

SOUTHEND-ON-SEA CITY COUNCIL

Meeting of Policy and Resources Scrutiny Committee

Date: Thursday, 7th July, 2022

Place: Council Chamber - Civic Suite

- Present:** Councillor D Nelson (Vice-Chair (in the chair))
- Councillors M Borton, H Boyd, D Cowan, T Cowdrey, T Cox*, M Davidson, F Evans, N Folkard*, A Jones, A Line, R McMullan, M Sadza, I Shead, M Stafford and P Wexham
- *Substitute in accordance with Council Procedure Rule 31.
- In Attendance:** Councillors S George, I Gilbert, P Collins, C Mulroney, M Terry and S Wakefield
J Burr, J Chesterton, G Gilbert, S Meah-Sims, A Richards and S Tautz
- Start/End Time:** 6.30 pm - 9.55 pm

109 Apologies for Absence

Apologies for absence were received from Councillor D Garston (Chair) (Substitute: Councillor T Cox), Councillor J Lamb (Substitute: Councillor N Folkard) and Councillor C Walker (no substitute).

110 Declarations of Interest

The following interests were declared at the meeting:

- (a) Councillors S George, I Gilbert, P Collins, C Mulroney, M Terry and S Wakefield (Cabinet Members) - Interest in the called-in items; attended pursuant to the dispensation agreed at Council on 19 July 2012, under S.33 of the Localism Act 2011.
- (b) Councillors S George, I Gilbert, P Collins, C Mulroney, M Terry and S Wakefield (Cabinet Members) - Interest in the referred items; attended pursuant to the dispensation agreed at Council on 19 July 2012, under S.33 of the Localism Act 2011.
- (c) Councillor M Sadza - Minute 102 (Seaway Leisure) and Minute 103 (Southend City Centre, Seafront and Adjoining Areas Public Spaces Protection Order Extension and Variation) - Councillor for Milton ward and regular involvement with seafront traders on both issues.
- (d) Councillor M Borton - Minute 103 (Southend City Centre, Seafront and Adjoining Areas Public Spaces Protection Order Extension and Variation) - Member of the Board of Directors of South Essex Homes.

- (e) Councillor M Davidson - Minute 103 (Southend City Centre, Seafront and Adjoining Areas Public Spaces Protection Order Extension and Variation) - Member of the Board of Directors of South Essex Homes.
- (f) Councillor D Cowan - Minute 103 (Southend City Centre, Seafront and Adjoining Areas Public Spaces Protection Order Extension and Variation) - Rental property and place of employment within the area of the Public Spaces Protection Order.
- (g) Councillor I Gilbert (Cabinet Member) - Minute 103 (Southend City Centre, Seafront and Adjoining Areas Public Spaces Protection Order Extension and Variation) - Place of employment within the area of the Public Spaces Protection Order.
- (h) Councillor A Jones - Minute 103 (Southend City Centre, Seafront and Adjoining Areas Public Spaces Protection Order Extension and Variation) - Lives in Hastings Road, which is referred to in the comments section of the report.
- (i) Councillor M Terry (Cabinet Member) - Minute 103 (Southend City Centre, Seafront and Adjoining Areas Public Spaces Protection Order Extension and Variation) - Lives within the area of the Public Spaces Protection Order.
- (j) Councillor S Wakefield (Cabinet Member) - Minute 103 (Southend City Centre, Seafront and Adjoining Areas Public Spaces Protection Order Extension and Variation) - Sub-Contractor for South Essex Homes.
- (k) Councillor P Wexham - Minute 103 (Southend City Centre, Seafront and Adjoining Areas Public Spaces Protection Order Extension and Variation) - Member of the Board of Directors of South Essex Homes.
- (l) Councillor A Jones - Minute 108 (Vecteo) - Family member works in the vehicle manufacturing industry.
- (m) All Senior Managers - Minute 104 (Minutes of the meeting of the Senior Managers Pay Panel held on Friday 1 July 2022).

111 Questions from Members of the Public

The Committee noted the responses of the Cabinet Member for Corporate Matters and Performance Delivery, the Cabinet Member for Public Protection and the Cabinet Member for Asset Management and Inward Investment, to questions presented by David Webb and Judith McMahon.

112 Minutes of the Meeting held on 16 March 2022

Resolved:

That the minutes of the meeting of the Committee held on 16 March 2022 be confirmed as a correct record and signed.

113 Delivery of Southend 2050 Outcomes and Priorities: Annual Report and Provisional Resources Outturn 2021/22

The Committee considered Minute 4 of the meeting of the Cabinet held on 14 June 2022, which had been called-in for scrutiny by each of the scrutiny committees, together with a report of the Executive Director (Finance and Resources) presenting the Southend 2050 Outcomes and Priorities Annual Report for 2021/22 and the provisional resources outturn for 2021/22.

The Committee noted the intention of the Cabinet Member for Asset Management and Inward Investment to bring a report to a future meeting of the Cabinet setting out proposals for the future use of the Council's property at the Victoria Shopping Centre. The Interim Executive Director (Growth and Housing) indicated that arrangements could be made for members to be shown round the Shopping Centre in advance of the report to be made to the Cabinet.

Resolved:

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

"1. That the achievements, successes and challenges brought to life within the Annual Report 2021/22 (Section 4 and Appendix 1 to the submitted report), be noted.

Recommended:

2. That the provisional 2021/22 revenue outturn position for both the General Fund (Section 5) and Housing Revenue Account (HRA) (Section 6), be noted and that the agreement of any final adjustments and the transfer of the actual final General Fund outturn position to the Business Transformation Reserve (Section 5.4 of the report) following the completion and audit of the Statement of Accounts be delegated to the Deputy Chief Executive and Executive Director (Finance and Resources).

3. That the appropriation of revenue funds to and (from) earmarked reserves, as set out in Section 5.19 to 5.25 (General Fund) and Section 6.6 (HRA) of the report, be approved.

4. That the potential revenue impact of the 2021/22 outturn on the 2022/23 General Fund budget and Medium Term Financial Strategy (Section 5.26 – 5.39 of the report), be noted.

5. That it be noted that the expenditure on the capital investment programme for 2021/22 totalled £68.969M against a revised budget of £78.632M (Sections 7.4 and 7.7 of the report).

6. That the relevant budget carry forwards and accelerated delivery requests totalling a net £11.759M moving into 2022/23 and future years, as set out in Appendix 2 to the report, be approved.

7. That the virements, reprofiles, additions, deletions and new external funding for schemes, as detailed in Appendix 2 to the report, be approved and it be noted that this will result in an amended Capital Investment Programme

deliverable by the Council of £145.906M for the period 2022/23 to 2026/27, as detailed in Appendix 3 to the report.

8. That it be noted that the requested changes as detailed in Appendix 2 to the report will result in an amended total Capital Investment Programme deliverable by South Essex Homes Limited, Porters Place Southend-on-Sea LLP and Kent County Council of £55.759M, as detailed in Appendix 3 to the report.

9. That a review take place and appropriate consideration be given to the affordability and prioritisation of the current approved Capital Investment Programme and the schemes currently listed as subject to viable business cases.

10. That the content of the Infrastructure Funding Statement 2021/22 (included in Appendix 4 to the report), be noted and that the Main Fund receipts from reported year 2021/22 and previous reported years be carried forward until the CIL Governance Framework and spending plans are reviewed for the reported year 2022/23.

11. That the five-year deadline for spending the CIL Ward Neighbourhood Allocations be approved and extended for another three years from date of receipt (with the intention that at the end of that period any remaining neighbourhood allocations will be transferred to the CIL Main Fund).

12. That authority be delegated to the Executive Director for Growth and Housing (in consultation with Ward Members and the Cabinet Member for Environment, Culture and Tourism) to agree how the CIL Ward Neighbourhood Allocations received up until 31 March 2022 (excluding allocation to Leigh Town Council) are to be spent.”

Note: This is an Executive function, save that Recommendations 2-12 are Council functions

Cabinet Member: Councillor P Collins

114 Seaway Leisure

The Committee considered Minute 63 of the meeting of the Cabinet held on 1 July 2022, which had been referred directly to the Committee for scrutiny, together with a report of the Deputy Chief Executive and Executive Director (Finance and Resources), providing an update on the Seaway Leisure legal documentation.

The Interim Executive Director (Growth and Housing) indicated that he would be willing to take the Chair and Vice Chair through the final executed suite of legal documents for the Seaway Leisure scheme.

Resolved:

1. That the following decision of the Cabinet be noted:

“That the preparation of a final clean suite of legal documents for the Seaway Leisure scheme, be approved.”

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

Note: This is an Executive Function

Cabinet Member: Councillor I Gilbert and Councillor P Collins

115 Southend City Centre, Seafront and Adjoining Areas Public Spaces Protection Order Extension and Variation

The Committee considered Minute 64 of the meeting of the Cabinet held on 1 July 2022, which had been referred directly to the Committee for scrutiny, together with a report of the Executive Director (Strategy, Change and Governance) proposing the extension of the Southend Town Centre, Seafront and Adjoining Areas Public Spaces Protection Order (“the PSPO”) for three years, to include the proposed variations identified in the report under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) taking into consideration the results of statutory consultation and further evidence as detailed in the report.

In response to questions from members of the Committee, the Cabinet Member for Public Protection confirmed that he would be willing to consider the extension of the scope of the PSPO to incorporate the ‘green’ area between Queensway and Stanley Road, that had received the general support of councillors when the proposed extension of the PSPO had been considered by the Committee in March 2022. The Cabinet Member also undertook to investigate the possibility of establishing PSPO controls in areas of South Essex Homes’ properties across the City and to consider the adoption of additional enforcement powers where appropriate.

The Cabinet Member for Public Protection undertook to provide a written response to a question raised by a member of the Committee, with regard to the current and future planned level of officer resources within the Council’s Community Safety Teams.

Resolved:

That the following decisions of the Cabinet be noted:

“1. That the Council varies the Public Spaces Protection Order (PSPO) over the restricted area in the form annexed at Appendix A and plan at Appendix B to the submitted report and extend it to run for a further three years.

2. That the Director of Public Protection, in consultation with the Director of Legal Services, explore further options for authorising third parties, including South Essex Property Services (SEPS), to enforce the PSPO and take the necessary steps to implement and ensure that training is provided in accordance with the enforcement policy at Appendix C of the submitted report.

3. That the Council extends the Drinking Control Area to include the Queensway Estate.”

Note: This is an Executive Function

Cabinet Member: Councillor M Terry

116 Minutes of the meeting of the Senior Managers' Pay Panel held on Friday 1st July 2022

The Committee considered Minute 69 of the meeting of the Cabinet held on 1 July 2022, which had been referred directly to the Committee for scrutiny, together with the recommendation of the Senior Mangers' Pay Panel arising from its meeting on 1 July 2022.

Resolved:

That the following decision of the Cabinet be noted:

“That the recommendation of the Senior Managers Pay Panel held on 1st July 2022, be approved.”

(In accordance with Standing Order 40.2, Councillor T Cox requested that his name be recorded against Resolution 1 of the decisions of the Senior Mangers' Pay Panel)

Note: This is an Executive Function
Cabinet Member: Councillor S George

117 Joint In-Depth Scrutiny Project 2021/22

The Committee considered the draft final report arising from the joint in-depth scrutiny project for 2020/21 that had been undertaken on behalf of the Place Scrutiny Committee, the People Scrutiny Committee and the Policy and Resources Scrutiny Committee.

In considering the recommendations of the project that concerned the enhancement or development of digital systems, the Committee was advised that the corporate commitment of the Council to ensure that its services were fully inclusive and that alternative means of contacting the authority would continue to be offered where digital systems might exclude residents and service users.

The Committee was advised that the report of the joint in-depth scrutiny project had been agreed by the Place Scrutiny Committee at its meeting on 4 July 2022 and by the People Scrutiny Committee at its meeting on 6 July 2022.

On behalf of the Project Team that led the in-depth scrutiny project, the Chair of the Committee expressed thanks to all councillors and officers that contributed to the project.

Resolved:

1. That the report and recommendations arising from the joint in-depth scrutiny project, detailed at Section 12 of the report, be agreed.
2. That the Chair of the Project Team for the joint In Depth Scrutiny Project (Councillor J Moyies) present the report and recommendations of the scrutiny project to a future meeting of the Cabinet.

Note: This is a Scrutiny function

118 Summary of Work 2021/22 & In-Depth Scrutiny Project 2022/23

The Committee received a report of the Interim Executive Director (Strategy, Change and Governance) providing information on the work carried out by the scrutiny committees during the previous municipal year and seeking agreement to a possible joint approach to in-depth scrutiny activity for 2022/23.

Whilst members considered that there could be benefit to the undertaking of the suggested joint scrutiny project around the current cost of living 'crisis', exploring how the Council provided supportive and streamlined services for local residents, the Committee indicated that it wished to undertake its own in-depth scrutiny project for 2022/23, around the further development of governance arrangements to strengthen joint working between councillors and officers.

Resolved:

1. That the summary of the scrutiny work undertaken by the Committee during the 2022/23 municipal year, be noted
2. That the completion of the joint in-depth scrutiny project undertaken on behalf of the People Scrutiny Committee, the Place Scrutiny Committee and the Policy and Resources Scrutiny Committee for 2021/22, around the theme of 'Enabling Councillors to be Effective', be noted.
3. That an in-depth scrutiny project be undertaken on behalf of the Committee during the 2022/23 municipal year, on the theme of 'Developing Strong Governance at Southend-on-Sea City Council: Strengthening the Joint Working between all Councillors and Officers.'
4. That no other topics be selected by the Committee for additional in-depth review during 2022/23.

Note: This is a Scrutiny function.

119 Vecteo (Part 2 Report) - Statement by Chief Executive

On behalf of the Chief Executive, the Director of Legal Services (Monitoring Officer) referred to the confidential report (Minute 109, refers) concerning Vecteo which had been uploaded onto "Twitter" in advance of the Cabinet meeting on 1 July 2022 and emphasised that the confidentiality of the document should have been respected. The Director of Legal Services added that the consequences of this breach were yet to be fully known but advised it may have serious financial and reputational issues for the Council and could significantly impact upon services to SEND children. He further advised that he was working with the Chief Executive to agree what actions were necessary to seek to ensure that exempt and confidential council documents remained confidential in the future.

120 Exclusion of the Public

Resolved:

That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the item of business set out below, on the grounds that it would involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

121 Vecteo

The Committee considered Minute 72 of the meeting of the Cabinet held on 1 July 2022, which had been referred directly to the Committee for scrutiny, together with a report of the Interim Director of Highways, Parks and Open Spaces on the London Hire Community Services (LHCS) and Southend Travel Partnership (Vecteo) Year 2 Financial Performance.

The Cabinet Member for Highways, Transport and Parking undertook to provide where possible, a written response to all councillors prior to the next meeting of the Council, in respect of the following matters raised at the meeting:

- The provision of a copy of the Vecteo contract and original business plan.
- The work undertaken to date to resolve service failures arising from the contract with Vecteo.
- The depot/parking arrangements for the Vecteo fleet whilst vehicles are not in active service.
- The cost of the depot facilities leased from the Council by Vecteo and whether such costs have been fully met Vecteo.
- The full membership of the Board of Vecteo.
- The income originally anticipated to be generated by Vecteo from other elements of the service offering, the delivery of which have been delayed.
- A copy of the Vecteo Board minutes with the request made to the Council for the proposed cash injection of £392,000
- The potential costs of the establishment of a replacement home to school transport service, including any modelling of such costs undertaken so far.

Resolved:

1. That the following recommendations of the Cabinet be noted:

“1. That the request for providing a working capital interest free cash injection to the Joint Venture Company Vecteo, as requested in their letter of the 7th June 2022 (Appendix A to the submitted report) and provided by 31st July 2022 at the latest which will be funded by the Business Transformation Reserve, be approved. |||

2. That the update regarding the initial exploration of alternative options for future service delivery, be noted.” |||

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

Note: This is a Council function
Cabinet Member: Councillor S Wakefield

Chair: _____