

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Policy and Resources Scrutiny Committee

Date: Thursday, 14th July, 2016

Place: Committee Room 1 - Civic Suite

Present: Councillor B Ayling (Chair)
Councillors D Kenyon (Vice-Chair), B Arscott, D Burzotta, M Butler,
*A Bright, L Davies, N Folkard, D Garston, I Gilbert, R Hadley,
C Mulroney, D Norman MBE, M Stafford, C Walker and J Ware-Lane

*Substitute in accordance with Council Procedure Rule 31.

In Attendance: Councillors Flewitt and Moring (Executive Councillors)
Councillor Assenheim
R Tinlin, S Holland, J K Williams, I Ambrose, C Fozzard, D Patel, N
Corrigan, S Houlden and R Harris

Start/End Time: 6.30 - 7.15 pm

137 Apologies for Absence

Apologies for absence were received from Councillor Phillips (Substitute: Councillor Bright).

138 Declarations of Interest

The following interests were declared at the meeting:

(a) Councillors Flewitt and Moring (Executive Councillors) – interests in all 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 – Minute 146 (Debt Management) – Non-pecuniary interest – friends and family are tenants of South Essex Homes; and Minute 153 (Suggested in-depth Scrutiny Projects – 2016/17) – Is a Magistrate in another area;

(d) Councillor Ayling – Minute 153 (Suggested In-depth Scrutiny Projects – 2016/17) – Non-pecuniary interest – family member is a Police Special Constable;

(e) Councillor Mulroney – Minutes 151 and 155 (Council Procedure Rule 46 regarding Elm Road Development) – Non-pecuniary interest – Member of Leigh Town Council who were consultees.

139 Questions from Members of the Public

The relevant Executive Councillors responded to written questions received from Mr Webb.

140 Minutes of the Meeting held on Thursday, 14th April, 2016

Resolved:-

That the Minutes of the Meeting held on Thursday, 14th April 2016 be received, confirmed as a correct record and signed.

141 Notice of Motion - Trade Union Bill

The Committee considered Minute 47 of Cabinet held on 28th June 2016, which had been referred direct by Cabinet, concerning a notice of Motion requesting the Council support the campaign against the Trade Union Bill.

Resolved:-

That the following decisions of Cabinet be noted:-

“1. That it be noted that the Trade Union Bill has been passed and is a legal requirement on all employers.

2. That it also be noted that the Council will continue to work in partnership with trade union colleagues to facilitate productive working relationships.”

Note:- This is an Executive Function.

Executive Councillor:- Lamb

142 Corporate Plan and Annual Report - 2016

The Committee considered Minute 49 of Cabinet held on 28th June 2016, which had been referred direct by Cabinet to all three Scrutiny Committees, together a report of the Chief Executive presenting the Council’s draft Corporate Plan and Annual Report for 2016.

Resolved:-

That the following recommendation of Cabinet be noted:

“That the draft Corporate Plan and Annual Report 2016 be approved.”

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Note:- This is a Council Function

Executive Councillor:- Lamb

143 2015/16 Year End Performance Report

The Committee considered Minute 50 of Cabinet held on 28th June 2016, which had been referred direct by Cabinet to all three Scrutiny Committees, together with a report of the Chief Executive detailing the end of year position of the Council’s corporate performance.

Resolved:-

That the following decision of Cabinet be noted:

“That the 2015/16 end of year position and accompanying analysis, be noted.”

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

144 Information Management Strategy

The Committee considered Minute 51 of Cabinet held on 28th June 2016, which had been referred direct by Cabinet to all three Scrutiny Committees, together with a report the Corporate Director for Corporate Services presenting the Council’s revised Information Management Strategy

Resolved:-

That the following decision of Cabinet be noted:

“That the Council’s Information Management Strategy, as set out at Appendix 1 to the submitted report, be approved.”

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

145 Annual Treasury Management Report

The Committee considered Minute 52 of Cabinet held on 28th June 2016, which had been referred direct by Cabinet, together with a report of the Corporate Director for Corporate Services detailing treasury activity for the period from April 2015 to March 2016 and reviewed performance against the Prudential Indicators for 2015/16.

Resolved:-

That the following recommendations of Cabinet be noted:-

“1. That the Annual Treasury Management Report for 2015/16 and the outturn Prudential Indicators for the period from April 2015 to March 2016, be approved.

2. That it be noted that the financing of capital expenditure of £37.850m has been funded in accordance with the schedule set out in Table 1 of section 4 of the submitted report, with a reduced financing requirement of £1.287m.

3. That it be noted that Capital Financing and Treasury Management were carried out in accordance with statutory requirements, good practice and in compliance with the CIPFA (The Chartered Institute of Public Finance and Accountancy) Prudential Code during 2015/16.

4. That, in respect of the return on investment and borrowing, the following be noted:

(a) The loan and investment portfolios were actively managed to minimise cost and maximise interest earned, whilst maintaining a low level of risk.

(b) That £1.22m of interest was earned during the whole of 2015/16 at an average rate of 1.27%. This is 0.91% over the benchmark of the 7 day LIBID (London Interbank Bid Rate) and 0.77% over bank base rate.

(c) That an average of £60.6m of investments were managed in-house. These earned £0.40m of interest during the year at an average rate of 0.65%. This is 0.29% over the average 7 day LIBID and 0.15% over the bank base rate.

(d) That an average of £24.1m of investments were managed by our external fund manager. These earned £0.18m of interest during the year at an average rate of 0.76%. This is 0.40% over the average 7 day LIBID and 0.26% over bank base rate.

(e) That an average of £10.7m was managed by two property fund managers. This earned £0.64m during the year from a combination of an increase in the value of the units and income distribution, giving a combined return of 5.95%.

(f) That the level of borrowing from the Public Works Loan Board (PWLB) (excluding debt relating to services transferred from Essex County Council on 1st April 1998) decreased from £237.8m to £227.8m (Housing Revenue Account (HRA): £78.0m, General Fund (GF): £149.8m) by the end of 2015/16.

(g) That the level of financing for 'invest to save' schemes increased from £0.14m to £3.21m by the end of 2015/16."

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

146 Debt Management - position to 31 March 2016

The Committee considered Minute 53 of Cabinet held on 28th June 2016, which had been referred direct by Cabinet, together with a report of the Corporate Director for Corporate Services informing Members of the current outstanding debt to the Council as at 31st March 2016 and debts that had been or are recommended for write-off in the current financial year.

It was noted that in Appendix A of the report (summary of outstanding debt) under the column titled 'libraries' (Debt Position in respect of 2015/16), the figure of '280' should be deleted and replaced by '28'.

There was a general consensus to explain to the media/public the Council's position concerning its debt management policy.

Resolved:-

That the following decisions of Cabinet be noted:-

"1. That the current outstanding debt position as at 31st March 2016 and the position of debts written off to 31st March 2016 as set out in Appendices A and B to the submitted report, be noted.

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

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

147 Provisional Capital Outturn 2015/16

The Committee considered Minute 54 of Cabinet held on 28th June 2016, which had been referred direct by Cabinet, together with a report of the Corporate Director for Corporate Services outlining the capital programme outturn for 2015/16 and sought approval for the relevant budget carry forwards, accelerated delivery requests and in-year amendments to the current approved programme.

Resolved:-

That the following recommendations of Cabinet be noted:-

“1. That it be noted that the expenditure on the capital programme for 2015/16 totalled £37.850m against a budget of £39.137m, a delivery of 96.7%.

2. That the relevant budget carry forwards and accelerated delivery requests totalling a net £1.411m as set out in Appendices 1 and 2 to the submitted report, be approved.

3. That the virements, reprofiles and amendments and new external funding for schemes, as detailed in Appendices 3, 4 and 5 to the submitted report, be noted.

4. That the relevant changes to the budget identified since the approved capital programme was set at Council on 25th February 2016, as detailed in Appendix 6 to the submitted report, be approved.

5. That it be noted that the above changes will result in an amended Capital Programme of £191.656m for the period 2016/17 to 2019/20, as detailed in Appendix 7 to the submitted report.”

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

148 Provisional Revenue Outturn 2015/16

The Committee considered Minute 55 of Cabinet held on 28th June 2016, which had been referred direct by Cabinet, together with a report of the Corporate Director for Corporate Services on the provisional revenue outturn for 2015/16.

Resolved:-

That the following decisions of Cabinet be noted:-

“1. That the provisional revenue outturn for the General Fund and HRA for 2015/16 be noted.

2. That the appropriation of revenue funds to and from earmarked reserves, as set out in paragraph 4.6 and paragraph 5.4 to the submitted report, be approved.”

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

149 Annual Report - Regulation of Investigatory Powers Act 2015/16

The Committee considered Minute 56 of Cabinet held on 28th June 2016, which had been referred direct by Cabinet, together with a report of the Corporate Director for Corporate Services on the Council’s use of the surveillance powers available to it under the Regulation of Investigatory Powers Act 2000 (“RIPA”) in respect of the period 1st April 2015 to the 31st March 2016 and set out the Council’s “Policy and Procedures for undertaking Directed Covert Surveillance and the use of Covert Human Intelligence Sources”.

Resolved:-

That the following decisions of Cabinet be noted:-

“1. That it be noted that the Council has not used the surveillance powers available to it under RIPA between 1st April 2015 and the 31st March 2016 and neither has it used any covert human intelligence sources during this period.

2. That the Council’s “Policy and Procedures for undertaking Directed Covert Surveillance and the use of Covert Human Intelligence Sources” set out at Appendix 1 to the submitted report with the amendments highlighted, be endorsed.”

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

150 Senior Management Arrangements

The Committee considered Minute 66 of Cabinet held on 28th June 2016, which had been referred direct by Cabinet, together with a report of the Chief Executive proposing amendments to the senior management structures and departmental arrangements to reflect continuing reductions in staff numbers, budget pressures and the need to consolidate the public health service in the wider Council structure.

Resolved:

That the following recommendations of Cabinet be noted:

“1. That the proposed amendments to the senior management numbers and structures be approved and that, subject to no substantive adverse response to consultations, the implementation of the proposals be delegated to the Chief Executive in consultation with the Leader of the Council.

2. That the Chief Executive be delegated the authority to make the necessary adjustments to responsibilities and duties as a result of these changes and that appropriate amendments be made to the Constitution to reflect the new senior management structure once implemented.

3. That it be noted that the Chief Executive will bring forward a second report in the Autumn to address the outcome of the review of the public health function and to address other structural issues to facilitate recruitment and retention and succession planning and that the Chief Executive, in consultation with the Leader of the Council, be authorised to take other decisions to facilitate the recommendations in the report.”

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

151 Council Procedure Rule 46

The Committee considered Minute 67 of Cabinet which had been referred to Scrutiny concerning actions taken under Council Procedure Rule 46.

With regard to the Elm Road Development Brief item it was clarified that the report at this point should read as follows:

*As a result of various changes in circumstance in the area of the Elm Road Development Brief and in consideration of feedback from the latest public consultation, the brief **is** not to be adopted or progressed and will **not** carry any weight as an planning document.*

Resolved:-

That the following decision of Cabinet be noted:-

“That the submitted report be noted.”

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

152 Minutes of the Meeting of Chairmen's Scrutiny Forum held on Tuesday, 28th June, 2016

Resolved:

That the Minutes of the meeting of Chairmen's Scrutiny Forum held on Tuesday, 28th June, 2016 be received and noted and the recommendations therein endorsed.

Note: This is a Scrutiny Function.

153 Suggested in depth Scrutiny projects - 2016 / 17

The Committee considered a report by the Corporate Director for Corporate Services concerning the possible in depth scrutiny projects to be undertaken by

the Scrutiny Committee in 2016/17. The report also attached some information about the work carried out by the Scrutiny Committees in the 2015/16 Municipal Year.

The Committee welcomed the suggestion that a joint in-depth study be undertaken in conjunction with the Place Scrutiny Committee to investigate the case for additional enforcement resources for Southend. This proposal had been welcomed at the Place Scrutiny Cttee meeting held earlier in the week (Minute 110 refers).

The Committee supported the proposal for a joint Working Party comprising 8 Members, to be appointed at the next meeting of the Council. It was also agreed that officers can proceed with background work in advance of the scope of the topic being fully developed.

Resolved:

1. That the in-depth scrutiny project for 2016/17 be 'To investigate the case for additional enforcement resources for Southend.
2. That the in-depth study be a joint project with the Place Scrutiny Committee.
3. That the Council be requested to appoint a joint Working Party comprising 8 Members (proportionality to apply) which will manage the in depth project. ||
4. That officers proceed with background work in advance of the scope of the topic being fully developed.
5. That the information attached at Appendix 3 to the Report, the summary of work of the 3 Scrutiny Committees during 2015/2016, be noted.

Note:- This is a Scrutiny Function save for Resolution 3 above which is a Council function.

154 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.

155 Council Procedure Rule 46

The Committee considered Minute 71 of Cabinet which had been referred to Scrutiny concerning actions taken under 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.
Executive Councillor: Moring

Chairman: _____