

# **SOUTHEND-ON-SEA BOROUGH COUNCIL**

## **Meeting of The Council**

**Date: Thursday, 15th December, 2016**

**Place: Council Chamber - Civic Suite**

**Present:** Councillor J McMahon (Chair)  
Councillors F Evans (Vice-Chair), B Arscott, M Assenheim, S Aylen, B Ayling, S Buckley, D Burzotta, M Butler, M Borton, H Boyd, A Bright, T Byford, T Callaghan, J Courtenay, T Cox, M Davidson, L Davies, C Endersby, N Folkard, D Garston, J Garston, I Gilbert, S Habermel, R Hadley, A Holland, D Jarvis, A Jones, D Kenyon, J Lamb, H McDonald, D McGlone, A Moring, J Moyies, C Mulroney, C Nevin, D Norman MBE, G Phillips, L Salter, M Stafford, K Robinson, M Terry, P Van Looy, C Walker, N Ward, J Ware-Lane, F Waterworth, C Willis and R Woodley

**Start/End Time:** 6.30 - 10.05 pm

### **544 Apologies for Absence**

Apologies for absence were received from Councillors Flewitt and Wexham.

### **545 Declarations of Interest**

- **Councillor Arscott**

**People Scrutiny Committee – 29<sup>th</sup> November 2016**

Minute 503 - Schools Progress report – non pecuniary – Governor at Our Lady of Lourdes Catholic Primary School;

- **Councillor Assenheim**

**People Scrutiny Committee – 29<sup>th</sup> November 2016**

Minute 498 - Sheltered Housing review – non-pecuniary - sister lives in sheltered housing;

**Policy & Resources Scrutiny Committee – 1<sup>st</sup> December 2016**

Minute 512 - Sheltered Housing – non-pecuniary – sister lives in sheltered housing accommodation;

- **Councillor Ayling**

**Cabinet Committee – 3<sup>rd</sup> November 2016**

Minute 420 (Objections to Traffic Regulation Orders – Station Avenue) – Non-pecuniary interest: Has spoken with residents in East Street;

Minute 421 - North Avenue, South Avenue and Central Avenue) – Non-pecuniary interest: Has spoken with residents in the roads.

- **Councillor Borton**

**People Scrutiny Committee – 29<sup>th</sup> November 2016**

Minute 495 - MPR; Mental Health Strategy - non-pecuniary – daughter mental health nurse at Rochford Hospital;

**Health & Wellbeing Board – 7<sup>th</sup> December 2016**

Interest in all minutes – Disclosable Non-pecuniary interest – Council appointed member of People Scrutiny Committee;

**Full Council – 15<sup>th</sup> December 2016**

Minute 565 – NoM: State Pension Arrangements for 1950's Women – non-pecuniary interest – will be affected by the change in pension age (born in the 1950's);

- **Councillor Boyd**

**People Scrutiny Committee – 29<sup>th</sup> November 2016**

Minute 503 - School Progress report – non-pecuniary – Governor at Westcliff High School for Girls and South East Essex Academy Trust, south east Essex Teaching School Alliance;

- **Councillor Buckley**

**Development Control Committee – 9<sup>th</sup> November 2016**

Minute 465 – 16/01520/FULH – non-pecuniary – lives in the vicinity and represented objector at the meeting;

**People Scrutiny Committee – 29<sup>th</sup> November 2016**

Minute 498 – Sheltered Housing Review – non-pecuniary – partner's parent lives in private sheltered housing (Truro);

- **Councillor Callaghan**

**Development Control Committee – 9<sup>th</sup> November 2016**

Minute 468 - 16/01350/FUL - 7-9 Lansdowne Avenue, Leigh-on-Sea, SS9 1LJ – Disqualifying non-pecuniary interest: Applicant is well known to him (withdrew);

- **Councillor Courtenay**

**People Scrutiny Committee – 29<sup>th</sup> November 2016**

interest in the referred item / called in items; attended pursuant to the dispensation agreed at Council on 19th July 2012, under S.33 of the Localism Act 2011;

- **Councillor Cox**

**Place Scrutiny Committee – 28<sup>th</sup> November 2016**

Interests in all the called-in/referred items; attended pursuant to the dispensation agreed at Council on 19th July 2012, under S.33 of the Localism Act 2011.

- **Councillor Davies**

**Policy & Resources Scrutiny Committee – 1<sup>st</sup> December 2016**

Minute 513 - Response to issues in York Road – non-pecuniary – lives in York Road;

- **Councillor Flewitt**

**Licensing Sub Committee – 18<sup>th</sup> October 2016**

Minute 381 – Shell Sovereign, 96-118 Prince Avenue, Application for the Variation of Premises Licence – non-pecuniary – consulted by officers as to evidence process (as Executive member);

**Development Control Committee – 9<sup>th</sup> November 2016**

Minute 465 – 16/01520/FULH – non-pecuniary – lives in the vicinity and dealt with process of representation;

**Place Scrutiny Committee – 28<sup>th</sup> November 2016**

Interests in all the called-in/referred items; attended pursuant to the dispensation agreed at Council on 19th July 2012, under S.33 of the Localism Act 2011.

**People Scrutiny Committee – 29<sup>th</sup> November 2016**

Interest in the referred item / called in items; attended pursuant to the dispensation agreed at Council on 19th July 2012, under S.33 of the Localism Act 2011;

Minute 498 - Sheltered Housing Review – non-pecuniary – parent lives in private sheltered housing (Truro);

**Policy & Resources Scrutiny Committee – 1<sup>st</sup> December 2016**

Interest in the referred item / called in items; attended pursuant to the dispensation agreed at Council on 19th July 2012, under S.33 of the Localism Act 2011;

Minute 512 - Sheltered Housing Review – non-pecuniary – parent lives in retirement home

Minute 513 - recent events in York Road and Minute 514 - In-depth Scrutiny Project – To investigate the case for additional enforcement resources for Southend – non-pecuniary – JP for East London Magistrate;

- **Councillor D Garston**

**Development Control Committee – 9<sup>th</sup> November 2016**

Minute 466 - 16/01246/FUL - The Shore, 22 - 23 The Leas, Westcliff-on-Sea, Essex – Non-pecuniary interest: Objectors are known to him;

**Policy & Resources Committee – 1<sup>st</sup> December 2016**

Minute 511 – Financial Pressures facing the HRA – non-pecuniary interest – on the Board for HARP which was referred to;

- **Councillor Holland**

**Place Scrutiny Committee – 28<sup>th</sup> November 2016**

Interests in all the called-in/referred items; attended pursuant to the dispensation agreed at Council on 19th July 2012, under S.33 of the Localism Act 2011.

**Policy & Resources Scrutiny Committee – 1<sup>st</sup> December 2016**

Minute 511 – Financial Pressures facing HRA – non-pecuniary interest – son involved in building on garage sites and council housing;

- **Councillor Jones**

**People Scrutiny Committee – 29<sup>th</sup> November 2016**

Minute 499 - Mental Health Strategy – non-pecuniary – involved in parenting programme, mentioned;

Minute 503 - Schools Progress report – non-pecuniary – parent of child attending St Bernard's;

- **Councillor Lamb**

**Place Scrutiny Committee – 28<sup>th</sup> November 2016**

Interests in all the called-in/referred items; attended pursuant to the dispensation agreed at Council on 19th July 2012, under S.33 of the Localism Act 2011.

**Policy & Resources Scrutiny Committee – 1<sup>st</sup> December 2016**

Interest in the referred item / called in items; attended pursuant to the dispensation agreed at Council on 19th July 2012, under S.33 of the Localism Act 2011;

- **Councillor McMahon**

**Place Scrutiny Committee – 28<sup>th</sup> November 2016**

Minute 485 – 125<sup>th</sup> Anniversary Celebrations – non-pecuniary interest – associated with people who will be contributing to the celebrations;

**Policy and Resources Committee – 1<sup>st</sup> December 2016**

Minute 509 – In-depth Scrutiny report 'Control of personal debt and the advantages of employment – non-pecuniary interest – people involved maybe known to her;

Minute 511 – Financial Pressures facing the HRA – non-pecuniary interest – works/volunteers for churches and other organisations providing support to the homeless;

Minute 513 – Response to recent events in York Road – non-pecuniary interest – Is a Street Pastor which was referred to;

- **Councillor Moring**

**Policy & Resources Scrutiny Committee – 1<sup>st</sup> December 2016**

Interest in the referred item / called in items; attended pursuant to the dispensation agreed at Council on 19th July 2012, under S.33 of the Localism Act 2011;

- **Councillor Mulroney**

**Development Control Committee – 9<sup>th</sup> November 2016**

Minute 468 - 7-9 Lansdowne Avenue, Leigh-on-Sea, SS9 1LJ – Non-pecuniary interest: Member of Leigh Town Council (non-participant in planning);  
Minute 469 - 16/01558/FUL – 88 Undercliff Gardens, Leigh-on-Sea, Essex, SS9 1ED – Non-pecuniary interest: Member of Leigh Town Council (non-participant in planning);  
Minute 470 - 16/01572/FUL – The Sarah Moore Public House, 57 - 59 Elm Road, Leigh-on-Sea, Essex – Non-pecuniary interest: Member of Leigh Town Council (non-participant in planning);  
Minute 471 - 16/01601/FUL – 129 Leigh Hall Road, Leigh-on-Sea, Essex, SS9 1QY – Non-pecuniary interest: Member of Leigh Town Council (non-participant in planning);  
Minute 473 - 16/01730/AMDT – 12 Marine Close, Leigh-on-Sea, Essex, SS9 2RD – Non-pecuniary interest: Member of Leigh Town Council (non-participant in planning);

- **Councillor Nevin**

**People Scrutiny Committee – 29<sup>th</sup> November 2016**

Minute 501 - Scrutiny update - non-pecuniary – 2 children work at MEHT; sister works at Basildon Hospital; NHS employee outside area; previous employee at Southend and MEHT Hospitals;

- **Councillor Norman**

**Development Control Committee – 9<sup>th</sup> November 2016**

Minute 470 - 16/01572/FUL – The Sarah Moore Public House, 57 - 59 Elm Road, Leigh-on-Sea, Essex – Non-pecuniary interest: Member of the Church Council for the Church opposite the site;

- **Councillor Salter**

**People Scrutiny Committee – 29<sup>th</sup> November 2016**

Interest in the referred item / called in items; attended pursuant to the dispensation agreed at Council on 19th July 2012, under S.33 of the Localism Act 2011;

Minute 501 - Scrutiny update – non-pecuniary interest – husband is Consultant Surgeon at Southend Hospital and holds senior posts at the Hospital; son-in-law is GP; daughter is a doctor at Broomfield Hospital;

**Policy & Resources Scrutiny Committee – 1<sup>st</sup> December 2016**

Interest in the referred item / called in items; attended pursuant to the dispensation agreed at Council on 19th July 2012, under S.33 of the Localism Act 2011;

**Health & Wellbeing Board – 7<sup>th</sup> December 2016**

Minute 520 – Essex Success Regime/Sustainability Transformation Plans – non-pecuniary interest – husband is Consultant Surgeon at Southend Hospital and holds senior posts at the Hospital; son-in-law is GP; daughter is a doctor at Broomfield Hospital;

- **Councillor Walker**

**Development Control Committee – 9<sup>th</sup> November 2016**

Minute 468 - 16/01350/FUL - 7-9 Lansdowne Avenue, Leigh-on-Sea, SS9 1LJ – Non-pecuniary interest: Applicant was a director at the same riding school at the same time; and

Minute 470 - 16/01572/FUL – The Sarah Moore Public House, 57 - 59 Elm Road, Leigh-on-Sea, Essex – Non-pecuniary interest: Applicant is known to him and has spoken with him regarding the application (Councillor Walker remained in the room but took no part in the debate or voting thereon).

#### **People Scrutiny Committee – 29<sup>th</sup> November 2016**

Minute 503 - Schools Progress report – non-pecuniary – wife teaches at West Leigh primary school;

- **Councillor Willis**

#### **Policy & Resources Scrutiny Committee – 1<sup>st</sup> December 2016**

Minute 509 - In-depth Scrutiny report: 'Control of personal debt and the advantages of employment' – non-pecuniary – employed by trade body representing providers of high cost short term credit;

- **Councillor Woodley**

#### **Policy & Resources Scrutiny Committee – 1<sup>st</sup> December 2016**

Minute 511 - Financial pressures facing the HRA – non-pecuniary – member of the LGA;

#### **Full Council – 15<sup>th</sup> December 2016**

Minute 566 – NoM: Affordable Housing and Viability Issues – non-pecuniary interest – member of the LGA;

### **546 Communications**

#### Presentation of the Yule Log

Councillor Aylen presented to the Council a Yule Log.

### **547 Questions from Members of the Public**

The relevant Executive Councillors responded to written questions received from Members of the Public.

### **548 Questions from Members of the Council**

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

### **549 Petition - Keep Pupils Safe at Darlinghurst Primary School**

Councillor Boyd presented a petition on behalf of local residents requesting the Council to put in place measures to keep Darlinghurst Primary School pupils safe.

Resolved:

That, in accordance with Council Procedure Rule 15.5, the petition be referred to Cabinet Committee.

**550      Petition - Excessive Speeding in Wells Road**

Councillor Buckley presented a petition on behalf of local residents requesting that the Council put in place measures to deal with excessive speeding along Wells Avenue.

Resolved:

That, in accordance with Council Procedure Rule 15.5, the petition be referred to Cabinet Committee.

**551      Minutes of the Meeting held on Thursday, 20th October 2016**

Resolved:-

That the Minutes of the Meeting held on Thursday 20<sup>th</sup> October 2016 be confirmed as a correct record and signed.

**552      Minutes of the meeting of Licensing Sub-Committee A held Tuesday, 18 October 2016**

Resolved:

That the minutes of this meeting be noted.

**553      Minutes of the meeting of Licensing Sub Committee B held Friday 14th October 2016**

Resolved:

That the minutes of this meeting be noted.

**554      Minutes of the meeting of Licensing Sub-Committee B held Tuesday, 25 October 2016**

Resolved:

That the minutes of this meeting be noted.

**555      Minutes of meeting of Appointments and Disciplinary Committee held Tuesday, 25 October 2016**

Resolved:

That the minutes of this meeting be noted.

**556      Minutes of the meeting of Cabinet Committee held Thursday, 3rd November 2016**

Resolved:

That the minutes of this meeting be noted.

**557 Minutes of the meeting of Cabinet held Tuesday, 8 November 2016**

Resolved:

That the minutes of this meeting be noted and the recommendations contained in Minutes 443, 444 and 446, be adopted.

**558 Minutes of the meeting of Appeals Committee B held Monday, 7 November 2016**

Resolved:

That the minutes of this meeting be noted.

**559 Minutes of the meeting of Development Control Committee held Wednesday, 9th November 2016**

Resolved:

That the minutes of this meeting be noted.

**560 Minutes of the meeting of Place Scrutiny Committee held Monday, 28 November 2016**

Resolved:

That the minutes of this meeting be noted and the recommendations contained in Minutes 483, 484 and 485\*, be adopted.

(\*In accordance with Council Procedure Rule 40.2 Councillor Gilbert had his name recorded against the decision to adopt Minute 485.)

**561 Minutes of the meeting of People Scrutiny Committee held Tuesday, 29th November 2016**

Resolved:

That the minutes of this meeting be noted.

**562 Minutes of the meeting of Policy and Resources Scrutiny Committee held Thursday, 1 December 2016**

Resolved:

That the minutes of this meeting be noted, subject to the inclusion of Councillor Nevin as being in attendance at the meeting.

**563 Minutes of the meeting of Health and Wellbeing Board held Wednesday, 7th December 2016**

Resolved:

That the minutes of this meeting be noted.



**564 Notice of Motion - York Road**

Resolved:

That, in accordance with Council Procedure Rule 8.4, the following notice of motion be referred to Cabinet:

‘Given the recent anti-social criminal acts that have occurred in the York Road area of Southend in recent times, I would like to submit the following as a Motion for the Council to consider.

Under current legislation it could be appropriate for the Council to compulsory purchase properties in York Road which have generated misuse of drugs and dangerous ASB. The section of road proposed to be considered is between Baltic Avenue and Queensway on both sides of the road. Once purchased the HMO’s can be controlled and properly maintained by the Council via the ALMO. The detrimental effect the ASB in the area is having on local businesses is apparent and could have a knock on effect for the town centre and eventually the whole town.’

Proposed by Cllr Mike Assenheim

Seconded by Cllr Martin Terry

**565 Notice of Motion - State Pension Arrangements for 1950's Women**

Resolved:

That, in accordance with Council Procedure Rule 8.4, the following notice of motion be referred to Cabinet:

‘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.

Hundreds of thousands of women had significant pension changes imposed on them by the Pensions Acts of 1995 and 2011 with little/no/personal notification of the changes. Some women had only two years notice of a six-year increase to their state pension age.

Many women born in the 1950's are living in hardship. Retirement plans have been shattered with devastating consequences. Many of these women are already out of the labour market, caring for elderly relatives, providing childcare for grandchildren, or suffer discrimination in the workplace so struggle to find employment.

Women born in this decade are suffering financially. These women have worked hard, raised families and paid their tax and national insurance with the expectation that they would be financially secure when reaching 60. It is not the pension age itself that is in dispute - it is widely accepted that women and men should retire at the same time.

The issue is that the rise in the women's state pension age has been too rapid and has happened without sufficient notice being given to the women affected, leaving women with no time to make alternative arrangements.

The Council calls upon the Government to reconsider transitional arrangements for women born on or after 6th April 1951, so that women do not live in hardship due to pension changes they were not told about until it was too late to make alternative arrangements.'

Proposed by: Councillor Julian Ware-Lane

Seconded by: Councillor McDonald

## **566 Notice of Motion - Affordable Housing & Viability Issues**

Resolved:

That, in accordance with Council Procedure Rule 8.4, the following notice of motion be referred to the Cabinet:

'In April 2013 DCLG published 'Section 106 affordable housing requirements ' This stated that:

'2. Unrealistic Section 106 agreements negotiated in differing economic conditions can be an obstacle to house building. The Government is keen to encourage development to come forward, to provide more homes to meet a growing population and to promote construction and economic growth. Stalled schemes due to economically unviable affordable housing requirements result in no development, no regeneration and no community benefit. Reviewing such agreements will result in more housing and more affordable housing than would otherwise be the case.'

Inevitably this has led to many schemes all over the country (including recently permitted schemes which haven't had time to 'stall') but which include affordable housing being amended to delete that housing. The financial equivalents which are given as an alternative do not equate to the actual built development which is lost.

According to recent figures from DCLG the number of new affordable homes built in 2015-16 fell by over 50% between 2014/15 and 2015/16. The Local Government Association estimates up to 5.4 million people will need affordable housing by 2024. The need is desperate and we consider the current position to be incompatible with an inclusive and caring society, hamstringing local authorities in providing for affordable housing and detrimental to the social wellbeing of residents.

It is therefore requested that this Council, through the Local Government Association, or alone if it has to, seeks the support of other Councils for a case to be made to Government that the ability to review provisions in agreements relating to affordable housing on the grounds of viability should be rescinded and that affordable housing becomes mandatory in developments either within the development, on suitable alternative sites at the developer's expense or through the true equivalent in financial contributions, thus allowing Councils to secure suitable affordable housing provision for their residents.'

Proposed by: Cllr Carole Mulroney

Seconded by: Cllr Ian Gilbert

**567 Local Council Tax Support Scheme 2017/18**

The Council considered a report of the Chief Executive which presented the Local Council Tax Support Scheme for 2017/18.

Resolved:

1. That the general principles of the current Local Council Tax Support Scheme be re-adopted for 2017/18.
2. That the minor technical changes made within the housing benefit assessment criteria as per paragraph 5.1 of the submitted report be mirrored in the Local Council Tax Support Scheme for 2017/18 to provide consistency across the schemes.

**568 National Scheme for Auditor Appointments**

The Council considered a report of the Chief Executive which proposing the new external appointments process from 2018/19 introduced by the Public Sector Audit Appointments (PSAA), following the closure of the Audit Commission.

Resolved:

That the Public Sector Audit Appointments' (PSAA) invitation to 'opt in' to the sector led option for the appointment of external auditors for five financial years commencing 1<sup>st</sup> April 2018, be approved.

**569 Changes to the Constitution**

The Council considered a report of the Chief Executive which recommended changes to the Constitution to reflect the new senior management and departmental arrangements.

Resolved:

1. That the Scheme of Delegation to Officers in Part 3 Schedule 3 of the Constitution be amended as set out in Appendix 1 to the submitted report.
2. That the Management Structure of the Council in Part 7 of the Constitution be amended as set out in Appendix 2 to the report.
3. That references throughout the Constitution to Chief Officers and Departments be amended to reflect the new titles agreed by Council on the 20<sup>th</sup> October 2016 when it endorsed changes to the Senior Management and Departmental arrangements.

**570      Appointments to Committees**

Resolved:

That the following appointments to Committees, be noted:

1. The appointment of Councillor McGlone to fill the UKIP vacancy on the People Scrutiny Committee;
2. The appointment of Mr Kash Pandya as the non-voting co-opted member to the Audit Committee;
3. The appointments of Mr John Jenkins and Mr Edward Feddon as the Youth Council observer representatives on the People Scrutiny Committee.

**Chairman:** \_\_\_\_\_