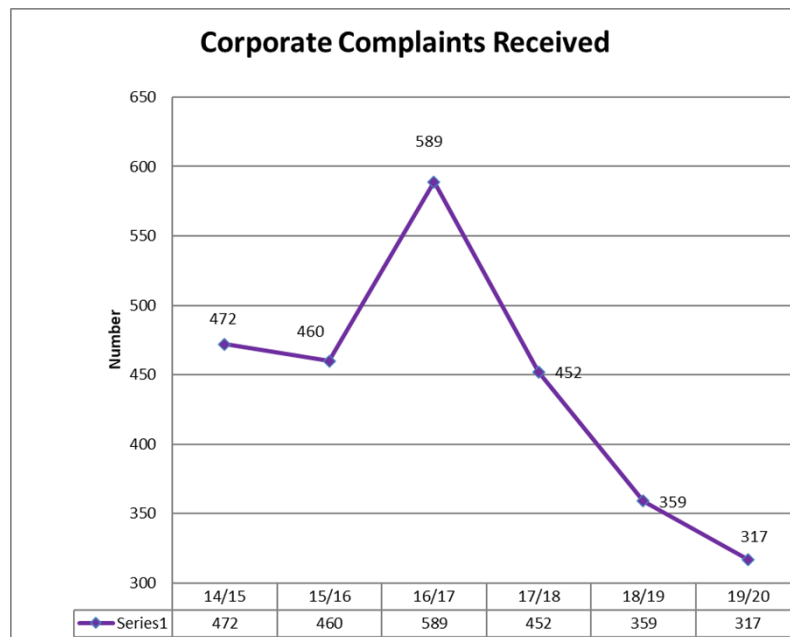
3. Background

- 3.1 The Council's Corporate Comments, Complaints and Compliments procedure has been in place since 2009 and is well established throughout the organisation. It services all general feedback about the Council, except those that have their own bespoke process.
- 3.2 Examples of complaints outside the process include children and adult social care statutory complaints (see report at Appendix B and C), appeals against parking fines and concerns about schools.
- 3.3 An effective complaint system delivers:
- Early warning of things going wrong
 - Root cause analysis which finds out what is causing a problem and does something about it
 - Fair outcomes for individuals who complain
 - Individual outcomes which are applied to the wider customer base
 - Continuous improvement of products/processes and people skills
 - Appropriate remedies where things have gone wrong.

The following information demonstrates how the corporate complaints process is meeting these objectives.

4. PERFORMANCE TO DATE

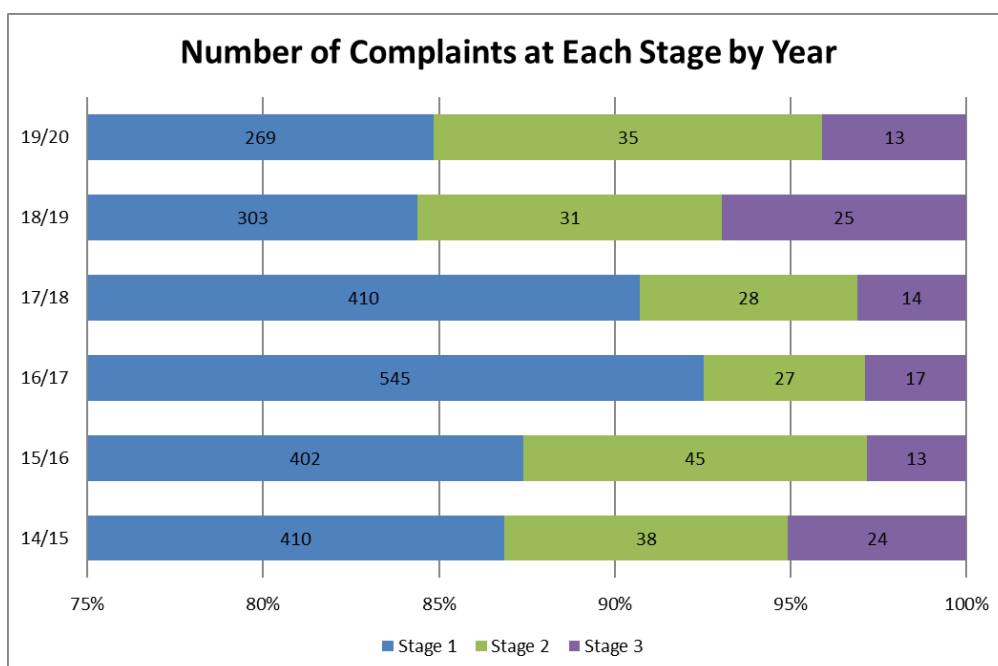
4.1 The number of complaints received



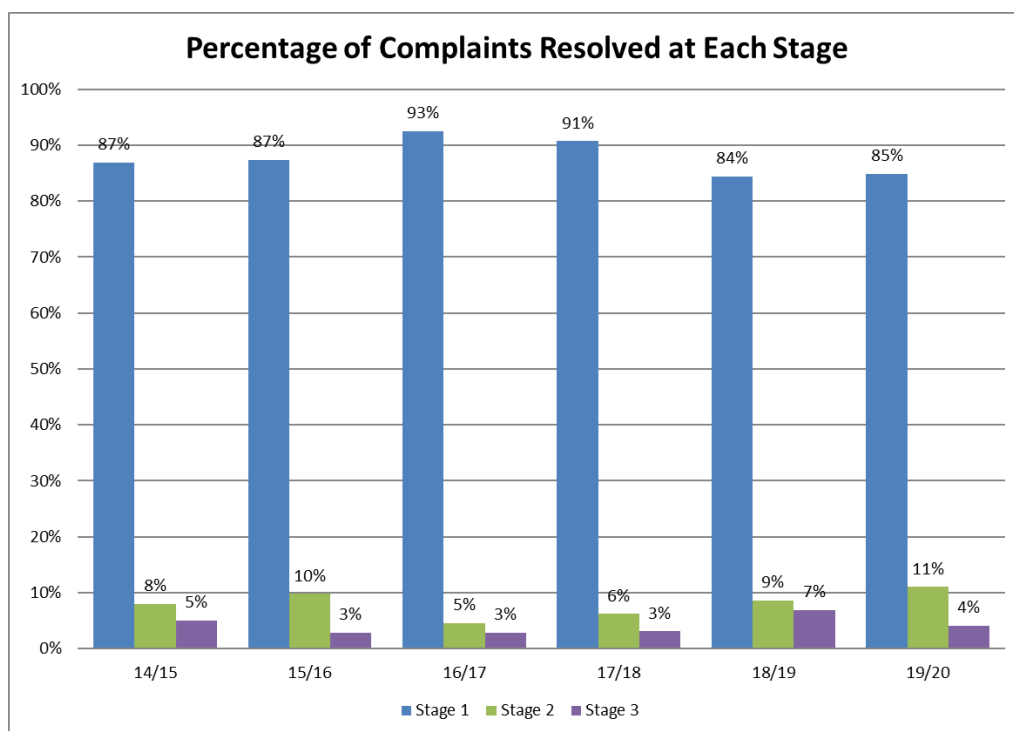
The number of complaints made under the corporate process has continued its downward trend. The complaints received have spanned 33 different council products and services.

4.2 Progression through the complaint stages

4.2.1 The number of complaints resolved at each Stage of the process is as follows:



4.2.2 The percentage of complaints resolved at each Stage of the process is as follows:



4.2.3 Although the total number of complaints made has decreased this year, the proportion of complainants satisfied with the response received at the first Stage of the complaint process has remained almost the same. 48 complaints progressed further, with 35 being resolved at the second Stage and 13 at the third and final Stage. The proportion resolved at Stage 2 has risen and the third stage is accessed by a small proportion at the level commonly seen before the peak last year.

4.2.4 The 13 complaints which reached Stage 3 spanned 9 different services with the maximum any service had being 3. Details of Stage 3 complaints which went on to be considered by the LGSCO are included in the Monitoring Officer Report of LGSO Investigations. Due to the time lag for Ombudsman resolution, these complaints may have originated in years prior to 2019/20 and some complaints from 2019/20 may yet be referred to the Ombudsman.

4.3 The time within which complaints are resolved

4.3.1 The stated aim of the corporate complaints process is to respond to Stage 1 and 2 complaints within 10 working days of their receipt. This has been achieved in 66% of cases which is a decline over previous years. Resource has been increased in the Performance and Business Support team, which is expected to improve the position, but the target of 80% of complaints being met within timescale remains elusive.

2017/18		2018/19		2019/20	
No. Stage 1 & 2 Complaints	% Responded to in 10 working days	No. Stage 1 & 2 Complaints	% Responded to in 10 working days	No. Stage 1 & 2 Complaints	% Responded to in 10 working days
438	73%	334	76%	304	66%

4.3.2 When someone has taken the trouble to complain, it adds intensity to their grievance when they receive a late response. This then becomes an additional cause for complaint at subsequent stages. Having spoken to complaint officers, it would seem that in many instances at Stage 1 and 2 of the process, ten days is simply not enough time to draft a considered response and there is a tension between timeliness and quality.

4.3.3 Extending the timescale at Stage 1 and 2 to allow for more investigation and a comprehensive response, would hopefully reduce the need for complainants to escalate their complaint and cause less additional cause to complain because of unmet expectations in response time. Where complaints are escalated, there would be more opportunity for in depth investigation earlier in the process and less likelihood that a Stage 2 response would simply mirror a Stage 1 reply.

4.3.4 It is therefore proposed that the Stage 1 deadline be extended to 15 working days and Stage 2 to 20 working days.

4.3.5 The Local Government and Social Care Ombudsman recommends that a complaint process take no more than 12 weeks in total. As a consequence of extending the time available at Stage 1 and 2, the Stage 3 response period of 35 working days will need to be reduced. It is recommended that this be reduced to 25 working days.

4.3.6 Some of the current time taken at the third stage can be recouped by simplifying the sign off process for Stage 3 complaints. It is proposed that in future Stage 3 complaints are signed by the most relevant member of the Corporate Management Team (CMT - Executive Director, Deputy Chief Executive or Chief Executive). Not only will this provide more flexibility and remove one stage of the current sign off process, but also will better reflect the senior leadership role of all members of CMT. No change is proposed to the part of the Leader of the Council in the process.

4.3.7 For some Stage 3 complaints it can be seen from the outset that there is nothing to be gained from an additional investigation. The LGSCO will not usually consider a complaint until the Council has had an opportunity to investigate it fully. Some Stage 3 complaints are made with the stated objective of getting through the final stage in order to be able to complain to the Ombudsman.

4.3.8 It is proposed that, in order to more effectively focus resources, the option be made available at Stage 3 of the process to determine that there is no benefit from further investigation, that the Stage 2 response is the Council's final position and the complainant is free to approach the LGSCO should they so wish. This is in accordance with LGSCO procedures.

4.3.9 In order to ensure impartiality, such a decision would be made by an officer of the Corporate Strategy Group and agreed by the Executive Director concerned. It is expected that this option would be used sparingly but would reduce unnecessary duplication of work and allow complainants who are unlikely to be satisfied at Stage 3 to go to the Ombudsman with less delay.

4.3.10 Some complainants seek to use the corporate complaints process in preference to other review processes. It is proposed that the complaints process be clarified to state that where an alternative review or appeal process exists concerning the matter being complained of, a complaint will not be considered under the corporate process until that review or appeal has been concluded.

4.3.11 The sum of these changes will be a better service for complainants with more consideration of their complaint earlier in the process. To enable the extra time at Stage 1 and 2 to be most effective, over the next year training in listening to and learning from complaints, understanding the benefits of the insight provided by those who complain and how to respond well, will be offered to those officers who have handling complaints as part of their responsibilities.

4.3.12 Unfortunately there are some complainants whose behaviour is unreasonable, no matter how well their business with us is conducted. The Policy on the Management of Unreasonable Complainant Behaviour is available where this is the case. It too will be amended so that the formal decision to apply appropriate limitations on contact may be taken by any member of CMT, rather than relying on only the Deputy Chief Executive and Chief Executive.

4.4 Nature of Complaints

4.4.1 Category - Poor level of service/not followed a procedure correctly

The main reason for complaint in 245 instances was that the customer believed the Council (or its contractor) had provided a poor level of service or had not followed a procedure correctly.

Where an outcome was recorded, 52% of this type of complaint was upheld.

4.4.2 Category - Staff have been rude or unhelpful

In 40 instances a complaint was made because a customer felt that a representative of the Council had been rude or unhelpful. Where an outcome was recorded, 54% of this type of complaint was upheld.

4.4.3 Category - Wrongly interpreted the law, council policy or procedure

There were 11 complaints where the customer felt that the Council had wrongly interpreted the law, a council policy or procedure. Where an outcome was recorded, 12% of such complaints were upheld.

4.4.4 Category - Service required not offered

21 complaints were received in this category. Where an outcome was recorded, 69% of such complaints were upheld because the service was indeed not available.

4.5 How Complaints Are Received

4.5.1 The most common way for complainants to contact the Council remains by e-mail or on-line form with 94% received in this way, the same as the previous year. This reflects the general shift to use of electronic means when interacting with the Council. In some instances, customer service officers will have completed an on-line form on behalf of a telephone caller.

4.5.2 The Council remains committed to keeping all complaint channels available, including telephone and letter, to meet its equalities obligations and to comply with LGSCO best practice. A formal complaint may be received over social media but would be moved to more conventional channels for resolution.

4.6 Remedial Actions

4.6.1 The most frequent remedial action is the issue of a meaningful apology, recorded as being made in 100 instances. In 59 cases a solution or service was offered to resolve the complaint. A review of procedures or services was initiated on 6 occasions. In a small number of cases a payment to remedy a quantifiable loss or to acknowledge stress and inconvenience was issued.

4.7 Comments and Compliments

4.7.1 GovMetric, the customer satisfaction measurement tool used by the Council, specifically captures feedback concerning the provision of face to face and telephone service by the Customer Service Centre and over the Council's primary website.

4.7.2 Through this method, 358 compliments were recorded, highlighting that the telephone and face to face assistance of the customer service operatives is greatly valued as is being able to find things easily on the Council's website.

4.7.3 In addition, Adult and Children's Social Care received a total of 135 compliments, as detailed in their reports, and a further 92 compliments were recorded by the rest of the organisation.

4.7.4 When comments are received, they are responded to by the service concerned and the person making the comment is acknowledged where appropriate and advised if their suggestion is to be taken up.

4.7.5 Compliments are acknowledged where appropriate and shared with the appropriate line management to inform the service or member of staff. This may then inform the staff member's performance discussion.

4.8 MONITORING AND REPORTING

4.8.1 Data collection and recording regarding complaint outcomes has been enhanced to reflect best practice. This allows complaints data to be used in a responsive way to inform service analysis and improvements.

4.8.2 In the coming year it is the intention to strengthen the link between feedback being provided and service improvement. This will not only be through existing links with the Service Redesign team, but also linking with Internal Audit and other inspection regimes to provide context to their investigations. The data being provided to management teams will also be reviewed with the intention of providing greater meaningful insight based on the experience of their service users.

5. CONCLUSION

The process continues to deliver a professional response to individual complaints, a robust system of complaint monitoring and real service improvements.

Monitoring Officer Report of LGSO Investigations

1. Purpose of Report

The Monitoring Officer must provide councillors with a summary of the findings on all complaints relating to the Council where in 2019/20 the Local Government and Social Care Ombudsman (LGSCO) has investigated and upheld a complaint.

This report therefore fulfils the Monitoring Officer's duty under section 5(2) of the Local Government and Housing Act 1989 and the Local Government Act 1974.

2. Recommendation

To note the annual letter to the Council from the LGSCO and note the summary of their findings regarding upheld complaints.

3. Background

The LGSCO investigates complaints about 'maladministration' and 'service failure', generally referred to as 'fault'. They consider whether any fault has had an adverse impact on the person making the complaint, referred to as an 'injustice'. Where there has been a fault which has caused an injustice, the LGSCO may suggest a remedy.

The Council works with the LGSCO to resolve complaints made to the Ombudsman. Most complaints are resolved without detailed investigation.

The LGSCO may publish public interest reports against a Council or require improvements to a Council's services. No such action has been taken in respect of Southend-on-Sea Borough Council.

In his annual letter, the LGSCO stresses that the number of complaints, taken alone, is not necessarily a reliable indicator of an authority's performance. Their focus is placed on the outcomes of complaints and what can be learned from them.

Complaints are upheld when some form of fault is found in an authority's actions, including where that fault has already been accepted prior to LGSCO intervention.

4. Complaints made to the LGSCO

In 2019/20, 67 complaints and enquiries were made to the LGSCO in respect of Southend-on-Sea Borough Council.

63 decisions were made by the LGSCO, as follows:

Advice Given	1
Closed after initial enquiries	18
Incomplete/Invalid complaint	6
Not upheld	3
Referred back for local resolution	28
Upheld	7
Number of decisions made	63

5. Number of decisions investigated in detail by the LGSCO

The LGSCO concluded 10 detailed investigations in respect of Southend-on-Sea Borough Council in the period between 1 April 2019 and 31 March 2020 with 7 complaints being upheld. This is consistent with previous years.

Year	16/17	17/18	18/19	19/20
Number of detailed investigations	15	8	7	10
Number of detailed investigations upheld	8	6	4	7
Upheld rate	53%	75%	57%	70%

5. Complaints upheld by the LGSCO

The following is a summary of the upheld complaints:

Function	Maladministration/Fault	Agreed Remedy
Housing	There was no fault in how SBC reached a decision not to take formal action against the complainant's landlord. However, some complaints were not pursued with the landlord and there were delays in dealing with his complaints. These faults did not cause significant injustice.	No remedy required.

Adult Care Services	A care home provider, commissioned by SBC, did not adequately deal with complaints made on behalf of a resident. They inappropriately gave notice to the resident because of the complaints made. SBC took too long to follow up the concerns raised and did not investigate the matter in sufficient depth.	Apology. Financial redress for avoidable distress/time and trouble. Provide training and/or guidance.
Housing	SBC did not properly handle an application for housing on account of homelessness and failed to consider the suitability of interim accommodation offered.	Apology. Financial redress: Avoidable distress/time and trouble.
Education & Children's Services	Fault was found with SBC's response to allegations regarding an assault on a child. After the allegation, over a prolonged period there was a failure to provide suitable alternative education.	Apology. Financial redress: Avoidable distress/time and trouble. Financial redress: Loss of service. Financial Redress: Quantifiable Loss. Procedure or policy change/review. Provide information/advice. Provide services. Provide training and/or guidance.
Highways & Transport	SBC initially failed to properly consider information provided concerning a debt it was pursuing from someone claiming to live at the complainant's property. This was remedied at Stage 3 of the	None

	complaints process and the apology then offered was considered sufficient by the LGSCO.	
Adult Care Services	SBC did not adequately explain the charging basis when the complainant left hospital to go into interim care.	Apology. Financial redress: Avoidable distress/time and trouble. Procedure or policy change/review.
Adult Care Services	The LGSCO agreed with the complainant that SBC had not properly explained the financial implications of their spouse moving into a care home. A full needs assessment and financial assessment had not been completed and the position for temporary care placements had not been well communicated.	Apology. Financial redress: Avoidable distress/time and trouble. Procedure or policy change/review.

The following is a summary of the complaints investigated by the LGSCO but not upheld:

Function	Maladministration/Fault
Education and Children's Services	SBC did not, as had been alleged, fail to clearly communicate to the complainant its decision not to award their preferred choice of home to school transport provider.
Education and Children's Services	Since making an unsuccessful appeal for a place for their child at an infant school, a place had become available and offered. There was therefore no benefit in continuing to investigate.

Adult Social Care	There was no evidence to suggest that SBC was at fault for charging for the complainant's care at a care home. There was also no evidence that SBC had delayed adaptations to his property.
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Further details of complaints are available on the [LGSCO website](#).

6. Acceptance of fault and putting things right when they go wrong

The LGSCO recommends ways to put things right when faults have caused injustice and they monitor to ensure recommendations are complied with. The Council has accepted all final recommendations made by the LGSCO and has a 100% compliance rate, that is, agreed remedial action has been demonstrated to have been taken.

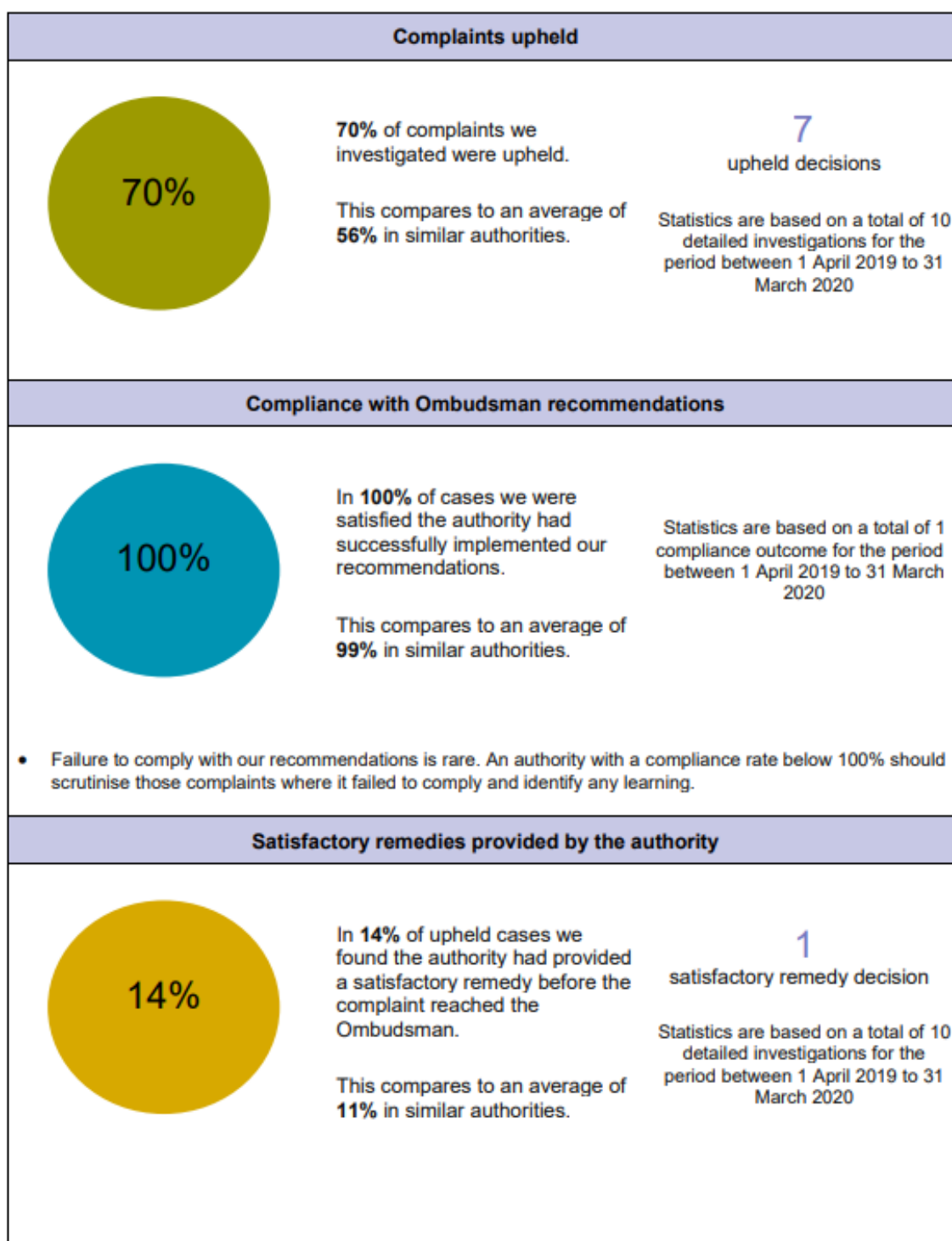
7. LGSCO Annual Review Letter

Statistics from the annual review letter of the LGSCO are provided at Appendix D1.

8. Conclusion

The Council is co-operating in full with the LGSCO and successfully collaborating with them to identify the appropriate resolution for complaints made.

Southend-on-Sea Borough Council
For the period ending: 31/03/20



Southend-on-Sea Borough Council

Agenda
Item No.

7

Report of Executive Director (N+E)

To

Cabinet

On

3rd November 2020

Report prepared by Simon Ford, Head of Community Safety

The Council's response to Alcohol Free Zones in Old Leigh

Relevant Scrutiny Committee(s): Policy and Resources
Cabinet Member (Community Safety): Councillor Martin Terry

1. Purpose of Report

To provide a response to the Petition submitted by Mr Peter Sverdloff proposing alcohol free zones in Old Leigh (approximately 1000 signatures received).

2. Recommendations

- 2.1 Agree to undertake a full Public Spaces Protection Order (PSPO) consultation process which includes stakeholder and public consultation as well as collation of crime and anti-social behaviour evidence, to inform a decision regarding a potential PSPO for Old Leigh in relation to no drinking of alcohol in public areas (excluding licensed premises), and other relevant anti-social behaviour issues in this area.

3. Background

- 3.1 The *No Drinking Zones* have been replaced by new legislation under the revised Anti-Social Behaviour Act (**Public Space Protection Orders** – PSPO's).
- 3.2 Leigh has long been a magnet for tourism and each year many visitors flock to the area for its historic character, views and natural life and of course its festivals. Consequent upon this has been, year on year, an increase in the amount of alcohol available from the various venues and the propensity for this to be taken into the public realm areas of the Old Town.
- 3.3 Since the Covid 19 pandemic took hold in early 2020, we have seen further significant increases in Anti- Social Behaviour (ASB) across the whole Borough. Old Leigh has been no exception to this with increasing demands placed on the Council's Community Safety Unit, Foreshore officers and Essex Police to respond to public space drinking, large gatherings of youths, noisy mopeds, motorbikes

and vehicles, alongside general ASB activity, such as tombstoning, interference with the fishing businesses and general disruption. The particularly dry and warm summer certainly enhanced the footfall and the incidents that were being reported.

- 3.4** Additional funding had been made available to support Community Safety during the summer season to ensure this increased level of anti-social behaviour was properly responded to. The resources have enabled an enhanced officer presence in Old Leigh, as well as other necessary parts of the borough.
- 3.5** Any additional measures introduced for Old Leigh would be supported by the planned installation of CCTV cameras at key places in Old Leigh, as part of the current CCTV upgrade programme.
- 3.6** It is important to understand that when a PSPO is introduced, there is an expectation regarding enforcement of its provisions. In determining whether to introduce a PSPO for Old Leigh, the Council should consider the resources required to effectively enforce the provisions of any new PSPO, which could include consideration of identifying a suitable office site in Old Leigh which acts similar to the Jubilee Beach Office on central Southend seafront by which various operational partners (community safety, pier and foreshore, police) work from the site during high season offering a more permanent visible presence. There is an opportunity for such a placement in the newly renovated building in the Leigh Library Gardens.
- 3.7** Undertaking a PSPO is a lengthy process requiring significant consultation with trade, partners and members of the public. A PSPO submission requires a strong evidence base of ASB problems – so crime and ASB data from a range of partner organisations would need to be analysed. Any final PSPO would need to comply with the statutory requirements and Government guidance.
- 3.8** The proposed area to be considered in a PSPO for Old Leigh would include the old town (High Street) and the various access routes to the old town, including the Cinder Path from Chalkwell Station, Cockle Row from Leigh Station and other access routes from the north of the old town. Appendix 1 contains a map of the proposed PSPO area.
- 3.9** At certain times during the year, specific events are held in Old Leigh which can include a licence to supply alcohol on public land. It is intended that any such approved event site is exempt from the requirements of the PSPO in relation to drinking alcohol in the public realm.
- 3.10** For the future, consideration may also be given to Leigh (including Old Leigh) as a potential Purple Flag site. The Purple Flag is the national award given for a safe and prosperous night-time economy. Southend town centre has maintained the Purple Flag award for a number of years, and introducing this in Leigh, which is enjoying a growing night-time visitor experience, could help to focus on a safe night time economy.

4. Reasons for Recommendations

4.1 As a specific location, Old Leigh is a popular visitor area, with a number of public houses, cafes and restaurants, as well as the picturesque harbour front and wharves, and its renowned local seafood industry. Visitor numbers are high and in particular during the past summer season, a growing number of anti-social behaviour issues have been evident, including drinking in public areas, and it could therefore benefit from the introduction of a PSPO.

4.3 Options

There are two options to consider for a potential PSPO –

1. Seek to extend / add to the existing Southend town centre and seafront PSPO to include Old Leigh area.
2. Secure a stand-alone PSPO specifically for Old Leigh. The Cinder Path which links Chalkwell to Leigh has been the scene of anti-social behaviour over the summer and would benefit from inclusion, as would other access routes to the old town.

Given the discrete and unique location of Old Leigh, it is recommended that a specific PSPO covering Old Leigh is considered.

4.4 Southend town centre and central seafront has been awarded Purple Flag status since 2012. Specific criteria and evidence is required for the award to be given – which includes having an external assessment. Applying for Purple Flag status for Leigh would capture a whole range of matters including crime and disorder. External assessors would need to see that all the Purple Flag elements (**Safety / Movement / Appeal / Place / and Policy**) clearly meet the Purple Flag entry standards. One of the areas that the assessment team would focus on is the *wide range of offers* for all members of the community visiting and residing in Leigh, which would include the late afternoon / night-time offer in Old Leigh.

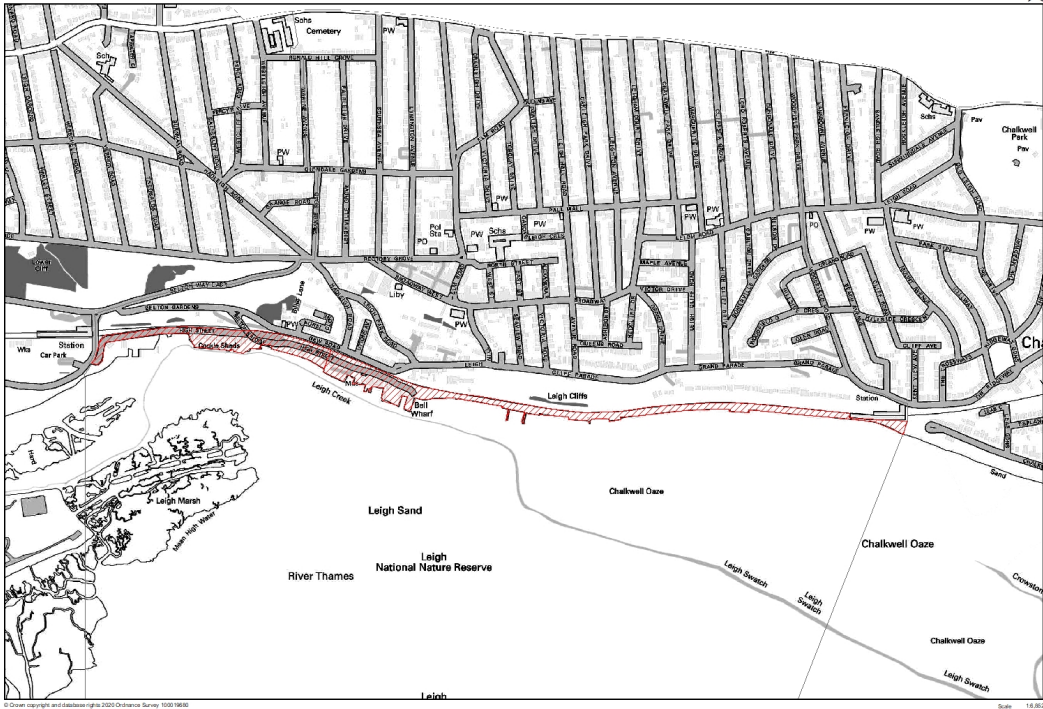
5.0 **Corporate Implications** - Contribution to the Southend 2050 Road Map: Safe and Well agenda and activity plan (keeping people safe).

6.0 **Financial Implications** – If a PSPO is introduced, there will be an expectation around enforcement of its provisions, so consideration will need to be given to this, and any associated costs for a fixed location to be used as a multi-agency base in Leigh, as proposed in the report.

7.0 **Legal Implications** – PSPO requires (by law) wide stakeholder consultation including sign off by the courts. If the order is breached an offender is liable for a fine and potential prison sentence if failure to pay fine. SBC already has an internal administration system in place in relation to the existing PSPO for Southend town centre and High Street.

- 8.0 People Implications** – Both PSPO and Purple Flag would require staff resourcing
- 9.0 Property Implications** – Potential site in Old Leigh or Leigh to be the base for frontline teams to support PSPO enforcement (similar to Jubilee Beach Office).
- 10.0 Equalities and Diversity Implications** – Nil.
- 11.0 Risk Assessment** – Not required.
- 12.0 Value for Money** - potential reduction in costs associated with crime and Anti-Social Behaviour.
- 13.0 Community Safety Implications** - Addressed in the report.
- 14.0 Environmental Impact** – none specific.
- 15.0. Background Papers** – none other than the Petition.

APPENDIX 1 – Map of proposed PSPO area.



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Southend-on-Sea Borough Council

Agenda
Item No.

8

Report of Chief Executive

To

Cabinet

On

3 November 2020

Report prepared by: Simon La Roche, Data & Insight Analyst,
Assistant Census Liaison Manager

Census 2021 Preparations for Southend

Relevant Scrutiny Committee(s): Policy and Resources

Cabinet Member: Councillor Ian Gilbert

Part 1 (Public Agenda Item)

1. Purpose of Report

- 1.1. To update Cabinet on Southend-on-Sea's preparations for the national 2021 Census. The census is due to take place in England and Wales on 21 March 2021 (Scotland's census has been put back a year until March 2022).

2. Recommendations

- 2.1. That Cabinet note the work that the council is doing to ensure a robust and accurate census for Southend-on-Sea and help promote the benefits of the 2021 Census throughout the council and the borough.

3. Background

- 3.1. The census is a once-in-a-decade survey. It provides the most accurate estimate of all the people and households in England and Wales. The census asks questions about people, their household and their home. The census will give us the most accurate, up to date snapshot of Southend-on-Sea and the needs of our residents.
- 3.2. The Office for National Statistics (ONS) is responsible for delivering the census in England and Wales.
- 3.3. The 2021 Census will be a 'digital-first' census. The ONS want as many people as possible to fill their questionnaire in online in 2021. Filling the census out online will provide the ONS with better quality data and quicker outputs. It will also be easier for people to complete. People will be able to complete it anywhere on any device.

- 3.4. The last census took place in 2011. The 2011 census population estimate for Southend-on-Sea was 173,600. Southend-on-Sea achieved a headline household return rate of 91 per cent in 2011. The England household return rate was 94 per cent. The ONS also produces mid-year estimates of the resident population of England and Wales every June. The estimates roll forward the population found by the previous census, one year at a time by accounting for births, deaths, international migration and internal migration. These mid-year population estimates are broken down by local authority, sex and age. The 2019 mid-year population estimate for Southend-on-Sea was 183,100.
- 3.5. The next census is planned for Sunday, 21 March 2021.
- 3.6. The ONS aims to produce the census first release within the first year after Census Day and all other data within two years of Census Day.
- 3.7. It is important residents take part in the census. The information it gives has the power to make a real impact on our day-to-day lives. The population count in each local area helps the Government to calculate the size of grants it allocates each local authority.
- 3.8. Information from the census will help the council to develop policies, plan and run services and decide how to allocate funds. Charities also use census data to get information about the communities they are working in and help them get funding. Businesses can use it to understand their customers.
- 3.9. Academics and students can use census data to support research they are working on. Genealogists use old census records for researching family and local history. Census records are released to the public 100 years after the census took place.

4. Southend Census 2021

- 4.1. The Cabinet lead for the census is Councillor Ian Gilbert, Leader of the Council. All councillors will have a role promoting the census with residents. The ONS is due to provide a Councillor Handbook on the census for distribution in October 2020.
- 4.2. The council has appointed Joanna Ruffle as Census Liaison Manager (CLM) and Simon La Roche as Assistant Census Liaison Manager (ACLM). The CLM and ACLM are responsible for coordinating census activities within the council. A group has been established with CLMs and ACLMs from neighbouring authorities to help plan for the census.
- 4.3. A census strategy document and action plan have been put in place in Southend, covering preparing for the census, partnership working, community engagement, communications and use of census. The target is to deliver a 90 per cent response rate to the 2021 Census in Southend-on-Sea. The ONS is aiming for response rate targets of 94 per cent nationally and 80 per cent locally to support quality levels.
- 4.4. The council has signed a data sharing agreement with the ONS to supply council tax data. The council is supplying council tax data monthly. This information will be used by the ONS to prepare for and subsequently quality assure the 2021 Census.

- 4.5. Accurate addressing is vital to ensuring everyone is invited to take part in the census. The work that the council's LA Land and Property Gazetteer custodian regularly and routinely undertakes is an essential part of ensuring address records for Southend-on-Sea are up to date. This work continues as normal. The final date for inclusion in the ONS' address index is January 2021.
- 4.6. The ONS' address-based design for the 2021 Census does not cover those who do not have a permanent address. Homeless people will be able to complete the census through an individual paper questionnaire. These will be available through day/night centres. Rough sleepers will be counted at day/night centres and hostels for the homeless.
- 4.7. The ONS is appointing census engagement managers to help deliver the census. This includes hiring a census engagement manager to cover the areas of Southend-on-Sea, Rochford and Maldon. They will start October 2020. The census engagement manager will work with the council to identify local challenges and engage with community leaders to promote the benefit of the census. Because of COVID-19, a lot of face-to-face community contact will not be possible. The ONS is having to adapt plans accordingly. Census field staff will be in place from January to May 2021.
- 4.8. The ONS want 75 per cent of households to fill their questionnaire in online. The majority of addresses will get a letter with a unique access code on it through the post. All people need to do is enter the code into the website and fill in the questionnaire.
- 4.9. Addresses in areas where ONS expect people to be less likely to complete online will be sent paper questionnaires. Paper questionnaires will also have access codes on to enable online response. Although online response is encouraged, everyone will have the option to complete a paper form if they wish.
- 4.10. Census 2021 paper questionnaires are available to view online at <https://www.ons.gov.uk/census/censustransformationprogramme/questiondevelopment/census2021paperquestionnaires>
- 4.11. Census support centres will be set up by the ONS to help people complete their form online if they wish to do so but need support. In Southend-on-Sea, Southend Adult Community College will be a census support centre.
- 4.12. Census education programmes are being promoted with local schools by the ONS and the council. The ONS has developed 'Let's Count!' for primary schools and 'This Matters to Us' for secondary schools to teach students about the census.
- 4.13. The national census communications campaign started late September. It will run until May 2021. The campaign will target harder to reach audiences. A local communications and community engagement campaign will run in Southend-on-Sea alongside the national campaign. Information about the census is up on the council's external website and intranet. Because of COVID-19, community engagement activity will be focused on online engagement.

- 4.14. The census is a key part of the Active and Involved theme of Southend 2050 and giving everyone the best chance possible to take part in the census.
- 4.15. Census statistics could be part of the data collection work that is being undertaken for the potential review of local government. The population figures could be a key component of any evidence gathering for proposed new unitary authorities.
- 4.16. Cabinet can expect to receive updates on the 2021 Census on a rolling basis until May 2021.

5. Other Options

- 5.1. The council could choose not to locally support the delivery of the census. The potential implication of this would be that we do not get the necessary local support for it and the population count is not accurate and does not meet our needs. This would affect confidence in results.

6. Reasons for Recommendations

- 6.1. To ensure the council supports the ONS to deliver an accurate population count for Southend-on-Sea in 2021.

7. Corporate Implications

7.1. Contribution to the Southend 2050 Road Map

The census will provide a detailed snapshot of Southend-on-Sea and its people. The census is vital to the council for understanding and meeting the needs of our population and economy. Information from the census will help the council to plan and fund local services. This includes services such as education, doctors' surgeries and roads.

7.2. Financial Implications

A budget of £1,200 has been requested for local census communications. This is to cover the cost of social media adverts, digital bus stop screens, posters and vinyl banners. Communications activity will be coordinated by the Assistant Census Liaison Manager overseen by the council's communications team.

- 7.3. **Legal Implications** – No specific implications.

- 7.4. **People Implications** – There are no specific people implications related to this report.

- 7.5. **Property Implications** – There are no property implications as part of this report.

7.6. Consultation

The ONS launched a public consultation in 2015 asking census users for their views on the topics that the 2021 Census in England and Wales might cover. The response was published in 2016 and can be found at:

<https://www.ons.gov.uk/census/censustransformationprogramme/consultations/the2021censusinitialviewoncontentforenglandandwales>

7.7. **Equalities and Diversity Implications**

The census asks the same questions and records information in the same way throughout England and Wales. Information the census collects includes:

- Data showing how many people work in different occupations and industries.
- Information on housing and its occupants which measures inadequate accommodation and information about the way we live as households.
- Ethnic group data which helps to identify the extent and nature of disadvantage in the UK.
- Data on the age and socio-economic make-up of the population; general health, long-term illness and carers.
- Information collected on travel to and from work, and on the availability of cars.

When the ONS publish statistics from the census they are completely anonymous. No personal information is published. Census records are kept secure for 100 years. The ONS' security regime follows government standards. This includes physical and IT security measures to protect people's data.

The council has signed a data sharing agreement with the ONS for the monthly supply of council tax data. A Data Protection Impact Assessment has also been produced by the council's Information Governance team for the data extraction process the ONS will be using to export the data.

The ONS produced an Equality Impact Assessment in 2018 for the 2021 Census. It is an analysis of the proposed operation and content of the 2021 Census in England and Wales, with an evaluation of the impact on equality. The Equality Impact Assessment for the 2021 Census can be found at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/763638/Equality_Impact_Assessment_for_the_2021_Census.pdf#:~:text=This%20Equality%20Impact%20Assessment%20is%20based%20on%20the,it%20very%20nature%20is%20designed%20to%20include%20everyone.

7.8. **Risk Assessment** – No specific implications.

7.9. **Value for Money** – No specific implications.

7.10. **Community Safety Implications** – No specific implications.

7.11. **Environmental Impact** – No specific implications.

8. **Background Papers**

8.1. Census Strategy and Action Plan

9. **Appendices**

9.1. There are no appendices.

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Southend-on-Sea Borough Council

Agenda
Item No.

9

Report of Deputy Chief Executive (Place)

To

Cabinet

On

3rd November 2020

Report prepared by: Emma Cooney
Director of Regeneration and Growth
Senior Officer Lead for Brexit

EU Exit: End of Transition

Relevant Scrutiny Committee(s): Policy and Resources
Cabinet Member: Councillor Ian Gilbert
Part 1 (Public Agenda Item)

1. Purpose of Report

The purpose of the report is to provide Cabinet with an update on the Council's preparations for the end of the EU Exit Transition Period on 31st December 2020.

2. Recommendations

- 2.1 That Cabinet note the work undertaken by the Council to date in preparing for the end of the Transition Period.

3. Background

- 3.1 Cabinet last received an update on EU Exit on 17th September 2019, which set out the Council's response thus far in preparing for the UK to leave the European Union.
- 3.2 On 31st January 2020 the UK left the European Union under the Brexit withdrawal agreement, following agreement by Parliament. An 11 month Transition Period then began where the UK had left the EU's political institutions but remained part of the EU Customs Union and Single Market. The Transition Period enables time for negotiations as to what the UK-EU relationship will look like going forward, including a formal trade deal and trade talks with non-EU countries.
- 3.3 By the end of the Transition Period (31st December 2020) if a Trade Deal has not been reached the UK will trade on World Trade Organisation terms (WTO) with the EU. This would mean the UK would have to apply tariffs and quotas to goods coming into the country from the EU, and the EU would apply its "third-country" tariffs and quotas to the UK. There is no opportunity for an extension to this timetable.

- 3.4** The UK economy has entered its largest recession on record, with predictions that it will shrink by around 10% for 2020 and not recover to pre-Covid levels until the end of 2021 at best, with a permanent loss of 1.7%. The Government's own analysis forecasts that leaving without a trade deal would reduce UK GDP by 7.6% after 15 years, while reaching a free trade agreement (FTA) with the EU would lead to a 4.9% decline.
- 3.5** Negotiations are currently underway in regards to the Trade Deal. Any new trade deal requires Parliamentary, and EU Parliamentary, approval, and most commentators believe it needs to be reached by end of October 2020 to give time for it to pass through the EU Parliament and for necessary regulations to be put in place.
- 3.6** In addition to the trade deal, the Transition Period enables time to consider other aspects of the UK-EU relationship such as licensing and regulation of medicines, energy supplies and data sharing.
- 3.7** EU Settlement Scheme figures are now published at local authority level on a quarterly basis. Home Office Quarterly figures up to the end of June 2020 (published Sept 2020) show 6,930 applications with 6480 concluded for Southend residents. This is up from 6440 applications with 5880 concluded as at the end of March 2020. This the 2011 Census shows 6723 people in Southend were born in the EU, although ONS estimate that figure to be about 8000 and so maximising applications, particularly from harder to reach residents remains a priority.
- 3.8** The Council's EU Exit working group has continued to meet over the last year and, to date, an approximate minimum of 450 officer hours has been spent on EU Exit preparations and work. While emergency planning and response efforts over the last 8 months have been largely focused on the Covid-19 pandemic the discussion about preparing for the end of the Transition Period has continued. The emergency response to the pandemic by the Council has led to a fundamental change in the way the Council operates. This includes enabling home working by most staff and putting the Council in a better position to ensure business continuity – for example, in the event of disruptions caused by transport disruptions.
- 3.9** The work of the Working Group, and wider organisation, will continue to the end of the year and beyond, to mitigate negative economic impacts, promote the EU Settlement Scheme and support communities through transition alongside the cumulative impacts of Covid.

4. Summary of preparations undertaken to date

4.1 Staff

- A cross-organisation working group has been in place since January 2019 meeting on a regular basis. The working group has continued to meet and has taken learning from the structures and processes employed through the pandemic response to further improve the way in which it works.

- Information about EU Exit and the EU Settlement Scheme (the scheme to process the applications of EU citizens currently living in the UK to allow them to remain in the UK after Brexit) is available on the intranet and support is available through HR for affected staff. An email reminding staff about the settlement scheme was circulated at the end of September.
- The Regulatory Services post funded through the Brexit funding has been extended so as to be able to continue to provide support through the Transition Period.
- Recruitment is underway for a business advisor in the BEST Growth Hub to help businesses in Southend navigate the challenges and opportunities presented by EU Exit. A second post is being recruited to within the Economic Growth team to support employment in the care sector. Both of these are funded through the Brexit funding.

4.2 Community Leadership and Service Delivery

- **Businesses** – the BEST Growth Hub is leading on support to businesses in Southend. While enquiries to the Growth Hub relating to EU Exit are currently low, overall enquiries have increased ten-fold as result of Covid enquiries. A new business adaption model and methodology has been developed and implemented in response. This is being further adapted in preparation for the end of the Transition Period and is due to be launched in November 2020. Further, the Growth Hub is developing opportunities to showcase Southend and Essex businesses with the ExSE business festival planned for February 2021 and the Novo award programme highlighting the top 50 innovative companies.
- **Regulatory Services** – significant changes have been announced, and are still ongoing, which affect regulatory services and the businesses they support. These include guidance around non-food product standards post transition, energy efficiency labelling for household appliances and procedures for exporting fish and fish-products to the EU. The team are working in a targeted manner with businesses most likely to be affected. They also continue to apply for funding from different sources to support the additional work.
- **Community** – Essex Police continue to undertake Community Impact Assessments to understand any potential tensions arising related to EU Exit. None have been noted in recent months. The Council has also funded the Citizens Advice Service (CAS) in relation to the support they have been providing with EU Settlement Scheme applications. Drop-in support sessions at the Civic Centre which were offered by the Eastern European Resource Centre (EERC) prior to lockdown, have moved to online and telephone support. With Covid-secure venues opening in Southend this will be reviewed with the possibility of resuming face to face support.
- **Education** - Schools have understandably been focussed on the wider return to school since the start of September. EU Exit preparations have been referenced at webinars with school leaders at end of September and

the Schools Learning Network used to disseminate further information as and when required.

- Communication – The Council fully participated in the two-way reporting with Whitehall via the nominated regional Chief Executive representative (via EELGA) until it was no longer required at the end of last year, and is in a position to re-engage if/when required.

A joint strategic approach to Brexit communications across Essex's public sector organisations was established in January 2019. At a strategic level, the objectives cover internal readiness, informing local businesses and residents, uniting your community and building resilience. This strategy is under regular review. Operational communications in the run-up to 31 December 2020 and potentially beyond and a broad, three-phase approach is being undertaken:

1. Communications content will move from *advice* (mainly linked to gov.uk content);
2. through to *reassurance* (which will be required closer to exit and especially in the context of 'no deal');
3. and finally, *action*, in respect of instructions which residents and businesses may need to follow (particularly in the context of circumstances which a disruptive withdrawal from the EU may present)

The focus will continue to be on *advice*, moving into reassurance in the period immediately prior to exit or anticipated exit.

An overarching narrative has been drafted and will be further developed in the coming weeks. This focuses on the county and ERF planning and being ready, ensuring work is on track, and that within Essex, public services and emergency services are collaborating and supporting each other on preparations.

A joint media protocol is also being developed. This will primarily cover proactive communications, including statements, press releases and any supporting website and social media content. It will incorporate information sharing protocols, in respect of reactive media enquiries and any intelligence received.

Locally, we continue to signpost and provide advice to businesses via the Business Essex, Southend and Thurrock (BEST) website and will produce other relevant content and materials for our residents and employees as appropriate.

- Contracts and suppliers – Prior to the EU Exit date the Council reached out to its largest suppliers to understand their preparedness. This exercise is being undertaken again while recognising that many, if not all, are operating in very different conditions due to Coronavirus which has necessitated some of the changes that might have been required. Through the regular contract meetings with Veolia, advice and guidance from Government bodies regarding impacts and requirements of Brexit on Waste Management are reviewed.

- Indirect services - through officers and partners, a watching brief is being kept on services which are not delivered by the Council but are of a wider interest and significance.

4.3 Emergency Planning and Business Continuity Planning

- Business Continuity Planning – The ability of Council services to respond in an emergency scenario has been well tested through the pandemic and Business Continuity Plans updated accordingly. A close watch is being maintained, via the ERF, on wider traffic and transport impacts on business continuity.
- Emergency Planning – The Emergency Planning team leads on liaison with the Essex Resilience Forum (ERF). Weekly reporting which was in place previously has not been reinstated yet, but regular meetings with Lead Officers from across the county are being convened while the ERF Command and Control structure in place for Covid will also incorporate EU Exit going forward.

5. Other Options

5.1 To reduce or cease the Council’s preparations for the end of the Transition Period. The result of this would significantly compromise the Council’s ability to respond as the consequences of EU Exit are realised which in turn can destabilise community engagement and cohesion. Failure to engage in EU Exit preparations could potentially result in legal challenge or affect future funding opportunities for the Council.

5.2 To dedicate further staff time and resources to preparations for Brexit. The result of this would have an impact on the day to day delivery of services as resources are diverted to focus on Brexit preparations, and also, potentially, away from Covid-19 work.

6. Reasons for Recommendations

To enable the Council to respond to EU Exit and the end of the Transition Period in the services it delivers and give due consideration to the potential cumulative impact of the end of the Transition Period alongside any possible further waves of the Coronavirus.

7. Corporate Implications

7.1 Contribution to the Southend 2050 Road Map

The range of implications of the end of the EU Exit Transition Period, in both deal and no deal scenarios will impact on Southend 2050 in myriad ways. The aim of the planning, which has been underway since January 2019, has been to minimise disruption and negative impacts where it is practicable to do so.

7.2 Financial Implications

Of the £315,000 Brexit funding from Government allocated there is still £64,000 which remains uncommitted. Uncommitted funding being held to support possible additional work post 31st December 2020.

7.3 Legal Implications

The Civil Contingencies Act 2004 sets out the framework for responding to emergency situations. The term “emergency” is widely defined as being an event or situation which threatens serious damage to human welfare, to the environment or to national security. The Council has a duty to assess and plan in relation to an emergency which may occur as a result of Brexit.

The Council will need to remain mindful of the State Aid rules in the provision of any loans, grants or other assistance resulting from any contingency financial provision should EU Exit delay funding announcements for projects. Advice will be provided if and when required upon a case by case basis.

7.4 People Implications

For staff needing to go through the EU Settlement scheme there is information available on the intranet and support via Human Resources.

It is estimated that the staff time spent on Brexit preparations in relation to the working group exceeds 450 hours to date. Additionally officers have been engaged with communication and reporting, emergency planning, business engagement and in-service preparations. The amount of time spent is not calculable but is estimated to represent at least one and a half times that. These figures do not include preparation for, and holding European Elections in May 2019.

The staff resource involved going forward will depend on whether the UK leaves with a deal and the issues and opportunities which arise as a result.

7.5 Property Implications

The issues log managed by the working group has identified a range of possible property implications, such as a possible increase in the cost of materials used to maintain buildings due to exchange rate changes and tariffs. These will have to be managed on a case by case basis.

7.6 Consultation

The Council has not undertaken a consultation on EU Exit, though the BEST Growth Hub collates information from businesses engaged with.

7.7 Equalities and Diversity Implications

The range of implications of EU Exit from both deal and no deal scenarios are significant. Particular attention is being paid to those needing to access the EU Settlement Scheme and possible hate crime incidents. Support and a watching brief will be maintained as appropriate.

7.8 Risk Assessment

The Corporate Risk Register identifies EU Exit as a risk and is reviewed quarterly. An issues log is maintained and regularly reviewed by the Brexit working group.

7.9 Value for Money

Not applicable

7.10 Community Safety Implications

The risk of increased hate crime and community tensions has been highlighted nationally in relation to EU Exit. There is ongoing communication with the police to understand and identify any incidents locally.

7.11 Environmental Impact

There has been no change to those previously identified

8. Background Papers

Brexit Update Report: Cabinet report of 17th September 2019

9. Appendices

None

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Southend-on-Sea Borough Council

Report of Executive Director (Legal and Democratic Services)

To
Cabinet

On
3rd November 2020

Report prepared by: Colin Gamble (Head of Democratic Services)

Agenda
Item No.

10

Notices of Motion (Referred by Council, 10th September 2020)

**Relevant Scrutiny Committee: Place Scrutiny Committee/Policy and Resources
Scrutiny Committee**

**Cabinet Member: Councillors Gilbert, Woodley, Mulrone, Terry, Robinson
Part 1 (Public Agenda Item)**

1. Purpose of Report

- 1.1 To consider how to respond to the Notices of Motion referred by Council (10th September 2020) to Cabinet.

2. Recommendations

- 2.1 Cabinet are asked to determine their response to the Notices of Motion having regard to the options set out paragraph 3.2 below.

3. Background

- 3.1 On 10th September 2020, the following Notices of motions were submitted to Council under Council Procedure Rule 8:

- Notice of Motion - Ban BBQs in the Borough on beaches, Parks and Open Spaces
- Notice of Motion - Conversion of Twenty One site into Cycle Hub and Café
- Notice of Motion - Covid-19 Local Recognition Scheme
- Notice of Motion – Cycling Strategy
- Notice of Motion – Withdrawal of EasyJet base at Southend Airport
- Notice of Motion - Ekco Park Estate

- Notice of Motion - Make our Gardens and Open Spaces to RHS Britain in Bloom Standard
- Notice of Motion - Recruit the 2 Special Constables per Ward
- Notice of Motion - No Driving on Parks and Open Spaces PSPO
- Notice of Motion - Southend Illuminations Festival of Light
- Notice of Motion - Tyre Pump Stations
- Notice of Motion - Water Fountains and Water Bottle Refill Points

In accordance with Council Procedure Rule 8.4, the Notices of Motion were referred by the Council to Cabinet for consideration. The Motion proposing the installation of speed cameras along Eastern Avenue was referred to the Cabinet Committee.

3.2 The Cabinet are asked to determine how to respond to each of the Notices of motion having regard to the options set out below:

- (a) Ask officers to prepare a report on each Notice of Motion for submission to the next meeting of Cabinet;
- (b) Refer each Notice of Motion to the relevant working party;
- (c) Take some other appropriate action

4. Other Options

4.1 The options are identified in paragraph 3.2 above.

5. Reasons for Recommendations

5.1 To respond to the Notices of Motion

6. Corporate Implications

6.1 Contribution to the Southend 2050 Road Map

The Road Map for 2020 sets out the first five-year plan to achieve the Southend 2050 vision. At this stage, the proposals have not been assessed to determine how any of them could help the Council in delivering its aspirations.

6.2 Financial Implications

There are financial implications associated with some of the Motions, but at this stage these have not been quantified.

6.3 Legal Implications

None arising from this report.

6.4 People Implications

None arising from this report.

6.5 Property Implications

None arising from this report.

6.6 Consultation

None arising from this report.

6.7 Equalities and Diversity Implications

None arising from this report.

6.8 Risk Assessment

None arising from this report.

6.9 Value for Money

None arising from this report.

6.10 Community Safety Implications

None arising from this report

6.11 Environmental Impact

None arising from this report

7. Background Papers

None

8. Appendices

Appendix A - Notice of Motion - Ban BBQs in the Borough on beaches, Parks and Open Spaces

Appendix B - Notice of Motion - Conversion of Twenty One site into Cycle Hub and Café

Appendix C - Notice of Motion - Covid-19 Local Recognition Scheme

Appendix D – Notice of Motion – Cycling Strategy

Appendix E - Notice of Motion – Withdrawal of EasyJet base at Southend Airport

Appendix F - Notice of Motion - Ekco Park Estate

Appendix G - Notice of Motion - Make our Gardens and Open Spaces to RHS Britain in Bloom Standard

Appendix H - Notice of Motion - Recruit the 2 Special Constables per Ward

Appendix I - Notice of Motion - No Driving on Parks and Open Spaces PSPO

Appendix J - Notice of Motion - Southend Illuminations Festival of Light

Appendix K - Notice of Motion - Tyre Pump Stations

Appendix L - Notice of Motion - Water Fountains and Water Bottle Refill Points

To Full Council**Notice of Motion****COVID-19 Local Recognition Scheme**

There have been many stories of those in our communities who have focused on the physical, mental, emotional and financial wellbeing of our residents, and in these extraordinarily challenging times innovated to find new and creative ways to help and support the most vulnerable in our community

This Council therefore resolves that it should:

1. Note the efforts of those in our community who have supported the most vulnerable during this challenging time.
2. Create a local recognition scheme to honour our local community heroes who went above and beyond during the COVID-19 pandemic.

Proposed By: Cllr Cox
Cllr Davidson

Seconded By Cllr Buck
Cllr Bright
Cllr Nelson
Cllr Boyd
Cllr Cox
Cllr Burzotta
Cllr Davidson
Cllr Dear
Cllr Evans
Cllr Flewitt
Cllr Folkard
Cllr Garne
Cllr Garston
Cllr Habermel
Cllr Jarvis
Cllr Bright
Cllr McGlone
Cllr Moring
Cllr Salter
Cllr Walker

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To Full Council

Notice of Motion

Withdrawal of EasyJet Base at Southend Airport

The announcement by EasyJet to withdraw all flights out of Southend Airport is a massive disappointment and setback not only for the many employees of the airline but also for the associated small businesses and trades such as service Companies, logistics operators and retail outlets (hotels and shops) in and around Southend.

For many, the loss of employment will outweigh any enhanced redundancy package offered by EasyJet and for thousands more the loss of a convenient and expeditious transit through an airport which has been voted “best small airport “ on many occasions will bring frustration and sadness.

This Council therefore resolves that it should:

1. Note with regret the announcement by EasyJet
2. Engage with EasyJet to explore the possibility of reversing the decision of closing Southend Airport as a base and to reinstate its operations to enable the Airport to realise its commercial vision, to provide essential employment to local residents and to give South Essex the much needed economic recovery post COVID-19.

Proposed By: Cllr Flewitt
Cllr McGlone
Cllr Buck

Seconded By Cllr Cox
Cllr Boyd
Cllr Burzotta
Cllr Davidson
Cllr Dear
Cllr Evans
Cllr Flewitt
Cllr Folkard
Cllr Garne
Cllr Garston
Cllr Habermel
Cllr Jarvis
Cllr Bright
Cllr McGlone
Cllr Moring
Cllr Nelson
Cllr Salter
Cllr Walker

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To Full Council**Notice of Motion****Recruit the Two Special Constables Per Ward**

It is recognised that further Police resource is required in the borough to help against the rising levels of crime especially the recent high levels of violent crime.

To help in providing an increase in uniformed Police presence across the town, Cabinet agreed on 11th June 2019 that the Council would recruit two Special Constables per ward.

As yet no attempt has been made to recruit the Special Constables despite Essex Police having one of the best Special Constable recruitment programmes in the UK

This Council therefore resolves that it should:

1. Take immediate action to recruit two Special Constables for each ward as agreed by Cabinet on 11th June 2019

Proposed By: Cllr Nelson
Cllr Cox

Seconded By Cllr Buck
Cllr Bright
Cllr Davidson
Cllr Boyd
Cllr Cox
Cllr Burzotta
Cllr Davidson
Cllr Dear
Cllr Evans
Cllr Flewitt
Cllr Folkard
Cllr Garne
Cllr Garston
Cllr Habermel
Cllr Jarvis
Cllr Bright
Cllr McGlone
Cllr Moring
Cllr Salter
Cllr Walker

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To Full Council**Notice of Motion****No Driving on Parks & Public Spaces**

We have recently seen well publicised cases of vehicles being driven over our parks and public spaces at Thorpe Bay Gardens and Marine Parade Gardens.

Regularly, members receive complaints from residents where motor bikes are being driven on our parks and public open spaces causing widespread nuisance.

To assist Council Officers and our Community Safety Team by giving them powers to take action on this anti-social behaviour,

This Council therefore resolves that it should:

1. Create a Public Spaces Protection Order to prevent the driving of cars, van, lorries and motor bikes in our parks and public open spaces.

Proposed By: Cllr Bright
Cllr Nelson

Seconded By Cllr Buck
Cllr Cox
Cllr Davidson
Cllr Boyd
Cllr Cox
Cllr Burzotta
Cllr Davidson
Cllr Dear
Cllr Evans
Cllr Flewitt
Cllr Folkard
Cllr Garne
Cllr Garston
Cllr Habermel
Cllr Nelson
Cllr Jarvis
Cllr McGlone
Cllr Moring
Cllr Salter
Cllr Walker

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Southend-on-Sea Borough Council

Agenda
Item No.

12

Report of Chief Executive

To

Policy and Resources Scrutiny Committee

On

26 November 2020

Report prepared by: Sarah Brown, Policy Advisor, SBC
Cecilia Tredget, Managing Director, East of England LGA

Refresh of Protocol on Councillor / Officer Relations

Part 1 (Public Agenda Item)

1. Purpose of Report

- 1.1 On 11 November 2020 the Standards Committee completed its work on the refresh of the Protocol on Councillor /Officer Relations.
- 1.2 The Standards Committee has made recommendations to full Council, including that a new Protocol should be adopted, along with an Action Plan to help embed the ethos of the Protocol.
- 1.3 It was agreed at the start of the process that the final recommendations of the Standards Committee to Council would first be available for scrutiny at Policy & Resources Scrutiny Committee (minute 373(3) of the Standards Committee on 3 October 2019 refers). This report provides the opportunity for such scrutiny, before the matter goes to Council on 10 December 2020.
- 1.4 The Chair of Standards Committee and Cecilia Tredget, formerly Managing Director of the East of England Local Government Association (EELGA), will be available at the meeting to answers questions.

2 Recommendations

- 2.1 Policy and Resources Scrutiny Committee is invited to consider the report which was submitted to the Standards Committee on 11 November 2020 (**Appendix 1**) and the Committee's final recommendations to Council, as set out in the minutes of the meeting (**Appendix 2**).

3 Background

- 3.4 On the 3rd October 2019, Standards Committee agreed to review and refresh the Protocol on Councillor/Officer Relations, in Part 5d of the Constitution. The aim of the work is to improve the effective working relations between Councillors and Officers.

- 3.5 The EELGA representative (Cecilia Tredget), met with each Party or Group Leader and their members, as well as non-aligned Councillors to gain representations. Officers also had the opportunity to feed into the review via written feedback and face to face interviews.
- 3.6 A summary of both the Councillor and Officer contributions by theme along with recommendations were presented to Standards Committee on 28th July 2020.
- 3.4 On 11 November 2020, Standards Committee agreed to recommend to Council that a new Protocol on Councillor/Officer Relations be adopted along with a programme of work, formed of actions derived from both the Councillor and Officer's contributions, to embed the ethos of the Protocol-across the Council.
A copy of the report to the Standards Committee and the corresponding minute of the meeting held on 11 November 2020 are attached at **Appendices 1 and 2** respectively.

4 Action Plan

- 4.1 As mentioned above, in addition to a new Protocol, the Standards Committee has recommended a number of actions which aim to help embed the new Protocol and enhance positive working relations. These actions reflect the contributions made by both Councillors and Officers during the representations stage of this work.
- 4.2 Opportunities to progress a number of the actions have already presented themselves. Taking these opportunities demonstrates the commitment across the Council for improved and more effective working relations.
For example:
- The Director of ICT and Digital, Carol Thomas has begun meeting with Councillors to better understand Councillor's requirements from ICT as well as developing a plan to raise digital literacy.
 - Work is ongoing to improve the Councillor Queries process with a dedicated Members Support Hub.
 - A pipeline of training for Officers has been extended to Councillors including Equalities and Diversity training, in which a cross party selection of Councillors have contributed to the design of the final offer.

5. Other Options

- 5.1 To not update the Protocol, but this would be a missed opportunity.

6. Reasons for Recommendations

- 6.1 The recommendations of the Standards Committee will aid more effective working relations between Councillors and officers and will strengthen good practices.

7. Corporate Implications

- 7.1 Contribution to the Southend 2050 Road Map

This work aims to increase effective working relationships between Councillors and Officers, which in turn enables more opportunity for greater understanding of priorities, strengthened collaboration, and better outcomes towards the Southend 2050 roadmap.

This work supports the Transforming Together theme work on behaviours and cultures and specifically the Council's agreed values and behaviours. In addition, it supports the TT conditions for closer collaboration with staff, Councillors, residents and partners and simple and effective governance, as well as to building an agile, collaborative and skilled workforce equipped to deliver Southend 2050

7.2 Financial Implications

There are no specific financial implications arising from this report, there may be some in the future.

7.3 Legal Implications

The new Protocol needs to be agreed by full Council.

7.4 People Implications

This work aims to enhance the effective working relations between Councillors and Officers and to help build upon the culture underpinned by the values and behaviours work.

7.5 Property Implications

There are no property implications at this stage.

7.6 Consultation

Consultation exercises have been undertaken with Councillors and Officers as outlined in the body of the report.

7.7 Equalities and Diversity Implications

The report highlights an opportunity to raise awareness of equality implications for Councillors and Officers when interacting. The report further addresses how effective working could be enhanced by the values and behaviours programme of work.

7.8 Risk Assessment

Poor relations between Councillors and Officers risks reducing the effectiveness of outcomes for residents and risks damage to the reputation of the Council. The report outlines some steps to better raise awareness and address these issues.

7.9 Value for Money

This report aims to address and balance the significant Councillor and Officer time spent, on unproductive ways of working.

7.10 Community Safety Implications

There are no community safety implications.

7.11 Environmental Impact

There is no environmental impact of this work.

6. Background Papers

Previous Reports to the Standards Committee on the refresh of the Protocol on Councillor/Officer Relations on 3 October 2019 and 28 July 2020.

7. Appendices

Appendix 1 – Report to Standards Committee 11 November 2020

Appendix 2 – Minutes of Standards Committee 11 November 2020

Southend-on-Sea Borough Council

Agenda
Item No.

Report of Chief Executive,
To

Standards Committee

11 November 2020

Report prepared by: Sarah Brown, Policy Advisor, SBC
Cecilia Tredget, Managing Director, East of England LGA

Refresh of Protocol on Councillor / Officer Relations

Standards Committee
Cabinet Member: Councillor Ian Gilbert
Part 1, Public Agenda Item

1. Purpose of Report

- 1.1 This report presents progress to date on the refresh of the Protocol on Councillor/Officer Relations work following the Standards Committee meeting on 28th July 2020 where the way forward was agreed. In light of the comments and decisions of Standards Committee a new Protocol and related Action Plan to support implementation are presented in **Appendices 1 and 2**.

2. Recommendations

- 2.1 Standards Committee is invited to review the new Protocol on Councillor / Officer Relations at **Appendix 1** and the associated Action Plan to support implementation at **Appendix 2**, and agree final versions for referral to Policy and Resources Scrutiny Committee prior to adoption of the new Protocol by full Council
- 2.2 Standards Committee should adopt the approach described in section 6 and use its role to champion these actions and key messages in order to promote this work.

3. Background

- 3.1 On the 3rd October 2019, Standards Committee agreed to review and refresh the Protocol on Councillor/Officer Relations, in Part 5d of the Constitution. The aim of the work is to improve the effective working relations between Councillors and Officers.
- 3.2 The EELGA (East of England Local Government Association) representative (Cecilia Tredget, Managing Director) met with each Party or Group Leader and their members, as well as non-aligned Councillors to gain representations.

- 3.3 Officers had the opportunity to feed into the review via written feedback and face to face interviews.
- 3.4 A summary of both the Councillor and Officer contributions by theme along with recommendations were presented to Standards Committee on 28th July 2020. At that meeting the Committee agreed with all the recommendations and the proposal to return to a future meeting with:
- A redrafted Protocol
 - An Action Plan

4. New Protocol

- 4.1 The existing Protocol has been redrafted and a new version is provided in **Appendix 1**. The new Protocol takes account of the following recommendations agreed by Standards Committee:
- Updates to reflect social media use.
 - Section 5.8 has been amended to be consistent with the Nolan Principles and the Members' Code of Conduct and the Employee Code of Conduct.
 - Section 7.2 has been removed as not relevant to the effective working between Councillors and Officers.
- 4.2 In addition, and at the request of the Chair, gender references have been updated with neutral language.
- 4.3 The opportunity was also taken to update the roles of Executive Directors from Strategic Directors, as well as changes to reflect the new Councillors Enquiries process.
- 4.4 It is recommended that the new Protocol is finalised by the Committee and then sent to Policy & Resources Scrutiny Committee. It is also recommended that the Policy & Resources Scrutiny Committee should consider the contributions of Councillors and Officers which were considered at the meeting of the Standards Committee on 28th July as they provide important context from which to move forward.

5. Action Plan

- 5.1 As mentioned above, at its last meeting Standards Committee agreed to a number of recommendations which would help to support implementation and embed the new Protocol.
- 5.2 These recommended actions align to the outcomes of the Transforming together (TT) programme which has been set up as a Council-wide group responsible for a programme of transformation and behaviour change. The primary aim of TT is to enable the Council to modernise as part of a commitment to delivering quality services and delivering on the 2050 ambition
- 5.3 The work programme of TT is split under 4 areas, which are:
- Skills, Learning and Development
 - Behaviours and Culture
 - People and Networks

- Managing TT and Corporate

5.4 It is recommended that these recommendations to support implementation of the new Protocol be incorporated into the four areas above, tracked and reported as part of the wider TT governance process. The governance process involves an officer lead for each area to oversee the programme of work, and a report through Cabinet and CMT leads.

5.5 In addition, it is recommended that Standards Committee receive an annual update on progress of the relevant actions.

5.6 An Action Plan incorporating the above is attached at **Appendix 2.**

6. Championing key messages

6.1 At the last meeting, Standards Committee were unanimous in their desire to move beyond incidents of negative behaviour and working relations. The Committee gave a clear steer that they want to ensure the best possible outcome from this piece of work.

6.2 Standards Committee represents all political groups and, therefore, can provide consensus on the subject and act as a voice of authority in matters relating to the promotion and maintenance of high standards of conduct between Councillors and Officers.

6.3 It is therefore recommend that Standards Committee champion the following actions (as recommended by Standards Committee at the last meeting) and where appropriate promote key messages to all parties and engage both Councillors and Officers in the work:

- Councillors to be reminded of the Nolan Principles with additional training if required
- Training opportunities for Councillors to align with Officers (such as the equality & diversity training) and to meet any gaps in knowledge or skills
- Group Leaders to attend regular meetings with the Chief Executive
- Implement a buddying system between new and experienced councillors
- Encourage Councillors to continue to support the Cabinet Working Parties approach
- Encourage Councillors to meet with officers and attend tours of work when invited
- For Councillors to have profiles on the intranet
- Political groups and Leaders to explore ways to support Officers in resolving low level inappropriate and unprofessional behaviour by Councillors, before it escalates to a formal complaint.

6.4 Standards Committee would be supported by Officers as part of the TT programme to implement this work.

7. Other Options

No other options have been identified at this time.

8. Reasons for Recommendations

The recommendations contained within this report were formed following the contributions made by the Councillors and Officers. The recommendations consider what steps can be taken to address the points and concerns raised by Councillors and Officers to aid more effective working relations, both in terms of refreshing the Protocol, embedding its principles and looking for opportunities and activities to strengthen good practices.

9. Corporate Implications

9.1 Contribution to the Southend 2050 Road Map

This work aims to increase effective working relationships between Councillors and Officers, which in turn enables more opportunity for greater understanding of priorities, strengthened collaboration, and better outcomes towards the Southend 2050 roadmap.

This work supports the Transforming Together theme work on behaviours and cultures and specifically the Council's agreed values and behaviours. In addition, it supports the TT conditions for closer collaboration with staff, Councillors, residents and partners and simple and effective governance, as well as to building an agile, collaborative and skilled workforce equipped to deliver Southend 2050

9.2 Financial Implications

There are no specific financial implications for this report, there may be some in the future.

9.3 Legal Implications

The new Protocol needs to be agreed by full Council.

9.4 People Implications

This work aims to enhance the effective working relations between Councillors and Officers and to help build upon the culture underpinned by the values and behaviours work. However, no further specific people implications are noted in relation to this report.

9.5 Property Implications

There are no property implications at this stage.

9.6 Consultation

Consultation exercises have been undertaken with Councillors and Officers as outlined in body of report.

9.7 Equalities and Diversity Implications

The report highlights an opportunity to raise awareness of equality implications for Councillors and Officers when interacting. The report further addressed how effective working could be enhanced by the values and behaviours programme of work.

9.8 Risk Assessment

Poor relations between Councillors and Officers risks reducing the effectiveness of outcomes for residents and risks damage to the reputation of the Council. The report outlines some steps to better raise awareness and address these issues.

9.9 Value for Money

This report aims to address and balance the significant Councillor and Officer time spent, on unproductive ways of working.

9.10 Community Safety Implications

There are no community safety implications.

9.11 Environmental Impact

There is no environmental impact of this work.

10. Background Papers

Previous report to Standards Committee on 28 July 2020 including the Councillors and Officer contributions in the Appendices.

11. Appendices

Appendix 1 – Redraft of the Protocol

Appendix 2 – Action Plan

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Part 5(d) – Protocol on Councillor / Officer Relations

Contents

	Page
Introduction.....	3
Scope	3
Purpose	3
Status	4
Principles.....	5
Roles	6
Conduct.....	7
Decision Making.....	8
Support for Councillors.....	10
Public Relations.....	15
Ceremonial Events	16
What to do when things go wrong.....	16
Appendix 1 – The Nolan Principles and Section 28(1) of the Localism Act 2011.....	18

Part 5(d) – Protocol on Councillor / Officer Relations

1. Introduction

1.1 Content

This Protocol has been substantially revised and improved following a review process conducted in 2020 with the assistance of the East of England Local Government Association. It sets out principles adopted by the Council for ensuring effective relations between Councillors and Officers.

- 1.1.1 This Protocol as a whole is consistent with “Nolan Principles” which are set out in **Appendix 1** and the provisions of Section 29(1) Localism Act 2011.

1.2 Definitions

Unless the context indicates otherwise, references in this Protocol to the following terms shall have the following meanings.

- 1.2.1 **Councillor** includes a non-elected Co-opted Member as well as an elected Councillor.
- 1.2.2 **Councillor Body** includes the Council, the Cabinet, Scrutiny and Regulatory Committees, and all other Committees, Sub-Committees, Working Parties and Panels described in **Part 3, Schedule 2** of the Constitution.
- 1.2.3 **Cabinet Member** refers to the Leader and other members of the Cabinet under the Council’s Constitutional arrangements.
- 1.2.4 **Officer** means all persons employed by the Council.
- 1.2.5 **Chief Officer** means the Chief Executive, Deputy Chief Executives, Executive Directors and Directors.
- 1.2.6 **Designated Finance Officer** means the Executive Director (Finance & Resources) exercising the duties prescribed by law for the financial administration of the Council.
- 1.2.7 **Members Support Hub** refers to an Officer function with responsibility for dealing with Councillors and their enquiries.
- 1.2.8 **Monitoring Officer** means the Executive Director (Legal and Democratic Services) and is the officer with statutory responsibility for ensuring that the Council acts within the law and in accordance with its Constitution.
- 1.2.9 **Political Group** means any formally recognised group of elected Councillors who are either members of the same political party or independent Councillors.

2. Scope

- 2.1 This Protocol applies to relations between Councillors and Officers.
- 2.2 This Protocol applies to Officers employed on a full time, part time or temporary basis and to agency staff. The Protocol does not apply to staff working for external organisations, such as South Essex Homes, although its general principles are recommended as good practice to Councillors in dealing with staff working for external organisations.
- 2.3 This Protocol does not apply to Councillors of Leigh-on-Sea Town Council unless they are also a Councillor of Southend-on-Sea Borough Council. It may, however, provide useful guidance to the Town Councillors.

- 2.4** This Protocol covers the main issues which may arise in Councillor-Officer relations, but it is not intended to be comprehensive. Councillors and Officers should seek advice from the Monitoring Officer on any matter not covered by this Protocol.

3. Purpose

- 3.1** Together, Councillors and Officers combine the essential skills, experience and knowledge to manage an effective public sector organisation. Councillors provide a democratic mandate to the Council, whereas Officers contribute the professional expertise and experience to deliver the policy framework agreed by Councillors.

- 3.2** Whilst collaborative working is the accepted norm for Councillor and Officer relations at the Council, it is important to recognise and take account of their different roles. This is important for day-to-day interaction between Councillors and Officers and for the public perception of the Council, by ensuring transparency between the political role of Councillors and the professional, impartial role of Officers.

- 3.3** Mutual trust and respect between Councillors and Officers is at the heart of a Council's good governance. They are essential if the partnership necessary for the effective running of a local authority is to succeed.

- 3.4** This may seem obvious. But what happens when relationships go awry? Where can Councillors and Officers turn for guidance? What mechanisms exist for addressing concerns? How can matters be improved?

- 3.5** Such questions point to the need for a written guide on the basic elements of the relationship between Councillors and Officers – a Protocol:

- To promote trust, openness, fairness and honesty by establishing some ground rules;
- To define roles so as:
 - to clarify responsibilities
 - to avoid conflict; and
 - to prevent duplication or omission.
- To secure compliance with the law, codes of conduct and a Council's own practices; and
- To lay down procedures for dealing with concerns by Councillors or Officers

- 3.6** This Protocol should be recognised both as a central element of the Council's corporate governance and as a commitment to upholding standards of conduct in public life. It is one way of demonstrating to the public at large that local government is serious about protecting and enhancing its integrity and reputation. The Council has therefore adopted this Protocol governing relations between its Councillors and Officers as part of its governance arrangements in order to achieve the above objectives.

- 3.7** This Protocol seeks to maintain and enhance the reputation and integrity of local government in general and this Council in particular.

4. Status

- 4.1** This Protocol establishes a set of principles to assist Councillors and Officers to work together.

- 4.2** Councillors and Officers must at all times observe this Protocol.

- 4.3** This Protocol is part of the Council's Constitution.

5. Principles

5.1 Like all effective partnerships, Councillor-Officer relations are based on the following principles:

- Mutual trust and respect of the different roles of Councillors and Officers;
- A common purpose; providing the best possible service to the residents and other stakeholders of the Borough of Southend-on-Sea; and
- A commitment to non-adversarial resolution of disputes.

5.2 At the Council, mutual respect between Councillors and Officers is an essential part of the way we work. Conflict and challenge are inevitable and necessary parts of the democratic process in a local authority. Demonstrating mutual respect in instances where Councillors disagree with specific Council policies or actions demands the highest standards of personal conduct.

5.3 Mutual respect is based upon an understanding of the distinct contributions Councillors and Officers make and respect for the boundaries between those roles. A key principle for Officers is their political impartiality; they serve the whole Council and not particular groups or Councillors. This is particularly important for Chief Officers and other senior Officers, who are prevented by law from political activities beyond party membership.

5.4 Further, some Chief Officers hold posts with mandatory statutory responsibilities notably the Chief Executive, the Executive Director (Finance & Resources) (the Finance Officer) and the Executive Director (Legal & Democratic Services) (the Monitoring Officer). Further information about this is provided in Article 12 in **Part 2** of the Constitution. Councillors must respect these duties and recognise that these Officers may be required to give advice or make decisions which Councillors may not agree with or support.

5.5 Councillors and Officers must always respect the roles and duties of each other. They must show respect in all their dealings by observing reasonable standards of courtesy, and by not seeking to take unfair advantage by virtue of their position.

5.6 Whilst Councillors and Officers are indispensable to one another, their responsibilities are distinct. Councillors are accountable to the electorate and serve only as long as their term of office lasts. Officers are accountable to the Council as a whole. Their job is to give advice to Councillors (individually and collectively) and to carry out the Council's work under the direction of the Council.

5.7 To carry out their duties effectively, Councillors must have broad access to Council information. The following principles apply here:

- Councillors' enquiries will be dealt with promptly and effectively and within corporate time scales;
- Councillors' access to information will be compliant with their statutory and common law rights (see the Access to Information Procedure Rules in **Part 4(b)** of the Constitution);
- Officers will not, without good reason, withhold information from a Councillor who is entitled to receive it;
- Where confidential, personal or otherwise sensitive information is provided to a Councillor, that Councillor will not disclose it to any other person, without authorisation.

5.8 The Council has adopted a Members' Code of Conduct which is set out in **Part 5(a)** of the Constitution and an Employee Code of Conduct which is set out in **Part 5(c)**. Both Codes are based on the ethical standards outlined in the Seven Principles of Public Life (also known as the Nolan Principles) which also underpin this Protocol.

5.9 In some cases, Officers are bound by the codes of their professional associations.

6. Roles

Quick Guide to Councillor and Officer Roles

Councillors	Officers
Democratically elected and accountable to the electorate	Employees accountable to the Council
Community leader for their ward	Serve the whole Council
Add a political dimension	Impartial
Set policy and strategy	Ensure operational delivery and provide advice
Bound by a statutory Code of Conduct	Bound by their contract of employment
Involved in Chief Officer appointments / disciplinary action only	Day to day management of staff

6.1 The Role of Councillors

- 6.1.1** Councillors have a number of different roles and need to be alert to the potential for conflicts of interest which may arise between them. Where such conflicts are likely, Councillors may wish to seek the advice of senior colleagues, the relevant Chief Officers, and / or the Monitoring Officer.
- 6.1.2** Collectively, Councillors are the ultimate policy-makers, determining the core values of the Council and approving the Council's Budget and Policy Framework.
- 6.1.3** Councillors represent the community, act as community leaders and promote the social, economic and environmental well-being of the community often in partnership with other agencies.
- 6.1.4** Every elected Councillor represents the interests of, and is an advocate for, their ward and individual constituents. The Councillor represents the Council in the ward, responds to the concerns of constituents, meets with partner agencies, and often serves on local bodies.
- 6.1.5** Councillors are responsible for the decisions taken by Councillor Bodies which they sit upon.
- 6.1.6** Some Councillors may be appointed to represent the Council on local, regional or national bodies.
- 6.1.7** As politicians, elected Councillors will make statements as representatives of the Political Groups to which they belong.
- 6.1.8** The role of Opposition Councillors in offering alternative policies and holding the Administration to account will inevitably involve those Councillors sometimes criticising decisions taken by the Cabinet and Officers. All Councillors must take care to direct public criticisms at the Cabinet Members responsible for the service and not at the Officers who have implemented it. This applies irrespective of whether a decision has been delegated to Officers.
- 6.1.9** When creating social media content or sharing content created by others, all Councillors must take care to direct public criticisms at the Cabinet Members responsible for the service and not at the Officers who have implemented it. This applies irrespective of whether a decision has been delegated to Officers.

6.2 The Role of Officers

- 6.2.1** Officers are responsible for giving advice to Councillors to enable them to fulfil their roles. In doing so, Officers will take into account all available relevant factors.
- 6.2.2** Under the direction and control of the Council (including, as appropriate, the Cabinet, committees and sub-committees), Officers manage and provide the Council's services within the framework of responsibilities delegated to them. This includes the effective management of employees and operational issues.
- 6.2.3** Officers have a duty to implement the lawful decisions of the Councillor Bodies and which have been properly approved in accordance with the requirements of the law and the Council's Constitution, and duly minuted.
- 6.2.4** Officers have a contractual and legal duty to be impartial. They must not allow their professional judgement and advice to be influenced by their own personal views.
- 6.2.5** Officers must assist and advise all parts of the Council. They must always act to the best of their abilities in the best interests of the Council.
- 6.2.6** Officers must be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for Councillors, the media or other sections of the public.
- 6.2.7** Officers have the right not to support Councillors in any role other than that of an elected councillor, and not to engage in actions incompatible with this Protocol. In particular, there is a statutory limitation on Officers' involvement in political activities for those Officers employed in politically restricted posts.

7. Conduct

7.1 Behaviour and Attitude

- 7.1.1** The conduct of Councillors and Officers should be such as to instil mutual confidence and trust.
- 7.1.2** The key elements are a recognition of and a respect for each other's roles and responsibilities. These should be reflected in the behaviour and attitude of each to the other, both publicly and privately.
- 7.1.3** Councillors must be aware that Officers are constrained in the response they may make to public comments from Councillors. Councillors should not criticise Officers personally in public, through the press, through social media content or by sharing content created by others, nor seek to undermine their position by abuse, rudeness or ridicule. This in no way reduces the right of Councillors to criticise, in a constructive manner, the report or actions of a department or section of the Council where they believe such criticism is well-founded.
- 7.1.4** Discussions and correspondence between Councillors and Officers must at all times be well mannered and professional.
- 7.1.5** Informal and collaborative two-way contact between Councillors and Officers is encouraged. But personal familiarity can damage the relationship, as might a family or business connection.
- 7.1.6** Councillors and Officers must inform the Monitoring Officer of any personal relationship between each other which might be seen as unduly influencing their work in their respective roles.

7.17 It is not enough to avoid actual impropriety. Councillors and Officers must always be open about their relationships to avoid any reason for suspicion and any appearance of improper conduct. Where a personal relationship has been disclosed, those concerned should avoid a situation where conflict could be perceived. Specifically, a Councillor must not sit on a body or participate in any decision which directly affects the Officer on a personal basis.

8. Decision making

8.1 Decisions Made by Councillors

8.1.1 All decisions made by Councillors are taken collectively in meetings of Councillor Bodies. Even Cabinet Members do not have individual decision making powers.

8.1.2 Councillor decisions will normally be taken on the basis of a written report containing recommendations. The recommendations in Officer written reports will reflect only the professional opinion of the Officer. Councillors shall not direct Officers in the framing of recommendations or seek to apply pressure to change the recommendations.

8.1.3 An individual Cabinet Member who is minded to write or commission a report must ensure that those other Councillors and Officers who need to know of the matter are informed. There is a particular requirement to involve other Cabinet Members on cross-cutting issues.

8.1.4 Councillors can be involved in taking decisions affecting individual members of the public (e.g. appeals panels) and individual Chief Officers and Officers. Councillors must ensure that they do not participate in any decision which affects an individual Officer with whom they have a close relationship and must be aware of the following obligations in the Members' Code of Conduct:

- 5(a) – You must not use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person an advantage or disadvantage.
- 6-11 – The rules on Disclosable Pecuniary Interests, Other Pecuniary Interests and Non-Pecuniary Interests.

8.1.5 Councillors serving on Councillor Bodies responsible for administrative and quasi-judicial matters such as planning and licensing decisions, must be aware of the laws and regulations affecting those decisions. Officers must ensure that Councillors on these Councillor Bodies have access to suitable training and Councillors should take up training which is offered.

8.1.6 Councillors are not authorised to initiate or certify financial transactions, or to enter into a contract on behalf of the Council.

8.1.7 Chief Officers have the right to present reports and give advice to Councillor Bodies.

8.1.8 In taking decisions, Councillors must:

- Remain accountable to the whole electorate of the Borough and must balance the interests of the electorate as a whole, including those members of the public who did not vote for them.
- Have regard to any advice provided by the Chief Executive, Chief Finance Officer or the Monitoring Officer.
- Avoid taking actions which are unlawful, financially improper or likely to amount to maladministration.
- Ensure decisions do not go beyond the terms of reference of the relevant

Councillor Body as set out in **Part 3, Schedule 3** of the Constitution and in accordance with the Officer Delegations in **Part 3, Schedule 3**.

8.1.9 At some Councillor Body meetings, a resolution may be passed which authorises a named Officer to take action between meetings in consultation with a Councillor. In these circumstances it is the Officer, not the Councillor, who takes the action and is responsible for it. (The same situation applies to action under Standing Order 46.) A Councillor has no power to take decisions on behalf of the Councillor Body, neither should they apply inappropriate pressure on the Officer.

8.2 Decisions made by Officers

8.2.1 Officers are responsible for implementing Councillor decisions and in the case of Cabinet decisions, Chief Officers will be responsible for instructing staff to implement decisions.

8.2.2 Apart from the formal decision-making process, Officers work to the instructions of their managers and not individual Councillors. Officers will try to comply with all reasonable requests from Councillors but Councillors cannot instruct Officers to do any piece of work or take any course of action.

8.2.3 Officers must observe the requirements set out in the Officer Delegations in **Part 3, Schedule 3** of the Constitution when taking decisions and ensure that decisions falling outside it are referred to the appropriate Councillor Body for decision, unless action is to be taken under Standing Order 46.

8.2.4 When taking decisions under their delegated powers, Officers should be aware of decisions which are likely to be sensitive or contentious. In such cases, Officers must inform the relevant Cabinet Member(s) and where appropriate Ward Councillors of their intentions in advance. (See Section **9.5** for details of how Officers should support Ward Councillors.)

8.2.5 Officers must also keep Cabinet Members informed in advance of any decisions which they take that have wider policy implications.

8.2.6 While Officers will support, advise and respond to Councillors' requests, they must not be asked to exceed the bounds of authority they have been given by their managers.

8.3 Decisions affecting Council Staff

8.3.1 The roles of Councillors in employment matters are limited to:

- Determining significant Human Resources policies and conditions of employment; and
- The appointment and discipline of Chief Officers:

8.3.2 Councillors shall not act outside these roles.

8.3.4 If participating in the appointment of Chief Officers, Councillors should:

- Respect the confidentiality of the process and in particular the identity of candidates;
- Remember that the sole criterion is merit;
- Never canvass support for a particular candidate;
- Not take part where one of the candidates is a close friend or relative;
- Not be influenced by personal preferences; and
- Not favour a candidate by giving them information not available to the other candidates.

8.3.5 Officers will not seek any support from a Councillor in any employment matter.

8.3.6 When discussing or making decisions about industrial relations matters, Councillors must remember that they represent the Council as an employer and are not a representative of the employees. If a Councillor considers that they cannot undertake this task from this perspective, they should withdraw from this role.

9. Support for Councillors

9.1 Councillors' Enquiries and Access to Officers

9.1.1 Councillors' enquiries may be made verbally, by email or in writing.

9.1.2 Councillors should ensure enquiries are directed to the Members Support Hub. This will enable the enquiry to be logged, monitored and issues analysed, as well as the correct Officer(s) to be identified and/or, where appropriate, a service request to be raised. The on-going analysis of enquiries will enable Officers to better identify where improvements to process are needed including the way information is shared.

9.1.3 There will be occasions when enquiries relate to issues of significance and should be made directly to the relevant Chief Officers. Judgement should be applied as to whether it is appropriate to contact relevant Chief Officers directly and thereby bypass the benefits of the Members Support Hub work.

9.1.4 In general terms, Councillors should follow the process set out above in order to receive the appropriate priority and attention in response to their enquiry. However, approaches by Councillors to other Officers are proper when they are seeking clarification of a response from that Officer. Councillors should not approach a junior Officer(s) directly.

9.1.5 Councillors' enquiries will be dealt with promptly and effectively. A substantive response to a Councillor enquiry should be sent within 10 working days of receipt.

9.1.6 Officers receiving Councillors enquiries should ensure that if they are absent or unavailable for more than one working day that their email is checked by a colleague. Out of office email replies should always give an alternative contact.

9.1.7 If it is not possible to respond within 10 working days, Officers must explain in writing:

- The reason for the delay;
- What action is being taken to pursue the enquiry; and
- A deadline by which a substantive response will be sent.

- 9.1.8** Councillors' enquiries, which are in fact constituent complaints, will be handled under the Council's Complaints Procedure.
- 9.1.9** The Chief Executive, Deputy Chief Executives and Executive Directors are responsible for ensuring that Councillor enquiries are dealt with promptly and accurately by their Departments / service areas.
- 9.1.10** In seeking to deal with constituents' queries or concerns, Councillors should not seek to jump the queue but should respect the Council's procedures. Officers have many pressures on their time. They may not be able to carry out the work required by Councillors in the requested timescale and may need to seek instructions from their managers.
- 9.1.11** Where an enquiry imposes a disproportionate burden on Officers' work, this should be explained and discussed with the Councillor concerned and Chief Officers to agree an alternative deadline and / or response.
- 9.1.12** This Councillors' enquiry procedure supplements but does not replace the statutory and common law rights of Councillors to information.
- 9.1.13** Co-opted Members' rights of access to information will be limited to those areas that fall within the remit of the body to which they are appointed and their statutory rights.
- 9.1.14** An Officer must not copy correspondence which they have had with a Councillor to any other Councillor unless:
- That Councillor agrees; or
 - The other Councillor is entitled to the information under the Freedom of Information Act 2000 or the Data Protection Act 1998; or
 - The correspondence from the Councillor includes a circulation list with other Councillors names on it – when the response can be copied to the persons on the list; or
 - A response is being given to a question raised at a meeting of a Councillor Body – when the response can be copied to other Councillors.

The above does not prevent an Officer copying correspondence to other Officers, unless there are confidentiality issues.

- 9.1.15** A Councillor may copy correspondence from an Officer to other Councillors and third parties unless it contains confidential, personal or otherwise sensitive information. For the avoidance of doubt, correspondence containing such information should state that it is confidential (see Sections **5.7** and **9.3.5**).

9.2 Briefings for Political Groups

- 9.2.1** Chief Officers may be asked to contribute to deliberations of matters concerning Council business by Political Groups.
- 9.2.2** Chief Officers have the right to refuse such requests, and will normally not attend a meeting of a Political Group where some of those attending are not Councillors.
- 9.2.3** Officer support will not extend beyond providing factual information or professional advice in relation to matters of Council business. Chief Officers must not be involved in advising on matters of party business, and therefore should not be expected to be present at meetings or parts of meetings when such matters are to be discussed.

- 9.2.4** Political Group meetings are not empowered to make decisions on behalf of the Council, and conclusions reached at such meetings do not rank as formal decisions. The presence of a Chief Officer confers no formal status on such meetings in terms of Council business and must not be interpreted as doing so.
- 9.2.5** Where Chief Officers provide factual information and advice to a Political Group in relation to a matter of Council business, this is not a substitute for providing all the necessary information and advice when the matter in question is formally considered by the relevant part of the Council.
- 9.2.6** It must not be assumed that a Chief Officer is supportive of a particular policy or view considered at a Political Group meeting simply because they have attended or provided information to the meeting.
- 9.2.7** Chief Officers will respect the confidentiality of any Political Group discussions at which they are present and, unless requested to do so by that Political Group, will not relay the content of such discussions to another party group or to any other Councillors. This shall not prevent a Chief Officer providing feedback to other Chief Officers.
- 9.2.8** In their dealings with Political Groups, Chief Officers must treat each group in a fair and even-handed manner.
- 9.2.9** Councillors must not do anything which compromises or is likely to compromise Chief Officers' impartiality.
- 9.2.10** The duration of a Chief Officer's attendance at a Political Group meeting will be at the discretion of the group, but a Chief Officer may leave at any time if they feel it is no longer appropriate to be there.
- 9.2.11** A Chief Officer accepting an invitation to the meeting of one Political Group shall not decline an invitation to advise another group about the same matter. The Chief Officer must give substantially the same advice to each.
- 9.2.12** Only a Chief Officer shall be invited to attend a Political Group meeting.
- 9.2.13** A Chief Officer should be given the opportunity of verifying comments and advice attributed to him / her in any written record of a Political Group meeting.
- 9.2.14** No Councillor will refer in public or at meetings of the Council to advice or information given by Chief Officers to a Political Group meeting.
- 9.2.15** At Political Group meetings where some of those present are not Councillors, care must be taken not to divulge confidential information relating to Council business. Persons who are not Councillors are not bound by the Members' Code of Conduct. They do not have the same rights to Council information as Councillors.

9.3 Access to Information

- 9.3.1** To carry out their duties effectively, Councillors must have broad access to Council information. This is a complex area which is subject to a wide range of legislation (particularly S.100 Local government Act 1972 as amended) as well as the common law and the detailed rules are set out in the Access to Information Procedure Rules (**Part 4(b)** of the Constitution) and Standing Order 28. The remainder of this section deals with some specific points.
- 9.3.2** Councillors' access to information will be compliant with their statutory and common law rights.

The common law right of Councillors is based on the principle that any Councillor has a prima facie right to inspect Council documents so far as their access to the documents is reasonably necessary to enable the Councillor properly to perform their duties as a member of the Council. This principle is commonly referred to as the “need to know” principle.

The exercise of this common law right depends therefore upon the Councillor’s ability to demonstrate the necessary “need to know”. In this respect a Councillor has no right to “a roving commission” to go and examine documents of the Council. Mere curiosity is not sufficient. The crucial question is the determination of the “need to know”. This question must initially be determined by the particular Chief Officer whose Department holds the document in question (with advice from the Monitoring Officer).

In some circumstances (e.g. a Committee member wishing to inspect documents relating to the functions of that Committee) a Councillor’s “need to know” will normally be presumed. In other circumstances (e.g. a Councillor wishing to inspect documents which contain personal information about third parties) a Councillor will normally be expected to justify the request in specific terms.

- 9.3.3** Officers will not, without good reason, withhold information from a Councillor who is entitled to receive it.
- 9.3.4** Any disputes relating to access to information will be referred to the Monitoring Officer for determination.
- 9.3.5** Where confidential, personal or otherwise sensitive information is provided to a Councillor, they will not disclose it to any other person, without authorisation.

9.4 Access to Premises

- 9.4.1** In order to fulfil their duties, if a Councillor wishes to have access to land or buildings in the occupation of the Council (to which the public do not have access and to which Councillors do not regularly have access) they shall apply to the relevant Chief Officer. Unless the relevant Chief Officer considers there are good reasons to deny access, permission shall be given, but it may be subject to conditions e.g. that the Councillor is accompanied by an Officer.
- 9.4.2** No Councillor shall have access to any Council operated Homes, Childs Day Centres or Duty Services in Children & Young Peoples Services unless they have been DBS checked – and generally such inspections should be left to the Dignity in Care Establishments Visiting Panel.
- 9.4.3** When making visits to Council land / buildings to which they do not regularly have access, Councillors must:
 - Comply with any conditions imposed;
 - Notify and make advance arrangements with the relevant Chief Officer or Officer in charge and report to the Officer in charge on arrival;
 - Comply with health and safety, security and other workplace rules;
 - Not interfere with the services or activities being provided at the time of the visit;
 - If outside their own ward, notify the Ward Councillor(s) beforehand; and
 - Take special care at schools and establishments serving vulnerable sections of society to avoid giving any impression of improper or inappropriate behaviour.

9.4.4 No Councillor may exercise any power of the Council to enter or inspect other land or buildings (i.e. not owned by the Council) unless specifically authorised by the Council (Standing Order 29).

9.5 Support for Ward Councillors

9.5.1 To enable them to carry out their ward role effectively, Councillors need to be kept informed about matters affecting their ward. Chief Officers must ensure that all relevant staff are aware of the requirement to keep Ward Councillors informed, thus allowing Councillors to contribute to the decision-making process and develop their representative role.

9.5.2 This requirement is particularly important:

- During the formative stages of policy development, where practicable;
- In relation to significant or sensitive operational matters;
- Whenever any form of public consultation exercise is undertaken, and
- During a scrutiny investigation.

9.5.3 Issues may affect a single ward. Where they have a wider impact, a number of local Councillors will need to be kept informed.

9.5.4 Whenever a public meeting is organised by the Council to consider a local issue, all the Councillors representing the wards affected should be invited to attend the meeting as a matter of course.

9.5.5 If a Ward Councillor intends to arrange a public meeting on a matter concerning some aspect of the Council's work, they should inform the relevant Chief Officer.

9.5.6 Provided the meeting has not been arranged on a party political basis:

- An Officer may attend, but is not obliged to do so; and
- The meeting may be held in Council-owned premises.

9.5.7 No such meetings should be arranged or held in the immediate run-up to Council elections. Further advice on this should be obtained from the Monitoring Officer.

9.6 Use of Council Resources

9.6.1 The Council provides all Councillors with various services and equipment, to assist them in discharging their role as a Councillor. These goods and services are paid for from the public purse. They should not be used for private purposes or in connection with party political or campaigning activities. Furthermore, Councillors should comply with all conditions and requirements in connection with ICT use and security.

9.6.3 Councillors must not put pressure on Officers to provide resources or support which Officers are not permitted to give. Examples are:

- Business which is solely to do with a political party;
- Work in connection with a ward or constituency party political meeting;
- Electioneering;

- Work associated with an event attended by a Councillor in a capacity other than as a member of the Council;
- Private personal correspondence;
- Work in connection with another body or organisation where a Councillor's involvement is other than as a member of the Council; and
- Support to a Councillor in their capacity as a councillor of another local authority.

10. Public Relations

10.1 Relations with the Media

10.1.1 The Strategic Communications Team is responsible for:

- Making official press / media statements relating to the functions and business of the Council, consulting with the relevant Cabinet Member, or Officer as appropriate; and
- Dealing with day to day media enquiries.

In making a press / media statement regard must be had to the law on local authority publicity and the relevant Code of Practice.

10.1.2 Cabinet Members and Committee Chairs may also make statements to the press / media (including social media) on Council matters and may represent the Council in media interviews where appropriate. If a Cabinet Member or Committee Chair wants to speak to the press / media in a personal capacity or as a representative of their political group they should make this clear at the outset.

10.1.3 If other Councillors wish to speak to the media then they will do this in a personal capacity or as a representative of their political group.

10.1.4 Chief Officers (or their nominees) may deal with any request for information or questions asked by the press / media and may represent the Council in media interviews.

10.1.5 Any Councillor or Officer who speaks to the press / media, or creates their own content, including via social media, on an issue should:

- Be sure of what they want to say or not to say;
- Consider the likely consequences for the Council of their statement (e.g. commitment to a particular course of action, image, allegations or jumping to conclusions);
- When sharing social media content created by someone else, the Councillor should consider:
 - Is it clear whether they endorse the information or not
 - Is it clear whether the information is being shared in a private or professional capacity,
 - That care is taken to direct public criticisms at the Cabinet Members responsible for the service and not at the Officers who have implemented it. This applies irrespective of whether a decision has been delegated to Officers.
 - Content does not engage in bullying behaviour, meaning offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, or injure the person on the receiving end. This is not an exhaustive list
 - What the likely consequences are for the Council;

- Never give a commitment in relation to matters which may be subject to claims from third parties and / or are likely to be an insurance matter;
- Consider whether to consult other relevant Councillors; and
- Take particular care in what they say in the run-up to local or national elections to avoid giving the impression of electioneering, unless they have been contacted as an election candidate or political party activist.

10.1.6 Press releases or statements made by Officers must promote or give information on Council policy or services. They will be factual and consistent with Council policy. They cannot be used to promote a party group.

10.1.7 Before responding to enquires from the media, Officers shall ensure they are authorised to do so.

10.1.8 Likewise, Officers will inform the Council's Strategic Communications Team of issues likely to be of media interest and if they have been contacted by the media, since that team should be the media's first point of contact.

10.2 Correspondence

10.2.2 Official letters written on behalf of the Council should normally be in the name of the relevant Officer. It may be appropriate in some circumstances (e.g. representations to a Government Minister) for letters to appear in the name of a Cabinet Member or the chair of a Committee.

10.2.3 The Mayor may initiate correspondence in their own name.

10.2.4 Letters which create legally enforceable obligations or which give instructions on behalf of the Council should never be sent in the name of a Councillor.

10.2.5 Councillors must not include criticisms of Officers in correspondence (including e-mail). Similarly Officers must not include criticisms of Councillors or other Officers in correspondence. This includes:

- Bullying behaviour, meaning offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, or injure the person on the receiving end. This is not an exhaustive list.

10.2.6 Copying Officer / Councillors correspondence to others – see Section **9.1.14**.

11. Ceremonial Events

11.1 Ceremonial events would normally be attended by the Mayor or Deputy Mayor of the Council unless specifically related to initiatives led by the Cabinet in which case the relevant Cabinet Member would attend.

11.2 In addition, Ward Councillors should be informed and where possible and appropriate, invited to participate.

12. What to do when things go wrong

12.1 Informal resolution of disputes under this Protocol

12.1.1 The key principle for dispute resolution is that both Councillors and Officers are committed to informal, non-adversarial solutions. Where a dispute arises, the first step should be for both parties to seek to resolve any differences informally between themselves or, where necessary, with the assistance of a Chief Officer.

12.1.2 When an informal resolution is not possible, the following processes in 12.2 will apply.

12.2 Submitting a formal complaint alleging a breach of this Protocol

- 12.2.1** If any Councillor or Officer wishes to make a formal complaint alleging a breach of this Protocol, they should submit the complaint in writing to the Chief Executive.
- 12.2.2** In the case of a complaint against a Councillor, the Chief Executive will determine, in consultation with the Monitoring Officer, whether the complaint also indicates a breach of the Members' Code of Conduct and if so the complaint lies to the Standards Committee. All other allegations that there has been a breach of this Protocol will be dealt with by the Chief Executive who will resolve the matter as they think fit.
- 12.2.3** In the case of a complaint against an Officer, the Chief Executive will determine, in consultation with the Executive Director (Transformation), whether the complaint indicates a breach of the disciplinary rules and if so the matter shall be dealt with in accordance with the disciplinary policies. All other allegations that there has been a breach of this Protocol will be dealt with by the Chief Executive who will resolve the matter as they think fit.

The Nolan Principles (as revised by the Committee on Standards in Public Life in January 2013) and Section 28(1) of the Localism Act 2011

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Endnotes

Appendix 2, Action Plan

Family	Outcome	Cllr/Officer Relations Protocol Recommendation
<p>Skills, Learning, & Development - To ensure TT has the right skillsets to tackle the right challenges, and leads in upskilling the entire organisation (FAMILY LEAD: SUE PUTT)</p>	Staff feel valued and are recognised and rewarded appropriately. Staff are able to participate in a range of activities to support their well being.	
	Leaders who are able to deliver in a changing environment, provide strong and developed skills to support staff adapt to self directed learning and can challenge when appropriate.	<ul style="list-style-type: none"> Regular meetings between Group Leaders and the Chief Executive to be the place to raise concerns and resolve issues
	Councillors who are equipped to support the delivery of the Councils aims and ambitions alongside officers.	<ul style="list-style-type: none"> Training on the Nolan Principles of good governance is undertaken by the Council's senior management team and Group Leaders, in the first instance, by an independent facilitator. Training opportunities for Councillors to understand and practice good leadership and to help recognise where potential conflicts of interest may occur. To align with staff, that equality and diversity training also becomes mandatory for councillors The buddying system for new councillors to include political buddies eg from councillors who have retired. An audit of councillor skills and experience takes place regularly to provide the council with the information to utilise the skills and interests of councillors and to inform any working groups. Continue the Cabinet Working Parties approach and review how these can be strengthened to support councillors and officers to build knowledge and mutual understanding of each other's roles. Develop more opportunities for Councillors and officers to interact Invite Councillors on 'tours' of services and/or projects Councillors to have profiles on the intranet which detail their personal interests, their connection to the borough, their motivations, the committees they are involved with both internally and externally Officers should conduct consultation with councillors on how they would like to be kept up to date on staff changes, changes to meeting times, accommodation, meeting space, refreshments etc. In circumstances where particular relations are strained, consider whether it would be appropriate and helpful to invite Councillors into team meetings, and make them part of the planning and solution. On-going review of Members Enquiries
	Staff are enabled and have the skills and abilities to be utilised effectively across the organisation.	<ul style="list-style-type: none"> Training for officers on political awareness including the challenges that Councillors face Encourage more officers to be involved in the democratic process such as election count or polling station duty
	Enable service areas to re-design effectively to meet new operational need.	
	<p>Behaviours & Culture - To promote TT as a model for how we expect Colleagues to act, modelling our Values & Behaviours and championing the best ways of working (FAMILY LEAD: MIKE BENNETT)</p>	Our organisation embraces fully an Agile method of working, allowing colleagues and projects to work in the way that best suits them for the best outcomes.
Our Values & Behaviours are embraced and role modelled at all levels, by all colleagues, within an environment of positive challenge that influences the way all teams and individuals operate and manage within our organisation.		<ul style="list-style-type: none"> Standards Committee to consider its approach and response to issues (formal and informal complaints, conduct and other matters) Explore options for reporting and handling of cumulative low level informal complaints which do not necessarily warrant individual responses Political groups and Leaders to explore ways to support officers in resolving low level inappropriate and unprofessional behaviour by Councillors
Work Life programme continues to deliver its ambitions and is connected to other TT activity that support it.		
Transforming ICT to support the TT agenda.		<ul style="list-style-type: none"> Audit of skills and experience an audit of IT to determine the challenges that some councillors are experiencing either with hardware or with IT skills. Where there are problems it is recommended that individual action plans are put in place to resolve issues.
Promoting the use of Champions in various forums (e.g. commercial, digital, etc.)		
Risk awareness and horizon scanning are business-as-usual for all teams, as part of a wider Getting To Know Your Business campaign.		

Family	Outcome	Clr/Officer Relations Protocol Recommendation
People & Networks - To keep TT at the forefront of people's thinking and an accessible network of engagement, support and opportunities (FAMILY LEAD: ELLEN BUTLER)	Staff feel involved, engaged and knowledgeable in Transforming Together through active communications using various channels.	
	The right people, at the right time, with the right expertise, are engaged for specific pieces of work, promoting and influencing transforming together	
	An intranet that is up to date and accessible for all, that has been designed around the user.	
	A fully knowledgeable and engaged workforce, at all levels, understand and are able to participate in the Transforming Together culture.	
	Staff are confident and understand the transformation culture we work in and are part of the shaping the future.	
	Staff feel listened to and valued by having access to the senior managers.	
Managing TT and Corporate (FAMILY LEAD: STEPHEN MEAH-SIMS)	Ensuring an up to date democratic process that supports a 21st Century Councillor and modern council.	
	Quality assuring the the work of TT and ensuring a creative space to prioritise, innovate and drive managing the work of TT.	
	Ensuring a clear link between TT and Southend 2050 Refresh that demonstrates the value.	
	The council, with key partners is an effective commissioner and procurer, that results in quality and value for money services.	
	Making sure that there is a clear understanding of TT; the principles of working and the work programme.	
	Transforming ICT to support the TT agenda.	
	Ensuring effective and transparent business planning and decision-making Governance Review.	

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SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Standards Committee

Date: Wednesday, 11th November, 2020

Place: Virtual Meeting - MS Teams

Present: Councillor I Shead (Chair)
Councillors I Shead, B Ayling, D Burzotta, D Cowan, A Dear,
M Flewitt, D Garne, B Hooper, C Nevin, J Healey and J Morgan
(Independent member)

In Attendance: R Harris, S Brown and J Williams
Also in attendance C. Tredget (LGA)

Start/End Time: 6.00 - 6.50 pm

543 Apologies for Absence

Apologies for absence were received from Councillor Cowell (LTC) and J.Tetley (independent member).

544 Declarations of Interest

There were no declarations of interest at this meeting.

545 Minutes of the Meeting held on Tuesday 28th July 2020

Resolved:-

That the Minutes of the Meeting held on Tuesday 28th July 2020 be confirmed as a correct record.

546 Refresh of Protocol on Councillor / Officer Relations

The Committee considered a report of the Chief Executive presenting progress to date on the refresh of the Protocol on Councillor/Officer Relations work, following the Standards Committee meeting held on 28th July 2020, and presented a new Protocol and related Action Plan to support implementation for consideration.

The Committee welcomed the views from Cecilia Tredget (LGA) who provided the following comments:

- Pleased to see the inclusion of the Action Plan in the Council's Transforming Together programme which was an extremely positive step and is good practice;
- Pleased to see that this Committee had a champion role to take the Protocol forward;
- Pleased to see that some key issues raised by Councillors have been incorporated into the Protocol and Action Plan, such as the audit of Councillors skills and experience.

The Committee had a detailed discussion and in general were very supportive of the new Protocol and Action Plan. Although there were concerns about the time it sometimes took for Councillors to receive a response to a query, the Committee was pleased to note that the new system for dealing with Councillor queries via the Members Support Hub (as set out in the Protocol) was leading to a substantial improvement.

During the debate, the Committee:-

- Agreed the two minor changes to Section 9.1 of the Protocol, as proposed by Sarah Brown and set out in resolution 1, below;
- Agreed that the action referred to in Section 6.3 of the report should be adjusted, as set out in resolution 2 below;
- Noted that paragraphs 5.7 and 9.3.3 of the Protocol are clear about the provision of information to Councillors.

The Committee also extended their thanks and appreciation to Sarah Brown and Cecilia Tredget for their input and work.

Resolved:

1. That the new Protocol on Councillor/Officer Relations set out at Appendix 1 and the associated Action Plan to support implementation at Appendix 2 to the submitted report be referred to the Policy and Resources Scrutiny Committee on 26th November 2020, prior to consideration of the new Protocol at Council on 10th December 2020, with the following amendment to Section 9.1 of the Protocol:

- To change the wording 'enquiries' to 'queries' and add the contact email address for the relevant team.

2. That the approach described in section 6 of the submitted report, be adopted and the Committee uses its role to champion the actions and key messages in order to promote this work, subject to an adjustment of the action proposed in the final bullet point of section 6.3 of the report so that it reads:

'Political groups and Leaders to explore ways to support Officers and Councillors in resolving low level inappropriate and unprofessional behaviour, before it escalates to a formal complaint.'

Chair: _____