

# Public Document Pack

## Southend-on-Sea Borough Council

Department of the Chief Executive

John Williams - Director of Democratic & Legal Services

Our ref:

Telephone: **01702 215000**

Your ref:

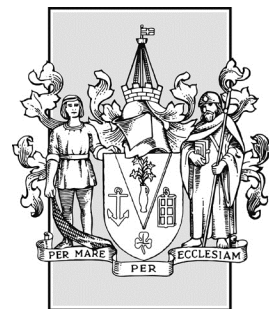
Fax: **01702 215994**

Date: 8<sup>th</sup> December 2017

E-mail: **committeesection@southend.gov.uk**

Contact Name: Tim Row

DX 2812 Southend



Dear Councillor

**THE COUNCIL - THURSDAY, 14TH DECEMBER, 2017**

### **Supplementary Council Agenda Pack and Reservation of Minutes**

I attach a copy of the supplementary pack containing the following minutes which were not available when the Council went to print.

Members will be reminded that Council Procedure Rule 7.4 was amended by the Council at its meeting held on 18th May 2017 and you therefore do not need to reserve any **blacklined minutes** (including those minutes that have been referred up to Council under Standing Order 39) as these will now be automatically available for debate.

However, I would remind Members that the reservation of any minute for debate (which are not **black-lined**) should be notified to the [committeesection@southend.gov.uk](mailto:committeesection@southend.gov.uk) by no later than noon on the day of the Council meeting.

#### **Agenda No    Item**

18.     **Minutes of the meeting of the Health & Wellbeing Board held on Wednesday, 6th December 2017 (Pages 1 - 4)**  
Minutes attached
  
19.     **Minutes of the meeting of Licensing Sub Committee A held on Friday, 8th December 2017 (Pages 5 - 8)**  
Minutes attached

Tim Row  
Principal Democratic Services Officer  
Legal & Democratic Services



**Public Document Pack**  
**SOUTHEND-ON-SEA BOROUGH COUNCIL**

**Meeting of Health & Wellbeing Board**

**Date: Wednesday, 6th December, 2017**

**Place: Seacole Room - Tickfield**

**18**

**Present:** Councillor L Salter (Chair)  
J Garcia-Lobera (Deputy Chair)  
Councillors J Moyies and R Woodley  
A Semmence, S Leftley, A Atherton, Dr Chaturvedi, M Freeston,  
L Crabb, C Panniker and A Griffin

**In Attendance:** Councillors C Nevin and J McMahon  
A Donley, W Smith and C Skinner (for Minute 543)  
M Hathaway (Southend CCG)  
R Walters, F Abbott, N Faint, D Harvey, D Payne, S Baker and L  
Watson

**Start/End Time:** 5.00 - 5.45 pm

**539 Apologies for Absence**

Apologies for absence were received from Councillor J Lamb, Councillor M Davidson, Councillor C Willis, Ian Stidston (Southend CCG – Margaret Hathaway attended) and Sally Morris (EPUT).

**540 Declarations of Interest**

The following declarations of interest were made at the meeting:-

- (a) Councillor Salter – agenda items relating to – HWB Strategy refresh; Sustainability and Transformation Partnership (STP) current position – non-pecuniary – husband is consultant surgeon at Southend Hospital and holds senior posts at the hospital; son-in-law is a GP; daughter is a doctor at Broomfield Hospital;
- (b) Councillor Moyies - agenda item relating to Sustainability and Transformation Partnership (STP) current position – non-pecuniary – Council appointed Governor at Essex Partnership University Trust (EPUT);
- (c) Councillor Nevin – agenda item relating to Sustainability and Transformation Partnership (STP) current position – non-pecuniary – 2 children work at MEHT; step sister works at Basildon Hospital; previous association at Southend and MEHT Hospitals; NHS employee in Trust outside area.

**541 Minutes of the Meeting held on Wednesday, 20th September, 2017**

Resolved:-

That the Minutes of the Meeting held on Wednesday, 20<sup>th</sup> September, 2017, be confirmed as a correct record and signed.

## **542 Health and Wellbeing Strategy Refresh 2017-2021**

The Board considered a joint report of the Deputy Chief Executive (People) and Interim Accountable Officer (NHS Southend CCG) which presented the final draft of the Health & Wellbeing (HWB) Strategy Refresh 2017 – 2021, as set out in Appendix 1 to the report.

Resolved:-

1. That the HWB Strategy Refresh 2017 – 2021 be approved.
2. That an initial review of progress and learning be brought to the January meeting of the Board
3. To recommend to Council that a representative of the Council's Department for Place be invited to join the HWB as a co-opted non-voting member.
4. That Board members further identify how they will actively support the implementation of the Refresh and its aim of increasing physical activity levels.

## **543 Sustainability and Transformation Partnership (STP) current position**

The Board considered an update briefing paper from the Mid and South Essex Sustainability and Transformation Partnership (STP) Programme Director on the public consultation which formally commenced on 30<sup>th</sup> November 2017 and runs to 9th March 2018.

The Chair welcomed Anita Donley, Celia Skinner and Wendy Smith from the Mid and South Essex STP to the meeting for this agenda item. They responded to a number of questions covering a number of issues, including – transport, population growth, investment in acute sector and need for investment in primary care, recruitment and retention issues, the evidence base supporting the proposal for a Hyper Acute Stroke Unit (HASU) to be at Basildon Hospital. Ms Donley advised about that the focus of the STP Executive over the coming months in developing the options around local health and care changes. Ms Panniker outlined the ways in which people will be encouraged to respond to the consultation.

Resolved:-

1. To note the update and the continuing opportunities to give views on proposals for service change.
2. To continue participating in discussion within the Mid and South Essex STP consultation programme, which includes stakeholder meetings and meetings of the Essex, Southend and Thurrock Health and Wellbeing Boards.

## **544 The Southend-on-Sea Pharmaceutical Needs Assessment 2017**

The Board considered a report of the Deputy Chief Executive (People) which presented the Southend-on-Sea Pharmaceutical Needs Assessment (PNA) 2017. The Board noted that the PNA meets the requirements of the relevant Regulations with respect to the content and the process followed.

Resolved:-

That the Southend-on-Sea Pharmaceutical Needs Assessment 2017 be approved for publication.

**545 Better Care Fund (BCF) 2017-2019**

The Board considered the letter from NHS England dated 30<sup>th</sup> October 2017 which approved the 2017-19 Southend Better Care Fund Plan submission. The Programme Lead advised that the BCF funding will now be released, subject to the funding being used in accordance with the approved plan and the funding being transferred into pooled funds under a section 75 agreement.

Resolved:-

That the information be noted.

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

This page is intentionally left blank

**Public Document Pack**  
**SOUTHEND-ON-SEA BOROUGH COUNCIL**

**Meeting of Licensing Sub-Committee A**

**Date: Friday, 8th December, 2017**  
**Place: Committee Room 1 - Civic Suite**

**19**

**Present:** Councillor D McGlone (Chair)  
Councillors D McGlone (Co-Chair), S Buckley and C Mulroney

**In Attendance:** T Row, A Brown, A Penn, L Coombes

**Start/End Time:** 10.00 am - 2.40 pm

**546 Apologies for Absence**

There were no apologies for absence.

**547 Declarations of Interest**

No declarations of interest were made at the meeting.

**548 SFC, 26 Southchurch Road, Southend-on-Sea, SS1 2ND - Application to Transfer Premises Licence**

The sub-committee received a report of the Deputy Chief Executive (Place) concerning an application by Mr Kazi Hasan to transfer the existing premises licence at SFC, 26 Southchurch Road, Essex, SS1 2ND.

The application was presented by Mr Hopkins (licensing consultant), the applicant's representative. Mr Hasan was in attendance at the hearing.

Objections to the application had been received from Essex Police under the licensing objective of the prevention of crime and disorder, in particular, the employment a person who is disqualified from work by reason of their immigration status and that employees were not in receipt of the minimum wage. Ms J Mason, Ms V Powell and Mr G Ashford of the Essex Police Licensing Unit, together with their witness, Ms R Newell from the Home Office Immigration Department were in attendance.

The sub-committee noted that an application had also been received from Essex Police to review the existing premises licence. On the basis that the evidence submitted and given by all parties related to both applications, the Chairman explained at the outset of the hearing that both applications would be considered together, following consideration of all of the evidence.

The sub-committee heard that Mr Hasan was not aware that he was required to apply to transfer the premises licence when he had taken on the property in March 2017, despite having some involvement with the premises since November 2016. He had been concentrating on the refurbishment of the premises and as soon as it was brought to his attention he had applied for a transfer of the licence.

Mr Hasan had employed another person to look after the running of the premises in July 2017, prior to the commencement of trading in August 2017. The sub-committee heard that Mr Hasan had left this employee in charge of the premises whilst he visited his family in Bangladesh between 25th September until 9th October 2017. The illegal worker was not employed by Mr Hasan and he had never met him. Copies of documents to support this were referred to at the hearing by the applicant's representative. However, under the Licensing Act 2003 (Hearings) Regulations 2005, the sub-committee disregarded these documents as evidence on the basis that they were not supplied to all parties before the hearing and at the hearing the consent of Essex Police was not given to it being produced.

The sub-committee listened to all the evidence and submissions, and read all the documents. It had regard to the Statutory Guidance Notes and Southend-on-Sea Borough Council's Statement of Licensing Policy. The sub-committee further considered the four licensing objectives namely the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

On the basis of the evidence presented to it, the sub-committee felt Mr Hasan would not be a fit and proper person to hold the premises licence on the grounds that:

- (i) the application to transfer the licence was not made in good time. The onus to apply for the transfer of the licence lies with Mr Hasan; and
- (ii) the promotion of the licensing objective for the prevention of crime and disorder would be undermined due to the problems associated with the alleged crimes taking place on the premises.

The sub-committee therefore:

Resolved:

That the application to transfer the licence be refused.

**549 SFC, 26 Southchurch Road, Southend-on-Sea, SS1 2ND - Application for Review of Premises Licence**

The sub-committee received a report of the Deputy Chief Executive (Place) concerning an application by Essex Police for the review of the premises licence at SFC, 26 Southchurch Road, Essex, SS1 2ND.

The application was presented by Ms V Powell of the Police Licensing Unit. Ms J Mason and Mr G Ashford of the Police Licensing Unit, together with their witness, Ms R Newell from the Home Office Immigration Department were in attendance. Mr Hasan, owner of the property, together with Mr Hopkins (licensing consultant), the respondent's representative, were in attendance at the hearing.



The application had been made on the grounds of crime and disorder, in particular, the employment of a person who is disqualified from work by reason of their immigration status and that employees were not in receipt of the minimum wage.

The sub-committee noted that an application had also been received from Mr Hasan to transfer the existing premises licence to him, to which the Police had objected. On the basis that the evidence submitted and given by all parties related to both applications, the Chairman explained at the outset of the hearing that both applications would be considered together, following consideration of all of the evidence.

The sub-committee heard that Mr Hasan had employed another person to look after the running of the premises in July 2017, prior to the commencement of trading in August 2017. Mr Hasan had left this employee in charge of the premises whilst he visited his family in Bangladesh between 25th September until 9th October 2017. The illegal worker was not employed by Mr Hasan and he had never met him. Copies of documents to support this were referred to at the hearing by the respondent's representative. However, under the Licensing Act 2003 (Hearings) Regulations 2005, the sub-committee disregarded these documents as evidence on the basis that they were not supplied to all parties before the hearing and at the hearing the consent of Essex Police was not given to it being produced.

The sub-committee listened to all the evidence and submissions, and read all the documents. It had regard to the Statutory Guidance Notes and Southend-on-Sea Borough Council's Statement of Licensing Policy. The sub-committee further considered the four licensing objectives namely the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

On the basis of the evidence presented to it, the sub-committee regarded this situation as serious and took the view that the licence holder had failed in his duty to comply with the conditions on the premises licence and the licensing legislation. Due to the gravity of the situation and taking into account the promotion of the crime prevention objective, including acting as a deterrent, in accordance with the Licensing Act 2003, the sub-committee believed the imposition of further or amended conditions or a suspension of the licence would be ineffective in the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community. It therefore:

Resolved:

That the premises licence be revoked.

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

This page is intentionally left blank