

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Policy and Resources Scrutiny Committee

Date: Thursday, 26th November, 2020

Place: Virtual Meeting via Microsoft Teams

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, S Brown, J Chesterton, E Cook, E Cooney, G Halksworth, B Huggins, S La Roche, A Lewis, S Newman, L Reed, A Richards, C Robinson, J Ruffle, A Smyth, S Tautz and J Williams
Also in attendance: C Tredget (former Managing Director - East of England Local Government Association)

Start/End Time: 6.30 pm - 10.25 pm

583 Apologies for Absence

There were no apologies for absence from the meeting.

584 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.
- (b) Councillors I Gilbert, C Mulroney, M Terry and R Woodley (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) Councillors M Dent, D Garston, C Mulroney and S Wakefield - Minutes 588 and 590 (Roots Hall and Fossetts Farm) - Members of the Development Control Committee - Non-pecuniary interest.
- (d) Councillor D Cowan - Minute 596 (Notice of Motions (Appendix E - EasyJet)) - Has been involved in meetings with Southend Airport and local residents with regard to EasyJet and other carriers - Non-pecuniary interest.
- (e) Councillor B Ayling - Minutes 588 and 590 (Roots Hall and Fossetts Farm) - Has been involved in meetings with local residents with regard to development at Fossetts Farm - Non-pecuniary interest.
- (f) Councillor M Terry - Minutes 588 and 590 (Roots Hall and Fossetts Farm) - Season ticket holder at Southend United Football Club - Disqualifying Pecuniary Interest (withdrew).
- (g) Councillor K Evans - Minute 596 (Notice of Motions (Appendix E - EasyJet)) - Member of Leigh Town Council and has been involved in meetings with Southend Airport and local residents with regard to EasyJet - Non-pecuniary interest.

- (h) Councillor C Mulroney - Minute 593 (Petition - Old Leigh Alcohol Free Zones) - Trustee of Leigh Heritage Centre - Non-pecuniary interest.
- (i) Councillor R Woodley - Minute 596 (Notice of Motions (Appendix E – EasyJet)) - Family member employed by EasyJet - Non-pecuniary interest.

585 Questions from Members of the Public

There were no questions from members of the public relating to the responsibilities of the Committee.

586 Minutes of the Meeting held on 15 October 2020

Resolved:

That the minutes of the meeting of the Committee held on 15 October 2020 be confirmed as a correct record and signed.

587 Refresh of Protocol on Councillor/Officer Relations

The Committee considered a report of the Chief Executive with regard to the refresh of the Protocol on Councillor/Officer Relations and the recommendations of the Standards Committee arising from its meeting held on 11 November 2020, that were to be made to full Council for the adoption of the Protocol.

The Chair of Standards Committee, Councillor I Shead, outlined the key points of the proposed new Protocol. Councillor Shead and Cecilia Tredget, the former Managing Director of the East of England Local Government Association who had supported the refresh of the Protocol, responded to a number of questions raised by members.

The Committee extended its thanks and appreciation to Cecilia Tredget for her input and work with regard to the refresh of the Protocol.

Recommended:

1. That the report be noted and that the following recommendations of the Standards Committee to the full Council arising from its meeting held on 11 November 2020 (Minute 546 refers), be endorsed:

“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.’

2. That the words 'or officer' be inserted after the words 'the Councillor' in the third bullet point of Section 10.1.5 (Relations with the Media) of the new Protocol.
3. That the Standards Committee be requested to consider the addition of references to appropriate appeals procedures in Section 12.2 (Submitting a formal complaint alleging a breach of this Protocol) of the new Protocol.

Note: This is a Council Function

588 Roots Hall and Fossetts Farm

The Committee considered Minute 574 of the meeting of the Cabinet held on 24 November 2020, which had been referred direct to the Policy and Resources Scrutiny Committee, together with a report of the Executive Director (Finance and Resources) providing an update on the proposed development of housing for rent at Roots Hall and at Fossetts Farm.

The Leader of the Council undertook to provide a written response to a question with regard to discussions that had previously been held with Rochford District Council and/or Essex County Council in relation to any proposed housing development at Fossetts Farm.

Resolved:

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

"1. That authority be given to enter into all necessary transactions to facilitate the developments at Roots Hall and Fossetts Farm, as set out in the submitted report, subject to the following pre-conditions:

(a) The submission of due diligence reports on the following matters which are satisfactory to the Executive Director of Finance and Resources in consultation with the Leader of the Council:

- i) Independent financial review;
- ii) Review by the Council's external auditors;
- iii) Property report by Cushman Wakefield;
- iv) Legal report by Gowling WLG; and

(b) The developer reimbursing the Council the sum of £100,000 in respect of certain costs incurred to date (further costs will be reimbursed to the Council as development costs as the developments progress).

2. That the transactions referred to in resolution 1 above will not become unconditional until:

i) Planning Permission (including 30% affordable housing and the resolution of any required highway matters) has been granted for the developments at both Roots Hall and Fossetts Farm; and

ii) The necessary Charity Commission consents have been obtained in respect of the matters involving Jones Memorial Trust, Youth Commemoration Ground Trust and the Victory Sports Ground Trust

3. That the income strip leases for the Roots Hall and Fossetts Farm developments (each comprising a series of land transactions) be granted directly to the Council with the options to acquire the freehold reversions for £1 being granted to the Council's Housing Investment Company to ensure that the transaction is tax effective fundable at the optimal rate and the reversionary interests are suitably protected.

4. That authority be granted to the Executive Director of Finance and Resources in consultation with the Leader of the Council to:

- (a) Agree any final adjustments to the terms of the transactions, or the final documentation, including any adjustments required as a consequence of the due diligence reviews;
- (b) Authorise the completion of all necessary agreements to progress the transaction including but not limited to the sale of the Council's land at both Roots Hall and Fossetts Farm, the leases in and the options to acquire the freeholds at the end of the leases;
- (c) Authorise any necessary management and contracting arrangements for the new affordable and private rented accommodation. (Note: long-term property management has been considered but does not need to be concluded at this stage); and
- (d) Agree the use of all capital and revenue income from the developments and in particular the holding of reserves to ensure that the Council's long-term position is protected.

5. That it be noted that the authority to complete the following Trust matters will be separately considered by Full Council (acting as sole trustee of the three relevant trusts) and any necessary Charity Commission consents will also need to be obtained:

- a) the proposed easement over Jones Memorial Ground Trust land relating to the 'Supporters' Way' access from Sutton Road and ancillary access to Fossetts Farm residential development;
- b) the lease agreement required in relation to replacement parking for Jones Memorial Ground;
- c) the minor boundary adjustment to Victory Sports Ground to accommodate the required highways changes on the Sutton Road/Eastern Avenue roundabout; and
- d) a shared use agreement between the Youth Commemoration Ground Trust and the Loxford Trust to enable the release of the former Cecil Jones Junior School playing field land to the north of the Jones Memorial Ground (subject to the agreement of the Secretary of State for Education and the Charity Commission which the Loxford Trust may require).

(The decisions for the Council as Trustee, set out above, need to be taken in the best interests of each Trust. This requirement should be met as the arrangements will enable the development and generation of capital and long-term income for the Trusts to help support their objectives)."

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

589 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 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.

590 Roots Hall and Fossetts Farm - Confidential Appendix

The Committee considered a confidential appendix in relation to Minute 589 above.

The Committee moved into Part 2 business in order that the confidential matters concerning the proposed development of housing for rent at Roots Hall and Fossetts Farm could be discussed. The Committee moved back into Part 1 for the decision on these matters.

Resolved:

That the confidential appendix be noted.

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

591 Resourcing Better Outcomes - Financial Performance Report - Period 6

The Committee considered Minute 512 of the meeting of the Cabinet held on 3 November 2020, which had been called in to the Policy and Resources Scrutiny Committee, together with a report of the Executive Director (Finance and Resources), reviewing the Council's financial performance.

Resolved:

That the following recommendations of the Cabinet be noted:

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

1. That the forecast outturn for the General Fund and the Housing Revenue Account as at September 2020, be noted.
2. That the planned budget transfers (virements) of £296,000 between pay and non-pay budgets, as set out in section 4.13 of the report, be approved.

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

3. That the expenditure to date and the forecast outturn as at September 2020 and its financing, be noted.
4. That the requested changes to the capital investment programme for 2020/21 and future years, as set out in section 3 of appendix 2 to the report, be approved."

Note: This is an Executive Function
Cabinet Members: Councillor I Gilbert and Councillor R Woodley

592 Annual Comments, Compliments and Complaints Report

The Committee considered Minute 515 of the meeting of the Cabinet held on 3 November 2020, which had been referred directly to each of the three scrutiny committees and called-in, together with a report of the Chief Executive that provided performance information about comments, complaints and compliments received across the Council for 2019/20.

Resolved:

That the following decisions of the Cabinet be noted:

- "1. That the Council's performance in respect of comments, complaints, and compliments for 2019/20, be noted.

2. That the matter be referred to all three Scrutiny Committees (Appendix B and C to the submitted report referred to the People Scrutiny Committee only).

3. That authority be given to make the changes to the corporate Comments, Complaints and Compliments policy as set out in Section 4.3 and appendix A to the report.”

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

593 Petition - Old Leigh Alcohol Free Zones

The Committee considered Minute 522 of the meeting of the Cabinet held on 3 November 2020, which had been called in to the Policy and Resources Scrutiny Committee, together with a report of the Executive Director (Neighbourhoods and Environment) providing a response to a petition (referred by Council) proposing alcohol free zones in Old Leigh.

In response to a question, the Cabinet Member for Community Safety and Customer Contact confirmed that he would be prepared to extend the scope of the proposed Public Spaces Protection Order consultation process to include the area beyond Chalkwell Station up to the green on the promenade at Chalkwell seafront, on the basis that there was an evidence base of anti-social behaviour issues in the area over recent months, which was confirmed by the Executive Director (Neighbourhoods and Environment).

Resolved:

That the following decision of the Cabinet be noted:

“That a full Public Spaces Protection Order (PSPO) consultation process be undertaken, 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.”

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

594 Census

The Committee considered Minute 523 of the meeting of the Cabinet held on 3 November 2020, which had been called in to the Policy and Resources Scrutiny Committee, together with a report of the Chief Executive providing an update on Southend-on-Sea’s preparations for the national 2021 Census which was due to take place in England and Wales on 21 March 2021.

Resolved:

That the following decision of the Cabinet be noted:

“That the work that the Council is doing to ensure a robust and accurate census for Southend-on-Sea, be noted and that Councillors help promote the benefits of the 2021 Census throughout the Council and the Borough.”

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

595 EU Exit

The Committee considered Minute 524 of the meeting of the Cabinet held on 3 November 2020, which had been called in to the Policy and Resources Scrutiny Committee, together with a report of the Deputy Chief Executive and Executive Director (Growth and Housing) providing an update on the Council's preparations for the end of the EU Exit Transition Period on 31 December 2020.

Resolved:

That the following decision of the Cabinet be noted:

"That the work undertaken by the Council to date in preparing for the end of the Transition Period, be noted."

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

596 Notice of Motions (Referred by Council, 10th September 2020)

The Committee considered Minute 526 of the meeting of the Cabinet held on 3 November 2020, which had been called-in to the Policy and Resources Scrutiny Committee, together with a report of the Executive Director (Legal and Democratic Services) requesting the Cabinet to determine how to respond to each of the Notices of Motion referred by Council on 10 September 2020.

Resolved:

1. That the following decision of Cabinet be noted:

"That the Notices of Motion be referred to the relevant Cabinet Working Parties."

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: As appropriate to each Notice of Motion

597 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 had been held on 9 November 2020 to review the action plan for the project and that Councillor B Ayling had been appointed as Chair of the Project Team. The Committee noted that a further meeting of the Project Team was to be held on 15 December 2020.

Resolved:

That the report be noted.

Note: This is a Scrutiny Function

Chair: _____