

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Policy and Resources Scrutiny Committee

Date: Wednesday, 25th January, 2017

Place: Committee Room 1 - Civic Suite

Present: Councillor B Ayling (Chair)
Councillors D Kenyon (Vice-Chair), B Arscott, D Burzotta,
M Butler, N Folkard, J Garston*, I Gilbert, R Hadley, D McGlone,
J Moyies*, C Mulroney, D Norman MBE, G Phillips, J Ware-
Lane, C Walker and R Woodley*
*Substitute in accordance with Council Procedure Rule 31.

In Attendance: Councillors Lamb, Holland, Flewitt, Moring and Byford
(Executive Councillors)
Councillors Assenheim, Terry and Ward.
R Tinlin, J K Williams, F Abbott, A Lewis, J Ruffle, J Chesterton,
D Patel, E Cooney, N Corrigan and S Houlden

Start/End Time: 6.30 - 9.30 pm

703 Apologies for Absence

Apologies for absence were received from Councillor Stafford (substitute Cllr Woodley), Councillor Davies (substitute Cllr Moyies) and Councillor D Garston (substitute Cllr J Garston).

704 Declarations of Interest

The following interests were declared at the meeting:-

- (a) Councillors Lamb, Holland, Flewitt, Moring and Byford (Executive Councillors) - interest in the referred items; attended pursuant to the dispensation agreed at Council on 19th July 2012, under S.33 of the Localism Act 2011;
- (b) Councillor Flewitt – agenda item relating to draft HRA – non-pecuniary – friends and relatives tenants of SEH;
- (c) Councillor D Norman MBE – agenda item relating to draft HRA - attended pursuant to the dispensation agreed by the Standards Committee on 19th February 2015, under S.33 of the Localism Act 2011 to participate in the debate and vote;
- (d) Councillor Burzotta - agenda item relating to draft HRA - attended pursuant to the dispensation agreed by the Standards Committee on 19th February 2015, under S.33 of the Localism Act 2011 to participate in the debate and vote;
- (e) Councillor Assenheim – agenda item relating to draft HRA – non-pecuniary – sister lives in sheltered housing accommodation;
- (f) Councillor Assenheim – agenda item relating to Fees and Charges – member of Jewish Community and Jewish cemetery mentioned as part of debate;
- (g) Councillor Holland – agenda items relating to budget – disclosable non-pecuniary – son works for Council;

- (h) Councillor Lamb - agenda item relating to Summary Report – Hospital non-pecuniary - Partner Governor, representing SAVS at Southend Hospital;
- (i) Councillor Ayling – agenda item relating to in depth scrutiny report update – non-pecuniary – son is a Police Special;
- (j) Councillor Holland - agenda item relating to in depth scrutiny report update – non-pecuniary – son is a Police Sgt.

705 Questions from Members of the Public

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

706 Minutes of the Meeting held on Thursday, 1st December, 2016

Resolved:-

That the Minutes of the Meeting held on Thursday, 1st December, 2016 be confirmed as a correct record and signed.

707 Corporate Performance Management 2017/18

The Committee considered Minute 645 of Cabinet held on 19th January 2017, which had been referred direct by Cabinet to all three Scrutiny Committees, together with a report of the Chief Executive on the Council's corporate approach to performance management for 2017/18.

In response to questions about Corporate Priority Action 32 (page 15, Appendix 2) relating to expanding the CCTV functionality at Tickfield, the Executive Councillor for Housing, Planning & Public Protection Services said that he would provide a written response to the Committee providing more detail on the investment / equipment etc.

In response to a question regarding the process for adjusting indicators, actions and targets in the light of quarter 4 information, set out in section 3.3 of the covering report, the Leader confirmed that he would be happy to additionally inform the Group Leaders in the process.

In response to questions regarding homelessness, the Executive Councillor for Housing, Planning & Public Protection Services agreed to circulate details to the Committee outlining the number of people housed and their status with regard to local connection.

Resolved:-

That the following decisions of Cabinet be noted:-

- "1. That the Corporate Priority Performance Indicators to be monitored via the Monthly Performance Report (MPR) for 2017/18, as set out at Appendix 1 to the submitted report, be approved.

2. That the MPR will also include a small basket of indicators (as outlined in paragraph 4.3 of the report) relating to areas where the Council does not have lead responsibility or direct control.
3. That the Corporate Priority Actions, to support implementation of the Council's 2017/18 Corporate Priorities, as set out at Appendix 2 to the report, be approved."

Note:- This is an Executive Function
Executive Councillor:- Lamb

708 Council Tax Base & Non Domestic Rating Base 2017/18

The Committee considered Minute 646 of Cabinet held on 19th January 2017, which had been referred direct to Scrutiny by Cabinet, together with a report of the Chief Executive concerning the calculation of the Council Tax Base for 2017/18 and the submission of the National Non Domestic Rates (NNDR1) form to the Department of Communities and Local Government (DCLG) by 31 January 2017.

In response to questions, the Director of Finance said that he would check 3% contingency allowance for non collection across the Council Tax bandings for consideration as part of the 2018/19 Council Tax base.

Resolved:

That the following decisions of Cabinet be noted:-

"1. That in accordance with the Local Authorities (Calculation of Council Tax Base) Regulations 1992 (as amended by the Local Authorities (Calculation of Council Tax Base) (Amendment) (England) Regulations 2003) and Local Government Finance Act 2012 (Calculation of billing authority's council tax base Section 15):

- (i) The Local Council Tax Support Scheme for 2017/18 approved by Council on 15 December 2016, be incorporated into the Council Tax base setting as outlined in Appendices A and B to the submitted report.
- (ii) That the following changes to Council Tax discounts and exemptions approved by Cabinet on 5 January 2016 will remain unchanged from 1 April 2017 and these are incorporated into the Council Tax Base:-
 - Properties requiring or undergoing structural alteration or major repairs (Class D) as allowed by Section 11A of the Local Government Finance Act 2012 is set at 0%.
 - Vacant and substantially unfurnished properties (Class C) as allowed by Section 11A of the Local Government Finance Act 2012 to be entitled to receive a discount of 100% for up to 1 month. If Class D is applicable then there is no entitlement to Class C.

- (iii) That it be noted that the further discounts and exemptions that were approved by Council on 13 December 2012 will remain unchanged from 1 April 2017 and these are incorporated into the Council Tax Base;
- Second homes (Classes A and B) as allowed by Section 1A of the Local Government Finance Act 2012 is set at 0%.
 - Long-term empty homes (Class C) as allowed by Section 11A of the Local Government Finance Act 2012, a surcharge of 50% is set allowing a full charge of 150% where they have been unoccupied for more than 2 years.
 - That a continuous 6 week period of occupancy is required between empty periods before a further discount can be awarded.
2. That the amount calculated by Southend-on-Sea Council as its Council Tax Base for the year 2017/18 shall be 56,917.61.
 3. That the amount calculated by Southend-on-Sea Council as the Council Tax Base in respect of Leigh-on-Sea Town Council for the year 2017/18 shall be 8,717.19.
 4. That it be noted that it will be necessary for the Director of Finance and Resources, in conjunction with the Leader of the Council, to approve the NDR1 form for submission to the DCLG, in line with previous delegated approval, and that the Director of Finance and Resources will include an explanation in a subsequent report to Council as to why it was not practical for Cabinet to use its own delegation.”

Note:- This Function has been delegated to the Executive.
Executive Councillor:- Lamb

709 Draft Housing Revenue Account Budget 2017/18 & Rent Setting

The Committee considered Minute 647 of Cabinet held on 19th January 2017, which had been referred direct to Scrutiny by Cabinet, together with a joint report of the Deputy Chief Executive (People) and Director of Finance and Resources, setting out the Housing Revenue Account (HRA) budget for 2017/18 together with the information necessary to set a balanced budget as required by legislation.

Resolved:

That the following decisions of Cabinet be noted:-

1. That a rent reduction of 1% on secure tenancies, as required by the Welfare Reform and Work Act 2016, be endorsed.
2. That an average rent increase of 4.41% on shared ownership properties, be endorsed.
3. That the proposed rent changes in 1 and 2 above to be effective from 3 April 2017, be endorsed.

4. That the increases in other charges as set out in section 5 of the submitted report, be endorsed.
5. That the management fee and increases in service charges and heating charges proposed by South Essex Homes, as set out in section 6 of the report, be endorsed.
6. That the appropriations to the Repairs Contract Pensions earmarked reserve and the HRA Capital Investment earmarked reserve, as set out in section 8 of the report, be endorsed.
7. That subject to 1 - 6 above, the HRA budget as set out in Appendix 1 to the report, be endorsed.
8. That the value of the Council's capital allowance for 2017/18 be declared as £25.370M, as determined in accordance with regulation 16 of the Local Authorities (Capital Finance and Accounting) (England) Regulations, be endorsed."

Note:- This is an Executive Function, save the approval of the final budget following Cabinet on 14th February 2017 is a Council Function. Executive Councillor:- Lamb

710 Draft Capital Programme 2017/18 to 2020/21

The Committee considered Minute 648 of Cabinet held on 19th January 2017, which had been referred direct by Cabinet to all three Scrutiny Committees together with a report of the Corporate Management Team setting out the draft programme of capital projects for the period 2017/18 to 2020/21.

The Director of Digital Futures agreed to respond to questions from Cllr Gilbert about new scheme CE8 (ICT – Enterprise Agreement), detailed in Appendix 7 (page 5/28), about the proposed agreement and if there are some alternative solutions available with regard to licences.

Resolved:

That the following decisions of Cabinet be noted:-

1. That the current approved Programme for 2017/18 to 2019/20 of £125.4m, as set out in Appendix 1 to the submitted report, be noted.
2. That the changes to the approved Programme, as set out in Appendix 2 to the report, be noted.
3. That the proposed new schemes and additions to the Capital Programme for the period 2017/18 to 2020/21 totalling £59.1m of which £52.9m is for the General Fund and £6.2m for the Housing Revenue Account, as set out in Appendices 6 and 7 to the report, be endorsed.
4. That the proposed schemes subject to external funding approval for the period 2017/18 to 2020/21 totalling £42.6m as set out in Appendices 2 and 7 to the report, be endorsed.
5. That it be noted that the proposed new schemes and additions, as set out in Appendices 6 and 7 to the report, and other adjustments as set out in Appendix 2 to the report, will result in a proposed capital programme (excluding schemes subject to external funding approval) of £185.8m for 2017/18 to 2020/21.

6. That it be noted that of the total programme of £185.8m for the period 2017/18 to 2020/21, the level of external funding supporting this programme is £58.2m.
7. That it be noted that a final review is being undertaken on the 2016/17 outturn and that the results will be included in the report to Cabinet on 14th February 2017.”

Note:- This is an Executive Function save that approval of the final budget following Cabinet on 14th February 2017 is a Council Function.
Executive Councillor:- Lamb

711 Draft Fees & Charges 2017/18

The Committee considered Minute 649 of Cabinet held on 19th January 2017, which had been referred direct by Cabinet to all three Scrutiny Committees, together with a report of the Corporate Management Team detailing the fees and charges for services in 2017/18 included in the budget proposals for 2017/18.

In response to some questions, the Executive Councillor for Corporate & Community Support Services agreed to forward a written response to the Committee about the burial costs to the Jewish community.

Resolved:-

That the following decision of Cabinet be noted:

“That the proposed fees and charges for each Department as set out in the submitted report and appendices, be endorsed.”

Note:- This is an Executive Function, save the approval of the final budget following Cabinet on 14th February 2017 is a Council Function.
Executive Councillor:- Lamb

712 Draft General Fund Revenue Budget 2017/18

The Committee considered Minute 650 of Cabinet held on 19th January 2017, which had been referred direct by Cabinet to all three Scrutiny Committees, together with a report of the Corporate Management Team presenting the draft revenue budget for 2017/18.

Resolved:-

That the following decisions of Cabinet be noted:

1. That the 2017/18 draft revenue budget and any required commencement of consultation, statutory or otherwise, be approved.
2. That it be noted that the 2017/18 draft revenue budget has been prepared on the basis of a Council Tax increase of 4.99%, being 1.99% for general use and 3% for Adult Social Care.
3. That it be noted that the 2017/18 draft revenue budget has been prepared using the provisional local government finance settlement and

- that the outcome from the final settlement will need to be factored into the final budget proposals for Budget Cabinet and Budget Council.
4. That the 2017/18 draft revenue budget, as endorsed, be referred to all three Scrutiny Committees, Business sector and Voluntary sector to inform Cabinet, which will then recommend the Budget and Council Tax to Council.
 5. That the schools position and the recommendations to the Schools Forum on 18th January 2017, as set out in Appendix 14 and 14(i) to the submitted report, be noted and referred to People Scrutiny Committee and then to Cabinet and Council.
 6. That the direction of travel for 2018/19 and beyond, as set out in section 15 of the report, be endorsed.”

Note:- This is an Executive Function, save the approval of the final budget following Cabinet on 14th February 2017 is a Council Function.

Executive Councillor:- Lamb

713 Notice of Motion - York Road

The Committee considered Minute 593 of Cabinet held on 10th January 2017, which had been referred direct to Scrutiny by Cabinet. This concerned the Notice of Motion considered by Council on 15th December 2016, in relation to the possible compulsory purchase of properties in York Road as a means of addressing anti-social activities in the area. The Motion had been proposed by Councillor Assenheim and seconded by Councillor Terry and was referred to Cabinet in accordance with standing order 8.4.

The Director of Legal & Democratic Services confirmed that while the Council has Compulsory Purchase Order (CPO) powers under the Town & Country Planning Act 1990 to facilitate the carrying out of development, redevelopment or improvement, the Council has no specific CPO powers to tackle criminal or anti-social behaviour and CPO powers must be exercised for their intended Legislative purpose.

Resolved:-

1. That the following decisions of Cabinet be noted:-
 - “1.1 That it be noted that compulsory purchase order action is not an appropriate procedure to address the problems in York Road.
 - 1.2 That it also be noted that any criminal and anti-social issues in York road should be addressed under the criminal law and the remedies available under the Anti-social Behaviour Crime and Policing Act 2014.
 - 1.3 That the situation in relation to York Road be kept under review.”
2. That, in accordance with Council Procedure Rule 39, the matter be referred to Council for decision.

Note:- This is an Executive Function.

Executive Councillor:- Flewitt

714 Notice of Motion - State Pension Arrangements for 1950s Women

The Committee considered Minute 594 of Cabinet held on 10th January 2017, which had been referred direct to Scrutiny by Cabinet. This concerned

the Notice of Motion considered by Council on 15th December 2016, proposing that “the Council calls upon the Government to make fair transitional state pension arrangements for all women born on or after 6th April 1951, who have unfairly borne the burden of the increase to the State Pension Age (SPA) with lack of appropriate notification.” The Motion had been proposed by Councillor Ware-Lane and seconded by Councillor McDonald was referred to Cabinet in accordance with standing order 8.4.

Resolved:-

That the following decision of Cabinet be noted:-

“That the Motion be adopted.”

Note:- This is an Executive Function.

Executive Councillor:- Moring

715 Monthly Performance Report

The Committee considered Minute 596 of Cabinet held on 10th January 2017 together with the Monthly Performance Report (MPR) covering the period to end November 2016, which had been circulated recently.

Resolved:-

That the report be noted.

Note:- This is an Executive Function.

Executive Councillor:- As appropriate to the item.

716 Council Debt Position - 30th November 2016

The Committee considered Minute 597 of Cabinet held on 10th January 2017, which had been referred direct to Scrutiny by Cabinet, together with a report of the Chief Executive informing Members of the current outstanding debt to the Council as at 30th November 2016 and debts that had been, or are recommended for write-off.

Resolved:-

That the following decisions of Cabinet be noted:-

“1. That the current outstanding debt position as at 30th November 2016 and the position of debts written off to 30th November 2016, as set out in Appendices A and B to the submitted report, be noted.

2. That the write-offs as set out in Appendix B to the report, be approved.”

Note:- This is an Executive Function

Executive Councillor:- Moring

717 Minutes of the Performance Related Pay Panel held 13th December 2016

The Committee considered Minute 604 of Cabinet held on 10th January 2017, which had been referred direct to Scrutiny by Cabinet, concerning the recommendations of the Performance Related Pay Panel held on 13th December 2016 on senior managers pay.

Resolved:-

That the following decisions of Cabinet be noted:

- “1. That Senior Manager pay ranges move to a ‘spot’ salary as detailed in Appendix 1 to the submitted report to the Pay Panel.
2. That the principles of the Council’s PRP Scheme be maintained and that the scheme be amended in line with 1 above. The revised scheme will continue to ensure that the performance of Senior Managers against agreed objectives will be monitored and assessed through an annual appraisal cycle.
3. That the changes be incorporated in the Council’s Pay Policy Statement for 2017/18 and are therefore effective from 1st April 2017.”

Note:- This is an Executive Function
Executive Councillor:- Lamb

718 Standing Order 46

The Committee considered Minute 605 of Cabinet held on 10th January 2017, which had been referred direct to scrutiny by Cabinet.

Resolved:

That the submitted report be noted.

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

719 Summary Reports to Scrutiny Committee

Further to Minute 370 of the meeting held on 13th October 2016, the Committee considered the following reports:-

- (a) Essex Fire Authority – Report from Councillor Woodley and Report from EFA to Constituent Authorities presented by Councillor Holland;
- (b) Southend University Hospital – Report from Councillor Davidson;
- (c) Essex Police & Crime Panel – Report from Councillor Flewitt; and
- (d) Kent & Essex Inshore Fisheries & Conservation Authority – Report from Councillor Lamb.

Resolved:

That the Summary Reports be noted.

720 In-depth Scrutiny Project - 'To investigate the case for additional enforcement resources for Southend'

The Committee received an oral update on the progress that had been made in respect of the agreed joint in-depth scrutiny project for 2016/17 entitled 'To investigate the case for additional enforcement resources for Southend'.

Resolved:-

That the progress be noted.

Note:- This is a Scrutiny Function.

721 Exclusion of the Public

Resolved:-

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

722 Establishing a Special Purpose Vehicle with South Essex College

The Committee considered Minute 608 of Cabinet held on 10th January 2017, which had been referred direct to Scrutiny by Cabinet, together with a report of the Deputy Chief Executive (Place) on the above.

Resolved:-

That the following decision of Cabinet be noted:-

“That the recommendations in the submitted report, be approved.”

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

Chairman: _____