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SOUTHEND-ON-SEA CITY COUNCIL

Meeting of Place Scrutiny Committee

Date: Tuesday, 30th August, 2022

Place: Council Chamber - Civic Suite

Present: Councillor J Courtenay (Chair)
Councillors J Warren (Vice-Chair), M Berry, M Borton, K Buck,
S Buckley, M Davidson, M Dent, L Hyde, D Jarvis, A Jones, M Kelly,
R McMullan*, J Moyies, N Ward, P Wexham and R Woodley
(*Substitute in accordance with Council Procedure Rule 31.)

In Attendance: Councillors P Collins, S George, I Gilbert, C Mulroney and
S Wakefield (Cabinet Members) and K Evans
G Gilbert, J Burr, S Dolling and T Row

Start/End Time: 6.30 pm - 9.00 pm

232 Apologies for Absence

Apologies for absence were received from Councillor Thompson (substitute: Councillor McMullan).

233 Declarations of Interest

The following interests were declared at the meeting:-

(i) Councillors Collins George, Gilbert, Mulroney and S Wakefield (Cabinet Members) - Interest in the called-in items and items referred direct; attended pursuant to the dispensation agreed at Council on 19 July 2012, under S.33 of the Localism Act 2011;

(ii) Councillor McMullan – Minute 234 (Questions from members of the public) – One of the questioners is known to him as a member of the Liberal Democrat Party; and

(iii) Councillors Borton, Davidson & Wexham – Minute 239 (Leisure Services) – Non-executive Director on Board of South Essex Homes which was mentioned in the report.

234 Questions from Members of the Public

The Committee noted the responses of the Cabinet Member for Environment, Culture and Tourism to two questions from Mr A Grubb, two questions from Councillor Woodley, in his capacity as a local resident, and the response given on behalf of the Cabinet Member for Public Protection to a question from Mr D Webb. The Committee also noted the response from the Cabinet Member for Highways, Transport and Parking from Mr D Webb.

235 Minutes of the Meeting held on Monday 4th July 2022

Resolved:-

That the Minutes of the Meeting held on Monday, 4th July 2022 be received, confirmed as a correct record and signed.

236 Corporate Risk Register

The Committee considered Minute 191 of the meeting of the Cabinet held on 26th July 2022, which had been called-in for scrutiny by each of the scrutiny committees, together with a report of the Executive Director (Finance & Resources) presenting the updated summary Corporate Risk Register.

Resolved:

That the following decision of Cabinet be noted:

“That the updated summary Corporate Risk Register and the position at July 2022, outlined in Appendix 1 to the submitted report, be noted.”

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

237 In-depth Scrutiny Project - 'Enabling Councillors to be effective' Final Report

The Committee considered Minute 193 of the meeting of the Cabinet held on 26th July 2022, which had been called-in for scrutiny by each of the scrutiny committees, together with a report of the Executive Director (Strategy, Change & Governance) presenting the final report of the In-Depth Scrutiny Project for 2021/22 – ‘Enabling Councillors to be Effective.’

Resolved:

That the following decisions of Cabinet be noted:

“1. That the recommendations arising from the in-depth scrutiny project, as set out in Appendix 1 to the submitted report, be approved.

2. That the budget implications arising from the recommendations of the in-depth scrutiny project be considered as part of current and future years’ budget processes prior to implementation.”

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

238 City Culture Bid

The Committee considered Minute 194 of the meeting of the Cabinet held on 26th July 2022, which had been called-in for scrutiny, together with a report of the Executive Director (Adults and Communities) setting out the potential

opportunities, risks and likely resources required for the Council to prepare a bid for the 2029 UK City of Culture competition.

In response to questions regarding the proposed survey to gauge opinion on whether to proceed with the preparation of a bid, the Cabinet Member for Environment, Culture and Tourism gave her assurances that awareness of the consultation would be raised at various cultural events and appropriate signposting to the consultation would be in place, including the use of social media.

Resolved:

That the following decision of Cabinet be noted:

“That initial research and engagement be undertaken with the Southend-on-Sea resident community to assess the level of support for a bid to become the 2029 UK City of Culture and that a further report come back to Cabinet on the outcome of this engagement, with a 66% in favour of a bid being the criteria.”

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

239 Leisure Services

The Committee considered Minute 195 of the meeting of the Cabinet held on 26th July 2022, which had been called-in for scrutiny, together with a report of the Executive Director (Adult and Communities) presenting a way forward for the long-term future delivery of the Council’s leisure provision following an options appraisal.

Resolved:

That the following decisions of Cabinet be noted:

“1. That the options for the long-term delivery of the Council’s leisure provision, as set out in the submitted report, be noted.

2. That a procurement exercise be undertaken to appoint a provider to be the Council’s leisure operator, which should consider and factor in the following key principles:

(i.) A 10-15 year contract to allow for investment in the facilities and provide the Council with both the best return and also the most attractive proposition for the market;

(ii.) The Council should seek investment from the market within SLTC as described and also the condition survey investment, on the basis that this will generate additional revenue to fund the capital through prudential borrowing undertaken by the Council;

(iii.) Seek a financial offer from the market to deliver a new improved contract with a revenue position that enhances that under the existing leisure contract with innovation in offer and method of operation;

- (iv.) Structure the procurement on a lot-based approach, providing the opportunity for the relevant schools to bid and operate their own facilities where appropriate;
- (v.) Include utilities benchmarking;
- (vi.) Build into the specification the delivery of:
 - (a.) The overall health and wellbeing strategic aims and vision to ensure that the operator is required to support the Council in delivering these;
 - (b.) The strategic management of Garon Park in partnership with the Garon Park Trust.
- (vii.) Develop a dialogue-based approach to procurement to enable the Council to discuss approaches through competitive dialogue with the market.”

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

240 Southend Business Improvement District LTD Re-Ballot

The Committee considered Minute 195 of the meeting of the Cabinet held on 26th July 2022, which had been called-in for scrutiny, together with a report of the Executive Director (Adults and Communities) presenting an update on the success of the Southend Business Improvement District (BID) since its launch in April 2013 and re-ballot in 2017 and sought agreement to provide the support required for a renewal ballot of Southend City Centre businesses for a further five-year term of the Southend BID.

Resolved:

That the following decisions of Cabinet be noted:

“1. That the progress and impact of the BID be noted.

2. That the Director of Culture and Tourism, in consultation with the Cabinet Member for Public Protection, be given delegated authority to: -

(i.) Consider on behalf of the Council as billing authority, whether the proposal conflicts with any formally adopted policy of the Council, and, if it does, give notice of this in accordance with the BID regulations.

(ii.) Determine whether the Council should support the BID’s proposal decided by the majority of BID Directors and businesses and if so, to vote yes on its behalf in the BID ballot. If a ‘no’ vote is proposed, this will be referred to Cabinet for further consideration.

(iii.) Formally manage the ballot process in accordance with BID regulations.

(iv.) That subject to a ‘yes’ vote at ballot by the relevant BID business community, the Council as relevant local billing authority will manage the billing and collection of the additional levy, and its transfer to the BID company. In the event of a ‘no’

vote, that the costs of the ballot be recovered from the BID Company as per the BID regulations.

(v.) Review and update the Operating Agreement, as required, which details the billing, collection and enforcement provisions as well as the arrangements for transmitting the BID receipts to the BID in consultation with the Executive Director (Finance and Resources).

(vi.) Enter into a revised service level agreement with the BID company regarding the operation of the BID and delivery of Council requirements and baselines.

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

241 SO46 Report

The Committee considered Minute 198 of the meeting of the Cabinet held on 26th July 2022, which had been called-in for scrutiny, together with a report setting out the actions that had been taken in accordance with Council Procedure Rule 46.

Resolved:

That the following decision of Cabinet be noted:

“That the submitted report be noted.”

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

242 Reports approved under the Delegated Authority Report Process

The Committee considered Minute 199 of the meeting of the Cabinet held on 26th July 2022, which had been called-in for scrutiny, together with the report of the Interim Executive Director (Neighbourhoods and Environment) presenting the decisions taken under the Delegated Authority Report (DAR) process.

Resolved:

That the following decision of Cabinet be noted:

“That the decisions taken under Delegated Authority, be noted.”

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

243 Porters Place Southend-on-Sea LLP : Change of Control - Acquisition of Swan HA by Orbit Group Limited

The Committee considered Minute 227 of the special meeting of Cabinet held on 24th August 2022, which had been referred direct to scrutiny, together with the report of the Interim Director of Regeneration and Growth seeking formal approval to give Southend-on-Sea City Council’s consent under the Porters Place

Southend-on-Sea LLP Partnership Agreement for a change of control of Swan Housing Association in favour of Orbit Group Limited.

The matter had been considered by the Shareholder Board at its meeting held on 23rd August 2022 and the recommendations from the Board had been submitted to Cabinet for consideration.

It was noted that the Shareholder Board had made an amendment to resolution 3 in respect of the extension to the time periods concerning the revised Business Plan, budget and viability assessment (as set out in the Minutes tabled at the Cabinet meeting).

Clarification was sought as to the current status of Swan Housing Association and Orbit Group Limited and, in particular, whether this was merger of the two companies or a full acquisition of Swan Housing Association by Orbit Group Limited. The Cabinet Member for Economic Recovery, Regeneration & Housing undertook to provide a written response to the Committee.

The Cabinet Member also gave his assurances that residents would be informed and regularly updated in the progress of the scheme.

Resolved:

That the following decisions of Cabinet be noted:

“1. That approval is given for consent, under the Porters Place Southend-on-Sea LLP Agreement, to a change of control of Swan BQ Limited to reflect the proposed acquisition of Swan Housing Association (together with its subsidiaries) by Orbit Group Limited.

2. That the Executive Director (Finance and Resources) be authorised to finalise and authorise the execution of any legal documentation (if required) with Orbit Group Limited, and any relevant other party, to comply with the terms of the legal suite and to effect the approval of the change of control.

3. That the time periods referred to in resolutions 1 and 2 of Cabinet of 22nd March 2022 (Minute 836 refers) be extended beyond the 31st December 2022 until such time as the revised Business Plan, budget and viability assessment is approved or the 31st December 2023, whichever is the earlier.”

Note: This is an Executive Function
Referred direct to: Place Scrutiny Committee

244 Minutes of the meeting of the Shareholder Board held on Tuesday 23rd August 2022

The Committee considered Minute 228 of the special meeting of Cabinet held on 24th August 2022, which had been referred direct to scrutiny, regarding the Minutes of the meeting of the Shareholder Board that had taken place on 23rd August 2022, in respect of the report referred to in Minute 243 above.

Resolved:

That the following decision of Cabinet be noted:

“That the Minutes of the meeting of the Shareholder Board held on 23rd August 2022, be noted.”

Note: This is an Executive Function

Cabinet Member: Cllr George and Cllr Gilbert

245 In-depth Scrutiny Project - ‘Preparing Southend-on-Sea for the Electric Vehicle Revolution’

The Committee noted an oral update on the progress that had been made in respect of the in-depth scrutiny project entitled “Preparing Southend for the EV revolution.”

It was reported that officers were currently developing the possible scope of the in-depth scrutiny project, so that this could be considered by the Project Team appointed by the Council for the project alongside the preparation of an appropriate project plan and work programme, which would be presented to the Committee in October 2022 for agreement.

Resolved:

That the update be noted.

This is a scrutiny function.

246 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.

247 Parking Procurement

The Committee considered Minute 201 of the meeting of the Cabinet held on 24th July 2022, which had been called-in for scrutiny, together with the confidential report of the Interim Executive Director (Neighbourhoods and Environment) presenting the outcomes of the invitation to Tender (ITT) process for the Parking Enforcement Services Contract Lot 1 and the Cashless Parking and Parking Permits System Contract Lot 2 and sought approval to award the Parking Enforcement Services contract (Lot 1) following the ITT process to the successful bidder and the direct award through a procurement framework agreement for the award of the Lot 2 Contract.

In response to questions regarding the one-off costs to provider A, the Interim Executive Director (Neighbourhoods & Environment) undertook to provide a full break down of the costs and the scoring criteria to the Committee.

Resolved:

That the following decisions of Cabinet be noted:

“1. That the contract be awarded to Provider A; this being the successful bidder for the Lot 1 Contract for a seven-year period with the option to extend up to a further 3 years at the Council’s discretion.

2. That authority be delegated to the Executive Director (Neighbourhoods and Environment) to liaise with Legal Services to finalise the required contract documentation and contract sealing for the Lot 1 Contract.

3. That a permanent budget increase of £300k per annum for the Lot 1 contract commencing April 2023 and that this be included as part of the 2023/24 budget setting process, be approved.

4. That one off implementation costs of £198k for the new contract funded by the Business Transformation Reserve, be approved.

5. That authority be delegated to the Executive Director (Neighbourhoods and Environment) to procure the services for Lot 2 Contract by way of direct award via a Framework Agreement, subject to the appropriate operating budget being in place.”

Note: this is an Executive Function
Cabinet Member: Cllr Wakefield

Chair: _____